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FIRST SESSION.

SENATE.

MONDAY, *August 25, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

LEAGUE OF NATIONS.

Mr. PHIPPS. Mr. President, I present resolutions adopted at a mass meeting held in Denver, August 13, under the auspices of the Friends of Irish Freedom, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolutions adopted at the mass meeting held in Denver August 13, 1919, under the auspices of the Friends of Irish Freedom.

1. *Resolved*, That we, American citizens, in mass meeting in Denver August 13, 1919, believing in human liberty and the principle of self-determination, call upon the Congress of the United States to stand true in this hour of the world's crisis to all our American principles, which are those and only those of justice and humanity, and which we ever as valiantly uphold for the weak and downtrodden among the nations as for the mighty and powerful.

2. *Resolved*, That we call upon Congress to refuse to sanction in the peace treaty itself whatever is unjust and outrageous.

3. *Resolved*, That we are unalterably opposed to the present covenant of the league of nations because it impairs American sovereignty, nullifies the Constitution of the United States, destroys the Monroe doctrine, and guarantees the world supremacy of the two remaining despotic Empires of the world—Great Britain and Japan.

4. *Resolved*, That we condemn with the indignation of outraged Americans articles 10 and 11 of said league of nations as a direct violation of the principles of self-determination, and as a base attempt to prevent for all time the people of Ireland and many other nations from ever enjoying the blessings conferred upon us by our own Declaration of Independence.

5. *Resolved*, That we, as is our right, demand that Congress prove its unqualified adherence to the principles of self-determination and the rights of small nations by officially recognizing the de facto Republic of Ireland, a Republic established by the vote of an overwhelming majority of the Irish people; and, finally, be it

6. *Resolved*, That copies of these resolutions be transmitted to the President and Congress of the United States.

M. J. CRATTY, *President.*

TREATY OF PEACE WITH GERMANY.

Mr. NUGENT. Mr. President, now that the treaty of peace with Germany, including, as it does, the covenant of the league of nations, has been officially laid before the Senate and we are certain as to its terms, and as I am now and for months past have been an enthusiastic advocate of such league, I desire to trespass upon the patience of Senators for a brief period in order to discuss certain questions involved in it.

The league of nations is a matter in which the people, not only of the United States but of the entire world, are intensely interested, as the primary object sought to be attained through it is "international peace and security."

The question whether or not we should become a member of the league is not a partisan political question. It is an American question and concerns us as a people and not as members of any political organization, hence we should consider it with minds entirely free from partisan prejudice or bias, and actuated by the desire to relieve the world of the red scourge of war, if we can do so without surrendering our material rights as a free and independent Nation.

Many distinguished Republicans are supporting the league, while, on the other hand, prominent Democrats are opposing it.

The late Col. Roosevelt advocated the organization of a league of nations to prevent war, in a speech delivered at Christiania, Norway, in 1910, when he said:

> Each nation must keep well prepared to defend itself until the establishment of some form of international police power competent and willing to prevent violence as between nations. As things are now, such power to command peace throughout the world could best be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions. The combination might at first be only to secure peace within certain definite limits and certain definite conditions; but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind.

The League to Enforce Peace was organized in the fall of 1914, and included in its membership are Democrats and Republicans who are well known throughout the country.

I repeat that the league question is not one of partisan politics, and it should not be considered or debated as such.

I am ready and willing to do all that lies in my power to bring about the establishment of the league in the belief that it will make impossible another such calamity as overtook the world in August, 1914, and engulfed it in a sea of blood and suffering for more than four long years.

No friend of the league contends that the covenant is a perfect document or that all of its provisions meet with his unqualified approval. There were no precedents to guide its framers, as, so far as my knowledge extends, this is the first time that an earnest effort to prevent war throughout the world has been made by the leading nations of the earth, acting in absolute good faith. When we take into consideration the fact that the representatives of the nations participating in the peace conference who, by unanimous vote, agreed upon the covenant represented different races, widely different religious beliefs, and many conflicting interests, the wonder grows that it was possible to enter into an agreement that is so nearly perfect as it is.

The covenant can be amended, and I do not doubt that as time and experience demonstrate the necessity for amendment such amendments will be adopted as will tend to more completely carry out its purposes, and we should bear in mind that our Constitution has been amended eighteen times since it was ordained. I am convinced that the league, operating under the terms of the covenant as it is written, will be in a position to prevent war entirely or to make it all but impossible, and that is a condition devoutly to be hoped for. Granting, for the sake of argument only, that we shall be disappointed and that the league can not accomplish the results we so much desire, the world will be no worse off than before the war, when practically every nation on the Continent of Europe was an armed camp and a spark was all that was necessary to set the world ablaze.

Nothing can be worse than the conditions that prevailed for forty-odd years prior to 1914, and I am willing to at least endeavor to bring about a new order through the medium of the league of nations, particularly in view of the fact that we jeopardize none of our vital sovereign rights in becoming one of its members.

President Wilson announced his adherence to the idea of a league of nations in his message to the Congress on April 2, 1917, when he said:

> A steadfast concert for peace can never be maintained except by a partnership of democratic nations. * * * It must be a league of honor, a partnership of opinion.

When he went to Europe last winter he made a number of addresses on the subject of the league in England, France, and Italy, and the common people of those countries, appalled by the tremendous losses they had sustained and the indescribable sufferings and privations they had endured, adopted the President's views with unbounded enthusiasm. Public opinion was reflected in the deliberations of the statesmen of the allied countries and in the adoption of the covenant. It carries within itself the hope of humanity throughout the world, and it should not be disregarded and cast aside until a better plan to preserve peace is presented.

The President has been viciously assailed and subjected to unfair and unjust criticism because of his attitude toward the league and the efforts put forth by him to make it a reality. It is my calm and deliberate judgment that the league will be brought into being, that it will bring peace on earth for many years to come—and permanently, I trust—and that, when the history of our day is written, President Wilson will be universally recognized as one of the greatest of the benefactors of mankind and will stand on the same plane in the esteem of the American people as that now occupied by Washington and Lincoln.

Mr. President, I appreciate the great responsibility that rests upon the members of this body and I desire to call the attention of Senators to the fact that, should we fail to ratify the peace treaty and because of such failure the league dies aborning, upon us and upon us alone will rest the blame for the next great war which will rock the earth to its very foundations.

In my opinion, the next world conflict will be one of almost total annihilation of armies and extermination of peoples because of the advances made by scientific men in the art—if you will permit the word—of the destruction of men and property. It will be a veritable slaughter, and I deem it my bounden duty to avert it if it can be done with honor, and I believe it can be through the medium of the league. There is but one alternative to the league of nations, and that is preparation for war, which always means war eventually. Without the league it will become necessary for us, and for every other nation, to proceed to arm to the teeth. We shall be obliged to expend billions of dollars for coast-defense purposes; in increasing the size of our Navy until it will be equal to, or superior to, the navies of any two or three nations that might possibly combine against us; in the manufacture of cannon, machine guns, small arms, airplanes, and the thousand and one other things that will be vitally necessary to our defense. We shall have imposed upon us a system of compulsory military service. Our country will become a military camp. There will be a soldier or a sailor on the back of every taxpayer in the Nation, and in the end there will be another deluge of blood and grief and sorrow and suffering in every village and hamlet throughout the land.

I call attention to the fact that the principle of the league of nations is not new to us. It has been said that the United States is such a league and it has been pointed out that, while the thirteen original Colonies were English and peopled very largely by men and women of that nationality, they were independent of each other in large measure. When it was sought to bring those Colonies together under a Federal government, many Americans of prominence predicted dire results to the people generally and to the several States under such government, and it was 13 years after the Declaration of Independence before our present Constitution was established.

When the proposed Federal Constitution was being considered by the people of the several Colonies, many eminent Americans opposed it, and certain of the arguments advanced against its adoption were very similar to those made against the league of nations.

Patrick Henry, orator, statesman, and ardent patriot, in speaking of the Constitution, said:

> Is this tame relinquishment of rights worthy of freemen? Is it worthy of the manly fortitude that ought to characterize republicans? It is said that eight States have accepted the plan. I declare that if twelve and a half had adopted it, I would with manly fortitude and in spite of an erring world, reject it.

In a speech delivered in the New York Convention, Delegate Smith, in referring to the provision providing for the creation of the Senate, said:

> Can the liberties of 3,000,000 people be securely trusted in the hands of 24 men? Is it prudent to commit to so small a number the decision of the great questions that shall come before them? Reason revolts at the idea.

In the Massachusetts Convention Delegate Nason said:

> We have sworn that Massachusetts is a sovereign and an independent State. How, then, can we vote for this Constitution that destroys that sovereignty?

And Gov. Thompson, of Massachusetts, paid his respects to the Constitutional Convention in the following language:

> The convention was sent on to Philadelphia to amend this confederation, but they have made a new creature, and the very setting out of it is unconstitutional.

I could quote similar reasons given by other prominent men for their opposition to the adoption of the Constitution, but I have proceeded far enough to serve my purpose, which is to point out that it was contended by them, as it is now contended by the opponents of the league, that the Constitution deprived the people of their "rights," destroyed the "sovereignty" of the States, was "unconstitutional," and placed the "liberties" of the people in the hands of a small number of men.

The disastrous results that, in the opinion of certain of our illustrious forefathers, would follow the adoption of the Constitution have not materialized, and I venture to assert that, should the league become an accomplished fact, the fears of the distinguished gentlemen who are its opponents will not become realities.

We became a member of a league of nations for the purpose of making war on Germany, and I earnestly contend that there is no sufficient reason why we should not join such league for the more humane and laudable purpose of preserving the blessings of peace to the world.

The opponents of the league assert that the covenant as it is written is in contravention of our Constitution in that it takes from the Congress the right to declare war and to determine questions relating to our armament and vests that authority in the league council. As I view it, there is nothing in the covenant upon which those contentions can fairly be based. The council is, in large measure, an advisory body, and its decisions are recommendatory only.

Under our Constitution the Congress alone has the power "to declare war" and "to raise and support armies" (Art I, sec. 8). Article VI reads as follows:

> The Constitution and laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land.

The Supreme Court has decided that the treaty power "is in terms unlimited except by those restraints which are found in that instrument" (the Constitution), and that "it would not be contended that it extends so far as to authorize what the Constitution forbids." (Geofry *v.* Riggs, 133 U. S., p. 267.)

The parties to a treaty are obliged to take cognizance of the "supreme law of the land" relating to the treaty-making powers of the negotiators and we must presume that the parties to the treaty with Germany took cognizance of the limitations prescribed by the Constitution on the power of the American peace commissioners.

Article 10 of the covenant is in the following language:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

It will be observed that said article grants no authority to the council to do anything more than to advise the league members with respect to the means that should be adopted to resist such aggression or threatened aggression, and should it advise that war be entered upon, such advice must be accepted by us before it can be followed, and the only branch of our Government that can accept it and take the steps necessary to carry it into effect is the Congress.

For the foregoing reasons I deny that the power to declare war is taken from the Congress and lodged in the council.

Article 13 of the covenant deals with the question of disarmament and reads, in part, as follows:

> The council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction (referring to armament) for the consideration and action of the several Governments. * * * After these plans shall have been adopted by the several Governments, the limits of armament therein fixed shall not be exceeded without the concurrence of the council.

It is apparent from the language used that the council merely recommends what the armament of each nation shall be, and that the recommendation must be adopted by the several Governments before it becomes effective. The Congress alone can adopt the recommendations of the council and enact laws in conformity therewith, and it is not required to do so if it is of opinion said recommendations should be rejected. The council is without authority, either express or implied, to enforce its recommendation.

The United States will at all times have one member of the council and, as its decisions in respect of the matter of armaments must be by unanimous vote, it is reasonable to assume that we shall be fairly dealt with, and that the council will recommend the reduction of the armament of other nations in the same proportion as ours.

The Senate has the constitutional power to ratify the pending treaty, which is nothing more than a contract; and, should it do so, we shall of course be bound by its terms and conditions. Should the Congress adopt the recommendation of the council as to armament, it will proceed to enact an Army bill and a Navy bill for the purpose of providing for our military needs. In other words, the Congress will exercise its constitutional power to "raise and support armies," even though the size of the Army has been fixed by the council of the league. That procedure is the same in principle as the entry of a judgment by a court in accordance with an agreement in the form of a stipulation entered into between the parties to the action.

Many of the critics of the league contend that should we become a member of it we shall surrender our sovereignty as a nation. I am well aware of the fact that in international law a somewhat different meaning is given the word "sovereign," when applied to a State, than the generally accepted meaning of the word; but I believe that since absolute monarchies, autocracies, no longer exist there is no nation that is, as a matter of fact, sovereign, as the word is generally understood, for the reason they are bound by the provisions of treaties and by inter-

national law, both of which all honorable nations respect, to so regulate their affairs as to observe certain of the rights of other nations.

American citizens are frequently referred to as "sovereign citizens," but they are required by law to so conduct themselves and to so use their property as not to interfere with the legal rights of others.

Nations have rights as well as individuals, and I know of no valid reason why there should be a distinction drawn between the so-called "sovereign right" of a nation to fight and plunder its weaker neighbor and the "right" of an individual to do those things.

I admit that should we join the league we will lose certain of our rights that are referred to as sovereign, but the fact is that all other league members will lose identical rights, and that we shall all be placed in the same position with respect to each other that we now occupy as sovereign States.

Instead of declaring war when it suits our purpose, we shall be obliged to submit our disputes with other members to arbitration or to inquiry by the council and not make war until three months after the award by the arbitrators or the report of the council, and not then against a member complying with the award. It is provided by article 12 of the covenant that "the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute."

To those who believe that we should not join the league for the reason we shall relinquish our "sovereign right" to declare war when it pleases us so to do, I say that we are now deprived of that "right," and that such deprivation was brought about with our consent and at our solicitation.

What are commonly known as the Bryan peace treaties are now in effect with 20 nations, including practically all of the great powers except Germany and Japan, and have been negotiated with 10 other nations. The Senate has ratified 28 of said treaties, but ratifications have been exchanged with but 20 nations. They provide, in substance, that we shall submit any and all disputes that may arise between ourselves and the other nation that is a party to the treaty to an international commission for investigation and report; that we shall not go to war until such time as the report of the commission has been made, and that need not be until the expiration of a year from the time the investigation is begun, and in certain of them we agree that until the rendition of the report we will not increase our military forces except in the event we are menaced by a third power.

We know from experience that when men who are ablaze with anger and are ready and willing to fight to the death are prevented from so doing they will arrive at a peaceable adjustment of their differences after "cooling time" has intervened and their mutual friends have had an opportunity to point out to them the folly of a personal encounter over a matter that can be arranged by mutual concessions, by apologies, or by the clearing away of misunderstandings.

The same policy can be successfully pursued in quarrels between nations, and it is in that belief, in my judgment, that the Bryan treaties were negotiated and ratified and the framers of the league covenant incorporated in it article 12.

Even in the affairs of nations much can be accomplished in six months or nine months. Other nations can tender their good offices in effecting an amicable settlement of disputes and an investigation on the part of the arbitrators or the council must be beneficial in its results, and I am convinced that, under the provisions of the covenant, world wars can and will be averted.

In the event we join the league, we shall lose our "sovereign right" to arm ourselves to the teeth, as we shall have agreed in good faith to "the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations," as provided in article 8. All other members of the league will also lose that right and I shall consider it a blessing to humanity. Germany was an arsenal for more than 40 years, and largely because of that fact she plagued the world with more ills than escaped from Pandora's box, and I earnestly hope that no nation will ever again be permitted to do likewise.

Speaking generally, I submit that whenever we enter into a treaty we place a limitation upon our sovereignty with respect to the subject matter of the treaty.

I shall not weary the Senate by calling attention to the various treaties in which we have limited our sovereignty, which include our agreement with respect to warships on the Great Lakes and our agreement not to discriminate in favor of American shipping in the use of the Panama Canal, and will content myself by repeating that whatever loss of sovereignty we may sustain by joining the league, all other member nations will suffer the same loss, hence we need not be at all apprehensive of danger because of such loss on our part.

Mr. President, it has been eloquently and strongly asserted in this Chamber, on numerous occasions, that if we enter into the league of nations we shall become embroiled in all the quarrels of Europe, and, in effect, that we should hold ourselves aloof from the affairs of the world and endeavor to maintain our once-boasted position of "splendid isolation."

To support those assertions, the shade of Washington has been invoked and his Farewell Address has frequently been referred to.

That address was published in 1796, at which time we were in our infancy as a Nation, having a population of about 3,000,000. It was, of course, prepared in the light of world conditions as they then existed. We are now confronted by an entirely different situation than then obtained, and are obliged to deal with it as it is. Then it required months to communicate with Europe; now communication can be had in a few minutes by electric cable or by wireless telegraphy. Then a voyage to England or France was a matter of months, by sailing ships; now it can be made in a week or less. In that day airplanes were unknown; now planes carrying both freight and passengers and flying at the rate of 75 miles or more per hour are coming into common use. A short time since, two aviators flew across the Atlantic in a plane in 16 hours, and within the past 60 days a great dirigible balloon, capable of lifting 50 tons, sailed from Scotland to America, a distance of more than 3,200 miles, in 108 hours, notwithstanding unfavorable weather conditions, and on the return trip sailed from Long Island to Ireland in about 70 hours. Recent news dispatches have informed us that England is now constructing a dirigible more than 1,100 feet in length and with a lifting capacity of 100 tons.

In view of those well-recognized facts, I insist that our isolation is a thing of the past and that, whether we will it or not, we must take our proper place in the world of to-day, as we are vitally interested in what transpires therein.

Nations, like individuals, can not stand still. They must move either forward or backward. This, above all other ages, is one of progress and development, and as conditions change, and they are changing rapidly, policies must be changed so as to conform to them.

In 1796 practically every nation in Europe was an empire or a monarchy, most of them absolute monarchies. Their system of government differed radically from ours, and as we had but little in common with them it was to our distinct advantage to remain separate and apart from them, "their turmoil, and their strife." Now, however, the nations of Europe, particularly those that are our friends, are republics or constitutional monarchies, and we should join hands with them in the league of nations for our own protection, if for no other reason.

Washington stated a fact when he said, in 1796, that we then were but remotely interested in the affairs of Europe and for that reason we should not "implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities."

How different is the situation now! The war demonstrated that we are not remotely, but immediately and vitally, concerned in the affairs of Europe, particularly in the quarrels that may result in war, and that it is a matter of supreme importance to us to bring about such a combination of nations as will make another world conflagration impossible.

Washington said that "our detached and distant situation invites and enables us to pursue a different course," that is, a different course than to involve ourselves in the politics of Europe, but it is apparent to all men that "our detached and distant situation" no longer exists owing to the speedy means of communication and that, from the world viewpoint, Europe is as close to us as is Chicago to New York.

Washington, in his address, also said that the "period is not far off * * * when we may take such attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected." At the outbreak of the late war our country was, without doubt, in point of population, wealth, and resources, far beyond what Washington had ever hoped it would be. Shortly after war began in Europe, President Wilson proclaimed our neutrality as between the belligerents and did all that an honest, self-respecting, patriotic American could do to keep us out of the war, but, notwithstanding our greatness and our strength, our neutrality was not respected, "scrupulously" or otherwise. On the contrary, it was disregarded and our ships were sunk, our property destroyed, our flag fired upon, and our men, women, and children sent to watery graves by German submarines. And, in my opinion, those happenings will again occur in the event of a world conflict.

Washington advised us "to steer clear of permanent alliances with any portion of the foreign world." He did not object to temporary alliances, certain of which he himself had been instrumental in forming, but he did not want us to ally ourselves permanently with any foreign nation.

The alliances that he had in mind were those of his day, the alliances of which he had knowledge. What were they? They were alliances entered into between kings and emperors, and they were born of a desire for power and conquest. They were the alliances of despots and had for their objects, among other things, the stifling of the cry for liberty that was on the lips, and the crushing of the hope for a republican form of government that was in the hearts, of a multitude of God's creatures. They were alliances against the right of men everywhere to enjoy freedom and happiness under a government in which they would have a voice.

It is not surprising that Washington was opposed to such compacts, as he was a lover of peace and justice. When he prepared his address he did not dream that the time would come when the civilized nations of the earth would enter into an alliance for the purpose of preserving the peace of the world, and I do not doubt that were he here to-day he would be a strong, an earnest, and an eloquent supporter of the league of nations.

Mr. President, many years ago we became a world power and left behind us the doctrine of noninterference in foreign affairs.

We entered upon a colonial policy through the acquisition of the Philippine Islands. I was opposed to the taking over of those islands at the time, and I have not since changed my views with respect to them. I am looking forward to the day when we shall be well rid of them, and I shall vote to give independence to their inhabitants whenever I have an opportunity to do so. They are a source of weakness as well as danger to us, as they are 7,000 miles from our shores. They are unable to defend themselves, and we can not give them adequate protection.

We initiated the "open door" policy in China and intervened there, in conjunction with other great powers, at the time of the Boxer rebellion.

At the request of the Kaiser, our Government, in 1906, sent a representative to the Algeciras conference, held for the purpose of determining whether or not Germany should obtain a foothold in Morocco.

We have taken over five or six islands in the Samoan group.

We have guaranteed the independence of Panama, and are exercising a protectorate over Cuba, and what is virtually a protectorate over Haiti, Santo Domingo, and Nicaragua.

Mr. President, we have not a sufficient army to adequately guard even 200 miles of our coast line against any power or combination of powers that might defeat our Navy.

At the outbreak of the late war neither England nor Russia were prepared, nor were we when we entered it, and we know of the great losses sustained, both in men and money, because of those facts.

We are in such position that we are obliged to join the league and thereby prevent future world wars, or abandon our colonies and bankrupt ourselves in preparing for the next war that is certain to come.

Mr. President, the Monroe doctrine has been the subject matter of much discussion not only in this Chamber but throughout the country, and the fear has been expressed by distinguished men that the league covenant does not sufficiently safeguard it.

It is well known that the doctrine was announced by President Monroe in a message to the Congress in December, 1823, and was our answer to the threat of the Holy Alliance to assist Spain in again bringing under her dominion her former colonies on this continent which had successfully revolted and set up independent governments, and it was and is intended, primarily, for our own protection. It is a fixed, settled policy of the United States, and all the world knows that we shall insist upon its strict observance and shall defend it to the uttermost limit of our power.

It has been affirmed and reaffirmed by about 10 of our Presidents and about 20 of our Secretaries of State, certain of whom gave it slightly different shadings in order to meet then existing conditions.

It has not been officially recognized by any European or Asiatic Government, so far as my knowledge goes, through the medium of a treaty or otherwise.

There is not now and there has never been anything behind the doctrine save and except the man power, the wealth, and other resources of the United States, and the determination on the part of our people to maintain it at all hazards, and all nations appreciate those facts.

I am as much interested in the preservation of the doctrine as any American can be, and am glad that it will be recognized by the members of the league.

I submit that it is amply safeguarded in the covenant, article 21 of which is as follows:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings, like the Monroe doctrine, for securing the maintenance of peace.

It appears to me from that language that the exclusion of the doctrine from the jurisdiction of the league is not open to question. If the article quoted referred to "regional understandings" only, there might be room for doubt, but it specifically includes the doctrine; therefore the argument that it is not safeguarded because it is not a "regional understanding" is the very refinement of technicality, to say nothing of sophistry.

Why any fair-minded man should contend for a moment that the Monroe doctrine is not a "regional understanding" is beyond my comprehension. The world has had the "understanding" for nearly a century that it is effective in the Western Hemisphere, that that is the "region" into which no nation will be permitted by us to penetrate with the purpose of extending its system of government, or to overthrow an independent government and substitute in its stead another form, or to enter upon a colonial policy. That "understanding" has been so complete that no European nation, aside from France, has sought to override the doctrine, and the Emperor Napoleon withdrew his forces from Mexico when, after the Civil War, Gen. Sheridan and an army were sent to the Mexican border.

Mr. President, article 10, which I have heretofore quoted in part, is probably the most bitterly criticized of all the articles of the covenant, because of the fact it guarantees "as against external aggression the territorial integrity and existing political independence of all members of the league."

It must at all times be borne in mind that the principal reason for the organization of the league is to prevent war, and there certainly can be no more effective way to do that than to let it be universally known that the nation that declines to arbitrate its differences with another nation or to submit such differences to inquiry by the league council, and insists upon waging war, will find opposing her the combined forces of the league, if necessary. No nation on earth will resort to war with that certainty confronting it.

It was vitally necessary, in my judgment, to extend the guaranty in article 10 to the Republics that have been formed very largely out of the territory of the Central Powers. Poland, Czechoslovakia, Armenia, and other new States are not now firmly established. They have been in the throes of war for years and are feeble and puny, financially and in every other sense. It would not be possible for them to maintain themselves against the aggressions of their stronger neighbors if it were known that they would be obliged to depend solely upon their own resources for their protection.

The statement that article 10 "is the heart of the covenant" is absolutely correct. Without it there would be no assurance that the world would not again be aflame before the expiration of 10 years or that we would not again be compelled to mobilize our men and our resources, ship millions of soldiers to Europe, and there engage in another desperate struggle for our very existence.

Broadly speaking, article 10 does not involve ideas that are new or novel to us. For 96 years we have, under the Monroe doctrine, guaranteed against the aggression of any foreign power the "territorial integrity and the political independence" of the nations of this continent, and during that period we have not been obliged to fire a single shot to protect them against the attack of any such power bent on conquest. For many years after the Monroe doctrine was announced, Mexico and the Central and South American Republics were, to all intents and purposes, defenseless against attack on the part of any first-class European nation. The Holy Alliance, composed as it was in 1823 of Russia, Austria, Prussia, Spain, and France, among other nations, would have made short work of them had it not been for the fact the United States had voluntarily pledged themselves to go to their assistance. We stood beside the struggling Republics of the Americas when their future was suspended in the balance, and we must join the league and assist in sustaining the new-born free nations of Europe; and not only should we become a member of the league, but Germany, Austria, and Russia should be admitted to membership at the earliest date possible. Without the league the new Republics will soon be swallowed up, Europe will again be in battle array, and we shall be drawn into the fray at tremendous cost in lives and money, as it will be as impossible for us not to become involved in another world war as it was for us to escape the clutches of the last.

It has been declared time and again by the opponents of the league that should we enter it we shall become the policeman of Europe, and that our boys will be sent overseas to perform guard duty. I make bold to assert that no such condition will eventuate. I take it that should difficulties of a minor character arise in Europe the members of the league on that continent will take such action as may be necessary to adjust them and to avert war without calling upon us. If, however, a general conflagration should occur, we shall be called upon, but our participation will not depend upon our membership in the league, as the late war demonstrated the impossibility of the maintenance of our neutrality in a world struggle.

Let us assume, for the purposes of the discussion only, that we shall be obliged to maintain in Europe for a number of years a force of, say, 50,000 men. It is a certainty that other members of the league will have on duty a proportionate force. So far as I am concerned, I do not hesitate to say that I prefer a thousand times over to have 50,000 Americans in Europe to preserve the peace than to be compelled to send millions over there to fight and suffer and die after war has broken out.

The "territorial integrity" that is guaranteed by article 10 is against "external aggression" only, and no man who is honest with himself will say that it guarantees the "territorial integrity" of any nation as against internal aggression.

The objects and purposes of the league are clearly set forth in the preamble of the covenant, which reads, in part, as follows:

> The high contracting parties, in order to promote international cooperation and to achieve international peace and security, * * * agree to this covenant of the league of nations.

Under the familiar rule of construction each and every provision of the covenant must be so construed as to accomplish the objects and purposes for which the league is organized, one of them being "to achieve international peace and security"; that is, peace and security as between nations.

It is as plain as the noon-day sun that the people of a component part of any nation entering the league may change the boundaries thereof, the "territorial integrity," as the covenant phrases it, and establish a separate government without interference on the part of the league of either a military or an economic character. Such change may be brought about by mutual agreement or by successful revolution. Those facts are too apparent to admit of argument, hence I shall not dwell upon them.

It is true, however, that in the event certain of the people of a country revolt for the purpose of setting up a separate government and another nation should go to their aid, the nation attacked has the right, through the league, to demand that other members of the league come to her assistance, and they are obliged to respond. Whether such aid shall be in the nature of economic pressure or of an armed force, or shall take some other form, is for the government of each nation to determine for itself, but I am frank enough to admit that, in my opinion, should force of arms be necessary to prevent the dismemberment of the nation assailed it must be exerted.

It is because of those facts that every effort is being made to induce those of our citizens of Irish birth or descent to oppose the league, in the belief it will make impossible the independence of Ireland.

It is well known that there are a number of men in this Chamber, particularly on the Democratic side, in whose veins runs Irish blood, who entertain the hope that is almost passion in its intensity that the day will come when Ireland will take her place in the family of nations and be permitted to work out her destiny free and untrammeled.

Our fathers entertained that same hope, and I trust that I may live to see it realized.

I appreciate the fact that the people of Ireland are torn asunder by dissensions that are largely the result of religious antagonisms. As I am not a church member, such differences do not concern me personally, and I am looking forward to the time when they will be composed and all Irishmen will unite their efforts to bring about the independence of their country. History tells us that great Protestants, among others Wolfe Tone, Emmett, Grattan, and Parnell, joined hands with their equally great Catholic brothers and, actuated solely by love of freedom and love of Ireland, all of them devoted their lives to the service of their people.

The people of the United States are lovers of liberty, and that they sympathize with the aspirations for independence of about three-fourths of the inhabitants of Ireland has been demonstrated on many occasions and in many ways, and England can render no greater service to the world than to bring about a satisfactory solution of the Irish question, which is and will continue to be, until amicably adjusted, a plague spot on the friendly relations existing between the two nations.

The wrongs and injustices visited upon Ireland, the history of the American colonies, of the Revolutionary War, and the War of 1812, engendered a bitter prejudice against England in the minds of our people, particularly those of Irish birth or extraction, but advancing years have cooled my blood and sobered my judgment to a great extent, and I am looking at the pending treaty solely from the standpoint of an American who is earnestly seeking to advance the best interests of his country and the world at large.

I desire to be entirely fair in this matter, and while I hold no brief for England I submit that as Americans we must take cognizance of the fact that in our language and our common law we and the English are one people.

As Americans we must not forget that when, during the War with Spain, Commodore Dewey was in Manila Bay, thousands of miles from home, the German Admiral von Diedrichs, in command of a squadron superior in strength to Dewey's, took possession of a lighthouse, interfered with the operations being conducted by the insurgents against the Spaniards, did not respect the laws of blockade with regard to anchorage and otherwise, with the purpose, apparently, of precipitating trouble, and that, according to the reports of those and later days, Capt. Chichester, who commanded two British cruisers, gave Von Diedrichs to understand that if he entered into an engagement with Dewey he would be obliged to fight the combined British and American forces.

Without detracting in the slightest degree from the invaluable and heroic services rendered to the common cause by each and all of the nations arrayed against the Central Powers, I say that, as Americans, we are bound to take notice of the fact that but for the British fleet and the millions of men in British uniforms who flocked to the feast of death in France and Flanders the other countries at war with Germany would have been overwhelmed during the first two and a half years of the struggle, liberty would have been destroyed in large measure throughout the world, and we would to-day, in all probability, be paying tribute in the form of indemnity to the Kaiser.

It is true, however, that when we entered the war the situation in Europe was not reassuring and, it is admitted, that during the spring and early summer of 1918 our allies were fighting with the courage born of desperation and with their "backs to the wall," according to Sir Douglas Haig. We can understand their feeling of gratitude, satisfaction, confidence, and renewed hope when our boys poured into France by the hundred thousand. They took their places in the battle line beside our friends, and by their numbers, their enthusiasm, bravery, and fighting qualities made victory certain. Among them were tens of thousands of Irish and they, as did all their comrades, risked life and limb and shed their blood freely in order that freedom and civilization should not "perish from the earth." In fighting for us and our salvation they were also fighting for the salvation of our allies, including Great Britain, therefore we have good and sufficient reason to hope and to expect that Great Britain will satisfactorily arrange the Irish matter. I believe that public opinion in this country and the viewpoint from which world affairs will be considered in the new era upon which we are about to enter, will have much to do with the accomplishment of that result.

Mr. President, the second paragraph of article 11 of the covenant is as follows:

> It is declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

There are in this country probably 15,000,000 people of Irish birth or extraction and probably four times that number who are in sympathy with the Irish cause, and continued agitation of the Irish question may tend "to disturb * * * the good understanding" between ourselves and Great Britain. I earnestly contend that under the language of the paragraph of article 11, above quoted, either our Government or any other league member can bring the matter "to the attention of the assembly or of the council" in the exercise of what is expressly declared to be a "friendly right."

I realize that neither the assembly nor the council is empowered to take any action in the premises, that they can do nothing more than advise, and can only do that by unanimous vote, but I believe a hearing on the question or the mere fact that it has been presented will have a beneficial effect and will lead to the formulation of a plan of adjustment that will be adopted by the interested parties.

I desire to submit another thought in connection with this subject for the consideration of Senators.

Prior to and during the progress of the War of the Revolution, throughout England there was a widespread sympathy

for the American colonists. That sympathy was expressed in Parliament and elsewhere. In my opinion there is to-day a very considerable part of the population of England that is in accord with the desire of the Irish for self-government. That sympathy, however, does not now and in the very nature of things will not find expression so long as present conditions exist, for the reason there is a deep-rooted belief in the minds of Englishmen that if wars are to continue, if no action is to be taken by the nations of the earth to guarantee future peace, the domination of Ireland by Great Britain is a matter of self-preservation.

The English viewpoint is that, as Ireland contains a population of but four millions, if she were independent she would be at the mercy of any of the larger nations of Europe; that she would have no navy, as navies are now known; that she would have but a small army, and, if attacked, would be overrun and devastated as were Belgium, France, Italy, Serbia, and Roumania during the late war; that her people would have no avenue of retreat open to them, and would, of necessity, be compelled to yield to overwhelming numbers and resources and submit to their conquerors, who would then be in an advantageous position to spring at the very throat of the British Empire, should they so desire.

I believe that should the league of nations come into being the fears entertained by the British with regard to an independent Ireland will be dissipated, as she would, undoubtedly, become a member of the league and would then be under its protection and no nation would attack her for the purpose of conquest only, or for the purpose of assailing England.

It is my firm conviction that every friend of Ireland should be a supporter of the league, as in it lies her most promising prospect for independence.

Senator WALSH, of Montana, in the splendid address delivered by him in the Senate on July 28, pointed out the fact that certain of the opponents of the league who are championing the cause of Ireland are most vehement in their demand that there shall be no interference on our part in the affairs of Europe and that we shall not enter into an alliance with any foreign nation.

Mr. President, opponents of the league insist that under the covenant we shall be obliged to submit to arbitration or to inquiry by the council questions of purely domestic concern, such as immigration, tariff, and naturalization of aliens who desire to become citizens. There is in my opinion no foundation on which to base that contention.

It is well known and it is not disputed that such questions are, under international law, solely within the jurisdiction of the several nations and are to be determined by them as they may deem proper, subject, of course, to any limitation they may have agreed to by treaty.

The preamble of the covenant specifically states that one means by which peace will be preserved by the league is by "the firm establishment of the understandings of international law as the actual rule of conduct among nations."

Paragraph 7 of article 15 of the covenant expressly excludes domestic questions from the jurisdiction of the league by providing that "if the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement."

Judge Taft in his recent letter to Hon. Will Hays, chairman of the Republican national committee, referred to a number of interpretations of covenant provisions that he had prepared in order to meet certain objections raised by Senators who are opposing our entry into the league, and, among other things, said:

> The fourth interpretation is a mere statement of international law, and the proper construction of the seventh paragraph of article 15, which is only inserted to satisfy criticism of that paragraph, based on the unfounded assumption that some tribunal of the league will be found which will declare issues in respect of immigration or the tariff to be something other than a question of domestic policy. If, as all authorities show, immigration and tariff unaffected by treaties are purely domestic questions, then it can not injure the league to say that which is undoubtedly a maxim of international law and remove the concern of those who suspect other nations of being in constant and unprincipled conspiracy against the interests of the United States.

It is also contended that the league will be a superstate, that it will be a supersovereignty. That position is untenable for the reason the league will not possess the attributes of a state, as it will not have, in itself, financial resources, the power to levy taxes for the purpose of raising revenue, or the power to raise armed forces, such as an army or navy. It will not have an executive head or a legislative body, unless the council and assembly can be so considered, and their decisions on questions of importance are merely recommendatory and must be adopted by the member nations before they become effective, and even their recommendations must be agreed upon by unanimous vote, except with respect to certain matters particularly referred to in the covenant.

Mr. President, one of the principal arguments employed by the opponents of the league is that it will be controlled by foreigners, because of the fact we shall have but one vote in nine in the council. That argument is equally applicable to every other nation represented in the council and applies with much greater force to those members not represented in that body.

The council will be composed of representatives of the following nations, permanently: The United States, France, Italy, Japan, and the British Empire—not England only, mind you, but the British Empire—and four other members selected from time to time by the assembly, each of the nine nations having one vote.

The friendship existing between ourselves and the British, the French, and Italians, particularly, has been cemented by the life-blood of tens of thousands of brave men, and I am confident that no advantage of us will be taken or sought by either of them. If I entertained a doubt that they are acting in as good faith as we are, I should not support the league for a moment, but I do not.

All important matters submitted to the council must be determined by unanimous vote. Should disputes between nations represented in the council be submitted, the representatives of the nations involved shall not vote, and the vote of the remaining council members must be unanimous.

I am free to say that if the council by such vote decides against us in any matter, I shall be strongly inclined to believe that our contention is not founded on right and justice.

Mr. President, a decidedly spirited controversy has arisen with regard to the meaning of the third paragraph of article 1 of the covenant, which provides for the withdrawal from the league of a member nation. It reads as follows:

> Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Whatever uncertainties existed as to the proper interpretation of that paragraph were removed, in my opinion, by the statement made by President Wilson at the conference between him and the members of the Committee on Foreign Relations on August 19, as reported in the press. He said, in substance, that a nation desiring to withdraw from the league could give the required two years' notice and would at the time of withdrawal be the sole judge of whether or not it had fulfilled its international obligations and its obligations under the covenant, and that the league could not determine those matters. He also said that he was confident that was the view entertained by the framers of the covenant. As the intent of the members of the body that drafted the instrument has been ascertained, it is safe to presume that it was adopted by the peace conference with the same intent; and that being true, it must be construed in the light of that intent and with the purpose of carrying it into effect.

Permit me to say in passing that I have been unable to perceive the force of the arguments made in the Senate with respect to the distinctions between moral obligations and legal obligations under a treaty.

It strikes me that the obligation of nations to abide by the terms and provisions of a treaty is moral only. The performance of the obligations imposed rests solely and entirely on the honor, the good faith, and the good conscience of the parties. I do not understand that there can be a legal obligation for the reason there is no legal penalty imposed for a violation of the provisions of a treaty, no legal tribunal in which redress can be sought, and no legally constituted agency that can compel compliance with, or exact a penalty for noncompliance with, such provisions.

Mr. President, it is conceded that the provisions of the peace treaty relating to the league are those in which we are particularly and peculiarly interested. They have been discussed for more than six months. Everything has been said and written concerning them that can be said or written, and the people are not only familiar with them but, in my opinion, an overwhelming majority are favorable to them. I submit that the treaty should be ratified at once in order that peace may be proclaimed and an opportunity be afforded us to devote our undivided attention to the tremendously important domestic problems with which we are confronted.

Former President Taft, in his recent letter to Mr. Will Hays, ascribes much of the opposition to the league in this Chamber to partisanship and personal dislike of President Wilson. I suggest to those who are fighting the league because of either or both of those reasons that they are delaying action on the treaty and in the present state of the world they are playing with fire that may materially injure us.

The day is approaching, rapidly, I hope, when the fate of the league of nations will be determined by the Members of this

body. On that day each of us must decide whether he will follow the banner of the Prince of Peace or whether he will enlist under the standard of the god of war, knowing full well that the rejection of the treaty will lead certainly and inevitably to a more awful catastrophe than that from which we are now emerging.

The weight of a tremendous and fateful responsibility rests upon us, and each of us must answer to his God and his conscience for the vote he will cast.

As for me, my duty is plain. I shall vote for ratification of the treaty, thereby doing all that it is possible for me to do to bring the league into existence, and having done so, when my "summons comes to join the innumerable caravan," the moans and groans of men in agony, stricken in battles that I might have averted, the weeping of wives and mothers and the wailing of orphans will not ring in my ears, nor will a multitude of voices chide and rebuke me as being faithless to humanity and to reason.

PETITIONS AND MEMORIALS.

Mr. PAGE presented a memorial of the congregation of St. Patrick's Church, of Fairfield, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Commitee on Foreign Relations.

Mr. CAPPER presented a petition of Local Lodge No. 96, American Order United Workmen, of Chanute, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

AMENDMENTS TO THE CONSTITUTION.

Mr. BRANDEGEE. From the Committee on the Judiciary I report back favorably without amendment the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States. I ask that the joint resolution be printed in the RECORD.

The VICE PRESIDENT. That action will be taken.

The joint resolution is as follows:

Joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That Article V of the Constitution of the United States is hereby amended to read as follows, to wit:

"ARTICLE V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified within six years from the date of their proposal by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, or by the electors in three-fourths thereof, as the mode of ratification may be proposed by the Congress: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 2881) to provide for the election of the representatives of the United States in the council and in the assembly of the league of nations, and for other purposes; to the Committee on Foreign Relations.

By Mr. CAPPER:

A bill (S. 2882) granting a pension to Albert W. Cherry (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 2883) authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; to the Committee on Commerce.

LEAGUE OF NATIONS.

Mr. TOWNSEND. Mr. President, by unanimous consent I desire to have inserted in the RECORD a copy of some resolutions adopted by the American Defense Society August 23.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

AMERICAN DEFENSE SOCIETY (INC.),
New York, August 23, 1919.

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.

DEAR SIR: At a meeting of the board of trustees of the American Defense Society, held on August 21, a committee of the board reported the following resolution, which was approved, and a copy ordered sent to each Member of the United States Senate. The resolution is as follows:

"The American Defense Society respectfully requests the Senate of the United States to reject the so-called 'covenant' and eliminate it from the treaty of peace with Germany, and in place thereof request the appointment by the nations which have warred against Germany, of committees to perform those duties under the treaty necessary to regulate the carrying out by Germany of its terms. The covenant can be eliminated from the treaty with which it has been mechanically, but not integrally, interwoven, for the reason that it is a mechanical interweaving only. The two have different aims and different intents, and they deal with subjects not interrelated in their essence. The peace conference, now in session, has full power to substitute the machinery of committees for that of the covenant. Any claim that the treaty and the covenant are interdependent in an integral sense would hardly be ingenuous, for the intent to mechanically interweave for the purpose of preventing their separate consideration was declared beforehand.

"Certain of the serious objections to the covenant are:

"1. The covenant involves, in already known and in as yet unrecognized directions, both definite and undefined surrenders of sovereignty; therein it is obnoxious to the Constitution of the United States and thereby subversive of the independence of this Nation. A distinguished advocate of the covenant has claimed that these evils can be nullified in that the covenant can be entered upon and its obligations rendered nugatory by our veto. If this be true, and it is more than doubtful, a proposal that the United States should enter into an agreement not intended in good faith to be carried out should not be entertained.

"2. Other nations should have no voice in interpreting the Monroe doctrine, nor as to the size of our Army or our Navy, nor as to what limitations this Nation may deem essential to impose upon immigration or the importation of goods.

"3. The proposal to commit this country to a blind, general upholding of the regional understandings which now exist, as well through open as possibly through still secret treaties and less formal agreements, and whereby there are created spheres of influence in favor of various nations over various portions of the earth now occcupied by less advanced people, is an abomination; and this whether such undertaking on our part does or does not constitute the consideration of a bargain for a quasi-recognition of the Monroe doctrine in the covenant by its erroneous recital as a regional understanding.

"4. There are deliberate traps in several places in the phraseology in the covenant. Examples are: The power of the council in article 10 to "advise upon," not whether steps shall be taken but the means to be employed in certain contingencies, so also the right to "deal with," matters provided for in another article. Each phrase imports the power to act while avoiding the explicit recital of the power.

"5. Concerning reservations it is called to your attention that attempted reservations in connection with partial surrenders of sovereignty have been heretofore declared to be void and of no effect by the Supreme Court of the United States and are idle and ineffective except as they may be deemed to morally justify a subsequent refusal in a given case to comply with requirements. Meanwhile, any such refusals on our part which might occur would be fruitful sources of grave international complications if we have accepted the covenant as a whole.

"6. The evil results to us which will follow our adoption of the covenant are becoming apparent. Not only must we, if we adopt the covenant, at our peril guarantee Thrace to Bulgaria (our late enemy) or to Greece (our late friend), and if necessary engage in war to maintain our award, but also, at our peril, Fiume to the Croats (our late enemies) or to Italy (our late friend), and if necessary make war to sustain our decision. Not to weary with enumeration, Albania, Northern Epirus, Syria, Anatolia, the Dodecanessus, Palestine, Lithuania, Livonia, Esthonia, Ukrainia, Carpatho-Russia, and the abodes of 20 other tribes clamor for a definite disposition of their political futures into their own hands or to one or another among the rival claimants to their possession or domination, and we must at our peril guarantee by war the errors that in our human ignorance we and the others composing the league shall assuredly commit in deciding these dubious questions.

"7. Numerous racial and social wars are already being waged in Europe. In any one of them we may be called upon to intervene. Rebellions have been fomented in several countries under the stimulus of the socialistic doctrines which have been given prominence and for which the covenant is a stalking horse.

"8. The foundation of several hundred wars within the next century or two has been securely laid by the nominal adoption, the partial application of, and the partial refusal to apply the impossible doctrine of the self-determination of races which is contrary to our fundamental doctrines as a Nation.

"9. Racial animosities have been kindled and intensified from which new racial difficulties are arising almost daily; social, racial, and civil wars will continue to spring up on every hand. Race has been arrayed against race in many countries. The keynote of the doctrine which has been so widely advocated and so persistently urged, and to the conditions created by which the covenant if adopted will apply, is an open and complete reversal of the major principle upon which America has been founded and upon which it has maintained itself and progressed to the benefit of all the races of the earth by the example afforded. In ratifying the covenant and undertaking duties under it we would do so at a time when as said above there has already been put into partial operation a principle which makes for world-wide disunion and for disunity of thought, progress, and feeling among the peoples of the earth. That principle is the fostering and intensifying of race divergencies, of the differences of language, of customs, and development of the various nations, races, and peoples. Therefrom, as night follows day, since man was young and to our knowledge for a number of thousands of years, have ever arisen enmities and war. Having created the certainty of war, in ignorance of history, in defiance of experience, in disregard of reason, shall we expect these common enemies, in their joint disunion and in the divergence of their respective material interests, jointly to restrain each the other in turn from attacking each the other? To adopt the covenant and to simultaneously advocate race consciousness, the self-determination of peoples, and the multiplication of nations is not the part of wisdom.

"10. This country has been of some value to the world through the very fact of her welcoming individuals of many races to her free and liberal institutions while keeping aloof from all this pandemonium of tribal conflict, of constant racial adjustment and readjustment. The real and not visionary element of value to humanity, the example which this country has afforded, it is now proposed should be thrown away for a dream, and in place thereof it is proposed that we should give our promise to concern ourselves in the adjustment of every racial controversy between foreign tribes that must and will arise as they in turn become respectively the stronger and the weaker. This country's voice has had some influence for the reason alone that it was not concerned in their controversies. This has been a known, conceded, and definite advantage to all nations. Already, through our intermeddling in what does not concern us and as to much of which we are incompetent to judge, we have lost in part the gain of 150 years. It is sought to throw away substance and grasp at a shadow.

"John R. Rathom, George B. Agnew, James D. Ellsworth, Richard Washburn Child, William T. Hornadal, Robert Appleton, Newton W. Gilbert, Lee de Forest, Charles Larned Robinson, William Guggenheim, J. P. Harris, C. S. Thompson, J. Raymond Tiffany, *Committee of the Board.*"

CHAS. STEWART DAVISON,
Chairman Board of Trustees.
J. RAYMOND TIFFANY,
Chairman Executive Committee.
H. D. CRAIG, *Secretary.*

STRIKES OF RAILWAY EMPLOYEES.

Mr. THOMAS. Mr. President, I ask unanimous consent for permission to send to the desk and have read into the RECORD a document entitled "General Circular No. 2 to the officers and members of the railroad locals of certain brotherhoods," which I think will interest the public.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

RAILWAY EMPLOYEES' DEPARTMENT, AMERICAN FEDERATION OF LABOR.

To the officers and members of the railroad locals of the International Association of Machinists; International Brotherhood of Blacksmiths and Helpers; International Brotherhood of Boilermakers, Iron-Ship Builders, and Helpers; Amalgamated Sheet Metal Workers' International Alliance; International Brotherhood of Electrical Workers; Brotherhood Railway Carmen of America, under control of the Railroad Administration and the Canadian War Board.

NATIONAL AGREEMENT NEGOTIATIONS—GENERAL CIRCULAR NO. 2.

As advised in Circular No. 1, the executive council of the railway employees' department of the American Federation of Labor and your national agreement committee met the director general and his associates on Monday, August 18, 1919.

On Wednesday we completed the presentation of our case for increases in rates of pay as set forth in the original proposition presented January 7, 1919. This is the first opportunity we have had to fully present our request to the director general since he was authorized by the President and Congress to settle these questions.

We pointed to the higher rates paid in outside industries, other than shipyards, navy yards, and arsenals, and insisted that our members had during prewar times enjoyed rates at least equal to those paid in these industries, while at this time our rates were very much lower.

We quoted minimum rates for shipyards, navy yards, and arsenals effective as of August and October, 1918, with higher rates for repair and night work. We stated that these rates were not war emergency rates, and proved this, in our opinion, by citing the recent increases added to these rates for the Pacific coast yards, which resulted from negotiations between the metal trades department and private shipyard owners.

The ever-increasing cost of living was also presented as a reason why our original request should be granted for 85 cents for mechanics, 60 cents for helpers, and 35 cents for apprentices, effective January 1, 1919.

We again insisted upon prompt action on the part of the Railroad Administration, and pointed to the danger of delay. Director General Hines advised at the close of the conference Wednesday that he had secured much valuable information that would be extremely helpful to him in arriving at his decision on wage increase, and that he would notify your representatives when he would be prepared to present to us his proposition. We have every reason to believe this conference will be held within the next day or two, at which time we expect the director general to submit to us his first proposition on wage increases.

To avoid all possible delay, your committee is preparing itself for negotiations on national agreement after the wage increase is settled; also tabulating strike ballots, which are arriving daily.

No stoppage of work must occur. If a strike is authorized by the vote now being taken and it becomes necessary to strike to secure a just settlement, the day, hour, and other necessary instructions will be issued by the railway employees' department of the American Federation of Labor.

Pay no attention to any rumors, statements, or information coming from any other source. You will be kept fully advised by us of progress made.

With very best wishes and kindest regards,

Yours, fraternally,

J. F. ANDERSON,
International Association of Machinists.
F. C. BOLAM,
International Brotherhood of Blacksmiths and Helpers.
WM. ATKINSON,
International Brotherhood of Boilermakers, Iron-Ship Builders and Helpers of America.
J. M. BURNS,
Amalgamated Sheet Metal Workers' International Alliance.
JAMES P. NOONAN,
International Brotherhood of Electrical Workers.
MARTIN F. RYAN,
Brotherhood of Railway Carmen of America.
B. M. JEWELL,
Acting President, Railway Employees' Department, American Federation of Labor.

WASHINGTON, D. C., *August 21, 1919.*

Mr. THOMAS. Mr. President, it may not be out of place to remind the Senate that one of the instructions outlined in the circular just read seems to have been completely disregarded at Los Angeles, Calif., where a strike of railway employees resulted in an enormous congestion in the yards of a vast quantity of perishable foodstuffs, consisting, in part, of animals which must be fed and watered, and which are going to ruin and decay through the inability of the few nonstriking railway people to look after them, and because citizens are not permitted to give their services to the averting of a common and a very imminent tragedy.

I am apprehensive that the circular which I introduced on Saturday and followed by this one indicates the certainty, or at least the serious contemplation, of a universal strike in transportation quarters in the very near future. I hope that the Government of the United States, representing all the people, whose duty it is to enforce the laws, will not wait until this threat materializes, but will take steps to anticipate it by providing for the operation of trains in the country upon which all must depend not only for the ordinary requirements of life but for its necessities as well.

CARS FOR COAL SHIPMENTS.

Mr. POMERENE. Mr. President, the question of car supply in the coal trade has attracted a good deal of attention here during the last week or two; and the other day a report was made by Mr. Hines, in response to a resolution which the Senate passed, calling upon him for information in that behalf. That has been printed as a document. I have been pursuing this matter somewhat further, and I have quite a number of letters and telegrams on the subject. I am not going to take the time of the Senate to refer to them; but I have before me a letter which I received on Saturday from the Director of the Geological Survey bearing upon this subject of car supply, and accompanying this letter is a table in which he gives the percentage of full-time operation lost because of car shortage by the week during the month of July and up to and including August 9. This shows that the car shortage has been worse during July and August, 1919, than it was during the corresponding weeks of July and the early part of August, 1918. I am not going to take the time of the Senate to read this letter and the table, but I desire that they be incorporated in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, August 23, 1919.

Hon. ATLEE POMERENE,
United States Senate.

MY DEAR SENATOR POMERENE: In reply to your letter of August 21, the Geological Survey receives reports from a majority of the bituminous coal operators in the country each week, giving their production and for each mine the number of hours worked and lost, the causes of nonoperation being classified as due to car shortage, labor shortage or

strikes, mine disability, and lack of market. The individual reports are compiled in the Geological Survey with district totals and weighted averages obtained. There is inclosed a table, taken from the published reports of the Geological Survey, showing the percentages of time lost because of car shortage in the eastern fields to which your letter refers, by weeks, in July and August to date, this year compared with last. There is also inclosed a copy of the report of this date for all districts of the country.

You will note that, as you have surmised, in these eastern fields lack of cars is curtailing output by from 30 to 50 per cent, and that the situation in this respect is now worse than last year. In the more recent weeks transportation difficulty has been greatly aggravated in some areas by the strikes on the railroads.

Yours, very cordially,

GEO. OTIS SMITH,
Director.

Percentage of full-time operation lost because of car shortage.

[As reported to the Geological Survey.]

Coal field.	Week ended—											
	July 6, 1918.	July 5, 1919.	July 13, 1918.	July 12, 1919.	July 20, 1918.	July 19, 1919.	July 27, 1918.	July 26, 1919.	Aug. 3, 1918.	Aug. 2, 1919.	Aug. 10, 1918.	Aug. 9, 1919.
Northern Ohio	5.3	3.3	7.9	2.9	5.3	13.4	6.1	18.5	8.2	22.2	12.3	35.7
Southern Ohio	4.4	1.1	4.3	1.4	5.6	1.7	4.1	8.9	12.3	20.1	14.1	15.3
Northeastern Kentucky	8.5	2.6	8.2	3.6	12.1	15.6	25.1	29.2	26.2	30.5	21.5	38.9
Hazard, Ky	20.7	1.5	9.4	17.7	12.2	33.2	33.8	41.4	30.0	50.3	26.7	56.9
Harlan, Ky	2.8		7.6	3.2	16.3	21.1	20.9	35.0	17.5	32.5	16.0	36.1
Fairmont, W. Va	9.9	2.7	8.8	4.5	19.3	14.7	25.1	21.6	18.0	24.5	37.4	38.7
Somerset, Pa., and Cumberland, Piedmont, Md	3.0	4.7	1.8	10.3	5.1	23.3	13.8	31.7	12.7	38.6	18.1	29.2

PASSPORT-CONTROL ACT.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, suggesting that the passport-control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the Central Powers of Europe, and that ample appropriation be made for an efficient execution of that act and the regulations made under it during the remainder of the fiscal year.

This recommendation brings up for your consideration a very important question of policy which has an intimate relation to the welfare of the country. Information from the agents of the Government in foreign countries indicates that as soon as the existing restrictions upon travel are removed many persons will seek admission to this country, and that among the number are not only persons undesirable from the point of view of becoming future citizens but persons whose origin and affiliations make it inadvisable that they should be permitted to enter the United States. The act of May 22, 1918, which makes possible the prevention of undesirable individuals from departing for the United States will automatically cease to be operative upon the establishment of a condition of peace. Individuals will then be free to come here for whatever purpose they choose, and many will come for purposes which we can not approve and which may indeed be dangerous to the country and to its institutions. The immigration officials enforcing the immigration laws at the ports of the United States will not be able successfully to prevent the entry of all improper and dangerous persons because of the impracticability of developing a system of intelligence and investigation abroad to work in sufficiently close relationship to the immigration organization in the United States to be thoroughly effective in distinguishing between those individuals whose right to admission would be injurious to the country. The experience gained during the war shows that an efficient system of passport control administered by the Department of State through the diplomatic and consular officers in foreign countries can be depended upon to exclude practically all persons whose admission to the United States would be dangerous or contrary to the public interest. If the Congress concur in the view that the national welfare requires that the class of persons to which I have alluded should not enter this country, it is my belief that the simplest and most effective method that can be adopted would be to continue the system of control now being carried on by the Department of State, working in close cooperation with the Commissioner General of Immigration.

It is obvious that effectiveness of control can only be obtained through supplementing the regular diplomatic and consular personnel with a sufficient number of reliable and capable men, and such men as would be useful can be had only through the payment of adequate compensation. The Secretary of State estimates the expenditure required for the remainder of the current fiscal year at $750,000, including a number of additional employees in the Department of State who would be charged to supplement the administrative organization now maintained there. I quite agree with the view that it is entirely useless to make any outlay upon this work unless sufficient money is provided with which to make control effective. It would be most unwise to permit the public to rest under the impression that an effective control was being exerted over persons seeking admission to this country, when in fact, owing to inadequate personnel and an inefficient administration of the law, dangerous persons were freely crossing our boundaries.

It is important that I should add that the increase in the number of persons desiring to come to the United States has already almost overwhelmed the existing organization abroad, and that it is very doubtful whether the system of control can be kept in operation for more than a few weeks longer without additional appropriation.

With the relaxation of restrictions upon transportation which are gradually taking place, the burden of examining applicants passport visas will become so great as to be entirely beyond the capacity of the number of officers whose employment existing appropriations make possible. Therefore it is of the utmost importance that if the Congress should decide, as I hope it may, that the public interest requires that the existing system of control should be maintained and extended it will enact the necessary legislation preferably by joint resolution and make ample appropriation at the earliest possible moment.

WOODROW WILSON.

THE WHITE HOUSE,
25 August, 1919.

The VICE PRESIDENT. The message is accompanied by a report from the Secretary of State on the same subject. The message will be printed in the RECORD, and with the report will be referred to the Committee on Immigration.

Mr. KING. Mr. President, during the war a measure was reported from the Judiciary Committee dealing with the question of passports. It occurs to me that as the message relates to the same subject probably it ought to go to the Judiciary Committee. I suggest that reference.

The VICE PRESIDENT. Does the Senator from Utah make a motion to that effect?

Mr. KING. Yes; I move that the message and accompanying papers be referred to the Committee on the Judiciary.

The motion was agreed to.

TRANSFER OF SHANTUNG TO JAPAN.

Mr. McCUMBER. Mr. President, I wish to give notice at this time that to-morrow morning, after the close of routine morning business, I shall submit some remarks concerning the injustice as well as the impropriety of the proposed committee amendment to the Shantung provision of the treaty of peace.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Massachusetts [Mr. WALSH], which will be stated.

The SECRETARY. On page 4, line 25, strike out the words "nor more than 20 cents per ton."

Mr. SMOOT. Mr. President, I simply wish to say that I hope that amendment will not be agreed to. It refers to the royalty upon coal. I wish to say also that the royalty upon coal in the United States averages to-day about 10½ cents per ton.

The Public Lands Committee reported this bill with a minimum of 5 cents and a maximum of 20 cents per ton. Everyone knows that with coal every cent of royalty paid is passed directly to the consumer. It is quite different with oil. As far as coal is concerned, whatever the amount of royalty, it is paid by the consumer.

I know of no State in the Union that is not to-day regulating the price at which coal may be sold, based upon the actual cost of production, and it is impossible to get the actual cost of production of coal without taking into consideration the royalty paid.

Therefore, Mr. President, the committee thought it was proper, as far as coal is concerned, to have a minimum and a maximum rate. A person who desires to start the operation of a new coal mine must in the majority of cases in the very beginning secure assistance from some other source than his private fortune. It may happen in one case out of a thousand that a man has enough money to develop a coal mine and put in the necessary machinery and appliances to mine the coal, but he would only be one in a thousand; the others have to borrow the money.

It seems to me, Mr. President, that it would be the height of folly and unwisdom to leave the royalty unlimited as far as coal is concerned.

The reason why we put in a minimum of 5 cents a ton is that in some sections of the country the coal veins are very narrow and the coal is very poor, but it is the best the people can get, and to charge them more than 5 cents would be unwise, unfair, and unjust.

This whole question of royalty is left to the Secretary of the Interior. If after an investigation is made he, in his judgment, thinks that 20 cents ought to be the amount paid, anything less than that could be rejected. I have no doubt that the Secretary of the Interior, the present one or any future Secretary, will guard the interests of the Government and the people of the United States in this particular.

Therefore, Mr. President, I sincerely trust that this amendment, the first amendment offered affecting coal, proposing to strike out the maximum amount, will be disagreed to by the Senate.

Mr. WALSH of Montana. Mr. President, I am very sure the Senator from Massachusetts [Mr. WALSH] is actuated by the very best motives in urging this amendment, but I can not help feeling that he is not as familiar with the situation as some of the rest of us or he would not urge it.

I think it was very clearly pointed out by the junior Senator from Wisconsin [Mr. LENROOT] that whatever royalty is imposed upon coal necessarily goes into the price at which it is sold, and consequently becomes a burden upon the consumer of coal. I presume probably 250 miles is about the limit to which coal in the West can be commercially carried. I do not know of any coal property in the West the product of which is sold at any greater distance than possibly 300 miles. In other words, whatever coal is mined under the provisions of this act is going to be utilized within a radius of 200 to 300 miles of the place at which it is produced; that is to say, the people of that community are called upon to pay whatever the royalty is into the Treasury of the United States. So this is a tax which you are seeking to levy upon the people living within 200 to 300 miles of the coal mines for the benefit of all the people of the United States.

I say "for the benefit of all the people of the United States," but really it is not for the benefit of all the people of the United States, because it long ago was an established principle that the prosperity of the whole country depends upon the prosperity of the people who live in the producing sections of the country. If the people in that section prosper, the products of Massachusetts find a market among them, and if we burden them so that they can not prosper, you will find no market for your products.

But I submit it is utterly unfair to levy what practically amounts to a tax upon the people of that section of the country for the benefit of those who live elsewhere.

The Senator is justly apprehensive about monopolistic conditions. He told us the other day that five men could gather in his section of the country and fix the price of coal, and practically fix it within the limits of anything that they see fit.

But the condition is not the same in the West, Mr. President, for the reason that I have indicated. Our distances there are very great. Coal which is mined in the State of Wyoming, both at Rock Springs and at Diamondville, is marketed in the city of Butte, the great consuming center of our State, in competition with the coal produced in our State at Red Lodge and at Roundup. Wyoming coal comes into competition with Colorado coal in Denver, so the situation is altogether different. I do not mean to say that competition is as free as it might be; but no such situation as the Senator speaks of as existing in the eastern part of the country prevails with us at all. This is in the nature of a very burdensome tax upon our people, which I trust the Senators from other sections of the country will feel they ought not to endeavor to impose upon them.

Mr. WALSH of Massachusetts. Mr. President, I desire to say but a word in addition to what I urged when this bill was last under consideration. I think the practice of inserting in any legislation the maximum royalty which the Government may collect is very bad. I can not conceive of any necessity of fixing the limit which the Government may obtain from any properties or rights that it chooses to lease or sell.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts [Mr WALSH].

The amendment was rejected.

The next amendment proposed by Mr. WALSH of Massachusetts was, on page 6, in line 17, to strike out the words "three hundred and twenty" and to insert "two thousand five hundred and sixty," so as to read:

Provided further, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit for not to exceed 2,560 acres.

Mr. SMOOT. Mr. President——

Mr. WALSH of Massachusetts. Mr. President, in view of the explanation of the Senator from Montana [Mr. WALSH] I do not care to press the amendment.

Mr. SMOOT. Very well.

Mr. WALSH of Montana. Before this matter passes from the consideration of the Senate, however, I desire to correct what seems to be a mistaken impression with respect to that provision. The municipal corporation, if it desires to engage in the business of mining coal commercially for the purpose of selling it in the open market to all comers, has exactly the same opportunity as has anyone else to bid for a lease; there is no restriction at all. It can get a lease of 2,560 acres of coal land just the same as can any other corporation, or just the same as can any individual, by bidding for the privilege of the lease and paying the royalty. This is a perfectly gratuitous grant which is proposed to be given to the municipality. In the first place, we allow the homesteader to go anywhere upon the public domain where he finds coal and to take whatever he needs for his own domestic use. At any time the Government finds an opportunity to lease that coal land, however, it executes a lease, and then, of course, his right is gone; but in the case of a municipality which desires to mine coal for the use of its own citizens, without profit to itself, it is here given gratuitously the right to operate on 320 acres.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. SMOOT. I understand the Senator from Massachusetts withdraws the amendment.

Mr. WALSH of Massachusetts. In view of the explanation made by the Senator from Montana, I withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn.

The next amendment proposed by Mr. WALSH of Massachusetts was, in section 14, page 13, line 7, after the words "per centum," to strike out "nor more than 25 per cent."

Mr. SMOOT. Mr. President, I ask that the Senate bear with me for just a moment, and I will explain why this amendment should not be agreed to. Section 14, to which the amendment is proposed, is the part of the bill which grants certain rights to a citizen of the United States to go upon the public domain outside of a known geologic structure and prospect for oil where there has been neither a report made by the Government nor even an investigation made as to whether the land could be even classed as oil lands. In fact, it refers solely to the wildcatter, the individual or corporation that is willing to go out and upon his or its own judgment spend money in a district where there is not one chance, perhaps, in a thousand of discovering oil. In section 14 individuals or corporations—and I say there is necessity for new oil fields to be discovered in the United States, and they must be discovered if we are to secure oil sufficient for our demands—are given certain privileges. First, 640 acres of the land on which oil is discovered and a lease at a royalty of 5 per cent. Then a further right, if a lease is desired, to secure the remainder of the 2,560 acres under a lease; but if that is undertaken there must be paid a minimum royalty of 12½ per cent and a maximum royalty of 25 per cent.

Mr. President, that applies only in the case of the man or corporation that goes into a country where there are no oil indications, so far as our Government has discovered, into an entirely unknown oil field, and prospects, with very little chance of discovering oil. The bill as it was first presented gave such an individual or corporation the right to take half or 1,280 acres.

That amount your committee cut down to one-quarter, or 640 acres, and as to the remaining three-fourths of the 2,560 acres, as I have said, there is a preferential right to lease. We thought that it was no more than right that an individual or a corporation that takes the chances which have to be taken should not be compelled under a lease to pay more royalty than 25 per cent.

Senators, remember that as soon as an individual or corporation finds oil in an unknown field he or they are the only ones who can get a lease in that whole field at a royalty of 5 per cent, and then only on an area of 640 acres. Therefore, I doubt whether there is a Senator, after consideration of the matter, particularly if he knows of the conditions existing and the requirements that must be met in order to discover oil, and particularly the chances that such prospectors run in going upon the public domain, with no report from their Government stating in any way that there is an indication of oil—I do not believe there is any Senator who will not admit that the terms imposed in this section are as drastic as they ought to be upon any individual or corporation who undertakes such work.

Mr. WALSH of Massachusetts. Mr. President, all I desire to say in addition to what I have said in connection with the question of maximum royalties is that this is the first time I have ever heard—I have not had as much experience in dealing with questions affecting public lands as my fellow Senators—but this is the first time in the affairs of private life or in public life that I ever knew the owner of property or rights of uncertain value saying to an agent, "You can sell or lease my property only up to a certain maximum rate. I do not want you to get for me regardless of possible value more than a fixed maximum," instead of leaving the agent free to get all that it is possible for him to get for the owner or lessor. That is the principle behind the fixing of maximum royalties. It is restricting, in case great deposits of valuable oils or minerals being discovered, the actual amount the Government can obtain for its valuable rights.

Mr. SMOOT. Mr. President, the Senator must understand that the title of this land does not pass from the United States and that the value of the land is made by the individual who discovers the oil. The land is not worth a dollar and a quarter an acre to-day to the Government or her citizens. If an individual desired to do a similar work for an individual who owned such land the landowner would say, "Go on and develop the land, and if you discover oil I will give you outright a portion of it and I will make my money out of the balance of the land."

Mr. FALL. Mr. President, we can more readily understand the purpose of provisions of this kind possibly by some illustrations of a concrete nature. Texas has had a great oil boom recently and is now first among the oil-producing States of the Union. In the Ranger field, in the Burk-Burnett field, and in the other great producing fields of Texas there is no lease, so far as I know, for which a greater royalty than one-eighth is paid, and that is upon not Government land at all, not even State land, but land belonging to private individuals.

In the State of New Mexico there is now not what might be called a boom, perhaps, but qute a lot of excitement about oil, and the same thing is true of Arizona. Those States are known as desert States; and I wish to ask the attention of the Senator from Massachusetts for a moment that I may explain some conditions with which probably he is not at all familiar. In the southern portion of what is known as the Tularosa Basin, for instance, running to the Texas line and extending north and west through New Mexico, there is found what is known as Pennsylvania sand formation, apparently a very favorable formation for oil. A large portion of this area, approximately, I should say, two million and a half acres, is upon the public domain. Under the law to-day any individual can take 20 acres in a unit as an oil claim for prospecting purposes, and associations of individuals can take 160 acres, and associations and individuals can take as many units as they desire. There is no time limit in which prospecting for the oil may be carried on; but, nevertheless, the citizens of that section in their desire to develop the country have acquired a great many placer rights upon the public domain. Each of them has found one difficulty to begin with staring him in the face, namely, that near none of the claims which he could take is it possible, in the first instance, to secure water with which to feed the boilers in order to produce steam for running engines for drilling purposes. In the center of the Tularosa Valley water has been discovered at a depth of 980 feet, but that water can not be used at all for boiler purposes, it being too heavily impregnated with minerals. The same condition exists throughout the entire valley.

In some of the canyons of the mountains pure water suitable for boiler use can be discovered. The Rock Island Railroad, in connection with its extension, the El Paso North Western Road, have found that from Tucumcari, N. Mex., within 100 miles or so of the northern border of New Mexico, south for 300 miles they could not use the water anywhere along the railroad for boiler purposes, except at two points, one at Alamogordo and the other at Three Rivers, N. Mex. In each instance it was necessary, in order to get water for boiler purposes, to pipe the water a distance of 14 miles from Three Rivers and 40 miles from Alamogordo. To secure the amount of water necessary with which to run trains it is necessary for them to go entirely across a great mountain range, which reaches an altitude of 12,003 feet, and to establish a system there by which they obtain pure water, conduct it into reservoirs, and pump it from 150 to 250 miles. They put in a plant alone which cost them to start with $1,250,000. They had to secure rights of way across Indian reservations and forest reserves for the pipe line. Now, what is an individual going to do in undertaking to develop oil in this desert country when he must secure water for boiler purposes to generate steam for power purposes?

Another matter to which I desire to call the attention of the Senator from Massachusetts is that in the Ranger field, the Burk-Burnett, and other fields in Texas, which are the nearest oil fields to New Mexico, it is possible to secure by contract the drilling of a well approximately 2,000 feet in depth for the sum of $60,000. The contractor takes possession of the land and delivers a well 2,000 feet deep—either a dry well or an oil well—at a fixed sum approximating a minimum of $60,000, and from that ranging to $80,000. The financing of the first oil well which was attempted in the Tularosa Basin, N. Mex., was based upon those figures; that is, upon $80,000 being paid for the drilling of the well. Upon the geological report and the practical report of the oil drillers, however, the individuals who, without seeking outside aid or capital, had put their own money in to the extent of $80,000 were told before they proceeded to spend one cent in this undeveloped region that it would be necessary for them to advance $150,000; that the well would not be dug and no contractor would take a contract under $150,000. The matter was reported to the individual stockholders, and amongst themselves they raised the additional sum, and they are now proposing to dig a well. They are confronted with the legal propositions, which it is hoped this bill will enable them to meet.

The point that I desire to make is that these pioneers must first pay twice as much money for a well of the same depth as is paid in a known field, or where the well is close to railroad communication, where the derricks, the heavy timbers, and the heavy machinery can be shipped in, and where water which can be utilized for boiler purposes is close at hand. They must have the water. They can not drill the well otherwise. It is now contemplated—and, in fact, it has been done—to haul the water from the railroad at Alamogordo 40 miles out on the desert in tank cars mounted upon trucks for the purpose of furnishing water for boiler purposes with which to generate steam. It is impossible to get it closer unless the well sunk is sunk nearer to the water supply.

These are the conditions that confront us. You can not get away from them. The Government of the United States is not assisting us in securing a supply of water. Everything is being done by individual effort. In order to finance a proposition of this kind you must seek, generally, outside capital.

In the approach to financiers in Boston, Mass., in Baltimore, Md., and in New York for the purpose of securing financial assistance in developing one of those fields they have required first in every instance, before they would contract to do the development work or to put up the amount of money necessary to sink the well, a contract for the exploration of 10,000 acres of land instead of 2,500, as in this bill provided; otherwise they would not be justified in wildcatting, as they claim, in a new, not understood area.

In the second place, to say to them that you leave in the discretion of anyone the authority to charge them more than 25 per cent royalty when they do discover the oil would be to preclude obtaining any such financial assistance. The Senator from Massachusetts [Mr. WALSH], as a business man, would not put his money in an undeveloped area under the conditions that I have described, if he knew that immediately upon the discovery by him of oil on the 2,500-acre location area or prospecting area which is given him in this bill he would immediately be cut down to 640 acres, and that if he sought to exploit the balance of it the royalty might be put up to 50 or 75 per cent, or any other prohibitive amount. So long as that discretion is left to increase the royalty beyond the point where it would pay for the development of the balance of the area he will not put in his money, even with an assurance that he can develop oil on 640 acres at a reasonable price.

It is these practical matters that confront we people from the West, and we have had practical, actual experience with them; and for that reason we have agreed upon the provisions here.

Mr. WALSH of Montana. Mr. President, the remarks of my esteemed friend the Senator from Massachusetts [Mr. WALSH] are calculated to leave a very erroneous impression concerning this provision of the bill and calculated to bring the legislation itself into very undeserved disrepute.

Let me say that the conditions dealt with in the section under consideration, section 14, are not at all analogous to the case that he puts of a man who has a piece of property and he puts it in the hands of an agent for sale, and fixes a minimum price, but never fixes the maximum. That situation of affairs has no kind of application to the questions that are before us.

The preceding section, Mr. President, section 13, authorizes the Secretary of the Interior to give to anyone a prospecting permit covering 2,560 acres of land, four sections. He may go upon that land and sink wells and endeavor to find oil. That is section 13. Under section 14, if he discovers oil within the limit of his permit we give him, without any royalty at all, a lease on a quarter of his permit, 640 acres. He does not have to pay anything for the royalty. We give him that as a reward for his energy and for his enterprise and for the risk that he takes.

Here are altogether 40,000,000 acres of land out West that may contain oil. Nobody knows. The Government of the United States is not going to take any chances upon drilling over this 40,000,000 acres for the purpose of discovering oil. The Government of the United States can not afford to go into the oil-prospecting business. It would be an awful abuse; it would be an imposition upon the taxpayers of this country to take money out of the Treasury and utilize it in prospecting for oil, everywhere recognized as so hazardous a business that a trustee would be subject to criminal prosecution if he put the trust funds intrusted to his care in an enterprise of that character; and accordingly by this measure we invite anybody who desires to take the hazard, who is willing to take the chance, to go out on this 40,000,000 acres of land, taking a prospecting permit covering 2,560 acres, and take his chances.

If he finds oil we give him a lease on 640 acres, and then we say to him also, "On the other three sections we will give you a further lease. The amount of royalty which you are to pay on that we will fix at the time we give you the lease, but it will not be less than 12½ per cent, and it will not be more than 25 per cent."

Mr. WALSH of Massachusetts and Mr. SMOOT addressed the Chair.

Mr. WALSH of Montana. Will the Senators pardon me? I will yield in just a moment.

Mr. WALSH of Massachusetts. Will the Senator yield to me?

Mr. WALSH of Montana. Yes; in just one moment. Now, this man has gone on and by his foresight, his enterprise, and by reason of the risk and the hazard that he has run, he has demonstrated that there is oil in that field. That field may cover thousands of acres. The rest of it then becomes exceedingly valuable to the Government, and it proceeds to lease all the rest of the land within that geological area under the provisions of the next succeeding section, which provides that the royalty shall not be less than 12½ per cent, and it may go skyhigh. Now, the question is, Is that a good business proposition? Is it a good business proposition to say to your agent, "You can hold out to anybody in the world, being a citizen of the United States, the opportunity to come here and prospect his land and get his permit. He shall get a lease of 640 acres, for which he pays no royalty"——

Mr. SMOOT. Mr. President, the Senator is wrong there. That is what I wanted to call to his attention. The Senator inadvertently says there is no royalty. There is a royalty of 5 per cent on the 640 acres.

Mr. WALSH of Montana. Five per cent—that is correct. He pays a royalty of 5 per cent even upon the 640 acres, and then you can say to him also, "We will give him a lease upon the other three sections against anybody else. He may take it or not, as he pleases. If he takes it we will give him a lease upon the rest of it for not less than 12½ nor more than 25 per cent; but on everything outside of that prospecting permit we will charge not less than 12½ per cent, and we will charge any figure we please that is higher than that."

Now, it is a mere question as to how much inducement it becomes necessary to offer to the prospector. You will bear in mind that with respect to all other of our mineral resources a different situation prevails. The statement has been made upon the floor here that this is the last of our great natural resources that we are disposing of. That is a very serious error, Mr. President. We have vast resources; we have mineral lands of vast extent that contain gold, silver, copper, lead, zinc, cinnabar, and other metals of that character; and with respect to all of those, doubtless at least as great an area as there is here, we say to the prospector, "We will give you anything you find." He can go out there and if he finds any public land containing any of these metals he may locate a claim 1,500 feet in length and 600 feet in width, and he may locate just as many of those as he pleases, and when he sinks a shaft and finds the metal, and he demonstrates that it is there and he does $500 worth of work upon that claim, we give him the property.

We were always accustomed to do the same thing in respect to all of these things, except in the case of coal. Oil land was disposed of at $5 an acre. That is the way, as has been repeatedly said, in which the West has been built up, and we propose to continue that policy with respect to all the lands containing the metalliferous minerals. There is not any disposition anywhere to change that policy.

With respect to oil, we have got to hold out some inducement to the prospector. Now, Mr. President, I inquire if the Senator from Massachusetts, whom I give credit for the very highest purposes in this matter, believes that we are offering too much to the man who takes all these chances, who runs all the risk, who expends in the work that he is conducting oftentimes thousands of dollars, and then does not get a thing? I do not know what the figures are, but of course everybody knows that there is not 1 well, perhaps, in 10 that brings in oil, and certainly not 1 in 5 even in a developed field, because you may not hit the region that will give up the oil; but in a perfectly undeveloped field I inquire if the chances are not that we are making it altogether too burdensome to him; that we do not offer him inducements enough? But certainly no one can complain when we say to the prospector, "We will give you a lease on 640 acres of your permit at 5 per cent, and with respect to the rest we will give you a preference above everybody else on a royalty not less than 12½ nor more than 25 per cent."

Mr. SMITH of Arizona. Mr. President, I hope the amendment will not be adopted.

It has taken me two or three years to overcome the objections that I have had to the whole scheme of leasing the public domain. We got along very well under the old laws, and developed the western country. Ever since the new ideas have come into being we have not developed much, and we will develop less every year that you put another embargo on it.

I consent to vote for this bill simply because it is the best possible thing we can get out of it for the people of the United States, and I resent the suggestion that the Senator from Montana [Mr. WALSH], the Senator from Utah [Mr. SMOOT], the Senator from New Mexico [Mr. FALL], and myself have nothing but a mere local interest at stake in this matter. We know the conditions. I do not like the leasing business at all, for, in my judgment, no land ever yet has been or ever will be developed under it; and instead of increasing the royalty above 25 per cent I would certainly, if I had my way about it, leave it absolutely free to the man who made a discovery in an unknown field.

I merely wanted to go on record as saying that I vote for this bill under one condition, and one only, and that is because it is the very best thing, after these years of labor, that could be gotten out of the conditions that have been thrown around the development of these western resources. If there were any possibility of getting it better, I certainly would oppose the bill from first to last. Like others, I see no opportunity of doing anything better than this bill proposes; and I congratulate the committee, before whom I had very few opportunities to appear in the last formation of the bill, on what it has been enabled to do for the development, even in this way, of the resources that have been held absolutely from the use of the people.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts [Mr. WALSH].

The amendment was rejected.

Mr. PHIPPS. I desire to offer an amendment in the form of a new section.

Mr. SMOOT. Will the Senator wait until we get through with the amendments offered by the Senator from Massachusetts?

Mr. PHIPPS. Certainly. I was under the impression that they had been disposed of.

The VICE PRESIDENT. The next amendment proposed by the Senator from Massachusetts [Mr. WALSH] will be stated.

The SECRETARY. On page 14, line 23, strike out "20" and insert "5," so as to read:

Leases shall be for a period of 5 years, with the preferential right in the lessee to renew the same for successive periods of 10 years—

And so forth.

"Ten," in line 25, is proposed to be changed by another amendment to read "5," so that it will read:

Leases shall be for a period of 5 years, with the preferential right in the lessee to renew the same for successive periods of 5 years—

And so forth.

Mr. SMOOT. Mr. President, I do not want anything to happen to the bill that will make it any more unworkable than it is as now drawn. The proponents of the legislation, until within the last two or three years, have always taken the position that the life of a lease should be 50 years. That was done in order that men might secure money for the purpose of developing this class of property. A lease of 20 years it seems to me is as short a period as would allow a person to secure money to develop his claims. If leases are to be restricted to 5 years where is a man going to secure money in order to develop his property? The land involved is within a known geologic structure, and that is the reason why we in this particular section left out all reference to a permit, and the Secretary of the Interior is only authorized to make a direct lease. Twenty years is as little as it ought to be.

As to the renewal period of 10 years, that is as little as I have ever heard anyone suggest. The Secretary of the Interior in his report on all bills in the past has never suggested a lease of 5 years, nor has he suggested a renewal every 5 years, but this is a lease upon bids, or a bonus, as the case may be, in known geologic structures.

It seems to me that the time for the highest royalty or bonus to be given is when the lease is made after the discovery of oil in the known geologic structure, and if we have a renewal every 5 years and the wells become less productive during that period we will never get the royalty out of them that we would under the existing provisions.

Mr. KIRBY. Mr. President, I should like to ask the Senator a question.

Mr. SMOOT. I yield.

Mr. KIRBY. Is it not true that now in regular leasing development on the outside where there is no known geological formation 5 years is the time for which leases are granted?

Mr. SMOOT. I do not think so. I will say to the Senator that most of the leases are for a term during the life of the well, no matter what length of time it may be; as long as the well is producing they will have to pay the royalty as agreed. This is the case on Indian lands in the Senator's own State.

Mr. KIRBY. But they have only 5 years to develop it.

Mr. SMOOT. That is not what this means. It means that the lease is to be for 5 years. The amendment which the Senator from Massachusetts has offered means that no lease will be granted for a longer term than 5 years.

Mr. WALSH of Massachusetts. In an oil field.

Mr. SMOOT. Certainly, in an oil field.

Mr. WALSH of Massachusetts. Has the Senator from Utah finished?

Mr. SMOOT. I yield the floor.

Mr. WALSH of Massachusetts. Mr. President, I simply want to reiterate what I have been trying to say heretofore. I can understand how an argument can be made in favor of the claim that the Government is well protected under the bill in cases where small deposits of mineral or oil have been discovered of not very great value, but my contention is that in case oil of exceeding great value and coal and phosphate of exceeding great value are discovered, then the Government is likely to be a very heavy loser, because its rights are not safeguarded and protected. That is why I asked to have stricken out of the bill the maximum royalty and that is why when oil of great value is discovered I have asked that the lease be made for as small a term as possible in order that the Government may, if rich deposits are discovered, have a chance to renew its lease quickly and speedily at an enhanced value to the Government.

If I am correctly informed, when a rich oil field is discovered there is no limit to the fortunes that can be made in a five-year-term lease under the provisions of the bill. I am speaking for a short-term-lease policy, having in mind the discovery of a valuable deposit of oil and not of an oil field which may be of no special value. That is the position I take upon this amendment.

Mr. NUGENT. Mr. President, I shall vote for the amendment offered by the Senator from Massachusetts for the reason that, in my opinion, a lease for a term of five years with renewal rights strikes me as being eminently fair and reasonable. I apprehend that as far as the oil fields are concerned, they could be entirely worked out within a period of 20 years and all the oil taken from the land, and I apprehend that the conditions might be such that at the expiration of five years the terms under which the Government leased for the original period would be entirely unfair and inequitable as far as the Government is concerned. As the bill is to be enacted for the benefit of the people, it would appear to me that the Government should at least have the right reserved to it to enter into another lease under different terms and conditions at the expiration of five years, if as a matter of fact the conditions prevailing at that time warrant it. As the man who holds the original lease has a preferential under this section to successive leases of five years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, I am utterly unable to see that his right would be particularly jeopardized.

I think that the amendment offered by the Senator from Massachusetts should prevail.

Mr. LENROOT. Mr. President, if the Government itself expended money to discover a well, and then for the operation of the well offered the oil upon a bid on the royalty basis, there would be very great justice in the amendment that has been offered by the Senator from Massachusetts. But I undertake to say that there has never been a private lease of oil lands where the lessee must expend the money and find the oil where the term of the lease has been as low as five years.

The whole purpose with reference to this bill is to secure an increased production of oil upon such terms as are fair to the Government and upon such terms as will give to the people through the Government a reasonable return upon these resources which the people themselves own. I undertake to say that except possibly in a very few cases where in a field great gushers have been found not a dollar of capital could be secured to drill an oil well based upon a five-year lease with the right of the Secretary of the Interior at the end of five years to renew the lease and make such terms and conditions as might then seem best.

If the Senator from Massachusetts thought of investing in any of these oil lands, he would not think of putting a dollar into a lease of that kind where he would have to put in $50,000 or $100,000 and at the end of five years, when he would have only a small portion of his original capital returned to him in the way of profits, the lessor, whether it be the Government or a private individual, could deprive him of his entire capital invested.

After all, Mr. President, in the consideration of this question there ought to be some business principle applied. Would the Senator think that anyone in the case of a lease of property would agree to erect a building costing $50,000 if at the end of five years the lessor could readjust the terms and the rent of that property, charging him such sum as he chose?

It seems to me, much as I am in favor of protecting the interests of the public in every possible way, if we desire additional oil production upon fair terms we would never get it if the amendment of the Senator from Massachusetts were adopted.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The question is on the two amendments offered by the Senator from Massachusetts [Mr. WALSH] taken as one.

The amendments were rejected.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 16, line 2, it is proposed by the Senator from Massachusetts [Mr. WALSH] to strike out the words "nor more than 25 per cent," so that it will read:

Shall be entitled to a lease thereon from the United States for a period of 20 years, at a royalty of not less than 12½ per cent of all the oil or gas produced and saved.

Mr. SMOOT. Just one word, Mr. President. This has reference to lands that are relinquished to the United States; that is, the right to the claims that they have is to be relinquished to the United States, and upon that relinquishment of whatever claims they have they are entitled to a lease under the provisions of this bill. In that case your committee thought that a minimum of 12½ per cent and a maximum of 25 per cent was all that the Government could justly demand under any circumstances.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH].

The amendment was rejected.

The SECRETARY. The next amendment proposed by the Senator from Massachusetts [Mr. WALSH] is on page 20, line 4, relative to the maximum for oil shale lands, to strike out the words "nor more than 25 per cent."

Mr. SMOOT. Mr. President, just a word. The Government of the United States is making every effort, as well as a great many individuals in the western part of the country, to find some system of profitably extracting oil from shale. Up to the present time there has not been such a plan or system discovered. I have no doubt that some time or other in the future such discovery will be made, but when that time arrives it does seem to me that men who want to borrow money and who have got to do it in order to erect the necessary plant,

and it is going to cost not $100,000 but more than likely $1,000,000 and over, ought to be given all the encouragement possible. What I am afraid of in this very provision is that the maximum royalty is too high. I want to say first that if the United States is going to have oil for the future we have got to discover some plan for extracting it from shale, and the quicker it comes the better it will be for the people of this country.

I am quite sure, after consideration given this matter, that Senators will see the wisdom of defeating the amendment.

The amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I want to make one final effort to amend the bill, so that some Senators, if they finally decide to vote for the bill, may be able to justify their position and not be put on the defensive. I offer the following amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed by the Senator from Massachusetts [Mr. WALSH] to amend, on page 25, at the end of line 5, by inserting the following additional proviso:

And provided further, That every permit and lease shall reserve to the Secretary of the Interior the right to limit the original issue of capital stock by the permittee to an amount corresponding at par value to the cash actually subscribed and paid therefor, and also the right to limit subsequent issues of capital stock to such amounts as he may deem compatible with the interest of the public.

Mr. KING. May I ask the Senator from Massachusetts a question?

Mr. WALSH of Massachusetts. Certainly.

Mr. KING. Would not the amendment as the Senator offers it preclude the recognition of labor service, manual labor, and other services rendered in connection with the development of the property from being regarded as of value for which stock might be issued? The Senator will recall that in the location of these claims, in the surveys which are made, in the preliminary work which is done for the purpose of mining the claim, thousands of dollars are very often expended, indeed in many claims hundreds of thousands of dollars. A hasty reading of the amendment would seem to prevent those expenditures, legitimate and proper, from receiving consideration and being figured as worthy of compensation. I think that would be manifestly unfair. It would militate against the poor man, against the man without means, who put his time and services, toil and labor, into the enterprise.

Mr. WALSH of Massachusetts. It is not my purpose to reject in the capitalization of a leasing corporation consideration and recognition of the value of the toil and labor expended in the development of these public lands. This amendment does seek to protect the people of the country against stock watering, against corporations being organized without any limit being fixed to their capitalization and worthless securities or securities of doubtful value issued and sold all over the country to innocent investors. If there has been one evil in this country that the Government could easily have legislated against and that has caused more distress and misery than any others, it is the issuing and sale of worthless securities on so-called mining and oil claims located in various parts of the country and located on properties formerly part of the public lands.

Mr. KING. May I ask the Senator another question?

Mr. WALSH of Massachusetts. Yes.

Mr. KING. After the discovery of oil and it is ascertained that there is a valuable property, does the Senator's amendment permit the issuing of stock based upon the then cash value so nearly as that may be ascertained?

Mr. WALSH of Massachusetts. Yes; and it seeks further, as the progress of development goes on, to permit the Secretary of the Interior to approve the expansion of the necessary capitalization of the corporation. It leaves the matter of capitalization by lessees entirely in the hands of the Secretary of the Interior.

Mr. KING. The Senator will understand that capital must be obtained. For instance, the getting of oil is not the only expense. Perhaps there might be a desire to have a refinery. I might say in passing, if the Senator will pardon me, that the monopoly in this country, if there is oil monopoly, does not grow out of the productive end of the enterprise; it is the refining. There is no monopoly in any production. If there is monopoly, it is in the matter of refining. Therefore, every encouragement ought to be given for the development, and also encouragement offered to the independent operator or producer that he may erect a refinery.

Mr. WALSH of Massachusetts. I move the adoption of the amendment.

Mr. WALSH of Montana. Mr. President, I am in hearty sympathy with the purpose of this amendment, and if it were amended in accordance with the idea embodied in the suggestion made by the junior Senator from Utah [Mr. KING] I should be disposed to give it my support. But it ought to be amended, of course, so that property at its actual cash value or labor at its actual cash value should stand on the same footing as the cash secured. For instance, here is a man who conducts experimentation, secures a lease and sinks a well, or, better than that, he goes out and makes a geological survey of the country. He believes that within a certain area oil can be found. He is a man of experience; he is a trained scientist; he is an experienced oilman; he believes he has found a region within which oil can be discovered. He then goes to the Secretary of the Interior or to the proper land officer and secures a prospecting permit on a certain area. He has not any money. He goes to another man and tells him that he believes that oil is there; that it will take $25,000 to sink a well, and he wants the man to put up the money against his judgment, experience, and skill in the locating of it. Why should that kind of an arrangement be prohibited?

Under the proposed amendment you can not have capital except to the amount of the cash that is actually subscribed, which would leave the discoverer without any portion of it at all. Accordingly you offer no inducement whatever to the man to make the effort to find oil. The purpose of this bill is to endeavor to promote the development of these properties and to find oil upon the great area of territory, 6,000,000 acres already withdrawn, with which the bill deals. I think the amendment as it stands ought not to have the approval of the Senate, and I trust the Senator will consider the suggestions made and reframe it.

Mr. SMOOT. Mr. President, I can not accept the proposed amendment to the bill. I think it entirely wrong as pertaining to the bill itself, nor would I be justified in accepting it if there were no other objection to it than that afforded by the statement made by the Senator from Montana. I hope the Senate will not approve of the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. WALSH]. [Putting the question.] The noes seem to have it.

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. PHIPPS. Mr. President, I present an amendment in the form of an additional section to the bill, which I shall read, to come in on page 33, after line 3, as section 37:

SEC. 37. That nothing herein contained shall be so construed as to deprive the courts of jurisdiction over controversies arising or to arise between locators, claimants, lessees, or their assignees under the provisions of this act.

While it is my belief that the bill itself as proposed does not preclude the right of claimants to have their day in court, I think it proper to include in the bill a provision which will stand out so that no representative of the Government and no court may say to a man claiming his full and just rights that his rights have been barred by the provisions of this bill.

Mr. President, while it was not my intention to enter into any discussion of the merits of the bill, there are one or two points occurring to me which I think have been rather overlooked, or at least have not been brought to the attention of some Senators. It seems to me that a misapprehension exists as to the attitude of the people of the West and those in the public-land States regarding the disposition of the public domain. There is, perhaps, a strong feeling, at least in some other States, to the effect that the people of the West are trying to take advantage of the Government or to grab something for themselves to the exclusion of the citizens of other States, and in that way to take something which the citizens of other States have not the legal right to take. The facts are that residence has no effect in so far as asserting a claim on the public domain is concerned. It is the fact that the people of the western country are at all times not only glad but are anxious and willing to welcome the persons and the capital that come from the East, which are really needed for the full development of the latent resources of our western territory.

The rights under this bill would be granted to all citizens. Preferential rights are properly assigned to those who have done the prospecting, who have taken the greatest risks. As a matter of fact, those who went on the public domain and discovered oil at great expense and great risk, acting in all good faith, were entitled to receive title in fee simple to the land where discoveries had been made. They acted under the laws in force at the time they entered upon their projects; but withdrawal of the public lands has resulted in bringing into controversy quite a vast area in which oil was discovered, and this bill will have the effect of disposing of those controversies. Now, those people who in all good faith took the risk, expended their effort and their money, are going to be asked to accept and will have to

accept leases under the terms of this bill, although they feel that they are entitled to title in fee simple.

In order to develop the western territory properly some inducements should be held out. We have been restricted to a great extent. Land in the public domain belonging to the Government is exempt from taxation, so that in some States from one-third to one-half of the territory is held up and the remaining portion bears the entire taxation, the entire expense of running the government of the State. I beg to submit that if any such condition were imposed upon any State in the eastern tier its residents would declare it as being impossible; they would not submit to any such situation.

While I am not in favor of the leasing plan—I think it is wrong in principle—it seems to me that at the present time it is perhaps the best that can be obtained for the development of the western section of the country and to bring onto the market for the use of our citizens the oil, the gas, the coal, the phosphates, and other commodities which are needed and are of commercial use. On all of these items the Government will receive quite as large a revenue as would any private owner in case he were leasing the property in question. The rates of royalty, it seems to me, are fair and reasonable, based upon actual commercial practice in the country contiguous. The same may be said as to the royalties on coal. I think they are fair and proper. Under the circumstances I feel, that being the best I can get, I am willing to support the bill.

Mr. KING. Mr. President, I desire to ask the Senator from Colorado if it is not a fact—and I say this apropos of his statement respecting the prevailing view in the East that bills providing for the acquisition of public lands are only for the advantage of the West—that most of such lands which have been entered under the land laws of the United States have been entered by men who have gone there from the Eastern States and who have helped to build up the West? If the answer is affirmative, as it must be, then it is manifest that other parts of the country have been and will be in the future the beneficiaries of such laws. I am speaking now with respect to agricultural lands.

Mr. PHIPPS. I will say to the Senator from Utah that undoubtedly that is my view and belief.

Mr. KING. Is it not also true with respect to the mineral lands of the West that the major portion of the same are to-day owned by men who reside in the East; that while many of the producing mines have been discovered by western men or, at least, by men who have been in the West for a number of years, ultimately most of them passed into the hands of eastern individuals or corporations?

Mr. PHIPPS. I fully agree with the Senator in his statement in regard to that.

Mr. KING. So that the West, then, is owned in part by the East, and that whatever contributions are made in the shape of dividends and profits the East shares, perhaps, more than the West in such benefits.

Mr. PHIPPS. I will say to the Senator that in my opinion the full resources of the western section of our country will never be developed without the assistance of eastern capital and without an influx of people from the Eastern States to the public-land States.

Mr. SMOOT. Mr. President, in relation to the amendment offered by the Senator from Colorado, I doubt whether it is really necessary that it be put upon this bill; but I have no objection to it, and, so far as I may, I accept the amendment.

Mr. KING. Mr. President, in that connection I should like to call the attention of the chairman of the committee and the Senator from Wisconsin [Mr. LENROOT], who is now in the Chamber——

Mr. SMOOT. Does the Senator intend to refer to the amendment just offered by the Senator from Colorado?

Mr. KING. I desire to call attention to the suggestion I am about to make, in order that I may ascertain whether or not the amendment offered by the Senator from Colorado would cover the point I have in mind. I find on page 17, line 9, these words:

> No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Suppose that some representative of the Interior Department, acting in an arbitrary way, without good and sufficient grounds, such as would warrant a judge who understood the law to determine that there was fraud, should insist that the applicant for a lease had been guilty of fraud, or, in the language of the bill, had knowledge or reasonable grounds to know of any fraud, or insisted that the applicant had not acted "honestly and in good faith," and thereupon denied him a permit or any other benefits of this section, I ask the Senator having the bill in charge whether the amendment offered by the Senator from Colorado would permit any inquiry before a competent judicial tribunal for the purpose of determining that question? I can easily conceive of an applicant seeking such permit being denied by some individual in the Interior Department the benefits of the bill. The Senator from Utah knows that unjustly and in an arbitrary way men have been denied leases upon forest reserves, and it has been held that there was no appeal. No tribunal having been created to which the matter could be referred, he was bound by the ipse dixit of some inferior official of the Government in some State. It seems to me that there ought to be some provision by which the applicant whose claim has been denied because it has been supposed that he did not act honestly or in good faith in some past transaction could have an opportunity to have that question tried out. He ought to have the right of appeal.

Mr. SMOOT. Mr. President, I call the attention of my colleague to a provision of the bill which takes care of the contingency of which the Senator has been speaking. The same penalty provision is attached to each one of the sections of the bill; and in section 30, page 29, it is provided:

> That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part therof, is located whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease.

Mr KING. I call my colleague's attention to the fact that that seems to relate only to cases after the lease has been issued where it is claimed that the lessee has failed to observe some of the terms of the lease, and an action for forfeiture is then brought. The point to which I am directing attention relates to instances in which an individual is seeking a lease, but has not obtained a lease, and therefore no action of forfeiture could be brought. The language to which I call attention provides:

> No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

It would seem that there ought to be some right of appeal; there ought to be some judicial tribunal whose door would be open to his complaint when he felt that he had been unjustly dealt with.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. LENROOT. The Senator understands that the provision to which he is now referring is section 18, the release provision. It is a privilege that is conferred upon the applicant. He is at full liberty to pursue the present law and get a full title if he can; there is nothing in the proposed act that prevents that; but if he chooses to waive that, thinking that he can get better treatment through a lease, he is given this privilege, and, being given this privilege, we ought not to allow any man the right to go into court if the department has found that he is guilty of fraud.

Mr. SMOOT. In other words, Mr. President, the same power would decide the question as to fraud in case he did relinquish that would decide if he did not relinquish, and, as the Senator from Wisconsin has so aptly stated, the provision cited by the Senator only applies to a person who voluntarily relinquishes whatever right he may have. He will not do that unless he thinks it is to his advantage, or, in other words, unless he prefers to take his lease and run the chance of a decision being rendered against him.

Mr. KING. Mr. President, this bill has been so drawn as to discourage any individual from prosecuting to a successful issue his right to a patent. It is aimed to drive everybody who has a location upon the public domain into a relinquishment of his claim and to seek whatever benefits there may be under the provisions of this act.

Mr. SMOOT. I will say to the Senator that the bill is not drawn with that in view.

Mr. KING. I am afraid it will have that result.

Mr. SMOOT. And if we adopt this new section—it seems to me, as I say, that it is unnecessary under the provisions of the bill—but if we do, it seems to me it is about as broad as it can be:

> That nothing herein contained shall be so construed as to deprive the courts of jurisdiction over controversies arising or to arise between locators, claimants, lessees, or their assignees under the provisions of this act.

I think there is nothing in the act that would do it, but I am perfectly willing to accept the amendment.

Mr. KING. I am very glad the chairman of the committee is accepting that amendment. I think the amendment offered by the Senator from Colorado will be calculated to allay the fears of some who have just claims to the public domain and will tend to repress and to discourage arbitrary action on the part of officials of the Government.

Mr. KIRBY. Mr. President——

Mr. LENROOT. Mr. President, I think there should be no misunderstanding upon the part of anyone. It certainly is not my understanding that the adoption of this amendment will give the courts jurisdiction to determine the right of any claimant to a lease from the Government. My understanding is that it only safeguards the existing rights that they may have as between themselves.

Mr. KING. Oh, I do not think anybody could place that construction upon the amendment offered by the Senator from Colorado.

Mr. KIRBY. Mr. President, I simply wanted to know if the amendment which the Senator from Utah suggested was accepted by the chairman?

Mr. KING. No; that is not broad enough to cover what I had in mind.

Mr. THOMAS. Mr. President, in view of what the Senator from Wisconsin has just said, I feel obliged to voice my dissent from that conclusion. I do not believe that the Secretary of the Interior or any other administrative officer should be clothed with the power of determining conclusively which of two contesting parties for a lease, based upon his possession of the premises in controversy, should receive it; and I construe the amendment offered by the junior Senator from Colorado to give a right to the courts, at the behest of any party claiming to have been injured, to review and reverse, if the facts justify it, such a conclusion as the Secretary of the Interior may reach.

For example, let us suppose that John Smith has made a location of an oil-mining claim—and I am not supposing an impossible case, by any means—and that he has been driven from the possession of it by some one claiming to have a superior right, and who, under circumstances of a favorable character, has held possession of that claim for an indefinite period, and therefore is entitled to be considered as having a prior right to demand a lease. The injured party makes an application for a lease as well, and these rival applications come before the Secretary of the Interior, who decides in favor of the party in possession. Can it be that the party whose lack of possession is due to no act of his own but to the presence of a vis major, which he is unable to overcome, shall have his rights determined by the ipse dixit, however well meant, of an administrative officer? That is not just; neither is it justice.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. LENROOT. The reply to that, it seems to me, very clearly is that if here was a claimant who did not receive a lease but was entitled to the property, he could go on and perfect his title under the placer-mining law. He is not compelled to relinquish.

Mr. THOMAS. Ordinarily, Mr. President, that would be a conclusive answer; but a man owning a place located under the provisions of the placer law, however observant he may have been of all its requirements, can not in fact get a patent for his claim. That is a somewhat broad statement, but I do not recall the execution of any patents or amended patents for similar claims since this whole question of Government supervision of oil deposits has become an acute one. The right is there; the court is there; the facts are there; but unfortunately interferences, and notably by the Department of Justice, on behalf of the Government, are such that to say that such a man should be relegated to the courts is, under these circumstances, to deny him any practical and efficient remedy.

Mr. LENROOT. Mr. President, will the Senator yield further?

Mr. THOMAS. I yield.

Mr. LENROOT. The Senator surely does not contend, in reference to a locator who has complied with the law in all respects, that in order to receive the protection of the courts he must have a patent from the United States?

Mr. THOMAS. No; I do not; and yet if he has not a patent he is subjected to whatever the Department of Justice or the Department of the Interior, or both, may see fit to do in his case.

For example, there have been many cases of impounding the proceeds of oil—sometimes impounding the oil, but generally the proceeds—because of the institution of an action by the Department of Justice, notwithstanding the Department of the Interior has passed the claim to patent. Of course the most notorious instance of that situation is the case of the Honolulu Oil Co., whose locations were investigated exhaustively by the Interior Department, where the Secretary himself and the Commissioner of the Land Office devoted months to careful, searching, and patient inquiry into every fact and every phase of the situation, and who passed the claims for patent, only to be confronted by a suit brought on his own motion in the name of the United States by the Attorney General to set aside these locations for fraud, followed by the appointment of a receiver and by the impounding of the proceeds from these claims. That occurred, I think, if my recollection is not at fault, in 1916; and during the past three years such has been the situation.

As I stated on Saturday, there seems to be an irremovable conviction entertained by some of the authorities administering the laws that every claim and every claimant of oil lands that has been productive somewhere, somehow, has been guilty of disregarding the requirements of the law or otherwise defrauding or is about to defraud the United States; and it is the fact that the average locator can not secure title, and until he secures title he is subject to these constant interferences, that has made it necessary to come to some kind of an understanding or agreement under and by means of which the oil lands can be developed. I predict that if this bill passes in any fairly equitable shape, as I hope it will, the great bulk of locations bona fide made, and with a strict observance of all the requirements of the law, will be abandoned and applications for lease substituted in place thereof, not because the owners want to do it, but because they feel that they will be obliged to do it; and there is, to use a hackneyed phrase, a condition and not a theory confronting those people. That being the case, surely the decision of the very important question of who is entitled to a lease under this law should not be conclusive upon the defeated party if he desires to test the right judicially before the courts.

My attention was called specifically this morning by a telegram from one of the most eminent lawyers of the Colorado bar, Mr. Gerald Hughes, whose father was my honored predecessor in this body, to the probable effect upon the interests of some of his clients of lines 19, 20, 21, 22, 23, and 24, on page 17, if adopted as reported by the committee:

> In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them, as shall be deemed just.

That is very plain.

> All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear.

He calls my attention to the fact that some of his clients have been forcibly prevented from continuing their possession of ground properly located by them or by their predecessors in interest, and that they would be hopelessly injured if, through the exercise of the power which these clauses confer upon the Secretary, his decision should be final. I had prepared, and expected to offer later on, as an addition to that part of the section, an amendment providing that—

> The decision of the Secretary of the Interior and the granting of lease or leases thereunder shall not be conclusive of the rights of such conflicting claimant or claimants who have instituted or who may within 60 days after such decision institute an action at law or in equity in any court of competent jurisdiction for the adjudication thereof: *Provided*, That such action or actions shall be prosecuted with due diligence to final judgment or decree: *And provided further*, That any lease or leases granted hereunder shall inure to the benefit of the claimant or claimants prevailing in such litigation.

That seems to me to be so obviously desirable and so obviously just that no serious objection should be offered to it, unless it be that the amendment offered by my colleague [Mr. PHIPPS], and accepted by the chairman, is sufficiently broad to cover that class of cases.

Mr. SMOOT. Mr. President, I wish to call the Senator's attention to the fact that if the amendment he now suggests were adopted following the word "just," on line 21, page 17, it seems to me it would open the door to every blackmailer that there is in all that western country. I have discussed this question many times with the Wyoming oil men. The independent oil producers have called my attention to the fact that if a provision of that kind were adopted the whole field in Wyoming would be tied up, and there would be no telling when there would be an adjustment made of it; and they tell me that there are a number of blackmailers out there who have no more right to claims upon those lands than I have, with the exception of the fact that years ago they went upon them, and then abandoned them entirely; and they would come in under a provision of that kind, and the Secretary of the Interior never would know when he was safe in leasing. I think myself that this section ought to cover every conceivable case. If a claimant has any rights in court, it certainly will cover them.

Mr. THOMAS. Mr. President, I think what the Senator says is largely true, but it is equally true of every law that we have

passed heretofore regarding the public domain; it will be true of this law whether it contains this amendment or not, and it will be true of every law designed to protect the right of bona fide citizens and made sufficiently broad for that purpose.

Mr. SMOOT. I will say to the Senator that that is the reason why I was perfectly willing to accept the amendment offered by the Senator.

Mr. THOMAS. They may be broad enough, but unfortunately the blackmailer can not be suppressed by a preamble or by a statute. He is there, and he will take advantage of, as well as create, any opportunity and every opportunity possible to enable him to ply his infamous trade. I want to suppress him as much as possible. In fact, the existence of that species of individual on two legs is at the basis of all of the controversy which this bill designs to settle. If the scoundrel and the blackmailer had been less active, the honest men who have suffered from the consequences of his activities would long ago have had their patents, and would have proceeded with the development of the public domain. Now, of course, I do not want to encourage that sort of thing. My face has been set against it at all times. I had a somewhat active career at the bar in the State from which I hail, and I realize that in all such subjects as involve the possibility of securing title or clouding the title to deposits of unusual value, like gold, silver, copper, oil, and so forth, it is an opportunity which has never yet been lost sight of or overlooked by the unscrupulous and the adventurer. I am not able myself to agree that the amendment of my colleague is sufficiently broad for all cases. It may be, but surely it will under no circumstances prove to be an injury or any greater injury than that outlined in the amendment to which reference has been made. I will offer it at the proper moment.

The PRESIDING OFFICER. The question is upon the amendment offered by the junior Senator from Colorado [Mr. PHIPPS].

The amendment was agreed to.

Mr. KING. Mr. President, I offer an amendment, which I will read. I have hastily prepared it. At the close of line 12, page 17, I move to add:

> If a lease is denied to any such claimant upon the ground that he has been guilty of fraud or had knowledge or reasonable ground to know of any fraud, or has not acted honestly and in good faith, he shall have a right of action in any court of competent jurisdiction against the Secretary of the Interior to determine such question.

I have followed the language of the bill in the use of the words "fraud," "reasonable ground to know of any fraud," and so forth.

I can only say in support of the amendment I think there ought to be some appeal from the action of the Secretary of the Interior where he denies to the claimant who seeks a lease his application for the same. I have no doubt if the Secretary of the Interior or his assistant, some lawyer of ability in the department, had time and opportunity, as a judge has the time and the opportunity, to hear both sides of the case and hear all the facts and examine the law, his decision would be as satisfactory as the decision of the ordinary judge; but we know that such is not the case. It is felt by many who have had business with the Department of the Interior, particularly with the subordinates who for the time represented the department, that there has not always been that full, fair, candid, and dispassionate examination of questions of fact and questions of law that ought to characterize proceedings involving the title to property of great value.

It does seem to me that if a claimant is willing to abandon whatever point of vantage he may have by reason of his location and seek to come in under the provisions of this act he ought not to be denied the right to appeal from the decision of the Secretary of the Interior, if the Secretary, perhaps upon some ex parte hearing, finds that there has been fraud or that the claimant has had reasonable ground to know of any fraud, not his own fraud, the fraud of some one else, and who has not acted honestly and in good faith. Those words, of course, imply so much, they permit such a wide discretion upon the part of an individual who is not exercising a judicial function, that there ought to be a right of review of his finding and decision.

The Senator from Wisconsin [Mr. LENROOT] a moment ago suggested that any person claiming a right to the public domain who was willing to relinquish such right and seek to take advantage of the provisions of this act ought to be satisfied with the decision of the Secretary of the Interior and should be absolutely content to make the latter the final court. With due respect for the views of my friend, I submit that if the claimant should have that right in other instances it ought not to be denied him because he is seeking to take advantage of the provisions of this bill.

Mr. LENROOT. Mr. President——

Mr. KING. I yield to the Senator.

Mr. LENROOT. The Senator knows, does he not, that he would not have that right in pressing the very claim that he relinquishes to patent, and why should he have a greater right in this kind of case than if he pressed his location to patent?

Mr. KING. This bill is an innovation. It has for its object the settlement of a long-standing controversy and the riveting upon the country of a policy which, as I have suggested, is not only a departure from prevailing law, but, in my opinion, is a very unfortunate one. It would seem that where we are inaugurating a system so utterly at variance with the policies of the past, there ought not to be any opposition to the granting of the right of review by a suitable tribunal of the important legal question which is involved, because the question of fraud, while it may in some instances be a question of fact and in some a question of law, and is frequently a mixed question of law and fact, is of such a character that it should be determined by a judicial tribunal.

I do insist, Mr. President, that it would be in the interest of fairness to permit the right of appeal and the right of review where the Secretary of the Interior may have passed upon the question of fraud or the question of good faith or the question of knowledge of the commission of a fraud by some third person. I can not conceive of any reasonable grounds for opposing that proposition. The Senator certainly does not think the courts are going to act unfairly. He has confidence in the courts of our land, and I think that a claimant ought to have the right to invoke the powers of a judicial tribunal here as in the instances that were suggested by the Senator from Colorado.

The Interior Department is an executive one. It is in a sense a political subdivision of the Government. So far as possible questions involving property or personal rights should be referred to judicial tribunals for settlement. That is in harmony with Anglo-Saxon institutions. We have the three tripartite divisions of governmental powers, and the line of separation between them should be maintained. But there has been much criticism of the plan under which the Interior Department was given such arbitrary and untrammeled power to deal with the controversies between the Government and individuals growing out of the efforts of the latter to obtain title to public lands.

Mr. SMOOT. Mr. President, I want to say just a word. This case refers to persons who upon their own initiative relinquish to the Government interest in claims that they may have. It does seem to me that a person relinquishing a claim, no matter in what position that claim be at the time he undertakes to relinquish it, never should have and should not be given any more right under this provision than he has to carry his claims to patent. It seems to me that it is wholly unnecessary to make the penalty stronger than it is now in the bill as it is before the Senate.

Mr. KING. Will my colleague yield?

Mr. SMOOT. Certainly.

Mr. KING. I wish to say to my colleague that I think the existing law which denies the right to the claimant to have the decision of the Interior Department reviewed is wrong, and I have introduced a bill to take away from the Interior Department the power to pass upon the question of the right of an individual to patent. I think it is a judicial question, and the Secretary of the Interior ought not to be permitted to decide upon whether or not the law has been complied with. There are courts of the United States, as well as of the States, in the public-land States. The claimants for patents, and under this bill those who seek leases, either live in such States or will be engaged in their activities for the development of the demised premises within such States. The questions arising in obtaining titles or leases are such as naturally come before judicial tribunals. The American citizen has confidence in the courts; he wants an opportunity in open court to meet his opponent and to present his side of the case. In other words, he wants "his day in court."

Mr. SMOOT. There is something in the statement my colleague has just made, and some justice in it, too, but his suggestion would involve the question of procedure of homesteading of lands or a mine location for the future, and such an amendment to the law would affect each individual locator. The penalty provision under discussion affects lands that have already been entered under the laws as they exist to-day. There is nothing in section 18 to compel a locator or a claimant of any kind to relinquish anything. He need not change the position that he occupies to-day. If he would prefer to go on and prosecute his claim to title, he will not be affected by the passage of section 18.

As far as section 18 of the bill is concerned, it seems to me that the penalty should stand just as it is, and I hope the Senate will not agree to the amendment.

Mr. THOMAS. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. THOMAS. Suppose one or two competing claimants agreed to relinquish, and the other determined not to relinquish and to prosecute his claim to patent if possible. What would be the status of the property in controversy under the bill?

Mr. SMOOT. Before any lease is granted under the provisions of section 18 it will have to be shown that there is no fraud——

Mr. THOMAS. That there is a complete relinquishment?

Mr. SMOOT. Yes; there is a complete relinquishment.

Mr. THOMAS. That was my understanding. I merely wanted to emphasize it.

Mr. LENROOT. Mr. President, I hope no friend of the bill will vote for this amendment, because it is my judgment that its adoption would prove a very serious obstruction to any legislation upon this subject. I can well understand that my friend from Utah being opposed to the bill in toto, of course it would not be a matter of great importance to him.

Mr. KING. Will my friend permit me?

Mr. LENROOT. Yes.

Mr. KING. If I were in favor of the bill and the principle upon which it rests, I could not consistently find, it seems to me, an argument against the amendment which I have offered. I can not conceive of any impropriety in permitting controversies to be settled by a judicial tribunal. Indeed, it seems to me that is the purpose of courts, and that we would be furthering the interests of justice if we provided by legislation a method to enable contesting claimants to settle their controversies in the courts.

Mr. LENROOT. But the Senator forgets that this entire section is a section extending a privilege to a certain class of claimants. The Senator well knows that it is this section that has caused the greatest controversy of any portion of the oil-leasing legislation. Complaint has constantly been made that legislation which has been proposed in the past has opened the door of relief to fraudulent claimants. This is the strongest provision against fraud that has ever been found in any relief section in an oil-leasing bill.

Mr. KING. Does the Senator think that it would conduce to fraud to attach to the bill a provision that the controversy should be tried in a court of competent jurisdiction? And that would mean, of course, either a Federal court or a State court of standing and ability.

Mr. LENROOT. That is just what I was coming to. We extend the privilege to claimants here that they may exercise the option of relinquishment or not. There is no compulsion about it. They may proceed under the existing placer-mining law either to a patent, or without patent, if they have fully complied with the law, hold their claims against the world.

Mr. SMITH of Arizona. If the Senator will permit me, in answer to the suggestion of the Senator from Utah, whether or not if we stop now and relegate this to the courts it would open the door for certain things, I wish to say that it would in my judgment open the widest possible field for anyone who wished to go into court and allege that he had not done this or had not done that, and, instead of getting title, it would be postponed in an overcrowded court for years and years before the title would ever be consummated.

Mr. LENROOT. That is true. Regarding this as a privilege, as it is, all that this section does is that the United States in extending this privilege says the United States will not accept as a lessee of the property anyone whom the agent of the United States finds has been guilty of fraud. The Senator would have in addition to that the Government go to the expense of proving fraud in a court of competent jurisdiction in a case where the Government only is determining who its lessee shall be. It is not depriving a claimant of any right because that claimant is not called upon to make a relinquishment of a lease at all.

As has been suggested by the Senator from New Mexico, if the Senator's amendment be adopted they can throw all these cases into court, with the object, perhaps upon the part of the Standard Oil Co. or some other great corporation, of finally getting a chance at the leases under other provisions of the law. You will possibly have thrown all these cases into the courts either for that reason or for the purpose of blackmail upon the part of some one who has been charging fraud where none exists.

As to competency to determine that question as between the Secretary of the Interior and the courts, I maintain that the Interior Department is much more competent to determine questions of fraud than is the court. In every case that will come within the provisions of this act the agents of the Department of the Interior will have the fullest reports. The Secretary of the Interior himself, who can not be presumed to acquaint himself with all the facts in the multitude of cases, I dare say knows the facts in practically every case that comes within the provisions of section 18, because they have been before the Interior Department for nearly 10 years now. It would be the greatest mistake to throw this matter into the courts. We can rely upon the Secretary of the Interior to be fair to the claimants, and whenever the Secretary of the Interior says that upon all the facts before him a man has been guilty of fraud, that ought to be a sufficient determination, and the United States should not grant a lease to such a claimant.

There is another reason for that, because if a man has been guilty of fraud, in the judgment of the Secretary of the Interior, prior to securing the lease, he would be very apt to be guilty of fraud upon the Government if he had the opportunity after he got the lease, and the Government ought to have the freest opportunity to reject any claimant for a lease who in the opinion of its agents has been guilty of fraud.

Mr. KING. Mr. President, I would not make any further observations except for one remark of the Senator from Wisconsin [Mr. LENROOT].

Frequently upon the floor of the Senate a bogy man is referred to. In the discussion of this bill the bogy man is the Standard Oil Co. The Senator from Wisconsin has just intimated that a process in authorizing a trial by competent courts would be in the interest of the Standard Oil Co. Of course, the Senator from Wisconsin does not mean to impute to the courts of the land, either State or Federal, any improper conduct or that they are controlled in any manner by the Standard Oil corporation or by any other corporation. I think the Senator from Wisconsin will join with other lawyers who are familiar with our courts in according to them the highest praise because of their ability and integrity as judges. The high character of our judges, the strong sense of justice which has characterized their judicial conduct, their high moral standards, and universally recognized incorruptibility have earned for them the confidence and, indeed, affection of the American people.

It is therefore a mistake to commit to executive departments or political agencies the determination of questions that are essentially judicial in character.

Mr. LENROOT. Will the Senator yield to me?

Mr. KING. I yield to the Senator.

Mr. LENROOT. Of course, I fully concur in all the Senator from Utah has said, but the Senator knows quite as well as does the Senator from Wisconsin that one of the favorite methods of large, rich corporations to procure control of properties of lesser individuals is to subject them to vexatious litigation and compel them to sell out to them.

Mr. KING. I do not think that I can assent to the Senator's statements, except with qualifications. I have known of vexatious suits being brought by individuals who were without financial resources against corporations and against other individuals, though the defendants were possessed of considerable means. I am inclined to think that the honors would be about as easy in the class of cases which the Senator has in mind and those to which I have alluded. The Senator knows, however, that a majority of the oil claims in this country are not owned by the Standard Oil Co. I do not think the Standard Oil Co. has been interested to any great extent of late years in making oil locations in the United States or in acquiring them until they became producing properties. The Standard Oil Co. prefers not to take the gamble; it waits until the poor individual, or the individual who can secure sufficient funds from his friends and neighbors and associates to procure a mining property, sinks a well and discovers oil.

The Standard Oil Co. and other refining corporations in later years have waited until the oil was discovered. Then they negotiate for its purchase, construct pipe lines, and convey the oil to their refining establishments.

My information is that the Standard Oil Co. has spent but little in the last 15 or 20 years in trying to find oil in the United States. I know that in the State of Utah, where hundreds and thousands of attempts have been made to find oil, and thousands and tens of thousands, and perhaps millions, of dollars have been spent in efforts to discover oil, the Standard Oil Co. has not engaged in the futile and losing game.

Mr. LENROOT rose.

Mr. KING. So the facts are that the overwhelming majority of the oil claims upon the public domain which will come within the provisions of this proposed measure are owned by private individuals or by small corporations that have been organized by men of limited means. Therefore I submit, with all due respect to the Senator, that this amendment, which gives a man a day in court if the Secretary of the Interior finds against

him and denies his right to a lease, is not in the interest of the Standard Oil Co., but is in the interest of the poor men who have gone out upon the public domain and made locations and are now claimants, and who would be the applicants for leases under the provisions of this proposed act. How could the interest of the Standard Oil Co. be served by permitting tribunals entitled to settle disputes to hear the evidence and decide the questions at issue?

Mr. LENROOT. Much of what the Senator says is true, but it is also true that the Standard Oil Co. to-day is a large producer as well as refiner of oil. I do not know that the Senator from Utah is aware that on Naval Reserve No. 1, in California, only a year ago, I think, or not more than two years ago, the Secretary of the Navy reported that his experts had determined there were not over, I believe, 30,000,000 barrels of oil——

Mr. SMOOT. That was 18 months ago.

Mr. LENROOT. Eighteen months ago. The Geological Survey, I think, finally made an estimate of there being something like a hundred million barrels, but the Standard Oil Co. within the last six months has developed its private property on Naval Reserve No. 1, and from the production that it has secured it is now practically certain that there are more than 200,000,000 barrels of oil on that reserve. So the Standard Oil Co. is itself a producer as well as a refiner of oil.

Mr. WALSH of Montana. Mr. President——

Mr. KING. I yield to the Senator from Montana.

Mr. WALSH of Montana. I want to submit to my esteemed friend, the Senator from Utah [Mr. KING], that it occurs to me that he is straining at a gnat while he is compelled to swallow a camel. The Secretary of the Interior passes upon the question of good faith or fraud or the absence of fraud in every application for a patent.

Mr. KING. I concede that.

Mr. WALSH of Montana. In the case of every homesteader who presents an application the question of whether or not he has committed a fraud comes up, and the Secretary of the Interior passes upon it. The homesteader has no appeal to any court to determine whether he has or has not committed a fraud. Every mineral claimant, as the Senator well knows, is exactly in the same situation; every man who endeavors to get title to a piece of land by virtue of a location is in exactly the same situation. In every case where the Secretary of the Interior is called to pass upon the matter of good faith, particularly upon the question of whether the applicant has or has not been guilty of fraud, no appeal to any court is allowed in the premises at all. Now, why should we single out this particular case, where an option is given to land that is located as an oil claim, either to go on and get patent under the statute if the claimant can do so, in which case he will have to exonerate himself of any fraud, or take a lease under this bill, in which case the provisions of the bill apply?

Mr. KING. Mr. President, the Senator from Montana has made no valuable contribution to this discussion by his remarks. The points suggested have already been adverted to by Senators and discussed, though, perhaps, when the Senator was out of the Chamber. I have said in reply to a similar suggestion made by one of the Senators that the existing law commits to the Secretary of the Interior the power to decide controversies between claimants for public land and the Government; but I aver that the system is unsatisfactory and is inconsistent with our theory of government. There have been complaints in the past, and there are complaints now, that the method of disposing of the mineral and agricultural lands is improper, and that there ought to be some judicial tribunal to which cases may be referred after they have been adjudicated or passed upon by the Secretary of the Interior. Indeed many insist that the entire matter of securing patent should be taken out of the jurisdiction of the Interior Department. It is believed that the courts should decide who are entitled to patents, whether the law has been complied with under which an applicant for a patent proceeds, as well as all controversies between individuals relating to their respective claims for patent.

Mr. WALSH of Montana. Mr. President, the Senator from Utah knows very well—and I simply speak of it to recall it to his attention—that there has been pending before Congress, lo, these many years, a bill giving a right of appeal to the courts from decisions of the Secretary of the Interior in relation to all of these matters. It occurs to me that the argument of the Senator is rather in favor of that bill. I submit to him that there does not seem to be any just reason why we should make a distinction here. It seems to me the argument is all in favor of the bill giving the general right of appeal.

Mr. KING. Mr. President, there is very much in what my distinguished friend from Montana has said; and I admit that the system which has grown up has become so crystallized, so buttressed, that I do not know whether there are forces sufficient in the United States to demolish it. I had the honor to introduce a bill here some time ago for the purpose of taking away from the Interior Department the right to pass upon the questions involved in the issuance of a patent. I submitted a copy of the measure to my distinguished friend from Montana, for whose opinion I have a very high regard, and I sincerely hope it will commend itself to his good judgment, and that he will join with me, or that I may aid him, in breaking down a system which I regard as anachronistic and incongruous with our institutions and that a better and more rational and enlightened one may be established.

Now, if I could get this amendment adopted as a part of this bill, it would be an entering wedge in the work of demolition of the structure which I conceive to be unfair and unsound. I shall be very glad if I do not swallow the camel referred to by the Senator, but hope to get the camel's head into the building, and I hope very soon after that shall have been effectuated that I shall get the camel's entire body into the tent; that we will see the body of the camel safely protected within the structure.

Mr. ASHURST. Hump and all.

Mr. KING. As the Senator from Arizona has said, hump and all.

Mr. President, in conclusion permit me to say that I can not see any reason why the right of appeal to a court should be denied. The courts are the bulwarks of this country. The judges of our courts for more than 100 years have performed their important duties with fidelity and with a scrupulous regard for their oaths. I do not know of any officials of the land who have universally stood so high in the affections of the people as have the judges of our land. I think that to give them the right of review in this instance would be a very wise provision, and particularly in view of the fact, as was suggested by the Senator from Colorado [Mr. PHIPPS], that there doubtless will be many instances in which there will be not one but several claimants for leases for the same parcel of land. Obviously the Secretary of the Interior ought not to have the exclusive and sole right to determine that question. If there are two or three claimants to a mineral-lode claim or a placer claim, they go into court and the court determines who is the locator, who is entitled to patent, who is entitled to the right of possession. As has been stated, there will perhaps be in many cases two or more claimants for the mineral lands included within the provisions of this bill. As the bill is drawn they will have no right of appeal from the Secretary of the Interior.

Mr. WALSH of Montana. Mr. President——

Mr. KING. I yield.

Mr. WALSH of Montana. I do not think that it would be practicable at all to repose in a court the determination of which of the rival claimants should have the lease. Of course, in the case of mineral claims the rights are fixed by the facts, and all the courts can determine is the question of what the facts are and then apply the law to those facts. The one who first locates the ground is entitled to the ground, assuming that its location is a valid one and he has subsequently preserved his right by appropriate proceedings. Those facts will be determined by the courts, but in this case there are a half a dozen applicants for a lease of the property. None of them have any right whatever to it except they get it by the lease; it is a matter of making a choice between a half a dozen different claimants, none of whom can assert any right to a lease at all. I do not see how the Senator could submit that question to a court.

Mr. KING. If the Senator is right, then I am in error, but I think the Senator is wrong. My understanding is that the amendment which I have tendered relates to an entirely different case. It relates to those who are seeking leases, who already have claims to the land, and who relinquish their claims and seek to obtain leases rather than to rely upon location and apply for patent.

Mr. WALSH of Montana. I appreciate that their conflicting rights would have to be determined, but it seems to me that that is taken care of by the amendment offered by the Senator from Colorado.

Mr. KING. Does the Senator refer to the amendment of the junior Senator from Colorado [Mr. PHIPPS]?

Mr. WALSH of Montana. To that of the junior Senator from Colorado.

Mr. KING. If the Senator will pardon me, I understood from the chairman of the committee as well as from the junior Senator from Wisconsin [Mr. LENROOT] that each of them denies that the amendment offered by the junior Senator from Colorado would reach the case to which the Senator now refers.

Mr. WALSH of Montana. I do not think that the matter now suggested by the junior Senator from Utah was called to the attention of the chairman of the committee. Assume the case of two or three individuals, each asserting priority of right to a certain placer mining location, or assume the case of one contending that he has it by virtue of a homestead location. Of course, if it is mineral ground, he would be eliminated, but assume that he goes on and contends that it is not mineral but is agricultural ground. The rights of the rival placer mining locators would be determined by the usual proceedings in an appropriate court. A would assert his right against B. Their respective rights would be determined, and the one who prevailed in the case—and his right is preserved by the amendment of the Senator from Colorado—would then go to the Secretary of the Interior, claim the benefit of this particular provision, and ask for a preference lease, or if he came there and the other claimant came also, the Secretary would say, "There is a dispute about this; I do not know that you are the person to whom I ought to issue a lease."

Then he would direct the two claimants to go into the appropriate court and settle the question as to which one of them was entitled to the property as against the other, and the one who prevailed would establish his right to a lease under the provisions of this section.

Mr. KING. Mr. President, the Senator from Montana will recall that the senior Senator from Utah [Mr. SMOOT] stated that that aspect of the case had received consideration at the hands of the committee, that they concluded that blackmailers might bring suits and tie the matter up for an indefinite period, and therefore the committee drew the bill—at least, I so understood him—so as to deny the right to appeal to the court.

Mr. WALSH of Montana. If they attempted to do that, let me say to the Senator from Utah, who is good enough a lawyer to recognize it at once, they have not accomplished it at all. Here is A, who has a placer location upon certain ground and claims it; B, a perfect specimen of blackmailer, asserts that he has a placer mining location, and starts a suit against A to establish his right. The Senator does not see any reason why he can not start such a suit, does he?

Mr. KING. Certainly not; but the senior Senator from Colorado [Mr. THOMAS], as I understood the colloquy, suggested the case to the Senator from Wisconsin [Mr. LENROOT] and to the senior Senator from Utah [Mr. SMOOT], of two or more claimants seeking a lease from the Government, and he called attention to a telegram which he had received from a leading lawyer of the State of Colorado expressing the view that the provision on page 17 denied the right to go into court and left it exclusively to the Secretary of the Interior to award the lease to one or the other of the claimants. I have expressed no opinion in regard to that.

Mr. WALSH of Montana. I am perfectly certain that any apprehensions on that ground are utterly unfounded, because the locator of a placer mining claim has the privilege of going into court in the State of Colorado and establishing his right; but if an application under this provision of the proposed statute were made to the Secretary, and another claimant came and asserted to the Secretary, "I have a suit pending against this man in the courts of Colorado, and I ask you to defer his application until the result of that suit shall be determined," unless his bad faith were clearly disclosed I can not entertain a doubt that the Secretary would withhold the lease, particularly so because if he should prevail in the suit it would appear that the man who had lost the case never had any foundation for it, and his lease would eventually be canceled.

Mr. SMOOT. Mr. President, in answer to what my colleague stated, I will say that my position was that the amendment of the junior Senator from Colorado [Mr. PHIPPS] did not take away from or add to the rights of any claimant who desired to relinquish his claim under the provisions of the bill and take a lease under that provision, and I do not think it does. In fact, Mr. President, I do not think the amendment, as I stated before, is necessary under the provisions of this bill. I think it is taken care of, and I so stated in accepting the amendment. I further stated—and I think the Senator from Wisconsin [Mr. LENROOT] did—that there was no reason why a claimant should have any more rights under section 18 of the bill, or any more rights granted to him, than he has to-day. He need not relinquish his claim to the Government. He can go on and perfect his claim, and I have not any doubt but that if he thinks he can get a title, and his rights are perfect, that is what he will do; but if there is a question in his mind as to whether he is going to get a patent in the end, I have not any doubt but that he will relinquish all of his rights and take a lease under section 18 of this bill.

Mr. KING. Will my colleague yield?

Mr. SMOOT. Certainly.

Mr. KING. I do not want to misapprehend his position or the position of the Senator from Wisconsin, but I understood each of the Senators to take the position that under the provisions found on page 17 of the bill the right to appeal to the court from the decision of the Secretary of the Interior denying to one claimant as against another his right to a lease was not permitted; in other words, that his decision was final; so that if there were two or more claimants to a piece of land, and they concluded for any reason that they would not go into the court, but they would go to the Secretary of the Interior for the purpose of applying for a lease, his decision as to the one that was entitled to the lease would be final.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. LENROOT. I tried to make my position clear upon the matter; and the distinction between the amendment that the Senator from Colorado [Mr. THOMAS] proposed and the situation that the Senator from Montana suggests is just this: In the case of the situation the Senator from Montana suggests, the amendment of the Senator from Colorado [Mr. PHIPPS], if it was necessary at all, takes care of it; but the amendment suggested by the Senator from Colorado [Mr. THOMAS] proposed that if there were conflicting claims before the Secretary the Secretary could take no action until they were all adjudicated by the courts, if I correctly understood him.

Mr. THOMAS. No; not quite that.

Mr. LENROOT. I may not have understood the Senator.

Mr. THOMAS. That it would not be conclusive and would not interfere with the right to appeal from the decision of the Secretary of the Interior.

Mr. LENROOT. That amounted to the same thing; and that was what I, for one, said would open the door to the widest kind of blackmail and permit all sorts of fake claims to be made for the purpose of holding up the honest claimant. In the case under existing law that would not be true. There would have to be some color of title at least before the courts would entertain a suit; and the Secretary of the Interior, under the matter as it now stands in the bill, if he was satisfied that there was not a shadow of a claim, that it was simply a holdup, would be permitted to ignore it and grant a lease.

Mr. SMOOT. I think my colleague misconstrues the position taken by the Senator from Wisconsin and myself upon a statement that was made by the Senator from Arizona [Mr. SMITH]. He was talking upon the amendment that was offered by my colleague and referred to the amendment that was offered by the junior Senator from Colorado [Mr. PHIPPS], and what he said in that particular, if I understood him correctly, of course was not my position. My position is exactly the same as that of the Senator from Wisconsin.

Mr. KING. Mr. President, I did not rise for the purpose of discussing the effect of the amendment offered by the Senator from Colorado [Mr. PHIPPS] or the necessity of the amendment which was just suggested by the senior Senator from Colorado [Mr. THOMAS]. I was addressing myself solely to the amendment which I had tendered, and I stated in presenting that matter that perhaps an additional reason why my amendment should be adopted arose from the fact the the junior Senator from Wisconsin had stated in substance, as I understood him, that no right of appeal would lie from the Secretary of the Interior where a number of claimants applied for a lease and he decided in favor of one as against the others.

Mr. President, I have submitted all that I care to say in respect to this amendment. I can only repeat that, notwithstanding the provision of existing law denies the right of appeal from the decision of the Secretary of the Interior upon application for patent, agricultural or mineral, I think the time has come when the right of appeal should be granted; and I believe that in a case of this character, where, as I suggested a moment ago, we are establishing a new system, there ought to be an opportunity for claimants who have been denied by the Secretary of the Interior the right to lease upon the alleged ground that they have been guilty of fraud or have not acted honestly or in good faith, to have that question tried out in the courts of the land. I know that it would be far more satisfactory to the people of the West and to all who have to deal with public-land questions. Though they have the utmost confidence in the personnel of those in the Interior Department, and particularly in the present Secretary of the Interior, nevertheless they would prefer to have the opportunity of determining questions of this character in the courts of the land.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. THOMAS. Mr. President, I offer the amendment which I send to the desk, and which I will submit without further discussion.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, after line 24, it is proposed to insert:

The decision of the Secretary of the Interior and the granting of lease or leases thereunder shall not be conclusive of the rights of such conflicting claimant or claimants who have instituted or who may within 60 days after such decision institute an action at law or in equity in any court of competent jurisdiction for the adjudication thereof: *Provided*, That such action or actions shall be prosecuted with due diligence to final judgment or decree: *And provided further*, That any lease or leases granted hereunder shall inure to the benefit of the claimant or claimants prevailing in such litigation.

Mr. SMOOT. Mr. President, I simply wish to say that I doubt the wisdom of accepting this amendment to this bill, and I hope it will not be agreed to.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

Mr. HENDERSON. Mr. President, I ask that the amendment which I proposed to the pending bill on August 22 be read and laid before the Senate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 31, it is proposed to strike out all after the words "United States," on line 4, and the word "receipts," being the first word on line 5, and to insert in lieu thereof the following:

To meet the expenses which may be incurred in the prosecution of such investigations by the Bureau of Mines as have been or may from time to time be authorized or ordered by Congress, and the amounts so paid into the Treasury are hereby appropriated for such purposes.

Mr. HENDERSON. I move the adoption of the proposed amendment.

Mr. SMOOT. Mr. President, while I am in sympathy with the object of the amendment, I think this is a very inappropriate time and not the proper place to bring it about. I will join with the Senator from Nevada in securing a direct appropriation for this purpose, and I will say to the Senator that I have not any doubt, as a member of the Appropriations Committee, that there will be an appropriation made for this very purpose. In the past, however, it has always been held that these moneys, or at least a part of them, should go into the Treasury of the United States to the credit of miscellaneous receipts in order that the actual expense to the Government for the administration of this law should be met out of the royalties paid, and this bill provides that 10 per cent of all the royalties shall go to that credit. I hope, therefore, that the amendment will not be agreed to. I say again that I will join the Senator in getting a direct appropriation for this purpose.

Mr. HENDERSON. Mr. President, I am prepared at this time to make a few brief comments on the work of the Bureau of Mines in regard to these experimentations. In view of what the Senator from Utah said the other day as to the scarcity of oil and the likelihood of a shortage within the probably not far-distant future, I had in mind the development of these extensive oil-shale fields in the West, from which I am sure in time we can secure a large amount of oil. However, in view of what the Senator from Utah has just told me—that he has in mind some appropriations for the purpose of carrying on such experimentations—I shall refrain at this time from commenting on that work, and will withdraw the amendment.

The VICE PRESIDENT. The amendment of the Senator from Nevada is withdrawn.

Mr. WALSH of Montana. Mr. President, I rise to inquire of the chairman of the committee if I understand him aright as saying that no practical results have yet been secured from the experimentations for the purpose of devising an economical method of extracting oil from oil shale?

Mr. SMOOT. There was so much confusion in the Chamber that I did not hear what the Senator said.

Mr. WALSH of Montana. The Senator made some remarks the other day about the results of the experimentations for the purpose of extracting oil economically from oil shale. Did the Senator say that up to the present time it had not been shown to be economically practicable?

Mr. SMOOT. Mr. President, I made that statement—that up to the present time there had been no system adopted by which oil could be profitably extracted from the American oil shale.

Mr. WALSH of Montana. The oil shales are an enormous reservoir of oil, are they not?

Mr. SMOOT. Oh, undoubtedly; and I stated to the Senate that in my opinion it would not be many years until a system would be discovered that would successfully extract the oil, and I look for a great production of oil to come from the great shale beds within the United States.

Mr. JOHNSON of South Dakota. Mr. President, I want to ask the chairman his view regarding the provision of the bill about prospectors going on Indian reservations.

Mr. SMOOT. I will say to the Senator that there is a law already upon the statute books that authorizes them to go upon Indian reservations and prospect for minerals of all kinds, and, of course, that includes oil.

Mr. LENROOT. Is that not just metalliferous mining?

Mr. SMOOT. Oh, I beg the Senator's pardon; that only refers to metalliferous mining.

Mr. JOHNSON of South Dakota. That does not apply to this bill, then?

Mr. SMOOT. That does not apply to this bill.

Mr. JOHNSON of South Dakota. Then the provision in the bill including national parks and military reservations is confusing.

Now, I should like to ask the chairman another question with regard to page 5, line 11, where it provides for a rental per acre for the land, and it reads, after specifying the amount per acre:

Except that such rental for any year shall be credited against the royalties as they accrue for that year.

Mr. SMOOT. Yes.

Mr. JOHNSON of South Dakota. Suppose there were not any royalties?

Mr. SMOOT. Then they would pay their 25 cents for the first year and 50 cents for the second and third and fourth years, respectively. I will say that the reason for that is that the Government ought to have some kind of payment, small as it is, to insure the Government that work will proceed; and we thought that this was the very least amount that the Government could ask by way of a payment per acre upon the lands when a person had a permit to prospect. But after they discover the oil, then, of course, they pay this; and every time they pay the 25 cents or the 50 cents or the $1, as the case may be, it is credited upon the royalties they pay.

Mr. JOHNSON of South Dakota. I understand that well; but suppose there are no royalties, where does this rent go? It says "shall." It does not use the word "may," but it says it shall be credited against the royalties as they accrue for the year.

Mr. SMOOT. It goes to the Treasury of the United States.

Mr. JOHNSON of South Dakota. Naturally that would be the only place where it could go; but the question that occurred to me was whether they would be obliged to pay any rent for the surface of the land if there was no royalty under that provision?

Mr. LENROOT. It simply means if there were royalties for the year, the royalties to be paid to the Government are reduced by the amount of the rent paid to the Government.

Mr. SMOOT. That is all.

Mr. JOHNSON of South Dakota. Then would it not be better to use the word "may" instead of "shall"?

Mr. SMOOT. No; because if there are no royalties we want them to pay something, and it provides that they "shall" pay it.

Mr. LENROOT. If there are royalties equal to the rent, we do not want them to pay any rent.

Mr. JOHNSON of South Dakota. It says "they shall be credited against the royalties as they accrue for that year."

Mr. SMOOT. If there was no payment to be made and it was not compulsory a man could take out a permit here and then simply do nothing at all until the end of the term of the permit and hold up the development of the land for that length of time. But we want to see to it that while he has the land and the permit upon it, and no one else can receive a permit while he has it, he shall pay this rental. If he discovers oil and there is any royalty, then we say all we want of you is the royalty, and this rental that has been paid we will credit on the royalty.

Mr. JOHNSON of South Dakota. With that explanation it looks all right, so far as it relates to my question.

Mr. NUGENT. Mr. President, I should like to ask the chairman of the committee what particular reason actuated the committee in placing in the bill the provision with respect to the rent for each year being credited against royalty. The royalty is a comparatively small amount and the rental also is a comparatively small amount. Without any further information in respect to the matter I fail to understand why the lessee should receive credit for the rental of land as against the royalty.

Mr. SMOOT. I thought I had made that plain. I was unfortunate perhaps in the way I presented it.

Mr. NUGENT. I did not hear all that the Senator said with reference to it.

Mr. SMOOT. Your committee thought, and every bill that has been drawn from the first that was drawn affecting leasing the public domain for the purposes enumerated in the bill has provided, that wherever a citizen of the United States received a prospecting permit he should pay to the Government for the first year 25 cents per acre, and for the second, third, fourth, and fifth years 50 cents per acre. That is for the purpose of at least having him pay for the privilege of receiving the prospecting permit; but if in that time he discovers oil and in any one year produces oil, then we simply say you shall still pay this rental, and if you have paid the rental it shall be credited upon the oil produced in that year.

Mr. NUGENT. I notice that the same provision is contained in the section of the bill with respect to coal.

Mr. SMOOT. Certainly.

Mr. NUGENT. Do I understand that this provision is operative only with respect to permits, or does it extend during the entire period of the lease?

Mr. SMOOT. It extends during the period of the lease. I think $1 is the maximum. Suppose in the fifth year, when the $1 per acre rate goes into effect, the royalties do not amount to as much as the rent. The rent will be collected to the full amount. In other words, if the rent was $2,560 at $1 an acre on the full acreage to which a lease could be made, and the royalties only amounted to $2,000 from the lease, whether it be a coal mine or a phosphate mine or any other mine provided for in the bill, the lessee would be compelled to pay on the lease $1 per acre; but if the royalties are more than $2,560, then he is credited with the amount of the rent that he has paid upon it. In other words, the privilege that was granted to him at least must be worth at the end of five years $1 an acre.

Mr. NUGENT. Then, as I understand it, if the lessee holds a tract of land containing 2,560 acres the rental of which is $1 per acre, amounting to $2,560 per year, and the amount of the royalty for that year amounts to $2,600, he is credited on the royalty for the entire amount of the rental, which would leave $40 as the amount coming to the Government for that year?

Mr. SMOOT. Yes; and I will say to the Senator there is this reason for it. Suppose they have a lease upon a coal mine and some unforeseen accident happens, an accident from the elements or perhaps from other causes which would prevent the lessee from operating the mine at a profit, or that upon request of the Secretary of the Interior, if we should grant the right under the bill here, that it should not be operated because of the fact that it could only be operated at a loss, in that case the royalties of course may not amount to $1 an acre, but under the provision as long as he holds the lease he must pay at least $1 an acre.

Mr. NUGENT. The instance which the Senator relates, I think he will agree with me, is one that will very seldom occur. I fail to see any particular reason why the lessee of one of these tracts who has made a very considerable sum of money out of it during the year should not be obliged to pay at least something to the Government. In other words, in the case I put just a moment ago, if his royalties amount to $2,600 and the rent to $2,560, then the Government receives but $40.

Mr. SMOOT. No.

Mr. LENROOT. It receives the highest sum.

Mr. NUGENT. That is what I asked the Senator from Utah. I may have misunderstood his answer. But if the rental amounts to $2,560 at $1 per acre per year on 2,560 acres, and the amount of royalty under one of these leases would be $2,600, then, if the rental is credited against the royalty, the Government would receive but $40.

Mr. SMOOT. The Government had already received a rental of $2,560. In other words, the bill provides that the very highest amount, whether it is from the rental or whether it is from the lease, the Government shall receive, and the lessee will be compelled to pay it.

Mr. NUGENT. What I am trying to get at is whether the Government receives the money derived from rentals as well as the money derived from the royalties.

Mr. SMOOT. Certainly, but it is credited in this way. Of course, if the royalties amount to more than $1 an acre, then it is credited upon the rental. The amount that is the greatest of the two the Government receives.

Mr. WALSH of Montana. In any case, as the Senator says, the Government would receive $2,600. It would receive $2,560 rental, and it would receive $40 more. The royalties amount to so much more than the rental.

Mr. NUGENT. I understand that is what the Senator contends, but is that all the Government receives?

Mr. WALSH of Montana. If the royalty would figure out $2,600, the Government would receive the whole $2,600. That is all it would receive. If the royalty figured out only $2,200, the Government would receive not only that $2,200 but it would receive also the difference between that and $2,560, or $360 more. The Government would receive $2,560, although the royalties amount to only $2,200.

Let me say to the Senator that in drafting the bill the idea that was in mind was to proceed upon the royalty basis. The plan was to leave these properties upon a royalty basis, but it was figured out that a man might take a lease on 2,560 acres, and he would work only, we will say, 40 acres, and he would let the remainder lie idle if he paid a royalty only upon his output. Suppose, for instance, the 40 acres were producing oil, and he did not operate the other part of the land, and it kept everybody else from operating it, the purpose was to put a penalty upon him so as to compel him not to take any more land than he really expected to operate, and if he did take any more to make him pay a rental for it if his royalties did not amount to as much as the rental.

Mr. NUGENT. Does the Senator think that the object could be effected, in view of the fact that the rental is only $1 an acre per year?

Mr. WALSH of Montana. That is a pretty good rental on prospecting land.

Mr. NUGENT. I understand that that continues during the existence of the lease and would continue even after coal had been found in paying quantities.

Mr. WALSH of Montana. Undoubtedly; and if coal was found in paying quantities, it would be assumed that the royalties would take care of that.

Mr. NUGENT. The royalties are fixed at a sum not to exceed 20 cents per ton.

Mr. WALSH of Montana. Exactly.

Mr. NUGENT. Mr. President, I move to amend by striking out, on page 5, line 11, the words "except that such rental for any year shall be credited against the royalties as they accrue for that year."

Mr. FALL. Will the Senator yield for a moment?

Mr. NUGENT. Yes; I yield the floor.

Mr. FALL. I wanted to ask the Senator a question.

Mr. NUGENT. Very well.

Mr. FALL. The lands that it is now proposed to handle under this leasing proposition are grazing lands almost inevitably, otherwise they would have been taken up for agricultural purposes by homesteaders long ago. The only provision we have ever had proposed in Congress for the disposition of these lands through which disposition any income might be yielded was upon the proposition that they should be leased at a maximum of 1½ cents an acre per year. Under the provisions of this lease a man securing a prospecting permit has the exclusive use or right to the entire surface area as distinguished from the subsoil area. His purpose, of course, is primarily to secure the oil. The object in placing the rental at the high figure of 25 cents an acre, which no cattleman or stockman could pay, and grading up to $1, is to compel him to do something to develop the subsoil product of the particular land. There is no conceivable use that he could make of the surface of the land which would justify him in paying from 25 cents to $1 an acre. So it is simply to compel him in good faith to go ahead and develop it for the purposes of this act, which are to secure oil, that this rental is fixed. The object is to get the oil produced, and incidentally, and only incidentally, the object is to obtain a revenue for the Government of the United States from the oil. As to the revenue which the Government will obtain if the act, as it is drawn, is effective, in so far as the revenue to the United States Government is concerned, it will be plus where heretofore the revenue has been entirely minus.

The object is to prevent the man who secures an exclusive right to the use of 2,560 acres of land shutting out the cattleman, the sheepman, and the stockman who has been using it from the use of that surface area, the object being simply to prevent him holding it and not developing it, the prime object being to secure the development of the minerals underneath it. Therefore if the minerals underneath produce an income he is to be credited upon his total rental with the amount which he pays for the surface area. If they do not produce an income, he, nevertheless, pays anywhere from five times to twenty times as much as any other proportionate acreage is paying in the shape of revenue to the United States Government under any system. We never secure more than 3 to 5 cents per acre for grazing purposes upon any of the State lands in the Southwest rented in any kind of area. The maximum is 5 cents. Here you are providing a minimum of 25 cents per acre for rental for the use of that land.

Mr. NUGENT. Oil land?

Mr. FALL. This is the surface.

Mr. NUGENT. That is very true, but beneath the surface the supposition is that there are large quantities of oil. If the man who leased had not that idea, it is a certainty he would not enter into the lease.

Mr. FALL. Certainly; but the point I am endeavoring to explain to the Senator is that for the use of the land under this bill you will get from five to twenty times as much as you could get through any other possible measure of legislation.

Mr. NUGENT. My amendment, if the Senator will pardon me for interrupting him, does not interfere in any way, shape, or form with levying that rental.

Mr. FALL. Certainly it does not. You are just establishing a system of double taxation which you as an individual would never submit to in your State under any circumstances.

Mr. NUGENT. If I thought or had good reason to believe that I would strike oil on 2,560 acres of Government land, I do not think I would hesitate about going into the venture because of the fact that I would have to pay 25 cents an acre for the surface.

Mr. FALL. Probably not.

Mr. SMOOT. Mr. President, I simply want to call attention to the effect which the amendment of the Senator from Idaho will have. The great Midwest Oil Co. will not care if it is compelled to pay 25 cents or 50 cents or $1 an acre, but there may be a person who has discovered a well flowing, say, 5 barrels a day. His royalty during, say, the fifth year, may or may not amount to $2,560. It is the little man who will get hurt if the Senator insists upon his amendment. The Senator now wants the little man not only to pay the dollar an acre for his land, but he wants him to pay a royalty as well, and in that case perhaps the man who is producing 5 barrels of oil a day would not have enough from the profits on all the oil he produced to pay more than the royalty. But in this case he would have to pay double the amount. I think the bill is right just as it is.

Mr. FALL. I will add to what I have said, as a concrete illustration, to impress Senators who do not know, as we from the West do know, the fact that the only producing well in my State so far which has any oil in it is a 40-barrel pumping proposition on private land, and it can not be used at all, because you can not pump the oil and market it for its cost.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Idaho [Mr. NUGENT].

The amendment was rejected.

Mr. PHELAN. Mr. President, I propose the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 2, at the end of line 7, add:

The President is hereby authorized, in his discretion, to place an embargo against the exportation of oil, whether produced under the provisions of this act or otherwise.

Mr. PHELAN. Mr. President, the situation is like this, as I understand it: Several nations of the world are seeking to acquire the oil of the world, whether it is in Mexico, South America, the United States, Persia, or Peru. We ought to be in a position to protect the oil of the United States from passing into foreign ownership. This bill relates exclusively, so far as its language is concerned at this time, to oil and other minerals of the soil to be extracted from the public domain under a leasing system; but in the State of California, for instance, there are a great many productive oil wells in private ownership and there is nothing in the California law which prevents a foreign government, through their agents, acquiring these proved and productive oil wells. That process of acquisition is going on to-day. There is no power in the Federal Government to stay the hand of those acquisitive powers.

Mr. FALL. Will the Senator from California yield to me?

Mr. PHELAN. In a moment. I offer the amendment as the only means which the Federal Government has of controlling in a small measure the oil that is produced by foreign governments on American soil by giving the power to the President to place an embargo upon its exportation. The principal object to be served, as I see it, would be to deter foreigners from acquiring oil properties in America. It interposes an embarrassment. If they realize that after they have acquired American wells they can not at will export the oil—and their object in a national sense is to get possession of the oil in order to win in the competitive game of navy and the merchant marine—they will not make the investment. That is the object and purpose of the amendment.

Now I yield to the Senator from New Mexico.

Mr. FALL. Mr. President, of course I am very much impressed with the argument of the Senator, but it would apply equally to cotton, for nearly all the nations of the earth have found that they need cotton and that they could not fight a war without cotton. So why not extend the provisions of the amendment to the cotton of the South and to all other products of the United States?

Mr. PHELAN. May I ask the Senator is it true that the foreign governments are now seeking to acquire cotton lands?

Mr. FALL. I have no particular knowledge on the subject, Mr. President, but I can say to the Senate that I can produce information relative to shipments of cotton recently made to Germany. Germany is acquiring cotton, whether she is acquiring the cotton lands or not. Germany can acquire cotton lands, can she not? Is there any law against her doing so?

Mr. PHELAN. I do not know of any law against it. Cotton is necessary for war; but oil is not only necessary for war but in a superlative degree is absolutely necessary for commercial enterprises in peace.

Mr. FALL. In my section of the country the people even in peace times wear cotton clothing; so that cotton is not only a war necessity, but is also, to those of us who can not dress in woolen clothes, a peace necessity.

Mr. PHELAN. I submit that there may be substitutes for cotton.

Mr. FALL. And there may also be substitutes for oil.

Mr. PHELAN. Not for the purpose of developing power, unless it be coal. I would have the amendment apply to coal; but foreign nations are not menacing our coal industry. We have now consumed, I think, at least 40 to 50 per cent of our oil resources, but only 5 per cent of our coal resources.

Mr. FALL. I do not think the Senator is correct about coal, for the most recent available discoveries made by any of our departments during this war is the use of colloidal fuel, which is a combination of coal held in a mechanical solution with the oil that the Senator is talking about.

Mr. PHELAN. Well, I will combine both the coal and oil in the amendment if that will satisfy the Senator.

Mr. FALL. Make it general, giving the President in peace times the power to embargo any export, and I suppose we shall all vote for it.

Mr. SMOOT. I want to call the attention of the Senate to the fact that there was an amendment to the proviso found on page 2, beginning with line 2, which is not to be found in the bill as reported. I desire to read that amendment. It is as follows:

That no alien shall, by stock ownership or otherwise, own any interest in a lease acquired under the provisions of this act except with a specific provision in such lease authorizing the President, in his discretion, to take over and operate such lease, paying just compensation to the owner for the use of tools, appliances, machinery, and products, or to acquire at the market price all or any portion of the products of such leased property: *And provided further*, That the Secretary of the Interior may require the sale for consumption in the United States of all or any portion of the products of any leased property in which it appears that any alien has an interest by stock ownership or otherwise.

Mr. FALL. Mr. President, will the Senator yield to me for just a moment?

Mr. SMOOT. Certainly.

Mr. FALL. The Senator from California opposed that.

Mr. SMOOT. I am perfectly aware of that, and was going to call the attention of the Senate to that fact.

Mr. PHELAN. Mr. President, the Senator from California opposed that because he was in favor of the committee bill which absolutely denied to foreigners the right to acquire stock in companies organized under the provisions of the bill. So my position is very much stronger than the position taken by the Senator from Utah.

Mr. SMOOT. We shall not again go over that provision at this time; but the Senator from California knows the reason why the Senate rejected the provision as reported. Outside of that, we have given the President certain power and we have given the Secretary of the Interior certain power in the amendment offered to the bill as reported to the Senate; and I have no doubt that the amendment just offered should be defeated.

Mr. JOHNSON of California. Mr. President, I send to the desk a telegram from certain residents of Los Angeles, Calif., and ask that it may be read. I do so not that it expresses at all my views, but because I think the views of any number of our constituents are entitled to be heard when they present them to us.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

LOS ANGELES, CALIF., *August 17, 1919.*

Hon. HIRAM W. JOHNSON,
United States Senate, Washington, D. C.:

We, the undersigned citizens of the United States interested in the mineral development of the West, do hereby protest against the passage of any land or mineral leasing bill of any nature whatsoever. Such a measure perpetually removes vast areas from State and county taxation and penalizes every industry in the West by unjust and unconstitutional royalties and direct taxes. We demand that a thorough investigation be made of all connections between this measure and the recent

acquirement by purchase of immense mineral and oil lands by the English Empire in California and other western States. We are instituting mandamus proceedings to compel the attorney general of California to institute proceedings to confiscate all California lands which can be shown to be the property of England or other foreign Governments. Widely circulated reports indicate that this legislation for Government land leasing is to drive all American prospectors and developers of oil properties off the public domain so as to establish a world oil monopoly for the English Empire. This legislation to lease public lands and exclude American citizens from the public domain is not only unconstitutional but will drive thousands of oil and mineral prospectors into a spirit of resentment and will spread Bolshevism into dangerous proportions. We wish this read on the open floor of both the Senate and House and not buried in the secrecy of committee rooms. Calling mass meetings throughout West. Mailing 1,000 more names.

D. J. GRAUMAN,
EDGAR TEMPLE,
P. M. GREENLEE,
W. D. PERKINS,
E. R. CLARK,
E. N. ROUTHE,
BEN MCCLENDON,
GEORGE LEPAGE,
Committee.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from California [Mr. PHELAN].

Mr. KING. I was called from the Chamber when the amendment was offered, and I ask that it may be again read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 2, after line 7, it is proposed to insert as a separate paragraph the following:

The President is hereby authorized, in his discretion, to place an embargo against the exportation of oil whether produced under the provisions of this act or otherwise.

Mr. KING. Mr. President, just a word. I very well understand the attitude of the senior Senator from California [Mr. PHELAN] and his opposition to any legislation which would permit aliens acquiring any lands—mineral lands, probably the limitation should be—in the United States. The attention of the Senator was called during the debate last week to the fact that, perhaps, Americans have greater oil interests in other countries than they have in the United States, and that our country, in the near future, will be compelled to resort to other countries for the purpose of getting an adequate supply of oil. In line with the statements then made, I wish to call the attention of the Senate to a statement by Mr. Edward I. Bell, a very careful investigator and, so far as my information goes, a man of good repute and standing in the journalistic world. In yesterday's New York Times appeared an article written by Mr. Bell, in which considerable information is given to the country upon this subject. Among other things, he states:

It is the Mexican oil belt. Within the limits of this largely Indian-owned and jungle-faced patch of ground are 299 producing wells.

The actual proved capacity of the 299 wells is nearly double that of the entire 230,000 wells of the United States.

We—

That is, the Americans—

own 204 of the 299 wells. The British own 69. Mexicans in association with Spaniards, French, Cubans, and others (mostly residents of Mexico) own 26.

The proved capacity of the 204 American-owned wells—

In that small tract—and Americans own other wells in addition to those which have been developed—

exceeds 1,300,000 barrels a day; of the 69 British wells, a little less than 200,000 barrels a day; and of the 26 wells of Mexican and mixed ownership, a little more than 100,000 barrels a day.

One of the American-owned wells, the Cerra Azul (Blue Mountain), of the Mexican Petroleum Co., has a capacity exceeding 300,000 barrels a day—

Equal to one-third of the production of all the oil wells in the United States.

I wish to invite the attention of the Senate to the fact that if the amendment just suggested by the Senator from California should be adopted and we should forbid exportation of oil we must expect similar legislation, or perhaps more drastic legislation, at the hands of Mexico. If Mexico so acted we would be the cause of permitting the exportation from Mexico of a much greater quantity of oil produced by American-owned wells than that now yielded by all the wells in the entire United States. Any legislation of the character suggested by the Senator from California, in my humble opinion, would be harmful to our Nation as well as to all classes of people. I would like to see the oil products of the United States retained for use by the Government and the American people. But we must not forget that our oil supply is limited and that we are securing oil in other lands. The oil holdings of American citizens in other countries yield more than the output of the wells in the United States. It would be a shortsighted policy to so legislate as to provoke retaliatory legislation from other nations; we would lose more than we would gain.

Mr. PHELAN. Mr. President, of course no parallel can possibly be drawn between Mexico and the United States. We are trying to conserve our oil for the purpose of its commercial use both by land and sea, whereas Mexico has no use for its oil except for exportation, being a country where there is little of industrial life. The production of oil is a source of very great revenue to Mexico and to the rulers of Mexico, so that there is no danger that they would deny themselves that prosperity by putting an embargo upon exportation, unless indeed they were required to do so by the hostile act of some other country with which we were at war. Therefore I do not consider that it involves any grave danger.

I wish to emphasize the fact that my amendment——

Mr. KING. Before the Senator leaves that, may I ask him a question?

Mr. PHELAN. Yes.

Mr. KING. Does not the Senator think, admitting that Mexico desires to obtain as much as possible by way of revenue from her oil wells and oil output, that she could accomplish that by a procedure something like that which the Senator suggests, namely, an embargo so far as America is concerned, limiting the embargo to shipments to America, and sell the oil to England or some other of the countries the Senator thinks are trying to obtain a monopoly of all the oil of the world?

Mr. PHELAN. The Senator will agree with me that by such an embargo we do no substantial injury to Mexico itself.

Mr. KING. I grant that.

Mr. PHELAN. Because Mexican nationals are not seeking the privilege of owning oil wells on American soil.

Mr. SMOOT. Does not the Senator believe, if we adopted his amendment and put an embargo upon oil, that England could immediately go to Mexico and say, "We will take the product of your wells and distribute it throughout the world; we will get the control of that oil; and you can retaliate upon the United States and pass an embargo on oil so far as the United States is concerned"? Is there a better way in the world for England to get control of the oil of Mexico than that very way? And that, I am fearful, would be the result.

Mr. PHELAN. Mr. President, I am accomplishing my purpose in bringing about a discussion of this subject. The Senator from Utah is perfectly right in saying that if a country desires to do injury to the United States it might inspire Mexico, having no substantial interest in the matter itself, to do an act which would be hostile. It may do that in any event. Our relations with Mexico are somewhat disturbed, and if this amendment would add in any measure to a further disturbance of those relations, which I can not quite conceive, I would not ask for the adoption of the amendment. But the Senator read his amendment to the committee bill which gives the President power to take over the property of any foreign corporation which might be acquired under this bill, and gives the Secretary of the Interior, in his discretion, the power to take over the oil itself from any foreign company organized for the purpose of extracting oil from the public domain of the United States. That leaves a greater and wider field open, namely, the privately owned and proved oil properties of the United States, as, for instance, those of California, Oklahoma, and Texas. There is nothing in the amendment of the Senator to prevent foreign governments from getting control of such oil. His amendment relates only to oil extracted from the public domain under the powers granted by this bill. So that the great field is still open.

I am sure there is a disposition upon the part of Congress to regulate the matter. Is there any way within the Federal power to prevent or discourage the acquisition of privately owned American oil wells by foreign governments? I am advised there is no constitutional power in the Congress to prevent it; but if the President had the power to put an embargo upon exportations at any time it might discourage foreign governments from making the investment. That is all there is of it.

Mr. WILLIAMS. Mr. President, before the Senator from California sits down, I should like to ask him a question. The Senator used the word "government." Does any foreign government own any oil wells within the United States, or does the Senator mean to say "nationals of foreign governments"?

Mr. PHELAN. Mr. President, I spoke advisedly; I mean foreign governments. The foreign governments do not own in their own name these oil properties, but I am credibly informed by one of the most reliable men in this country—and I introduced it the other day in my address—that the Royal Dutch Shell Co. is owned substantially by the British Government; that is to say, the British Government owns the Anglo-Persian Co., just as they own the Suez Canal, by owning a majority of its shares; and that when the oil properties were acquired by Great Britain at a public sale by the alien property custodian during the war

in England, the British Government came into possession of a majority of the shares of the Anglo-Persian Co., and the Anglo-Persian Co. owns the Royal Dutch Shell; so the British Government itself, by owning the preponderating interest in the Anglo-Persian Co., actually owns the Royal Dutch Shell.

Now, the Royal Dutch Shell has subsidiaries all over the world, and they have, among others, the Dutch Shell Co. of California. Therefore the British Government owns the Dutch Shell Co. of California. It is a mere deraignment of title that I describe. I repeat, my information is that the control of the Royal Dutch Shell Co. was, before the war, owned by the British Petroleum Co. This company was owned by German stockholders, and their shares were bought, when offered by the British alien property custodian during the war, by the Anglo-Persian Co., which is owned by the British Government. So the British Government owns in fact the Royal Dutch Shell and its subsidiaries. Now, what we want to do is to discourage, let us say, the British Government or the French Government from buying any more American oil properties. How shall we do it?

Mr. FALL. Mr. President, I should like to ask what the Senator is reading from, and from what source his information comes as to the ownership of these companies. Is it from the report of Mr. Van. H. Manning?

Mr. PHELAN. It is not, although the Manning report confirms it, so far as it goes.

Mr. FALL. Well, from whom—Mr. Requa?

Mr. PHELAN. It is not from Mr. Requa.

Mr. FALL. Then I should like to ask where it comes from, because I have contrary information here on my desk.

Mr. PHELAN. I have a letter here from a man named Tweedie, who has denied it. I do not know who Mr. Tweedie is. I believe he is an oil broker in New York; but my informant is probably one of the best-known men interested in these matters in the United States, and he gave it to me in confidence, and I do not feel quite justified in using his name; but I should be very glad to give the information privately to the Senator.

Mr. FALL. Mr. President, when I am treating with anything that is before the Senate, and I am asking them to vote yes or no, I will not ask them to vote blindly upon some matter which I hold in confidence. Now, I have some information, and it may be the intention of my informant to give it to me in confidence. I do not accept it in confidence, and I never do accept any information which would influence my action which I can not impart to the Senate of the United States when I am trying to influence them. My information, direct from California, the Senator's own State, and from the Shell Co. itself, by telegram—and if they make a misstatement about it undoubtedly the truth can be ascertained—is as follows:

Sixty per cent of Shell Co. stock held by Royal Dutch in Holland and 40 per cent in hands of Shell Transport & Trading Co., of London. Neither British Government nor Holland Government control this business.

Mr. WILLIAMS. Has either Government any stock in it at all?

Mr. FALL. I think not; but I am reading it for exactly what it is worth to me.

Mr. PHELAN. Does the Senator state from whom the telegram was received?

Mr. FALL. I said it was from the Dutch Shell Co., operating in the Senator's own State of California.

Mr. PHELAN. Well, of course, it would be in the interest of the Dutch Shell Co. to make it so appear.

Mr. FALL. Undoubtedly it would. Nevertheless, until the Senator will disclose his information to the contrary, I believe that the Shell Co., of California, is telling the truth.

Mr. FALL subsequently said: Mr. President, in my remarks of a few moments hence I referred to a telegram from the Dutch Shell Co. At the request of several Senators I should like to have this telegram inserted following those remarks which I made in answer to the Senator from California.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *August 22, 1919.*

JAMES SHERIDAN,
1127 Woodward Building, Washington, D. C.:

At request of Gen. Andrews we submit following information: Shell Co. of California took over holdings of California Oil Fields (Ltd.), January 1, 1914. California Oil Fields (Ltd.), British corporation, engaged in oil production since 1902. Its production in 1909, 4,600,000 barrels; 1910, 4,500,000 barrels; 1911, 4,200,000 barrels; 1912, 4,900,000 barrels; 1913, 5,300,000 barrels. Since Shell Co. took over properties California Oil Fields (Ltd.), 1914, production has been as follows: Nineteen hundred and fourteen, 4,300,000 barrels; 1915, 3,100,000 barrels; 1916, 4,700,000 barrels; 1917, 6,300,000 barrels; 1918, 6,700,000 barrels. Decrease in production during 1914 and 1915 entirely due to shutting down of wells pending construction own pipe line to seaboard and refinery at terminal. Increased production since 1915 not due to extension holdings, but merely to more intensive development. Although Shell Co. has extended its holdings since it took over properties from California Oil Fields (Ltd.), none of those have contributed to increased production. Most of those extensions have been abandoned again as giving no prospects. No Government land has been acquired. Production of Shell Co. only 6 per cent of total production of California. Ninety to ninety-five per cent of Shell Co.'s products are marketed locally, the remaining being small quantities shipped to Vancouver, British Columbia, few cargoes of kerosene to Orient, and very small quantities of lubricating oil shipped abroad. Sixty per cent of Shell Co. stock held by Royal Dutch in Holland and 40 per cent in hands of Shell Transport & Trading Co., of London. Neither British Government nor Holland Government control this business.

SHELL CO. OF CALIFORNIA.

The VICE PRESIDENT. The question is on the amendment of the Senator from California [Mr. PHELAN].

The amendment was rejected.

Mr. PHELAN. I reserve a vote in the Senate on that amendment.

The VICE PRESIDENT. The Senator will have to offer it again in the Senate. It has been rejected in the Committee of the Whole, and will have to be reoffered in the Senate.

Mr. KIRBY. Mr. President, I have lying on the desk an amendment which I should like to have stated.

The VICE PRESIDENT. The amendment of the Senator from Arkansas will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

The President of the United States is hereby authorized to mine and develop coal, oil, and gas in any lands belonging to the United States, and to operate the mines and wells under the direction and supervision of the Secretary of the Interior, when in his discretion the public exigency may require that it shall be done.

Mr. KIRBY. Mr. President, one of the Senators has suggested that business principles should be applied to the settlement of this question and in the consideration of this legislation, and I think he was right about it. It seems to me time that some business principles were applied, and that they ought to be applied in the interest of the United States of America, whom this Congress is supposed to represent.

It has been stated here, and is doubtless true, that the nation that controls the oil and coal of the world will dominate the commerce of the world. Nobody disputes that proposition. It is further conceded that the United States of America must have oil and must have coal to operate its Navy and to take care of its merchant marine. It is further known to be true that 40 per cent of the available or indicated oil supply of the United States has already been exhausted. We produce and mine and export 70 per cent of the annual world production of oil. These oils, if there be any in these lands of the United States, belong to the Government. The Government's need for the fuel and the oil is great. It is going to be greater. Why should not the Government that owns the land and owns the oil and has a necessity for the use of the oil in the operation of its Navy and its merchant marine develop the oil on its own land?

Mr. KING. Mr. President, will the Senator permit a question?

Mr. KIRBY. Yes.

Mr. KING. The Senator knows that the Government of the United States has not, though it owns coal lands, mined its coal. The Senator knows that some other Governments have attempted to mine their coal. Notwithstanding the fact that the United States has not mined its own coal, it has been able to purchase coal at the mouth of the tunnels for years, and until the war broke out, for from $1 per ton to $1.50 per ton. New Zealand, Newfoundland, England, and other countries of the world were unable to mine coal as cheaply as the private enterprise of the American people enabled them to do; so that without the Government going into the mining of coal it was able to obtain what it required, at as low a rate and in many instances a lower rate than other Governments were able to acquire it. My information is that for several years prior to the war the American people were able to obtain coal at a lower price than that prevailing in most countries. In my opinion private persons or corporations will mine coal and produce oil much cheaper than the Government can mine or produce these products. And when produced the Government can purchase it, or if the proprietors of the mines refuse to sell, the Government can requisition in times of peace as well as in times of war at the market value. So that there is no necessity for the Government becoming a proprietor, investing capital, and going into the business of prospecting on the public domain for the purpose of finding oil and trying to develop it, and incurring the risks and the hazards that are always incident to such undertakings.

Mr. KIRBY. Then, if the Government can not develop coal or produce coal as cheaply or as readily as it can purchase

coal, and the supply is sufficient, there never will be a public exigency that would require the President to mine the coal. That is a sufficient answer, it seems to me, to that. But why should we have somebody else exploit the Government's land in the production of this coal? Where does the demand come from that has been talked about here for the last 12 years? Who has been demanding that the Government oil lands be opened to exploitation here? That is what I should like to get at. Who is making the demand? The Senator from Utah says that he does not believe in the leasing system, that it is inherently wrong, and he has finally persuaded himself to support the bill.

Mr. KING. The Senator refers to the senior Senator from Utah [Mr. SMOOT]?

Mr. KIRBY. Yes.

Mr. MYERS. May I ask the Senator a question? Does the Senator believe that the United States Government can develop and operate oil wells as economically as private capital?

Mr. KIRBY. Certainly, the United States Government can operate oil wells. When it owns the land it owns the oil.

Mr. MYERS. Does the Senator think the United States Government can operate the railroads as economically as private capital?

Mr. KIRBY. I think it can do it, but it has not done it.

Mr. MYERS. Why has it not done it?

Mr. KIRBY. Because it turned the railroads back to the people who managed them and guaranteed them a dividend without regard to the manner in which they operated them.

Mr. MYERS. They might do the same thing with regard to the oil wells.

Mr. KIRBY. They ought not to do it; and they would not do it if proper legislation were enacted here.

Mr. FALL. Does the Senator want an answer to his question as to who is demanding this legislation?

Mr. KIRBY. Yes.

Mr. FALL. The Senator has his own idea, possibly, from the course that he has taken in offering amendments, as to who is demanding it, but I want to give him my view.

The first people who are demanding it are the people of the Western States, such as mine, whose resources are held back by those who believe as the Senator does. The people of the West are taxing themselves for the maintenance of peace and order and the enforcement of their own laws and the United States laws on the public domain through an enormous area; for building roads 1 mile of which may benefit the taxable property while it will benefit ten times as much property belonging to the United States Government; whose courts are not supported by the Government of the United States, whose officials—State, county, municipal, or otherwise—are not supported in any way by the United States, and whose desire it is to render themselves self-supporting and to actually be in the Union on an equality with the State of the Senator and the other States of the Union under the constitutional guaranty. That is one of the demands.

Another is the natural patriotic demand which all American citizens have—to build up their country, not to hold it back but to develop it, to see, for instance, the cut-over swamp lands in the Senator's State turned into rice fields, as has been done within the last few years, to progress, to go forward. Those are some of the people who want it.

Third, of course, is the ambition of the American who has no other outlet for his ambition to make money, to become prosperous, to raise a family, to build up a State, to realize that he is doing something in this world of ours, and that is the principal demand.

The bill, as has been stated here time and again, and the Senator has referred to it, is not entirely satisfactory. It is not by any means satisfactory to those of us who entertain those views and who live in the Western States, because we believe in the old Anglo-Saxon doctrine that a man's house is his castle, and, built upon that, we believe in individual initiative and not in Government ownership or operation of anything. That we have understood to be the Anglo-Saxon heritage of our people in this country.

Those of us who entertain those ideas are demanding legislation along these lines. We can not get what we want because of the fact that those who have used their inheritance, as the people of Arkansas very largely and people of other States, are now desiring to say how we shall use ours; not only that it should be reserved, but they would tell us exactly how we are to handle it if it is turned loose.

I want to say a word further to the Senator. He has been asking questions with reference to Government development. I am a miner. That is one of my occupations. I have been a practical one. I have worked in quartz mines with my own hands for wages for myself. I make the broad assertion here that never has there been a mine opened in the United States by geological or other experts—I mean discovered, found, and developed in any way by a geological or mining expert or mining engineer. It is the individual, the American, who goes out, sleeps on his blankets, punches his burro loaded with frying pan and coffee pot and pick and shovel and a stick or two of dynamite and a hammer. He is the man who has discovered and made possible the development of the great mineral wealth of this country, which has poured into the laps of the people of the United States over $8,000,000,000 saved, not eaten up, but here now and which they are using. He is the man who has done it, and is one of the men who are demanding legislation of this kind because he can get no other.

Mr. KIRBY. Mr. President, I had not expected, of course, to make a lengthy speech when I commenced. I had only intended to devote a little of my time and the time of the Senate to a discussion of the amendment I have proposed. Another matter I should like to suggest for consideration of the Senate is that the friends of this bill have taken about nine-tenths of the time in discussing it, and that anyone who does not seem to be in favor of it is continually given the opportunity to listen to an explanation of the beauties of the bill.

Answering the Senator's question, who says he is not in favor of the Government owning or operating anything, I am in favor of the Government continuing to own and operate the Navy, and I am in favor of increasing the Navy of the United States, with the Government facilities and business and power to operate it, until it shall excel the power of any other navy on earth; and I think that conditions within the next six months will justify that expression of opinion and belief largely in the minds of the people.

We have a merchant marine that we have talked about developing. We have built many ships at the expense of the Government. We built those ships because the exigencies required that the Government should go into the business, that private enterprise of the country was unequal to it. We have expended the people's money for the ships that have been constructed. The necessity exists for the transportation of our commerce across the seas, and why should not those ships be retained by the Government and be used in carrying the commerce of the United States? The ocean is certainly free, and it is supposed that we have the right to the use of the high seas. The ocean does not need to be repaired. The Government owns the ships—it has built and paid for the ships, it has paid for the transportation facilities—and why not let the Government own and control its own merchant marine? It ought to be done.

There is another question. The Senator has said it is not fair to the Western States that they should pay taxes for the roads when the Government has a great deal of property in the States and is not developing the country and is not paying taxes. Then, it is better, in place of exploiting the Government lands for the benefit of private individuals, to let the Government pay a just proportion of the taxes toward those improvements, and I favor that being done.

Mr. FALL. Will the Senator yield for a moment?

Mr. KIRBY. Certainly.

Mr. FALL. Has the Senator offered to take a dollar of the people's money, the taxpayers' money, for the exploitation of those lands to see whether the Government can discover oil or not?

Mr. KIRBY. No; but I say it ought to be done. That is what I am talking about now.

Mr. FALL. Then go at it in that way.

Mr. KIRBY. That is exactly what I am endeavoring to do here.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator from Arkansas whether his amendment ought not to be accompanied by a little appropriation?

Mr. KIRBY. I have no disposition not to put an appropriation on it.

Mr. WALSH of Montana. How much would the Senator like to vote for in that connection?

Mr. KIRBY. I should like to vote whatever is necessary.

Mr. WALSH of Montana. How much would the Senator think necessary?

Mr. KIRBY. You might have a million dollars to start with. That would start out a good big army of prospectors.

Mr. FALL. I can say for the Senator's information, and I will guarantee that I can prove it later if he wants the statistics, that in the western oil fields to-day, in the petroleum industry alone, the individuals are putting in money with the expectation that they will be compelled to put in an aggregate

sum of approximately $25,000,000 in the endeavor to exploit these lands.

The Senator was not here possibly when I spoke of the first cost of an oil well itself, and does not know that when a man has developed his oil well 40 wells need pumping where one is a gusher. He does not possibly realize that when a man gets a gusher he is then just commencing to find his difficulties. Where is his market? How far is he from the railroad? How will he get his oil shipped? How does he get it to the railroad? Does the Senator imagine that he takes a bucket in one hand and a gallon pot in the other, and carries his oil from the well 25 or 30 miles to the railroad? No; you must build an oil line; you must have reserve tanks. If your well is a going well, you must have it in such shape that you can save the oil, because the bill compels you to do it. You must expand and adapt your reservoirs to the situation and then get some method of piping your oil. It can only be done by piping. Oil pipes to-day to conduct the ordinary flow of oil from any well will cost not less than $2 per foot.

Mr. KIRBY. I was talking about finding the oil. We are trying to find the oil first.

Mr. FALL. Yes; and I have known of 40 or 50 or even 70 per cent of mining companies that have made failures, that spent their stockholders' money exactly by following the same theory by which you would spend uselessly the taxpayers' money. I have known them to proceed exactly as the Senator has talked, about making a discovery, and then go ahead and build with an eye to the future.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to make a brief suggestion?

When the Government goes to tax itself to find oil or any other mineral, you will find that the experience of the world has been not only with oil but all the precious metals that I would say a fair estimate is that five to ten times more has been put into the ground in all these enterprises than was ever taken out of the ground. If the Government went into the hazardous business of prospecting, the result would be that it would get one oil well that would pay and 500 that had no oil in them, and the Government would be bearing the loss instead of the individual enterprises, the ambition and hope of the poor prospectors, who have lost that amount of money. It would break the Government in four years for the Government to attempt to spend what would be spent by the individuals in trying to develop the resources of the country.

Mr. SMOOT. The Senator might add that it would cost the Government at least twice as much as it would cost the individuals.

Mr. SMITH of Arizona. Easily; and then you have it beyond the power to reach except by the taxation of every individual in the country in a very doubtful enterprise. One in fifty probably succeeds.

Mr. KIRBY. Mr. President, the disclosures made by the Senator may be correct in a limited way, but they do not disturb me or make me fear that anything is going to break the Government after we have been through this last war and had the frightful strain on the Government that has been put upon it by the necessity for preparation for and the conduct of the war.

Mr. SMITH of Arizona. We have not paid for that yet.

Mr. KIRBY. It is suggested that private enterprise would do better in developing than the Government could do. Just in answer to that let me ask, While the war emergency was on what did private enterprises do but get in behind the Government and get the Government to come to their aid? They said we want so much money out of the Government Treasury to develop the mines that have already been found and are producing; we must have money; and the Government put it up. They had to rely on the Government under those conditions. They asked for help and they got it. There is the difference. What is wrong with the Government taking its own oil out of its own land and using it for the purposes for which oil necessarily must be used and consumed? Is there anything wrong with the proposition from any standpoint?

I will ask, Who is behind the demand for this legislation? I have had four answers to the question and none of the Senators have answered it yet.

Mr. WALSH of Montana. The trouble is that when the oil is merely discovered the work is only begun. When the oil is dug out of the ground the work has only begun.

Mr. KIRBY. I understand that.

Mr. WALSH of Montana. In the first place, you have to find it in the ground.

Mr. KIRBY. Yes; but you know it is there after you have found it.

Mr. WALSH of Montana. Yes; but you do not know it until you do find it. You have to sink a well, and you may not strike it.

Mr. KIRBY. Certainly.

Mr. WALSH of Montana. You may sink another well and you may not find it. You have to take, in the first place, all the chances that the ordinary mining prospector takes, and after you have done that you have to find the means of transportation, you have to build a pipe-line system, and then when you get your pipe-line system in operation you have either got to turn it over to the Standard Oil Co. to refine it or you have to build a refinery, and when you build your refinery you have got to build manufactories in order to produce all the by-products or you will be developing your oil uneconomically. When you do all this you have to build up your market organization in order to market it. So I submit to the Senator the man is only at the margin of the proposition even after he digs the oil.

Mr. KIRBY. I can not see where the Government would be at any more of a disadvantage in discovering oil and digging and producing oil and refining and marketing oil. It does not need any market for oil. It could supply the market itself for the entire output. I do not see any argument in that at all.

Mr. THOMAS. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Colorado?

Mr. KIRBY. Certainly.

Mr. THOMAS. Do I understand the Senator to say that during the prosecution of the war the Government was called upon to furnish money for the opening of mines in the United States?

Mr. KIRBY. Yes.

Mr. THOMAS. What mines?

Mr. KIRBY. I do not know. There was a bill here appropriating so many million dollars for that purpose.

Mr. THOMAS. The Senator is mistaken. There may have been a bill introduced for that purpose. There are bills introduced for all kinds of appropriations, but I am sure the Senator is in error when he states that the Government was called upon during the war to supply money for the opening and exploitation of mines.

Mr. KIRBY. I understood that we provided so many million dollars for the production of certain ores in the emergency.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. KIRBY. I yield.

Mr. FALL. The bill to which the Senator evidently refers was a bill reported from the Committee on Mines and Mining, and advocated by the chairman of that committee very successfully. The then chairman of the committee, the Senator from Arkansas [Mr. ROBINSON], sits behind the Senator at this moment, and he can inform him about it. It was a bill for the encouragement of the development of tungsten, manganese, and other minerals of that character which this country was not producing. It did not provide any Government appropriation whatsoever for the assistance of any miners or the opening of mines, but it did provide that the Government might intrust some individual to operate a mine of these valuable minerals, and if he would not operate it the Secretary of the Interior might take it and operate it himself, and it did provide certain funds for work of that kind.

Mr. KIRBY. I think that is unimportant, anyway.

Mr. FALL. The Senator asked a question which can not be answered except by an explanation. The Senator said my explanation a few moments ago, as to who was behind this bill, did not explain; that he had heard no explanation.

Mr. KIRBY. I did not regard it as sufficient.

Mr. FALL. I think I know what the Senator has in mind, possibly, and I think it is erroneous. The Senator has in mind, possibly, those of us from the West who say that we do not get favors from the Government, and therefore there must be some other influence behind it than those which I have explained as existing.

The Senator may have more or less knowledge concerning oil mining—how it is done in Texas. I think possibly he has some personal experience as to how they proceed to dig wells in Texas for the development of oil lands. In the development of mineral lands of any other kind or character it is possible to make a discovery on the surface, and following that discovery on the surface the poor man, following his burro with his pick and shovel and camp outfit, may be able to do enough work to ascertain whether or not it is of sufficient value to justify him in continuing the work or seeking capital for that purpose. But in making an oil discovery it is not possible to do it. The laws of the United States have been very defective. While they

allowed a unit of 20 acres to an individual and 160 acres to an association of individuals to constitute a placer location, yet the department has ruled that the location was not good or effective until after a discovery had been made. So, under the law existing to-day, the consequence was that where you have to go 2,000 or 3,000 feet, unless you can have exclusive possession of your placer claim, of course you are not justified in gambling $100,000 on it. That is what it means. If exclusive possession could be obtained, if the Senator will join me now and assure me that through his efforts and mine two years' time should be granted under the placer laws of the United States to every locator of 160 acres in which to make a discovery of oil, I will agree to vote against this bill and for such a proposition; but we have not such a law.

The consequence is you can not raise the money on a placer claim located under the present law. Those of us who believe, as I do, in individual initiative, which has built up this country, much prefer the placer law as it exists, provided we shall have time after making a location on the ground to make the discovery before some one else shall come in and take it away from us. That is the system in which we believe; but the conservationists, under the lead of gentlemen who were mentioned here a day or two ago, have been successful in fastening upon the people of the United States their theories of governmental reservation and control of our underground riches. Therefore, we have not been able to get either of the departments to agree with us that the old law should simply be amended so as to make it fit the petroleum case. They have insisted not only that petroleum but now potash and other deposits of like character should remain in such condition as that the Government shall not part with the fee. Heretofore we have developed our mineral wealth by securing the fee. Now, the policy has been changed, and, as we could not get the assistance of the departments, and met with the opposition of very many earnest and sincere men who believe in Government ownership, in our effort to be permitted to develop the petroleum deposits, as we have developed coal mines and the quartz mines under the old system, we have been compelled to meet them more than halfway and submit to the Government retaining the fee and restrictive rights, and to adopt a lease system. We have done that simply and solely because we did not want our resources tied up. New Mexico wants an equality under the Constitution and laws of the United States with the State of Arkansas. That is what is behind this bill.

Mr. KIRBY. I certainly shall concede that New Mexico ought to have as much right as any other State, and it has under the operation of the law, in my judgment.

Now, as to the demand for the bill. Senators have heard the explanations given; they have heard every Senator who is advocating the bill say he did not favor it; that is, that he was not for the principle; that it was wrong and ought not to be enacted, but——

Mr. LENROOT. Mr. President, the Senator does not want to make quite so sweeping an assertion as that.

Mr. KIRBY. I beg the Senator's pardon.

Mr. LENROOT. This is the kind of a bill for which I have been fighting for a good many years, I will say to the Senator from Arkansas.

Mr. KIRBY. The Senator is an exception; but I have heard three Senator's make the statement which I have just repeated.

Mr. WALSH of Montana. I take occasion to rise to say that the principle of the bill has my full indorsement.

Mr. KIRBY. Well, there are two Senators who have made that statement. It seems that I misunderstood them, if they have spoken on the question at all.

The point I am trying to get at is that the Senators who are opposed to the principle or who are opposed to this method of legislation are favoring it now because they think it is the best they can possibly procure from Congress, and they think the necessity exists for the development of these oil fields. I presume that is the explanation.

Evidently all of the people are not demanding the passage of this bill, for a telegram has just been read here from a thousand people in California who are opposed to it. They say it is wrong in principle; that it will be injurious in its operation and effect. They speak directly; they live in an oil-producing State and state what the condition is.

Senators say that they do not want the resources of the country tied up; that they want them developed; that they want the riches uncovered and distributed among the people of the Nation; and it is said that private enterprise can do that better than can governmental enterprise under the conditions. Then Senators go on and say that it takes much money to develop an oil well. What is proposed to be done? To give a man who discovers oil 640 acres of land and then to let him have 1,920 acres more—2,560 acres altogether—and to let him have it for 20 years before there is any readjustment and any different arrangement about the payment of royalty; and then to allow him to have it 10 years longer without a readjustment.

Mr. SMITH of Arizona. Why should such a man not have the land all of his life?

Mr. KIRBY. Well, we will get to that.

Mr. SMITH of Arizona. That is the reason I object to the bill, because it is proposed to put this limitation on a man's industry. That is the reason why the people to whom the Senator from Arkansas refers object to the bill, because it makes a purely private enterprise a socialistic governmental affair.

Mr. KIRBY. But this is Government land yet; it is hardly a private enterprise until the Government makes some sort of a disposition of it. However, I am calling attention to the other side of the proposition.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Does the Senator from Arkansas yield to the Senator from Utah?

Mr. KIRBY. I do.

Mr. SMOOT. If it is Government land, would the Senator from Arkansas be opposed to providing that the Government should pay taxes upon it?

Mr. KIRBY. I should favor the Government paying sufficient taxes to assist in local improvements.

Mr. SMOOT. Yes; but the Government does not even pay a dollar of taxes.

Mr. KIRBY. It ought to do so.

Mr. SMOOT. Not only that, but the Government of the United States in the Western States has in many cases withdrawn half of the area of the State; and every head of cattle, every sheep, every animal that goes upon the land and eats a little grass from it is charged for at so much per head.

Mr. KIRBY. That is a wrong policy. I think the Government ought to pay on its property a fair amount for the development of local improvements, and I am willing to provide for that.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. KIRBY. I do.

Mr. JONES of New Mexico. I should like to ask the Senator from Arkansas if he is of the opinion that there is any probability that the Government will do the thing which he says he favors?

Mr. KIRBY. I think it is right and that it ought to be done. The Senator from New Mexico is here; what does he think about it?

Mr. JONES of New Mexico. I do not think the Government is going to do it. I think the Senator from Arkansas is, perhaps, the only Member of this body who would vote in favor of the Government paying taxes to the States on the land which it owns in the respective States.

Mr. KIRBY. I did not say that, and I do not say it now.

Mr. JONES of New Mexico. And the Senator from Arkansas certainly will realize that something should be done in this case. If the plan which he proposes has no possibility of adoption then he ought to be willing to come to some other reasonable arrangement, which Senators have been working for and which they have concluded will, in a measure, meet the existing situation.

Mr. KIRBY. I do not agree that some particular thing ought to be or has to be done; but I will come to that in a minute.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Arizona?

Mr. KIRBY. I yield.

Mr. SMITH of Arizona. Mr. President, I introduced here the latter part of last week a bill covering this matter, and I am sorry to find that my friend from New Mexico [Mr. JONES] has already expressed some opposition to it. I desired to bring this question to a test and proposed to establish a precedent. The Government now has great forest reserves, amounting to something like 11,000,000 acres in my State, comprising the most valuable land in the State, and embracing 52 per cent, I believe, of the area of the State, forcing the State to live on the remainder, the unoccupied portion of which is the very essence of a desert. I have introduced a bill providing that the Government shall pay 2 cents an acre on the forest reservations in my State to help build roads on those reservations.

Mr. KIRBY. That is all right.

Mr. SMITH of Arizona. And also to help develop the State in a measure. I have already, however, met opposition by my friend from New Mexico, who has had experience with the Land Office, and I know from an experience of something like 30 years in public life how difficult it is to get the Government to provide any remedy after taking everything in the State.

That has been the trouble with us from the start. If all would be as liberal as my friend from Arkansas [Mr. KIRBY] and I could get the consent of this body that the Government pay the miserable sum of 2 cents an acre for the 11,000,000 acres that it has reserved from State use, or, as it has done in the case of Washington City, assist us on a 50–50 basis when it takes 50 per cent of our resources, I should be much pleased. I merely suggest, as other Senators have suggested, that we are in a position here where something must be done. I am opposed to this bill because it is too much in the line of what the Senator himself wants—simply on that account—too much in line with what he is seeking for. I am with those California protestants who want this land free for developme by the individual and the Government to keep its hands off.

We are in a condition now where we can not develop oil or coal in the western section of the country. If a man discovers a coal field the Government comes and makes a reserve out of it; and then that is the end of it, no matter how many years he has been working on it. Under this bill we are trying to get from under those conditions, and when we who are on the extreme other end have made all the concessions in order to get any development whatever, it seems to me strange that our friends from the East should now try to frustrate our efforts, take the heart out of us, and aim to go further than even this bill goes.

If Senators will think for a moment and remember that everything is now in such a condition that we can not do anything, that we are trying to get from under present conditions and see if we can not do something, I believe they will appreciate the necessity for action. I do not believe this bill will be a complete success, but it is the only earthly chance we have.

Mr. KIRBY. Mr. President, I do not, of course, favor the Government paying taxes on its land in any particular case; but the Government ought to make a sufficient appropriation of money to constitute an equitable pro rata of the expense of making necessary improvements in the particular States where lands are reserved, and I am in favor of that being done.

It is said that the Government can not be induced to do anything. Why can it not? Who constitutes the Government? Is not the Senate a part of this Government of the United States? If the Senate thought this or thought the other thing ought to be done, it certainly could say so. There is no use of saying that you can not do this thing or that thing or the other thing until you have tried it and failed.

In regard to the development of these lands it is said that it requires so much money that you have got to give the man who gets a location a 20-year lease on 2,500 acres of land, and that you have got to give him a 10-year lease at the end of the first 20 years. Many of the oil fields are absolutely exhausted at the end of four or five or six years. That is true; nobody will question that at all.

Now, as to the value of the oil when it is produced. Talk about the poor locator who has only been able to develop a well that will furnish 10,000 or 15,000 or 30,000 barrels of oil a day! How long would it take him to pay for the expense at the rate of 30,000 barrels of oil a day at $1.80 a barrel?

The Senator from Wisconsin said that business principles must be applied to this matter. He says that a man would not lease a building for five years at a certain amount and at the end of five years agree that somebody else might go in and bid against him. Certainly a building would not be leased under those circumstances, but if enough oil is produced in one day to pay the expense for 30 years, why should there not before 10 years be a readjustment of conditions?

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Wisconsin?

Mr. KIRBY. Yes.

Mr. LENROOT. Does the Senator know of any well now upon the public domain or any prospect of any well upon any land covered by this bill that will be anything like as productive as the well of which the Senator is speaking?

Mr. KIRBY. I have as much faith in the oil-producing public lands as the Senator has. He thinks they are worth exploiting and that this bill ought to be passed. There are being discovered wells of that kind in Texas, and wells of a most remarkable productive capacity have been discovered in Mexico. Why might they not be discovered upon the public domain?

Mr. SMITH of Arizona. And in Arkansas.

Mr. KIRBY. There have been none discovered in Arkansas, although I have helped to dig some dry wells myself.

Mr. FALL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. KIRBY. Yes.

Mr. FALL. Arkansas is a public-land State?

Mr. KIRBY. Yes.

Mr. FALL. How was it developed?

Mr. KIRBY. It was developed by the people who went there.

Mr. FALL. That is all that the people of New Mexico or Colorado or Arizona or any of the other States are asking?

Mr. KIRBY. That is all; that is what I am talking about now.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. KIRBY. Certainly.

Mr. JONES of New Mexico. The remark made by the Senator leads me to ask him if he thinks that there is so much profit in the oil business would it not be a good thing for the Government to go down into Texas and buy some of the oil wells?

Mr. KIRBY. Certainly it would.

Mr. JONES of New Mexico. And prospect some of the land in Texas where it has been demonstrated there is oil?

Mr. KIRBY. I will come to that proposition. That is what I desired to speak of in the first instance, but I have had so many interruptions that I have been diverted. It has been demonstrated that the Government of England is trying to control the oil production of the world. We have great need for our oil from now on. What is being done by the other Governments of the world? Great Britain is handling the situation—

(1) By creating a permanent governmental petroleum department (the petroleum executive under the war cabinet is to be made permanent) with powers and duties as follows: (a) To act as an advisor in petroleum matters to all other branches of His Majesty's Government; (b) to grant concessions for all oil development within the British Empire; and (c) to advise and assist British oil companies in securing concessions, carrying on work, and conducting trade in other countries.

(2) By debarring foreigners and foreign nationals from owning or operating oil-producing properties in the British Isles, colonies, and protectorates.

Prospecting for petroleum or working a petroleum property is lawful in the United Kingdom only for the board of trade or minister of munitions or person or persons authorized by them. (D. O. R. A., 2–A A A, Jan. 31, 1919.)

(3) By direct participation in ownership and control of petroleum companies.

And so on.

In France similar steps are being taken, and the Japanese Government and the Government of Argentina have withdrawn oil fields in their domain from private ownership and development. That is what the other nations of the world are doing. We have exhausted 40 per cent of our indicated oil supply, and why should we not develop the oil in our own lands and keep them withdrawn from private ownership or development?

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. KIRBY. Certainly.

Mr. WALSH of Montana. Is it the understanding of the Senator that any foreign countries themselves engage in the business of prospecting for oil and the development of oil territory?

Mr. KIRBY. I do not know that that is true, but I am talking about what the policy is and what they are trying to do.

Mr. FALL. Mr. President, I undertook to explain this question a few days since, but the trouble about it is that some Senators go out when one branch has been discussed and do not hear the discussion of other topics and then come back and ask questions. The purpose of Argentina, it seems, is this: Argentina has reserved from ordinary location or acquisition under ordinary laws the fee simple to the land including with it the subsoil, the deposits below; but she does not operate or attempt to operate the oil wells of the land herself. If a man desires to acquire the right to operate land, he can go to Argentina and secure a lease. That is what we are trying to provide for under this bill. That is what some people in

this country are constantly criticizing those of us who have been interested in Latin America for doing because a lease or a franchise there is known as a concession. An individual can simply go to the Government and under their general law secure a specific right to operate a certain piece of ground. That is what we are proposing to do here. It is a change of the old law. That is all there is of it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. KIRBY. Yes.

Mr. WALSH of Montana. I should like to say also for the information of the Senator that we have been pursuing exactly that policy for some time. We have been conveying away our homestead lands, but reserving the mineral rights, that is, the oil and coal. Wherever lands are withdrawn on the suspicion that they contain oil or coal they become subject to homestead entry, but the homestead entryman does not get any oil or coal. That remains subject to disposition by the Government, and this bill provides for the disposition of it. That is the Argentine law as well as ours.

Mr. KIRBY. The report I read from, the regular report, says that these Governments have withdrawn oil fields within their domain from private ownership or development.

Mr. FALL. That is it exactly, Mr. President, if the Senator will yield. That is the point exactly. Heretofore, as the Senator pointed out to the Senator from Arkansas to-day, we have always given the fee of the mines and mineral lands and all to the individual. We are changing that system. He is pointing out now with approval, apparently, the foreign system, the Argentine system, which we are adopting and to which some of us are opposed; but as we can not get any other, we are willing to adopt it.

Mr. KIRBY. As I understand the Senator's position, then, we have withdrawn all this from private development, and now we are opening it to private development. Is that the idea?

Mr. FALL. Why, the Senator has endeavored to explain, and will explain again, that as opposed to Government development and operation we are proposing to allow individual development and operation under Government supervision, paying a tax to the Government upon every gallon of oil taken out.

Mr. KIRBY. I understand that. That is what I say.

Mr. FALL. The Senator apparently wants to drop this system—not only the old system under which we have been operating, of private ownership, but to throw aside the system of private development under Government control, and go into Government ownership and operation.

Mr. KIRBY. When it becomes necessary.

Mr. FALL. Then let us go into it all the way through. Let us apply it to the State of Arkansas. Let us take over the rice production and the cotton production and the lumber production of the State of Arkansas.

Mr. KIRBY. The Government does not need rice and lumber.

Mr. FALL. Mr. President, if it had not been for the fact that the predecessors in interest of the Senator from Arkansas were allowed to develop their own State, there would have been no State of Arkansas, and he might possibly have been a delegate from some portion of the Louisiana Purchase.

Mr. KIRBY. I do not know about that; but we are dealing now with present conditions, and Arkansas is pretty well developed. I am rather proud of the old State.

Mr. FALL. So am I, Mr. President; and I am asking the Senator to join with me in helping me to develop my State.

Mr. KIRBY. And I am perfectly willing to help the Senator to develop his State under conditions which I think are fair to the government and right.

Mr. FALL. Precisely.

Mr. KIRBY. I do not think they are as proposed by this bill. That is what I have been trying to tell everybody here.

Mr. FALL. Why, certainly not. Under the laws existing in Arkansas you took to yourselves every lead mine, every zinc mine. You own them. The Government has nothing to do with them. You own your lumber. The Government has nothing to do with it, except one little forest reserve that exists in your State. You took your own lands in fee. You could build up a State, tax yourselves, and become independent American citizens. You did that, as you say. You do not want us to do it.

Mr. KIRBY. Not at all. The Senator is mistaken about that.

Mr. KING. Mr. President, will the Senator yield?

Mr. KIRBY. What I am trying to impress on the Senate is the fact that other Governments are withdrawing all their oil fields from private ownership and development, because the necessity seems to require that it shall be done.

Mr. FALL. The Senator is wrong. I have pointed out to him what the other Governments are doing. They are not withdrawing them from development. If the Senator will yield to me just a moment I will explain to him so that if he listens to me now, with his mind open, he will never again make the mistake that he is making now.

Mr. KIRBY. I think I have understood everything the Senator has said.

Mr. FALL. Very well. Then I will simply take time to say that the Senator does not understand at all the subject that he is attempting to discuss.

Mr. KIRBY. Yes; I understand the Senator's position thoroughly, and I do not agree with him at all about it.

Mr. FALL. No; because the Senator does not understand.

Mr. KIRBY. I do not mean, of course, to be discourteous to my friend from New Mexico. I have listened to him——

Mr. FALL. Well, there are some things I meet that are very discouraging.

Mr. KIRBY. I hope the Senator does not think I am discourteous to him, because there was nothing of the kind intended.

Mr. FALL. I know that the Senator is acting in good faith, and I have asked him to listen in good faith to a subject to which I do not think he has paid very much attention.

Mr. KIRBY. I have listened carefully to the Senator, and I think I can understand the English language probably as well as any other man in the Senate. That is the idea I have in my own mind about it, and it is plain here, plainly written. This is what this report says about a particular condition, and I have cited it as a report. I do not question the Senator's statement.

Mr. FALL. May I ask who wrote the report?

Mr. KIRBY. Mr. Requa, I think the name is—M. L. Requa, general director oil division, United States Fuel Administration; Van. H. Manning, Director Bureau of Mines; and George Otis Smith, Director United States Geological Survey. That is the report I am reading, and I am only reading it for what it is worth. That is what it says here, and that is probably what it means.

Now, as to the situation in Mexico:

> Article 27 of the Mexican constitution of 1917 states that "in the nation is vested direct ownership of * * * petroleum and all hydrocarbons—solid, liquid, or gaseous"; also that "only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters, or their appurtenances, or to obtain concessions to develop mines, waters, or mineral fuels in the Republic of Mexico. The nation may grant the same right to foreigners, provided they agree before the department of foreign affairs to be considered Mexicans in respect to the same, under penalty, in cases of breach, of forfeiture to the nation of property acquired."

That is the condition in Mexico, where the greatest oil wells in the world have been discovered. Even Mexico knows that much.

Mr. FALL. What was that?

Mr. KIRBY. I just read the section of the constitution of Mexico about the development of oil fields hereafter, in which it says that all foreigners must become Mexicans in order to develop them there, or the property must be treated as though they were Mexicans.

Mr. FALL. I should like to know if the Senator is approving article 27 of the Mexican constitution, to which he has referred?

Mr. KIRBY. I am only referring to this to show what Mexico has done or attempted to do.

Mr. FALL. I understand. Does the Senator approve it?

Mr. KIRBY. Why, certainly not; but Mexico has the right to take care of Mexico's interests, and if Mexico thinks that ought to be done, that is her business. I am talking about what has been done.

Mr. FALL. Yes; and the Senator is taking it from a report by men neither one of whom knows what he is talking about with reference to Mexico's laws, nor what she is attempting to do.

Mr. KIRBY. I have conceded the Senator's statement so far as he has made it, and it may go for whatever weight he thinks it is entitled to. I am just reciting this report as made by these officials whose business it was to find out something about it before making the report.

Now, Senators, the only question that I wanted to discuss here was whether the Government of the United States would not do well to continue these lands in Government ownership of the oil in these lands, and to keep them from private development, to keep them for the necessities of the Government when the time shall come that the oil must be used for that purpose. Other nations are doing that. The necessity is great, and is becoming greater all the time. We never will get to a point

where we can get along and operate the Navy and the merchant marine without oil and without coal.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KIRBY. Yes.

Mr. LENROOT. What would the Senator have the Pacific coast do without oil and where would they get it?

Mr. KIRBY. Let the Pacific coast develop the oil that they have or buy it from other people who have it.

Mr. LENROOT. It is in Government hands.

Mr. SMITH of Arizona. They can not do it.

Mr. KIRBY. Then let the Government go ahead and use these lands and develop them. I say that if the Government needs the oil first and the coal first the Government must have it first.

Mr. LENROOT. Does the Senator understand that the Government could use in the Navy the oil as it comes from the wells?

Mr. KIRBY. Oh, no; but the Senator understands that the oil has to come out of the wells before it can be used.

Mr. LENROOT. Does the Senator intend that the Government shall go into the refining business?

Mr. KIRBY. It could do it.

Mr. LENROOT. Does the Senator, then, intend in addition that the Government shall go into the distributing business?

Mr. KIRBY. My idea is, if the time has come when these oil lands must be exploited or prospected and the oil developed, that since they are in the Government's hands, and since the Government needs the oil in its business, the Government ought to take charge of it and do the developing, and if the time has not come when that should be done, then the Government should retain the lands against the day when it shall come.

Mr. LENROOT. Even at the expense of the business of the country and the needs of the people of the country?

Mr. KIRBY. It is not at the expense of the business of the country. You do not know whether there is any oil down there or not. Nobody knows.

Mr. SMITH of Arizona. You just want to save it because you do not know.

Mr. KIRBY. How is the business of the country going to fail to progress without the development of oil unless the oil is there, and why can not the Government develop the oil if it is there? The proposition has just come down to this, and I think the Government should be looking along that line: We have these resources here, possible and contingent. We know that necessity might exist for their use by the Government. We know that that is going to be true. We see that the other great nations of the world have already feared the condition which seems to confront them and are doing all they can to control the supply and have withdrawn their own lands from private development. Now, why should we exploit ours in this way? I do not think it ought to be done.

Mr. SMITH of Arizona. We want to do it so as to keep warm and not starve to death.

Mr. FALL. Mr. President, I feel that I must, in justice to myself, endeavor now to make an explanation, which the Senator can listen to or not, as he pleases.

Under the old civil-law system and the Spanish law, particularly as it existed in Spain and in Latin American countries, and also in all Latin countries, the government owned everything. They adopted an entirely different theory from the old Anglo-Saxon theory of the inherent rights of man. Under their systems man had no rights except what he got from the representative of the Divine Power above, God Almighty, or the state, the czar.

However, the Spaniards were practical men; and so, when they began to develop the riches of the New World they adopted, in 1559, the decree of Don Joan and Donna Boadilla, the King and Queen of Spain, controlling all Spain and all the Indies—this country. They followed in that decree the old decree of 1375 with reference to mining. Under the old law of 1375, all the lands belonging to the Crown, but being granted by the Crown from time to time, the King decreed that the precious minerals and all the metalliferous minerals—as a matter of fact gold, silver, lead, and similar metals—should always remain the property of the Crown, subject to concession by the Crown to private individuals; so that when the Crown parted with the land, read into the title of the land was the reservation with reference to metalliferous minerals.

That decree was followed by one in 1559 which was the last word upon the subject, and was adopted for the benefit of the Indies after the discovery and development of this country by the Spaniards. That decree went further. It provided that not only in the Crown lands should there be the reservation of the minerals—very few Crown lands had been granted here, but many clerical lands had been granted—but that in the titles already issued here should be read the same reservation, with the exception that in the titles already issued should be read the reservations of gold and silver and quicksilver; and Gamboa explains thoroughly in his commentaries the objects which the Spaniards had in these reservations. None of the nonmetalliferous minerals were reserved—none whatsoever, neither sulphur, coal, potash, phosphates, building stone, limestone, the bitumens, the hydrocarbons, no class of nonmetalliferous minerals were reserved; so that when the King or the viceroy of New Spain, or the Audiencia Real at Guadalajara, might thereafter grant a title to a piece of land, in that title was read the reservation of the metalliferous minerals; but the title conveyed distinctly all other minerals of all other kinds whatsoever, it made no difference what.

In all the mining legislation of Mexico and of Spanish America, with the exception of one temporary act, where the mining legislation touched at all upon nonmetalliferous minerals, in all, with one exception, it was affirmatively stated since 1821 that the nonmetalliferous minerals went with the land. There was one piece of legislation, the Aranzgua laws, which provided that coal rights upon the public lands might be issued by the Government similar to the metalliferous mineral rights. Now, recently, listening to just such wild statements as have been made in some of the reports to which the Senator has reference, in the last few years through the investment of foreign capital in Mexico—this is where the question has grown acute, through the investment of foreign capital—first, Lord Cowdray, Sir Weetman Pearson, a member of the firm of F. Pearson & Son, going into partnership with certain Mexicans, and next following Doheny, of the Mexican Petroleum Co., and Americans going into Tampico and buying private lands, the titles to which run back 200 years, obtained from the Spanish Government with no reservations except read into them by the law a reservation of the metalliferous mineral rights, the Mexican Government has attempted to estop them from developing the nonmetalliferous minerals, although the last act of the constitutional government upon that subject, issued in 1910, passed by the Congress in the last year of the old Diaz administration, distinctly provided again that all nonmetalliferous products belonged to the owner of the soil.

Now, despite this history of 600 years' legislation, first in Spain in 1375, and down to the year 1910, the present so-called Government of Mexico has sought to set aside what? No one questions the right of the Mexican Government to pass exactly such a law as we are passing, and to reserve to Mexico in the future the nonmetalliferous minerals in her public lands. No one questions that right. That is a right of sovereignty. That is what we are doing here now. Our complaint of Mexico is that instead of confining her legislation to that, this clause of the constitution which the Senator rolled under his tongue is a confiscatory clause, allowing them to go back and to take away from all of the private individuals the lands the titles to which they have had for 200 years or more; and this Government has said: "You shall not do it."

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. FALL. I yield.

Mr. THOMAS. Of course, the Senator knows better than I do what the conditions are down there, but I think this is an opportune time to suggest to the Senator that all of the oil ownerships in Mexico which are imperiled by article 27 were not secured by foreigners from the Government of Mexico, but by purchase from private owners, whose titles, as the Senator has well said, are some of them centuries old.

Mr. FALL. The Senator is entirely correct.

Mr. KIRBY. Mr. President, if the Senator will allow me to suggest——

Mr. FALL. Just one moment. Let me give a statement roughly as to the area. In the oil fields which are being developed in Mexico are included something like 500,000 hectares—a hectare being 2.47 acres—something like 500,000 hectares, owned outright in fee by Americans who are developing it. In the same area Americans own something like 2,000,000 hectares of leased lands, not one hectare being either owned by or lease obtained from the Mexican Government, but entirely from private owners.

I now yield to the Senator.

Mr. KIRBY. Mr. President, I only wanted to suggest that I neither commend nor condemn the policies of the other nations, and I only cited the policies of England and Japan and Argentina and Mexico to show that they had an idea that the Government

itself would need these oils, and that our Government might need our oil.

Mr. FALL. Mr. President, when we achieved our independence we broke away from the Government of England. The King of England owns all the Crown minerals.

Mr SMITH of Arizona. He always has.

Mr. FALL. He always has. The citizens own none, and the only possible method by which a citizen could acquire a development for the benefit of the public of any of the Crown metals under the English law was to secure from the English King, through his ministers, or from the English Government, representing the King, the right to go upon the lands and exploit them for the benefit of the metalliferous minerals. But we broke away from that, and we said when you take 160 acres of land here in the United States, which we give to you for your home, you take that land to the sky above and to the molten mass beneath the soil.

Now, for the first time since 1836, we are asked to change that system. At that time we adopted the leasing system applicable in Illinois, and then in Missouri being opened up, because the Government of the United States needed lead for bullets and as a war measure, we adopted a leasing system on the lead mines. But after a 10-year fight the present system was adopted not only of giving the lands in fee, but when you got title to your lands you took title to all under them, allowing a man to acquire mineral rights upon the public domain in fee.

Now we are changing. Now we are going, in so far as Government lands are concerned, to the old civil-law system, to the old Spanish system, to the old Crown system of Great Britain, and that is the objection which I have as an American citizen to the system. But we had better unloose the natural resources of this country, which have made it great, which have made it to-day the one country of the world the adhesion of which to the proposed league of nations is absolutely essential. The old incentive, the old American individual system, is what has made this country great. Recently we have found order after order coming from the departments of the Government segregating 5,000,000 acres of land in my State of New Mexico in coal areas. People are freezing for want of coal and 191,000,000,000 tons of coal are reserved from use in my State alone by your paternal Government. We can not use it even locally for our own needs. If you undertake to dig a well as a prospector in the hope that you may find oil, a Government blanket reservation is placed over you and you can not get that oil. That is what happened in Wyoming and in other States of the Northwest. If you undertake to develop phosphates for your local consumption and you discover phosphate rock, which in Tennessee would be worth $4.57 a ton, you can not use it in New Mexico or the public-land States, because a reservation comes from a bureau in Washington and closes you down. Those are the conditions under which we are laboring.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to his colleague?

Mr. FALL. Certainly.

Mr. JONES of New Mexico. I simply want to add to what my colleague has said a little incident which I am informed occurred in the State of Utah. The governor of that State informed me that when a President of the United States was visiting Utah they were very anxious to show him all their resources and what a great State they had the prospect of making out of Utah, and among other things they took him out in a section of the country where they were drilling for oil with the possibility and probability of finding oil in that locality; and the President wired to have all that section of country withdrawn.

Mr. FALL. Precisely.

Mr. SMITH of Arizona. If the Senator will permit me, I am not certain about it, but I got it fairly straight, in a certain part of my State prospectors, ready to risk all they had on it, started out to find oil. They went to digging a well, and a Government expert came along and finding out that these crazy prospectors had made a strike of a little oil in that country, immediately withdrew that whole section from exploitation and made a Government reservation of oil that nobody had yet seen. Derricks were pulled up and the men went home, and the Government is conserving that oil now, wherever it is. That is the principle that we have been trying to get from under.

Mr. FALL. I thank my colleague for bearing me out in this matter. It is one of very great importance to us. It is a situation that we feel very deeply. We may express impatience at times when other Senators, who do not realize conditions, are so insistent upon having the Government retain resources within the confines of other States when they have already used their own. We are somewhat peeved at times when we realize that the great State of Arkansas was purely a public-land State, that all the mines in it and all the rich land in it and all the great timber in it belonged to the people of the United States, that the Government had a sovereign right to say that no one should acquire a home in the State of Arkansas and that no one should acquire a mine in the State of Arkansas, but we are proud of the fact that those who represented the people of the United States generally and had the interests of the people generally at heart adopted a different theory and said to all the people all over the United States, "Go out there into the State of Arkansas and on the other public domain wherever you may find it and carve out a home to support your family, make yourself an American citizen, and send your Senators from Arkansas to help represent that State and help represent the other States of the Union."

The public domain is now fast disappearing. Recently oil discoveries such as the Senator has mentioned, where a well would flow possibly 30,000 barrels a day and make people rich in a week, have been made. I may say to the Senator that after some rather extensive experience in mining for 35 years, with reference to oil, as I can say with reference to the metalliferous mining, for every mine or every well which has been a success there have been from 20 to 1,000 failures, in which the people in good faith have put their money and their friends' money.

Oil wells do not spout from the ground. There is no man in the United States who has yet possessed Moses' staff when it comes to discovering underground wells. It has only been brought out by American initiative and American energy and American industry, and we possess that in most remarkable degree as individuals, more than such characteristics are exhibited by the people of any other nation on earth as individuals. Collectively as a Government in business matters we are and always have been and always will be a failure. You can not run business by politics, and in a two years' replacement of a Congress of the United States you can not conduct business matters as business matters should be conducted. We are a failure collectively in business matters; individually we are the greatest people on the face of the earth in all commercial and industrial matters.

Mr. FRELINGHUYSEN obtained the floor.

Mr. LA FOLLETTE. I ask the Senator to yield to me that I may offer several amendments to the pending bill. I ask that they may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

ALIEN PROPERTY CUSTODIAN'S OFFICE.

Mr. FRELINGHUYSEN. Mr. President, I hesitate to take the time of the Senate at this late hour to discuss a subject which is entirely foreign to the oil question, but inasmuch as the question of alien property has been brought up in the discussion and has a very important bearing on a resolution introduced by the junior Senator from New York [Mr. CALDER], requesting the Senate to order an investigation of the Alien Property Custodian's affairs, I desire to submit a few remarks to the Senate at this time. I do so because I shall be engaged to-morrow in committee work and it will be impossible for me at any later date to place on the record certain information which has been procured for me and has been developed by the recent inquiry made by the Judiciary Committee of the Senate in regard to Mr. Palmer.

I simply wish to say that all I shall refer to in those hearings has been and is a matter of public record. The hearings were printed upon the order of the chairman of the committee, and I feel, in order that the Senate may have a full appreciation of the importance of this resolution, that it will be necessary for me to refer to those hearings.

The resolution (S. Res. 172) provides for an investigation of the administration of the Alien Property Custodian's office. Mr. Palmer, as Alien Property Custodian, has administered, I think, several thousand trusts. He has had placed in his custody, estimated, nearly $700,000,000. There are many property owners in this country and many citizens who are complaining of the policy of that department, and it seems to me that we will be derelict in our public duty if we do not ascertain how that fund has been administered.

Mr. Palmer takes the following position in a report made to the Senate, a report which in no way gives any financial information as to how his office has been administered, or how, in the event of this country desiring to balance those funds against the claims that we have against Germany, that may be done. There is nothing but pure conjecture on the part of anyone who

tries to estimate how much money Mr. Palmer has in his possession as custodian. Mr. Palmer takes this position in his report:

When the Congress passed the amendment giving to the Alien Property Custodian the general power of sale, it was with the purpose in mind that the German industrial army on American soil should be captured and destroyed. I have proceeded with all expedition possible to this end. Instead of permitting myself to become a mere conservator of enemy property I have tried to make the trading-with-the-enemy act a fighting force in the war.

But was that Mr. Palmer's position previous to the war, and has it been his position during his administration of the Alien Property Custodian's department? I refer now to the record of the hearings.

This relates in the end to Mr. Palmer's policy in regard to our transactions with Germany. On page 4 of the record is set forth an editorial from an issue of the New York World of February 28, 1919. The editorial is as follows——

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from New Jersey yield to the Senator from Montana?

Mr. FRELINGHUYSEN. I yield.

Mr. WALSH of Montana. I inquire whether the matter of which the Senator is speaking is not executive in character?

Mr. FRELINGHUYSEN. Does the Senator make that inquiry of me?

Mr. WALSH of Montana. I make it of the Chair.

The PRESIDING OFFICER. The confirmation of the nomination of the Attorney General by the advice and consent of the Senate is an executive matter.

Mr. WALSH of Montana. The Senator was referring to testimony taken in a hearing on that matter.

The PRESIDING OFFICER. The Chair did not know what the Senator from New Jersey was referring to.

Mr. FRELINGHUYSEN. I am referring to the business policy of Mr. Palmer previous to the war, and I am quoting from the public hearings held before a subcommittee of the Judiciary Committee. Those hearings are a matter of public record and I am simply quoting from them.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield further?

Mr. FRELINGHUYSEN. Yes; I yield further.

Mr. WALSH of Montana. I inquire whether the hearings have been made public?

Mr. FRELINGHUYSEN. The hearings have been made public and I am reading from the printed record.

Mr. WALSH of Montana. I am speaking of the action of the Senate. Has the Senate made the hearings public?

Mr. FRELINGHUYSEN. I hold in my hand a copy of the hearings published and freely circulated and placed in the hands of many of the Senators and mailed through the country.

Mr. LODGE. They are not marked confidential.

Mr. WALSH of Montana. I merely rise to call attention to the fact that the Senator now refers in the course of his discussion to testimony taken before a committee to which was referred the question of the confirmation of the nomination of Mr. Palmer. So far as I have been advised no resolution of the Senate has ever been passed removing the seal of secrecy from the proceedings in connection with the nomination, and accordingly I think it is a violation of the rules to refer to the testimony.

Mr. LODGE. Under what rule are the printed hearings of a committee secret?

The PRESIDING OFFICER. The Chair is not familiar with the rule to which the Senator from Montana refers.

Mr. FRELINGHUYSEN. Of course, if the Senate sustains the objection of the Senator from Montana I presume I can not proceed.

The PRESIDING OFFICER. The Senator from Montana has made no objection.

Mr. FRELINGHUYSEN. I will therefore proceed, Mr. President.

On page 4 of the record there is set forth an editorial from the issue of the New York World of February 28, 1919. The editorial is as follows:

WHO WAS "M. P."?

The nomination of A. Mitchell Palmer, of Pennsylvania, to be Attorney General of the United States raises again a question which came up in the summer of 1915, and which was not satisfactorily answered then, nor has it been answered since. This is the question of who was the "M. P." mysteriously referred to in the Albert papers, published in the World at that time, as a confidential reporter professing to place the German foreign office in communication with the innermost thought and purposes of the President and State Department in the *Lusitania* controversy.

Dr. Albert's secret papers represented "M. P." as "unmistakably a man of great influence, enjoying easy access to the President of the United States and to the Secretary of State." It is further recorded, under date of July 23, that this "M. P." had imparted to German agents here certain conclusions from talks with the President. These conclusions were to the effect that if a satisfactory reply came from Berlin to the American *Lusitania* note of July 21, the protest to England would be crowded "to the uttermost" and that the President "hardly hoped for a positive statement that the submarine warfare would be discontinued." The World at the same time published the White House calling list for the only days around that time when the President was in Washington. The list showed that one of the callers on July 22 was A. Mitchell Palmer.

Mr. Palmer admitted that he had talked with the President on that day immediately following and preceding the days, respectively, of the *Lusitania* note and the Albert memorandum, but denied that the conversation had anything to do with matters as stated by Dr. Albert.

The identity of "M. P." thus remains undetermined. But the mystery should be cleared up. Mr. Palmer himself should insist upon it in advance of his confirmation by the Senate. It is a small matter as between himself and others mentioned who shall be the next Attorney General. It is a great matter that the American people should know positively that "M. P." is not the next Attorney General of the United States. Who was "M. P."?

At page 7 of the record Senator WALSH of Montana said:

He—

Mr. Palmer—

freely admits that he is undoubtedly the gentleman referred to as "M. P.," because it connects up exactly.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New Jersey yield to the Senator from Montana?

Mr. FRELINGHUYSEN. I do.

Mr. WALSH of Montana. I call the attention of the Chair to subdivision 2 of Rule XXXVIII, which is as follows:

2. All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

I inquire whether the Senator from New Jersey is not in violation of that rule in referring to the remarks made by another Senator in connection with the consideration of a nomination?

Mr. FRELINGHUYSEN. Mr. President, I was simply quoting from the record of the committee, as I was quoting previously from the record the remarks found on page 7. I simply did that in order that I might continue still quoting from the record. I am quoting entirely from the record and it is found there, and those hearings were public.

Mr. WALSH of Montana. The Senator will perfectly understand that I am not impugning the accuracy of his quotation. I am inquiring whether he is not violating the plain language of the rule?

Mr. LODGE. What rule, Mr. President, if I may ask?

Mr. WALSH of Montana. I just called the attention of the Chair to the rule.

Mr. LODGE. I was out of the Senate Chamber for a moment.

Mr. WALSH of Montana. I refer the Senator from Massachusetts to subdivision 2 of Rule XXXVIII, which reads:

All information communicated or remarks made by a Senator when acting upon nominations.

The Senator having the floor has just quoted remarks made by a Senator when a nomination was under consideration.

Mr. LODGE. Not when it was under consideration in executive session of the Senate.

Mr. WALSH of Montana. But the rule does not say that; it says "all * * * remarks."

Mr. LODGE. Mr. President, the Senator from New Jersey is quoting from the printed report of a hearing, which has been published in the newspapers, a hearing at which newspaper reporters were present. There is no more secrecy about it than there would have been had it been printed in the RECORD.

Mr. WALSH of Montana. The Senator can not wipe the rule out by any comment of that character.

Mr. LODGE. The rule does not apply to what was said in committee.

Mr. WALSH of Montana. If some one violates the rules of the Senate and proceedings of an executive session are published in a newspaper, a Senator equally violates the rule when he reads from that report.

Mr. LODGE. Of course, if he has violated the rule; but my contention is that the Senator from New Jersey has not violated the rule.

Mr. WALSH of Montana. I am not speaking about his having violated the rule at all. A Senator finds a report in a newspaper of what transpired in an executive session. It is entirely immaterial that he reads from that report. He has no right to make any comment at all upon any remarks made by any Senator. That is what the rule means.

Mr. LODGE. The rule does not touch it at all. The rule says:

All information communicated or remarks made by a Senator when acting upon nominations.

Mr. WALSH of Montana. The committee was acting upon a nomination.

Mr. LODGE. The committee was merely taking testimony.

Mr. WALSH of Montana. Oh, well; all right, if the Senator thinks that is a good distinction. I submit it to the Chair.

Mr. LODGE. And it was published to the world.

Mr. WALSH of Montana. I submit the matter to the ruling of the Chair.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Will the Senator from Montana be kind enough to state again the point of order?

Mr. WALSH of Montana. The point of order I am making is that the Senator from New Jersey [Mr. FRELINGHUYSEN] in the course of his remarks quoted from hearings had before a subcommittee of the Committee on the Judiciary, which was considering the nomination of Mr. Palmer. He read what purported to be remarks made by one Member of the Senate while the hearing was in progress. I inquire of the Chair whether the Senator is not in violation of subdivision 2 of Rule XXXVIII, which reads as follows?—

2. All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

Mr. FRELINGHUYSEN. Mr. President, I desire to inform the Chair that these hearings were public, that they had been released from secrecy, and that the remarks published on page 7 were quoted as an assertion by the Senator during the hearings and while the questioning was going on. I was simply quoting the hearings, as I am quoting the text of the memorandum which was filed in the hearings.

Mr. LODGE. Mr. President, the rule refers to executive session proceedings on nominations, and the paragraph referred to relates to information communicated or remarks made by a Senator when acting upon nominations. A nomination may be acted upon only in executive session. The committee's work is purely advisory. The committee took testimony which was open to the public; they have printed it; it has been in public circulation; there is no stamp of "confidential" upon it. It seems to be clear, therefore, that the second paragraph of this rule does not reach the question at all.

Mr. WALSH of Montana. Mr. President, I desire to submit simply that a committee discharging duties of that character is merely acting as an agency of the Senate, and the testimony taken before the committee is in exactly the same situation as though the committee were sitting in executive session to consider a nomination. The Senate takes that method of informing itself concerning the subject matter simply because it is convenient to it to do so. The seal of secrecy enjoined by the rule is just as plain and obvious with respect to the remarks made before the committee having the executive matter under consideration as though they were made before the Senate sitting in executive session.

Mr. FRELINGHUYSEN. May I ask the Senator from Montana, if the ban of secrecy was on these hearings, why the committee voted that the hearings should be made public?

Mr. WALSH of Montana. Mr. President, there is not any question about the matter at all. The committee gave the press what transpired. Whether they were justified in doing so or not is not open to discussion now. They did it; they did print these hearings. I should not like to be understood, and nobody can understand me, as justifying any other position with respect to the matter. I should not like to have it understood that I even want to intimate to the contrary. The committee did it, but the rule is that the nomination was subject to discussion only in executive session. Of course, if this can go on, every ban of secrecy now is removed from this nomination. Obviously those who are supporting the report of the committee upon this nomination will have an opportunity to reply to the Senator from New Jersey.

Is it possible, Mr. President, that a committee of the Senate can control the Senate in respect to the secret character of its executive proceedings?

Can the Committee on Foreign Relations, for instance, make public the subject of a treaty under consideration by the committee and the testimony taken in connection with the hearing so as to open up the whole subject as to whether the treaty should be ratified or not, and thus force the subject to become open to public discussion in open session in the Senate? Is that the position taken by the Senator from Massachusetts? Is that the position taken by the Senator from New Jersey? If so, the creature controls the creator.

The committees are the agencies of the Senate; they can not make these proceedings public; they can not transform what the rules declare to be executive in character into matters of open discussion. If the Senator from New Jersey goes on, of course some of the rest of us shall want to follow him, and thus the whole subject becomes one for open debate without any action by the Senate at all.

Some time ago the Senate ordered that all hearings upon the general treaty with Germany be public and that discussion be public. That was done in advance, and as my recollection is, upon the motion of the Senator from Massachusetts. No action of that kind has been taken with reference to this matter. How, then, can it become the subject of open discussion here in the Senate?

Mr. FRELINGHUYSEN. Mr. President, I should like to inform the Chair that I am discussing the subject matter contained in the resolution of the Senator from New York [Mr. CALDER], ordering an investigation into the activities of the Alien Property Custodian. The Alien Property Custodian happened to be Mr. Palmer, who has been nominated for Attorney General, and in the course of the hearings to which I have referred certain information relating to his administration of the Alien Property Custodian's office and his attitude in regard to property was brought out. Those hearings have been made public; Mr. Palmer has acted upon them in the great publicity bureau which I understand he carries on; he has referred to the testimony himself while he was under consideration by the Senate; and am I not within my right as the Senator from New Jersey when I protest against these policies of his? Have I myself not the opportunity of referring to the public hearings when Mr. Palmer can make statements in the public press. I am talking to the resolution of the Senator from New York, and I wish to present to the Senate Mr. Palmer's views regarding property rights so far as they relate to our foreign relations. I am leading up to that.

Mr. LODGE. Mr. President, of course there is not any question that if the Senator from New Jersey is discussing the nomination of Mr. Palmer to be Attorney General he is out of order. That can only be done in executive session. I was not here when he began, but as I understand from what has been said he is discussing a resolution to investigate the office of the Alien Property Custodian.

Mr. WALSH of Montana. Mr. President——

Mr. LODGE. One moment. In discussing that, which he has a right to discuss in open session, he quotes from hearings held by a subcommittee of the Judiciary Committee in regard to Mr. Palmer's fitness to be Attorney General. If anybody has broken a rule it is that subcommittee. I do not charge them with having broken the rule at all. They made those hearings public, and they were made public in every possible way. I saw long extracts from the hearings in the press. They were not stamped "confidential," and there is nothing in the rules which makes the report of a public hearing confidential. What makes a subject confidential and secret is its relation to a nomination; and, I repeat, that if the Senator from New Jersey is discussing a nomination I agree that he is out of order.

Mr. WALSH of Montana. Mr. President——

Mr. FRELINGHUYSEN. I further yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I am very glad to have that concession of the Senator from Massachusetts. I do not understand that the resolution of the Senator from New York is now before the Senate for discussion. The matter before the Senate for discussion, as I understand, is the oil leasing bill. So that the Senator from New Jersey can not be speaking to the resolution of the Senator from New York. He is not entitled to speak to the resolution of the Senator from New York. Therefore his remarks must be construed in connection with any subject to which they are relevant; and he has quoted from the testimony taken on the matter of the confirmation of the nomination of Mr. Palmer.

Whatever he is talking about, he is, as a matter of course, discussing the testimony which was taken touching the appropriateness of the confirmation of Mr. Palmer, which, of course, will give anybody an opportunity to talk upon the other side of that question and refer to the testimony that in any way contradicts or contraverts the conclusions the Senator from New Jersey would like to have drawn from the testimony to which he alludes. So that the whole matter of the confirmation of the nomination of Mr. Palmer is before the Senate and can not be excluded if this proceeding continues.

The PRESIDING OFFICER. In the opinion of the Chair, the situation is that the second paragraph of Rule XXXVIII provides:

All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

That rule is headed "Executive session—Proceedings on nominations," and it can fairly be construed as applying only to proceedings of the Senate in executive session when acting upon nominations. It has no application to proceedings in open session or to legislative business. The Chair, therefore, is constrained to rule that, in his opinion, the point of order is not well taken.

Mr. FRELINGHUYSEN. Mr. President, at page 167 Mr. Palmer testified:

When the Albert papers were published by the New York World the New York World printed what was alleged to be a memorandum found amongst the Albert papers in which reference was made to the visit to the White House of one "M. P." I had never heard of Albert; I did not know there was such a person living at that time, and of course I was amazed to find this memorandum with a reference to "M. P." and a garbled, exaggerated, and entirely different statement of what I had told Mr. Stanchfield.

The New York World telegraphed me, I think, and asked me for an explanation. I made this statement, which is printed in your headings and which, as I recall, is about what I said:

"The story published in the World this morning, which implies, though it does not say I am the mysterious "M. P." referred to in somebody's report of an alleged conversation with the President, is all a fairy tale as far as I am concerned. I never had any such conversation with the President and never reported any such conversation to anybody, anywhere, at any time. I never saw this Dr. Albert, whose private memoranda are presumably being published by the World, and I never heard of him until these articles began appearing. I never had any communication of any kind or any character with him.

"I did see the President on July 22, and I talked to him about two things. I tendered my declination of the office of judge of the Court of Claims, to which the President had appointed me sometime before. The other matter about which I spoke to him was at the request of John B. Stanchfield, a leading member of the New York bar and a personal friend of mine. He had requested me to convey certain information to the President which had come into his possession. This had to do with the formation of a steamship line by certain prominent American citizens residing in New York whom Mr. Stanchfield represented. The line was to carry noncontraband to neutral ports in Europe. My conversation with the President was with regard to the attitude of the Government with respect to neutral commerce to such ports and had nothing to do with the various matters printed in the World. Neither the President nor I said anything which could be twisted into the kind of statements which the World has printed this morning. I reported to Mr. Stanchfield concerning my talk with the President, and that was the end of it."

Now, that is correct, as I recall it.

At page 166 he testified:

As Senator OVERMAN has said, this same matter was adverted to in the hearings before the full Committee on the Judiciary of the Senate at the time my nomination for Attorney General was before the Senate during the last Congress. At that time I made a statement of the facts, and the committee, I think, immediately afterwards unanimously voted to confirm my nomination. The whole story is this:

Some time in the summer of 1915 Mr. John B. Stanchfield, of New York, an old personal and professional friend of mine, told me that he was either interested in or concerned for some people, all American citizens, who were anxious to engage in the business of international trade with the idea of forming a company to engage in shipping between this country and neutral ports, and that before that venture was actually carried out they wondered if they could get some unofficial expression of the policy and purpose of the Government with respect to interference with that kind of trade—whether the Government proposed to make representations to Great Britain against interference by Great Britain with neutral trade. He did not tell me whom he represented; I never knew and do not know now.

Some time after that I called on the President on an entirely different matter; called on him, indeed, to resign my commission as judge of the Court of Claims. At that interview I told the President what Mr. Stanchfield had said to me, and he replied that he was perfectly willing to say what he had already said publicly, that this country had made or would make—I have forgotten which—representations to Great Britain in reference to their interference with neutral trade, and that he had no earthly objection to my saying that.

The next time I saw Mr. Stanchfield I told him what the President had authorized me to say. There was not anything in it that the President had not already said; it was generally known. That was the end of it, except that some little time after that—I have forgotten how long—Mr. Levy, who is Mr. Stanchfield's law partner, came out to my home in Pennsylvania one day, and he was accompanied by Mr. Simon. Whether I saw Mr. Simon or not, I am not sure, but I knew he was there; Mr. Levy told me so. It did not mean anything to me, because he was represented as an American citizen; I had never heard of him before and did not know his relation to the matter. Mr. Levy, or the two of them—I have forgotten which—asked me to do something else in relation to this matter, I think to find out if they could make some communications with some foreign countries through the State Department. Whatever it was I did not do it.

The Albert memorandum apparently relates to the interview which Mr. Palmer admits that he had with Mr. Levy, Mr. Stanchfield's law partner, and with Mr. Simon, and the observation may be made that Mr. Palmer said this interview took place at his home in Pennsylvania.

I will now read from the record, page 261:

Senator DILLINGHAM. I desire at this time to place in the record a copy of a memorandum found in the dispatch bag lost by Dr. Albert and mentioned by Senator FRELINGHUYSEN in connection with the publication in the New York World regarding an interview had by Mr. Palmer with the President. This has been furnished to me by the State Department, and is a translation of the original document, which was in German. I am informed by the State Department that no other paper relating to Gen. Palmer was found in the papers taken.

The memorandum referred to is here printed in full, as follows:

[Translation.]

NEW YORK, *July 23, 1915.*

CONVERSATION WITH LEGAL AGENT LEVY AND MR. JOHN SIMON.

Levy advises regarding a conference with M. P. Thereafter M. P. saw Lansing as well as Wilson. He informed both of them that an American syndicate had approached him which had strong German relations. This syndicate wishes to buy up cotton for Germany in great style, thereby to relieve the cotton situation and at the same time to provide Germany with cotton. The relations of the American syndicate to Germany are very strong, so that they might even possibly be able to influence the position of Germany in the general political question. P. M. therefore asked for a candid confidential statement, in order to make clear not only his own position but also necessarily the political opportunity. The result of the conversation was as follows:

1. The note of protest to England will go in any event, whether Germany answers satisfactorily or not.

2. Should it be possible to settle satisfactorily the *Lusitania* case, the President would bind himself to carry the protest against England through to the uttermost.

3. The continuance of the difference with Germany over the *Lusitania* case is "embarrassing" for the President in carrying out the protest against England. He will not create the impression that the note to Germany and the protest to England are a "bargain," for he has undisputed American rights to uphold.

4. A contemplated English proposal to buy cotton in great style and invest the proceeds in America would not satisfy the President as an answer to the protest, because that refers to the violation of American rights and not only to a question of money. (N. B.—M. P. believes that it will be possible to bring this plan to the front with the assistance of southern Senators.)

5. The President, in order to ascertain from Mr. M. P. how strong the German influence of his syndicate is, would like to have trend of German note before the note is officially sent, and declares himself ready before the answer is drafted to discuss it with M. P., and eventually to so influence it that there will be an agreement for its reception and also to be ready to influence the press through a wink.

6. As far as the note itself is concerned, which he awaits, so he awaits another expression of regret, which was not followed in the last note. Regret together with the statement that nobody had expected that human lives would be lost and that the ship would sink so quickly.

The President is said to have openly declared that he could hardly hope for a positive statement that the submarine warfare would be discontinued. Germany should only, out of consideration for friendly America, declare herself to be prepared to discuss with the United States and to work together with her to make impossible the destruction of American lives. Germany shall declare herself ready to make the strongest efforts to reach this goal, but to expect that America will work with her in this respect. The President is of the opinion that Americans who in the present situation take passage on a munitions-laden ship "take their lives into their own hands." The President seems to expect that we ourselves shall set forth an agreement in the matter, possibly leaving out the principle and fall back upon the above-mentioned mutual endeavors.

The foregoing information sounds almost unbelievable. If it is correct, the President has not understood the German note at all, and, on the other hand, does not know what he says in his note. The diplomatic expressions and the meaning of a "deliberately unfriendly act" do not seem to be clear to him.

M. P. again emphasized how very much the President was upset and disturbed about the matter, how much he wishes to come out of the matter, how he emphasized that the note to England had been ready when the *Lusitania* case came up, and how he held out to M. P. that if he could clear up this matter how very much obliged to him he would be.

If the plan is to be carried through, he promises beforehand telegraphic connections with Germany.

I can hardly believe that the southern Senators have given full consideration to the statement made about them in the Albert memorandum, a statement substantially to the effect that they might barter American rights for cotton.

Mr. SMITH of Georgia. Mr. President, what was the date of that transaction?

Mr. FRELINGHUYSEN. July 28, 1915.

Mr. SMITH of Georgia. Of course at that time, then, they had the right to ship cotton to Germany through neutral ports.

Mr. FRELINGHUYSEN. But the Senator will understand that it was an agreement that the blockade should be made by England against German ports, and that was the bargain which was supposed to be made.

Mr. SMITH of Georgia. Not at all. England could not legally blockade a neutral port. England's blockade of Rotterdam was utterly in defiance of international law and had been protested by our Government, and cotton had the right to go through Rotterdam to Germany during the whole of 1915. I know nothing about Mr. Palmer's connection with it, but I announce here, and I defy anyone to contradict the proposition, that by every rule of international law at that time cotton had the right to go through Rotterdam to Germany, and the action of Great Britain in stopping it was in violation of the decisions of her own courts.

Mr. FRELINGHUYSEN. To show that my construction of the memorandum is not far-fetched, I will again read paragraph 4:

4. A contemplated English proposal to buy cotton in great style and invest the proceeds in America would not satisfy the President as an answer to the protest, because that refers to the violation of American

rights and not only to a question of money. (N. B.—M. P. believes that it will be possible to bring this plan to the front with the assistance of southern Senators.)

Perhaps some of you do not believe the report set forth in the Albert memorandum of the interview between Mr. Palmer and Messrs. Levy and Simon. The memorandum, however, evidently was made about the time of the interview and when same was fresh in the minds of Messrs. Levy and Simon. Legal agent Levy is an able New York lawyer. When we recall the *Lusitania* incident and the subsequent acts of the administration—that is to say, when we read the report in the light of history on its face it seems probable and moreover the question naturally rises, What motive would Messrs. Levy and Simon have had to make a false report? The situation was such as to call for very accurate information from them in regard to the attitude of the administration.

I will again read the last paragraph of the editorial of February 28, 1919, from the administration paper, the New York World:

The identity of "M. P." thus remains undetermined. But the mystery should be cleared up. Mr. Palmer himself should insist upon it in advance of his confirmation by the Senate. It is a small matter as between himself and others mentioned who shall be the next Attorney General. It is a great matter that the American people should know positively that "M. P." is not the next Attorney General of the United States. Who was "M. P."?

We now know that "M. P." is Mr. Palmer. Was the New York World wrong when it said:

It is a great matter that the American people should know positively that "M. P." is not the next Attorney General of the United States.

That the interview between Mr. Palmer and Messrs. Levy and Simon was correctly set forth in the Albert memorandum seems still more probable when we recall Mr. Palmer's published views about the *Lusitania* catastrophe. I had thought that such views were set forth in the record. However, as they were published in the New York Times, a paper rivaling the World in administration support, I think that we can accept them as stated.

I read an extract from the New York Times of May 9, 1915:

Response to telegraphic request for expression of opinion as to what America's duty should be on the sinking of the *Lusitania*.

STROUDSBURG, PA., *May 8*.

The loss of American lives on the *Lusitania* is a matter of grave concern to our people, but it does not under the circumstances call for immediate drastic action on the part of the United States. It certainly should not embroil us in this foreign war. The *Lusitania* was flying the British flag and carrying munitions of war for the support of a belligerent. Neutral passengers who in the face of warning undertook this perilous voyage certainly assumed some risk themselves for which the entire Nation should not be asked to suffer. Of course, the destruction of a passenger boat is horrible. War is always horrible. This method of fighting is not humane. It is hardly civilized, but there is no such thing as humanity in civilized warfare. Our people may have the greatest confidence that our President will deal with this serious situation with a wise forbearance which will make for peace without sacrifice of us or of our real rights.

My views about the sinking of the *Lusitania* were very emphatically stated, and my views, as well as the views of the majority of the Senators, were well known in regard to the attitude of those who, like Mr. Palmer, contended that "neutral passengers who in the face of warning undertook this perilous voyage certainly assumed some risk themselves for which the entire Nation should not be asked to suffer." The attitude of the administration and of men like Mr. Palmer was painful and forms a most distressing and I may say nauseating chapter in our history.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New Mexico?

Mr. FRELINGHUYSEN. I yield.

Mr. JONES of New Mexico. I am not a member of the Judiciary Committee, and, of course, am not advised as to what that committee has done regarding the appointment of Mr. Palmer, but I should like to inquire if that committee has concluded the investigation of the matters to which the Senator from New Jersey is now referring?

Mr. FRELINGHUYSEN. I will simply say in reply to that that one Senator, when I asked him if he had read that very important translation of the Albert note, said to me that he had not. I think the inquiry should be directed to the acting chairman of the committee, or whoever has made the report on Mr. Palmer. I understand that Mr. Palmer's nomination has been reported to the Senate, with a written report favorable to his confirmation. I understand that that is the situation, if that is the information that the Senator wishes.

Mr. JONES of New Mexico. Am I to understand, then, that that committee has considered the various matters which the Senator from New Jersey is now discussing and has decided that they do not reflect upon the character of Mr. Palmer?

Mr. STERLING. Mr. President, if the Senator will permit me, I hardly understand that that is the situation or that that is the question. It is not upon Mr. Palmer's confirmation at all that the Senator is speaking at the present time. The Senator's remarks are upon a resolution introduced by the Senator from New York [Mr. CALDER] relative, as I understand, to the investigation to be had, or asked for, of the Alien Enemy Property Custodian's office as a whole.

Mr. FRELINGHUYSEN. Yes, sir.

Mr. STERLING. He is quoting from the record made by the subcommittee.

Mr. JONES of New Mexico. Mr. President, I have been sitting here casually listening to the speech of the Senator from New Jersey [Mr. FRELINGHUYSEN], and, of course, this is a subject about which I have no special information. In fact, I have only heard very limited rumors regarding what is going on, but it has been my understanding that the Committee on the Judiciary have taken all the testimony to which the Senator from New Jersey now refers, that it has considered the testimony which the Senator is now quoting, together with other testimony, and that upon the whole testimony the committee have decided that there is nothing in the record to reflect upon the character of Mr. Palmer, and have made a report recommending his confirmation as Attorney General. I should like to ask the Senator from New Jersey if he has information as to what the vote of the committee was upon that report?

Mr. FRELINGHUYSEN. I am perfectly willing to answer the Senator's question. I think I did so when I said it was a favorable report and was unanimous. Testimony has been taken. I am now referring to certain portions in connection with Mr. CALDER's resolution.

I will say in passing, however, that I understand no witnesses were subpœnaed; and I understand, so far as the facts presented are concerned, the committee made a report in which they say charges were not warranted and they completely approved of Mr. Palmer's confirmation. I am speaking to the resolution to investigate the Alien Property Custodian and referring to the hearings had by the Committee on the Judiciary.

Mr. JONES of New Mexico. May I not ask the Senator from New Jersey if he was not active in trying to get before the Committee on the Judiciary all the facts and suspicions which he had in mind or knew anything about in connection with Mr. Palmer's dealings?

Mr. FRELINGHUYSEN. Yes, I was; and I failed because in that connection certain men who appeared before the committee asking that subpœnas be issued were denied the opportunity to prove their facts by reason of the fact that they could not get a subpœna for the witnesses. I am not criticizing the committee. I am simply stating it as a fact, because I believe there was some question as to whether the committee were empowered to broaden the scope of their inquiry to that extent. I am simply referring to it because I believe if they had called the witnesses and followed up the statements that were made by certain gentlemen appearing before the committee they could have elicited considerable more information than they did.

Mr. JONES of New Mexico. May I ask the Senator from New Jersey if he wants the Senate to understand that the Committee on the Judiciary made a report ignoring testimony which was proffered to it and deliberately refusing to go into it?

Mr. FRELINGHUYSFN. I do not want the Senator to understand anything. I am talking upon another subject.

Mr. JONES of New Mexico. But I am asking if the Senator does want the Senate to understand that?

Mr. FRELINGHUYSEN. I think that a full investigation should be made of the Alien Property Custodian's acts, of every transaction that he has made, that a searching inquiry should be made, and an audit as to how he handled the vast funds in his possession. I think witnesses should be called, and I think a thorough inquiry should be made, and that is what I am talking about.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Montana?

Mr. FRELINGHUYSEN. I do not want to be discourteous to the Senator from Montana, but I will finish my remarks in a few moments.

Mr. WALSH of Montana. I merely desire to make a single remark. Up to the present time the Senator does not seem to have spoken very much about Mr. Palmer's administration of the office of Alien Property Custodian.

Mr. FRELINGHUYSEN. I am coming to that.

Mr. WALSH of Montana. His discussion thus far has seemed to relate to some other matters.

Mr. NELSON. Mr. President, just a word. I want to clear up a little the inquiry made by the Senator from New Mexico [Mr. JONES].

My understanding is that the subcommittee of which the senior Senator from Vermont [Mr. DILLINGHAM] was chairman had

the case under consideration for two months or more. Senator DILLINGHAM finally reported to the full committee in favor of Mr. Palmer's confirmation and the report was unanimous. The full committee adopted the report of the subcommittee and instructed the chairman to report the nomination favorably. That is the status of the case before the Senate, and that nomination has been reported and is on the calendar. I understand it was confirmed one day when I was not here, and that that action was rescinded and it was again placed upon the calendar. As I understand it, the nomination is on the calendar as reported from the committee.

The PRESIDING OFFICER. Will the Senator from Minnesota permit the Chair to ask a question? The Chair is a member of the committee and wishes to ask the Senator from Minnesota if, as a matter of fact, there were any formal charges filed before the subcommittee against Mr. Palmer?

Mr. NELSON. There were charges filed, as I recall, in the first instance, or made orally before the committee by the Senator from New Jersey [Mr. FRELINGHUYSEN]. In view of those charges he appeared before the committee in the early part of the session and made formal charges in person, and, I think, submitted some documents. In view of that fact, there being opposition to his confirmation and charges made, a subcommittee was appointed.

Mr. STERLING. Permit me to correct the Senator from Minnesota [Mr. NELSON] in regard to the charges. No formal charges were filed with the subcommittee. Some documents were submitted and a statement made by the Senator from New Jersey [Mr. FRELINGHUYSEN], but no formal charges were made.

Mr. NELSON. In view of the representations made by the Senator from New Jersey before the committee in respect to the nomination, a subcommittee was appointed to take testimony and hear what objections there were to the confirmation of Mr. Palmer. That subcommittee labored diligently for over two months and finally reported to the committee unanimously in favor of the confirmation, and the full committee adopted that report. The nomination has been reported to the Senate and is pending to-day on the calendar.

Mr. SMITH of Georgia. Mr. President, the Senator from Minnesota mentioned the fact that the confirmation was had and then withdrawn. It was informally had by mistake, without discussion.

Mr. NELSON. I was not present at the time.

Mr. SMITH of Georgia. It was just passed informally. As no one meant that it should be passed in that way, it was changed the next day.

Mr. NELSON. But it is still pending on the calendar?

Mr. SMITH of Georgia. Yes, sir.

Mr. STERLING. I can easily explain how that happened. I made many reports from the Committee on Post Offices and Post Roads, involving appointments of postmasters in half a dozen different States, and inadvertently the nomination paper in the Attorney General's case got among those papers and was passed up to the Secretary's desk.

Mr. SMITH of Georgia. There was no desire on the part of anyone——

Mr. FRELINGHUYSEN. I must decline to yield further.

Mr. SMITH of Georgia. Just one more word.

Mr. FRELINGHUYSEN. All right.

Mr. SMITH of Georgia. There was no desire upon the part of anyone to pass the nomination without giving anyone who desired to criticize it the fullest opportunity, and it was unanimously corrected.

Mr. FRELINGHUYSEN. I will finish, I hope, very shortly if I am not interrupted further. I will not enter into a question of the hearings, because that relates to the nomination of Mr. Palmer.

As the question was asked me directly, I feel that witnesses should have been called. I am not criticizing the committee for that, because I hope that the resolution I am talking to will be passed and a full investigation ordered.

I want to refer just briefly to Mr. Palmer as Alien Property Custodian. That Mr. Palmer as Alien Property Custodian favored political friends in his appointments to enemy corporations is known to all of you. In my own State it was evident that the majority of these selected were selected because of their political affiliations. While such fact alone would not disqualify him, still there is one phase of his administration as Alien Property Custodian to which I desire to direct your particular attention.

From my study of the treaty with Germany I am convinced that it sets forth many and very serious liabilities for the United States, and that the only tangible asset which we are likely to have to meet our losses and those of our citizens will be the fund realized from the sale by the Alien Property Custodian of property belonging to Germans. I had always supposed that the fund would be kept for that very purpose, and always believed that it was to our interest to realize as much as possible from German property. What was, and apparently still is, Mr. Palmer's view is set forth at page 126 of the record. I read therefrom:

> I was willing to give them (Germans) a fair chance, give them an open sale, let everybody come and buy, but I was not going to hunt around to find the best time to place millions in the United States Treasury for these Germans to hire lawyers in America to come and fight for after the war was over.

That was his answer to the claim that property such as the Bosch Magneto Co. and International Insurance Co. had been sacrificed. Where did Mr. Palmer ever gain the notion that as Alien Property Custodian he was seizing property to be subsequently turned over to Germans? Perhaps he was one of those who believed that no matter what sacrifice we might make, we should not under any circumstances ask for any reimbursement for ourselves or for the losses of our citizens, and should even turn over to Germany the proceeds of all property which he might have seized. I repeat, so far as I can see, the only property we will have to meet our losses and those of our citizens is the Alien Property Custodian's fund, and if it does not prove large enough, and we know well that it will not, I ask you: Is Mr. Palmer to be praised or blamed? From his testimony, as well as from certain provisions inserted in the treaty apparently at the suggestion of Mr. Bradley Palmer, one of the counsel for the Alien Property Custodian, but, who, I believe, is in no way related to him, Mr. Palmer feared that the United States would be called upon to account. No doubt it will. No matter what provisions may be in the treaty, Germany will almost certainly claim before the reparation commission that she must receive credit for the actual value of German property seized here, and as proof that sales were not for actual value she will point to Mr. Palmer's statements and boasts. Who will say that she will not be credited and the United States charged with such actual value? Her financial condition and that of Europe in general is such that the strong chances are that she will be so credited and we will be correspondingly charged. Mr. Palmer has boasted that he "was not going to hunt around to find the best time to place millions in the United States Treasury for these Germans." Time will tell whether Mr. Palmer in neglecting to sell at the best times was acting for or against the best interests of his own country. Unless I am mistaken, time will prove that his administration was a liability.

Mr. JONES of New Mexico. Mr. President——

Mr. FRELINGHUYSEN. I refuse to yield, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey declines to yield.

Mr. JONES of New Mexico. I merely wish to ask a question with reference to the effect of the resolution of the Senator from New York [Mr. CALDER]. I ask the Senator from New Jersey if it is going to be the purpose of this committee to try to lay a foundation whereby Germany can present a claim against the United States?

Mr. FRELINGHUYSEN. Not at all, Mr. President. My contention is and always has been that it was the duty of the Alien Property Custodian to collect as much money as possible from these German industries in order that we might indemnify those who lost their lives on the *Lusitania* and those who have lost property through Germany's outrage against our shipping and against human life. He is a common-law trustee, and it was his duty as common-law trustee to safeguard the property. That is what I want this resolution for, so that the Senate may know whether he has administered the Alien Property Custodian's office in a capable, efficient, and honest manner.

Mr. JONES of New Mexico. Will the Senator yield for another question?

Mr. FRELINGHUYSEN. I am anxious to finish, but I will yield. I do not wish to be discourteous.

Mr. JONES of New Mexico. I wish to ask the Senator from New Jersey if he feels that it is the proper duty of a committee of the Senate to hunt up evidence to protect the Government of the United States against a claim which in his mind he thinks Germany will present, or should not that testimony then be found by the Department of Justice rather than the Senate of the United States? If the Senator's position is true, if such is the purpose of the resolution, then I think we should all vote against it.

Mr. FRELINGHUYSEN. The purpose of the resolution is to make an investigation as to how Mr. Palmer handled the Alien Property Custodian's office and how he administered that great trust.

Aside from the fact that Germany will claim that she should be credited with actual value of property seized here, Mr.

Palmer is a lawyer and admits that he acted as a trustee. As a lawyer he must have known the duties of a trustee. It is hardly necessary for me in a body composed of so many lawyers to call attention to the rule that a trustee in making sales must always try to secure the best possible prices.

In the course of the hearings before the subcommittee counsel for some of the parties, who vigorously protested Mr. Palmer's administration, claimed that he should not be made Attorney General, because that would place their clients in the embarrassing position of having to appeal to him as Attorney General, for the Attorney General would be determining his own acts as Alien Property Custodian.

Senator DILLINGHAM quoted at the end of one of the hearings from a statement made by a lawyer who filed charges and made an argument against the appointment. I hesitate to read it, but it is a quotation, and I therefore feel within my rights:

Senator DILLINGHAM. Before you leave that subject, it appears he raises one of the same questions that were raised by Mr. Remington this afternoon. I would like to read it and ask you about it. He says:

"Until the exchange of ratification of the peace treaty not an alien enemy or ally of enemy may make claim for the return of property taken over by the Alien Property Custodian under the provisions of section 9 of the trading-with-the-enemy act. The Department of Justice is vested with jurisdiction to determine whether or not any claim under section 9 shall be allowed, and also is empowered to conduct the defense of any litigation filed against the Alien Property Custodian. This section is the only remedial provision in the act, and it is under this section that any irregularities or wrongs that have resulted in the taking over of property may be corrected.

"In view of this fact, the withdrawal of Mr. Palmer as Alien Property Custodian at a time when he had practically completed the taking over of all enemy property in this country, and appointing him as Attorney General, places him in the position of checking over his own work, correcting his own irregularities, and righting his own wrongs, and is, in fact, the nullification of legislative intent and purpose by Executive order."

Mr. President, I have presented these facts, believing, as I do, that it is our public duty as Senators to support the resolution and see that a committee of the Senate is appointed to make not only an investigation of the trusteeship of the Alien Property Custodian but to ascertain what moneys have been collected and what moneys have been spent, in fact, a public audit, in order that the Senate may know, bearing the responsibility as they do of conserving these funds, how they have been administered.

Mr. WALSH of Montana. Mr. President, I had hoped that we should be able to consider in executive session this evening the nomination of Mr. Palmer for the position of Attorney General, which has been discussed by the Senator from New Jersey; but I think, perhaps, it may be advisable—at least I should desire to consider whether it may not be advisable—to say something in reply to the comments of the distinguished Senator who has just addressed the Senate. My present impression is that none is required.

As has been stated, the nomination came before the Judiciary Committee before the close of the last session. The subject which occupied most of the remarks of the Senator from New Jersey was then presented to the committee. The committee investigated the matter and unanimously reported in favor of the nomination of Mr. Palmer.

Mr. FRELINGHUYSEN. May I ask the Senator a question?

Mr. WALSH of Montana. Yes.

Mr. FRELINGHUYSEN. Was the translation of the Albert memorandum found in Dr. Albert's bag before the committee at that time?

Mr. WALSH of Montana. I can not recall that it was before the committee at that time; but it is a matter of no consequence whether it was or was not, in my own judgment about the matter, for the New York World editorial, which gives the salient facts of the so-called Albert memorandum, was before the committee. The committee—the majority being Democrats—reported favorably upon the nomination, but the report was then unanimous; there was no dissenting voice whatever. The nomination came before the Senate again after the present session began. It was, as stated, referred to a subcommittee. The Senator from New Jersey appeared before the committee and called our attention to the matter of which he has now spoken. The subcommittee spent a very large amount of time—an unusually large amount of time—in investigating the matter.

The majority of the committee, of course, were Republicans—three Republicans and two Democrats—and there was again a unanimous report of the subcommittee in favor of the nomination. It went to the full committee, and the full committee, without any dissenting voice whatever, confirmed the action of the subcommittee.

In view of the situation of affairs, I do not know that it will be necessary to say anything in reply to what has now been said, particularly, Mr. President, as the matters to which the Senator has referred have twice been given to the public. They were given to the public on the occasion to which the Senator has referred, and the matter was published by the New York World; all the newspapers carried it at that time. It was again published when the matters were heard before the subcommittee. As was stated, the hearings were made public. This is the third time the public have heard the same story. So it may not be necessary to say anything further in reply; but, however that may be, I shall not ask an executive session for the consideration of the nomination to-night.

FOREIGN EXCHANGE.

Mr. OWEN. Mr. President, I wish to submit for the RECORD an editorial from the New York Times with regard to world trade obstacles, in which they charge Congress with not having provided the mechanism by which to furnish the credit to Europe. There are pending four measures before the Committee on Banking and Currency. One of them has already been reported to the Senate—the Edge bill—which would serve to give this relief, and I call the attention of the Senate to the importance of this matter. It affects a billion dollars of international commerce.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WORLD TRADE OBSTACLES.

"Senator OWEN's letter to the President ought to bring to an end the obstruction to our foreign trade by the game of cross-purposes in which too many are playing their own hands without regard to their partners. Billions are immediately at stake, and beyond all money estimates are considerations of duty toward our allies and toward some hundred million starving people who have no claim beyond their need, and no hope if it is not to be found here. Long ago Mr. Davison said that the right sort of Americans could not sleep nights without helping the world if they had seen what he had seen. *Day by day Mr. Hoover, who is now traveling Mr. Davison's ground over again, becomes more pressing and pathetic as he tells how the peoples of the new nations call the Americans 'their saviors,'* and must face the winter without cows for meat or milk and with only such grain as women can cut in half-tilled fields with sickles. *Yet every day we read of our storehouses bursting with the raw material of profitable commerce, to say nothing of charity, and threatening ourselves with a price crisis if it is not disposed of.* The reason why this surplus is not on its errand of mercy and profit is that *we are unprepared with the machinery of peace as we were unready for war.* But there is this difference—war preparedness is for an emergency, to be dismantled in peace, but *what is now needed is preparedness for our new and permanent position in world trade. The progress of years can be compressed into months or even weeks. But Washington does not give the cue—does nothing, in fact, but dispute where the blame lies.*

"Senator OWEN says that the New York banks block the way in order to preserve their profits in foreign exchange dealings. There is not heard here any rejoicing over foreign exchange profiteering. Rather the talk is that the business is ruined for the present. The New York bankers repay the Senator's compliment in kind. It seems to them that the present emergency is not a banking matter primarily, *but one in which the Government should play a leading part. Bankers whose deposits are payable on demand can not give credit for the time necessary for trade to revive in the devastated countries, which can not repay until their trade is born again. Neither can foreign traders finance their exports. It is not their business, and if they attempted it their capital would soon all be locked up in goods on long credit and their production would have to stop with their employment of labor and wage payments.*

"The Senator gives no authority for his charges, but if he would ask those whom he accuses he would find that *they have their complaint to make. More than one New York proposal has been laid before more than one department in Washington, and been cold-shouldered.* There are merits in some of the proposals at Washington, but not one of them rises to the multi-billion class, or takes note of the new-born nations, the neediest of all, which need sponsoring for a period. It is idle to provide a single billion of rediscounts, conditioned on indorsements by sellers of goods. *It is not their business to consider political risks, and the indorsements would more properly come from the foreign banks and Governments.* If such indorsements are not sufficient, private traders do not want the business, but would do it *if our Government would help.* It will be seen that the situation is new in its *mixture of politics and commerce,* with all the need on one side and all the goods on the other. It is a case for exchange in its broadest aspect, for at present the current is one way, but a case for purveying on credit, not credit between Governments, but credit between pri-

vate traders, who have a ground for Government guarantee, or at least *Government sharing of risk by vouching for buyers, perhaps accredited by foreign Governments.*

"The acuteness of the moment arises from the fact that the ten billions authorized to be lent by our Treasury has been exhausted, and that England is resolved to borrow no more. But England has not stopped lending, for she well knows that lenders in desperate times make the best friends and the greatest profits. *Last week England lent Finland £6,000,000 to be spent for British goods. Even Canada, according to last week's cable from Bucharest, has lent $25,000,000 in Roumania, and will get trade which we need to have.* No one knows just what is to be done with the funds raised here last week by sales of British-owned securities in round amounts. England's professed indifference to the American price for the pound makes it unlikely that the funds will be spent in supporting sterling. They may be taken to London and lent to the new countries to whose distress and trade we are indifferent. That would amount to a substitution of securities, we taking the old seasoned sort, and England taking the new untried sort and the trade which goes with them. Trade profits are greater than bankers' profits, for bankers' profits are made once and trade flourishes on repeat orders. Another cable last week gives food for thought. *Six Bremen merchants, without either cash or credit, mortgaged their mills and bought our cotton.* If our Government insists upon our doing a retail business, more business of that sort might be done, we furnishing the raw materials and retaining a lien upon them until the manufactured goods, less the makers' profit, are delivered in payment by barter, cutting out the currency complications. Some day the world will not be content to do business in goods in a way which makes it necessary to trade in currencies to close the transaction. There is a story that in Mr. Carnegie's earlier and needy days he found Mr. Phipps useful because he could keep a check afloat longer than any other man. In foreign trade there are too many opportunities of that sort of floating credit, and there is a great need of payments directly between the parties doing business together. Now is not the time for innovations of which theorists are fond. But there is a need that Washington should have a better appreciation of the part it should play in cooperation with men of business and bankers, who need help more than scolding."

Mr. OWEN. The Times is in error in the idea that the banks are accused of speculating in foreign exchange. The general short selling of exchange of the foreign exchange banks is notorious, and it is no accusation to comment on the obvious.

The New York banks have opposed the Federal reserve foreign bank and the foreign finance corporation bill, in both of which the United States Government would take a part.

The Times is of opinion the Government should help. The banks have not been of that opinion beyond favoring the Edge bill. They have taken the contrary ground and opposed the United States Government giving governmental support or being represented in such enterprises.

I shall be glad to see some evidence of their change of attitude. Our international balance of trade fell off $400,000,000 for July from what it was in June. If this goes on, America's opportunity as a world leader will be gone and the exchanges will react to normal by commodity balances going against us instead of for us.

The ability of Europe to repay her debts is shown by Albert Breton, vice president in charge of the foreign exchange department of the Guaranty Trust Co., in a statement yesterday, which I ask to have inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

REVIVAL IN EUROPE NEAR, BANKER SAYS—ALBERT BRETON RETURNS OPTIMISTIC AS TO FRANCE, ITALY, AND BELGIUM—WOULD OPEN CREDITS HERE—FINDS FRANCE IN NEED OF LABOR—ITALY PUSHING OUT FOR TRADE—BELGIAN INDUSTRIES RESUMING.

"Considering that Europe has been at war for five years, and that the countries have lost tremendously in men and treasure, the situation is very far from being black," said Albert Breton, vice president of the Guaranty Trust Co., who returned to his desk yesterday after being abroad for several weeks. Mr. Breton said he was anything but a pessimist on affairs in France and Belgium and predicted that they would work out their problems much sooner than many in this country believed.

"Regarding the part America is to play in helping European countries back to normal, Mr. Breton thought it would not be so difficult as it seemed a few months ago. Against the previous estimates of several billions needed for the rehabilitation of France, Italy, and Belgium, Mr. Breton thought that for the next 12 months a little more than $1,000,000,000 would suffice. He put the amount which France should receive from the United States at $400,000,000, Italy's requirements at $500,000,000, and those of Belgium at about $200,000,000. Some of these sums, he thought, could probably be shaded somewhat.

"'Europe just now wants raw materials and some special machinery,' he said. 'We should let them have the raw materials, and maybe some of the machinery they will need so that their manufacturers can resume operation and their people can find employment. They hope we will arrange for the opening of credits in their behalf so that their industrial and commercial affairs may go ahead.'

"Mr. Breton believed that credits could be opened at once, or in the very near future. There is no disposition, he said, to criticize the United States for not having made these arrangements sooner, for the Europeans realize that we have a great problem over here and will experience difficulty getting plans into working order, just as they are having some difficulty in arriving at definite conclusions as to their wants.

"Concerning the labor problem, Mr. Breton said conditions in France were unusual. There is less unrest in France than in some other countries, but labor is scarce. The French Government is arranging to import Italian and Polish labor, and in addition will have the services of several hundred thousand German prisoners of war.

"Italy, Mr. Breton continued, needs food and other commodities very badly, but the Italians have adopted an aggressive business policy and may improve their situation much sooner than many expect. They are already making heroic efforts for commercial opportunities in the Balkans and the Near East. One big Italian bank recently opened a credit of 50,000,000 lira for Polish merchants, and several Italian banks are opening branches in cities such as Constantinople, while others are pushing up into Poland. Some branches have been opened in Warsaw and others are expected to follow.

"In Belgium conditions are improving steadily and rapidly, Mr. Breton said. The cotton mills are running well, and other factories are getting started. There is some shortage of leather belting and copper, due to the ravages of the German military, but expedients are being resorted to. Unemployment has almost disappeared in Belgium. Antwerp is an extremely busy port, and Mr. Breton said it was expected to become busier, as it is the natural clearing point for important parts of Germany as well as for Belgium.

"In northern France the mills and factories are reopening, and many of the population who were moved elsewhere went back as soon as the German armies withdrew.

"Mr. Breton said he thought France would be able to anticipate a substantial part of the German indemnity by opening credits here. The indemnity, he explained, would be paid over a term of years probably; and while it will be of great benefit to France in the long run, it may be desirable to anticipate some of the payments in other markets."

Mr. OWEN. That England can take care of herself is well shown by Mr. Edgar in the article which I ask to have inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sunday, Aug. 24, 1919.]

SEES BRITAIN FAR FROM BANKRUPT—LONDON FINANCIER THINKS A FALSE IMPRESSION HAS BEEN CREATED HERE—WELCOMES COOPERATION—BUT THERE IS NO REASON TO FEAR AMERICAN COMPETITION, SAYS E. M. EDGAR—OUR PART IN WORLD TRADE—NEVER LIKELY TO EQUAL BRITAIN'S, HE SAYS, BECAUSE WE LACK THE NEED OF EXPANSION.

(Copyright, 1919, by the New York Times Co. Special cable to the New York Times.)

"LONDON, *August 22.*

"Much interest has been excited here by an article headed 'The answer to Mr. Vanderlip,' which appears in the current number of Sperling's Journal, from the pen of E. Mackay Edgar. Mr. Edgar, who recently returned from a visit to America, is the head of the well-known London firm of Sperling & Co., which held for many years a prominent position in financing American and other foreign enterprises.

"In his article Mr. Edgar not only criticizes Mr. Vanderlip's scheme for an international loan on behalf of Europe, but draws a much more optimistic picture of Great Britain's commercial prospects in the face of American competition than has yet been presented to the public on either side of the Atlantic. In an interview to-day with the New York Times representative Mr. Edgar further developed his views:

"My position, he said, is very simple. I welcome American cooperation; that is to say, the cooperation of British and American firms and interests and groups that are working along the same lines, and I believe it will be mutually advantageous. But I do not fear American competition; on the contrary, I see some reasons for thinking we in Great Britain are

in many ways in a sounder position than America, that we hold the winning cards, and if we play them rightly shall soon regain all we have lost and a little more into the bargain.

"When I was in New York the other day I found people talking as though Great Britain was bankrupt. They were very kind about it and wanted to help us and had no idea of taking advantage of our extremity, but they frankly thought we were done for. Of course, as you know, that is all nonsence. There is no lack of credit facilities at this moment in Great Britain. Anyone can get all the money he wants for a sound enterprise. London is still as much as ever the center and clearing house of international trade and finance. Our capacity for production has been immensely increased by the war, and directly our workmen settle down to work we shall go bounding ahead.

"What I think misleads many of our friends in New York is the decline of the pound sterling as measured in American dollars, and the spectacle of the debt which the British Government owes the American Government. But the fall in the value of sterling hurts America more than it hurts us. It forces us to cut down our American purchases to a minimum. It operates as effectively as heavy exports against the shipment of American goods and products abroad. It hampers America in getting rid of the immense stocks of commodities of all kinds which she accumulated at war prices. It therefore tends to bring about a state of congestion which can be relieved only by selling at a loss, by diminishing production, or by lowering wages; and in the present temper of American labor and with the bitter outcry against the high cost of living, none of these alternatives is pleasant.

"The truth is that production prices and wages have reached such an inordinately uneconomic point in the United States that something is bound to give way. As for the British debt, I look upon it as a bond of commercial union between the two lands. As America can not proceed against us for the recovery of the sums owing to her, she is compelled by her own interests to assist our prosperity and join in putting our solvency and our ability to pay off our loans beyond question. But, in any case, except so far as they affect the course of exchange, these intergovernmental debts are a minor matter. They have very little to do with commercial and international finance.

"Some Americans seem to think New York will displace London in world finance. The Americans certainly will not do it by making loans to Governments; I doubt whether they will do it in any event. The advantages of experience, habit, geographical position, and the possession of unique facilities which Mr. Vanderlip freely concedes to London are very real advantages. That is proved by the fact that London is to-day doing as much business as ever.

"But there is another reason for British confidence. You can get a safe 7 per cent almost anywhere you like in America. How can a country of which that can be said, a country that is still amazingly underdeveloped and underpopulated, and that offers within her own boundaries limitless opportunity for development, play a big part in international finance? Where is the inducement? Why should the American investor venture into an unknown field and run greater risks for the sake of getting smaller returns? Therefore I think London will long continue to hold her own in international trade and finance.

"It is the same with shipping. I have some very big shipbuilding interests in Great Britain, and I do not fear American competition. Why not? Well, for several reasons. One is that American yards can not yet turn out special ships for special trades. That is the backbone of the British mercantile marine. Secondly, their costs of construction are very far ahead of ours. Thirdly, the expenses of operating American ships are at least 30 per cent heavier than ours. Fourthly, they have not even the beginning of that wonderful network and organization of shipping agencies which our people have built up all around the world. Fifthly, a mercantile marine, while a necessity to Great Britain, is a luxury to America. Sixthly, the American instinct for the sea has been very greatly impaired in the United States, and an ordinary American can always get a better paid and more congenial job on land.

"So, too, with foreign commerce. America made a magnificent burst into the arena during the war, but I doubt whether she will be able to maintain it. Here, again, the element of compulsion is lacking. Our foreign trade is absolutely vital to us; to Americans it is merely a convenient way of disposing of their surplus. America is so huge; her command of her own market of 110,000,000 people so secure, and her domestic demands likely to be on so prodigious a scale that 10 years hence you may easily find that the smaller profits and longer credits of international trade will have little attraction for her people.

"Again, America is reaching the end of some of her most valuable raw materials and natural resources. Already she is importing oil for her own consumption; she will soon be importing copper—perhaps even wheat. Her 'magnates' are rightly and shrewdly looking ahead and scouring the world for reserves of basic metals and minerals that will make good their own dwindling supplies; but wherever they turn they find that British enterprise has been before them. We hold many of these essential key positions in our own hands. Even if they do not lie inside the British Empire, they are controlled by British capital. America one of these days—and not very distant days, either—will have to come to us for the oil, copper, and, perhaps, the iron ore she needs, just as she has come to us for wool. That is why I for one am not greatly disturbed by America's competition.

"The social and industrial difficulties ahead of her are at least as menacing as any that confront us; in my opinion they are more so. Try to look ahead 10 or 15 years, and you will see, I think, that it is the Americans, and not ourselves, who have greater cause for uneasiness. What it really comes to is that we are in the same boat and have everything to gain by pulling together. Commercial partnerships and understandings between groups of Englishmen and Americans who are engaged in the same lines of business are, in my judgment, the most fruitful form that an Anglo-American alliance could take."

Mr. OWEN. I hope, Mr. President, the Congress and the President will act. I have, at least, done what I could to solve this problem.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, August 26, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 25, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, open our eyes to the beauty of holiness, that we may worship Thee in spirit and in truth and receive that spiritual momentum which shall guide us through the intricate problems of life; that we may quit ourselves like men, satisfy our longings, and come into closer relationship with Thee and our fellow men in love. In the spirit of the Master. Amen.

The Journal of the proceedings of Friday, August 22, 1919, was read and approved.

DISTRICT OF COLUMBIA BUSINESS.

Mr. MAPES rose.

The SPEAKER. To-day is District day. The gentleman from Michigan [Mr. MAPES] is recognized.

CALL OF THE HOUSE.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present.

Mr. MAPES. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Michigan moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Christopherson	Fields	Hastings
Andrews, Md.	Clark, Fla.	Fitzgerald	Hersman
Anthony	Classon	Flood	Hicks
Babka	Cleary	Focht	Hill
Bacharach	Cooper	Foster	Hoch
Begg	Costello	Frear	Huddleston
Benson	Crago	Freeman	Hudspeth
Black	Cramton	Fuller, Mass.	Humphreys
Blackmon	Cullen	Gallivan	Husted
Bland, Ind.	Curry, Calif.	Gandy	Ireland
Bland, Mo.	Davey	Ganly	Jacoway
Booher	Denison	Gard	Jefferis
Bowers	Dent	Garland	Johnson, S. Dak.
Britten	Dewalt	Goldfogle	Johnson, Wash.
Brooks, Pa.	Donovan	Gould	Johnston, N. Y.
Browne	Dooling	Graham, Pa.	Juul
Brumbaugh	Doremus	Graham, Ill.	Kahn
Burdick	Dunn	Greene, Mass	Kelley, Mich.
Burke	Edmonds	Griest	Kendall
Burroughs	Ellsworth	Griffin	Kennedy, Iowa
Candler	Emerson	Hadley	Kennedy, R. I.
Caraway	Esch	Hamill	Kettner
Carew	Evans, Mont.	Hamilton	Kiess
Carter	Evans, Nebr.	Hardy, Colo.	Knutson
Chindblom	Ferris	Haskell	Kreider

LaGuardia	Moore, Pa.	Rouse	Sullivan
Larsen	Moores, Ind.	Rowan	Sumners, Tex.
Lea, Calif.	Mott	Rowe	Sweet
Lee, Ga.	Mudd	Rucker	Taylor, Ark.
Losher	Neely	Sanders, Ind.	Tilson
Linthicum	Nolan	Sanders, N. Y.	Upshaw
Longworth	O'Connell	Saunders, Va.	Vare
Luce	Olney	Scully	Walsh
McGlennon	Paige	Sears	Walters
McKenzie	Parker	Shreve	Ward
McKinley	Porter	Siegel	Wason
Magee	Radcliffe	Sinclair	Watson, Pa.
Maher	Rainey, J. W.	Sisson	Webster
Mann	Randall, Calif.	Slemp	Williams
Mason	Randall, Wis.	Smith, Ill.	Wilson, Ill.
Mead	Rayburn	Smith, N. Y.	Winslow
Merritt	Reed, W. Va.	Snyder	Wise
Minahan, N. J.	Riddick	Steele	Woodyard
Monahan, Wis.	Riordan	Stephens, Miss.	Zihlman
Moon	Rodenberg	Stevenson	
Mooney	Rogers	Stiness	

The Speaker announced that 241 Members had answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

LEAVE TO ADDRESS THE HOUSE.

Mr. TOWNER. Mr. Speaker, I desire to prefer a request for unanimous consent. The 17th of September is the anniversary of the adoption of the Constitution of the United States. I desire at that time, after the reading of the Journal and the disposition of business on the Speaker's table, to address the House for 40 minutes on constitutional government.

The SPEAKER. The gentleman from Iowa asks unanimous consent that on the 17th of September—the anniversary of the adoption of the Constitution of the United States—he may address the House for 40 minutes after the reading of the Journal and the disposition of business on the Speaker's table. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills reported by the Committee on the District of Columbia.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business. The question is on agreeing to that motion.

Mr. MAPES. And pending that, Mr. Speaker, I would like to see if we can arrange upon the time for general debate.

Mr. JOHNSON of Kentucky. What time does the gentleman suggest?

The SPEAKER. On what bill?

Mr. MAPES. On all bills from the Committee on the District of Columbia. I have requests on this side that will take about 45 minutes. I should like to agree, if we can, upon one hour and a half of general debate, one-half of that time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and one-half by myself.

Mr. JOHNSON of Kentucky. That is agreeable to me.

Mr. CANNON. Is that on all bills? I do not know how many bills there are or what they are.

Mr. MAPES. Pending the motion to go into the Committee of the Whole House on the state of the Union, Mr. Speaker, I ask that general debate be limited to 1 hour and 30 minutes, one-half to be controlled by the gentleman from Kentucky and one-half to be controlled by myself.

Mr. CANNON. I shall object to the request in that form, because there may be a dozen or half a dozen bills.

Mr. JOHNSON of Kentucky. This is general debate, I will say to the gentleman.

Mr. CANNON. General debate on all bills.

Mr. MAPES. Mr. Speaker, there are only three bills that could be considered, as I understand it, under the rules in the Committee of the Whole House on the state of the Union. One of them is the teachers' retirement bill. The other two are short bills. One of them is a formal bill to authorize the constituents of the gentleman from Nebraska [Mr. KINKAID] to remove the body of a child to his district who died and was buried in the District, and the other is to authorize corporations in the District of Columbia to change their name on a vote of the directors and stockholders.

Mr. JOHNSON of Kentucky. I would suggest to the gentleman from Michigan that he make his motion to go into Committee of the Whole House on the state of the Union for the purpose of considering District bills, and then, to avoid any objection, ask unanimous consent for 1 hour and 30 minutes' debate on the first bill, and the rest of it can take care of itself when it comes up.

Mr. MAPES. I shall have to do that, Mr. Speaker, if there is objection, but this is the usual request.

The SPEAKER. The gentleman from Michigan asks unanimous consent, pending the motion to go into Committee of the Whole House on the state of the Union, that the general debate on the first bill be limited to one hour and a half, half the time to be controlled by himself and the other half by the gentleman from Kentucky. Is there objection?

COMMITTEE ASSIGNMENT.

Mr. MONDELL. Mr. Speaker, will the gentleman withhold his motion for a moment, to give me time to submit a resolution?

Mr. MAPES. Yes.

Mr. MONDELL. I submit the following resolution relative to committee assignments.

The SPEAKER. The gentleman from Wyoming submits a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That KING SWOPE, Member of Congress from Kentucky, be, and he is hereby, elected member of the standing committees of the House, as follows: Immigration and Naturalization, Patents, Expenditures in the War Department.

The resolution was agreed to.

RETIREMENT OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA.

The motion of Mr. MAPES was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of business reported from the Committee on the District of Columbia, with Mr. REAVIS in the chair.

Mr. REAVIS took the chair amid applause.

Mr. MAPES. Mr. Chairman, I call up H. R. 5818, for the retirement of public-school teachers in the District of Columbia.

The CHAIRMAN. The gentleman from Michigan calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, I should like to occupy about 15 minutes of the time allotted to me.

The CHAIRMAN. Does the gentleman desire to be notified when he has occupied 15 minutes?

Mr. MAPES. Yes.

The CHAIRMAN. The gentleman from Michigan will proceed.

Mr. MAPES. Mr. Chairman, society has come to recognize that the person who gives his life to an employer or to an industry must be provided for in his old age. The big employers of labor are more and more making such provision for their employees and their action is justified quite as much upon the ground of benefit to the industry as it is upon the ground of justice to the employee. The time has passed when it is necessary to argue the advisability or propriety of such action.

All the arguments in favor of making some provision for the retirement of the superannuated employee in industry or in the civil service of the Government generally apply with greater force in favor of retirement legislation for teachers. The good of society and the interests of the children demand that the superannuated teacher shall be retired, and justice to the teacher requires that he shall not be compelled to go to the poorhouse upon retirement after he has devoted his life to the teaching service. Retirement legislation tends to make the teaching force more efficient and more competent by eliminating the superannuated teacher as well as eliminating the worry of the teacher in the service over what is to become of him in his old age.

No great harm is done society by the retention of the superannuated in industry or in the ordinary departments of the Government, although by doing so the business at hand is undoubtedly made more expensive and less efficient. The superannuated Government employee in the majority of the departments of the Government may be kept upon the pay roll even though he is obliged to have an attendant bring him to the department in the morning and call for him at night without any irredeemable injury being done to society in general, even though the expense of doing the Government business is increased and the morale of the other workers weakened. Some-

one else can, however, do the work and society in general is not injured; but this can not be said of the teacher. The growing children are made to suffer if an incompetent and superannuated teacher is allowed to stay in the schools because he has no way to live if he should retire, and society owes it to the children to see to it that this does not happen.

In recognition of this principle teachers' retirement legislation, in one form or another, has been passed during the last few years in 35 States of the Union, and this bill proposes to put the District of Columbia on a par with those States as far as this class of legislation is concerned.

In the majority of the 35 States that have legislated upon the subject the law is State wide, although in some of them it relates only to certain cities or municipalities within the State.

The District of Columbia has a retirement law for its policemen and firemen, but it has none for the teachers in its schools. The last District appropriation bill carried an item of $218,724.36 for the policemen and firemen relief fund.

The legislation on the subject by the different States has been haphazard and in most cases unscientific. There has been no uniformity in it. There have been almost as many different systems as there are different States that have legislated upon the subject. In some States the teachers contribute to the fund; in others the State appropriates all that is paid to the teachers after their retirement. In a majority of the States that have legislated upon the subject, however, the teachers contribute a part and the State appropriates a part. In a number of the States the contribution of the teacher is small. In some States it is as low as $5 per year; in a number 1 per cent of the salary; in others from 3 to 7 per cent of the salary. In some States it is optional with the teachers to go into the system or not, as they see fit; in others it is compulsory for them to do so. In some States the retirement is based upon the age of the teacher; in others it is based upon the length of service of the teacher, without regard to age, such as Minnesota, where the teacher is allowed to retire after only 20 years of service in the schools, even though he may have started to teach at an early age; and in still others it is based upon service and age combined. Most of the States have created a general fund which is credited with whatever is paid into it. A few have adopted the system followed in this bill, of keeping separate accounts for the different teachers and allowing them to draw out of the fund upon their separation from the schools whatever amount has been deducted from their salaries or whatever they have paid into the fund, with interest.

The amount received by the teachers upon retirement also varies in the different States. It frequently depends upon their average salary received for a few years before retirement. It ranges from a minimum of $150 in Maine to a maximum of $800 per year in several States, and in others 60 per cent of the average salary for the last few years of service.

Mr. BEE. Will the gentleman yield for a question?

Mr. MAPES. I yield to the gentleman from Texas.

Mr. BEE. I have not read all of the bill, and I ask for information. I notice that any teacher who shall have reached the age of 62 years may be retired by the board of education on its own motion or on application.

Mr. MAPES. Yes.

Mr. BEE. Have you any provision for the retirement of a teacher under 62 years of age except, under section 4, which applies to any teacher who by reason of accident or illness has become mentally incapable?

Mr. MAPES. That is all.

Mr. BEE. Does not the gentleman think the age of 62 is a rather high age to put the limit at which the board shall have discretion? In other words, a man of 50 or 55 may have become so useless that it would be desirable to retire him. I speak of that because I was a member of a school board for many years and we were confronted with that question.

Mr. MAPES. The committee has authorized me to offer an amendment to that section which will allow a teacher, after 15 years of service in the schools of the District, to retire in case of accident or illness, regardless of age, in addition to those who have reached the age of 45 years.

Mr. BEE. The bill says "accident or illness not due to vicious habits." There might be such complete inefficiency in a person 55 or 60 years old that that person would be a detriment to the entire schools. I wondered whether there was anything to cover such cases.

Mr. MAPES. There might be individual cases of that kind, but students of this question have quite generally agreed upon 62 years as being the proper age for the retirement of teachers. It seems to me that a person ought not to be compulsorily retired from the activities of his profession any earlier than that.

Mr. SEARS. Will the gentleman yield?

Mr. MAPES. Very briefly.

Mr. SEARS. How long does a teacher have to be employed as a teacher in the District under this bill before he can be entitled to retirement, or an annuity, or whatever you call it?

Mr. MAPES. A teacher must have taught at least 10 years immediately prior to his retirement before he comes under the provisions of this bill. I will say to the gentleman that I will endeavor to explain the different provisions of the bill, if he will allow me to proceed.

Mr. SEARS. I am very much interested in the teachers.

Mr. MAPES. If the gentleman will allow me to proceed, I shall be glad to answer any questions that I can after I have made a brief explanation of the bill.

It is believed that this bill is based upon the best and most approved principles of teachers' retirement legislation. Those interested in it have been working upon it for a number of years, and they feel that the bill comes as nearly being financially sound as it is possible to make this class of legislation. The principles adopted in recent legislation in New York, Pennsylvania, and Massachusetts have been followed in general outline in drafting the bill.

The bill has the approval of the great majority of the teachers of the District who will be personally affected by it, and is indorsed by the Board of Education, the Commissioners of the District of Columbia, and by various citizens' associations of the District. A bill similar in all essential features passed the Senate in the last Congress. That bill was submitted to a vote of the teachers of the District and about 94 per cent of them indorsed it unqualifiedly, the other 6 per cent criticized some of its features, but only 1 opposed it absolutely, and he stated that he did so because he did not believe in any form of pension legislation.

In the last few years special study has been made of the subject of teachers' retirement legislation by the National Educational Association and by the Carnegie Foundation for the advancement of teaching, with a view of formulating a plan which would avoid some of the pitfalls that the States have gotten into. It is attempted in this bill to incorporate the sound principles adopted by the different States and recommended by these organizations.

It has been learned from experience that it is just as difficult to get something for nothing out of teachers' retirement funds as it is out of anything else. This bill does not attempt it. It adopts the contributory plan—every teacher in the service is obliged to contribute to the fund. It proposes to deduct out of his salary from year to year enough to buy a certain annuity for the rest of his life after his retirement, and to that annuity the District is to add its contribution of $10 per year for every year that the teacher has taught in its schools.

The bill provides that there shall be deducted from the basic salary of every teacher in the public schools of the District of Columbia every year an amount sufficient, with interest at 4 per cent per annum, compounded annually, to purchase an annuity equal to 1 per cent of his annual basic salary for each year of his whole term of service. That means that if a teacher teaches 40 years after this legislation goes into effect on an annual basic salary of $800 enough money will have been deducted from his salary at the end of the 40 years to buy him an annuity for the rest of his expectancy of life after retirement of 1 per cent of $800, or $8, multiplied by 40, the number of years that he has been in the service, making $320 per year. It is figured that the deduction for teachers who enter the service and teach for 40 years will be approximately 4 per cent of their salary each year, or $32 per year for the teacher who receives a basic salary of $800 per year. Of course, it will be more for those who enter the service later in life and it will be more for those who have been teaching a number of years at the time the law goes into effect, but the bill provides that the deductions shall in no case exceed 8 per cent of the teacher's annual basic salary.

Mr. THOMAS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. THOMAS. To put a question.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Kentucky?

Mr. MAPES. I will yield for a brief question.

Mr. THOMAS. Can the gentleman give any good reason why the teachers should be entitled to a pension any more than the farmers, the coal miners, the carpenters, or any other laborer?

Mr. MAPES. I supposed, Mr. Chairman, it was unnecessary to argue the merits of general retirement legislation. For that reason and because my time was limited I thought it best to devote the most of my time to an explanation of the special provisions of the bill rather than to a discussion of the general principles upon which this legislation is based.

As I have said, I believe it is generally conceded that anyone who has given himself to an employer or to an industry during the period of his actual life should be taken care of by that in-

dustry or employer in his old age, and all the arguments in favor of taking care of the employee in industry apply with greater force to the Government taking care of teachers in their old age who have spent their lives in educating and bringing up the children. The good of the schools, the good of society demand that the old teachers in the schools be taken out and provided for in their old age, as well as the good of the teachers.

Mr. THOMAS. Mr. Chairman——

Mr. MAPES. I can not yield any further.

Mr. THOMAS. I believe that the teachers should have adequate compensation.

Mr. MAPES. The Secretary of the Treasury is to have charge of the funds paid in by the teachers and prepare and keep all needful tables, records, and accounts required for carrying out its provisions.

He is also required to file with the board of education at the beginning of each school year a certificate showing the amount of deduction to be made from the salary of each teacher during the year.

The amount deducted is to be deposited with the Secretary of the Treasury and invested by him until paid out as provided by the law. The amount paid in by each teacher is to be compounded annually and credited to his individual account.

At the age of 62 a teacher may retire upon his own motion or upon the motion of the board of education. At the age of 70 he is obliged to retire unless the board of education considers it for the good of the service to retain him longer.

The bill also makes provision for the retirement of the teacher who has reached the age of 45 who, by reason of accident or illness not due to vicious habits, has become physically or mentally disabled so as to be incapable of performing the duties of a teacher.

Upon retirement a teacher shall receive a sum equal to 1 per cent of his average basic salary for each year of his whole term of service, the amount which the deductions from his salary has purchased, and an additional sum of $10 for each year that the teacher has taught. The bill provides that a teacher who is retired on account of age shall not receive less than $480 per year and that the annuity of a teacher retired on account of disability shall not be less than $420 per year.

Mr. MILLER. Will the gentleman yield for a question?

Mr. MAPES. I will yield to the gentleman.

Mr. MILLER. I see that the bill is entitled "An act for the retirement of the public-school teachers in the District of Columbia." As the chairman has stated, nearly every State has a retirement law. But there are other teachers in the public employment who are not in the District of Columbia; they are in public schools in the Government of Alaska, in the Philippine Islands, the Hawaiian Islands, and in the Canal Zone. I want to ask the gentleman if the committee has considered teachers in the public service outside of the District of Columbia, who, it occurs to me, are just as much entitled to the benefits of the act as are the teachers in the District of Columbia?

Mr. MAPES. The Committee on the District of Columbia do not have jurisdiction of legislation pertaining to teachers in those places.

Mr. MILLER. May I ask the gentleman another question?

Mr. MAPES. Certainly.

Mr. MILLER. Does not the chairman think it worth while for the provision to be included in this bill covering those teachers outside of the District?

Mr. MAPES. Of course, Mr. Chairman, a provision of that kind deserves consideration by some committee, but it ought not to be put on a bill when it has not been considered at all, and it would not be in order on this bill.

Mr. FESS. Would it interrupt the gentleman if I asked him a question?

Mr. MAPES. Not at all.

Mr. FESS. Is this bill confined to teaching in the District—for 10 years? Suppose the teacher has been brought here at the age of 52 years after having been teaching elsewhere. He begins his teaching here at the age of 52 years.

Mr. MAPES. I get the gentleman's point. The bill provides that teachers may be given credit for 10 years' service in the public schools outside of the District of Columbia, but not for a greater period than 10 years.

Mr. FESS. That answers the question.

Mr. MAPES. Does the gentleman from Florida [Mr. SEARS] wish to ask me a question?

Mr. SEARS. I believe the gentleman stated they would have to be in the service for 10 years before they could be retired. Why did the gentleman limit the age to 52 years? In other words, a teacher 53 years of age, employed to teach in the District of Columbia, who teaches 15 years would not be entitled to anything.

Mr. MAPES. Of course, any law of this kind has to fix some arbitrary figure. The limit has to be fixed somewhere, and the students of the question have considered that anyone who comes into the service after he reaches the age of 52 ought not to expect to come within the provisions of the law which is to apply to those who give their life work to that service.

Mr. SEARS. Why does the gentleman reach the conclusion that the age of 62 years is the proper age at which to retire teachers?

Mr. MAPES. For the same reason.

Mr. SEARS. Does not the gentleman realize that there are many Members of the Senate and some of the House and many teachers—as he will if he has had anything to do with school work—who at the age of 62 are just in their prime?

Mr. MAPES. It is not so true as to teachers in the public schools who are taking care of from 20 to 40 and 50 pupils every day and who have been doing so for 40 years. As a rule, a teacher who arrives at that age ought not to be charged with that sort of responsiblity, and the gentleman's children and mine ought not to be obliged to go to school to a teacher who is over 62 years of age. That is true as a general proposition, although there are exceptions.

Mr. SEARS. How much has the gentleman figured under this bill will be deducted from the salary annually of the teacher? Is it 1 per cent?

Mr. MAPES. If a teacher is in the service when this bill goes into effect and continues in the service for 40 years——

Mr. SEARS. Well, for 10 years.

Mr. MAPES. The estimates are that there will be deducted from his salary about 4 per cent. Of course, those who have been in the service for several years when the law goes into effect will have to contribute more, but the bill limits the contribution to 8 per cent of the teacher's basic salary.

Mr. SEARS. I understand this bill goes back only 10 years.

Mr. MAPES. It does not go back at all.

Mr. SEARS. Well, the last 10 years after the passage of this bill is when you compute the deductions from—the average salary for those 10 years. Has the chairman figured out what would be the average amount of deduction of that teacher's salary who is getting $1,000? Is it 1 per cent or 4 per cent? I find a reference to 1 per cent and another place I find a reference to 4 per cent.

Mr. MAPES. Enough is to be deducted from the teacher's salary to make 1 per cent of the teacher's average salary for his term of service. The 1 per cent has nothing to do with the deduction. There is to be deducted enough to pay 1 per cent of the average salary for the whole length of service of the teacher.

The second part of the annuity—that is, the $10 for each year of the service of the teacher—shall be paid by appropriations, the same as the current expenses of the District of Columbia are paid, and if the deductions from the teacher's salary, with accumulated interest, are insufficient to pay the first part of the annuity, as they will be until the system gets into full operation, the deficiency shall be paid by appropriations in the same way.

In computing length of service retiring teachers shall be given credit for teaching in public schools outside of the District of Columbia for not to exceed 10 years, and in order to come under the provisions of the act the teacher must have taught continuously in the District of Columbia for at least 10 years immediately prior to his retirement in case of disability, and in case of retirement on account of age he must have taught continuously from the time of his attainment of the age of 52.

In case of the separation of a teacher from the service of the public schools prior to the age of 62, except for disability, he shall receive the amount of his deductions, together with the interest thereon, and in case of his death the same is paid to his legal representatives. This provision is considered to be very desirable. Much of the early legislation did not contain this feature, and as a result the teachers' retirement laws were unpopular among the younger teachers. Those who did not intend to make teaching their life work objected to the deduction from their salaries. By providing that the deductions, with interest, shall be paid to the teacher upon his separation from the service the objection to this feature is very largely eliminated. Recent legislation upon this subject contains some such provision.

The bill applies to all teachers who are on the rolls of the public schools in the month of June, 1919, and every teacher who continues in the service or who is hereafter appointed to the position of teacher in the public schools shall come under its provisions and shall be deemed to accept its terms.

The CHAIRMAN. The gentleman has consumed an additional five minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, being opposed fundamentally to civil pensions, I can not become enthusiastic about this. The gentleman from Michigan [Mr. MAPES] has just said that this bill has the support of the school-teachers, and that it has the support of the citizens' associations of the District of Columbia. I am not surprised at all that it has, because anyone can see why the school-teachers would favor it. They are the beneficiaries of it. With a moment's explanation anyone can see how the several civic societies of the town favor it. Their reason for favoring it is that there is a fixed rate of taxation here on real estate, which, when summed up, amounts to $1 a hundred, which is a smaller rate of tax than is paid by any other city of comparable size in the United States. No matter whether the expenditures are large or small, that rate of taxation remains just the same. Under that rate of taxation, because the United States pays half of the tax here, or equivalent to that, a large surplus has accumulated to the credit of the District of Columbia. That surplus must be dissipated in some way or other, and the citizens' associations of the town are anxious to dissipate it in order that the United States Government may continue to pay one-half of the operating expenses of the District of Columbia.

Another fact must be borne in mind concerning this bill, and that is this: One-half of whatever is paid in the way of pensions to the school-teachers here by the District of Columbia will be paid by levying a tax upon the people throughout the rest of the United States, the school-teachers in the various States included. If this should become law every school-teacher throughout the length and breadth of the United States will pay a tax to help pay the pension of the school-teachers of the District of Columbia.

These suggestions are all that I care to make relative to the bill, with the exception of one other feature, which is this: Under this bill the superintendent of schools is to be pensioned. This pension will be $1,000 a year. He is now receiving a salary of $6,000 a year. I do not believe that any man getting a salary of $6,000 a year ought to be conniving with other people to have a salary of $1,000, or any other sum in the way of pension, allowed to him.

I might say further that the chairman has just referred to the pensioning of the policemen in the District of Columbia. I have watched the advance and the progress of the pension allowed to these policemen for a good many years now. In the beginning they asked the privilege of paying a portion each month of their salaries toward a fund to be used for pensioning disabled and retired policemen. That was granted. That was when the camel first put his nose into the tent. Next they asked that all of the stolen, lost, or unclaimed property found or taken in the District of Columbia might go to the policemen's pension fund. That was granted. Then, next, they asked that all fines in the police court might go to the policemen's pension fund. That was granted. Then they asked that all licenses on dogs, amounting to several thousand dollars a year, should go to the policemen's pension fund. That was granted. Then they came before the Congress and said there was a deficiency in the policemen's pension fund and they asked Congress to appropriate, just for that one term, this deficiency, and Congress made the appropriation. The next year there was another deficiency of some $50,000 or $60,000, the pensioners growing in number all of the time, and the amount allowed them growing accordingly. So that next year another deficiency was allowed them; deficiency after deficiency was allowed the policemen's pension fund until finally they succeeded in having the pension paid directly out of the Treasury, and that is the law now. Bear in mind, please, that the policemen everywhere else in the United States are contributing to the pension fund here, while those here are not contributing to the policemen's pension funds elsewhere in the United States. When this bill is passed the school-teachers in every part of this Union will contribute to the pension fund here, and the school-teachers in the District of Columbia will be contributing to no part of the school-teachers' pension fund elsewhere in the United States. Now, I yield to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. The gentleman has practically answered the question I had in mind. In other words, the gentleman believes that this in effect is class legislation?

Mr. JOHNSON of Kentucky. To be sure it is, and I am glad to see my colleague from Kentucky in agreement with me about this bill.

Mr. LANGLEY. Does the gentleman see any reason why school-teachers should have a pension any more after serving 10 years than Congressmen who have served 10 years and spent all their salaries here in Washington under a profiteering system?

Mr. JOHNSON of Kentucky. There is no reason for a pension for either. Mr. Chairman, how much time have I used?

Mr. BLANTON. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. For a short question, because I must limit my time for the use of others.

Mr. BLANTON. I could not get it from the chairman of the committee and therefore I have to resort to the gentleman from Kentucky. Will the gentleman tell us how many school-teachers there are now in the District of Columbia who will be subject to retirement under this bill immediately after its passage and whose minimum amount of $400 will have to be paid by the Government?

Mr. JOHNSON of Kentucky. I recall when hearings were going on before the committee I asked that very question. I am not quite sure about it—and I will ask the gentleman from Michigan to correct me if I am mistaken—but my recollection is that the one of whom I asked that question, and she is a school-teacher, replied that there were about 56 who would be immediately retired. Am I not correct about that, Mr. MAPES?

Mr. MAPES. My information has been that there were 48 who would be immediately retired.

Mr. JOHNSON of Kentucky. There is not much difference; it is only a matter of recollection with me.

Mr. HASTINGS. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. HASTINGS. How many school-teachers are there altogether in the District of Columbia?

Mr. JOHNSON of Kentucky. About 2,000. I reserve the remainder of my time.

Mr. MILLER. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I have given up the floor, but I will take it again for a question.

Mr. MILLER. I understand the bill includes librarians.

Mr. JOHNSON of Kentucky. Yes; it does.

Mr. MILLER. What was the policy of the committee in including librarians to be retired? Does the committee know of any State in the American Union which retired teachers which also retired librarians?

Mr. JOHNSON of Kentucky. Since I have not been advocating the measure I refer the gentleman to the gentleman from Michigan, the chairman of the committee.

Mr. MAPES. If the gentleman will yield, of course this bill does not ask for the retirement of librarians proper. It only retires school librarians, teachers who are acting as librarians in schools and who perform a very valuable service.

Mr. TINCHER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. TINCHER. I have a very high regard for the gentleman's opinion on District matters, and I would like to know if he favors the passage of this bill by this Congress?

Mr. JOHNSON of Kentucky. I will say to the gentleman that during the eight years I was chairman of the Committee on the District of Columbia I never helped to get it out of the committee. The last session the Senate passed a bill and sent it over to the House Committee on the District of Columbia. I have been accused of delaying its passage through that committee, and as to that I plead guilty. [Laughter and applause.]

Mr. ROSE. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. ROSE. I listened with a great deal of interest to what the gentleman said upon this bill, but it is not clear in my mind as to the provision which provided that all the school-teachers of the United States would be required to pay into this pension fund provided for the teachers of the District of Columbia only. Now, is that a fact?

Mr. JOHNSON of Kentucky. In answer I say to the gentleman that one-half of the operating expenses of the District of Columbia are paid from the United States Treasury.

Mr. ROSE. Is that the policy upon which you base your statement, then?

Mr. JOHNSON of Kentucky. The people of the United States make up the fund that is in the United States Treasury. The school-teachers are a part of the people who are taxed for that purpose.

Mr. ROSE. And then it is upon that ground that you make that statement?

Mr. JOHNSON of Kentucky. It is.

Mr. MAPES. Does the gentleman from Kentucky desire to use any more time now?

Mr. JOHNSON of Kentucky. I yield 20 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, I do not intend to discuss the teachers' retirement bill. The time allotted to me I desire to use in

making some comments upon the activities of the I. W. W. among the negroes in America.

The recent race riots in Washington and Chicago, and the many other similar disturbances throughout the country, have caused much speculation in the press as to the underlying causes of the conflict between the races. It is manifest that when sanguinary conflicts take place in cities so widely separated and within so short a time the cause is general and not local. Those who read the newspapers of the country know that there has been no propaganda to arouse the antagonism of the white man toward the negro. On the contrary, the very generous support of the war by the negro caused the white people of the Nation to entertain for him only the best of good feeling. For this sudden change in our relations, then, we must look to negro leadership to ascertain whether or not efforts have been made to disturb the harmonious relations heretofore existing in this country. The New York Times of August 5 carried a statement quoting Dr. L. B. Moore, dean of Howard University (negro), as saying that—

A well-trained teacher in one of our larger schools of the South told me that the colored people were being organized by representatives of the I. W. W., and we are in danger of having a little Russia in many sections of the South.

Coming from South Carolina, I think I know something of the negro, and I am convinced that there is little foundation for the opinion expressed by the dean of Howard University. In the South to-day the negro is prospering as never before in the history of his race. He is accumulating money, he is purchasing land, and through the assistance of the white man is daily bettering his condition. Left to ourselves there is no possibility of conditions arising in the South which would justify the description of a "little Russia."

But the statement above quoted, together with the general speculation as to the cause of the riots in Washington and Chicago, has caused me to inquire into the attitude of the negro press, and I have become convinced that the race antagonism manifesting itself throughout the country is due to the incendiary utterances of the would-be leaders of the race now being circulated through negro newspapers and magazines. It is evident that the leadership of Moton and others, who, following in the steps of Booker Washington, preached conservatism to the race, is now being challenged by a crowd of radicals who are appealing to the passions of the negroes and inciting them to deeds of violence. These radical leaders are urging their followers to resort to violence in order to secure privileges they believe themselves entitled to, and the recent riots indicate that many are accepting this bad advice. It is unfortunate that some negro leaders heretofore regarded as conservative have changed their attitude.

A fair illustration of this type is W. E. B. Du Bois, editor of the Crisis Magazine. Du Bois has heretofore rendered great service to his people by intelligent leadership. He has acquired influence over many thoughtful negroes, and therefore his capacity for evil is enlarged. The recent issues of his magazine are filled with appeals to the prejudice and the passions of the negro, which can have no other result than to incite him to deeds of violence. A fair example is an editorial in the May issue of the Crisis, page 13, where, under the headlines "Returning soldiers," he declares:

We sing: This country of ours, despite all its better souls have done and dreamed, is yet a shameful land.
It lynches. * * * It disfranchises its own citizens. * * * It encourages ignorance. * * * It steals from us. * * * It insults us.

To support each one of these statements he prints a short argument, concluding with the following:

This is the country to which we soldiers of democracy return. This is the fatherland for which we fought! But it is our fatherland. It was right for us to fight. The faults of our country are our faults. Under similar circumstances we would fight again. But by the God of heaven we are cowards and jackasses if now that the war is over we do not marshal every ounce of our brain and brawn to fight a sterner, longer, more unbending battle against the forces of hell in our own land.
We return.
We return from fighting.
We return fighting.
Make way for democracy! We saved it in France; and by the great Jehovah, we will save it in America or know the reason why.

The espionage law still in force provides that one who shall willfully print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or who shall publish any abusive language about the form of government of the United States, shall be punished by a fine or imprisonment. If this editorial, which refers to this as a "shameful land," charging the Government with lynching, disfranchising its citizens, encouraging ignorance, and stealing from its citizens, does not constitute a violation of the espionage law, it is difficult to conceive language sufficiently abusive to constitute a violation. Believing this to be true, I have called this editorial to the attention of the Attorney General, with the request that if in the judgment of his department it does constitute a violation of the law, that proceedings be instituted against Du Bois. No greater service can be rendered to the negro to-day than to have him know that this Government will not tolerate on the part of a leader of his race action which constitutes a violation of the law and which tends to array the negro race against the Government under which they live and under which the race has made greater strides than it has under any other Government on earth. [Applause.]

The same issue of the Crisis, on page 20, carries, with the apparent approval of its editor, a letter written by a negro officer in France, containing this statement:

I am beginning to wonder whether it will ever be possible for me to see an American (white) without wishing that he were in his Satanic Majesty's private domain. I must pray long and earnestly that hatred of my fellow man be removed from my heart, and that I can truthfully lay claim to being a Christian.

As one can not well enter his Satanic Majesty's private domain until after death, his statement simply means that he wishes every American—white—was dead and in hell. His wish is qualified in no way. It applies alike to the white man of the North and of the South. And to think that this man was honored by his country with a commission as an officer of the United States Army! That his view is shared by other negroes who served as officers in the Army is evident from the statements of one William N. Colson, a contributing editor to the Messenger, another negro magazine. Colson claims to have been an officer in the Three hundred and sixty-seventh Infantry. In the July issue of the Messenger, under the headline "Propaganda and the American negro soldier," he writes:

A feeble and indefinite propaganda did spring up among the negro soldiers in France. In that democratic clime they found themselves. They felt better within themselves because they were fighting for France and for their race rather than for a flag which had no meaning.

I regret that any man for whom our flag had no meaning ever "found himself" in France or elsewhere in the uniform of an officer of the Army of the United States.

He tells us:

No intelligent American negro is willing to lay down his life for the United States as it now exists.

Again:

Intelligent negroes have all reached the point where their loyalty to the country is conditional.

I certainly hope that this does not accurately state the attitude of the intelligent negroes of America. But this man tells us, further:

The consensus of opinion among thinking colored people is that the war ended too soon. They believe that the American negro would have gotten a status had America been chastised more severely.

In other words, they regret, according to this ex-officer, that more of our boys were not forced to die in France. And in the August issue of the Messenger, this same officer, under the heading "An analysis of negro patriotism," writes:

The negro soon found that the treachery of the white American was infinitely more damaging to him than the Hun.
When black officers taught black men bayonet practice they usually substituted the picture of the rabid white southerner for that of the Hun. This method often inspired the soldier with the necessary dash and form.
The colored officer, maltreated and thrust aside, has cursed the flag and the country for which it stands a thousand times. Thousands of these soldiers now possess weapons to demonstrate, if need be, their legal right to self-defense against southern encroachments and lynch law.

Yet to-day these colored officers who cursed the flag are asking that in the permanent Military Establishment provision should be made for additional negro regiments with negro officers.

White men corresponding for newspapers and magazines have written many laudatory articles as to the negro in the trench. This negro officer, Colson, gives us a new and interesting trench scene when he writes:

Shortly after the armistice members of this same platoon were anticipating the return home. Most of them were from the South. An ingenious fellow caused an endless round of merriment when he cleverly placed each Southern State on an imaginary map of military operations. Georgia, Mississippi, Texas, and Alabama were put in no man's land. The border States, like Virginia and Kentucky, were the third-line trenches, etc.
The soldiers, all seated beneath an old apple tree, scarred by four years of German shrapnel, finally concluded that their next war for "democracy" would be in the land of "the Star Spangled Banner."

For criticism of our Government and of our flag, much less severe than the above statements, many white men were placed in jail during the last two years. Peace has not been proclaimed, and I do not see why this man should escape prosecution. The fact that he is a colored man should not entitled him to any special privilege. Having held a commission as an officer in the Army, he should be held to a stricter accountability than the

man who was not so honored. I am loath to believe that he expresses the views of the intelligent negroes of America, but his uncontradicted statements should receive careful consideration from those who have looked with favor upon the organization of additional negro regiments with negro officers.

A possible explanation of the feeling of these negro officers is contained on page 21 of the May issue of The Crisis, where complaint is made that the issuance of an order prevented them from attending a dance where they could dance with white women. It is stated that at Vannes colored officers who composed the One hundred and sixty-seventh Detachment, attended several dances where they were entertained by and danced with French ladies of the town; that shortly thereafter an order was issued that no officer of that detachment would be permitted to attend a dance where a fee was charged. The complaint is that inasmuch as a fee was charged to all dances and all the officers of that particular detachment were negroes, the effect of the order was that they were denied the opportunity to dance with the white ladies of that town, while white officers of other detachments could continue to attend the dances.

When Du Bois is guilty of publishing stuff of this kind, it is not surprising to find William Munroe Trotter, editor of the Boston Guardian (negro), doing his utmost to incite riots and cause bloodshed. The New York Times of July 28 quotes him as stating in a speech made the day previous:

I told them in Paris that unless and until a concerted guaranty were given of citizenship based upon full democracy, with no distinction as to race or color, there could be no world peace, and in the same week of my arrival home my heart is made to swell within me because the new spirit of my own race taught the world that they refused to be shot down in the capital of Lincoln. While they were degrading us they were making our boys fight for them. Unless the white American behaves, he will find that in teaching our boys to fight for him he was starting something that he will not be able to stop.

At the same meeting the Reverend Mr. Bolden aroused considerable enthusiasm among his negro hearers by declaring—

If a million men must die for the cause, fight like h—, everyone.

Another distinguished speaker, Mr. Welbecon, according to the Times, stated:

The time to talk has ceased. If we would follow the constructive work the blacks did in Washington, we would be better off.

On the same day these statements were made the blacks began their destructive work in Chicago.

Trotter, in addressing an audience at the Metropolitan M. E. Church in Washington last week, declared, according to the Washington Eagle (negro) of August 16:

Washington was saved from a dreadful disgrace when the colored men were not driven out of the city, which was the ultimate aim of the white brutes. If it were the lawless element of our race that stopped the onslaught, then the others of us should hang our heads in disgrace. We have shown how we can, and will retaliate. The other race will think twice the next time before they strike a single blow. Innocent pedestrians were maltreated near the doors of the White House, while the President stood inside. Washington papers did all they could to stir up race antagonism. It was the fighting qualities of the negro who stayed in the streets that put an end to the trouble.

In his speech he also stated:

A new negro is facing the white man to-day—one who has been aroused by a consecutive number of insults. Instead of replying "Yes, dear sir," and "No, dear sir," a sharp "Indeed" or "Yes" is heard, as the case may be. There will be no peace until the white Americans learn to respect the rights of colored Americans.

This speech met with such approval of the editor of the Washington Eagle that headlines across the entire first page announced that "Trotter demands equal rights."

While these publications and the Challenge, edited by William Bridges, vie with each other in the publications of such incendiary stuff as I have read, the Messenger, edited by A. Philip Randolph and Chandler Owen, boasts that it is the only radical negro magazine in America, and does its utmost to prove that it is at least the most radical negro publication. It is printed upon paper of fine quality. It does not carry a half dozen advertisements other than its own advertisements, and it is evident that it is supported by contributions from some source. The material in the magazine would indicate that the source from which the support comes is antagonistic to the Government of the United States. It appeals for the establishment in this country of a Soviet government. It praises the treatment of the negro by the Germans as contrasted with the treatment accorded the negro by the allied forces. It urges the negro to join the I. W. W.'s; pays tribute to Debs and every other convicted enemy of the Government, and prays for the establishment of a Bolsheviki government in this land. It is evident that the I. W. W.'s are financing it in an effort to have the negro of America join them in their revolutionary plans. Under the headline, "Why negroes should join the I. W. W.," it states that 149,000 negroes engaged in railroad transportation do not belong to the Brotherhood organizations, and by joining the I. W. W.'s they could tie up the railroads as completely as could the Big Four Brotherhoods. Under the heading, "Negro police captains," the Messenger urges that negroes be made police captains in all large cities, and with a rare gift of prophecy announced in the July issue:

All such big negro communities are magazines of race prejudice dynamite, ready to explode at any moment upon putting the flame to the fuse. Riots are imminent—real race riots—in all such large cities as New York, Philadelphia, Baltimore, Washington, Chicago, Pittsburgh, and St. Louis.

* * * * * * *

We invite serious consideration of our proposals on this question. We wonder what mayor will have the courage, brains, and foresight to take the lead. Intelligent police captains will undoubtedly serve them well in the coming race conflicts which bid fair to sweep the country.

Since the publication of this magazine most unfortunate race riots have occurred in Washington and Chicago. In determining who was the aggressor, the above statements are enlightening. They show that the negro leaders had deliberately planned a campaign of violence.

The August issue of the Messenger boasts that it "is being read this month by over 30,000 negro workers and a few thousand radical whites," and referring to the I. W. W., says:

They (I. W. W.) are making a desperate effort to get the colored men into the one big union. The negroes are at least giving them an ear, and the prospects point to their soon giving them a hand. With the Industrial Workers' organization already numbering 800,000, to augment it with a million and a half or two million negroes would make it fairly rival the American Federation of Labor.

Now, let us see the nature of the appeal to which the negro is said to be giving an ear. On page 10 of the August issue of the Messenger you will find the following:

At the present time two forms of attack will suffice for negroes to enter upon. Whenever you hear talk of a lynching a few hundred of you must assemble rapidly and let the authorities know that you propose to have them abide by the law and not violate it. Offer your services to the mayor or the governor, pledging him that you can protect the life of any prisoner if the State militia has no such power. Ask the governor or the authorities to supply you with additional arms, and under no circumstances should you southern negroes surrender your arms for lynching mobs to come in and have sway. To organize your work a little more effectively, get in touch with all the negroes who were in the draft. Form little voluntary companies, which may quickly be assembled. Find negro officers who will look after their direction. Be perfectly calm, poised, cool, and self-contained. Do not get excited, but face your work with cold resolution, determined to uphold the law and protect the lives of your fellows at any cost. When this is done nobody will have to sacrifice his life or that of anybody else, because nobody is going to be found who will try to overcome that force.

Industrially, let the farmers organize farmers' protective unions. Let the lumber workers, molders, masons, plasterers, and other negro workers on railroads and in mines organize into unions, quietly and unostentatiously. Be prepared to walk out in concert, every man and woman who does any form of work. Let it be known that we are down to plain business, free from any foolishness or play.

Let every negro in the South begin to work on this program by agitating for it in the lodges, churches, schools, parlor and home conversation, and while at work in factory or field. Write also to us about any detail in entering upon this work. If this program is pressed, a year from now we can call out of the fields, the factories, and mines between a million and two million negroes, who will initiate the true work of making America a real "land of the free and home of the brave."

I will not burden you with further quotations from the negro press. These are sufficient to advise you of the evil forces at work. If upon the statute books there is now no law prohibiting the circulation through the mails of incendiary doctrines such as I have cited, then it is time that legislation is enacted to prohibit it. We can all believe in a free press, but we can recognize the distinction between a free press and a revolutionary and anarchistic press. For a long time we failed to realize the danger of permitting the publication of revolutionary doctrines in the foreign-language press. To-day they are under close surveillance, and in like manner we should now prevent the I. W. W. and the Bolsheviki of Russia from using the negro press of America to further their nefarious purposes.

I call these quotations from the negro press to the attention of the white men of America in order that they may know of the efforts that are being made to induce the negro to resort to violence.

I call attention to the statements of the negro press for the further purpose of expressing the hope that among the negro leaders there are men who care more for the future of their race than they do for their own personal ambition, and who will tell their people that in seeking political and social equality they are cherishing false hopes and are doomed to disappointment.

If the two races are to live together in this country it may as well be understood that the war has in no way changed the attitude of the white man toward the social and political equality of the negro. If as a result of his experience in the war he does not care to live in this land without political and social equality, then he can depart for any other country he wishes, and his departure will be facilitated by the white people of this country, who desire no disturbing factor in their midst. If by reason of his experience he seeks social and politi-

cal equality with the white man, but refuses to consider leaving for parts where it will be willingly given to him, and cherishes the hope that by violence it can be gained here, he can not too quickly realize that there are in this country 90,000,000 white people determined not to extend political and social equality to the 10,000,000 negroes, and a resort to violence must inevitably bring to the negro the greater suffering.

If there is left in the race any sane leadership it should now be exerted to counteract the evil effects of the radicals. The negro must realize that his progress is dependent upon the assistance of the white man with whom he lives. In the South, where, in the opinion of uplifters, the negro is ill treated, the truth is that the negro is making rapid progress. He is accumulating money; he is buying property and educating his children. He lives in better homes and often travels in automobiles. His business opportunities are practically unlimited. He is protected in his life and property. He is happy and contented and will remain so if the propagandist of the I. W. W., the Bolsheviki of Russia, and the misguided theorist of other sections of this country will let him alone. I know that whenever a lynching takes place in the South it is heralded to the country as an evidence of barbaric oppression of the negro. Mob law is always indefensible and inexcusable. In the South lynchings are condemned by the press, the pulpit, and by public men who unceasingly urge reliance upon the courts. But notwithstanding all efforts, the fact is that whenever a negro commits an assault upon a white woman the white man does not reason. He acts. And only extraordinary efforts on the part of law officials will prevent a lynching.

I know that lynchings have occurred for provocations other than criminal assault, but I know, too, of many instances where law officers have died protecting prisoners against mob violence. I know that men who participated in lynchings have been convicted, and the law-abiding people of the South are doing their utmost to bring about a sentiment of upholding the law under all circumstances. But in mitigation rather than defense of the South in this matter it must be said that the mob very rarely, if ever, does violence to any but the guilty negro. It has never used the provocation of one criminal negro as an excuse for recklessly assailing the law-abiding negroes of the community. The mob may lynch the guilty man, but the law-abiding negro knows he is in no danger.

Another peculiar thing is that while the press of the North and the negro press will join the press and pulpit of the South in their condemnation of the criminality of the mob, they seldom join us in condemnation of the criminal assaults upon white women, which is generally the cause of the lynching.

Recently the Chicago newspapers asked the governors of the various Southern States whether employment could be provided for southern negroes who had recently gone to Chicago. The South can provide employment for every law-abiding negro who wishes to return. But for any negro who has become inoculated with the desire for political equality or social equality there is no employment in the South, nor is there any room for him in the South.

It is stated that most of the negroes who went to Chicago from the Southern States during the last few years were induced to go by employment leagues, who held out to them the hope of higher wages, better conditions, and social equality. The Chicago News, two days prior to the race riot, stated that each of these employment leagues published a newspaper which circulated in the South setting forth the advantage of conditions in that city. It is suggested that behind this propaganda was the desire of some politicians to enlarge their political influence by increasing the number of negro voters and the desire on the part of some capitalists to secure in the negro a prospective strike breaker and a lever to keep down the wages of the workingman. Whatever was the inspiration, the effect of the emigration of the negro to Northern States has been to make the negro problem a national instead of a sectional one.

It has been said that "the North has the principles, but the South has the negroes." To-day the North also has the negro, and with the coming of the negro many of its theories have departed. People of the North have come to realize that in the absence of daily contact with the negro they could believe in political and social equality of the races, but that whenever the negroes in any large number come into a community or State that belief is swept away by that which is greater than constitutional or legislative enactments, namely, the natural instinct of the Anglo-Saxon. No better evidence of this truth can be asked than the changed attitude of the northern press. For years the Chicago Tribune led the press of the North in criticism of the South because of its attitude toward the negro. It is interesting to-day to read in its editorial columns the following:

> We are swiftly getting to the point where our colored citizens must look the facts in the face. There will be no political injustice. There will be social differences. They need not be unjust. They do exist, and they will. The thinking negroes must use their influence with their race. They must realize the facts and conditions.

This ardent champion of negro rights now declares there will be social differences, and thus sustains the position of the white man of the South. They state, "There will be no political injustice." If by that is meant there will be no restriction of the exercise of the franchise by the negro, then I say to them that if they are honest they will say there will be no restriction in any community where the whites have an overwhelming majority. But I know that just as soon as in any northern community the negroes increase in number to such extent as to endanger the political control of the white man, just so soon will there be restriction of his right to vote, because this is a white man's country, and will always remain a white man's country. So much for political equality.

As to social equality, God Almighty never intended that a white race and a black race should live on terms of social equality, and that which the Creator did not intend man can not make possible.

Abraham Lincoln, in a speech delivered at Charleston, Ill., in 1858, declared:

> I am not nor ever have been in favor of bringing about in any way social and political equality of the white and black races; that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they can not so live, while they do remain together there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race.

This was the view of the great emancipator. And the view of Lincoln is the view of practically every man who has come into intimate contact with the negro and whose opinion is worthy of serious consideration.

Neither political equality nor social equality is essential to the happiness of the negro. The population of the congressional district I represent is about evenly divided between the races. In one county, however, there are seven or eight negroes to one white man, and, parenthetically, I might say that in that county there is less race trouble than in any county of the State. I know the negroes of my district do not seek to participate in politics. I know that they do not seek social equality. I know they do seek to better their condition and that the white man is daily aiding them in their progress. I know that if left alone they will continue contented, and I do not want these radical negro publications, whether supported by the I. W. W., the Bolsheviki of Russia, or the misguided theorist of the North, to be circulated among them, arousing the passions of the criminal class of negroes, and resulting in injury to the law-abiding negro as well as to the white people of the South. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to ask unanimous consent that my time be extended for five minutes, or would the gentleman give me five minutes?

Mr. MAPES. I can not. I have more requests for time than I can grant.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that my time be extended for five minutes, not to come out of the time fixed for general debate.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that his time be extended for five minutes, not to come out of the time fixed for general debate. Is there objection?

Mr. MAPES. Mr. Chairman, reserving the right to object, the House has fixed the time. I am obliged to call attention to that, and I have had so many requests for additional time that I could not grant that I am afraid I will have to object.

Mr. BYRNES of South Carolina. I ask the gentleman not to object. If he will let me take five minutes——

Mr. MAPES. The committee has no right to extend the time.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MAPES. I make the point of order.

Mr. BYRNES of South Carolina. And the gentleman will not yield me any time? He has not any time which he can yield?

Mr. MAPES. It is absolutely impossible.

Mr. WHALEY. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will count. [After count-

ing.] Fifty-seven Members are present, not a quorum. The Clerk will call the roll.

Mr. GARRETT (after a short pause in the proceedings). Mr. Chairman, what is the trouble? I move that the committee rise.

The CHAIRMAN. The trouble is that we have no tally clerk here to copy the roll.

Mr. SEARS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Florida [Mr. SEARS] moves that the committee do now rise.

The question was taken, and the Chairman announced that the Chair was in doubt.

The committee divided; and there were—ayes 40, noes 28.

Mr. MAPES. Mr. Chairman, I ask for tellers.

Tellers were ordered, and Mr. MAPES and Mr. SEARS took their places as tellers.

The committee again divided; and there were—ayes 56, noes 50.

The CHAIRMAN. A quorum is present, and the committee decides to rise.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. REAVIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 5818, for the retirement of public-school teachers in the District of Columbia, had come to no resolution thereon.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of——

Mr. BEE. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman will wait until the gentleman finishes the motion.

The gentleman moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration——

Mr. BYRNES of South Carolina. Will the gentleman withhold that for a time until I ask unanimous consent that time for general debate be extended for 10 minutes?

Mr. MONDELL. Regular order, Mr. Speaker.

Mr. BLANTON. I move that the House adjourn, if time can not be given to the gentleman from South Carolina.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker——

The House divided; and there were—ayes 38, noes 58.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum.

Mr. BLANTON. I do that because I think the gentleman from South Carolina should be given a little time.

The SPEAKER. The gentleman is in order. The gentleman makes the point that there is no quorum present.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Will the vote be had on the motion to go into Committee of the Whole?

The SPEAKER. It will be on the motion to adjourn.

Mr. MAPES. Mr. Speaker——

Mr. KITCHIN. Mr. Speaker, of course the motion to adjourn does not require a quorum.

The SPEAKER. No. A motion to adjourn does not require a quorum.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

Mr. BLANTON. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. A vote of the House to adjourn does not require a quorum, but a vote of the House not to adjourn, I submit to the Chair, does require a quorum.

The SPEAKER. The Chair overrules the point of order. The Chair thinks the vote will come on the motion to adjourn.

Mr. GARRETT. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. Certainly.

Mr. GARRETT. I am not particularly interested in the result of this motion to adjourn, but, with all possible deference, I am afraid the Speaker may have made a ruling that is somewhat misleading.

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT. The gentleman from Texas made a motion to adjourn. Upon that the House divided. The Speaker announced the result. Whereupon the gentleman from Texas made the point that there was no quorum present.

Now, if the Speaker rests his decision on the proposition that he had announced the result, and that it was a settled matter, I should not be disposed to quarrel with the decision; but if the Speaker holds that merely because it does not take a quorum to adjourn, then if the point of order of the gentleman from Texas was made in time to require a vote, if it had been on some other proposition, I must dissent with the decision of the Speaker.

The SPEAKER. The Chair agrees with the gentleman. The Chair stated a moment later that the vote would come on the motion to adjourn, but, on reconsideration, the Chair thinks that the sequence of events was this: The gentleman from Texas [Mr. BLANTON] moved to adjourn. The House voted down the motion to adjourn, and the Chair so put it. Then the gentleman made a point of no quorum.

Now, the only question is whether that point of no quorum was made on the division or subsequent to that. The Chair is inclined to think it was made on the division, and that the vote would come on the motion to adjourn. Obviously no quorum is present, and it is an automatic call of the House. As many as are in favor of the motion to adjourn will, when their names are called, answer "yea"; those opposed will answer "nay." The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 0, nays 242, answered "present" 3, not voting 185, as follows:

YEAS—0.

NAYS—242.

Alexander	Fordney	McKinley	Sabath
Almon	French	McLane	Sanders, La.
Anderson	Fuller, Ill.	McLaughlin, Mich.	Sanford
Andrews, Nebr.	Gallagher	McLaughlin, Nebr.	Schall
Ashbrook	Garner	McPherson	Scott
Ayres	Garrett	MacCrate	Sears
Baer	Good	MacGregor	Sells
Bankhead	Goodwin, Ark.	Madden	Sherwood
Barbour	Goodykoontz	Major	Sinclair
Bee	Gould	Mansfield	Sinnott
Bell	Green, Iowa.	Mapes	Smith, Idaho
Benham	Greene, Mass.	Martin	Smith, Mich.
Bland, Mo.	Hamilton	Mays	Smithwick
Bland, Va.	Hardy, Tex.	Merritt	Snell
Blanton	Hastings	Michener	Stedman
Boies	Hawley	Miller	Steenerson
Box	Hayden	Mondell	Stephens, Ohio
Brand	Hays	Montague	Strong, Kans.
Briggs	Heflin	Moore, Ohio	Strong, Pa.
Brinson	Hernandez	Moore, Va.	Summers, Wash.
Brooks, Ill.	Hersey	Moores, Ind.	Sweet
Browning	Hickey	Morgan	Swope
Buchanan	Hoch	Mudd	Taylor, Colo.
Byrnes, S. C.	Holland	Murphy	Taylor, Tenn.
Byrns, Tenn.	Houghton	Nelson, Mo.	Temple
Caldwell	Howard	Nelson, Wis.	Thomas
Campbell, Kans.	Hudspeth	Newton, Minn.	Thompson, Okla.
Campbell, Pa.	Hulings	Newton, Mo.	Tillman
Carss	Hull, Iowa	Nicholls, S. C.	Timberlake
Casey	Hull, Tenn.	Nichols, Mich.	Tincher
Clark, Fla.	Hutchinson	O'Connor	Tinkham
Clark, Mo.	Igoe	Ogden	Towner
Coady	Ireland	Oldfield	Treadway
Cole	Jacoway	Oliver	Vaile
Collier	James	Osborne	Venable
Connally	Johnson, Ky.	Overstreet	Vestal
Crisp	Johnson, Miss.	Padgett	Vinson
Crowther	Jones, Pa.	Park	Voigt
Currie, Mich.	Jones, Tex.	Parrish	Volstead
Curry, Calif.	Keller	Pell	Watkins
Dallinger	Kelly, Pa.	Peters	Watson, Pa.
Darrow	Kinkaid	Phelan	Watson, Va.
Davis, Minn.	Kitchin	Platt	Weaver
Davis, Tenn.	Kleczka	Pou	Webb
Dickinson, Mo.	Kraus	Purnell	Webster
Dominick	Lampert	Quin	Welling
Doughton	Langley	Radcliffe	Welty
Dowell	Lanham	Raker	Whaley
Drane	Lankford	Ramsey	Wheeler
Dunbar	Layton	Ramseyer	White, Kans.
Dupré	Lazaro	Randall, Wis.	White, Me.
Dyer	Lehlbach	Rayburn	Wilson, La.
Eagan	Lonergan	Reavis	Wingo
Eagle	Lufkin	Reed, N. Y.	Wood, Ind.
Echols	Luhring	Rhodes	Woods, Va.
Elliott	McAndrews	Ricketts	Wright
Evans, Nev.	McArthur	Robinson, N. C.	Yates
Fairfield	McClintic	Robsion, Ky.	Young, N. Dak.
Ferris	McDuffie	Romjue	Young, Tex.
Fess	McFadden	Rose	
Fisher	McKeown	Rubey	

ANSWERED "PRESENT"—3.

Butler	Cannon	Caraway

NOT VOTING—185.

Ackerman	Benson	Browne	Carter
Andrews, Md.	Black	Brumbaugh	Chindblom
Anthony	Blackmon	Burdick	Christopherson
Aswell	Bland, Ind.	Burke	Classon
Babka	Booher	Burroughs	Cleary
Bacharach	Bowers	Candler	Cooper
Barkley	Britten	Cantrill	Copley
Begg	Brooks, Pa.	Carew	Costello

Crago	Graham, Ill.	Little	Sanders, Ind.
Cramton	Greene, Vt.	Longworth	Sanders, N. Y.
Cullen	Griest	Luce	Saunders, Va.
Dale	Griffin	McCulloch	Scully
Davey	Hadley	McGlennon	Shreve
Dempsey	Hamill	McKenzie	Siegel
Denison	Hardy, Colo.	McKinley	Sims
Dent	Harrison	Magee	Sisson
Dewalt	Haskell	Maher	Slemp
Dickinson, Iowa	Haugen	Mann	Small
Donovan	Hersman	Mason	Smith, Ill.
Dooling	Hicks	Mead	Smith, N. Y.
Doremus	Hill	Minahan, N. J.	Snyder
Dunn	Huddleston	Monahan, Wis.	Steagall
Edmonds	Humphreys	Moon	Steele
Ellsworth	Husted	Mooney	Stephens, Miss.
Elston	Jefferis	Moore, Pa.	Stevenson
Emerson	Johnson, S. Dak.	Morin	Stiness
Esch	Johnson, Wash.	Mott	Sullivan
Evans, Mont.	Johnston, N. Y.	Neely	Sumners, Tex.
Evans, Nebr.	Juul	Nolan	Taylor, Ark.
Fields	Kahn	O'Connell	Thompson, Ohio
Fitzgerald	Kearns	Olney	Tilson
Flood	Kelley, Mich.	Paige	Upshaw
Focht	Kendall	Parker	Vare
Foster	Kennedy, Iowa	Porter	Walsh
Frear	Kennedy, R. I.	Rainey, H. T.	Walters
Freeman	Kettner	Rainey, J. W.	Ward
Fuller, Mass.	Kiess	Randall, Calif.	Wason
Gallivan	Kincheloe	Reber	Williams
Gandy	King	Reed, W. Va.	Wilson, Ill.
Ganly	Knutson	Riddick	Wilson, Pa.
Gard	Kreider	Riordan	Winslow
Garland	LaGuardia	Rodenberg	Wise
Glynn	Larsen	Rogers	Woodyard
Godwin, N. C.	Lea, Calif.	Rouse	Zihlman
Goldfogle	Lee, Ga.	Rowan	
Goodall	Lesher	Rowe	
Graham, Pa.	Linthicum	Rucker	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. BLAND of Indiana with Mr. JOHN W. RAINEY.

Mr. BROWNE with Mr. CASEY.

Mr. FREAR with Mr. WILSON of Pennsylvania.

Mr. WALSH with Mr. CARTER.

Mr. EVANS of Nebraska with Mr. SISSON.

Mr. LUCE with Mr. MAHER.

Mr. JEFFERIS with Mr. GANDY.

Mr. PAIGE with Mr. MOON.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MOORE of Pennsylvania with Mr. GALLIVAN.

Mr. BEGG with Mr. SIMS.

Mr. GREENE of Massachusetts with Mr. GANLY.

Mr. CHINDBLOM with Mr. ROWAN.

Mr. CHRISTOPHERSON with Mr. SULLIVAN.

Mr. KENNEDY of Iowa with Mr. DEWALT.

Mr. GRAHAM of Pennsylvania with Mr. TAYLOR of Arkansas.

Mr. FOSTER with Mr. BABKA.

Mr. EMERSON with Mr. MOONEY.

Mr. ACKERMAN with Mr. WISE.

Mr. ANDREWS of Maryland with Mr. UPSHAW.

Mr. BACHARACH with Mr. SUMNERS of Texas.

Mr. BOWERS with Mr. STEPHENS of Mississippi.

Mr. BRITTEN with Mr. STEELE.

Mr. BROOKS of Pennsylvania with Mr. STEAGALL.

Mr. BURDICK with Mr. SMITH of New York.

Mr. BURKE with Mr. SMALL.

Mr. COOPER with Mr. SCULLY.

Mr. COSTELLO with Mr. SAUNDERS of Virginia.

Mr. CRAGO with Mr. RUCKER.

Mr. CRAMTON with Mr. RIORDAN.

Mr. DENISON with Mr. RANDALL of California.

Mr. DUNN with Mr. HENRY T. RAINEY.

Mr. EDMONDS with Mr. OLNEY.

Mr. ELLSWORTH with Mr. O'CONNELL.

Mr. ELSTON with Mr. NEELY.

Mr. ESCH with Mr. MEAD.

Mr. FOCHT with Mr. MCGLENNON.

Mr. GARLAND with Mr. HUMPHREYS.

Mr. GRAHAM of Illinois with Mr. HUDDLESTON.

Mr. GREENE of Vermont with Mr. HERSMAN.

Mr. GRIEST with Mr. HARRISON.

Mr. HADLEY with Mr. HAMILL.

Mr. HARDY of Colorado with Mr. GRIFFIN.

Mr. HAUGEN with Mr. GOLDFOGLE.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. JOHNSON of Washington with Mr. GODWIN of North Carolina.

Mr. KAHN with Mr. DENT.

Mr. KELLEY of Michigan with Mr. GARD.

Mr. KENNEDY of Rhode Island with Mr. FITZGERALD.

Mr. KIESS with Mr. EVANS of Montana.

Mr. KNUTSON with Mr. DOREMUS.

Mr. LAGUARDIA with Mr. DOOLING.

Mr. MANN with Mr. BLACKMON.

Mr. LONGWORTH with Mr. LESHER.

Mr. MCKINLEY with Mr. LEE of Georgia.

Mr. MORIN with Mr. LEA of California.

Mr. NOLAN with Mr. LARSON.

Mr. PORTER with Mr. LANKFORD.

Mr. RODENBERG with Mr. KETTNER.

Mr. REED of West Virginia with Mr. KINCHELOE.

Mr. ROGERS with Mr. JOHNSTON of New York.

Mr. ROWE with Mr. DONOVAN.

Mr. SANDERS of Indiana with Mr. DAVEY.

Mr. SHREVE with Mr. CULLEN.

Mr. SNYDER with Mr. CAREW.

Mr. STINESS with Mr. CANTRILL.

Mr. WARD with Mr. CANDLER.

Mr. WASON with Mr. BRUMBAUGH.

Mr. WILSON of Illinois with Mr. BOOHER.

Mr. WINSLOW with Mr. BLACK.

Mr. ANTHONY with Mr. BENSON.

Mr. WALTERS with Mr. ASWELL.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of District of Columbia business.

Mr. BYRNES of South Carolina. Mr. Speaker, pending that motion I desire to submit the request for unanimous consent that I be allowed to address the committee for 10 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to be allowed to address the Committee of the Whole for 10 minutes. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, there have been a great many requests on this side of the House for time to speak upon matters not pertaining to District business. I see no reason why the gentleman should not extend his remarks in the RECORD, the same as Members on this side will have to. Therefore I object.

The SPEAKER. Objection is made. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of District of Columbia business.

The question was taken.

The SPEAKER. The ayes appear to have it, the ayes have it, and the motion is agreed to.

Mr. BLANTON. Division, Mr. Speaker.

The SPEAKER. The gentleman is too late.

Mr. BLANTON. Mr. Speaker, I rose immediately to ask for a division when the Chair was announcing the result.

The SPEAKER. The gentleman did not address the Chair until after the Chair had announced the result. The gentleman from Nebraska [Mr. REAVIS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 5818, for the retirement of public-school teachers in the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, how much time have I left?

The CHAIRMAN. Thirteen minutes.

Mr. JOHNSON of Kentucky. I yield five minutes to the gentleman from South Carolina [Mr. BYRNES]. [Applause.]

Mr. BYRNES of South Carolina resumed and concluded the remarks printed above.

Mr. MAPES. I yield 20 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, with shoes at $16 a pair, steak at 60 cents a pound, eggs at 60 cents a dozen, sugar at 16 cents a pound, this gouging of the public must be stopped. The President after his return from his absorption in European affairs found the country in an uproar over the neglect of American affairs. He called Congress in joint session and made an adroit attempt to "pass the buck" to Congress, leaving the impression that Congress had neglected its duties; but the Senate committee finds that the President has been fully clothed for the last two years with authority to do everything necessary to stop unfair trade practices.

The new Attorney General has set the machinery of the Department of Justice at work. I have full confidence that he will exert great energy to bring the profiteers to book. I know him to be a capable, fearless, full-blooded American, even though he is a Democrat, and if additional legislation is necessary let us be prompt and give it to him, for we may feel sure that he will never abuse it. What a commentary it is upon the torpidity of the administration for the past two years. The former Attorney General, with all the machinery of the antitrust, anti-

monopoly legislation, with all the power of the Food Commission with which the President has been clothed to control the food supplies and the business of the country at his command, he did nothing. What a strange spectacle that the Secretary of War should have been found withholding from the market great stores of surplus food supplies, clothing textiles, lumber, automobiles, airplanes, for which the Government has no use, in the interest of the packers, the canners, and manufacturers. It is said there are 135,000 automobiles of various sorts standing out in the weather going to waste, and nobody can buy an auto except an auto manufacturer.

I do not impugn corrupt motives in this "stabilizing of the markets," but it was utterly stupid.

The smooth gentlemen who were interested in maintaining war prices just got around the Secretary and fixed their spectacles on his nose so that he could see things the way they wanted them to be seen. However, if the whole stock were equally distributed as a gift nobody would get much, and perhaps in making this nonpartisan speech I should not mention it at all. Its great significance lies in the exhibit made of the attitude of the Secretary of War toward big business.

I listened to the eloquent speech of the honorable gentleman from North Carolina [Mr. POU] about a week ago, and he certainly convinced himself that the Democratic Party had won the Great War. He had to his complete satisfaction demonstrated its efficiency, its economy, its wisdom, and its infallibility in everything that had been done, and all this great work was performed by the Democratic Party in spite of the obstruction of the bad Republican Party. The honorable gentleman was really eloquent—he always is—and when it comes to handing out words the Democratic orators, from the Great Chief down, have no equal, but they all seem to be a bit "touchy" if you so much as suggest that the Democratic Party might have made a mistake here or have been extravagant there, and if you dare to mention "inefficiency" it is just like poking a stick into a cage of wild animals.

Another gifted orator, the gentleman from Texas [Mr. HUDSPETH], took great pains to show the efficiency and economy of the Democratic Party. He stated that the dysentery that had scourged the Union Army in the Civil War and the typhoid that claimed so many victims in the Spanish-American War had been rendered practically negligible in the World War, and by inerrant logic proved the great efficiency of the Democratic Party by calmly ascribing the advances in surgery and medicine in the last 60 years to the Democratic efficiency. Now, I do not object to the Democrats standing out for their own notions. Every one of them is ready to fight at the drop of the hat when criticism of their party is made. I must confess to a fondness for men who will stand up. I hope I do not exceed the limits of mild criticism of these gentlemen who are so genial and as Democrats so pugnacious in saying that they have never learned that the great Republic is bigger than the Democratic Party and bigger than any State in it.

All the orators in the world can not disguise the fact that the Republican Party when in the minority supported the President's war measures as well as his own party did, and for the first time in the history of this country the minority party has supported the administration in a war, which the Democrats should bear in mind when they are disposed to blow their skins full of vainglory.

The confusion and extravagance and waste and hysteria that are incident to war are still upon us, and the restoration to normal conditions is the supreme task. Unnecessary interference with private business is a great mistake and to cripple private initiative is a tragedy.

Under the emergency of war the Government may do almost any necessary thing, but we are now in an emergency of tremendous portent, and if technically we are still at war there is ample authority to take prompt and drastic action in bringing the business of the country back to sanity and the profiteers to task.

Much of the high cost of living is due to extravagance and waste that is country wide. One of my youngsters spends as much for his living in a month as I did at his age in six months, and he earns his own living, too. Our habits have become reckless and extravagant. The housewife who used to go to the markets and carefully look over her purchases before "toting" them home, now has the hired girl telephone the dealer to send this, that, or the other thing, possibly a few pounds at a time, and the grocer sends his motor truck around with the purchase.

When workmen in shoe factories, in the shipyards, and munition plants were getting from $12 to $20 a day, of course it led to extravagance and profiteering all along the line. Of course prices rose higher and higher, and, of course, the general run of people who get no such wages find it hard or impossible to make both ends meet.

The Government itself was the greatest offender in bringing these conditions about. It taught the country the art of profiteering. It paid fabulous wages to workmen—three or four times as much as they had ever received before. Its cost-plus contracts, its improvident yielding to absurd prices and unreasonable demands, were perhaps excusable under the stress of war, but its wild orgy of extravagance spread to all the people. The business man and the farmer had to compete with the Government for labor and materials, and prices rose higher and higher, encouraging speculation and profiteering.

Some of the causes of high prices we can not escape, but this strange compound of fire and clay that we call "man" is prone to develop queer streaks of hoggishness, and while the Government should lay its hand as lightly as possible upon legitimate business it should strike down with a mailed fist monopoly, profiteering, trade discriminations, and unfair practices, and these are contributory causes of the high cost of living which law can remedy.

The packers have an iron grip upon the meat supplies and are gradually taking over the grocery trade. With their "peddler" refrigerating cars they enjoy large discriminations in railroad freights that others do not enjoy, and they are gradually driving the wholesale grocer out of the market. Fish, eggs, hides, leather, rice, beans, canned goods, canned salmon they already practically monopolize. Since prohibition is enacted they have taken up the grape-juice business and now furnish the soda-water plants.

Perhaps shoes and clothing show the clearest evidence of plain gouging. It has been stated on the floor that workmen in the shoe factories get as high as $140 a week. One of my colleagues told me that his wife had paid $16 for a pair of shoes, and he saw the name of the manufacturer on the shoe, and happening to be acquainted with him out of curiosity he wrote asking him what price he sold those shoes at, and he told him $8; excusing himself for charging $8 for a little bit of a pair of shoes, he said that he was paying his workmen from $15 to $20 a day and had had four strikes in the last four months.

Sugar dealers have been gouging the people. Gouging begins with the refiners. The wholesalers add so much more, and the retailers finish the job—not all of them, for some retailers are only charging 11 cents, while others are charging 16 cents. The refiners are under contract to charge not more than 9 cents per pound. The excuse is that they can not refine the raw sugar as fast as it is wanted, but this is merely an excuse. In the second year of the war we supplied ourselves and exported 815,000 tons of refined sugar, charging the foreign trade 4.9 cents per pound. In the third year of the war we exported 624,000 tons at 6.2 cents per pound. The last year of the war we exported 288,000 tons of sugar at 6.9 cents per pound. Now, there was no complaint in those years of lack of refining capacity when the refiners were exporting such vast quantities of sugar at from 2 to 2½ cents per pound less than they were charging our own people. The whole scheme is to get up a scare about shortage as the prelude to a rise in price, which the refiners have announced to begin January 1 next. The recent discussion of the sugar business by the gentleman from Louisiana [Mr. MARTIN] is so full and conclusive that I respectfully urge the Members to make a study of it, for it shows that our domestic producers are not at fault for the profiteering in that commodity.

Cold storage, originally a most excellent device for saving food, has been made a rascally scheme for profiteering and keeping up prices the year round.

Formerly when the hens were on the job in the spring and summer eggs were plentiful, but about Christmas time the hens struck and eggs became scarce and we had to pay 25 and 30 cents per dozen for eggs, but cold storage was devised to carry over the surplus spring production so that we might have eggs the year round at perhaps 20 cents per dozen.

But as the system works out now, you pay 40 to 70 cents per dozen the year round, and cold storage makes Christmas prices every day of the year.

It has been the custom with many smart dealers when the market is oversupplied to destroy the surplus, so as to prevent its coming onto the market and disturbing prices, and the cold-storage business has been used to precisely that same purpose, and there ought to be legislation to require them to clean out their stocks after a given period of storage.

And it is just the same thing with fruits. Take bananas, for example. The importations are controlled by a few concerns, and the retailers all over the country are compelled to exact extortionate prices, and then add something on their own account.

Oh, cigars! A Lancaster County "Havana" sold for 5 cents. When an additional Government tax of $1 per 1,000 was imposed, many dealers at once raised the price to 6 cents, thereby collecting $10 per thousand additional to pay the Government tax of $1.

There is another matter to which I wish to call the attention of the House. There is a still growing tendency to leave the farm. At the time of the last census the rural population was 53.7 per cent, but it is now estimated that the census of 1920 will show not over 45 per cent living on the farms; and this, I believe, includes all those living in towns of less than 2,500 population.

We have, also, in consequence of the growing tendency to leave the farm a steady decrease in the production of foodstuffs in proportion to population.

This fact shows that high prices are in part due to the decrease in the production of foodstuffs, for which the only remedy is increased activity on the farms.

No legislation that we can devise will prevent the price of necessaries rising when the demand is greater than the supply. Law can not change a deficit into a surplus. But law can prevent an actual surplus from being changed into an apparent scarcity through the machinations of conscienceless profiteers. And, by the way, if there is any real scarcity, an embargo on part of our enormous exports will help some.

I do not agree with the honorable gentleman from Ohio [Mr. Fess] that the deflation of the currency is a remedy or even desirable. It would, indeed, reduce the prices, but at a fearful cost. When money is plentiful, everything that is measured in money is high in price. When money is only half as hard to get, commodities measured in money will double in price. There is a powerful reason against the deflation of our currency, which is yet as sound as a nut. When the bills are all marshaled we will owe about $24,000,000,000. This enormous debt in the last analysis must be paid in the products of labor.

If it were to be paid in wheat, for instance, when wheat is worth $2 a bushel, it would require 12,000,000,000 bushels.

But if we were to deflate the currency to the prewar standard of about $37 per capita, and wheat should fall to its prewar price of $1 per bushel, it would require twice as much wheat to pay the debt; or, in other words, the tax rate remaining the same, the farmer would have to raise twice as much wheat, or the workman would have to do twice as much work, to raise the money to pay his taxes. Low prices all around makes debt harder to pay, whether it is public or private debt. So I do not regard low prices as desirable, for low prices inevitably mean that labor is at a low valuation.

The times in this country are never better than when money and credit are in full volume, so that the productive energies of the country can be fully employed. When money is scarce, industry languishes, capital can not be secured to carry on business, and times are hard.

The corollary of great business activity and a redundant currency is high prices.

The enormous energies put forth by the workers at home when 4,000,000 men were drawn from production to become consumers and destroyers of wealth indicates clearly what this country could accomplish in time of peace if the country were set to work with the same energy. So, clearly, the greatest problem before this Congress is to establish conditions so that the people may actively engage in productive industry.

In order to do this a large circulating medium must be available. The wages paid will naturally be high, for when everybody can get a job labor is high. Capital must have an adequate return to induce it to undertake the risk of new enterprises.

We have about 30,000,000 workers in productive industries. Their industry on the farms and in the shops and factories produces about $90,000,000,000 of products annually.

Probably 80 per cent of this enormous volume is expended in the cost of production and the subsistence of the country, leaving about $18,000,000,000 to be added to the wealth of the country annually, and if 10 per cent of this were applied to payment of the war debt we could pay it all off in about 13 years. The illustration may not be exact, but it serves to show the enormous power that resides within the grasp of the American people.

What, then, is the situation?

The Government can suppress monopolies, profiteering, and unfair trade practices, if in no other way, by taxing them out of existence.

It can set the example of thrift and economy by cutting out the waste and extravagance that are now in every department.

It can pay wages that will afford subsistence on the American scale of living, and it can discharge the bench warmers and idlers that swarm in every department.

Another good plan, in my opinion, would be to enact a tariff that would shut out all manufactured goods that can be made in this country, because every dollar's worth of them that comes here displaces so much American labor; and I congratulate the distinguished gentleman from Alabama, whom I always supposed was a free trader of the strictest Democratic sect, who has introduced a bill imposing a tariff of $40 a ton on Mexican graphite. I congratulate him. He is beginnng to see the light; but like all recent converts, he is radical He is putting his tariff on raw material. I wonder if the gentleman whom he so eloquently lauds as the "greatest man in the world" would veto the bill? The protective-tariff bill was knocked out in 1913 to reduce the high cost of living, and the usual results of nonemployment and stagnation promptly followed, and the high cost of living kept a climbing.

The war coming on in 1914 saved the country from this unwise policy, because it set our industries at work and relieved the country from the torpor and distress caused by the Underwood tariff law. That law should be repealed, and not graphite only but all other American industries should be put back under a protective tariff.

But when all this is done the real problem is still before us.

To increase wages without a corresponding increase in the price of everything into which labor enters would not be fair nor possible, and an increase all around would only be traveling in a circle, getting us nowhere.

We may expect high prices. Wages will never go back to the old scales.

There is only one way to support high wages, and that is by the employment of the high efficiency of American effort in production.

We were in war. We are paying the price. The aftermath is bitter. Half-baked doctrines of alien fanatics in the name of liberty would pull down the temple.

Let us hold firm in the American fashion. This is no time for hysteria or new-fangled doctrines of foreign importation.

The big job of Congress is to clear the decks so that the people can get to work. Make the things that people need plenty in the country, arrange distributions so that labor gets its equitable share, and the job is done.

Let the people be assured that the Government still lives, devoted not to any class but to the welfare of all the people, and the lowering skies will clear before the rising sun of prosperity.

Another problem is the railroad question. Organized labor demands that the Government shall buy the railroads and give them to the unions and railway operators to run.

I have always been in favor of the labor union. Collective bargaining is the only defense the workingman has against the inevitable tendency under the competitive system to reduce the wages to the lowest point of subsistence. Although the union has done many things to cause its friends to be ashamed, I have seen it steadily become less selfish, more reasonable; and I have always believed it would become so fair, so enlightened, that every workingman would find it to his advantage to join.

But I deeply regret to see a movement promulgated in the name of organized labor to form a political party composed of a class, to advance the interests of its own special class.

Political stratification of the country into classes would be fatal to democratic government.

The farmers' political party, the railroaders' political party, the Catholic political party, the Presbyterian political party, the bankers, the clerks, the manufacturers, the bakers, the steel workers, all in their own political party, insistent that the country shall be run for their class, would see the death of democracy.

But if it is one man's right to join the union, it is another man's right to stay out of it if he chooses. I have no sympathy with any man or set of men who will use intimidations and threats, the bludgeon and the torch, to prevent another man from working at such wages as suits him. I know the argument that "the nonunion man who works practically fixes the scale which the union man gets for his work," and I recognize the force of it. But the brains and the brawn and the ability of every man is his own.

In this Government, dependent as it is on the independence and self-reliance and freedom of its citizens, I regard it as of the very highest importance that every citizen shall be left free to do with his own labor what he chooses, free from all threats, intimidation, or violence. I have no seasoning of the commune in my blood, and the appeal of organized labor for right and justice will never reach the American heart by threats, intimidation, or violence.

But the old relations of capital and labor, called in our law books the relations of "master and servant," have undergone a profound change. Thoughtful men everywhere admit that every essential human element in production is entitled to a voice in the division of the joint product of capital and labor, and the insistence that labor has as much right to say what share of the joint product capital shall have as capital has to say what labor shall have is the very marrow of labor organization. And "high wages," which is only another name for a more equitable division of the products of labor, have come to stay.

Mr. BLANTON. Will the gentleman yield right there for one question?

Mr. HULINGS. Yes.

Mr. BLANTON. I can not gather from the gentleman's arguments pro and con whether he is for or against the Plumb plan of turning over the railroads to the union men.

Mr. HULINGS. I will answer the gentleman in a moment. I do not believe in Government ownership or in any scheme that looks in that direction. I believe the railroads should go back into the hands of the owners, but under such control that overcapitalization, destructive competition, unjust discriminations, and the rascally manipulations of former years shall be made impossible. They should be allowed such combinations and coordination of effort and facilities as operation by the Government has proved to be indispensable.

Mr. BAER. Do you think you can give the railroads back if you insist upon that condition?

Mr. HULINGS. In my opinion the directorate of the railroad companies and, as well, all our public utilities should represent the owners who furnish the capital, the employees who do the work, and the public who are so vitally interested in the proper management of the business.

Branch regional interstate commerce commissions should be authorized to fix living rates for its particular region according to the needs of the roads in that region, subject to appeal to the Interstate Commerce Commission and the courts.

This would preserve private initiative, which is the lifeblood of enterprise. It would prevent strikes by giving the operatives an equal voice with the owners in fixing wages.

But, gentlemen, whatever we do let us remember that we are here to legislate for the general welfare of the whole people and not for the special interest of any particular class. There is no royal road to prosperity. Thrift, frugality, honesty, industry, directed and guided by sound common sense, is the only safe road.

The Congress has an arduous task in restoring and rehabilitating our industries, and if we can provide scope for the mighty energies of the great Republic and harness the brain and brawn of our people in fraternal effort in developing our great resources, the payment of the war debt will be a bagatelle and prosperity will preside in every industrious household. [Applause.]

Mr. MAPES. Mr. Chairman, how much time does the gentleman yield back?

The CHAIRMAN. The gentleman from Michigan has six minutes and the gentleman from Kentucky has eight minutes remaining.

Mr. MAPES. I will ask the gentleman from Kentucky if he will not use the balance of his time.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield eight minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, it is not my intention to pluck many feathers out of the tail of the American eagle upon this occasion, but rather I shall confine myself chiefly to the discussion of this teachers' pension bill. I believe that the laborer is worthy of his hire, but I do not believe that it should come in the shape of a pension. I believe that it is wrong in principle and leads to habits of extravagance. There is but one class of people that I will vote to pension, and that is the soldier who in the Civil War risked his life for his country at $13 a month and the soldier who in this war risked his life at $30 a month.

I believe that school-teachers of the District and elsewhere should have adequate compensation, if they are not getting it now. And if they are not, I am willing to vote for a bill to place their salaries on a proper basis, but I will not vote to give them a pension.

I asked the gentleman who has charge of this bill—Mr. MAPES, of Michigan—if he could give any reason why the school-teachers in Washington City should have a pension and the farmers and the coal miners and the carpenters and the laborers should not have one, and he has not answered that question yet, and he can not answer it.

Now, if there is any class of people in this country at all, outside of the soldiers, who should have a pension, it is the farmer, because he is the man that at present is feeding the world. I am opposed to his feeding the world. I want him to feed America, and he is going to do it. [Applause.]

I never voted nor will I ever vote to send food to the people of Europe until they quit fighting and quarreling among themselves and go to work, which they will not do as long as this country will make donations of food and money to them. [Applause.]

You talk about the high cost of living, and feeding Europe is one of the great reasons of the high cost of living in this country. [Applause.]

This Congress has been in session now a little over three months, and our Republican friends insisted that the President of the United States should call Congress into session so that they could relieve the distress of the country and the high cost of living. What has been accomplished? You have taken the tax off ice cream and soda water [laughter on the Democratic side] and lost this last year, on that basis, $21,000,000 in revenue, and next year you will lose $100,000,000 in revenue if that bill is passed by the Senate.

You have all seen the cartoon "Bringing up Father, Jiggs and Maggie." I noticed the other day that Jiggs and Maggie were at the seashore. Jiggs was in a bathing suit, and he wanted to go and see Dinty Moore, and he made his escape in a flying machine. He landed at Dinty Moore's place and went in and shook hands with the gang and said, "Where is Dinty?" "Why," they replied, "he is in the back room learning to drink soda water." [Laughter.]

And since we have got prohibition so many people will have to learn to drink soda water that that tax on soda, if properly laid, will amount to $100,000,000.

Now, gentlemen, you know, according to the statement of the Secretary of the Treasury, that this Government to-day is $30,000,000,000 in debt, and yet not only this Congress but the last Congress voted money out of the Public Treasury, which must be paid in taxes by the people of the United States, like a lot of drunken sailors, and you are still keeping it up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. We are operating in committee and the time would have to be extended in the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. TEMPLE having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On August 25, 1919:

H. R. 6323. An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes.

RETIREMENT OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. MAPES. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I would like to speak in reference to a matter having to do with the District of Columbia. It is in relation to the conditions as they exist to-day at the Union Station. We hear a great deal at the present time about monopoly. If there ever was an exhibition of a monopoly it is in the manner in which the space is set apart at the Union Station. I do not know the exact relation between the so-called Terminal Co., which, I believe, constructed the station, and the Terminal Taxicab Co., but if the Terminal Co., the owners of the station, control the approaches to the station certainly the Terminal Taxicab Co. is owned by the same party.

I am very glad, indeed, that the chairman of the District Committee has introduced a resolution investigating the various things in the District of Columbia, and including in the resolution the conditions as set forth that have to do with the Terminal Co.

Let me tell the committee the conditions. Every man in this room and every citizen of the District who has to patronize the station will readily see the situation. At the front of the station where the main entrance is you can not get in. There are three roadways there and two car tracks, one line of cars going up and the other down, or east and west, whichever way you wish to call it, but the public can not get to the front of the station by conveyance, because it is roped off on both sides

of the entrance. At the further end—I should call in the north, but perhaps my geography is wrong, at any rate at one end of the station—you can not drive in without having staring you in the face of a sign making you feel almost like a criminal because you do not patronize the taxicabs of the Terminal Taxicab Co.

On both sides of the entrance at this section of the station there is a sign stating that the space there is reserved for the Terminal Taxicab Co., and when you get in under the archway, the one approach to the station itself, there is a sign which says that that line is reserved for the taxicabs of the Terminal Taxicab Co., and the public can take anything that is left. You can walk across the greasy path that is left by the taxicabs and get along the best you know how.

Mr. GREENE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. In just a moment. As you come to the station there is a large section which formerly was reserved for local parking for the benefit of individuals, but that is now reserved for the standing cabs of the Terminal Taxicab Co. One whole half, practically, of all that end of the station is filled with the cars of the Taxicab Co., standing there three deep, and when you apply for a cab in there you are told that you can not get one unless you take one of that particular company. I now yield to my colleague from Massachusetts.

Mr. GREENE of Massachusetts. I was about to ask if this has happened more particularly since the railroad has been under the control of the Government and the station with it.

Mr. TREADWAY. It has, because it has only been in existence for the past two or three months. You could get to the front door of the station until quite recently, but now there is an order positively forbidding any passing through. I went there yesterday at one end of the station and tried to go along to the other end as anyone ordinarily would like to do with a car. I saw this sign staring me in the face, "No admittance," or "This way out," or something of that kind, and I left my car at a place where they said you could not park, took the chance of arrest by leaving it there in order that I might ask an officer whether there was any way to get to the other end of the station. He said there was not unless I should go out around the fountain. That is the exact answer I received.

The public has two opportunities there to park cars—at each end of the station, away from the ticket office, away from the waiting room, away from everything. In other words, the public is being treated as Mr. Vanderbilt said once it should be in relation to its rights, and the people who are doing it are evidently the Terminal Taxicab Co. and the Terminal Co., who are working hand in hand. I do not know whose fault this is, but as this is District day it seems to me a good time and place to call it to the attention of some one. I make this statement, and it can be verified by every Member on the floor, that you can not get in a conveyance at the front door of the station of the city of Washington, and you can not get a taxicab under this particular section, unless you want to patronize the monopoly which the Terminal Co. establishes, and you can not park your own car to get into the station and buy a ticket, or a sandwich, or any of the various things that a man wants to do who goes to a station, unless you go away at either end from the station in the most inconvenient places possible. I submit this matter to the Committee of the Whole in the hope that there may be just a little bit of attention paid to the wishes of the public regarding the use of the station.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. All time having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That within 60 days after the passage of this act there shall be deducted and withheld from the basic salary of every teacher in the public schools of the District of Columbia an amount computed to the nearest tenth of a dollar that will be sufficient, with interest thereon at 4 per cent per annum, compounded annually, to purchase, under the provisions of this act, an annuity equal to 1 per cent of his average annual basic salary received since the passage of public act No. 254, approved June 20, 1906, for each year of his whole term of service, payable monthly throughout life, for every such teacher who shall be retired as herein provided.

Mr. CANNON. Mr. Chairman, how is this bill to be read—by paragraph or by section?

Mr. MAPES. Mr. Chairman, my understanding of the rule is that only general appropriation bills are ever read by paragraphs, and all other bills are read by sections.

The CHAIRMAN. The gentleman from Michigan is correct.

Mr. CANNON. Is not this an appropriation bill?

Mr. MAPES. This is not what is known as a general appropriation bill.

Mr. CANNON. I have not had time to read the bill, but the report says that it carries an appropriation of $50,000. If that does not make it an appropriation bill, what would?

The CHAIRMAN. The Chair believes the rule with reference to the reading of bills by paragraphs applies only to the regular general appropriation bills, and holds that the present bill will be considered by sections rather than by paragraphs.

Mr. CANNON. Were points of order reserved on the bill?

Mr. MADDEN. You do not have to reserve the points of order. The gentleman can make them.

Mr. CANNON. I am not so sure about that.

The CHAIRMAN. This is not a bill that was reported from the floor of the House, and for that reason points of order are not required to be reserved.

Mr. CANNON. Then an amendment would not be in order until we reach the end of the section?

The CHAIRMAN. The Chair does not think so. The Clerk will read.

The Clerk read as follows:

The deductions herein provided for shall be based on such annuity table as the Secretary of the Treasury shall direct, and shall be varied yearly to correspond to any change in the basic salary of the teacher: *Provided, however,* That said deductions shall in no case exceed 8 per cent of his annual basic salary: *And provided further,* That when the basic salary exceeds $1,500 the deductions shall be made as on a basic salary of $1,500.

The Secretary of the Treasury shall cause to be filed with the board of education on September 10 of each year a certificate showing the amount of deduction to be made from the salary of each teacher during the year, said deduction to be made in 10 equal amounts, one to be deducted each school month. A similar certificate shall be filed not later than the 15th day of each calendar month to cover cases of new entrants. No deduction shall be made from less than an entire month's salary.

Mr. CANNON. Mr. Chairman, I very much regret that my duties elsewhere in the committee room have been such that I have to hop, skip, and jump at what this bill means. For the first time to-day I have had my attention directed to it. I want to say that in my judgment this is a bad time for the Congress of the United States to legislate for the purpose of pensioning civil employees of the Government [applause], and this amounts to a pension. The bill provides that a certain percentage shall be retained from the salary of the teacher to go into the Treasury, the Government to contribute its share, one-half. That is a little bit of camouflage, because in the not distant future if this bill is enacted the Government will pay all of the civil pensions. There are 110,000,000 of us in the country, how many employees in the civil service I do not know, but some one has said 600,000, though I think there are more than that.

Now, I want to say—I measure my words when I do say it—that, taking the country by and large, great blocks of people are hungering and thirsting to get upon the governmental rolls, and competent people, too. Washington is a very attractive place. You begin here upon the teachers. The teachers are a very desirable set of people, and I have every sympathy with them. But now they are to be rated at $1,500 a year, and if they do not get $1,500 a year my impression is, and I beg to be corrected if the impression is wrong, that they are getting the average pay of $1,500. Mr. Chairman, as the value of the dollar decreases in its purchasing capacity I voted for the bonus for the Government employees and that included the teachers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Illinois be extended for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Now, then, they are no worse off than other Government employees—over 600,000—in the civil service; possibly more than that, or at least that. Now, the time comes when that 600,000 will desire to be pensioned. I recall when I was a kid that it was the rallying cry of both Whigs and Democrats, they agreed about it; they said, "We are opposed to civil pensions." The census of 1900, I think, showed the average salary of preachers of this country to be $600 a year. They have got to contribute their share to pay these civil pensions. So, taking the whole country of 110,000,000 of people, if you enter upon a system of Government civil pensions, how can you be consistent if you call upon the remainder of the population who do not hold official positions to pay the favored officeholders pensions?

Mr. Chairman, I call the attention of Members that we enacted the war-risk law. I voted for that law and am glad of it. Under its provisions those in the military service took in the aggregate $40,000,000,000 of insurance. The loss which has

already been adjusted is $800,000,000, and we will keep all the pledges we made to the soldiers.

Mr. Chairman, the dollar, by inflation of the currency since the commencement of the war, has depreciated in its purchasing capacity on the average one-half, or to put it in another way, 50 cents. This would purchase as much as $1 will purchase now. As the purchasing power of the dollar increases as we get back to normal conditions the cost of production, as measured by the dollar, will decrease.

Mr. BLANTON. Will the gentleman yield right there?

Mr. CANNON. Yes.

Mr. BLANTON. Will Congress ever reduce any salary or any bonus that we have ever granted during this war?

Mr. CANNON. Well, I will say to my friend that when cotton sells for 6 cents a pound and corn at 40 cents a bushel and wheat at 70 cents a bushel and hogs at $4.50 to $5 a hundred and cattle at the same price, yes; but you can not, and there is no political party that can exist and be continued in power that will not. As the value of a dollar increases in its purchasing capacity and everything decreases then there will be in the fullness of time an adjustment that is apt and proper.

Mr. BLANTON. I hope so.

Mr. CANNON. Oh, I have faith in the Republic. I have faith in the capacity of our people to maintain the Republic. God knows there is not a nerve in my body or a muscle in my body but does not cry aloud that we are competent for self-government. The majority rules. In conclusion, that is about all I want to say. I can not make up my mind as this entering wedge comes, and there are multiplied thousands of people to try to follow after, as the agitation grows that civil employees are to be pensioned. I can not get my consent to vote for this bill. On the contrary, when it comes to a vote I shall follow my best judgment and vote against the bill. [Applause.]

Mr. HAYS. Mr Chairman, as a member of the Committee on the District of Columbia I have given much thought to this bill and am heartily in favor of its passage. The bill is called the teachers' retirement bill; it provides an old-age income for the men and women who have grown gray in the service of their country. Briefly stated, this measure proposes that when a teacher has spent the active portion of his life in the schoolroom he is subject to retirement at the age of 62 years; in cases of physical disability retirement is allowed at an earlier age; in other cases where the teacher has retained his active faculties beyond the age of 62, his retirement may be deferred to a later date. But when the period of retirement does come, at whatever age, the salary stops and the pension begins. The pension is to be graduated according to the length of service rendered and according to the average salary earned by the teacher during his period of employment. The fund out of which these pensions are to be paid comes in part from monthly assessments against the teachers themselves during their earning years, while the balance of the fund is an outright Government appropriation. Let it be understood that no pension paid under this plan is to be regarded as a public charity; this contribution is not in any sense a gift to the teachers, but on the other hand it is only a deferred recompense for services already performed. Primarily the bill under consideration to-day deals with the teachers in the District of Columbia; but secondarily, and in a much larger sense, the principle to be established by this Federal legislation will be a guiding pattern for general State legislation and will give encouragement to the various Commonwealths of the Union to enact similar laws. In my early life I had some experience as a teacher, and ever since that time I have given careful study to questions relating to that profession. I know that no other calling among mankind, save perhaps the clergy, has contributed and is contributing so much to the welfare of humanity as that noble army of men and women who devote their lives to the cause of education.

This Government is not, in theory, a government by the few; it is a government by the whole people; the people rule, because our sovereignty rests with the American voter. Therefore, in order that the people, who are, in fact, the Government, may govern themselves intelligently, it is necessary that the people be educated. In a Republic like ours the strength of the Government lies in the strength of the people; and the strength of the people is measured by their capacity to deal understandingly with the great questions that must be solved by their ballots. In order that the people of America may be properly educated, it is necessary that our school system be the best that we can make it. Handsome buildings, beautiful grounds, elegant libraries, splendid laboratories, fine gymnasiums, historic museums, convenient furniture, artistic paintings, and classic sculpture are all useful and needful accessories in our system of education. But more fundamental than all of these, and vastly more important to the success of our system, is the teacher who presides over the destiny of our boys and girls. It would be hard to exaggerate the tremendous influence exercised by the teacher upon the plastic minds of our children in their school days. It is in youth that impressions are received which do not fade away. In later years we accept ideas with the proverbial grain of salt; but in youth our impressions become indelible. How often does a child look upon his teacher as the ideal of human character and the perfection of human wisdom. In many instances the teacher molds and shapes the life of the child more completely than its parents. During the formative period of the life of the coming citizen the schoolroom is vastly more than a place where books are read and lessons recited. It is a home; it is a church; it is a government; it is a world. There it is that character is formed; there it is that lifetime conceptions of moral principle take root; there it is that patriotic devotion to flag and country receives its first quickening impulse; there it is that the curtain is drawn aside, revealing in panoramic sequence the hopes and ambitions along the prospective pathway of life. From the sacred surroundings of the old schoolhouse begins the flight of childish fancy to the uttermost ends of the earth.

For the parents of America I demand that the teaching force of our Nation shall be composed of the best blood and brain our citizenship affords. But such exacting demands would be unfair if we did not seek to recompense the people from whom we ask so much. The only way to induce the best men and women to enter the schoolroom, and to remain there, is to standardize their profession. During the whole history of the public-school system the teaching profession has been the stepping-stone to some more remunerative calling.

Mr. HULINGS. Will the gentleman yield?

Mr. HAYS. I will.

Mr. HULINGS. How would the gentleman consider a plan of paying school-teachers a sufficient salary so that they could buy their own insurance if they chose?

Mr. HAYS. The gentleman from Pennsylvania, Gen. HULINGS, has asked if relief could not be afforded by raising the salary of the teacher. In answer to that question I admit that a substantial salary increase would go a long distance toward putting the teaching business on the same basis as other professions, but it would not do all that is necessary to be done. It is a notorious fact that school-teachers are the poorest paid employees to-day in either public or private service. A doctor may make $6,000 a year and complain that his practice is only a moderate one; yet I ask where is the public-school teacher who would not regard that sum as a princely income? A lawyer may make as much money as the doctor makes, and in some cases perhaps more. A shrewd business man may drive his bargains with the trade and in a little while he is the owner of a store and a home, and has a generous bank account. The average salary of the grade teachers in our public schools is less than $800 per year. In the city schools the janitor makes more money than the grade teacher. Unskilled manual labor in every line of industry draws a higher wage than our grade teachers. Manual labor requiring some degree of skill is paid for in salaries from three to four times as high as the teacher receives for shaping the lives of the oncoming generation.

And all the while it costs the school-teacher just as much for coal to warm the house as it costs the doctor; it costs the teacher the same price for bacon and eggs that it costs the lawyer; it costs the teacher just as much to ride on the train as the commercial traveler has to pay; it costs the teacher as much for shoes and hats at it costs the clerk in the Government office. More is asked of the teacher and less is given in return than is the case with any other occupation. No man or woman should be permitted to enter the schoolroom as a teacher unless endowed with a good education, a character of high integrity, a clean conception of morals, and a general fitness to safeguard child welfare. And in my observance the instances are exceedingly rare where the teacher has failed to measure up to these requirements. An increase in pay would in some measure relieve the unfortunate conditions that now prevail in the teaching profession. And I, for one, am in favor of seeing the school-teachers of the Nation, and particularly the grade teachers, more highly paid than they are to-day. But the question of salary is not involved in this bill, and even if it were it would not fully solve the problem for us. In these strenuous days of the high cost of living even a generous salary is no guaranty against the future. The ordinary income is exhausted by expense that occurs from day to day, and little can be put aside for the future.

I want to see these teachers relieved from the haunting fear of poverty when time has laid its heavy hand upon them; I want every man and woman who teaches my child and yours

to live wholly in the present cheered with the confident knowledge that when the winter of life has come the wolf will not invade the kitchen door.

There are many noble men and women who are particularly gifted as teachers and who love the work of leading and training the youthful mind. But in a little while the profession looses them; their very worth and fitness bring them invitations to enter some more remunerative line of endeavor. They quit the schoolroom, not because they do not like its atmosphere, not because they are unfit for service there, not because some other occupation is more alluring, not because their surroundings elsewhere are more congenial; but they leave the schoolroom reluctantly and wholly for the sake of insuring a competence against the rainy day that befalls all of us.

The gentleman from Kentucky—Judge THOMAS—protests against the teachers' pension law and asks why the farmer is not equally entitled to Government reward. But I have answered his question by showing that the farmer and the mechanic and all other people engaged in private occupations of a gainful nature have more abundant opportunities for laying aside ample protection against adversity. The teacher is not engaged in private work. The teacher is a public servant devoting 100 per cent of effort to the well-being of humanity; the teacher is engaged in making young America fit for citizenship and in making the world a safe place in which to live.

Mr. THOMAS. Will the gentleman yield?

Mr. HAYS. I will.

Mr. THOMAS. I would like to inquire of the gentleman whether he thinks George Washington, Thomas Jefferson, Abraham Lincoln, William McKinley, and other people I could name, were not educated into good citizenship at a time when teachers did not have pensions?

Mr. HAYS. Yes, the gentleman from Kentucky is right; those distinguished statesmen that he has named were educated into good citizenship by the school-teachers of America. That fact proves the contention I have been making that we owe to this profession a debt of gratitude that can not be paid in money. In those days the teachers in country schools rarely received more than $25 per month for their services. They, like the present generation of teachers, were courageous men and women who did not teach school with the avaricious hope of accumulating wealth; they taught school because they believed that they could render their best service to humanity by developing the boys and girls of that time into fitness for national and world leadership. Just how well the teachers of that day succeeded in their worthy endeavor is illuminated by the question that the gentleman from Kentucky has asked. We do not know how those teachers fared when their hair grew white and their eyes were dim as they tottered to the end of their pathway. But how gracious it would have been if a grateful Republic had in some measure lightened their burden in recognition of their splendid service to civilization.

Gentlemen, let us pass this bill; let us encourage the various States to enact similar legislation; let us say to that devoted army of men and women who are laboring for mankind that we appreciate their devotion to duty; let us help standardize their profession; let this Government acknowledge the fundamental principle of justice that the laborer is worthy of his hire. I am in favor of a pension system for the teachers of the District of Columbia and for every State in the American Union. I am in favor of better pay for the teachers. I appreciate the arduous, toilsome, nerve-racking ordeals of their labor. I realize the immeasurable good they are doing for humanity.

I understand why so many of our most gifted teachers abandon the schoolroom with regret on account of the niggardly compensation now provided for them. I stand for making school-teaching not a temporary job but a permanent profession for the men and women who love it and are worthy of its honors. On the one hand we can not afford to sacrifice from the teaching force of the country any worthy and capable member of that profession; on the other hand, they can not afford to remain in the work unless their minds are free from the fear of old-age poverty. They do not ask for affluence, but they have the right to calm assurance of peaceful comfort in their declining years.

Therefore, Mr. Chairman, I shall vote for this bill.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, nearly every State in the Union, at least nearly all the States in the North, pay their school-teachers a pension. My own State pays $16 per month on the basis of 25 years' service. All of the teachers in the State contribute to the fund from which the pension is paid. But aside from the contributions which the teachers make, the State itself, on the basis of 25 years' service, pays $16 a month.

This bill proposes that the teachers shall contribute not to exceed 8 per cent of their salary on the basis of $1,500. It proposes that the Government shall pay on the basis of $10 a month for 40 years' service and less for a less number of years' service. The annuity which the teacher buys by the assessment levied against the teachers' pay will amount to $600 a year on the basis of 40 years' service, and the maximum compensation that can be drawn under this bill for 40 years' service is $1,000. So that commits the Government to the payment of not to exceed $400 to any teacher who has given 40 years of her life to the service of the public.

Every fireman, every policeman, everywhere—that is, anywhere in the United States—receives a pension. And it is only a short time since this House increased the pensions of the firemen and the policemen and increased their pay more by far than any compensation that can ever be received under the law that is now before us for consideration.

The most arduous work in all the world is performed by the teachers of the public schools of America, and they are the most inadequately paid of any profession. They must give four years of their life, after they have grown to manhood and womanhood, to acquire the knowledge that fits them for the work. They must continue to acquire this knowledge from the day they enter the profession until the day they die. It is one continuous effort. They are the instrumentality through whom we lay the foundations for the future of American citizenship. Shall we say that those who mold the minds and the hearts and the souls, if you please, of the children of America shall be left to die in poverty in their old age after they have given all there is in them to the people of America? I think a more patriotic service is performed by the men and women in the public schools than by men on the front lines of battle in a war. Their work is just as strenuous. It is a work that requires an education and a lifetime of experience. It requires a high moral standard. They are the examples which our children follow as they move along through life.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. And we who are here to speak for the people of America can not afford to say that we will not encourage the best minds and the best morals to enter upon the work of teaching our children.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. BANKHEAD. I am asking this for information. The gentleman stated that the policemen and the firemen in the District of Columbia were on the status of civil pensions. How long have those laws existed?

Mr. MADDEN. For a long time.

Mr. BANKHEAD. And the basis proposed here for so-called pension of school-teachers would give the school-teachers less remuneration and annuity than is now paid under existing law to the policemen and firemen?

Mr. MADDEN. By all manner of means. And this is not the only place in America where policemen and firemen are pensioned. They are pensioned in every city of the North. I do not know what you do in the South in that regard. They are pensioned everywhere, and they ought to be. They offer their lives for the protection of property and the lives of our people in every community.

And these men and women who are engaged in this laudable work are offering their souls in order that the children of America may grow up in patriotic fervor, filled with the knowledge of the fundamentals of American liberty, filled with the spirit of Americanism, filled with that love of our institutions that may be handed down untarnished to the generations who are to people this continent in the ages to come.

Shall we say to those who are engaged upon this kind of work that we are not interested? Shall we say that we do not care what kind of knowledge, what kind of morals, shall be inculcated in the minds and hearts of our children? Shall we say to these patriotic men and women who devote themselves to their calling unselfishly, without hope of reward, without any expectation of remuneration to protect them as they grow old, that we are not willing that they should be given an insurance policy which will make them feel at ease as they pass along through life performing this wonderful work for America? We want them to feel at ease.

They can not accumulate a fortune out of the compensation which they receive. They can not even save any money out of it. They are willing to be assessed as much as 8 per cent of

their meager salaries, on the basis of $1,500 per annum, and out of this 8 per cent turned into the Treasury of the United States, as it is to be, invested by the Secretary of the Treasury, an annuity is to be purchased in their behalf, so that as they grow old in the service and are no longer able to perform the functions for which they have been employed and to which they have given their lives they will be able to say, "At least we shall not be compelled to go to the poorhouse; we are permitted to be treated as human beings, to live among those we love, in the homes of those with whom we have associated during our active period of existence, and as we wither away in the declining years of our lives this will enable us to feel that we shall be surrounded by the children of our friends, and that we may be permitted to listen to the prattle of the rising generation as we sit awaiting the call to the other side." [Applause.]

Mr. SEARS. Mr. Chairman, I move to strike out the last paragraph.

The CHAIRMAN. The gentleman from Florida moves to strike out the last paragraph.

[Mr. SEARS addressed the committee. See Appendix.]

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from California moves to strike out the last two words.

Mr. RAKER. Mr. Chairman and gentlemen, while the bill that is now before the committee may not give the teachers as large an annuity as it ought to give, it is in the right direction; it is along the right line.

There are some 36 States in the Union now where teachers are pensioned. There is no occupation in the world to-day that needs and deserves rightfully a pension so much as that of school-teaching. There is more need, there is more justice, in giving the school-teachers a pension than giving a pension to any other people that perform public functions. The policeman after he has arrived at a certain age may still do some of the work he is accustomed to perform, but that does not affect anyone else. Those in the various departments of the Government after having arrived at a certain age, where they are no longer able to perform efficient work for the Government, if you do not retire them upon a pension, no harm is done, except an expenditure of money, if you will allow them to rest in an easy rocking chair the rest of their lives, as long as they remain in the Government service. Of course, they ought to be pensioned properly. They ought not to remain there after they have become superannuated. They ought to be retired on a pension. But no injury is done to anyone. It is entirely different, however, in the case of the school-teacher. The school-teacher's status is entirely different. There is no occupation in life to-day where the man or woman must maintain, from the beginning to the end of the work, a supercharacter such as that which the school-teacher should and must maintain.

The public demand it. The State demands it, as it is entitled to; and when a teacher by reason of age has lost that virility and vitality which are necessary, your child and mine should not be compelled to be under the supervision and tuition of that teacher. Not only does he do an injustice to the public and to himself, but he does an injustice to the rising American citizen. The public has an interest in every child that goes to school. The public has a right to have the very best brains and mentality of the teacher given for the benefit of the school. Everyone knows that the school-teacher is an example in the community. The boys and girls both look up to the school-teachers as examples for their guidance. When those teachers become inefficient because of old age, after 25, 30, or 40 years of their best service given to the children and to their country, to make better citizens—and that is what we are all striving for—those teachers should not be turned out and sent to the poorhouse. [Applause.] The object of this Government is that we may live happily ourselves and that those who come after us may have an equal opportunity or better than ours.

Mr. FESS. Mr. Chairman, generally speaking I am not in favor of the pension system for civil employees. If this were purely a pension to be paid out of the Treasury without any contribution on the part of the teachers who will be benefited, I would hesitate a long while before I would vote for it, notwithstanding the fact that I realize the poor position that the teacher occupies. But I do not believe this legislation can be placed wholly upon our interest in the teacher. I think we ought fundamentally to place it upon the interest of the Nation. If we secure a higher grade of teaching by any reasonable means, we are justified in doing what we can to secure it. I doubt not that every Member of this House will agree with me that what is done in the formative years of childhood largely determines what the Nation will be in its manhood and womanhood. Therefore during the period of character making, which is the most important and critical time in a person's life, it is of the utmost importance that those who have to do with the making of character should be of the best attainable sort. The teacher has most to do with that; far more so than the minister, and probably more so than those in the home; for the teacher has the pupil nine months in the year, five days in the week, and six hours in the day at the time when, under the circumstances of influence and discipline, there is more formation of character than at any other time in the life of the individual. I hold that the greatest asset of America is its childhood, and the test of what that childhood is to be when it reaches manhood is determined in the years when the child is under the influence of the teacher. One of the most essential factors in the formation of a proper civilization is the teacher of the youth of the Nation. Therefore we ought to see how best we can get, not any teacher that can be found, not the person about whom it is said that if he fails in everything else he can teach school, but we ought to make it possible to secure the very finest manhood and womanhood in America, to go into the schools to preside over the children, and take care of them in the formative period in the making of the character of those young men and young women.

Everybody in this Chamber knows that under the present system it is absolutely impossible to secure for the schoolroom the type of men and women that we need, except and alone where we find those so consecrated and dedicated to a life work for the good they can do that they are willing to sacrifice all ambition, all opportunity for a career, to go into the schoolroom and be nothing more than a mere school-teacher in order to do a great piece of work for the future of the Nation. That class, I admit, are a great portion of the teaching profession. But we ought not to make it necessary for that to be so. I distinctly recall an incident when Horace Mann, having been nominated for the governorship of the State of Massachusetts, was on the same day elected president of a college in Ohio, and had to make up his mind whether he would continue in a political career, fraught with great possibility of achievement—because at that time he was a Member of this House, being the successor of John Quincy Adams, of Massachusetts—whether he would take the governorship of his State or resume the work of a schoolman, which he had interrupted when he came to this House in 1848. It will be recalled that he had been this country's greatest educational statesman. He replied to the offer, stating that if certain conditions were met in order that he might inaugurate some needed reforms in higher education he would be glad to let go of public life and resume work for the young people of the country. They met the conditions which he imposed and he went on to be inaugurated as president of the new college; and when he dedicated the four buildings that had been erected he made the startling statement in the presence of the governor of Massachusetts, who had gone to Ohio for the dedication and who sat on the platform during the ceremony, that if the expenditure of this money for the building of this institution would save one single boy or one single girl to the service of the country, the buildings would be more than paid for. When the governor of Massachusetts jocularly interrupted, "Why, the president is enthusiastic," Mr. Mann overheard it, and turning to the governor, said, "Do you not agree with me?" The governor replied, "Well, had my training been otherwise and had I been trained for a schoolmaster, I probably would agree with you." Mann said, "Well, were the boy to be saved my boy I would not exchange him for the money that goes into these buildings."

That was the estimate he placed on the life of a young man. That is the estimate that should properly be placed upon the life of a young woman. And when we realize how much the Nation depends upon the character of teaching in the public schools of America, then the measly amount that is being paid for that service throughout the land will seem to us a disgrace to the Nation; because prior to the war the average annual salary of a school-teacher was $523, and the average salary in 1916 was only $630. While I do not have the figures, now it is probably not over $630. That is the average throughout the United States. And no man or woman can enter a first-class high school as a teacher without first having had four years' training in a high school and then four years' training in a standard college. This high standard of preparation is demanded in the interest of the Nation. Then think of a man or woman of such training being offered $630. Why, nobody but an idiot would be willing to sacrifice a career and attempt to do the work necessary to qualify for such service from the usual motive which stimulates mankind—proper recognition by compensation—no one save him who is consecrated to a great service. Only the altruistic motive to help the Government

would induce anyone to make the sacrifice involved in taking up a life work of school-teaching. This should not be so. The teacher, for the sake of the national welfare, if for no other, should have a definite, substantial appreciation determined by the act of the Government.

Mr. CANNON. Will the gentleman yield?

Mr. FESS. I will yield to the gentleman.

Mr. CANNON. Can the gentleman tell me what the salaries are that are paid to teachers in the District of Columbia?

Mr. FESS. The superintendent gets $6,000 and the principals $2,100. Is not that so, I will ask the gentleman from Michigan?

Mr. MAPES. I am not sure what the principals get, but the basic salary this year was $750——

Mr. FESS. I thought it was $800.

Mr. MAPES. The present appropriation bill has increased it to $850.

Mr. BANKHEAD. If the gentleman will pardon me, Mr. Thurston stated before the committee that the average salary is a little over $1,100.

Mr. CANNON. That is for those who enter and those who get the higher salaries. Does that include the $240 increase?

Mr. BANKHEAD. It does, according to this statement.

Mr. FESS. Eleven hundred dollars is a very good salary as salaries for teachers range throughout the country. It is better than is found throughout the land, but is very poor in comparison with other remunerations.

Mr. MADDEN. The gentleman understands that the $850 is without the bonus.

Mr. FESS. I want to compliment the committee on its aid to the teachers in this city.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask for two minutes more.

The CHAIRMAN. The gentleman from Ohio asks that his time be extended for two minutes more. Is there objection?

There was no objection.

Mr. FESS. I think the schools of the District are being placed on a basis that ought to operate very largely as a model system for the whole country, and for that, as an additional reason, I am extremely anxious that whatever legislation on this particular issue is written shall be model legislation, that it may be copied, if necessary, by other sections and perhaps by the States.

I said in the opening that I am not favorable to the idea of pensions inherently. It is more or less offensive to me. I would do as some suggested—pay better salaries to avoid the needs of a pension—but, my friends, you will not do it, and there is no use to talk about it, and that argument can not be practically urged against this measure for that very reason.

When you arrange for a fund to retire upon, which is largely supported by the teachers themselves, as in this proposed measure, it cuts out the objections that might be had toward the pension system, and for that reason I think this bill is written on the right plan and will become a model throughout the country for public-school teachers' retirement.

Mr. PLATT. Will the gentleman yield?

Mr. FESS. Yes.

Mr. PLATT. Why would it not be a good plan to place this matter on a business basis—have no vacation, but let the school run right through the year and not have the teachers work only nine months?

Mr. FESS. That is the most objectionable feature, that the teacher is compelled to have three months' enforced vacation, not to say idleness, for she has to pay what she has been able to save in the year to go to a summer school. This we demand of her, so that her mind may remain not only alert but capable on all modern methods.

Mr. PLATT. The vacations cause the scholar to lose three or four years of schooling.

Mr. FESS. And yet there are some people who object to having the pupil in school nine months, and say that it is too hard on them. I sincerely hope this measure will not only pass in this Congress but that those who have voted steadily to amend it and those who are now arguing against it on principle, as they put it, will on final vote join us as the measure of their appreciation of the vastly important service of determining the character of the coming generations by the type of training and the brand of influence exerted upon the youth of to-day, who become the responsible citizens of to-morrow.

Mr. MAPES. Mr. Chairman, there has been no amendment offered to this section, and I would like to see if we can not agree on the time for closing debate. I ask unanimous consent that all debate on this section and all amendments thereto be limited to 25 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on the section and amendments thereto be limited to 25 minutes. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. GREEN of Iowa having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 87. Joint resolution authorizing the President to distribute food supplies to drought-stricken territory.

RETIREMENT OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. CALDWELL. Mr. Chairman, when I came to the Sixty-fourth Congress, if there was anything paramount in my mind that I felt I wanted to do something about it was the question of retirement. I had studied the question a long time, particularly as applied to post-office employees. I have seen this Congress, since I have been a Member of it, adopt a plan of retirement pensions for firemen and policemen. We find on the statute books a plan of retirement for the soldier and the sailor and the marine, and it seems to me that the justice of this bill, the economy of it, the skill with which it has been drawn, considering the claims of these noble men and women, certainly gives them a position where this step should be taken in their favor.

I am heartily in favor of this bill. Of course, in two minutes' time I can not discuss the question of retirement for public or private employees, or pensions for old people, but I can say there is so much good, so much justice, so much science in this bill that I do not see how this Congress can fail to adopt it.

Mr. SMALL. Mr. Chairman, I hope this bill will pass, and I wish to give briefly a few of the reasons which bring me to that conclusion. Twenty years ago I was opposed to any form of retirement pensions for persons in the public service, but a man is blind indeed who does not realize the trend of public sentiment, and it is righteous, I think, toward the retirement of some classes of employees. Like every other proposition, however, it must be applied wisely, justly, and with discrimination. Of all the propositions which have been made for retirement of employees, none is more meritorious than is the plan of retirement of public-school teachers. In arguing for this, one need not speak in favor of the teachers themselves, but in favor of the institution of the schools and of the children of the country. The teachers are the last to be considered among the merits of this proposition. Of all vocations, there is nothing into which the idea of profit or money enters in less degree than into that of teaching. He or she who begins teaching as a life vocation bars the door to fortune and can only look as recompense in life to a duty well performed and sacrifices made in the interest of the children and of the future generations.

Let us look at some of the evils connected with the public-school system. The public schools are a function of the State, plus the close personal supervision of the communities in which they exist. The success of the public schools depends upon the qualifications of the teachers and the supervision which those teachers receive.

The success of the school is governed by the equipment of the schools. One of the difficulties in our schools is in finding teachers not only who are trained by education but who by a consecration of spirit and love of their work are willing to give the best that is in them to the training of the children committed to their care. The evil in our school system lies in the fact that so many young men and young women seek it as a temporary bridge over which to pass to some other vocation which shall be more lucrative and which offers larger inducements. They of necessity can not give to their work the best that is in them. This retirement fund will remove from them the specter of poverty which confronts them in old age or when disability occurs.

Members should consider this bill without regard to their past prejudice, but in the light of the importance of this great institution of the State, the public school—as great in the District of Columbia as in any community of the country—and the problem ought to be greater, because this District should set an example to the public schools everywhere, not only of efficiency but of justice and fair treatment to the teachers, and set up a standard which should attract attention from all sections of the country. By providing this retirement fund we draw to the schools those who intend making teaching their vocation. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BLANTON. Mr. Chairman, there is no Member of the House who will go further in granting a proper remuneration to the teachers of our land than I. In the Sixty-fifth Congress, when teachers were then receiving about $150 less than they get under present legislation, I offered an amendment to the bill then pending, in which I endeavored to provide the pay-

ment of a minimum wage of $1,400 a year to the teachers of the District. I would vote for such a measure now. I agree with the gentleman from Ohio [Mr. FESS] when he says that we should pick the best of the manhood and womanhood of our country to place as teachers in our schools. But do we propose to do that? We propose by this measure to pick those men and women by paying them a basic wage of $850 a year, and then provide for a pension of $750 after they have taught 40 years in the schools. Are you going to get the best in the manhood of the country and in the womanhood of the country through such a measure as that?

I want to say now that I am against civil pensions. If there is any one thing on earth that encourages thrift and economy it is a fear of old age. If there is anything on earth that encourages an extravagance and a want of thrift it is for a man or woman to understand that when they reach a certain age they will be taken care of by some means other than their own efforts. It is the fear of old age that makes every man and woman lay by each year a certain portion of their earnings, and I do not believe that it will be a good thing to offer a pension to any civil employee of this Government. I am in favor of a pension, as stated by the distinguished gentleman from Illinois [Mr. CANNON], only to the soldiers who have fought for the flag of their country.

We speak here of the teacher as being handicapped and circumscribed within the schoolroom. The whole blue sky is in front of every teacher in the land. The distinguished gentleman from Ohio [Mr. FESS] himself came to Congress as a renowned pedagogue from the schoolroom. We have in the White House to-day a man who was almost as important and valuable when president of Princeton University as he is as the President of the United States, and as such he is the greatest man living to-day. They are not circumscribed. The whole blue sky is their limit. They have their ambitions the same as other people. No teacher is in the schoolroom to stay there the remainder of his life unless it suits him. Each one of them has in his breast an ambition some day at some future time probably to lead a different life, to be promoted, if you please, to some other branch. Are you going to get the best men and women by offering them a small pension?

Mr. PELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PELL. I think the whole object of this bill is to make people stay in and not get an ambition to get out.

Mr. BLANTON. If you want to make them stay in, you must do like the New Yorkers usually do when they want a man for the job. You must pay what the man is worth. You must not offer them a basic salary of $850 and then a little measly pension of $720.

Mr. PELL. The gentleman is quite right.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GALLAGHER. Mr. Chairman, when the gentleman from Texas [Mr. BLANTON] introduced his amendment for $1,400 minimum wage for the school-teachers, which they ought to get, I voted for it, but that would not prevent me from voting for a pension for teachers if his amendment was adopted. If the gentleman knew anything about a metropolitan school system, he would not talk the way he does. In the first place, you must not forget that it takes years of preparation and study for a teacher to qualify herself or himself to enter a school system such as there is in the city of Washington, and after they have entered the school system they start out at a very low wage and have to put in years of service before the salary is raised to an amount that is worth talking about. The salary is but a small part of it; a teacher has to live under certain trying conditions. She has got to live in a suitable neighborhood, and she has to clothe herself in a respectable way, and it takes money to do it. She can not move around like other people. She must live in a section of the city that is eminently respectable, and she is under a certain expense in doing that. She has to take care of 40 or 50 or 60 children for six hours a day for nine months in the year. The other three months she is under greater expense. During her teaching period the hours she stays in the schoolroom are not all of her hours of service.

She has to study nights; she has to study for promotion; she has to study for the different grades if she is to progress, and in doing that it takes hours and hours of her time outside of the schoolroom; and to learn lessons that have to be taught to the classes she has to review the work the night before. Now, I am not going to talk about the necessity of maintaining discipline or the other duties they have to perform in instructing the children. But everybody who has been to school knows that it is a difficult thing to handle a room full of children. If you do not believe it, ask your wife or ask your mother and she will tell you that it is a difficult thing to take care of one or two children. The teacher is under a nervous strain all of the time, and after serving 30 years how many of them are going to get a pension under this law? How many of them do you think will be retired after 40 years of service? Why, the number that will be retired will not be worth talking about. Teachers who stay in the service 40 years should be retired. To keep a teacher in a school after she has broken down and becomes a nervous wreck is doing an injustice to the scholar as well as the teacher. Keeping instructors after 40 years of service is wrong, and the proper thing would be to retire them with a decent pension. Mr. Chairman I am in favor of the bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman and gentlemen of the committee, I presume most of us, at least those of us who have served for any considerable time in the House here, recognize the fact that it is unfortunate in a great many regards that the House of Representatives is compelled to sit as a town council for the city of Washington and the District of Columbia. We are so very busy with other matters I am sorry to say we are often neglectful of the Nation's capital. This has been, I think, especially true with regard to the salaries of teachers, and also even with regard to the public-school system of the District. I am very glad, indeed, that this year we have made quite a material increase in the payment of the teachers of the District of Columbia. They are not yet receiving the pay that they should receive, but I hope to see advances made until at least the teachers of the District of Columbia will receive adequate salaries commensurate with the services that they render.

Mr. HERSEY. Will the gentleman yield?

Mr. TOWNER. Just for a question. I have only five minutes.

Mr. HERSEY. If we have not the bill for $1,400, the basic salary bill of the gentleman from Texas, before us and have before us this small pension matter, is that any reason why we should not support this bill for a small pension?

Mr. TOWNER. Oh, no, I would say to my friend; no, indeed. The proposition that we have before us to-day has been so well demonstrated as almost necessary that I believe no gentleman on the floor of this House should hesitate in supporting it. Certain gentlemen said that they are not in favor of a pension system for civil employees. Whether they are or not this proposition at least has been demonstrated not only as useful but as much more than that. Every State that has adopted this system is earnest in its support. No State that has ever adopted this system has ever abandoned it.

The universal trend is in the direction we have before us in the provisions of this bill. There can be no question about that, so that if gentlemen are in favor of a proposition that has been demonstrated as beneficial whether it has been used, not only as beneficial to the teachers, not only as an encouragement for the profession, but as an actual improvement on the public-school system of the United States, they ought to support this bill. I realize that there are in the minds of many the belief that if we adopt this system in regard to school-teachers that it will be extended to civil employees of the District. I do not share in that belief. I do not think because we do one thing that we will do another unless it demonstrates that that other thing shall be for the benefit of the people. We have gone one step in hundreds of instances and in hundreds of propositions and have never taken the other step. Gentlemen who take that view of it that because the Government does one thing that has hitherto been done by private or individual enterprise that therefore we must do all things, have not, I am inclined to believe, an accurate understanding of the country's mind. I agree that in many directions the Government has gone too far——

Mr. BEE. Will the gentleman yield?

Mr. TOWNER. But the taking one step does not by any means mean that we shall take all the other steps in the same direction.

Mr. BEE. Has the gentleman time to yield?

Mr. TOWNER. Just for a question.

Mr. BEE. Has the gentleman time for a question?

Mr. TOWNER. Just for a question.

Mr. BEE. I want to ask if it would not be possible in this legislation to double the per cent deducted from the teacher to save deducting the $10 from the Government's funds to obtain the same results? I am in favor of the bill. It occurred to me that that might make it much better.

Mr. TOWNER. Perhaps the gentleman's proposition might be a good one; but this bill is before us, has been carefully

considered by the committee, and in my judgment should be supported.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. Mr. Chairman, I believe that in order to maintain the present standard of teachers in the District of Columbia this bill should pass. The District Committee considered this bill very carefully and thoroughly and had quite extensive hearings. It came out in those hearings that in one county over in Pennsylvania they had no one on the eligible list, and it was necessary to employ 70 or 80 additional teachers for public schools. They had to select them perhaps from a class of people who were not well educated and, as a consequence, they did not have competent teachers in some branches. That condition is true in a great many counties throughout the country. Young men and women educated and trained for the teaching profession do not care to enter public schools as teachers owing to the fact that they do not receive sufficiently large salaries. As a result, teachers in service for a number of years find that in old age or disability they have not accumulated sufficient money on which they may live. More attractive inducements in the line of larger salaries must be offered to secure teachers of high quality. I think it is not only important that a bill of this kind should be passed here but I believe it is only a question of time when such legislation will be enacted in all the States of our Union.

There are a number of teachers who have taught for years on small salaries, and I venture to say that if they were to be retired to-morrow they would find it difficult to earn a livelihood. And it does seem to me that a bill of this kind and character is essential for the institutions that we are so vitally interested in and the welfare of our children. I earnestly hope there will be no opposition to the bill, but that it will pass, as it passed through the committee, unanimously.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That any teacher who shall have reached the age of 62 may be retired by the board of education on its own motion or shall be retired if application is made by the teachers, any teacher who shall have reached the age of 70 shall be retired unless, in the judgment of the board of education, such teacher should be longer retained for the good of the service.

Also the following committee amendment was read:

Section 3, page 3, line 13, after the word "teacher," strike out the comma and the word "any" and insert a period and the word "any" with a capital "A."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Also the following committee amendment was read:

Page 3, line 14, after the word "judgment," insert the words "of three-fourths."

Mr. MAPES. Mr. Chairman, I am instructed by the committee to offer a substitute for that amendment.

The CHAIRMAN. The gentleman from Michigan offers a substitute for the amendment, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. MAPES to the committee amendment: Page 3, line 14, after the word "judgment," strike out "of three-fourths" and insert in lieu thereof "of two-thirds."

Mr. MAPES. Mr. Chairman, the reason for that amendment is this: There are nine members of the board of education, and three-fourths would make an uneven number. Therefore the committee proposes this amendment to make it two-thirds.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan [Mr. MAPES].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is on the amendment as amended by the substitute.

The amendment as amended was agreed to.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Mr. Chairman, I invite attention to a provision of this bill expressed in section 3 by the word "may," in the sentence "any teachers who shall have reached the age of 62 may be retired by the board of education." In a subsequent portion of the section it says "any teacher who shall have reached the age of 70 shall be retired unless in the judgment of two-thirds of the board" he may be continued.

These provisions emphasize rather indirectly an important principle which should be taken into account not only in this bill but in the one proposed for the retirement of clerks in the executive branches of the service. I have but little sympathy with the oft-repeated idea of a dead line at a given age. My objection to that idea grows out of the fact that we are not dealing primarily with the question of age. The question is, What is the individual doing? What is he or she able to do at any particular age? You will find many teachers at 62 years of age better qualified to do good work than some teachers at 25, 30, or 40 years of age. Many of the teachers at 62 and even 70 years of age will be able to lead the minds of children more rapidly along the pathway of knowledge than a large number of younger years. So I think it is eminently wise that the committee has given to the board of education a discretionary power which makes that board practically a retirement board, so far as age may be concerned.

Now, lest I overlook another point, although it may be slightly aside from the provisions of the section, I want to invite attention to an urgent need, as I see it, in our public schools. I am not an ardent advocate of the pension idea, but will support this bill because of insufficient salaries in former years. But, my friends, what is the appeal to the school-teachers of America to-day? It is the duty of teaching in larger measure and with far greater efficiency American history and American civics in relation to the Government of the United States of America. [Applause.] Every element of Bolshevism manifested on the part of any man or woman in the public schools of this country should be sufficient ground for the immediate retirement of that person. [Applause.] These educational leaders are working at the foundation of our Government. They are laying the foundation for the future. A moment ago, in commenting upon this point, one of the Members very pertinently said, "Ah, Bolshevism manifests itself not so much in the public schools as it does in the colleges and the universities of the country." To that I said, "Amen." Why, my friends, let the educational forces be told clearly and distinctly that this kind of Americanism is to-day at the masthead, and that the intellectual forces of the country must equip themselves for it.

Over 30,000,000 boys and girls of school age are to be educated in relation to the leading facts and principles of American history and civics. That work can not be successfully performed unless the teachers in the public schools of the country are thoroughly informed and trained with respect to those facts and principles. Their minds and hearts must furnish an educational influence that will lead millions of American boys and girls into a thorough appreciation of their country, its achievements, character, and mission. The inspiring influences of American ideals must imbue the characters of teachers and pupils alike. They must learn to love the American Republic as it stands in vivid contrast with the monarchies of the Old World. To them a republican form of Government must be the diamond that shines with irresistible attraction in comparison with monarchy and autocracy wherever they appear. They must be able to distinguish readily and accurately between genuine patriotism and false pretensions as to love of country. They can accomplish these purposes more successfully as they come into close association with the leading characters in American history. Would they learn the lesson of loyalty to a great cause, to a struggling people seeking to throw off the restraints of monarchy that they might come into the enjoyment of free government? If so, let the teachers in the public schools of the country catch the spirit, wisdom, and purpose of George Washington, whose loyalty to the cause of American liberty shines with increasing brightness with the passing years. Think of Washington in contrast with Benedict Arnold! Note the wide difference between the two. Is it not evident that Washington could have had his own price in gold and almost any station under the British Government that he might have named? He could have secured those things by turning aside from the cause of the colonists and supporting the cause of the mother country. His loyalty, however, to the great cause of American freedom and personal liberty held him with unwavering devotion to the principles of free government. This characteristic of his life, supplemented by his wisdom and statesmanship, made him "First in war, first in peace, and first in the hearts of his countrymen."

Think of the splendid results that can be accomplished by the teachers in the public schools of our land if their hearts should throb with patriotic devotion as his did and their loyalty should be as firm as his was to the great cause of civil liberty. Thus they would become a fountain of inspiring influence in the lives of the boys and girls of America. New visions of civic life would be revealed; grander opportunities would appear; anarchy, Bolshevism, and their influences, threatening the life of the American Republic, would be banished. Under such conditions we would have an intelligent citizenship casting ballots

from time to time for the principles that would perpetuate, elevate, and ennoble the American Republic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 4. That any teacher who shall have reached the age of 45, and who by reason of accident or illness not due to vicious habits has become physically or mentally disabled and incapable of satisfactorily performing the duties of teacher, may be retired by the Board of Education under the provisions hereinafter stated.

Mr. MAPES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MAPES: Page 3, line 18, after the word "forty-five" insert "or who shall have taught continuously for 15 years in the public schools of the District of Columbia."

Mr. MAPES. Mr. Chairman, I offer that amendment as a committee amendment. The committee thought that the bill as drafted was too severe on those who might teach in the schools of the District for a number of years, and who, through some physical disability, or through illness or accident, not due to vicious habits, should become incapacitated from further teaching. The bill as drafted originally provided for the retirement of those who were thus disabled at the age of 45 years, but the committee thought there should be added to that a provision that would give the benefits of this section to those who had been in the service of the schools 15 years, regardless of their age.

Mr. FESS. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. FESS. I think the amendment offered is a good one, but what I wanted to ask was, What is the latitude of the phrase "vicious habits." You have not defined that anywhere, have you?

Mr. MAPES. No; that is not in the bill. I imagine it is defined by court decisions, however.

I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

The question was taken, and the amendment was agreed to.

Mr. GARRETT. Mr. Chairman, I move to strike out the enacting clause. [Applause.]

The CHAIRMAN. The gentleman from Tennessee moves to strike out the enacting clause.

Mr. GARRETT. Mr. Chairman, with what has been said in praise of the school-teachers of the District of Columbia and of the teachers throughout the United States I agree entirely. Certainly no more important workers exist anywhere in the Republic than that great body of loyal, faithful instructors of the youth of the land. Also I agree that it is a service grossly underpaid throughout the United States generally. As to the pay in the District of Columbia, I confess I am not prepared to state, because I am not cognizant of just what increases have recently been granted.

But that, Mr. Chairman, is not the proposition here involved. I do not believe that the time has come in the economy of the affairs of this Republic when civil-pension lists should be established. [Applause.] I believe that the establishment of such a list bodies ill for the future of our country, and therefore, while I stand ready to vote a just and ample rate of compensation to the teachers, believing, as the gentleman from Kentucky [Mr. THOMAS] said earlier in the day, that the laborer is worthy of his hire, and that we should at all times give to this great and loyal body of people full and ample compensation for the service they perform, I am not prepared to go to the extent of engrafting upon our system of government, even here in the District of Columbia, this policy of a civil-pension list.

I do not propose to discuss the practical workings of the system from the economic standpoint. The fundamental principle is involved here as much as it will be in any bill that is presented, and I think we may as well now and here meet that broad issue. [Applause.] Therefore I have offered this motion to strike out the enacting clause. [Applause.]

Mr. MAPES. Mr. Chairman, those Members of the House, like the gentleman from Tennessee [Mr. GARRETT] and some other gentlemen who have spoken this afternoon, who expressed their great admiration and high regard for the teachers in our schools, and who admit that they are grossly underpaid and still oppose the provisions of this bill, seem to have a queer way of expressing their gratitude to the teachers of our children in the District of Columbia.

In the State of the gentleman from Tennessee there is a teachers' retirement law which pays, after the teacher retires, two-thirds of the salary of the last year that the teacher is in the service—much more than this bill requires the Government to appropriate for the teachers. Some people who criticize the bill for want of anything else to say criticize the deduction to be made from the teacher's salary and say that that is unfair and that if we are going to do anything we ought to appropriate the whole amount. That is an objection that the teachers themselves do not raise. As I said in my opening remarks upon the bill, the National Association of Educators have had a committee for the last few years studying teachers' retirement legislation. The Carnegie Foundation has had a committee studying the subject, and those committees have come to admit that those systems which require the whole appropriation to be made by the State have fallen down and are not workable, and the teachers no longer ask that. They say that, in order to succeed, the teachers themselves have got to contribute to the fund, but they should be given credit for their contributions, and when they separate from the service they should be allowed to take out what they have contributed, together with the accumulated interest.

The gentleman from Illinois [Mr. WHEELER] spoke of some testimony before the committee about conditions in Pennsylvania. Instead of there being 80 teachers unqualified in the county to which he referred, the secretary of the National Association of Educators said that in that county there were 300 teachers that were teaching under provisional certificates. They were given provisional certificates because there was such a demand for teachers in the county and the schools had to be supplied in some way, but he said that these 300 teachers were not qualified to secure the proper certificates or to pass the required examination, and that even with those 300 people teaching with provisional certificates there were 20 schools in the county that were not supplied with any teachers at all. And the secretary of the association said very frankly that the standard of school-teaching in the country at large was deteriorating and going backward because of lack of salaries.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WHEELER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be given two minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Michigan be permitted to proceed two minutes more. Is there objection?

There was no objection.

Mr. MAPES. It was brought out here this afternoon that the average salary paid to the District school-teacher was $1,140; not the minimum, but the average, including the principals, the superintendent, the supervisors, and so on. Everybody knows that the minimum salaries paid to Government clerks is more than that. As was brought out before the committee, 10,000 school-teachers came into the District in the last two years for the purpose of accepting positions in the Government service outside of the schools, and some of the teachers in the schools in the District have given up their positions in the schools for the purpose of going into other Government work.

Is there any reason to expect that the schools can compete with that sort of thing and maintain the high standard of our teaching force? Do you gentlemen want your children to go to schools taught by people who are not able to enter the Government service here and get an ordinary clerkship that pays $1,200 or $1,440 with the bonus? I think we owe it to American citizenship—not alone to the teachers but to the coming generations—to see to it that the teachers in our schools are provided for in some way so that during their school work they will not have hanging over them the fear of going to the poor-house after their retirement.

Mr. Chairman, under the rule, is not debate on this motion limited to five minutes on a side?

The CHAIRMAN. The Chair thinks that is the rule.

Mr. GARRETT. This is a motion to strike out the enacting clause.

Mr. DYER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DYER. To ask recognition for five minutes on this motion.

The CHAIRMAN. The gentleman asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. RUBEY. On which side does the gentleman desire to speak?

Mr. DYER. I desire to speak in opposition to the motion of the gentleman from Tennessee.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that debate close at the end of five minutes.

The CHAIRMAN. The Chair will say to the gentleman from Michigan that the debate is already closed. Is there objection to the request of the gentleman from Missouri [Mr. DYER]?

There was no objection.

Mr. DYER. Mr. Chairman, I am much surprised at the motion made by the distinguished gentleman from Tennessee, one of the most learned Members of this great body, a man who is highly educated, and who ought to be in favor of giving to every boy and girl in this country the same opportunity to obtain a good education that he himself has had.

There is no more deserving set of people in the whole land than the public-school teachers of America. The boys and girls of our country, the men and women of to-morrow, who will have the responsibilities in the years to come, depend for their fitness to discharge those duties upon the opportunities given them to obtain an education. It is impossible for the youth of America to be educated without they have teachers. We ought not to expect men and women of good qualifications and good character to go into the public-school rooms of this country and work year after year without the opportunity to lay aside a penny, until they reach the age of 70, or until they become incapacitated before that, without some provision for their future. In my home city I know of women who have taught for half a century in the public schools who have not been able to put aside any money because of the meager salaries paid them. Yet those salaries in my city are better than those paid in the District of Columbia. I say we ought to make some provision for these people who give their time and their lives to the training of the youth of our country. The men and women who are teaching the children of this country are doing as great a service as anyone can do. I believe, Mr. Chairman, that in this bill we have started toward the accomplishment of something that ought to have been done years ago. This matter has been pending here for many years. I remember how eager and anxious many members of the Committee on the District of Columbia were to bring this legislation to fruition more than eight years ago when I was a member of that committee. It is a most worthy piece of legislation, and every man who has given it the consideration to which it is entitled and who has no prejudice in his heart, who comes with open mind and with an adequate knowledge of the situation, must, in my judgment, favor this measure.

A few months ago the distinguished gentleman from Tennessee [Mr. GARRETT] and myself and others visited the island of Porto Rico. We found there thousands upon thousands of children who had never been inside of a schoolroom, who could not read or write a word, children growing up in total ignorance, because there were no teachers to instruct them. They could not obtain sufficient teachers from the United States to go to Porto Rico to teach the children. They had some there, but on account of the low pay and on account of the scarcity of teachers in the United States, they could not obtain the teachers, so the children are growing up in ignorance.

Gentlemen, I hope this motion will not prevail.

Mr. Chairman, I desire to extend my remarks by submitting the following memorandum in regard to a bill (H. R. 3164) that I have introduced to regulate the business of pawnbrokers in the District of Columbia. It is as follows:

The bill as drawn contains all the essential provisions of the present law of Michigan on the subject, and may fairly be said to be a paraphrase of that law for adaptation to the District. Many of the provisions will be found in the former law of Congress of March 2, 1889 (25 Stat. L., 1006), superseded by the later act, now in force, of February 4, 1913 (37 Stat. L., 657).

The enactment of the law of 1913 was, as is well known, the result of an agitation extending over quite a period of time respecting the alleged impositions of the "loan sharks," so called, which impositions, it is not to be denied, called for proper legislative attention. The bill, as originally drawn, did not apply to pawnbrokers, and when, in the form in which it was passed by Congress, it was before President Taft for consideration it was earnestly and justly represented to him that its provisions far overshot the original mark, and that, if enacted, the effect would be to put an end to the business of pawnbrokers in the District of Columbia, no matter how legitimately or fairly undertaken to be conducted. In a public hearing given by President Taft upon the subject, a stenographic report of which was made at the time and the main features thereof published in the daily papers in the first few days of February, 1913, the President expressed his own fear that the law would prove too drastic and would accomplish a result wholly without the contemplation of its framers—namely, the practical denial to those of small or limited resources, and without the means of furnishing collateral, of the possibility of borrowing the small sums required for their needs from time to time.

And exactly this result followed. When the act of 1913 was still pending in Congress it was shown by an examination of the books of the five leading pawnbrokers in the District that during a period of 12 consecutive months the average amount of the loans of one was $2.25; of the second, $5.44, 75 per cent of which were for sums of from 10 cents to $5; of the third, $11, 57.8 per cent of which were for sums from 25 cents to $5; of the fourth, $3.90, 80 per cent of which were for sums from 10 cents to $5; and of the fifth, $9.50, 75 per cent of which were for sums from 25 cents to $5. According to this showing, the average amount of the loans made by all five was $6.42, and the average per cent of loans of $5 or under was 73.2 per cent.

There were also at the same time pressed upon the attention of Congress the obligations under which the pawnbrokers were then required to carry on their business, namely: First, to give bond to protect borrowers; second, to keep full and accurate accounts of all their transactions; third, to make daily reports of all transactions to the police; fourth, safely to store and keep for at least one year the pledges deposited as security for the loans; and fifth, to be at the expense of having public auction sales of all unredeemed pledges, on which sales the auctioneer alone received a commission of 8 per cent for his services.

Obviously, also, the expenses of bookkeeping, clerk hire, storage, and so forth, necessarily borne by the pawnbrokers consumed a very substantial proportion of the interest charged, and it was demonstrated—as indeed is obvious—that the expense to the pawnbrokers in these respects was as great in the case of the smallest as of the largest loans made.

Accordingly, when the rate of interest allowed to be charged by the pawnbrokers was reduced from 3 per cent to 1 per cent a month, it was found impossible for any pawnbroker to continue his business in the District of Columbia, except at an annual loss; and as a consequence the business of pawnbroking in the District was completely ended, and there is not now in the District, or possible to be, a pawnbroker engaged in the business. The result of this, as respects those depending upon pawnbrokers to obtain loans of any amount, has been, and is, wholly to deprive that class of borrowers of any and all opportunity to borrow, no matter how great or how urgent their needs.

In addition to the expenses above mentioned, there would now have to be borne by any pawnbroker going into business the expenses of additional taxation on account of the intangible tax, so called, which has been imposed since the passage of the act of 1913, and also the surtaxes and excess-profits taxes already provided by law, and the new taxation seemingly imminent, besides the greatly increased cost of conducting business due to the conditions caused by and growing out of the pending war; and this alone, independently of everything else, demonstrates the utter hopelessness of anyone undertaking to carry on the business under the provisions of existing law.

And that the result and effect of the act of 1913 are as stated, namely, to put an end to the business of pawnbroking in the District, is also convincingly and conclusively shown by the fact that ever since the law became effectively operative there has been a practically continuous effort made to procure the enactment of a more reasonable law, in which effort some of those prominently engaged are among the very ones most instrumental in bringing about the passage of the law.

No one of the bills now before Congress will afford the remedy which all are agreed to be necessary if the business of pawnbroking is to be permitted at all in the District of Columbia; and, besides this, no one of those bills provides the borrowers anything like the adequate protection which would be afforded them by the bill proposed. The most casual comparison of the pending bills and the one proposed makes this too plain for argument. And the existing law is likewise glaringly defective in this respect, for, whereas the bill proposed is most adequate and explicit as to the obligations of a pawnbroker to protect the borrower—as by the twelfth, thirteenth, fourteenth, and sixteenth sections thereof—the existing law is practically, if not wholly, silent in respect thereof.

As respects the rate of interest contemplated by the bill, a comparison of the charges allowed by the existing law of other jurisdictions is both instructive and interesting. Annexed hereto is a statement compiled from information obtained from various officials of the States mentioned and the Russell Sage Foundation, which latter, as is well known, was conceived in the idea of superseding the business of pawnbrokers and providing a substitute therefor, the experiment of which has thus far fallen greatly short of the anticipation of those making it, if indeed it may not be said to be an already demonstrated failure. Especial attention is invited to those jurisdictions the laws of which provide a sliding scale of rates of interest, depending upon the amount and length of the loan (New Hamp-

shire, Vermont, Rhode Island, Connecticut, New York, and Virginia); of those which allow a fixed charge, no matter how small the loan (Michigan and Oregon); and of still others which allow an extra charge for storage (Vermont, Pennsylvania, Delaware, and Georgia); while in still other States the business is governed by license fees and regulations without any limits as to the rate of interest to be charged (West Virginia, North Carolina, South Carolina, Tennessee, Alabama, Florida, Wyoming, and Idaho).

And one of the bills now pending before Congress, namely, H. R. 4534, known as the Cary bill, by section 7 thereof, allows interest at the rate of 3 per cent per month on loans up to $50, and 2 per cent per month on loans over $50, or fraction thereof. This last-mentioned bill has received the approval of at least 26 organizations in the District, including the Central Labor Union, the Central Union Mission, the chamber of commerce, and many of the well-known citizens' associations, all testifying the desirability and indeed the urgent necessity of a restoration in the District of the pawnbroking business upon and under living terms.

Although doubtless superfluous, it may be added that experience more and more demonstrates the absolute necessity to every community of the class of pawnbrokers, and the great hardship of denying to those under the necessity of patronizing them the opportunity so to do; and everyone of average, or even ordinary, information knows that in various foreign countries the State takes upon itself the business of pawnbroking and permits none others so to do, in the conviction of an unavoidable necessity for the business and the purpose to see that it is conducted upon terms of fairness and accommodation to the patrons thereof.

And it is not an exaggeration to say that legislative records and enactments will be searched in vain for the discovery of any better law on the subject than that which obtained in the District prior to the enactment of the existing law; and the records, administrative and judicial, of the District will show that the pawnbrokers always satisfactorily and scrupulously lived up to that law, with the result not only of supplying a needed accommodation to those classes of the community requiring it but also of offering the greatest assistance to the officers of the law engaged in the prevention of theft and the recovery of stolen articles. In this particular alone the contrast between former conditions and those now existing, under which the failure to recover stolen articles has increased 40 per cent, is of itself a potent, and indeed sufficient, reason for the enactment of the proposed bill.

The annual report of the police department in 1910 shows amount of property stolen, lost, or misplaced, $137,462.23; amount recovered, $104,479.50; amount not recovered, $32,982.73; or recovery of about 77 per cent of all stolen goods.

For the years 1916 and 1917 the recovery will not exceed 14 per cent of property lost, stolen, or misplaced.

Rates quoted furnished by kindness of governors of States, chief of police of cities, and Russell Sage Foundation:

Pawnbroking rates allowed by law in States of—

New York:

First six months less than $100, per month	per cent	3
Thereafter, per month	do	2
First six months over $100, per month	do	2
Thereafter	do	1

All interest must be paid in full at the expiration of 12 months or new ticket issued, starting the transaction over again.

New York cities:

Albany, amount of—	Per cent.
$1	0.03
$10	.30
$25	.75
$50	1.50
$75	2.25
$100	3.00
Auburn, amount of—	
$1	.25
$10	1.00
$25	2.50
$50	3.00
$75	----
$100	----
Buffalo, amount of—	
$1	.10
$10	1.00
$25	1.25
$50	1.25
$75	1.25
$100	1.50
Elmira, amount of—	
$1	.10
$10	1.00
$25	1.75
$50	3.00
$75	3.75
$100	5.00

New York cities—Continued.

Niagara Falls, amount of—	Per cent.
$1	0.20
$10	1.00
$25	2.00
$50	2.50
$75	3.75
$100	----
Olean, amount of—	
$1	.10
$10	.60
$25	1.25
$50	1.25
$75	1.87½
$100	----
Rochester, amount of—	
$1	.10
$10	1.00
$25	1.75
$50	3.00
$75	3.75
$100	5.00
Schenectady, amount of—	
$1	.05
$10	.50
$25	1.25
$50	2.50
$75	3.75
$100	5.00
Syracuse, amount of—	
$1	.25
$10	1.00
$25	2.50
$50	3.00
$75	----
$100	----

Massachusetts: On loans of $1 or less 5 per cent for the first week and 2 per cent for each week thereafter. On loans of from $1 to $3, 4 per cent for the first week and 2½ per cent for each week thereafter. On loans of $3 to $10, 3 per cent for the first week and 2 per cent for each week thereafter. On loans of over $10 to $25, 1 per cent a week. On loans of over $25 to $100, 3 per cent a month and each fraction thereof. On loans of over $100, 2 per cent a month and each fraction thereof.

Virginia: Ten per cent per month on loans of $25 or less; 5 per cent per month on loans over $25 and not more than $100; 3 per cent per month on loans over $100.

Rhode Island: Five per cent per month on loans of $50 or less first six months; 2½ per cent per month on loans of $50 thereafter; 2½ per cent per month on loans of more than $50.

Connecticut: Five per cent per month on loans up to $15; 3 per cent per month on loans up to $50; 2 per cent per month on loans over $50.

New Hampshire: On loans of $1 or less, .05 for the first week, .05 for each week thereafter. Over $1 to $3, 4 per cent for the first week and 2½ per cent each week thereafter. Over $3 to $10, 3 per cent for the first week, 2 per cent each week thereafter. Over $10 to $25, 2½ per cent for the first week, 2 per cent each week thereafter. Over $25 to $50, 2 per cent for the first week and 1 per cent each week thereafter. Over $50 to $100, 1½ per cent for the first week, 1 per cent each week thereafter. Over $100, 1 per cent per week.

Vermont: Five per cent per month up to $50, 3 per cent per month over $50.

Laws also allow a storage charge, agreement to be made by both parties:

Georgia: Five per cent per month and .25 for storage.
Indiana: Three and one-half per cent per month.
Maine: Three and one-half per cent per month.
Maryland: Two and one-half per cent per month.
New Mexico: Ten per cent per month.
Ohio (Cincinnati): Ten per cent per month.
Texas (El Paso): Ten per cent per month.
Wisconsin (Racine): General practice is to charge 10 per cent per month (no law as to what shall be charged).
Arizona: Four per cent per month.
Colorado: Three per cent per month.
Illinois: Three per cent per month.
Michigan: Three per cent per month with no charge less than .50.
Montana: Three per cent per month.
Oregon: Three per cent per month with no charge less than $1.
California: Two per cent per month.
Pennsylvania: Five per cent per month storage, one-half per cent interest per month.
Delaware: Eight per cent per month, and 3 per cent per month extra for storage.
Missouri: Two per cent per month.
Iowa: Two per cent per month.
New Jersey: Two per cent per month.
Alabama: License fee and regulations. No law as to interest charged.
West Virginia: License fee and regulations. No law as to interest charged.
Wyoming: License fee and regulations. No law as to interest charged.
North Carolina (Winston-Salem): License fee and regulations. No law as to interest charged.
South Carolina (Charleston): License fee and regulations. No law as to interest charged.
Florida: License fee and regulations. No law as to interest charged.
Idaho: License fee and regulations. No law as to interest charged.
Tennessee: License fee and regulations. No law as to interest charged.

The following associations have passed resolutions favoring the reestablishment of pawnbrokers in the District of Columbia, and recommend a 3 per cent rate to $50 and 2 per cent thereafter:

Private Soldiers' and Sailors' Legion.
The Central Labor Union.
The Benning Citizens' Association.
The Central Citizens' Association.
The Bradbury Heights Citizens' Association.
The Citizens' Northwest Suburban Association.
The West End Citizens' Association.
The Howard Park Citizens' Association.

The South Washington Civic Association.
The Capitol Heights Citizens' Association.
The Brightwood Citizens' Association.
The Seat Pleasant Citizens' Association.
The Civic Betterment Association.
The Northwest Washington Citizens' Association.
The Deanwood Citizens' Association.
The Chillum-Castle Woodburn Citizens' Association.
The Prince Georges County Citizens' Association.
The Southeast Washington Citizens' Association.
The East End Suburban Citizens' Association.
The Randle Highlands Citizens' Association.
The Southwest Citizens' Association.
The Hillsdale Citizens' Association.
The Georgetown Citizens' Association.
The Langdon-Woodridge Citizens' Association.
The East Washington Citizens' Association.
The Central Union Mission is on record that the pawn-broking business should be reestablished in the District of Columbia whether the rate by 2 or 3 per cent.
The Chamber of Commerce is on record as above.

Mr. GALLAGHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GARRETT. Reserving the right to object, is the gentleman in favor of the motion?

Mr. BANKHEAD. I am in favor of the motion.

Mr. GARRETT. I think that would be fair.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I must confess that when this bill was first presented for consideration to the committee I was in very grave doubt as to the correct position to take upon it, because policemen and firemen in the District of Columbia have been given a pensionable status. Like a great many other gentlemen who have spoken here I am heartily in favor of preserving the best interests of the school-teachers in this country. I know that the salaries paid to them in the States are shamefully inadequate. I have the honor to serve on the Committee on Education in this House, and I have introduced one or two measures which I thought would go far toward preserving the interests of the school-teachers and the removal of illiteracy in the United States.

But when you come to analyze the provisions of this specific bill it seems to me beyond controversy that it is a species of class legislation to which I am opposed on principle. Now, why is that a legitimate inference? This bill applies only to the school-teachers in the District of Columbia. There are about 2,000 of these school-teachers. The testimony before the Committee on the District of Columbia shows that the average pay of these school-teachers is something over $1,100 per annum for nine months' work.

I am of the opinion that the school-teachers in the District of Columbia are within the provisions of the bill we passed a few days ago for a minimum wage for all Government employees, which would give them a minimum salary of $1,300 per annum. The average pay of public-school teachers in Alabama will not average $500 a year.

If we are proposing to establish a civil pension list it seems to me that we ought to bring in a bill affecting all civil employees of the Government of the United States, if, indeed, not all the teachers in the different States. If the school-teachers of this District are entitled to the benefits of this law, why, on principle, should not the rural carriers in the United States be entitled to it? If the school-teachers in the District of Columbia who on the present salary or rate of compensation are receiving much larger salaries than the school-teachers of different States, why should not all the employees of the Government of the United States be put upon the same basis? And when you look at it from that standpoint I do not see how we can escape the conclusion that it is special personal legislation of a class and character for the benefit of the school-teachers not of the United States but of the District of Columbia. If this retirement pension authorized to be paid District of Columbia teachers were to be paid by money provided from taxes solely collected in the District, I would support this bill; but I am opposed to taxing the teachers of my State to confer a special benefit on teachers here.

Mr. BEE. Will the gentleman answer a question?

Mr. BANKHEAD. I will yield to the gentleman.

Mr. BEE. Does not the gentleman differentiate between employees under the civil service for life and school-teachers who are elected year by year? There is a difference between the two systems.

Mr. BANKHEAD. I can not see any difference from the standpoint of remuneration, and that is the proposition here. We are placing it on the proposition that they are entitled to something in their old age. A great many of these teachers get $1,800 and $2,000 a year for nine months' work. Surely they can save something out of such salaries by economy and thrift to be their own bankers after 40 years of service. The farmer gets no pension; the coal miner gets none, nor the wage earner, the artisan, the doctor, the preacher. I can not consistently support the provisions of this class legislation.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

Mr. HOWARD. I object.

Mr. MONDELL. I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

Mr. HOWARD. I object.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee [Mr. GARRETT] to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. GARRETT) there were—ayes 26, noes 63.

So the motion was lost.

The CHAIRMAN. Without objection, the spelling of the word "incapable," on line 20, page 3, will be corrected by the Clerk.

There was no objection.

The Clerk read as follows:

SEC. 5. That following the passage of this act every teacher who shall be retired under the provisions of section 3 or section 4 hereof shall receive during the remainder of his life an annuity composed of (1) a sum equal to 1 per cent of his average basic salary received since the passage of public act No. 254, approved June 20, 1906, for each year of his whole term of service, and (2) an additional sum of $10 for each year of said service, such annuity to be payable monthly and to cease and determine at his death.

The following committee amendment was agreed to:

Page 3, line 24, strike out the words "to whom this act applies."

The Clerk read as follows:

SEC. 10. That in case of the death of a teacher while in the service, the amount of his deductions, together with the interest then credited thereon, as provided in section 2 hereof, shall be paid to his legal representatives.

In case of the death of an annuitant before he shall have received annuity payments equal to the amount of his deductions, together with the interest credited thereon, the Secretary of the Treasury shall pay to his legal representatives the balance remaining to his credit at the date of his death.

The following committee amendment was agreed to:

Page 6, line 9, strike out the words "the Secretary of the Treasury shall pay to his legal representatives the balance remaining to his credit at the date of his death," and insert in lieu thereof the following: "as hereinbefore provided, the balance thereof remaining to his credit at the date of his death shall be paid to his legal representative."

The Clerk read as follows:

SEC. 13. That nothing in this act shall be construed to prevent the discharge of any teacher at any time in the discretion of the Board of Education of the District of Columbia under the provisions of existing laws.

With the following committee amendment:

Line 14, page 7, strike out the words "existing laws" and insert the word "law."

The CHAIRMAN. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 14. That the term "teacher," and all forms thereof, under this act shall include all teachers permanently employed by the board of education in the public day schools of the District of Columbia, including the superintendent of public schools, the assistant superintendents, all supervisors and directors of instruction, group principals, principals, special teachers, and librarians therein; the term "basic salary" shall be construed to mean the lowest salary of the class in which the teacher is placed; and whenever the pronoun "his" occurs in this act it shall be construed to mean both male and female teachers.

With the following committee amendment:

Page 7, line 15, after the word "teacher," strike out the words "and all forms thereof."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out, in lines 18 and 19, the following words: "the superintendent of public schools."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 18, strike out the words "the superintendent of public schools."

Mr. JOHNSON of Kentucky. Mr. Chairman, as I said in my opening remarks, it seems to me that it would be nothing short of an outrage to take from the Public Treasury money that has been taken from the people and pay a pension of $1,000 a year to a man who to-day is being paid $6,000 a year. When a man is getting $6,000 and then wants to hook himself up with people who are receiving comparatively small salaries, in order to get that through, it seems to me that he ought not only to lose the pension and the salary, but he ought to lose his place. [Applause.] I do not believe that the proposition can be defended, and believing that and stating the abstract proposition to the House, I leave it with the House.

Mr. MAPES. Mr. Chairman, of course this bill is primarily for the average teacher, and in the first instance what the gentleman from Kentucky [Mr. JOHNSON] says appeals to one. My information is, however, that no State law excludes the superintendent of schools, and under the provisions of this bill a superintendent is limited to an annuity based upon a salary of $1,500 per year, even though he should come under its provisions in other ways, which is very difficult for him to do. If he is allowed to remain in the bill he has the opportunity of buying an annuity of 1 per cent on an average salary of $1,500. He would not be allowed to pay an annuity on a salary of more than that amount. The average superintendent in the schools of the District of Columbia is here less than 10 years. If a man grows up in the service in the District, becomes a teacher, then a principal, then a superintendent, why should he not be allowed to come under the provisions of this law? Why should he not be allowed to buy an annuity the same as any other teacher that is in the District? It seems to me the superintendent ought not to be stricken out of the bill, but should be allowed to stay in and receive the benefits if perchance he serves long enough to come within its provisions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 45, noes 47.

Mr. JOHNSON of Kentucky. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. JOHNSON of Kentucky and Mr. MAPES to act as tellers.

The committee again divided; and the tellers reported—ayes 54, noes 59.

So the amendment was rejected.

The Clerk read as follows:

SEC. 16. That in order to carry out the provisions of this act during the fiscal year ending June 30, 1920, the sum of $50,000, including not more than $5,000 for clerical and other services and all other expenses and rent in the District of Columbia, is hereby appropriated, one half out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia. Thereafter the Secretary of the Treasury shall include in his annual estimate of appropriations a sum sufficient to continue this act in full force and effect. No officer or employee receiving a regular salary or compensation from the Government shall receive any additional salary or compensation for any service rendered in connection with the system of retiring teachers provided for by this act.

With the following committee amendments:

Page 8, lines 24 and 25, strike out the words "in the District of Columbia."

Page 8, line 25, and page 9, lines 1 and 2, strike out the words "one half out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia," and insert in lieu thereof the words "from the revenues of the District of Columbia and the Treasury of the United States in the proportion authorized by law."

Page 9, lines 6 and 7, strike out the words "to continue this act in full force and effect" and insert in lieu thereof the words "to carry out the provisions of this act."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 17. That the Secretary of the Treasury is hereby authorized to perform, or cause to be performed, any or all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect; and his decision as to the amount to be deducted, the amount of interest to be credited, and the amount of an annuity or refund to be paid in any case shall be final and conclusive, and shall not be subject to review by any officer or authority.

The Clerk read the following committee amendment:

In line 17, after the word "effect," strike out the balance of the section.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that I may extend and revise my remarks on the bill.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. REAVIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 5818, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time. It was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. JOHNSON of Kentucky moves that the bill be recommitted to the Committee on the District of Columbia with instructions to forthwith report the bill back to the House with an amendment to strike from the bill, on page 7, in lines 18 and 19, the following words: "the superintendent of public schools."

Mr. MAPES. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit the bill.

The question was taken, and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 47, noes 71.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present.

SOLDIERS' SETTLEMENT BILL.

Mr. MONDELL. Will the gentleman from Kentucky withhold that for just a moment to allow me to make a unanimous-consent request?

Mr. JOHNSON of Kentucky. I will.

Mr. MONDELL. Then I expect to move to adjourn. Mr. Speaker, I ask unanimous consent that I may be allowed to address the House for 30 minutes to-morrow morning, after the reading of the Journal and disposition of matters on the Speaker's table, on the soldiers' settlement bill.

The SPEAKER. The gentleman from Wyoming——

Mr. JOHNSON of Mississippi. Mr. Speaker, reserving the right to object, I would like to speak on the same subject for 20 minutes.

The SPEAKER. Objection is made——

Mr. GARNER. Mr. Speaker, just a moment. Reserving the right to object, as I understand both the gentleman from Wyoming and the gentleman from Mississippi are on the same side of the question of the soldiers' land bill I would suggest that if we are entering into a general debate on the proposition the other side should have some time.

Mr. MONDELL. I withdraw my request if the gentleman is going to insist on asking for further time.

The SPEAKER. Will not the gentleman from Kentucky withhold his point of order until the Chair can lay before the House a message from the President?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Wyoming a question.

Mr. MADDEN. The gentleman from Wyoming has withdrawn his request.

Mr. CLARK of Missouri. I want to ask it anyhow. [Laughter.] When is this bill going to come up in regular order?

Mr. MONDELL. Very soon, I hope.

Mr. CANNON. I hope that it will never come up. [Laughter and applause.]

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8117. An act for the construction of a bridge across the Susquehanna River at or near Falls, Wyoming County, Pa.; and

H. R. 8076. An act authorizing the county of Montgomery, Tenn., to construct a bridge across the Cumberland River within 7 miles of Clarksville, Tenn.

PASSPORT CONTROL (S. DOC. NO. 79).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, suggesting that the passport control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the Central Powers of Europe, and that ample appropriation be made for an efficient execution of that act and the regulations made under it during the remainder of the fiscal year.

This recommendation brings up for your consideration a very important question of policy which has an intimate relation to the welfare of the country. Information from the agents of the Government in foreign countries indicates that as soon as the existing restrictions upon travel are removed many persons will seek admission to this country, and that among the number are not only persons undesirable from the point of view of becoming future citizens, but persons whose origin and affiliations make it inadvisable that they should be permitted to enter the United States. The act of May 22, 1918, which makes possible the prevention of undesirable individuals from departing for the United States will automatically cease to be operative upon the establishment of a condition of peace. Individuals will then be free to come here for whatever purpose they choose and many will come for purposes which we can not approve and which may indeed be dangerous to the country and to its institutions.

The immigration officials enforcing the immigration laws at the ports of the United States will not be able successfully to prevent the entry of all improper and dangerous persons because of the impracticability of developing a system of intelligence and investigation abroad to work in sufficiently close relationship to the immigration organization in the United States to be thoroughly effective in distinguishing between those individuals whose right to admission should not be questioned and those whose admission would be injurious to the country. The experience gained during the war shows that an efficient system of passport control administered by the Department of State through the diplomatic and consular officers in foreign countries can be depended upon to exclude practically all persons whose admission to the United States would be dangerous or contrary to the public interest. If the Congress concur in the view that the national welfare requires that the class of persons to which I have alluded should not enter this country, it is my belief that the simplest and most effective method that can be adopted would be to continue the system of control now being carried on by the Department of State, working in close cooperation with the Commissioner General of Immigration.

It is obvious that effectiveness of control can only be obtained through supplementing the regular diplomatic and consular personnel with a sufficient number of reliable and capable men, and such men as would be useful can be had only through the payment of adequate compensation. The Secretary of State estimates the expenditure required for the remainder of the current fiscal year at $750,000, including a number of additional employees in the Department of State who would be charged to supplement the administrative organization now maintained there. I quite agree with the view that it is entirely useless to make any outlay upon this work unless sufficient money is provided with which to make control effective. It would be most unwise to permit the public to rest under the impression that an effective control was being exerted over persons seeking admission to this country when in fact, owing to inadequate personnel and an inefficient administration of the law, dangerous persons were freely crossing our boundaries.

It is important that I should add that the increase in the number of persons desiring to come to the United States has already almost overwhelmed the existing organization abroad, and that it is very doubtful whether the system of control can be kept in operation for more than a few weeks longer without additional appropriation.

With the relaxation of restrictions upon transportation which are gradually taking place, the burden of examining applicants for passport visas will become so great as to be entirely beyond the capacity of the number of officers whose employment existing appropriations make possible. Therefore, it is of the utmost importance that if the Congress should decide, as I hope it may, that the public interest requires that the existing system of control should be maintained and extended, it will enact the necessary legislation preferably by joint resolution and make ample appropriation at the earliest possible moment.

WOODROW WILSON.

THE WHITE HOUSE,
25 August, 1919.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. CANDLER, indefinitely, on account of continued serious illness of his wife.

To Mr. REED of New York, indefinitely, on account of death in his family.

To Mr. SUMNERS of Texas, for six days (at the request of Mr. JONES of Texas), on account of death in his family.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] makes the point there is no quorum present.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. As the House will adjourn before the vote is taken on the motion to recommit and on the final passage of the bill, the previous question having been ordered on both motions, will those votes comes up in the morning as unfinished business?

The SPEAKER. Certainly. They will come the first thing in the morning as unfinished business. The gentleman from Kentucky [Mr. JOHNSON] makes the point of no quorum.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Tuesday, August 26, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation for operating supplies for public buildings (H. Doc. No. 199); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation for and urging necessity of the construction of a national-archives building (H. Doc. No. 200); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce, submitting supplemental estimates of appropriations required by the Department of Commerce for the fiscal year 1920 (H. Doc. No. 201); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Postmaster General, submitting deficiency estimates of appropriations required by the Postal Service (H. Doc. No. 202); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation required by that department to prevent the spread of the Japanese beetle, fiscal year 1920 (H. Doc. No. 203); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting supplemental estimates of appropriations required by

the Naval Establishment for the fiscal year 1920 (H. Doc. No. 204); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce submitting supplemental estimate of appropriation required by the Bureau of Navigation to provide a shipping commissioner at the port of Galveston, Tex., fiscal year 1920 (H. Doc. No. 205); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HERNANDEZ, from the Committee on the Public Lands, to which was referred the bill (S. 794) granting lands for school purposes in Government town sites on reclamation projects, reported the same with amendment, accompanied by a report (No. 259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLE, from the Committee on Claims, to which was referred the bill (H. R. 4382) to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States, reported the same with amendment, accompanied by a report (No. 261), which said bill and report were referred to the Private Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the joint resolution (H. J. Res. 20) giving to discharged soldiers, sailors, and marines a preferred right of homestead entry, reported the same with amendment, accompanied by a report (No. 260), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 8689) to define who are vagrants in the District of Columbia and to prescribe punishment for vagrancy; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: A bill (H. R. 8690) for the relief of certain homestead entrymen; to the Committee on the Public Lands.

By Mr. McFADDEN: A bill (H. R. 8691) to encourage bank deposits by nonresident foreign corporations and nonresident alien individuals; to the Committee on Banking and Currency.

By Mr. TAYLOR of Colorado: A bill (H. R. 8692) authorizing the exchange of lands within the Montezuma National Forest, in Colorado; to the Committee on the Public Lands.

Also, a bill (H. R. 8693) authorizing the exchange of lands within the San Juan National Forest, in Colorado; to the Committee on the Public Lands.

By Mr. HOLLAND: A bill (H. R. 8694) to provide for an examination and survey of the Southern and Eastern branches of the Elizabeth River, Va., with a view to increasing the width and depth of the channels of said branches of the said Elizabeth River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8695) permitting suits against the United States for damages caused by vessels owned or operated by the United States or by corporations controlled by it; to the Committee on the Judiciary.

Also, a bill (H. R. 8696) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such additional land in the city of Norfolk, Va., as may be necessary for the enlargement of the post-office building in said city, to cause said building to be enlarged, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. MEAD: A bill (H. R. 8719) providing for the payment to heirs of deceased honorably discharged soldiers, sailors, and marines the $60 bonus due; to the Committee on Military Affairs.

By Mr. KEARNS: Resolution (H. Res. 261) providing for the consideration of Senate bill 2622; to the Committee on Rules.

By Mr. RHODES: Resolution (H. Res. 262) requesting the Secretary of State to inform the House of Representatives how long United States soldiers are to be kept in Siberia, how many Italian and Japanese soldiers are now in Siberia, and what the Siberian policy of Great Britain, France, Italy, and Japan is; to the Committee on Foreign Affairs.

By Mr. PARK: Memorial from the Legislature of the State of Georgia, memorializing Congress to investigate the high cost of living; to the Committee on Agriculture.

Also, a memorial from the Legislature of the State of Georgia, concerning Federal pensions; to the Committee on Invalid Pensions.

Also, a memorial by the Legislature of the State of Georgia, favoring payment of six months' pay to all honorably discharged soldiers, sailors, and marines; to the Committee on Military Affairs.

Also, a memorial by the Legislature of the State of Georgia, relating to the Fordney bill, the purpose of which is to place high duty on potash; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8697) granting an increase of pension to Jacob Mullett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8698) granting an increase of pension to William M. Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8699) granting an increase of pension to George N. Tompkins; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 8700) granting a pension to Bridget Reynolds; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 8701) granting a pension to Sarah A. Kramer; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 8702) granting an increase of pension to Cynthia M. Bowles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8703) granting a pension to Joseph Ford; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 8704) granting a pension to Margaret E. Hinchman; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 8705) granting a pension to Lizzie McCarthy; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 8706) granting a pension to Charles E. Hodges; to the Committee on Pensions.

By Mr. MAJOR: A bill (H. R. 8707) granting an increase of pension to David W. Bachelder; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8708) granting an increase of pension to Albert B. Watrous; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 8709) for the reinstatement of Douglas Waldron Graham in the United States Naval Academy at Annapolis; to the Committee on Naval Affairs.

By Mr. REED of New York: A bill (H. R. 8710) granting an increase of pension to Martin Link; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 8711) granting an increase of pension to Thomas Henderson; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 8712) granting an increase of pension to Henrietta Davis; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 8713) granting a pension to Donald E. Leslie; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 8714) granting an increase of pension to James W. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8715) granting a pension to James G. Whalin; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 8716) granting an increase of pension to Mary E. Wayland; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 8717) granting a pension to Elizabeth Morand; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 8718) granting a pension to Harriet C. Davison; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of State Christian Endeavor Union of Texas, respectfully petitioning the Senate of the United States to ratify the covenant of the league of nations; to the Committee on Foreign Affairs.

Also (by request), petition of Ohio Chiropractic Association of Toledo, Ohio, protesting against the passage of the following bills: Senate bills 454, 813, 814, 1017, 2507, and House bills 2155 and 5724; to the Committee on the Judiciary.

Also (by request), petition of Minnesota State Federation of Labor, favoring the withdrawal of the American troops; to the Committee on Military Affairs.

By Mr. ASHBROOK: Petition of Lemert Post No. 71, Grand Army of the Republic, of Newark, Ohio, in favor of a minimum pension of $50 per month for Civil War veterans; to the Committee on Pensions.

By Mr. BARBOUR: Petition of employees of the post office at Modesto, Calif., indorsing Senate joint resolution 84, providing for a 35 per cent increase in salaries of all postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of McPherson Post No. 51, Grand Army of the Republic, Hanford, Calif., favoring increase of pensions to Civil War veterans and their widows; to the Committee on Pensions.

By Mr. CLARK of Florida: Petition of merchants of Florida, favoring the passage of Senate bill 2202, known as the Kenyon bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of James A. Miller and many other citizens of the State of Florida, favoring the passage of Senate bill 2202, known as the Kenyon bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of mayor and council of the city of Marianna, Fla., and other citizens, opposing what is known as the Plumb plan; to the Committee on Interstate and Foreign Commerce.

By Mr. ELSTON: Petition of city council, Oakland, Calif., urging necessary laws to reduce cost of living and punish those guilty of profiteering; to the Committee on Agriculture.

By Mr. FOCHT: Papers to accompany House bill 6962, granting an increase of pension to Elias C. Minium; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: Petition of Keokuk Commercial Club, Keokuk Trades and Labor Assembly, Keokuk Retail Industrial Association, and Keokuk Retail Merchants' Association, indorsing Senate joint resolution 48; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of employees of post office at Potsdam, N. Y., favoring the passage of Senate joint resolution 84, advocating an increase in the compensation of postal employees for the fiscal year beginning July 1, 1919; to the Committee on the Post Office and Post Roads.

Also, petition of Order of Patrons of Husbandry, Silaw Wright Grange, No. 427, Canton, N. Y., opposing the Mondell land bill; to the Committee on the Public Lands.

Also, petition of sundry citizens of Ogdensburg, N. Y., protesting against the passage of the Kenyon bill, Senate bill 2202; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Tennessee: Petition of Cumberland Gap Woolen Mills, of Harriman, Tenn., protesting against Government ownership of any industries, railroads, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Kiwanis Club, of Chattanooga, Tenn., by F. E. Mahoney, president, protesting against the Plumb bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of McComb Supply Co., of Jellico, Tenn., protesting against the Plumb bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *August 26, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, there has been a good deal of criticism recently in the public press of the work we have been doing in connection with injured soldiers. A part of it has been due to provision in legislation which already we have amended, and it may be that some additional legislation will be necessary to facilitate handling of the subject. I hold in my hand a discussion of conditions by the director of the Federal Board for Vocational Education. I do not wish to discuss the subject at this time, but later on in the week I may do so, and I may possibly find it necessary to suggest additional legislation. Meanwhile I ask leave to have printed in the RECORD a discussion of conditions by Dr. Prosser, director of vocational training.

There being no objection, the matter referred to was ordered printed in the RECORD, as follows:

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
Washington, August 22, 1919.

To Members of the Congress:

There has been called to the attention of the Federal Board for Vocational Education by several Members of Congress a communication addressed to all the Members of that body by Robert Browning, signing himself as field representative of a new organization known as the Association of Disabled Soldiers, Sailors, and Marines. Inasmuch as this communication was apparently made without knowledge of the actual conditions, the board invited Mr. Browning to come to its office at Washington, in order that these errors might be pointed out to him and the actual facts placed in his hands. Since he has failed to do this and has allowed his publicly made statements to stand without correction, the board finds it necessary to send to the Members of Congress the following answers to his statements, the latter being given in quotation marks, followed by the statement of the board.

I.

"Many of those being trained under the board auspices have objected to their pay being reduced by the board by the amount that they earned while learning a new trade. This is manifestly unfair, they claim, since such a method offers no incentive for progress, and it encourages the employer to exploit the disabled soldier."

* * * * * * *

No deductions have been made or will be made by the board in the training pay of disabled men because of moneys earned incidental to their work while students in training in shops, offices, farms, or anywhere else.

II.

"Another grievance of the association is that it has not learned of a single disabled soldier among the one thousand nine hundred odd employees of the Federal board."

* * * * * * *

The records show that at the present time there are 256 ex-service men in the employ of the board, of whom 48 received disabilities in the service. Preference is being given to discharged soldiers, and among discharged soldiers to those who, in spite of their disability, will be able to qualify under the civil-service rules and do the work. Most of the employees of the board are female stenographers and typists. Where disabled men are qualified for this work, they have been given employment. Disabled men in training in commercial courses are being assisted by the district offices to qualify under the civil service as soon as they are able, so that vacancies in the force of the board may be recruited from their ranks. It must be remembered that while the civil service has, under the President's order, established a separate list of ex-service men, these men must meet the civil-service requirements as to qualifications in order to be eligible to employment—a process that requires time.

III.

"A number of men have complained that in spite of President Wilson's order that physical examination be waived in the cases of men certified by the Federal board for civil-service jobs, the board refused to give the men the required data, and that consequently they were unable to obtain the positions under the civil service."

* * * * * * *

The board receives applications of disabled men who desire to train for civil-service positions. Up to the present time 61 men have applied through the board for training for civil-service positions. The following table shows the action taken by the Civil Service Commission on these cases since May 17, 1919:

Approved	27
Approved if the test for physical disability which the board is having made is satisfactory	14
Rejected for one position but approved for another	4
Returned for further medical data	5
Rejected because disability made work impossible	11

Even if it appears to the representative of the Civil Service Commission on the first review of the case when it is presented to them by the board that a man can not qualify for the position desired, the door of opportunity is not closed to the man. If his physical condition improves or if a satisfactory test is made later the man's case can again be placed before the civil service for a decision.

The above table shows that only 11 applications for civil-service positions have been rejected by the commission. Some of these cases were those of men suffering from active tuberculosis,

who will not be put in training by the board under any conditions. In other cases the man desired an occupation which was entirely unsuited to the nature of his disability. These cases were rejected by the commission and very excellent recommendations made as to opportunities in other Government positions.

IV.

"The Federal board has failed to be guided in the administration of its work by the sound scientific principles evolved by other countries that have been recognized as the pioneers in vocational reeducation."

* * * * * * *

The statement that the Federal board has not been guided in the administration of its work by the scientific principles evolved by other countries is without foundation. The former vocational secretary of the Canadan Military Hospital Commission has been assigned to the board as special advisor since the very beginning of the work. The former district vocational officer of the Province of Alberta organized most of the district offices and has been field organizer in the United States since the very beginning of the work. Representatives of the Federal board visited France and made a thorough study of the French rehabilitation system. A study of the systems used in the various countries will show that Canada and the United States are far ahead in the administration of the problem. The only difference between the United States and Canada is in the fact that the United States Government is very much more liberal in awarding subsistence and training to disabled men. A great many men now in training in this country would not be considered eligible for training in Canada. It is also true that no other country has the provisions available for practically all disabled men that are made available by section 3 of the vocational rehabilitation act, under which, as has already been stated, every man awarded compensation under the war-risk insurance act may pursue a course of instruction for which the Government will pay the entire cost, without subsistence, while in training.

V.

"According to a report of the Federal board under date of June 21, 1919, only 11 men have been placed in remunerative employment after completing courses of training. This would indicate an alarmingly low figure, considering the number of disabled soldiers who have completed courses."

* * * * * * *

Of the 119 men reported by District officers as completing training 12 will not resume employment now because they are ill or resting; 35 will resume training in the fall; 6 have left training, giving no address; and the status of 12 cases has not been reported. This leaves a balance of 54 men, of whom 42 have been placed, or have placed themselves; 12 men only are pending placement, and their cases are being pushed vigorously. It is difficult to secure the immediate placement of normal men, including even those discharged from the service without disabilities. The problem becomes doubly difficult when the man has a handicap and often requires testing and time. Inasmuch as the status of men in and out of employment and in training changes rapidly, the number given above—12—will vary, but in general it expresses the situation. The statement that only 11 men completing courses have secured employment, and that therefore 108 men have finished their work and have been neglected by the board, is obviously untrue.

VI.

"Hundreds of men have complained that they were compelled to wait from six weeks to six months without pay and forced to depend on the help of friends or charity before their cases were finally acted upon by the board."

* * * * * * *

It is not the function or duty of the board to provide support for men immediately on discharge from the service or to provide support for any disabled men, other than those who have been placed in training, because they are in need of vocational rehabilitation to overcome the handicap of their disability. Support of disabled men after discharge was provided for by the Congress in giving a $60 bonus, and by paying compensation through the War Risk Insurance Bureau for disabilities received. Furthermore, the original vocational rehabilitation act provided that the board could not make payments to men in training until compensation was awarded by the Bureau of War Risk Insurance.

At the time the President signed the amendment to section 2 of the vocational rehabilitation act there were 3,633 cases which had passed the district case boards and had been approved for training by the Washington office. In the discharge of its responsibility the Bureau of War Risk Insurance is required by law to secure legal proof of many things before it can award compensation, and unavoidable delays result. These 3,633 men had not been awarded compensation, and the board was therefore legally unable to approve or provide training. Since July 11 all of these cases have been acted upon, and the districts have been authorized to proceed with training in all cases in which the training was necessary within the meaning of the amended act.

VII.

"It has recently come to the attention of the association that the Federal board has issued to its 14 district officers an order that precedence be given to cases of seriously disabled men over those with minor injuries. Such a ruling is resented by the thousands of soldiers who have suffered less conspicuous disabilities, but who, nevertheless, are prevented from returning to their old jobs and who need retraining just as much as the men who have given an arm or a leg in battle."

* * * * * * *

Since it was impossible administratively to handle immediately the many thousands of applications before the board when it was given a free hand by the Congress on July 11, 1919, the board decided to concentrate its efforts in getting men with major occupational handicaps into training at once. We reaffirm the justice and wisdom of this policy. Your attention is invited to the fact that the board's definition of a major occupational handicap includes not only those suffering from loss of limb, which are comparatively few, but many thousands of cases that are suffering from disabilities less obvious than amputations which prevent their return to employment. Moreover, in order to be eligible for training at the present time it is only necessary for the man to show that he has a temporary major handicap. If he is suffering from a temporary major disability, which may be entirely cured in six months, such as the after effects of chlorine gas, leaving tachycardia and shortness of breath on exertion, he is considered eligible for training. The standards adopted by the Federal Board for Vocational Education are more lenient than those of any other country and a larger proportion of disabled men will be embraced within the provisions of the vocational rehabilitation act in this country than in any of the warring nations. An examination of the files of the Federal Board for Vocational Education will show hundreds of applications for training made by men who were discharged with a very slight or almost negligible disability. Several men, for example, who were discharged from the Navy on account of seasickness request training, because they are unable to return to their previous occupation of clerk. On account of the generosity of Congress in providing liberal allowances for disabled men in training a great many unworthy cases applied for training at the district offices. All of these applications were given due consideration, as it was thought that these men, although suffering from an apparently slight disability, might really be in need of training. It has been found that the men suffering from negligible disability are as insistent on immediate action as those suffering from major disabilities. While the pressure from disabled men was increasing many experienced men left the staff of the board to return to their former positions, and the work has in consequence been greatly handicapped. It was therefore administratively impossible to give serious consideration to all cases with minor disabilities. As an administrative program it was decided to attend first to the serious cases, get these men in training immediately, and to adjudicate the claims of the slightly disabled men after the more important problems had been met, remembering that they may be assumed to be in receipt of or soon to receive as support such compensation as they are entitled to from the War Risk Insurance Bureau.

VIII.

"The Federal board has acted in a bureaucratic fashion by demanding for its headquarters in Washington absolute power, and by depriving its district vocational officers of any initiative."

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The statement that the Federal board has not given the districts sufficient authority, is without foundation. The districts have been given whatever authority is possible. As the board is operating on a budget system it is impossible to assign the expenditure of funds to the district offices. If the district offices were allowed to place men in training prior to central offices' approval thereby contracting large obligations, the board would soon contract to spend money far in excess of its appropriations. In order to control the expenditure of Federal funds, it is absolutely necessary that control be exercised by the central office and the board thus discharge the duty imposed by Congress.

IX.

The Federal Board for Vocational Education "has shown a decided unwillingness to cooperate with existing agencies that have offered their facilities freely and generously for training and absorbing into employment disabled soldiers."

* * * * * * *

The board is using at the present time 546 existing State and local institutions for training disabled men and is training disabled men on the job in 198 factories, workshops and offices throughout the country. The board has to its knowledge refused to use offered facilities in not more than six cases and these were refused for good and sufficient reasons.

The board has excellent cooperative arrangements with the Departments of Commerce, Labor, and Agriculture, the War and Navy Departments, the Public Health Service, the Surgeon General's office, War Department, the Bureau of Medicine and Surgery, Navy Department, the War Risk Insurance Bureau, the United States Employment Service, the American Red Cross, the Council of National Defense, the National Catholic War Council, the National Manufacturers' Association, the American Federation of Labor, the United States Chamber of Commerce, the Elks' War Relief Commission, the Elks' Clubs throughout the country, the Rotary Clubs throughout the country, and with casualty insurance companies throughout the country, as well as many hundreds of others.

The board is cooperating with more than 30,000 public and private agencies, National, State, and local in their scope and in countless ways is securing invaluable aid from them in the discharge of its task.

X.

"The Federal board has announced that it has made contracts with 146,931 for training, and that of this number only 5,808 already have been placed in training. At its present rate of progress it will take the board more than a year to place this number in training. As a result over 100,000 disabled men will be waiting without pay from the Federal board."

* * * * * * *

The board has not made contracts with any soldiers. It has established contact with 133,367 soldiers. By contact is meant that the board has, through its representatives in person or by correspondence, gotten into touch with this number of soldiers. Of this number 110,135 have actually been interviewed and surveyed by agents of the board in the desire to reach every man in need of training to overcome the handicap of his disability.

Of these men a great majority are not eligible to training under the law because they are not in the language of the law "in need of vocational rehabilitation to overcome the handicap of their disability." They are able to return to their former occupations successfully where, in addition to their wage, many will receive compensation from the War Risk Insurance Bureau. The board expects to administer the law in the most liberal spirit possible, and to give the soldier the benefit of the doubt where any exists. Training under section 3 of the act is made available to every man awarded compensation by the War Risk Insurance Bureau. Every such man is given a course of instruction if he will take it, and the expense of tuition, books, supplies, and traveling is paid by the Government. In every case where a man because of a temporary or total disability is unable to enter employment successfully, the full support provided by the law for him and his dependents is paid in addition. Beyond this the board can not go under the law whatever may be its personal feelings.

If it is the intention of Congress to provide vocational rehabilitation to every man discharged with a disability rated as 10 per cent or over, Congress should realize the expenditure involved by a program of this magnitude.

The weekly statistical report of the General Staff of August 7, 1919, contains the following:

"The Army had reported to the Bureau of War Risk Insurance to July 1 the names of 149,433 men discharged from the Army with disability. Only cases showing 10 per cent disability have been reported. At this rate it seems probable that the total number of cases of disability resulting from the war and entitled to compensation will be close to 200,000."

These figures are exclusive of disabilities incurred in the Navy or Marine Corps. Estimating this number at 50,000, makes a total of 250,000 men discharged with disability rated as 10 per cent or over. If these men receive training with support it will involve an expenditure of $350,000,000; only $16,000,000 have been appropriated. Moreover, the $350,000,000 required for support and tuition for such a group of men does not include their traveling expenses, medical care, or mechanical appliances nor the expenditures for equipment and for administration.

It is impossible to conceive that all men who have received disabilities in the service will need retraining in order to return to their old occupations. The experience of Canada, whose standards are more liberal than those of any of the European countries, shows that approximately 10 per cent of the disabled men need retraining. If this country doubles the percentage of men trained by Canada, there would only be 50,000 men to be retrained. The statement that over 100,000 disabled men will be waiting without pay from the Federal board is, therefore, obviously without foundation.

The theory and intent of the war-risk insurance act and the vocational-rehabilitation act was that compensation should be given to all disabled men to compensate for the disability as a handicap in employment, and that training should be given to those unable to return to employment successfully because the handicap of the disability interfered with their specific occupation. Inasmuch as it is not the function of the board to provide compensation as support for all disabled men, but only to provide maintenance for those needing training, the charge that 100,000 men will be waiting without pay from the Federal board has no foundation in law or in fact.

To this date a total of 14,876 cases have been approved for training, of which 7,356 have been placed in training, the rest having been notified of the approval of their courses and are awaiting the opening of the schools which they will attend in September. It is obviously impossible to send these men to school until the schools open. A total of about 17,000 men will be in training by October 1. In the seven months since demobilization of disabled men in large numbers began, and the board secured entrance to the military hospitals, the board has approved for training as many men as Canada has approved in four and a half years of war, and has in training at the present time as many men as Canada. From present indications the United States will by October 1 have passed the Canadian figures as to total number of men in training since the war began, in 1914.

By increasing the rate of support to men in training the Congress has by recent legislation made the maintenance of disabled men in training and their dependents average about $100 per month, thereby making an award of training financially advantageous. Many people look upon this training pay as a legal right of every man with a disability, however slight or negligible, comparable to the $60 bonus and the award of compensation. This is not the law, and consequently the board is unable to administer it from any such standpoint; but it is on the basis of this misconception that great pressure is being brought to bear from returned soldiers and persons occupying prominent public positions. To satisfy this demand that every man discharged from the service with a disability be placed on the Government pay roll at an average salary of $100 per month, it will be necessary for Congress to amend the present law and to face without hesitation an expenditure of from $400,000,000 to $500,000,000 before the task is completed.

This may be, and in the opinion of many persons is, the best and most equitable solution of the difficulty. They hold that as a measure of social reconstruction every man injured or diseased in the service should be given, at Government expense, a minimum of from 6 to 12 months of training, and believe not only that this training is due all such men as compensation for suffering, but also that money spent in this way on them will provide the largest social return.

The Federal board stands ready and will be glad to answer any inquiries or respond to any call Congress may make for a clear and comprehensive understanding of the administration of the rehabilitation law.

Respectfully, yours,

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
By C. A. PROSSER, *Director*.

CALLING OF THE ROLL.

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	McNary	Smoot
Brandegee	Johnson, S. Dak.	Nelson	Spencer
Capper	Jones, Wash.	New	Sterling
Curtis	Kendrick	Nugent	Sutherland
Dial	Keyes	Overman	Townsend
Fernald	King	Page	Trammell
Gay	Kirby	Phipps	Walsh, Mass.
Gerry	La Follette	Sheppard	Walsh, Mont.
Hale	McKellar	Smith, Ga.	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CHAMBERLAIN, Mr. KELLOGG, Mr. LENROOT, Mr. POMERENE, Mr. REED, Mr. ROBINSON, and Mr. THOMAS answered to their names when called.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. NORRIS, Mr. SMITH of South Carolina, and Mr. POINDEXTER entered the Chamber and answered to their names.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms is instructed to request the attendance of absent Senators.

Mr. CURTIS. I wish to announce the absence on official business of the Senator from New Jersey [Mr. FRELINGHUYSEN] and the Senator from Montana [Mr. MYERS].

Mr. GAY. I desire to announce the absence of my colleague [Mr. RANSDELL] on official business.

Mr. GERRY. The Senator from Virginia [Mr. SWANSON], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from California [Mr. PHELAN], the senior Senator from Nevada [Mr. PITTMAN], and the Senator from North Carolina [Mr. SIMMONS] are detained on official business. I also announce that the senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

Mr. CALDER, Mr. MCCORMICK, Mr. BANKHEAD, Mr. CUMMINS, Mr. GRONNA, Mr. CULBERSON, Mr. GORE, Mr. ELKINS, Mr. WOLCOTT, Mr. BALL, Mr. HENDERSON, Mr. PHELAN, and Mr. WATSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. GAY. I present resolutions adopted by the board of directors of the Association of Commerce of New Orleans, La., requesting legislation relative to the reclamation of the vast areas of swamp and arid lands in the United States with a view to cooperating with the State governments and the local authorities in the reclamation of these lands and the bringing of these lands into cultivation and the opening up of them to settlement. I ask that the resolutions be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the resolutions were referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Resolutions adopted by board of directors of the New Orleans Association of Commerce, Friday, August 15, 1919.

Whereas the most important and far-reaching question before the public to-day is the reduction of the high cost of living; and

Whereas one of the most potent influences for the reduction of the cost of living would be the increase in the acreage of tillable and cultivable lands and the opening of such lands to settlement and cultivation by returning soldiers and others; and

Whereas in recognition of this situation the Congress of the United States has with the Mondell bill (H. R. 487) and the Smith-Chamberlain bill (H. R. 7634 and S. 2536) taken up actively the subject of the reclamation of the vast areas of swamp and arid lands in the United States with a view to cooperating with the State governments and the local authorities in the reclamation of such lands, the bringing of such lands into cultivation, and to throwing them open to settlement; and

Whereas in order that such legislation may be speedily enacted, it is highly desirable that Congress shall be made aware of the fact that public sentiment not only approves of but urges the immediate enactment of such legislation; Now, therefore, be it

Resolved, That the board of directors of the Association of Commerce of New Orleans be requested to take active steps to call to the attention of the Congress of the United States the hearty approval which the general principles contained in the legislation above referred to meets in this and other sections of the country and to the desirability and necessity of such legislation in the near future; be it further

Resolved, That the board of directors be, and they hereby are, requested to call the matter to the attention of the commercial organizations throughout the United States, in order that those organizations might cooperate and lend their influence to securing the passage at an early date of the legislation in question.

A true copy.

WALTER PARKER,
General Manager.

Mr. PHIPPS presented a petition of sundry citizens of Denver, Colo., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the Allied Building Trades Council of Springfield, Mass., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented a memorial of George Washington Court, No. 85, M. C. O. F., of West Lynn, Mass., and a memorial of Robert Emmet Branch, Friends of Irish Freedom, of Northampton, Mass., remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a petition of Local Grange No. 1544, Patrons of Husbandry, of Laketown, Mich., and a petition of Carlton Grange, No. 264, Patrons of Husbandry, of Woodland, Mich., praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union, of Sparta, Mich., praying for the enactment of legislation providing for the enforcement of prohibition, which was ordered to lie on the table.

He also presented a petition of sundry postal clerks of Albert Lea, Mich., and a petition of sundry postal clerks of Lansing, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 388, International Molders' Union, of Kalamazoo, Mich., praying for the passage of the so-called Sterling civil-service retirement bill, which was ordered to lie on the table.

Mr. PAGE presented a memorial of Council No. 37, St. Jean Baptiste Society, and Court Champlain, No. 402, of St. Albans, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts presented a petition of Local Lodge No. 108, International Association of Machinists, of Quincy, Mass., and a petition of Local Lodge No. 319, International Association of Machinists, of Lowell, Mass., praying for the adoption of the so-called Plumb plan for the operation of railroads, which were referred to the Committee on Interstate Commerce.

He also presented memorials of the officers of the executive committees of the Associated Industries of Massachusetts and of the Manufacturers' and Employers' Association of Taunton, of the Massachusetts Chamber of Commerce, of the local chambers of Springfield, new Bedford, Plymouth, Worcester, Peabody, and Malden; also of officers of the Everett Mills; of the Samuel M. Green Co., of Springfield; of the Simonds Manufacturing Co., of Fitchburg; of the Whitney Reed Corporation, of Leominster; of the Wilkinson Counter Co., of Salem; of the Edwin V. Mitchell Co., of Medfield; of the Holyoke Belting Co.; of B. F. Perkins & Sons Co., of Holyoke; of the Worthington Pump & Machinery Co.; of the Cave Welding & Manufacturing Co., of Springfield; of the Archibald Wheeler Co., of Lawrence; of the Meisel Press Manufacturing Co., of Boston; of the Lincoln Twist Drill Co., of Taunton; of the Hollingsworth & Vose Co., of Boston; of the Plymouth Cordage Co.; of Millar & Wolfer, of Chelsea; of the Tudor Press (Inc.), of Boston; of the Somerset Stove Foundry Co.; of Braman, Dow & Co., of Boston; of the Hudson Worsted Co.; of the Wright Manufacturing Co., of Lawrence; of the Griswoldville Manufacturing Co.; of the Athol Manufacturing Co.; of the Bancroft Textile Co., of Worcester; of the Lamson & Goodnow Manufacturing Co., of Shelburne Falls; of the Carton Club, of Boston; of the Perkins Box Co., of Gloucester; of the Cambridge Paper Box Co.; of the Atlas Tack Co., of Fairhaven; of the J. E. French Co., of Rockland; of the Colton Shoe Co., of Lynn; of Godfrey L. Cabot and Richard Patton, of Boston; H. R. Bean, of Swamscott, and Robert Wilson Neal, of Amherst; all in the State of Massachusetts, remonstrating against the adoption of the so-called Plumb plan for the operation of railroads, which were referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of the city council of Oakland, Calif., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

Mr. OWEN. I present petitions signed by a large number of citizens of Oklahoma, praying for the passage of what is known as the Kenyon-Kendrick bill providing for Federal control of the meat-packing industry. I ask that the body of one of the petitions be printed in the RECORD, and that they be noted separately and referred to the Committee on Agriculture and Forestry.

There being no objection, the petitions were referred to the Committee on Agriculture and Forestry and the body of one of them was ordered to be printed in the RECORD, as follows:

To the Members of Congress and the Senate of the United States.

GENTLEMEN: Believing that the passage of the Kenyon bill (S. 2022) now before the Senate of the United States is essential to the future welfare of the American people, inasmuch as it will in a degree curb the monoplizing of essential food products, which always tends to higher prices, and at the same time it will eliminate unfair competition in freight service, and to that end we, the retail merchants and busi-

ness men of Clinton, Okla., request and urge your support of the Kenyon bill and any kindred legislation that will work to the best interest of the American people.

Petitions of sundry citizens of Taloga, Putnam, Custer City, Hobart, Mangum, Hollis, Duke, Eldorado, Hester, Martha, Dill City, Canton, Indianapolis, Weatherford, Mount Park, Snyder, Lonewolf, Altus, Foss, Canute, Clinton, Blair, Headrick, and Roosevelt, all in the State of Oklahoma, and of Wellington, Tex.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS:

A bill (S. 2884) to exclude certain lands from the Pike, Colo., or any other national forest (with accompanying paper); to the Committee on Public Lands.

By Mr. JONES of Washington:

A bill (S. 2885) granting a pension to Nettie Parker Chittenden; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 2886) granting an increase of pension to Warren Jones (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2887) permitting all honorably discharged soldiers and sailors to purchase supplies from the commissary stores of the Army and Navy; to the Committee on Military Affairs.

A bill (S. 2888) granting an increase of pension to William J. Seals (with accompanying papers); to the Committee on Pensions.

AMERICA'S PARTICIPATION IN THE WAR.

Mr. KIRBY. Mr. President, the United States of America undertook, on April 6, 1917, the mightiest enterprise in the annals of time, to wage successful war 3,000 miles across the sea, with an Army that had not been raised, to be transported in ships that had not been built, against an enemy that must be fought in the air, on and in the earth, and under the sea, a powerful enemy, that had whipped the other great nations of the Old World to a standstill.

The war was lost to the Allies till America entered it, and our entry determined its outcome, changed defeat into victory.

The achievement of our Nation in this greatest World War was truly remarkable, and now that it has been brought to a victorious end it is well to review the difficulties met and larger things accomplished in the operations from the declaration of war, April 6, 1917, to the signing of the armistice, the conclusion of hostilities, November 11, 1918, in order that the extent and magnitude of our participation may be realized.

When the country entered the war it was not anticipated in America nor suggested by France or England that any great force was expected to be transported overseas, nothing even approximating the great Army that was actually sent. More than 4,000,000 men served in the United States Army during the war, the total number in service in the armed forces of the country, including the Army, the Navy, the Marine Corps, and other services, reached the number of 4,800,000 men; about 5 of every 100 American citizens were in the service in defense of the country.

During the Civil War 2,400,000 men served in the Northern Armies and the Navy. About 10 in each 100 inhabitants of the Northern States saw service as soldiers or sailors.

It will be noted that in this war were raised twice as many men, in actual numbers, but in proportion to population only one-half as many, as served in the Union Army in the Civil War. No proper comparison, however interesting it might be, can be made between the American Armies during the present war and those of France and Great Britain, Italy, and Germany for the reason of diverse military policy of these nations. In France, for example, it was the policy to mobilize and put into uniform most of the able-bodied men of the nation not beyond military age and then assign the soldiers to work that had to be done whether it was directly of a military nature or not. Our policy was to take into the Army only those men physically fit to fight and to assign them to work directly related to the ordinary duties of the soldier, save in exceptional cases. The work of making munitions, operating railroads, and building ships was done by men not enrolled in the armed forces of the Nation.

The policies of the other governments were different from the two described, and for these reasons any accurate international comparison of armies will not be possible until the figures are available showing the numbers and lengths of service of the men in the combatant forces of the different nations rather than the figures on hand showing the total numbers on the rolls called into the service. One comparison can fairly be made, however, between the American Expeditionary Forces and the British. Both countries devoted their greatest effort to landing, increasing, and maintaining their armies in France.

The British sent to France more men in their first year than we did in our first year, but it took England three years to reach a strength of 2,000,000 men in France, while the United States accomplished the task in one-half of that time. The British, it was true, had to use men from the beginning to fill gaps in their ranks caused by casualties, while the American forces were for months increased in strength by all new arrivals.

THE ARMY AT HOME AND ABROAD.

The most difficult feature of the American undertaking is found in the concentration of our greatest effort into the few months of the spring and summer of 1918. It was not until then, when the German Army was smashing its way through the allied lines in March, 1918, that the Allies called upon America for the supreme effort that carried a million and a half soldiers to France in six months. When war was declared there were only 200,000 men in our Army. Two-thirds of these were Regulars and one-third National Guardsmen who had been called to Federal service for duty along the Mexican border. When this war ended this force had been increased to twenty times its original size and 4,000,000 men had seen service, 2,000,000 of these overseas. This Army was composed of 13 per cent Regulars, 10 per cent National Guard, and 77 per cent, first designated National Army, raised under the selective draft. More than half a million came in through the Regular Army and 400,000 through the National Guard, and more than three-quarters of all through the selective draft and National Army enlistment. Of every 100 men, 10 were Guardsmen, 13 Regulars, and 77 belonged to the National Army. The entire service was consolidated and the distinction wiped out on August 7, 1918, all the armies being designated as the Army of the United States.

THE SELECTIVE DRAFT.

The most remarkable feature in the history of our preparation for war was discovered in the willingness with which the American people consented to and accepted the selective draft for raising the Army. It was contrary to the history, traditions, and practice of our country which had only resorted to conscription aforetime under direst necessity, and such conscription had then only resulted in procuring an almost negligible quantity of soldiers, who were regarded as slackers and despised accordingly. Despite previous hostility to such a policy only a few disturbances arose during the application of the draft, which were suppressed without great difficulty and usually by the local authorities. No such odium attached to the drafted men in service in this army as formerly, doubtless because of the universality of operation and the reasonable uniformity and fairness of its administration, and the standing of the drafted soldier, a few months after the law was passed, was as honorable in the estimation of his comrades and the country as was that of the volunteer. Moreover, the record of desertions from the Army discloses that the total number was smaller than in previous wars and that a smaller per cent occurred among drafted men than among those who volunteered.

The draft law was passed in May, 1917, and under its operation with subsequent amendments all the man power of the Nation, from the ages of 18 to 45, inclusive, was mobilized; 24,234,021 men were registered under this law and slightly more than 2,800,000 were inducted into the military service thereunder, all of which was accomplished in a manner reasonably fair to the men, and the Army was thus supplied with soldiers as rapidly as they could be equipped and trained, and it resulted in a minimum of disturbance to the industrial and economic life of the Nation.

The first registration, June 5, 1917, covered the ages from 21 to 31. The second, one year later—June 5, 1918, and August 4, 1918—included those reaching 21 years of age after the first registration. The third registration—September 12, 1918—extended the age limits down to 18 and upward to 45 years. Under the first and second, 10,697,814 men registered, and 2,666,807, or 25 per cent, were inducted into the service. Under the third, 13,228,762 registered, and 120,157, or less than 1 per cent, were inducted.

Alaska, Hawaii, and Porto Rico registered 325,445, of which 23,272 were inducted, or about 7 per cent.

About 12 per cent of the whole number registered were inducted into the service. The entire male population of the country was about 54,000,000, and during the war 26,000,000 of them, or nearly one-half, were either registered under the selective-draft law or were serving in the Army and Navy by enlistment. Forty eight per cent of the total male population was registered or in service, as against 52 per cent not registered.

The experience of the Civil War furnishes a basis for comparison of the methods used and the results obtained in the

two great struggles, and the comparison is strikingly in favor of the modern method. Large sums were paid as bounties during the Civil War to induce men to enlist in the hope thereby that recourse to conscription might be made unnecessary, but the hope was finally defeated, and the draft was resorted to and carried out by methods expensive and inefficient.

The whole matter may be summed up by noting that during the war with Germany twice as many men were raised for the American Army as were raised during the Civil War and at one-twentieth of the cost—that is, twenty times as much more was spent by the Northern States in the Civil War in recruiting their armies than was spent for the same purpose by the United States in the war with Germany. In this war 60 per cent of all armed forces was secured by the draft, as compared with 2 per cent in the case of the Civil War.

In the fall of 1917 the first half million men came into the service rapidly. During the winter the accessions were few relatively, while in the spring of 1918, with the advance of the great German drive, and upon urgent calls from France for unlimited numbers of men, during a period of a few months the number of men brought into the service rose into the hundreds of thousands, reaching the highest point in July, when 400,000 were inducted. During the following months the numbers fell off considerably on account of the epidemic of influenza, and in November inductions ceased entirely, due to the unexpected ending of the war.

PHYSICAL FITNESS.

Under the operation of the draft registrants received two physical examinations; first by the local board, and only those found fit by that board were sent to camp for a second examination by Army surgeons, who rejected all those found unfit for service. From the data acquired and the records of these two examinations a comparison has been made which shows how the men from the different States rated in physical qualifications.

There has been published by the War Department a map showing the per cent of drafted men passing physical examination, by States.

It shows the States divided into four groups. The first class, sending from 70 to 80 per cent of the registrants examined, are: Arkansas, Kansas, Iowa, Kentucky, Oklahoma, Texas, Nebraska, North Dakota, South Dakota, Minnesota, Wyoming, and New Mexico.

The second class, where 65 to 69 per cent passed examination, comprises Wisconsin, Illinois, Ohio, Indiana, Missouri, West Virginia, North Carolina, Florida, Alabama, Maryland, Mississippi, Louisiana, and Montana.

States in the third group, where 60 to 64 per cent passed test, are: Oregon, Idaho, Nevada, Utah, Georgia, New Jersey, Tennessee, South Carolina, Virginia, and Pennsylvania.

The fourth group, where only 50 to 59 per cent passed the examination, are Arizona, Colorado, California, Washington, Michigan, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Delaware.

It is noteworthy that the States which sent men of so high an order of physical excellence that from 70 to 80 per cent of them passed both examinations and were accepted into the service are only 12 in number and mostly located in the Middle West, a belt extending through the country North and South. Arkansas, my own native State, constitutes one of this first class. Next come the States, about equal in number with the first class, from which 65 to 69 per cent of the applicants were accepted, which are mostly contiguous to the first group of States on the East and West. Of the third group, only from 60 to 64 per cent of the men passed the test, while in the first group, indicated in solid black, about one-fourth of all, only 50 to 59 per cent of the men were accepted. These come from the Northeast and the far West and especially the portions of the West which have in recent years become popular as health resorts and attracted large numbers of physically defective people. It is significant also that the best records are made by those States that are agricultural rather than industrial, and where the number of recent immigrants is not large. Conversely, most of the States making low records are preeminently manufacturing States whose populations included large numbers of recently arrived immigrants. Further analysis of the records of physical examinations shows that the country boys made better ratings than those from the cities; the white registrants better than the colored; and the native born better than those of alien birth. The differences are so considerable that 100,000 country boys would furnish for military service 4,790 more soldiers than would an equal number of city boys. Similarly 100,000 whites would furnish 1,240 more soldiers than would an equal number of negroes. Finally 100,000 native born would yield 3,500 more soldiers than a like number of foreign born. The importance of these differences will be appreciated by noting that 3,500 men are equivalent to an infantry regiment at full war strength.

OFFICERS.

About 200,000 commissioned officers were required for the Army—1 for every 20 soldiers—and less than 9,000 were in the service at the beginning of the war, 5,791 with the Regulars and 3,199 were officers of the National Guard in Federal service.

The statistics show that one of every six officers had had previous military training in the ranks in the Regular Army or the National Guard, three received training for commissions in officers' training camps organized for the purpose, and two went from civilian life into the Army with little or no military training. Of the last group the majority were physicians, a few ministers, and the most of the others were men of special business or technical training who were taken into the supply services or staff corps.

SHARE OF EACH STATE.

The following diagram, which I ask to have printed in the RECORD, shows the number of men, officers not included, furnished by each State, whether by enlistment in the Regular Army, coming in through the National Guard or being inducted in the draft. Arkansas, my own State, is twenty-fourth on the list of States and furnished for the Army 61,027 men.

DIAGRAM.

Four million men.

	Men.	Per cent.
New York	367,864	9.79
Pennsylvania	297,891	7.93
Illinois	251,074	6.68
Ohio	200,293	5.33
Texas	161,065	4.29
Michigan	135,485	3.61
Massachusetts	132,610	3.53
Missouri	128,544	3.42
California	112,514	2.98
Indiana	106,581	2.83
New Jersey	105,207	2.80
Minnesota	99,116	2.64
Iowa	98,781	2.63
Wisconsin	96,211	2.61
Georgia	85,506	2.28
Oklahoma	80,169	2.13
Tennessee	75,825	2.02
Kentucky	75,043	2.00
Alabama	74,678	1.99
Virginia	73,062	1.94
North Carolina	73,003	1.94
Louisiana	65,988	1.76
Kansas	63,428	1.69
Arkansas	61,027	1.62
West Virginia	55,777	1.48
Mississippi	54,295	1.44
South Carolina	53,482	1.42
Connecticut	50,069	1.33
Nebraska	47,805	1.27
Maryland	47,054	1.25
Washington	45,154	1.20
Montana	36,293	.97
Colorado	34,393	.92
Florida	33,331	.89
Oregon	30,110	.80
South Dakota	29,686	.79
North Dakota	25,803	.69
Maine	24,252	.65
Idaho	19,016	.51
Utah	17,361	.46
Rhode Island	16,861	.45
Porto Rico	16,538	.44
District of Columbia	15,930	.42
New Hampshire	14,374	.38
New Mexico	12,439	.33
Wyoming	11,393	.30
Arizona	10,492	.28
Vermont	9,338	.25
Delaware	7,484	.20
Hawaii	5,644	.15
Nevada	5,105	.14
Alaska	2,102	.06
A. E. F	1,499	.04
Not allocated	1,318	.04
Philippines	255	.01
Total	3,757,624	

Diagram—Soldiers furnished by each State.

TRAINING—SOLDIERS—DIVISIONS.

The average American soldier who went to France received six months' training at home before sailing, and had two months' training overseas before entering the battle line, and then about a month in a quiet sector before going into an active sector and hard fighting, although the experience of thousands of soldiers differs widely from this figure.

The infantry soldier was trained in the division which was our typical combat unit. In the American Army the division was composed of about a thousand officers and 27,000 men.

Training and sorting organizations of 10,000 men, known as depot brigades, were also utilized, but, as far as possible, the new recruits were put immediately into the divisions which were the organizations in which they would go into action.

There were trained and sent overseas 42 divisions before the signing of the armistice. The training of 12 more was well advanced and 4 others were being organized at the time. The plans on which the War Department was acting, called for 80 divisions overseas before July, 1919, and 100 divisions by the end of that year.

Of the 42 American divisions which reached France, 36 were organized in the summer and early autumn of 1917. The other 6 were organized as divisions by January, 1918, but had been in training as separate units months before that time. The average division had been organized eight months before sailing for France and its period of training was lengthened by a two months' interim between the time of landing in France and the time it entered the front line. While this is true of skeletons of divisions, it is not true of all the men they finally included, since sometimes weeks or months elapsed from the time a division was organized till it reached full strength and troops were frequently taken from one division to fill another which was sailing, or to be sent overseas to replace losses. Although the average of two months' training in France before getting into the fighting lines was maintained, the experience of divisions used as replacements in the last months was under this figure. The Regular Army divisions show the shortest periods of training, but they were made up of the most experienced soldiers.

The following table, which I ask to have included in the RECORD, shows the divisions organized and trained, the numbers by which they were designated, the camp where trained, and the States from which its members came at the time of organization. The general composition was afterwards greatly changed by bringing in replacements to make up for losses:

Place of organization of divisions and sources by States.

Division.	Camp.	States from which drawn.
Regulars:		
1st	France	Regulars.
2d	....do	Do.
3d	Greene, N. C	Do.
4th	....do	Do.
5th	Logan, Tex	Do.
6th	McClellan, Ala	Do.
7th	MacArthur, Tex	Do.
8th	Fremont, Calif	Do.
9th	Sheridan, Ala	Do.
10th	Funston, Kans	Do.
11th	Meade, Md	Do.
12th	Devens, Mass	Do.
13th	Lewis, Wash	Do.
14th	Custer, Mich	Do.
15th	Logan, Tex	Do.
16th	Kearny, Calif	Do.
17th	Beauregard, La	Do.
18th	Travis, Tex	Do.
19th	Dodge, Iowa	Do.
20th	Sevier, S. C	Do.
National Guard:		
26th	Devens, Mass	New England.
27th	Wadsworth, S. C	New York.
28th	Hancock, Ga	Pennsylvania.
29th	McClellan, Ala	New Jersey, Delaware, Virginia, Maryland, District of Columbia.
30th	Sevier, S. C	Tennessee, North Carolina, South Carolina, District of Columbia.
31st	Wheeler, Ga	Georgia, Alabama, Florida.
32d	MacArthur, Tex	Michigan, Wisconsin.
33d	Logan, Tex	Illinois.
34th	Cody, N. Mex	Nebraska, Iowa, South Dakota, Minnesota.
35th	Doniphan, Okla	Missouri, Kansas.
36th	Bowie, Tex	Texas, Oklahoma.
37th	Sheridan, Ohio	Ohio.
38th	Shelby, Miss	Indiana, Kentucky, West Virginia.
39th	Beauregard, La	Arkansas, Mississippi, Louisiana.
40th	Kearny, Calif	California, Colorado, Utah, Arizona, New Mexico.
41st	Fremont, Calif	Washington, Oregon, Montana, Idaho, Wyoming.
42d	Mills, N. Y	Various States.
National Army:		
76th	Devens, Mass	New England, New York.
77th	Upton, N. Y	New York City.
78th	Dix, N. J	Western New York, New Jersey, Delaware.
79th	Meade, Md	Northeastern Pennsylvania, Maryland, District of Columbia.
80th	Lee, Va	Virginia, West Virginia, western Pennsylvania.
81st	Jackson, S. C	North Carolina, South Carolina, Florida, Porto Rico.
82d	Gordon, Ga	Georgia, Alabama, Tennessee.
83d	Sherman, Ohio	Ohio, western Pennsylvania.
84th	Zachary Taylor, Ky	Kentucky, Indiana, southern Illinois.
85th	Custer, Mich	Michigan, eastern Wisconsin.
86th	Grant, Ill	Chicago, northern Illinois.
87th	Pike, Ark	Arkansas, Louisiana, Mississippi, southern Alabama.
88th	Dodge, Iowa	North Dakota, Minnesota, Iowa, western Illinois.
89th	Funston, Kans	Kansas, Missouri, South Dakota, Nebraska.
90th	Travis, Tex	Texas, Oklahoma.
91st	Lewis, Wash	Alaska, Washington, Oregon, California, Idaho, Nebraska, Montana, Wyoming, Utah.
92d	Funston, Kans	Colored, various States.
93d	Stuart, Va	Do.

There are three groups of divisions—the Regular Army, numbered from 1 to 20, made up originally from Regular Army units plus volunteer enlistments and drafted men; the National Guard divisions, numbered from 26 to 42, came in largely from the militia of the several States; and the National Army divisions, numbered from 76 to 92, made up almost wholly of men called into the service by the draft. As a classification for easy recollection, it might be noted the Regular Army divisions were numbered below 25, the National Guard from 25 to 50, and the National Army divisions between 50 and 100. All the divisions shown in the table reached France except the 12 Regular Army divisions numbered from 9 to 20. The divisions being organized at the close of hostilities were numbered 95, 96, 97, and 100.

The average composition of the National Guard divisions was one made up of two-thirds State troops and one-third other troops. The Forty-second Division, called because of its composite character the "Rainbow Division," was made up of selected groups from over the entire country, and sent to France early. The Forty-first, called the "Sunset Division," was a composite of troops from many Western States. Four States furnished one division each, New York the Twenty-seventh, Pennsylvania the Twenty-eighth, Illinois the Thirty-third, and Ohio the Thirty-seventh.

CAMPS AND CANTONMENTS.

To carry out the training program quarters were constructed in a few months for 1,800,000 men; for the National Guard and National Army divisions 16 camps and 16 cantonments were built. National Guard units, organized rapidly in the summer of 1917, were put under canvas in camps throughout the South. The cantonments were largely located in the North for the National Army called in the fall of 1917.

The building of the cantonments was authorized in May, 1917, the last site was secured on July 6, and on September 4 accommodations were ready for 430,000 men. This capacity was shortly increased to 770,000, an average capacity for cantonment of 48,000. Camp construction went forward at the same rapid pace. Tents were provided for housing the soldiers, but a considerable number of wooden buildings were necessary, as well as water supplies, sewerage, electric lights, and roadway construction. The capacity of the camps reached 684,000, giving a total capacity, camp and cantonment, of nearly a million and a half. The Regular Army divisions were trained in part at one or another of these 32 centers, in part as separate units at various Army posts.

The Rainbow Division, National Guard, was assembled directly at Camp Mills for early transportation to France and required no training field. The Ninety-second and Ninety-third (colored), National Army, were trained in separate units at various camps; headquarters of the Ninety-second were at Camp Funston and the Ninety-third at Camp Stewart. The remaining 16 National Guard and National Army divisions began training in the camps and cantonments in the summer and fall of 1917.

There were schools for training men for special services, such as the Artillery, Aviation, Engineering Corps, Chemical Warfare, Tank Corps, and Quartermaster Corps, and also proving grounds and testing fields. There were also large embarkation camps at New York and Newport News, requiring housing construction with a capacity for more than 300,000 men.

INSTRUCTORS FOR TRAINING 4,000,000 MEN.

In the American Army there is 1 officer for every 20 men, which means that 200,000 officers were required for 4,000,000 men, and officers' training camps were established for supplying the 180,000 officers needed in addition to the 6,000 officers in the Regular Army and the National Guard officers already mentioned. Candidates for these camps were selected after rigid tests as to physical and mental qualifications, many Reserve

Corps officers being included. Three months of intensive training put the prospective officers through all the tasks required of the enlisted man and the duties of the platoon and company commander. These training camps furnished the Army with nearly half its total number of officers and more than two-thirds of those for line service. After the close of the second series of schools in 1917 it was found desirable through various staff corps and departments to conduct separate specialized schools for training their officers, and many commissions were granted in these schools.

After the new camps were established France and England sent over to the United States some of their ablest officers who had seen service on the western front, to bring to our training approved methods developed in the war. Two hundred and eighty-six were furnished by France, their major specialties being artillery and staff work; 261 were furnished by England, and much of their effort was devoted to instructions in gas and physical training, and in addition to said number of officers the British also detailed 226 noncommissioned officers as instructors, who were assigned to different subjects in about the same ratio as the officers. These groups of foreign instructors attached to training schools, divisions, and other units rendered valuable service out of all proportion to their numbers. They were a significant contribution to our training program.

TRANSPORTATION, SHIPPING.

Lack of shipping furnished one of our greatest difficulties. The German submarine warfare had reduced the world tonnage so greatly that the enemy expected to crush the allied armies and win the war before the American Army could reach the battle field in force. There was also much skepticism in this country about our ability to land such forces in time to meet the condition. It will be remembered this lack of faith was voiced on the floor of the Senate by a member of the Military Affairs Committee, replying to the statement made by the Secretary of War, in December, that we could have 500,000 men in France by July 1, 1918. The Senator said:

> Yet the Secretary of War, who is compelled to depend on shipping to get his army and supplies across the ocean, is not in touch with the Shipping Board and shipping authorities and shipping information; that he makes a statement that is absolutely preposterous * * * and the result is that the Secretary of War is grossly misled into making an official statement to Congress, so exaggerated as to convey an entirely false impression as to what we can do and what we are doing. * * * All who are informed as to the present supply of our shipping were thunderstruck at the statements of Secretary Baker before the Military Affairs Committee. His sanguine predictions as to our ability to ship men to Europe, to supply them when there, are exaggerations of the wildest sort. * * *

Yet, notwithstanding all such disbelief and dire prediction of failure, the War Department sent over more than a million men by said date, July 1. The Secretary of War was not out of touch with shipping conditions. His statement was not a preposterous exaggeration of our ability. The War Department had not ceased to function, it had not fallen down, but on the contrary came forward with double the performance promised, that shattered the German hopes and mocked the fears of our own doubting Thomases.

More than 2,000,000 American soldiers were carried overseas after we entered the war—half a million in the first 13 months and a million and a half in the last 6 months. We began sending troops over upon the urgent request of our cobelligerents shortly after war was declared, but the movement was not rapid at first as we had only a few American and British troopships chartered directly from their owners. During the early winter, as the former German liners came into service, embarkations increased to nearly 50,000 monthly and had reached by the end of 1917 a total of 194,000.

Early in 1918 the British Government assigned three of its big liners and four of its smaller troopships to the service of the Army and an increased troop movement resulted in March. The great German spring drive took place in this month in Picardy, with a success that portended German victory. Every ship that could be secured was pressed into service. The aid furnished by the British was greatly increased. It was in May and the four following months that the transport miracle took place. The number of men carried in May was twice as great as the number in April and the June record was greater than that of May.

Before the 1st of July, 1918, 1,000,000 men had been embarked and the record for July exceeded all previous months, the number of troops carried being more than 306,000. Before the end of October the second million men had sailed from our shores. No such troop movement as that of the summer of 1918 had ever been contemplated and no movement of any such number of persons by water for such a distance and such a time had ever previously occurred. The record has been excelled only by the achievement in bringing our troops back to our own shores.

DEVELOPMENT OF TRANSPORT FLEET.

The trans-Atlantic fleet had to be created at the most acute stage of the world's shortage of tonnage, caused by submarine sinkings, and consisted on July 1 of seven troopships and six cargo ships, with a dead-weight capacity of 94,000 tons, and there was developed before the end of 1918 a great transport fleet, which aggregated three and one-quarter million dead-weight tons of shipping.

During the same months another great American transport fleet was created with almost equally striking rapidity—our cross-channel fleet, which carried cargo and men from England to France. Beginning with 7,000 dead-weight tons in October, 1917, it was increased to more than one-third of a million tons by the end of 1918. About one-fourth of these vessels were Swedish and Norwegian, while the rest were American. This service utilized large numbers of small wooden and steel vessels built by the Emergency Fleet Corporation.

In building up our trans-Atlantic and Channel fleets every possible source of tonnage had to be called on for every ship that could be secured. The first great increment was the seized German vessels, which came into the service in the fall of 1917. The taking over of the Dutch steamers in the spring of 1918 and the chartering of Scandinavian and Japanese tonnage accounted for great increases in the cargo fleet.

The most ample credit must also be given the Emergency Fleet Corporation, which turned over nearly a million tons of new ships, and to the Shipping Board Committee, which stripped bare our import and export trades of all suitable vessels and turned them over for Army use, nearly a million and a half tons of ships. The Army vessels also came from 12 other nations well scattered over the globe.

EMBARKATION AND DEBARKATION OF TROOPS.

Most of the troops left from New York and were landed in France and England in about equal numbers. Most of those landing in England went to Liverpool and those in France to Brest. The troops left for overseas from 10 American ports (4 in Canada)—in fact, counting Hoboken, Brooklyn, and New York as one and the Hampton Roads port and Norfolk one—and debarked, in fact, at about 14 foreign ports, 8 English and 6 French.

HELP FROM THE ALLIES.

Credit for the troop movement must be shared with the Allies, and with the British in particular, since approximately half of the troops were carried in their ships. Of every hundred men who went over, 49 went in British ships, 45 in American ships, 3 in those of Italy, 2 in French, and 1 in Russian shipping under English control. Part of the explanation for the large numbers of troops carried in American ships is to be found from the fact that under the pressure of the critical situation on the western front ways were found to increase the loading of our own transports by as much as 50 per cent. In addition our transports also exceeded those of the Allies in the speed of their turn around—the time required to take a load over, discharge it, return, load again, and start on another trip. In the spring of 1917 the average turn around for the troopship was 52 days and that for cargo ship 66 days.

During the spring, summer, and fall, 1918, the performances of both cargo and troop ships became standardized at about 70 days for cargo ships and 35 days for troopships.

The fastest ships have averaged under 30 days. During the spring and summer of 1918 the *Leviathan*, the former *Vaterland*, has averaged less than 27 days, as has the *Mount Vernon*, the former *Kronprinzessen Cecelie*. These turn arounds, made under the embarrassment of convoy, are much quicker than anything attained in commercial operation. During the summer the *Leviathan* has transported troops at the rate of over 400 a day, and so has landed the equivalent of a German division in France each month. Two American ships, the *Great Northern* and *Northern Pacific*, have averaged 25 and 26 days, respectively, and have each made turn arounds in 19 days.

CARGO MOVEMENT.

The first cargo shipment to maintain the forces abroad was 16,000 tons, made in June, 1917. The movement increased rapidly and steadily until in the last month of the war more than 800,000 tons were sent over. The cargo shipments were carried almost entirely in American ships, only about 5 per cent being transported in allied bottoms. The cargo carried for the American Army consisted of thousands of different articles of the most varied sort, and from the beginning of the war the Army shipped nearly seven and one-half million tons of cargo, about half of which were quartermaster supplies of food and clothing, the second largest amount being engineering and ordnance supplies. Included in the shipments were 1,791 consolidated locomotives

of the 100-ton type, and 650 of these were shipped set up, a thing never done before, and we were prepared to ship set up when the war closed such locomotives at the rate of 200 per month. The Army also shipped 26,944 standard-gauge freight cars and was preparing to ship flat cars set up; 14,018 motor trucks went forward, and they were being shipped at the rate of 10,000 per month. Rails and fittings for railroad construction aggregated 423,000 tons. In addition to the tons of cargo above mentioned, the Army shipped 68,694 horses and mules and were shipping them at the rate of 20,000 monthly at the close of hostilities. Gen. Pershing also imported large amounts from European sources, the chief item being coal from England. He brought into France in our cross-Channel fleet 275,000 tons of coal and other commodities in October, 1918.

LOSSES AT SEA.

During the whole period of active hostilities the Army lost at sea only 200,000 dead-weight tons of transports. Of this total 142,000 tons were sunk by torpedoes. No American troop transport was lost on its eastward voyage. For this splendid record the Navy, which armed, manned, and convoyed the troop transports, deserves the highest commendation.

RETURN OF TROOPS.

Immediately upon the signing of the armistice preparations were begun for returning our troops in the shortest possible time. We were not able to use the British ships that were required to return their own colonial troops, so we devised methods for loading our transports and increased their capacity about 50 per cent, converted our cargo ships into troop transports, and with the German liners assigned to the service and assistance from the Navy, the Army is being brought home more rapidly than it was taken to France. More than 330,000 men were returned in the month of May this year, and if the sailors and marines be added the total is one-third of a million.

FOOD, CLOTHING, AND EQUIPMENT.

The problems of feeding and clothing the Army were difficult because of the immense quantities required rather than because of the difficulty in manufacturing the articles needed. The 4,000,000 men in the Army constituted about one twenty-fifth of the population of the country, and necessarily consumed their share of the food and clothing before the war, but the purchases for the Army are in surprising contrast with those of civilian use in normal times. For example, the Army purchases in 1918 of blankets were two and one-fourth times as great as the entire American production in 1914. In other words, what the Army bought in one year for use of four or five million soldiers would have been sufficient to supply the actual normal consumption of blankets by 100,000,000 American civilians for two and one-fourth years.

The soldiers were supplied with complete new equipment upon going to camp, and our policy required, on account of the great distance separating the Army from its base, that we should keep 90 days' supplies in France, 90 in transit, and 90 at home. The rule for clothing required that there should be for each man at the front a three months' reserve in France, a like reserve continuously in transit, and a two or three months' reserve in the United States. A wool coat, for example, lasts about three months in active service, and hence for every coat on a man's back in a camp in France three were needed in reserve as soon as he sailed for overseas; 2,000,000 men required something like 8,000,000 coats.

The following list of the total deliveries during the war of some of the common articles of clothing shows the greatness of the task. The cost of the articles listed was more than $1,000,000,000:

Articles of clothing delivered to the Army April 6, 1917, to May 31, 1918.

Wool stockings	pairs	131,800,000
Undershirts		85,000,000
Underdrawers		83,600,000
Shoes	pairs	30,700,000
Flannel shirts		26,500,000
Blankets		21,700,000
Wool breeches		21,700,000
Wool coats		13,900,000
Overcoats		8,300,000

When the troop movement was speeded up in the spring of 1918 the margin on woolen clothing got dangerously narrow, and to secure these and other articles in sufficient quantity it became necessary in many cases for the Army to take control of all stages of the manufacturing process from assembling the raw materials to inspecting the finished product. For months before the armistice the War Department was the owner of all the wool in this country. Army needs were estimated, if the troop movement had continued, from September, 1918, to June, 1919, at 246,000,000 pounds of clean wool, while the amount allotted to civilian needs was only 15,000,000. Something like the same story might be told for 30,000 kinds of chemical articles which the Army purchased.

In one way or another the Army at war drew upon almost every one of the 344 industries recognized by the United States census. In some cases readjustments of machinery or a slight modified product was necessary. In many an improved product was demanded, while in practically all an enormous production was required. In the case of some articles the difficulties of quantity productions were combined with the problems of making something not before manufactured. Typical instances are the 5,400,000 gas masks and the 2,728,000 steel helmets produced before the end of November, 1918.

DISTRIBUTION OF MUNITIONS, SUPPLIES.

The problem of distribution was fully as difficult as that of procurement. For production, machinery already in existence could be utilized; for distribution, a new organization was necessary. In this country there were ample railroad facilities. A complete new organization was necessary for the purpose in France, whose main duty was to distribute munitions and supplies. It was called the "service of supply"—the S. O. S.—with headquarters at Tours. It was an army in fact behind the Army, and on the date the armistice was signed there were 386,000 soldiers, besides 31,000 German prisoners and thousands of civilian laborers furnished by the Allies, reporting to the commanding general of the services of supply. At the same time there were in the zone of the armies 160,000 noncombatant troops, the majority of whom were keeping in operation the lines of distribution of supplies to the troops at the front.

The proportion of noncombatants in the American Army never fell below 28 per cent; it often ran higher in the British Army. When there was the greatest pressure for men at the front, the work back of the lines took roughly about one man out of three. It was necessary to build in France 83 new ship berths, with warehouses and dock equipment, and to increase the carrying capacity of French railways by nearly 1,000 miles of new trackage, by switching facilities at crucial points, by new repair shops, roundhouses, and by new rolling stock. These things were done by the engineers.

The problems were not wholly solved, as there were never enough docks to prevent some loss of time by vessels waiting, but the capacity for handling American cargo was tripled from 10,000 tons per day in the spring of 1918 to 30,000 tons by November 11, and the waiting time for ships was shorter than in commercial practice. Nor were there ever wholly adequate railroad facilities, but with the help of locomotives and freight cars shipped from this side freight was shipped inland as fast as it was landed.

The supplies were carried on railroads from the ports to immediate or advanced depots, and spurs led up to the front, but the standard-gauge road did not extend to the danger zone of shell fire. Where danger of shelling began and because of rapidly changing needs of the shifting battle front, other means were used; narrow-gauge railroads, rails only 2 feet apart, were constructed for distributing supplies, and 538 miles of these roads were built, for which 406 narrow-gauge locomotives and 2,385 narrow-gauge cars were shipped from this country, in addition to the standard-gauge equipment. Beyond the range of the narrow-gauge railways motor trucks were employed and were used to an extent never before thought possible. The motor trucks saved the day at Chateau-Thierry by bringing troops up to strengthen and hold the breaking line.

The American Infantry division on the march with the trucks, wagons, and ambulances of its supply, ammunition, and sanitary trains stretches for a distance of 30 miles along the road; 650 trucks are allowed for a division by the table of organization. Need for trucks increased rapidly during the latter months of the war as the forces moved forward on the offensive away from their railway bases. The Army overseas never had all the trucks it needed during the war, due almost entirely to a shortage of ships. Trucks require an enormous amount of cargo space, and it is slow and difficult work to load them, and frequently embarkation officials loaded their ships rapidly with supplies needed still more urgently overseas, leaving the trucks behind.

The number of trucks sent over prior to the armistice was 40,000, and 33,000 of these had been received in France. They ranged in size from three-fourths of a ton to 5 tons.

Horses and wagons were used beyond the range of motor trucks, and the American armies were never adequately supplied with this equipment.

The shipment of animals overseas was discontinued in 1918 upon information that they could be purchased there, and then in the fall of 1918, when every ton of shipping was precious, the supply of foreign horses proved inadequate, and 23 of the Army's best cargo vessels had to be converted into animal transports. A horse uses as much ship space as 10 tons of cargo. In gen-

eral, it may be said that the Army overseas never had enough means of transportation, although they had very large quantities and produced remarkable results with the supply they had.

TELEGRAPH AND TELEPHONE LINES.

To facilitate the transportation of supplies in France the Signal Corps had to establish a new system of communication, stringing its wires over nearly every part of France. They constructed new lines, leased certain lines from the French, and took over others from the Germans. At the time of the armistice the Signal Corps was operating 282 telephone exchanges and 133 complete telegraph stations. More than 100,000 miles of wire had been strung and the peak load of operation reached was 47,555 telegrams a day, averaging 60 words each.

CONSTRUCTION IN THE UNITED STATES.

Two hundred thousand workmen were kept continuously occupied during the war building factories, storage warehouses for supplies and cantonments for troops. This force was larger than the total strength of both northern and southern armies in the Battle of Gettysburg and was equal to our standing army at the beginning of the war. Building was required in every State in the Union, and the region of greatest activity was in the Northeast, the most densely populated section of the country and the center of munitions production.

The housing constructed had a capacity of 1,800,000 men, or more than the entire population of Philadelphia. The total expenditures in this enterprise to November 11, 1918, were in round numbers $800,000,000, or about twice the cost of the Panama Canal. The largest single item is the cost of the National Army cantonments, which was nearly one-quarter of the total. Ordnance Department projects, including the building of enormous powder, high explosive, and loading plants came second. The costs of construction were much higher than they would have been for slower work, and the outstanding feature of the accomplishment was its rapidity. Each of the contonments was completed in substantially 90 days, and it was this speed that made it possible to get the draft army under training before the winter of 1917 and made it available for the decisive action of the summer of 1918.

CONSTRUCTION IN AMERICAN EXPEDITIONARY FORCES.

The construction program in France is comparable in magnitude and number of projects with that of the United States. Less new building was required for the shelter and the manufacture of munitions, but more for the development of port and railroad facilties and for the repair and operation of the complicated equipment of a modern army. The storage space constructed in France was twice the new capacity constructed at home. All construction work in France was performed by the Corps of Engineers under the service of supply. Materials were obtained in Europe as far as possible, sometimes at high prices. The Engineer Corps ran its own quarries and its own logging camps and its own sawmills. Only material that could not be obtained abroad—chiefly machinery and steel products—was purchased in the United States. Eight hundred and thirty-one projects had been undertaken up to the signing of the armistice, distributed generally over France, and the American Expeditionary Force left its trail in the shape of more or less permanent improvements over the greater part of France. The projects cluster most thickly around the ports used by American forces and the area on the southern end of the battle line.

FOOD AND CLOTHING AT THE FRONT.

The real test of the efficiency of the supply service comes when an army engages in battle. As measured by this test the work of feeding, clothing, and equipping the Army was well done, for in the main the expeditionary forces had what they needed. At no time was there a shortage of food. Soldiers sometimes went hungry, but the condition was local and temporary and occurred because of transportation difficulties during periods of active fighting or rapid movement when the units outran their supplies. The stocks of food on hand in depots in France were always adequate. The amounts on hand rose steadily in the winter and spring of 1918, and on May 1, when the American troops were first entering active fighting, the supplies were well over the 45-day line, which was considered the necessary reserve during the latter months of the war. At first, efforts were made to build up a 90-day supply to guard against the possibility of the lines of communication being cut, but as the menace of the submarine became less acute and the need of ship tonnage for other supplies became more pressing the required reserve was cut to 45 days, and at no time during the period of active operations did the reserve fall below that line.

In the matter of clothing, also, the supply service rose to the emergency, although at times many individual units were not able to procure immediately the needed supplies, but, as in the case of food, the difficulty was one of local transportation. The records show that during the six months of hard fighting from June to November the enlisted man in the American Expeditionary Force received, on the average, slicker and overcoat every five months; blanket, flannel shirt, and breeches, every two months; coat, every 79 days; drawers and undershirt, every 34 days; and woolen socks, every 23 days.

SMALL ARMS, RIFLES, MACHINE GUNS.

In the years immediately preceding the war, there was much discussion in the War Department and in the country at large of the need of increased military preparedness. Reference to the War Department reports for 1914, 1915, and 1916 shows that what was then considered as the best military and civilian opinion was agreed that the Army that would have to be called into the field in any large emergency was one of 500,000 men. In these reports attention was called to the fact that although our available resources in trained men, in airplanes, and in machine guns were entirely inadequate, our reserve stocks of rifles and small arms ammunition were sufficient for even a larger Army than the half million suggested.

There were on hand at the outbreak of hostilities nearly 600,000 Springfield rifles, model of 1903, which is probably the best Infantry rifle in use in any army. This number was sufficient for the initial equipment of an army of about 1,000,000 men. No one, of course, foresaw that we would be called upon to equip an army of nearly 4,000,000 men in addition to furnishing rifles for use of the Navy.

The available Springfields were used to equip the Regular Army and National Guard divisions that were first organized, and the 200,000 Krag-Jörgensen rifles on hand stored for an emergency were in good condition to be used for training purposes.

It was soon found that it would not be possible to increase the output of Springfields to much beyond a thousand per day, which was entirely insufficient, and it was then determined to manufacture an entirely new rifle to meet the deficiency.

The new rifle—model 1917—was designed, which resembled the British Enfield, being manufactured in several plants in this country sufficiently so that the plants could be rapidly converted to its manufacture, and it was chambered to use the same ammunition as is used in the Springfield, in the machine guns, and automatic rifles of American manufacture. The total output of Springfield rifles had increased to nearly 900,000 by the end of the war. The Enfields first came into production in August, 1917, and the output increased rapidly until it totaled in November, 1918, nearly 2,300,000.

The first divisons sent to France were equipped with the Springfields and about half the rifle ammunition used against the enemy by our troops was fired from Springfield rifles. The test of battle upheld its high reputation and also demonstrated that the American Enfield is a weapon of superior quality. The American troops were armed with rifles that were superior in accuracy and rapidity of fire to those used by either their enemy or their allies.

MACHINE GUNS.

The use of machine guns on a large scale was a development of the European war. In the case of the American forces, the figures are especially impressive. The Congress of 1912 sanctioned the allowance of the War Department of four machine guns per regiment, and in 1919, as a result of the experience of this war, the new Army plans provided for an equipment of 336 machine guns per regiment, an increase eighty-four times as great as the allowance of seven years earlier.

The Secretary of War in his annual report for 1916 called attention to the efforts being made to place our Army on a satisfactory footing with reference to machine guns, saying:

> Perhaps no invention has more profoundly modified the art of war than the machine gun. In the European war this arm has been brought into very great prominence. * * * When the Congress at the last session appropriated $12,000,000 for the procurement of machine guns, it seemed important, for obvious reasons, to free the air of the various controversies and to set at rest in as final a fashion as possible the conflicting claims of makers and inventors. A board was therefore created. A preliminary report has been made by this board, selecting the Vickers-Maxim type for heavy machine guns, recommending the purchase of a large supply of them, and fixing a date in May at which time exhaustive tests to determine the relative excellence of various types of light machine guns are to be made.

In accordance with these recommendations, 4,000 Vickers machine guns were ordered in December, 1916, and by the end of the next year 2,031 had been delivered. In further accord with the recommendations of the board, tests were made in May, 1917, of different types of heavy machine guns and light machine guns, now called automatic rifles. The Vickers gun proved satisfactory, but could not be put on a quantity production because of technical difficulties in the manufacture. A new gun, the heavy Browning, was selected in this test and

adopted as the standard heavy machine gun. The light Browning, weighing only 15 pounds, was easily in the lead as an automatic rifle. The Lewis gun, too heavy for satisfactory use as an automatic rifle and incapable of the long-sustained fire necessary in a heavy gun, was found best adapted, with slight modification, for use as a flexible gun for aircraft. The Vickers gun had been used successfully in Europe as a synchronized gun on aircraft, but a new gun, the Marlin, was adapted to this purpose, releasing part of the early production of the Vickers gun for ground use. Later the modified form of the heavy Browning was designed for use as a synchronized gun for aircraft.

Production of all types mentioned was pressed, and because of the order for Vickers placed in 1916 our 12 first divisions were able to receive that weapon as their heavy machine gun. The trials made in May made possible a selection of suitable types of guns for every purpose, and the completion of the first light Brownings in February, 1918, and the heavy Brownings in April following.

The earliest needs of our troops in France were met by French Hotchkiss machine guns and Chauchat automatic rifles. Later divisions going over were provided with Vickers heavy guns and Chauchat automatic rifles. After July 1 divisions embarking were equipped with light and heavy Brownings, both of which guns met with immediate success and the approval of foreign officers, as well as our own.

Notwithstanding these guns were brought into production in February and April of 1918, they were not used in battle until September, because of a deliberate and most significant judgment on the part of Gen. Pershing, after careful tests had been made in Europe, who decided that the two new Brownings were so greatly superior to any machine guns in use by any of the armies on either side that the best course to follow would be to wait until several divisions could be equipped and a plentiful supply assured before using them in battle at all. This course was pursued lest the enemy might otherwise be able to procure one of the guns and reproduce them for use in battle against us. On this account the Brownings were not used in combat until they were used in large numbers in the Meuse-Argonne battle, where they amply justified the expectations of the American commander and the Ordnance Department.

The total number of machine guns of American manufacture produced to the end of 1918 of all kinds was 226,557, as shown in table below. In addition there were secured from the French and British 5,300 heavy machine guns, of which nearly all were French Hotchkiss, and 34,000 French Chauchat automatic rifles.

Machine guns produced to the end of 1918.

Heavy Browning field	56,612
Vickers field	12,125
Other field	6,366
Lewis aircraft	39,200
Browning aircraft	580
Marlin aircraft	38,000
Vickers aircraft	3,714
Light Browning	69,960
Total	226,557

RIFLES AND MACHINE GUNS USED IN FRANCE.

The troops embarking for France carried with them their rifles, in some instances machine guns and automatic rifles, and, making proper allowance therefor in addition to what was shipped in bulk for replacement and reserves, it is found that about 1,775,000 rifles, 29,000 light Brownings, 27,000 heavy Brownings, and 1,500,000,000 rounds of rifle and machine-gun ammunition were shipped to France from this country before November 1. These were supplemented by smaller amounts received from the French and British, already mentioned. The actual use of American-made machine guns and automatic rifles in France is shown in the following table:

Use of American-made automatic arms in France.

	Used at the front.	Total, including training.
Light Browning	4,608	17,664
Heavy Browning	1,168	3,528
Vickers ground gun	2,340	2,860
Lewis aircraft	1,393	3,930
Marlin aircraft	1,220	3,084
Vickers aircraft	1,320	1,625

PISTOLS AND REVOLVERS.

There was an insistent demand from the beginning to the end of the war for pistols which was never fully met. Our Army was partly supplied with the Browning-Colt, a weapon already in production and more effective than the corresponding weapon used by any other army, but it could not be secured in sufficient numbers, and to meet the deficiency a revolver was designed using the same ammunition and placed in production in October, 1917. The troops in France were supplied with one or the other of these weapons for close combat so far as possible, but full equipment was never secured.

SMALL-ARMS AMMUNITION.

An adequate supply of small-arms ammunition was always available to provide for troops in service, and the complication due to the use of machine guns and automatic rifles of French caliber was successfully met. New types of ammunition were designed and produced to meet the special needs of the Air Service and of antiaircraft defense. Before the end of the war the American production of rifle ammunition amounted approximately to 3,500,000,000 rounds, of which 1,500,000,000 were shipped overseas. In addition 100,000,000 rounds were secured from the French and British.

ARMS AND THE MEN.

We never had nearly enough pistols and revolvers to equip fully our entire Army, and only during part of the months of the war were there enough for full equipment of the troops in France if all the pistols and revolvers had been there and issued. Of automatic rifles we had an adequate supply only in the last two months of the war. The supply of machine guns was inadequate up to July, and then so enormous was the production as to be sufficient before the end of the year to supply an army of 8,000,000 men. There was an initial surplus of rifles, then a deficit for six months, and after that a consistent surplus. Of automatic rifles, machine guns, and rifles there was always a surplus on hand in excess of what would have been required for the equipment of the expeditionary forces alone.

Only the Springfield and Enfield rifles are included in the computation of available rifles, although hundreds of thousands of Krag-Jörgensen and Russian rifles and some Canadian Ross rifles were used for training purposes.

PREPARATION FOR THE CAMPAIGN OF 1919.

There are many articles of munitions in which American production reached great amounts by the fall of 1918, but which were not used in large quantities at the front because the armistice was signed before big supplies of them reached France. These munitions, in the main, are articles of ordnance and aviation equipment, involving such technical difficulties of manufacture that the time of their production could not be shortened.

It is now realized that many millions of dollars were spent on Army equipment that was never used at the front, and it seems fair to question whether prudent foresight could not have avoided some of this expense.

The answer to the question is to be found in the record of a conference that took place in the little French town of Trois Fontaines on October 4, 1918, between Marshal Foch and the American Secretary of War, in which the allied commander in chief made final arrangements with the American Secretary as to the shipment of American troops and munitions in great numbers during the fall and winter preparatory for the campaign of 1919.

This was 1 day before the first German peace note and 38 days before the end of the war, but Marshal Foch was then calling upon America to make her great shipment of munitions and her supreme contribution of man power for the campaign of the following year.

TWO THOUSAND GUNS ON THE FIRING LINE.

We had on hand when war was declared a supply of light artillery sufficient to equip an army of 500,000 men that advocates of preparedness had agreed might have to take the field in the event of a large emergency. There were 900 pieces of field artillery then available, including 544 3-inch fieldpieces, enough to equip 11 divisions, 50 pieces being required for one division.

Initial plans, however, called for the formation of 42 divisions, which would require 2,100 3-inch fieldpieces immediately, and in addition a repair-shop reserve in France and a replacement reserve, which would increase the initial requirement to 3,200. To keep this army supplied the production of 100 guns per month would be required, but to get it going within a reasonable time would have required a productive capacity of three or four hundred guns per month, which shows the enormous industrial disadvantage suffered by a nation which enters a war without its stocks of military supplies for initial equipment on hand.

To meet the situation it was decided wisely, in June, 1917, to allot our guns for training purposes and to equip our forces in France with artillery conforming to the French and British

standard calibers. This enabled us to procure guns where needed without the delay and danger incident to shipment overseas. We arranged to purchase from the French and British the artillery needed for our first divisions, and ship them in return equivalent amounts of steel, copper, and other raw materials, so that they could either manufacture guns for us in their factories or give us guns from their stocks and replace them with new ones made from our materials.

We also prepared to manufacture in our own plants artillery of like caliber for equipment of later divisions, and carried through successfully these plans. With no serious exceptions the guns from the British and French sources were secured as needed, but our own plants were slower in producing complete units ready for use than was expected.

In our factories the 3-inch guns of improved model ordered in September, 1916, were changed in caliber to use standard French ammunition, and became known as 75-mm. guns, model 1916. The British 18-pounder, then being produced in this country, was similarly redesigned and known as the 75-mm. gun, model 1917. Work was began on plans for the French 75-millimeter gun so as to produce it in American factories, but it was necessary to develop new manufacturing capacity. The same means were generally taken to secure supplies of other calibers of artillery. We also had to manufacture our guns with as little interference as possible with American production for the Allies. Of the enormous amount of equipment made necessary by the expansion of the Army to the contemplated force of 5,000,000 men, the artillery and artillery ammunition could be supplied with the least facility since the processes of its manufacture involved irreducible periods of time.

In spite of all handicaps, the actual production on United States Army orders only was 1,642 complete units of artillery before the armistice was signed, and this statement is hardly fair to the American record. The problem of planning the production of different component parts was not satisfactorily solved until about the end of the war, and the result was that by the production of a single component after the signing of the armistice hundreds of units were completed, and the totals for the month after the armistice are as large as those before October, although the work done thereafter was very much less. Up to the end of April, 1919, the number of complete artillery units produced in American plants was more than 3,000, or equal to all those purchased abroad from the French and the British up to the signing of the armistice.

The British did better than we did in the production of light artillery during their first 20 months of the war, but we excelled their record in our first 20 months in the production of heavy artillery and in both light and heavy artillery shell production.

They produced of complete units of light artillery 3,599, as against our 1,025, while we produced of complete units of heavy artillery 704, as against their 379; of light artillery shells, 28,774,000 rounds, as against their 23,328,000 rounds; of heavy artillery shells we produced 6,704,000, as against their 1,153,000.

Mr. KING. Will the Senator permit an inquiry?

Mr. KIRBY. Certainly.

Mr. KING. The charge has repeatedly been made that as late as the latter part of June, 1918, there was not an American gun on the front in France; that the only artillery our troops had was that which was obtained from France, and also a few guns from the English; that we were very greatly handicapped in the campaign in the months of May, June, and July because of the lack of light artillery and heavy artillery, and were wholly dependent upon France; that perhaps in August or early in September we had some heavy artillery, but it had been taken from our war vessels. What is there in that charge so frequently made?

Mr. KIRBY. I have the matter arranged here definitely about all the artillery production and its use. I do not know as to the exact date, but I will come to the artillery feature in a few moments.

ARTILLERY AMMUNITION.

This was the biggest program of all in the magnitude of the quantities involved. Copper, steel, high explosives, and smokeless powder were required by the hundreds of millions of pounds. No firms were prepared to manufacture complete rounds and contracts had to be made for each component with the different manufacturers. For the shrapnel it was possible to use the design substantially as had previously been used in this country, but high explosive and gas shell proved more difficult. A large supply of American shell was produced, however, before the signing of the armistice and shipment to Europe in quantity had begun. The ammunition actually used against the enemy at the front was nearly all of French manufacture, but the approaching supply from America made possible a more free use of the French and British reserves. Our monthly production of artillery ammunition rose to over 2,000,000 rounds in August and over 3,000,000 in October, including United States calibers. By the end of 1918 the number of rounds of artillery ammunition produced in American plants was in excess of 20,000,000, as compared with 9,000,000 rounds secured from the French and British.

SMOKELESS POWDER AND EXPLOSIVES.

One of the striking contributions of the United States to the cause of the Allies was the enormous quantities of smokeless power and high explosives produced. Six hundred and thirty-two million pounds of smokeless powder was produced in the United States from April 1, 1917, to November 11, 1918—an amount almost exactly equal to the combined production of France and Great Britain. This was not all used by us, however. About half of the British supply for 1917 and more than a third of the French supply for 1918 was American made. This large supply was made possible in part by plants erected for the British in this country, but the American Ordnance Department added new plants, and as a result the established rate of production in this country was by the close of the war 45 per cent greater than the combined French and British rate. Additional new plants had to be erected for the production of high explosives—T. N. T., ammonium nitrate, picric acid, and others—and our established rate of production of high explosives at the close of the war was over 40 per cent larger than Great Britain's and nearly double that of France. The averages for August, September, and October for the three countries were:

	Pounds.
Great Britain	30,957,000
France	22,802,000
United States	43,888,000

POISON GAS.

When the clouds of chlorine suddenly enveloped the British and French lines in the Ypres salient early in 1915, a new weapon was introduced into the war—a terrible weapon, as evidenced by the fact that during the year 1918 from 20 to 30 per cent of all our battle casualties were due to gas. When we entered the war we had had no practical experience in manufacturing toxic gases, and had no existing facilities which could be readily converted to such use. At the signing of the armistice we were equipped to produce gas at a more rapid rate than France, England, or Germany.

The Government found it necessary to build its own chemical plants and to finance certain private firms. The majority of the producing plants, together with the plants for filling shells with gas, were built on a tract of land in the Aberdeen Proving Ground, Md., which came to be known as the Edgewood Arsenal. Production of gas and capacity for filling was at all times ahead of the supply of shell containers to be filled. Before the armistice more than 10,000 tons had been manufactured. In June, 1918, quantities of gas were shipped overseas for filling shells produced by the French; by the end of July no more French shells were available, and the surplus gas was sold to the French and British.

TRACTORS AND TANKS.

An innovation in the war, future development of which promises to be highly important, was the increased use of motor transportation. As applied to artillery, this meant the use of caterpillar tractors for hauling big guns. We had no suitable designs for caterpillar tractors of size appropriate for medium heavy artillery, but new 5 and 10 ton types were perfected and put in production and 1,100 shipped overseas before November 1. About 300 larger tractors were also shipped, and 300 more secured from the French and British.

The tank was an even more important application of the caterpillar tractor to war uses. In the case of the small 6-ton tanks, our effort was concentrated on improvement of design and development of large scale production for the 1919 campaign. We had produced 64 of this kind by the signing of the armistice, and, as showing the rate at which they were being produced, the total completed to March 3, 1919, was 778. The burden of active service in France was borne by 227 of these tanks received from the French. We did not attempt to produce the heavy 30-ton tanks, but concentrated our efforts upon the cooperative plan, by which we were to furnish the Liberty motors and the rest of the driving mechanism and the British the armor plate for 1,500 tanks for the 1919 campaign. About one-half the work on our part of this program had been completed when the armistice was signed. We received from the British 64 heavy tanks for immediate use in France.

ARTILLERY IN FRANCE.

We always had a sufficient supply of light artillery in France for the combat divisions that were ready for front-line service. This does not mean that when the division went into the battle they always had their artillery with them, for sometimes they did not. It was not because of lack of guns, however, but because it takes longer to train artillery troops than Infantry, and, under the exigencies of the battle conditions, American divisions were put into line a number of times supported by French and British artillery or without artillery.

When the armistice came the American forces not only had a sufficient number of 75's for the 29 combat divisions, but in addition enough more for 12 other divisions.

A careful study of the battle records of all divisions, with the number of days of service in battle, shows that in every 100 days that our combat divisions were in line they were supported by their own artillery for 75 days, by British artillery for 5 days, by French for 1½ days, and were without artillery 18½ days. Of these 18½ days, however, 18 days were in quiet sectors and only one-half of 1 day in active sectors. There are only three records of American divisions being in an active sector without artillery support. The total of these three cases amounts to one-half of 1 per cent, or about 14 hours out of the 100 days.

The most significant facts about our artillery in France are presented in the following table, which takes into account only light and heavy field artillery and does not include the small 57-millimeter guns or the trench mortars:

American artillery in France—Summary.

Total pieces of artillery received to Nov. 11	3,499
Number of American manufacture	477
American-made pieces used in battle	130
Artillery on firing line	2,251
Rounds of artillery ammunition expended	8,116,000
Rounds of ammunition of American manufacture expended	208,327
Rounds of American-made ammunition expended in battle	8,400

We had in round numbers in France 3,500 pieces of artillery, of which nearly 500 were made in America, and we used on the firing line 2,250, of which over 100 were made in this country.

Our tables of organization call for more heavy artillery for a given number of men than the French, British, or Germans actually used, and much more than had ever been thought advisable before this war. We should have had enough, even on this high standard, to meet the needs of the expeditionary forces if all our heavy field artillery had been of types suitable for use in France, but as we had some types that were considered suitable only for training there was a real shortage.

AIR SERVICE.

In this field public expectation was much exaggerated, due to the general ignorance shared by even the best-informed American authorities on aviation as to the requirements, other than simple flying ability, which the service exacts, and results were correspondingly disappointing. Before the war our Air Service had been small, struggling, and unpopular, and when war was declared we had but two aviation fields and 55 usable planes, which the National Advisory Committee on Aeronautics informed were of antiquated type, and all but 4 obsolete, and that 4 rapidly becoming so. This judgment was based on experience in Mexico, which had demonstrated serious defects in designs of American planes used there.

Immediately following the declaration of war the French Government urged the necessity of sending 4,500 aviators to France during the first year, if superiority in the air were to be insured. The European instructors who came over later to assist in the training made no pretense that this schedule was practicable, and the problem was to approximate it as nearly as possible.

To establish an elementary aviation service we had to create training planes, service planes, and develop aviators, and for this task we had no adequate organization of qualified personnel.

Training for aviation divides itself into three stages—elementary, advanced, and final. Elementary training, given to all candidates alike, includes physical training, hygiene, various practical and theoretical military subjects, the study of the structure and mechanism of airplanes and engines, signaling, observation, ground gunnery, and elementary flying to the point of doing simple flying alone.

Advanced training consisted in the specialized work necessary to qualify the student as a well-prepared all-around pilot or observer, as the case might be, ready to take up and master quickly any type of machine or any kind of observation or bombing duty which the exigencies of the service might necessitate.

Final training, given in Europe, was a short, intensive specialization on the particular type of machine or the particular military problem to which the pilot or observer was finally assigned.

At the date of the armistice there were 34 fields in operation, with 1,063 instructors; 8,602 men had been graduated from elementary training and 4,028 from advanced training. There were then actually in training 6,528 men, of whom 59 per cent were in elementary and 41 per cent in advanced training schools. There had been sent to the expeditionary forces more than 5,000 pilots and observers, of whom, at the date of the armistice, 2,226 were still in training and 1,238 were on flying duty at the front. The total personnel of our Air Service, including flying and nonflying officers, students, and enlisted men, increased from about 1,200 at the outbreak of the war to nearly 200,000 at the close.

TRAINING PLANES AND ENGINES.

With the French demand for aviators and only 55 training planes on hand, the production of training planes was the problem of greatest immediate concern. A few planes provided for in the 1917 appropriation were on order. Other orders were rapidly placed and deliveries of primary training planes were begun in June, 1917. To the date of the armistice 5,300 had been produced, including 1,600 of a type which was abandoned on account of unsatisfactory engines.

Advanced training planes reached quantity production early in 1918, and up to the armistice about 2,500 were delivered. Approximately the same number were purchased overseas for training the units with the expeditionary force.

European experience had demonstrated that more engines were required than planes for replacement, and in the proportion of about 2 to 1, and we adopted this for a standard for computation and placed orders for two types of elementary and three types of advanced training engines.

Quantity production of training engines was reached in 1917, and before the end of November, 1918, nearly 18,000 training engines and more than 9,500 training planes had been delivered. All but 1,346 of the engines were built in the United States, and of the training planes more than 8,000 were of American manufacture.

SERVICE PLANES.

As soon as war was declared and it became possible to learn the secrets of the great improvements that had been developed during the war in the design of airplanes used in battle a commission was sent abroad to select types of foreign-service planes for production here. The controlling factor in their selections was the necessity of redesigning the models to take American-made motors, since foreign engine production was insufficient to meet even the needs of the Allies. On this account and because of the rapidity with which the designs in smaller planes were changing the best allied authorities urged the concentration of American production on the more stable observation and bombing planes, leaving the production of the pursuit planes to the European factories, which were in closer contact with the front.

Four types of planes were selected for large-scale production. The De Haviland-4 (British), observation and day bombing machine; the Handley-Page (British), night bomber; the Caproni (Italian), night bomber; and the Bristol (British), two-seater fighter. This selection was approved by the French and British authorities. The De Havilands were acknowledged to be the fastest observation and bombing planes on the western front, and at the time of the armistice this plane was being produced at a rate of over 1,100 per month. A total of 3,227 had been completed, 1,885 had been shipped to France, and 667 to the zone of advance. The Handley-Page was redesigned to take two high-powered motors, passed its tests, and on the day of the armistice parts for 100 had been shipped abroad for assembly.

The Bristol fighter was a failure because the necessary changes to accommodate the American engine increased the weight so as to render the machine unsafe; and the Caproni, because of delay in receipt of the plans, was never produced, although successful tests of the new model were completed before the armistice.

We had of service planes at the end of November, 1918, nearly 7,900, of which nearly 4,100 were of American manufacture and the remaining 3,800 of foreign manufacture. In other words, of every 100 battle planes we received to the end of November, 1918, 52 were of American manufacture and 48 were made in foreign factories.

Two new models—the Le Pere two-seater fighter and the Martin bomber—were designed around the standard American motor, and in tests prior to the armistice each showed a performance superior to that of any known machine of its class. Neither, however, was completed in time for use in actual service.

SERVICE ENGINES.

The development of a high-powered motor adaptable to American methods of standardized production was made neces-

sary by the rapid development of the heavier types of airplanes, together with the pressing need for a large scale production. This need was met in the Liberty 12-cylinder motor, which was America's chief contribution to aviation. After it had passed the experimental stage, production increased rapidly, the October output being over 4,200. The total production of Liberty engines to the date of the armistice was 13,574. Of this production 4,435 were shipped overseas to the expeditionary forces and 1,025 were delivered to the British, French, and Italian air services. It is a noteworthy fact that the British at the present time are requesting the delivery of Liberty motors to them in accordance with arrangements made during the war.

Other types of service engines, including the Hispano-Suiza 300-horsepower, the Bugatti, and the Liberty eight-cylinder, were under development when hostilities ceased. The Hispano-Suiza 180-horsepower had reached quantity production, 469 of this type were produced, of which about one-half were shipped overseas for use in foreign-built pursuit planes.

Up to the end of November, 1918, the total number of service engines secured was in excess of 22,000. More than 16,000, or 73 per cent, were from American sources and less than 6,000 from foreign sources.

RAW MATERIALS.

The American and allied airplane programs called for quantities of certain raw materials which threatened to exhaust the supply. This was true of spruce and fir, lubricating oils, linen, dopes, and mahogany. To meet the spruce and fir shortage, labor battalions were organized and placed in the forests of the west coast, and new kiln processes were developed which seasoned the lumber rapidly without loss of strength and resiliency. Approximately 174,000,000 feet of spruce and fir were delivered, more than two-thirds of which went to the Allies.

Castor oil was at first the only satisfactory lubricant for airplane motors, and the limited supply was far short of the prospective demand, but the situation was met by planting a large acreage of castor beans and the development of a mineral-oil substitute.

There was an acute shortage of linen for the wings of planes to meet, and a fabric of long-fiber cotton was developed which proved superior to linen.

The standard "dope" used by the Allies to cover the wings of their planes, making them air and water tight, was limited and highly inflammable. A substitute dope, far less inflammable and of a more plentiful basic material, was produced.

Mahogany for propellers was partially replaced by walnut, oak, cherry, and ash, and by improved seasoning processes excellent results were secured.

ACCESSORIES.

Few facilities and little experience existed at the beginning of the war for the development of many of the delicate instruments and intricate mechanisms required in the equipment of service planes. Intensive research brought some notable results, of which several deserve especial mention. They are:

The oxygen mask, equipped with telephone connections, which enabled the flier to endure the rarified air at any altitude which his plane could reach without losing speaking contact with his companions.

The military parachute, which was developed to unprecedented safety. This was used principally for escape from burning balloons, and was improved so that it would bring down safely the entire balloon basket with its load. During the entire war there was not an American casualty due to parachute failure.

The electric-heated clothing for aviators on high-altitude work. The electric suit, developed in the latter months of the war and used at the front, was lined with insulated coils through which current was driven by means of a small dynamo actuated by a miniature propeller driven by the rush of the plane through the air.

Long-focus light-filtration cameras by which good photographs could be taken through haze from altitudes of 3 miles or more. Primary credit for this belongs to Europe, but America improved the mechanism and standardized the design for quantity production.

The wireless telephone, by which the aviator is enabled to converse easily with other planes and with ground stations. This development came too late to be of any substantial use at the front, but its value for peace as well as for any future war is obvious.

BALLOONS.

In this field American manufacturers achieved a great relative success. Before the armistice we had produced 642 observation balloons and had received 20 from the French, 43 of our balloons had been destroyed, and 45 given to the French and British, leaving us with 574 at the end of the war. On the same date the Belgian army had 6, the British 43, the French 72, and the Germans 170 on the western front. These figures show that at the end of the war we had twice as many observation balloons as the enemy and the Allies combined had at the front.

FORTY-FIVE SQUADRONS AT THE FRONT.

The American pilots of the Lafayette Escadrille were transferred from the French to the American service December 26, 1917, flying as civilians until formally commissioned in late January, 1918. They were then attached to and served with the French Fourth Army, operating over Rheims.

In addition to the purely American operations, two full squadrons were attached to the British Royal Air Force in March and June, respectively, of 1918, remaining with the British throughout the war, and participated in the following engagements: The Picardy drive, Ypres, Noyon-Montdidier, Viellers, Bray-Rosieres-Roye, Arras, Bapaume, Canal du Nord, and Cambrai.

The strictly American aviation operations started in the middle of March, 1918, with the patroling of the front at Villeneuve-les-Vertus by an American pursuit squadron using planes of the French-built Nieuport-28 type. By the middle of May squadrons of all types—pursuit, observation, and bombing, as well as balloon companies—were in operation over a wide front. These squadrons were equipped with the best available types of British and French built service planes.

The squadrons were of four types: Observation squadrons, whose business it is to make observations, take photographs, and direct artillery fire; pursuit squadrons, using light fighting planes to protect the observation planes at their work, to drive the enemy from the air, or to "strafe" marching columns by machine-gun fire; the day bombers, carrying heavier bomb loads for the destruction of strategic enemy works.

In April the American forces just going into active sectors had three squadrons, two for observation and one for pursuit. Their strength totaled 35 planes. In May the squadrons were increased to nine. The most rapid growth occurred after July, when American De Haviland planes were becoming available in quantity for observation and day bombing service, and by November the number of squadrons increased to 45, with a total of 740 planes in action.

The equipment of American squadrons was in the early months entirely of French and British manufacture. American De Haviland-4 planes were first used at the front on August 10, and the number in service increased rapidly from that time on. Of the total 2,698 planes sent to the zone of advance, 667, or one-quarter, were of American make, and the proportion was rapidly increasing at the time of the signing of the armistice. Of the 2,031 planes from foreign sources sent forward, about nine-tenths were French. The planes sent to the zone of advance are approximately two-thirds of the service planes received by the American Expeditionary Forces, the other third being in back areas.

The rapid rate of destruction of planes at the front is illustrated by the fact that out of the 2,698 planes dispatched to the zone of advance only 1,162 remained at the time of the signing of the armistice.

IMPORTANT OPERATIONS.

The three major operations, marking the critical points in American participation in the war, also furnish a comparison indicating the growth of the American air forces in action. These are: The second battle of the Marne, St. Mihiel, and the Meuse-Argonne.

CHATEAU-THIERRY—JULY.

The Germans had at the start a pronounced superiority in the air on the Chateau-Thierry-Soissons front. The American Air Service succeeded, however, in establishing the lines of contact with enemy airmen from 3 to 10 miles within the enemy's lines, photographed the entire front and the terrain deep behind the lines, and played an important part in putting German air forces on the defensive. The German concentration for the attack of July 15 was reported in detail and the location of the German reserves established, while the secrecy of the allied mobilization for the counterattack was maintained and the Germans surprised. The American forces employed consisted of four pursuit squadrons, three observation squadrons, and two balloon companies.

ST. MIHIEL—SEPTEMBER.

In capturing the St. Mihiel salient the American First Army was aided and protected by the largest concentration of air force ever made, of which approximately one-third were American and the other two-thirds were French, British, and Italian squadrons operating under American command. Throughout this operation the German back areas were kept under bombardment day and night; their reserves and ammunition dumps were located for the American long-range artillery; propaganda

designed to disaffect enemy personnel was dropped; record was made by photograph of every movement of the enemy's lines and reserves, such information being frequently delivered to headquarters in finished photographs within half an hour of its occurrence; and fast pursuit planes armed with machine guns flew low over the German lines, firing directly into his infantry.

Day bombers and corps and artillery observers were forced to fly low on account of the fog which hampered all the day operations, greatly reduced the visibility, and made infantry liaison especially difficult. This accounts for the fact that some trouble was experienced by the Infantry with German "strafing" planes.

The American air force employed consisted of 12 pursuit squadrons, 12 observation squadrons, 3 bombing squadrons, and 15 balloon companies. This large force performed an amount of flying approximately three times as great as was done during the Chateau-Thierry operations. During the last two weeks of July the flying time was more than 1,000 hours per week. The week of the St. Mihiel offensive it rose to nearly 4,000 hours.

MEUSE-ARGONNE—SEPTEMBER TO NOVEMBER.

The Meuse-Argonne engagement covered a wider front and a more extended period of time and no such heavy instantaneous concentration of planes as was made at St. Mihiel was possible. In this operation, moreover, less assistance was rendered by French and British fliers. The American force used during the engagement was considerably larger than at St. Mihiel. The losses were heavy during the six weeks' struggle, but replacements were brought forward so rapidly that at the last stage of the action the available American strength was greater than at the start. American air activities continued during the Argonne fighting on the same scale as during the St. Mihiel offensive. At the signing of the armistice there were on the front 20 pursuit squadrons, 18 observation squadrons, and 7 squadrons of bombers; with 1,238 flying officers and 740 service planes. There were 23 balloon companies also.

The final test of battle discloses that American aviators brought down in the course of their few months activity 755 enemy planes and lost in combat 357 planes. We lost 43 balloons and destroyed 71 German balloons.

TWO HUNDRED DAYS OF BATTLE.

American troops saw service in practically every stretch of the western front from the British lines in Belgium to inactive sectors in the Vosges. On October 2, 1917, the Americans entered the line in the quiet Toul sector and from that date to the armistice American units were somewhere in line almost continuously.

Two out of every three of the 2,084,000 soldiers who reached France engaged in battle; 1,390,000 saw active service in the front line. Our combat forces were organized into divisions, the largest on the western front, consisting, as already noted, of about 28,000 officers and men and 12,250 rifles to a division. The British divisions numbered about 15,000 and the French and German about 12,000 each. Of our 42 divisions 29 took part in active combat service while the others were used for replacements or were just arriving during the last month of hostilities. Of the 29 fighting divisions 7 were Regular Army divisions, 11 were organized from the National Guard, and 11 made up of National Army troops. American combat divisions were in battle for 200 days, from the 25th of April, 1918, when the first Regular divisions after long training in quiet sectors entered an active sector on the Picardy front, until the signing of the armistice. During the 200 days they were engaged in 13 major operations, of which 11 were joint enterprises with the French, British, and Italians, and 2 were distinctly American.

At the time of their greatest activity, in the second week of October, all 29 American divisions were in action and then held 101 miles of front, or 23 per cent of the entire allied battle line. From the middle of August until the end of the war they held during the greater part of the time a front longer than that held by the British. Their strength tipped the balance of man power in favor of the Allies, so that from the middle of June, 1918, to the end of the war the allied forces were superior in number to those of the enemy.

The Germans had an actual superiority of 324,000 riflemen on the western front on April 1, and their strength increased until June, when it began to drop. The allied strength gained steadily with the constantly growing American forces until it became superior in June, and by November 1 the allied rifle strength had a superiority over the Germans of more than 600,000 rifles.

The advances in battle of our divisions amounted to 485 miles, an average advance for each division of 17 miles, and nearly all of it against desperate enemy resistance. They captured 63,000 prisoners, 1,378 pieces of artillery, 708 trench mortars, and 9,650 machine guns. In June and July they helped to shatter the enemy advance toward Paris and to turn retreat into a triumphant offensive. At St. Mihiel they pinched off in a day an enemy salient which had been a constant menace to the French line for four years. In the Argonne and on the Meuse they carried lines which the enemy was determined to hold at any cost and cut the enemy lines of communication and supply for half the western battle front.

In January American troops were holding 10 kilometers, or 6¼ miles, of front in quiet sectors. In April their line had lengthened to 50 kilometers. In July this figure was doubled, and in September tripled. The high point was reached in October, with 29 divisions in line, extending over a front of 162 kilometers, or 101 miles, nearly one-quarter of the entire western front.

THIRTEEN BATTLES.

The war on the western front was in effect a single battle, and it is difficult to cut up the year and 22 days in which it was waged into well-defined battles. Certain major operations, however, may be so distinguished as phases of the greater struggle, and 13 such operations have been recognized in which American units were engaged, of which 12 took place on the western front and 1 in Italy.

These battles are named and the number of Americans engaged shown in the following table:

Thirteen major operations in which Americans participated.

	APPROXIMATE NUMBER OF AMERICANS ENGAGED.
West front—Campaign of 1917:	
Cambrai, Nov. 20 to Dec. 4	
West front—Campaign of 1918:	
German offensives, Mar. 21 to July 18—	
Somme, Mar. 21 to Apr. 6	2,200
Lys, Apr. 9 to 27	500
Aisne, May 27 to June 5	27,500
Noyon-Montdidier, June 9 to 15	27,000
Champagne-Marne, July 15 to 18	85,000
Allied offensives, July 18 to Nov. 11—	
Aisne-Marne, July 18 to Aug. 6	270,000
Somme, Aug. 8 to Nov. 11	54,000
Oise-Aisne, Aug. 18 to Nov. 11	85,000
Ypres-Lys, Aug. 19 to Nov. 11	108,000
St. Mihiel, Sept. 12 to 16	550,000
Meuse-Argonne, Sept. 20 to Nov. 11	1,200,000
Italian front—Campaign of 1918:	
Vittorio-Veneto, Oct. 24 to Nov. 4	1,200

GERMAN OFFENSIVE.

The campaign of 1918 opened with the Germans on the offensive and in a series of five great drives of unprecedented violence the imperial great general staff sought to break the allied line and end the war. These five drives took place in five successive months, beginning in March, each being timed to take advantage of the light of the moon that month.

The first drive opened on March 21, on a 50-mile front across the old battle field of the Somme. In 17 days of fighting the Germans advanced their lines beyond Noyon and Montdidier and were within 12 miles of the important railroad center of Amiens, with its great stores of British supplies. In this battle, also known as the Picardy offensive, approximately 2,200 American troops, serving with the British and French, were engaged.

The attack upon Amiens had been but partially checked when the enemy struck again to the north in the Armentieres sector and advanced for 17 miles up the valley of the Lys. A small number of Americans, serving with the British, participated in the Lys defensive.

For their next attack (May 27) the Germans selected the French front along the Chemin des Dames, north of the Aisne. The line from Rheims to a little east of Noyon was forced back. Soissons fell, and on May 31 the enemy had reached the Marne Valley, down which he was advancing in the direction of Paris. At this critical moment our Second Division, together with elements of the Third and Twenty-eighth Divisions, were thrown into the line. They blocked the German advance at Chateau-Thierry, and they rendered vital assistance in stopping perhaps the most dangerous of the German drives. The Second Division not only halted the enemy on its front, but also recaptured from him the strong tactical positions of Bouresches, Belleau Wood, and Vaux.

The enemy had by his offensives established two salients threatening Paris. He now sought to convert them into one by a fourth terrific blow delivered on a front of 22 miles, between Montdidier and Noyon. The reinforced French Army resisted firmly, and the attack was halted after an initial advance of about 6 miles. Throughout this operation (June 9–15) the extreme left line of the salient was defended by our First Division. Even before the drive began the division had demonstrated the fighting qualities of our troops by capturing and holding the town of Cantigny (May 28).

There followed a month of comparative quiet, during which the enemy reassembled his forces for his fifth onslaught. On July 15

he attacked simultaneously on both sides of Rheims, the eastern corner of the salient he had created in the Aisne drive. To the east of the city he gained little. On the west he crosed the Marne, but made slight progress. His path was everywhere blocked. In this battle 85,000 American troops were engaged—the Forty-second Division to the extreme east in Champagne and the Third and Twenty-eighth to the west near Chateau-Thierry.

ALLIED OFFENSIVE.

The turning point of the war had come. The great German offensives had been stopped. The initiative now passed from Ludendorff to Marshal Foch, and a series of allied offensives began, destined to roll back the German armies beyond the French frontier. In this continuous allied offensive there may be distinguished six phases, or major operations, in which the American Expeditionary Forces took part. In four of the six operations the American troops engaged were acting in support of allied divisions and under the command of the generals of the Allies.

The moment chosen by Marshal Foch for launching the first counter offensive was July 18, when it was clear that the German Champagne-Marne drive had spent its force. The place chosen was the uncovered west flank of the German salient from the Aisne to the Marne. The First, Second, Third, Fourth, Twenty-sixth, Twenty-eighth, Thirty-second, and Forty-second American Divisions, together with selected French troops, were employed. When the operation was completed (August 6) the salient had been flattened out and the allied line ran from Soissons to Rheims along the Vesle.

Two days later the British struck at the Somme salient, initiating an offensive which, with occasional breathing spells, lasted to the date of the armistice. American participation in this operation was intermittent. From August 8 to 20 elements of the Thirty-third Division, which had been brigaded for training with the Australians, were in the line and took part in the capture of Chippilly Ridge. Later the Twenty-seventh and Thirtieth Divisions, who served throughout with the British, were brought over from the Ypres sector and used in company with Australian troops to break the Hindenburg line at the tunnel of the St. Quentin Canal (September 20 to October 20).

In the meantime simultaneous assaults were in progress at other points on the front. On August 18 Gen. Mangin began the Oise-Aisne phase of the great allied offensive. Starting from the Soisson-Rheims line, along which they had come to rest, August 6, the French armies advanced by successive stages to the Aisne, to Laon, and on November 11 were close to the frontier. In the first stages of this advance they were assisted by the Twenty-eighth, Thirty-second, and Seventy-seventh American Divisions, but by September 15 all of these were withdrawn for the coming Meuse-Argonne offensive of the American Army.

The day after the opening of the Oise-Aisne offensive the British launched the first of a series of attacks in the Ypres sector, which continued with some interruptions to the time of the armistice, and may be termed the "Ypres-Lys offensive." Four American divisions at different times participated in this operation. The Twenty-seventh and Thirtieth were engaged in the recapture of Mount Kemmel, August 31 to September 2. The Thirty-seventh and Ninety-first were withdrawn from the Meuse-Argonne battle and dispatched to Belgium, where they took part in the last stages of the Ypres-Lys offensive, October 31 to November 11.

With the organization of the American First Army, on August 10, under the personal command of Gen. Pershing, the history of the American Expeditionary Forces entered upon a new stage. The St. Mihiel (September 12–16) and Meuse-Argonne (September 26 to November 11) offensives were major operations, planned and executed by American generals and American troops.

In addition to the 12 operations above mentioned, American troops participated in the Battle of Vittorie-Veneto (October 24 to November 4), which ended in the rout of the Austrian Army.

THE BATTLE OF ST. MIHIEL.

The first distinctly American offensive was the reduction of the St. Mihiel salient, carried through from September 12 to September 15, largely by American troops and wholly under the orders of the American commander in chief.

In the attack the American troops were aided by French colonial troops and also by French and British air squadrons. The attack began at 5 a. m., after four hours of artillery preparation of great severity, and was immediately successful. Before noon half the distance between the bases of the salient had been covered, and the next morning troops of the First and Twenty-sixth Divisions met at Vigneulles, cutting off the salient within 24 hours from the beginning of the movement. Comparisons between this operation and the Battle of Gettysburg show the magnitude of the action. About 550,000 Americans were engaged at St. Mihiel, and the Union forces at Gettysburg numbered approximately 100,000. St. Mihiel set a record for concentration of artillery fire, consuming more than 1,000,000 rounds of ammunition in four hours. In three days at Gettysburg the Union artillery fired 33,000 rounds.

The St. Mihiel offensive cost only about 7,000 casualties, less than one-third of the Union losses at Gettysburg, and there were captured 16,000 prisoners and 443 guns.

THE BATTLE OF THE MEUSE-ARGONNE.

The purpose of the Meuse-Argonne offensive was, as said by Gen. Pershing in his report of November 20, 1918, "to draw the best German divisions to our front and to consume them." Every available American division was thrown against the enemy and every available German division was thrown in to meet them. At the end of 47 days of continuous battle our divisions had consumed the German divisions.

The objective of the American attack was the Sedan-Mezieres Railroad, the main line of supply for the German forces on the major part of the western front. To cut this line would force a retirement on the whole front, which would include, moreover, the evacuation of the Briey iron fields, which the Germans had been using to great advantage to supplement their iron supply. The defense of the positions threatened was of such importance as to warrant the most desperate measures for resistance, and when the engagement was evidently impending the commander of the German Fifth Army called on his forces for unyielding resistance, telling them loss of the battle meant disaster to the fatherland. On the first day, September 26, the lines were advanced, and in the next two days the resistance became more stubborn, each side throwing in more and more of its man power until there were no more reserves. Many German divisions went into action twice and some three times, until through losses they were far under strength. Foot by foot all through October the American troops pushed back the best of the German divisions, and on November 1 the last stage of the offensive began. The enemy power began to break. American troops forced their way to the east bank of the Meuse and made even more rapid progress toward the north, and in seven days reached the outskirts of Sedan and cut the railroad, making the German line untenable.

In the meantime—October 2–28—our Second and Thirty-sixth Divisions had been sent to assist the French, who were advancing in Champagne beside our drive in the Argonne. The liaison detachment between the two armies was for a time furnished by the Ninety-second Division.

The Meuse-Argonne in some ways offers an interesting resemblance to the Battle of the Wilderness in the Civil War, fought from May 5 to 12, 1864. Both battles were fought over a terrain covered with tangled woods and underbrush. The Wilderness was regarded a long battle, marked by slow progress against obstinate resistance, with very heavy casualties. The similarity ends here. The Meuse-Argonne lasted six times as long as the Battle of the Wilderness. Twelve times as many American troops were engaged as were on the Union side. They used in the action ten times as many guns and fired one hundred times as many rounds of artillery ammunition. The actual weight of the ammunition fired was greater than that used by the Union forces during the entire Civil War. The casualties were about four times as heavy as among the Northern troops in the Battle of the Wilderness.

The Battle of the Meuse-Argonne was beyond compare the greatest ever fought by American troops, and there have been few, if any, greater battles in the history of the world. Some of the more important statistics of the engagement are presented in the following table:

American data for the Meuse-Argonne Battle.

Days of battle	47
American troops engaged	1,200,000
Guns employed in attack	2,417
Rounds of artillery ammunition fired	4,214,000
Airplanes used	840
Tons of explosives dropped by planes on enemy lines	100
Tanks used	324
Miles of penetration of enemy line, maximum	34
Square kilometers of territory taken	1,550
Villages and towns liberated	150
Prisoners captured	16,059
Artillery pieces captured	468
Machine guns captured	2,864
Trench mortars captured	177
American casualties	120,000

COMBAT DIVISIONS.

Twenty-nine combat divisions achieved the successes and bore the losses of active operations, but their achievements can not be told in the limits of this account. The First Division was first in line and first to enter an active sector reaching France

in June, 1917; went into line in October and into an active sector in April, 1918. The Seventy-seventh National Army Division, composed largely of troops from New York City, made the greatest advance—a total of 71½ kilometers, or nearly 45 miles. The Second Division took 12,026 prisoners, nearly twice the number captured by any other division. Those of the 29 divisions—the Sixth, Eighty-first, and Eighty-eighth—were still serving their apprenticeship and had not seen much severe fighting at the time of signing the armistice. The Americans suffered 286,000 battle casualties and lost in prisoners taken by the Germans 4,434, a small number as compared with the enormous price paid by the nations at the sides of whose armies we fought.

The Ninety-third Division, made up of negro soldiers from National Guard units from various States, is worthy of special comment. It has not been listed among the combat divisions, as it was always incomplete, being without its artillery and some other units. It was brigaded with the French from the time of its arrival in France, in the spring of 1918, until the signing of the armistice, and its service in the line was fully as long as that of many of the so-called combat divisions, and it suffered 2,583 casualties, with 574 killed.

The following diagram, which I ask to have printed in the RECORD, shows the casualties suffered in each division:

Division.	Battle deaths.	Wounded.	Total casualties.
			Killed. / Wounded.
2d	4,419	20,657	25,076
1st	4,204	19,141	23,345
3d	3,102	15,052	18,154
28th	2,531	13,746	16,277
42d	2,713	13,292	16,005
26th	2,168	13,000	15,168
4th	2,587	11,596	14,183
32d	2,898	10,983	13,881
77th	1,990	9,966	11,956
27th	1,791	9,427	11,218
30th	1,652	9,429	11,081
5th	1,908	7,975	9,883
33d	1,002	8,251	9,253
80th	1,419	7,394	8,813
82d	1,338	6,890	8,228
78th	1,359	6,800	8,159
90th	1,387	6,623	8,010
35th	960	6,894	7,854
79th	1,396	6,194	7,590
80th	1,141	5,622	6,763
91st	1,399	5,106	6,495
29th	940	5,219	6,159
37th	992	4,931	5,923
36th	591	2,119	2,710
7th	302	1,516	1,818
92d	185	1,495	1,680
81st	250	801	1,051
6th	97	479	576
88th	27	63	90
Total	46,739	230,664	
Other units	2,170	6,471	
Grand total	48,909	237,135	

Diagram—Casualties suffered by each division.

Of the casualties, 8,641 occurring among "other units," there is one most interesting group some of the members of which are included in troops not in divisions, and the rest among the casualties of replacement and depot divisions. These are the men who deserted to the front. They were absent without leave from their organizations in the zone of supplies or in the training areas, and made their way to the battle line where many took part in the battle and some were killed and wounded. These cases were so numerous that Gen. Pershing allowed arrangements by which men who had rendered good service behind the lines could, as a reward, secure opportunity to go to the front and engage in the fighting.

HEALTH AND CASUALTIES.

Of every 100 American soldiers and sailors who took part in the war with Germany, 2 were killed or died of disease during the period of hostilities. In the Northern Army during the Civil War the number was about 10. Among the other great nations in this war, between 20 and 25 in each 100 called to the colors were killed or died. American losses in this war were relatively one-fifth as large as during the Civil War and less than one-tenth as large as in the ranks of the enemy or among the nations associated with us.

The war was undoubtedly the bloodiest which has ever been fought. One possible competitor might be the Crimean War, in which the casualty rate per 100 men was equally large. The British forces in the Crimean War lost 22 of every 100 men, the French 31, the Turkish 27, and the Russian 43. More than four-fifths of the losses were, however, deaths from disease, while in the recent war with Germany disease deaths were inconsiderable as compared with battle deaths. The forces engaged in the Crimean War were, moreover, much smaller.

The total battle deaths in this war were greater than all the deaths in all wars for more than 100 years previous. From 1793 to 1914 total deaths in war may safely be estimated at something under 6,000,000. Battle deaths alone from 1914 to 1918 totaled about 7,450,000. An estimate of the losses of the principal nations engaged is shown in the following table, the figures being approximate in some cases:

Battle deaths in armies engaged in present war, 1914–1918.

Russia	1,700,000
Germany	1,600,000
France	1,385,300
Great Britain	900,000
Austria	800,000
Italy	330,000
Turkey	250,000
Serbia and Montenegro	125,000
Belgium	102,000
Roumania	100,000
Bulgaria	100,000
United States	48,900
Greece	7,000
Portugal	2,000
Total	7,450,200

Only deaths resulting directly from action are included. The total deaths from all causes is very much larger, as some of the armies lost more heavily from disease and privation than from battle.

It appears that Russia had the heaviest losses, in spite of the fact that she withdrew from the war after the fall of 1917. American losses are third from the bottom of the list. German losses were thirty-two times as great as the losses of the United States, the French twenty-eight times, and the British eighteen times as large; but our armies were only engaged in the heavy fighting for 200 days. Our death rate reached more than 6,000 a week in the Meuse-Argonne battle.

The chances of death are shown to be much greater in the Infantry than in any other branch of the service. Of each 1,000 men enlisted in the Infantry 46 were killed in action or died of wounds. The officers show even a higher rate.

WOUNDED, PRISONERS, AND MISSING.

For every man who was killed in battle seven others were wounded, taken prisoner, or reported missing. The total battle casualties in the expeditionary forces are shown in the table below. The number who died of wounds was only 6 per cent as large as the number wounded. About 85 per cent of the men sent to hospitals on account of injuries were returned to duty. About half the wounded were reported as slightly wounded, and many of them would not have been recorded as casualties in previous wars. Except for 297 who died, all the prisoners shown in the table have now been returned.

Battle casualties in the American Expeditionary Forces.

Killed in action	34,180	
Died of wounds	14,729	
Total dead		48,909
Wounded severely	80,130	
Wounded slightly	110,544	
Wounded, degree undetermined	39,400	
Total wounded		230,074
Missing in action		2,913
Taken prisoner		4,434
Grand total		286,330

The number of men reported as missing has been steadily reduced from a total of 22,724, exclusive of prisoners, to the figure 2,913 shown in the table. This reduction has gone on without clearing any case as dead except on evidence establishing beyond doubt the fact of death. Only 22 per cent of those who were originally reported as missing in action have now been returned as dead. The largest number were found in hospitals, while a considerable number returned to duty after being lost from their units.

The work of the Central Records Office of the American Expeditionary Forces in clearing up the cases of men listed as missing has been more successful than that done in any of the other armies or in any previous great war. When the records are finally completed there will be very few American soldiers unaccounted for. The missing lists of the other nations still run into the hundreds of thousands.

BATTLE AND DISEASE LOSSES.

This is our first war that shows a lower death rate from disease than from battle. The total number of lives lost in both Army and Navy from the declaration of war to May 1, 1919, is 122,500. Deaths in the Army, including marines attached to it,

were 112,432. About two-thirds of these deaths occurred overseas. Almost exactly half the losses were from disease, and if the comparison be limited to the expeditionary forces, battle losses were more than twice as large as deaths from disease.

Since the time of the Mexican War a steady improvement has been made in the health of troops in war operations. The death rate from disease in the Mexican War was 110 per year per thousand men. In the Civil War it was reduced to 65 and in the Spanish War to 26, while the rate in the expeditionary forces in this war was 19. The battle rate of 53 for the overseas forces is higher than in any previous war—higher than in the Civil War, because all the fighting was concentrated in one year, while in the Civil War it stretched over four years. The death rates in this war for the total forces under arms, both in the United States and France, from the beginning of war to May 1, 1919, were 13 for battle and 15 for disease.

THE CONTROL OF DISEASE.

The remarkably low disease death rate in this war is attributable, chiefly: (1) To the service of a highly trained medical personnel, (2) compulsory vaccination of the entire Army against typhoid fever, (3) thorough camp sanitation and control of drinking water, and (4) adequate provision of hospital facilities.

There were at the beginning of the war 2,089 commissioned officers, including the reserves. During the war 31,251 physicians from civil life were commissioned in the Medical Corps. This number included leaders of medical science who have not only made possible the application of the most recent advances of medicine in the prevention and cure of disease, but have themselves made new discoveries during the course of the war, resulting in great saving of life in our own and other armies.

During the war the intestinal diseases, such as dysentery, the typhoids, bubonic plague, cholera, and typhus that have ravaged and destroyed armies in the past, have been practically eliminated as causes of death. During this war, up to May 1, 1919, a total of only 2,328 cases of typhoid fever have been reported, and only 227 deaths from this cause. The result is due to the compulsory vaccination of every man who entered the Army and to excellent sanitary conditions. The other intestinal diseases were similarly of little effect as causes of death or have not occurred at all.

It was expected that with careful control exercised epidemics of these diseases would be avoided in the United States; but in the expeditionary forces, where troops were quartered in temporary camps, billeted with civilians, or actively engaged in prolonged battle, the reduction of these diseases is a notable achievement in sanitary control.

Pneumonia has been the greatest cause of death. More than 40,000 died of the disease. Of these deaths probably 25,000 resulted from the influenza-pneumonia pandemic which swept through every camp and cantonment in this country and caused thousands of deaths in the expeditionary forces. Up to September 14, 1918, only 9,840 deaths from disease had occurred in the Army, and the death rate for the period of the war up to that time was only 5 per year for each 1,000 men. During the eight weeks from September 14 to November 8, 316,089 cases of influenza and 53,449 of pneumonia were reported among troops in this country. The death rate reached its highest point in the second week in October, when 4 out of each 1,000 troops under arms in this country died. The two other diseases which offered difficult problems for the medical force were measles and spinal meningitis. Meningitis caused nearly 2,000 deaths, ranking next to pneumonia. Both of these contagious diseases were largely the result of bringing numbers of men together in the confinement of camps and cantonments where the control of contagion is difficult.

VENEREAL DISEASE.

Great success was also experienced in the control of the venereal diseases. A comprehensive program of education, together with medical prophylaxis, has produced unusual results. While these diseases have continued to be the most frequent cause of admissions to the sick report and the greatest source of noneffectiveness in the Army, a large proportion of the cases were contracted before entering the Army. A special study of all new cases of venereal diseases reported at five large cantonments, Lee, Va., Dix, N. J., Upton, N. Y., Meade, Md., and Pike, Ark., during the year ending May 21, 1919, shows that of 48,167 cases treated 96 per cent were contracted before entering the Army and only 4 per cent after.

The record for the forces overseas is particularly noteworthy. There few fresh recruits entered the Army from civil life, and the conditions more accurately show the effects of the Army control exercised.

There was steady reduction of noneffectiveness from venereal diseases in the Army overseas up to September, 1918. At the beginning of that month there was less than 1 venereal patient in hospitals among each 1,000 men. Weekly inspections covering about 85 per cent of the total number of troops overseas during the six months after the armistice disclosed that there was less than 1 new case in each 1,000 men examined. The actual average was 1 new case each week among each 2,630 men examined.

HOSPITALIZATION.

At the beginning of the war a program of hospital construction was entered upon, then by some regarded as extravagant, with the intent that the Army should not lack facilities for the care of its sick. The following table summarizes the hospital construction in the United States:

Army hospital construction in the United States.

	Number.	Normal bed capacity.
New hospitals	62	88,468
Leased buildings and converted Army posts	39	29,387
Post hospitals remodeled	48	6,035
Total	149	123,890

The figures are exclusive of numerous small hospitals already in Army use. In addition, more than 200 hospitals were put in operation overseas. On December 1, 1918, there were available in Army hospitals 399,510 beds, or one bed to every nine men in the Army. Of these, 287,290 were overseas and 112,220 were in this country.

The hospital capacity was exceeded in this country only during the influenza epidemic, when it became necessary to take over barracks for hospital purposes.

The overseas record was even better. Except during two weeks in October, at the height of the attack on the Hindenburg line, the number of patients did not exceed the normal bed capacity of the hospitals, and at that time there were approximately 60,000 unused emergency beds. Over 130,000 patients have been evacuated from the expeditionary forces to hospitals in this country.

TOTAL WAR EXPENDITURES A MILLION DOLLARS AN HOUR.

The war cost the United States considerably more than $1,000,000 an hour for a period of 25 months, from April, 1917, through April, 1919. Treasury disbursements during the period reached a total of $23,500,000,000, of which $1,650,000,000 may be charged to the normal expenses which would have occurred in time of peace. The balance may be counted as the direct money cost of the war to the end of April, 1919, a sum of $21,850,000,000. The figure is twenty times the prewar national debt. It is nearly large enough to pay the entire cost of our Government from 1791 up to the outbreak of the European war. Our expenditure in this war was sufficient to have carried on the Revolutionary War continuously for more than a thousand years at the rate of expenditure which that war actually involved.

In addition to this huge expenditure loans were advanced to the Allies at the rate of nearly half a million dollars an hour. Congress authorized for this purpose $10,000,000,000, and there were actually paid to various Governments the sum of $8,850,000,000.

Of our war costs the Army was responsible for the expenditure of 64 per cent, or just short of two-thirds of the entire amount. Through April 30, 1919, there had been withdrawn from the Treasury on the Army account $14,244,061,000, an amount about equal to the value of all the gold produced in the whole world from the discovery of America to the outbreak of the European war. If there is deducted from this figure what would be the normal expenditure for a peace-time Army for a similar period there remains a total of $13,930,000,000 directly chargeable to the war.

The rate of expenditure for the Army and for the entire Government increased rapidly as the war progressed.

During the first three months war expenditures were at the rate of $2,000,000 per day. During the next year they averaged more than $22,000,000 a day. For the final 10 months of the period the daily total reached the enormous sum of $44,000,000. The immense daily average in the last period, most of which is in the months after the armistice, is surprising until we consider that the building of ships for the Emergency Fleet Corporation, the construction and operation of naval vessels, the food, clothing, pay, and land and ocean transportation of the Army have had to go forward at about the same rate as during the war. The great flow of munitions and supplies for the Army and Navy could not, out of regard for the industrial bal-

ance of the country, be stopped with too great abruptness. Numerous war-time activities and purchases had still to be paid for as well.

ARMY EXPENDITURES.

The following table shows the amounts expended by each important Army bureau. The Quartermaster Corps, which paid the soldiers and furnished them with food, clothing, equipment, and miscellaneous supplies, spent the most. The Ordnance Department was next in order, with over $4,000,000,000 for munitions, more than half of its expenditures being for artillery ammunition:

Expenditures by Army bureaus.

	Expended to Apr. 30, 1919.	Per cent.
Quartermaster Corps:		
Pay of the Army, etc	$1,831,273,000	12.9
Other Quartermaster Corps appropriations	6,242,745,000	43.8
Ordnance Department	4,087,347,000	28.7
Air Service	859,291,000	6.0
Engineer Corps	638,974,000	4.5
Medical Department	314,544,000	2.2
Signal Corps	128,920,000	.9
Chemical Warfare Service	83,299,000	.6
Provost Marshal General	[1] 24,301,000	.17
Secretary's office and miscellaneous	[1] 33,367,000	.23
Total	14,244,061,000	100.00

[1] Figures are for Dec. 31, 1918. Expenditures since that date for these purposes have been small compared with other items in table.

The total of our Army expenditures shown in the table—$14,244,061,000—equals the value of all the gold produced in the entire world from the discovery of America up to the outbreak of the European war.

PERMANENT ASSETS.

As a result of the war efforts large quantities of munitions, supplies, and equipment have been secured which will be of value for many years to come. The Army now owns some of the finest docks in the world. The 16 National Army cantonments and 3 of the National Guard camps will be retained permanently as training camps. A number of first-class aviation fields and depots and balloon schools will be a permanent asset. We have stocks of most articles of clothing sufficient to last our Army for a number of years. There is also a large supply of standardized motor trucks.

As to rifles and machine guns and their ammunition, light and heavy artillery and ammunition, tanks and tractors, of these we have a supply of more than sufficient to equip fully an army of a million men and maintain them in active combat for six months. These munitions are of the best quality and of the latest design—Springfield and Enfield rifles, Browning machine guns and automatic rifles, field guns and howitzers of tried French design. Articles of miscellaneous equipment are available in like quantity and quality.

Thousands of Liberty motors and service planes are immediately available for any emergency. Engineer, signal, and medical equipment is on hand to the value of millions of dollars.

All these are lasting assets which we have as a result of war expenditures. They supply most valuable equipment for preparedness in the Military Establishment.

WAR EXPENDITURES OF ALL NATIONS.

The table below gives the figures showing the war expenditures of all nations up to May, 1919. It is as yet too soon to present figures that are entirely accurate, but these data have been carefully compiled and are believed to be substantially reliable.

Estimated total war expenditures of principal nations to Apr. 30, 1919.
[All figures in billions of dollars and excluding normal expenses and loans to Allies.]

Country:	Billions of dollars.
Great Britain and Dominions	38
France	26
United States	22
Russia	18
Italy	13
Belgium, Roumania, Portugal, Jugo-Slavonia	5
Japan and Greece	1
Total Allies and United States	123
Germany	39
Austria-Hungary	21
Turkey and Bulgaria	3
Total Teutonic allies	63
Grand total	186

The total direct war costs amount to about $186,000,000,000, and of this sum the enemy countries spent about one-third and those on the allied side about two-thirds. Germany spent more than any other nation, and was closely followed by Great Britain, whose expenditures include those of her colonies. The figure for France is $12,000,000,000 less than that for Great Britain, and our own figure is below that for France. The Austrian expenditure was almost equal to that of the United States. It is noteworthy that the United States spent about one-eighth of the entire cost of the war and something less than one-fifth of the expenditures on the allied side.

Mr. President, the Military Affairs Committee of the Senate diligently kept in touch with the activities of the War Department from the start to the finish of this greatest war, and I, a member of that committee, have seen these things come to pass.

The burden of the prosecution of the war rested primarily upon the War Department, and in striking contrast to the effective discharge of the great responsibility is the startling fact, as related in Upton's Military Policy of the United States (p. 233), of the action of another Secretary of War during the conduct of the Civil War. Upton says:

> So completely overwhelmed was the Secretary of War in providing arms and supplies for the 75,000 militia that the subject of organizing the volunteers and Regulars called out by the President's proclamation of May 3 was tossed over for solution to the Secretary of the Treasury. In the discharge of a military duty upon which depended the lives of hundreds of thousands of our citizens, if not the salvation of our cause, it was fortunate for the country that the Secretary was not left to the guidance of his limited experience. * * * Novel as were the duties imposed upon the Secretary of the Treasury, he and his assistants deserved the gratitude of the Nation, etc. They insured us against a series of disasters.

How vastly different was the conduct of our Secretary of War, Newton D. Baker, in the preparation for and prosecution of this great war.

We have not changed this official, as some of the other nations had to do. We have had throughout this great enterprise but one Secretary of War, Newton D. Baker. A man of surpassing ability, strong of heart, and great of soul, who, with clear vision, saw the end from the beginning and with undaunted courage and unfaltering purpose, undisturbed by malicious criticism and abuse, established and pursued the policies in the discharge of the great responsibility that effected these tremendous results and brought glorious victory.

The deeds done, the things accomplished, proclaim him easily the greatest American Secretary of War, and if not certainly the superior, surely the peer of any like official in any war cabinet in the world.

The Chief of Staff, Gen. March, a mighty force, the grand factor, with consummate skill and matchless ability, organized, whipped into shape, and landed our Army overseas.

There, on the battle fields of France, under the command of our own peerless Gen. Pershing, the American Army, the terrible fighting machine, set the Stars and Stripes highest among the standards of the Nations and demonstrated in the face of the battling hosts of the world the incomparable qualities of the American soldier and the invincible prowess of the American Nation.

The Army conquered a peace that the war-weary world had despaired of, vindicated American rights, revived the love of liberty in the breast of mankind, and rekindled in the heart of the weak, subject, and oppressed peoples of the earth the hope of freedom and democracy.

PROCLAMATION AND STATEMENT OF THE PRESIDENT.

Mr. PHELAN. Mr. President, I ask unanimous consent to have printed in the RECORD the President's proclamation to the American people on the high cost of living, and also his statement answering the railroad shopmen.

There being no objection, the proclamation and statement of the President were ordered to be printed in the RECORD, as follows:

PRESIDENT'S PROCLAMATION TO THE PEOPLE ON THE HIGH COST OF LIVING.

The President yesterday issued a statement addressed to the public, as follows:

"My fellow citizens, a situation has arisen in connection with the administration of the railways which is of such general significance that I think it my duty to make a public statement concerning it, in order that the whole country may know what is involved.

"The railroad shopmen have demanded a large increase in wages. They are now receiving 58, 63, and 68 cents per hour. They demand 85 cents per hour. This demand has been given careful and serious consideration by the board which was constituted by the Railroad Administration to adjust questions of wages, a board consisting of an equal number of representatives of employees and of the operating managers of the railroad companies. This board has been unable to come to an agreement,

and it has therefore devolved upon the Director General of Railroads and myself to act upon the merits of the case.

"The shopmen urge that they are entitled to higher wages because of the higher wages for the present received by men doing similar work in shipyards, navy yards, and arsenals, as well as in a number of private industries, but I concur with the Director General in thinking that there is no real basis of comparison between the settled employment afforded mechanics by the railroads under living conditions as various as the location and surroundings of the railway shops themselves and the fluctuating employment afforded in industries exceptionally and temporarily stimulated by the war and located, almost without exception, in industrial centers, where the cost of living is highest.

"The substantial argument which the shopmen urge is the very serious increase in the cost of living. This is a very potent argument indeed. But the fact is that the cost of living has certainly reached its peak and will probably be lowered by the efforts which are now everywhere being concerted and carried out. It will certainly be lowered so soon as there are settled conditions of production and of commerce; that is, so soon as the treaty of peace is ratified and in operation and merchants, manufacturers, farmers, miners, all have a certain basis of calculation as to what their business will be and what the conditions will be under which it must be conducted. The demands of the shopmen, therefore, and all similar demands are in effect this: That we make increase in wages, which are likely to be permanent, in order to meet a temporary situation which will last nobody can certainly tell how long, but in all probability only for a limited time. Increase in wages will, moreover, certainly result in still further increasing the costs of production and, therefore, the cost of living, and we should only have to go through the same process again. Any substantial increase of wages in leading lines of industry at this time would utterly crush the general campaign which the Government is waging with energy, vigor, and substantial hope of success to reduce the high cost of living. And the increases in the cost of transportation which would necessarily result from increases in the wages of railway employees would more certainly and more immediately have that effect than any other enhanced wage costs. Only by keeping the cost of production on its present level, by increasing production, and by rigid economy and saving on the part of the people can we hope for large decreases in the burdensome cost of living which now weighs us down.

SPEAKS FOR GOVERNMENT AND PUBLIC.

"The Director General of Railroads and I have felt that a peculiar responsibility rests upon us, because in determining this question we are not studying the balance sheets of corporations, but in effect determining the burden of taxation which must fall upon the people of the country in general. We are acting not for private corporations, but in the name of the Government and the public, and must assess our responsibility accordingly. For it is neither wise nor feasible to take care of increases in the wages of railroad employees at this time by increase in freight rates. It is impossible at this time, until peace has come and normal conditions are restored, to estimate what the earning capacity of the railroads will be when ordinary conditions return. There is no certain basis, therefore, for calculating what the increases of freight rates should be, and it is necessary, for the time being at any rate, to take care of all increases in the wages of railway employees through appropriations from the Public Treasury.

"In such circumstances it seems clear to us, and I believe will seem clear to every thoughtful American, including the shopmen themselves when they have taken second thought, and to all wage earners of every kind, that we ought to postpone questions of this sort until normal conditions come again and we have the opportunity for certain calculations as to the relation between wages and the cost of living. It is the duty of every citizen of the country to insist upon a truce in such contest until intelligent settlements can be made and made by peaceful and effective common counsel. I appeal to my fellow citizens of every employment to cooperate in insisting upon and maintaining such a truce and to cooperate also in sustaining the Government in what I conceive to be the only course which conscientious public servants can pursue. Demands unwisely made and passionately insisted upon at this time menace the peace and prosperity of the country as nothing else could, and thus contribute to bring about the very results which such demands are intended to remedy.

SHOPMEN SHOULD GET 10 HOURS' PAY.

"There is, however, one claim made by the railway shopmen which ought to be met. They claim that they are not enjoying the same advantages that other railway employees are enjoying, because their wages are calculated upon a different basis. The wages of other railway employees are based upon the rule that they are to receive for eight hours' work the same pay they received for the longer workday that was the usual standard of the prewar period. The claim is, I am told, well founded; and I concur in the conclusion of the director general that the shopmen ought to be given the additional 4 cents an hour which the readjustment asked for will justify. There are certain other adjustments, also, pointed out in the report of the director general which ought in fairness to be made and which will be made.

"Let me add, also, that the position which the Government must in conscience take against general increases in wage levels while the present exceptional and temporary circumstances exist will, of course, not preclude the Railroad Administration from giving prompt and careful consideration to any claims that may be made by other classes of employees for readjustments believed to be proper to secure impartial treatment for all who work in the railway service.

"WOODROW WILSON.

"THE WHITE HOUSE,
"August 25, 1919."

PRESIDENT WILSON'S STATEMENT ANSWERING THE RAILROAD SHOPMEN.

The President in a statement to the representatives of the railroad shopmen yesterday said:

"Gentlemen, I request that you lay this critical matter before the men in a new light. The vote they have taken was upon the question whether they should insist upon the wage increase they were asking or consent to the submission of their claims to a new tribunal, to be constituted by new legislation. That question no longer has any life in it. Such legislation is not now in contemplation. I request that you ask the men to reconsider the whole matter in view of the following considerations, to which I ask their thoughtful attention as Americans, and which I hope that you will lay before them as I here state them.

"We are face to face with a situation which is more likely to affect the happiness and prosperity, and even the life, of our people than the war itself. We have now got to do nothing less than bring our industries and our labor of every kind back to a normal basis after the greatest upheaval known to history, and the winter just ahead of us may bring suffering infinitely greater than the war brought upon us if we blunder or fail in the process. An admirable spirit of self-sacrifice, of patriotic devotion, and of community action guided and inspired us while the fighting was on. We shall need all these now, and need them in a heightened degree, if we are to accomplish the first tasks of peace. They are more difficult than the tasks of war—more complex, less easily understood, and require more intelligence, patience, and sobriety. We mobilized our man power for the fighting; let us now mobilize our brain power and our consciences for the reconstruction. If we fail it will mean national disaster. The primary first step is to increase production and facilitate transportation, so as to make up for the destruction wrought by the war, the terrible scarcities it created, and so as soon as possible relieve our people of the cruel burden of high prices. The railways are at the center of this whole process.

GOVERNMENT WORKING TO REDUCE PRICES.

"The Government has taken up with all its energy the task of bringing the profiteer to book, making the stocks of necessaries in the country available at lowered prices, stimulating production and facilitating distribution, and very favorable results are already beginning to appear. There is reason to entertain the confident hope that substantial relief will result, and result in increasing measure. A general increase in the levels of wages would check and might defeat all this at its very beginning. Such increase would inevitably raise, not lower, the cost of living. Manufacturers and producers of every sort would have innumerable additional pretexts for increasing profits, and all efforts to discover and defeat profiteering would be hopelessly confused. I believe that the present efforts to reduce the costs of living will be successful if no new elements of difficulty are thrown in the way; and I confidently count upon the men engaged in the service of the railways to assist, not obstruct. It is much more in their interest to do this than to insist upon wage increases which will undo everything the Government attempts. They are good Americans along with the rest of us and may, I am sure, be counted on to see the point.

"It goes without saying that if our efforts to bring the cost of living down should fail after we have had time enough to establish either success or failure, it will, of course, be necessary to accept the higher costs of living as a permanent basis of adjustment, and railway wages should be readjusted along with the rest. All that I am now urging is that we should not be guilty of the inexcusable inconsistency of making general in-

creases in wages on the assumption that the present cost of living will be permanent at the very time that we are trying with great confidence to reduce the cost of living and are able to say that it is actually beginning to fall.

UNCERTAINTY AS TO FUTURE OF RAILROADS.

"I am aware that railway employees have a sense of insecurity as to the future of the railroads and have many misgivings as to whether their interests will be properly safeguarded when the present form of Federal control has come to an end. No doubt it is in part this sense of uncertainty that prompts them to insist that their wage interests be adjusted now rather than under conditions which they can not certainly foresee. But I do not think that their uneasiness is well grounded. I anticipate that legislation dealing with the future of the railroads will be in explicit terms affording adequate protection for the interests of the employees of the roads; but quite apart from that it is clear that no legislation can make the railways other than what they are, a great public interest, and it is not likely that the President of the United States, whether in possession and control of the railroads or not, will lack opportunity or persuasive force to influence the decision of questions arising between the managers of the railroads and the railway employees. The employees may rest assured that, during my term of office, whether I am in actual possession of the railroads or not, I shall not fail to exert the full influence of the Executive to see that justice is done them.

"I believe, therefore, that they may be justified in the confidence that hearty cooperation with the Government now in its efforts to reduce the cost of living will by no means be prejudicial to their own interest, but will on the contrary prepare the way for more favorable and satisfactory relations in the future.

"I confidently count on their cooperation in this time of national test and crisis."

CALLING OF THE ROLL.

Mr. McCUMBER obtained the floor.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McNary	Simmons
Ball	Harris	Moses	Smith, Ariz.
Bankhead	Harrison	Nelson	Smith, Md.
Brandegee	Henderson	New	Smoot
Calder	Johnson, S. Dak.	Norris	Sterling
Capper	Jones, N. Mex.	Nugent	Sutherland
Culberson	Jones, Wash.	Overman	Swanson
Curtis	Kellogg	Owen	Thomas
Dial	Kendrick	Page	Townsend
Fall	Kenyon	Phelan	Trammell
Fernald	King	Phipps	Underwood
France	Kirby	Poindexter	Wadsworth
Gay	Lodge	Pomerene	Walsh, Mass.
Gore	McCormick	Ransdell	Walsh, Mont.
Gronna	McCumber	Robinson	Watson
Hale	McKellar	Sheppard	Wolcott

The PRESIDING OFFICER. Sixty-four Senators have answered to the roll call. There is a quorum present.

TRANSFER OF SHANTUNG TO JAPAN.

Mr. McCUMBER. Mr. President, I shall avail myself of this lull in the proceedings with reference to the oil leasing bill and the lunch hour to discuss for a few moments the Shantung amendment. I shall ask not to be interrupted during the discussion because of my desire to boil down what I have to say in the shortest possible space. After I have completed my general statement I shall be open to any questions that may be propounded.

Mr. President, on last Saturday, three days ago, the Committee on Foreign Relations by a majority of one voted an amendment to articles 156, 157, and 158 of the treaty of peace with Germany, substituting the name "China" for the name "Japan" so that all the German leasehold rights in Shantung, and all German concessions and rights in Kiaochow Bay, obtained by that country in 1898 from China, and which by the said treaty Germany has renounced in favor of Japan, will by this amendment be transferred to China instead of Japan.

I do not believe and can not believe that this amendment will hold when the treaty reaches the Senate. I am satisfied that no greater blow could ever be struck against the real interests of China than by such an amendment.

Why did the majority of this committee pause in the midst of their hearings to make this particular amendment and then proceed with the usual leisure to lay out dates for further hearings which will consume a week or so more? The purpose is apparent. It is to signify to the country that the Senate is hostile to this treaty. It is to put Japan in a position where she can not without an appearance of being coerced do what she has promised to do. It is to create trouble between this country and Japan and thereby send the first dagger thrust into the body of this treaty. I can not but believe that the plan will fail because I know it ought to fail.

Is it an act of true friendship toward China or a mere political move to defeat the treaty? If its sponsors now fail to come forward and openly pledge that if Japan is driven out of this treaty then the United States will proceed single-handed and alone to drive Japan out of China, will renew this World War and send our soldiers into the Orient to fight for her, then by this act they are betraying China with a false kiss.

If, on the other hand, they declare they will make war to drive Japan out of China, to prevent Japan receiving only those rights which the other great nations of the world have received, then they are proclaiming a policy which they have assailed as being the most wicked part of the league of nations—a policy of interference with the quarrels of the Old World. Worse than that, while they violently condemn a joint agreement with the other great white nations of the world to shield the greater white races from annihilation they would send our sons to death to defend the inferior yellow races whom we claim to be so inferior as to be unfit to associate with us from a like self-destruction.

But, Mr. President, they know, and we know, that this country will never go to war against Japan to prevent Japan from doing just what we have allowed every other nation to do in China without a protest.

So, Mr. President, we are right up against this proposition, and the cleavage is clear and definite: Either we will bring both Japan and China into this league of nations, which, by the very terms of its provisions, will compel Japan to return to China all the German rights acquired by Japan, not only by conquest but by the solemn agreement made by her with China herself, or you will drive Japan out of this treaty, where she will not be bound by the obligations which she would assume by joining the league, and where she will be holding the German territory and all German interests by the right of conquest, and with the broken word of China she can work her way to the very limit of subjugation of all the Chinese territory not now within the sphere of influence of other powers.

With this league of nations China obtains an assurance which is tantamount to a guaranty by all the world that not only will Japan return to China what Germany wrested from her in 1898 but henceforth and so long as this league shall last no other nation shall rob China of one inch of her territory or exercise any control over her people inconsistent with the claim of complete independence and sovereignty.

I want to bring into the record and present to the American people in the briefest possible manner the principal facts upon which these definite declarations are founded and to recite them in their chronological order.

During the past 80 years all of the great European nations have, by the display of military force or other equally persuasive methods amounting to duress, secured from China commercial and railway concessions and rights and spheres of influence over large portions of Chinese territory and millions of Chinese people. During all this time the United States has never once protested against these concessions, but, on the other hand, has complimented the aggressors, only asking them to agree to the "open-door policy." These concessions have been obtained by Russia, Great Britain, France, Germany, Italy, Belgium, and other countries.

In 1898 Germany, finding in the murder of two German missionaries in China by bandits, who, by the way, murdered Chinese as well as these German missionaries, an excuse to satisfy her course, sent a naval expedition against China and under duress and threat of war somewhat more marked than that used by other nations secured from China a treaty. This treaty was entered into between Germany and China on March 6, 1898. What did Germany secure by this treaty? She secured (a) a 99-year lease on both sides of the entrance to the Bay of Kiaochow, Germany to construct fortifications at the entrance to the harbor; (b) certain territory on both the northern and southern sides of the entrance to the bay wherein Germany could exercise all administrative rights; (c) the island of Chiposan and Potato Island; (d) all islands lying seaward from Kiaochow Bay which may be of importance to its defense; (e) the right to construct two lines of railway in Shantung for commercial interests only.

Did Germany secure any right of sovereignty over China? She did not, because this treaty declared as follows: "His Majesty, the Emperor of China * * * while reserving to

himself all rights of sovereignty over the leased territory, and so forth, enters into the agreement." It is but proper here to say that the sovereignty was in name only; that is, all administrative power was granted to Germany. Was there anything else bearing on this question of sovereignty? There was. When the United States approached Germany through diplomatic channels, to declare her purpose in Shantung, she answered not only that she did not claim any sovereignty over the leased territory, but also that she would not interfere with the "open-door policy," the policy of equal rights to all nations. And we replied, in effect, "All right, we are pleased to have this assurance."

To offset this German concession Great Britain sought like additional concessions at Weihiawei and China was rather glad to make this last concession because being a weak, defenseless nation her only hope to escape from political annihilation was to take advantage of the jealousies and rivalries of these great nations and to play one country against the other.

Then came the great World War. China could sever diplomatic relations with Germany and she could declare a war of Chinese words, but she could not fight Germany or any other country. Japan could fight, and the Allies needed all the help they could secure from Japan, and so it was agreed that Japan and not China should drive the Germans out of China. Japan undertook the job, and with no little cost in blood and treasure, for a poor country, she drove Germany out and took possession of whatever interest Germany had. But what was she to do with that which she had wrested from Germany? Nations generally have no object or an understanding when they make war, and she had her understanding with her allies. What was it? In substance it was this: "Whatever you take from Germany shall be yours; we shall not interpose any objections. Signed by France, Great Britain, Italy, and Japan." It ought to be remembered right here that Japan under this agreement with her allies was to receive, and did receive, no rights except those which were held by Germany under the treaty between Germany and China.

But Japan was not satisfied with the mere consent of these great powers, her allies alone. So on May 25, 1915, she secured a treaty from China herself, whereby China agreed that Japan should acquire the German leasehold rights and interests if Japan should take and hold them from Germany. Granted that China would have preferred to have the Germans ousted without substituting Japan for them. But she, with her 300,000,000 population, did not have the courage to attempt it. Japan with her 40,000,000 of people did have that courage. Granted that the agreement that Japan should be substituted for Germany was obtained by duress. So was every other concession in China of every other nation so obtained, because China did not dare resist. However, nothing was taken from China by Japan. What she took was from Germany, and she took it with the written consent of China.

All these concessions to all these nations are now past history, and there is no logical point where we can begin to differentiate between them. We can not and will not abrogate all of them. We can not and will not order all these nations out of China.

This, then, was the situation when the peace delegation met at Paris.

Of course, it would be a gracious act if Japan, who has paid all the cost in blood and treasure in wresting these interests from Germany, would turn everything back to China, but that must be done through the willingness of Japan and because Japan has bound herself to do so and not through any threat of ours.

By this amendment you make it almost impossible for Japan to comply with her own agreement with China without suffering humiliation and sacrificing the respect and natural pride of her people. By this amendment we, a third power, whom the opponents of the league insist should never interfere with the affairs of the Eastern Hemisphere, proceed to set aside a compact entered into between two nations of the Eastern Hemisphere in which we were in no way connected and performing this act with an arrogance no white nation would ever submit to so long as it had a drop of blood left to shed for its national honor. By this amendment you declare that Japan can not be trusted to keep sacred her word, given not only to China alone but also given to the United States and every other important nation by reiterated declarations. The act is not only grossly discourteous, but is the act of a big bully intent on either forcing war or compelling a disgraceful surrender.

I declare most emphatically, Mr. President, that if this treaty is signed by China and Japan and becomes a world compact, Japan must and will keep her word to return the German leasehold interests and concessions to China. She can not escape that obligation and will not escape it. Only the breach of her treaty with China, as you would break it by this amendment, and the forcing of Japan out of the league, as you would force her out of it by this amendment, would relieve her from this duty and virtually compel her, through the demand of her insulted people, to hold everything she has secured by conquest from Germany. Let us look at the unquestioned written obligation upon which this declaration is predicated. By this treaty between Japan and China, signed May 25, 1915, article 1 declares:

> The Chinese Government agrees to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany by virtue of treaty or otherwise possesses in relation to the Province of Shantung.
>
> ART. 2. The Chinese Government agrees, as regards railways to be built by China herself from Chefoo to Lungkow, to connect with the Kiaochow-Tsinanfu Railway. If Germany abandons the privilege of financing the Kiweichsien line, China will permit Japanese capital to negotiate for the loan.
>
> ART. 3. The Chinese Government agrees, in the interest of trade and for the residences of foreigners, to open by China herself, as soon as possible, certain suitable places in the Province of Shantung as commercial ports.

Article 1 is the article by which China agrees to turn over to Japan the German concessions which I have mentioned. Article 2 transfers the right to build the railway mentioned to Japanese capitalists if the German capitalists decline to furnish the capital, and article 3 simply makes it incumbent upon China to open up additional ports for trade, to do exactly what other nations have compelled her to do and exactly what we compelled Japan herself to do more than half a century ago. There is certainly nothing unusual or grasping or unjust in the treaty itself.

But the treaty does not stand alone. It must be taken in connection with certain written notes and agreements which immediately preceded its execution and which are, therefore, a part of the treaty both as to any limitation or expansion.

It will be noted that the treaty itself makes no mention of any retransfer of the German rights to China. If there were nothing further than the bare treaty, the rights of Japan would eventually terminate with the expiration of the German lease on March 6, 1997.

Note, now, how incomparably more favorable than the German agreement is the Japanese agreement. Before China would sign this treaty she insisted that Japan should put in writing her oral agreements to return the German leasehold interests to China. And this is Japan's promise:

> Peking, May 25, 1915—
>
> Remember this was just before the treaty was signed and the consideration upon which China signed it—
>
> EXCELLENCY: In the name of my Government I have the honor to make the following declaration to the Chinese Government:
>
> When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions: * * *
>
> I avail, etc.
>
> (Signed) HIOKI EKI.

I will consider the "conditions" as submitted later. It has been often asserted that there is nothing fixing the time in which Japan will return this leasehold interest to China; that it means that she will do so when she gets good and ready, and that this means never.

Ah, Mr. President, let us see if that is the meaning. There is not a Senator who makes that declaration who would for one single moment admit that Japan could so misconstrue the agreement. I deny that the agreement is not specific as to time. It is just as specific as it was possible to make it at the time. Japan can not return to China that which she is to receive from Germany until Japan receives it from Germany under the treaty, and Japan can not receive it from Germany until the treaty is a binding obligation. In other words, the leased territory is not completely left to the free disposal of Japan until after the termination of this war. Japan then says to China, "When this war is terminated and I receive these rights under the treaty I will restore them to you." The word "when" as therein used means just exactly what you and I and what every nation would understand it to mean—that the process of turning the interests back to China and evacuating the territory by Japan must begin immediately after the termination of this war by the signing of the treaty. It is the same as if I agree that when I pay a debt which I owe you you shall give me a receipt for it. That means that you will give it immediately after I have made the payment. It means nothing else, and national honor and good faith would require Japan to begin this process of transferring and evacuating immediately after the signing of the treaty. That does not mean the very minute, or the very day, of the signing of the treaty, but it does mean with the readiness with which governments should act to fulfill treaty obligations.

On the same day and before the signing of the treaty the minister of foreign affairs of China acknowledged receipt of this letter, as follows:

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of this day's date in which you made the following declaration in the name of your Government:

"When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions."

I avail, etc.,

LOU TSENG-TSIANG.

As stated before, I am considering now only the promise and the time it is to be effectuated. By this exchange of notes, both coming before the signing of the treaty and in effect parts of the treaty, the minds of the two nations met as to a time when Japan is to fulfill her obligation to return the property, namely, immediately after the termination of the present war by the signing of the treaty. The agreement, standing alone, is sufficient to force irrevocably upon Japan this obligation to return the German leasehold interests and all these German rights to China without equivocation or needless delay.

Those who would fire the brand of race prejudice into the flame of war can only meet this clear treaty promise with the declaration: "Japan is lying; she will not keep her treaty; therefore we won't even give her a chance to keep it, but for fear that she might possibly keep her treaty obligations we will put her in such a position that she can not honorably keep them without indicating to the world that we—the United States—forced her to do so, and then we can use her refusal as an argument on the futility of the league of nations." Has Japan ever signified that she would not keep this treaty? Never. On the other hand, has she not declared officially, again and again, that she did purpose to keep it in its letter and spirit?

On January 21, 1919, Viscount Uchida, Japanese minister of foreign affairs, stated positively that Kiaochow would be returned to China in accordance with the terms of the agreement of May 25, 1915. Later, in May, 1919, the preceding foreign minister of Japan, Baron S. Goto, made the same declaration as to the purpose of Japan. Baron Kimmochi Saionji, a Japanese statesman, in an interview published in the Outlook in 1919, said: "Japan has solemnly promised to give back the leased territory of Kiaochow and to restore Shantung to China in full sovereignty, except a little land at Tsingtau for establishing a Japanese settlement, and Japan will keep her word." Mr. Debuchi, chargé d'affaires, stated: "Japan, if not within a period of six months, will be able perhaps in a year to comply with the treaty provisions with China and restore Kiaochow and all heretofore German-controlled territory in Shantung to China." Practically the same statements have been reiterated by the Japanese foreign office, all declaring positively that Japan will make good her promise. It is our clear duty under those conditions to refrain from such act of hostility and enmity and disregard for national pride or sentiment as this amendment would mean.

Is there any other assurance that Japan will keep her word? Yes; there is a world assurance. What is it? The league of nations provision of the treaty, the very foundation principles upon which the entire structure rests. The preamble of this league, reciting the fundamental methods by which international cooperation is to be promoted and international peace and security to be achieved, declares that these great ends are to be secured, first, "by the prescription of open, just, and honorable relations between nations," and second, "by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized people with one another." Just remember right here that the league must enforce a scrupulous respect for all treaty obligations.

To-day Japan stands pledged to China, if China keeps her word and if this country does not by this proposed amendment make China break her word, to return the German Shantung and Kiaochow privileges to China. If Japan signs this treaty she makes the further pledge to all the great nations of the world that she will keep her treaty with China. She not only makes this double pledge, but in addition she places herself in a position where the great powers are not only authorized to compel her to keep her obligation, but they are in duty bound to compel her to make good. In Heaven's name, what more could be asked?

What would be China's means of redress under the league if Japan should fail to keep her agreement with China? China would say to the council of the league of nations: "Japan has agreed by treaty with us that when the war was terminated and she was free to make disposal of the German rights, she would return those rights to us. The war has now terminated, Japan is now free to make the disposal, and Japan is refusing or neglecting, as the case may be, to return them. Japan is therefore breaking her treaty with us, and in addition is breaking her solemn obligation to the league of nations. This action on the part of Japan will lead to war, and we call upon the league to require Japan to perform her sacred promise."

The league machinery, Mr. President, must then be put into operation upon the complaint of China. This will require Japan to answer as to her treaty promise, and as that promise is clear and unequivocal, as there can not be a possible disagreement as to the true meaning and intent of the promise, clear in its context and definite in Japanese official declarations, the very presentation of the matter would find its settlement through diplomacy. The chances are a thousand to one that it would go no further. But if Japan should be so foolish as to defy the whole world, of course the means provided to coerce a recalcitrant member of the league would be adopted. But, Mr. President, Japan would not defy all the great nations of the world, and in that certainty, and in the certainty that the same principle of "hands off" would be applied to any other would-be aggressor, is China's only assurance for future security not only as against Japan but as against every other nation.

I would, therefore, say to China: "Keep your word with Japan just as you kept it with Germany, just as you have kept it with all other nations who have secured from you commercial and political rights, and trust your case to a league of all the nations of the world by whose solemn compact your treaty rights are assured and your territorial rights are protected."

I come now to the conditions mentioned in the exchange of notes between China and Japan under which the German rights and privileges are to be returned to China.

Let us see if there is anything in those conditions that either we or China can justly complain of. The first condition reads:

(1) The whole of Kiaochow Bay is to be opened as a commercial port.

Is there anything wrong or unconscionable in that? Under the German treaty that port was to be guarded by German cannon and defended by German warships. If the world had any commercial rights it was because Germany designed to grant those rights. China had nothing to say concerning it.

Under the Japanese-Chinese agreement the whole bay is to be opened by China as a commercial port for the free commerce of all nations. Japan retains no special concessions therein.

Is that not exactly what China has done with respect to many other ports at the solicitation or pressure of other powers? Is that not just what the United States did when she compelled Japan to open up her ports to the commerce of the world? We have sought commercial trade in the Orient just as earnestly as other countries and we have done our part in exerting pressure to secure the opening of commercial ports in the Orient. Is there any wrong now in adding one more neutral port to the commerce of the world? The second condition reads:

(2) A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

What does this mean? It means, Mr. President, just what it has meant when the same character of grant, or concession, as it is called, has been given to every other great power, a small tract where the nationals of the grantee can reside, hold their property, and engage in commerce under the administrative control of the grantee. This concession is described by Marquis Kimmochi Saionji as—

a little land at Tsingtau for establishing a Japanese settlement—

or more fully described by Mr. Debuchi when he said:

In regard to the establishment of a Japanese settlement we ask nothing that is not granted by China to all other nationals. The word settlement may be misunderstood; in fact, it means nothing more than the setting aside of a certain section for the homes of the Japanese nationals and for foreign nationals, such, for instance, as is held by the French in Shanghai.

Every other European nation has one or more of these special settlement concessions, and I think we accepted one some years back, but am not certain.

Now, why should we deny Japan this right to have a tract of land under her control for the residences of her nationals when the same rights are exercised by other powers? Upon what theory can we deny that equal right to Japan?

(3) If the foreign powers desire it, an international concession may be established.

That means, I presume, a place where the nationals of all foreign nations may live in the same settlement, but that is dependent not upon Japan but upon the powers interested. I do not see that it is of any material importance in the face of the many special settlements granted. The fourth condition relates simply to disposal of German public establishments and property. The arrangement for their disposal must be made between

Japan and China as a collateral agreement. The properties covered are of such little value that if China and Japan could not easily arrive at a conclusion, China, without any material loss, could say to Japan: "Take the property and do with it as you like."

Mr. President, I have no quarrel with or criticism of those who are opposed to the league of nations as to the methods they may employ to bring about its demise. Their purpose is death, and they are pursuing what they believe to be the surest way to effectuate that purpose. If controlled by overpowering prejudices, they are willing to take the chance of another such awful catastrophe upon the plains of Europe, the land of our fathers and the home of our kinsmen, rather than have us join the European powers to prevent it, or if, guided by their reason, they really believe we are surrendering anything we ought not to surrender for such a purpose, they may find a satisfactory reason for playing the rôle of Brutus driving the shining blade into the heart of Cæsar, not that they love world peace less but because they love American freedom of action more.

But, Mr. President, as one who does believe in the league of nations to maintain the peace of the world, and who does believe that there is not a single sovereign power surrendered or a single right withheld that ought not to be withheld for such a blessed purpose, I regard it as my duty to do all in my power by word and by vote to prevent the commission of the homicidal purpose of this amendment.

I know, Mr. President, they declare that this wound will not be fatal, but, Mr. President, the dagger is poisoned; and if the poison operates as they expect it to operate, it does mean death to the treaty.

Mr. President, there is but one honorable, upright, and proper course to be pursued by all the great nations of the world, including China and Japan. Let China keep her treaty; give Japan an opportunity to do what she has pledged her national honor to do; cease this attempt to juggle this country into war with Japan; defeat this proposed amendment which arrogates to ourselves the right to annul a treaty between China and Japan and sets at naught a treaty made during the stress of battle between our cobelligerents and Japan before we entered into the war; bring Japan and China into this world league, and as sure as the sun shall rise to-morrow Japan will keep her plighted faith, and China will receive complete present justice and assured future protection. On the other hand, force this breach of contract by China; drive Japan out of this league by insulting her honor; relieve her from her treaty by first breaking it yourselves, and thereby installing her in her impregnable position of right of conquest, and China is doomed. The other European nations can not help her, because they are tied by their own treaties, and we will not make war on Japan to help China after she has broken her treaty, because America will not go to war 10,000 miles away to help China to break her treaty.

Mr. President, if these be the only friends of China, then God save China from her friends.

Mr. NELSON. Mr. President, if the Senator has concluded, I should like to ask him a question before he takes his seat.

Mr. McCUMBER. Before that is done, Mr. President, I ask that the Secretary may read a letter which I received yesterday from Mr. Talcott Williams. I believe Mr. Talcott Williams is connected with the League to Enforce Peace, and therefore you may take this letter with just such credence as you see fit; but it reaches the point so deftly and so skillfully that I ask the Secretary to read it as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the communication.

The Secretary read as follows:

WASHINGTON BUREAU, LEAGUE TO ENFORCE PEACE,
August 25, 1919.

Senator P. J. McCUMBER,
United States Senate, Washington, D. C.

MY DEAR SENATOR McCUMBER: Your brief but penetrating and illuminating statement on the Shantung question which appeared this morning is to my knowledge the first public utterance in this country recognizing that both the rights and wrongs of China in the Province of Shantung are but part of a long series of acts by other powers encroaching on the sovereignty of China, and endeavoring to control the economic development of China for the aggrandisement of foreign powers and the undue profit of foreign capital. The only difference between the situation of China now and in the past is not that her rights are threatened, they have been for nigh a century, but that now, for the first time, she has a remedy near at hand.

The covenant and treaty give China the only chance its vast population has had since European penetration began to escape from exploitation by appealing to an international tribunal with an organization of nations to execute its decisions.

Shantung is now in the temporary possession of Japan by conquest. In the absence of any covenant between nations, creating a new order, there are only two ways to give Shantung to China. One is by the free gift of Japan. This Japan has already pledged. Every threat, every attack on Japan, the change now proposed in a treaty drawn under the express pledge of Japan to turn Shantung over to China makes the surrender less likely. The amendment conveying directly to China territory conquered by Japan and in her hands would be enough pretext, as many diplomatic precedents show, to lead Japan to keep the territory.

If Japan should, does anyone propose to go to war with Japan? Does anyone in the Senate and in the country want to go to war with Japan over Shantung? Does anyone want more war?

If war is out of the question, only two courses are open, to let the evils of the past go on or to create a new league of nations which can require Japan to keep its pledge to surrender all the territory taken in war to China. As to the "economic interests" which Japan retains in Shantung, these must go. How? By war?

Will any American ask this country to go to war over Japan's "economic interests" in Shantung? If war can not be here, too, the only way to deal with these "economic interests" is for China to prove that these grants are unjust before an international tribunal. The covenant gives a right to do this. Reject the covenant, amend the treaty, open all these questions, and nothing can be done, if Japan refuses, except by war. Hold Japan to the pledge, establish the new order, and China has the first chance in 80 years to secure justice.

Through all those years China has been plundered by treaty. Her tariff was enacted by treaty, all to the economic disadvantage of China, and enforced by arms. Her customs were put under foreign control. Her coast was patrolled by a foreign revenue service. Her forts have been seized and are still held by foreign powers. Every country has shared and been a party to these international iniquities. They must cease. The covenant and treaty establish the means. The 300,000,000 of China have a right to a peaceful remedy for the economic wrongs of 80 years and this can only be secured by ratifying this treaty with all that it holds, putting Japan up to its pledge and giving China its day in court, to seek redress for the economic thraldom that now exists.

* * * * * * *

I am for this treaty because it gives China and every land, prone to peace and not to war, its place in the sun of international justice. This I prefer to the fires of war.

I have the honor to be,
Very respectfully, yours,

TALCOTT WILLIAMS.

Mr. McCUMBER. I now yield to the Senator from Minnesota [Mr. NELSON], who wishes to ask me a question.

Mr. NELSON. I delayed asking the question because the Senator from North Dakota preferred not to be interrupted in his speech. My question is this: The treaty of peace now before the Senate has been ratified by Germany and by England. Assuming that that treaty will be ratified by Italy and France, by its terms it will then become effective as a valid treaty?

Mr. McCUMBER. Between those nations.

Mr. NELSON. Yes; between those nations. Will the Senator inform me if the treaty that is now in the hands of the Committee on Foreign Relations with the amendment in respect to China and Japan, that has lately been injected into the treaty, is adopted, what will be the effect of the treaty upon the other treaty that has been ratified by Germany, England, France, Italy, and Japan? Will it destroy it, will it neutralize it, or what will be the effect of it? There are many great constitutional lawyers upon the Committee on Foreign Relations, and I should like to have their views upon whether the treaty with the Chinese amendment will destroy and neutralize the other treaty after it has been ratified in the manner I have indicated.

Mr. McCUMBER. Mr. President, there is a big difference between Germany granting certain rights to Japan and Germany granting certain rights to China; in other words, as the treaty would say, in Germany renouncing all her interests in China to Japan and Germany renouncing all her interests in China to China. That changes the treaty; it changes conditions; it is not the same treaty. It goes back, and therefore it would have to be reconsidered by all the powers.

Mr. NELSON rose.

Mr. McCUMBER. Possibly I did not understand the Senator's question.

Mr. NELSON. If the Senator will allow me, I think he did not comprehend my question, for he does not answer it.

Mr. McCUMBER. If I do not answer it, it is because I do not understand it.

Mr. NELSON. I am asking the Senator not as to what has to be done, but assuming the things that I have stated, assuming that the treaty as ratified by England and Germany will be ratified by France, Italy, and Japan, and assuming that by the terms of the treaty it will be valid as between them, what effect will our treaty have with the Chinese amendment in it? Will it neutralize or destroy the other treaty or will it override it and be paramount?

Mr. McCUMBER. The question answers itself. It is a different treaty. It is in conflict with the other treaty. Therefore there are ostensibly two treaties and we have not a treaty of peace agreed to by all the nations.

Mr. NELSON. May I ask the Senator another question?

Mr. McCUMBER. Certainly.

Mr. NELSON. Suppose the nations that have ratified the other treaty in the manner I have indicated will not acquiesce in our treaty. What will we in this country do with our treaty

with the Chinese amendment in it, assuming that we ratify it in that form?

Mr. McCUMBER. We will do nothing.

Mr. NELSON. It would be then like the Pope's bull against the comet? Is that the opinion of the Senator?

Mr. McCUMBER. I have answered the Senator.

Mr. LENROOT. Mr. President——

Mr. McCUMBER. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator, the treaty in its present form having been ratified by Japan, England, and France, whether Germany's rights in the lease of Shantung do not then pass to Japan?

Mr. McCUMBER. Certainly.

Mr. LENROOT. And the amendment of the treaty would not affect the cession of those rights?

Mr. McCUMBER. No; it would not affect it as between the powers that have not agreed to it.

Mr. BORAH. Mr. President, when it was known that Shantung had been given to Japan, or that such economic rigths and privileges had been granted to Japan as would enable her to control Shantung, there was no one found anywhere to defend the act. Even the makers of the treaty did not defend these particular provisions of the treaty. No member of the peace delegation at Paris has ever defended it upon the basis of right and justice. They have contented themselves with saying that it was the only thing that could be done in order to secure Japan's signature to the league of nations or to the treaty. No other defense than that of barter and trade in the rights of a friendly nation has ever been advanced by those who helped to write these provisions in the treaty. All members of the peace delegation, so far as we are now advised, were opposed to the settlement. Three members of the delegation wrote a protest against it, or, if those who are meticulous about the term prefer, I will say they wrote an argument against it. The President himself has been very prompt in saying that it was unsatisfactory to him. I take it, therefore, that there was something in the situation and in the facts that led the representatives of America to the belief that this was an unjust, unfair, and immoral settlement, and it was undoubtedly so regarded. That is the way some of us still regard it.

Those who recall the President's message upon his return to this country will remember the particular paragraph in which he said in substance there were some things impossible of settlement in accordance with his views or with the views of justice and correct principles. He stated further there were conditions found which could not be changed. I do not quote his exact language; I express his sentiment.

So to-day we hear the first defense that we have had of the Shantung affair upon the ground of justice and morality. It is the first defense which has been made upon the theory that it was the only correct, wise, and just thing to do.

I am going to make some observations upon it, and what I have to say shall be based almost entirely upon documents the existence of which can not be disputed and the import of which is beyond doubt or controversy——

Mr. McKELLAR. Mr. President——

Mr. BORAH. And also upon the statements of those who are now criticizing the proposed amendment of the Committee on Foreign Relations.

I yield to the Senator from Tennessee.

Mr. McKELLAR. As the Senator is discussing the Shantung proposition, I wish to ask him a question. Suppose we put it in the treaty that China is given the rights that Germany formerly owned in China and it is agreed to by the other nations except Japan. What method does the Senator suggest by which we can enforce an agreement like that?

Mr. BORAH. The Senator from Idaho is not seeking for any method by which to enforce the treaty. The Senator from Idaho is desirous of relieving the United States as a Government from the burden or obligation of undertaking to maintain that which he conceives to be founded in immorality. I would wish, of course, that the question had never come to us at all. I would have preferred that China and Japan settle their affairs. But it is here by no wish of the Senate, by no wish of the American peace delegates, and solely at the instance of Japan. Japan forced it in the treaty. Being here, I know of no way of settling it but in accordance with right and justice. I have no fear if it is thus settled but the United States will escape without trouble. It is the immoral and unjust treaties which make for war, not those founded in right.

If we make the treaty and Japan refuses to accede to it, the treaty will fail and a new treaty will have to be written. There is just one principle that guides me in this treaty transaction from beginning to end, and that is to protect the United States. I want to vote so as to put her in an honorable position.

Mr. McKELLAR. If the Senator will permit another interruption, the practical question which occurs to me is this: Japan has taken over by force of arms this Province formerly belonging to Germany, and if we undertake to give it by treaty to China, Japan, being in possession of it, will simply tell us to go to, and we will have to go to war to carry it out.

Mr. BORAH. No; we will not have to go to war. If Japan does not accede to it, we have relieved ourselves of what I consider to be an immoral thing in undertaking to give it to Japan instead of China. Our record will be clean, and we have no reason to go further than to do that. If Japan agrees to this amendment, the matter will be settled. If she refuses to agree, then no treaty is made and we will be in a position to make a separate treaty of peace with Germany and step out of all these vicious and dishonorable and wholly immoral entanglements—a thing devoutly to be wished on my part.

Mr. President, I was calling attention to the fact that at the time this transaction happened it was universally condemned. It was regarded at best as a thing imposed upon the American delegation by the law of necessity. I can understand how the President might be willing to indorse the Shantung affair because of the fact that he regarded a greater thing to be accomplished in the signature of Japan to the treaty and the league of nations. Viewing the league of nations as he does, looking upon it as he does, I can well understand how the President would regard it necessary to do what he undoubtedly thought was an improper thing in order to accomplish a greater and ultimately a better thing. But neither the President nor anyone else except the able Senator from North Dakota [Mr. McCUMBER] has until this time undertaken to justify it upon any ground other than expediency, an expediency which was based upon concededly unjust and immoral principles.

I call attention to editorials of newspapers some of which are now criticizing the action of the committee. All these papers were in condemnation in terms more severe. I shall quote from papers only which have been and are supporters of the league.

The New York Times, speaking of both Fiume and the Shantung affair, says:

> Neither the one decision nor the other squares with the doctrines of international morals upon which the league of nations is founded; both are at variance with the principles of the 14 points drawn up by President Wilson.

Further on it says:

> Japan's insistence upon full recognition of the rights she assumes to have gained in the Province of Shantung by her capture of Kiaochow from Germany and by her treaty of 1915 with China was a much more serious matter.

That is, more serious than the Italian affair.

> The Chinese saw, all the world saw, that it meant putting China under bondage to Japan. The 99-year lease of Kiaochow was doubly vitiated. It was originally extorted from China under duress by Germany in 1898 as a form of compensation for the murder of two missionaries. But the declaration of war by China had the natural effect of terminating that engagement.

That was the position generally taken at that time. The argument that Germany had something to cede at Versailles is based upon a misconception of the facts. Germany had nothing after China declared war upon Germany, because all rights under the leasehold were void from that time. This paper, most friendly to the President, and an able and ardent supporter of the league, further says:

> Before the peace conference, therefore, the Japanese rested their claims upon a title already void. But Kiaochow represents only a small part of their interest and their ambition. Control of the railroad from Tsingtau to Tsinan puts Japan in a position to command lines of interior communication vital to the industrial development of China, while other provisions of the treaty of 1915 accord to her rights and privileges altogether inconsistent with Chinese sovereignty, and of these China has with force and justice complained to the conference.

Commenting upon the fact that the Versailles conference had met a situation with which it had to deal, and necessarily some compromises had to be made, the New York Times says:

> Mr. John Morley, now Viscount Morley, in his book On Compromise, quotes this unyielding precept from Archbishop Whately: "It makes all the difference in the world whether we put truth in the first place or in the second place." Truth goes to the second place by the decisions of the peace conference in respect to the demands of Italy and of Japan.

And this stern and trenchant editorial closes with this language:

> Four hundred million Chinamen can not be sacrificed to the ambition of Japan. That would put truth not merely in the second place but on the scaffold.

That undoubtedly represented the view of this country at the time the first information came to us with reference to this transaction; that undoubtedly represented the moral conviction

of the people of this country that the United States could not afford to be a party to it. While it was not the business of the United States to travel about over the earth and adjust treaties which had been made or to undertake to reconcile conflicting interests among foreign nations, it was believed that the United States could not afford to indorse and confirm, and then, under the league of nations, pledge itself to underwrite and maintain, such a transaction as that of Shantung.

I quote a single paragraph from an article in the Christian Science Monitor, whose editorial page we all recognize as one of the ablest in this country. Not always agreeing with it, we nevertheless recognize both conviction and ability behind its editorials and expressions of opinion upon public questions:

Perhaps the worst feature of the Shantung betrayal is the destruction of faith, caused by it, in the justice of the decisions of the peace council. When a step has been taken manifestly so politically immoral, the ordinary man is apt to ask, "What next?" And the cynic to murmur sardonically, "I told you so." Every thoughtful person knew, of course, that the real troubles of the Allies would come with the attempt to make peace, but few, it is to be imagined, believed that the sentiments fanned to keep the war flame buring would be snuffed out so unceremoniously on the peace table. In the light, however, of what has occurred the veriest Chinese rice hoer might be forgiven for quoting an epigram from that quaint and delightful teacher, Lao Tzu, to the effect that the shamelessness of those who preach duty to their neighbors is ordinarily shameless indeed: "Alas, they know not shame, nor what it is to blush!"

In closing, the edtorial says:

Unfortunately, Shantung is not a matter of opinion; it is a moral failure; and now the world is afraid of a repetition of Shantung in Armenia. Fiume, the Saar Valley, Danzig, all these may leave room for differences of opinion; but Shantung? No! The moral sense of the world has been outraged in Shantung, and sometimes the weary Titan wakes up and remembers that he has a moral sense.

I might quote many other papers. I might quote from public men, from ministers of the gospel, but why offer proof of what all recognize to be a fact, that the whole scheme was thought to be indefensible from the standpoint of right, intolerable from the standpoint of our national honor? What has changed? The terms of the treaty are the same, the facts are the same. It is now, as it was then, a clear-cut moral issue. Shall the United States do a wrong to a friendly power? Shall this Republic bow to the dictation of an immoral exigency?

As I said a moment ago to those who believe that henceforth and forevermore the league of nations will establish peace upon the earth, there is argument in favor of the proposition that even this sacrifice must be made. But before you conclude that it is safe to found a league upon immorality and wrong let me call your attention to some fundamental principles which the President stated before he went to France. I believe some of these principles to be an epitomization of the teaching of 300 years of history; that there can be no such thing as peace founded upon immorality and injustice. You can not write a league of nations nor form treaties nor enter into international engagements so strong but these acts of immorality and injustice will break and destroy them. Instead of bringing peace, they always have and always will produce war.

The President said:

We have used great words, all of us have used the great words "right" and "justice," and now we are to prove whether or not we understand these words and how they are to be applied to the particular settlements which must conclude this war. And we must not only understand it but we must have the courage to act upon the understanding.

Above all things necessary in this supreme hour, when we are laying the foundation for world peace, is to have the courage to act upon that understanding, not simply because China is wronged or Japan has an undue advantage, but because those are essential and indispensable principles upon which to build peace. Without them your league is a mockery. Without them you can not hope for peace whatever be the terms of the league. If there is one thing which has been better demonstrated than another through the 300 years of warfare, it is that every war had its seeds planted in the years before through some act of injustice or oppression toward some other nation. We are only repeating the folly, yes, the crime, of past days. We are doing vicious things and calling them just.

What was the real cause of war in 1914? Was it because a satellite of royalty was murdered at Sarajevo in Bosnia? Possibly that was the match that ignited the powder mine, but for 150 or 200 years just such things as the things written in sections 56, 57, and 58 of this treaty had been done, the poison had spread throughout States and Empires. The great wrong to Poland threw its shadow far into the future and had to do with the conditions of 1914. Have we not been told time and time again that Alsace-Lorraine was the one cancer which was eating away the moral fiber of Europe, and that until that wrong was righted no peace could prevail in Europe? One wrong, one injustice, after another until the whole of Europe was satiated with discontent and suspicion and jealousy and hate—until rulers thought, as we now seem to think, that you can do wrong with impunity. The hour of reckoning came.

Nevertheless, while we are pledging the people of the world that we are building a scheme for universal peace, we are putting into the very heart of the covenant, into the league itself, a scheme infinitely worse than either Alsace-Lorraine or Poland. Poland was dismembered and divided by antagonistic nations. Alsace-Lorraine was the fruit of war, and a brutal and powerful enemy saw fit to take it away. But Shantung is taken from an ally, from a friendly nation, a people who did their part, and over the pledge of one of those engaged in the war with her to protect her rights.

Again, the President says:

Self-determination is not a mere phrase but an imperative principle of action, which statesmen will henceforth ignore at their peril.

Yes, Mr. President; "at their peril." Within a fortnight after the Shantung matter was known, all China, 400,000,000 strong, was aroused as never before. The young men, the students of China, scattered throughout that vast region, bestirred themselves and began to organize in groups of tens and twenties until to-day, notwithstanding the censored press, we know that China, with her 400,000,000, is a seething mass of discontent and bitterness. Nearly one-third of the population of the earth aroused and determined to resist in every way she can this scheme for world peace.

Yes; we ignore that principle "at our peril." That is a statement not born of fancy, as some might believe, but a great truth gathered from the study of history and from knowledge of human nature. The President knows, you know, and I know that you can not violate the laws of nationality, that you can not trample upon the rights of peoples, except at your peril.

Mr. President, the able Senator from North Dakota [Mr. MCCUMBER] presents two propositions, which are the main theme of his very able and ingenious argument—first, that Japan can be relied upon to keep her word and return these rights to China, and, second, that she has in fact promised to return these rights.

I pass over for the moment the first proposition. It is a delicate question to discuss, and yet I do not know of any way of dealing with this situation except to discuss the facts. But I pass it over for the moment and call the Senator's attention to the fact that nowhere has Japan ever promised to return anything except a mere shell. You will not find, Mr. President, where Japan has promised to return the economic rights which enable her absolutely to dominate not merely the city, not merely the port, but the entire Province of Shantung, with its 38,000,000 to 40,000,000 people. At the present time she is operating a railroad from the port to the capital; she is at the present time working the mines of Shantung; she is at the present time distributing her people throughout Shantung, and she will be enabled to keep them there if she retains the economic rights. So I say that Japan might very well comply technically with the promise which she has made, and I would be perfectly willing for the sake of the argument to admit that she will comply with it; but after she has complied with it she is still the complete master of Shantung.

Senators will remember the difference of opinion between the President and Uchida. The first statement made on the part of Japan by its representative was so far wide of the facts that the President of the United States felt under the necessity of immediately correcting it. Uchida said that we agreed at Paris to conform with the terms of the 1915 agreement or treaty. The President said the 1915 agreement had nothing to do with it. Already before the ink is dry upon the parchment, before the treaty has been ratified, there is a difference of opinion upon a most substantial and material matter between the President and the representative of Japan.

It is not an immaterial matter about which they differ. If it had been, the President undoubtedly would have given no consideration to it. It was a substantial matter and changed the entire theory upon which the restoration was to take place.

Under the statement made by Uchida the return could take place and yet Japan dominate Shantung; but the President did not so understand. If that misunderstanding already obtains, what shall we expect in a year or two years or three years or five years hence, when possibly the President shall have passed out of office and when possibly the men who are in Japan now seeking to interpret it shall have passed out of office?

The Senator from North Dakota must not forget that it has been stated in the assembly of Japan by no less an authority than the speaker of that body that Japan is under no obligation to return anything to China and does not intend to do so. Suppose in five years from now the speaker of the assembly of Japan should be its foreign minister. What construction

would be placed upon this obligation to return? He is not the only one who has made that statement. If the Senator cares to familiarize himself with the public press of Japan, he will find that a very large majority of that press, as it comes to this country at least, says that there is nothing to return to China.

The expert whom the President chose to go to Paris to advise upon Far Eastern matters, Mr. E. T. Williams, states this better than I can state it, and of course with more knowledge than I can possibly possess. I read a paragraph from his statement:

Japan's promise to restore is based upon the famous 1915 convention which China, at the threat of war by Japan, was compelled to sign. This convention provides that when Japan obtains full title to the Kiaochow territory, she would restore the territory to China under four conditions. There is no doubt—

Says Prof. Williams—

but that Japan will keep her promise, but one of these conditions makes this promise void of any real meaning. That condition was that Japan should be granted a concession of land in the leased territory to be selected by herself for a Japanese settlement, which was to be under the exclusive jurisdiction of Japan.

Remember, Japan is to select the location of the concession; there is no limit upon the territory which it is to cover, and, according to construction of concessions in oriental countries, they are either absolute or, what is the same thing, leases in perpetuity. So Japan under the 1915 treaty can select a concession which would cover all of the territory in that particular port which would be of any value to anyone at all.

The Senator says it is to be a small piece of ground. It would not have to be very large in order that Japan might control the railway terminals, the port, and the entire situation so far as economical affairs are concerned; but it will be large enough to enable Japan to accomplish what I shall undertake to show in a few moments she has been intending to accomplish for years.

The effect of this condition is to permit Japan simply to give up a lease which has 78 years to run, in return for which she gets a perpetual lease to whatever portion of the leased territory she desires for her own exclusive possession. Japan can fully keep her "promises" and yet return to China nothing more than a bathing beach and worthless islands in the bay. To understand this requires knowledge of the original lease forced by Germany from China.

This expert, the chosen counselor and adviser of the President at Versailles, continues his statement:

ORIGINAL LEASE.

This original lease to Germany covered the waters of Kiaochow Bay to high-water mark, two or three small islands in the bay of no consequence, and two pieces of territory, one on either side of the entrance to the bay. That on the left of the entrance is quite small and is of value only as a bathing beach; that on the right is larger and has become the site of the town of Tsingtau. There are located the wharves, docks, barracks, railroad terminals, and important public buildings.

If Japan selects a site for her own settlement within the leased territory, she must select it within one or the other of these two pieces of ground. That she will not locate it on the bathing beach is certain. Since it is to be selected by herself, it is inconceivable that she would select any other than a site within the present town of Tsingtau. That this is intended is beyond all question, for during the past four years the Japanese have been buying all important sites at Tsingtau and have expropriated against the wishes of Chinese peasants a strip of territory across the peninsula behind the town of Tsingtau. Moreover, the phraseology used in the clause of the peace treaty itself confirms this deduction, for it provides for the transfer of the wharves, docks, barracks, and other public property by Germany at Tsingtau, free of all charges to Japan.

Therefore, if Japan returns all she has agreed to return she has in fact returned nothing to China of any moment to her so far as the Shantung Province is concerned. When you take into consideration that Japan now, under the conditions which obtain at this time and while the dispute is on with reference to her rights, is controlling Shantung in its entirety, you can well imagine what will be the result after Japan has for a few months or a few years increased and amplified her rights, as she will be able to do, under this concession. The fact is she is now in control to all practical purposes of the entire Province. She is exploiting its great natural wealth and placing her people throughout the Province.

Mr. President, as I stated a moment ago, the next subject which I desire to discuss is rather a delicate and difficult one to present. It is one which I would have no desire to present if it were not necessary, as I view it, from the course which the argument has taken. It is the proposal before us which justifies a frank discussion of all the facts. Things which under our traditional foreign policy would be of little concern under the proposed program become of the utmost concern. Discussions which could not under the old policy of our Government be justified are now rendered necessary. When I am asked as a Senator to vote to join this Government with the Government of Japan I must be permitted, without intentional offense to Japan, to discuss facts. I refuse to be silent when silence may lead to the wrong decision upon the part of the American people concerning a matter of the highest moment to them. I certainly have no desire to incur the ill will or enmity of any nation or people. But I state frankly that with me it is America first. We should certainly like to live in friendship and cordiality with all people, and we shall never intentionally offend any nation or people. But the plain, undisputed facts must be stated in order that we may form an intelligent opinion relative to our supreme duty in this supreme crisis of our history.

The Senator from North Dakota says there can be no doubt about Japan's good intentions in keeping her promises and her treaty engagements. The attitude of Japan toward China is a duplication of her history with reference to Korea. The two transactions are so nearly alike in detail and in general principles that it would seem success in the former has inspired the latter. The policy and the method by which Japan is accomplishing her purposes and the means which she has adopted to consummate her designs thus far in reference to her relations to China are precisely the same as they were in reference to her conduct toward Korea.

In 1894 Japan made a treaty of alliance with Korea, in which, in article 1, she declared:

The object of this alliance is to maintain the independence of Korea on a firm footing.

At the end of the Chinese war the treaty which concluded that war contained this clause:

Japan agrees definitely to the full and complete independence and autonomy of Korea.

In 1898 Japan and Russia made an agreement wherein the two Governments recognized "definitely the sovereignty and entire independence of Korea."

January 30, 1902, England and Japan made their first treaty of alliance. This treaty stated that both parties desired and undertook to maintain the territorial integrity of China and Korea and the "open door."

In opening the negotiations which preceded the war with Russia in 1903 Japan's declaration of war contained this statement:

Japan consequently considers her independence—

That of Korea—

absolutely essential to her own repose and safety.

In declaring war against Russia in 1904 the Emperor of Japan declared:

The integrity of Korea is a matter of grave concern to this empire. The separate existence of Korea is essential to the safety of our realm.

A few weeks after the war with Russia began—to wit, February 23, 1904—Japan concluded a protocol with Korea, article 3 of which reads:

The Imperial Government of Japan firmly guarantees the independence and territorial integrity of the Korean Empire.

Notwithstanding these declarations, on November 17, 1905, a little more than a year after the last was made, the Korean Emperor was compelled under duress to accept a convention with Japan, article 1 of which provided:

The Government of Japan will have the control and direction of the external relations and affairs of Korea.

In 1907 Japan prevented the representatives of the Korean Empire from having a hearing at The Hague conference.

In 1908 Prince Ito declared publicly, as Count Okuma has declared publicly with reference to China, that it was no part of Japan's purpose to annex Korea. That was in 1908.

In 1909 the same Prince Ito declared that Korea must be amalgamated with Japan.

In 1910 the Emperor of Korea finally surrendered the entire sovereignty of Korea to Japan. This was brought about by actual physical force.

Mr. President, I do not desire to comment further than to say that here were several separate, distinct agreements in which Japan undertook, not orally, not in a way which could be the subject of discussion or dispute, but in writing, in solemn treaties followed by public declarations, that she would protect and maintain the independence of Korea. These treaties and public declarations were ignored, and Korea was taken under the control of Japan in the face of declarations quite as explicit and quite as solemn as she makes now with reference to Shantung. I do not myself find very great reason to believe that this matter, which is already in dispute between the President and the representative of Japan, will be construed to the disadvantage of Japan, in view of the fact that her conduct toward Korea was always in the face of her written treaty agreements to protect Korea's independence.

What is the situation in Korea to-day? Since she has passed under the control of Japan the treatment of Korea by the Japanese at this time is one of the things which has lately shocked the conscience of the civilized world. For four years the facts have been kept from the people at large and from the world at large; but finally they have been gathered by Christian organizations and have been presented to the people of this country in such a

way that they can not be doubted or disputed. I doubt if there is any greater cruelty to be found in the history of this war than the cruelties which have been practiced upon the Koreans by the Japanese people, whom they were under a solemn obligation to protect.

Now, having referred to the relationship of Japan to Korea, I want to take up her history with reference to her relationship with China. I call particular attention to a report which was made in 1914 or early 1915 by a military society in Japan known as the Black Dragon Society. It outlined what Japan should do, and prophesied impliedly, with remarkable accuracy, what Japan would do, with reference to China while this war was in progress. Anyone who has not already read this report will be interested in reading it because of the remarkable ability which is displayed by the author. The discussion of the European situation, and the questions which would arise out of the European war, and the problems which would be presented at the peace conference have nowhere been discussed with greater ability than in this report of the Black Dragon Society, made as early as the latter part of 1914 and the fore part of 1915. The report is a key to the whole program which followed. It shows the purpose, the methods to be used, and the bold ambition of Japan. No man can read it and doubt what it is Japan purposes to do in China. I read from the report:

Now is the most opportune moment for Japan to quickly solve the Chinese question. Such an opportunity will not occur for a hundred years to come. Not only is it Japan's divine duty to act now, but present conditions in China favor the execution of such a plan. We should by all means decide and act at once. Is it not, then, a vital necessity for Japan to solve at this very moment the Chinese question?

It will be observed by these people speaking for Japan, as subsequent events show, that the moment when many of the great nations of the world were engaged in the defense of civilization was the moment when Japan took advantage of the situation to extend her dominion over China. No time was to be lost. China was helpless, and the nations which might be interested in China were deeply concerned with graver matters. This is Machivellianism in its utmost refinement. Again, this report says:

For us to incite the Chinese revolutionists and malcontents to rise in China we consider the present to be the most opportune moment. The reasons why these men can not now carry on an active campaign is because they are insufficiently provided for funds.

Subsequent facts disclose that millions of dollars were sent into China to create trouble and work corruption among the people. There can be very little doubt in the mind of anyone who will investigate but what they not only attempted but succeeded in corrupting Chinese officials, and in different ways, through the expenditure of large sums of money, created trouble for the Chinese people, all the time proposing to act as friends and counselors. Further, this report says:

When we examine into the form of government in China we must ask whether the existing Republic is well suited to the national temperament and well adapted to the thoughts and aspirations of the Chinese people. * * * The retention of the republican form of government in China will be a great future obstacle in the way of a Chino-Japanese alliance. And why must it be so? Because in a republic the fundamental principles of government as well as the social and moral aims of the people are distinctly different from that of a constitutional monarchy. Their laws and administrations also conflict.

This is a thought which all supporters of the league who would join all kinds of government may well ponder. But, at any rate, Japan has from the beginning sought to undermine the republican form of government in China. Facts showing this are no longer subject to dispute. They have been especially active during the last four years. In closing this report we find this language:

These are important points in our policy toward China, and the result depends upon how we carry them out. Can our authorities firmly make up their mind to solve this Chinese question by the actual carrying out of this fundamental principle? If they show irresolution while we have this heaven-conferred chance and merely depend upon the good will of the other powers, we shall eventually have greater pressure to be brought against the Far East after the European war is over, when the present equilibrium will be destroyed. That day will then be too late for us to repent our folly.

There was no delay, neither was there folly, but with consummate wisdom when viewed from a selfish standpoint, with reremarkable boldness, the Japanese Government seems to have accepted this suggestion of the Dragon Society and to have gone forward. Shantung was always the center and heart of the program.

This, I say, is the report which was made public in the latter part of 1914 and the early part of 1915 by a powerful military organization composed of Japanese citizens. Its entire purpose was to urge upon the Government a policy which would bring China under the domination and control of Japan, setting out in detail how Japan could, once and for all, solve the Chinese question and establish her dominancy over the Chinese people.

Mr. President, if this thing had ended here, it could have been regarded perhaps as a mere fulmination upon the part of an imperialistic organization or society. But it did not end with a filing of the report. Within a very few weeks, by what are known to the world as the 21 demands, the program is initiated. The 21 demands came out of a clear sky against a nation with which Japan was at peace.

When we are discussing this question of Japan's relation to China and what is her purpose as to Shantung we ought to bear in mind that Japan was not dealing with a nation with which she was at war. In the midst of peace as between Japan and China, during a war for civilization, she presented to a nation friendly to the Allies a set of demands which would reduce her to absolute serfdom.

I invite the Senator from North Dakota to give particular attention to the 21 demands. Here is this group of demands which Japan made upon China on the 26th of April, 1915. The first one reads as follows:

The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government, relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

As far back as the 26th of April, 1915, Japan manifested her determination to take permanent possession of Shantung. Remember, this was the territory of a friendly nation. She was then seeking to get her foothold in accordance with the theory of the Black Dragon Society; then was the accepted time for Japan to solve the Chinese question.

This is strong evidence that Japan intends to get possession of Shantung and not to return it to China. The only evidence to the contrary that I know of is what has been stated to us as contained in the procès-verbal—or, as we could well say, minutes of the meeting—that Japan said something to the effect that she would make this return. But, mind you, that has already been construed in two ways, one by the Japanese and the other by the President. The President has said to us that he feels under obligation to treat these minutes as secret, in other words, that he is not in a position to make them known to the world. I presume the President is in that position. I can easily understand how the President would not divulge the minutes, but it is up to Japan to divulge them. It is in Japan's hands to-day to settle this entire controversy. If Japan has made an agreement with four great powers, the whole civilized world is interested in knowing what it is. There can be no honest reason why Japan should conceal it.

The President, having made the obligation or entered into the understanding that he would not divulge it, is bound by it as a matter of personal honor, but not Japan. Let Japan make known to the people of the world what that procès-verbal is. Let us see the minutes of the meeting in view of the fact that in 1915 she had manifested her desire to take possession of this territory.

I read further from these 21 demands:

ART. 2. The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext.

ART. 3. The Chinese Government consents to Japan's building a railway from Chefoo, or Lungkow, to join the Kiaochow-Tsinanfu Railway.

ART. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places are to be opened are to be jointly decided upon in a separate agreement.

GROUP II.

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

ARTICLE 1. The two contracting powers mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

ART. 2. Japanese subjects in South Manchuria and Eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

ART. 3. Japanese subjects shall be free to reside and travel in South Manchuria and Eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

ART. 4. The Chinese Government agrees to grant to Japanese subjects the right of opening mines in South Manchuria and Eastern Inner Mongolia. As regards what mines shall be opened they shall be decided upon jointly.

ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned herein below the Japanese Government's consent shall be first obtained before action is taken:

(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in South Manchuria and Eastern Inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of South Manchuria and Eastern Inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in South Manchuria or Eastern Inner Mongolia the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

GROUP III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co. have close relations with each other at present, and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations, and they further agree that without the previous consent of Japan China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.

ART. 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company the consent of the company shall first be obtained.

GROUP IV.

The Japanese Government and the Chinese Government with the object of effectively preserving the territorial integrity of China agree to the following special article:

The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

Mr. President, I call particular attention to group 5. Group 5 was regarded as most objectionable by China. It was finally put aside for further discussion. China resisted these demands in group 5, because she understood, as all can see, that it was a complete surrender of sovereignty to Japan. If you will recur to the demands made upon Korea you will be interested to see how similar in import, how remarkably alike in method, were the demands on Korea and China by Japan. But group 5 reveals beyond mistake just what Japan's plans are—the complete amalgamation of China. Anyone who reads group 5 and still doubts Japan's ambitions as to China has passed beyond the point where reason or argument can have sway. I read group 5:

ARTICLE 1. The Chinese Central Government shall employ influential Japanese as advisers in political, financial, and military affairs.

ART. 2. Japanese hospitals, churches, and schools in the interior of China shall be granted the right of owning land.

ART. 3. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle, cases which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese, or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

ART. 4. China shall purchase from Japan a fixed amount of munitions of war (say 50 per cent or more of what is needed by the Chinese Government) or there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technical experts to be employed and Japanese material to be purchased.

ART. 5. China agrees to grant to Japan the right of constructing a railway conecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hangchow, and another between Nanchang and Chaochou.

ART. 6. If China needs foreign capital to work mines, build railways, and construct harbor work (including dockyard) in the Province of Fukien, Japan shall first be consulted.

ART. 7. China agrees that Japanese subjects shall have the right to propagate Buddhism in China.

When these 21 demands were presented to China, Japan insisted upon the utmost secrecy. The Chinese Government was informed that it would be much to their detriment if the demands were published or made known. Finally they did reach the public. This throws a flood of light upon the good faith of Japan in her dealings with the world. When these 21 demands reached the public Japan denied officially that any such demands had been made upon China, and when the fact became known beyond dispute Japan redrafted her 21 demands, re-formed them, reduced them in number, cutting out some of the most objectionable features, and sent them to the world as the original 21 demands.

When the outside world made inquiry concerning this matter it was answered by Japan with falsehood and deceit. Who denies it?

Mr. President, shortly after the 21 demands were made and after they had been made known to the world, after their redrafting and reconstruction and after group 5 had been eliminated for future consideration, Japan presents the treaty of 1915 upon which she now relies for her rights in China. I ask fair-minded men upon what basis did Japan present a treaty to China at all? Had she been at war with China? Had there been a conflict? Was there any settlement to be had between them? It was just the same, sirs, as if we should go to Canada and to-morrow morning demand that Canada cede to us important holdings in Canada.

Japan presented her treaty, which China declined to accept, and she gave her 48 hours, if I remember correctly, in which to accept the treaty which is now the basis of this moral obligation. Do we want to become a party to that treaty or indorse the manner in which it was obtained? China, being situated as she was, was compelled to accept and sign the treaty. She signed it under duress, as she stated, and has stated many times since.

Let it never be forgotten that Japan has no rights in Shantung except those based upon this treaty, a treaty which grew out of the Black Dragon report, a treaty which grew out of the 21 demands, a treaty which grew out of duress and force upon the part of a military power against a nation at peace and unprepared for war.

Mr. President, it is well known that Japan had thrown many obstacles in the way of China entering the war. If I remember correctly, the secret treaty which was made with France in 1917 has a provision to the effect that Japan would no longer interfere with China entering the war. The secret treaties of 1917 were made in March and February. Japan, knowing that China was to enter the war and would have a place at the peace table at Versailles or wherever it should meet, secretly approached England, Italy, and France and exacted from those nations under the conditions and the stress of war an agreement that her rights under the 1915 treaty should be protected at the peace conference. When they met at Versailles it was the secret treaties which were carried out and incorporated in the treaty of Versailles.

Now, Mr. President, here comes an incident which to my mind has no parallel in the history of duplicity. Count Ishii approached the United States to obtain from the United States a recognition of Japan's special rights in China. Before Count Ishii approached the United States he had made known to the representatives of other Governments—at least his Government made known to the representatives of other Governments—what the intention and purpose was, to wit, to acquire from the United States a recognition of the dominancy of Japan in China. When he met the Secretary of State of the United States for the purpose of securing this recognition his Government had in its possession at that time these secret treaties disposing of the rights of Germany in Shantung, all of which were concealed from the Secretary of State. The Secretary of State entered into an agreement known as the Lansing-Ishii agreement, which recognizes the special position or the special interest of Japan in China. Count Ishii sent it back to his country, presented it to China, and the Japanese press and semiofficially the Japanese Government construed it as an indorsement of the rights which Japan had obtained under the secret treaties which had been concealed from Lansing.

Sir, if there is a secret agreement at Versailles found in the minutes of the meeting it is trifling with common sense to talk about accepting it under these conditions unless we are permitted to see and to interpret it here.

As I said a moment ago, Mr. President, this entire matter is in the hands of Japan. Japan can state unmistakably and unequivocally what she proposes to do, and it is no discredit and no dishonor to any nation to put in writing what it proposes to do with reference to the rights of another nation. The United States enters into writing, all other Governments enter into writing, all nations bind themselves by written obligations. Under what process of reasoning can it be argued, as the Senator from North Dakota says, that it is an insult to Japan to ask her to put in writing what she proposes to do?

If the United States is to be asked to underwrite and guarantee a situation which arouses the ire of 400,000,000 people, it is right and proper that we shall know the express terms and conditions and not permit it to be construed or interpreted by three or four men only who have seen it and who already disagree as to its import. Remember this is of vital concern to the American people. Under article 10 of the league of nations our own blood may be shed over this affair. If Japan holds Shantung, we must help her hold it under article 10, for that vicious article takes no note of how territory is acquired. However dishonorably acquired, we still guarantee it against external attack. This secret agreement at Versailles, therefore, is of deep concern to the American people, and it is intolerable to suppose that it can be kept secret. Let us know its contents before we pledge ourselves to underwrite it.

Mr. President, I desire to touch briefly upon another subject matter relating to Japan's respect for treaty engagements and her attitude toward China. It may be considered by some as immaterial. To my mind it is of the utmost importance.

One of the most interesting features of Chinese history is the story of the opium habit and her final heroic effort to throw it off. For decades this fearfully destructive habit has fastened itself upon the Chinese people more and more. It seemed at one time that it would utterly destroy the moral fiber of the Chinese nation. The depths of misery and shame to which vast numbers of the Chinese people were reduced beggars description. In moral breakdown, in the universality of its spread,

in the hopelessness of the millions of its victims, in the apparent helplessness of the nation to be rid of it, there is nothing anywhere to be found more revolting and at the same time more pitiable. It aroused the conscience and moved the heart of the Christian world.

Finally China by a most startling and extraordinary effort of moral power began to deal with the habit. By the aid of the outside world she made great progress. That which had seemed almost hopeless at last seemed assured, and it looked as if China was to be completely free of this curse. Indeed, at the beginning of the war she had practically conquered the habit, and her people were to a marked degree free from it. All right-thinking men everywhere greatly rejoiced. It was a fine assurance that there was indeed a future for the Chinese people. It gave unmistakable evidence that these 400,000,000 souls possessed the power to come back—the acid test of a great people.

In 1912 there was what was known as the opium convention at The Hague. The United States, Japan, and other nations entered into a convention or agreement with reference to the shipment of opium into foreign countries. The opium convention provided, first, that all the signatories to it would enact efficacious laws for the control and distribution of opium; second, to prohibit the exportation to countries which had prohibited its use; third, to provide laws requiring all packages containing opium to be marked or labeled; fourth, to prohibit the exportation or importation except through authorized persons.

Japan was a signer of that convention. She knew well how the Chinese people had struggled with heroic fortitude against this terrible habit. She knew well how for years they had been fighting against it until it had aroused the sympathy and stirred the heart of the world. She knew how at last the great nations came together for the purpose of obligating themselves to assist that great nation in relieving herself of the fearful habit. As soon as this late war opened Japan treated her opium treaty as a scrap of paper and immediately began to ship tons and tons of opium into China, and to-day she is using Shantung as a depot from which to distribute her opium into all quarters and parts of China.

I quote a paragraph from an article lately written by the noted student of Far Eastern questions, Dr. J. W. Jenks:

Perhaps history shows no other so heroic effort to free a people from a ruinous moral curse as that of China during the last 10 years in her efforts to free her people from the evils of opium and its compounds. The Government seemed to have succeeded to a most remarkable degree, as verified by British officials as well as by the almost universal testimony of foreigners resident in China; but within the last two or three years the Japanese, apparently with the full knowledge and connivance of the Japanese Government, have practically forced the Chinese to a backward step. The testimony seems absolute that during the year 1918, contrary to Japan's formal agreement at the opium conference, tons of opium and morphia were sent into China by the Japanese and with the connivance of the Japanese Government. The Outport and Overseas Supplement of the China Illustrated Weekly for February 15, 1919, mentions some 300 specific cases which it proved by actual purchase of morphia and opium from Japanese shops. The Japanese Government, in its denial of these charges, has simply cited its orders to the Japanese postal officials in China to the effect that no opium or morphine was to be sent through the mails. It omitted to state that another order provided that no package in the Japanese post office in China be opened. The charges stated that the opium was sent through the post office under false labels.

In Thomas F. Millard's late publication, entitled "Democracy and the Eastern Question," I find this paragraph:

China's long struggle against the opium traffic and habit is familiar to the world. When the great war began the traffic was on its last legs apparently. * * * Then the war came, disturbed and unsettled the administration of China and let down all bars to Japanese "penetration." How Japanese, with the connivance and often the actual help of the Japanese Government, took advantage of these circumstances to introduce and fasten another drug habit on the Chinese constitutes as black an action as has been charged to any nation in recent times.

In the same volume—page 211—is found a report which goes into detail in regard to the reintroduction of opium into China by Japan, showing that Japan has made millions out of it, and that since she took possession of Shantung has distributed morphia throughout the Province and now throughout China to a greater extent than ever before. I read a single paragraph from this report:

Literally tens of millions of yen are transferred annually from China to Japan for the payment of Japanese morphia. * * * When Chinese police raid the morphia shops along the Tsinanfu Railway in Shantung, as they have a right to do, for the traffic is illegal, Japanese gendarmeri rescue the arrested and exact a fine, not from the guilty, be it understood, but from those who attempted to uphold the law.

This is the nature of the business we are to indorse, approve, and become a party to when we make it possible for Japan to dominate Shantung. We, a Christian Nation, with our missionaries in China, are conniving at her moral degredation, at her absolute destruction. There is no reason assignable which will ever be satisfactory to the American people in putting them in such an indefensible attitude toward the Chinese people. Whatever else we are as a people, we are not thus sunk in immorality and debauchery. In a late publication by Arthur J. Brown, entitled "The Mastery of the Far East," I quote this paragraph—page 389:

Let anyone go into the villages of northern China and Manchuria and he will quickly learn what the Japanese are doing with such vast quantities of morphine. He will find hundreds of Japanese peddlers selling it to the natives under various labels, "white powder," "soothing stuff," "dreamland elixir," and in some instances the real name, morphine. Most of it comes in through the post. Several foreign Governments, including Japan, maintain their own post offices in China. The Chinese Government is not permitted to examine the packages, and the local Japanese obtain them direct. The Chinese magistrates are helpless, as they dare not interfere with the Japanese.

Mr. President, this record needs no further comment. It tells its own story. It must be revolting to every sense of right and every instinct of decency possessed by true Americans. But from expediency, or, rather, I would say, from sheer moral breakdown, it is argued we must become a partner, as it were, in this nefarious enterprise of undermining millions and destroying the character of an entire nation.

We are asked to underwrite a transaction upon the mere theory that Japan will keep her oral promise, which is already in dispute. I have, in common with all good Americans, a great deal of sympathy with struggling people wherever they are found. I should like to help China. I should like to help Ireland. I should like to help the struggling nations everywhere. But I say again that so far as I am concerned in this treaty problem I am interested first to keep the honor of the United States unsullied and to see that the young men of the United States are not called upon to underwrite these immoral transactions within which are incorporated the seeds of war. When this Republic assists other nations I want it to be upon her own initiative, of her own individual judgment, and then I shall feel that we are sure to act in justice and honor. I am sure this Republic would never become a party to such an affair as Shantung if permitted to act upon her own judgment or responsibility.

The United States should draw back as from a den of horror from underwriting a transaction which we know is the beginning of a contest between the Japanese people and 400,000,000 Chinamen.

But the able Senator declares your league of nations settles it! What did Japan do to the league of nations? There sat the league of nations at Versailles, stronger then than it will ever be again—Japan, Great Britain, France, the United States, and Italy. There was the league of nations, and Japan flouted the league of nations and said, "We will refuse to become a part of it unless we have Shantung." And yet the able Senator from North Dakota [Mr. MCCUMBER] thinks if they return to the league of nations by some necromantic power not exactly clear to me the league of nations will have acquired the power to do in the second instance what it did not do or could not do or had not the moral courage to do in the first instance.

Mr. President, in this matter we are flying in the face of all experience by attempting a great wrong and expecting good to come of it. I do not assume a wisdom superior to my colleagues and certainly not superior to those who consented to this treaty. Nevertheless I know something of the history of government. I have read something of the story of man's efforts to make the world a fit place in which to live. I know that you can not do so by calling immorality morality, by calling injustice justice. You must do morality and you must do justice. You may call a thing a league for peace, but in it may be incorporated things which make it a league for war. I know that statutes based upon immorality are not only worthless as binding rules of human conduct but that they affirmatively break down and destroy the moral character of an entire people. Better no law at all than a law conceived in injustice; better leave all to the natural instincts of the human heart than to write an unjust and an immoral law for a people's guide. I know that treaties and international covenants based upon unrighteousness and in conflict with the first instincts of the human heart not only dishonor, degrade, and debauch all parties to the treaty and the members of the covenant, but I know that behind each and all such treaties lurk war and sacrifice. Retribution is the most unerring and persistent of all forms of earthly vengeance. You can trace it through the pages of history as you trace some fearfully contagious disease through a community. The fathers were exceedingly wise, but when they made a solemn compact in the name of human liberty and left within the compact a paragraph which sought to legalize and condone human slavery they planted the seeds of civil war, the most awful in all the annals of internecine strife. For every drop of blood drawn by the lash through the 250 years of unqualified toil God said the martyr should be paid another drawn by the sword.

The Shantung affair is indefensible from any standpoint of morals or international justice or common decency. It is one of those things so immoral and unrighteous that we wish to approach it with deaf ears and closed eyes. We dread even to think about it. We loathe to be forced to attempt to defend it. It will dishonor and degrade any people who seek to uphold it. War will inevitably follow as the result of an attempt to perpetuate it. It is founded in immorality and revolting injustice. It is outside the pale of respectability even according to ancient standards. It shocks the conscience even of European diplomacy. Naked, hideous, and revolting it looms up before us as a monster from that cruel and shameless world which all had hoped and prayed was forever behind us. It smacks of all the iniquities of European adjustments. Indeed perhaps it has no parallel when all its features are considered.

America wants peace, but she will preserve her honor. America wants peace, but well she knows that peace is not to be found along the paths of faithlessness and oppression, of moral delinquency and crime. If we as a people are to give our approval to this betrayal of a trusting and struggling people, we will have taken from the creed of Prussianism its dominating principle, its most shocking precepts, and made them our very own, incorporated them into our national creed. While defeating Prussianism on the field of battle in physical encounter we will have accepted its most vicious, hideous doctrine unexpurgated and unmodified.

It was one of the fathers, I think Alexander Hamilton, who declared, "The honor of a nation is its life. Deliberately to abandon it is to commit an act of political suicide." The American people will not, when the facts are known, submit to any treaty which impeaches our national honor. They will not be a party to wrongdoing. They will not endure the disgrace which would attach to the underwriting of this unconscionable deed.

The Black Dragon Memorandum.

PART I. THE EUROPEAN WAR AND THE CHINESE QUESTION.

The present gigantic struggle in Europe has no parallel in history. Not only will the equilibrium of Europe be affected and its effect felt all over the globe but its results will create a new era in the political and social world. Therefore whether or not the Imperial Japanese Government can settle the Far Eastern question and bring to realization our great imperial policy depends on our being able to skillfully avail ourselves of the world's general trend of affairs so as to extend our influence and to decide upon a course of action toward China which shall be practical in execution. If our authorities and people view the present European war with indifference and without deep concern, merely devoting their attention to the attack on Kiaochow, neglecting the larger issues of the war, they will have brought to naught our great imperial policy and committed a blunder greater than which it can not be conceived. We are constrained to submit this statement of policy for the consideration of our authorities not because we are fond of argument but because we are deeply anxious for our national welfare.

No one at present can foretell the outcome of the European war. If the Allies meet with reverses and victory shall crown the arms of the Germans and Austrians, German militarism will undoubtedly dominate the European Continent and extend southward and eastward to other parts of the world. Should such a state of affairs happen to take place the consequences resulting therefrom will be indeed great and extensive. On this account we must devote our most serious attention to the subject. If, on the other hand, the Germans and Austrians should be crushed by the Allies, Germany will be deprived of her present status as a federated State under a kaiser. The federation will be disintegrated into separate States, and Prussia will have to be content with the status of a second-rate power. Austria and Hungary, on account of this defeat, will consequently be divided. What their final fate will be no one would now venture to predict. In the meantime Russia will annex Galicia and the Austrian Poland; France will repossess Alsace and Lorraine; Great Britain will occupy the German Colonies in Africa and the South Pacific; Serbia and Montenegro will take Bosnia, Herzegovina, and a certain portion of Austria territory, thus making such great changes in the map of Europe that even the Napoleonic War in 1815 could not find a parallel.

When these events take place not only will Europe experience great changes but we should not ignore the fact that they will occur also in China and in the South Pacific. After Russia has replaced Germany in the territories lost by Germany and Austria she will hold a controlling influence in Europe, and for a long time to come will have nothing to fear from her western frontier. Immediately after the war she will make an effort to carry out her policy of expansion in the East and will not relax her effort until she has acquired a controlling influence in China. At the same time Great Britain will strengthen her position in the Yangtze Valley and prohibit any other country from getting a footing there. France will do likewise in Yunnan Province, using it as her base of operations for further encroachments upon China and never hesitate to extend her advantages. We must therefore seriously study the situation, remembering always that the combined action of Great Britain, Russia, and France will not only affect Europe but that we can even foresee that it will also affect China.

Whether this combined action on the part of England, France, and Russia is to terminate at the end of the war or to continue to operate, we can not now predict. But after peace in Europe is restored these powers will certainly turn their attention to the expansion of their several spheres of interest in China, and, in the adjustment, their interests will most likely conflict with one another. If their interests do not conflict they will work jointly to solve the Chinese question. On this point we have not the least doubt. If England, France, and Russia are actually to combine for the coercion of China, what course is to be adopted by the Imperial Japanese Government to meet the situation? What proper means shall we employ to maintain our influence and extend our interests within this ring of rivalry and competition? It is necessary that we bear in mind the final results of the European war and forestall the trend of events succeeding it so as to be able to decide upon a policy toward China and determine the action to be ultimately taken. If we remain passive, the Imperial Japanese Government's policy toward China will lose that subjective influence and our diplomacy will be checked forever by the combined force of the other powers. The peace of the Far East will be thus endangered and even the existence of the Japanese Empire as a nation will no doubt be imperiled. It is therefore our first important duty at this moment to inquire of our Government what course is to be adopted to face that general situation after the war. What preparations are being made to meet the combined pressure of the Allies upon China? What policy has been followed to solve the Chinese question? When the European war is terminated and peace restored we are not concerned so much with the question whether it be the dual monarchies or the triple entente which emerge victorious, but whether, in anticipation of the future expansion of European influence in the Continents of Europe and Asia, the Imperial Japanese Government should or should not hesitate to employ force to check the movement before this occurrence. Now is the most opportune moment for Japan to quickly solve the Chinese question. Such an opportunity will not occur for hundreds of years to come. Not only is it Japan's divine duty to act now, but present conditions in China favor the execution of such a plan. We should by all means decide and act at once. If our authorities do not avail themselves of this rare opportunity, great duty will surely be encountered in future in the settlement of this Chinese question. Japan will be isolated from the European powers after the war and will be regarded by them with envy and jealousy just as Germany is now regarded. Is it not then a vital necessity for Japan to solve at this very moment the Chinese question?

PART II. THE CHINESE QUESTION AND THE DEFENSIVE ALLIANCE.

It is a very important matter of policy whether the Japanese Government, in obedience to its divine mission, shall solve the Chinese question in a heroic manner by making China voluntarily rely upon Japan. To force China to such a position there is nothing else for the Imperial Japanese Government to do but to take advantage of the present opportunity to seize the reins of political and financial power and to enter by all means into a defensive alliance with her under secret terms as enumerated below.

THE SECRET TERMS OF THE DEFENSIVE ALLIANCE.

The Imperial Japanese Government, with due respect for the sovereignty and integrity of China and with the object and hope of maintaining the peace of the Far East, undertakes to share the responsibility of cooperating with China to guard her against internal trouble and foreign invasion and China shall accord to Japan special facilities in the matter of China's national defense or the protection of Japan's special rights and privileges, and for these objects the following treaty of alliance is to be entered into between the two contracting parties:

1. When there is internal trouble in China or when she is at war with another nation or nations Japan shall send her army to render assistance, to assume the responsibility of guarding Chinese territory, and to maintain peace and order in China.

2. China agrees to recognize Japan's privileged position in south Manchuria and inner Mongolia and to cede the sovereign rights of these regions to Japan to enable her to carry out a scheme of local defense on a permanent basis.

3. After the Japanese occupation of Kiaochow, Japan shall acquire all the rights and privileges heretofore enjoyed by the Germans in regard to railways, mines, and all other interests, and after peace and order is restored in Tsingtao the place shall be handed back to China to be opened as an international treaty port.

4. For the maritime defense of China and Japan, China shall lease strategic harbors along the coast of the Fukien Province to Japan to be converted into naval bases and grant to Japan in the said Province all railway and mining rights.

5. For the reorganization of the Chinese Army China shall intrust the training and drilling to the army of Japan.

6. For the unification of China's firearms and munitions of war, China shall adopt firearms of Japanese pattern and at the same time establish arsenals (with the help of Japan) in different strategic points.

7. With the object of creating and maintaining a Chinese navy, China shall intrust the training of her navy to Japan.

8. With the object of reorganizing her finances and improving the methods of taxation, China shall intrust the work to Japan, and the latter shall elect competent financial experts, who shall act as first-class advisers to the Chinese Government.

9. China shall engage Japanese educational experts as educational advisers and extensively establish schools in different parts of the country to teach Japanese, so as to raise the educational standard of the country.

10. China shall first consult with and obtain the consent of Japan before she can enter into an agreement with another power for making loans, the leasing of territory, or the cession of the same.

From the date of the signing of this defensive alliance Japan and China shall work together hand in hand. Japan will assume the responsibility of safeguarding Chinese territory and maintaining the peace and order in China. This will relieve China of all future anxieties and enable her to proceed energetically with her reforms, and, with a sense of territorial security, she may wait for her national development and regeneration. Even after the present European war is over and peace is restored China will absolutely have nothing to fear in the future of having pressure brought against her by the foreign powers. It is only thus that permanent peace can be secured in the Far East.

But before concluding this defensive alliance two points must first be ascertained and settled: (1) Its bearing on the Chinese Government. (2) Its bearing on those powers having intimate relations with and great interests in China.

In considering its effect on the Chinese Government Japan must try to foresee whether the position of China's present ruler, Yuan Shih-kai, shall be permanent or not; whether the present Government's policy will enjoy the confidence of a large section of the Chinese people; whether Yuan Shih-kai will readily agree to the Japanese Government's proposal to enter into a treaty of alliance with us. These are points to which we are bound to give a thorough consideration. Judging by the attitude hitherto adopted by Yuan Shih-kai, we know he has always resorted to the policy of expediency in his diplomatic dealings, and although he may outwardly show friendliness toward us, he will in fact rely upon the influence of the different powers as the easiest check against us and refuse to accede to our demands. Take for a single instance his conduct toward us since the Imperial Government declared war against Germany and his action will then be clear to all. Whether we can rely upon the ordinary friendly methods of diplomacy to gain our object or not it does not require much wisdom to decide.

After the gigantic struggle in Europe is over, leaving aside America, which will not press for advantage, China will not be able to obtain any loans from the other powers. With a depleted treasury, without means to pay the officials and the army, with local bandits inciting the poverty-stricken populace to trouble, with the revolutionists waiting for opportunities to rise, should an insurrection actually occur while no outside assistance can be rendered to quell it, we are certain it will be impossible for Yuan Shih-kai, single-handed, to restore order and consolidate the country. The result will be that the nation will be cut up into many parts beyond all hope of remedy. That this state of affairs will come is not difficult to foresee. When this occurs, shall we uphold Yuan's government and assist him to suppress the internal insurrection, with the certain assurance that we could influence him to agree to our demands, or shall we help the revolutionists to achieve a success and realize our object through them? This question must be definitely decided upon this very moment, so that we may put it into practical execution. If we do not look into the future fate of China, but go blindly to uphold Yuan's government, to enter into a defensive alliance with China, hoping thus to secure a complete realization of our object by assisting him to suppress the revolutionists, it is obviously a wrong policy. Why? Because the majority of the Chinese people have lost all faith in the tottering Yuan Shih-kai, who is discredited and attacked by the whole nation for having sold his country. If Japan gives Yuan the support, his government, though in a very precarious state, may possibly avoid destruction. Yuan Shih-kai belongs to that school of politicians who are fond of employing craftiness and cunning. He may be friendly to us for a time, but he will certainly abandon us and again befriend the other powers when the European war is at an end. Judging by his past, we have no doubt as to what he will do in the future. For Japan to ignore the general sentiment of the Chinese people and support Yuan Shih-kai with the hope that we can settle with him the Chinese question is a blunder indeed. Therefore, in order to secure the permanent peace of the Far East, instead of supporting a Chinese government which can neither be long continued in power nor assist in the attainment of our object, we should rather support the 400,000,000 Chinese people to renovate their corrupt Government, to change its present form, to maintain peace and order in the land, and to usher into China a new era of prosperity, so that China and Japan may in fact as well as in name be brought into the most intimate and vital relations with each other. China's era of prosperity is based on the Chino-Japanese alliance, and this alliance is the foundational power for the repelling of the foreign aggression that is to be directed against the Far East at the conclusion of the European War. This alliance is also the foundation stone of the peace of the world. Japan, therefore, should take this as the last warning and immediately solve this question.

Since the Imperial Japanese Government has considered it imperative to support the Chinese people, we should induce the Chinese revolutionists, the Imperialists, and other Chinese malcontents to create trouble all over China. The whole country will be thrown into disorder and Yuan's Government will consequently be overthrown. We shall then select a man from amongst the most influential and most noted of the 400,000,000 of Chinese and help him to organize a new form of government and to consolidate the whole country. In the meantime our army must assist in the restoration of peace and order in the country, and in the protection of the lives and properties of the people, so that they may gladly tender their allegiance to the new government which will then naturally confide in and rely upon Japan. It is after the accomplishment of only these things that we shall without difficulty gain our object by the conclusion of a defensive alliance with China.

For us to incite the Chinese revolutionists and malcontents to rise in China we consider the present to be the most opportune moment. The reason why these men can not now carry on an active campaign is because they are insufficiently provided with funds. If the Imperial Government can take advantage of this fact to make them a loan and instruct them to rise simultaneously, great commotion and disorder will surely prevail all over China. We can intervene and easily adjust matters.

The progress of the European War warns Japan with greater urgency of the imperative necessity of solving this most vital of questions. The Imperial Government can not be considered as embarking on a rash project. This opportunity will not repeat itself for our benefit. We must avail ourselves of this chance and under no circumstances hesitate. Why should we wait for the spontaneous uprising of the revolutionists and malcontents? Why should we not think out and lay down a plan beforehand? When we examine into the form of government in China, we must ask whether the existing Republic is well suited to the national temperament and well adapted to the thoughts and aspirations of the Chinese people. From the time the Republic of China was established up to the present moment, if what it has passed through is to be compared to what it ought to be in the matter of administration and unification, we find disappointment everywhere. Even the revolutionists themselves, the very ones who first advocated the republican form of government, acknowledge that they have made a mistake. The retention of the republican form of government in China will be a great future obstacle in the way of a Chino-Japanese alliance. And why must it be so? Because, in a republic the fundamental principles of government as well as the social and moral aims of the people are distinctly different from that of a constitutional monarchy. Their laws and administration also conflict. If Japan act as a guide to China, and China model herself after Japan it will only then be possible for the two nations to solve by mutual effort the Far East question without differences and disagreements.

Therefore, to start from the foundation for the purpose of reconstructing the Chinese Government, of establishing a Chino-Japanese alliance, of maintaining the permanent peace of the Far East, and of realizing the consummation of Japan's imperial policy, we must take advantage of the present opportunity to alter China's republican form of Government into a constitutional monarchy, which shall necessarily be identical in all its details to the constitutional monarchy of Japan, and to no other. This is really the key and first principle to be firmly held for the actual reconstruction of the form of government in China. If China changes her republican form of Government to that of a constitutional monarchy, shall we, in the selection of a new ruler, restore the Emperor Hsuan T'ung to his throne or choose the most capable man from the monarchists, or select the most worthy member from among the revolutionists? We think, however, that it is advisable at present to leave this question to the exigency of the future, when the matter is brought up for decision. But we must not lose sight of the fact that to actually put into execution this policy of a Chino-Japanese alliance and the transformation of the Republic of China into a constitutional monarchy is in reality the fundamental principle to be adopted for the reconstruction of China.

We shall now consider the bearing of this defensive alliance on the other powers. Needless to say, Japan and China will in no way impair the rights and interests already acquired by the powers. At this moment it is of paramount importance for Japan to come to a special understanding with Russia to define our respective spheres in Manchuria and Mongolia, so that the two countries may cooperate with each other in the future. This means that Japan after the acquisition of sovereign rights in South Manchuria and inner Mongolia will work together with Russia after her acquisition of sovereign rights in North Manchuria and outer Mongolia to maintain the status quo, and endeavor by every effort to protect the peace of the Far East. Russia since the outbreak of the European war has not only laid aside all ill feelings against Japan, but has adopted the same attitude as her allies and shown warm friendship for us. No matter how we regard the Manchurian and Mongolian questions in the future she is anxious that we find some way of settlement. Therefore, we need not doubt but that Russia in her attitude toward this Chinese question will be able to come to an understanding with us for mutual cooperation.

The British sphere of influence and interest in China is centered in Tibet and the Yangtze Valley. Therefore, if Japan can come to some satisfactory arrangement with China in regard to Tibet and also give certain privileges to Great Britain in the Yangtze Valley, with an assurance to protect those privileges, no matter how powerful Great Britain might be, she will surely not oppose Japan's policy in regard to this Chinese question. While this present European war is going on Great Britain has never asked Japan to render her assistance. That her strength will certainly not enable her to oppose us in the future need not be doubted in the least.

Since Great Britain and Russia will not oppose Japan's policy toward China it can readily be seen what attitude France will adopt in regard to the subject. What Japan must now somewhat reckon with is America. But America in her attitude toward us regarding our policy toward China has already declared the principle of maintaining China's territorial integrity and equal opportunity, and will be satisfied if we do not impair America's already acquired rights and privileges. We think America will also have no cause for complaint. Nevertheless America has in the East a naval force which can be fairly relied upon, though not sufficiently strong to be feared. Therefore, in Japan's attitude toward America there is nothing really for us to be afraid of.

Since China's condition is such on the one hand and the Powers' relation toward China is such on the other hand, Japan should avail herself in the meantime of the European war to definitely decide upon a policy toward China, the most important move being the transformation of the Chinese Government, to be followed up by preparing for the conclusion of the defensive alliance. The precipitate action on the part of our present Cabinet in acceding to the request of Great Britain to declare war against Germany without having definitely settled our policy toward China has no real connection with our future negotiations with China or affects the political condition in the Far East. Consequently all intelligent Japanese, of every walk of life throughout the land, are very deeply concerned about the matter.

Our Imperial Government should now definitely change our dependent foreign policy which is being directed by others into an independent foreign policy which shall direct others, proclaiming the same with solemn sincerity to the world and carrying it out with determination. If we do so even the gods and spirits will give way. These are important points in our policy toward China, and the result depends on how we carry them out. Can our authorities firmly make up their mind to solve this Chinese question by the actual carrying out of this fundamental principle? If they show irresolution while we have this heaven-conferred chance and merely depend on the good will of the other powers we shall eventually have greater pressure to be brought against the Far East after the European war is over, when the present equilibrium will be destroyed. That day will then be too late for us to repent our folly. We are therefore impelled by force of circumstances to urge our authorities to a quicker sense of the situation and to come to a determination.

(Translation from "The Fight for the Republic in China," by B. L. Putnam-Weale. Copyright, 1917, by Dodd, Mead & Co., Inc.)

Mr. McCUMBER. Mr. President, I regret that I was called out of the Chamber so that I could not hear all of the address of the Senator from Idaho [Mr. BORAH], but he has presented one or two propositions that can not go unchallenged.

Mr. President, when as a boy I read in the history of the United States what was declared to be a glorious feat on the part of the American Navy, when Admiral Perry, with loaded guns, awoke Japan from her state of lethargy and commanded her to open her ports and Japan opened those ports at his demand, I never could agree that it was a moral act or that it was an act in which we ought to take a great deal of pride. So I agree with the Senator from Idaho that such acts are immoral.

I have never agreed, no matter what great benefit we got out of it, and no matter what great State was added to our Union, that making a war on Mexico to get added territory, by which we could balance the sentiment of one section against that of another section, was a moral act on the part of the United States. I have never agreed that the exercise of the power of Great Britain in compelling China to give her certain rights at Shanghai was in every respect a moral act. I have never asserted that Japan in compelling China to sign a treaty whereby she gave to Japan just what she had to give to other nations was in all respects moral. All I have asserted, Mr. President, is that we are in no position to claim that Japan has committed a wrong against China so long as we viséed all of the other acts that have been committed in the same way by every other Caucasian nation of the world.

Of course we would all have been glad if Japan had not attempted to make China give her the same rights that China gave to Great Britain, to France, to Russia, and to other countries; we would be pleased if Great Britain would yield her rights in China back to China and if Japan and Russia

would do the same thing; but, Mr. President, we were met with a situation in Paris; we had to deal with conditions as they existed and not as we would wish them to be. I believe that we dealt with the conditions in the best possible way they could have been dealt with at the time.

Notwithstanding the declarations of the Senator from Idaho concerning the infidelity of Japan in all of her past history, I say that I do believe that she will keep this treaty obligation with China; and I have given my reason for so believing.

The first reason is that she has made that promise not to China alone but that she has declared it to every civilized nation upon the face of the earth. Nor is that all. If Japan broke her treaty with Korea, she had a treaty with Korea only, and we could not protest. If she enters into this league and does not keep good her word, then she breaks her treaty with every nation worth mentioning upon the face of the earth; and that, Mr. President, is worth something.

Mr. NORRIS. Mr. President——

Mr. McCUMBER. Just a moment. If Japan is of the vicious character portrayed by the Senator from Idaho, then, for God's sake, let us put her in chains; bring her into this league and bind her by the power of the greater nations of the world. But I do not believe that that will be necessary.

Mr. BORAH and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield for a question to the Senator from Idaho.

Mr. BORAH. I understood that the league was only a moral obligation.

Mr. OWEN. That is sufficient.

Mr. BORAH. For Japan?

Mr. OWEN. Yes.

Mr. McCUMBER. Mr. President, yes, there is a moral obligation upon the part of every member of the league that they will compel every other nation to keep its moral obligations. Stop right there if you will. If that moral obligation is not of sufficient force to compel its being carried into effect, then, Mr. President, we have sunk so low that the world is not worth saving. I do not believe that for a single moment. I believe that the nations of the world can be depended upon to keep faith; and if under present conditions there is no power on earth to compel one nation to keep its agreement with another nation, I believe there will be a power created by the league of nations, with all of its cross-agreements, and, with the fidelity and honor of every nation pledged, to make every recalcitrant country respond to its national honor. I believe that result can be accomplished. I care not whether you call it a legal obligation or a moral obligation. I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, the Senator has passed by what I wanted to ask him about, but I will, with his permission, refer to it. He says that while Japan violated her treaty with Korea——

Mr. McCUMBER. Mr. President, I did not say that; I will convict no country without a hearing; I would hang no man upon an ex parte hearing; and I will not say that Japan has broken her treaty with Korea or what the conditions were, whether she was justified or not, until I have been able to study and consider and weigh both sides of that question. So, do not place me in the position of saying that Japan has broken her treaty with Korea.

Mr. NORRIS. I do not intend, of course, to place the Senator in any position contrary to the one he wishes to be placed in. If I could have asked my question at the time——

Mr. McCUMBER. I ask the Senator's pardon for not yielding.

Mr. NORRIS. I would not have prefaced it with a remark, but I was not permitted to interrupt the Senator. I take it from what the Senator has said that he did make some reference—and I think if he will read his words in the RECORD, if they are not changed, he will find that I am justified in the statement I made——

Mr. McCUMBER. I made reference to what the Senator from Idaho had stated.

Mr. NORRIS. At any rate, the Senator drew a distinction between Japan breaking her word with one nation and breaking it with all the world; and he said, even though the other charge may be true, this is a treaty with all the nations of the world, and Japan has given her pledge to all the world. With that preface I can ask my question, and I ask the Senator where is there a single word or sentence in this treaty with all the world which obligates Japan in any way to give anything back to anybody?

Mr. McCUMBER. Mr. President, I gave that information in my address before any questions were asked. There is an obligation in the treaty, in the league of nations covenant, that every nation signing that agreement will scrupulously observe its treaty obligation.

Mr. NORRIS. Does the Senator claim that there is anything in this treaty with the world of which the Senator speaks, and if so will he point it out to me, that requires Japan to give anything back to China?

Mr. McCUMBER. Mr. President, if the Senator will allow me to finish, I will state there is in the league of nations covenant a provision that binds Japan to keep her obligations, and one of her obligations is to return the German rights to China.

Mr. NORRIS. Where? I should like to have the Senator read from the treaty that obligation.

Mr. BORAH. The Senator from North Dakota is referring to the treaty of 1915.

Mr. NORRIS. I am referring to what the Senator refers to, a treaty with all the nations of the world, the treaty of peace with Germany containing the league of nations.

Mr. McCUMBER. Mr. President, I read from the covenant of the league of nations as follows:

In order to promote international cooperation and to achieve international peace and security—

How?

by the acceptance of obligations not to resort to war.

Next—

By the prescription of open, just, and honorable relations between nations.

By the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another.

Mr. NORRIS. I ask again, does the Senator claim that there is anything in the treaty from which he has just read a portion of the preamble that obligates Japan to return Shantung to China?

Mr. McCUMBER. Mr. President, I have stated that there is in the treaty a provision to compel Japan to keep scrupulously her obligations, and the treaty whereby she agrees to return the German rights to China is one of her agreements with China.

Mr. NORRIS. The Senator, then, is referring to the treaty of 1915?

Mr. McCUMBER. Certainly, Mr. President.

Mr. NORRIS. Does the Senator claim that treaty was made under conditions that entitle it to any respect by any civilized nation?

Mr. McCUMBER. It was made under the same conditions as every treaty made between China and other nations by which China surrendered her territory and her rights.

Mr. NORRIS. That still does not answer my question.

Mr. McCUMBER. Just a moment. There are treaties made under duress; that is admitted.

Mr. NORRIS. That is admitted.

Mr. McCUMBER. It is admitted that there are treaties made under duress, but they are nevertheless treaties; they are nevertheless binding obligations. The treaty that we make with Germany to-day is a treaty made under duress, but it is nevertheless a binding obligation upon Germany.

Mr. NORRIS. We have been at war with Germany. The Senator will not contend, will he, that at the time the treaty of 1915 between Japan and China was made that there was any war existing between those countries?

Mr. McCUMBER. No, Mr. President; and when the agreement was made to transfer rights over to Russia there was not any war, and when Great Britain obtained her rights there was no war.

When Italy obtained her concessions there was no war; but they were all obtained in exactly the same way, by a show of superior force.

Mr. NORRIS. Mr. President, will not the Senator admit that China or any other nation in giving concessions might have a choice, might be willing to give a certain concession to England and not be willing to give the same concession to Japan? Is not that true?

Mr. McCUMBER. Yes, Mr. President.

Mr. NORRIS. Then, if China was forced to enter into the treaty with Japan, what legal or moral effect should it have on us?

Mr. McCUMBER. Mr. President, I have not claimed that it should have any moral effect on us, one way or the other. All I am saying is that we are in no position to say that Germany shall not renounce to Japan what Japan took from Germany, which we did not help her take from Germany, but which she took herself, and which she took in the light of an agreement she made with China that she might have what she could secure from Germany, because China was not able to do it and would not be able to do it.

Mr. WATSON. Mr. President, will the Senator let me ask him a question?

Mr. McCUMBER. Yes.

Mr. WATSON. The Senator has stated that the obligations imposed by the pending treaty are moral obligations only. Is that right?

Mr. McCUMBER. I did not say that.

Mr. WATSON. Well, is that right?

Mr. McCUMBER. No.

Mr. WATSON. Then there are obligations stronger than moral obligations?

Mr. McCUMBER. No; I do not think there are any obligations stronger than moral obligations, but there is the legal obligation as much as a treaty can be made a legal obligation, because there is no appeal except to the moral sense of the country, and therefore the legal obligation has its backing in the moral conscience of the country that makes the agreement.

Mr. WATSON. Precisely. Now, accepting the Senator's statement, is not Japan at this time under a moral obligation to restore Shantung to China?

Mr. McCUMBER. She is if China keeps her word, and when she gets the thing that she can return.

Mr. WATSON. What does the Senator mean?

Mr. McCUMBER. Just a moment. Japan has not yet received from Germany the German rights, except as she has received them by conquest. When she receives them by treaty, then her treaty with China comes into force, whereby she agrees to return them to China if China keeps her agreement.

Mr. WATSON. Does not the Senator believe that the very day that China declared war against Germany, all of Germany's rights in Shantung immediately reverted to China?

Mr. McCUMBER. Why, no, Mr. President; of course not. Why? First, because those rights had been taken by Japan before China ever declared war; and, secondly, because China had ceded those rights to Japan before China ever declared war, and therefore an after declaration of war by China certainly could not refer back and destroy her own obligation made with Japan. Neither could it refer back and destroy what Japan had taken from Germany.

Mr. WATSON. But is not the Senator aware of the fact that in the treaty between Germany and China, at the time Germany wrenched these possessions in Shantung from China, it was expressly stipulated that they were nonassignable and nontransferable?

Mr. McCUMBER. Why, of course; but if China herself assigned them afterwards, then China assigned the rights that she had; and China did that, and she did it before she ever declared war.

Mr. WATSON. But does not the Senator recognize that when China did that under the treaty of 1915 she was acting wholly under duress, and that those rights were wrenched from China by Japan in precisely the same manner that Germany had wrenched those rights from China?

Mr. McCUMBER. Ninety-nine out of one hundred of all the treaties made in the world have been made because one country is greater in power and exacts them from another; and therefore, if we set aside every treaty on the ground that undue influence or a threat of power secured it, there would be mighty few treaties left in existence.

Mr. WATSON. There are two answers to that proposition. The first is that this is the one problem that we are called upon to deal with now. We are not called on to deal with all the other thousands of treaties that have been made under duress, but the one proposition that is presented to us here and now is this proposition. That is the first answer.

Mr. McCUMBER. Yes; and I am going to answer that in a minute.

Mr. WATSON. The second answer is that we have come now to a new day; we are now seeing sunlight in the East; we are hearing voices in the air.

Mr. McCUMBER. It is about time we did.

Mr. WATSON. We are now upon the mountain top; we are dealing in a new idealism, when the old things have passed away and all things have become new; and in the light of this new thing that the Senator stands here from day to day to advocate, does he claim that it fits in with the moral obligations that are now resting upon the world in accordance with the new interpretations of things?

Mr. McCUMBER. I certainly do agree that it accords with an interpretation of all honorable things and things that ought to be done between nations, and I believe that China should keep her word, if that is one of the new order of things; then I believe that Japan should keep her word, if that is the new order of things; and then I believe that if Japan does not keep her word she should be forced to keep her word, if that is the new order of things.

Mr. NORRIS. Mr. President, may I ask the Senator a question about that particular feature of the subject?

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Yes.

Mr. NORRIS. Has the Senator had called to his attention the provision of the constitution of the Republic of China, under which, as I read it, the treaty that the Senator is now contending is legal even though obtained by duress would have, in order to be legal under the constitution, to receive the approval of the Chinese legislative body provided by the constitution?

Mr. McCUMBER. Things were rather uncertain in China. It was uncertain what the government was at that time or who was in control, just exactly as it has been in many of our South American Republics. Why, I believe that Colombia claimed that she could not make any agreement with the United States at one time because her legislature had no power to cede territory or to agree that any territory might be ceded. I know there are a thousand excuses that one might put up that this Nation did not act in accordance with the will of its people, or that it did not act in accordance with the legislative rights, or its own Constitution, to whatever extent that Constitution was applied; but what I want to say is that the treaty was obtained in the same way that the other treaties were obtained.

Mr. NORRIS. But the other treaties were obtained before the establishment of the Chinese Republic. Now, will not the Senator admit that at that time China was a Republic, working under a written constitution that was recognized by our Government?

Mr. WILLIAMS. We did not recognize the constitution. We recognized a government.

Mr. NORRIS. Well, we recognized a government that existed under a written constitution.

Mr. McCUMBER. One day she had a constitution and the next day she did not have any. One day she was living under a constitution and the next day she was conducting herself as a purely autocratic government; and Heaven knows which one of these days it was on which the treaty was agreed to. I am not prepared to say.

Mr. NORRIS. I will not interrupt the Senator further now. As soon as the Senator concludes I will read into the RECORD a provision of the Chinese constitution.

Mr. McCUMBER. But anyway, Mr. President, that is far afield, because whether or not it was obtained through the constitutional requirements of the Chinese form of government, the main feature is that Japan agrees to return it. That is what I want to hold on to, and do not want Senators to forget it.

Now I am going to answer the Senator from Indiana. Let us see. The Senator from Indiana, as I understand, takes the position—and the Senator from Idaho also takes the same position—that the United States should wash its hands clean of this Shantung matter entirely and have nothing to do with it. Am I right in that?

Mr. WATSON. That is my position, Mr. President.

Mr. McCUMBER. Good.

Mr. WATSON. In other words, I concur in the action of the Senator's committee.

Mr. McCUMBER. Oh, no, Mr. Senator; you do not concur.

Mr. WATSON. Yes; but I do.

Mr. McCUMBER. If you wanted to concur in that sentiment, you had a clear and easy way to accomplish it. What would have been your amendment? Your amendment would have been to strike out sections 156, 157, and 158.

Mr. FALL. Mr. President——

Mr. McCUMBER. Just a minute. Then we would have washed our hands clean of the whole matter.

Mr. FALL. Mr. President——

Mr. McCUMBER. Just a minute; I want to finish the sentence. But you did not do that. You did not want to do that. What you wanted to do was to slap Japan in the face. What you wanted to do was to create such a feeling between Japan and the United States that it would be almost impossible for Japan to comply with the treaty; and therefore, instead of washing your hands of it you as a third party step in and compel Germany to transfer the German rights, not to Japan, but to China.

You make a different agreement with Germany. That is not washing our hands clean of that subject by any means. It is getting into it in such a way that we will have to wash our hands in blood unless Japan backs down, and you are putting her in a position where she can scarcely honorably back down. You are insulting her and her people by a declaration that she can not be trusted. What is left for her to do? Only to say, "I will then stand upon my rights of conquest. You have made China break her treaty, and made Germany break her treaty by which she agreed to transfer this to me."

The people of Japan fought, bled, and died in that conquest to conquer territory that China dared not attempt to get. The Japanese people have feeling. They have sentiment. They have a national pride. The Government of the United States must take cognizance of that national pride. You, as Americans, know how difficult it is to pull down the American flag wherever the soldiers of America have planted it on foreign and conquered territory; and therefore you must know how difficult it is for the Government of Japan, with a live people, to pull down the Japanese flag, stained with the blood of Nipponese soldiers, at the command of a foreign power. They would do it willingly, I believe, if allowed to do so by their own volition, because their treaty bound them to do it. But when we say to them "We will make you do it; we will not give you a chance to keep your word," do you not imagine that they have enough of a sense of pride and of manhood to resent it? They would not be worthy of national existence, Mr. President, if they did not have that pride and resentment.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Yes.

Mr. NORRIS. Does the Senator anticipate any difficulty with England on the line of pulling down her flag in Belgium, or with America in pulling down her flag in Alsace-Lorraine?

Mr. McCUMBER. Mr. President, the Senator leads me right into the next proposition. The Senator from Idaho [Mr. BORAH] presents here, with all the force of his oratorical powers, the declaration that Japan seized these rights from China, that she seized them from her ally. Both are untrue. She neither seized them from China nor seized them from her ally. Why? China admitted that she could not do anything.

Mr. WATSON. Why, Mr. President——

Mr. McCUMBER. She could not take these rights away from Germany. Japan could do it. Japan took the Province from Germany, and whatever Japan received she got from Germany. She did not get it from China.

Mr. WATSON. Does not the Senator know, Mr. President, that China wanted to take possession of Kiaochow, and that Japan interfered and would not permit China to do it?

Mr. McCUMBER. No. I do not know anything of the kind.

Mr. WATSON. Does not the Senator know that it would have been a comparatively easy task for China, with Germany isolated as she was from the rest of the world, and that the Chinese soldiers could have gone in and starved that colony to death very easily?

Mr. McCUMBER. No, Mr. President; I do not concede that for a single minute.

Mr. WATSON. Well, Mr. President——

Mr. McCUMBER. If Germany had 1,000 soldiers there, or 500 soldiers there, and they were armed, all China, with its 300,000,000 people, could not have dislodged them.

Mr. WATSON. Oh, Mr. President——

Mr. McCUMBER. Oh, well, Mr. President, that is the fact. We have had so much of this declaration of war on the part of China and her power and what she has done and can do, that I think we might as well get right down to the facts. She was not able to dislodge Germany.

Mr. WATSON. Notwithstanding the Senator's declaration, does he not know that China wanted to take Kiaochow and that she insisted upon taking Kiaochow, and Japan stretched forth her arm and said, "No; you can not take it; you must let it alone"? Does not the Senator know that to be true?

Mr. McCUMBER. No; I do not.

Mr. WATSON. Whether China could or could not have taken it, does he not know that to be the historic fact?

Mr. McCUMBER. No; I do not.

Mr. WATSON. Then I fear the Senator from North Dakota has little studied the question.

Mr. McCUMBER. I think the Senator from North Dakota has studied the question as well as the Senator from Indiana, and I deny the proposition that Japan prevented China from doing it. She never encouraged her. That she discouraged her may be true. That she prevented 300,000,000 people from seizing Kiaochow I deny. China did not have the courage to do it nor the means to do it.

Do not think that the Japanese had a very quiet, easy job. She is a fighting little nation, as the world found out, but it took her some months before she got control of all the German rights and before she defeated the Germans.

Mr. WATSON. May I ask the Senator a further question?

Mr. McCUMBER. Certainly.

Mr. WATSON. Does the Senator not know that when Japan took possession of Kiaochow she was not content with possessing herself of what Germany possessed, but she landed her troops 100 miles farther away, then she sent Japanese troops clear up to Chefoo, 250 miles, established garrisons and established post offices, and took military possession of the whole of Shantung? Was that essential in order to take the German rights in Shantung?

Mr. McCUMBER. I might go into that, Mr. President, but it is a long question. I am not going into the question of what Japan thought was necessary from a military standpoint to hold what she had taken from Germany. I am willing to concede, if the Sentor wants to make the claim, that Japan had some ulterior motive and she expected to keep the territory. What I am concerned with is the ultimate result of the action of China and Japan as put down in black and white and signed by them. I know what that is.

The Senator from Idaho [Mr. BORAH] read into the RECORD the fifth group of the 21 demands, and yet the Senator knew, as we all know, that Japan abandoned those entirely when she finally signed the treaty.

Mr. NORRIS. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. NORRIS. I, of course, may be wrong, but I ask the Senator if it is not true that Japan never yet has abandoned them; that they are still held in abeyance; that there is not anything in the record anywhere to indicate that they have been abandoned, but that they can be taken up at any moment?

Mr. McCUMBER. If the Senator will read the notes that passed between Japan and China, he will find that they did abandon them and, finally, when we came down to the final treaty, all that was left of them were these demands: First, that China shall open up a port; secondly, that Japan shall have a right of settlement; thirdly, that the German properties, the national properties, would be disposed of through an agreement between Japan and China. The other matter, to say the most of it, from your standpoint, was merely left in abeyance.

Mr. NORRIS. It was withheld, as I understand it.

Mr. McCUMBER. It was not agreed to.

Mr. NORRIS. No; group 5——

Mr. McCUMBER. It was not agreed to by China.

Mr. NORRIS. It was not agreed to by China, but it has not been withdrawn by Japan. It was temporarily withheld.

Mr. McCUMBER. She can make that over again and she can make a million others. I do not think that has anything to do with the question now. This is what Japan has agreed to do, and this she is bound to do.

Mr. WATSON. Group 5 was made the subject of the exchange of a few notes, and there it stands in that status. It has not been modified or altered or changed in the least and Japan may insist on that at any time.

Mr. McCUMBER. It is not binding on China to-day, is it?

Mr. WATSON. No; it is not binding on China.

Mr. McCUMBER. Put China into this league; put Japan into this league, and Japan will never attempt to enforce group 5. She could not. The league could not allow it under the provisions and terms of the league itself.

Mr. McCORMICK. Does the Senator say that in the light of the British-Persian treaty, with the terms of which he is no doubt familiar, if he reads the newspapers?

Mr. McCUMBER. All right. Is Persia in the league of nations?

Mr. MOSES. She will be, Mr. President, if she accepts the invitation.

Mr. McCUMBER. Is she to-day? There is no use answering it in an evasive way. The league of nations provides for the members of the league. It has nothing to do with a proposition made outside. Persia is not a member of the league of nations to-day.

Mr. FALL. Who is, may I ask the Senator?

Mr. McCUMBER. When we get into it we will find out who. If the Senator from New Mexico has his way, of course, there will not be any league and no one will be bound by it, but for the present there are certain nations that under the treaty are included in the league.

Mr. FALL. Will the Senator yield?

Mr. McCUMBER. Certainly.

Mr. FALL. The Senator is much more correct in stating the position of the Senator from New Mexico than in his conception of the views of the Senator from New Mexico with reference to other assertions that he has made.

Mr. McCUMBER. I am sorry if I have not pleased the Senator or agreed with the Senator entirely.

Mr. FALL. I am thoroughly pleased, but I rose to ask for some information from the Senator.

The Senator has said that the committee voted to put China in the place of Japan in the Shantung articles, and slap Japan

in the face. In the first place, I desire to state that the Senator is not correct in making that statement. In the event the committee had followed the suggestion made by the Senator and had simply stricken out the Shantung article from this treaty and such action had been ratified, where would the Shantung Province have been under the treaty? The Senator is, of course, familiar with it.

Mr. McCUMBER. When the Senator is through, I will endeavor to answer. He has asked two questions, and I will answer each of them when he is through.

Mr. FALL. I am asking only one question. I said, if we had stricken out the Shantung article, according to the Senator's suggestion that we should have done it, if we had not the desire to insult Japan——

Mr. McCUMBER. No; I did not say that; not in that way; but go ahead.

Mr. FALL. My object is to know if we had done what the Senator suggested, and had simply stricken out the Shantung article and this treaty was ratified, what position would the territory of Shantung under that treaty be in?

Mr. McCUMBER. Just where it is to-day.

Mr. FALL. Where?

Mr. McCUMBER. To-day Japan holds it.

Mr. FALL. Does not the Senator know that under the other provisions of the treaty the territory under the treaty, disposition of which is not specifically provided for in the treaty itself, goes under the general clauses to the five principal allied and associated powers?

Mr. McCUMBER. Mr. President, I do not think where the treaty provides that certain territory goes to a certain country and then you amend that treaty by striking the whole provision out that the territory would fall under another general provision, because it is a special matter on which the minds of the nations have met and it would simply be a new treaty that would come before them.

Mr. FALL. Apparently the minds of the nations have not met.

Mr. McCUMBER. Of course, if it goes back and all would agree to striking out the entire provision, it might go just where the Senator suggests.

Mr. FALL. The object of my question was simply to develop the fact that the Senator has stated. If we had not desired, or if the committee had not desired, to slap Japan in the face and to insult Japan or make an enemy of Japan; if we had simply desired to wash our hands of it, we would have stricken out the Shantung article. I say the inevitable result under the treaty itself would have been to vest all the title that Germany might have had in Shantung in the five principal allied and associated nations. Then what would have been the result? We being one of the associated nations having the disposition of Shantung, would the Senator then have voted to give it to Japan?

Mr. McCUMBER. I would not vote for any of these propositions. So the Senator is hardly in position to ask me if I had already committed a wrong what would I do then to add to that wrong. Now, let me answer the Senator.

Mr. FALL. I should be glad to have the Senator do so. That is the purpose of my question.

Mr. McCUMBER. The Senator has not correctly stated my assertion. My assertion is that when you have a treaty whereby Germany renounces in favor of Japan what Japan has taken from Germany and declare that the renunciation shall be in favor of another country which did nothing toward securing it, that is a slap in the face of Japan. That answers the Senator's first proposition. The Senator's second statement relates simply to the question of what would be done with the German concessions if we had stricken it out entirely. What I stated was that if you wanted to wash your hands clear of the subject it could have been accomplished by striking out the whole thing rather than slapping Japan in the face by taking from her what she has taken by force of arms and giving it to a country that was too proud to fight for it, or too cowardly, I do not know which.

Mr. WILLIAMS. May I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. WILLIAMS. Suppose the committee had taken the course which the Senator has suggested and had just stricken out those three clauses, there would have been no mention of Shantung or Kiaochow in the treaty. Then there would have been left still a claim by Germany to her old property and still a claim by Japan under her treaty with China, and the two would have been left to fight it out with one another.

Mr. McCUMBER. Certainly; there can be no question about it.

Again, the Senator from Idaho [Mr. BORAH] finds some fault, I think, with the attitude of Japan in not publishing to the world some secret meeting minutes whereby it is asserted that she agreed to return the German concessions to China. Inasmuch as she has agreed to it in a public treaty and has reiterated half a hundred times that she would comply with her treaty, why should you ask her to produce something else which may be of a secret nature to the same effect?

Mr. BORAH. Mr. President——

Mr. McCUMBER. I will yield in a minute. The President gave his reasons. He stated that in those debates there was some feeling expressed, some acrimonious remarks made, and that it would be improper to publish them to the world. I do not know what they are, but I do know that if Japan should agree to a certain thing a thousand times, she could not make them any stronger than she has made them in her note to China whereby she declared positively that upon these conditions she will return them all to China.

I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the agreement which is supposed to be in the minutes at Versailles is a wholly different agreement, according to the President's statement, from the agreement which is in the treaty of 1915. It is a different understanding and a different agreement entirely. The President refused to abide by the terms of the treaty of 1915, and had a different agreement with Japan, and that is the agreement which is kept secret.

Mr. McCUMBER. How does the Senator know it is a different treaty?

Mr. BORAH. The President said so in his letter in reply to China.

Mr. McCUMBER. I do not know that there is any difference on this particular proposition. There is no difference concerning the agreement of Japan to return the German concessions to China. The President so declared. Japan has declared it so many times and the President believes Japan will keep her word. I believe she will keep her word, and if she does not keep her word, and if we have a league of nations, then I believe we will compel her to keep her word.

Mr. McCORMICK. Mr. President——

Mr. McCUMBER. I yield to the Senator from Illinois.

Mr. McCORMICK. I was going to ask the Senator if he had overlooked the President's statement that he had specifically declined to recognize the treaty of 1915?

Mr. McCUMBER. I have not overlooked it. It does not make much difference whether the President declined to do so or not; the fact remains that the treaty signed by the delegates of the United States and Germany and all the other nations did provide that the renunciation should be made by Germany in favor of Japan, and that settled the statements and declarations and attempts previously made.

Mr. WATSON. Has the Senator forgotten that the President himself said he did not like this? He is not in sympathy with it. None of the representatives over there were in favor of it; that they regarded it as an immoral proposition, but it was the one thing that was essential to save the league, and that was the only justification for it.

Mr. McCUMBER. I think I have stated again and again that I would be far better pleased if Japan had not exacted these concessions from China. But Japan saw fit to stand upon her rights. I doubt if the present administration of Japan could remain in power if Japan were not allowed to stand upon those rights and to give the German concessions back to China, just as she has promised that she will give them back, without attempted coercion by another power.

Mr. FALL. Will the Senator yield for a moment?

Mr. McCUMBER. With pleasure.

Mr. FALL. Those of us who are opposing this proposition, and those of us upon the committee who voted to insert China in lieu of Japan, voted, or at least I voted, for that amendment because the Shantung provision here constituted a joining of the United States, Great Britain, Italy, and Japan in forcing Germany to give Shantung to Japan, not to China. This is a treaty by which we join in forcing Germany to give possession of the Shantung Province to Japan. The Senate of the United States, in so far as the majority of the committee is concerned, has said we do not agree in that. We agree that Germany shall be forced to give it to China, not to Japan.

Mr. McCUMBER. Yes; I understand the Senator's position as declared by him. The Senator stated a moment ago that he did not vote for it to give Japan a slap. It does not make much difference what your intentions are when you do slap a country in the face, the result is the same.

Mr. FALL. Will the Senator yield for a moment?

Mr. McCUMBER. Whether you call it a slap or whether you say it was a gentle hint, or what other term you may apply to it, Japan must accept it as it is given.

Mr. FALL. The Senator has just used the word "slap" when a few moments ago when I was attempting to ask him a question and formulating a premise I understood him to say that he did not use the word "slap."

Mr. McCUMBER. Oh, no; I did not say I did not use that word.

Mr. FALL. I am going to quote, with the Senator's permission now, because——

Mr. McCUMBER. Because I did use it and I have not forgotten it. I used it in my address before I was interrupted, and I have used it again since.

Mr. FALL. I will not interrupt the Senator to call his attention to what he did say, but I will take my own time to reply to several assertions that have been made.

Mr. McCUMBER. The Senator can make the reply right now.

Mr. FALL. I propose to reply to some statements attacking the intentions of the committee with reference to this matter, and I shall do it in my own time.

Mr. McCUMBER. It makes very little difference to me what the intentions are, provided they all look toward a certain purpose, and the purpose is clear to everyone; it is clear to Japan and clear to this country.

Mr. FALL. I am glad Japan has such an eloquent and learned interpreter.

Mr. McCUMBER. The purpose of the Senate is to kill the treaty. I say that I have no quarrel with those who want to kill it as to the method by which they accomplish that result. They have a perfect right to do it that way if they see fit. My own conclusion is that their amendment simply spells death to the treaty.

Mr. President, complaint is made against the treaty agreement that Germany should make her renunciation in favor of Japan. The President, of course, naturally did not agree to that in the beginning and did not want to do it; the American delegates did not want to do it; but here was the situation: Great Britain had said to Japan, in the stress and heat of battle, "You take those rights from Germany and we shall not object to your holding them." France said the same thing to Japan; Italy said the same thing to her. Neither Great Britain, France, nor Italy was in any position to back up the United States in its contention that Japan should retain them. The United States was not strong enough to overrule the Japanese contention without the aid of the other great countries. And in the light—and I want the Senators to understand that—in the light of the agreement by Japan that she would return the German rights to China, and with the statement upon the part of the Japanese representatives that she would return them, the American delegates consented.

Mr. NORRIS. May I interrupt the Senator?

Mr. McCUMBER. Yes.

Mr. NORRIS. The Senator said that England and France and Italy each said to Japan that if she would take these rights away from Germany they would let her retain them. Does the Senator know that that agreement made with Japan on the one side and England, France, and Italy on the other was made more than a year after Japan had taken those rights away from Germany in China?

Mr. WILLIAMS. It was written up that long afterwards.

Mr. McCUMBER. My statement, Mr. President, must be taken together. I said in the beginning, before these questions were asked, that Great Britain, Italy, and France wanted Japan to remain in the war; they wanted her help; they wanted her influence. I do not know when the negotiation was first started; I do not know how long it was before it was reduced to writing there was an oral understanding; but I believe that when Japan went into this war to perform her part in taking possession of these territories under German control she had an understanding at that time, although it may not have been reduced to writing until afterwards. I agree with the Senator, however, that it was not reduced to writing and agreed to until after Japan had virtually secured control of the territory.

Mr. NORRIS. I want to ask the Senator if he will not agree to this statement—which I believe is correct—that the negotiations themselves show on their face that there was not any such understanding; that the German rights in China were not negotiated for by Japan, or anything done along that line, until the year 1917, commencing in January of that year?

Mr. McCUMBER. Well, about in January, 1917, Great Britain and France and Italy needed Japan mighty badly.

Mr. NORRIS. That is true; but Japan had taken the German possessions in 1914.

Mr. McCUMBER. Yes.

Mr. NORRIS. So that the promise that she had from England, France, and Italy that she could keep them could not have been, as the Senator first stated, an inducement to Japan to take them when she did take them, for she took them before the promise was made?

Mr. McCUMBER. Yes, Mr. President; she took them before the written promise was made.

Mr. NORRIS. Has the Senator any evidence of any other promise?

Mr. McCUMBER. I do not know when the negotiations began; I do not claim to know when they began; but from what I know of the situation I believe there was a tacit understanding of what the result would be from the very beginning.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield.

Mr. MOSES. Would the Senator find any element worthy of discussion in the fact that after Japan had been bribed at the moment of the allies' dire need the shameful bargain was kept a secret from the United States, when two or three months later we were besought to speed up our warlike activities?

Mr. McCUMBER. Mr. President, I know of no rule of national conduct, moral or legal or otherwise, that requires nations engaged in a war in which those nations have cobelligerents to publish to the world agreements made with such cobelligerents.

Mr. MOSES. No; not to the world, but to their cobelligerents.

Mr. McCUMBER. Well, the United States was not in the war when the agreement was made.

Mr. MOSES. No, Mr. President——

Mr. McCUMBER. Therefore, those nations were under no obligations to tell the United States what they had done.

Mr. MOSES. No, Mr. President——

Mr. McCUMBER. It will appear from the testimony before the committee, from questions asked by me, that there were no treaties entered into or any kind of agreements made after the United States entered into the war of which we were not fully cognizant.

Mr. MOSES. True; but the missions from all of our cobelligerents came here, sitting where you now sit, Mr. President, and addressed this body a few months after we entered the war, and yet never a word passed from their lips with reference to the horrid mess into which we were getting.

Mr. McCUMBER. I know of no reason why they should have told us even at that time about their own private agreements.

But I want Senators to remember as bearing upon the treaty and in justification of the action of the American delegates—and I do not care whether they were the best or the poorest; whether they were dictated to wholly by the President, or whether they exercised their own judgment—that at the time it was agreed that the renunciation might be made by Germany in favor of Japan it was well understood that Japan under her treaty was to return the territory to China. That is the principal matter that we ought to take into consideration.

Mr. NORRIS. May I interrupt the Senator?

Mr. McCUMBER. Yes.

Mr. NORRIS. Referring to what the Senator has said about these other governments and Japan having this secret agreement, that it was no business of ours, and that they were under no obligation to tell us about it, for the sake of argument admitting that the Senator's position is right, I want to ask him if he does not think it was the duty of England and France and Italy at the time China went into the war to at least tell her that they had made a secret agreement by which they would carve her up when the war was over? Was it fair to China not to tell her that when she went into the war?

Mr. McCUMBER. If China had made the same agreement, I do not know that there was any obligation upon them to say that they had agreed to the same thing to which China had previously agreed to.

Mr. WILLIAMS. China agreed to it before she went into the war.

Mr. McCUMBER. China agreed to it before she went into the war; China agreed to it before the others agreed to it. So I know of no particular obligation upon the part of the other powers to tell China that they had agreed to what China had previously agreed to.

Mr. NORRIS. But the Senator from North Dakota admits, first, that that pretended agreement was brought about by force, by coercion, and, second, that it was never approved by the Parliament of the Chinese Republic, which I will show under the constitution of China was necessary in order to make the treaty valid.

Mr. McCUMBER. Mr. President, I have so often responded to that question about duress that I feel that I ought not to reiterate what I have already said, but if it pleases the Senator

to have me reiterate it, I will again say that similar rights to those obtained by Japan through that agreement were obtained by practically the same kind of duress by other nations. What Japan secured under that agreement was very little, indeed, and nothing more than was secured by other nations of the world. The principal thing that she insists upon is that, inasmuch as France and Germany and Great Britain and Italy and Belgium have obtained concessions of little strips of territory in which their nationals may reside, China will recognize that Japan has the same right and will give her like concessions.

I say that we are in no position to deny that to Japan. If we are in a position to deny it to Japan, then we ought to exclude both China and Japan from this proposed league as being inferior nations and unfit to be recognized as proper associates.

Mr. President, the Senator from Idaho justifies his belief as to what Japan will do by a declaration which he says was made by the speaker of the Japanese assembly, who declared that Japan is not bound to return the German concessions to China. Why did he say that? What was under discussion? What had been said throughout the world upon that subject? What had China herself done? China had said, "I refuse to sign this treaty, because it gives to Japan what I by my treaty gave to Japan." Therefore, China has broken her treaty; and, if that be true, the other party to the treaty necessarily would not be bound by it. Then what would be the right of Japan? Her only right would be the right of conquest. If she held the German possessions at all she would hold them free from her treaty obligations, and would hold them under the right which she had acquired by taking them from Germany. In that respect the statement made by this Japanese legislator was entirely correct.

It may be that there are members of the Japanese Legislature who believe and who intend, so far as they can govern the question, that Japan shall never release these possessions; but in the face of that is Japan's treaty. I want her held by her treaty; I want to put her in a position where she can not breach that treaty, where she will have no excuse on earth for breaking it. I want, then, to put her in a position where if she does attempt to break it she will have a united world against her.

The Senator says that Japan under the concessions can select any amount of territory. Mr. President, she can not do that in good faith. She could seize all of China, of course, if she desired to use force to seize it; but these concessions have come to have a well-defined meaning. They mean a tract of territory sufficient for the residences of the nationals of the grantee. That does not mean all of China or all of Asia; it means in the treaty with Japan exactly the same as a like character of concessions meant in the treaties with France, Great Britain, Italy, Belgium, and a half dozen other countries.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. If the Senator will pardon me, the Senator will remember the testimony of Mr. Ferguson, in which he said that this reservation could not be a very large one, because it had to be taken out of the Kiaochow concession, which in itself was not very large.

Mr. McCUMBER. Yes; and it could not be very large for another reason. A mile square might answer the entire purpose or 3 square miles might be required, and even that, I think, would be excessive.

Mr. WILLIAMS. But outside of that the treaty itself says that it shall be taken out of this concession and not elsewhere in China.

Mr. McCUMBER. Mr. President, I have talked very much longer than I expected upon this subject. I am still convinced that the treaty provides the means by which Japan will be compelled to make good her word, if she does not do so without the force of the treaty. I want Japan to keep her word; I want China to be let alone hereafter; I want to protect her against aggression from the Caucasian nations as well as from her neighbor, Japan. I believe that can be accomplished in this way; I believe if we do not accomplish it in this way we will make matters a thousandfold worse for China. Therefore, Mr. President, I feel that we ought not to adopt the amendment to the treaty.

Mr. NORRIS. Mr. President, I think I ought to avail myself of this occasion to put into the RECORD one of the sections of the Chinese constitution under which that Government existed at the time of the so-called treaty with Japan in 1915 and under which it still exists. Before I do so I want to say that, in my judgment—and I presume in the judgment of all who have given it any consideration—even that was immaterial, because it had been conceded, and is conceded all over the civilized world, that the treaty between Japan and China in 1915 was one of coercion, one of force, and that there was no moral binding obligation upon anyone to sustain it. We must remember that the treaty between Japan and China in 1915 was the culmination of the so-called 21 demands made by Japan upon China; we must remember that Japan availed herself of an opportunity to make those demands when, with the exception of the United States, nearly every great nation of the world was involved in war. Japan then made the demands upon China, a country with which she was at peace and one of the then neutral nations of the world, without any pretense of any disagreement or quarrel of any kind with China. Those demands came like a flash of lightning out of a clear sky, and China agreed to the treaty growing out of those demands because of an ultimatum issued by Japan and because of her knowledge that Japan already had many soldiers on Chinese soil and would put more there if China did not submit.

The President of the United States just recently, in a statement which he issued to the public, practically denounced this treaty of 1915, practically said that it was not considered at Paris, and he was so careful that the opportunity should not pass that he issued this statement upon the heels of the statement by the representative of the Japanese Government, in which reference was made to the treaty with China in 1915, and the President practically repudiated it. Everybody has repudiated it, so far as I know, until it has been defended here to-day.

But let us throw aside all this. Let us assume that it was honorable and honest. Let us assume, for the sake of argument, that there was not a step taken in negotiating it but that was on the square. What is the result, then? If all that be true, still that treaty is a nullity under the constitution of China. I do not believe that it would be entitled to the approval or sanction of any civilized Christian nation, even if it had been approved under coercion by their legislative body.

Does anybody contend that this treaty made with Germany, signed by the President, is legal and binding upon the United States? Does not everybody know that the Constitution of the United States provides that that treaty must be approved by the Senate? So does the constitution of the Republic of China, in the case of this kind of a treaty.

Mr. OWEN. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. OWEN. I wanted to ask the Senator, that being true, if Japan relinquishes voluntarily all except certain reserved rights, would not that action clear the claims of Japan down to that point, leaving the remaining alleged rights that Japan might claim to hold under the treaty of 1915 subject to controversy on the ground that even those alleged rights had no legal foundation, being based on duress and not having been ratified by the constitutional authority of China?

Mr. NORRIS. I do not know that I understand the question of the Senator. I was interrupted when he first started to ask it and I did not hear it all.

Mr. OWEN. The question is this: If the treaty of 1915 has no legal foundation under the constitution of China, when Japan, under this proposed treaty with Germany, carrying out the promise made by the prime minister of Japan, relinquishes to China all except certain reserved rights, would not that clear up the question of everything except those reserved rights, and then would not those rights themselves be subject to challenge because not on a constitutional foundation?

Mr. NORRIS. I do not think so. According to my idea, there was nothing conveyed by the treaty of 1915——

Mr. OWEN. I may agree to that without affecting the validity of the question.

Mr. NORRIS. Any more than if the Senator from Oklahoma walked down Pennsylvania Avenue and was held up by a thug and had his pocketbook taken away from him; no man would claim that that fact gave title to the money and to the pocketbook that was taken away from the Senator.

Mr. OWEN. Granting that that is true—and I agree with the Senator that that would be true—then if the thug gives back everything except a small part, and that small part is subsequently challenged by me before a court, is not that a better practical condition than to leave the thug with the whole thing?

Mr. NORRIS. No; we are not going to give the thug anything. The proper thing is to take the property away from the thug and give it to the rightful owner.

Mr. McCORMICK. Mr. President, will the Senator from Nebraska yield for just a moment?

Mr. NORRIS. Yes.

Mr. McCORMICK. In the discussion of what has been stolen and what has not been stolen and its relative importance, Senators seem to have forgotten that the lease of the Manchurian Railroad, which was due to expire in 1923, if I remember correctly, was renewed for 99 years.

Mr. NORRIS. Yes; there were a good many things that were etxended; of course, in my judgment, none of them legally. At least, I am not willing to put my official approval upon a theft or a robbery of that kind.

Mr. MOSES. Mr. President——

Mr. NORRIS. Let me get this constitutional provision in the RECORD. Senators may argue until doomsday, and even though all they contend for is right—that is, that the treaty for which the Senator from North Dakota contends, the treaty of 1915, was legal and binding—even though it had not been obtained by coercion or fraud or threat, it is still invalid, because it has not yet been approved by the Congress of China, as provided in the constitution. China is and was at that time a Republic, having then and now a written constitution, a Government that we and all the balance of the civilized world had recognized; and article 25 of the constitution of China reads as follows:

ART. 25. The President makes treaties, but should articles therein provide for any change of territory or increase the burdens of the citizens the concurrence of the legislature shall be required.

That is more explicit than our own Constitution. Hence, even though all that the Senator from North Dakota claims is correct just as he claims it, still that treaty is a nullity.

At the present time, Mr. President, I do not intend to go into detail—as I intend to do before this debate is over—in regard to the method in which that so-called treaty was brought about. It seems to me it is made sufficiently plain by their own argument. This is the first time that it has been defended, so far as I have heard, in the Senate or elsewhere, as being entitled to recognition by a Christian nation or people; but when they do they go right in the face of the constitution of China itself, which, in my humble judgment, throws their argument all to the ground and completely nullifies it.

Mr. KNOX. Mr. President, I give notice that on Friday next, with the concurrence of the Senate, I wish to make some observations in relation to the treaty of Versailles.

Mr. BRANDEGEE. Mr. President, the Senator from North Dakota [Mr. MCCUMBER] alluded to the alleged fact that Japan had these concessions in Shantung by right of the treaty of 1915. The Senator from Nebraska [Mr. NORRIS] has just shown that that treaty could not be binding without the consent of the Chinese Legislature. I wish to read a brief statement made by Dr. Ferguson, who was the advisor of the Chinese Government and of four of the Chinese Presidents, and is still the official advisor of the President of China, in relation to the character of the duress which was applied to China when she was compelled to sign this treaty of 1915 upon which all Japan's present claim rests. I read from page 559 of the hearings before the Committee on Foreign Relations on the treaty of peace with Germany, in part 11:

Senator BRANDEGEE. What was the character of the duress which Japan applied to China in order to get the concessions which she did get?

Mr. FERGUSON. She had her force which she had sent for the capture of Kiaochow still in the Province of Shantung, and scattered along the railway northward to Lung Kow——

Senator BRANDEGEE. Do you know how large that force was?

Mr. FERGUSON. Yes. May I finish my answer, and then I will explain?

Senator BRANDEGEE. I beg your pardon, certainly.

Then Mr. Ferguson says, describing how far Japan had extended its authority over the Province of Shantung:

Mr. FERGUSON. Northward to Lung Kow, westward to Tsi-nan Fu, the capital of Shantung Province, and eastward to Tsingtau. That force was officially stated to be somewhere between 50,000 and 60,000 men.

Mind you, these were veteran Japanese troops, who had just driven the Germans out of Kiaochow.

Japan sent her troops to replace either all those or a portion of those which she had already sent as her expeditionary force against Kiaochow. She had already sent forces, but replaced them when these demands were being made there, so that the force which she had at that time must have been somewhere between 60,000 and 70,000 men in various parts of the Province. She did not take away the original forces that she had sent new forces to replace, but left them all there until China had consented to her ultimatum. Furthermore, she assembled her fleet at Sasebo, her naval base, which is almost directly east and about 20 hours' steaming from Kiaochow on the coast of Japan; and she had sent word through her consular officers asking all Japanese to come from interior places and report at coast towns. In my experience, outside of the Boxer year 1900, when all nations sent forces to China, there has never been anything like the size or the threatening attitude of the forces of any nation such as Japan used in obtaining this concession from China.

Senator KNOX. What period of time did the ultimatum prescribe?

Mr. FERGUSON. It was given to the Chinese Government on May 7, shortly after noon, and May 9, at 6 o'clock, an answer was demanded.

Senator BRANDEGEE. Do you think that China would have granted the concession to Japan in the absence of this military demonstration?

Mr. FERGUSON. No, sir; it caused the resignation of the minister of foreign affairs, who had made the negotiations, and a new man was appointed, Mr. Lu-Cheng-Tsiang, who afterwards was sent as the head of the Chinese commission to the Paris conference, the Chinese Government fearing that this very question would arise, and showing by the appointment of the same man as the head of the Chinese delegation who had signed those treaties under duress her sincerity in the position which she has consistently maintained that the treaty was signed under duress. I understand from the Chinese delegation—I was not present at Paris myself and only speak from the report to me directly by a member of the Chinese delegation who was there—Mr. Lu made that statement also to the Paris conference, that he signed the treaty of May 25, 1915, under protest.

May I state also, Senator, that in the official statement given out by the Chinese Government after the conclusion of the negotiations and the signature of the treaty that fact is also mentioned?

So that that treaty between Japan and China in 1915 was extorted by duress, in the presence of the largest Japanese army that had ever been in China in time of peace, together with the concentration of the Japanese fleet to act in cooperation with it, from a nation who were given from the afternoon of May 7 to 6 o'clock on May 9 to decide whether they would have war made against them by the Japanese Army and the Japanese fleet, they being entirely powerless to defend themselves, or whether they would yield up an integral part of their territory; and there was nothing for them to do but to succumb.

Dr. Ferguson further testified, as the official advisor of the Chinese Government, that it had to be and had been the policy of the Chinese Government, powerless to defend itself, after making all the protests and arguing for the right as best they could, to give these concessions to such nations as made sufficient demonstration, relying all the time upon the hope that some day these outside powers which were invading China's sovereignty would quarrel among themselves, and then that China could array one set of her despoilers against the other, and possibly reinstate her own territories within her own government; but he says the iniquity of this treaty is that it destroys the last hope of China. No longer can these powers be hoped to fall apart, and, in the conflicting interests of each other, finally to do justice to China. Under this league and this treaty they all guarantee that this wrong shall be forever perpetuated, and they all consecrate it and lend it their countenance, and agree to maintain the status quo, and therefore any glimmering hope that China ever had that she might obtain justice through the lack of counsels of her enemies is gone forever; and these people who are purporting to found a league to perpetuate peace to see international justice and morality among the nations, as described in the preamble of this treaty, present to the world the spectacle of first falling in unison upon the weakest member of the league and despoiling it ruthlessly, as an example to the world of how they will administer justice and equity provided this unholy alliance is consummated by the ratification and approval of this treaty by the great Senate of the United States.

Mr. OWEN. Mr. President, in commenting upon the Shantung matter a few moments ago I spoke of the advantageous effect to China of the treaty in its present form when the title passes from Germany to Japan, and Japan carries out the agreement which she made with the nations of the world to return Shantung with certain small property reservations. Even in that contingency, China, having become possessed of everything except the reserved property rights, would be in a position to challenge the title of Japan even to those reserved property rights on the ground that Japan had no right to enforce the so-called treaty of 1915 upon China by which they had any reserved rights in Shantung. So in the long run it would seem to be more advantageous for China than otherwise. Moreover, China would be in a position with the league of nations established to plead the duress which has been charged against Japan and to have set aside any rights that might be claimed by Japan under a treaty so obtained, and which was not approved by the constitutional authorities of China. The Senator from Nebraska says we will not give Japan anything by this treaty, but will take Shantung from Japan. We are in no position to give China Shantung, nor can we go to war to take it from Japan. The Senator is surely not advocating war as a preferable alternative. Japan has Shantung. The German treaty provides a means of its retransfer to China, all except small property reservation and the land for a Japanese town, such as at Hongkong and Shanghai, and so forth.

Mr. BRANDEGEE. Mr. President——

Mr. OWEN. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. May I ask the Senator, would not that be asking China to appeal to the very powers that perpetrated the outrage to undo it?

Mr. OWEN. I deny that the powers have perpetrated an outrage.

Mr. BRANDEGEE. The Senator may describe it in such euphuistic language as he may, but would it not be appealing to the very powers that are now consummating the thing to be appealed against?

Mr. OWEN. It would be appealing to the organized, decent opinion of mankind through the league of nations, established, among other things, to hear such questions.

Mr. BRANDEGEE. If it is not decent now, why would it be decent after the league is formed?

Mr. OWEN. The organized opinion of mankind is altogether decent now, notwithstanding the unwarranted slur of the Senator from Connecticut.

The reason why we have hoped that the organized opinion of mankind would have some force under the league is that the league is composed of all the free nations of the world, a condition that could not exist until this war was terminated and the military autocracies overthrown. It has been a strange thing to me to see Senators who were in favor of a league when the members of the league would be monarchies and military autocracies opposing a league which is now to be composed only of free nations.

Mr. BRANDEGEE. Are they not now free when they are turning over part of a great republic to an autocratic, oriental government; and, if they are free now, why will they be freer after the league is formed when they will have to do it by unanimous consent?

Mr. OWEN. The meaning of the term "a free nation" is where the people have control of the governing powers and where the consent of the governed is the controlling force and where the sovereignty is vested in the people.

Mr. BRANDEGEE. But, Mr. President——

Mr. OWEN. The Senator must allow me to reply without interruption until I get through with my reply, and then I will listen to and answer any other question if I can do so. A league of free nations of the world is a means by which the organized opinion of mankind can be invoked. It will afford a forum to China to which she can appeal against any injustice perpetrated upon her by duress. If there is no league, if Senators break down the proposed league and prevent it, then there is no place where the organized, decent opinion of mankind can make itself effective, and China will have no recourse except war if her diplomacy fails.

I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Of course, the Senator knows that such an appeal by China to the league of nations would require the unanimous action of them all. They can not do anything except by unanimous consent, we are told. Furthermore, it would be an appeal to the very people who perpetrated it to undo the very thing they have sanctioned. Great Britain, France, and the United States are just as free now, and, in my opinion, much more so than they will be after the supergovernment of the league is saddled upon them.

But the question here is, Will this great free Nation, now being free to act for itself and by itself according to its own conscience, be as representative of American freedom and American liberty when it lends the sanction of its ratification to what I regard as an outrage? Will it confirm as a part of this treaty the granting of loot to the country which has exacted tribute from China by force of arms?

Mr. OWEN. I should be better satisfied if the Senator would not be on both sides of the same question. What I mean by that is, that the Senator says no action can be taken by the league of nations because it requires unanimous consent——

Mr. BRANDEGEE. I did not. I said no action could be taken without unanimous consent or except by unanimous consent.

Mr. OWEN. He said no action could be taken except by unanimous consent, and therefore there would be no forum in which——

Mr. BRANDEGEE. No; I did not say there would be no forum. I said it would be very difficult to get the unanimous consent of all the parties who had decided the other way when they were individually free to act.

Mr. OWEN. The effect of what the Senator says is that there can be no action by the league of nations because it requires unanimous consent.

Mr. BRANDEGEE. No; I say it will be exceedingly difficult; and everybody knows, I trust, who has the privilege of voting or who can read in this country, that it is not wise to appeal to a tribunal as a disinterested tribunal which is composed of the very members who have perpetrated the crime against which you are protesting.

Mr. OWEN. It requires unanimous consent for action, according to the Senator, and yet the Senator has argued that this same league would have the power to send American soldiers, without the consent of Congress, to the ends of the earth.

Mr. BRANDEGEE. I have not said a word on that subject.

Mr. OWEN. I used the Senator as an illustration of those of his colleagues whom he supports who are so contending, because he, in effect, is with them in making that argument.

Mr. BRANDEGEE. I do not want to be responsible for what other Senators may say.

Mr. OWEN. I am pleased to see the Senator unwilling to be responsible for what his leader, Mr. LODGE, strenuously urged on August 12 in his carefully prepared address.

Mr. LODGE made this argument: "That the league could send American soldiers where it pleased," and now the distinguished Senator from Connecticut argues that the league is powerless to right a wrong of any kind because paralyzed by the requirement of a unanimous vote.

Mr. FALL. Will the Senator yield for a question?

Mr. OWEN. Certainly.

Mr. FALL. One of the great free nations of the earth with whom we are to be associated, and of which the Senator is such an admirer, is this nation of Japan, is it not?

Mr. OWEN. I greatly admire Japan.

Mr. FALL. Do you mean to say that Japan is a free Government, a representative Government?

Mr. OWEN. I will say that Japan has made more progress in the direction of establishing free government——

Mr. FALL. That is not the question.

Mr. OWEN. Than any other nation in the world in the same length of time.

Mr. FALL. I have heard the Senator too often not to know the workings of his mind. He knows perfectly well that he is not answering my question.

Mr. OWEN. The Senator would argue that because Japan has a monarchial government therefore Japan is not a free nation.

Mr. FALL. Oh, no; not necessarily. I think Great Britain has a monarchial government and I think Great Britain is a free nation. The Senator knows perfectly well what I have in mind.

Mr. OWEN. I know very well the people of Japan had no hesitation in going to the gates of their foreign office and demanding the action which they desired, and I regard that as fairly an evidence that they are not altogether without some voice.

Mr. FALL. Those who needed bread knocked at the gates of Versailles, too, and knocked them down.

Mr. OWEN. I think that is what the people of Japan will do if they do not have liberty.

Mr. FALL. Ah, but the people of Japan have not done it yet.

Mr. OWEN. They are in a mood in which it can easily be done and they have the intelligence to do it if they are denied liberty.

Mr. FALL. Does the Senator mean for a moment to say that Japan has a free elective Parliament?

Mr. OWEN. I mean to say that Japan has a Parliament which by its nature represents proportionally and fairly the elements of Japan.

Mr. FALL. How is the upper house selected?

Mr. OWEN. The upper house represents the old samurai and nobility.

Mr. FALL. Named by whom?

Mr. OWEN. They are named, I assume, by the existing old order.

Mr. FALL. By the Mikado, in other words?

Mr. OWEN. Not by the Mikado, but by the little group that surrounds the Mikado.

Mr. FALL. By the Mikado under the constitution of Japan, the upper house, which has a veto on all legislation, and a lower house elected how?

Mr. OWEN. I think the lower house is fairly representative of Japan?

Mr. FALL. Elected by restricted suffrage. Do you mean to say that everyone in Japan has a vote?

Mr. OWEN. No; I do not.

Mr. FALL. I thought the Senator understood my question.

Mr. OWEN. I understand the Senator's question well enough, and I will say to the Senator that Japan having made a union with Great Britain, Japan having stood with the Republic of France and with Belgium and with Italy and with the United

States in this Great War for liberty and civilization, is entitled to the respect of the world, and particularly of this great Republic, and ought not to be insulted on this floor.

Mr. FALL. The Senator from New Mexico certainly can not be accused of insulting Japan. He has not said anything about Japan.

Mr. OWEN. I have reference to what took place on this floor this afternoon, where Japan was being held responsible for the breathings and the ambitions of the Order of the Black Dragon, the same kind of an order which existed in degree as the Order of the Black Eagle in Germany—the military order, the order that ruled in terms of force and brute military power alone, the order that would, if it had its way, organize mankind for battle and lead them to the shambles. But that order does not control Japan now and that order is decadent. That order is being rapidly and practically eliminated from the forces governing mankind, and the Senator need not be any more afraid of the Order of the Black Dragon than of the Order of the Black Eagle.

Mr. FALL. We have just had something to do with the Order of the Black Eagle.

Mr. OWEN. I think we have had something to do with the Black Eagle, and the Black Dragon will go the same path if it throws itself in the path of the liberty and happiness of mankind.

Mr. FALL. I am curious to know the idea the Senator entertains of Italy. Does the Senator understand Italy has a government such as that under which we live?

Mr. OWEN. I have a very interesting statement from the premier of Italy—Signor Nitti—stating in flat terms that the people of Italy are as democratic as the people of America.

Mr. FALL. I have a very interesting copy of the constitution of Italy, and I presume the Senator has it.

Mr. OWEN. Oh, yes. Constitutions do not always describe aptly the people.

Mr. FALL. Oh, no.

Mr. OWEN. People outgrow constitutions.

Mr. FALL. Certainly.

Mr. OWEN. People burst the bounds of constitutions when they no longer fit, and Italy is making great progress in that direction, I will say to the Senator.

Mr. FALL. I have not reflected upon the Italian people or the Italian Government any more than upon the Japanese people and the Japanese Government. I am asking the Senator, who is talking about our associates, the great free people of the earth——

Mr. OWEN. I regard the Italian people as a very great free people.

Mr. FALL. A great free people of the earth, and still their upper house is not elected, and it has the veto power upon anything which may be done by the lower house.

Mr. OWEN. Yes; and I will say to the Senator that until recently this Chamber was in a position where one Member could veto the whole Senate by unlimited debate, by talking anything to death that he saw fit to.

Mr. FALL. He can do it yet, I presume.

Mr. OWEN. He ought not to be permitted to do it. We should have the previous question or perfected cloture.

Mr. FALL. So far as the rules are concerned, the Senate has rejected the suggestion of the Senator from Oklahoma along the line of limiting debate.

Mr. OWEN. They have adopted limited cloture but ought to adopt absolute cloture. They will show better manners, better ability, and greater patriotism when they adopt the suggestion of the Senator from Oklahoma in this matter, as they did on the direct election of Senators.

Mr. FALL. Of course, like the eleventh man on the jury, the others are always wrong. However, the other fellows have the vote as yet.

Mr. OWEN. Mr. President——

Mr. FALL. If the Senator will yield for a moment to enable me to make a brief statement, I had expected to reply to some of the observations of the Senator from North Dakota [Mr. McCUMBER]. I shall avail myself of the earliest opportunity after the close of the morning business to-morrow to address myself to some of the matters which he took up, and also to some of the matters apparently now being considered by the Senator from Oklahoma.

FOREIGN EXCHANGE.

Mr. OWEN. Mr. President, the favorable balance of trade for July of the United States fell off $400,000,000 from what it was last June, and the Senate sits talking all day and doing nothing to protect the foreign commerce of this country. I appeal to the Senate to give that matter attention for some of the hours of the day at least. I want to call the attention of the Senate to one or two matters affecting that question. I have in my hand a statement from the premier of Italy, showing that Italy is abundantly able to meet all its obligations, and that he is taking the steps to put her credit on the same high plane it reached before the war, where its bonds were above par. Premier Nitti says:

"Italy needs to cut the use of red tape. Italy is poor at present, but not so poor as people abroad seem to think. The trouble lies chiefly in the secret we have made of our difficulties.

"The people of Italy have been told that the war has been won for no advantage because, owing to diplomatic and economic reasons, all her aspirations can not be materialized. It is the greatest mistake imaginable.

"Italy has won the war and won it to very great and distinct advantage. We have now a solid frontier, almost impregnable. We are rid of the Austrian yoke which was weighing heavily on our shoulders and preventing expansion.

CITES ITALY'S RESOURCES.

"We are now free to work for our greater program, which is one of economical and political enlargement.

"Europe will soon realize that Italy is at present the strongest nucleus of the European Continent. France, whose territory is two-fifths larger than ours, has a smaller population than Italy. And while we are to-day nearly 40,000,000, we shall exceed 50,000,000 in less than 10 years.

"We possess a greater number of men able to work than any other country. This is more than gold. It is power. And by power I mean power to carry on a program of civilization and progress. We do not want any other war. We want to be on friendly terms with all nations.

"The present misunderstandings, originated at the peace conference, will soon be smoothed over. Italy is the natural friend of the United States and the natural friend of France.

"The United States will need labor in future because of America's wonderful resources. Italy has got labor, good labor.

"This labor must not go to the American market and slump it with offers of cheap wages. Your American workingman has the right to protect himself and therefore the right to protect his labor market according to the standard of prices he has earned and set up as a result of the war.

HIGH TAX ON CAPITAL.

"Our workingman must submit to the same rule and not try to outbid his native colleague. The same applies to France. Our nearness, our Latin blood, our community of interests make the two countries bound to become more and more closely friendly.

"It is a vast program of work and of reconstruction which lies before us. Italy is grappling with it in great style. Economically we were sound. We have only $18,000,000,000 national debt, of which $4,000,000,000 is with foreign countries, chiefly America."

I pause to say that the $14,000,000,000 of bonded debt which Italy has is owned by its own citizens and is therefore to be regarded as a private asset while a national debit and does not impair the productive power of Italy or reduce the gross value of its property.

The premier goes on to say, in speaking of this debt:

"I am going to reduce it at once at least between four and five billions by enforcing a high taxation on capital, especially on capital recently earned through the war.

"Then I am going to apply a heavy tax on incomes. That will give us enough to face the interest and charges on a new loan. The Italian people will pay. And in no time you will see our securities increase their value.

"We have little food and practically no coal. Well, we shall find a way out of even this tight corner. I am positive that Italy has come out of the war in far better condition than many other allied countries."

The potential water powers of Italy will produce enough electricity to furnish all the light, heat, and power needed in all Italy—or in Europe for that matter—to electrify the railroads, furnish all the factories and homes and municipalities of Italy with heat and light and power.

He goes on to speak of the new democracy in Italy, and I respectfully call the attention of the Senator from Connecticut [Mr. BRANDEGEE] to what he says:

THE NEW DEMOCRACY.

"We shall soon rebound. Our natural resources are going to be exploited to the utmost, and the latest American methods are going to be applied.

"The American people will be the first ones to understand my meaning, because it is in their blood to go to the root of any problem and to dispose of it quickly in the best possible

way. We do not intend to run after any chimeric, imperialistic vision.

"The whole problem to-day reduces itself to a question of letting the people of our countries know each other better than in the past. Italy is as democratic as America, and from now on the people themselves will have a greater share in the government of the country. A new era is dawning over the world. The future belongs to the new democracy, founded on work."

I have the greatest confidence in Italy, and I am in favor of giving a generous hand to Italy until she can recover the shock of the Great War.

To help Italy is to help ourselves. Italy demonstrated during this war qualities of the very highest nobility and placed the whole world under everlasting obligations.

Why should we not extend credit to industrious, thrifty, faithful Italy?

It is a shame to sell them dollars at 85 per cent premium because of their sudden great need. To take advantage of a friend's necessity is base indeed.

Mr. President, when the Italians buy anything from the United States they have to pay for it in dollars. When they buy dollars in terms of lire they pay 85 per cent bonus for the temporary credit required for them to make their purchases in the United States. The Italians can not stand and no other people can stand any such charge as that. Great Britain understands that perfectly well. There is in the Annalist an item of yesterday which I wish to call to the attention of the Senate to the following effect:

BRITISH CREDIT TO ITALY.

"Great Britain is making every effort to keep abreast of the United States in the fight for foreign trade. In its program of peaceful penetration of Italy it is announced that *the British treasury will now permit three renewals of 90-day bills granted in payment for British merchandise bought for export to Italy; in other words, one year's credit.*

"'British business,' says the American Chamber of Commerce, 'looks upon this decision as of the greatest importance at the present time, when United States traders are offering Italian buyers special inducements to purchase American goods.'"

What special inducements of United States traders can overcome a premium of 85 per cent bonus on the sale of dollars?

I notice in the press a statement that I had suggested Italy pledge her customs for credit. I did nothing of the kind and would oppose such a suggestion.

Italy has no need whatever to do anything of the kind, and I resent the false suggestion attributed to me.

So long as we furnished credit through the Treasury of the United States to these foreign countries, of course they were able to buy American goods for their uses, but when national credit is cut off they must rely upon the banks and private investors.

An editorial which the New York Times published on Sunday rather disclaimed the idea that the bankers were speculating in exchange. There is no financial reason why bankers should not speculate in exchange. They handle it as commodities. It is no accusation of private demerit on their part that they are speculating in exchange. They buy and sell exchange as they would buy commodities of any kind. They are simply commercial men engaged in such transactions. They have no public or political duty in the premises under our system.

Moreover, there are wide differences among bankers. Some bankers do not and would not speculate in foreign exchange any more than they would speculate in the stock market. There are others who feel justified in doing both.

There is a statement in the Bulletin, of Philadelphia, which calls attention to this matter and which I will submit for the RECORD without reading:

"On previous occasions of this kind these bankrupt reactions in exchange have meant that the course of depreciation was checked for a longer or shorter period, but with rates left to fluctuate around a distinctly lower general level than before. The reason for such changes in the market from after each decline in rates lies first in the fact that a good part of the accumulated bills which had been overhanging the market will have been sold and disposed of, and, second, that the speculators in exchange who had sold in connection with that legitimate trade movement had made enough to cover their speculative commitments when the real liquidation ceases."

The only corrective for this matter, Mr. President, is the furnishing of credit to the buyers of Europe on long time, and that can not be done by the banks. The banks have a limit to their capacity. It must be done by the American investing public through a mechanism provided for that purpose, or it must be done by the Government either directly or indirectly. These credits are partly of a political nature and ought not to be treated as purely a commercial transaction, for the reason that the conditions temporarily created by war are such that the ordinary banking system does not furnish the credits which are required in so large a quantity for the rehabilitation of Europe.

Moreover, as a people we have extended to Europe credit amounting to $10,000,000,000. In order to safeguard those credits, to put the people of Europe in a position where they can more promptly repay, there ought to be extended the credit necessary to furnish them with machinery and raw materials, so that their labor can be made productive, and they can pay us back in the only way any people can ultimately pay any other people, and that is in the terms of their labor transmuted into commodities and into manufactured goods.

I again call the attention of the Senate to this matter. I have taken the time of the Senate for these few moments in order to impress upon the Senate the fact that our favorable balance of trade fell off $400,000,000 in July.

I was to-day advised by a most responsible authority that New York Harbor was full of loaded ships held up for lack of financing their cargoes intended for Europe.

What is the matter with Congress and with the administration that these conditions excite no remedy whatever?

Where is the managing director, Eugene Myers, of the War Finance Corporation? Where is the Federal Reserve Board?

The initiative in this matter is on the majority that controls this body, and I call their attention to it once more in the hope that some action may be taken.

The exchange rates being in the hands of a few are subject peculiarly to manipulation, and this is accomplished, in part, by short selling and arbitrary fixing of prices at which dollars are sold to those compelled to have dollars for American purchases.

If short selling and speculation and manipulation are persisted in in foreign exchange, a drastic investigation should be made of the whole matter, its causes, its chief agents, and its effects, and I shall feel it my duty to demand it. This injurious condition must be stopped if our national commerce is to prosper.

I have been asked what "short selling" means. The short selling of exchange means selling sterling, franc, and lire credits for future delivery with the expectation of getting the credits before the time of delivery at a lower price.

For example, on the hypothesis of active business to be transacted, an American importer wishes to import $1,000,000 of French goods and needs French credits on November 1. A foreign exchange bank, having no French credits available, sells him 8,000,000 francs deliverable November 1, 1919, for $1,000,000. The bank sells what it has not, expecting that the French need for dollars to buy American cotton, and so forth, in the fall will be so great it can then, by the sale of the dollars the French severely need in October, buy the franc credits—a French exchange—at a still lower rate and make a profit.

In the hypothetical case the importer, or a pure speculator for that matter, is betting exchange will be higher and the bank is betting it will be lower. The banker knows the crops mature in the fall, that our agricultural crops must largely go to market, and therefore there will be a larger demand for dollars by foreign buyers, who must arrange exchange of foreign credits for American credits by selling sterling, francs, and so forth, for dollars. Moreover, the banker knows that he and a dozen others like him have the *monopoly* of these transactions—buying and selling foreign exchange. If he sells francs at 6 and buys at 7 he makes a million francs on every $1,000,000 handled. If he buys at 7 and exchange comes back to par—5.18—he makes 3,000,000 francs on every $1,000,000 handled. Investors are now doing this. As our foreign exchange goes into the hundreds of millions of dollars, the temptation to gamble in foreign exchange is great. It is like the temptation of a dealer in roulette, who can measurably control his wheel.

When the bankers sell exchange short it is to their interest to make exchange go lower, and they can accomplish this result by arbitrarily refusing to sell dollar credits except at a lower price, and NO POWER EXISTS TO PREVENT IT, as they have a monopoly.

I think it is against the interest of our commerce to speculate in exchange by short selling it. We injure our commerce when we tax England 15 per cent, France 55 per cent, and Italy 85 per cent premium on sale of dollar credits. No one doubts that Italy, France, and Great Britain will soon react and be on a live gold basis, and if they agree to pay us back in dollars they ought to get credit at a fair rate.

We ought not to take advantage of the very transitory conditions to overcharge them for credit. We ought to require good security and give fair rates and for a term sufficient to

enable convenient repayment. The banks handling foreign exchange have not funds sufficient to fully cover this field. It requires either the investing public or the Government itself. I think both should cooperate under the bills now pending. The importers and exporters are disappointed, if not disgusted, with the fatal apathy of Congress.

The injury which will result to our producers will react on Congress in due time.

The delay in establishing peace leaves the national credit of newborn nations in a sad plight because of the doubt as to their stability which is thus left in the minds of American banks and investors.

Whatever is needed in legislation is needed NOW, and I appeal to the leaders of the majority party in this Chamber to act.

Mr. SMOOT. Mr. President, I wish to refer for just a moment to the remarks which have been made by the Senator from Oklahoma.

We are told that we must at an early date secure action upon the peace treaty, for the reason that if we do not do so our exportations and our business with foreign countries will decrease. I desire to say at this time that America can not keep up the amount of her exportations, such as those of last month or of months previous, unless there is an entire change in the commerce of the world. England herself can not purchase the goods that she has been purchasing in America unless we ourselves import more goods from England. There are only two ways, in my opinion, in which this change can be brought about. One is that America must buy more goods from foreign countries, in order that the balance of trade may be equalized, for these countries can not pay America the balance of trade to-day caused by the great amount of exportations and the small amount of importations unless America advances credit to those nations. If the exportations from this country to foreign countries continue as large as they have been in the past year or two, and our importations are no more than they have been during those years, even our country can not extend the necessary credit.

We must remember that we have a great deal of uncovered paper in this country, or, in other words, inflation of currency, and when we stop to think that there are $56,000,000,000 of such paper in the world we will at once realize that there is a limit even to our own country issuing more paper money.

Mr. President, I recognize the fact that the bills which the Senator from Oklahoma has introduced, and which are now pending before the Banking and Currency Committee of the Senate, will, in a small degree, relieve the situation, but they will afford only temporary relief. The only way that America can afford even a halfway relief is for every American citizen, rich or poor, to begin from this time on to economize and save. Not only do I call upon every American citizen to do so, but I desire to say that the Government of the United States must begin to save money if we are to assist in relieving the financial conditions in the world as they exist to-day.

I expect in a little while, shortly after the pending bill shall have been passed, to address the Senate upon the question of the high cost of government. I give notice now of my intention to do so in connection with the statement—for we must begin early a national program for saving. We may talk all we desire to about the high cost of living, and of the high cost of every class of produce and goods in the United States, and we can pass all the laws of which we can conceive or suggest, but so long as the inflation of currency in the world is so great as it is to-day, mounting higher and higher, there will be no way to make very much change in present prices. Until this condition is modified in the world, no remedy which we may attempt will be a complete remedy. I shall not, however, consume any more time upon this subject this evening.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. LA FOLLETTE. Mr. President, I present a number of amendments to the pending oil-leasing bill, which I ask to have printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. SMOOT. Mr. President, the Senate has now been in session 6 hours and 25 minutes for the consideration of the oil-leasing bill, and up to the present time I think this is the first reference that has been made to the bill. So I think I had better keep that record straight for the day and not ask for the consideration of amendments to the bill or of the bill itself at this late hour.

MISSOURI RIVER BRIDGE.

Mr. JOHNSON of South Dakota. The Senator from New York [Mr. CALDER] has requested me to report back favorably from the Committee on Commerce, with an amendment, the bill (S. 2883) authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in line 7, after the word "point," to insert "or points," so as to make the bill read:

Be it enacted, etc., That the Meridian Highway Bridge Co., a corporation organized under the laws of the State of South Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto across the Missouri River at a point or points suitable to the interest of navigation, in section 18, township 93, range 55 west, or section 13, township 93, range 56 west, Yankton County, S. Dak., to the shore opposite thereto at a point in sections 11 or 12, township 33 north, range 1 west, Cedar County, Nebr., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, August 27, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 26, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

Dear Lord, lay upon the heart of each the sense of responsibility to do his best, and give us all the thrill and power, that issue from thankfulness to and trust in Thee, to attempt, to achieve, and to aspire. Above all party names and obsolete slogans, all outgrown denominational shibboleths and narrowing dogmas, may we as a people, and particularly these Representatives gathered here this morning, work for the liberation of men from all unauthorized bondage and for the vision of the kingdom of heaven in the eye of the soul. In these days of newly re-established peace amongst nations and yet of great social unrest be Thou the force and director of the powers of the social and international mechanism. Especially we ask this in our own land, because we feel that if America goes aright there is hope for the world, but if America goes wrong the whole world will be awry. Give us, therefore, we pray, light and leading in the way and will of Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

A QUORUM—CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. The point of order is that a quorum is not present.

The SPEAKER. The gentleman from Iowa [Mr. DOWELL] makes the point that there is no quorum present.

Mr. GARNER. Mr. Speaker, why does the gentleman make the point of no quorum when we can get a roll call on a division?

The SPEAKER. Does the gentleman withdraw the point?

Mr. DOWELL. No.

The SPEAKER. Obviously there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Anthony	Benson	Bland, Ind.
Anderson	Babka	Black	Booher
Andrews, Md.	Baer	Blackmon	Britten

Brooks, Pa.	Fuller, Mass.	Lee, Ga.	Rouse
Browne	Gallivan	Lesher	Rowan
Brumbaugh	Gandy	Linthicum	Sanders, N. Y.
Burke	Ganly	Longworth	Scully
Burroughs	Garland	Luce	Shreve
Candler	Godwin, N. C.	McClintic	Siegel
Cantrill	Goodall	McKenzie	Sinclair
Caraway	Goodykoontz	McKinley	Sisson
Carew	Graham, Pa.	Magee	Smith, Ill.
Carter	Graham, Ill.	Maher	Smith, N. Y.
Chindblom	Greene, Mass.	Mann	Snyder
Christopherson	Griest	Mead	Steele
Clark, Fla.	Griffin	Monahan, Wis.	Steenerson
Classon	Hadley	Moon	Stephens, Miss.
Costello	Hamill	Mooney	Stevenson
Crago	Hardy, Colo.	Moore, Pa.	Stiness
Cramton	Haskell	Moore, Va.	Sullivan
Davey	Hicks	Moores, Ind.	Sumners, Tex.
Dempsey	Hill	Morin	Taylor, Ark.
Dewalt	Huddleston	Mott	Taylor, Colo.
Donovan	Humphreys	Mudd	Tilson
Dunn	Husted	Neely	Vare
Echols	Hutchinson	Olney	Volstead
Ellsworth	James	Paige	Walsh
Emerson	Jefferis	Parker	Walters
Evans, Mont.	Johnson, S. Dak.	Porter	Ward
Evans, Nebr.	Kahn	Rainey, H. T.	Wason
Fields	Kelley, Mich.	Rainey, J. W.	Webb
Fitzgerald	Kendall	Randall, Calif.	Wingo
Flood	Kennedy, Iowa	Reed, N. Y.	Wise
Focht	Kennedy, R. I.	Reed, W. Va.	Woodyard
Foster	Kettner	Riddick	Yates
Frear	Kreider	Riordan	Young, N. Dak.
Freeman	Lea, Calif.	Rogers	

The SPEAKER. Two hundred and eighty-three Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

EXTENSION OF REMARKS.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a letter of six postal clerks relating to the service.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks by inserting a letter of six postal clerks relative to the service. Is there objection?

There was no objection.

RETIREMENT OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The unfinished business to-day is the bill H. R. 5818, the teachers' retirement bill for the District of Columbia, on which the previous question was ordered. The question before the House is the motion to recommit, offered by the gentleman from Kentucky [Mr. JOHNSON]. As many as are in favor of the motion to recommit——

Mr. JOHNSON of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays.

Mr. JOHNSON of Kentucky. For information, Mr. Speaker, I ask that the motion to recommit be read.

The SPEAKER. Without objection, the motion to recommit will be read.

The Clerk read as follows:

Mr. JOHNSON of Kentucky moves to recommit the bill to the Committee on the District of Columbia, with instructions to that committee to report the same back to the House forthwith, with an amendment to strike from the bill on page 7, in lines 18 and 19, the following words: "The superintendent of public schools."

The SPEAKER. As many as favor taking the vote by the yeas and nays will rise and stand until they are counted. [After counting.] Obviously a sufficient number have risen.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the motion to recommit will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 117, nays 168, answered "present" 1, not voting 144, as follows:

YEAS—117.

Alexander	Byrnes, S. C.	Drane	Holland
Almon	Byrns, Tenn.	Dupré	Hudspeth
Ashbrook	Cannon	Eagle	Hull, Tenn.
Aswell	Cantrill	Echols	Jacoway
Ayres	Clark, Fla.	Evans, Nev.	Johnson, Ky.
Bankhead	Clark, Mo.	Ferris	Johnson, Miss.
Barkley	Cleary	Fisher	Jones, Tex.
Bee	Coady	Garner	Kincheloe
Bell	Collier	Garrett	King
Bland, Va.	Connally	Goodwin, Ark.	Kitchin
Blanton	Crisp	Hardy, Tex.	Langley
Box	Davis, Tenn.	Harrison	Lanham
Brand	Dent	Hastings	Lankford
Briggs	Dickinson, Mo.	Heflin	Larsen
Brinson	Dominick	Hersman	Lazaro
Buchanan	Doughton	Hoch	Little

McClintic	Overstreet	Saunders, Va.	Venable
McDuffie	Padgett	Sears	Vinson
McKeown	Park	Sells	Watkins
Major	Parrish	Sherwood	Watson, Va.
Mansfield	Quin	Small	Weaver
Martin	Rainey, H. T.	Smithwick	Whaley
Mays	Rayburn	Steagall	Wilson, La.
Montague	Ricketts	Stedman	Wilson, Pa.
Nelson, Mo.	Robinson, N. C.	Strong, Kans.	Wingo
Nicholls, S. C.	Robsion, Ky.	Taylor, Tenn.	Wright
O'Connor	Romjue	Thomas	Young, Tex.
Ogden	Rubey	Thompson, Okla.	
Oldfield	Rucker	Tillman	
Oliver	Sanders, La.	Upshaw	

NAYS—168.

Andrews, Nebr.	Good	McArthur	Rodenberg
Bacharach	Gould	McCulloch	Rose
Barbour	Graham, Ill.	McFadden	Rowe
Begg	Green, Iowa	McGlennon	Sabath
Benham	Greene, Mass.	McLane	Sanders, Ind.
Bland, Mo.	Greene, Vt.	McLaughlin, Mich.	Sanford
Boles	Hamilton	McLaughlin, Nebr.	Schall
Brooks, Ill.	Haugen	McPherson	Scott
Brooks, Pa.	Hawley	MacCrate	Sims
Browning	Hayden	MacGregor	Sinnott
Caldwell	Hays	Madden	Slemp
Campbell, Kans.	Hernandez	Mapes	Smith, Idaho
Campbell, Pa.	Hersey	Mason	Smith, Mich.
Carss	Hickey	Merritt	Snell
Casey	Houghton	Michener	Stephens, Ohio
Cole	Howard	Miller	Strong, Pa.
Cooper	Huddleston	Minahan, N. J.	Summers, Wash.
Copley	Hulings	Mondell	Sweet
Crowther	Hull, Iowa	Moore, Ohio	Swope
Cullen	Hutchinson	Morgan	Taylor, Colo.
Currie, Mich.	Igoe	Murphy	Temple
Curry, Calif.	Ireland	Nelson, Wis.	Thompson, Ohio
Dale	Johnson, Wash.	Newton, Minn.	Timberlake
Dallinger	Johnston, N. Y.	Newton, Mo.	Tincher
Darrow	Jones, Pa.	Nichols, Mich.	Towner
Davis, Minn.	Juul	Nolan	Treadway
Denison	Kearns	O'Connell	Valle
Dickinson, Iowa	Keller	Osborne	Vestal
Dowell	Kelly, Pa.	Pell	Voigt
Dunbar	Kiess	Peters	Watson, Pa.
Eagan	Kinkaid	Phelan	Webster
Edmonds	Kleczka	Platt	Welling
Elliott	Knutson	Pou	Welty
Elston	Kraus	Purnell	Wheeler
Esch	LaGuardia	Radcliffe	White, Kans.
Fairfield	Lampert	Raker	White, Me.
Fess	Layton	Ramsey	Williams
Fordney	Lehlbach	Ramseyer	Wilson, Ill.
Fuller, Ill.	Lonergan	Randall, Wis.	Winslow
Gallagher	Lufkin	Reavis	Wood, Ind.
Gard	Luhring	Reber	Woods, Va.
Glynn	McAndrews	Rhodes	Zihlman

ANSWERED "PRESENT"—1.

Butler

NOT VOTING—144.

Ackerman	Ellsworth	Kelley, Mich.	Reed, W. Va.
Anderson	Emerson	Kendall	Riddick
Andrews, Md.	Evans, Mont.	Kennedy, Iowa	Riordan
Anthony	Evans, Nebr.	Kennedy, R. I.	Rogers
Babka	Fields	Kettner	Rouse
Baer	Fitzgerald	Kreider	Rowan
Benson	Flood	Lea, Calif.	Sanders, N. Y.
Black	Focht	Lee, Ga.	Scully
Blackmon	Foster	Lesher	Shreve
Bland, Ind.	Frear	Linthicum	Siegel
Booher	Freeman	Longworth	Sinclair
Bowers	French	Luce	Sisson
Britten	Fuller, Mass.	McKenzie	Smith, Ill.
Browne	Gallivan	McKinley	Smith, N. Y.
Brumbaugh	Gandy	McKinley	Snyder
Burdick	Ganly	Magee	Steele
Burke	Garland	Maher	Steenerson
Burroughs	Godwin, N. C.	Mann	Stephens, Miss.
Candler	Goldfogle	Mead	Stevenson
Caraway	Goodall	Monahan, Wis.	Stiness
Carew	Goodykoontz	Moon	Sullivan
Carter	Graham, Pa.	Mooney	Sumners, Tex.
Chindblom	Griest	Moore, Pa.	Taylor, Ark.
Christopherson	Griffin	Moore, Va.	Tilson
Classon	Hadley	Moores, Ind.	Tinkham
Costello	Hamill	Morin	Vare
Crago	Hardy, Colo.	Mott	Volstead
Cramton	Haskell	Mudd	Walsh
Davey	Hicks	Neely	Walters
Dempsey	Hill	Olney	Ward
Dewalt	Humphreys	Paige	Wason
Donovan	Husted	Parker	Webb
Dooling	James	Porter	Wise
Doremus	Jefferis	Rainey, J. W.	Woodyard
Dunn	Johnson, S. Dak.	Randall, Calif.	Yates
Dyer	Kahn	Reed, N. Y.	Young, N. Dak.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. MOORES of Indiana with Mr. HAMILL.

Mr. MCKENZIE with Mr. HUMPHREYS.

Mr. MCKINLEY with Mr. KETTNER.

Mr. LONGWORTH with Mr. LEA of California.

Mr. KREIDER with Mr. LEE of Georgia.

Mr. FREAR with Mr. DOREMUS.

Mr. BURKE with Mr. SUMNERS of Texas.

Mr. KENNEDY of Rhode Island with Mr. BENSON.

Mr. KAHN with Mr. BLACK.

Mr. JAMES with Mr. CANDLER.
Mr. GRIEST with Mr. LESHER.
Mr. ANTHONY with Mr. WEBB.
Mr. VOLSTEAD with Mr. DONOVAN.
Mr. GARLAND with Mr. MCKINIRY.
Mr. FRENCH with Mr. MEAD.
Mr. FOCHT with Mr. MOORE of Virginia.
Mr. ELLSWORTH with Mr. NEELY.
Mr. DYER with Mr. OLNEY.
Mr. DEMPSEY with Mr. RIORDAN.
Mr. WALSH with Mr. CARTER.
Mr. YOUNG of North Dakota with Mr. GANDY.
Mr. MANN with Mr. BLACKMON.
Mr. WASON with Mr. BOOHER.
Mr. STINESS with Mr. DAVEY.
Mr. YATES with Mr. CARAWAY.
Mr. GRAHAM of Pennsylvania with Mr. TAYLOR of Arkansas.
Mr. JEFFERIS with Mr. GANLY.
Mr. JOHNSON of South Dakota with Mr. FLOOD.
Mr. KENNEDY of Iowa with Mr. DEWALT.
Mr. LUCE with Mr. MAHER.
Mr. MAGEE with Mr. LINTHICUM.
Mr. ACKERMAN with Mr. WISE.
Mr. BLAND of Indiana with Mr. JOHN W. RAINEY.
Mr. BROWNE with Mr. CASEY.
Mr. BUTLER with Mr. STEELE.
Mr. MOORE of Pennsylvania with Mr. GALLIVAN.
Mr. CHINDBLOM with Mr. ROWAN.
Mr. CRAMTON with Mr. SMITH of New York.
Mr. CHRISTOPHERSON with Mr. SULLIVAN.
Mr. EMERSON with Mr. MOONEY.
Mr. PAIGE with Mr. MOON.
Mr. SHREVE with Mr. EVANS of Montana.
Mr. ROGERS with Mr. FITZGERALD.
Mr. RIDDICK with Mr. GODWIN of North Carolina.
Mr. PORTER with Mr. GOLDFOGLE.
Mr. MORIN with Mr. GRIFFIN.
Mr. EVANS of Nebraska with Mr. SISSON.
Mr. CRAGO with Mr. STEPHENS of Mississippi.
Mr. FOSTER with Mr. BABKA.
Mr. COSTELLO with Mr. STEVENSON.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. HASTINGS. Mr. Speaker, on that I think we ought to have the yeas and nays.

The SPEAKER. The gentleman from Oklahoma demands the yeas and nays.

The question was taken, and 35 Members rose.

The SPEAKER. Not a sufficient number.

Mr. HASTINGS. Mr. Speaker, I demand the other side.

The SPEAKER. There is no other side. The question is whether one-fifth of the Members present demand the yeas and nays. Two hundred and eighty-five Members voted a moment ago. Thirty-five is not a sufficient number, and the yeas and nays are refused. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RUBEY and Mr. BLANTON) there were 159 ayes and 73 noes.

Mr. RUBEY and Mr. BLANTON made the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-three Members present, a quorum.

Mr. ALMON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ALMON. Would it not be in order to now make a demand for the yeas and nays on the bill? There is such a wide difference of opinion. I am opposed to the bill and would like to go on record.

The SPEAKER. That request was made once and refused.

Mr. ALMON. I make it again.

The SPEAKER. The gentleman can not make it again. The ayes are 159 and the noes 53, and the bill is passed.

Mr. MAPES. Mr. Speaker, I move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The SPEAKER. The gentleman from Michigan moves to reconsider the vote by which the bill was passed and lay that motion on the table. Without objection, it will be ordered.

Mr. BLANTON. I object.

The SPEAKER. The question is on laying the motion on the table.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 184 ayes and 4 noes.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

Mr. REAVIS. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER. The Chair thinks that he must count. [After counting.] Two hundred and twenty-three Members present, a quorum, and the motion to lay the motion to reconsider on the table is carried.

Mr. WOODS of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the measure just passed.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the measure just passed. Is there objection?

There was no objection.

TARIFF ON PEARL BUTTONS.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl; and pending that I ask unanimous consent that one half of the time in general debate be controlled by the gentleman from North Carolina [Mr. KITCHIN] and the other half by myself, and that we run along without fixing the time until later on.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7705, and pending that asks unanimous consent that the control of one-half of the time for general debate be by himself and one-half by the gentleman from North Carolina [Mr. KITCHIN]. Is there objection?

Mr. GREEN of Iowa. Reserving the right to object, I would like to get an understanding of the situation. I want to ask the gentleman from Michigan in reference to the plan. As I understand it, the debate to begin with will not in all probability be in relation to the bill, but subsequently, when we get through with the extraneous remarks, he will move to rise and have the time fixed and debate confined to the bill itself.

Mr. FORDNEY. Yes.

Mr. GREEN of Iowa. I ask this in order that Members may know what is going to come, and I understand it is agreeable to the other side.

Mr. KITCHIN. That will be all right; we will run along until these gentlemen who have asked for time get through with their remarks.

Mr. GREEN of Iowa. And after that we will confine the debate to the bill itself?

Mr. KITCHIN. Yes; and agree on the time.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The motion of Mr. FORDNEY was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FESS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

THE MONDELL SOLDIER SETTLEMENT BILL.

Mr. MONDELL. Mr. Chairman, I feel like apologizing to the House for discussing a matter not related to the bill before the House, and particularly a matter on which the House may not be called upon to vote for some little time, for a few days at least.

My excuse for doing so is that the question I desire to discuss is, in my opinion, a tremendously important one, one that must be met, and I am afraid that in our very great interest in other matters, the necessity of giving attention to the legislation directly before the House and the committees of the House, Members have not given this matter much consideration. I ask your indulgence while I discuss for a few moments the purposes and provisions of H. R. 487, the soldier settlement bill.

From the time of the signing of the armistice and before thoughtful men have been considering the problems of reconstruction and restoration—problems related to the hoped-for

return to normal conditions; problems the solution of which shall start the Nation on that long road of peaceful progress and prosperity which we hope lies before us. And as we have thought of these things our minds have naturally turned to the question of what could be done and what ought to be done to insure for the returning soldier conditions of opportunity such as men who have offered their lives to their country are entitled to have.

Of course, no one who has given serious thought to these things has done so on the theory that it would be necessary to create or provide by legislative action such opportunities for all of the millions of men who entered their country's service. It would be a sad commentary on the Republic indeed if that were true. The resources, industries, and institutions of the country, for which these gallant men served and fought, afford and provide the most wonderful opportunities that men have ever enjoyed, and, speaking generally, the soldier of the Great War who returned uninjured and unimpaired in health asks nothing of his country save that whole-hearted appreciation of his service and sacrifice, which is assured him, and an opportunity to prove himself in a fair field.

A very great majority of our soldiers of the Great War will return home to continue the pursuits, plans, and purposes of the days before their Army service. Many will find their opportunities in the growing and expanding interests and industries of the section of the country from which they came. Others will seek entirely new fields and pursuits and will find their opportunities in town or country, in the section of the Union that may attract their adventurous footsteps. In short, the great body of the returning soldiers will, barring some national visitation of business stagnation or financial panic, which is wholly unlikely, find abundant opportunities awaiting them.

While all this is true, it is also true that in the plans of thoughtful men touching the future there has been constantly the thought that notwithstanding the limitless opportunities which a country like ours affords and will afford to the stout hearts, willing hands, and enthusiastic spirits of the returning soldier, it was incumbent upon the country as a measure and a token of appreciation, and out of abundance of caution in provision, to afford certain opportunities other and beyond those which the country now affords, and which would be available to such of the returning soldiers as might need employment or have some difficulty in finding opportunities to their liking.

It would be an awful indictment of the Republic for which these men fought should they return home to a condition of things which would necessitate the inauguration of special governmental activities, or legislative provisions for especial opportunities, other than those which the country affords for the great majority, or any very considerable portion of these, the most efficient, energetic, and capable of our citizens. But it is not only a mark of appreciation, but a measure warranted by our peculiar regard for the returning soldier, that certain opportunities should be afforded, other than those which now exist, to such of them as for various reasons desire to avail themselves of such opportunities.

It is entirely logical and natural that the thoughts of those who have studied and considered these things should have turned to the soil—to Mother Earth—to these enterprises and occupations which constitute the most natural and the sanest of all human activities, as well as those most essential to the maintenance of human life and the perpetuity of human institutions in their best form.

Furthermore, it is peculiarly in harmony with our experience as a people to think of opportunities based on the soil and its fertility in connection with our appreciation of, care, and regard for our fighting men, for all of our wars have been followed by periods of liberal land legislation and remarkable and unusual land development.

The glorious victories of the sword have been followed by the blessed victories of peaceful land conquest and home building. The men of the armies of the Revolution and of the War of 1812 poured over the barriers of the Alleghenies to find homes on the headwaters of the rivers that seek the Gulf of Mexico, and the soldiers of the Civil War carried the conquest to the farthest confines of the territory drained by the Father of Waters and to the lands of the western slope. It is true that only a comparatively small precentage of the soldiers of these wars tried their fortunes on the new lands; nevertheless the total was large and the soldier who left the old home to try his chances abroad left a better opportunity for those who remained, and the one man out of a score in shop or factory who sought these opportunities on the land reduced the competition and improved the opportunities of those who remained.

But the boundless opportunities for new land conquests and for new farm home building of those other days no longer exist. It is true that in several of the Western States free lands are to be found which, while they are not as fertile or well watered as the lands of the Mississippi Valley, still afford opportunities for those who desire to engage in the class of stock-raising farming to which these lands are adapted. It is also true that there are still some sections of the country where lands are available and within reach of those of limited means and of strong faith and earnest purpose.

As we survey the field, however, we are reminded of the fact that the opportunities for securing farm homes are by no means equal to the demand for such opportunities which are certain to come from the men who are returning from their country's service. This was the situation as it appeared to those who gave thought to these matters and planned and purposed in the hope of devising some plan whereby in addition to the boundless opportunities which the country affords in industry and in agriculture, further opportunities both for employment and for securing a permanent foothold on the soil and a permanent home under one's own vine and fig tree might be provided.

The question was, How should we go about it? The country has already provided a plan whereby those having sufficient means to make payment of half the value of a farm home may secure the balance on long time and at a low rate of interest, and whereby those already having an interest in farm lands or homes may secure on favorable terms a loan equal to 50 per cent of their unincumbered holdings. The farm-loan act, while its terms are perhaps as liberal as a sound public policy justifies in the case of those who own or seek isolated individual holdings, does not meet the case of the returning soldier, with but little, if anything, in the way of savings, and particularly he whose first need is immediate employment.

Fortunately, we are not altogether lacking in examples or experience as to the means and methods which may be safely employed to enable those of earnest purpose, but having little in the way of material resources, to establish themselves in comfortable, satisfactory, and sustaining farm homes.

Our own experience under the reclamation projects of the West afford an illustration of the value of coordinated and cooperative effort. The experience of various foreign peoples have afforded helpful suggestions. The most recent, and perhaps the most helpful, object lesson comes to us from far Australia—that progressive Commonwealth which has pointed the way in several important lines—for instance, in the perfection of systems of land titles, and particularly in the improvement of ballot and election laws. Australia's plans, long carried out by a distinguished American, Dr. Elwood Meade, have been adopted with great success by California, where the Durham Colony affords an object lesson of what can be done through public agencies in affording opportunities for home building and farm-land development.

Experience at home and abroad has demonstrated the fact that a policy intended to afford opportunities to men of limited capital or savings for farm-home owning must, first of all, furnish employment, at least to those who desire that their period of saving with a view of farm-home owning shall be in the vicinity of or in connection with the development of the future home. This being true, it follows that such a policy must involve development and improvement, first, that the necessary employment may be furnished, and, still more important, that the future owner may secure the benefit of the increment which arises out of the development of his property from a raw, wild, and unattractive state into one in which it becomes developed, attractive, and in condition for immediate remunerative use.

To secure these necessary conditions the plan adopted must involve the improvement and development of reasonably compact tracts of considerable area, first, to render practicable the carrying on of the work of improvement and development under proper supervision and with such organization and the use of such tools as will produce the maximum benefit at the minimum of cost, and, second, in order that the undertaking may have the benefit and advantage of the inspiration and enthusiasm which, under proper organization, attends the united effort of a community toward ends proposed and intended to advance the interests and opportunities of each and every individual in the community.

A careful review of the conditions as I have outlined them and a thoughtful consideration of the problems involved have brought a large majority of those who had given these matters consideration to approximately identical views as to what should be done on behalf of the returning soldier, as to what could be done in a practical and helpful way. The general plan which was finally evolved finds its legislative outline in H. R. 487, reported by the gentleman from Oregon [Mr. SINNOTT] from the Committee on the Public Lands.

The bill bears my name, but I claim no credit as a discoverer of the plan which the bill proposes to carry into effect. In fact, I know of no one who may properly figure as the Columbus of this legislation. No one invented it, because it is not an invention, much less an experiment. It is the legislative expression of a plan and policy that in a more or less modified way has had its successful demonstration in the practice and experience of our own country and of various peoples across the seas.

The general plan which the bill embodies has been referred to by some as the "Lane plan," because of the earnest indorsement of the fundamental features of the plan by the present Secretary of the Interior. Secretary Lane has long been a student of the questions involved and has been most earnest, faithful, and helpful in his advocacy and indorsement of a plan of development and settlement for the benefit of the returning soldier.

My interest in the returning soldier—my knowledge of what had been done at home and abroad in aiding men to serve themselves and their country at one and the same time by the development and acquisition of homes—led me to introduce a short bill in the last Congress, contemplating the policy which has been more fully developed in the bill now under consideration. Measures proposing the carrying out of a plan of soldier settlement were introduced by a number of gentlemen—Democrats and Republicans—one by the gentleman from Colorado [Mr. TAYLOR] was reported by the Committee on Irrigation of Arid Lands in the last Congress.

The Committee on Appropriations, of which I was at the time a member, reported and the Congress provided in the sundry civil act for the fiscal year which ended June 30 last an appropriation of $100,000 for the purpose of enabling the Secretary of the Interior to make investigations with a view of securing information as to the locality of land that would furnish desirable projects under a plan such as is proposed in this bill, and such investigations were carried on extensively. The matter was, therefore, squarely before us at the beginning of this Congress.

Before the Congress assembled and soon after the expiration of the former Congress on March 4, I continued my studies and examinations of the various questions involved in connection with the matters now under discussion. It was suggested to me by a number of gentlemen that it might be wise for me to give my attention to the drafting and introduction of a soldier settlement bill. I hesitated somewhat to introduce such a measure because of my official responsibilities on the Republican side, and I only did so because of some urging and in the hope that I might lend at least my personal influence to the enactment of legislation which I believed to be sound. At no time have I sought to use any other than the personal influence which I may have in support of the measure, and I shall not do so, and shall expect that gentlemen shall view it and determine their attitude touching it without regard to its official sponsor.

If I am entitled to any especial credit in connection with the measure under consideration, it is in having endeavored to put in concrete legislative form a plan and purpose which has been in the minds of many men, and which has been more or less fully expressed in various bills.

Stated briefly, the bill provides a fund in the Treasury which is to be known as the "Soldier settlement fund," to be used for the purposes and objects set forth in the act. The bill carries no appropriation, but provides for annual appropriations by Congress on detailed estimates submitted by the Secretary of the Interior.

Mr. NICHOLS of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. If the gentleman will permit me to conclude, I shall be glad then to yield if I have the time.

Out of the appropriations for the soldier settlement fund the Secretary of the Interior "is authorized to acquire by gift, purchase, deed in trust, or otherwise the necessary lands for soldier settlement projects, and to utilize public lands for such purposes." The Secretary is further "authorized through such agencies as he may provide to engage in such undertakings and do and perform such work as, in his opinion, is necessary for the permanent reclamation or development of the lands of projects, and which he deems essential to place them in condition for use and cultivation, including the building of essential public roads."

The Secretary is authorized and instructed to divide the lands of projects "into farms suitable for the support of a family and, in the discretion of the Secretary, into smaller farm worker's tracts. Town sites suitable for the purposes of the project may be established, improved, and sold for the benefit of the project."

When the lands of a project have been improved and reclaimed, or developed and subdivided, they are sold to soldiers "who are not the owners or proprietors of farms or rural homes," preference being given "to those who have been employed or rendered substantial service in the development of any such projects."

The bill provides that the prices of farms and tracts "shall be fixed with a view of meeting the cost of each project," and "the price fixed for each farm, tract, or lot shall represent as nearly as practicable its selling value compared with the other units of the project." The soldier makes a first payment of 5 per centum of the sale price at the time of entering into contract for purchase, and the balance in amortizing payments extending over a period not to exceed 40 years.

For the purpose of enabling the soldier to improve his farm or tract in the way of buildings, fences, and so forth, loans not to exceed $1,500 to any one soldier, or 75 per cent of the value of the improvements, may be made, to be repaid in amortizing payments extending over a period not to exceed 10 years.

For the purpose of enabling the soldier settler to secure the necessary live stock and equipment, loans not to exceed $1,200 in the aggregate, or not to exceed 75 per cent of the cost of the live stock and 60 per cent of the equipment may be made, to be repaid in amortizing payments running over a period of five years. The bill also provides for certain emergency loans in the discretion of the Secretary. Four per cent interest is charged on all loans.

The bill provides that "projects shall be selected with a view to the development of one or more projects in each of the several States in which feasible projects may be found," and "no projects shall be finally selected and no lands shall be acquired, however, unless the price to be paid and the conditions under which they are to be acquired shall be approved" by the governor, or, in case of his failure to act, the land commissioner of the State in which the lands are located and "an appraiser designated by the Federal Farm Loan Board" and the Secretary of the Interior.

As a matter of practical operation the plan would work as follows: Assuming the passage of the bill in its present form, making $500,000,000 eventually available for appropriation but making no appropriation, it would be necessary immediately after the passage of the act to make an appropriation of possibly $100,000 to enable the Secretary of the Interior to make further investigations than he has made and to prepare and submit to the Congress an estimate covering the first projects he was prepared to recommend and approve. These estimates would necessarily give the estimated total cost of the completion of the project and an estimate of the money believed to be essential for the development of the project for the first fiscal year. After an examination of these estimates the Committee on Appropriations would make its recommendations of appropriations to the Congress.

As I have stated, the total amount authorized to be appropriated is $500,000,000. It is confidently expected that suitable lands will be found in practically all of the States, and the sum authorized to be eventually appropriated will completely develop one or more projects in all of the States. The development of enterprises of this character will extend over a period of from two to five years, so that the appropriations would cover at least a five-year period, beginning possibly with an appropriation of $75,000,000 the first year and increasing to as much as $125,000,000 per year as the projects are developing. If the projects are successful, as we are confident they will be, a greater portion of this sum will be eventually returned to the Treasury by repayments, and in the meantime the sums expended will bear 4 per cent interest until paid. There is, of course, the possibility that some projects will be less successful than others, but the experience of Australia, the experience of California, and our own experience under the reclamation law afford us substantial ground for the belief that carefully selected and intelligently directed these enterprises will all be successful from the standpoint of the soldier home builder and will return substantially the entire outlay to the Treasury.

It is believed that areas suitable for the projects contemplated will be found in almost every State of the Union. The character of the lands selected and of the work undertaken will vary widely, and depend, of course, entirely on the character of the lands and of the kind of operation necessary to render them immediately useful, attractive, and available for farm homes. In New England, New York, and other sections of the East, the areas selected would be such as had been wholly or partly abandoned, or never fully utilized, for farming purposes, and in the majority of cases projects in those States would undoubtedly be less in area than in the States farther south

return to normal conditions; problems the solution of which shall start the Nation on that long road of peaceful progress and prosperity which we hope lies before us. And as we have thought of these things our minds have naturally turned to the question of what could be done and what ought to be done to insure for the returning soldier conditions of opportunity such as men who have offered their lives to their country are entitled to have.

Of course, no one who has given serious thought to these things has done so on the theory that it would be necessary to create or provide by legislative action such opportunities for all of the millions of men who entered their country's service. It would be a sad commentary on the Republic indeed if that were true. The resources, industries, and institutions of the country, for which these gallant men served and fought, afford and provide the most wonderful opportunities that men have ever enjoyed, and, speaking generally, the soldier of the Great War who returned uninjured and unimpaired in health asks nothing of his country save that whole-hearted appreciation of his service and sacrifice, which is assured him, and an opportunity to prove himself in a fair field.

A very great majority of our soldiers of the Great War will return home to continue the pursuits, plans, and purposes of the days before their Army service. Many will find their opportunities in the growing and expanding interests and industries of the section of the country from which they came. Others will seek entirely new fields and pursuits and will find their opportunities in town or country, in the section of the Union that may attract their adventurous footsteps. In short, the great body of the returning soldiers will, barring some national visitation of business stagnation or financial panic, which is wholly unlikely, find abundant opportunities awaiting them.

While all this is true, it is also true that in the plans of thoughtful men touching the future there has been constantly the thought that notwithstanding the limitless opportunities which a country like ours affords and will afford to the stout hearts, willing hands, and enthusiastic spirits of the returning soldier, it was incumbent upon the country as a measure and a token of appreciation, and out of abundance of caution in provision, to afford certain opportunities other and beyond those which the country now affords, and which would be available to such of the returning soldiers as might need employment or have some difficulty in finding opportunities to their liking.

It would be an awful indictment of the Republic for which these men fought should they return home to a condition of things which would necessitate the inauguration of special governmental activities, or legislative provisions for especial opportunities, other than those which the country affords for the great majority, or any very considerable portion of these, the most efficient, energetic, and capable of our citizens. But it is not only a mark of appreciation, but a measure warranted by our peculiar regard for the returning soldier, that certain opportunities should be afforded, other than those which now exist, to such of them as for various reasons desire to avail themselves of such opportunities.

It is entirely logical and natural that the thoughts of those who have studied and considered these things should have turned to the soil—to Mother Earth—to these enterprises and occupations which constitute the most natural and the sanest of all human activities, as well as those most essential to the maintenance of human life and the perpetuity of human institutions in their best form.

Furthermore, it is peculiarly in harmony with our experience as a people to think of opportunities based on the soil and its fertility in connection with our appreciation of, care, and regard for our fighting men, for all of our wars have been followed by periods of liberal land legislation and remarkable and unusual land development.

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But the boundless opportunities for new land conquests and for new farm home building of those other days no longer exist. It is true that in several of the Western States free lands are to be found which, while they are not as fertile or well watered as the lands of the Mississippi Valley, still afford opportunities for those who desire to engage in the class of stock-raising farming to which these lands are adapted. It is also true that there are still some sections of the country where lands are available and within reach of those of limited means and of strong faith and earnest purpose.

As we survey the field, however, we are reminded of the fact that the opportunities for securing farm homes are by no means equal to the demand for such opportunities which are certain to come from the men who are returning from their country's service. This was the situation as it appeared to those who gave thought to these matters and planned and purposed in the hope of devising some plan whereby in addition to the boundless opportunities which the country affords in industry and in agriculture, further opportunities both for employment and for securing a permanent foothold on the soil and a permanent home under one's own vine and fig tree might be provided.

The question was, How should we go about it? The country has already provided a plan whereby those having sufficient means to make payment of half the value of a farm home may secure the balance on long time and at a low rate of interest, and whereby those already having an interest in farm lands or homes may secure on favorable terms a loan equal to 50 per cent of their unincumbered holdings. The farm-loan act, while its terms are perhaps as liberal as a sound public policy justifies in the case of those who own or seek isolated individual holdings, does not meet the case of the returning soldier, with but little, if anything, in the way of savings, and particularly he whose first need is immediate employment.

Fortunately, we are not altogether lacking in examples or experience as to the means and methods which may be safely employed to enable those of earnest purpose, but having little in the way of material resources, to establish themselves in comfortable, satisfactory, and sustaining farm homes.

Our own experience under the reclamation projects of the West afford an illustration of the value of coordinated and cooperative effort. The experience of various foreign peoples have afforded helpful suggestions. The most recent, and perhaps the most helpful, object lesson comes to us from far Australia—that progressive Commonwealth which has pointed the way in several important lines—for instance, in the perfection of systems of land titles, and particularly in the improvement of ballot and election laws. Australia's plans, long carried out by a distinguished American, Dr. Elwood Meade, have been adopted with great success by California, where the Durham Colony affords an object lesson of what can be done through public agencies in affording opportunities for home building and farm-land development.

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To secure these necessary conditions the plan adopted must involve the improvement and development of reasonably compact tracts of considerable area, first, to render practicable the carrying on of the work of improvement and development under proper supervision and with such organization and the use of such tools as will produce the maximum benefit at the minimum of cost, and, second, in order that the undertaking may have the benefit and advantage of the inspiration and enthusiasm which, under proper organization, attends the united effort of a community toward ends proposed and intended to advance the interests and opportunities of each and every individual in the community.

A careful review of the conditions as I have outlined them and a thoughtful consideration of the problems involved have brought a large majority of those who had given these matters consideration to approximately identical views as to what should be done on behalf of the returning soldier, as to what could be done in a practical and helpful way. The general plan which was finally evolved finds its legislative outline in H. R. 487, reported by the gentleman from Oregon [Mr. SINNOTT] from the Committee on the Public Lands.

The bill bears my name, but I claim no credit as a discoverer of the plan which the bill proposes to carry into effect. In fact, I know of no one who may properly figure as the Columbus of this legislation. No one invented it, because it is not an invention, much less an experiment. It is the legislative expression of a plan and policy that in a more or less modified way has had its successful demonstration in the practice and experience of our own country and of various peoples across the seas.

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My interest in the returning soldier—my knowledge of what had been done at home and abroad in aiding men to serve themselves and their country at one and the same time by the development and acquisition of homes—led me to introduce a short bill in the last Congress, contemplating the policy which has been more fully developed in the bill now under consideration. Measures proposing the carrying out of a plan of soldier settlement were introduced by a number of gentlemen—Democrats and Republicans—one by the gentleman from Colorado [Mr. TAYLOR] was reported by the Committee on Irrigation of Arid Lands in the last Congress.

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Before the Congress assembled and soon after the expiration of the former Congress on March 4, I continued my studies and examinations of the various questions involved in connection with the matters now under discussion. It was suggested to me by a number of gentlemen that it might be wise for me to give my attention to the drafting and introduction of a soldier settlement bill. I hesitated somewhat to introduce such a measure because of my official responsibilities on the Republican side, and I only did so because of some urging and in the hope that I might lend at least my personal influence to the enactment of legislation which I believed to be sound. At no time have I sought to use any other than the personal influence which I may have in support of the measure, and I shall not do so, and shall expect that gentlemen shall view it and determine their attitude touching it without regard to its official sponsor.

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Stated briefly, the bill provides a fund in the Treasury which is to be known as the "Soldier settlement fund," to be used for the purposes and objects set forth in the act. The bill carries no appropriation, but provides for annual appropriations by Congress on detailed estimates submitted by the Secretary of the Interior.

Mr. NICHOLS of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. If the gentleman will permit me to conclude, I shall be glad then to yield if I have the time.

Out of the appropriations for the soldier settlement fund the Secretary of the Interior "is authorized to acquire by gift, purchase, deed in trust, or otherwise the necessary lands for soldier settlement projects, and to utilize public lands for such purposes." The Secretary is further "authorized through such agencies as he may provide to engage in such undertakings and do and perform such work as, in his opinion, is necessary for the permanent reclamation or development of the lands of projects, and which he deems essential to place them in condition for use and cultivation, including the building of essential public roads."

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When the lands of a project have been improved and reclaimed, or developed and subdivided, they are sold to soldiers "who are not the owners or proprietors of farms or rural homes," preference being given "to those who have been employed or rendered substantial service in the development of any such projects."

The bill provides that the prices of farms and tracts "shall be fixed with a view of meeting the cost of each project," and "the price fixed for each farm, tract, or lot shall represent as nearly as practicable its selling value compared with the other units of the project." The soldier makes a first payment of 5 per centum of the sale price at the time of entering into contract for purchase, and the balance in amortizing payments extending over a period not to exceed 40 years.

For the purpose of enabling the soldier to improve his farm or tract in the way of buildings, fences, and so forth, loans not to exceed $1,500 to any one soldier, or 75 per cent of the value of the improvements, may be made, to be repaid in amortizing payments extending over a period not to exceed 10 years.

For the purpose of enabling the soldier settler to secure the necessary live stock and equipment, loans not to exceed $1,200 in the aggregate, or not to exceed 75 per cent of the cost of the live stock and 60 per cent of the equipment may be made, to be repaid in amortizing payments running over a period of five years. The bill also provides for certain emergency loans in the discretion of the Secretary. Four per cent interest is charged on all loans.

The bill provides that "projects shall be selected with a view to the development of one or more projects in each of the several States in which feasible projects may be found," and "no projects shall be finally selected and no lands shall be acquired, however, unless the price to be paid and the conditions under which they are to be acquired shall be approved" by the governor, or, in case of his failure to act, the land commissioner of the State in which the lands are located and "an appraiser designated by the Federal Farm Loan Board" and the Secretary of the Interior.

As a matter of practical operation the plan would work as follows: Assuming the passage of the bill in its present form, making $500,000,000 eventually available for appropriation but making no appropriation, it would be necessary immediately after the passage of the act to make an appropriation of possibly $100,000 to enable the Secretary of the Interior to make further investigations than he has made and to prepare and submit to the Congress an estimate covering the first projects he was prepared to recommend and approve. These estimates would necessarily give the estimated total cost of the completion of the project and an estimate of the money believed to be essential for the development of the project for the first fiscal year. After an examination of these estimates the Committee on Appropriations would make its recommendations of appropriations to the Congress.

As I have stated, the total amount authorized to be appropriated is $500,000,000. It is confidently expected that suitable lands will be found in practically all of the States, and the sum authorized to be eventually appropriated will completely develop one or more projects in all of the States. The development of enterprises of this character will extend over a period of from two to five years, so that the appropriations would cover at least a five-year period, beginning possibly with an appropriation of $75,000,000 the first year and increasing to as much as $125,000,000 per year as the projects are developing. If the projects are successful, as we are confident they will be, a greater portion of this sum will be eventually returned to the Treasury by repayments, and in the meantime the sums expended will bear 4 per cent interest until paid. There is, of course, the possibility that some projects will be less successful than others, but the experience of Australia, the experience of California, and our own experience under the reclamation law afford us substantial ground for the belief that carefully selected and intelligently directed these enterprises will all be successful from the standpoint of the soldier home builder and will return substantially the entire outlay to the Treasury.

It is believed that areas suitable for the projects contemplated will be found in almost every State of the Union. The character of the lands selected and of the work undertaken will vary widely, and depend, of course, entirely on the character of the lands and of the kind of operation necessary to render them immediately useful, attractive, and available for farm homes. In New England, New York, and other sections of the East, the areas selected would be such as had been wholly or partly abandoned, or never fully utilized, for farming purposes, and in the majority of cases projects in those States would undoubtedly be less in area than in the States farther south

and west. The work undertaken would be such as would be found necessary to bring or restore the lands to a remuneratively usable condition, and would cover a wide range of effort, including clearing, grading, smoothing, fertilizing, and the necessary road building

In the Middle States the projects would in some instances correspond in character to those of New York and New England, with possibly less necessity for fertilization and an increase in the work of drainage.

In some of the Northern, Central, and Western States the problem would be largely one of the drainage and clearing of cut-over areas.

In the Southern and south Central States the problems would, in the main, be those of drainage and the clearing and leveling of cut-over lands, with large areas available for projects.

In the far West most of the projects would be those requiring reclamation by the application of water—irrigation enterprises.

Each section of the country would present certain problems of the same general character, but each and every project would also present its own peculiar problems. The projects would, of course, vary in size, depending upon the amount of land available for the enterprise, but as far as possible they should embrace a sufficient area to make possible a continuous and intelligent supervision and the utilization of such organization and equipment as would produce the maximum beneficial result with the least outlay.

Projects would probably require from two to five years for their development, depending upon their size and the character of the work to be done, during which period the prospective purchaser, or owner, would have employment, and during which period, with the hope and prospect of securing a home, he would have the greatest possible incentive to save.

The 5 per cent first payment required would, on the basis of an estimated average value of $5,000 per farm, amount to $250, a sum which the soldier ought to be able to easily save during the period of development.

The farm being purchased, the question of improvements would have to be met. The organization in charge of the development of the project could and would assist the soldier settler by purchase at wholesale prices of a portion, at least, of the material which would enter into the construction of his improvements. The 25 per cent of the value of the improvements which must be furnished by the soldier could, in the majority of cases, be furnished in labor. If he was of a mechanical turn he could aid in the erection of his house and barn—at any rate he could build his own fences and do work of various kinds that would meet his share of the total cost of the improvements.

The improvements having been provided within the maximum of the loans which may be made to the soldier for such purposes, he would be entitled to loans in a sum not to exceed $1,200 for the purchase of live stock and equipment. Here again the soldier settler would find ways and means of making his personal contribution of 25 per cent in the value of live stock and 40 per cent in the value of equipment toward the total value of property of this character on which he obtained his loan.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, will the gentleman from Michigan please be good enough to grant me 10 minutes more?

Mr. GREEN of Iowa. Mr. Chairman, in the absence of the gentleman from Michigan, I yield 10 minutes more to the gentleman.

Mr. NICHOLS of Michigan. Mr. Chairman, will the gentleman in the 10 minutes allotted to him now have sufficient time to answer some questions?

Mr. MONDELL. I should be delighted to do that, and just as soon as I am through with my statement I shall yield to the gentleman.

Mr. NICHOLS of Michigan. The gentleman does not care to be interrupted now?

Mr. MONDELL. I would rather not. Of course, if I had plenty of time in which to answer questions, I would be very glad to do so now, because I am very anxious to answer all questions that may be asked.

Mr. NICHOLS of Michigan. And I am very anxious to ask them.

Mr. MONDELL. The gentleman is no more anxious to ask them than I am to answer them.

The plan and policy proposed in the bill under consideration has received the strongest support and indorsement of those, both in and out of official life, who have had the most experience with problems of this sort, of leaders and organizations of labor, of leaders and organizations of soldiers, and of thousands of individual soldiers.

It has also, as is inevitable, received its share of criticism. Most of this criticism has had its origin in the wholly unwarranted assumption that if we are to enact legislation particularly for the benefit of the soldiers it must be of a character that will confer some direct and specific benefit on each and every man who wore a uniform. I have already pointed out how thoroughly untenable, either from the standpoint of the soldier or the standpoint of the country, that process of reasoning is.

The plan proposed in the bill has been fiercely assailed because it does not, in the language of its critics, do something for all of the returning soldiers. This kind of criticism is heard frequently from those who are favorable to showing their appreciation of the soldier by granting him a bonus. I want to express my appreciation of the good sense and good citizenship displayed by the membership of the American Legion in declaring against the plan of a general bonus. I know it is true that some States have given bonuses to their soldiers, and I have no disposition to question the wisdom or propriety of such action.

The States as States bore no considerable part of the cost of recruiting, paying, or providing for the soldiers. It was almost wholly a national expenditure, as it should have been, and it is entirely proper that the States, if they feel so disposed, should express the gratitude and appreciation of their people to the soldiers by an honorarium, or bonus, in such sum as it may please them to grant. But I can think of no action on the part of the Federal Government toward its soldiers less in keeping with the dignity of the Republic or more offensive to the sturdy spirit of independence and patriotism of the American soldier than to assume that we can measure his service and his sacrifice in dollars or repay it with a paltry stipend in the way of a bonus. The fact that a bonus as small as $125 per man would amount to a cash outlay in excess of the entire reimbursable sum made available by this bill, or that the sum of some of the bonuses which have been proposed would run into the tens and scores of billions, is the least objectionable feature of such proposals.

The idea that every valiant young American, rich or poor, is to have the sum of his patriotic sacrifice coldly calculated and doled out in a way that would, in the great majority of cases, be of little permanent value to him—and this in the time of his youth and strength—is so repugnant to every proper thinking person, soldier or civilian, that it is not entitled to serious consideration, and yet it has been urged as a substitute for a sound measure of opportunity and development such as we have before us.

Some very good people, who I fear have not given the matter very careful consideration, have criticized this measure because of the plan of development and settlement it proposes, and they have suggested in lieu thereof a plan which has come to be referred to as the "plan of infiltration." This plan was carefully considered by the Committtee on the Public Lands in connection with the consideration of the bill before us and was emphatically rejected by that committee.

When Australia first started, some years ago, on her effort to settle her lands and encourage "back-to-the-farm" movement, that Commonwealth provided for aid through infiltration—in other words, she loaned her people up to 100 per cent of the value of the farm property which they purchased and proposed to make a home upon. The scheme failed utterly, as it is bound to fail wherever tried, and for various reasons, which ought to be entirely patent to any thinking person. If it were safe as a business proposition to make loans to those who desire to purchase farms wherever their fancy suggests, an amendment to the farm-loan act would be the proper method through which to accomplish that purpose. But I have heard no suggestion of action along that line.

The plan of infiltration, so called, would invite those without as well as those with farming experience to embark on enterprises which, while involving no investment or risk on their part, might, under favorable conditions, bring an early cash benefit, large or small, and which, having been realized upon, the farm could be abandoned without loss to the purchaser. I can think of no scheme better calculated to undermine the moral stamina and to tempt questionable undertakings on the part of the soldier than such a scheme as that.

I can imagine nothing that would so thoroughly unsettle farm-land values as to have it known that the Federal Government proposed to create 4,000,000 potential farm buyers, each with the Federal Treasury at his back. If only half of the returning soldiers were tempted by a scheme like this and the purchasers were limited to $5,000 farms, the immediate out-

lay would be ten billions of dollars. I hesitate to contemplate the effects of legislation of that character, the unsettling effect upon the soldiers themselves, and the wild scramble of speculators to unload property.

Others would carry the plan of helping all the soldiers, as they state, even further and extend the Government credit to all of them in a sum sufficient to buy them a house and lot in case they did not desire to buy a farm. The limitless expenditure that such a plan would involve would be the least objectionable feature of it. It involves the fundamentally false idea, to which I have repeatedly referred, that these splendid young Americans in the very flower of their youth and strength are expecting the Government to put a prop under them and to afford each and all of them some peculiar benefit and advantage not enjoyed by the people of the country as a whole. No one would reject a theory of that kind with greater scorn than the average American soldier.

Opposition is voiced to the measure on the ground that it is a measure of reclamation and development rather than a plan to help the soldier—that it is in fact a scheme to utilize the soldier for the purpose of developing the waste places of the country. Early in my remarks I have called attention to some of the essentials of a successful enterprise purposed to enable those beginning with but little capital to acquire farm homes. Those essentials can only be met in enterprises of reclamation and development, and the fact that the bill contemplates making lands that are now largely useless, or lands that are not being utilized in the best possible way, valuable, useful, and attractive for successful and permanent home-making and home-keeping is the strongest possible argument in its favor, and the one fact which stamps it as sound, practical, and of real service and benefit to the soldier.

Assuming that it were practical, or, from certain viewpoints, commendable, to assist the soldier in securing possession of a farm now occupied and utilized, could any plan be devised less desirable from the standpoint of the best interests of the country than one which simply swapped one farm owner for another—displaced the man familiar with his surroundings and utilizing them to advantage for one entirely strange to the environment? What benefit would it be to the average soldier without capital to thus provide for him and to expect him to repay, without any capital at the beginning, the high value of a cultivated, improved, and occupied property?

The virtue of the plan proposed in the bill lies in the fact that it proposes to take lands which will either cost nothing, as in the case of public lands, or can be purchased at a small acreage price, as in the case of many cut-over or abandoned lands, or lands requiring drainage, and by organized effort on a large scale, with the best possible equipment and supervision, bring those lands to a condition where they will be available for intensive cultivation and in a condition to make residence upon them satisfactory and agreeable.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MONDELL. Mr. Chairman, I ask the gentleman from Michigan to yield me five minutes more.

Mr. FORDNEY. Mr. Chairman, the gentleman from Michigan [Mr. NICHOLS] would like to ask some questions, and therefore I yield five minutes more.

Mr. MONDELL. I would like to finish my remarks, if I may, before I yield for questions.

Mr. FORDNEY. Very well; I will yield five minutes more.

Mr. MONDELL. If I could have 10 minutes more, I think I could yield to the gentleman from Michigan.

Mr. FORDNEY. I yield 10 mintues to the gentleman—5 minutes in which to conclude his statement and 5 minutes in which to answer questions.

The CHAIRMAN. The gentleman from Wyoming is recognized for 10 minutes more.

Mr. RUCKER. As I understand it, Mr. Chairman, no limit has been fixed on the time for debate.

Mr. FORDNEY. That is true; but we have requests for three hours of time on this side for general debate, and we will not get through with this bill in three days if we go on in this way.

The CHAIRMAN. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. The plan proposed in the bill gives the soldier the benefit of all the increased values created in bringing lands from a raw or neglected state into one of fertility and availability for immediate profitable use. Furthermore, the plan proposed gives the soldier the benefit of community effort, of the enthusiasm which is invariably aroused by the well-directed efforts of a considerable number of people toward a single end and purpose. The communities that will be built up and developed under this law will, to a considerable extent, revive and restore the spirit of industry, of self-sacrifice, and enthusiasm in the building up of a community and in the establishment of new homes which characterized the pioneer periods in the development of our country from the Alleghenies to the Pacific.

Instead of individuals or families without accumulations and frequently without experience, scattered and isolated here and there among more prosperous and well-established neighbors—struggling to secure that which their neighbors already enjoy and becoming disheartened and discouraged in the effort—we shall have communities of people, as we have had from the beginning of our history in all the pioneer periods, making a start in common, each animated by the same desire and purpose to secure a home, and all heartened, encouraged, and stimulated by the fact that from equally humble beginnings they were all striving for the same goal of competency and independence.

For one I am willing to accept the challenge, if a challenge it be, that this is, to a certain extent, a plan of reclamation and development. As such it would be sound, sane, and helpful legislation if applied to the entire population instead of being proposed wholly for the benefit of the soldier. It is a lamentable fact, and one which has challenged the serious and thoughtful consideration of many men, that with all of our progress and development, both in agriculture and industry, we still have considerable areas in the older and most thickly populated sections of the country which have never been utilized in a useful way, or which having been once utilized have, through neglect or the operation of certain economic laws, been abandoned. It is not well that this should be so, at least so far as regards those areas which are so situated and of such a character that they can, with proper effort and at a reasonable cost, be made to afford comfortable homes and contribute to the wealth of the country.

We have as a Nation been so impressed with the slogan "Go West, young man, and grow up with the country," our people have been so taken with the glamor of free and cheap western lands, that right here in sight of the dome of the Capitol, and almost in every Eastern State, there are areas adjacent to populous communities, easily reached by transportation, which at a reasonable cost can be made highly productive, that are practically valueless from an economic viewpoint and their condition a reflection on the country.

This very summer I have traveled several times over such an area within 100 miles of the Capitol. How it came to be abandoned, or at least allowed to relapse into a condition in which only an exceedingly limited portion of the area is utilized for cultivation, I am entirely at a loss to understand. The region is unusually attractive, and a slight outlay would make the transportation facilities ideal. The timber upon those portions that have been allowed to go back to forest would more than pay for the clearing. The formerly cultivated lands could be easily restored to fertility, and a community could be built up, through community effort under proper supervision and direction, which would not only afford many comfortable homes but contribute largely to the productive capacity of the region. It is certainly not an argument against the plan or purpose of this bill that it is calculated to restore to the highest and best use areas of that character.

There has been a class of criticism which I almost hesitate to refer to—the criticism of certain agriculturists and alleged agriculturists. Some one has defined an agriculturist as a man who "farms the farmer," and those are the gentlemen that I refer to. Some of them write for agricultural journals; some of them instruct the youth of the land in agriculture; and some simply play with agriculture in a dilettante fashion, or find their occupation in the maintenance of alleged agricultural organizations. I have been careful to describe the gentlemen to whom I refer, because I do not want anyone to fall into error of mistaking them for farmers, or mistake the criticism they make as originating with farmers. The burden of the song of these gentlemen has been that the measure I have been discussing will result in increasing the agricultural acreage of the country, and it is on that account to be condemned as an unwarranted and unjustifiable interference with the monopoly of production which the acreages now under cultivation are assumed by those gentlemen to be entitled to.

Mr. NICHOLS of Michigan. Mr. Chairman, will the gentleman now yield.

Mr. MONDELL. I shall conclude in a minute and will then be glad to yield.

One only needs to hear this criticism to know that it never came from a real farmer. The farmer may have his faults—no doubt he has—but his dearest enemy, if he has enemies,

would never accuse him of the narrow vision, restricted view, which such a criticism embodies.

I have known many farmers one time and another, but I have never heard a real farmer express opposition to any plan or purpose of development on the ground that his product was thereby likely to be deprived of a monopoly of the market. The farmer may not be polished, but he at least has a sound and a sane vision of things, and he knows that with the growth and the development of his country and the increase of its population it is not only inevitable but it is desirable that increased areas should be brought under cultivation. Furthermore, the farmer knows that enterprises such as we are proposing, if they are successful beyond our fondest dreams, can not increase the enormous sum total of the products of this mighty and fertile land of ours to an extent that will greatly affect markets or prices.

There has also been more or less flippant and misleading criticism of the measure on the ground that it was planned and proposed with a view of developing desolate and arid lands of the West and the mosquito-infested swamp lands of the South, and that it would be of little advantage to other sections of the country. Such criticism, so far as it is not in the nature of churlish knocking, could only have been uttered out of ignorance of the provisions of the bill as I have outlined them. Every project undertaken must pass the scrutiny of the Committee on Appropriations and of the Congress; and if any section of the country fails to secure the inauguration of enterprises, it must be a section so blessed of Providence that it contains no areas that are not now profitably cultivated, a region in which the Secretary of the Interior has been entirely unable to discover a feasible area for development, or one whose people have not taken the trouble to call the opportunities for development which the section affords to the attention of the proper officials.

While I am personally not disturbed for fear the section of the country in which I live shall not receive the consideration under the bill to which it is entitled, I realize that under legislation of this character the most insistent demands are likely to come, and some of the most feasible projects are certain to be presented from among the older States of the Union.

Many of the men who will take advantage of this law have seen service overseas. They have seen the wonderful agricultural development of France, Belgium, and Germany. They have noted the intense cultivation and the abundant product of every available acre of these lands. They have seen cultivation in its most intensive and productive form carried to the very walls and thresholds of towns and cities and industries. They have been reminded, no doubt, of the contrast with parts of their own beloved land, where the development of industry and the lure of the West have left much of our available territory unreclaimed, undeveloped, abandoned. They can be depended upon to enter with enthusiasm upon a work which promises them a home and an independent livelihood, and at the same time lends itself to the development of their country. No more inspiring work can be proposed for the men who composed our gallant and invinciple army of the Great War. [Applause.]

If I have any time remaining, I shall be very glad now to answer any question that the gentleman from Michigan desires to propound.

Mr. NICHOLS of Michigan. Mr. Chairman, will the gentleman inform the House if this bill was conceived as a reclamation project or as a proposition for the returning soldier?

Mr. MONDELL. The gentleman has been listening to my remarks, and I think I made myself very clear. I stated that it was conceived in the interest of the returning soldiers, and that the fact that it does propose reclamation is perhaps the strongest argument that can be made for it from the standpoint of the soldiers and of the country. A man just returned from Brest, wearing the uniform of his country, told me that for the last two months he had been discussing this bill, or a measure of this sort, with the returning soldiers, the men who are about to embark for home, and that they were enthusiastic about it and were particularly enthusiastic because the bill proposed to give them an opportunity to help develop their country in securing a home.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. NICHOLS of Michigan. Mr. Chairman, I ask the chairman of the committee to grant the gentleman from Wyoming five minutes more time, so that I may ask him some questions.

The CHAIRMAN. The time is in control of the gentleman from Michigan.

Mr. FORDNEY. I yield five minutes; but that is the last I shall be able to yield, because plenty of time will be had to discuss the matter when the measure comes up for consideration. We are in consideration of a matter that we want to pass to-day, which is very important.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. NICHOLS of Michigan. I ask the gentleman from Wyoming if when he appeared before the Committee on the Public Lands in favor of th'' bill he did not make the statement before the committee that this was a reclamation project and that he would not be for it if it were not a reclamation project.

Mr. MONDELL. I do not know that I used those words, but in a certain sense that is true. I have tried to emphasize the fact that if we are to attempt to give men who start with little or no capital the opportunity to become farm-home owners we must first furnish them with employment and give them the opportunity to earn their first payments, and that, further, we must give them the benefit of the increment that comes from development, and in order to do that our projects must be projects of reclamation development.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. KNUTSON. If the gentleman's plan is carried into effect, would it not tend to create soldier reservations in the country?

Mr. MONDELL. There would be settlements in which a great majority of the people would be soldiers. That was true after the Civil War in many parts of the West, where a large majority of the men who took public lands in certain localities were returned soldiers.

Mr. NICHOLS of Michigan. I would like to ask the gentleman how much, approximately, must a soldier have in cash to make his first payment on the farm?

Mr. MONDELL. Assuming the average value of $5,000, as I stated in my remarks, he would have to have $250, which he could easily save in from one to three and a half years, during which the project would be under development.

Mr. NICHOLS of Michigan. Of course, the soldier can not go on the farm without its being improved. He has got to have some place to live in——

Mr. MONDELL. Yes.

Mr. NICHOLS of Michigan. He has got to have stock, has he not?

Mr. MONDELL. Yes; and all that is provided for in this bill.

Mr. NICHOLS of Michigan. It has been stated before the committee—I believe in the gentleman's presence; perhaps he stated it—that approximately a soldier would have to have in the neighborhood of $1,200 to make the initial payment on this proposition before he went on it.

Mr. MONDELL. Nobody said anything in my presence about the soldier needing $1,200 to make his initial payment. That can not be true, for the initial payment is only 5 per cent of the value.

Mr. NICHOLS of Michigan. What does the gentleman estimate it?

Mr. MONDELL. I have gone over it very carefully in my remarks and placed the average initial payment at $250 on the land.

Mr. NICHOLS of Michigan. Would the gentleman give the total of what he would have to have?

Mr. MONDELL. I think the soldier could start to work on one of these projects without any savings and work his payment out. This bill is drawn on the theory that any soldier who is willing to work can start on one of these projects without a dollar and during the period of development save enough money and contribute enough labor to meet all of his obligations as they arise; the bill is drafted on that theory.

Mr. NICHOLS of Michigan. I call the attention of the gentleman to the statement made by Mr. Davis, engineer of the Reclamation Service, before the committee, in which he said that the soldier would require approximately $1,200 for the average farm as an initial payment; that the soldier——

Mr. MONDELL. Mr. Chairman, I do not know what Mr. Davis stated. The bill makes no such requirement as that. So I think the gentleman must have misunderstood Mr. Davis. The bill provides for a first payment of 5 per cent of the purchase price, which the soldier pays after a long period of employment on the project. Let me repeat that the plan proposed is one under which a soldier can start with practically no savings and work out a home. Of course, it will be better if he have some savings, but it will not be necessary if he will work and save.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FORDNEY. I yield five minutes to the gentleman from Kansas [Mr. WHITE] to discuss this bill.

Mr. WHITE of Kansas. Mr. Chairman, I want the gentlemen of this committee to know that it is with extreme diffidence

that I take the floor in opposition to the Republican leader of the House. I am a member of the Committee on the Public Lands, having under consideration for something like five or six weeks this same bill which you have heard discussed to-day. Now, whatever I may say to you to-day will be of a very desultory character, and I will take one minute, or at least a fragment of the time that has been accorded me, to say to you that I will prepare my views upon this subject and will seek an opportunity to present them to the committee and to the House if this measure shall ever reach consideration by the House. But I want to call your attention, without notice, without preparation to speak to-day, without knowing what might be presented here by the gentleman from Wyoming in favor of this proposition—I want to call your attention, if I can collect my thoughts and arrange them, to one or two points. Now, we did not hear, gentlemen, in the hearings before the committee that there were propositions to establish these projects in the Eastern States, in the New England States. This seems to have been a later thought. But let it be as it may——

Mr. SINNOTT. Will the gentleman yield?

Mr. WHITE of Kansas. I yield.

Mr. SINNOTT. Do I understand the gentleman to say that it was not suggested that any of these projects could be established in the Eastern States?

Mr. WHITE of Kansas. I say this, sir, to you, as chairman of that committee, that in my recollection I did not hear of a single case where any gentleman came before that committee in those hearings suggesting that there could be such projects, and I make the statement——

Mr. SINNOTT. Does not the gentleman recall that Director Davis, of the Reclamation Service, referred to two, three, or possibly five projects in the State of Massachusetts and projects in New York and projects in Maine and projects in New Hampshire?

Mr. WHITE of Kansas. I have but five minutes, and I do not like to have the gentleman make a speech in my time. I want to answer that question, but I do not want the chairman of that committee to consume the few minutes of time allotted to me in making a speech out of my time.

Mr. SINNOTT. I wanted to set the Member right.

Mr. WHITE of Kansas. I will answer the gentleman's question. In my recollection the proposition was brought out on interrogation that such projects might be found in Massachusetts or in New York. [Applause.] But I want to call the attention of Members of the House to this proposition: I do not know how many counties there are in the State of New York. I have not looked that up. I do not know, and I want to ask the gentleman how many projects might be established in a single State—how many might be established in the State of New York? And if you establish one, if you establish two, or if you establish three, you make it necessary for every soldier in the State of New York to find employment or to find a home under the operations of the projects established.

Now, I want to lay down this proposition and this contention, that the great State of Illinois——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WHITE of Kansas. Can I have two minutes more?

Mr. FORDNEY. I yield two minutes more to the gentleman.

Mr. WHITE of Kansas. I would welcome questions, although I am a new and bashful Member and I am a young man. [Laughter.] But I want to say here that I am against this proposition from start to finish. [Applause.] There is nothing good in it that I can see; and I am not prejudiced. I want to say to you that the great States of Illinois and Iowa—and I speak in the very delicacy of comparison—are the two best pieces of dirt in the world of their size, and they have been developed by individual initiative absolutely. They contain more agricultural wealth than any other two agricultural sections of the United States, and, so far as I know, of similar area in the entire world.

Mr. NICHOLS of Michigan. Will the gentleman yield?

Mr. WHITE of Kansas. I yield.

Mr. NICHOLS of Michigan. I would like to ask the gentleman if he remembers that the testimony before the committee was to the effect that a soldier had to have approximately $1,200 to pay down as an initial payment before he could take the farm; and also if the answer to that was not made, by the proponents of the bill, that the soldier could be given employment on these reclamation projects at $3 a day, and that with a wife and family he could save enough in from three to five years to pay that $1,200?

Mr. WHITE of Kansas. I so remember it, but I have not time to discuss it.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended one hour.

Mr. WHITE of Kansas. Not to-day; but I want to announce to this committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Kansas. Has my time expired?

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman.

Mr. WHITE of Kansas. I want to say to you, gentlemen, that this is a great question. I want to ask you, gentlemen—and I am speaking from the standpoint of an American—if you do not believe, in your good common sense and judgment, that a young man who has had training on a farm in any of the agricultural districts of the United States, and who desires to adopt that as his business and follow it, has not a better prospect for success and is a better asset for the Government of the United States if you allow him to select 80 acres of land or 40 acres that for a hundred different reasons may not have been brought under cultivation in the neighborhood, and in the district where he has lived, with the advice and counsel of his father and mother, than to go out to some Government-reclaimed land that we admit in the beginning must in the very nature of things partake largely of the nature of an experiment?

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. WHITE of Kansas. I will.

Mr. SMITH of Idaho. As a young man did not the gentleman leave his father and mother and proceed to the new State of Kansas in the early days and become one of its most prominent and prosperous citizens?

Mr. WHITE of Kansas. Yes, sir; but not on a colonization scheme. [Applause.]

I want to tell the gentleman something else, and I want to call this committee's attention to another proposition: These lands will be reclaimed by the Government by extravagant Government methods, and all precedent and all history prove it, and it can not be otherwise. They will be reclaimed by labor that will be controlled by the union-labor organization and its rules absolutely. The lands will be reclaimed by labor paid on a schedule fixed at eight hours per day. I want to say to you gentlemen that the untrained, uninitiated soldier buying land that must be reclaimed, when it is known that the best land in this country has already been occupied and owned, has no chance whatever, when he shall have paid the overhead expense, to compete with the young, ambitious soldier who is willing to go on a piece of land and work from 12 to 16 hours a day to make a home for his wife and his children. [Applause.] Your common sense teaches you that.

In talking upon this subject in the committee I was interrogated. Let me make one statement. I want to make it here because I want you to hear it, and I want you to listen. I want to say to you, gentlemen, that no man should be compelled to work 12 hours a day or 16 hours a day, but, as a free American citizen, I want you to say and let it go out to the country, no man should be coerced; no man that wants to do anything for his own advancement or that of his family should be prohibited from working to the full limit of his power to achieve. [Applause.]

Mr. BOIES. May I ask the gentleman one question?

Mr. WHITE of Kansas. Yes, sir.

Mr. BOIES. The Secretary of the Interior asserts that he has received from 50,000 to 60,000 applications from soldiers already. Will the gentleman see, if he can, as a member of the committee, that the evidence thereof is laid before this House for their investigation?

Mr. WHITE of Kansas. At the proper time.

Mr. CANNON. Will the gentleman yield?

Mr. WHITE of Kansas. I will.

Mr. CANNON. Just for one suggestion. Will he ask every Member of the House on his honor how many letters he has received from private soldiers in favor of this bill? [Applause.]

Mr. WHITE of Kansas. That would be interesting information; very interesting information.

It is suggested by the gentleman from Wyoming [Mr. MONDELL] and it is stated in the report of the majority, contemplating the vast expenditure, that the imagination reels and staggers under it. Well, I say to you gentlemen as a logical deduction, that if those propositions to which the gentleman referred look so good to the soldiers of the United States—and the preamble of the majority report says that they wanted something that would look good to them—then a proposition that would call for an investment of $16,000,000,000 must be a proposition that is better than the one that only 100,000 of the 4,000,000 soldiers of the American Army have indicated an intention to avail themselves of. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY T. RAINEY. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Mississippi is recognized for 20 minutes.

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. JOHNSON of Mississippi. Mr. Chairman, now that the smoke has cleared away after a two hours' battle royal over this bill among the Republicans, in which this bill has been flayed, I shall proceed with my speech.

Mr. Chairman, the war ended nine months ago and this Government immediately began the demobilization of the American soldiers. The Secretary of War to-day informs me that practically all of the soldiers will have been returned to America and be demobilized by the middle of September. These brave, heroic sons of America have returned to find their former positions filled by men and women who did not go to war; they find their property wasted, and those who had a business find it in confusion. Many of these gallant men have no homes to go to. They own no land, and in many cases are going from place to place seeking employment. This Nation owes them an obligation it can never pay, and this Congress has been designated by the people of this Nation to enact some legislation by which this obligation can in some measure be paid. America has always recognized her obligation to the men who have fought the battles for the preservation of the Nation. In the year 1812, in order to get men to enlist for military service, many thousands of acres of land were given them, and between the years 1812 and 1855 more than 64,000,000 acres of land were deeded or patented to men for military service.

Then came the homestead law. Every man who had served his country in a military capacity was, under the homestead law, entitled to 160 acres of land for a homestead. Thousands of men took advantage of the opportunity to acquire a home under this law, and as a result sections of the country which before the law was enacted were sparsely settled have become densely populated and is now the home of hundreds of thousands of happy and prosperous people, and since the great war between the States, recognizing the splendid services of the Federal soldiers, this Nation has paid to these veterans more than $6,000,000,000 by way of pensions, and during this session of Congress they have been voted several million dollars more. I merely mention this to show you the appreciation of the American people for the services of the soldiers.

Now, if we have done all this for the soldiers who volunteered to fight on their own land, among their own loved ones, how much more considerate ought we to be of the men who were drafted, taken away from their homes, their babies, their loved ones, their native land, and sent into foreign lands among strangers who speak another tongue, to fight to save other countries as well as our own. [Applause.] But when the tocsin of war was sounded these brave, heroic sons of America laid down for a time the peaceful and happy pursuits of civil life and took up arms in defense of justice, liberty, and freedom. They bade their wives and loved ones good-by, kissed the baby in the cradle, marched away under the flaunting Stars and Stripes, keeping step to the wild, glad music of war, to fight and die if need be for eternal right. These incomparable soldiers fought not for aggrandizement, not for the love of gold, but for higher, holier, and nobler things which go to make for human happiness in this life.

When the gloom of despondency hung like a cloud above the world, and even the heavens seemed to be in mourning, and defeat was staring the allied armies in the face, it was these brave boys who snatched victory from defeat, drove the German armies back across the Rhine, and raised the Stars and Stripes on captured ground. [Applause.]

But I am not here to-day to eulogize the soldiers—they need no eulogy—they need something more substantial. I have heard eulogies of these soldiers for several weeks, but now the time has come when something more substantial should be done for them. These men are entitled to something more than decorations, eulogies, and citations for bravery. Many of these young men have families, thousands have dependents, many of them have no money, no property, nothing with which to start anew the battle of life.

It is the duty of this Congress to do something for these men. It is time to quit talking and begin acting. Ours is the richest Nation on the face of the earth—our income is larger than any other two nations combined. In the United States at this time there are more than 300,000,000 acres of wild, unused land. This land belongs to a few corporations, a few individuals, and a portion of it belongs to the Government. This Nation, according to a statement published in a New York paper a few days ago, is short 1,000,000 homes. The population of the cities is growing twice as fast as the population in the country. The population of the whole country is increasing twice as fast as the number of farms is increasing. If this continues, within the next few years this country will be forced to import food with which to feed the people. Something must be done to encourage the people to return to the farms. This Government must do something to assist the people in acquiring homes. The large tracts of land held by a few individuals and corporations must be utilized to grow food and things with which to feed and clothe the Nation.

The many millions of people of this Nation must be given an opportunity to acquire a home. This Government must assist the people, and especially the soldiers of the late war. We boast of our greatness, of our wealth, our republican form of government where the people are supposed to rule, and in this great country we are doing less for our soldiers than the European countries have done for their soldiers. Long before the armistice was signed New Zealand, Australia, Canada, France, England, and other European countries were preparing homes and farms for their soldiers, and I am informed that in these countries where the soldiers have been aided in procuring farms the wild, uncultivated lands have been brought into use, and even this year prospects are excellent for good crops on these soldiers' farms.

Why can not this Government do something for its soldiers? They have saved the Nation—they have saved all you and I had and made it possible for us to be here to-day. They are entitled to more than ordinary consideration—they are entitled to the very best we have. Let us build homes for the soldiers, thereby erecting altars of patriotism which will teach their children love of home, love of country, and love of liberty. This country is passing through the most crucial time in its history.

New doctrines are being taught, and these doctrines are dangerous to a republican form of government. They find favor in large cities, where people are dissatisfied with their condition, but seldom will you find a man who owns his home a disrespecter of constituted authority and law. This feeling of unrest and dissatisfaction is born of an honest belief that the laborer does not get the fruits of his labor. He sees millionaires made from the fruits of his labor; he sees millions of acres of land owned by men who refuse to sell to him for a reasonable price. The land is unused and unproductive. He sees the thousands of city homes owned by a few rich men rented to the working class of people for exorbitant and outrageous prices. He sees his wages exacted by the rich profiteers and he begins to wonder if this really is a government of the people, by the people, and for the people.

You can not find an anarchist or Bolshevist in the country on a farm, because there is no place on earth where patriotism and respect for law and constituted authority is taught like in the country home. Home makes the magic circle within which the careworn heart retreats to find rest from labor and disquietude of life. It is the unit of our civilization. The deepest and most unchangeable sentiment in the human soul is that of home affection. It is the school of human virtue. When regard for home ceases virtue dies. It is in the congested city where the criminal agitator and Bolshevist are found.

Mr. Chairman, we hear much of the back-to-the-farm movement, and I am very much in favor of encouraging the people to go back to the farm; but if you will persuade the people to return to the farms they must be made more attractive. The working man must be made to realize that there is something on the farm for him more than drudgery and hard work. He must be encouraged by the Government assisting him in a way that will make life more attractive. Life is not worth much to the man who has to toil all day and part of the night and rest just long enough to enable his body to begin toil the next morning. He should be able to farm in such a way that will do away with drudgery and unnecessary hard work. I believe the people who toil and labor should have some of the good things of this life as well as bear the burdens.

The farmer feeds and clothes the world. We are entirely dependent upon him for our food and raiment, and we should be willing to lend all the assistance necessary to encourage those who engage in this laudable vocation.

We have enacted some legislation, namely, the vocational training law and the rehabilitation act for the disabled soldiers. Thousands of soldiers—some blind, some wounded in one way or another—are taking advantage of this opportunity; but there are millions of strong, vigorous, healthy young men discharged from the military service whose ambition, I am sure, is to contribute their part toward making this a greater and a grander country, and I believe I speak the sentiments and

aspirations of these men when I say they are anxious for a home and farm. It is true many of the discharged soldiers want no farm; they want nothing from the Government; they are fortunate in having property, business, or money; but while that is true, there are many who have no property nor money, and it is the duty of this Government to help those who need help. Justice to the poor means strength to the Nation.

The Public Lands Committee, presided over by a chairman whose honesty, fairness, and impartiality has never been surpassed, has been holding hearings on a bill known as the soldiers' land bill for more than two months, during which time farmers, lawyers, preachers, soldiers, laborers, and representatives of all classes of people have appeared before the committee and given testimony and made arguments relative to the bill, but after a patient and careful consideration of this subject for more than two months those who have appeared before the committee have been unable to suggest a wiser or more feasible plan for aiding the soldiers of the late war. I do not indorse it in toto, for it needs many material amendments.

There are some things in the bill, among them the interest charged, which I think should be eliminated. I do not believe these soldiers should be required to pay any interest to the Government. I do not deem it necessary to discuss at length the bill, as every Representative in Congress has had the bill before him and I am sure is thoroughly familiar with its provisions. It is provided by the bill that the Government shall purchase large tracts of land for the development of soldiers' homes. These lands are to be subdivided into tracts sufficiently large for a farm. It is proposed that the Government shall build the homes under the direction of the soldier-purchaser; that the farm is to be cleared and put in a state of cultivation by the Government. It is proposed that the Government will loan to the soldier-farmer $1,500 with which to purchase live stock and $1,000 for farming implements and other things necessary on the farm. This farm is to be sold to the soldier at a reasonable value on 40 years' time at 4 per cent interest per annum. It is proposed that the farmer shall have the benefit of the wholesale purchase price of the things used on his farm and that a bureau of markets shall be established whereby the farmer can sell the products of his farm direct to the consumer, thereby getting the full benefit of the fruits of his labor on the farm. It is proposed to establish in these communities the things necessary to make country life attractive to the farmer and his family. Good roads connecting with the principal thoroughfares of the county in which these projects are to be built. These young farmers are to be taught free of charge by the Government the intelligent methods of farming; they will be taught the adaptability of the land, stock raising, and all the things necessary for the success of a farm.

These soldiers who wish to take advantage of this opportunity will be given employment by the Government at a remunerative wage while the farms are being prepared for them. By this method a premium will be put upon initiative and individual effort. This farm shall be paid for by the soldier in amortizing payments extending over a period of 40 years. If the farmer pays his farm out after five years, the Government will give him a patent and he thereby becomes the owner in fee simple. Under this bill the Secretary of the Interior has full authority not only to establish the projects as I have just mentioned but may establish separate farm workers' tracts or individual farms for the soldiers.

The bill proposes that the Secretary of the Interior report to Congress every year touching the expenditures in the development of the farms for soldiers and estimating the amount necessary for the continuation of such developments. The Secretary of the Interior tells us that there are lands in every State of the Union on which there can be established projects for soldiers' farms. Many thousands of soldiers have written letters to the Secretary of the Interior requesting an opportunity to take advantage of the benefits of this law if Congress passes it. I have received many letters from soldiers in which they express a desire to build a home according to the methods set forth in this bill.

Are we to do less for our soldiers than we have done for foreigners? We have loaned to foreign countries about $10,000,000,000.

We loaned—

Belgium	$343,445,000.00
Cuba	10,000,000.00
Czechoslovakia	55,330,000.00
France	3,047,974,777.24
Great Britain	4,316,000,000.00
Greece	48,236,629.05
Italy	1,587,675,945.99
Liberia	5,000,000.00
Roumania	30,000,000.00
Russia	187,729,750.00
Serbia	26,780,465.56
Total	9,658,172,567.84

We have recently spent more than $100,000,000 in feeding foreigners in other countries, and yet we have done practically nothing for our own soldiers.

The plan of the soldiers' land bill has been criticized by some, but it has met the approval and commendation of thousands where one has criticized.

Mr. NICHOLS of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Michigan?

Mr. JOHNSON of Mississippi. I would like to yield to the distinguished gentleman, but my time is limited.

The CHAIRMAN. The gentleman declines to yield.

Mr. JOHNSON of Mississippi. Bankers and money lenders of the larger cities are opposed to this bill because it interferes with their lending money at 8 per cent interest to the soldiers with which to buy farms and homes. The bill has been approved by the American Soldiers' Legion, by thousands of soldiers individually, farmers' organizations, commercial organizations, and many others who have the welfare of the soldier at heart.

The paramount question before the American people to-day is the high cost of living. While the people are apparently enjoying an era of prosperity, if we are to judge by the money in circulation, it is apparent to every thoughtful man in the country that money is worth less than it has been for many years, and the cost of necessities of life is increasing daily.

It has been shown that five or six large corporations are in control of practically all of the meat and many other food products of this Nation. The people are crying out against profiteering and demanding that Congress do something to relieve the situation. This must be done immediately. I am ready to vote for any bill giving the necessary relief to our people.

While we amended the food-control bill in the House last Friday, and it is now pending in the Senate, I fear the bill will not be sufficient to correct all the evils of these profiteers. I believe all profiteers and hoarders of food should be sent to the penitentiary; that no money fine should be assessed. Imprisonment of these rich robbers is the only remedy; but after we have forced on the market all the food that has been hoarded by these corporations and people, and after this food is consumed, there will be another cry in the country on account of scarcity of food, unless something is done toward encouraging more people to raise food products.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. JOHNSON of Mississippi. I would rather not yield. I would like to finish my statement first.

Millions of people have left the farms and gone to the cities, and if the high cost of living is to be kept within reason in this country more people must become producers.

These soldiers have returned to this country believing that this country was grateful for their heroic services, believing that this Nation would show its appreciation by assisting them to start anew the battle of life.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. JOHNSON of Mississippi. Mr. Chairman, I would like to have about five minutes more.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. KITCHIN. I yield to the gentleman five minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes more.

Mr. JOHNSON of Mississippi. I thank the gentleman.

You and I remained at home and continued the prosecution of our business. Many people became wealthy because of the war. There were more millionaires made in the United States during the war than in any other time in the history of this Nation. Many people took advantage of conditions to rob other people by way of high, extortionate, and unreasonable prices. These soldiers were taken away from their babies, their wives, and other loved ones, required to give up their businesses and leave their possessions, abandon their employment, and expose their breast to the brutal army of Germany. There were more than 70,000 of these brave men who walked into the jaws of death and now sleep in Flanders field while the gentle zephyrs chant requiem over their graves.

Mr. Chairman, while these men stood in the trenches in the snow and sleet, in the rain and storm, during the long dark hours of the night, their minds came back to America and to their loved ones. These brave boys who saved this country believed that this Nation would be grateful for the supreme sacrifice they were making—they believed that this Nation

would care for their wives and families. The Nation demands that this be done. The Nation demands that gratitude be expressed in a substantial way for the services rendered by these men in preserving this Government. In the language of President Lincoln, "We should bind up the Nation's wounds and care for him who has borne the brunt of battle and for his widow and his orphan." We should also care for those who have survived the war.

You Republicans are in control of both branches of this Congress. You can pass this law or you can defeat it. There are nearly 4,000,000 voters in this country who took part in this war. These men are watching you, they are going to hold you responsible for whatever Congress does, they are going to give credit where credit is due. You have said in many speeches delivered on your side of the House that you are anxious, ready, and willing to do something for the soldiers. The time has come for you to act. You have eulogized the soldiers and led your constituents at home to believe that you would vote for any reasonable or feasible plan for assisting the soldiers in obtaining a home. Man's nature demands a home—it is the first essential element of our social being. Life can not be complete without home relations.

This country is much disturbed by the growth of Bolshevism and revolutionary ideals. The way to destroy Bolshevism and anarchism and make patriotism is by assisting men in procuring homes. Any man would rather fight for a home than a boarding house. [Applause.]

Any man who owns his home feels more interested in his country than if he does not own the home. He becomes a taxpayer and feels that he is helping to carry the burdens of government. If you do not pass this law or give relief to the soldiers what are you going to tell the people when you go back home? The soldiers will feel that their efforts in saving this Nation are not appreciated—they will go about saying "justice stands afar off and truth lies bleeding in the street." [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. SCOTT] 10 minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman and gentlemen of the House, fortunately for this country, honor and patriotism are not confined to any one political party or to any creed. [Applause.] The Republicans and Democrats in this House and outside are anxious to extend relief to the returned soldiers. But in doing that we ought not lose sight of the beneficiaries.

Let us keep them in mind to the exclusion of everyone else. [Applause.] Many weeks of hearings have been held on this bill before the Committee on the Public Lands. The gentlemen prominent in gleaning facts in connection with this land project are Mr. NICHOLS of Michigan, Mr. BENHAM of Indiana, Mr. WHITE of Kansas, and Mr. SNELL of New York. These gentlemen in the hearings brought out some very interesting facts. My colleague, Mr. NICHOLS of Michigan, has been conspicuous in advocating the welfare of the soldier and in disclosing the insidious activities of forces more concerned with their selfish interests than they are in returned soldiers.

It is a burning shame that greed and avarice will not stay its activities even when the future welfare of the American soldier is under consideration. Parliamentary language can not express my contempt for the person or organization who, in the heartless rush for gain, attempts to exploit the soldier. This House, the soldiers, sailors, and marines, are indebted to the gentleman from Michigan [Mr. NICHOLS] for turning the searchlight of scrutiny on the covert activities of organizations whose great interest in the passage of this legislation is their own probable gain and not the welfare of the boys who fought this war. Gentlemen of the House, do you need a high-priced press agent, hired by the Southern Land & Development Organization, to tell you what the returned soldier wants or needs? I for one wish to consult the soldier himself rather than press agents of private corporations.

Do you not think the returned soldier who has suffered a literal hell and has obeyed orders for two years is now entitled to speak for himself and say what he wants? If he could be trusted to defend the honor and glory of our country, in justice and fairness he certainly ought to be trusted now with at least an opinion as to his future welfare and an opportunity to consider it without vicious propaganda and distorted facts.

But petty pride of position prevents, and partisan politics pushes patriotism into the background. Great agencies to obtain control of the country's destinies for power and influence of cliques of ambitious men spread broadcast statements that one party, and only one party, stands against this harmful bill, and attempts to label this a Republican measure, because it is introduced by the Republican floor leader of the House. Look at the names of those who signed the minority report. They are all Republicans—NICHOLS, WHITE, BENHAM, SNELL—all Republicans. And yet a Democratic Congressman, SCOTT FERRIS, uses the Democratic national campaign committee to assail this bill as a Republican measure. This measure was suggested by and has the approval of a Democratic Secretary of the Interior; was drawn and introduced by a man high in the councils of the Republican Party; was indorsed in committee by Republicans and Democrats in almost equal number; and here am I, a lifelong Republican, opposing it.

Gentlemen, that is, I fear, a type, an exaggerated type to be sure, but none the less a type, of the baleful influence of that extreme partisanship against which Washington in his farewell address warned as solemnly and at great length as he did in his now frequently quoted words against entangling alliances.

Ever since the bill was introduced a Mr. Harris, representing the Big Horn Development Co., of Montana, has been spending his evenings at the K. of C. and Y. M. C. A. headquarters in the city, frequented by large numbers of soldiers, sailors, and marines. He has devoted a great deal of affable attention to these boys in the apparent effort to make them believe that this bill excels the millenium. Is it necessary to convert the soldier to a realization of what he wants? According to the testimony of the hearings, not to exceed 80,000 soldiers can be taken care of under this bill. That number is one fifty-sixth of the Army and Navy. Do you wish to penalize the other 3,700,000, as well as those who do not wish to become farmers?

The gentleman from Wyoming [Mr. MONDELL] says a soldier can go on one of these farms without a penny in his pocket and by thrift, perseverance, and industry he can pay for the farm in 40 years. Does this House wish to put a soldier on one of these farms under those conditions? If you do, I do not.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. SCOTT. Certainly.

Mr. SMITH of Idaho. Is it not true that in the public-land States 75 per cent of the people have become prosperous farmers without any means whatever when they went there, except an ambition to succeed and establish themselves in a new country?

Mr. SCOTT. No; I doubt the percentage.

Mr. SMITH of Idaho. That is true. I live there, and I know the conditions.

Mr. SCOTT. Following the gentleman's argument, I ask him if he wishes to put any soldier on a waste, barren, contemptible piece of land, without a nickel in his pocket, and expect him to make a living for himself and family and pay for the farm?

Mr. SMITH of Idaho. It is not likely that such a condition will arise. What does the gentleman suggest?

Mr. SCOTT. That is what I am criticizing. What right have you and I to suggest? Let the soldier do his own suggesting. He ought to know better than anyone on earth what he wants and needs. I object to cramming this land reclamation bill down his throat as an antidote. There are hundreds of thousands of returned soldiers, sailors, and marines who are entitled to substantial relief from their Government. They deserve that consideration from this Congress. "All that glitters is not gold." And I refuse to support a soldiers' relief bill which is no relief at all. Any legislation that this Congress approves should be a benefit, not a burden.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks leave to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MCCULLOCH. Mr. Chairman and gentlemen of the committee, I think I should say at the outset that the matter I desire and intend to present to the House has not been the subject of investigation by any committee of this House, either select or otherwise. The facts I wish to present are the result of my own investigation.

I have asked for time to address the House to present the facts in regard to a situation which I have referred to upon the floor heretofore, and about which there seems to have developed quite a controversy. That there should have been any controversy about it seemed to me to be strange. The matter was of interest not only of the Army management but to every patriotic American citizen, for it related to the treatment of American soldiers in Europe after the signing of the armistice. Some may regard it as water over the mill, but in

the interest of justice, and in order that a warning may be sounded which will prevent such things ever happening again, and most of all, that the integrity of constituents of mine who have made complaints may be upheld and vindicated, I feel it is my duty to clear the matter up and place responsibility where it belongs.

After the signing of the armistice, and for some reason the true purpose of which has never been officially explained, American troops were ordered into Italy, Austria, and Montenegro, and were stationed along the eastern coast of the Adriatic Sea in the Dalmatia Provinces.

Some time ago I wrote the Secretary of War asking for information relative to the sending of American troops after the signing of the armistice into Italy and the Provinces mentioned. On June 16, 1919, I received a letter signed by the Assistant Chief of Staff of the War Department, director of operations, which letter I shall insert in the RECORD and from which I quote the following:

> In November, after the signing of the armistice, one battalion of this regiment (the Three hundred and thirty-second Infantry) was ordered to Trieste; one battalion to Fiume, and one battalion to Cattaro. The reasons for dividing the regiment in this manner and for sending the battalions to these particular cities can be given only by the Italian high command; but it is presumed that this action was based on a desire to exploit as widely as possible the moral effect of the presence of American troops.

The world is familiar with the dispute over Fiume. This dispute came near disrupting the peace conference, and caused the one break that was really serious among the allied representatives at the peace table. It is clear from an examination of the documents setting out the claims of Italy and of the Jugo-Slavs that one of Italy's predominant purposes in the war was to get control of the ports, if not the Provinces, on the east coast of the Adriatic Sea.

Mr. BANKHEAD. Is the gentleman still quoting?

Mr. McCULLOCH. No.

Mr. SHERWOOD. Will the gentleman yield?

Mr. McCULLOCH. Yes.

Mr. SHERWOOD. Was this order made by the Secretary of War or by Gen. Pershing?

Mr. McCULLOCH. I am not informed as to who made the order. I am simply informed by the Assistant Chief of Staff that these troops were ordered into Italy and that they were to be under the direction of the Italian high command, and that they were probably sent there for the purpose of exploitation. I will say to the gentleman from Alabama that I was not quoting after the words "the moral effect of the presence of American troops."

It is stated in an official communication, signed by the Italian premier, that Italy went to war with two aims—first the liberation of her oppressed sons, and, second, the attainment of safe frontiers by land and sea. The control of the east coast of the Adriatic, including the Dalmatia Provinces, has been a disputed question at the peace conference even though it was involved in one of Italy's chief aims in the war.

President Wilson took a position against Italy and in favor of the Jugo-Slavs, and on April 23, 1919, issued a statement which amounted to an emphatic declaration that he would not yield on the Adriatic question, so that the territorial advantage sought by Italy was regarded by President Wilson as unjust, and was rejected by him; but for a period of three months after the signing of the armistice it would seem that American soldiers, under the direction of the Italian high command, were being used for the purpose of coercing States, new and old, on the east coast of the Adriatic to accept the demands of Italy which the President, on April 23, 1919, declared to be unjust. In other words, it seems American soldiers, representing a Government that has never entered upon a war of conquest, were being used as the tools of the Italian Government for the purpose of conquest, and that they were being used to exploit and coerce peoples that were friendly and allied with America in the war to give up territory or territorial advantage which it later developed the President of the United States, as our chief peace envoy, contended should not be given up.

The Three hundred and thirty-second Infantry was not sent into Italy and to the east coast of the Adriatic Sea after the singing of the armistice to fight Germany or Austria, nor any of the Central Powers. The war was in effect over, but they were sent there for purposes of exploitation, being involved in the intrigues and the disputes among friendly allies in matters of territorial division; the dividing up of spoils. Were they being used to strengthen a claim that afterwards the President of the United States declared to be unjust?

If this is true, it is a sad commentary upon the efficiency of the American high command that any such a thing should have been permitted to occur.

When the armistice was signed American troops should either have been sent home or held encamped and inactive until the war was either resumed or the peace treaty signed. Personally, I think they should have been brought home. But our troops, as represented by the Three hundred and thirty-second Regiment, were not only exploited after the armistice was signed but they were mistreated and half starved and subjected to hardships greater than those they endured during the war and while in the front-line trenches. Not content with using them and exploiting them, they starved them.

Who is responsible for American soldiers being subject to the orders of the Italian high command after the armistice was signed? Who is responsible for the use of American troops by some foreign Government for purposes of exploitation? That American troops should have been so used and thus exploited is beyond comprehension.

I have referred to this matter as a preface to the main subject that I desire to discuss for the purpose of pointing out that the mistreatment about which complaints have been filed with me was after the signing of the armistice, and when the war was in effect over and on an expedition which was contrary to every policy of the American people from the beginning of the Government, contrary to every American tradition, and in direct opposition to the policy as laid down later by the President of the United States himself. The soldiers to whom I shall presently refer were members of Company H of the Three hundred and thirty-second Infantry, were ordered to Cattro in the Dalmatian district, and were on the expedition I have referred to under the direction of the Italian high command.

The members of Company H, Three hundred and thirty-second Infantry, come largely from my home town and county, and all of them are from the State of Ohio. In fact, the entire Three hundred and thirty-second Infantry was made up of Ohio boys. On the night of the signing of the armistice these boys were in the front-line trenches within range of the Austrian fire, and after the signing of the armistice they moved up to the point of the Austrian retreat. They were real fighting men, with an enviable record as soldiers, and they represent, when at home, the very best people of Canton and Stark County; they are reputable, responsible, and truthful.

Before the signing of the armistice and before they were ordered upon this expedition of exploitation there did not come to my ear a single word of complaint by any member of Company H or of the Three hundred and thirty-second Infantry. They were not the kind to complain while the fighting was going on. They were there to do their duty, and they did it.

Some time prior to February 5, 1919, which was almost three months after the signing of the armistice, I began receiving letters from parents and friends of members of Company H, Three hundred and thirty-second Infantry, then stationed at Cattro, Dalmatia, Austria. Among other letters I received one from Homer E. Black, a prominent young lawyer in my home town, calling attention to the complaints that had been made in regard to the treatment of the soldiers in Company H and asking that some action be taken at once that would relieve the situation. The statements contained in these complaints were of such a startling nature that I felt called upon to take some action immediately. Having in mind only that conditions might be relieved, and desiring that what was done, if anything, should be really effective, I talked the matter over with Members of the House, including some of the leaders, and decided to present the matter to the House by submitting the Black letter and asking for an immediate investigation. This I did on February 5, 1919.

As this controversy—and it now seems to have developed into a controversy—is based upon the letter of Mr. Black which I inserted in the RECORD in connection with my remarks on February 5, 1919, I feel that I should read the letter to the House before attempting to present the facts sustaining the charges and complaints made in the letter:

CANTON, OHIO, *January 3, 1919.*

Hon. ROSCOE C. McCULLOCH, M. C.,
Washington, D. C.

MY DEAR MR. McCULLOCH: The writer has had so many complaints relative to the treatment received by soldiers in Company H, Second Battalion, Three hundred and thirty-second Infantry, now stationed at Cattaro, Dalmatia, Austria, that he felt it his duty to bring it to your attention. Briefly, the complaints are that the soldiers are being fed upon Italian rations and are not receiving sufficient food; in fact, several soldiers writing to their parents, and who are personally known to the writer, and whose honor, honesty, and integrity could not be questioned, stated that the food was so scarce that it was necessary for them to steal food in order to exist. They also complained that they have received no clothes of any kind since early last fall, and that they have mended and patched their clothing until it will hardly hold together. Another complaint is that all the commissioned officers located at this point, with the exception of one lieutenant, are drinking to excess and are drunk practically all the time, and that their actions are so disgusting and disgraceful that the officers of the English, French, and Italian armies look down upon them with disgust.

Another complaint is that the soldiers have not received any pay for a number of months. These complaints are from letters which I have read, and it is incomprehensible that our boys must be fed upon horse meat, spaghetti, and macaroni, without sufficient clothing, and officered by drunkards. This is a matter that should not be delayed by a red-tape investigation but should be relieved at once, and, because of your activity and the elegant results you obtain for the people of your district, I believe that you will make things hum to obtain the necessary relief.

Yours, very truly, HOMER E. BLACK.

It should be observed, in view of statements to which I shall presently refer, that the complaints relate to the treatment of the soldiers of Company H, Second Battalion, Three hundred and thirty-second Infantry, which was then stationed at Cattaro, Dalmatia, Austria; that no reference of any kind is made to any other company or part of that regiment, the complaints being confined entirely to one company, namely, Company H.

After presenting the letter of Mr. Black to the House I made no comment upon the charges, except only to call attention to the fact that Mr. Black is a reliable man, and to ask that an investigation be promptly made disclosing the truth or falsity of the charges. I felt that every true American citizen would be interested in a prompt investigation; that the War Department would be interested in it; that the House would be interested in it; and, above all, if the charges were true, an investigation would result in the conditions being immediately remedied. If untrue, those charged with responsibility would be exonerated.

My attitude in the matter can best be gathered from the following paragraph in my speech which I delivered at the time I presented Mr. Black's letter to the House, and which is as follows:

I say that it is our duty to investigate these cases, to investigate these complaints, and then let the report be made. If it exonerates the War Department, well and good; if there are conditions over there which are beyond control, or if there has been no negligence, if the charges are not well founded, then let the War Department be exonerated; but if they are guilty of misconduct, then it is our duty to act, since we have the power to act, and see that those who are guilty are punished.

I believe that anyone who will take the trouble to read the RECORD and my speech will agree that my attitude was more than fair to the War Department and to the officers and to everybody concerned.

Mr. MADDEN. Will the gentleman yield?

Mr. McCULLOCH. Yes.

Mr. MADDEN. When I was in Europe at the time the gentleman mentioned, when communications were being written by the President of the United States about Fiume, some of our own soldiers in Italy at the time told me that they were obliged to put our men into civilian uniform to stop their being killed by uprising of Italian people.

Mr. McCULLOCH. That coincides with what I shall present.

I was surprised beyond expression in words when on or about February 12, only seven days after the letter appeared in the RECORD, I read in a newspaper an interview by the Secretary of War in which he was reported to have said when asked about the charges contained in the letter of Mr. Black:

Of course, the allegations are untrue. It is inconceivable that anyone will believe such slanderous statements.

The article in which the Secretary of War was quoted went on to say that because of letters which the Secretary had received since the publication of the Black letter, expressing the anxiety of parents, he had cabled to Gen. Pershing for a detailed report as to the exact conditions pertaining to the Three hundred and thirty-second Infantry. After reading the statement accredited to the Secretary of War in the interview, I wrote him a letter asking him if he had been correctly quoted. On February 25 I received a reply from the Secretary of War in which he said:

To specifically answer your inquiry, I did express, and do express, my disbelief in the charges made in Mr. Black's letter. The preliminary report which I have quoted above is strong evidence in support of my statement.

I shall submit the Secretary of War's letter in connection with my remarks, and I desire to call attention to the fact that while the complaints in Mr. Black's letter related only to Company H of the Three hundred and thirty-second Infantry, stationed at Cattaro, the investigation to which the Secretary of War refers was made of the entire regiment and of companies stationed near Genoa, 800 miles away from Cattaro. In one of the reports to which the Secretary of War refers, and which he says is strong evidence that the charges were untrue, the very first line is as follows:

Have not seen battalion at Cattaro.

Yet the Secretary of War cites that report as evidence disapproving the charges when it is admitted that no investigation had been made of Company H or the battalion at Cattaro, but the denial was based upon an investigation made 800 miles away from Company H and of companies about which no complaints were made so far as the RECORD disclosed.

During the war it became a habit with Secretary Baker to give a clean bill of health to the Army management, especially the officers, and to acquit them of all responsibility in regard to complaints made without investigation. I do not say that he willfully misrepresented this situation. He may not have examined the report carefully, but to disapprove charges of the startling and serious character of those contained in Mr. Black's letter upon a report of an investigation of companies not involved and 800 miles away is either an evidence of inefficiency or of unfairness.

The letter received on March 1 from the Secretary of War, which I desire to make a part of the RECORD, in answer to my letter to him dated February 27, 1919, probably furnished the key to the attitude of the Secretary of War. From that letter I quote the following:

The charges made in regard to the Three hundred and thirty-second Infantry, so far as relates to insufficiency of food and clothing, seems to be adequately disposed of by the two inspection reports received by me, and of which copies have been sent to you. They constitute, however, the least important elements of the charges set forth in the letter of Mr. Black. The one which it seems to me is of the greatest gravity is that assailing the character of the officers in the regiment, and asserting that with the exception of one lieutenant they are all drunk practically most of the time. This, of course, is a grave blemish upon the reputation of every officer in that regiment.

In the Secretary of War's letter dated February 25, 1919, in the first three lines of the first paragraph, he specifically states that the charges relate only to Company H of the Three hundred and thirty-second Regiment, and in his letter of March 1, 1919, he makes the startling statement that the charges are a reflection on the officers of the entire regiment. By the same logic he might as well contend that charges made against officers of Company H were a reflection upon officers of the entire American Expeditonary Forces. The Secretary of War, himself, is responsible for the casting of an aspersion, if one is cast, upon officers other than the officers of Company H, and it is due the officers of that regiment to have the Secretary of War make public an admission of his error. But more startling still is the statement of the Secretary of War in his letter dated March 1, 1919, that whether the boys had sufficient food and clothing was less important than the assailing of the character of an officer.

If an officer were attacked, that should be the subject, according to the Secretary of War, of drastic action and immediate investigation, but it was of relatively small importance that the boys should be going naked and half starved.

I have no sympathy with any such an autocratic system. It is un-American and contrary to every principle of our Republic and I want to express, not only my disapproval of any such an attitude, but I think it should be the subject of the severest condemnation.

Now, what are the real facts? Interview after interview has been given out by some of the officers of the Three hundred and thirty-second Regiment in condemnation of Mr. Black's charges, the widest publicity has been given to the denials; efforts have been made to belittle in every way the men who made the complaints. Following the lead of the Secretary of War, these officers of the regiment got upon their dignity and put up a defense against charges that did not apply in any particular to them. The lieutenant colonel of the regiment, who advertised himself extensively as the minister of a Baptist Church at Norwood, Ohio, was interviewed time and time again, making the statement "that nobody could call him a drunkard."

Mr. CALDWELL. Will the gentleman yield?

Mr. McCULLOCH. Yes.

Mr. CALDWELL. As I understand the gentleman's remarks, the complaints are directed to all of the officers of Company H except one lieutenant.

Mr. McCULLOCH. Yes.

Mr. CALDWELL. Then the charge was against only two officers of the company.

Mr. McCULLOCH. That might be true and might not be true. A machine-gun detachment usually has two lieutenants.

Mr. CALDWELL. Had this company a machine-gun detachment?

Mr. McCULLOCH. It did; so that there were perhaps four lieutenants and one captain stationed at that point.

Think of the absurdity of such a statement, when he was stationed 800 miles away all the time from Company H. By the wildest stretch of the imagination the charges contained in Mr. Black's letter could have had no application whatever to him. Yet the reverend colonel was putting up a defense when he had no accuser, and was fleeing when no man pursued, so that when the boys came home, by the interview of the Secretary of War,

to which I have referred and the interviews of the officers of the regiment, they found they were being branded as liars and slackers before the people of Ohio, because they had ventured to call attention to conditions that were not only deplorable but scandalous, and almost beyond what the imagination could conceive. Naturally, when they got home and free from Army discipline, they came to me, and they came voluntarily, giving me affidavits sustaining the charges contained in the Black letter and which affidavits contain disclosures of such a startling nature that I hesitated a long time before I decided that in justice to those boys, and in the interest of the future of the country that such things may never happen again, it was my duty to bring the facts to the attention of the House. I therefore submit affidavits of noncommissioned officers and privates of Company H, Three hundred and thirty-second Infantry, that tell a story of hardships—not of war but of peace—that should put to shame every man who was in a position of responsibility in connection with this matter.

In a foreign land, under the high military command of a foreign Government on an expedition of exploitation after the war was over, men who had been on the firing line, and in the front-line trenches, were starved, went half naked, were held as prisoners, and were used as the "dupes" of a foreign power to secure an advantage over friendly allies.

I shall not take the time of the House to read all of these affidavits, but I shall submit them as a part of the record and content myself by reading two affidavits, the facts in regard to which are sustained by scores of reputable, clean-cut, honorable, and truthful young men from my home town, the standing of whose families is high in the community, and who bear reputations that are beyond reproach.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. Yes.

Mr. CALDWELL. Do these affidavits reflect upon the officers of Company H? Do they specifically state any act of omission or commission on the part of a named officer in Company H?

Mr. McCULLOCH. Of course they do; but, as I remember, no officer is referred to by name.

Mr. CALDWELL. Have the named officers in those affidavits had an opportunity to cross-examine witnesses?

Mr. McCULLOCH. Not before me as a tribunal.

Mr. CALDWELL. Does the gentleman think that it is fair to put into the CONGRESSIONAL RECORD here ex parte affidavits made by the people who made those, casting reflection upon officers of combat troops without giving those officers an opportunity to be heard?

Mr. McCULLOCH. Of course I am the one who must decide that question, and I have decided to put them in. The captain of the company was finally relieved of his command after this investigation started, on the charges made in Mr. Black's letter, but, as I understand, reinstated. Two of the lieutenants, I am informed, were afterwards relieved of their commands. On the record, therefore, and the statements that were made in the affidavits, I do not think any injustice is going to be done anyone by putting the affidavits into the RECORD.

Mr. CALDWELL. I merely called the gentleman's attention to that fact because I thought he wanted to be fair.

Mr. McCULLOCH. I am glad the gentleman did so; but I have thought about it carefully, and I have decided that no injustice would be done.

Mr. VAILE. And is it not a fact that these officers have had opportunity to be heard ever since the original disclosures were made?

Mr. McCULLOCH. Oh, yes; they have. I do not know that they have been heard before any tribunal other than a military tribunal, and of course I am not in a position to secure the detailed evidence that was developed before the military tribunal, although I have the report of the officers who made the examination, in which they state, as I remember, that these particular officers were relieved of their commands.

Mr. CALDWELL. I did not think the gentleman wanted to do anyone an injustice, and that is the only reason I called his attention to it.

Mr. McCULLOCH. Oh, no. If I thought for a minute that I would be doing anyone an injustice by putting these affidavits in the RECORD, I would not do it; but I feel that the injustice has been done the members of that company by the statements that have been made by the Secretary of War and by these officers in attempting to make it appear that the complaints they made were untrue and unfounded; and I feel, in view of the statements that have been made, from the Secretary of War down, in justice to those boys, I ought to clear this matter up, and that is what I am attempting to do. [Applause.]

The affidavits referred to are as follows:

Affidavits of members of Company H, Three hundred and thirty-second Infantry, sustaining charges contained in the letter of Homer E. Black, printed in the CONGRESSIONAL RECORD, February 5, 1919.

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Robert H. Finefrock, being first duly sworn, says that he was a sergeant in Company H, Three hundred and thirty-second Infantry, United States Army, and that he was discharged from the Army on May 3, 1918.

Affiant says that he has read the letter of Homer E. Black, dated January 3, 1919, which was printed in the CONGRESSIONAL RECORD February 5, 1919, by Congressman ROSCOE C. MCCULLOCH and that the statements and complaints in said letter are in all particulars true.

Affiant says that while he was in the Army he kept a diary or book in which he noted certain dates and events, and that he has refreshed his recollection by reference to that book in the preparation of the following affidavit.

Affiant says that while his company, Company H, was in France, that the food was satisfactory but that the men were underfed from October 28, 1918, at the beginning of the drive until March 9, 1919, at which date we arrived at Genoa. The company started on October 28, 1918, on the drive from Treviso, advancing that night as far as Varago, where they remained for two days. Affiant says that they then moved across the Piave River; that they kept advancing on this drive with an engagement at the Tagiamento River until November 6, 1918; that on November 6 they moved up to the point of the Austrian retreat at the time of the signing of the armistice on November 11, 1918, where they remained until they were ordered to prepare to go to Cattaro; that they reached Venice on November 16 and that the same evening they went abroad the Austrian transport *Argentina*. Affiant says that this ship was in such a filthy and insanitary condition that the men were immediately covered with vermin; that the food given the men on the trip from Venice to Cattaro on this boat was scarce and hardly fit to eat; that the men received coffee, hardtack, and macaroni, together with cans of bully beef, and that he saw upon the cans dates as far back as 1911, which indicated to him that the beef had been canned in that year; that one can of bully beef would be issued to three men for one meal, and if the can happened to be spoiled, as many of them were, the men were simply "out of luck" and did not have any meat to eat at all. Affiant further says that while the men were being fed on the rations herein referred to, which were insufficient, and all of them went hungry all of the time, the officers had plenty to eat and were being fed upon the best of food, including turkey and many delicacies, according to affiant's certain knowledge. Affiant says that he saw after every meal the men line up in front of the window of the kitchen where the meals of the officers and the crew were prepared and fight and scramble to secure the leavings from the meals of these officers.

Affiant says that the facts are that on this trip the men did not have sufficient food and that they went hungry and that the officers were well fed; that the men were so hungry that they were willing to eat the leavings from the tables of the officers.

Affiant says that after the company arrived at Cattaro, Dalmatia, the men were billeted in a stone warehouse; that the majority of the men slept on the hard floor; that about a month before the company left Cattaro a small amount of straw was brought for the use of the men, but there was not enough to go around and a large number of men slept on the hard floor during their entire stay at Cattaro, which was from the 23d of November, 1918, until the 5th of March, 1919.

FOOD.

Affiant says that his Company H was put on Italian rations furnished by Italians, and that the food furnished the men while Company H was at Cattaro up until the time of the investigation that was made following the complaints made in Mr. Black's letter was insufficient and of such poor quality that it was not fit to eat; that the rations consisted of cornmeal which was moldy, rice that was musty and wormy, and macaroni that was full of worms and bugs; that worms could be seen in the rice and macaroni after it was cooked and as it was being served to the men. Affiant says that the coffee was of such an inferior grade that it was hardly fit to drink, and that for days at a time they had no coffee at all. Affiant further says that the cattle which were killed for the use of the commissary of his company were not in a fit condition to be used for human food, and that he was informed that many of the cattle had sores on the legs that indicated that they were suffering from some kind of a disease, and says that one of his sentries reported that a beef that had died on its feet during the night was quartered by the Italians the next morning and taken to the commissary from which Company H drew their rations. Affiant says that for over a month the food cooked was not seasoned in any way, and that for many days they were without any salt. Affiant was informed by the baker of the company that the flour was wormy, and that the bakers would spend as much as an hour a day picking worms out of the flour before using it, and that it was not until January 12, 1919, that white bread was first issued to the company.

Affiant says that while he has no direct knowledge upon the subject, yet it was common talk among the men that they were being fed upon horse meat, and that some of his men told him they had seen horses quartered and sent to the commissary of the company by the Italians who were furnishing the Italian rations upon which the men of the company were being fed.

CLOTHING.

Affiant says that at the end of the drive on November 12, the day after the signing of the armistice, the men of Company H had only the clothing that they had on their backs, and there was no clothing issued to the men from that date until about four weeks before the men sailed for Genoa on March 5. Affiant says that the facts are there were no clothes issued to the men covering a period of about three months, during which time they went through all of these hardships, including their marches and their stay at Cattaro; that the result was that toward the end of that time they were going half-naked, and the men were ashamed to go out in public because of the condition of their clothes, which were so torn and ragged that they would not cover their nakedness.

Affiant says further that he saw American soldiers wearing Austrian clothing which they had gathered up and washed and put in condition and were worn by them; that one man in the company whose clothes became in such bad condition was compelled to go around in a blanket for two days until he washed and dried his uniform. Affiant says that the shoes of the men were in such bad condition that the soles were out and their feet were on the ground, and still they were compelled to do guard duty and drill in all kinds of weather.

TREATMENT.

Affiant says that there was not a proper place for taking care of sick soldiers; that on the trip from Venice to Cattaro a number of the soldiers became ill; that it was believed that they had the influenza, and they remained on the transport in all of its filth for a number of days after they landed at Cattaro; that finally when the boat was taken away these men were ordered off of the boat, and they walked through rain and mud, sick as they were, to the billets, which were in the stone warehouse where the company was quartered, and they laid there for two days before they were taken to the hospital. Affiant says that on the arrival of the transport at Cattaro the entire Company H was confined to billets and the drill yard for a period of 10 days, and the men were not permitted to go over town to take a bath; having been transported in that filthy boat and the men being covered with vermin, they were still held for 10 days without any apparent excuse, not being permitted to go where they could clean up and take a bath.

DRUNKENNESS.

Affiant says that the statement made in the letter of Homer E. Black, dated January 3, 1919, hereinbefore referred to, that "Another complaint is that all the commissioned officers located at this point, with the exception of one lieutenant, are drinking to excess and drunk practically all of the time; that their actions are so disgusting and disgraceful that the officers of the English, French, and Italian Armies look down upon them with disgust," is true. Affiant says there were five commissioned officers in Company H, stationed at Cattaro, and that four, including the captain, drank to excess, and that the captain was drunk a good part of the time. Affiant says that one of the lieutenants, as far as he knows, did not drink at all. Affiant says that the first evidence of drinking upon the part of the commissioned officers of Company H was at Foulain, France, on June 20, 1918; that the company had arrived at this point and were to be billeted, according to the captain's instructions, in private homes; that the men waited for about three hours for the proper arrangements to be made, and finally the captain of the company marched the company up the street to a saloon; that the captain and the lieutenant went into the saloon and remained there for fully an hour, leaving the men in the company standing outside of the saloon in the rain. Affiant says that he saw the captain of Company H so intoxicated that he did not know one of the corporals of his own company.

Affiant says that the captain finally, instead of billeting the men in private homes, crowded them into one room next to the saloon, and those who could not crowd into the room were compelled to sleep outside in the rain or in sheds or wherever they could get shelter.

Affiant says that when the company arrived at Valeggio, Italy, on August 13, 1918, the regiment was assembled for the first time after arriving in Italy; that here they had built a large building, which was dedicated on Saturday evening, August 31, 1918. Affiant says that just a week previous to this time an order signed by the colonel was issued that no liquor would be allowed brought into camp, and that at the dedication of this building beer and liquor were hauled in by the truck load, and nobody was allowed at this affair except the officers. In other words, affiant says that the orders that were issued that no liquor or beer should be brought in seemed to apply only to the men, and when it came to a party for the officers it had absolutely no application, because they did drink liquor and beer brought in by the truck load for this officers' party.

Affiant further says that the affair was given exclusively for officers on that Saturday night, August 31; that it was a very lively party; and that it lasted until 2 o'clock in the morning. Affiant says that he saw officers coming and going from the party in a drunken condition; that the language used was rough and profane; that the colonel of the regiment himself was there. Affiant says that he knows positively that this party was attended by Lieut. Col. Everson, but affiant can not say that he drank anything; but affiant does know that Lieut. Col. Everson was present, and there were officers under him present at this party, whom he could have disciplined for their conduct and their drinking had he desired to do so. Affiant knows that officers who were under Lieut. Col. Everson did drink to excess on this occasion. Affiant says that on October 19, 1918, Company H started on what was known as a propaganda march; that on this occasion the captain of Company H, who was in command, was so intoxicated that he got off of the road time and time again, leading his men around to no purpose, and while he was in an intoxicated condition. The facts are, affiant says, because of his condition and the way he commanded our company on that day it took Company H two hours longer to cover the same ground than it did Company F. Affiant says that on October 29, 1918, while the company was on the drive, they arrived at Varago; that the first two lieutenants and the captain had been drinking all day and were drinking during the evening, and by reason of their condition they did not secure the issue of rations for supper for the men until 10 o'clock at night, and the failure to secure the rations for supper was, in affiant's opinion, due to the drunken condition of the officers in command of the company.

Affiant says that while the company was at Venice preparatory to going aboard the transport *Argentina* for Cattaro, on November 16, one of the first lieutenants of Company H went aboard a Canadian transport and got so drunk that he staggered coming off the transport in full sight and in the presence of the men of the company. Affiant says that on January 25 one of the first lieutenants was picked up out of the ditch in an intoxicated condition by two privates of Company H; that on January 25, 1919, at Cattaro, a party was given at the officers' quarters for officers of the Army and Navy only, and affiant saw some of these officers later in the evening at a party given by the boys of the Army and Navy at the coffee house in Cattaro in such a drunken condition that they were upon the stage where the performance was being held interfering with the program until the sergeant ordered them to stand back. Affiant says that among the officers who came to the coffee house in this drunken condition was the captain and one of the first lieutenants of Company H. Affiant says that they were both in a drunken condition; that two lieutenants of the machine-gun company were drinking and interfering with the performance.

Affiant says that on January 14, 1919, the captain of Company H was found sitting on the dock at Cattaro in a drunken stupor at 5 o'clock in the morning, and an ambulance driver, Mechanic Reinhart, was called to take the captain to his quarters in his ambulance.

Affiant says that he also knows of the trouble Sergt. Schauers, of his company, had with the naval officer who attended the officers' party at Cattaro and who was intoxicated at the party on January 25, 1919, and he saw the lump on the sergeant's face where he had been struck by this officer at the time of the disturbance at the officers' party at the officers' quarters, where officers were drinking to excess.

Affiant says that two of the members of the machine-gun company were injured in an accident by the bursting of a 1-pounder shell, and that they died of such injuries; that the boys were Pvt. Grinly, who was buried on December 23, 1918, and Corpl. Brickman, buried on December 24, 1918; that at both of these funerals, which were military funerals, the captain of our company was intoxicated; that at the funeral of Corpl. Brickman the actions of the captain of Company H were so disgusting and disgraceful that the officers of the French Army who attended the funeral turned away from the captain in disgust and refused to talk with him. Affiant says that he stood next to the captain during the ceremonies and that he was giving orders and interfering with the ceremonies in such a way as to disgust the entire company, and affiant knows that he was intoxicated and his actions were disgraceful.

Affiant says that the Serbia commissary offered to issue wine to the men in Company H; that the captain of Company H refused to permit the men to receive the wine, and the next day he sent men to the Serbia commissary with a keg to get the wine, which they did get and delivered to the officers' quarters.

Affiant says that the commander of the regiment, Col. Wallace, and the lieutenant colonel, Everson, were at the regimental headquarters, which was a considerable part of the time at Genoa and probably for a short time at Treviso; that they were at least 800 miles away from Cattaro, where Company H was billeted. Affiant further says that Lieut. Col. Everson visited Company H at Cattaro on two occasions only, and that the commander of the regiment visited Company H at Cattaro only once.

Affiant says that the reference in a report of the War Department that the clothes of the soldiers at Cattaro were badly torn due to the unloading of ammunition from Austrian captured ships and marching over the mountains at Montenegro, do not pertain to Company H, about which complaints were made, because Company H never unloaded any ammunition nor ever marched over the mountains.

Affiant says that on March 4, 1919, the night before they sailed for Genoa, Lieut. Col. Everson, who had not visited Cattaro except on one occasion before that time, made a speech to the men of Company H in regard to the complaints contained in the letter of Mr. Black; that he said that Mr. Black was a man "just a little bit over the draft age and a slacker"; that he had received letters from these boys and sent them to Washington to Congressman ROSCOE C. MCCULLOCH, and that Congressman MCCULLOCH presented the complaints to Congress; that during the course of his remarks he said that "ROSCOE MCCULLOCH is a liar"; that during the course of his remarks Lieut. Col. Everson said "you men want to be mighty careful what you say in this investigation or you will be sent to France in a working battalion."

Affiant says that during the time that the members of Company H were on such poor Italian rations that he ate with the Italian Army, and that their rations were not only good but that the quantity was sufficient; that they had food of good quality and plenty of it; that the members of Company H could not get any sugar, but the Italians had their coffee sweetened. Affiant says that it was common knowledge and repeatedly stated that the Italian Army was receiving American corned beef canned in 1917, while the American soldiers were compelled to eat Italian canned bully beef canned as far back as 1911. Affiant says that the soldiers were not paid regularly, and that at one time there was as much as three months' pay due them.

Affiant says that the investigation that was conducted of the complaints contained in the Black letter was not a fair investigation in the opinion of affiant, for the reason that it appeared that the officers were attempting to exonerate the officers of Company H and other officers rather than to get the facts; that the investigation was not started until March 17, 1919, and affiant says that he saw clippings from newspapers sent to the boys from the States announcing that the investigation had been made and that the complaints had been found to be false, when in truth and in fact at that time no investigation whatsoever to affiant's knowledge had been made.

Affiant says that he wrote no letter of complaint home about conditions while he was in the service; that he is making this affidavit on his own motion and for the purpose alone of seeing that justice is done; that none of the complaints contained in the Black letters were his complaints, for he wrote no one upon the subject.

Affiant says that after the investigation which resulted from complaints presented to Congress by Congressman ROSCOE C. MCCULLOCH conditions immediately improved, and that they were at once placed upon American rations; that clothes were at once issued to the men; that sufficient and proper food was supplied; and that conditions generally were very much improved and that the men without exception were grateful for the improved conditions.

ROBERT H. FINEFROCK.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 9th day of May, A. D. 1919.

J. L. FLOYD,
Notary Public.

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Adam T. Van Horn, being first duly sworn, says that he was a duty sergeant in Company H, Three hundred and thirty-second Infantry, United States Army, and that he was discharged from the Army on May 3, 1919.

Affiant says that he has read the letter of Homer E. Black, dated January 3, 1919, which was printed in the CONGRESSIONAL RECORD February 5, 1919, by Congressman ROSCOE C. MCCULLOCH, and that the statements and complaints contained in that letter are true.

Affiant says that he was with Company H during his entire service in the Army, which covered a period from September 6, 1917, until May 3, 1919; that he participated in the drive in which the company engaged, and that to his knowledge no complaints were made by the men as to conditions before the signing of the armistice although the men did go through great hardships. Affiant says that after the signing of the armistice Company H with its unit was ordered to Dalmatia and Company H to Cattaro; that the company reached Venice about November 16 and embarked on the Austrian transport *Argentina* for Cattaro. The transport *Argentina* was an Austrian hospital ship being sailed by the Italian Government flying the Italian flag; that this ship had been used to transport Austrian prisoners. The part of the ship occupied by affiant and the other members of Company H was in an unsanitary and filthy condition and the men, many of them, became covered with vermin, and the ship was not a fit place for men to stay. On this trip which lasted about six days the food was not only insufficient but of such a poor quality that the men would not eat it. Those who had money bought food from the crew's kitchen. Those who did not have

money made an effort to get food the best way they could from the crew's kitchen. Many of the men traded their tobacco for bread. The rations were what were known as Italian iron rations, which is a ration that is only supposed to be used in extreme emergency. It consisted of one can of bully beef to three men, and one piece of hardtack to each man. If the can happened to be spoiled the men were "out of luck" and would have no meat to eat for that meal. As a good deal of this meat was put up in 1912, and so marked on the can, a great deal of it was spoiled. The facts are the men did not have enough to eat and went hungry.

Affiant says that at the arrival at Cattaro the company was billeted in a warehouse with a drill field, and that the company was immediately ordered confined to billets and the drill field. Affiant says that during their say at Cattaro, which covered a period of about three months, almost 80 per cent of the time the company was confined to the billets and the drill field or what is referred to in the Army as the company area. The effect of this was that the men were confined just as though they were prisoners, no passes being issued to leave the company area or to go to town for any purpose.

The warehouse in which the company was billeted was not provided with cots or beds and the men slept on the hard floor except only when they were able to rig up a cot or a bed for themselves; that there was no straw until about a month before the company left, and then there was not a third enough to go around. Affiant says that a unit of the French Army was billeted at Cattaro, arriving three weeks after Company H arrived, and they were provided in their billets with iron cots with springs and had very comfortable quarters, while Company H was sleeping on the hard floor and apparently no effort was being made whatever on the part of the officers to remedy conditions. The men learned that these cots were available and in the Serbian warehouse, and when some of the men tried to get them they were ordered by their officers not do so and were forbidden to enter any warehouse for any purpose whatever.

Affiant says that the food prior to the investigation that was made following the complaints contained in the Black letter consisted of Italian rations furnished by Italians to the company's commissary and was not only insufficient in quantity but was so poor in quality that in affiant's opinion it was not fit to eat. Affiant says that at one time there was an inspector from the Medical Department inspected the food, and it was reported that he condemned it and so reported, but there seemed to be no improvement until the investigation was made on the complaints made in the Black letter. The food consisted of wormy rice and macaroni; that the corn meal was moldy that was furnished the commissary by the Italians. Affiant says that the meat that was served to the men was of such a quality that he could not eat it and did not eat it. Affiant will say that he did not touch meat more than once or twice when he was at Cattaro and then only for the purpose of finding out how it tasted. The men of Company H at Cattaro heard on a Saturday night that an investigatioin had been started investigating conditions, and on the following Wednesday night an English ship came in with American rations. Affiant says that he is confident that the American rations were furnished because of the investigation that was made, and he learned from the captain of the ship that brought the American rations that they had been loaded onto this transport in a hurry, having been carried on the upper deck. Those were the first American rations that the men of Company H had since they had arrived at Cattaro, and from that time on conditions improved.

Affiant says that the men wore the same clothes to Cattaro that they had worn on the drive and through the whole campaign, and for a number of months after arriving at Cattaro the clothes were in such a torn and ragged condition that the men went about with their overcoats and raincoats on in order to cover themselves; and they were ashamed, many of them, to be seen in public because of the condition of their clothes; that on a number of occasions affiant transferred sentries who were doing guard duty from a post that was more or less public to one where they were less likely to be seen, and he was compelled to do this because the men were ashamed to be seen by other people on account of the ragged condition of their clothing. Affiant says that he was ordered by the commissioned officers to keep these men with ragged clothes out of the sight of the public. Affiant says that the shoes of the men were in such bad condition that many of them were walking on the ground in their bare feet. The roads were made of limestone, and the shoes were very quickly worn out. Affiant says that in his opinion there was absolutely no excuse for the men being without clothes, for the reason that there were plenty of clothes for the men at squadros at Treviso, but the officers of the battalion ordered that the overcoat and blanket be taken out of the squadro and brought to the men, leaving all their other clothes in the squadros at Treviso. If they had brought the squadros to the men, they would have had clothes.

Affiant says that the first time that he observed any drinking upon the part of officers was at Foulain, France, and the captain of the company marched the men up in front of a saloon and left them stand out in the rain while he remained in the saloon for a period of about three hours. During that time the captain came out of the saloon, and affiant talked with him and was close enough to him to observe that he had been drinking. Affiant says that the captain said each squad could send one canteen into the saloon for wine. The men stood out in the rain in front of the saloon until about 10 o'clock at night when the men were advised that they might seek shelter, which the men did wherever they could get it, some going to the station, some to the freight house, some slept under an arbor, etc.

Affiant says that he was on special duty one night at Valeggio when there was an officers' party given. Affiant says there was a great quantity of all kinds of liquors served at this party, and affiant says that he observed personally many of the officers in an intoxicated condition. Affiant says that while the company was on the front-line trench B–2 Varago, while he was on the line on duty having charge of a subsector, or a part of a sector, the captain of the company was in an intoxicated condition and was issuing absurd and foolish orders, making himself generally ridiculous and making it hard and uncomfortable for the sentries that were on duty. Affiant says that he knows that the captain was getting liquor during this crucial time, for the ration truck was bringing liquor to him.

Affiant says that the captain of the company was drinking continuously while the company was stationed at Cattaro; that liquor was furnished and taken to the officers' quarters; that liquor was taken to these quarters in various quantities; and the affiant saw the captain of the company and three of the lieutenants at various times in an intoxicated condition. Affiant says that the statements contained in the letter of Homer E. Black in regard to the drinking of officers of Company H is true. Affiant says that while the officers were drinking and using intoxicating liquors that if the men used intoxicating liquors to excess and were caught that they would be punished. Affiant says that, in his opinion, the men of Company H suffered hardships that they would not have been compelled to suffer had it not been for the fact that the captain of the company and other officers of the company used intoxicating liquors to excess. Affiant says that the investigation that was conducted was, in his opinion, not conducted in such a way as to get the facts, but was more for the purpose of exonerating the officers than to secure the truth. Affiant says that the inspector in charge of the investigation practically admitted the truth of the statements and complaints that were made in regard to food and clothing, because he gave excuses for the conditions that existed in regard to food and clothing.

ADAM T. VAN HORN.

Sworn to before me and subscribed in my presence this 10th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Clarence Weisenberger, being first duly sworn, says that he was a duty sergeant in Company H, Three hundred and thirty-second Infantry, United States Army, and that he was discharged from the Army on May 3, 1919.

Affiant says that he has read the letter of Homer E. Black dated January 3, 1919, which was printed in the CONGRESSIONAL RECORD, February 5, 1919, by Congressman ROSCOE C. MCCULLOCH, and that the statements and complaints in said letter are true.

Affiant says that he was present when the affidavit of Adam T. Van Horn, formerly a sergeant of Company H, Three hundred and thirty-second Infantry, was dictated, and that he has since read said affidavit and that the facts and statements contained in said affidavit are true.

CLARENCE WEISENBERGER.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 10th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Ivan D. Miller, being first duly sworn, says that he was a platoon sergeant in Company H, Three hundred and thirty-second Infantry, United States Army, and that he was discharged from the Army on May 3, 1919.

Affiant says that he has read the letter of Homer E. Black dated January 3, 1919, which was printed in the CONGRESSIONAL RECORD, February 5, 1919, by Congressman ROSCOE C. MCCULLOCH, and that the statements and complaints in said letter are true.

Affiant says that he was present when the affidavit of Adam T. Van Horn, formerly a sergeant of Company H, Three hundred and thirty-second Infantry, was dictated, and that he has since read said affidavit and that the facts and statements contained in said affidavit are true.

IVAN D. MILLER.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 10th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Paul E. Schaffner, being first duly sworn, says that he was a duty sergeant in Company H, Three hundred and thirty-second Infantry, United States Army, and that he was discharged from the Army on May 3, 1919

Affiant says that he has read the letter of Homer E. Black, dated January 3, 1919, which was printed in the CONGRESSIONAL RECORD February 5, 1919, by Congressman ROSCOE C. MCCULLOCH, and that the statements and complaints in said letter are true.

Affiant says that he was present when the affidavit of Adam T. Van Horn, formerly a sergeant of Company H, Three hundred and thirty-second Infantry, was dictated and that he has since read said affidavit, and that the facts and statements contained in said affidavit are true.

PAUL E. SCHAFFNER.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 10th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Joseph R. Colle, being first duly sworn, says that he was a platoon sergeant in Company H, Three hundred and thirty-second Infantry, United States Army, and that he was discharged from the Army on May 3, 1919.

Affiant says that he has read the letter of Homer E. Black, dated January 3, 1919, which was printed in the CONGRESSIONAL RECORD February 5, 1919, by Congressman ROSCOE C. MCCULLOCH, and that the statements and complaints in said letter are true.

Affiant says that he was present when the affidavit of Adam T. Van Horn, formerly a sergeant of Company H, Three hundred and thirty-second Infantry, was dictated, and that he has since read said affidavit, and that the facts and statements contained in said affidavit are true.

Affiant says that he was assigned to duty during most of the time that Company H was stationed at Cattaro as sergeant of the military police; that as such officer (noncommissioned) he had the privilege of coming and going between the company area and the walled city of Cattaro. Affiant says that he would be in the town of Cattaro most all of the day and part of the night; that there was a store known as the bakery where liquor was sold; that almost every day affiant saw the captain with one of his lieutenants or perhaps two lieutenants in this bakery drinking liquor. Affiant says that he has seen in this bakery the captain of the company, all of the lieutenants of the company except Lieut. Brown, the two lieutenants of the machine-gun company, and the battalion adjutant in this bakery at various times. Affiant says that he has seen the captain, the three lieutenants of Company H, and the two lieutenants of the machine-gun company on the streets of Cattaro in an intoxicated condition, and that said officers did drink to excess.

Affiant says that he had four of his men—military police—at an Army and Navy party given in what was known as the coffee house, and that

on this occasion most all of the officers attending this party were under the influence of liquor; that on that occasion affiant saw in an intoxicated condition at this party the captain, two lieutenants of Company H, and two lieutenants of the machine-gun company, and naval officers in an intoxicated condition.

On one evening affiant says that he heard of a disturbance and on investigating he found two Serbians leading the captain of Company H out of the walled city toward his quarters in such a drunken condition he could not walk without being assisted.

JOSEPH R. COLLE.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 10th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Edward A. Schauer, being first duly sworn, says that he was a sergeant in Company H of the Three hundred and thirty-second Infantry, United States Army.

Affiant says that he has read carefully the letter written by Homer E. Black dated January 3, 1919, to Congressman ROSCOE C. MCCULLOCH, in which reference is made to complaints in regard to the food, clothing, and treatment of soldiers in Company H, Second Battalion, Three hundred and thirty-second Infantry, and that the statements and complaints contained in that letter are true.

Affiant says that Company H, with the battalion of the regiment, was transported from Venice to Cattaro on the captured Austrian transport *Argentina*. This ship was filthy and insanitary, and the men, as a result of the filthy condition of the ship, were at once covered with vermin.

Affiant says that the men were served with canned Italian bully beef, the cans—some of them—marked "1912," indicating the beef had been canned in that year. In many instances the beef was spoiled and the men would have to throw half of it away. The rations was one can of bully beef to three men, which would be about an ounce and a third of beef to a man, and each man would get one piece of hard-tack. Hot coffee was never served more than once a day. The facts are the food served upon this trip, which covered a period of six days, was insufficient and of such a poor quality that a large part of it was not fit to eat and the men went hungry. Affiant says that he himself, with the other men, has waited for the leavings or left overs from the mess tables of the crew and the officers in order to get something additional to eat to satisfy his hunger. Affiant says that while the men were being improperly and insufficiently fed it was common knowledge among them that the officers on the upper deck had plenty to eat, including turkey and other delicacies.

Affiant says that when the company arrived at Cattaro they were billeted in a warehouse. The men had to sleep upon the floor. The men tried to work out some way of preparing beds, and did the very best they could, and there was not even straw furnished until the last few weeks, and there was not enough to go around, and during this time French and Serbian troops who were billeted in Cattaro had beds and proper quarters and plenty of room.

Affiant says that the food at Cattaro before the investigation was made consisted of Italian rations. The rice furnished was buggy and moldy and the macaroni was full of worms. The food was seldom ever seasoned. Affiant says that the meat furnished the men was of such a quality that he could not eat it; that it had a bad odor about it and turned his stomach. Affiant says that, in his opinion, the meat furnished the men was not fit to eat.

Affiant says that the men before the investigation in many instances did not have sufficient clothes. The clothes were out at the knees and so ragged and torn that they would not cover their nakedness and were compelled to wear overcoats when they would go out in public because of the condition of their clothes. Affiant says the shoes of the men were so worn that many times he was compelled to excuse them from guard duty because their feet were on the ground. Affiant says that the bathing facilities were absolutely inadequate and that men were compelled to go a long time without a bath.

Affiant says that there were five officers in Company H, commissioned—the captain, two first lieutenants, and two second lieutenants. Affiant says that all of these officers except one second lieutenant drank to excess and were most of the time under the influence of liquor. Affiant says that he saw one of the officers of Company H, on the occasion of the funeral of one of the boys who had been killed by accident, approach two French officers and attempted to talk to them, and these officers turned away in disgust because he was in such a drunken condition that his actions were disgusting. The actions of this officer during the entire ceremonies of the funeral because of his drunken condition were disgusting to everybody. Affiant says that on one occasion a party was given by the Army and Navy officers located at Cattaro. This party was given on January 25, 1919. Affiant says that he was informed by one of the officers that the purposes of the party or the object of the party was to get the Navy officers drunk; that this officer described to affiant what was known as "the boat race," and he said that the Army sat on one side of the table and the Navy on the other; that each man had his glass upside down and they started a bottle on each side of the table; that each man was to fill his glass, drink it, and turn it upside down and then the next man was to do the same; that whichever side finished first won the race. Affiant says that at this party he was informed by the officer that this was one of the amusements. On this day and during this evening affiant was sergeant of the guard, and at about 10 o'clock he was informed that there was a disturbance at the Company H officers' quarters. Affiant went to the quarters and there found that a naval officer was in a drunken condition and had attempted to enter a woman's room and was creating a disturbance when affiant, as was his duty, approached this officer, he struck him in his face with his fist. And although this act on the part of this naval officer was contrary to regulations and should have been investigated, yet the officers covered the matter up and smothered it and no investigation was made. It was commonly understood and common talk that most of the officers who attended this party drank to excess and were drunk. Affiant says that there were other parties where officers were drinking and to excess. And affiant says that the charges made in Mr. Black's letter in regard to drinking among the officers are true.

Affiant says that members of Company H received word from home that the announcement had been made through the newspapers that the charges made by Mr. Black had been investigated and found to be untrue, and at the time those letters were received the investigation of Company H had not begun, and affiant knows that the first investigation was started March 17, 1919. Affiant says that the nature of the investigation as conducted seemed to him to be an effort to exonerate officers rather than to get the facts.

EDWARD A. SCHAUER.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 8th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Floyd E. Gable, being first duly sworn, says that he was present when the attached affidavit of Edward A. Schauer, former sergeant in Company H, of the Three hundred and thirty-second Infantry, was dictated by Sergt. Schauer, and that he has since read it carefully, and that the facts and statements contained in that affidavit are, to affiant's knowledge, true in every particular. Affiant says that he was a corporal in Company H, of the Three hundred and thirty-second Infantry, United States Army, and that he was with the company during its entire foreign service. Affiant says that during the trip from Venice to Cattaro, on the transport *Argentina*, that he himself fought with other men for the bones and leavings from the mess; that he did this because he was so hungry that he was willing to do most anything to secure food. Affiant says that the truth is that the men were almost crazed for food and were willing to do most anything to get something to eat. Affiant says that while the men were in this condition and without sufficient food that the officers on the upper deck were being feed on turkey and other delicacies and had plenty to eat.

Affiant says that the statements that have been made that the commissioned officers of Company H, with the exception of one lieutenant, drank to excess and were drunk a great part of the time are true.

FLOYD E. GABLE.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 8th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

R. W. Shurtz, being sworn, says that he was a member of Company H, of the Three hundred and thirty-second Infantry, being a private; that the company, with other companies of the regiment, were transported from Venice to Cattaro on the Italian transport *Argentina;* that this transport had carried to the Venice port Italian prisoners from an Austrian port; that before the American soldiers went aboard the ship the Italian authorities desired to clean and sterilize the ship. For some reason unknown to affiant the colonel of the regiment declined to have this done and insisted on leaving at once. This information came to affiant by the Italian in charge of the ship. In any event, the companies did go aboard without the ship being cleaned. Affiant says that the ship was in such a filthy condition that the men were at once covered with vermin and that the hold in the ship where they were was not a fit place for any person to stay.

Affiant says that during this trip, which lasted about six days, the rations were very poor. The general run of the rations would be one can of corned beef to three men and one piece of hardtack to each man. It became somewhat of a joke among the men as to the age of the corned beef because of the date on the can, some of which ran back as far as 1907. These rations remained about the same during the entire trip so far as the privates and enlisted men were concerned.

Affiant says that on one occasion he was assigned to guard duty where he had an opportunity to observe the kind of rations and food that was being served during this same trip to the officers of the regiment on the boat; that he saw supplies of dressed turkeys, dressed chickens, steaks, potatoes, and good bread. Affiant says that he saw these supplies being cooked and served to the officers upon the boat at the same time that the men were on the rations above referred to. It was common knowledge and common talk among the men on this boat that during this trip liquors were being served and used freely by the officers, who were on the upper deck, and affiant says that he was told by reliable persons that there was a great deal of drinking going on among the officers on this trip.

Affiant says that after the battalion arrived at Cattaro the conditions in regard to food and clothing were extremely bad; that the soldiers did not have sufficient clothing to cover themselves; that the men were covered with vermin, which they were unable to get rid of for about three months, and that the lack of clothing increased the discomforts resulting from this condition. Affiant says that he has seen men going about with clothes that were so badly worn and torn that it caused comments from the natives living at Cattaro, who were as ragged a set of people as affiant had ever seen, and even they were commenting upon the clothes of the American soldiers. Some time later there was a part issue of clothes made to the soldiers, which improved conditions considerably. Soldiers who were compelled to be out on guard duty during warm days were forced to wear their overcoat in order to cover their nakedness.

Affiant says that the food furnished at Cattaro was for a considerable time known as Italian rations, which consisted of macaroni, spaghetti, beef, sometimes cheese, and very often there was no coffee. Affiant says that the macaroni that was served was of such a poor quality that he has seen the cooks wash the macaroni to take out worms and bugs that it contained, and when they could get no more of the bugs and worms out by washing they cooked it and served it to the men—bugs, worms, and all. Affiant says that the beef that was served was, to his knowledge, in some instances not fit to be served, for the reason that he himself saw cattle which were brought to the commissary and killed and fed to the soldiers have what in the opinion of affiant was hoof-and-mouth disease. He has seen cattle taken off of the boat which were afterwards killed with sores on their hoofs and legs that proved to affiant that the cattle were afflicted with some serious disease.

Affiant says that rum was a part of the Italian rations and that to his knowledge it was served to the officers at mess and at other times. The men were entitled, under the Italian rations, to an issue of wine, but on an order of the officers the men were not permitted to have it. Affiant says that he knows that there were many officers that did drink to excess; that there were to affiant's knowledge a number of parties given to officers and attended exclusively by officers where they drank to excess. Affiant can call attention to two specific instances among others. One was at Vallegeio. A building was to be dedicated and arrangements were to be made for a show to be given by the talent of the regiment; the first night, which was a Saturday night, was to be exclusively for the officers, and the following Monday night was to

be for the privates. This building where the show was held was right near affiant's tent, and he was able to observe all that went on. Affiant says that on this occasion, in his opinion, everyone who attended the affair drank to excess and were drunk; that they had an unlimited amount of all kinds of liquor, including champagne. It was a very lively party. Affiant saw the officers leaving the show in such a drunken condition that they were leaning on one another's shoulders and unable to walk straight. The other occasion was at Cattaro, where a party was given by Serbian officers, attended by American officers, and to affiant's knowledge many of the officers drank to excess.

RALPH W. SHURTZ.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 6th day of May, 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Robert T. Smith, being first duly sworn, says that he was a sergeant in Company H, Three hundred and thirty-second Infantry. Affiant says that he has read the charges that were contained in the letter sent to Congressman ROSCOE C. MCCULLOCH by Homer E. Black, which was printed in the CONGRESSIONAL RECORD and which resulted in an investigation of conditions in connection with Company H and other companies of the Three hundred and thirty-second. The complaint that the soldiers were fed on Italian rations and did not receive sufficient food are true. The meat was bad, the mush was moldy, and soldiers could pick worms out of the rice that was being served. Affiant says he knows that this is true, because he had such rations served to him and that he did himself pick worms out of the rice.

Affiant says that the complaint that no clothes of any kind were received for a number of months before the complaints were filed and that the men were compelled to wear clothes that were ragged and torn to such an extent that in many instances they would not cover their nakedness to the extent that the seat of the breeches were out and shirts were torn, and men were ashamed to appear in public in the clothes. While this is not true of all the men, yet the majority of them were in this condition. Being a first sergeant, I was able to secure clothes for myself, and I gave some clothes that I had to men whose clothes were not fit to wear. The clothes that I had I brought with me, and clothes were not available at that point for distribution to the men.

In regard to the complaint about officers drinking, affiant has this to say: It was common knowledge that at times the officers were drinking to excess. Affiant can not say that this was occurring all of the time, but he does know that liquor was used by the officers, and it was the common opinion among the men that it was used all the time. Affiant says that on one occasion he went to a building where a party had been given by officers and he saw conditions that convinced him that there had been a great deal of drinking going on, and he was informed by men who had been about the building when the party was on that the officers had been drinking to excess; that the colonel of the regiment had made a number of drunken speeches. Affiant says that one lieutenant was sent over to the building while affiant was there for wine for the colonel, and he saw this lieutenant and some of the men picking up the bottles that were sitting around with some liquor in them, and they secured in this way a bottle of wine, which the lieutenant said he intended to take to the colonel. Affiant says that the lieutenant referred to was very drunk at the time.

Affiant says that the conditions were bad and that in his opinion the investigation made was not only justifiable but necessary. Affiant says that after the investigation started conditions immediately improved and that the men had practically everything that could be asked for.

Affiant further says that on the transport between Venice and Cattaro the men were served one can of bully beef to three men with one piece of hardtack each; that he saw marked on the can the date 1911, which indicated that the beef had been canned during that year. Affiant says that he saw on that trip while the men were being fed with the rations referred to that the officers had turkey, duck, and other delicacies. Affiant says that on one occasion he conferred with a lieutenant while he was at dinner, and he saw that the officers were being served the very finest meal; that they had celery and many other delicacies. During this time the men were on the rations above referred to.

ROBERT T. SMITH.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 7th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

William D. Reinhart, being first duly sworn, says that he was a mechanic and a member of Company H, Three hundred and thirty-second Infantry, United States Army; that he has just been discharged.

Affiant's company was transported with other companies of the regiment from Venice to Cattaro in the transport *Argentina.* Affiant says that the hold of the ship where the men stayed was in a terribly filthy condition and that the men became covered with vermin; that the food on the trip which lasted about six days was very scarce and very poor. One can of corned beef was given to three men, each man receiving a piece of hardtack at a meal and one warm meal being served each man each day. Affiant says that he saw the dates 1902 and on up on the cans which indicated to him that the beef had been canned in those years. Very often the meat in the cans was spoiled.

Affiant says that during their say at Cattaro and before the investigation started that the soldiers were fed on Italian rations and did not receive sufficient food; that the food they did receive was of such a poor quality that the rice and macaroni contained worms and bugs and the meat in affiant's knowledge was not fit to eat. Affiant says that he saw cattle brought in for slaughter, the meat of which was served to the men, which cattle had running sores between the hoof and the knee, which indicated clearly to affiant that the cattle were suffering from some kind of a disease. For a period of about three weeks we had neither sugar, salt, nor pepper. The flour and corn meal which we were furnished was so moldy that it could scarcely be eaten.

Affiant says that for a number of weeks prior to the investigation the men's clothes were in very bad condition; that they were torn and in such a ragged condition that many of the men could not go out in public without wearing an overcoat or covering themselves up with a blanket.

Affiant says that while at Cattaro he drove a Ford ambulance, and on one occasion the officers had a party at the hotel, and affiant states that he was called out of bed at 5 o'clock in the morning by the corporal of the guard to take one drunken officer to his quarters. Affiant also knows from his own knowledge that two of the four lieutenants of the company were drinking to excess.

Affiant says that on one occasion there was a party given at the coffee house at Cattaro; that wine was served; that all of the officers except one lieutenant were drunk. Affiant says that drinking among the officers was general, with few exceptions, and that the facts as above stated in regard to drinking were true.

Affiant says that he has read the charges contained in the letter of Homer E. Black addressed to Congressman MCCULLOCH, and that the charges set out in that letter are, in his opinion, true in every particular.

WILLIAM D. REINHART.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 7th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Sergt. C. H. Orton, being first duly sworn, says that he was mess sergeant of Company H, Three hundred and thirty-second Infantry; that because of his position he was able to observe the kind of food that was available and being served to the soldiers of the company. In the first place, for at least the first two months while in Cattaro, Dalmatia, we drew from the Italian commissary of that city the following articles: Beef, bread, macaroni, rice, coffee, cheese, tomato sauce, salt, and sugar, and occasionally an Italian red bean.

For a period of at least two months we drew no potatoes, having available only those which we secured from the Montenegros. The beef was of a poor quality, frozen beef being obtainable only the last few weeks of our stay in that city. The beef was thin and scrawny and freshly killed. In fact, there were times in which we would wait with our truck until the beef was butchered. This fact can be verified by a medical major who visited Cattaro in company with the food commission, and who examined the beef on hand at that time and investigated general food conditions. The macaroni and rice were wormy and buggy a large part of the time. In fact, the rice was of such a bad condition that when at one time Capt. Wallace W. Johns, of Company H, accompanied the writer to the Italian commissary with a view to picking out a sack of rice which was not wormy, after examining four sacks of rice selected from different parts of the warehouse, all of which were buggy and wormy, the captain instructed the writer to simply take any which was issued and trade it off for something the men could eat.

The combined periods of time we were entirely without sugar totaled at least 19 days, and we were left on our own resources to secure sugar by trading food for honey or sugar, in case either was obtainable at that particular time. We were at times without coffee for periods which I would judge would total about 7 days.

Our bread at first was made of wheat flour and, I judge, at least 40 per cent corn meal.

Our baker told me that they spent a period of time each day picking worms out of the flour before making up the bread, and the corn meal was always musty. After the arrival of the United States flour ship our bread was of a good quality, the date for which can no doubt be ascertained, and at some time, which I believe to be in February, we received a quantity of American rations, which remedied conditions considerably. In fact, the last month that we were in the city of Cattaro the men were very well satisfied with the food obtained.

In regard to clothing conditions the writer merely wishes to make the statement that he personally went around the first month or so in the city of Cattaro with holes clear through both soles of his shoes at least the size of a dollar. There were many others of the company whose clothes were in very bad condition; in fact, some of them had to wear overcoats when on guard to hide the true condition of their clothes. Other matters in regard to clothing can be ascertained from Sergt. Richardson, supply sergeant of Company H, and a resident of Canton, Ohio.

C. H. ORTON,
Former Mess Sergeant, Company H,
Three hundred and Thirty-second Infantry.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 7th day of May, A. D. 1919.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

G. S. Schneider, being sworn, says that he was a member of Company H, of the Three hundred and thirty-second Infantry; that for a considerable time this company was stationed at Cattaro, Dalmatia, Austria; that he was a corporal in said company; that for a considerable time the food issued and served to the members of the company was very poor; the company was on what is known as Italian rations; that he saw at various times worms or bugs in the rice and macaroni that was being served to the men. Affiant says that the condition of this rice and macaroni was such that he could not eat it and would not eat it. Affiant says that he does not know that horse meat was served to the men, as he would not be able to detect it, but he does know that horse meat was a part of the Italian rations, and he saw horses in the cattle pen near the slaughterhouse and he was told by persons that they had seen these horses slaughtered for use as rations. Affiant says that he himself saw in the commissary horse meat which he was able to see was horse meat by the hoofs that were on the quarters. Affiant says that in his opinion the charges that the men were not given sufficient food are true. Affiant also says that the men were not furnished with sufficient clothes at certain times during their stay at Cattaro. Affiant says that prior to the investigation that they afterwards learned was being made the rations were not only poor but hardly fit to eat, and the clothes were worn out and many men were compelled to wear torn clothes. In affiant's opinion the charges in regard to the poor clothing were also true. Affiant says that he knows that there were parties given by officers where liquor was served. Affiant knows that at these parties there was served rum, champagne, wine, and beer. Affiant says that on one occasion he knows of a party given by officers in a building which was near his tent and affiant says that he could see that all of the officers were getting plenty to drink. Affiant says that this party which was given exclusively for officers created

naturally dissatisfaction among the men, it being given right in their presence, and the officers were drinking while the men were denied such privileges. Affiant says that the officers, to his knowledge, on a number of occasions had been drinking, because he, when talking with them, could smell liquor on their breath. Affiant says that he was able to observe on many occasions officers who were in a condition to lead him to know that they had been drinking. Affiant says that after the investigation into conditions at their camp had been made that there was a great improvement at the camp at Cattaro, Dalmatia; that their rations were improved; and that the men were put on largely American rations. Affiant says that they also were issued clothes and conditions generally were improved.

GOTTFRIED S. SCHNEIDER.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 6th day of May, A. D. 1919.

[SEAL.]

C. C. CURTIS, *Notary Public.*

CANTON, OHIO, *January 3, 1919.*

Hon. ROSCOE C. MCCULLOCH, M. C.,
Washington, D. C.

MY DEAR MR. MCCULLOCH: The writer has had so many complaints relative to the treatment received by soldiers in Company H, Second Battalion, Three hundred and thirty-second Infantry, now stationed at Cattaro, Dalmatia, Austria, that he felt it his duty to bring it to your attention. Briefly the complaints are that the soldiers are being fed upon Italian rations and are not receiving sufficient food; in fact, several soldiers, writing to their parents, and who are personally known to the writer, and whose honor, honesty, and integrity could not be questioned, stated that the food was so scarce that it was necessary for them to steal food in order to exist. They also complained that they have received no clothes of any kind since early last fall, and that they have mended and patched their clothing until it will hardly hold together. One soldier stated that the only suit of underwear he had was the suit he was wearing and that it couldn't be washed because it wouldn't hold together. Another complaint is that all the commissioned officers located at this point, with the exception of one lieutenant, are drinking to excess and are drunk practically all the time, and that their actions are so disgusting and disgraceful that the officers of the English, French, and Italian Armies look down upon them with disgust.

Another complaint is that the soldiers have not received any pay for a number of months. These complaints are from letters which I have read, and it is incomprehensible that our boys must be fed upon horse meat, spaghetti, and macaroni, without sufficient clothing, and officered by drunkards. This is a matter that should not be delayed by a red-tape investigation, but should be relieved at once, and because of your activity and the elegant results you obtain for the people of your district I believe that you will make things hum to obtain the necessary relief.

Yours, very truly,

HOMER E. BLACK.

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

We, the undersigned, being first duly sworn, say that we were members of the company set opposite our names of the Three hundred and thirty-second Infantry, United States Army.

Affiants say that they, and each of them, have read carefully the attached letter addressed to Hon. ROSCOE C. MCCULLOCH, M. C., Washington, D. C., signed by Homer E. Black, which letter was printed in the CONGRESSIONAL RECORD, February 5, 1919, and affiants say that the statements and complaints contained in said letter are true.

ALBERT L. PEARSON,
Corporal, Company H.
FRANCIS A. BETZLER,
Corporal, Company H.
J. HOMER EBNER,
Corporal, Company H.
NORMAN F. WILHELM,
Corporal, Company H.
PAUL E. MUCKLEY,
Corporal, Company H.
WM. BOUKLIAR,
Company H.

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

We, the undersigned, being first duly sworn, say that we were members of the company set opposite our names of the Three hundred and thirty-second Infantry, United States Army.

Affiants say that for a considerable time prior to the investigation that was made at the request of Congressman ROSCOE C. MCCULLOCH they were fed on Italian rations and did not receive sufficient food; that the food was not only insufficient but of such a poor quality that it was not fit to eat, and that the rice and macaroni that was served them contained bugs and worms.

Affiants say that the soldiers were often compelled to either buy food or secure it in some other way than through their commissary or mess in order to have enough on which to exist.

Affiants say that for a considerable time, probably two or three months before the investigation referred to was begun, they did not have sufficient clothing; that the clothes of many of the men were so badly torn and so ragged that they were ashamed to appear in public, and when they went out they would have to wear overcoats or wear a blanket to cover their nakedness.

Affiants say that officers did use intoxicating liquors to excess and that there was drinking going on all of the time; and that liquor was either bought by officers or was issued to officers as a part of their rations and consumed by them; that the liquors used were rum, champagne, beer, and wines.

JOSEPH A. DYER,
Corporal, Company H, 332.
RAYMOND P. EISH,
Corporal, Company H, 332.
ALBERT S. RICHARDSON,
Supply Sergeant, Company H, 332.
WILLIAM A. HUNTER,
Corporal, Company H, 332.
ROY A. SHEIL,
Corporal, Company H, 332.
WM. BARKLIAR,
Company H, 332.

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Henry E. Stiffler, being first duly sworn, says that he was a member of Company F, Second Battalion, Three hundred and thirty-second Infantry, and was recently discharged from the United States service; that before his company went overseas he was a member of Company H, of the same regiment, and was later transferred to Company F; that his regiment went from France to Italy in July, 1917, and that the Second Battalion went to Cattaro, Dalmatia, Austria, in November, 1918; and that his Company F was billetted at Teodo, Austria, and that they remained there until some time in March, 1919, when they returned to Genoa, Italy.

Affiant says that during the entire time that his company was stationed at Teodo, Austria, they were on what is known as Italian rations, furnished by the Italians, and that during the entire time the food furnished the men of his company was not only very insufficient, but also of very poor quality; that rice that was furnished the men was wormy and full of bugs, and that the macaroni contained maggots, and that the hardtack furnished was also full of worms.

Affiant further says that the meat that was furnished the men of his company during all of said time was unfit to eat; that the cans of Italian bully beef that was furnished them were about 3 inches in height and about 2 inches in diameter and contained about 4 to 5 ounces, and that one can was served as the meat ration for three men, and that he observed on some of the cans the date of 1902, which indicated to him that the meat was canned in that year, and that the meat in these cans was slimy, mushy, and not fit to eat.

Affiant further says that on one occasion he saw on a front quarter of an animal in the kitchen of his company what had looked to him like a collar sore on the neck part, which indicated to him that it was a quarter of a horse, and that this was the only meat in the kitchen of his company at that time, and that he knows that the company had no other meat, and that the men of his company were served meat that day, and therefore he has reason to believe that the men were served this meat. Affiant says that on one occasion he saw the hind quarter of an animal furnished the company which had a very bad sore on it, with the appearance of a cancer sore, and that he was present when the medical major examined it and told the captain of his company that that piece of meat was not fit to use, and when the captain asked the medical major if that sore could not be cut out and the rest used, the major replied that it could not, as it was not fit to eat. Affiant says that this quarter was the only meat that the company had at that time, and that the men of his company were served meat that day and must have been served meat from this quarter. Affiant says that the men of his company at this time were so hungry and so starved that they could eat almost anything.

Affiant says that on Thanksgiving Day, 1918, the men of his company for breakfast were served only black coffee and black bread, and that was all they had for breakfast; that for the noon meal all that they had was macaroni and black bread; and for the evening meal all that the men received was rice and black coffee.

Affiant further says that the clothing of the men of his company during the entire period of said time was insufficient and so badly worn that when they marched into Cetinje, Montenegro, they were ordered to put on their overcoats in order to hide the holes in their uniforms; that they were not allowed outside the billets without their overcoats, because their clothing was in such bad and torn condition and contained so many holes. Affiant says that he knows of one soldier of his company, by the name of Spencer, who lost his blouse and leggings at the drive of Victoria Veneto, and that he was without any blouse and without United States leggings for about five months, and that this soldier later secured Austrian leggings, which he wore during all of said time up to and until the investigation which was started by Congressman R. C. MCCULLOCH.

Affiant further says that on one occasion a detachment of 11 men of his company was sent to Cetinje, Montenegro, for the Red Cross, and that their clothing and underclothing was in such bad condition that the nurses volunteered their own underwear to them, and that when they returned to their company they were wearing the clothing given them by the nurses.

Affiant further says that he did not make any complaint to anyone back home in regard to their condition of food and clothing until he saw two boatloads of American rations reach Cattaro, and which was unloaded and delivered to the Montenegrins, hauled to them largely in American trucks. Affiant says that it was at this time that a great deal of discontent arose among the boys, in view of the fact that they had suffered for months in being fed on Italian rations. He then wrote a letter to his mother at home, which letter was printed in the Repository, of Canton, Ohio, which paper containing the letter was received by Lieut. ———, who showed affiant's letter to the captain of his company, and within a few days he was called into the orderly room before the captain and taken to task for writing this letter and mailing it home to his mother, and was given a sentence to be confined for three weeks in the billets of the company. Affiant says that during this time his company was located at Genoa, and that this was some time in March, 1919, and that because of said confinement he was unable to go up street and see the town, or to leave the camp, as did the rest of the boys of his company, and that the only time during the entire three weeks that he was allowed to be on the streets of Genoa was when the entire company was uptown, and that when his company came away from Genoa before his sentence had expired he had not got to see Genoa at all.

Further affiant saith not.

HENRY ELLIS STIFFLER.

Sworn to before me and subscribed in my presence this 28th day of May, A. D. 1919, at Canton, Ohio.

C. C. CURTIS, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Robert Geltz, being first duly sworn, says that he was a corporal and a member of Company H, Three hundred and thirty-second Infantry, United States Army; that he has just been discharged.

Affiant's company was transported with other companies of the regiment from Venice to Cattaro in the transport *Argentina*. Affiant says that the hold of the ship where the men stayed was in a terribly filthy condition, and that the men became covered with vermin; that the food on the trip, which lasted about six days, was very scarce and very poor. One can of corned beef was given to three men, each man receiving a piece of hardtack at a meal. Affiant says that he saw the dates 1911 and 1912 on the cans, which indicated to him that the beef had been canned in those years. Very often the meat in the cans was spoiled.

On arrival at Cattaro the men were billeted in a one-story building which had been used as a warehouse; the men were all crowded together, and for a long time they slept on the hard floor without any straw. About four weeks before the company left Cattaro there was straw brought to the billet, but there was not enough to go around.

Affiant says that during their stay at Cattaro and before the investigation started that the soldiers were fed on Italian rations and did not receive sufficient food; that the food they did receive was of such a poor quality that the rice and macaroni contained bugs and worms, and the meat in affiant's judgment was not fit to eat. Affiant says that he saw cattle brought in for slaughter the meat of which was served to the men which cattle had running sores between the hoof and the knee, which indicated clearly to affiant that the cattle were suffering from some kind of a disease. Affiant says that he was told by some of the men that they had seen a horse slaughtered at the commissary slaughter-house and cut up and quartered. Affiant says that he did not learn who got the meat from the horse or what was done with it. Affiant says that he saw a beef pulled out of the pens where they were kept and quartered and hauled away by Italians in one of their two-wheeled wagons.

Affiant says that for a number of weeks prior to the investigation the men's clothes were in very bad condition; that they were torn and in such a ragged condition that many of the men could not go out in public without wearing an overcoat or covering themselves up with a blanket.

Affiant says that at Cattaro there were four lieutenants and one captain, commissioned officers; that the captain and three of the lieutenants to affiant's knowledge did drink to excess, and affiant says that he has seen them drunk. Affiant says that one of the four lieutenants to his knowledge did not drink, and he never saw him, that lieutenant, drunk. Affiant says that on one occasion there was a party given at the coffeehouse at Cattaro; that wine was served; that all of the officers except one lieutenant were drunk. Affiant says that drinking among the officers was general, with few exceptions, and that the facts as above stated in regard to drinking were true.

Affiant says that he has read the charges contained in the letter of Homer E. Black addressed to Congressman McCULLOCH and that the charges set out in that letter are, in his opinion, true in every particular.

ROBERT D. GELTZ.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 7th day of May, A. D. 1919.

S. S. SHAFER, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

D. L. Martindale, being first duly sworn, says that he was a sergeant and a member of Company H, Three hundred and thirty-second Infantry, United States Army; that he has just been discharged.

Affiant's company was transported with other companies of the regiment from Venice to Cattaro in the transport *Argentina*. Affiant says that the hold of the ship where the men stayed was in a terribly filthy condition and that the men became covered with vermin; that the food on the trip, which lasted about six days, was very scarce and very poor. One can of corned beef was given to three men, each man receiving a piece of hard-tack at a meal and one warm meal being served each man each day. Affiant says that he saw the dates 1911 and 1912 on the cans, which indicated to him that the beef had been canned in those years. Very often the meat in the cans was spoiled.

Affiant says that during their stay at Cattaro and before the investigation started that the soldiers were fed on Italian rations and did not receive sufficient food; that the food they did receive was of such a poor quality that the rice and macaroni contained bugs and worms, and the meat, in affiant's judgment, was not fit to eat. Affiant says that he saw cattle brought in for slaughter, the meat of which was served to the men, which cattle had running sores between the hoof and the knees, which indicated clearly to affiant that the cattle were suffering from some kind of a disease. For a period of about three weeks we had neither sugar, salt, nor pepper. The flour and corn meal which we were furnished was so moldy that it could scarcely be eaten.

Affiant says that for a number of weeks prior to the investigation the men's clothes were in very bad condition; that they were torn and in such a ragged condition that many of the men could not go out in public without wearing an overcoat or covering themselves up with a blanket.

Affiant says that at Cattaro there were four lieutenants and one captain, commissioned officers; that the captain and two of the lieutenants to affiant's knowledge did drink to excess, and affiant says that he has seen them drunk. Affiant says that one of the four lieutenants to his knowledge did not drink, and he never saw that lieutenant drunk.

Affiant says that on one occasion there was a party given at the coffeehouse at Cattaro; that he was in the room for a short while and saw officers intoxicated. Affiant says that at another time there was a party given exclusively for officers, which was attended by naval officers; that the officers were drinking; that one naval officer who was intoxicated raised a disturbance and the sergeant was called, and, as he came up, the drunken naval officer struck the sergeant of the guard; that the actions of this officer created a general disturbance about the place. Affiant says that drinking among the officers was general, with few exceptions, and that the facts as above stated in regard to drinking are true.

Affiant says that he has read the charges contained in the letter of Homer E. Black addressed to Congressman McCULLOCH, and that the charges set out in that letter are, in his opinion, true in every particular.

DANIEL L. MARTINDALE.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 7th day of May, A. D. 1919.

S. S. SHAFER, *Notary Public.*

AFFIDAVIT.

STATE OF OHIO,
Stark County, ss:

Harry Nelson, being first duly sworn, says that he was a member of Company H, Three hundred and thirty-second Infantry, United States Army, and that he has been recently discharged from the Army.

Affiant says that for a considerable time his company was stationed in Italy, and at Cattaro, Dalmatia; that for a considerable time, covering a period of several months following the signing of the armistice, the food issued and served to the members of his company was insufficient and of a very poor quality; that the company was on what is known as Italian rations, and that he saw that the rice and macaroni and spaghetti contained worms and bugs, and was of a poor quality; that he saw on the cans of the Italian "bully beef" dates of 1904, which indicated to him that the meat had been canned in that year and that the meat in these cans was slimy, mushy, and wholly unfit to eat; that he knows that while the men of his company were being served on this kind of meat Italian soldiers were being served American-canned beef containing the date of 1917.

Affiant further says that for a considerable time, covering some months during the time above referred to, the clothing furnished his company was insufficient; that many of the soldiers had to wear clothes that were badly torn and so badly worn that they were ashamed to appear in public. Affiant says that this condition continued both as to food and clothing until the investigation was made at the request of Congressman ROSCOE C. McCULLOCH, when the conditions were improved and the men of his company put upon American rations and a supply of the necessary clothing was furnished. Affiant says further that during the time above referred to different officers of the company used intoxicating liquors and that the liquors that were used were wines, beer, champagne, and rum.

Further affiant saith not.

HARRY NELSON.

Sworn to before me and subscribed in my presence at Canton, Ohio, this 21st day of May, A. D. 1919.

C. C. CURTIS,
Notary Public.

[Extracts from letters in corroboration of charges contained in Homer E. Black's letter.]

1. A father and mother of a boy in the Three hundred and thirty-second Infantry write:

"I'm a poor working man. They took my son, don't even give him good place to sleep, fed poor, and clothed so poor. Why don't they give me permission to send him something? I certainly would so he would not have to starve. I think it is about time they came home. I gave my son till the period of the war."

2. Another father and mother of a boy stationed in Italy with the Three hundred and thirty-second Infantry write:

"My boy in Italy writes to me nearly every two weeks and tells me about the conditions over there. He said he did not get any pay for two months and don't get enough to eat, and the clothes are not worth washing. If they would wash them they would go apart. I would be glad to send him something to eat if he don't get enough, but I see it is impossible, they will not allow us to send anything to him. I should think if he was good enough to go and fight for his good country he is good enough to get something to eat. If they can't give him that, why don't they send him home where he will get something to eat?"

3. The mother of a boy in the Three hundred and thirty-second Infantry stationed at Cattaro, Dalmatia, Austria, writes of the "rotten treatment they get, poor and small rations. They have not the proper clothes to change and keep clean. The officers are drunk most of the time, excepting one lieutenant; he is all right. If it lasts much longer our boys will all be ruined morally and physically. They have gone to stealing rations to exist, and the surroundings are diseased and rotten. Not only my boy has written such news, also other mothers have received letters on the same order."

4. The father of an Ohio boy in the Three hundred and thirty-second Infantry, stationed at Cattaro, Dalmatia, writes as follows:

"These boys are stationed along the Adriatic Sea doing occupational work, with no prospects of getting home until peace is signed. This would not be mentioned were it not for the fact that they are being kept on Italian rations, and very few of these. Now, I suppose our Government is paying a large sum to the Italian Government for the maintenance of the Three hundred and thirty-second Regiment, but it is sure the boys are not receiving what should be given them. Some of the men who are officers are not the proper kind, or at least they would disclose some of these things. These boys haven't been paid for over two months, otherwise they could buy some things for themselves, if they were to be bought."

5. A father of an Ohio boy says:

"I gave you my son to help the country, and now you can't take care of him, only he have to die from starvation. I raised my son and didn't teach him to steal, and now he's working for Uncle Sam and has to steal for food to keep him up. I'm old, and please send him home so he can make my living.

6. A Cleveland boy, stationed at Cattaro, Austria, with the Three hundred and thirty-second Regiment, says:

"Our rations, supplied by the Italians, are mostly wormy macaroni and rice. We manage to get a bath once a month, but that doesn't feaze the cooties."

7. A boy with the Three hundred and thirty-second Infantry in Italy says:

"Yes, the scenery is fine around here, but we can't eat that."

8. An extract from a letter from a boy stationed in southern Italy with the Three hundred and thirty-second Infantry reads:

"Down here people are picking oranges and it is not cold. It's good it isn't, as we have no gloves and our clothes are full of holes. I have had one suit and one shirt to wear since October 17, and it is impossible to look decent. We did not get our October pay till December 14 and haven't our November pay yet."

9. Another extract from a letter from an Ohio boy says:

"They say we get good eats and, no doubt, the Yanks do, but we are connected with the Italian Army and we have at times suffered for eats. We get coffee and bread for breakfast, sometimes rice. For dinner we always know the menu for weeks—macaroni, coffee, and bread. For supper some stew, mostly stew, with little stuff in it. The macaroni is sickening. We get so tired of it, and it's fixed poor, too. This is not a very cheery letter, but it relates the condition of the men in Company —. We are expected to work just as hard as if we had good eats; yes, harder. Some do guard duty while the rest work. We are living in an old military building. It's full of bedbugs, fleas, graybacks, and other insects too numerous to mention. We have only one suit with us, and part of that is not here any more.

10. A letter from Toledo, Ohio, says:

"I am a father of a son in service in the Three hundred and thirty-second Infantry, and I want to say that I was glad and proud to see my boy go to fight for his country but not to lay under drunken officers' feet and starve. I brought him up from a child to a man and did

not teach him to steal, and he has to do it to keep alive; so if there can't be any better care for him send him to me and I will care for him. He has done his fight, so it is time for him to be home, and I want him to be home as soon as it can be done."

11. The father of a Canton boy in the Three hundred and thirty-second Regiment writes:

"The boys are apparently receiving no money, no food, no clothing, no chance for a change of clothes or bath, that they are in a desperate condition. Is this the reward for their services rendered, their lives sacrificed, their suffering encountered to keep Old Glory afloat? I realize you are not Secretary of War, nor provost marshal, nor Gen. Pershing, but you are the Representative of the people of this district through whom we talk or secure action. God knows the people of this section and the whole country have paid millions upon millions and conserved food, etc., and yet to get these reports seems hardly believable."

12. A letter from Louisville, Ohio, reads:

"What has the American soldier who willingly went to Europe to fight for the allied nations done that they deserve such abhorent rotten treatment that they are being given now? Being held over there after all the fighting is done. Going months without their pay, as has been proven by men back home. Last week a schoolmate of mine wrote home for money, saying that he did not have any pay since landing there last summer."

13. Letters published in a newspaper in Canton, Ohio, gives the following extracts:

"We don't believe Uncle Sam knows where we are, for we do not get any American supplies, nothing but Italian junk. We are going around with the seats and knees out of our pants."

Another boy brands the Italian rations as slum and says that all his companions are infected with vermin owing to the fact that they have no clothing changes and that the vermin was contracted on the filthy boats used to transport them across the Adriatic Sea.

Another soldier writes to his mother that the meat furnished them comes from old horses killed when their usefulness is ended. This soldier also complains of insufficient clothing.

Another says, "I never want to look spaghetti in the face again; we have it three times a day."

Another—"We had a fine Thanksgiving dinner. We had bread and coffee for breakfast and we had to wait until 2 o'clock for dinner, then we got a cup of coffee and a piece of dry bread again. For supper we had bread and coffee again and some macaroni, but it was full of maggots and I could not eat mine, so you can see what kind of meals we had."

14. A man from Alliance, Ohio, says:

"Oh, the suffering of the poor boys, so homesick, not much to eat, clothes gone, sleep any old place. What is being done with all the money? Please make them hurry the poor boys home."

15. Here is a letter from a mother in St. Paul, Minn.:

"My son is a sergeant in company of the Three hundred and thirty-second Regiment, and I know that from the time the Austrian armistice was signed up until December 29 my son had only the ragged, dirty underclothing he had on. I also know he was sick, cold, hungry, and penniless, and that they did try to steal things to eat. He told me of meeting two Austrian sailors from a ship in the harbor from whom he begged some tins of jam and beans and was going to trade some little souvenirs he had for some more jam. These boys have suffered unspeakable hardships down there in that hell hole of southern Europe, and I ask you to demand their immediate return home. I also ask you to use every means in your power to find who is responsible for these disgraceful conditions."

16. The following is a part of a letter written by a soldier of the Three hundred and thirty-second Infantry, now a part of the Italian Army in Austria:

"This is the first time I have had to write the truth. We have a hard life. I have not slept in a bed since I left the States. I sleep on the floor now. We get very poor food and it is seldom we get enough of it as poor as it is. Mouldy bread, mouldy rice with hundreds of bugs in it, and meat I would not feed a dog. Have had no November or December pay yet. They are holding us drafted boys over here and telling the people back home they can't get boats. There are enough idle boats here in the harbor to carry a small army home. They are uselessly keeping us here. The people at home better wake up and ask why their drafted boys are not coming home. I think they are going to hold us over here six months or more. It is up to the people at home to see that we get a square deal and that they turn us loose."

17. A letter written from Cleveland, Ohio, says:

"I know that the truths which you brought forward in your exposé are absolute facts. It is true that the men of that regiment (Three hundred and thirty-second) have had to go out at night looking for turnip patches and eating turnips raw, dirt and all, in order to appease their hunger. Neither have they been paid for months."

18. A mother and father of a Canton boy write:

"Quantities of mail arrived in Canton during the past week from these young men who are stationed with the Three hundred and thirty-second Infantry at Cattaro, Dalmatia, and they, to say the least, must be very uncomfortably situated and with comparatively little hope of being relieved. Food is remarkably scarce and of poor variety. Clothing in many cases is in shreds, one boy writing that he had worn his underwear four weeks without changing, as it was so tattered it would be impossible to wash and get it back on, and as for mending, it was impossible to do any more to it along that line."

19. The following is part of a letter from a wife of a man with the Three hundred and thirty-second Infantry at Cattaro, Dalmatia:

"They are very much in need of clothing and something to eat. Their rations are very slim, and he thinks that his Uncle Sam has forgotten all about the Three hundred and thirty-second. The food they do get is not fit to eat, full of worms. My husband served six years in the Regular Army and never was treated like he has been the past four months; he always praised the Army until now."

20. A letter from Spokane, Ohio, incloses a letter from a man stationed with the Three hundred and thirty-second, and says in part:

"It has been reported that we would be here anywhere from 2 to 18 months, and there was a rumor that we were to leave Italy January 3, 1919, for the States, but that can not possibly be now as we need a complete outfitting. We have to wear overcoats to town when we go on leave to hide the places where we sit. And a lot of fellows are out in shoes. We call our underclothes O. D's. on account of the color. Sox is the only thing we have enough of, and that is only because the Red Cross gave them to us."

21. A letter from the wife of a soldier from Canton, Ohio, says:

"I am a soldier's wife and will greatly appreciate any attention given to this, as I believe you are a man that believes in fair dealing. I have received several letters from my husband dated late in December and January in which he says conditions in Italy are terrible. He is stationd in Austria with the Three hundred and thirty-second Infantry. In parts of his letters he writes: 'I will cook you something just for fun that we must eat or starve. Take a small head of cabbage, cut it in four, heart and all, do not wash or clean it, put it in 2 gallons of water, break some macaroni up, do not season it, then try to live on that after working all day. Then for breakfast boil some rice in water without sugar or anything else, then wonder why we kick.' In another letter my husband says: 'Well, I am back from guard and also what they call dinner, which consisted of a piece of bread and some spoiled meat which they tried to camouflage by making pot pie; you could smell it as soon as you came in. I guess they think that we do not know anything. There are quite a few things pulled off that make us all grouchy and discontented. You will pardon me till I reach the United States' shores once again, then I will tell all. If I must stay in this place very long I will not weight 100 pounds. I have to tell you this, but I do not want you to save for us. They may get it in France, but you can bet your last cent we do not here. It is a shame they force us to eat and do things that the boys would not do and keep out of a lot of trouble.' We wives who have given all and given till it hurts, who have given up home, husband, and are living on barely nothing would at least like to have our husbands come home in a condition that they will be fit to live with. How can they keep clean under such management?"

22. Extracts from the letters of another boy stationed at Cattaro, Austria, are as follows:

"We are sort of lost dogs or tramps, as it were, and have been ever since we struck Italy, but I have refrained from saying so for this long time. We are practically isolated from the remainder of the American Expeditionary Forces. We do not have the privileges of writing home like them, get our mail real late, little or no Young Men's Christian Association supplies to buy, pay days late (not paid yet this month, nor even signed the pay roll, which we should have done on November 31); also supplies of grub are very few and far between." In speaking about some money which this soldier sent home just before chasing the Austrians, he comments as follows: "'Twould have been a welcome friend many times to appease hunger if I only bought chestnuts, turnips, or cabbages, or still better, 'Italian bread.' I don't know why it is called bread though, as it resembles 'screenings' in a flour mill or chaff in an old barn full of cobwebs. But do not think we do not eat it. We even steal it and hide it in our pockets for eating between meals and chewing ourselves to sleep. Please be informed, also, that what the papers say of our good eats over here is absolutely false."

Letter from Assistant Chief of Staff, director of operations, in regard to reasons for sending the Three hundred and thirty-second Regiment into Italy to Cattaro and Dalmatia Provinces:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, June 16, 1919.

The Hon. ROSCOE C. MCCULLOCH,
House of Representatives, United States, Washington, D. C.

MY DEAR SIR: The Secretary of War directs that I acknowledge receipt of your letter of June 10 in which you desire information relative to the sending of American troops into Italy, Austria, and Montenegro, after the armistice was signed.

Previous to the signing of the armistice an American regiment, the Three hundred and thirty-second Infantry, was operating in Italy under the general supervision of the Italian high command.

In November, after the armistice, one battalion of this regiment was ordered to Trieste, one battalion to Fiume, and one battalion to Cattaro. The reasons for dividing the regiment in this manner and for sending the battalions to these particular cities can be given only by the Italian high command, but it is presumed that this action was based on a desire to exploit as widely as possible the moral effect of the presence of American troops.

The battalion at Trieste and the battalion at Fiume do not appear to have had any unusual experiences. The battalion at Cattaro took a minor part in activities in connection with disturbances in Montenegro in and around Cetinje, and its participation is described both in reports of our military attaché at Rome and of Maj. Scanland, commanding the battalion of the Three hundred and thirty-second Infantry at Cattaro, who was assisted by Capt. Constant Southworth, Three hundred and thirty-second Infantry, in making his report.

Our military attaché at Rome reported on December 21 that the Italian commander at or near Cattaro desired to enter Montenegro; that he advanced to the border with American troops on the front, and was met by Montenegrins who threatened armed resistance. The Italian commander asked the United States commander what assistance would be provided in forcible entry of Montenegro, and was answered "none." The Montenegrins then fired on the Italians. A French general then reported at Cattaro on December 17 and assumed command.

Nothing further seems to have occurred in which the Americans were especially interested until January.

A struggle in Montenegro broke out between the pro-Serbian Government in power, supported by Serbian troops, and a rebel party which did not desire annexation to Serbia and which disliked the presence of the Serbian troops that were supporting the government in power.

The struggle came to a focus on January 6, just previous to which the insurgents made the following proposals to the French general in command, viz, that Montenegro be occupied by American, English, and Italian troops and that Serbian troops should leave Montenegro. Although the French general sent an answer within two hours, firing was commenced by the Serbians, resulting in 300 Serbian and 100 Montenegrin casualties. The French general ordered a French company to occupy Cettinje, the capital of Montenegro, on January 6. Although he had also ordered at least half an American company to Cettinje, he stopped the American company and machine-gun platoon and an Italian machine-gun platoon at Niegush, well southeast of Cettinje, on January 7. It was later stated that Americans and Italians were to hold line of communication and that only French and Serbian troops were to hold Cettinje. The insurrection was over, leaving the French and Serbians in occupation by January 10.

Maj. Scanland reported regarding this affair as follows:

"This revolution began by a large number of Montenegrins, who were very poorly organized, blockading Cettinje. Fighting began Monday, January 6, 1919. I visited the city that day and the next, passing through both lines on each occasion. * * * The allied troops in Montenegro under Gen. Venel's orders of January 11, 1919, were distributed as follows:

"Serbians to guard road, Bokovica to Dubovic.
"Americans, same to Cettinje.
"French, same to Rijeka.
"Besides there are Italians * * * and English * * *. Of the foreign troops, the Americans are most popular. Besides their known disinterestedness, they are credited by the Montenegrins of having averted much bloodshed and with three times having saved the valley of Njegusi from fighting and pillage. * * *
"The American troops have acted independently as far as possible. They have been at times embarrassed by Italians and Serbians. The former have tried to follow the Americans. The latter have control of the distribution of the American supplies under Government arrangement.
"On Monday, January 27, 1919, the American troops in Montenegro were withdrawn to Teodo, Dalmatia, on the Bocche di Cattaro."

There is nothing in the reports at the War Department which would indicate that the American troops were fired upon. An American officer who was sent on a mission to Montenegro after the above affair occurred reports that h , personally, was fired on, but the attendant circumstances render the incident unimportant.

Trusting that the above information may be of value to you, I am,
Very sincerely, yours,

HENRY JERVEY,
Major General, General Staff,
Assistant Chief of Staff, Director of Operations.

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Correspondence with the Secretary of War in regard to treatment of Company H, Three hundred and thirty-second Infantry.

WAR DEPARTMENT,
Washington, February 25, 1919.

Hon. ROSCOE C. MCCULLOCH,
House of Representatives.

DEAR SIR: On Wednesday, February 5, you read in the House of Representatives a letter from Mr. Homer E. Black, of Canton, Ohio, with regard to the treatment received by soldiers in Company H, Second Battalion, Three hundred and thirty-second Infantry, at Cattaro, Dalmatia, Austria. The principal charges were (1) that the soldiers were being fed on Italian rations and not receiving sufficient food; (2) that they had received no clothes of any kind; (3) that all the commissioned officers located at this point, with the exception of one lieutenant, are drinking to excess, are drunk practically all the time, and that their actions are so disgusting and disgraceful that the officers of the English, French, and Italian Armies look down upon them with disgust; (4) that our boys are fed upon horse meat, spaghetti, and macaroni.

Immediately upon the appearance of the CONGRESSIONAL RECORD containing your remarks, I directed Gen. Pershing to have a thorough investigation made with regard to the situation of the Three hundred and thirty-second Infantry. I have to-day received by cable the result of a preliminary investigation made by Brig. Gen. Charles G. Treat. It reads as follows:

"Preliminary investigation and records show no horse meat ever eaten or issued; no stealing of food. Clothing and shoes of some individuals badly worn at Cattaro unloading ammunition from Austrian captured ships and marching over mountains in Montenegro, but conditions remedied later on receipt of barrack bags unavoidably delayed in transit. No hardships suffered. No record or knowledge or reports of officers drinking to excess and none observed. No court-martial of officers. Two enlisted men tried by general court for fraud, and approximately only 50 summary court cases in entire history of regiment. This regiment has universally received praise from Allied officers, written and spoken. Payment was delayed one month during active offensive and two months at Cattaro, 700 miles distant, due to difficulty of transport; 17 days for last trip of paymaster; no hardships. Troops have subsisted on Italian rations with American additions as per agreement, and this has been supplemented whenever practicable by American supplies. Quantity sufficient, all components not always available, as often happens in active field service. All in excellent physical condition, robust, and much increased in weight and strength. Less than 15 to 1,000 sick, and practically no venereals. Men well clothed now and have complete new uniforms for each man on debarkation in United States. Am continuing investigation, interrogating every individual, and will submit full report later."

In addition to this investigation, another independent inquiry is being conducted by an inspector from the office of the Inspector General of the American Expeditionary Forces.

Since dictating the foregoing, I have received your letter of February 19. Specifically to answer your inquiry, I did express and do express my disbelief in the charges made in Mr. Black's letter. The preliminary report which I have quoted above is strong evidence in support of my statement. The subsequent reports received will be transmitted to you at once. In the meantime will you not assist the investigation which I have directed abroad by procuring for me, if you can, from Mr. Black or any other person who makes charges of this kind, the source of their information? The character of the officers of this regiment is at stake; their accusers, so far, are anonymous; it is my desire to have a complete disclosure of the facts in order that the innocent may be vindicated and the guilty disciplined. This, I feel sure, is your own view of the proper action to take, and I earnestly request your assistance in making it effective.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

—

FEBRUARY 27, 1919.

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

DEAR SIR: I write to acknowledge receipt of your letter dated February 25 in regard to the charges contained in the letter received by me some time ago from Homer E. Black, of Canton, Ohio, which letter was printed in the CONGRESSIONAL RECORD in connection with my remarks under date of February 5.

I have received about 50 letters from parents and friends of soldiers in regard to the charges contained in the letter referred to. The letters I have received confirm the charges, especially as they relate to insufficient food and clothing. There are also letters among these I have received bearing upon the other charges contained in the letter. I should refer immediately all of these letters to your department if it were not for the information I have received and the cases that have been cited before the committees of Congress and in speeches upon the floor in regard to the method of disciplining soldiers making complaints. I feel that the penalties that have been imposed after court-martial findings have been very severe and, if my information is correct, in a great many cases very unjust.

I should be very glad before I leave Washington to furnish a representative from your department or call at the department and submit a general résumé of all of the information I have received in support of these charges, and I will also be willing to furnish the names of those who might be called as witnesses if I can have the assurance that no action will be taken toward disciplining such persons just because they made complaint, which I think would be unjust, unless it were maliciously done.

I have no interest in this matter whatever except to do all that I can to see to it that conditions which are not right are remedied, and to the extent I can do so without jeopardizing the interests of persons who have given information I will be glad to cooperate.

Sincerely, yours,

ROSCOE C. MCCULLOCH.

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WAR DEPARTMENT,
Washington, March 1, 1919.

Hon. ROSCOE C. MCCULLOCH,
House of Representatives.

DEAR SIR: I have your letter of February 27.

The charges made with regard to the Three hundred and thirty-second Infantry, so far as they relate to insufficiency of food and clothing, seem to be adequately disposed of by the two inspection reports received by me and of which copies have been sent to you. They constitute, however, the least important elements of the charges set forth in the letter of Mr. Black. The one which it seems to me is of the gravest gravity is that assailing the character of the officers in the regiment and asserting that with the exception of one lieutenant they are all "drunk practically most of the time." This, of course, is a grave blemish upon the reputation of every officer in that regiment. If it is true, no disciplinary action which could be taken would be too severe; if it is false, those who made the charge ought to be punished for so reckless and cruel a wrong. Of course, neither this regiment nor any other regiment in the Army of the United States could be officered by so dissolute a group of men, and the exaggeration of the statement robs it of credibility. Still the matter remains grave, and I am anxious to have every means possible of investigating this charge and all other charges made against the regiment and the provision for its supply. If you will bring to me personally all the papers you have, I will go over them with you and dispatch such of them as should be sent abroad, in order that the writers may be called as witnesses; and I will, when I send the papers, direct that nobody be punished for writing a letter unless it be found that the accusation made by him is false, in which case, of course, they ought not to be protected against the consequences of their own wrongdoing.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

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WAR DEPARTMENT,
Washington, February 28, 1919.

Hon. ROSCOE C. MCCULLOCH,
House of Representatives.

DEAR SIR: I have this day received from Gen. Pershing a report made by Gen. Baer, of the Inspector General's Department, American Expeditionary Force, who was sent to Italy to investigate the allegations made with regard to the conditions in the Three hundred and thirty-second Infantry. This is, as you will observe, a partial report. I will transmit to you the full report as soon as the investigation is completed.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

—

(Copy of cablegram received at the War Department, Washington.)
FEBRUARY 28, 1919, 2.34 A. M.

From H. A. E. F.,
To The Adjutant General, Washington.
No. 2180, February 27. Confidential.
For the Chief of Staff.

Reference A. 2736 and P. 2163, following report just received from Gen. Baer, inspector sent from these headquarters to Italy: "Have not seen battalion at Cattaro. Have commenced inspection and investigation other two battalions. Soldiers well fed. Clothing better than most organizations we have seen in France. Third item (referring to forced theft of food) ludicrous. Meat excellent quality. Some salvaged clothing issued after drives, but has been turned in. New lot clothing received contains large proportion salvaged blouses and some trousers not fit for troops returning to America. Not issued to soldiers at present. Item relative officers untrue. Men paid to date here, and pay to entire battalion en route. Will complete thoroughly investigation." Will forward further report when received.

PERSHING.

Mr. TREADWAY. Mr. Chairman, the chairman of the Committee on Ways and Means is not present, and he asked me to represent him. It is understood that he would yield 20 minutes to me.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 20 minutes.

Mr. TREADWAY. Mr. Chairman, yesterday when I called the attention of the House to certain conditions at the Union Station having to do with public service and the manner in which the monopoly is exercised in respect to the supply of taxicabs, I also intended to refer to another District matter, but on account of lack of time was unable to do so.

I wish to call the attention of the committee to that other matter briefly at this time. Members realize that during the heated period of the year in the city of Washington there should be given to employees in the departments and throughout the city every possibility for outdoor exercise and recuperation. It is the only way I think that the physical condition of the men and women living here during this period of the year can be kept up so as to warrant their being able to carry out their appointed duties. We are fortunate in having here two

very attractive parks, Rock Creek Park and Potomac Park. Rock Creek Park is one of the most beautiful in so far as natural attraction is concerned that it has ever been my pleasure to visit. Less, perhaps, has been done there, except so far as the roadways are concerned, than in any other park with which I am at all familiar. It is this naturalness that appeals to people, and it is fine to see the use to which it is put, hundreds and hundreds of families these hot nights going out there and getting the benefit of the cool and refreshing air. Potomac Park is very different in its form, but is also a great attraction and great benefit to the public.

During the past two years there has been a tremendous development in the number of people interested in playing the game of golf. It is a game that appeals to all ages, and people getting a little beyond the meridian can secure recuperation and added health by indulgence in and enjoyment of that great game.

I have been very much surprised that here in our progressive Capital there has not been inaugurated any form of a municipal golf course. All large cities to-day have municipal courses. There are a great many people fond of the game who are unable to enjoy it because of the fact that membership in country clubs is expensive. They are, therefore, deprived of that opportunity and privilege. I am glad to know that at the farther end of Potomac Park there is under construction a public golf course, but it will probably be at least two years before that course will be available for public use. There is now a small section of the park, a very small field, set aside for so-called golf practice. It consists of three very poorly kept and short holes—nothing that would attract anyone actually from the viewpoint of playing golf. But there are hundreds of people anxious for the opportunity to indulge in the game, even to that limited extent. The field adjoining the one to which I refer has for some time been absolutely idle. Previous to the war it was known as the polo field; later on it was used for aeroplane landing places, before Bolling Field was constructed in Anacostia. All this summer, except for two pigeon coops, that tract has been practically unused. I have taken this subject up with the Superintendent of the Bureau of Public Parks and Grounds, Col. Ridley, but have not reached very satisfactory results with him. I am free to say that from my communications with the colonel I am disposed to think that he is not much of a golfer; otherwise he would take more interest in those who do enjoy the game using that tract to which I refer. The first objection raised by him was that the polo players were entitled to consideration. Quite likely they are, but there are probably one thousand golf players in the city of Washington to-day to one polo player.

Mr. BLANTON. Mr. Chairman, I think this Government is more interested in other business than in golf playing, and I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to respond to their names:

Anderson	Dooling	Hays	Mead
Andrews, Md.	Doremus	Hicks	Merritt
Anthony	Drane	Hill	Monahan, Wis.
Babka	Dunn	Huddleston	Mondell
Baer	Eagle	Hulings	Montague
Bankhead	Echols	Humphreys	Moon
Barbour	Ellsworth	Husted	Mooney
Begg	Emerson	Hutchinson	Moore, Pa.
Benson	Esch	James	Moore, Va.
Black	Evans, Mont.	Jefferis	Moores, Ind.
Blackmon	Evans, Nebr.	Johnson, Ky.	Morin
Bland, Ind.	Fields	Johnson, Miss.	Mott
Booher	Fitzgerald	Johnson, S. Dak.	Mudd
Bowers	Flood	Johnson, Wash.	Neely
Brinson	Focht	Jones, Tex.	Nelson, Wis.
Britten	Foster	Kahn	Newton, Minn.
Browne	Frear	Kelley, Mich.	Nicholls, S. C.
Brumbaugh	Freeman	Kendall	Oliver
Buchanan	French	Kennedy, Iowa.	Olney
Burdick	Fuller, Mass.	Kennedy, R. I.	Paige
Burke	Gallivan	Kettner	Parker
Burroughs	Gandy	Knutson	Porter
Butler	Ganly	Kreider	Pou
Candler	Garland	Lankford	Rainey, H. T.
Cantrill	Godwin, N. C.	Lea, Calif.	Rainey, J. W.
Carew	Goodall	Lee, Ga.	Randall, Calif.
Carter	Goodwin, Ark.	Lesher	Randall, Wis.
Chindblom	Goodykoontz	Linthicum	Reed, N. Y.
Christopherson	Gould	Longworth	Riddick
Clark, Fla.	Graham, Ill.	Luce	Riordan
Clark, Mo.	Graham, Pa.	Lufkin	Rogers
Classon	Griest	Luhring	Rouse
Cooper	Griffin	McClintic	Rowan
Costello	Hadley	McKenzie	Sabath
Crago	Hamill	McKinley	Sanders, Ind.
Cramton	Hamilton	Magee	Sanders, La.
Davey	Hardy, Colo.	Maher	Sanders, N. Y.
Dempsey	Harrison	Mann	Saunders, Va.
Denison	Haskell	Mansfield	Scully
Donovan	Haugen	Mason	Sells
Shreve	Stephens, Miss.	Vare	Webster
Siegel	Stephens, Ohio	Vestal	Wilson, Ill.
Sims	Stevenson	Voigt	Winslow
Sinclair	Stiness	Volstead	Wise
Sisson	Sullivan	Walsh	Woodyard
Small	Sumners, Tex.	Walters	Yates
Smith, Ill.	Taylor, Ark.	Ward	Young, N. Dak.
Smith, N. Y.	Taylor, Colo.	Wason	Zihlman
Snyder	Tilson	Watson, Pa.	
Steenerson	Towner	Webb	

The SPEAKER resumed the chair.

Mr. FESS (Chairman of the Committee of the Whole House). Mr. Speaker, the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 7705 and finding itself without a quorum, under the rule the Chair caused the roll to be called, whereupon 227 Members, a quorum, answered to their names, and I present herewith the list of absentees, to be recorded in the Journal.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

Mr. TREADWAY. Mr. Chairman, I was about to conclude the reference I was making at the time the question was raised that there was no quorum. I simply wish to add that it seems to me that the field to which I referred adjoining that used for the game of golf at the present time could be very readily adapted to the further enjoyment of that ancient game by a large number of working people of this city at the present time. I wish that the Superintendent of Public Buildings and Grounds might see fit to use that section in the way to which I have referred. It would entail very little expense and afford recreation to a large number of persons.

I wish now, Mr. Chairman, to turn the attention of the committee to an entirely different matter from that which I have been discussing. I received in the mail this morning—and I suppose every Member of the House did—the volume which I hold in my hand, entitled "The Report of the United States Housing Corporation." This is a volume of over 500 pages, printed on the very finest of paper, with no end of illustrations and cuts and plots and architects' plans and surveyors' designs and every conceivable sort of a proposed plan and existing plan that one might want to incorporate into any record going to make the account of a great effort for future generations to know what some people had done to aggrandize themselves. I was interested to see under what authority any such report as this could be submitted. I find that in the act incorporating the Housing Corporation—or establishing it, rather—one title is "The United States Housing Corporation," the other the "Bureau of Industrial Housing and Transportation," which I believe is the official title. As I say, I was interested to see how the authority could be secured to publish at public expense such a volume as this.

The only authority that I can find, and it is the one to which the president of the organization referred in his official report transmitted to the Secretary of Labor, is section 6 in public act No. 149, Sixty-fifth Congress. That is purely a reference to a report that the President of the United States is directed to make to Congress every year during the life of this organization. This in no way gives authority, in my opinion, to publish at public expense such a document as I hold in my hand.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. CAMPBELL of Kansas. Well, is not that scandalous expenditure of public money in keeping with the manner in which that corporation spent most of the money turned over to it?

Mr. TREADWAY. I think it is one of the most outrageous examples of extravagance that ever came to my attention, and it is simply an example of what this same corporation has done from the day on which our legislation gave it birth.

Mr. CALDWELL. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. CALDWELL. Will not the gentleman in searching his mind agree that his greatest objection is that the report refutes all the aspersions cast upon this organization?

Mr. TREADWAY. I do not think it refutes any aspersions cast upon this organization. I think it is an example of personal extravagance, nothing else, and personal aggrandizement. Is there anything in this act, Mr. Chairman, that authorized the employment of an editor by the Housing Corporation? For we find on the second page of this publication that it is submitted by Mr. Hubbard as editor of volume 2. An editor having to do with the report to be transmitted by the President of the United States to Congress! Think of it! Now, I have also gone to the extent of making an inquiry as to the probable expense, and I am informed that it would cost about $1 to bind that book alone.

I am informed that at the Government printing rate this volume will actually cost in the neighborhood of $10,000. Prob-

ably if you went out in the public market and asked for a contract to print it, it would be a great deal more. I think it is safe to say that such a publication as that can not be put out under $5 a volume.

Mr. CALDWELL. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. CALDWELL. Does not the gentleman know that accompanying that book is a letter stating that it is to be sold at $1.50——

Mr. TREADWAY. I know——

Mr. CALDWELL. And does not the gentleman know under the law we can not sell a book cheaper than it costs to produce it?

Mr. TREADWAY. I do. I am saying that if you went out in the public market and endeavored to secure its printing it would doubtless cost $5.

Mr. CALDWELL. I did not understand that.

Mr. TREADWAY. I think that is a correct statement. But be that as it may, Mr. Chairman, there is $10,000 that the Government wasted on that report. Now, it is but an example of the conduct of the Housing Board from the day it started, and I think it high time that we knew something of the details of that organization——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. GREEN of Iowa. Does not a mere examination of that book show that the Government can not possibly get it for $1.50? If they offer the book at $1.50, it is simply another example of violation of law.

Mr. TREADWAY. I should think that is a very proper statement. I am not enough of an employer of printer's ink to know exact values, but there is a whole page right here where I open the book showing a cut of the dining rooms of Washington residences of the housing buildings.

Mr. GREEN of Iowa. And all printed on the finest calendered paper?

Mr. TREADWAY. On the best of paper. I am not finding fault with that, because they make good paper up in my district. I do not know whether they sold any for this publication or not, but I should be glad if they had. But has any Member of this House any direct interest in having the page cut of the dining hall right below us here for public distribution? There are all through the volume the very selfsame sort of illustrations. I will not take the time of the House to call further attention to this particular volume, but I would like to close by saying that this has brought to mind what appears to me at least to be the need of a thorough investigation of the whole Housing Corporation. And, looking to that end, I have this afternoon introduced a resolution calling for the appointment of a committee to make such investigation. I hope that later on the House will act favorably on that resolution and that we will know whether the work of the Housing Corporation, in all its vast detail, has been carried on in exactly the same way as this volume has been printed at Government expense.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. TREADWAY. Certainly.

Mr. CAMPBELL of Kansas. A number of resolutions have already been introduced to investigate the manner in which the corporation has expended the public moneys that were turned over to them. The Committee on Rules started an inquiry on one of these resolutions. We learned that the Senate was pursuing a similar resolution, and therefore made some inquiry of the Senate committee that had the matter in charge, and were informed that that committee would make a thorough and complete investigation of the activities of this corporation. Therefore we suspended further action in our committee.

Mr. TREADWAY. I am very glad to hear the statement of the chairman of the Committee on Rules. I had heard rumor of the resolution to which the gentleman refers, and, in order not to duplicate investigations, previous to the introduction of the resolution I have put in the basket this afternoon I went to the document room, and the chief of that room showed me a resolution introduced into the Senate by Senator NEW, which is in no sense similar to the one I have just introduced. And he said that was all there was in the Senate records. The New resolution is simply to investigate the buildings here, whether they are completed or otherwise. There may be other resolutions, but that is the information I secured from the head clerk of the document room this afternoon.

Mr. CAMPBELL of Kansas. I think if the gentleman from Massachusetts will inquire of the Senator from Maine [Mr. FERNALD], he will find they are proceeding under a resolution that authorizes them to make a complete investigation.

Mr. TREADWAY. I trust that may be true.

Mr. CURRY of California. I wish to say, if the gentleman will yield, if he will inquire he will find that the Senate committee was appointed about two and one-half months ago and has not done anything since.

Mr. SEARS. If I remember correctly, the gentleman from Florida, my colleague [Mr. CLARK], tried to secure action in this House during the last session in order to make an investigation. I remember that he made a personal investigation. I understand the Committee on Public Buildings and Grounds by a unanimous report, led by your able chairman, Mr. LANGLEY, has reported out a bill or resolution, and that they will make a thorough and complete investigation.

Mr. TREADWAY. I will say to the gentleman from Florida [Mr. SEARS] that I saw the resolution presented by his colleague, providing that the investigation should be made by the Committee on Public Buildings and Grounds. I think that is the resolution to which the gentleman from Kansas [Mr. CAMPBELL] refers as having been before the Committee on Rules and on which there has not yet been action taken. The resolution which I presented is for a special committee rather than for a standing committee of the House to conduct the investigation.

Mr. SEARS. The gentleman is correct. My colleague tried for several days to have the Rules Committee report out a special rule in order that a thorough and complete investigation might be made.

Mr. TREADWAY. And irrespective of what the procedure may be, some investigation of this Housing Corporation should be promptly and efficiently made. That is all I am aiming to secure.

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. TREADWAY. Yes; I yield.

Mr. CAMPBELL of Kansas. In answer to the gentleman from Florida, if the gentleman from Massachusetts will permit me——

Mr. TREADWAY. Certainly.

Mr. CAMPBELL of Kansas. The reason the Committee on Rules suspended action upon the resolution was, as heretofore stated, that the Senate was pursuing a similar investigation, and we did not think it necessary to duplicate investigations into the same concern.

Mr. SEARS. Mr. Chairman, I have not the floor, but if my friend will permit——

Mr. TREADWAY. Certainly.

Mr. SEARS (continuing). I wanted to say that this has been neglected, and my colleague and personal friend, the gentleman from Florida [Mr. CLARK], made several speeches on the proposition here during the last session.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIOTT. Mr. Chairman——

Mr. TREADWAY. I will yield if I can get more time.

Mr. FORDNEY. I yield two minutes more to the gentleman in order that he may answer questions.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Indiana?

Mr. TREADWAY. I do.

Mr. ELLIOTT. I wish to state that a bill came before the Committee on Public Buildings and Grounds a short time ago to dissolve and abolish this corporation and turn the business of it over to the Capitol Building and Grounds Committee, and that bill has been reported unanimously by the committee and is now pending before this House. If the gentleman wishes to get some action on this matter, the sooner he takes it up the sooner he will get action.

Mr. TREADWAY. I am very glad to hear that.

Mr. KEARNS. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. KEARNS. I was just wondering whether or not there was a criminal statute under which men could be punished who divert public funds from the channel for which they are intended? Is there such a statute?

Mr. TREADWAY. Personally I am not capable of passing on the inquiry of the gentleman.

Mr. KEARNS. Why not?

Mr. TREADWAY. There should be if there is not now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. KITCHIN. Let me put in one for 20 minutes now. I thought the gentleman just wanted two minutes.

Mr. FORDNEY. I have one for 5 minutes and another for 10 minutes.

Mr. KITCHIN. Suppose you put in your five-minute man.

Mr. FORDNEY. The gentleman I wanted to yield to wanted 10 minutes. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. RAMSEYER].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the House, I desire to make a few observations in regard to the soldiers' insurance, and I want at the outset to assure Members of the House that I am doing that not in a critical mood or manner but in the hope that certain reforms may be brought about in the management of the War Risk Insurance Bureau.

Along the fore part of July I received a letter, as undoubtedly every Member of Congress did, from the War Risk Insurance Bureau requesting me to write an article urging the service men to retain their Government insurance. July 18 an advisory committee, headed by ex-Justice Charles E. Hughes, after an investigation of the bureau, made a report which disclosed that 75 per cent of the men had already dropped their insurance. This was indeed startling information to me, as at the time this insurance law was enacted it was termed "the most generous piece of legislation ever written on the statute books of a grateful nation."

I complied with the request of the bureau and prepared an article calling the attention of the service men to the benefits and rates of Government insurance. This article was sent to every newspaper in my district and was published by nearly all of them. Since that time I have heard from a number of the service men in regard to Government insurance. Judging from these letters and from other sources of information, I find:

First. No marked preference or enthusiasm for Government insurance over insurance in some private company.

Second. A lack of confidence in the present management of the War Risk Insurance Bureau. This is due chiefly to the trouble many men had in getting their allotments and allowances paid as they directed when they entered the Army and the unnecessary delays in paying death losses to the beneficiaries.

Third. Inability to get information from the bureau. Most of the letters I have received are not from men who have dropped their insurance and ask to be reinstated, for of that kind I have not received a single one, but the letters are from men who have written to the bureau for information, and a few of them repeatedly, how to convert their insurance, and who had received no reply from the bureau. For this there can be no explanation except either laziness or inefficiency on the part of the managers of the bureau. If any of these men had written a letter to a private insurance company for information concerning a policy he held in that company, or about one he expected to take out, he would have received an answer by return mail. And the chances are nine in ten that one of the company's agents would have called on him even before the company's letter reached him. If the Government wants to stay in the insurance business it must promptly take care first of all of its policyholders. If the bureau fails to give information to the men who want to retain their Government insurance and to make prompt settlement with the beneficiaries named in the policies, the Government might as well go out of business. If any private concern would do business the way the bureau does it would be in 90 days past all hope of restoring itself in the public confidence. To those who have watched closely the workings of the War Risk Insurance Bureau it is difficult to escape the conclusion that the men who are responsible for its management are undertaking deliberately to wreck the Government insurance business.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. AYRES. Does not the gentleman really think the Government ought to have an agency of some kind in every State of the Union?

Mr. RAMSEYER. It will have to do something or else go out of business.

Mr. AYRES. In order to have these men renew their policies?

Mr. RAMSEYER. I am not presenting any plan of organization, but something has to be done or a large part of the 25 per cent of the men who still hold on to their policies will also drop them.

Mr. AYRES. That is a fact with respect to the old-line insurance companies, that they have an agent in every community. The Government will have to resort to that in order to keep its business?

Mr. RAMSEYER. Yes; and the first thing the Government must learn is promptness in dispatch of its business. The one thing that appeals especially to those seeking life insurance is the promptness with which private life insurance companies settle their losses. If a policyholder of one of these companies dies, usually one of its agents is near to expedite settlement. In a week or 10 days the bereaved widow is paid the full value of the policy. That is good business. It is the best kind of advertising the company can get. Just as an illustration, last fall a Congressman's secretary, who had enlisted, died while on leave from one of the Army camps in this country. He had $5,000 insurance with a private insurance company and $10,000 with the Government, both in favor of his mother. Within 10 days after his death his mother was paid the $5,000 by the private company, but even though this young man's friends here in Washington did everything possible to expedite payment of the Government insurance, it was over six months before the mother received a dollar on her son's Government policy.

When I was diverted I was discussing the inability of service men to get information from the bureau. In this connection I am going to read you a few extracts from letters which I have received in response to the article which I had published in the District papers. The first is from a soldier who served with the American Expeditionary Forces. Among other things, he writes:

> I also read a letter of yours in the Albia Republican relative to soldier's insurance. Now, I let mine lapse or dropped it in July for no other reason than that I did not know just how to convert it into another form of insurance. I have written to the Bureau of War Risk Insurance, but they have failed to give me any reply.

The second letter is also from a man who had seen service with the American Expeditionary Forces in France. He writes:

> No doubt you have been bothered a great deal about the question of Army insurance, and also no doubt you are well posted on that subject. I have been trying for several months to get information from the Bureau of War Risk Insurance regarding the possibility of changing my insurance into some standard insurance policy, but as yet have been unable to get an answer from them.
>
> Can you not let me know what arrangements have been made for converting this insurance to a standard policy? I do not wish to continue any longer than necessary the monthly payments. It seems to be an impossibility to get any response from the Bureau of War Risk Insurance.

The third is from a man who wrote me concerning a claim that has been pending in the War Risk Insurance Bureau for over a year. He writes in behalf of another party, in part, as follows:

> If you can help to bring results in this matter, I assure you it will be appreciated by him and personally will consider it a great favor myself. I might add that the fact that there is so much dissatisfaction with the returns on this kind of insurance is in a great part responsible for the fact that the boys are dropping it generally. I have a boy who is still carrying $10,000, but am not altogether sure that it will be continued. Success to you these busy and strenuous times.

Now, so much for the failure on the part of soldiers, sailors, and marines to get any response out of the War Risk Insurance Bureau concerning matters in which they are vitally interested. I have numerous other letters along the same line, but I shall not take up the time of the House to read them to you.

These few extracts from letters I have received are samples of the kind of correspondence that has come to my office since the publication of the article to which I referred in the beginning of my remarks.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Certainly.

Mr. SNELL. I notice the statement that 75 per cent of the insurance business has been canceled. How many of the employees of that bureau have been dropped on account of the fact that 75 per cent of the business has been canceled?

Mr. RAMSEYER. My information is that they have a larger force now than they had during the war. [Laughter.]

Mr. SNELL. How many will you have to have when it is all gone? [Laughter.]

Mr. RAMSEYER. The question asked by the gentleman from New York, of course, answers itself.

The other point I desire to discuss is dissatisfaction with the rates.

I do not claim to have a technical understanding of the insurance business, and, of course, am not an expert on insurance rates. I am simply giving you the objections that came to me. I have had no kicks on the rates charged during the enlistment period, but the kicks are on the rates of converted policies—ordinary life, 20-payment life, 20-year endowment, and so forth. It is true the Government rates are lower than the rates of old-line companies, but the annual difference is not much. And you let an insurance agent get off his talk about participating and nonparticipating policies, annual dividends, net cost, continuous-income plan, commuted value, surrender value, and a lot of other stuff, the average fellow is not so sure that he has a great advantage in his Government insurance policy.

In this connection I am going to read you a letter from a returned soldier which strikes me as a very forceful and interesting presentation of the reasons why some service men drop their insurance. Undoubtedly the thoughts presented by this

writer are shared by many, not only of the 75 per cent who have dropped their insurance but also of the 25 per cent who are still holding on to their insurance:

I note in the papers an appeal written by you to the returned soldiers regarding the lapse of the Government insurance. I am a returned soldier and one of the small 25 per cent who are keeping up the premiums since leaving the Army. I believe I can give you an idea as to why some of the men are lapsing their policies, as I have talked with a considerable number on the question.

In the first place it is well known that when the men enlisted they believed the Government insurance to be regular insurance at less than half the regular rate, instead of simply a five-year term policy at about the same rate that any old-line company could supply it. Now, rightly or wrongly, this is what the men believed, and we are dealing with facts as they are and not as they should be. Then, after November 11, when the War Department started to talk converting the insurance to some standard policy at an increase of 150 per cent in the premium, it came as a decidedly unwelcome jolt.

A million men figured, "Well if they are going to sell us insurance in peace time at more than double the war rate, I'll just lay off," and they did. Now, I realize the flaw in the reasoning as well as anyone, and I realize the double value of standard policies over term insurance, but that does not affect what has actually happened in the minds of other men.

In the next place I believe (although, of course, I don't know the figures) that another million dropped out for a little different reason. They carried their insurance just as it was for a month or so after leaving the Army and planned on converting it within the five-year period. Then, one bright day they discover that instead of their insurance being such a bargain as they had supposed, that when they do convert it they will have to pay nearly the same premium as though it were to be purchased from an old-line company.

There is a little difference, a matter of a dollar a thousand, and Mr. Average Man finds he has been pinching himself to keep up a supposedly good thing only to find out that he hasn't got as much as he anticipated. He then thinks "Well, here I am, nearly busted, and the old bonus money gone to buy an outfit of clothes"—it takes considerable figuring to do that—"so I guess we will let the insurance lapse. Insurance is a good thing, all right, but I can buy it from any old-line company just about as cheap, and I would rather pay a little more later and not be so flat right now."

All argument to the contrary notwithstanding, the men feel they were promised very reasonable insurance by the Government and that the Government has some way or another doubled the ante on them, and they refuse to go further with it. If it is an object of the Government for the men to keep up their insurance, let it make a contract which will be good enough that the men will want to take advantage of it. We read a lot about cheap insurance for the soldiers, but just let a good old-line salesman talk figures and clauses to you. If the War Risk Bureau is going to keep on under the present plan, all right; but lets not talk of the wonderfully cheap soldier insurance and wonder why they drop such a gold mine.

I am still, and I want to remain, of the opinion that a Government policy is the best obtainable policy. But the bureau ought to let its policyholders know it. Whether the rates could be lower, I shall not venture an opinion on that. Only the physically fit got into the service. Except a comparatively small per cent who came out of the service injured or diseased, the men on the whole came out of the service in better physical condition than when they went in. They are the best risk in the world for any insurance company. This fact was undoubtedly considered by the bureau in fixing the rates for converting the insurance. If it was not, it should have been. One thing sure, the Government is making no profits out of this insurance and never will. The bureau should do business on a business basis, and give these men the service and prompt attention to which they are entitled and which they were promised, or Congress should abolish this bureau and create some Government institution that will. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HEFLIN].

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. HEFLIN. Mr. Chairman and gentlemen of the House, on last Friday I called attention to the fact that the blind Chaplain of this body, a Republican and a Union soldier, who had lost his eyesight in the War between the States, had been criticized by the Republican Speaker for praying for the league of nations. The league of nations has for its purpose the promotion of peace and the prevention of war. Let me read the prayer that aroused the wrath of the Speaker and that occasioned the censure of the blind old Chaplain's petition to God in behalf of peace in the world:

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer: "We bless Thee, our Father in Heaven, for the wise, the true, the noble men who have witnessed the terrible disasters which a world-wide war has left in its wake, who are striving to form a league of nations to prevent its recurrence in the future. Let those who object to a league of nations visit Arlington, our national cemeteries, and those in France where our American dead lie in abundance. Let them witness the wounded and maimed, with arms, legs, eyes, health gone; ponder these unsightly scenes before they lift their voices against those who would prevent such scenes."

[Applause.]

That, Mr. Chairman, is the appropriate and eloquent prayer that offended the Speaker of this House, who, like Senator LODGE, is opposed to a league of nations. I hold that the Chaplain of the American House of Representatives had a right to pray that prayer and that no Speaker, be he Democrat or Republican, had the right to reprove and humiliate him as the Speaker of this House did the old blind Chaplain a few days ago. The Chaplain's prayer was exactly in line with the teachings of Christ, who preached the doctrine of peace on earth and good will to men. It was in perfect harmony with God's desire revealed through the prophet Isaiah, when he said: "And they shall beat their swords into plowshares and their spears into pruning hooks, and nation shall not lift up sword against nation, neither shall they learn war any more." [Applause on the Democratic side.]

Let me read to you the preamble to the league of nations:

The high contracting parties, in order to promote international cooperation and to achieve international peace and security by acceptance of obligations not to resort to war; by the prescription of open, just, and honorable relations between nations; by the firm establishment of the understandings of international law as the actual rule of conduct among governments; and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, agree to this covenant of the league of nations.

Gentlemen, this is the preamble to the greatest international document ever fashioned by the brain of man or submitted to the children of men. [Applause on the Democratic side.] And yet the blind Chaplain of this House has been censured by the Speaker for praying for the success of this international effort to promote peace in the world. But, Mr. Chairman, there is consolation to the blind Chaplain in the fact that One more powerful than the Speaker of this House has said, "Blessed are the peacemakers, for they shall be called the children of God." [Applause on the Democratic side.]

I trust that I may escape censure for quoting scripture in this Chamber. [Laughter.]

The Chaplain, this faithful old servant of God, beloved by the membership of this body for his Christian life and for the powerful prayers that he has prayed through the long years of his service here, for the first time in his service of 24 years is censured and humiliated because his prayer to God does not conform to the league of nations attitude of the present Republican Speaker. He served the House as Chaplain for eight years while Mr. CANNON was Speaker, and not one time did UNCLE JOE ever try to dictate to the old man what the wording of his prayer should be. He was nominated in a Democratic caucus and elected Chaplain of a Democratic House for eight years while Mr. CLARK was Speaker, and never during that time did the Democratic Speaker even intimate to the old blind Chaplain that he desired that his petitions to Almighty God should conform to the Speaker's will. [Applause on the Democratic side.]

But we have a new and strange condition of things here now, gentlemen. Republican leaders who have advocated the league of nations for years, who have made the strongest pronouncements in its behalf that I am able to find anywhere, are to-day, when the thing is at our door for indorsement, trying to defeat the league of nations. They are holding up its ratification. They are undertaking to amend the text of the treaty; and if they do, it must be recommitted to Germany for her approval. Do these Republican leaders desire to give Germany an opportunity to refuse to sign the amended treaty?

Let me read you the headlines of a dispatch in the Washington Post from Berlin:

GERMANY SECRETLY ORGANIZES ARMY—SOCIALIST ORGAN WARNS THE GOVERNMENT—ENDANGERS TREATY.

BERLIN, *August 23.*

The German Army, as in the days of Napoleon, is being secretly organized.

I told you here on last Friday that an American chemist from the State of New Jersey has just finished a tour of Germany, and on his way back stopped in London and said:

Since October last Germany has made superhuman efforts to perfect her chemical processes. She has multiplied and increased her chemical factories.

Can it be that the delay in ratifying the peace treaty in the United States is encouraging Germany to believe that her plans and not the plans of the Allies will yet be successful? Germany is building up an army secretly and multiplying her chemical processes, and the Senate of the United States, under Republican rule, is holding up and may defeat the ratification of the league of nations.

Germany is fighting to defeat the league of nations, and men in the United States, leading Republicans who heretofore have favored a league of nations, and who advocated it before the young men in Massachusetts, are now opposing it. Senator LODGE in his speech at Union College in 1915, addressing young men—who must always bear the brunt of battle in time of war—told them that the only way to defeat war is to unite the nations into a mighty international tribunal. Now, this Republican leader has had a change of heart and is against the league of nations.

The Speaker of the House hails from the same State of Massachusetts—a great State and a large munition-making State—and I can not quite understand the present attitude of this distinguished Republican Speaker. In response to my charge that the Chaplain had been forbidden to pray in this body for the success of the forces fighting to prevent war and promote peace, the Speaker is quoted as saying, "I did speak to him about it, because I did not want any controversial matters injected into prayers."

Gentlemen talk about the liberty of the citizen and the freedom of the press. What we need now is an untrammeled Chaplain in the freedom of prayer. Never did I think that the day would come under the control of any party when the Speaker of this House would arrogate to himself the authority to fix the form of a Chaplain's prayer. [Applause.]

Mr. Chairman, I knew that the Speaker had the right, if a bill was not properly drawn, to rule it out, and I knew that if a resolution was not in proper form he had the right to rule it out; but I never knew before that a Republican Speaker of the House would rush in where angels fear to tread and undertake to prescribe the form of prayer to Almighty God. [Applause.] We still have free speech on the floor of this House, and I want to say that I regard the opposition to the league of nations in the United States as a fight against the peace-loving forces of the world. [Applause.] I regard it as an effort to take away from the father whose boy died in battle and who has other boys coming on, and from the mother who saw her boy go away never to come back—I regard it as an attempt to take out of their hearts the hope of peace on earth and good will to men. [Applause.]

The Speaker of the House [Mr. GILLETT], the distinguished Republican Speaker from Massachusetts, does not like to have the Chaplain pray for the success of the league of nations. Let me now show you what this Speaker of the House himself did in 1916 regarding international peace and order. We passed a bill in this House in which he is committed to the doctrine of a league of nations. Now, here is what it is, the naval bill of 1916.

This is the provision:

It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. It looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength.

In view of the premises, the President is authorized and requested to invite, at an appropriate time, not later than the close of the war in Europe, all the great Governments of the world to send representatives to a conference, which shall be charged with the duty of formulating a plan for a court of arbitration or other tribunal, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective governments for approval.

Gentlemen of the House, Speaker GILLETT voted for that provision. [Applause.] The Chaplain of this House has been praying in line with that vote of Speaker GILLETT's ever since 1916 [applause]; and the other day, after the President had done what the provision that Speaker GILLETT voted for requested him to do, and had returned with the covenant to submit to his Government for approval, and the thing was ready for accomplishment, and the Chaplain, happy over the outlook, prayed for its success, why, he is censured and humiliated for a prayer out of harmony with the changed attitude of the Speaker. [Applause on the Democratic side.] And he has not since mentioned the league of nations in his prayer.

Mr. KING. Hooray!

Mr. HEFLIN. Yes; you may say, "Hooray," and I remember when the gentleman [Mr. KING] objected to printing in the CONGRESSIONAL RECORD a simple resolution from the people of Georgia in the interest of world peace.

The CHAIRMAN. The gentleman must be in order.

Mr. KING. Will the gentleman yield?

Mr. HEFLIN. No; I have not time now.

Mr. KING. You do not dare yield.

Mr. HEFLIN. I recall that Mr. OVERSTREET asked permission to print a short resolution sent here by some people in Georgia asking for the adoption of the league of nations, and the gentleman objected to printing it in the RECORD. But I have not time now to discuss the gentleman's objection. I am operating on larger fish just at present. [Laughter.]

Mr. KING. The gentleman had better work on himself. He is a pretty good size fish.

Mr. HEFLIN. Let me read what the editor of the Philadelphia Record said on the subject:

The blind Chaplain of the House of Representatives prayed to the Creator that the league of nations might be established to perpetuate the peace of the world, and Speaker GILLETT, who comes from the same State as Senator LODGE, once the Puritan State, once the exponent of the New England conscience, rebuked him for introducing politics into his prayers.

The purpose of the league of nations is to prevent a recurrence of the great war by providing an organization ready to act instantly in restraining one nation from attacking another. Does anyone wish to see the great war repeated? Can anyone contemplate calmly another outbreak of slaughter with 7,000,000 deaths and 20,000,000 or 30,000,000 casualties of every sort, and with a war area devastated like Belgium and a considerable part of France and all of Serbia and Poland?

What do you think of that?

What shall a Chaplain pray for if not for the reign of peace? And Senator LODGE and Theodore Roosevelt have told us—the latter in two or three of his books, and running over the period from 1910 to 1916—that the only way of insuring the world's peace is by a combination of nations to prevent one nation from attacking another. If that is politics, who made it such? Who are the champions of the devil in opposing peace and insisting that the way shall be kept open always for war?

If a Chaplain may not pray for the establishment of the league of nations to compel the peaceful settlement of controversies between nations, then the offering of prayers in Congress is a mockery and a profanation.

[Applause on the Democratic side.]

Newspapers all over the country are criticizing, and properly criticizing, the Speaker for his unjustified and unwarranted reproval of the Chaplain of this House.

It seems that certain Republican leaders would like to change the scriptural quotation from "Blessed are the peacemakers, for they shall be called the children of God," to "Blessed are the munition makers, for we shall inherit abundant campaign funds from them in the year 1920." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. KITCHIN. Mr. Chairman, I yield to the gentleman from Alabama five minutes more.

Mr. HEFLIN. Now, gentlemen, I want to read to you the exact language of Senator LODGE:

There is no escape from the proposition that the peace of the world can only be maintained as the peace of a single nation is maintained—by the force which the united nations are willing to put behind the peace and order of the world. Nations must unite as men unite in order to preserve peace and order. The great nations must be so united as to be able to say to any single country, "You must not go to war," and they can only say that effectively when the country desiring war knows that the force which the united nations place behind peace is irresistible. No one is more conscious than I of the enormous difficulties which beset such a solution of such a scheme, but I am certain that it is in this direction alone that we can find hope of the maintenance of the world's peace and the avoidance of needless wars.

[Applause on the Democratic side.]

Can you reconcile that position of Senator LODGE with his position of to-day?

Modern war is terrible. Something must be done to prevent war in the future. The war just ended was the most horrible war of the ages, and it was for a great international effort to prevent the recurrence of another such war that the blind Chaplain was praying in the American House of Representatives.

Mr. Chairman, the question that confronts us is not what we as a nation would like to do, but the question is what is the wisest and best thing to do and what is necessary to do. We know that we had nothing to do in bringing on the war just ended, and when it began we did all in our power to keep out of it; but we were drawn into it by a power that thought itself big enough and strong enough to conquer the world. So we had to fight to help put down this war monster of the Old World or be consumed by it. We have learned through bitter experience, at a cost of twenty-odd billions of dollars and the thousands of wounded and dead American soldiers, that one country on the other side of the ocean, left unwatched and unrestrained to arm and equip itself for war, can, as Germany did, endanger the liberty and civilization of the world. If the league of nations is established, Germany will not, she can not, again become a dangerous outlaw nation, disturbing and destroying the peace of the world. We were forced to go into the war to save free government the world over. Now, is it not the part of wisdom for us to join with the other peace-loving nations and use our power and influence to prevent another such war. We had no opportunity to aid other nations who felt as we do about war in preventing the war just ended, and when it came it drew us into it over our protest and against our will; but now we have the opportunity to unite our forces in an effort to promote peace and prevent war. I had rather America would be in position to use her influence in preventing war rather than to have her without power or influence to prevent a war that is bound to break out in the Old World unless the civilized forces of the world unite to prevent it. She had better use her influence and power in time of peace to prevent war rather than to permit an outlaw nation to do the thing that will force her into such a war as the one just ended.

It seems to me to be the part of wisdom for us to create an international force for the purpose of preventing war rather than to permit warlike nations to arm and equip themselves and begin a war that will force us to fight. The first plan promises peace, and we believe will prevent war, while the other plan leaves us at the mercy of the old system that has produced all the wars of the past and will produce more wars in the future. On the side of the old system is darkness. On the side of the new system is light. On the side of the old system is crime and misery and death, and on the side of the new system is justice, peace, and life. If the old system is to remain to curse us and our children, write across its front of black despair the words, "War, certain war." But if the new system, with its possibilities of law and order, its promise of peace, is to be established, write upon the arch that spans its blessed highway the encouraging words, "The hope of the peace of the world." Let no man or nation be deceived. Every man and every nation that favors war is against the league of nations.

Every German agent and every citizen in our country who was in sympathy with Germany in her war against the United States is opposing the league of nations. Newspapers friendly to Germany during the war, and which were denied the use of the United States mails because of the treasonable articles that they contained, are now abusing President Wilson and opposing the league of nations. Germany is doing all in her power to defeat the league of nations. She signed the peace treaty under protest. She wants to be left free to arm and equip herself for another war. If the league of nations is defeated, Germany will become an armed camp within 10 years from now. She intends to take, and she will take, Russia, Austria, and Turkey, and with Germany weld them into the mightiest military despotism that ever cursed the world. When the end of the awful war came last fall and the curtain went down on the battle fields of France the munition and gun makers of the United States were selling billions of dollars' worth of their products to our Government and to our Allies. All of this tremendous traffic in war implements stopped suddenly and the men who had been doing such a flourishing business for months were not willing to have the lucrative traffic in war implements to stop, and they said the league of nations proposes to settle disputes by arbitration, to bring about reduction in war equipment, and to prevent war, therefore the league of nations will interfere with our business, and we will quietly oppose its ratification.

They are aiding the propaganda against the league of nations financially and otherwise, and it may appear as a strange coincidence, but the Republican leaders who are bitterly opposing the league of nations come from the big gun and munition-making States of Pennsylvania, New Jersey, Connecticut, and Massachusetts. The munition and gun makers know that if the league of nations is defeated war will be, as always heretofore, the only arbiter for the settlement of international disputes, and that every country on the globe will begin at once to arm and equip itself for existence on a war basis, and then in the absence of a league of nations the gun and munition makers of Pennsylvania, New Jersey, Connecticut, and Massachusetts will in the next 10 years sell billions of dollars' worth of war implements to the nations of the earth and then another war will come and our boys will have to go out and meet in battle the very weapons that we ourselves have made and sold. The league of nations has come to say to the nations of the earth as the blessed Christ said to Peter, "Put up thy sword." But this plan for world peace interferes with the sale of war implements, and our munition and gun makers are against it. They are backing Republican leaders who oppose it. Ex-President Taft is right in his position that certain Republican leaders are opposing the league of nations purely on political grounds; that they are against it simply and solely because it happens to be submitted by a Democratic President. If there ever was a measure that should have the whole-hearted support of all men in all parties, it is the league of nations. It sounds the death knell of rule by force. It is the league of nations and peace, or militarism and war. Choose you this day which one you will support. Let us, Democrats and Republicans alike, put aside our party differences and dedicate ourselves to the cause of right, justice, and peace. Democratic boys and Republican boys fought side by side in putting down a war monster that threatened the overthrow of their country and the destruction of free government the world over. They succeeded in putting down that destructive monster; now let us, Democrats and Republicans, rise to the full measure of duty as American patriots and see to it that these boys are not deprived of the fruits of their victory. [Applause.]

The man who places the desire to accumulate money above the desire for the safety of his country and the protection of the lives of American boys is against the league of nations. These Republican leaders who are now opposing the league of nations voted for a proposition in the naval appropriation bill in 1916 which committed them, every one of them, to the principles of arbitration, reduction in armament, and the establishment of an international tribunal for the prevention of war. The President has done just what the provision in the naval bill, for which they voted, requested him to do. He has submitted to the Senate the league of nations plan which carries out the purpose of the naval bill provision approved by both branches of Congress in 1916. Is not this change in the attitude of Republican leaders enough to cause the intelligent and peace-loving people of America to look with deep concern and with some degree of suspicion upon gentlemen who have solemnly declared in favor of an international tribunal to prevent war? The man or the party that will play politics with this momentous question deserves the condemnation of all right-thinking people. There are two or three disgruntled and discredited Democrats in official positions who have deserved and received the contempt and scorn of their constituents because of their Pottsdam-tainted opposition to the league of nations. They did not have during the war between the United States and Germany the confidence of the President of the United States. The position of these men, as well as that of Republican leaders who are opposing the league of nations, is entirely in harmony with Germany's efforts and desires. Every day's delay in ratifying the peace treaty encourages the German agents in the United States to believe that their propaganda is bearing fruit and that there is hope of defeating the league of nations. Believing this, they continue their disquieting and disturbing activities in every way possible to produce dissatisfaction and disorder among our people. Our trade relations with the Old World are disturbed. Our customers do not know what to do. They do not know what we are going to do. They do not know whether they have got to go forward with military preparation for another war or whether the civilized nations are going to join together to prevent war. They are in a state of unrest and uncertainty. They know not what to do. Just as soon as the millions of people in Europe find that the United States, the greatest Government in the world, has decided against international outlaw and murder they will settle down and go to work. [Applause.]

Nothing else will give that assurance. Our country and all the peace-loving countries of the world demand that this thing be settled and settled now in favor of peace and order. They all claim that no political party and no nation has the right to play politics with the lives of human beings or gamble on the peace of the world. [Applause.]

If the food destroyed by the German submarines could be had now there would be no food famine and starvation in the Old World. What is responsible for the unrest and distracted condition that we see on every hand in the Old World? There is but one answer, war. What was it that took millions of men out of the fields of production and upset the peaceful processes through which the human race was fed and clothed? There is but one answer, war. What was it that took millions of men out of farms and factories and drove them to manufacturing munitions and implements with which to kill? There is but one answer, war. If the war just ended has produced the woe and misery that now afflicts the world what is the first duty of the civilized nations in this aftermath of that terrible struggle? It is to unite their forces in creating a tribunal to prevent the recurrence of another such war. Germany is sore and sullen. She has never repented of her wrongs and crimes.

Von Loringhoven, of the German general staff, has just written a book, in which he says that Germany must be able to keep on the offensive in the next war—next war, mark you. German officers, on leaving Strassburg, said to the French inhabitants: "We will be back in five years."

German officers are quoted as saying when the armistice was signed: "We did not succeed this time, but we will next time."

Is the peace and the safety of the world to be left again to the intrigue and war mania of Germany? The thought of such a monstrous thing was enough to cause the blind Chaplain to invoke the aid of the God of Justice and Mercy in establishing a league of nations to prevent such a thing.

Mr. Chairman, the nations that banded together to prevent the destruction of civilization and liberty, turning away from the miserable slaughterhouse of war, have expressed in the peace treaty just submitted their desire and determination to establish an international tribunal to oppose and, if possible, to prevent war. They realize that the civilized nations must now unite their forces for the maintenance of law and order or permit the old order to remain with no restraining or controlling power anywhere. Such a course would be the surrender of civilization to the brute force and barbarities of the Dark Ages.

The league of nations has come to establish peace, founded upon the principles of common right and justice. It comes to condemn and cast down war as the arbiter of disputes between

nations and to set up in its stead an arbitration board, which has for its purpose the enforcement of the laws of justice, the promotion of peace, and the prevention of war.

The league of nations is a covenant by its members to keep the peace, and it confers power to be used, if necessary, to prevent outlaw nations from disturbing and destroying the peace and happiness of the rest of the world. It is the ark of the covenant of nations lodged upon the Ararat of universal peace. [Applause.]

Can anyone blame the blind Chaplain, who personally knows the horrors of war, for praying for the success of the forces that are striving to promote peace in the world?

Mr. Chairman, let us highly resolve that the sacrifices which our country has made for liberty and progress shall not have been made in vain. Let us say, "Lead on, America; the path of your destiny beckons you on." The failure of America to ratify the league defeats the whole plan. Defeat the league and you tear out of the heart the hope of peace. You throw across the vision of the future the black mantle of despair. You substitute the word "war" for "peace" among the nations. The world is praying for deliverance from the bondage of war. The nations are crying out as did St. Paul, "Who will deliver me from the body of this death?" And here stands the party of Lincoln and McKinley, misrepresented by its shortsighted bosses, standing in the way of permanent peace. The only plan submitted for peace among the nations is bitterly opposed by the leaders of the Republican Party. Go read the Clemenceau indictment against Germany and you can see factories in ruins, homes and churches burning, struggling, drowning women and children mocked by submarine captains. You can hear the groans of soldiers gassed as they roll in the death struggle gasping for breath. You can hear the pitiful shrieks of ravished women. You can hear the low moans and murmurs of vanquished millions as the sons of France, Belgium, and Britain go to death in battle with the murderous Hun. Then hear the heroic Tiger of France as he says:

> The allied powers will be false to those who have given their lives, their all, to save the freedom of the world if they consent to treat war on any other basis than as a crime against humanity.

[Applause.]

All of these things moved the blind Chaplain to call upon God to prevent shortsighted and selfish mortals in official station from going against and casting down the highest and best interest of human beings made in God's own image.

Fathers and mothers and ministers of the Gospel everywhere, like the blind old Chaplain, are praying God's blessings upon the league of nations.

Mr. AYRES. Mr. Chairman, will the gentleman state the date of the Chaplain's prayer for the success of the league of nations?

Mr. HEFLIN. June the 12th, 1919; but I did not learn what happened regarding it until a few days ago. I regret that some gentlemen on the Republican side laugh when we condemn the censure of the blind Chaplain's prayer. Can it be that he must stand each morning now and pray, wondering all the while if the man sitting behind him is pleased with his prayer, and is he refraining from saying things that his heart yearns to say? Mr. Chairman, whether he be a Democrat or a Republican Speaker, in the name of all the sacred traditions of this House and in the name of the free people of America, I repudiate the attempt to guide the mind and control the conscience of and stifle free speech in the blind Chaplain's prayer to God the Omnipotent. [Applause on the Democratic side.]

Mr. FORDNEY. Mr. Chairman, I yield six minutes to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Chairman, I am sure that the Almighty must feel very much encouraged, indeed gratified, by the eloquent address to which He must have listened with close attention, just delivered by the gentleman from Alabama [Mr. HEFLIN]. I fear that if it had not been for the remarks of our distinguished friend, the Almighty might not be able possibly to hear the petitions of His humble suppliants on this lowly globe.

However, I feel too modest to follow the gentleman upon the flight that he has just taken and I want to get back to earth. I want to get back into the House of Representatives, and for that purpose I desire to comment briefly upon a few things which appeared in the RECORD of the other day. In the RECORD of August 21, 1919, on page 4132, at the bottom of the left-hand column, the distinguished gentleman from Pennsylvania [Mr. DEWALT], in the tungsten-bill debate, is quoted as saying:

> The great trouble in this proposition, at this time, seems to be that the gentlemen on the other side of the aisle are more concerned in the welfare of a particular State and the mines of that State producing tungsten than they are concerned in the prosperity of the entire Union.

The actual language of the gentleman on the floor, as appears by the transcript of the Reporter's notes, is as follows—and there is very little change, but I want to call attention to it:

> The great trouble in this proposition, at this time, seems to be that the gentlemen on the other side of the aisle are more concerned in the welfare of Colorado and the mines in Colorado producing tungsten than they are concerned in the prosperity of the entire Union.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Certainly.

Mr. DEWALT. I admit that the correction was made, but, in justice to myself, I think the gentleman will permit me to say that certain gentlemen who were deeply interested in the State of Colorado desired me to make the change, and out of politeness and consideration for their feelings I did make the change.

Mr. VAILE. In behalf of my distinguished colleague from Colorado [Mr. TAYLOR] I thank the gentleman for his consideration of the members of our delegation. I am not contending for a moment that the gentleman's revision was in the least unfair. I think it was much less of a revision than most members would have made. In fact, in a few years I think the gentleman will wish that he had revised his entire speech out of the RECORD. When the laboring people in the district that he represents ask the gentleman why he left it to a Republican majority of this House to protect an industry upon which the industry of Pennsylvania depends, he will wish that he had run a blue pencil through the whole speech before it went to the printer.

I wish to proceed further. The RECORD quotes the gentleman further as saying:

> Is the reason for that concern this, that in 1920 that particular State will be a pivotal State, and they are now electioneering for the vote of that Commonwealth?

What he actually said, according to the Official Reporter, is:

> Is the reason for that concern this, that in 1920 Colorado will be a pivotal State, and that they are now electioneering for the vote of Colorado?

Proceeding further, the gentleman is quoted in the RECORD as follows:

> I come from a district where there are at least 230,000 people working in the steel mills, the cement mills, and in the factories producing the other products which go into the prosperity of this country, and gentlemen on that side of the aisle propose now to legislate for a pocket-borough State, having a population less than one-fifth of that of Pennsylvania, and to protect an industry that is employing only 5,000 men.

The last words as recorded in the notes of the Official Reporter are as follows:

> Gentlemen on that side of the aisle propose now to legislate for a pocket borough called Colorado, to protect an industry that is employing 5,000 men.

I want to discuss for just a moment what a pocket borough is. In the first place, it occurs to me that the objection of my distinguished friend is not really that Colorado is a pocket borough—whatever that may mean—but that this particular Commonwealth, which six years ago was entirely in the pocket of the Democratic Party, which four years ago and three years ago was five-sixths in the pocket of the Democratic Party, is now three-fourths out of that pocket and getting rapidly all the way out. [Applause on the Republican side.] The objection is that it is not still in the rapidly emptying pocket of the Democratic Party. But what is a pocket borough?

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAILE. May I ask two minutes more?

Mr. FORDNEY. I will yield the gentleman two additional minutes.

Mr. VAILE. Is a pocket borough a State where people have no political independence, no disposition to exercise their own thoughts and judgment? Colorado is not in that class. I can say it has not always been Republican, but I would say for the information of the gentleman that since the Fifty-second Congress there has been only one solid delegation to both Houses, and that was in the Sixty-third. In that year, the candidates being all good men, there was not the usual careful scrutiny which governs the selection of political candidates in Colorado, and six Democrats were elected, as I said a moment ago. Since Colorado was admitted to the Union in 1876 it has been represented by nine Republican and by five Democratic Senators, and by 12 Republican and 11 Democratic Representatives. If the gentleman wants to talk about a pocket borough, I could compare Colorado with a dozen States on the other side of the aisle, and I would even submit to a comparison with the gentleman's own district, which has been most ably represented by himself in this and the two preceding Congresses, and by a Democrat in the five last preceding Congresses, and if he thinks that a State where women have voted for 25 years does not exercise independent judgment I can assure the gentleman that in Pennsylvania, where they soon will vote, he will have an opportunity to revise his opinion on that subject. If you want really to select a pocket borough, I do not mention

any particular district, but I would suggest that a district which can furnish a man as a Democratic Representative who can introduce in this House a higher tariff bill than we ever conceived of, who still can come here as a Democrat and be elected term after term, possibly more aptly fulfills that description. [Applause on the Republican side.] I yield back the remainder of my time.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. After spending the entire day upon the pearl-button bill I would like to ask if we have not exhausted debate on that subject?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman and gentlemen of the committee, so much has been said on the subject of the high cost of living that there is perhaps little new to offer as cause or cure.

To the average man the fact of the dollar being worth a trifle less than 50 cents is all sufficient. Inflation of the currency is too technical a subject for understanding by ordinary folks, though many of you Members who are lawyers and bankers and brokers have cultivated the habit of discussing billions with the same ease, grace, and celerity that we everyday folks of ordinary ability and small means speak of buying a suit of clothes for twenty-seven fifty. I look upon the present conditions as a natural sequence following the great crisis through which we have just passed. Raising, training, and equipping an army of 4,000,000 men in 19 months, and helping to transport more than half of them 3,000 miles overseas, was a gigantic undertaking. With every industrial enterprise in the country turning over a part or the whole of its force to the Government, most drastic demands made upon our farmers for increased production, a higher rate of wages paid than we ever dreamed of—surely after such a period of great tension there was certain to be a reaction.

The war is over, but we have not yet paid the bill. Let us fully realize that, for in the excitement of the hour we seem to have forgotten it.

High wages are here to stay; they are not just on a visit. The Republican side of the House desires to perpetuate the principles of high protective tariff, which will help tremendously in enabling American working men and women to live a little better each year and give their children every possible educational opportunity. A protective tariff and high wages go hand in hand.

The distinguished gentleman from North Carolina [Mr. KITCHIN] scoffs and raves against protective tariff, picturing it as a chasm of iniquity, leading us to believe that the country is on the edge of a precipice, about to fall into primeval chaos, where stars have ceased to shine. But if you say to him, "Mr. KITCHIN, is this really so?" he will answer, "Oh, no; this is not a fact; it is merely a prediction." During the last campaign many anxious and troubled Democratic candidates for Congress, after telling their audiences that tariff was old-fashioned and obsolete, occupied the next hour of their time in endeavoring to explain that point 3—one of the famous 14—"the removal of economic barriers," was not free trade. Harsh criticism of labor unions and organized labor in general is a favorite indoor sport on the Democratic side of the House. Like high wages, organized labor—and they are almost synonymous terms—is here to stay. And it represents in its membership the very backbone of the Nation.

The district which it is my privilege to represent is largely composed of industrial communities; the great General Electric works and the American Locomotive Co. are located there in the city of Schenectady. Organized labor is perhaps stronger there than in any district of its size in the country, and at all times they have been eminently fair. Their membership is the membership of our churches and our fraternal societies—they are our neighbors, and we feel secure in the fact that they will never use unfair means in obtaining their just rights. During three great strikes since 1912, when 23,000 employees walked out, no extra city police were needed, the labor organizations requesting the mayor and commissioner of public safety to swear in 100 of their own members to serve during the strike, which was conducted with no disturbance whatever. These conditions are not the exception; I believe that they are the rule all over the country. High wages and shorter hours mean lessened production and that results in high prices. Give wage earners an interest in the profits, as many concerns are doing, and you will find production speeding up all over the land. I desire at this time to quote from one of our leading magazines to show that while many bills were presented in the Sixty-fourth Congress bearing on the high cost of living, they were buried in committee:

You remember Congress opened with an excited determination to reduce the high cost of living. None of the dozen or more bills to reduce the cost of living have even peeked out of committee rooms, and it is now near the close of the session. Not that any of these bills would have had a great or lasting effect on the cost of living but they did, whether accidentally or not, register the protests that are heard in every part of the country against the continual struggle to meet the expenses of normal appetites and ambitions.

It is difficult to say which Congressman had the best scheme to get the cost of living down within reaching distance. Fitzgerald, of New York, introduced two bills—one advocating the use of the parcel post to send food products to any part of the United States at a low rate of postage; the other for an embargo on farm products, fish, game, and manufactured foodstuffs.

Farr, of Pennsylvania, wanted Congress to give the President power to issue an embargo upon wheat and flour. SABATH, of Illinois, wanted an immediate investigation by the Attorney General to determine the "unreasonable advances" in the prices of foodstuffs, fabrics, paper, and fuel. Borland, of Missouri, wanted the Federal Trade Commission to investigate the "basic facts" relating to the whole works, including production, marketing, and distribution of food supplies. CAMPBELL, of Kansas, was concerned about the high cost of boots and shoes and manufactured leather goods; his idea was to make it unlawful to export any such goods from the United States "for a period of one year." Lindbergh, of Minnesota, was against embargo bills, "as the burden of an embargo would fall most heavily on the farmer." His proposition was to appoint a joint committee of Congress "to investigate the effect upon our resources, supply, and prices, caused by the system of international commerce now practiced."

EMERSON, of Ohio, wanted the Secretary of Agriculture to report "on the advisability to place an embargo on wheat, and so forth." McLEMORE, of Texas, wanted "to forbid the transportation in interstate commerce of food products (except meats and fruits) that have been kept in cold storage more than 90 days." Senator James Hamilton Lewis, in an interview, advocated the seizure of surplus foodstuffs held for speculation. There were many other suggestions, bills, and other schemes.

One man only in this large conclave of thinkers met the issue with a clear, convincing solution. Mr. CHAMP CLARK, when asked by a representative of the press how the people could meet the problem of the high cost of living, replied, "Eat mush," adding that "Everyone who can should keep some hens." If anybody has doubted that CHAMP CLARK is presidential size that doubt must now be dispelled.

For President in 1920: CHAMP CLARK. Democratic platform—mush.

The condition has not entirely changed since then. There is still, two years after, just as great a dearth of acceptable candidates whom you can nominate for the Presidency of the United States. Where will you find him? Who will be the Moses to lead you Democrats once more into the Promised Land, where for six years you have feasted on milk and honey? You will have difficulty in finding him because in every part of this country, gentlemen, the popular indoor sport in 1919 will be the declination of Democratic nominations. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. SCOTT, by unanimous consent, was granted leave of absence for one week on account of official business.

LEAVE TO ADDRESS THE HOUSE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. COLLIER] be permitted to address the House on Thursday morning for 30 minutes after the reading of the Journal.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from Mississippi [Mr. COLLIER] be permitted to address the House for 30 minutes on Thursday morning immediately after the reading of the Journal and conclusion of business on the Speaker's table. Is there objection?

Mr. GREEN of Iowa. Mr. Speaker, reserving the right to object, will not the gentleman couple with his request that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Thursday?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to ask the subject on which the gentleman wishes to address the House?

Mr. KITCHIN. It will be about like the subjects of this afternoon. I ask it because Mr. COLLIER yielded this afternoon. And I couple with that, Mr. Speaker, that when the House adjourns Wednesday it adjourn to meet at 11 o'clock a. m. on the following Thursday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BEGG. Reserving the right to object, I would like to know the necessity of coming here at 11 o'clock unless it is so that the gentleman from Texas [Mr. BLANTON] may make a point of order.

The SPEAKER. The gentleman is too late. The consent has been given.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE OF COMMONS OF CANADA.

The SPEAKER. The Chair asks permission of the House to lay before it a letter which has been received by aeroplane mail from the Speaker of the House of Commons of Canada, and which the Clerk will read.

The Clerk read as follows:

HOUSE OF COMMONS, CANADA,
Ottawa, August 23, 1919.

To the SPEAKER HOUSE OF REPRESENTATIVES,
Washington, D. C., United States.

MR. SPEAKER: I gladly avail myself of the privilege afforded through the courtesy of the Aero Club of Canada to send you greetings and assurances of good will.

Canadians rejoice in the happy circumstances that for more than a century their relations with their great neighbor have been peaceful and on the whole cordial and friendly; relations which have become more cordial and friendly as methods of intercommunication have improved and we have learned to know each other better.

Therefore this first "international aerial mail service," which no doubt is the forerunner of a continuous service, can not fail to still further cement the friendly ties which bind Canada and the United States.

With every good wish and assurance of highest esteem, believe me,
Faithfully, yours,

EDGAR N. MOORE,
The Speaker House of Commons, Canada.

The reading of the letter was greeted with applause.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until Wednesday, August 27, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 425) to establish the Zion National Park, in the State of Utah, reported the same without amendment, accompanied by a report (No. 262), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 1124) to authorize entry of the public lands by school districts for schoolhouse sites and grounds, reported the same with amendment, accompanied by a report (No. 265), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 428) for the relief of Thomas Sevy, reported the same without amendment, accompanied by a report (No. 263), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5213) for the relief of occupants and claimants of unsurveyed public lands in township 8 north of range 2 west of Salt Lake meridian, Utah, reported the same with amendment, accompanied by a report (No. 264), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7822) granting an increase of pension to William B. Haslett, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 8720) authorizing the Secretary of War to donate to Brookline, nineteenth ward, Pittsburgh, Allegheny County, Pa., one German cannon or fieldpiece, to be erected at the community flagpole at intersection of Chelton and Queensboro Avenues on Brookline Boulevard; to the Committee on Military Affairs.

Also, a bill (H. R. 8721) authorizing the Secretary of War to donate to the borough of Homestead, Allegheny County, Pa., one German cannon or fieldpiece, to be erected in Frick Park; to the Committee on Military Affairs.

Also, a bill (H. R. 8722) authorizing the Secretary of War to donate to the twentieth ward, Pittsburgh, Pa., one German cannon or fieldpiece, to be erected on the triangle piece of ground on Sherwood Avenue, next to honor roll; to the Committee on Military Affairs.

Also, a bill (H. R. 8723) authorizing the Secretary of War to donate to the borough of Bridgeville, Allegheny County, Pa., one German cannon or fieldpiece, to be erected on public-school grounds; to the Committee on Military Affairs.

Also, a bill (H. R. 8724) authorizing the Secretary of War to donate to the borough of Rosslyn Farms, Allegheny County, Pa., one German cannon or fieldpiece, for erection in public park; to the Committee on Military Affairs.

Also, a bill (H. R. 8725) authorizing the Secretary of War to donate to Coal Valley, Jefferson Township, Allegheny County, Pa., one German cannon or fieldpiece, to be erected next to the honor roll; to the Committee on Military Affairs.

Also, a bill (H. R. 8726) authorizing the Secretary of War to donate to the borough of Mount Oliver, Allegheny County, Pa., one German cannon or fieldpiece, for erection beside honor roll; to the Committee on Military Affairs.

Also, a bill (H. R. 8727) authorizing the Secretary of War to donate and deliver to the city hall, Pittsburgh, Allegheny County, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8728) authorizing the Secretary of War to donate to the eighteenth ward, Pittsburgh, Pa., one German cannon or fieldpiece, to be placed next to honor roll and monument; to the Committee on Military Affairs.

Also, a bill (H. R. 8729) authorizing the Secretary of War to donate to Upper St. Clair Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8730) authorizing the Secretary of War to donate to the sixteenth ward, Pittsburgh, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8731) authorizing the Secretary of War to donate to Union Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8732) authorizing the Secretary of War to donate to the seventeenth ward, Pittsburgh, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8733) authorizing the Secretary of War to donate to Stowe Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8734) authorizing the Secretary of War to donate to the borough of Westwood, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8735) authorizing the Secretary of War to donate to the nineteenth ward, Pittsburgh, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8736) authorizing the Secretary of War to donate to the borough of Clairton, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8737) authorizing the Secretary of War to donate to the borough of Carrick, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8738) authorizing the Secretary of War to donate to the borough of Heidelberg, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8739) authorizing the Secretary of War to donate to the borough of Dormont, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8740) authorizing the Secretary of War to donate to the borough of Dravosburg, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8741) authorizing the Secretary of War to donate to the borough of Greentree, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8742) authorizing the Secretary of War to donate to the borough of Hays, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8743) authorizing the Secretary of War to donate to the borough of Knoxville, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8744) authorizing the Secretary of War to donate to the borough of Munhall, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8745) authorizing the Secretary of War to donate to the borough of McKees Rocks, Allegheny County, Pa., one Germman cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8746) authorizing the Secretary of War to donate to the borough of North Clairton, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8747) authorizing the Secretary of War to donate to the borough of Oakdale, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8748) authorizing the Secretary of War to donate to the borough of St. Clair, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8749) authorizing the Secretary of War to donate to the borough of Thornburg, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8750) authorizing the Secretary of War to donate to South Fayette Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8751) authorizing the Secretary of War to donate to Kennedy Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8752) authorizing the Secretary of War to donate to Lower St. Clair Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8753) authorizing the Secretary of War to donate to Mifflin Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8754) authorizing the Secretary of War to donate to Moon Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8755) authorizing the Secretary of War to donate to the township of Mount Lebanon, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8756) authorizing the Secretary of War to donate to Crescent Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8757) authorizing the Secretary of War to donate to Snowden Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8758) authorizing the Secretary of War to donate to Scott Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8759) authorizing the Secretary of War to donate to Robinson Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8760) authorizing the Secretary of War to donate to Neville Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8761) authorizing the Secretary of War to donate to North Fayette Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8762) authorizing the Secretary of War to donate to Bethel Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8763) authorizing the Secretary of War to donate to Jefferson Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8764) authorizing the Secretary of War to donate to Findley Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8765) authorizing the Secretary of War to donate to the borough of Ingram, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8766) authorizing the Secretary of War to donate to Collier Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8767) authorizing the Secretary of War to donate to Chartiers Township, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8768) authorizing the Secretary of War to donate to the borough of Brentwood, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8769) authorizing the Secretary of War to donate to the borough of Coraopolis, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8770) authorizing the Secretary of War to donate to the borough of Crafton, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8771) authorizing the Secretary of War to donate to the borough of Carnegie, Allegheny County, Pa., one

German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8772) authorizing the Secretary of War to donate to the borough of Whitaker, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8773) authorizing the Secretary of War to donate to the borough of Wilson, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8774) authorizing the Secretary of War to donate to the borough of West Homestead, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8775) authorizing the Secretary of War to donate to the city of Duquesne, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8776) authorizing the Secretary of War to donate to the borough of West Elizabeth, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

Also, a bill (H. R. 8777) authorizing the Secretary of War to donate to the township of Baldwin, Allegheny County, Pa., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 8778) to amend and modify the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE of Kansas: A bill (H. R. 8779) to provide for the erection of a Federal building at Hays, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. EDMONDS: A bill (H. R. 8780) to allow the use of bonds for the purchase of war material and other property from the Government; to the Committee on Ways and Means.

By Mr. PARK: A bill (H. R. 8781) to donate one Army ambulance or truck to the City Hospital of Thomasville, Ga.; to the Committee on Military Affairs.

By Mr. McKINIRY: A bill (H. R. 8782) to establish a vehicle registration bureau in the Department of Justice as a central registration bureau of licenses for all motor vehicles or conveyances used for travel by air, land, or water; to the Committee on the Judiciary.

By Mr. CURRY of California: A bill (H. R. 8783) authorizing the use of radio stations under control of the Navy Department for commercial purposes and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYDEN: A bill (H. R. 8784) to reimburse the reclamation fund for expenditures on account of levee construction on the Yuma reclamation project, Arizona and California; to the Committee on Rivers and Harbors.

By Mr. TREADWAY: Resolution (H. Res. 263) to authorize the Speaker to appoint a select committee of six Members of the House to inquire into the operations of the Bureau of Industrial Housing and Transportation and the United States Housing Corporation or any agency, branch, or subsidiary of either; to the Committee on Rules.

By Mr. KEARNS: Resolution (H. Res. 264) for the immediate consideration of Senate bill 2622; to the Committee on Rules.

By Mr. KAHN: Resolution (H. Res. 265) for the immediate consideration of House bill 7594; to the Committee on Rules.

By Mr. HAWLEY: Joint resolution (H. J. Res. 183) to amend a joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919, approved August 15, 1919; to the Committee on Mines and Mining.

By Mr. UPSHAW: Memorial from the Legislature of Georgia asking governmental investigation of the high cost of living; to the Committee on Agriculture.

Also, memorial from the Legislature of Georgia protesting against the high duty on potash as proposed by the Fordney bill; to the Committee on Ways and Means.

Also, memorial from the Legislature of Georgia approving bill to give six months' pay to all soldiers, sailors, and marines who served during the European War; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8785) granting an increase of pension to Joseph Finley; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 8786) granting an increase of pension to William McCloud; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 8787) granting an increase of pension to George W. Potter; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 8788) granting an increase of pension to Peter W. Weber; to the Committee on Pensions.

Also, a bill (H. R. 8789) granting a pension to William H. Dean; to the Committee on Invalid Pensions.

By Mr. COSTELLO: A bill (H. R. 8790) for the relief of Anthony Knox; to the Committee on Claims.

By Mr. DOREMUS: A bill (H. R. 8791) granting an increase of pension to Lavina W. Ellis; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 8792) granting an increase of pension to Anna L. Witters; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 8793) granting a pension to Esther F. Aiken; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 8794) granting a pension to Mary C. Davis; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 8795) granting a pension to Ann E. Stephens; to the Committee on Pensions.

By Mr. HERNANDEZ: A bill (H. R. 8796) granting an increase of pension to Ben Sylvester; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of New York: A bill (H. R. 8797) for the relief of Andrew N. Jung; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 8798) granting a pension to Rebecca Barnett; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 8799) granting a pension to Paul Newton; to the Committee on Pensions.

By Mr. MacGREGOR: A bill (H. R. 8800) granting an increase of pension to Laurence Vanderbosch; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 8801) to authorize the President to award a medal of honor to Lieut. James Montgomery Bell for conspicuous bravery while serving with Gen. Custer in November, 1868; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 8802) granting a pension to Mary E. Applegate; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 8803) granting an increase of pension to Mary M. Jarvis; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 8804) granting an increase of pension to Albert Sanders; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 8805) for the relief of George T. Larkin; to the Committee on Claims.

Also, a bill (H. R. 8806) for the relief of George T. Larkin; to the Committee on Claims.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 8807) granting an increase of pension to John N. Jackson; to the Committee on Pensions.

Also, a bill (H. R. 8808) granting a pension to J. L. Smith; to the Committee on Pensions.

Also, a bill (H. R. 8809) granting an increase of pension to Olive G. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8810) granting an increase of pension to Dabner D. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8811) granting an increase of pension to Jacob Amberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8812) granting an increase of pension to James A. H. Markwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8813) granting an increase of pension to Isaac R. Raines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8814) granting an increase of pension to Jefferson C. Smith; to the Committee on Pensions.

Also, a bill (H. R. 8815) granting a pension to Thomas O. Wiley; to the Committee on Pensions.

By Mr. WHITE of Kansas: A bill (H. R. 8816) to correct the military record of David Parritt; to the Committee on Military Affairs.

By Mr. WILSON of Illinois: A bill (H. R. 8817) granting an increase of pension to Charles H. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

The SPEAKER (by request): Petition of the Alcade of San Sebastien, Porto Rico, favoring the extension to Porto Rico of Federal rural credits; to the Committee on Banking and Currency.

By Mr. ASHBROOK: Petition of employees of Mount Vernon (Ohio) post office, in favor of Senate joint resolution No. 84, to increase pay of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. COLE: Petition of the Toledo Commerce Club, of Toledo, Ohio, protesting against the Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of 33 members of the Railway Mail Association of Marion, Ohio, requesting support of the Zihlman bill, H. R. 8376; to the Committee on the Post Office and Post Roads.

By Mr. DALLINGER: Vote of the executive committee of the Associated Industries of Massachusetts, relative to the Mondell-Smoot bill; to the Committee on Ways and Means.

By Mr. FAIRFIELD: Petition of the Missionary Church Association of Berne, Ind., protesting against the passage of legislation providing for universal military training; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of General Henry M. Slocum Post, No. 55, Grand Army of the Republic, Department of New Jersey, favoring a bill to grant a pension of $50 per month to all veterans of the Civil War, and of $30 per month to all widows of such veterans regardless of date of marriage; to the Committee on Invalid Pensions.

By Mr. GARRETT: Petition of First National Bank of Chattanooga, Tenn., favoring private ownership and management of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of Allegany Trades Council, of Cumberland, Md., favoring the passage of the Sims bill, H. R. 8157; to the Committee on Interstate and Foreign Commerce.

Also, petition of Baltimore Federation of Labor, Baltimore, Md., favoring the passage of a bill providing for a 35 per cent increase in wages for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. Le Roy Bull, of Baltimore, Md., favoring Senate joint resolution No. 84; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph C. Hild and others, of Baltimore, Md., protesting against the Smith-Towner bill; to the Committee on Education.

Also, petition of Joseph A. McDonell and others, of Baltimore, Md., favoring the passage of legislation to increase pay of postal employees and letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petition of retail merchants and business men of Elk City, Okla., urging the support of the Kenyon bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McGLENNON: Petition of John Hughes and others, of Paterson, N. J., favoring a bill granting to all Union veterans of the Civil War and the widows of the deceased veterans a monthly pension of $50 per month; to the Committee on Pensions.

By Mr. MORIN: Petition of Post 18, of the American Legion, Pittsburgh, Pa., protesting against amnesty for any person imprisoned under the espionage act; to the Committee on the Judiciary.

By Mr. HENRY T. RAINEY: Petition of sundry citizens of Havana, Ill., favoring the repeal of section 907 of the revenue act; to the Committee on Ways and Means.

By Mr. RAKER: Petition of the Cooks' Association of the Pacific Coast, asking that their profession be included in the labor bill now before the Senate Committee on Labor, of which Senator KENYON is the sponsor; to the Committee on Labor.

Also, petition of the Federated Associations for Cripples, protesting against the Smith-Fess measure providing for encouragement of the States to rehabilitate civilian cripples; to the Committee on the Judiciary.

Also, petition of the city council of Oakland, Calif., urging Congress to pass legislation reducing the high cost of living; to the Committee on Agriculture.

Also, resolution passed by the American Legion, headquarters New York City, against any movement against law and order; to the Committee on the Judiciary.

Also, telegram from C. E. Clinch, of Grass Valley, Calif., protesting against the licensing bill and suggesting method of lowering the high cost of living; to the Committee on Agriculture.

Also, petition of the Western Express Messengers' Lodge, No. 2034, San Francisco, Calif., urging the continuation of Government ownership of railroads and express companies for five years; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sonora Theater, Sonora, Calif., urging the repeal of the admission tax on motion-picture theaters; to the Committee on Ways and Means.

By Mr. THOMPSON of Ohio: Petition of Scott Post No. 100, with 88 members, of Van Wert, Ohio, favoring an increase pension to the surviving Civil War veterans to $50 per month; to the Committee on Pensions.

SENATE.

WEDNESDAY, *August 27, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. KIRBY] in the nature of a substitute.

Mr. SMOOT. Mr. President, I think there ought to be one Democrat in the Chamber before we begin the consideration of the bill.

Mr. GAY. Mr. President, I take exception to the statement of the Senator from Utah.

Mr. SMOOT. The Senator was on this side of the Chamber, and I did not observe him. I think I had better suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gore	McNary	Robinson
Brandegee	Harris	Myers	Sheppard
Calder	Henderson	Nelson	Smoot
Capper	Johnson, S. Dak.	New	Spencer
Chamberlain	Jones, Wash.	Norris	Sterling
Culberson	Kellogg	Nugent	Sutherland
Cummins	King	Overman	Trammell
Curtis	La Follette	Page	Walsh, Mass.
Dial	Lenroot	Phipps	Walsh, Mont.
Fernald	McCumber	Poindexter	Wolcott
Gay	McKellar	Pomerene	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. KING. The Senator from Rhode Island [Mr. GERRY], the Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. BANKHEAD], the Senator from New Mexico [Mr. JONES], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Maryland [Mr. SMITH] are detained on official business.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. MCCORMICK answered to his name when called.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms is instructed to request the attendance of absent Senators.

Mr. RANSDELL entered the Chamber and answered to his name.

Mr. RANSDELL. I was requested by the chairman of the Committee on Agriculture and Forestry [Mr. GRONNA] to announce that that committee is holding a very important hearing on some of the bills now pending before the Senate, and Senators GRONNA, WADSWORTH, KENYON, KEYES, KENDRICK, and HARRISON are detained at that hearing.

Mr. FALL, Mr. JOHNSON of California, Mr. PHELAN, Mr. MOSES, Mr. SWANSON, Mr. UNDERWOOD, Mr. WILLIAMS, Mr. TOWNSEND,

Mr. LODGE, Mr. THOMAS, Mr. HITCHCOCK, and Mr. PITTMAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 5818) for the retirement of public-school teachers in the District of Columbia, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GAY. I ask unanimous consent to have inserted in the RECORD resolutions adopted by the board of directors of the New Orleans (La.) Board of Trade (Ltd.) in regard to the protest against the demands made by the railroad brotherhoods to the effect that the railroads should be purchased by the Government and operated for the joint benefit of the railroad employees and the public. I ask that the resolutions be appropriately referred.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the board of directors of the New Orleans Board of Trade (Ltd.), August 13, 1919.

THE NEW ORLEANS BOARD OF TRADE (LTD.).

Whereas representatives of several of the railroad brotherhoods have formulated certain demands upon the Government of the United States to the effect that the railroads should be purchased by the Government and should be operated for the joint benefit of the said railroad employees and the public; and

Whereas this demand was accompanied with an implied threat that unless promptly acceded to a universal strike would be called to coerce the Government into acceptance thereof; and

Whereas during the recent war the experience under Government control and operation of several utilities resulted in a demonstration of lowered efficiency, higher cost, and unsatisfactory service; and

Whereas the New Orleans Board of Trade (Ltd.) is on record as being opposed to governmental ownership and governmental operation of our rail and transportation lines; and

Whereas the railroad brotherhoods' suggestions are entirely along class lines, and their demands carry a threat practically of revolution: Therefore be it

Resolved, That the New Orleans Board of Trade (Ltd.) strongly opposes the demands made by the railroad brotherhoods, and we urge upon and we join with the business interests of our country in calling upon the President and Congress to resist such demands at any cost; and be it further

Resolved, That the president of the board of trade be instructed to forward a copy of these resolutions to President Wilson and to our Representatives and Senators in Congress, requesting and urging their vigorous opposition to any legislation along the lines suggested by the railroad brotherhoods.

WARREN KEARNY, *President*.
H. S. HERRING, *Secretary*.

Mr. PHELAN presented a petition of the Board of Trade of Anaheim, Calif., praying for the enactment of legislation to assist in increasing the productive agricultural area of the Imperial and Coachella Valleys, Calif., which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. PAGE presented a memorial of the Ladies of Nazareth of St. Peter's Parish, of Rutland, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. MOSES presented a petition of Saco Valley Grange, No. 285, Patrons of Husbandry, of Center Conway, N. H., and a petition of Naumkeag Grange, Patrons of Husbandry, of Litchfield, N. H., praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented the memorial of L. G. Grey, of Chicago, Ill., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. TRAMMELL presented petitions of sundry citizens of Tampa, Bowling Green, Lakeland, Winter Haven, Bartow, Wauchula, Plant City, St. Petersburg, Parrish, Manatee, and Cortez, all in the State of Florida, praying for the enactment of legislation providing for Federal control of the meat-packing industry, which were referred to the Committee on Agriculture and Forestry.

Mr. WOLCOTT presented a petition of sundry citizens of Wilmington, Del., praying for the establishment of a department of education, which was referred to the Committee on Education and Labor.

Mr. WALSH of Massachusetts presented memorials of officers of the General Electric Co., of West Lynn; of Thompson Bros. (Inc.), of Brockton; of the Kenneth Hutchins Co., of Boston; of the American Glue Co.; of the R. A. Wood Co., of Lowell; of the George C. Whitney Co., of Worcester; of the Germania Mills, of Holyoke; of Bates & Abbott, of Boston; of the Bird Machine Co., of East Walpole; of the Walworth Manufacturing Co., of Boston; of the Worcester Pressed Steel Co.; of Brown's Beach Jacket Co., of Worcester; of the American Optical Co., of Southbridge; of Clapp & Tilton, of Boston; of the Norfolk Iron Co., of Quincy; of the Reid Mills Co., of North Oxford; of the Fiberloid Corporation, of Springfield; of the Penn Metal Co., of Boston; of the National Blank Book Co., of Holyoke; of the Rockport Granite Co.; of William A. Hardy & Sons Co., of Fitchburg; of Hilliard & Merrill (Inc.), of Lynn; of the Grattan Baking Co., of Wakefield; of the Weetamoe Mills, of Fall River; of the Edes Manufacturing Co., of Plymouth; of the William P. Proctor Co., of North Chelmsford; of the Crofoot Gear Works, of Boston; of the Beacon Manufacturing Co., of New Bedford; of the City Manufacturing Corporation, of New Bedford; of D. B. Maclary & Sons Co., of Boston; of John W. Bolton & Sons (Inc.), of Lawrence; of the J. & B. Sales Co., of Worcester; of the Valley Paper Co., of Holyoke; and of Gilbert A. A. Pevey; Edward B. Sackett; James A. Glass; and 25 other citizens, all in the State of Massachusetts, remonstrating against the adoption of the so-called Plumb plan of railroad management, which were referred to the Committee on Interstate Commerce.

Mr. SMITH of Maryland presented petitions of sundry citizens of Chestertown, Church Hill, Kennedyville, Worton, Georgetown, Betterton, Galena, Millington, Baltimore, Pikesville, Towson, Overlea, Glydon, Bel Air, Perryman, Colora, Easton, Tilghman, Queen Anne, Centerville, Trappe, St. Michaels, Royal Oak, Sherwood, Newcomb, Preston, McDaniel, Weantt, Boxman, Carmichael, Oxford, Carolina, Bellevue, Cordova, Federalsburg, Wittman, Tunis Mills, Fairbank, Long Woods, Newberry, Bar Neck, Mathews, Raspeburg, Upper Marlboro, Clinton, Brandywine, Halethorpe, Ruxton, Lutherville, Brooklandville, Warren, Riderwood, Sparks, Westminster, Roslyn, Mechanicsville, Grantsville, Swanton, Sandy Spring, Spencerville, Ednor, Wilson, Huntingtown, Lawson, Hamilton, Freeland, all in the State of Maryland, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

CONTROL OF FOOD PRODUCTS.

Mr. GRONNA. I am directed by the Committee on Agriculture and Forestry to report back favorably, with amendments, the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and I submit a report (No. 162) thereon. I wish to state that while this is a favorable report it is not a unanimous one, and several members of the committee have reserved the right to offer amendments and to oppose some of the amendments proposed by the committee.

The VICE PRESIDENT. The bill will be placed on the Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LENROOT:

A bill (S. 2889) to provide for the creation and organization of the National Railway Corporation, and for the acquisition, control, and operation of railroads and water carriers by it, and for other purposes; to the Committee on Interstate Commerce.

By Mr. WALSH of Montana:

A bill (S. 2890) for allotment of lands and distribution of tribal funds of the Crow Tribe; to the Committee on Indian Affairs.

By Mr. SHIELDS:

A bill (S. 2891) to reenact the act entitled "An act to authorize the Cincinnati, New Orleans and Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916; to the Committee on Commerce.

By Mr. GERRY:

A bill (S. 2892) granting a pension to Joseph E. Killian; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2893) for the relief of William J. Ewing; and

A bill (S. 2894) for the relief of the Ralph Ackley Land Co. (Inc.), and others; to the Committee on Claims.

By Mr. HENDERSON:

A joint resolution (S. J. Res. 94) to amend "A joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919," approved August 15, 1919; to the Committee on Mines and Mining.

FEDERAL POWER COMMISSION.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal Power Commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

SPECIAL COMMITTEE ON BUDGET SYSTEM.

Mr. SMOOT submitted the following resolution (S. Res. 174), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee of the Senate appointed to devise a plan for a budget system is hereby authorized to send for persons, books, and papers, to administer oaths, and to employ a stenographer, the compensation and the expenses of the committee to be paid from the contingent fund of the Senate. The committee is authorized to sit during the sessions or recess of the Senate.

BUREAU OF WAR RISK INSURANCE.

Mr. GORE. I have conferred with the Senator in charge of the unfinished business, the Senator from Utah [Mr. SMOOT], who has no objection to my offering the resolution which I send to the desk. I request that the resolution may be read, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 173), as follows:

Resolved, That the Finance Committee be, and hereby is, directed to investigate the operation and administration of an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917, providing insurance and compensation for persons disabled in the naval and military service of the United States, and to report such legislation as may be necessary to secure greater equality and justice in the payments and compensation under such act to persons who have been disabled in such naval and military service.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Oklahoma?

Mr. McCUMBER. What is the request, Mr. President?

The VICE PRESIDENT. The request is for unanimous consent for the present consideration of the resolution.

Mr. McCUMBER. Mr. President, my impression is that a House committee is now making an investigation of the same matter that is referred to in the resolution, and I do not think we ought to duplicate that investigation. I should like first to look into the question, and I will ask the Senator from Oklahoma if he will not allow the resolution to lie over until to-morrow?

Mr. GORE. I have no objection to the resolution going over.

The VICE PRESIDENT. The resolution will lie over and be printed.

ARTICLE OF J. H. FERGUSON.

Mr. RANSDELL. Mr. President, in these trying days, when some sections of our Republic are almost an armed camp owing to labor troubles, I wish to call to the attention of the Senate and the American people a remarkably wise and patriotic discussion of existing conditions from the pen of J. H. Ferguson, president of the Baltimore Federation of Labor, published in the Manufacturers Record of the 21st instant, page 90. The editor of the Record says:

LABOR LEADER DEMANDS SANITY AND SAFETY—A REMARKABLY CLEAR STATEMENT FROM THE PRESIDENT OF THE BALTIMORE FEDERATION OF LABOR.

(J. H. Ferguson, president of the Baltimore Federation of Labor, has written for the Manufacturers Record one of the sanest and soundest discussions of the whole labor situation which we have seen. If Mr. Ferguson could influence the labor leaders and the so-called labor people to accept and follow his views, all the labor problems of the country would soon be solved, and employers and employees, capital and labor, and all other interests would dwell together in peace and happiness. Mr. Ferguson proclaims the safety of American institutions guarded by those "in the ranks of labor who are Americans by birth or by adoption, and who will not intrust our ship to demagogues, visionaries, or shallow sentimentalists who would steer it on the rocks." The platform which he puts forth is one on which every true American, rich or poor, employer or employee, can stand.—Editor Manufacturers Record.)

[By John H. Ferguson, president Baltimore Federation of Labor.]

"'Reconstruction' has of late been so tiresomely reiterated, not to say violently abused, that it has become to many of us a word of aversion. Politicians, social students, business men, labor men, charity workers, clergymen, and various other social groups have contributed their quota of spoken words and printed pages to the discussion of the subject; yet the majority of us still find ourselves bewildered and helpless. We are unable to say what parts of our social system imperatively need reconstruction, how much of that which is imperatively necessary is likely to be seriously undertaken, or what specific methods and measures are best suited to realize that amount of reconstruction which is at once imperatively necessary and immediately possible.

"I do not believe as many or as great social changes will take place in the United States as in Europe. Neither our habits of thinking nor our ordinary ways of life have undergone a profound disturbance. The hackneyed phrase, 'Things will never be the same since the war,' has a much more concrete and deeply felt meaning among European peoples. Their minds are fully adjusted to the conviction and expectation that these words will come true. In the second place, the devastation, the loss of capital and of men, the changes in individual relations, and the increase in the activities of government have been much greater in Europe than in the United States. Moreover, our superior natural advantages and resources, the better industrial and social condition of our working classes, will constitute an obstacle to anything like revolutionary changes.

"Our present industrial system is destined to last for a long time in its main outlines. That is to say, private ownership of capital is not likely to be supplanted by a collectivist organization of industry at a date sufficiently near to justify any present action based on the hypothesis of its arrival. This is not only extremely probable, but highly desirable; for, other objections apart, Socialism would mean bureaucracy, political tyranny, the helplessness of the individual as a factor in the ordering of his own life, and in general social inefficiency and decadence.

"It is true, there are those in the ranks of organized labor who, in the fervor of their world-improving mission, discover and proclaim certain cure-alls for the ills of humanity, which they fondly and perhaps honestly believe to be new and unfailing remedies, but which, as a matter of fact, are heavy with age, having been tried on this old globe of ours at one time or another, in one of its parts or another, long ago—tried and found wanting and discarded after sad disillusionment. There are the spokesmen of sophomorism, rampant, strutting about in the cloak of superior knowledge, mischievously and noisily, to the disturbance of quiet and orderly mental processes and sane progress. There are the sentimental, unseasoned, intolerant, and cocksure 'advanced thinkers' claiming leave to set the world by the ears, to reconstruct society overnight, and with their strident and ceaseless voices to drown the views of those who are too busy to indulge in much talking. There are the self-seeking demagogues and various related types, and finally there are the devotees of liberty run amuck, who in fanatical obsession would place a visionary and narrow class interest and a sloppy internationalism above patriotism, and with whom class hatred and envy have become a ruling passion. They are perniciously, ceaselessly, and vociferously active and are not representative of labor, either organized or unorganized.

"Among these agitators and disturbers who dare clamorously to assail the majestic and beneficent structure of American traditions, doctrines, and institutions there are some—far too many, indeed—who are of foreign parentage or descent. With many hundreds of thousands, they or their parents came to our free shores from lands of oppression and persecution. The great Republic generously gave them asylum and opened wide to them the portals of her freedom and her opportunities.

"The great bulk of these newcomers have become loyal and enthusiastic Americans. Most of them have proved themselves useful and valuable elements in our many-rooted population. Some of them have accomplished eminent achievements in science, industry, and the arts. Certain of the qualities and talents which they contribute to the common stock are of great worth and promise.

"But some there are who have been blinded by the glare of liberty, as a man is blinded who after long confinement in darkness comes suddenly into the strong sunlight. Blinded, they dare to aspire to force their guidance upon Americans who for generations have walked in the light of liberty. They have become drunk with the strong wine of freedom, these men who until they landed on America's coasts had tasted little but the bitter water of tyranny. Drunk, they presume to impose their

reeling gait upon Americans, to whom freedom has been a pure and refreshing fountain for a century and a half.

"Brooding in the gloom of age-long oppression, they have evolved a fantastic and distorted image of free government. In fatuous effrontery they seek to graft the growth of their stunted vision upon the splendid and ancient tree of American institutions. Admitted in generous trust to the hospitality of America, they grossly violate not only the dictates of common gratitude but of those elementary rules of respect and consideration which immemorial custom imposes upon the newcomer or guest. They seek, indeed, to uproot the foundations of the very house which gave them shelter.

"We will not have it so, we in the ranks of labor who are American by birth or by adoption. We reject these impudent pretensions. We propose to move forward and upward, but we shall proceed by the chart of reason, experience, and tested American principles and doctrines, and not intrust our ship to demagogues, visionaries, or shallow sentimentalists, who would steer it on the rocks.

"Strident voices of the fomenters of unrest do not cause me any serious apprehension. Changes we ought to have; changes we shall have. Where there are grievances to redress, where there are wrongs existing, we must all aid in trying to right them to the best of our conscience and ability. To the extent that social and economic institutions, however deep and ancient their roots, may be found to stand in the way of the highest achievable level of social justice and the widest attainable extension of opportunity, welfare, and contentment, they will have to submit to change. And the less obstructive and stubborn, the more broad-minded, cooperative, sympathetic, and disinterested those who preeminently prospered under the old conditions will prove themselves in meeting the spirit of the new day and the reforms which it may justly call for, the better it will be both for them and the community at large.

"'Society,' said Pope Leo XIII, 'can be healed in no other way than by a return to Christian life and Christian institutions.' The truth of these words is more widely perceived to-day than when they were written, more than 27 years ago. Changes in our economic and political systems will have only partial and feeble efficiency if they be not reinforced by the Christian view of work and wealth. No program of betterment will prove reasonably effective without a reform in the spirit of both capital and labor. The laborer must come to realize that he owes his employer and society an honest day's work in return for a fair wage, and that conditions can not be substantially improved until he roots out the desire to get a maximum of return for a minimum of service. The capitalist must likewise get a new viewpoint. He needs to learn the long-forgotten truth that wealth is stewardship, that profit making is not the basic justification of business enterprise, and that there are such things as fair profits, fair interest, and fair prices. Above and before all, he must cultivate and strengthen within his mind the truth which many of his class have already begun to grasp; namely, that the laborer is a human being, not merely an instrument of production, and that the laborer's right to a decent livelihood is the first moral charge upon industry.

"I shall work with all my strength to bring about changes as the needs of the people become apparent. I shall earnestly strive to realize what formerly were considered unattainable ideals. But I shall do all this in the American way of sane and orderly progress, and in no other."

Mr. President, in the efforts of labor to accomplish the reforms it seeks, if it shall proceed in the old-fashioned American way of "sane and orderly progress, and no other," as suggested by Mr. Ferguson, it will have the sympathetic assistance of all fair-minded people and will attain its ends much quicker than by resort to threats and force, and, indeed, it can never attain them by violence.

EX-PRESIDENT TAFT'S REPLY TO SENATOR LODGE.

Mr. WILLIAMS. Mr. President, I note in the Washington Post of this morning a letter from ex-President William Howard Taft, which is an exhaustive reply to a speech made by the Senator from Massachusetts [Mr. LODGE]. I ask unanimous consent that it be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECOLD as follows:

TAFT SAYS SENATOR LODGE'S SPEECHES ARE INCONSISTENT; ANSWERS TREATY ARGUMENTS—PURPOSES OF FIVE GREAT POWERS IN LEAGUE TOTALLY UNLIKE THOSE OF HOLY ALLIANCE; SAYS ARTICLE 3 DOES NOT ENLARGE POWERS AS CHARGED BY SENATOR—FORMER PRESIDENT INTERPRETS ARTICLES 10 AND 11—DECLARES NATIONS MUST CONTINUE LEAGUE ENTERED INTO TO CONDUCT WAR AND NOW FRAMED FOR PEACE.

[By William Howard Taft.]

"Senator LODGE'S speech on the league of nations is an important event in the history of the issue over the ratification of the treaty and the covenant of the league. In point of continuous service he is the oldest Member of Congress, as he is one of the ablest, and he is the longest in experience upon the Foreign Relations Committee of the Senate. What he says, therefore, is entitled to great weight. But the Senator can not complain if those who differ with him seek to break the force of what he says by pointing out action and speech by him in the past quite inconsistent with his present attitude. Nor will the claim that his prestige and experience give his arguments and conclusions immunity from analysis and answer. Indeed, the speech of Senator WILLIAMS, impromptu as it was and marred as it was by its personal references to Mr. LODGE, answered with all the vigor of the debater much of what Mr. LODGE in his carefully prepared address had urged. Mr. WILLIAMS'S remarks were directed toward the trend of Mr. LODGE'S speech and his general attitude, rather than to his carefully drawn objections to particular articles of the covenant.

HOLY ALLIANCE ANALOGY FALSE.

"The first great argument of Mr. LODGE against the league was based on the analogy between this league and the Holy Alliance, in which he emphasized the declarations by its constituent absolute monarchs of their high purpose and noble ends in the maintenance of the alliance, and then showed that for 35 years the result of its machinations was a curse to the world.

"It needs no profound knowledge of history to realize how lacking in force and fairness such an argument by analogy is. The Holy Alliance was created for the purpose of keeping on the thrones of Europe occupants who were legitimate heirs in their divine right of ruling and of preventing revolution against them. It was a conspiracy of absolute monarchs to maintain the rule of their class.

"Mr. LODGE objects that the five great powers will control this league as the Holy Alliance was controlled. Five great powers are given large influence in the management of the policy of this league. It must be so, and it ought to be so, because they are the ones upon whom the burden of maintaining the prestige and influence of the league for good is to be heaviest. But whatever is to be done by them must be done by unanimous action. Can we conceive of the United States, Great Britain, and France, ruled by their peoples as they are, uniting to work such purposes as disgraced and broke up the Holy Alliance?

DENIES UNLIMITED POWER.

"The first provision of the league which Senator LODGE attacks is a paragraph from article 3, reading as follows:

"The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

"He urges that this confers unlimited power upon the league and greatly enlarges the field of action in which we shall be involved even beyond that in which the Holy Alliance was engaged. This view can not be sustained. The meaning of this paragraph is, of course, to be determined not only by the words used but also by the immediate context and its relation to the rest of the covenant.

"Article 3 is an article prescribing the organization and procedure of the assembly. Article 4 is an article performing the same office in respect to the council. They describe the membership, the times and places of the meetings, the subjects matter to be considered and dealt with at each meeting, and the voting power and number of representatives of each member for the respective bodies. The subjects matter which may be dealt with at any meeting of either are described in exactly the same words for both bodies, to wit, 'any matter within the sphere of action of the league or affecting the peace of the world.'

"By article 5 decisions of the council must be by unanimous vote of representatives present at the meeting. The object of this language is, therefore, to notify members of the league and their representatives in the council or assembly that the whole business of the league is in order to be considered at any meeting without special notice, and that their interests may be affected in their absence. This signification is emphasized by the clause immediately following that in question in article 4, which provides that any member with no representative in the council must be invited to send a representative to any meeting at which matters affecting it are to be considered. This is not necessary in the case of the assembly, because every member has a representative in the assembly.

POWERS ARE UNCHANGED.

"The general language quoted by Senator LODGE in article 3 and the identical language in article 4 are thus merely to put members on notice of what may be considered at every meeting. In neither article is the language to be treated as an independent grant of power. The functions and powers of the assembly and the council are what they are elsewhere in the covenant defined to be, and are no greater by reason of this clause. Otherwise the assembly and the council would have the same functions and the same powers, for the language of the clause as to each is the

same. Every other article of the covenant shows this not to be the case. The clause cited by Senator LODGE neither enlarges the jurisdiction of the league nor the obligations of its members beyond their specific limitation as set out in other articles.

REPLIES TO IRISH ARGUMENT.

"Again, article 11 is relied upon by the Senator to show that it is the purpose of the league to interfere to suppress rebellions and revolutions. Thus Ireland, it is thought, can be brought in. The first sentence of the article reads as follows:

"Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.

"The council is summoned to advise the members of the league what ought to be done, and its advice must be unanimous, and upon that advice the members are to act in their discretion and to perform their obligations under the covenant of the league as they in good faith understand them. Such a provision does not enlarge the obligations of the members; it only provides for prompt cooperation in an emergency which may be the occasion upon which under other articles of the league the members may act.

NO EFFECT ON REBELLIONS.

"Such a case, for instance, as a war between two countries not members of the league might certainly affect the peace of nations. Nor need it be denied that where internal disturbance, as a Bolshevist upturning of society, becomes militant and seeks to upturn society of neighboring nations, this might well be made a matter of concern to the whole league. But there is nothing from these words or any other part of the covenant which brings an internal rebellion or revolution within the jurisdiction of the league. 'War or threat of war' contained in article 11 means something that affects the international relations between countries. This is clearly shown by its last clause, in which it is also declared to be the fundamental right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threaten to disturb either the peace or the good understanding between nations upon which peace depends.

RESTRICTS MEMBERS' DUTIES.

"If article 11 is to have the construction which Senator LODGE maintains and is to refer to internal rebellions and revolutions, then it is very strange that the fundamental right of each member of the league is to bring to the attention of the assembly or the council under article 11 only those circumstances which disturb international relations and the peace and the good understanding between nations.

"To support his view Senator LODGE refers to the provision in the treaty with Germany which requires Poland and the Czech and other States to make treaties with the five great powers guaranteeing the religious and other rights of minorities. This does not at all indicate a purpose on the part of the league to intervene in the internal affairs of nations generally. Poland and the Czech States are new nations born of the war and this treaty, the record of whose peoples in respect to religious intolerance and oppression of the Jews and others has not been good. But the treaty power is to be vested in untried and unrestrained majorities. It is of the highest importance to the effectiveness of the treaty that these nations be made stable bulwarks against German plots, and such a guaranty will serve to steady them.

DOES NOT ADD TO COVENANT.

"The example for such a guaranty was set in the congress of Berlin in the establishment of Roumania, Bulgaria, and Serbia as independent nations. It is a special provision, and leaves to the five great powers the obligation to enforce the guaranty in favor of minorities in countries whose birth and maintenance the signatories to the treaty who won the war are responsible. It does not in any degree enlarge the meaning of the covenant as applied to its members generally.

"Senator LODGE objects to the failure in the covenant to amplify the jurisdiction of the court provided in the league, and to provide a tribunal for hearing justiciable questions. This is a fair criticism of the league, and it is a defect in the plan—a defect which may be cured by amendment, and which, we may hope, will be so cured. In respect to justiciable questions, it would have been much better to have a judicial court, as Mr. Root pointed out, to which all members should be obliged to resort, remitting unjusticiable questions to the council.

"The first steps to be taken after the league is adopted should be to perfect its machinery in this regard. But it seems quite unwarranted to argue, as Senator LODGE does, that the action of the council or assembly in respect to justiciable questions is to be determined on political or diplomatic grounds, and not as an impartial body controlled by the principles of international law. Justiciable questions are those which in their nature are capable of settlement on principles of international law.

"The preamble recites the purpose of the league to be the 'prescription of open, just, and honorable relations between nations,' 'the firm establishment of the understandings of international law as to the actual rule of conduct among governments,' and 'the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one or another.'

"Article 13 declares as among those suitable for arbitration certain justiciable questions in language suggested by Mr. Root, as follows:

"Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach.

PROVIDES FOR ARBITRATION.

"The article imposes on parties to a dispute the duty of agreeing to submit to arbitration questions 'which they recognize as suitable for arbitration.' Even if this article be held not to require a party to a controversy to submit such justiciable questions as are here specified to arbitration, as may well be affirmatively argued, certainly it is most unwarranted to claim that when such justiciable questions are carried to the council or assembly for settlement the recommendation of that body is not to be governed by principles of international law, and the function of the tribunal in disposing of them is not to be judicial. The fact that the representatives of the parties to the dispute are to be left out of the council or assembly in reaching the needed unanimity of conclusion confirms the judicial character of the function.

"Calling for another league than this league because of this and other defects, Senator LODGE urges:

"Let us unite with the world to promote the peaceful settlement of all international disputes. Let us try to develop international law. Let us associate ourselves with other nations for these purposes.

FINDS SENATOR INCONSISTENT.

"This criticism and language sounds a bit strange coming from a Senator who helped to defeat the general arbitration treaties made between the United States and France and the United States and Great Britain, which provided for a settlement of all justiciable issues arising between them and a means of determining whether a question arising was justiciable or not. These treaties were loaded down with such exceptions that it seemed of no use whatever to invite the acquiescence of France and Great Britain in the narrowing amendments that were insisted on in the Senate and supported and voted for by Senator LODGE.

"Senator LODGE says that the amendment to the covenant as originally reported, which excludes from the consideration of the council or the assembly any issue which by international law is purely domestic, is intended to deceive. The exception was obviously put in for the purpose of excluding immigration and tariff from among the issues which the council or assembly might consider in a dispute.

CITES SUPREME COURT RULING.

"The Supreme Court of the United States has said that it is an accepted maxim of international law that immigration is a purely domestic question, as well as the imposition of tariffs. But Senator LODGE is not willing to trust the council or the assembly to follow this accepted maxim in excluding from its jurisdiction such questions. He is afraid that one honest and impartial representative on the council can not be found who, on the plea of the United States, would uphold this accepted maxim of international law in determining the jurisdiction of the council.

"This unwillingness to assume that any other disinterested nation in the world of all the nations will be fair in dealing with the lawful rights of the United States is characteristic of the attitude of Senator LODGE and those who agree with him. Is this uniting 'with the world to promote the peaceful settlement of all international disputes'? Is this trying 'to develop international law'? Is this 'associating ourselves with other nations for these purposes'?

DEFENDS ARTICLE 10.

"Senator LODGE attacks article 10. He says it will enable the King of Arabia, Hussein, Sultan of Hejaz, to appeal to us to come and help him defend his boundary against the attacks of Arabs in his neighborhood. This is not a fair construction of article 10. All the language of article 10 should be read together. It looks to joint operation of the members of the league. It says:

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

"In other words, the members are to cooperate and the council is to form a plan for their cooperation. Under that no nation will be obliged to act except upon the advice of the council, and the advice of the council would limit the extent of its obligation.

"The action of the council, however, is only advisory, and therefore it would still remain for the members in good faith to determine how far they deemed it their duty to act upon such advice under the obligations of the article. Of course, for us Congress would have to determine how far it would act upon such advice and what in its judgment was its obligation under the article to comply with such advice. It does not seem a fair construction of the article to say that it constitutes a direct obligation between a nation whose integrity or independence is attacked and every other member of the league. It is a league matter, the members responding to carry out a league purpose under the cooperating advice of the council of the league.

QUOTES JUSTICE HUGHES.

"Mr. Justice Hughes, in the reservations which he has suggested to Senator HALE, has given a very excellent construction of what this article 10 means. He says:

"Fourth. That the meaning of article 10 of the covenant of the league of nations is that the members of the league are not under any obligation to act in pursuance of said article except as they may decide to act upon the advice of the council of the league. The United States of America assumes no obligation under said article to undertake any military expedition or to employ its armed forces on land or sea unless such action is authorized by the Congress of the United States of America, which has exclusive authority to declare war or to determine for the United States of America whether there is any obligation on its part under said article, and the means or action by which any such obligation shall be fulfilled.

"Such an interpretation shows that the illustration of Senator LODGE is really fanciful. As the action of the council is to be unanimous, and as the United States has a member on it, the character of its advice must, of course, be reasonable. Those nations in the neighborhood and more directly interested in the Arabian kingdom are the ones whom the council would doubtless advise to take action in pursuance of article 10 in such a case. The council would not attempt to draw the United States in until the trouble growing out of the disturbance bade fair to involve world consideration.

SENATOR CHANGES ATTITUDE.

"Senator LODGE objects to the United States binding itself by war or boycott to cooperate with other nations in suppressing war. This is contrary to his attitude when he delivered an address at a dinner of the League to Enforce Peace in Washington in 1916, at which both he and President Wilson agreed that it was necessary to unite the forces of the world to suppress war. Nor was his judgment at that time doubtful. On the contrary, he enforced the firmness of his conviction by the quotation from Matthew Arnold:

"Charge once more, then, and be dumb;
Let the victors when they come,
When the forts of folly fall,
Find the body by the wall.

"His present attitude is a departure, too, from the position which he took in his commencement address at Union College, in 1915, in which he said that there was no other means by which the peace of the world could be maintained except by a union of nations to enforce peace.

IGNORES OBJECT OF LEAGUE.

"Now the Senator's position is that the United States can better contribute to the peace of the world by staying out of every such union and not involving itself in any obligation to act until the occasion shall arise when it may then determine what it will do. In this he ignores the central feature of any useful league of nations to secure peace. The object of a league is to convince those who would disturb the peace of nations that if they persist in such a course the union of the nations will inflict on them the penalty of forcible restraint. Its purpose is not to make war—its purpose is to threaten the use of lawful force to restrain lawless violence. It is the minatory, cautionary effect of the league that is essentially and highly important.

"It is this feature of the Monroe doctrine that has made it so successful. It was the knowledge that the United States would fight, if need be, to assert the doctrine that has preserved it and peace for now near a century. But if the United States is to stay out of this league and not obligate itself in any way to add to the weight and sanction of the league, then much of the usefulness of the covenant is gone.

MEANS DRIFTING POLICY.

"As Senator WILLIAMS says, the attitude of the United States in such a case is merely drifting and waiting until we are driven into a position in which we must fight, as we were driven into this war.

"More than this, the Senator's contention that the United States can do more good by staying out of the league than by going in ignores the fact that unless the United States enters the league it will cease to be a league of nations and will become only an alliance and will stimulate the formation of other alliances and future war. It is the world-surpassing strength of the United States in its intelligent people and its resources, in its military potentiality, and in its comparative disinterestedness as between all other nations which makes its membership indispensable to a world league. For us to refuse to enter it is to take the responsibility of destroying its possibility. If our real interests require it, of course we should refuse; but in determining our real interests we should face this responsibility.

SHOULD NOT FEAR DEFINITION.

"Senator LODGE objects to the reservation of the Monroe doctrine contained in the covenant. It is very difficult to understand the attitude of Senator LODGE and many others with respect to the Monroe doctrine. He says that the instant the United States, which declared, interpreted, and sustained the doctrine, ceases to be the sole judge of what it means, that instant the Monroe doctrine ceases and disappears from history and from the face of the earth. He then quotes from Theodore Roosevelt 'that we are in honor bound to keep ourselves so prepared that the Monroe doctrine shall be accepted as immutable international law.' Senator LODGE objects to the recognition of the Monroe doctrine by anybody else. He objects to its definition. How can it become 'immutable international law' unless it has definition and terms?

"The essence of law, whether municipal or international or immutable, is its definition as a rule of action. The Monroe doctrine certainly affects the relations between non-American nations and American nations. It is certainly a limitation upon the right of American nations to part with territory and independence to non-American nations and of the right of non-American nations to secure by force or bargain transfer of such territory or independence.

NOT MERE DOMESTIC POLICY.

"If it is to become immutable international law, then it must become a rule of action both for American and non-American nations. How can they act within it unless they know what it is? The doctrine is not a mere domestic policy. It relates directly to international relations between certain classes of nations. Now, the attitude of Senator LODGE and others, if one can understand them, is not that it is for us to say what those relations shall be and for us to refuse to define what those relations shall be in advance, but to decide when the occasion arises what we think they ought to be. This is to make the doctrine not immutable international law. It is to make it an arbitrary decree, ex post facto.

"It is the language of absolutism. It is to make the doctrine as offensive to non-American nations and to American nations other than ourselves as possible.

"For the first time we have in the covenant a full recognition of the Monroe doctrine as something which this covenant is not to affect or interfere with. Yet we even resent its recognition and decline to say what it is. Why in the name of all that is fair and reasonable should we not now interpret what it means, as we may in a reservation, and let the world which wishes to recognize and conform to it know what it is?

NO DISPUTE ON WITHDRAWAL.

"The question of withdrawal from the league, upon which Senator LODGE dwells, is not one that calls for much controversy, because there seems to be a general agreement that it may easily be interpreted by reservations to mean that the United States shall cease to be a member of the league as soon as the notice for two years expires, and that any failure on the part of the United States to comply with international law or the obligations of the league shall not prevent the cessation of membership, but only be made the basis for a claim for damages against the United States if any such exists.

"Nor is it necessary elaborately to discuss Senator LODGE's Americanism, in the maintenance of which he declares that his own country first commands his allegiance. He does not differ from most other Americans in that respect, nor does support of the covenant mark a line of distinction between false and true Americanism. It is perfectly consistent with a love of country and with a preference of the interests of one's country over those of all other nations to favor a union of nations to maintain peace.

NO LESS AMERICAN IN 1915.

"When Senator LODGE advocated this at the dinner of the League to Enforce Peace or at the commencement exercises of Union College in 1915 he was not any less an American than he

is to-day. Nor are those who favor the league any less American than he is. Those who support the league think they are exalting their country in making it properly useful for the maintenance of the peace of the world, in the benefits of which their country will certainly share, and they believe they have a broader vision of the noble purposes which the United States may serve when they would have it take its stand with the other nations of the world to avoid the scourge of war and secure a peace which will work for the benefit of all.

"It should be noted that Senator LODGE does not dwell on any unconstitutional feature of the covenant. This is hardly in accord with the recitals of Senator KNOX's resolutions, which Mr. LODGE voted for in committee and reported to the Senate. He now takes the stand with Mr. Root, who also ignores the constitutional objections, and so, I believe, does Mr. Justice Hughes.

"If there had been any doubt in anyone's mind on the subject of the constitutionality of the covenant reasonably construed, it should be removed by a perusal of the very learned and useful discussion of these issues by Senator KELLOGG in his speech, reported in the CONGRESSIONAL RECORD of August 8, and in the earlier convincing arguments of Senators MCCUMBER, COLT, and MCNARY.

"A noteworthy omission in Senator LODGE's speech is of any suggestion as to how the treaty with Germany is to be enforced, how the limitation of her armament is to be secured, how the stability of the nations created by the treaty can be maintained in accord with the strategic necessities of a permanent peace with Germany, luminously pointed out by Mr. LODGE in his speech on the proper scope of a treaty of peace made soon after the armistice, or how the spread of Bolshevism, which he deprecated and wished restrained, can be met.

TREATY BACKS WAR PURPOSE.

"Neither he nor any opponent of the league seems to regard the treaty of peace as something to be executed. Its chief function now is to furnish objects of critical attack. Surely the United States fought the war to achieve a great purpose. Surely the treaty of peace is to be the embodiment and clinching of that purpose. Surely the treaty imposed upon an unwilling Germany and the other treaties imposed upon reluctant Austria, Bulgaria, and Turkey will not enforce themselves. Who must enforce them, then? The nations who fought the war.

"They must continue the league entered into to conduct the war and now amended and framed to maintain the peace they won. This is the essence of the covenant, and upon it as a firm foundation the rearing of a structure protecting the world against war is a great opportunity and an easy and natural step in the advance of Christian civilization."

LEAGUE OF NATIONS.

Mr. WILLIAMS. I also ask unanimous consent to have inserted in the RECORD in the same connection an article from the Public Ledger, of Philadelphia, Pa., which is headed, "LODGE, fears the covenant but forgets Sarajevo."

There being no objection, the article referred to was ordered to be printed in the RECORD as follows:

"LODGE FEARS THE COVENANT BUT FORGETS SARAJEVO—WE ARE 'ENTANGLED' ALREADY—WILL WE HELP UNRAVEL THE SNARL OR LET IT TRIP US AGAIN?

"No one will be surprised that the Senate galleries cheered LODGE. It was a rattling good speech. The Senator from Massachusetts is an able man, and this set address was the result of months of study and preparation. As steadfast believers in the league of nations, we are quite willing to admit that it was as strong, as appealing, as effective, an attack upon the league covenant as could be made.

"We have referred to ourselves as 'believers' in the league of nations; but we do not claim any offensive superiority in this regard over Senator LODGE, who addressed an audience at Union College in June, 1915, when the Great War had been raging for nearly a year, and who, as the New York World reminds us, held on that occasion the entrancing language of idealism in the following fashion:

"'Nations must unite as men unite in order to preserve peace and order. The great nations must be so united as to be able to say to any single country, "You must not go to war"; and they can say that effectively when the country desiring war knows that the force which the united nations place behind peace is irresistible. * * * It may seem Utopian at this moment to suggest a union of civilized nations in order to put a controlling force behind the maintenance of peace and international order, but it is through the aspirations for perfection, through the search of Utopias, that the real advances have been made. At all events it is along this path that we must travel if we are to attain in any measure to the end we all desire of peace upon earth.

"Nor do we assail Mr. LODGE for changing his mind. If he had confined himself to detailed criticism of the covenant as 'a deformed experiment upon a noble purpose,' we would, indeed, have gladly greeted him as one who stands for the principle but is dissatisfied with the application immediately in hand. That might easily occur—especially when the application bears the name of 'Wilson.' But the Senator went much beyond that. He preached the narrow gospel of nationalism with an unction that points to relish rather than reluctance, and with a remarkable forgetfulness of the chief achievement of the war—the unescapable 'entanglement of America * * * in the intrigues of Europe.' We have no choice in the matter. We never did have. Germany dragged us into the conflict; and the iron necessity of making very sure that our boys did not die in vain fetters us firmly to the task of fighting on with the forces that seek to bring ordered peace out of tumultuous and terror-ridden chaos.

"Says Senator LODGE:

"'I will go as far as any one in world service, but the first step to world service is the maintenance of the United States. You may call me selfish, if you will, conservative or reactionary, but an American I was born, an American I have remained all my life.

"'I can never be anything else but an American, and I must think of the United States first, and when I think of the United States first in an arrangement like this I am thinking of what is best for the world, for if the United States fails the best hopes of mankind fall with it. I have never had but one allegiance—I can not divide it now.

"No wonder the galleries cheered. Who could say otherwise? We are all Americans first. But does the Senator believe that America would now be worse off if she had been 'entangled' in a league of nations during the summer of 1914 which would have been able to tell the Hapsburg Government of Austria-Hungary that its ultimatum to Serbia was a war-provoking act which must be withdrawn if it did not desire to encounter the condemnation of the league? Does he believe if Germany and Austria had known at that time that any wanton precipitation of war on their part would bring into the field against them automatically not only Britain, France, and Russia, but Italy and the United States as well, that they would have rushed on their fate? The same thing would be true if it had been Russia that then thought of 'lifting the lid off hell.' The 'union of civilized nations' with 'a controlling force behind the maintenance of peace,' which Senator LODGE so eloquently envisaged at Union College, would have kept the peace.

"And America, which we must think of first, would have been the richer to-day by many tens of thousands of 'dead,' hundreds of thousands of 'wounded,' and billions of dollars. We paid a big price to learn the lesson that we live in the world, and no Senator can sing sweetly enough to cause us to forget for a moment that so long as America does not lend her sanity and power to the proper control of what Mr. LODGE calls so contemptuously 'every controversy and conflict on the face of the globe,' she abstains at the cost of risking the life of every American lad who leaves his home this morning with a bright face turned toward the day's duty or pleasure.

"The Senator makes superficially telling points by reading the news from distant Arabia and distracted Poland and asking whether we are willing to put it in the power of King Hussein, for instance, to compel us to send American soldiers to Arabia to fight for the boundaries of his plastic kingdom. The answer is easy. We are not. We are not willing to put it in the power of any foreign prince, potentate, or parliament to send one American marine into action. Congress will continue to control the vital questions of peace and war for us under the league precisely as it has in the past. * * *

"But the case of Arabia, which the Senator has invoked, is an excellent one for him to consider. Has it occurred to him that King Hussein might literally 'compel' American troops to go to war if there were no league in existence? Less important men than the new Arabian King have done that. An assassin lurking in a doorway in by no means metropolitan Sarajevo 'compelled' 2,000,000 Americans to arm and go to France. Some will never come back unless in their coffins. The same King Hussein has immense powers for mischief under his hand. Does the Senator forget that he is the political heir of Mohammed, and that it was the Arabs who once so seriously frightened Christendom? He might, for example, take it into his head to fight the French for Damascus or to try to drive the Armenians back to the Caucasus. A league of nations could easily bring pressure to bear, without asking so much as a company of infantry from America, which would dissuade him. But if there were no league of nations, no big-power unity of action, rather big-power jealousies and intrigues, it is just possible that the conflagration might spread until America must again buckle on her armor and pour out much of her best blood on European battle fields.

"It seems impossible to believe that there is any real and vital divergence of opinion on this subject of a league of civilization for the simple purpose of self-preservation. All of the Lodge 'reservations' do not seriously alter the league covenant. They would do little harm if they were presented so as to avoid delay. The American people are all with him for 'America first'; but men of light and leading ought to unite in telling the American people frankly that the day of American isolation is past forever, and that it is only a question on what particular terms we will join the parliament of man.

"We can not stand aloof. We can not shirk the risks. Immensely greater risks will menace us if we do. We must 'chip in.' We must pool our brains and our hearts and our strong right arms. We must join the forces of prevention, as well as the forces which subsequently fight the flames on dizzy ladders. We can not afford to split hairs and chop logic over definitions of Monroe doctrines or what are or are not domestic questions. * * *"

Mr. THOMAS. Mr. President, I am in receipt of a communication from Judge S. Harrison White, of the Colorado bar, inclosing certain resolutions recently adopted at a meeting of the Colorado branch of the League to Enforce Peace. I ask unanimous consent that the resolutions may be inserted in the RECORD.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

"Whereas the United States of America entered the World War for the express purpose of making the world a safe place in which to live; and

"Whereas this high purpose involved two objectives—the crushing of militarism and the placing of the political forces of the world under the control of international law; and

"Whereas the first objective has been accomplished, and the only feasible and practicable plan whereby the second may be obtained is presented and embodied in the proposed covenant for a league of nations interwoven into the treaty of peace:

"Now, therefore, this body of citizens of Colorado, here assembled, 600 in number, declares that in our opinion the treaty of peace should be considered without bias or political partisanship and promptly ratified, to the end that peace may speedily come, normal conditions reappear, and a reasonable hope may arise in the minds and hearts of men that in the future nations may not go to war until every reasonable means of settling their disputes shall have been fully and fairly tried.

"STATE OF COLORADO,
"*City and county of Denver, ss:*

"I, S. Harrison White, hereby certify that I was the chairman and presided at a meeting of citizens of Denver, held in the Albany Hotel Auditorium on Tuesday evening, August 19, 1919, under the auspices of the Colorado branch of the League to Enforce Peace, and at said meeting the above and foregoing resolutions were adopted, and the chairman instructed to send a copy of the same to the Hon. CHARLES S. THOMAS, United States Senator, and to the Hon. LAWRENCE C. PHIPPS, United States Senator, Senate Chamber, Washington, D. C.

"Dated at Denver, Colo., this 20th day of August, 1919.

"S. HARRISON WHITE."

Mr. BRANDEGEE. Mr. President, I present a short article from the New York Herald of August 20, which I ask may be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the New York Herald, Aug. 20, 1919.]

THE GENESIS OF THE LEAGUE.

"The writer of the third letter asks some questions which should furnish food for thought. He signs himself 'An American Democrat' because he is one. By way of further identification the Herald can say that he is one of the most prominent members of the Democratic Party, not, however, an officeholder or a seeker of office. Because of his prominence and the importance of the questions his letter raises, it is here reproduced in full:

"'*To the Editor of the Herald:*

"'Have our statesmen had occasion to observe the development of the British colonial system into a league of nations?

"'The British Empire is now a league of nations. British statesmen have had long experience in control of the existing league.

"'Should the United States be induced to become incorporated in the proposed new league, its relation to the existing league of English-speaking nations would be difficult to define or maintain.

"'Could we, the only English-speaking Nation now independent of the existing league, avoid being assimilated by it and its other members?

"'Could we maintain a policy of friendly independence toward the British Empire and the Continent of Europe, or would the control of our policy pass from us?

"'AN AMERICAN DEMOCRAT.'

"May not the situation which 'An American Democrat' presents so tersely explain the support which the league covenant, with its six British votes to one American, is receiving in certain circles in Boston and in Washington?"

HOUSE BILL REFERRED.

H. R. 5818. An act for the retirement of public-school teachers in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

TREATY OF PEACE WITH GERMANY.

Mr. FALL. Mr. President, on yesterday afternoon we listened to the remarks of the Senator from North Dakota [Mr. MCCUMBER], and I then gave notice that I would have a few observations to make this morning, more upon the tenor of his remarks, more upon the spirit exhibited by the Senator, than upon the text.

Mr. President, each of us is under a nervous strain; many of us are engaged in the performance of our labors until the late hours of the night, and I realize the fact that we are prone or are likely to say more than we have in mind, possibly, and more than we really mean. But all through this debate, from its inception to the present time, culminating, I may say, in the remarks of the Senator from North Dakota on yesterday, there has run a strain of impatience with those who did not agree with everything contained in the treaty which is now pending before us.

I want to say here, in order that people may know it, that at the first meeting of the Foreign Relations Committee, sir, Senators sat down at the table admitting that they had never read the treaty which was placed before them, and yet they were prepared to vote upon it. Some impatience was displayed with the insistence of other Senators that the treaty should be read openly before the committee, and one or two of the Senators were sincere enough to admit that it might well be read, as they had never read it. Yet some of those Senators had been debating the treaty in this body and on the forum, and those Senators themselves are the most impatient with others who would find objection to any article of the treaty. Amongst those Senators who have spoken in advocacy of the treaty without ever having read it will be found those who are most impatient with those who would read it and have the people of the United States understand it.

Words of scorn have been heard rather than argument in this body and out of it by those who advocate the adoption of this treaty, who are urging most impatiently that the Senate should immediately come to a vote upon it, and who are insisting that delay is being caused in the consideration of the treaty by Senators who persist in endeavoring to have some understanding of it through the securing of evidence upon the different propositions or for other reasons satisfactory to themselves.

Mr. NELSON. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. NELSON. I should be glad to hear from the Senator what the objectionable features of the treaty are. Does he object to the reparation provisions? Does he object to the disarmament provisions? Does he object to the granting of Alsace-Lorraine to France? Does he object to the restoration to Denmark of northern Schleswig? Does he object to the establishment of an independent government in Poland? I should like to know what parts of the treaty, outside of academic matters pertaining to the league of nations, are objectionable.

Mr. FALL. Mr. President, I will only answer the Senator at this moment by calling attention——

Mr. NELSON. I wish to say one thing, and I will say it now. There is no use of attempting to chop up this treaty into mincemeat. If that is the Senator's object, he will find when it gets in here before the Senate that the mincemeat will be wiped out of it.

Mr. FALL. Well, Mr. President, there is no reason for the Senator taking advantage of his age and of his experience to undertake to talk to the Senator from New Mexico in that manner.

Mr. NELSON. The Senator need not pay any attention to my age; he may consider me the youngest man in the Senate.

Mr. FALL. If second childhood meant that, possibly I would. However, I have no desire to get into any controversy with the Senator. I will simply point to the Senator's own action. A few days since the Senate referred to a committee having in

jurisdiction of the matter whatsoever a question concerning the pending French treaty. A report has been drawn by the subcommittee upon the pending French treaty, and in that report, signed by the Senator who has just spoken, no reference whatsoever is made to the matter which concerns the Senate the most seriously, nor was any consideration given by the subcommittee—so I have been told by other members—and no report was made by the subcommittee upon the important question as to whether the Senate of the United States would have a right to ratify a treaty by the consent of a council of the league of nations instead of by itself under its own constitutional authority. The report written and signed by the Senator is silent upon the question which is most interesting to the people of the United States.

Mr. NELSON. I wish to ask the Senator a question. Will he yield?

Mr. FALL. I yield for a question.

Mr. NELSON. I understood the Senator to say that I was in my second childhood. I should like to have him explain that.

Mr. FALL. I did not say that. I said that if I took the Senator at his word I might consider that he was in his second childhood, or words to that effect. I apologize for anything personal that the Senator may have understood me to say.

Mr. NELSON. I want to say to the Senator that I am neither in my second childhood in this matter nor as to the Mexican situation.

Mr. FALL. Very well, Mr. President. Then I will call the attention of the Senator to the fact that he has pending before the Committee on Foreign Relations a request forwarded by him that foreigners be heard upon the disposition of the Aland Islands, which is one of the matters which the Senate has before it for consideration and one of the matters which necessarily delay the consideration of the treaty.

Mr. President, let me say to the Senator from Minnesota and to the Senator from North Dakota, those two Senators on this side, and to Senators on the other side that I recommend to them, if I may, that they read Solomon. I recommend to them for their consideration one of his proverbs:

> Scornful men ensnare a city; but wise men prevent calamity.

I was very much interested in reading several years ago—and to refresh my memory I have read again recently—an essay by one of the world's great statesmen and great writers, who took this proverb for a text. It is true that this man wrote over 200 years ago, but it is nevertheless true that his words are yet read with profit by statesmen, while some would-be statesmen have possibly never heard of him. Francis Bacon, taking Solomon's proverb for his text, commented as follows—and I recommend his comment to the serious consideration of some of our statesmen of the present day:

> Scornful men ensnare a city; but wise men prevent calamity. (Proverbs xxix, 8.)

Bacon says:

> It may seem strange that Solomon, in the description of men formed as it were by nature for the destruction of States, should choose the character not of a proud and haughty, not of a tyrannical and cruel, not of a rash and violent, not of a seditious and turbulent, not of a foolish and incapable man, but the character of a scorner. Yet this choice is becoming the wisdom of that king, who well knew how governments were subverted and how preserved, for there is scarce such another destructive thing to kingdoms and commonwealths as that of the counselors or senators who sit at the helm should be (naturally) scorners; who to show themselves courageous advisers are always extenuating the greatness of dangers, insulting as fearful those who weigh them as they ought, and ridiculing the refining delays of counsel and debate as tedius matters of oratory and unserviceable to the general issue of business. * * * They account the power and authority of laws but nets unfit to hold great matters. They reject as dreams and melancholy motions those counsels of precautions that regard futurity at a distance. They satirize and banter such men as are really prudent and knowing in affairs of state or such as * * * are capable of advising. In short, they sap all the foundations of political government at once—a thing which deserves the greater attention, as it is not effected by open attack but by secret undermining; nor is it, by any means, so much suspected among mankind as it deserves.

Mr. WOLCOTT. Mr. President, will the Senator yield?

Mr. FALL. I yield to the Senator.

Mr. WOLCOTT. May I ask the Senator who is the author of the essay to which he has referred?

Mr. FALL. Lord Francis Bacon.

Mr. WOLCOTT. He was, if I recall, said to be the wisest as well as the meanest of mankind.

Mr. FALL. Yes, sir; Lord Verulam, the younger son of Sir Nicholas Bacon, prime minister of England, and himself prime minister. The Senator has correctly stated what has been said of Lord Verulam.

Mr. President, I was struck particularly with one or two of the observations of the Senator from North Dakota [Mr. McCUMBER], and in attempting to secure an answer to a question from him I undertook to repeat, as a preliminary, the statements which he had made and which he at the time did not remember. I had a transcript of those statements made and presented it here to the Senator yesterday afternoon, and he agreed, I believe, that he had made the statement:

> Mr. McCUMBER. What you wanted to do—

Speaking to the Senator from Idaho [Mr. BORAH] and the Senator from Indiana [Mr. WATSON]—

> What you wanted to do was to slap Japan in the face. What you wanted to do was to create such a feeling between Japan and the United States that it would be almost impossible for Japan to comply with the treaty.

Following after an interruption:

> That is not washing our hands clean of that subject by any means.

This was in answer to the Senator from Indiana [Mr. WATSON].

> It is getting into it in such a way that we will have to wash our hands with blood unless Japan backs down, and you are putting her in a position where she can scarcely honorably back down. You are insulting her and her people by a declaration that she can not be trusted.

Following that the Senator again, as he had theretofore done, repeatedly made the statement that Senators by their action in inserting the word "China" in lieu of the word "Japan" intended that their purpose was to kill the treaty.

So far as I am concerned—and I am, with the Senator from North Dakota, a member of the Foreign Relations Committee—I have given him entire credit for sincerity in the position which he has taken and in the votes which he has cast upon any paragraph of the treaty. I have given him credit for the utmost sincerity in the speeches which he has made upon several occasions in the Senate touching the matter. All that I have asked, as one of the Senators who are not of his line of thought with reference to this treaty, is at least the same degree of patience with myself which I have always been ready to extend to him or to others who are in favor of the treaty as it stands. That degree of credit has not been given. When I hear myself and other Senators who think as I do constantly abused, constantly criticized for our course with reference to this matter, by Senators who proclaim their own good faith, their own sincerity, their own patriotism, I must necessarily finally begin to believe that those Senators have not the sincerity of purpose for which I have given them credit. I have found, in my somewhat varied experience in life, that the man who is always ready to distrust the motives of another, or to reflect upon the motives of the other, or to criticize the motives actuating the words or the acts of the other, is one who often feels that his own position is not entirely secure and who may be actuated by other motives than those which he expresses. This is the natural conclusion which we must arrive at if we entertain the feeling that our colleagues in this body are sincere upon the questions which they discuss or upon which they vote.

I for one am wearied with this constant course of criticism; and I say that when the Senator from North Dakota or any other Senator in this body makes the statement, here or elsewhere, that in my action here in asking advice of those who are presumed to know, in seeking information from every source that I think it is obtainable, in casting my vote to right a wrong, as I considered it, in inserting the word "China" for "Japan"—when he says that I do that with any other motive than that which is apparent in the casting of the vote itself for the purpose for which the vote is cast, he is stating what is not true. The same is true of the other amendments upon which I have voted and upon which I have insisted. I have done so, I have voted or made my insistence as strenuously as possible, because of a sincere belief, a sincere conviction, that we are now confronted with the greatest crisis which we have ever been compelled to face, at least since the early days of the Civil War, and in many respects, in my judgment, with due deference to the judgment of others, with a very much more serious crisis.

Mr. President, I have always been convinced of the sincerity of those Senators in this body who at or prior to the outbreak of the Rebellion insisted upon the rights of the States to secede. I have given credit for equal sincerity and very much better judgment and more patriotism to those in the Senate at that time who insisted upon maintaining the Union in all its power and its glory. I know that at that time it was not a political question.

The right of secession was not entirely a sectional question. There were Members of the Senate at that time who believed in the right of the several States to secede from this Union and to destroy this Union by secession. I know that one great Senator from the State of Oregon—the State of North Dakota was not in existence at that time, but it is a near neighbor—entertained and expressed those views. I refer to Senator Lane, of Oregon. I know that various other Senators from the North and from

the Northwest maintained that the South should have the right to secede from this Union and destroy it if they so desired; that they should not be coerced with arms.

I say to you, Senators, that to-day the same spirit which would then have disunited this Union is abroad in this country. In my judgment the joining of the United States with the nations of Europe and of the world with whom she has nothing in common, the entrance of this country into all the broils and the quarrels and the disturbances and partaking in the selfish interests and disputes of Europe, would just so surely destroy this great Government of ours, which was maintained by the loyal people from 1860 to 1865, as would the efforts of those who believed to the contrary had they been successful in 1860. I believe that those Senators who are standing here now urging that this Union be perpetuated as our fathers built it and as Lincoln saved it are performing as sincere and patriotic a duty as those who took their muskets in hand and saved the Union in the bloody days of the Civil War. Men then, in the North or other sections of the country, assisting by their votes or by their voices in the attempted destruction of the Union were known as "copperheads"; but there was no political issue until finally, in 1863, the Democratic Party met in convention and by resolution solemnly declared that the war was a failure, and the Republican Party met in convention and proclaimed their allegiance to the Union of their fathers and their purpose to fight until the last drop of blood was spilled and the last dollar was expended from the Treasury to perpetuate this Union which the opposite party declared already a failure.

If this is to be made a political issue, let it come. I for one have no fear of the result. Why the insistence upon immediate action by this country without knowing what is contained in this treaty, without the Senators themselves knowing? Why the insistence? Because those who take it as it comes from the White House typewriter, those who would force us to accept it as the Germans were forced to accept it, at the point of the bayonet, with no more consideration shown to the American people who oppose it than the German people who signed it under protest—those who are in that frame of mind know that by the discussion going on here the people are being informed, and they, as they have for seven years past, fear informed public opinion in the United States.

I demand for myself the same consideration which I extend to other Senators here. I may be in error. My judgment is entirely fallible. If I err, I err sincerely. If I err, I err through an excess of patriotism. I err because I am an American citizen and because I can see no other body in the political firmament than the United States of America and her welfare. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The occupants of the galleries must preserve order. No applause is permitted under the rules.

Mr. FALL. Mr. President, in passing I shall now simply refer for a moment to the Shantung controversy.

It is admitted by the Senator from North Dakota and every other Senator who has attempted to speak—and somehow only he has taken upon his shoulders the advocacy of the cause of Japan; the President has not done it; none of the other Senators have, understandingly, I think, attempted to defend the cause of Japan; yet, in defending the Shantung article in the treaty, none have undertaken to deny that Germany obtained her title to Shantung by force and duress.

As yet I have heard none defend the course of Germany in acquiring the Shantung possessions, and yet the Senator from North Dakota and others use two arguments: First, that Japan obtains the stolen goods which Germany stole, and that we should perpetuate the outrage and the fraud; second, that if she does not claim under Germany's title, then she claims by conquest the possessions of her and our ally.

Mr. McCUMBER. Mr. President, does the Senator give that as my statement?

Mr. FALL. I give that as the Senator's statement; possibly not in words, because he attempted to cover it.

Mr. McCUMBER. Mr. President, will the Senator allow me to interrupt him?

Mr. FALL. Certainly.

Mr. McCUMBER. I deny that statement in toto as being absolutely and unquestionably false.

Mr. FALL. I am not surprised.

Mr. McCUMBER. No; the Senator need not be surprised. I have never taken any such stand. I not only think the action of Japan was wrong, but I stated wherein I thought and believe that it can be righted.

Mr. FALL. Yes; I understand.

Mr. McCUMBER. The Senator has asked that both sides be treated with fairness. Then I ask him to treat my remarks as meaning just exactly what they do mean, and with the same fairness. I am not afraid but that I can justify myself in the positions I shall take, but I do not want the Senator either to misquote my position or to misstate a thing I have said.

Mr. FALL. I have undertaken to state the conclusions inevitably to be derived from the Senator's statements upon the floor and elsewhere.

Mr. McCUMBER. There is no conclusion the Senator can justly derive from any statement I have made that I say that the action of either Germany or Japan was fair or moral in any respect; and, in fact, the Senator knows, if he remained during the discussion, that I declared them to be unjust and unfair.

Mr. FALL. Mr. President, as I said in opening, we are all under a strain, and there are certain microbes apparently in the atmosphere. The Senator has just drawn the conclusion from my remarks that I said or concluded that he was justifying the acquisition of the Shantung Peninsula by Germany. I stated exactly the contrary—that he did not dare to undertake to defend it.

Mr. McCUMBER. Yes; and then the Senator stated that I defend the claim of Japan. I do not.

Mr. FALL. The Senator defended the Shantung provision in this treaty, and he claimed that Japan had a right to take Shantung because she derived her title either from Germany's wrongful possession or from Japan's conquest of Germany's wrongful possession, thus taking possession of the territory of our and her ally.

Mr. McCUMBER. And she derived it under a solemn obligation that she would return it; and that the Senator fails to mention.

Mr. FALL. Oh, I am not——

Mr. McCUMBER. Now, if the Senator will allow me——

Mr. FALL. I will.

Mr. McCUMBER. While the Senator is, as a doctor, prescribing something for the other Senators to take for their overnervous condition, I think the Senator ought to take a little of his own medicine for that purpose, for certainly, I think, the Senator forgets himself when he accuses one of the oldest and one of the strongest men in the Senate of having reached a condition of childhood. I do not think that he is acting upon his best judgment or that he is entirely free from what he is imputing to other Senators.

Mr. FALL. Mr. President, I decline to take any further emetics in this course of medicine.

Mr. McCUMBER. The Senator will probably get some of his own medicine after a while.

Mr. FALL. I am tired of that. The Senator can administer medicine in any way he desires.

Mr. McCUMBER. If I take it, the Senator can be sure that he will take his part of it.

Mr. FALL. We will see about that.

Mr. McCUMBER. We will see about it; that is dead certain. There is no question about that.

Mr. FALL. From the Senator's speech of yesterday to his action of to-day is from the sublime to the ridiculous.

Mr. President, the people of the United States are being told, and have recently been told by the President of the United States, that we could not reduce the high cost of living until we had agreed to this peace treaty. The people have been told that the high cost of living could only temporarily be dealt with until we have agreed to the treaty now pending.

A few days since, in a conference at the White House, I left with the President of the United States some questions in writing concerning the treaty, directly or indirectly, as affecting those conditions to which he had referred in his address to the joint session of Congress. The President requested or suggested that he might reply to the questions in writing. In due course I received the reply of the President to the questions, and the Senator from Utah [Mr. KING] was kind enough to have the questions and replies printed in the RECORD two or three days since. I stated that I had intended to do so, and despite the fact that he was kind enough to anticipate me, I shall refer to the questions and the President's answers with a few comments upon the subject. It may possibly be a strain upon the patience of some of my impatient colleagues. Nevertheless, I feel that I shall have performed a duty to the people of the United States when I explain to them by the official documents what the condition of the United States is now with reference to peace or war. It is particularly appropriate that this should be done this morning, because the news press is full of the statement of yesterday afternoon, reiterated to-day, that at least two regiments of American soldiers are being ordered now from American soil to the plebiscite district in north Silesia. We have not enough troops upon the Continent now, not enough boys in sufficient number taken from their homes here to garrison certain districts in Siberia and to garrison the Rhine and other districts

in Europe, not enough marines and sailors preserving the peace and safety and security of some unknown quantity in the great old Hanse town, the free city of Danzig; but now we must come back, without authority of the Congress of the United States, and take soldiers from our country and send others again to the disputed district or the riotous district in north Silesia, where we have not been responsible for the riot or dispute or bloodshed. It is therefore, I think, appropriate and should be interesting to the people of the United States to know what the condition of the United States is now, what the status is now as established in the United States as between this country and the country with which we have been at war.

The first question which I asked of the President was this:

In your judgment, have you not the power and authority, by a proclamation, to declare in appropriate words that peace exists and thus restore the status of peace between the governments and peoples of this country and those with whom we declared war?

The second question was as follows:

Could not, in any event, the power which declared war—that is, Congress—joined by the President, as you affixed your approval of the declaration of war, by a resolution or act of Congress declare peace, as Germany did not declare war upon us?

Two other questions I asked, which I shall later read, upon the same subject, and to the first four questions the President replied giving one answer. As will be seen from a reading of the answers and later a reading of the other questions, the answer was not applicable to the last three questions as legal propositions, but only as expressing the determination or the judgment of the President of the United States. His answer to the first four questions, given to the first one, was as follows:

I feel constrained to say in reply to your first question not only that in my judgment I have not the power by proclamation to declare that peace exists but that I could in no circumstances consent to take such a course prior to the ratification of a formal treaty of peace.

I feel it due to perfect frankness to say that it would, in my opinion, put a stain upon our national honor which we never could efface if after sending our men to the battle field to fight the common cause we should abandon our associates in the war in the settlement of the terms of peace and disassociate ourselves from all responsibility with regard to those terms.

Now, Mr. President, judging from the record, from what the President has said and written and from the record of the proceedings of the peace conference and the record which he and others have made since that time, I have been compelled to form the judgment that the President of the United States in entering upon the peace conference was so obsessed with the idea of obtaining something in the nature of a "shell" at least of a league of nations that he could not give his attention to the details of the treaty which he brought back and presented to us, nor was he particularly concerned with the details of the league covenant itself. He and his Secretary of State construe some of the league covenants differently. They certainly construe the provisions of the peace treaty differently. I may call attention to the fact that only in the preamble to the peace treaty and in article 440, the last article of the peace treaty itself, is there any reference to peace or the state of peace or how peace is to be brought about.

The great mass of the treaty is taken up with the details as to how people in northern Silesia are to be governed for an indeterminate number of years, as to how the boundary lines of certain districts being readjusted shall be readjusted, and by whom. Line after line is taken up and page after page given entirely to an attempted settlement based upon some evanescent theory of racial origin or geographical boundaries of the peoples of Europe. We are all in receipt constantly of protests, I presume, from various of these peoples, begging the Senate of the United States to seriously consider the articles with reference to themselves and protesting against what has so far been done. We do not know yet what is being done in detail with reference to Thrace and with reference to Hungary and Roumania and Czecho-Slovakia and the Serbian-Croatian States and the partition of Turkey, and yet, while the operation of partitioning and distributing is going on we are by this treaty pledging the people of the United States by at least a moral obligation to see that what is being done is maintained hereafter by this treaty itself. We do not know what is being done, and we call witness after witness before us, we seek information from the President of the United States, from the Secretary of State, and from every other source, and we get none. Then if the committee seeks to hear the protests from Norway with reference to the disposition of the Aland Islands, in which the Senator from Minnesota [Mr. NELSON] is so materially interested that he has requested a hearing before the committee, he or other Senators rise in their seats and criticize the committee for attempting to get the information, without which I can say to you, sir, we can not intelligently deal with the treaty before us.

Now, to go back. The President having but one idea in mind—that is, the formation of some character of a so-called league of nations—has overlooked, to my mind, the material portions of the peace treaty, or what should have been the material portions of the peace treaty as relating to the United States of America, which was at war, what should become of us?

In the first place, the President seems to have lost sight of the fact that peace is a status, as war is a status, the difference being, as Oppenheim says, that "the normal condition between two States being peace, war can never be more than a temporary condition. Whatever may have been the cause or causes of war, the latter can not really last forever."

Oppenheim and Vattel, and all the other law writers of whom I have any knowledge, down to Wilson and Tucker and others of modern and contemporary times, agree that peace being a status that status can be fixed or brought about in at least three different ways:

First, through debellatio, conquest under the old Roman law, still recognized as one of the methods of bringing about peace.

Second, cessation of hostilities, the adoption of an armistice, or merely the ceasing of armed hostilities, "gliding" into a peace. It may be a peace for years. We have no such thing, the world, of course, has never known such a thing, and no nation has ever known such a thing or condition as perpetual peace.

Peace by treaty is the last peace and the most satisfactorily generally if in the peace treaty the terms of peace themselves are laid down. That is wherein, in my judgment, the treaty which we have before us absolutely fails. There is nothing in it with reference to the conditions of peace as they shall exist between this country and Germany after the Senate may have ratified this particular treaty.

Under the contention of the President of the United States, under the testimony given by the Secretary of State and others, it would be necessary for us to enter into conventions or treaties of peace to establish the rules and conditions under which this Government could operate with reference to Germany, and those aside from this so-called peace treaty.

I simply call attention to two or three occasions upon which nations have been at war for years, have made peace, have conducted the affairs of peace between themselves, without any treaty of peace whatsoever. Sweden and Poland, two of the nations with which we are now dealing, in 1716 had fought for years and then made peace by ceasing hostilities, and never made a treaty of peace.

France and Spain in 1720 had been at war for a number of years; as I recall it, seven years. They made peace by ceasing hostilities, and never made or entered into a treaty of peace for the conclusion of that war, at least.

Spain and her American colonies were at war for many years. The colonies finally achieved their independence from Spain, but it was not acknowledged by Spain, and Spain never entered into a treaty even of recognition of the independence of those colonies until 15 to 20 years or more had elapsed and it became necessary for her to enter into consular agreements with them for the interchange of commercial intercourse. Chile was not recognized by Spain until the year 1840. Spain was again at war with Chile and with Peru in 1866, and the war drifted along and finally ceased. We, the United States of America, undertook to do business with Peru and with Chile, and Spain on one occasion, and Peru, or some one in Peru or Chile, entered protest that they were still at war and that we should regard the rules of belligerency. The United States of America said: "We will settle that for ourselves. You have been at peace, and simply because you have not signed a treaty of peace or entered into peace negotiations you can not bind the world. You are at peace. We will settle that for ourselves." And we did.

Mr. KING. Will it disturb the Senator if I interrupt him?

Mr. FALL. Not at all. I shall be very glad to have the Senator interrupt me.

Mr. KING. I think the Senator is correct in the illustration which he has given. There have been a number of occasions in which the belligerents have accepted a status of peace without an affirmative declaration. But does not the Senator think that it proceeds very much upon the same theory that men may sometimes make a contract by negative action, if I may use that expression, rather than by affirmative action? That is to say, nations who have been at war, as in the instances which the Senator has given, have proceeded upon the assumption that there was a status of peace and the war had terminated, and they have acquiesced in the status of peace. Does not the Senator think that that conduct by the resumption of diplomatic relations, and so on, would take the place of an affirmative declaration of peace which we denominate a treaty?

Mr. FALL. I do not think the resumption of diplomatic relations in such a case is necessary, because we have decided that. France had a war with Mexico in 1867. She never declared

peace and she did not resume diplomatic relations with Mexico until 1884, and yet she was at peace and did business with Mexico. In doing business with a country, your business man deals through consuls and consular agents, who are not diplomatic agents. With that difference I agree with the Senator that the fact has to be established as to whether peace or war exists by the action of the nations themselves with reference to the citizens or nationals of the nations in doing business together.

A resumption of what the Senator possibly had in mind—that is, an exchange of ministers or ambassadors—is not necessary, while it is necessary to have either your own consuls or some other consuls represent your business men in the foreign country for the purpose of visēing passports and bills of lading, making proofs, and so forth.

Mr. President, I will state to the Senator that before I conclude my remarks I shall show that the people of the United States by the act and declaration of the President of the United States are on absolute peace terms with the people of Germany and with the Government of Germany. I shall not at this time go into any argument along the details of this question further than to call attention to the end of our Civil War. It is true that that was a civil war, but it was a war in which the belligerency of the Confederacy was admitted by many foreign countries—for instance, Great Britain. It was a war, and certainly a "regular" war, Mr. President, in view of the fact that in proportion to the numbers engaged there were more killed in the battles of the Wilderness than were killed in any equal number of days or in any battle occurring in France or on the bloody fields of Europe during this recent war, which we proclaim as the bloodiest in the history of the world.

I shall pass as rapidly as possible in the discussion of this question to the thought which I stated to the Senator as that which I should offer; but, first, I refer to the Civil War, which was decided by the Supreme Court of the United States to be closed by the proclamation of the President of the United States—with reference, at least, to a large number of the States in the South engaged in it—which was issued in April, 1866. The terms of surrender and the peace terms in so far as Gen. Lee could bind the Southern Confederacy were arranged between Lee and Grant at the surrender of Appomattox, just as the armistice was arranged between Gen. Foch and the opposing German generals in November of last year.

The peace terms at the conclusion of the Civil War were followed immediately by the proclamation of the President of the United States, and the Supreme Court declared that that proclamation established peace.

Mr. President, I have not in my desk the proclamation of the President of the United States issued on April 6, 1917, declaring a state of war to exist between this country and Germany. I have that proclamation in my office, and, should it be necessary, I will send for it before I conclude my remarks on this occasion. I had, however, intended to read it into the RECORD. Following the action of the Congress of the United States, at the request of the President of the United States, declaring that we recognized the condition of war as thrust upon us by the acts of Germany, the President, as became his duty, immediately issued a proclamation to the people of the United States that war between Germany and the United States existed. In that proclamation, of course, he cited the resolution of the Congress of the United States. Then he proceeded to warn the people of the United States as to their connection with the enemy or the allies of the enemy, and he proceeded to recite the statute of the United States with reference to the action of enemies in this country; he covered the entire field. The state of war existed from the time, of course, of the declaration of war by Congress, but the warning issued to the people both of the enemy country and their allies and to our people that such a declaration had been made, and as to what laws would be in force, was properly made by the President of the United States immediately following, and upon his own initiative. It was not required to be done by law.

Now, there are three methods or more, Mr. President, of carrying on a war against an enemy country aside from that method which was used in this war, of armed hostilities. One of those methods is by closing our ports to shipments of the enemy country by refusing to allow a cargo destined for an enemy port or ships destined for enemy ports clearing from our harbors under our harbor laws and navigation laws. Of course, action in those matters is peculiarly an Executive function and is in the hands of the President of the United States. The port collectors and others have been since the proclamation of the President acting under it until a recent date.

The next and most efficient and effective method of waging war was ascertained in 1798 to be by the passing of an act imposing a very severe penalty upon citizens of this country who undertook to trade with enemy citizens or their allies either in this country or beyond its boundaries. During this present war, in October, 1917, following the declaration of war in April, it became apparent to the Congress of the United States that the old trading-with-the-enemy statute, practically obsolete, having been on the books for a hundred years or more, needed revising, and that other subjects should be dealt with specifically in any such revision. Therefore the Congress of the United States passed what was known as the trading-with-the-enemy act, that being the efficient method of carrying on war against Germany in this country, and it being the method through which any citizen of this country dealing with the citizens of the enemy country or their allies laid themselves liable to very heavy and severe penalties. That act immediately stopped trading with the enemy or the allies of the enemy.

This was followed by the President issuing what were known as blacklists prohibiting trading by the citizens of this country with firms in Germany and firms in neutral countries which were supposed to be directly or indirectly aiding the enemy with whom we were at war. Those blacklists continued up until recent days; they have been revised upon various occasions, added to or subtracted from, during the war. The trading-with-the-enemy act was supposed to be in full force and effect until a comparatively recent date.

The prohibiting of the clearance from our coasts of cargoes destined for the assistance of the enemy, either sailing directly to their ports or through neutral ports; the prevention of the landing of enemy cargoes upon our soil or in our harbors; and the trading-with-the-enemy act, penalizing any act in violation of the proclamation of the President of the United States following the declaration of war by Congress, were the effective means of winning this war, aside from the sacrifice made by our heroic soldiers upon the fields of France.

No one, of course, for a moment would detract from what was done by our soldiers in bringing peace to a distracted world, in at least achieving the objects for which this country went to war. No one, upon the other hand, should forget for a moment the sacrifices made by the people of the United States in submitting to the harsh terms of censorship and to the trading-with-the-enemy act; in submitting to having their houses invaded without due process of law; in submitting to arrest upon the streets without legal warrants for arrest; in submitting to having a portion of their food taken from their tables that it might be furnished to the starving people of Europe, to support our own armies, and to support the civilian populations of those countries who had been outraged and were famished and starving. The world should never forget what the people of the United States of America did voluntarily and because of the acts of Congress under which the President could prohibit such acts as dealing with the enemy either through our ports or here upon our soil or in other portions of the world.

The administration of the trading-with-the-enemy act, Mr. President, was entirely in the President's hands; everything was left to him; he was to put it in force through his departments; he was to see that its terms were complied with or that any infraction of it was punished.

I have before me here the trading-with-the-enemy act, and I desire to read a portion of section 4 of that act, which was approved October 6, 1917—

Every enemy or ally of enemy—

I will pass over section 4 for the time being and will read first from section 5:

That the President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this act as they apply to an ally of enemy—

I have not heard of any such proclamation being issued by the President of the United States. He is only authorized by such proclamation—

to suspend the provisions of this act so far as they apply to an ally of enemy—

Not to the enemy itself—

and he may revoke or renew such suspensions from time to time; and the President may grant licenses—

I invite the attention of Senators to the words—

may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section 4 hereof.

Mr. President, subsection (a) of section 4 I had commenced to read, but unless some Senator desires to have it read I shall not do so, because it refers to insurance or reinsurance. There-

fore this provision as to granting licenses applies to insurance or reinsurance—

and to perform any act made unlawful without such license in section 3 hereof, and to file and prosecute applications under subsection (b) of section 10 hereof; and he may revoke or renew such licenses from time to time.

There is also a provision that he might issue licenses, waiving the provisions of section 3, the licenses to be issued upon application and to be general or special. The general or special licenses provided for in reading the context can readily be understood. They are special for certain classes of business. A business man engaged in general business may secure a special license for a special product which he desires to import or to export, and, if he is engaged in the exporting and importing business, he may secure, upon proper application, a general license for such business.

Section 3, subsection (a), makes it unlawful—

For any person in the United States, except with the license of the President, granted to such person, or to the enemy, or ally of enemy, as provided in this act, to trade, or attempt to trade, either directly or indirectly, with, to, or from, or for, or on account of, or on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade, directly or indirectly, for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

Subsection (b) of section 3 makes it unlawful—

For any person, except with the license of the President, to transport or attempt to transport into or from the United States, or for any owner, master, or other person in charge of a vessel of American registry to transport or attempt to transport from any place to any other place, any subject or citizen of an enemy or ally of enemy nation, with knowledge or reasonable cause to believe that the person transported or attempted to be transported is such subject or citizen.

The right of the President to waive the penalties of this act in favor of the citizen is specifically laid down. That right extends, however, to his power, in his discretion, upon application, to issue a special or a general license.

I shall pass hurriedly to a consideration of what has been the course of the Government upon that subject. I called attention, Mr. President, a few days ago, to certain circulars issued by the department, and particularly to a circular of July 14, 1919. I now read from the copy of the CONGRESSIONAL RECORD in which I had inserted that circular. I read the first paragraph:

The War Trade Board section of the Department of State announces that a general enemy-trade license—

Note the words, "a general enemy-trade license"—

has been issued authorizing all persons in the United States on and after July 14, 1919, to trade and communicate with persons residing in Germany and to trade and communicate with all persons with whom trade and communication is prohibited by the trading-with-the-enemy act.

There are certain specific restrictions with reference to the importation of dyestuffs and similar articles. I shall read no further from this circular, the greater portion of it being already in the RECORD.

Mr. President, I called attention during the remarks which I made upon that occasion to the fact that during the month of June prior to the issuing of this proclamation this country had transacted with Germany $8,783,000 worth of business, while in the same length of time it had transacted with Spain, a country with which we have been at peace since 1898, $8,685,000 worth of business; in other words, our nationals transacted with Germany $100,000 more business in the month of June, prior to the issue of this so-called general license, than they did with the friendly country of Spain, to which we have always been an exporter. I called attention, further, to the fact that during the same time we transacted approximately twice as much business with Germany as we transacted with all the Central American countries.

Mr. President, I find that the following circular was issued some time since——

Mr. WILLIAMS. Mr. President, before the Senator passes from that, the Senator made reference the other day when he was going over this same subject matter to certain shipments of cotton to Germany. I think the value of that cotton was included as a part of the aggregate to which he refers.

Mr. FALL. No; the Senator is in error about that. The cotton was shipped after the data were obtained from the Government reports. I simply called attention to that fact to show that cotton is now being shipped outright directly to Hamburg, Germany, a German port.

Mr. WILLIAMS. Yes. Now, Mr. President, I want to make a correction of a statement made at that time by the Senator. I thought that was rather curious, because I understood that most of the cotton that had gone to Germany had gone through the neutral port of Rotterdam, and not directly. There was a shipment of cotton to Hamburg, as the Senator said, but it was not for the Germans nor for German nationals, and I quote this from the Associated Press, coming from a New Orleans paper. I do not think this discussion is at all relevant to the general issue, but I just want the historical facts right.

Mr. FALL. I have no objection.

Mr. WILLIAMS (reading):

The assertion of Senator FALL, Republican, New Mexico, during debate on the peace in the Senate yesterday that a cargo of cotton was forwarded from New Orleans to Hamburg June 28 for use in Germany, was denied by steamship officials here to-day.

The steamship *Waukegan*, of the Kerr Steamship Line, sailed from New Orleans on June 29 with a cargo of 22,000 bales of cotton for the American Relief Association in Hamburg for distribution to the Czecho-Slovak nation, officials of the line stated. So far as records here show there was no cotton shipped from this port for use in that country—

That means Germany—

during June or July.

So that all shipments that took place were taking place subsequently to this general license.

Mr. FALL. Yes. Mr. President, I thank the Senator very much, because he has now fixed in the RECORD the fact that not only have our nationals been doing business with German nationals, but that the Government of the United States has been directly doing business through German ports in shipping supplies to Czechoslovakia; and, of course, I am grateful to the Senator for the interjection.

Mr. President, I find under serial No. 84, effective July 17, 1918, "United States Shipping Board Emergency Fleet Corporation, rates of freight from United States Atlantic and Gulf ports to Europe on cotton," the following: Germany (Bremen, Hamburg), high density per 100 pounds, from Atlantic ports, rate $1.75; standard, $2; from Gulf ports, $2 and $2.25, respectively. I find, effective under date July 21, from the same authority, "Rates are on all cargo except as mentioned below," and the exception is the special rate upon cotton, and certain other special rates: Hamburg, Bremen, per 100 pounds, $1.50; per cubic foot, 70 cents. I find under the same date, "Rates are on all cargo except as mentioned below," making certain other exceptions upon which specific rates are fixed, the general rate for Bremen and Hamburg being $1.57½ and 75 cents.

I find the same rates—this is all under the authority of the United States Shipping Board, and is, of course, for the Government vessels—Germany (Bremen, Hamburg), regular rates, the same as all neutral countries.

Mr. President, the significance of these matters will possibly appear, even to the minds of some of those who close their mind to the ear, a little later.

What do the records which I have referred to establish? First, this—and I will ask any of the lawyers in the Senate to assist me in construing them: That an attempt has been made, by the use of the licensing power in the trading-with-the-enemy act, to extend to all people alike in the United States, under a proclamation, the right to do business with Germany. Second, the fact that no such authority is granted in the trading-with-the-enemy act itself. This matter, however, has undoubtedly been passed upon by the advisers of the State Department, and they have undoubtedly come to a different conclusion. In reading the act I can not see how it is possible to place upon it the construction that the President of the United States, by proclamation, can suspend the act generally. He can, upon application, grant special or general licenses to individuals; but the issuance of a general proclamation that all the people of the United States can do business with Germany, thus restoring peace by a subterfuge, is something which I do not think can be legally done.

There is, however, a method provided in the act itself by which the President can legally do what he has done. I find no complaint with the act itself. I have been insistent for two months that a status of peace should be declared between this country and Germany because it actually existed, and that trade relations should be restored between this country and Germany because the reason for prohibiting them no longer prevails. I offered a resolution in the Senate to that effect. I frankly say that I could not get enough votes to pass it, or I would have pressed it to a vote long since, because I thought that by some legal method of procedure there should be done in the interests of the people of the United States exactly what has been done by an evasion of the law, in my judgment.

Mr. KING. Mr. President, will the Senator yield?

Mr. FALL. I yield, because I had hoped the Senator would undertake to elucidate for me the legal problem involved.

Mr. KING. Oh, Mr. President, of course I would not pretend to elucidate a subject that the Senator from New Mexico touches, because whatever he speaks about he does illumine, and perhaps the question I was about to propound is not germane to the matter which he was just discussing.

As I follow the Senator, however, his contention is this: Because there is a suspension of the trading-with-the-enemy act, or a modification, or a repeal—and for the purpose of my question I am willing to concede that it goes to the full limit, and that there is a repeal, so far as the President and the officials of the Government without an act of Congress may repeal it—that because there is a repeal of the trading-with-the-enemy act, and commercial relations to a greater or less extent exist between this Government and Germany, therefore it must follow that the status of peace exists.

If that is the position of the Senator, I shall be very glad to have him elucidate the subject a little further, because I can not assent to that proposition, if the Senator goes that far. I can understand that a condition of war, at least theoretically, may exist between belligerents, and that for humanitarian or other reasons one of the belligerents may be willing that food or other supplies may be shipped to the defeated and conquered belligerent pending the final determination of all of the questions at issue, which are being determined in a peace treaty; and I do not see, under conditions of that character, how it would be successfully contented, as a legal proposition, that there was a status of peace, and that there was no further necessity of negotiation in order to bring about a complete status of peace.

Mr. FALL. Mr. President, the Senator has hit the keynote of the whole situation. There is necessity for further negotiation. The treaty that we are considering has gone past the period of negotiation, and does not provide the terms of peace between Germany and the United States. It simply provides for certain rules and regulations governing foreign countries and foreign districts, and does not refer to the people of the United States, nor restore trade conditions, nor restore a condition of peace between this country and Germany, except as there is a provision in the first paragraph, construed with the last article, that upon the ratification by three nations of this peace treaty with Germany, and the filing of the procès-verbal in Paris, by that act the war shall terminate. Only so far does it affect the people of the United States at all, and they do not understand it; and those who are impatient with us who attempt to explain it to them are impatient because they do not want the people of the United States to understand it.

I refer more paricularly now to the answer the Senator has requested me to give as to my understanding of these acts restoring the status of peace.

The Congress of the United States declared the status of war under its constitutional power. The President, in my judgment, had nothing whatsoever to do with it by approval or disapproval of the resolution. However, that is an academic proposition. He did approve it. The Congress of the United States, under our Constitution, is the only power which can create the status of war for the people of the United States, and they lay down the rules and regulations under which that war is to be prosecuted in so far as they themselves are concerned, giving to the President of the United States the management of their armed forces, and giving to him the execution of the laws which they pass for themselves.

They gave him the most ample power, through these laws, for governing themselves and regulating their intercourse with the enemy during the period of the war, and he has repealed them by implication. He has repealed them by an attempt to issue a general license, as he calls it, authorizing any man, woman, or child in the United States to do business with Germany or any ally of Germany, in Germany or elsewhere.

There is one method, and one method alone, and it is provided in the law itself, by which the President of the United States can suspend the trading-with-the-enemy act. I quarrel not with his acts, but I quarrel with his disingenuous answer to my question when he said that he could not by a proclamation create the status of peace in so far as our people were concerned. The Senator has well in mind the point which I have been discussing. The President of the United States has gone abroad through the land, through his address to the Congress of the United States, and has asserted that one of the causes of the high cost of living was the fact that we were not on peace terms, not doing business with the other nations of the world, and that permanent relief could be brought about only by the ratification of his treaty pending before us; and he himself has restored the status of peace and provided rules and regulations for doing business which are not provided in the treaty which he drew after seven months' arduous labors; but he has answered outright to the first question that he has not the power. The whole purport of my questions, as shown by reading them, is as he understood them, and refers to his argument as to the high cost of living; and he has argued himself out of court, and there is no ingenious argument or hair-splitting definition that the Senator or anybody else can read into it that will get him back.

The President says he has no authority to proclaim a status of peace directly. That is the one direct answer which he makes to the four questions; and yet in the trading-with-the-enemy act itself, which he has avoided, which he has, in fact, suspended by a violation of its provisions, I find the following provision:

> The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this act.

Yet he says that he has no power to do what, as a matter of fact, he has done by the issuance through the State Department of the proclamation of July 14, extending or attempting to extend a general license to do business.

Mr. President, I am taking up much more time than I expected to occupy. I will read one more circular.

The Department of State has charge of all of our relations with reference to the trading-with-the-enemy act under the act of Congress itself, which allows the President to authorize the Department of State to do things for him with relation to it.

On August 15 the Department of State issued the following circular relating to general import licenses intended to cover tin and certain drugs and chemicals. Now, listen:

> The War Trade Board Section of the Department of State announces that general import license PBF 3 (W. T. B. R. 822, issued Aug. 7, 1919) has been revised and extended, effective August 15, 1919, so as to permit the free importation thereunder, without individual import licenses—

Any man can bring his stuff in here now without any individual import license at all, from Germany or from elsewhere, and trade freely with this country, except as certain chemicals and other articles are exempted from such general import license or provision; and in the exemption the only requirement is that they must have the particular individual import licenses for such articles. As to all other articles, they need no individual import licenses.

> As now amended, general import license PBF No. 3 authorizes the importation into the United States from all countries of the world, except Hungary and those parts of Russia under the control of the Bolshevik authorities, of all commodities except those hereinafter specifically enumerated, to wit:
> 1. The following foodstuffs.

And as to those, a particular import license is necessary.

Mr. President, can anyone in authority, can any official in the United States of America, or any body of Congress or any number of Senators, through order or asseveration—that is all we hear—any longer befool the people of the United States and make them believe that they are not on a status of actual peace with Germany and with all the other countries of Europe, except Hungary and the Bolshevik portions of Russia, under this last circular? Can anyone longer proclaim to the people of the United States that before they can have relief in their own country from the high cost of living we must ratify this treaty without crossing a "t" or dotting an "i," when by Executive order itself, whether taken in pursuance of Executive authority duly vested or not, the status of peace has been actually extended over the United States? Can the fact that without constitutional authority or authority of the Congress of the United States the President may, as Commander in Chief of the Army of the United States, seize or take two regiments of soldiers now in camp here and send them to the riotous neighborhood of upper Silesia, on the line of Poland and Prussia—can the fact that he still usurps that authority change the condition existing? And if he still has that authority without usurpation, how can it affect the high cost of living in the United States of America? Let some one answer who understands better or has inside source of information which the Committee on Foreign Relations have been seeking most assiduously for the last two months. Let some one answer.

Mr. President, in connection with this same subject I have sought information from every witness who has come before us, and finally from the President of the United States himself I discovered the status with relation to our business connections with Germany and how our citizens could do business in Germany, in German ports and in German territory, under the provisions of these licenses as they would have done under ordinary peace conditions.

I asked the Secretary of State as to our consular relations with Germany, and he said, first, that they had been broken off; he said, second, that they had only been broken off because of the denunciation of that portion of the consular treaty relating to the seamen's act following the passage of what is known as the La Follette Act, and that the balance of the treaty remained in force. The President of the United States, better informed, answered:

> Question 9. Have you requested consular representatives of other countries to act for us in Germany?
> Answer 9. In February, 1917, Spain was requested to take charge of American interests in Germany through her diplomatic and consular representatives, and no other arrangement has since been made.

The fact of it is, exactly as intimated in the President's answer, that the consuls and consular agents of Spain are acting just as they acted before the war, immediately after the dismissal by the President of von Bernstorff. They are acting as consuls and consular agents of the United States, and apparently just as effectively as if we had restored all our consuls who came out at the time our ambassador to Germany asked for his exequatur.

So we have every evidence of absolute peace and trading and amity and good friendship between the two countries, except that the President of the United States, in his desire to achieve his object to fasten upon the people of the United States some supergovernment, paying no attention whatsoever to the construction of the peace treaty upon which we might do business with Germany and resume official, national, or individual relations with that country, in his anxiety to foist upon us a supergovernment because our Government apparently does not suit him, has provided that the United States should use a portion of its armed forces in the governing of upper Silesia, as he has proposed and agreed, for an indeterminate number of years; that the armed forces of the United States should continue to guard the border between Poland and Germany, just as he attempted to provide for the reparation commission governmental powers to be exercised by it for the use of American soldiers. And the people of the United States do not know it!

We have them there now under the terms of this treaty performing duties for some one else. We have commissioners there whom it is necessary to guard. It is even necessary at Mr. Hoover's request to furnish him an armed guard that he may distribute food or the cotton which the Senator from Mississippi [Mr. WILLIAMS] says we are shipping for his disposition to Czechoslovakia.

How long are an outraged people to be compelled to submit to dictatorship in this country? They provide by their laws when these conditions shall cease. The laws have been enforced by a violation of them and the status of peace exists. The law provides that the President may by proclamation end it all, and he says that he can not, and yet he ends it by a misconstruction, in my judgment, of the specific authority vested by other portions of the act.

Mr. President, hurriedly passing to one or two other subjects, we are proposing to establish a league of nations. The fact has been commented upon by various other Senators that a numerical majority of the population of the earth are not in the proposed league nor have they been invited to come into the league. Russia with 180,000,000 or 200,000,000 people is out of it; China with 400,000,000 people is out of it; Turkey is out of it; Bulgaria is out of it; Hungary is out of it; Austria is out of it. But certain nations of the earth were invited by the Versailles convention and invited in this treaty which we are now passing upon to become members of the league. Among these were the great neutral Scandanavian countries, Norway, Sweden, and Denmark, and then Holland and Switzerland. Switzerland is to be the seat of the council of the league, the capital of the world under the provisions of the treaty. The President of the United States is the president of the league commission formed during that conference. The President of the United States has appointed committees to arrange the details of the first meeting. The President of the United States was asked if he had heard from his appointees on the subject, and he said, "No." As the chairman of the commission upon the league one would judge that any invitation, if accepted or rejected, extended to any nation would be understood by the President of the United States, the chairman of the commission upon the league; and yet he answered that he has not heard officially from the invitations extended to Norway, Sweden, Denmark, Holland, and Switzerland.

You may ask what significance this has. Just recall that a short time since when Germany was being compelled to sign this treaty it was held out and announced to the world and told to her that in the event she did not sign it within a given number of days a blockade would be thrown around her and that food and supplies would be kept from her starving population. Norway, Sweden, Denmark, Holland, and Switzerland were invited by the five allied and associated powers to become parties to this blockade to starve the people of Germany into submission to the terms of the treaty. What did those countries do? They promptly refused. They would not join the allied nations and associated powers in the blockade; they would continue to maintain their neutrality.

Now, we have pending before the Senate of the United States for our consideration a treaty between Great Britain and France and the United States of America which we are asked to ratify, and which, if we so ratify, the league of nations may put in effect or not as it pleases. You are inviting Norway, Sweden, Denmark, Holland, and Switzerland to violate their neutrality to Germany by becoming a part of the governing power which will enforce this treaty against Germany, by which we agree to go to her assistance with reference to what the league may do, provided the league first approves it. Do you suppose that those great nations who maintained their neutrality are going to enter into a league until Germany enters it and all nations stand upon an equality in that league assembled? Or do you suppose that if they may entertain the deepest sentiments of friendship for the people of this great country, Germany remaining out, Russia remaining out, Austria, Bulgaria, Hungary, and Turkey remaining out, those great independent nations of the world who have been able to maintain their independence against Russia, on the one hand, and Germany and Great Britain, on the other, are going to enter now this league of nations against Germany itself and approve a treaty prepared specifically against Germany? If they do not, where is your league? Germany with other great nations of the earth who are not invited, who are not in this league, this great group of neutral nations standing out, may join the strongest group, whether in or out of the league.

I say that by bringing the treaty here you injected into the discussion of the treaty which we now have before us an element of danger which those engaged in the negotiation of the French treaty never for one moment thought of or else to avoid which they had some ulterior design, in my opinion. What it is I can not conceive.

Yet we are asked to ratify both treaties and not to consider the one with the other. You ask to hurry the committee, to take out of the hands of the committee by a vote of the Senate the consideration of this treaty by your Committee on Foreign Relations, and you yourselves have taken what the President himself has said is one of the links in this treaty and put it in the hands of another committee of your own body, which as yet has not made a report.

I want the people of the United States to understand that despite what has been said here by these constitutional scorners the majority of the Committee on Foreign Relations of the United States Senate are patriotically, sincerely, and as honestly as they know how attempting to do the work which you have placed in their hands, and if you are not satisfied with it I challenge you to bring it upon the floor and through open debate here let the people of the United States know what is behind the treaty and what it amounts to, that it means war in every line of it. The Saar Basin provision, in so far as the United States is concerned, means war for the present and war for the future; the reparations commission with powers vested in it means war now, means American soldiers now; not at some distant date in the future, but now and for a time indeterminate. It means war in itself. The commission of government for upper Silesia or a plebiscite for upper Silesia means war, an actual state of war and future war; and your Commander in Chief is recruiting his Army with your soldiers for that border and against people with whom we have had no difficulty. You are fighting now and your children are being killed, with our marines and sailors in the old Hanse town of Danzig, one of that little group which was the mistress of the commerce of the world 500 years ago, always a great city, which joined Prussia and the German Empire by her own desire, never was conquered, and you are taking her away and you have to do it by the blood of your soldiers, and they are spilling the blood of your sailors and your marines in her streets now. The people do not know it; and yet you call upon us not to inform them through the only forum open to us, the Senate of the United States.

Mr. President, I have taken up too much time. At some future occasion I shall go a little more fully into the ingenious answers of the President of the United States to the questions which were propounded to him.

LEASING OF OIL LANDS.

Mr. SMOOT. Mr. President, I ask the Senate now to proceed with the oil-leasing bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. From the information I have, if we will continue the consideration of the bill from now on, I am quite sure that we can finish it before the close of to-day's session. A good many hours have been spent upon a question foreign to the bill under consideration, and I ask now that the pending amendment be reported.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARDING in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	Lenroot	Robinson
Bankhead	Harding	Lodge	Sheppard
Borah	Harris	McCormick	Shields
Brandegee	Harrison	McCumber	Smith, Md.
Calder	Henderson	McKellar	Smith, S. C.
Capper	Johnson, S. Dak.	McNary	Smoot
Chamberlain	Jones, N. Mex.	Moses	Spencer
Cummins	Jones, Wash.	New	Sterling
Curtis	Kendrick	Norris	Sutherland
Dial	Kenyon	Nugent	Thomas
Elkins	Keyes	Overman	Trammell
Fall	King	Page	Wadsworth
France	Kirby	Phelan	Walsh, Mass.
Gay	Knox	Poindexter	Walsh, Mont.
Gerry	La Follette	Ransdell	Williams

Mr. GERRY. The Senator from Delaware [Mr. WOLCOTT] is necessarily detained on official business.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Sixty Senators have answered to their names. There is a quorum present. The question is on the amendment offered by the Senator from Arkansas [Mr. KIRBY].

Mr. SMOOT. Mr. President, I ask that the amendment proposed by the Senator from Arkansas may be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. The amendment proposed by Mr. KIRBY, in the nature of a substitute, is to strike out all after the enacting clause and to insert:

The President of the United States is hereby authorized to mine and develop coal, oil, and gas in any lands belonging to the United States, and to operate the mines and wells under the direction and supervision of the Secretary of the Interior when, in his discretion, the public exigency may require that it shall be done.

Mr. SMOOT. Mr. President, I had intended to speak upon the proposed substitute and in my remarks to call attention to the present situation and past conditions affecting the production of oil in the United States. I think, however, that the Senate already knows full well what this amendment means, and I am perfectly willing that we shall vote upon it at once.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas [Mr. KIRBY].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. SMOOT. Mr. President, I do not desire that it may be said that advantage has been taken of any Senator in this matter. I know that the Senator from Wisconsin [Mr. LA FOLLETTE] has a number of amendments to the bill which he desires to offer. I think, however, he has been notified that if he will now come into the Chamber, the time has arrived when he may offer his amendments. The junior Senator from Utah [Mr. KING] also has a substitute to offer for the bill. I do not desire that the bill pass from the consideration as in Committee of the Whole into the Senate until those Senators have an opportunity to offer their amendments.

Mr. KIRBY. Mr. President, I suggest the absence of a quorum.

Mr. SMOOT. I trust the Senator will withdraw that suggestion.

Mr. KIRBY. I withdraw the suggestion, my only object in making it being to give absent Senators an opportunity to return to the Chamber.

Mr. SMOOT. I will state that the Senator from Wisconsin will be here in just a moment, so it will not be necessary to call the roll to bring him into the Chamber.

TREATY OF PEACE WITH GERMANY.

Mr. McCUMBER. Mr. President, while we are awaiting the arrival of the Senator from Wisconsin, I desire to take about three minutes of the time of the Senate in replying to the argument that has just been made by the Senator from New Mexico [Mr. FALL]. I have called for the stenographic report of some of that Senator's introductory remarks, from which I read as follows:

Mr. FALL. Mr. President, in passing I shall now simply refer for a moment to the Shantung controversy.

It is admitted by the Senator from North Dakota and every other Senator who has attempted to speak—and somehow only he has taken upon his shoulders the advocacy of the cause of Japan. The President has not done it. None of the other Senators has understandingly, I think, attempted to defend the cause of Japan; yet, in defending the Shantung article in the treaty, none has undertaken to deny that Germany obtained her title to Shantung by force and duress.

As yet I have heard none defend the course of Germany in acquiring the Shantung possessions, and yet the Senator from North Dakota and others use two arguments: First, that Japan obtains the stolen goods which Germany stole, and that we should perpetuate the outrage and the fraud; second, that if she does not claim under Germany's title, then she claims by conquest the possessions of her and our ally.

Mr. McCUMBER. Mr. President, does the Senator give that as my statement?

Mr. FALL. I give that as the Senator's statement; possibly not in words, because he attempted to cover it.

Mr. McCUMBER. Mr. President, will the Senator allow me to interrupt him?

Mr. FALL. Certainly.

Mr. McCUMBER. I deny that statement in toto as being absolutely and unquestionably false.

I have never believed in any character of pettifogging even before the most ignorant court or justice of peace in the United States; much less do I believe in it before a body like the United States Senate. I do not believe that a Senator gains anything by misrepresenting the attitude of another Senator or misquoting what he has said. In this instance the Senator from New Mexico has both misquoted and misrepresented my position.

I have never taken the position that Germany had right to seize the Shantung Peninsula or to acquire any of the other privileges she enjoyed in China. On the other hand, I have always condemned that, and I have condemned the same course of action on the part of other countries.

In order that the RECORD may be clear and show just what my position is, I will recall my statement of yesterday and read it again into the RECORD. I read from page 4356, as follows:

Mr. McCUMBER. Mr. President, I regret that I was called out of the Chamber so that I could not hear all of the address of the Senator from Idaho [Mr. BORAH], but he has presented one or two propositions that can not go unchallenged.

One of the propositions to which I referred was his statement that I was defending the action of Japan. This was my answer:

Mr. President, when as a boy I read in the history of the United States what was declared to be a glorious feat on the part of the American Navy, when Admiral Perry, with loaded guns, awoke Japan from her state of lethargy and commanded her to open her ports and Japan opened those ports at his demand, I never could agree that it was a moral act or that it was an act in which we ought to take a great deal of pride. So I agree with the Senator from Idaho that such acts are immoral.

I have never agreed, no matter what great benefit we got out of it, and no matter what great State was added to our Union, that making a war on Mexico to get added territory, by which we could balance the sentiment of one section against that of another section, was a moral act on the part of the United States. I have never agreed that the exercise of the power of Great Britain in compelling China to give her certain rights at Shanghai was in every respect a moral act. I have never asserted that Japan in compelling China to sign a treaty whereby she gave to Japan just what she had to give to other nations was in all respects moral. All I have asserted, Mr. President, is that we are in no position to claim that Japan has committed a wrong against China so long as we visé all of the other acts that have been committed in the same way by every other Caucasian nation of the world.

Of course we would all have been glad if Japan had not attempted to make China give her the same rights that China gave to Great Britain, to France, to Russia, and to other countries; we would be pleased if Great Britain would yield her rights in China back to China and if Japan and Russia would do the same thing; but, Mr. President, we were met with a situation in Paris; we had to deal with conditions as they existed and not as we would wish them to be. I believe that we dealt with the conditions in the best possible way they could have been dealt with at the time.

Notwithstanding the declarations of the Senator from Idaho concerning the infidelity of Japan in all of her past history, I say that I do believe that she will keep this treaty obligation with China; and I have given my reason for so believing.

The first reason is that she has made that promise not to China alone but that she has declared it to every civilized nation upon the face of the earth. Nor is that all. If Japan broke her treaty with Korea, she had a treaty with Korea only, and we could not protest. If she enters into this league and does not keep good her word, then she breaks her treaty with every nation worth mentioning upon the face of the earth; and that, Mr. President, is worth something.

I submit my declaration of what I consider moral and immoral in the treatment of China as against the Senator's version of my position as he gave it this morning.

Mr. President, I think that I have made my position quite clear. In all of the running debate of some hours yesterday afternoon there was never a single argument suggested that met the particular points which I proposed. They are clear and simple. Japan at present holds her rights in Shantung by reason of a treaty with China, and I consider the notes which Japan exchanged with China previous to the signing of the treaty, and which became a part of the treaty, paramount to any claim of right by virtue of any conquest. Yet the two exist, the greater, the more important one, being the treaty with China herself. In that treaty with China Japan agrees that she will return to China the German rights in Shantung and Kiaochow Bay. Senators think that she will not keep her treaty obligation. There is an honest difference of opinion. I think she will in this instance, whether she kept it with Korea or not, and I will not discuss that at this time. I think she will, first, because she has made it clear and definite that, in consideration of China signing the treaty, she will do so; and, second, in addition to that, if the President's recollection is at all accurate, she redeclared that intention in the presence of the four great powers.

In addition to that her official statesmen have again and again declared that that is her promise, and that she will solemnly keep that promise. But what is more important than any of them is this—and I base it upon the league of nations—that if

she enters the league of nations she declares by her very signature to that treaty that she will scrupulously keep her treaty obligations, and one of her treaty obligations is that she will return these rights to China. She not only agrees to that, but she agrees further, if she becomes a party to this compact, that upon the complaint of China it may be brought before the council of the league of nations, and that she will obey the award of that council. She not only agrees to that but she agrees that if she does not do so every other country in the world constituting the league may bring to bear upon her and against her the weapons by which their final decision is to be made good.

Taking them all together, I think it is impossible for Japan to escape that treaty obligation. I make that statement irrespective of the morality of her treaty with China or any justification of her treaty with China. I simply assert that, from my standpoint, she was not justified in exacting these promises from China any more than Great Britain or France or Italy were justified in exacting similar promises from China. The only thing that I think Japan is justified in is this: She is justified, from my standpoint of right, in asking China to concede to her a place where her nationals may have a place of residence, exactly the same as she has conceded the same rights to other great nations of the world; and I base my belief in the justice of that cause upon the assumption that Japan, as a great independent power so close to China, with her interests as much at stake as those of any other country, ought to be accorded rights in China not superior but equal to the rights of the other great nations.

Mr. President, the Senator seemed to complain that I had used the words "slap Japan in the face." I did use those words. The Senator says in his discussion that I forgot it. The Senator is mistaken. I did not forget it. I never claimed that I forgot it. I reiterate it. I think it is a slap in the face of Japan. I can not look at it in any other possible way. In all legal controversies a person is presumed to intend the natural consequences of his act, and if one man drives a bowie knife between the ribs of another man up to the hilt there is a reasonable presumption that he intended to kill him. Of course it is not a conclusive presumption. He may prove to the satisfaction of a jury that all he intended to do was to perform an operation for the benefit of the gentleman into whose body he had plunged the dagger. Now, I allow the Senator from New Mexico to make that explanation if it satisfies him, and I will concede that he is making it in good faith, and that he does not think that if the amendment is adopted it will kill the treaty. I simply think it will, and we have a right to disagree upon that point; and we have a right to disagree without the Senator or anybody else declaring that I am justifying Japan in making the treaty that she made with China. I have not justified any of them in all the long history in which those acts have been perpetrated against China.

The Senator again said this morning—and I really think it needs an answer—that in my questioning of him I dropped from yesterday's sublimity to to-day's ridiculousness, or something of that character. I am perfectly willing to admit that. Yesterday I was discussing a great world-wide question, a sublime question, and in getting into the argument with the Senator to-day I will admit that I did get into the pool of his argument; and if I was somewhat stained, I think I should not apologize for it. It was the subject that we were discussing. I simply ask Senators to be as fair with me as I would be with them. Differ if you will; the proposition still faces us that Japan did say to China on the 25th day of May, 1915:

> When, after termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:
>
> 1. The whole of Kiaochow Bay to be opened as a commercial port.

I have heard no objection to that.

> 2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

I can not see anything serious in the second proposition, in the face of the fact that perhaps a dozen or more like concessions have been given to other great countries.

Mr. President, I agree with the Senator that a great deal of feeling has been developed upon this treaty question, and I do not think the Senator from New Mexico is entirely free from the charge of nervousness, and so forth, which he thinks has affected the other Senators. Certainly his discussion with the Senator from Minnesota [Mr. NELSON] this morning would not indicate that he was making his remarks coolly and deliberately. I believe that we can lay this feeling aside, no matter how bitter any of us might be against the President of the United States; and Heaven knows I am as bitterly opposed to some of his policies as any Senator or any man in the United States. Nevertheless I do not feel that that should enter into this great world question of some method of preventing another such holocaust of blood and misery as has deluged the world during the last four or five years. I believe we can find a way to escape it. I will do my part to make the trial. It may be, possibly, a mistake. I do not think it will be. Many people thought that our great Constitution never would be workable, and we had to make amendments. I have no doubt but that there will be troubles and disputes in the world even after we have agreed upon methods of settlement; but they all tend in the right direction; they all lead toward the goal of peaceful settlement; and I have confidence in the heart and conscience and intelligence of the people of the world and in their ability to work out a scheme, under even this proposed league, that will be successful.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield.

Mr. KING. Can the Senator imagine any conditions that will arise or may arise in the future in which China's interests would not be far better served if she and Japan were in the league than if both of them were excluded from the league?

Mr. McCUMBER. Of course, I argued that yesterday, and I have not repeated it to-day. I gave the alternative of having Japan and China in the league or of having China and Japan out of the league. If we have them in the league we have them tied up to certain agreements to keep treaties, and to keep them in the very best of faith. If we put them both out, unless we are ready to go to war for our sentiment, then Japan can work her will.

Mr. KING. One other question, if the Senator will pardon me. I would not ask this question except for the fact that the hearings before the Committee on Foreign Relations have been in the open. Has there been any solicitude evinced by those who have spoken so much about the Shantung proposition to relieve China from the incubus of Great Britain's and France's holdings and concessions in China? In other words, has there been any proposition made before the Senator's committee by those who manifest such a great interest——

Mr. McCUMBER. Not a suggestion. It is all on the one subject of Japan.

Mr. KING. I will ask the Senator, then, one further question: Is it not manifest from the attitude taken, or is it not a proper, legitimate deduction from the attitude taken, that the Shantung proposition, urged here so fiercely by opponents of the treaty, is used as a sort of a bogey man to frighten people against the treaty?

Mr. McCUMBER. I think the Senator has answered the question by his question.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there are no further amendments to be proposed, the bill will be reported to the Senate.

Mr. KING. Mr. President, I understood that there were some amendments to be offered. The Senator from Wisconsin [Mr. LA FOLLETTE], I understand, has some amendments.

Mr. SMOOT. The Senator from Wisconsin has 15 amendments printed. I have copies of them on my desk. He was here a minute ago.

The PRESIDING OFFICER. If there are no amendments to be proposed, the bill will be reported to the Senate.

Mr. SMOOT. The Senator from Wisconsin is entering the Chamber now.

Mr. KING. I do not think the Presiding Officer should so peremptorily order the bill reported to the Senate.

Mr. LA FOLLETTE addressed the Senate. After having spoken with interruptions for over three hours,

Mr. SMOOT. Mr. President, it is now a quarter past 5 o'clock. The Senator from Wisconsin has been speaking for more than three hours, and no doubt he will not be able to finish this evening.

Mr. LA FOLLETTE. I shall not be able to finish this evening.

RECESS.

Mr. SMOOT. Mr. President, I am going to move that the Senate take a recess until 11 o'clock to-morrow, and I ask Senators not to interfere to-morrow with the consideration of this bill. We have had it before the Senate for some time, and

let us see if we can not dispose of it to-morrow. Let us discuss the bill and allow nothing outside to interfere with its consideration. I sincerely hope that this suggestion will be agreeable to the Senate.

I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Thursday, August 28, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 27, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal Spirit, above, beneath, around, within, so near and yet so far, stir our souls, make us conscious of Thy presence, inspire us with clearer vision, larger life, that we may move forward as a nation in these days of reconstruction with the same patriotic zeal that moved our fathers, who gave us a Nation for the good of mankind; that all our people may be ready to sacrifice for its maintenance, that the prevalent unrest may pass away and the normal come to bless us and all the world. In the Christ spirit. Amen.

A QUORUM—CALL OF THE HOUSE.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present. It is obvious that there is not a quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Evans, Mont.	Jones, Tex.	Rogers
Babka	Evans, Nebr.	Kahn	Rouse
Benson	Fields	Kelley, Mich.	Rowan
Black	Fisher	Kennedy, Iowa	Sabath
Blackmon	Fitzgerald	Kennedy, R. I.	Sanders, N. Y.
Bland, Ind.	Flood	Kettner	Saunders, Va.
Booher	Focht	Langley	Scott
Brinson	Foster	Lea, Calif.	Scully
Britten	Frear	Lee, Ga.	Shreve
Browne	Fuller, Mass.	Linthicum	Sisson
Brumbaugh	Gallagher	Longworth	Smith, Ill.
Burke	Gallivan	Luce	Smith, N. Y.
Burroughs	Gandy	Luhring	Snell
Caldwell	Ganly	McGlennon	Snyder
Candler	Garland	McKenzie	Steagall
Carew	Glynn	McKinley	Stephens, Miss.
Carter	Godwin, N. C.	Magee	Stevenson
Christopherson	Goldfogle	Maher	Stiness
Classon	Goodwin, Ark.	Mann	Sullivan
Costello	Gould	Mead	Sumners, Tex.
Cramton	Graham, Pa.	Moon	Taylor, Ark
Crowther	Griest	Mooney	Taylor, Colo.
Curry, Calif.	Griffin	Moore, Pa.	Tilson
Davey	Hadley	Moores, Ind.	Vare
Davis, Minn.	Hamill	Morin	Walsh
Dempsey	Hardy, Colo.	Mott	Walters
Denison	Haskell	Mudd	Ward
Dickinson, Mo.	Haugen	Neely	Wason
Donovan	Hill	Olney	Wheeler
Dooling	Holland	Padgett	Williams
Doremus	Huddleston	Parker	Wilson, Pa.
Dunn	Hull, Tenn.	Rainey, John W.	Wise
Dupré	Humphreys	Randall, Calif.	Yates
Eagle	Jefferis	Rayburn	Zihlman
Ellsworth	Johnson, S. Dak.	Reed, N. Y.	
Emerson	Johnson, Wash.	Riordan	

The SPEAKER. Two hundred and eighty-seven Members have answered to their names. A quorum is present.

Mr. DYER. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Missouri moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

The Journal of the proceedings of yesterday was read and approved.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. If it is not out of order, Mr. Speaker, I would like to inquire of the gentleman from Wyoming [Mr. MONDELL] whether Republican differences have been sufficiently ironed out after last night's caucus to now take up the soldiers' relief bill and consider it?

The SPEAKER. The gentleman is out of order.

THE AMERICAN LEGION.

The SPEAKER. The unfinished business before the House is the bill which was pending on last Wednesday for the incorporation of the American Legion. When we adjourned a reconsideration was ordered on the Gard amendment, so that the question before the House is on agreeing to the Gard amendment. Without objection, the Gard amendment will be reported by the Clerk.

The Clerk read as follows:

Page 9, line 7, after the word "and," strike out "November 11, 1918," and insert "the date of the conclusion of the Great War, to be evidenced by the proclamation of the President of the United States."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to correct the amendment which was adopted by the House last Wednesday to include the State chairmen as members of the incorporators of the American Legion. I find that mistakes have been made in the spelling of four names, and that five of the names of State chairmen should be changed by reason of the fact that others have since been regularly elected by the returned soldiers in place of those who were acting temporarily as State chairmen.

The SPEAKER. The gentleman from Arizona asks unanimous consent to modify his amendment. Is there objection?

Mr. DYER. Reserving the right to object, Mr. Speaker, I would like to know where the gentleman gets his information.

Mr. HAYDEN. I have obtained this information from Mr. Thomas W. Miller, a former Congressman from Delaware and a returned soldier, who is here in Washington looking after this bill in behalf of the American Legion. The information furnished him came from the national headquarters of the American Legion in New York City.

The SPEAKER. Is there objection to the modification of the amendment?

Mr. SEARS. Reserving the right to object, is there any chance of further changes being made before we pass the bill?

Mr. HAYDEN. No; the list of names I have is correct to date.

The SPEAKER. The gentleman will send his amendment to the Clerk's desk. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HAYDEN:
Connecticut—Alfred M. Phillips, jr., instead of Alfred A. Phillips.
Tennessee—Roane Waring instead of Roan Waring.
Texas—Claude V. Birkhead instead of Claud B. Birkhead.
Virginia—Charles Francis Cocke instead of Francis Cocke.
Alabama—Mathew H. Murphy instead of Bibb Graves.
Kentucky—Henry DeHaven Moorman instead of A. Hilla Cox.
Nevada—J. G. Scrugham instead of E. L. Malsbary.
South Dakota—M. L. Shade instead of T. R. Johnson.
Wisconsin—John C. Davis instead of E. F. Ackley.

Mr. HAYDEN. Mr. Speaker, I have here a list which contains all the corrections that have been read. I would like to substitute this new list for the entire amendment.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. What is the gentleman asking to do?

The SPEAKER. The gentleman first offered an amendment, which the Clerk has reported. If that amendment is adopted, will it not accomplish what the gentleman wishes to do?

Mr. HAYDEN. Yes; I withdraw my request.

The SPEAKER. The gentleman withdraws his request. The question is on the amendment of the gentleman from Arizona.

The amendment was agreed to.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The SPEAKER. The question is on the amendment to strike out the preamble.

The amendment striking out the preamble was agreed to.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The call still rests with the Committee on the Judiciary.

AFFIDAVITS IN CERTAIN CASES.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill (S. 2236) relating to affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war."

The SPEAKER. The gentleman from Minnesota calls up a bill, which the Clerk will report.

The bill was read as follows:

Be it enacted, etc., That where any judgment has been entered since March 8, 1918, in any action or proceeding commenced in any court where there was a failure to file in such action the affidavits required by section 200 of article 2 of the act approved March 8, 1918, entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war" (40 Stat. L., p. 440), the plaintiff may file an affidavit stating that the defendant, or defendants, in default in such judgments, are not at the time of such filing, and were not at the time of the entry of such judgment, in the naval or military service of the United States, and upon the filing of such affidavit the court may enter an order that such judgment shall stand and be effective as of the date of the entry thereof. Any person who shall make or use such an affidavit as aforesaid, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year, or by fine not to exceed $1,000, or both, in the discretion of the court.

Mr. VOLSTEAD. Mr. Speaker, this bill has passed the Senate and has been reported unanimously by the Judiciary Committee of the House. Its object is to validate certain judgments that have been entered since the adoption of the soldiers' and sailors' relief act. Section 200 of that act provides that before a person can obtain a judgment by default it is necessary that he shall show by an affidavit that the defendant is not in military or naval service, or that the plaintiff has no knowledge whether the defendant is in such service or not, or that the defendant is in such service. He must file an affidavit setting forth one of those three statements before a judgment can be entered.

The exact terms of this act are not generally known throughout the country, and in many instances where the plaintiff knew that the defendant was not a soldier or sailor plaintiff neglected to file the required affidavit. That was natural enough. I am informed that many courts have held that these judgments are void, that the filing of such an affidavit is jurisdictional. This bill is intended to give relief in those cases by permitting those affidavits to be filed now for then, or nunc pro tunc, as the lawyers say. The affidavits ought to have been filed at the time the judgment was entered; but where they fail to do it, no harm can be done by allowing the filing at this time. The soldiers' and sailors' relief act was not intended to protect people not in the military or naval service. It was intended to protect soldiers and sailors, and the passage of this bill will not affect them, but it will permit plaintiffs who through an error have failed to file the required affidavit as against persons not in the service to obtain valid judgments.

It seems to me that we ought to permit that. I think it is in line with what has been done in a great many instances by legislation. It is purely a curative act, and in view of the injury that has resulted to innocent but mistaken people, it seems to me we ought to allow this matter to be corrected. I am told that there are a number of judgments for divorce against people not in the military or naval service and not entitled to any consideration under the soldiers' and sailors' relief act that are subject to be set aside because of this defect. There are also many cases where land titles are involved. All of us who are lawyers are aware of the fact that in many instances judgments by default are frequently entered against lands, entered in rem, as it is called. No doubt in many such cases plaintiffs have failed to file the proper affidavits.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. HARDY of Texas. Does this act provide for any notice to the party adversely affected?

Mr. VOLSTEAD. Not specifically. Application must be made to the court for the relief provided, and it would be within the discretion of the court.

Mr. HARDY of Texas. Should there not be an absolute requirement that the party adversely interested be notified of the application? In other words, you are taking a second judgment.

Mr. VOLSTEAD. One of the troubles about that would be this: In many instances you could not find the defendant.

Mr. HARDY of Texas. There is a procedure prescribed by which action shall be taken in lieu of personal service?

Mr. VOLSTEAD. Yes; there can be service by publication. I am aware of that.

Mr. HARDY of Texas. It seems to me it is a very grave question to validate an absolutely void judgment, as the gentleman says, without notice to the party against whom the judgment is to be made binding.

Mr. VOLSTEAD. I would not have any serious objection to amending the bill as the gentleman suggests.

Mr. HARDY of Texas. I suggest to the chairman of the committee that he prepare such an amendment.

Mr. CHINDBLOM. I beg to suggest to the chairman of the committee that very likely many defendants knowing that no affidavits had been filed may have purposely omitted to enter an appearance, knowing that the judgment would be void. He knew at the time that jurisdiction was not obtained because no affidavit had been filed. That being so, it seems rather important that he should have notice, and if he can not be found such notice be given as is usual in chancery cases.

Mr. VOLSTEAD. I would not object if the House sees fit to amend the bill in that respect. The defendant could not, however, know that the affidavit would not be filed until after the judgment had been entered.

Mr. KEARNS. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. KEARNS. Is it the position of the gentleman that in all suits filed in the courts of the various States, Federal and State, it is incumbent on the plaintiff to file an affidavit stating whether or not the defendant was in the military service?

Mr. VOLSTEAD. By the act already referred to it was made incumbent where a person sought judgment by default to file in all the courts—it made no difference whether it was Federal or State court—an affidavit stating that the defendant was not in the military or naval service. It was the only way that we could see that would protect the soldier and sailor.

Mr. KEARNS. As I understand, the law is that the affidavit must be filed when the suit is filed. When the petition is filed there would be no knowledge on the part of the plaintiff whether judgment was going to be by default or not.

Mr. VOLSTEAD. I do not catch the gentleman's idea.

Mr. KEARNS. My understanding of the law is that the affidavit is to be filed at the time of the filing of the petition, that the affidavit should accompany the petition. Is that true?

Mr. VOLSTEAD. No; that would depend upon the practice of the various States. In my State a person would not have to file the petition until he applied for the judgment.

Mr. KEARNS. Is it incumbent on the plaintiff in all suits where the case has gone to final judgment, before final judgment is taken, to file an affidavit stating whether or not the defendant is in the military service or was in the military or naval service of the United States?

Mr. VOLSTEAD. Yes; if he seeks a judgment by default, then the affidavit is necessary. If there is an appearance, the affidavit is not necessary.

Mr. KEARNS. But it is necessary in a judgment by default?

Mr. VOLSTEAD. Yes; where there is no appearance by the defendant.

Mr. KEARNS. The gentleman says that such an affidavit is necessary in all the courts?

Mr. VOLSTEAD. All the courts of the land.

Mr. KEARNS. But that has not been the practice, has it?

Mr. VOLSTEAD. I am informed that in a great many instances plaintiffs have failed to file the affidavit where they knew the defendants were not in the military or naval service.

Mr. KEARNS. I see that the report speaks of cases, especially in matters of divorce. If the defendant does not appear, that is a judgment by default, although testimony is taken in the case.

Mr. VOLSTEAD. Of course.

Mr. KEARNS. In a suit of that sort has it been held necessary by the courts that there must be an affidavit?

Mr. VOLSTEAD. Yes; so I am informed.

Mr. KEARNS. Would that be necessary in a suit where the husband has applied for a divorce from his wife?

Mr. VOLSTEAD. Yes; for the reason that she might be in the military service.

Mr. KEARNS. Suppose it is generally known that the defendant was not in the military service.

Mr. VOLSTEAD. That makes no difference, the record must show it.

Mr. KEARNS. The record must show it?

Mr. VOLSTEAD. Yes; because it is made a statutory requisite for a judgment; the affidavit must be filed in all suits where defendant fails to appear.

Mr. KEARNS. I see that the bill is retroactive. How far back does it go?

Mr. VOLSTEAD. To March 8, 1918.

Mr. KEARNS. Is that the date of the passage of the law?

Mr. VOLSTEAD. Yes.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. WHITE of Maine. As I understand the situation, in a certain class of cases in order to obtain an enforceable judgment the plaintiff must file the affidavit.

Mr. VOLSTEAD. Yes.

Mr. WHITE of Maine. In cases of a certain character you propose to validate an unenforceable judgment. Why should you do that? Might it not very well be that the defendant allowed the case to go to judgment by default because the plaintiff had not taken the necessary steps to get an enforceable judgment?

Are you not taking advantage of a defendant by rendering valid a judgment not enforceable and which he may have permitted to be entered against him because he knew that it was not enforceable?

Mr. VOLSTEAD. If there is any objection on that ground, an amendment can be inserted that notice must be given to the defendant before entering the judgment, and then the court can take all these matters into consideration.

Mr. KEARNS. Will the gentleman yield further?

Mr. VOLSTEAD. Yes.

Mr. KEARNS. These cases have been finally adjudicated for nearly a year. Before that judgment can become lawful and binding is it not necessary to reopen the case and give further notice to the defendant?

Mr. VOLSTEAD. I think probably it would be a good idea to require notice to the defendant. I think there are circumstances where it might be proper, as suggested by the gentleman from Maine [Mr. WHITE].

Mr. KEARNS. In a divorce suit where the parties have been married again, is it necessary for the plaintiff to the suit to have the case reopened?

Mr. VOLSTEAD. It does not necessarily have to be reopened.

Mr. KEARNS. It would be necessary to reopen the case if you gave notice to the defendant?

Mr. VOLSTEAD. No; only notice of the filing of this affidavit should be given.

Mr. KEARNS. And if that is true and one of the parties is remarried, and on further hearing upon the part of the court the testimony of the defendant would be heard, and this might show that the former judgment of the court was wrong. Suppose there is a divorce, and in the subsequent proceeding a verdict given showing the divorce had not been granted, and the parties are remarried.

Mr. VOLSTEAD. That is one of the reasons we want this bill passed.

Mr. KEARNS. It is one of the reasons why it will make trouble.

Mr. VOLSTEAD. No; because if that is a void judgment you have trouble already.

Mr. CHINDBLOM. They would be guilty of bigamy.

Mr. KEARNS. It would not be a void judgment, because the court had granted it in good faith; it might be voidable.

Mr. VOLSTEAD. That is a question. If there is a lack of jurisdiction, it is a void judgment. I believe such a judgment would only be held voidable.

Mr. WHITE of Maine. Do I understand the gentleman's suggestion to be that you can take a judgment which is now unenforceable because of the failure to file this affidavit and breathe life into it by filing the affidavit now?

Mr. VOLSTEAD. I do not think there is any doubt about that, if defendant has had the proper notice. It is then one of those cases where, after jurisdiction has been obtained, plaintiff has neglected to comply with some requirement made a condition for entering the judgment. If he had filed the affidavit at the time it was entered, the judgment would be valid; we now ask that he may file it at this time as of the time at which it ought to have been filed. It is a nunc pro tunc proceeding that we seek to authorize.

Mr. WHITE of Maine. And the defendant may have permitted it to go to judgment, fully appreciating the fact that the plaintiff had not taken the steps necessary to obtain a valid judgment.

Mr. VOLSTEAD. I do not see how he could do that, for this reason: Up to the time plaintiff makes application for judgment by default there has been no default in the filing of this affidavit. The affidavit comes at the time of the application for judgment; hence defendant can suffer default because the affidavit has not been filed.

Mr. WHITE of Maine. As a matter of practice in some jurisdictions you get your judgment automatically; you do not have to follow it up.

Mr. VOLSTEAD. In one sense that is true.

Mr. WHITE of Maine. You ought not to permit an invalid judgment to be made valid by the filing of this affidavit, unless you open the case up de novo and allow the defendant an opportunity to defend on the merits, it seems to me.

Mr. VOLSTEAD. I do not think that would be fair, for this reason: When plaintiff makes his application for judgment the defendant's rights have been fixed. You do not have to file this affidavit until that time; that is, plaintiff files the affidavit at that time and in connection with his application for the judgment, so that the situation that the gentleman from Maine suggests can never exist.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. KEARNS. I was talking about a case where it had gone to final judgment.

Mr. VOLSTEAD. Yes.

Mr. KEARNS. And the parties have obtained new rights under that judgment.

Mr. VOLSTEAD. Well?

Mr. KEARNS. If you allow that case to be reopened, give notice to the defendant, and he decides that he wants to be heard this time, and he can present a state of facts that would show that the court erred in rendering the first judgment——

Mr. VOLSTEAD. But if it is not a judgment, what good is it to you? If on the face of the record he has not a judgment, it seems to me, in view of that situation, that the position of the gentleman is not tenable.

Mr. KEARNS. But he has a judgment.

Mr. VOLSTEAD. No; he has not, according to the decisions of some courts.

Mr. KEARNS. But some courts have held that he has.

Mr. VOLSTEAD. It is not valid.

Mr. KEARNS. Some courts have held that he has a valid judgment, and some have held that he has not.

Mr. VOLSTEAD. I do not think so.

Mr. KEARNS. That is true in every State in the Union. They have been rendering these verdicts. The entry has gone on by which the plaintiff has been granted certain rights under the judgment, and he has exercised those rights, believing he had them.

Mr. VOLSTEAD. If they hold it valid, the court would continue to hold it valid, regardless of the filing of this affidavit.

Mr. KEARNS. Then what is the object of this law?

Mr. VOLSTEAD. Because the court holds these judgments void.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BRIGGS. As I understand it, the act as it stands at present does not give the court power, according to the construction in some States, to enter judgment without this affidavit first being filed.

Mr. VOLSTEAD. That is correct.

Mr. BRIGGS. And any judgment that is predicated upon any such proceedings is absolutely void, according to the construction given it in some States. This is a corrective act.

Mr. VOLSTEAD. Yes; a curative act.

Mr. BRIGGS. Of course the gentleman does not contend that you can make a judgment by legislative decree.

Mr. VOLSTEAD. Oh, no.

Mr. BRIGGS. This bill here would seem to make it simply a pro forma or formal proceeding to correct judgment when it was called to the attention of the court; but it occurs to me that it is absolutely necessary to give the adverse party some kind of notice, to give due process of law in the first place, and, in fact, to do more than that, so as to keep this from being an ex post facto proceeding, and not really make a judgment or give grounds for one where there was none before.

Mr. VOLSTEAD. I have no objection against authorizing notice in proper cases. Personally I do not think it would be necessary. Defendant has already been served with notice and jurisdiction has been obtained. This bill provides a proceeding for the purpose of validating a judgment, voidable not because of lack of jurisdiction but because of failure to exercise that jurisdiction properly. The defendant has had his day in court.

Mr. BRIGGS. I think that the chairman is more nearly correct when he says that courts would hold it voidable rather than void. It is something that may be taken advantage of, and yet would not involve invalidity of the decision.

Mr. VOLSTEAD. I spoke of it in a general way as being void, because anything that is voidable is often called that though incorrectly.

Mr. BRIGGS. I understand that the chairman has no objection to a provision providing that a certain notice should be given preliminary to the entry of any order?

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. SMITH of Michigan. In a proceeding of this kind something was said that an affidavit should be served personally, and every defendant should have personal notice of the correction of the record by the filing of this affidavit. Now, if a personal notice is necessary, and then proceedings in rem, in a good many instances they might give the same notice as required by the rules of court where they want to amend their proceedings by publication.

Mr. VOLSTEAD. You could not always give by personal notice, because you might not be able to find the party, and the notice

required, if any is required, should be served the same as the service of a summons.

Mr. SMITH of Michigan. In that case the rules provide that the parties—one, two, three, or more—if it is deemed necessary, should have notice.

Mr. KEARNS. Will the gentleman yield for one more question?

Mr. VOLSTEAD. I will.

Mr. KEARNS. Does the gentleman mean to say in all cases now, even though it is known the defendant was not in the military or the naval service at the time stated, or was not at any time, although it is well known, it is necessary, before he can have a valid judgment, to have that affidavit filed? Is that the gentleman's position?

Mr. VOLSTEAD. That is the position, and that is the reason why this bill has been prepared and passed in the Senate.

Mr. KEARNS. I want to ask this question: That law was passed for one purpose. It is only for two classes of persons who could get the benefit of it. Those persons were members of the Military and Naval Establishments of the United States. Now, if the records in court on this suit are absolutely silent, would it not be presumed that this man or woman, however that may be, was not in the Military or Naval Establishment?

Mr. VOLSTEAD. Oh, no; we have made it an affirmative duty upon the part of the plaintiff to file it. The presumption is one that can be rebutted.

Mr. KEARNS. It all refers to two classes of persons—those in the military and naval services; and if it is well known to everyone that the defendant was not in either one of the services——

Mr. VOLSTEAD. But you have to make the proof; the law requires it.

Mr. KEARNS. It does not require it, because that refers to two classes of men.

Mr. VOLSTEAD. It refers to all classes.

Mr. KEARNS. It says "an act to extend protection to the civil rights of members of the Military and Naval Establishments," and so forth.

Mr. VOLSTEAD. It expressly provides that plaintiff must file an affidavit showing that defendant is not in the military service just as much as he is required to file an affidavit showing defendant is in such service.

Mr. HUSTED. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. HUSTED. Assuming the defendant, on the advice of counsel, utterly disregarded the suit on the ground that it was void through failure to answer this necessary allegation in the complaint. Now, does the gentleman think it is the proper course to validate that judgment simply by the filing of an affidavit, even if it is upon notice? It seems to me that if you do that, you are going to give the plaintiff a very great advantage.

Mr. VOLSTEAD. The gentleman is entirely mistaken as to the proceedings. No mention of this affidavit is made in the complaint at all. When you present your proof for the purpose of showing the defendant has not made an appearance, with a view of obtaining a judgment by default, then you must file your affidavit, so that the situation the gentleman suggests is not in the case at all.

Mr. HUSTED. The gentleman means that it is necessary to allege the fact in the complaint that the defendant was not in the military or naval service of the United States?

Mr. VOLSTEAD. Oh, no; you plead just the same as you always did. If defendant appears, no affidavit is required; but in case he fails to appear, then, in order to apply for judgment, you must file it; consequently the rights of the defendant have been fixed by his default, and plaintiff is entitled to a judgment if he makes the showing that defendant is not in the military or naval service.

Mr. KEARNS. Will the gentleman yield again?

Mr. VOLSTEAD. Yes.

Mr. KEARNS. Suppose this affidavit is filed in a suit that has been long since finally adjudicated, stating that the defendant, he or she, was not a member of the Military or Naval Establishments at the time that the suit was pending. That would reopen the case, as I understand it?

Mr. VOLSTEAD. I do not think so.

Mr. KEARNS. Then what is the use of filing it, if the defendant is not to have any benefits or rights under it?

Mr. VOLSTEAD. The defendant's rights were barred when the plaintiff obtained the judgment. He was in default and the plaintiff was entitled to the judgment. The affidavit, when filed, simply complies with a technicality required in entering that judgment. It does not seem to me that the defendant need be notified at all, in view of the situation, because he had forfeited his rights to appear and answer. The only occasion for a notice that I can see is as to third parties whose rights may be affected.

Mr. KEARNS. I misunderstood the answer to the inquiry I made a while ago, then. I understood they reopened the case.

Mr. VOLSTEAD. I have said that I do not object if you would require notice in these cases.

Mr. BRIGGS. If the gentleman will yield, it has been suggested that the status of those proceedings, anyway, simply leaves them without any valid judgment, but this leaves the case simply in the attitude of no default having actually been declared. They admit the default could not be taken, because the affidavit has not been filed. It simply defers the judgment to which the party is entitled. On the filing of the affidavit the party becomes entitled to his judgment. The provisions of this bill make it retroactive. I do not think under the Constitution the judgment should be made effective as of the date of the prior entry, but should be made of the date of the entry of this proceeding.

Mr. VOLSTEAD. I think it could and should.

Mr. BRIGGS. I do not think you could go back to that, because if the court had no power to enter it at that time it is simply an open proceeding. I do not think now, under the further consideration, that probable notice would be required. It would simply be a case where the party had not answered.

Mr. SANFORD. If the gentleman will yield, on page 2, line 6, where you attempt to make the judgment valid from the date of the entry, does that mean from the date of the entry of judgment originally or from the date of the entry of the order?

Mr. VOLSTEAD. The date of the entry of the judgment.

Mr. SANFORD. I want to say to the gentleman that I am very sure there is no rule of law that will guide the courts to the conclusion the committee has in mind. There is no rule of law that I have ever been able to find that will determine to what antecedent noun "thereof" refers to. I think under this law, if you leave it as it is, the court will have the obligation of interpretation and will have to guess whether the judgment is to be effective from the date of the entry of the order or from the date of the entry of the judgment. I do not think you will find in law or syntax any very reliable rule for guiding you to know to what noun "thereof" refers to. I think if your purpose is clear in that connection you should say "from the date of the original entry of the judgment."

Mr. VOLSTEAD. I would not object to that, if the bill is to be amended at all, though I do not think there is any doubt about it.

Mr. SANFORD. The gentleman ought to have in mind that there seems to be no doubt about this original law; but when you attempt to operate laws that you write in unclear language, with your eyes open, you must expect to write law that will cause trouble hereafter from time to time.

Mr. VOLSTEAD. Well, I did not happen to write this.

Mr. SANFORD. I know the gentleman did not; but he has the writing of this act now, and I think it is well to make it clear now.

Mr. WHITE of Maine. I understand in a proceeding it is not necessary to allege that the defendant is in the military or naval service. Now, when you bring suit against a man, take out judgment, and then you attempt to levy on real estate and come to sell it under your execution, how does the man know who may be thinking of purchasing at that sale whether there may not be an affidavit coming in later on that may affect the whole proceeding and his title under that sale? In other words, does not this process throw a cloud on every judgment that is issued?

Mr. VOLSTEAD. No. This is to remove clouds, validate sales, and prevent litigation.

Mr. WHITE of Maine. Suppose a man secures judgment and levies on real estate and has a sale; then has not the defendant before him all the time the possibility that the plaintiff may come in and file an affidavit and validate the whole proceeding which he has assumed is invalid? And in that respect would you not be throwing a doubt on every judgment that is issued?

Mr. VOLSTEAD. We are making judgments valid instead of making them doubtful.

Mr. DAVIS of Tennessee. I was going to say the purpose of this is not to invalidate a judgment, and it could not do it under this law, but it is to validate it.

Mr. KEARNS. Suppose this affidavit is filed stating that during all the time of the pendency of the suit up to final judgment the defendant was not in the military or naval service, will it be necessary after that affidavit is filed to have another court entry made reaffirming the former entry after the affidavit has been filed, setting forth that the defendant

was not at any time during the pendency of the suit and up to the time of final judgment——

Mr. VOLSTEAD. Filed under the proposed act?

Mr. KEARNS. Yes; filed under the proposed act—an affidavit that the defendant was not in the military or naval service? Then there would have to be another court entry.

Mr. VOLSTEAD. The order is to be made on that affidavit.

Mr. KEARNS. Yes. Now, if the court entry has been made, suppose the defendant appears and files an affidavit that he was at some time during the pendency of that suit, or all the time during the pendency of that suit, in neither the military or naval service, that would be a reopening of the case, would it not?

Mr. VOLSTEAD. If at the time the judgment was entered defendant was in the military or naval service he could have the judgment reopened.

Mr. KEARNS. We ought to know something about the law before we vote on it. The gentleman is as good a lawyer as you can find over here in the Supreme Court, perhaps. [Applause.] Would he admit that? In our State, when a suit is brought against a nonresident who happens to own some real estate in the county in which the suit is brought, that real estate can be attached and service can be obtained by publication, although you do not know where the man lives, even, or where the defendant lives.

Mr. VOLSTEAD. Yes. That is good law everywhere.

Mr. KEARNS. Now, then, no one knows in that county—the plaintiff does not know—whether that man or woman was at that time in the naval or military service and could not file such an affidavit and can not now file the affidavit, because in many instances they do not know where the defendant resides, although that case has gone to final judgment and the rights have gone to final judgment.

Mr. VOLSTEAD. The gentleman is in error. Section 200 does not say that you shall file just one kind of an affidavit. If you file an affidavit that you do not know whether defendant is in the naval or military service you can get a judgment by applying to the court. The case that the gentleman suggests is taken care of in the statute itself and does not come within the purview of this bill at all.

Mr. KEARNS. Suppose, now, in such a case that the defendant has been apprised of the judgment obtained against him some months ago and comes back to that State and county when this affidavit is filed and sets up his defense through a counter-affidavit that he was at that time in the military or naval service?

Mr. VOLSTEAD. There is no provision in this law for counteraffidavits.

Mr. KEARNS. There is certainly some way for him to get into court.

Mr. VOLSTEAD. Yes; the soldiers' and sailors' relief act makes provision for that.

Mr. KEARNS. I would like to have the gentleman's view on this question: We will take the case of a nonresident who owns real estate in the county in which a suit is sought to be brought, and that real estate is attached and service is had by publication. At the time of the pendency, or any time during the pendency of the suit before final judgment, the required affidavit was not filed, but by virtue of this law which we are now trying to pass, if we do pass it, the plaintiff in that case comes into court and files an affidavit setting forth that he does not know whether the defendant was in the military or naval service or not. But suppose that the defendant has learned of this suit in some way——

Mr. VOLSTEAD. It does not come under the proposed act at all.

Mr. KEARNS. Suppose, then, that he does file the affidavit stating that he was not either in the military or naval service during the pendency of the suit?

Mr. VOLSTEAD. Then he has a valid judgment.

Mr. KEARNS. But supposing this defendant comes in and in some way makes it known to the court that he was in the military or naval service?

Mr. VOLSTEAD. He has got to apply to the court for relief under some equitable right or some particular statutory provision. He may apply under the soldiers' and sailors' relief act.

Mr. KEARNS. But what would that be?

Mr. VOLSTEAD. That would depend upon the circumstances.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield there?

Mr. VOLSTEAD. Yes.

Mr. HASTINGS. As I understand it, this bill is not to give the defendant a new trial. If he has ground for a new trial, to open the case under the law, he has that right now; but this bill would not give the defendant the privilege of proceeding under a new trial by the passage of this bill.

Mr. VOLSTEAD. No.

Mr. HASTINGS. But if this bill is passed you allow him to file the affidavit that he should have filed nunc pro tunc?

Mr. VOLSTEAD. Yes.

Mr. BEE. If the plaintiff is guilty of laches, ought he not to file an affidavit to revise the judgment rather than by the method suggested by the gentleman?

Mr. VOLSTEAD. The defendant is not entitled to any special consideration. He was not a soldier or sailor and the act requiring this affidavit was not passed for his benefit. He has failed to answer a complaint, petition, or whatever you call the pleading, and should not be heard to claim the advantages designed for the benefit of the men in the service. All we do is simply this: If plaintiff has neglected to file an affidavit that we did not design for his protection, he has no right to complain because we deprive him of such protection.

Mr. BEE. Under those circumstances, having failed to file an affidavit, does it not become absolutely a dead judgment, without any life, and therefore ought he not either to file an affidavit to revive the judgment or enter a new suit in order to keep within the legal bounds?

Mr. VOLSTEAD. I do not think so.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. VOLSTEAD. Yes.

Mr. DAVIS of Tennessee. I wish to say in response to what has been suggested by the gentleman from Texas [Mr. BEE] that this applies only to cases of default, and if it had not been for the act which this bill proposes to amend, whenever the defendant was in default the plaintiff was thereupon and by reason of that fact entitled to a judgment.

Mr. BEE. Yes; judgment by default.

Mr. DAVIS of Tennessee. This act which the bill amends was not intended to protect anybody except soldiers and sailors, and they are not affected in the least by this amendatory act, and consequently the defendant, when he is in default and is not a soldier or sailor, is out of court. He is entitled to be heard no further. And it occurs to me that it may frequently happen that the plaintiff was not guilty of any laches, but that he was unable to make the affidavit as required by the original act because of lack of information or the ability to make a searching investigation.

Mr. BEE. If the gentleman will permit, I would like to ask, as a lawyer and as a man who has been upon the bench, where the statute requires that an affidavit shall be made in order to secure judgment by default against the defendant, what becomes of the judgment secured without this affidavit? Does it not become absolutely a dead judgment, only revivable by a direct proceeding to revive judgment or by a new suit?

Mr. DAVIS of Tennessee. That would depend upon circumstances, and I understand that the courts in some jurisdictions have held one way and in other jurisdictions have held otherwise.

Mr. BLANTON. Will the gentleman permit me to answer my colleague?

Mr. VOLSTEAD. Certainly.

Mr. BLANTON. Is not this the law, that the presumption of law is that all matters and things have been properly complied with until the contrary appears?

Mr. DAVIS of Tennessee. That all proper proceedings have been taken.

Mr. BLANTON. That all proper procedure has been complied with; and, if the judgment is voidable by reason of something not having been complied with, then upon proper showing and affirmative action to have the judgment set aside, it is so ordered. Is not that the law?

Mr. VOLSTEAD. Yes.

Mr. BEE. If that be the case, that all proceedings are presumed to have been regular and correct, what is the necessity for this legislation?

Mr. VOLSTEAD. Because the defendant can apply to the court and show that the affidavit has not been filed.

Mr. BLANTON. It gives a remedy to the plaintiff.

Mr. BEE. You are providing for opening up the litigation without notice to the defendant.

Mr. VOLSTEAD. I do not think so. It would not give a retrial of the action at all.

Mr. HASTINGS. Is not this to protect the plaintiff against the action of a defendant attacking the judgment?

Mr. VOLSTEAD. Yes. I presume a judgment entered in a court not of record would be void on its face. A judgment entered in a court of record would be presumed to be valid until

it was made to appear by a proceeding in the action itself that it was voidable.

Mr. McKEOWN. The language of the original act provided that no judgment should be entered until certain things were done.

Mr. VOLSTEAD. Yes.

Mr. McKEOWN. Until the filing of the affidavit.

Mr. VOLSTEAD. Yes.

Mr. McKEOWN. Is not the gentleman of the opinion that a judgment entered in the face of that act is a void judgment?

Mr. VOLSTEAD. We very often use the expression "void" when we mean "voidable," and when I used the language "void" the idea which I had in mind was voidable rather than absolutely void. I think it is true that a judgment entered in an inferior court, not of record, may be void, because in an inferior court not of record the rule is, if I remember it, that the jurisdictional facts must appear affirmatively upon the face of the proceedings; but this is not a jurisdictional fact in the sense that a failure to serve the defendant or to acquire control of property by proper proceedings would be jurisdictional. The judgment is erroneous, the facts exist upon which the court has a right to act, but the proof of it by the statutory affidavit has not been filed and I believe we can authorize that it be filed.

Mr. McKEOWN. The act says that judgment shall not be entered unless the affidavit is filed, or an order of the court obtained.

Mr. VOLSTEAD. There is no specific requirement in the original act that an order shall be made——

Mr. DAVIS of Tennessee. And in that same connection, in reply to the gentleman from Illinois, the act provides that the court may enter an order that such judgment shall stand and be effective as of the date of the entry thereof; and if the defendant should come up and controvert the filing of that affidavit, it would be for the court to determine as to whether he was a soldier or sailor, and of course the court would proceed in the disposition of the matter in such a manner as to satisfy himself that justice was done.

Mr. VOLSTEAD. I think that language would make it the duty of the court to determine whether under the circumstances it was proper or necessary to give notice to the parties interested before the judgment was entered. For that reason I think there is very little reason for amending the bill.

Mr. BEE. This bill was originally passed for the protection of men of the military service.

Mr. VOLSTEAD. For the protection of soldiers and sailors.

Mr. BEE. Against judgment by default.

Mr. VOLSTEAD. Yes.

Mr. BEE. This resolves itself into a controversy between a plaintiff who is not a soldier or sailor and a defendant who is not a soldier or sailor.

Mr. VOLSTEAD. Yes. Plaintiff need not be a soldier or sailor.

Mr. BEE. What more sanctity should there be to the action of the plaintiff who has been guilty of neglect to comply with the law than there should be in favor of a defendant who may have been guilty of neglect to file an answer? Why should the plaintiff be given any more protection?

Mr. VOLSTEAD. Let us stop and look at the situation. Here is a man who has gone to work in good faith and put in his money and commenced a suit. Through an oversight, unaware of the existence of this statute, he has failed to file an affidavit that is of no earthly consequence to the defendant. The defendant is not interested in it at all, the defendant is not injured at all, because he is not a soldier or a sailor. We never intended to protect him at all. But the situation was this, that we had to compel everybody to make this showing. Otherwise they would go and enter judgment against soldiers and sailors. I do not think a plaintiff ought to be penalized. In this country with its thousands of judges, justices, and courts of various kinds it would be strange indeed if they all knew of this statute.

Mr. BEE. They ought to know about it. The presumption is that everybody knows the law.

Mr. RUCKER. That presumption applies only to laymen and not to judges. [Laughter.]

Mr. BEE. The presumption ought to run against the lawyer who brings the suit.

Mr. PELL. It seems to me either the title to the subject of the suit is in the plaintiff absolutely, in which case there is no need of any further law to protect him, or else that it is in doubt; and if it is in doubt, I should think that the defendant would have the right to appear. There will be many cases coming up where a man might own a few acres of land away from his home. Judgment is entered against him. He does not think it worth while to defend the suit but lets it go by default. It develops that the plaintiff did not attend to this particular requirement. You validate the plaintiff's title. Now, if there was any other formality in court omitted——

Mr. VOLSTEAD. The defendant in these cases has no equity at all.

Mr. PELL. If the plaintiff has forgotten any other technicality of law, the defendant can take advantage of it. Why should this particular technicality be excepted any more than any other—for instance, in certain States where they require a given number of witnesses on a bond, or where affidavits have not been properly sworn to and the judgment is overruled because of the technicality of the law which has not been complied with. Why should this particular technicality be excepted rather than any other?

Mr. VOLSTEAD. Well, it seems to me that we ought to relieve these cases where the defendants have no real merit in the contention. We required the making of these affidavits, and why should we encourage these technicalities?

Mr. PELL. If a man came into a New York court with a statement sworn to before a New Jersey justice or New Jersey notary, he would be told that his case had collapsed because it was not properly sworn to. We do not defend him, but we say that his lawyer should have known better. Now we are picking out this particular technicality and excepting it from all others. I sympathize with the purposes of the bill.

Mr. VOLSTEAD. The fact that you may find other technicalities in the record ought not to be any reason why we should not cure this.

Mr. KEARNS. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. KEARNS. I would like to have the gentleman's opinion on a case that I will state that came under my observation. A husband was an actor, and of course his wife thought he was a bad actor and filed a suit for divorce against him. He was then living in Chicago and she was living in Ohio. She filed a suit. He knew of the pendency of the suit and received a copy of the petition.

Within a week after he received a copy of the petition for divorce he enlisted in the military service or the naval service, and I think he is still there. She did not know of this until after the divorce was granted, although she knew at the time the petition was filed that he was not in the service.

Mr. VOLSTEAD. This legislation would have nothing to do with that case because the affidavit must be filed at the time the judgment is obtained by default, and at that time he was in the military service.

Mr. KEARNS. If this bill becomes a law, would it not be necessary for her to file an affidavit of some sort?

Mr. VOLSTEAD. No; that is an entirely different kind of a case. This bill only applies to parties who were not in the military service at the time the judgment was entered.

Mr. KEARNS. He was in the military service at the time the judgment was entered.

Mr. VOLSTEAD. Yes; and for that reason this legislation would not apply; this only applies to those not in the service. It does not affect the soldiers or the sailors at all.

Mr. KEARNS. What would be the effect of the divorce under the circumstances I have mentioned?

Mr. BEE. Are there any judgments by default? These would only be in the Federal courts.

Mr. VOLSTEAD. It covers every court in the land.

Mr. BEE. In the State of Texas we have our own legislation on these lines.

Mr. VOLSTEAD. Well, you have this law too.

Mr. BEE. What becomes of our legislation?

Mr. VOLSTEAD. You, no doubt, have hundreds of judgments in your State that ought to be validated.

Mr. RUCKER. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. RUCKER. As I understand, the purpose is to enable plaintiffs who have gone into the Federal courts, generally speaking——

Mr. VOLSTEAD. Any court in the land.

Mr. RUCKER. Well, any court, to perfect the judgment they have obtained.

Mr. VOLSTEAD. If the defendants are not in the military service.

Mr. RUCKER. I am satisfied, from what little observation I have had, that any judge of a State court would see that the law had been complied with as to the filing of the affidavit, and perhaps the Federal court would do the same thing; but I have seen so many funny things done in the Federal courts that, for

one. I am not disposed to give any consolation whatever to a man who brings a suit in the Federal courts. Therefore I am a little disposed to vote against the gentleman's bill. [Laughter.]

Mr. VOLSTEAD. I think it is true that you will find the omission almost entirely in the State courts. In my State the judge does not see the entry of judgment by default. The parties go to the clerk of the court and file the necessary affidavit and get judgment. In a great many instances, I presume, the clerks do not know anything about this requirement.

Mr. RUCKER. That is a terrible reflection on the courts of the State of Minnesota. I think they do know about it, and, if they do not, the man that goes into court to bring a lawsuit ought to know about it.

Mr. DOWELL. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. DOWELL. This is designed to correct the errors of a plaintiff's lawyer in securing judgment. I want to ask the gentleman what will happen if a false affidavit is made and filed in a case and the defendant was in the service at the time the judgment was rendered; what would be the situation with reference to the judgment?

Mr. VOLSTEAD. The gentleman says a false affidavit?

Mr. DOWELL. Yes; under this bill he might file a false affidavit. Do I understand that, although the affidavit is false and the defendant knows nothing of the affidavit—does that render the judgment a valid judgment if the defendant was actually in the service?

Mr. VOLSTEAD. Yes; I think it would. But that is one of the consequences of every proceeding, and the judgment could be set aside under the law. We have false affidavits and false testimony; perjury is punished by fine and imprisonment.

Mr. DOWELL. Oh, I understand about the fine; but what I am getting at is this: Here is a plaintiff who files a false affidavit on a judgment that has been rendered before, and under this bill——

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended for two minutes.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Under the rule, on Calendar Wednesday there are two hours of debate—one hour controlled, in this instance, by the gentleman from Minnesota [Mr. VOLSTEAD] and the other hour by the gentleman from Ohio [Mr. GARD]. The gentleman from Ohio [Mr. GARD] can yield if he wishes to do so.

Mr. DOWELL. I think by unanimous consent this might be granted.

The SPEAKER. In the judgment of the Chair it can be done by unanimous consent.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that his time be extended for two minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Minnesota be extended for two minutes. Is there objection?

There was no objection.

Mr. DOWELL. The affidavit that is filed under this bill is conclusive, and makes the judgment valid, even though it be untrue, and known to the plaintiff to be untrue.

Mr. VOLSTEAD. Not any more than it would if it had been filed at the time the judgment was taken. If it is a false affidavit that matter can be shown, and application can be made to have it set aside.

Mr. DOWELL. Except this: I take it that if the affidavit had been filed at the time of judgment application would be made to set it aside, but under this bill it makes the judgment final and conclusive. I am submitting that suggestion.

Mr. PARRISH. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. The gentleman from Minnesota has the floor.

Mr. VOLSTEAD. I yield to the gentleman.

Mr. PARRISH. Does not the provision of the bill where it says the court may render judgment leave it within the discretion of the court?

Mr. VOLSTEAD. Certainly. There are cases where he ought not to validate the judgment.

Mr. PARRISH. I think that would answer the question of the gentleman from Iowa.

Mr. DOWELL. But if he does render judgment, that is final.

Mr. PARRISH. It would be a question of appeal.

Mr. DAVIS of Tennessee. There are provisions in every State that in case of fraud and in certain other instances, within a certain length of time, the court may grant an order for rehearing and set aside judgment. I think the same rule of law in the various jurisdictions would apply.

Mr. DOWELL. Except for this bill.

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Minnesota be extended for one minute more.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the time of the gentleman from Minnesota be extended for one minute. Is there objection?

There was no objection.

Mr. KINKAID. It being admitted that this judgment was absolutely void——

Mr. VOLSTEAD. Or voidable.

Mr. KINKAID. Because of the absence of the essential affidavits, would not this bill in its form conflict with the Constitution of the United States, which provides that a defendant's property may not be taken without due process of law?

Mr. VOLSTEAD. I do not think so.

Mr. GARD. Mr. Speaker, the bill S. 2236, under consideration, came to the House, after it had passed the Senate, without any consideration in the Senate at all except the fact that it was introduced by the Senator from Wisconsin [Mr. LENROOT]. There was no discussion in the Senate, and there was little or no discussion in the Committee on the Judiciary. The first discussion that has been accorded this measure has been had on the floor of the House this morning. Therefore I feel privileged, although a member of the Committee on the Judiciary, to speak to the merits of the bill. I know the members of the committee are likewise interested in knowing just what the bill provides. I think the bill should be amended in certain very important particulars, to which I would call attention, if I may have the attention of the chairman of the Committee on the Judiciary. I would be glad to inform him of what they are. The gentleman not paying heed, I shall proceed. In line 3, page 1, the bill provides—

That where any judgment has been entered since March 4, 1918, in any action or proceeding commenced in any court where there was a failure to file in such action the affidavits required by section 200 of article 2 of the act approved March 8, 1918—

although there never had been service of summons upon the defendant, still by the filing of an affidavit which this bill authorizes judgment may be obtained and judgment validated. I do not believe that by the filing of any affidavit you can validate an invalid judgment. That is precisely what this bill undertakes to do. It would be an anomaly in the law——

Mr. VOLSTEAD. Mr. Speaker, will the gentleman yield?

Mr. GARD. I yield, although I tried to attract the attention of the gentleman and could not.

Mr. VOLSTEAD. Does the gentleman say that one can get a judgment here without having a summons served?

Mr. GARD. I say that under this bill that is what you do. If judgment has been taken erroneously, and you file an affidavit under this bill, it makes the whole judgment valid. I say you can not make an illegal judgment legal by the filing of an affidavit, which affidavit itself may be untrue. There is no theory of law under which a judgment which is absolutely void because of lack of correct procedure can be validated by the filing of a subsequent affidavit, which subsequent affidavit may itself be untrue, and I desire to speak to that principle.

Therefore, the amendment I propose, first, is that, in line 3 of page 1, after the word—I see the gentleman from Minnesota [Mr. VOLSTEAD], chairman of the Committee on the Judiciary, is apparently about to leave the Chamber and I would like to have his attention. It is impossible to discuss anything intelligently unless those who are in charge of the bill pay attention, and I am seeking to discuss it now——

Mr. VOLSTEAD. I am not in charge of it any more than anyone else.

Mr. BLANTON. Mr. Chairman, will the gentleman from Ohio yield?

Mr. GARD. Yes.

Mr. BLANTON. Mr. Speaker, we are confronted with a very strange situation. We are now considering an important measure, one which vitally deals with the valuable personal and property rights of soldiers, sailors, and marines who have lately done service for their country in the trenches of France.

Mr. DOWELL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. DOWELL. Mr. Speaker, I rise to a point of order.

Mr. BLANTON. Why, Mr. Speaker, my colleague yielded to me.

The SPEAKER pro tempore. A point of order is always in order.

Mr. GARD. I yielded to the gentleman from Texas for a question.

Mr. DOWELL. But the gentleman is not propounding a question.

Mr. BLANTON. I have a right to frame my own question.

Mr. GARD. I yielded to the gentleman for a question; I do not desire——

Mr. BLANTON. My question is not going to be very long——

Mr. GARD. Very well.

Mr. BLANTON. As I was about to say, Mr. Speaker, on this very important bill which the distinguished jurist who now has the floor and who kindly yielded to me says is an injustice to men in the service, it is impossible to keep a quorum here, even after the majority leader [Mr. MONDELL] spent 20 minutes in the Republican caucus last night with tears in his eyes pleading with and urging Republican Members to stay on this floor, we have not but 15 Republican Members now on the floor and we can not keep the chairman of the Judiciary Committee here to answer questions. Is that——

Mr. DOWELL. Mr. Speaker, I desire to call the gentleman to order.

Mr. BLANTON. Is that the kind of business management in this Congress the Republicans are giving to the people of the United States?

Mr. GARD. Mr. Speaker, I do not desire to say what I do say in any partisan sense or appeal to any partisan passion at all. I am seeking to make a legal discussion of the bill, and although we do not happen to have very many Members present, yet they make up in quality what they lack in quantity.

Mr. HUSTED. Will the gentleman yield?

Mr. GARD. I will

Mr. HUSTED. Did I correctly understand the gentleman to say that by this bill under consideration, through the filing of an affidavit, we could validate a judgment or that we propose to validate a judgment in which no summons has been issued——

Mr. GARD. I think it might be so.

Mr. HUSTED. I do not see how that can be done, because you provide in terms that it only applies to an action or proceeding commenced in any court. No action can be commenced in any court except by the service of process.

Mr. GARD. An action may be commenced, in so far as it has authority, against the defendant, but——

Mr. TINCHER. Will the gentleman yield?

Mr. GARD. But I desire to suggest—I will yield to the gentleman from Kansas.

Mr. TINCHER. As I understand this act, it is in the nature of a curative act. Is the gentleman of opinion that it cures too many irregularities?

Mr. GARD. I think so; yes.

Mr. TINCHER. It is after irregularities other than that of filing soldiers' affidavits?

Mr. GARD. I should like to discuss the matter and draw attention of Members here to language which I think could be added by way of amendment making the bill a proper bill. There may be cases where some relief of this kind should be had; for that reason I was asking the presence of the chairman of the Committee on the Judiciary, because I think Members of the House are guided largely by chairmen of committees. Since the chairman of the committee is not here, and does not care to stay, I shall offer my observations. [Applause.]

The points that I make are, first, that there should be an amendment, in line 3, page 1, providing that there should appear to have been a proper service——

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present. I think that Members ought to hear this argument.

Mr. GARD. Mr. Speaker, I trust that the gentleman will not make that point.

Mr. BLANTON. Well, this is an important matter; Members ought to hear it, and I make the point of order that there is no quorum. I do not think that this House ought to do business without a quorum.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Candler	Dunn	Gallivan
Anthony	Cantrill	Dupré	Gandy
Babka	Carew	Eagle	Ganly
Benson	Carter	Edmonds	Garland
Blackmon	Christopherson	Ellsworth	Glynn
Bland, Ind.	Clark, Fla.	Emerson	Godwin, N. C.
Booher	Clark, Mo.	Esch	Goldfogle
Brinson	Classon	Evans, Mont.	Gould
Britten	Costello	Evans, Nebr.	Graham, Pa.
Brooks, Pa.	Crago	Fields	Graham, Ill.
Browne	Cramton	Fitzgerald	Greene, Mass.
Brumbaugh	Crowther	Flood	Griest
Burke	Dale	Focht	Griffin
Burroughs	Davey	Foster	Hadley
Byrnes, S. C.	Dempsey	Frear	Hamill
Caldwell	Donovan	Fuller, Mass.	Hardy, Colo.
Campbell, Kans.	Dooling	Gallagher	Harrison
Haskell	McCulloch	Osborne	Stephens, Miss.
Haugen	McFadden	Parker	Stevenson
Hill	McKenzie	Rainey, J. W.	Stiness
Howard	McKinley	Randall, Calif.	Sullivan
Huddleston	McKinley	Reber	Sumners, Tex.
Hulings	Magee	Reed, N. Y.	Taylor, Ark.
Humphreys	Maher	Reed, W. Va.	Taylor, Colo
Jefferis	Mann	Riordan	Taylor, Tenn.
Johnson, S. Dak.	Mason	Rogers	Tilson
Johnson, Wash.	Mead	Rouse	Vare
Jones, Pa.	Montague	Rowan	Walsh
Kahn	Moon	Sanders, N. Y.	Walters
Kelley, Mich.	Mooney	Saunders, Va.	Ward
Kelly, Pa.	Moore, Pa.	Scott	Wason
Kennedy, Iowa	Moores, Ind.	Scully	Watson, Pa.
Kennedy, R. I.	Morin	Shreve	Webster
Kettner	Mott	Siegel	Wheeler
Langley	Mudd	Sims	Williams
Lea, Calif.	Neely	Sisson	Wilson, Pa.
Lee, Ga.	Newton, Mo.	Slemp	Wise
Linthicum	Nicholls, S. C.	Smith, Ill.	Yates
Longworth	Nichols, Mich.	Smith, N. Y.	
Luce	Oldfield	Snell	
McArthur	Olney	Snyder	

The SPEAKER. A quorum is present. The Sergeant at Arms will open the doors. The gentleman from Ohio [Mr. GARD] has the floor.

Mr. VOLSTEAD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. GARD. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. Twelve minutes.

Mr. GARD. Mr. Speaker, the bill S. 2236, to which I have hitherto vainly tried to claim the attention of the chairman of the committee, provides a practical amendment of section 2 of the so-called act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war. The purpose of the bill is just that expression:

To afford protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

Toward that end certain safeguards were placed in section 2, the principal one of which was that an affidavit should be filed before judgment should be entered, the affidavit setting forth facts showing that the defendant is not in the military service. It provides an alternative that if he is unable to file that affidavit the plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that the plaintiff is not able to determine whether or not he is in such service, and it provides that if the affidavit is not filed no judgment shall be entered securing an order, the court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to defend his interests, and he shall on application make such a point. In other words, a complete safeguard is sought to be thrown about the interests of those in the military and naval service of the United States in the processes in the courts of civil administration of the United States during the period of the war. The present bill, S. 2236, has this objection, in my mind, and I will offer certain amendments which I trust may be entertained, if the gentleman who is chairman of the Committee on the Judiciary will be so fair to the membership of the House as to ask that the bill may be considered under the five-minute rule after the hour's debate shall have been exhausted.

There may be cases where this bill or a bill similar to this may be proper to afford necessary relief. There may be cases under this bill whereby an absolutely illegal judgment would, by the filing of an affidavit, be validated, and that is the principal point that I seek to protect. I do not desire to disturb in any way the existence of any judgment granted after full service of summons and after proper procedure, but I do object to a case where a judgment otherwise illegal may be rendered entirely legal by the filing of that which may be called a nunc pro tunc affidavit.

Mr. RAMSEY. Will the gentleman yield for a question?

Mr. GARD. Yes.

Mr. RAMSEY. What instance can the gentleman cite where an illegal judgment may be made legal or valid?

Mr. GARD. The bill provides in its terms that where no judgment has been entered since March 8, 1918, where there was a failure to file in such action the affidavits required by section 2, that upon the filing of these affidavits the plaintiff may file an affidavit stating the defendant or defendants in default of judgment were not at the time of the filing, or at the time of the entry of the judgment, in the military or naval forces, and therefore the judgment shall stand and be effective as of the date of the entry thereof. What I have in mind is a judgment which a man may not have contested, which a defendant may not have contested, although fully cognizant of his rights, because of illegality, because no proper or necessary affidavit was filed against him, he being in the military service. He relied upon the failure of procedure, in other words.

And otherwise there may have been defects in the procedure. Otherwise the judgment may be erroneous. Still, if he does not act and relies on the failure of the affidavit procedure, then upon the passage of this bill and the filing of this affidavit what may be a valid judgment may be considered invalid.

Mr. RAMSEY. If the gentleman will permit me, is not an invalid judgment subject to review by the court at any time by application of the defendant? This applies only to men who were not in the military service.

Mr. GARD. This applies for the protection of those who were in the military service.

Mr. REAVIS. Will the gentleman yield to me?

Mr. GARD. Very gladly.

Mr. REAVIS. For the purpose of information, I want to know the gentleman's viewpoint. Invalid judgments are either void or voidable?

Mr. GARD. Yes.

Mr. REAVIS. If they are voidable, the remedy is to take it into a court of appeals. If it was a void judgment, it could not be validated by this bill or any other bill?

Mr. GARD. That is what this bill provides.

Mr. REAVIS. You can not cause this bill or any other legislation to put vitality into a judgment that is void?

Mr. GARD. I do not think so.

Mr. REAVIS. Then where would be the danger of the occurrence of what the gentleman fears?

Mr. GARD. I fear that is the underlying purpose of the bill, which may not be correctly expressed in terms, and therefore I desire to offer some amendments which, to my mind, will clarify the situation.

Mr. REAVIS. Assuming the purpose of the bill is to make valid a judgment absolutely void, no legislation can do that.

Mr. GARD. If that be true, if a position is taken that it is to make valid a judgment absolutely void—I do not take that position—but if that is the position taken, there should be no further consideration.

Mr. REAVIS. If no legislation can make valid a void judgment, where would be the danger the gentleman suggests with reference to a voidable judgment where the remedy is the right of repeal?

Mr. GARD. I will state for the benefit of the Members that the remedy I seek is the proper remedy in the procedure which this bill undertakes to remedy. To this bill, Senate No. 2236, concerning which a number of gentlemen have spoken, principally upon the other side, I desire to offer certain amendments covering what seem to me to be questions relative to the proper amendment of the bill. I have no desire to take up very much time on the bill.

Mr. KINKAID. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GARD. I would prefer, if I may be permitted, to advise the membership of the House about what amendments I have in mind, so that they may be discussed, although I am willing to yield to the gentleman.

The SPEAKER pro tempore. Does the gentleman decline to yield?

Mr. GARD. I would prefer for the moment just to explain.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. GARD. The amendments I have in mind are, first, on page 1, line 3, of the bill, after the word "judgment," to insert the words "after proper service on the defendant." The second amendment that I have is on page 1, line 10, after the word "plaintiff," to insert the words "after such notice to the defendant as may be prescribed by the court." The third amendment that I have in mind is to insert, after the word "judgment," on line 5 of page 2, the words "if otherwise legal."

I have offered these amendments because if this is to be considered merely as a matter of procedure and not a matter of validating a void judgment, then it would seem to me that especially the amendment I have offered on line 5 of page 2, the words "if otherwise legal," should be placed in the bill. I have offered the amendment on page 1, line 10, that "the plaintiff may file after such notice to the defendant as may be prescribed by the court an affidavit stating that the defendant or defendants," and so forth; in other words, in order to make it comply with the original bill. The purpose of that amendment is to compel a notice of the filing of the affidavit to be given to the defendant in order that the defendant may have the right to rebut it, because if the procedure is to be started entirely de novo, a man who has failed to do something that the statute required him to do and then this law comes in and allows him to do it, we at least should provide, if the affidavit is filed, that notice should be given in order that the defendant may controvert the affidavit.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. GARD. In a moment. I have now made known my position on these three amendments, and I yield first to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. Then, it is the purpose of the gentleman that he would require due process of law before permitting a judgment to be entered against the defendant?

Mr. GARD. Yes.

Mr. KINKAID. And the gentleman would require that by actual service or constructive service upon the defendant, or upon the thing, whether real estate or otherwise?

Mr. GARD. I think that when this law provides for the filing of the affidavit at a late date, and long after the judgment has been rendered, if the law permits an affidavit to be subsequently filed the defendant should have notice of that filing.

Mr. KINKAID. Another question. Is it the opinion of the gentleman from Ohio that taking judgment without due process of law would be any more valid in this instance provided for by the bill than in the first instance, where there was not the proper foundation for jurisdiction laid?

Mr. GARD. I do not think it would be. I yield now to the gentleman from New York [Mr. SANFORD], and then I will yield to the gentleman from Iowa [Mr. DOWELL].

Mr. SANFORD. I desire to ask the gentleman what may appear to be a very simple question. I think he and the members of his committee can probably answer it. I want to ask him if a member of the draft board is a member of the Military Establishment within the meaning of this law?

Mr. GARD. I confess that the question was never raised in my mind and never brought up in the committee. I would be inclined to think that he would not be.

Mr. SANFORD. I am interested to ask the question because the chairman seems to think this is a very simple matter, and he leaves it with the plaintiff in order to secure such a judgment to file an affidavit wherein the affiant shall decide for himself whether the plaintiff is in the Military or Naval Establishment or not. It seems to me it is a very difficult question to establish sometimes, whether a man is in the Military Establishment or not, and my doubt is strengthened by the failure of the gentleman from Ohio to answer.

Mr. GARD. The gentleman from Missouri [Mr. IGOE] advises me that section 101, which I have in my hand, defines who are in the military service, and it includes the following:

That the "persons in military service," as used in this act, shall include the following persons and no others: All officers and enlisted men of the Regular Army, the Regular Army Reserve, the Officers' Reserve Corps, and the Enlisted Reserve Corps; all officers and enlisted men of the National Guard and National Guard Reserve recognized by the Militia Bureau of the War Department; all forces raised under the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; all officers and enlisted men of the Navy, the Marine Corps, and the Coast Guard; all officers and enlisted men of the Naval Militia, Naval Reserve force, Marine Corps Reserve, and National Naval Volunteers recognized by the Navy Department; all officers of the Public Health Service detailed by the Secretary of the Treasury for duty either with the Army or the Navy; any of the personnel of the Lighthouse Service and of the Coast and Geodetic Survey transferred by the President to the service and jurisdiction of the War Department or of the Navy Department; members of the Nurse Corps; Army field clerks, field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law; and members of any other body who have heretofore or may hereafter become a part of the military or naval forces of the United States.

Mr. SANFORD. Will it help the gentleman at this time to answer the question by my saying that as I understand it the Secretary of War made an order to the effect that the members of the draft board should be deemed to be in the military service? I was wondering whether under the law they would be brought under the provisions of this bill.

Mr. GARD. I do not think they would, not unless there is power given under section 101 for the Secretary to include them in the Military Establishment.

Mr. SANFORD. The purpose of my question was to show that this affidavit, which this plaintiff is privileged to make, gives him an opportunity to decide quite a complicated question for himself, to swear to a fact and get his judgment by a very simple process.

Mr. GARD. It does. It is a very comprehensive affidavit; and that affidavit should be safeguarded by certain regulations to preserve the primary intent of the bill, which was to afford relief to soldiers and sailors against civil processes in their absence.

Mr. SANFORD. Just one word more. For that reason I think there should be notice given, so that the defendant may be heard on that question, at least as to whether he was or was not in the military service.

Mr. GARD. I think he should have notice, so that, if he cares to, he can file a contradictory affidavit and put the ques-

tion whether he was or was not in the service up to the court to decide. Otherwise the first affidavit is not entirely one of jurisdiction, but this is so nearly one of making a judgment valid that it seems to me the defendant should have the right to file a contradictory affidavit, if he desires, showing that he was in the military service when the plaintiff says he was not.

Mr. JONES of Texas. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Texas.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. GARD. I will yield first to the gentleman from Texas.

Mr. JONES of Texas. Does not the gentleman think adequate protection would be given by his last amendment without including the other?

Mr. GARD. I am frank to say that I think that is the most vital amendment.

Mr. JONES of Texas. I should like to suggest in this connection that service may have been had regularly when the suit was first filed, and the defendant may be somewhere in a far-distant State now, and it would be very difficult to secure service if you adopt the first amendment.

Mr. GARD. I think the first amendment may be unnecessary, and I will not insist upon it. I offered it for the purpose of clarifying the situation in its entirety.

Mr. JONES of Texas. I think the last amendment is the more important.

Mr. GARD. The first amendment may not be necessary, but I think the second amendment is a proper amendment, and I think the third amendment is one that by all means ought to be adopted.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BANKHEAD. How much time will have to be exhausted before we get to the consideration of this bill under the five-minute rule?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GARD] is entitled to the floor until 8 minutes after 3.

Mr. GARD. I want to yield the floor as soon as gentlemen have concluded their questions.

Mr. BOIES. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Iowa.

Mr. BOIES. Does the gentleman from Ohio hold the opinion that House bill 6361 has reference to anyone not in the service of the United States?

Mr. GARD. What is House bill 6361?

Mr. BOIES. The bill referred to in this bill, Senate bill 2236.

Mr. GARD. Is that the one that is set out in Fortieth Statutes at Large?

Mr. BOIES. Yes.

Mr. GARD. Now, what is the gentleman's question?

Mr. BOIES. Does the gentleman think that law was enacted for the protection of anyone outside of the service of the United States Government?

Mr. GARD. No, sir; I do not.

Mr. BOIES. Then, does the gentleman hold that any affidavit filed at this time could validate a judgment against a soldier in the service of the United States?

Mr. GARD. Not against a soldier; no.

Mr. BOIES. Then, if he is a soldier, the affidavit does not validate the judgment. If he is not a soldier, it has no application, because this law has no reference to anyone outside of the service of the United States.

Mr. GARD. The point I have been trying to make is this, that the filing of the affidavit by the plaintiff himself makes it an absolute conclusion that the defendant is not a soldier. Now, he may be a soldier, and my contention is that at this time especially he should have the privilege of filing a contradictory affidavit, in the event that he was not in the military service, to show what his real status was.

Mr. BOIES. If it is a false affidavit, it is fraudulent, and nothing can be based upon it.

Mr. GARD. That is very true, but unless its falsity is made known it can operate as a continuation of the validity of the judgment. If the gentleman will investigate the bill, he will find that it merely provides that any person who uses an affidavit knowing it to be false is guilty of a misdemeanor, but it nowhere says that the affidavit must be true or that the judgment must be based upon a true affidavit. In other words, under this bill a man could come in and file an affidavit that is not true and sustain the validity of his judgment heretofore obtained, and would be liable only under a criminal process, and by an untrue affidavit he could establish the validity of his judgment.

Mr. BOIES. Then why would it not be cured by a short amendment saying that whenever it appears that the affidavit is false it shall have no validity?

Mr. GARD. I hardly think that is necessary.

Mr. KEARNS. Will the gentleman yield?

Mr. GARD. I yield to my colleague from Ohio, and then I shall be glad to yield the floor.

Mr. KEARNS. It has been necessary to file this affidavit in all suits that have been brought since March 18, 1918. Is that correct?

Mr. GARD. Since the passage of the bill; yes, in all cases.

Mr. KEARNS. Suppose a suit had been brought and there was no affidavit filed, but the defendant appeared in court and was present and defended the suit.

Mr. GARD. Then this has no application.

Mr. KEARNS. Then it is not necessary to file an affidavit at this time?

Mr. GARD. No.

Mr. KEARNS. Then it will be necessary to file affidavits in order to validate judgments that have already been rendered only in cases where there was nonappearance of the defendant?

Mr. GARD. Nonappearance and default; that is all.

Mr. JUUL. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Illinois.

Mr. JUUL. If this bill has any flaw in it at all, it is in lines 5 and 6, where it is sought to make the judgment final. That is the big mistake in the bill, and I think we should insert, in line 6, after the word "thereof," the words "subject, however, to the usual writ of error or appeal." With that amendment we would have a fairly good bill.

Mr. GARD. On what page is that?

Mr. JUUL. Page 2. You will notice in line 3 it says:

And upon the filing of such affidavit the court may enter an order that such judgment shall stand and be effective as of the date of the entry thereof.

Now, no matter what judgment may be entered up against a man, he ought to have the right of appeal.

Mr. GARD. It does not say the judgment is final. I think it includes the subsequent recognized procedure.

Mr. JUUL. It does not say that. It says:

Such judgment shall stand and be effective.

If it should stand, it should stand subject to the usual right of appeal or writ of error to which any other judgment would be subject.

Mr. GARD. My opinion is that such is the case anyhow.

Mr. Speaker, I reserve the balance of my time.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore (Mr. MADDEN). The gentleman will state it.

Mr. BLANTON. I submit that under the rules of the House the bill should be read under the five-minute rule, debate having been exhausted and the gentleman having used his part of the hour and yielded the floor.

The SPEAKER pro tempore. This bill is on the House Calendar and does not come under the five-minute rule. The point of order is overruled.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that the bill be now read for amendment under the five-minute rule.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the bill be read for amendment under the five-minute rule. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That where any judgment has been entered since March 8, 1918, in any action or proceeding commenced in any court where there was a failure to file in such action the affidavits required by section 200 of article 2 of the act approved March 8, 1918, entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war" (40 Stat. L., p. 440), the plaintiff may file an affidavit stating that the defendant, or defendants, in default in such judgments, are not at the time of such filing, and were not at the time of the entry of such judgment, in the naval or military service of the United States, and upon the filing of such affidavit the court may enter an order that such judgment shall stand and be effective as of the date of the entry thereof. Any person who shall make or use such an affidavit as aforesaid, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both, in the discretion of the court.

Mr. VOLSTEAD. Mr. Speaker, I move to amend, in line 10, after the word "plaintiff."

Mr. GARD. I have an amendment that I desire to offer.

Mr. VOLSTEAD. I am offering my amendments at this time, and then the gentleman can offer his afterwards. I move to amend, on page 1, line 10, after the word "plaintiff," by inserting the words "after such notice as the court may prescribe."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, after the word "plaintiff," insert the words "after such notice as the court may prescribe."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was considered and agreed to.

Mr. VOLSTEAD. Now, on page 2, line 6, strike out the word "thereof" and insert the words "of such judgment as if such affidavit had been duly filed."

The Clerk read as follows:

Page 2, line 6, strike out the word "thereof" and insert "of such judgment as if such affidavit had been duly filed."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. On page 2, line 9, strike out the words "one year" and insert the words "two years."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, strike out the words "one year" and insert in lieu thereof the words "two years."

The amendment was agreed to.

Mr. VOLSTEAD. In line 10 strike out "$1,000" and insert "$5,000." I am trying to harmonize this with the law in regard to perjury.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out "$1,000" and insert in lieu thereof "$5,000."

The amendment was agreed to.

Mr. VOLSTEAD. I have one other amendment. In line 8, page 2, strike out the words "guilty of a misdemeanor and shall be."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 8, strike out the words "guilty of a misdemeanor and shall be."

The amendment was agreed to.

Mr. DOWELL. I want to call the attention of the chairman of the committee to the fact that the words "shall be" ought not to be stricken out.

Mr. VOLSTEAD. Yes; it is in there twice. It now reads "it shall be punishable." It is not necessary to specify that it is a misdemeanor.

Mr. GARD. Mr. Speaker, I have sent to the Clerk's desk three amendments. The second amendment has been offered by the gentleman from Minnesota, the chairman of the committee, and I do not desire to insist on the first amendment that I have offered, and I ask to withdraw it. But I do offer the third amendment, which I will ask the Clerk to report.

The Clerk read as follows:

Page 2, line 5, after the word "judgment," insert "if otherwise legal."

Mr. VOLSTEAD. Mr. Speaker, I think that is clearly covered by the amendment I offered, because it is only valid now as if the affidavit had been filed. The amendment I offer takes care of that very proposition.

Mr. GARD. I do not think it does; I think my amendment carries out the original intention of the act, which was the protection of the soldiers and sailors.

Mr. VOLSTEAD. It is plain that this does not intend to validate anything else.

Mr. GARD. Mr. Speaker, I ask for a consideration of my amendment.

Mr. RAMSEY. I want to say that a judgment entered is presumed to be legal. It is a presumption of law. Why should we put in language which might bring it into investigation?

Mr. GARD. It is for the protection of the soldiers and the sailors, which is the object of the original bill; otherwise there would be no need of the legislation.

Mr. RAMSEY. The object of this bill is to protect the man who is not a sailor or a soldier.

Mr. JONES of Texas. The gentleman from New Jersey does not mean to say that a judgment is conclusive?

Mr. RAMSEY. No; but it is presumptively legal.

Mr. JONES of Texas. Suppose a judgment was entered without any citation. Under this bill, without that amendment offered by the gentleman from Ohio, it would be legalized by filing an affidavit.

Mr. RAMSEY. Oh, no.

Mr. JONES of Texas. According to its terms, it would.

Mr. RAMSEY. Oh, no. A judgment is presumed to be legal when entered, and any man has a right to make application to a court to open it and show that it is not legal.

Mr. JONES of Texas. But this law would go ahead and say that it shall be corrected at that time.

Mr. RAMSEY. The judgment stands the same as it was before.

Mr. McPHERSON. I would like to ask the gentleman if this entire act which we are considering and the report that accompanies it does not show that we are not dealing with a legal proceeding against soldiers or sailors?

Mr. RAMSEY. That is true.

Mr. McPHERSON. What authority has Congress to pass an act affecting the judgment of a State court under this act or any other act that is not a proceeding between some person as plaintiff against some person as defendant who was in the military service?

Mr. RAMSEY. We are not affecting that. Congress has passed a law that before any judgment could be entered against any person, where it was by default, in order to protect possibly the soldier or the sailor, the plaintiff must file an affidavit that the defendant is not either a soldier or a sailor. For instance, the gentleman is my next-door neighbor and I sue him for $5,000. He admits the claim. He is not in the military service. He says that he has no defense and that I may take judgment by default, and because I have not filed this affidavit, therefore some one may come in and say that that is an illegal judgment. Of course, my conclusion is that upon a fair, honorable, judicial decision every court would construe it and say that it is a good judgment, but there may be a question about it. Therefore in order to make effective and without question a judgment entered by me against the gentleman who is not in the service we want to pass this law to eliminate any possible question in the future.

Mr. McPHERSON. One further question. At the time Congress passed the act that is being amended, it was exercising a war power for carrying on the war.

Mr. RAMSEY. Yes.

Mr. McPHERSON. And the gentleman will admit that they had authority to regulate the legality of a legal proceeding in the State court only as against a soldier.

Mr. RAMSEY. Yes.

Mr. McPHERSON. In case he assumes judgment was entered, but it was not a matter between a soldier and some one else.

Mr. RAMSEY. That is what this bill is for.

Mr. McPHERSON. And there was no one connected with the proceeding over which Congress had any jurisdiction.

Mr. RAMSEY. No.

Mr. McPHERSON. So that we are regulating a judgment outside of our jurisdiction.

Mr. RAMSEY. We are only seeking to perfect a judgment as against a man who is not a soldier.

Mr. McPHERSON. And we have no authority over him.

Mr. RAMSEY. Yes, we have. We have placed on the statute books a law which requires an affidavit to be filed stating that the defendant is not a soldier.

Mr. McPHERSON. Does the gentleman mean to say that Congress can require a certain thing to be true or a certain evidence to be introduced in a State court in the absence of a soldier being the defendant?

Mr. RAMSEY. Oh, that is a constitutional question, and I am not passing upon that.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. RAMSEY. Yes.

Mr. BLANTON. Suit is filed on the supposition that a man is not a soldier and no affidavit is required. Suppose, as a matter of fact, a man is a soldier fighting for his country in the trenches of France.

Mr. RAMSEY. Yes.

Mr. BLANTON. Under this bill as originally brought in here, without amendment, the plaintiff, if he saw fit—and people in court do frequently cross each other in testimony, sometimes on very material matters—by merely filing an affidavit that the defendant was not in the service of the country when the suit was filed could get his judgment validated under this proposed law. The question I desire to ask is, Does the gentleman believe that the courts of this country would hold that this kind of law would validate such a judgment?

Mr. RAMSEY. No; and in reply I want to say this: Of course the judgment would not be validated, and the man who made the affidavit would go to State prison for two years and be fined $5,000. The presumption, as I understand it, is that men are honest, honorable, truthful, and that they make affidavits according to facts. We do not pass our legislation nor do we draw our conclusions upon the idea that men are false.

Mr. BLANTON. But the existing law was intended only to apply to soldiers, sailors, and marines in the service of their country.

Mr. RAMSEY. I am frank to answer the question by saying this, that a proper judicial construction of the law as originally passed would show that any judgment entered as against a man who was not a soldier would not require the affidavit for the reason that the original law was passed for the purpose of protecting the soldier and the sailor, and when you come to construe a law you must construe it according to the purpose for which it was passed.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. RUCKER. Oh, I hope the gentleman will not do that. I have an amendment which I desire to offer.

Mr. JUUL. I would like to ask the gentleman a question.

Mr. VOLSTEAD. I withhold the motion for the present.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Would it not be first proper to vote upon the amendment that I have offered, which is pending?

The SPEAKER. If there is an amendment pending, yes. The previous question can be ordered upon that, however. The Chair understands the gentleman to withdraw his motion for the previous question?

Mr. VOLSTEAD. Mr. Speaker, I withhold the motion for the present.

The SPEAKER. If there is an amendment pending, the Chair will put the question on the amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 5, after the word "judgment," insert "if otherwise legal."

The SPEAKER. The question is on the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 37, noes 28.

So the amendment was agreed to.

Mr. BUCHANAN. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Amend the bill, on line 10, page 1, after the figures "440," by striking out all thereafter down to and including the word "thereof," in line 6, on page 2, and inserting the following: "Such judgments shall be valid notwithstanding the failure to file the affidavit required aforesaid: *Provided*, That any defendant in any such suits filed or judgments rendered at any time before the collection of any such judgment shall have the right to appear in any such court and establish the fact, if such is the fact, that such defendant was a member of the Military or Naval Establishments of the United States engaged in the present war and included within the said act approved March 8, 1918, whereupon such cases or case shall be tried de novo."

Mr. BUCHANAN. Mr. Speaker and gentlemen of the House, from all I can understand from the facts surrounding this legislation perhaps thousands, maybe tens of thousands, of suits have been brought between civilian citizens of the United States as plaintiff and defendant, or in which judgments have been rendered and in which affidavits have not been filed, and therefore these judgments may be voided or may be voidable, or they may not, but in order to settle that question I think the simplest way to validate all such judgments is to give any defendant who may have been in the military or naval service the right to appear in such court and establish the fact that he was in the military or naval service, coming within the exception, and when the judgment is set aside start out de novo.

Mr. DOWELL. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. DOWELL. The purpose of the law originally was that he should not be compelled to appear in court during his service.

Mr. BUCHANAN. Surely.

Mr. DOWELL. Now, the gentleman's amendment compels him to appear in court and set aside a judgment rendered while in actual service.

Mr. BUCHANAN. It gives him a trial de novo after he leaves the service

Mr. DOWELL. I understand; but should not we continue to treat him as in the original act, by requiring plaintiff to show that he was not in the service?

Mr. BUCHANAN. The only objection to the gentleman's position is, on the one hand we may have hundreds of thousands of judgments rendered between civilians in the United States and subject every one of them to the filing of additional affidavits and to the sending out of additional citations for men who were absolutely not in the military service, who may be their neighbors, who appeared in court and fought their cases and final judgment was rendered, who were not connected in any way with the military service, and yet they had not filed affidavits to show that in such cases.

Mr. DOWELL. But he must appear; we are now only correcting the error of attorneys in filing the original proceedings.

Mr. BUCHANAN. Sure; we are correcting them.

Mr. DOWELL. It would seem to me we would be doing better if we required the plaintiffs to file affidavits than to place the burden of proof upon the soldier who is actually in the service who has judgment rendered against him.

Mr. BUCHANAN. But you may not have a hundred soldiers out of the entire military service of the United States who have judgments rendered against them.

Mr. DOWELL. So far as I am concerned, I am in favor of protecting that hundred under the original law.

Mr. KEARNS. Will the gentleman yield for the purpose of asking a question?

Mr. BUCHANAN. I will.

Mr. KEARNS. The gentleman's amendment provides that this affidavit is filed before collection of judgment.

Mr. BUCHANAN. There is no affidavit. I strike out the affidavit. It provides that any time before the collection of judgment the soldier, if he is a soldier and can make a showing to the court that he is a soldier, should have the judgment set aside.

Mr. KEARNS. The point I want to make is this: Suppose it is a case where there is no money or property collection to be made.

Mr. BUCHANAN. Well, an enforcement of the judgment.

Mr. KEARNS. Then the gentleman's amendment will have to be amended. It might be a foreclosure or it might be a divorce suit.

Mr. BUCHANAN. A foreclosure would be a collection.

Mr. KEARNS. It might be a divorce suit.

Mr. BUCHANAN. I ask that that word "enforcement" be put in instead of "collection."

Mr. McPHERSON. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. McPHERSON. I take it the gentleman has examined the law that we are amending. I have it here, and this is the provision of section 4:

If any judgment shall be rendered in any action or proceeding governed by this section against any person in the military service during the period of such service or within 30 days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative not later than 90 days after the termination of such service, be opened by the court rendering the same, and such defendant or his legal representative let in to defend.

So that the gentleman's amendment is already in the law. Your amendment is already in the law, is it not?

Mr. BUCHANAN. My amendment gives a man unlimited time. He may not know of it until the 90 days has elapsed under the law as it now stands, but under my amendment he will have until judgment is collected or some attempt to be enforced, and no possible injustice can be done the soldier. On the other hand, it will save perhaps hundreds of thousands of dollars to the civilian litigants of this country in court costs, attorneys' fees, and so forth.

Mr. DOWELL. Mr. Speaker, I would like to say a word in opposition to the amendment. If I understand it rightly, instead of correcting the error made by the plaintiff originally in the filing of the suit in his failure to comply with the law enacted to protect soldiers and sailors in the service, this amendment, if adopted, without notice would compel the soldier or sailor to appear in court and file an affidavit or make a showing that he was in the service at the time of the entering of the judgment.

Now, it seems to me that all the protection we threw around the soldier while he was in the service we are now taking off if we adopt this amendment. In other words, wherever a judgment was rendered against a soldier, even in violation of the statutes, by this amendment the judgment is valid and binding, unless perchance he discovers that a judgment was rendered against him and makes a showing before the court. I can see no reason whatever why we should place such a burden upon one who has a judgment rendered against him unlawfully where the attorneys for the plaintiff fail to comply with the statute. I think the amendment should be voted down.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. DOWELL. I will.

Mr. THOMPSON of Oklahoma. And if this judgment has been collected or enforced the effect of the amendment of the gentleman from Texas would be to validate it?

Mr. DOWELL. And it stands a valid judgment until he has appeared in court and set it aside. In other words, by the adoption of this amendment we invalidate the law that was enacted for his protection while he was in the service.

Mr. RUCKER. Mr. Speaker, I want to express myself to the amendment offered by the gentleman from Texas. The amendment I desired to offer was the same in principle as the one now pending, and therefore I will not offer mine.

I think in dealing with this pure question of law we ought to deal with it devoid of sentimentality so far as it is possible to do it. In the last three years the sensibilities, and enthusiasms, and affections, and loyalty of the American people have been so wrought up that to mention a soldier's name is calculated to cause something akin to delirium tremens—and that is about the only way we will ever have this fatal disease here.

This bill would have no place on the calendar, and ought not to consume a half day's time of the House of Representatives, if it were not for the fact that a great many suits have been brought throughout the land in which litigants failed to file a formal affidavit, say, like a suit of Smith against Jones, two old sinners that everybody knew were too old to fight, and probably would not fight if they could; and therefore this formal statutory affidavit was not made. It may be that those suits run into hundreds of thousands. Now, this statute is attempted to cure the defect in that judgment. It is to clarify the statute, and to cure it. How? By requiring the plaintiff in each one of these hundreds of thousands of lawsuits possibly, in the circuit courts and in the lower courts, to go and file a purely formal affidavit. A merchant who had to resort to the law to collect his bills and brought suit against 25 or 50 of his patrons must file 25 or 50 affidavits that those men were not in the military service.

A gentleman says, "Suppose a soldier boy's land had been sold." Let me say to you that no soldier boy who had land in the United States has lost 1 foot of it while he was following the flag. I do not believe there is a community in this whole land of ours where public sentiment would permit a claim to go into court and obtain judgment against a soldier fighting for his country, and sell his land. I do not believe such a thing has been done or would be done. It is true that it is said that lawyers and courts did not know about this statute. I will tell you what they did know. Every man, woman, and child in this country knew that Congress had provided that the soldier boy, while fighting for his native land, should not be sued in court. They knew that. Hence they have not been sued. You give notice, and I believe the amendment carries it, to the defendant. What does that mean? There are 100,000 cases, and to give notice under the statutes of the United States and statutes of every State in the United States means it must be served by some authorized officer or somebody who will make an affidavit to the service, and sheriff's fees, and the constable's fees, and docketing fees, and notary's fees, and a whole lot of costs multiplied and added, and for what purpose? Because some one fancies that somewhere some soldier boy might be injured. I do not believe that. Adopt this amendment, and I think you will save a great deal of trouble and make this law a reasonable provision, such as it ought to be.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that debate on this amendment be now closed.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that debate on this amendment be now closed. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BUCHANAN].

The question was taken, and the amendment was rejected.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 53, noes 18.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Obviously there is no quorum present.

Mr. CHINDBLOM. Mr. Speaker, may the bill be read with amendments?

The SPEAKER. That is not in order after the point of no quorum is made. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 63, answered "present" 1, not voting 183, as follows:

YEAS—183.

Ackerman	Fairfield	Kraus	Ramseyer
Anderson	Fess	Kreider	Randall, Wis.
Andrews, Nebr.	Fisher	LaGuardia	Reavis
Ashbrook	Fordney	Lampert	Rhodes
Bacharach	Freeman	Layton	Ricketts
Baer	French	Lehlbach	Riddick
Barbour	Fuller, Ill.	Little	Rodenberg
Begg	Garner	Lonergan	Rose
Benham	Garrett	Lufkin	Rubey
Black	Glynn	Luhring	Rucker
Bland, Mo.	Good	McAndrews	Sanders, Ind.
Boies	Goodall	McGlennon	Sanford
Bowers	Goodwin, Ark.	McLane	Schall
Briggs	Graham, Pa.	McLaughlin, Mich.	Sinclair
Brooks, Ill.	Green, Iowa	McLaughlin, Nebr.	Sinnott
Browning	Greene, Vt.	MacCrate	Slemp
Burdick	Hastings	MacGregor	Smith, Idaho
Butler	Hawley	Madden	Smith, Mich.
Byrns, Tenn.	Hays	Mapes	Stedman
Campbell, Pa.	Hernandez	Mays	Steele
Cannon	Hersey	Michener	Steenerson
Caraway	Hersman	Miller	Stephens, Ohio
Carss	Hickey	Minahan, N. J.	Strong, Kans.
Casey	Hicks	Mondell	Strong, Pa.
Chindblom	Hoch	Moore, Ohio	Summers, Wash.
Clark, Mo.	Hudspeth	Morgan	Swope
Cleary	Hulings	Murphy	Temple
Coady	Hull, Iowa	Nelson, Wis.	Thomas
Copley	Hull, Tenn.	Newton, Minn.	Thompson, Ohio
Crago	Husted	Nichols, Mich.	Thompson, Okla.
Cullen	Hutchinson	O'Connell	Timberlake
Currie, Mich.	Igoe	Ogden	Tinkham
Curry, Calif.	Ireland	Oldfield	Upshaw
Dale	Johnson, Ky.	Osborne	Valle
Dallinger	Juul	Padgett	Vestal
Darrow	Kahn	Paige	Voigt
Davis, Tenn.	Kearns	Parrish	Volstead
Dickinson, Iowa	Keller	Peters	Webb
Dowell	Kendall	Phelan	Welling
Dunbar	Kiess	Platt	White, Kans.
Dupré	Kincheloe	Pou	White, Me.
Dyer	King	Purnell	Wood, Ind.
Eagan	Kinkaid	Radcliffe	Woodyard
Echols	Kitchin	Rainey, H. T.	Young, N. Dak.
Elliott	Kleczka	Raker	Zihlman
Elston	Knutson	Ramsey	

NAYS—63.

Almon	Doughton	McPherson	Sanders, La.
Aswell	Evans, Nev.	Major	Sherwood
Ayres	Ferris	Mansfield	Smithwick
Bankhead	Gard	Moore, Va.	Steagall
Barkley	Hardy, Tex.	Nelson, Mo.	Venable
Bee	Heflin	Nicholls, S. C.	Vinson
Bell	Holland	O'Connor	Watkins
Bland, Va.	Jacoway	Oliver	Watson, Va.
Blanton	Johnson, Miss.	Overstreet	Weaver
Box	Jones, Tex.	Park	Welty
Brand	Lantham	Quin	Wilson, La.
Buchanan	Lankford	Rayburn	Wingo
Collier	Lazaro	Robinson, N. C.	Woods, Va.
Connally	Lesher	Robsion, Ky.	Wright
Crisp	McClintic	Romjue	Young, Tex.
Dickinson, Mo.	McKeown	Sabath	

ANSWERED "PRESENT"—1.

Pell

NOT VOTING—183.

Alexander	Dooling	Hayden	Monahan, Wis.
Andrews, Md.	Doremus	Hill	Montague
Anthony	Drane	Houghton	Moon
Babka	Dunn	Howard	Mooney
Benson	Eagle	Huddleston	Moore, Pa.
Blackmon	Edmonds	Humphreys	Moores, Ind.
Bland, Ind.	Ellsworth	James	Morin
Booher	Emerson	Jefferis	Mott
Brinson	Esch	Johnson, S. Dak.	Mudd
Britten	Evans, Mont.	Johnson, Wash.	Neely
Brooks, Pa.	Evans, Nebr.	Johnston, N. Y.	Newton, Mo.
Browne	Fields	Jones, Pa.	Nolan
Drumbaugh	Fitzgerald	Kelley, Mich.	Olney
Burke	Flood	Kelly, Pa.	Parker
Burroughs	Focht	Kennedy, Iowa	Porter
Byrnes, S. C.	Foster	Kennedy, R. I.	Rainey, J. W.
Caldwell	Frear	Kettner	Randall, Calif.
Campbell, Kans.	Fuller, Mass.	Langley	Reber
Candler	Gallagher	Larsen	Reed, N. Y.
Cantrill	Gallivan	Lea, Calif.	Reed, W. Va.
Carew	Gandy	Lee, Ga.	Riordan
Carter	Ganly	Linthicum	Rogers
Christopherson	Garland	Longworth	Rouse
Clark, Fla.	Godwin, N. C.	Luce	Rowan
Classon	Goldfogle	McArthur	Rowe
Cole	Goodykoontz	McCulloch	Sanders, N. Y.
Cooper	Gould	McDuffie	Saunders, Va.
Costello	Graham, Ill.	McFadden	Scott
Cramton	Greene, Mass.	McKenzie	Scully
Crowther	Griest	McKiniry	Sears
Davey	Griffin	McKinley	Sells
Davis, Minn.	Hadley	Magee	Shreve
Dempsey	Hamill	Maher	Siegel
Denison	Hamilton	Mann	Sims
Dent	Hardy, Colo.	Martin	Sisson
Dewalt	Harrison	Mason	Small
Dominick	Haskell	Mead	Smith, Ill.
Donovan	Haugen	Merritt	Smith, N. Y.

Snell	Taylor, Ark.	Vare	Wheeler
Snyder	Taylor, Colo.	Walsh	Williams
Stephens, Miss.	Taylor, Tenn.	Walters	Wilson, Ill.
Stevenson	Tillman	Ward	Wilson, Pa.
Stiness	Tilson	Wason	Winslow
Sullivan	Tincher	Watson, Pa.	Wise
Summers, Tex.	Towner	Webster	Yates
Sweet	Treadway	Whaley	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. SIEGEL with Mr. JOHN W. RAINEY.

Mr. WILLIAMS with Mr. DONOVAN.

Mr. DUNN with Mr. ALEXANDER.

Mr. YATES with Mr. BENSON.

Mr. WINSLOW with Mr. BRINSON.

Mr. WHEELER with Mr. BRUMBAUGH.

Mr. WATSON of Pennsylvania with Mr. BYRNES of South Carolina.

Mr. TREADWAY with Mr. SAUNDERS of Virginia.

Mr. TOWNER with Mr. CANDLER.

Mr. TILSON with Mr. CANTRILL.

Mr. SWEET with Mr. CAREW.

Mr. STINESS with Mr. HOWARD.

Mr. SNYDER with Mr. HUDDLESTON.

Mr. SNELL with Mr. HUMPHREYS.

Mr. SHREVE with Mr. KETTNER.

Mr. SCOTT with Mr. LARSEN.

Mr. SANDERS of New York with Mr. LEA of California.

Mr. ROWE with Mr. LEE of Georgia.

Mr. COLE with Mr. STEPHENS of Mississippi.

Mr. ROGERS with Mr. CLARK of Florida.

Mr. REED of West Virginia with Mr. DAVEY.

Mr. PORTER with Mr. DENT.

Mr. NEWTON of Missouri with Mr. DOMINICK.

Mr. MUDD with Mr. DOOLING.

Mr. MORIN with Mr. DOREMUS.

Mr. MASON with Mr. DRANE.

Mr. McKINLEY with Mr. EAGLE.

Mr. McKENZIE with Mr. FIELDS.

Mr. McFADDEN with Mr. FITZGERALD.

Mr. McCULLOCH with Mr. GANDY.

Mr. LONGWORTH with Mr. GODWIN of North Carolina.

Mr. KENNEDY of Rhode Island with Mr. GOLDFOGLE.

Mr. KELLEY of Michigan with Mr. GRIFFIN.

Mr. JONES of Pennsylvania with Mr. HAMILL.

Mr. JOHNSON of Washington with Mr. HARRISON.

Mr. HAUGEN with Mr. HAYDEN.

Mr. HAMILTON with Mr. McDUFFIE.

Mr. HADLEY with Mr. MARTIN.

Mr. GRIEST with Mr. MEAD.

Mr. GREENE of Massachusetts with Mr. MONTAGUE.

Mr. GRAHAM of Illinois with Mr. MOON.

Mr. GOULD with Mr. NEELY.

Mr. GARLAND with Mr. RANDALL of California.

Mr. FREAR with Mr. ROWAN.

Mr. FOCHT with Mr. SEARS.

Mr. ESCH with Mr. SIMS.

Mr. EDMONDS with Mr. SMALL.

Mr. DENISON with Mr. SMITH of New York.

Mr. DAVIS of Minnesota with Mr. STEVENSON.

Mr. COSTELLO with Mr. TAYLOR of Arkansas.

Mr. CAMPBELL of Kansas with Mr. TAYLOR of Colorado.

Mr. BURKE with Mr. TILLMAN.

Mr. BROWNE with Mr. WHALEY.

Mr. BROOKS of Pennsylvania with Mr. WILSON of Pennsylvania.

Mr. ANTHONY with Mr. WISE.

Mr. JONES of Pennsylvania with Mr. JOHNSON of New York.

Mr. MOORES of Indiana with Mr. CALDWELL.

Mr. BLAND of Indiana with Mr. EVANS of Montana.

Mr. BURROUGHS with Mr. SUMNERS of Texas.

Mr. CRAMTON with Mr. DEWALT.

Mr. CHRISTOPHERSON with Mr. SULLIVAN.

Mr. CROWTHER with Mr. OLNEY.

Mr. DEMPSEY with Mr. RIORDAN.

Mr. EVANS of Nebraska with Mr. SISSON.

Mr. EMERSON with Mr. MOONEY.

Mr. FOSTER with Mr. BABKA.

Mr. HOUGHTON with Mr. PELL.

Mr. JEFFERIS with Mr. GANLY.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. KENNEDY of Iowa with Mr. GALLAGHER.

Mr. LUCE with Mr. MAHER.

Mr. WASON with Mr. BOOHER.

Mr. WALSH with Mr. CARTER.

Mr. REBER with Mr. McKINLEY.

Mr. REED of New York with Mr. SCULLY.

Mr. MANN with Mr. BLACKMON.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MOORE of Pennsylvania with Mr. GALLIVAN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WOMAN-SUFFRAGE AMENDMENT.

The SPEAKER laid before the House a communication from the secretary of state of the State of Montana announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

PRACTICE AND PROCEDURE IN FEDERAL COURTS.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill H. R. 3171.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on the Judiciary, calls up the bill H. R. 3171, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3171) to amend the practice and procedure in Federal courts, and for other purposes.

Be it enacted, etc., That hereafter in any cause pending in any United States court, triable by jury, in which the jury has been impaneled to try the issue of facts, it shall be reversible error for the judge presiding in said court to express his personal opinion as to the credibility of witnesses or the weight of testimony involved in said issue: *Provided*, That nothing herein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law.

SEC. 2. That the judge of the court on the issue of law involved in said cause shall be required to deliver his charge to the jury after the introduction of testimony and before the argument of counsel on either side, and where requested by either party said charge shall be reduced to writing: *Provided, however*, That in United States courts sitting in States in which the law permits the trial judge to deliver his charge after argument of counsel, such procedure and practice may be followed by the trial judges in United States courts sitting in such States.

Mr. VOLSTEAD. Mr. Speaker, I would like, if possible, to arrange for general debate on this bill if anyone desires to oppose it.

The SPEAKER. The rule allows one hour to each side.

Mr. VOLSTEAD. If the gentleman from Arkansas [Mr. CARAWAY] cares to speak, I will yield to him 15 minutes now.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. CARAWAY. Mr. Speaker and gentlemen of the House, I do not mean to occupy the floor for the 15 minutes yielded me by the gentleman from Minnesota, the chairman of the committee. There is nothing I can say about the proposed measure that is not expressed in the bill itself. Every gentleman here who has practiced in the Federal courts realizes the importance of the passage of this proposed act.

It seeks to make the practice and procedure in the Federal courts the same as in the State courts in the site where the court may sit, with this one exception: Heretofore in all the States, so far as my acquaintance with the practice in the Federal courts goes, the Federal judges have assumed to "sum up," as they call it, intermingling their statement of fact and the law, and after argument of counsel. This bill requires that in those States where that practice does not prevail the Federal judge shall render his charge to the jury after the introduction of all of the evidence and before argument of counsel. It goes this much further: It provides that at the request of either party the charge of the judge shall be in writing.

The proviso in section 2 says: "That in United States courts sitting in States in which the law permits the trial judge to deliver his charge after argument of counsel, such procedure and practice may be followed by the trial judges in United States courts sitting in such States." The only change would be in requiring him, at the suggestion of either party, to deliver his charge in writing.

I do not, of course, know what the procedure in United States courts is in all the States. But I know this is the procedure in my State and other States where I have had occasion to go: The judge reserves his charge until after the arguments of counsel. He then frequently in his charge expresses his personal opinion as to the credibility of witnesses and the weight of testimony. I recall one of the most sensational trials that ever took place in our section of the country, which is reported in Smith against United States (157 Fed., 721). This was a peonage charge. There was but one witness who testified whose testimony, if believed, would have made the conviction of the defendant impossible. The court took occasion to say to the jury, as to this man who testified to that state of facts, that this witness lied and that the jury knew he lied. The court of appeals, in passing upon that, said, admitting it was a bad practice for the trial judge to single out a witness and denounce him as a perjurer—I am not using the exact language of the court but the substance—but inasmuch as he—the trial judge—said somewhere in his charge

that the jury was the sole judge of the credibility of the witnesses and the weight of the evidence, therefore this conduct of the trial judge was not prejudicial.

I have frequently heard, and I presume most gentlemen in this House who have practiced in a United States court have heard the trial judge say to the jury, "Certain witnesses have testified to an alleged state of facts, but no one should be expected to believe them." Of course, somewhere in his charge the trial judge would say, "Notwithstanding the fact that I know and you know the statement of such witness is unreasonable, yet if you are so inclined as to believe him you can render your verdict on his testimony," and this has been held not to be reversible error. This bill says that the trial judge shall express no opinion as to the credibility of a witness or the weight of testimony. In order to protect judges who have gone outside of what seems to be the proper course, the appellate courts have said that such statements of the trial judge are cured by a statement that the jury may believe the witness if it wants to do so, notwithstanding the trial judge has said his testimony is unworthy of belief. It is so held because somewhere he tells the jury they are the sole judges of the weight of testimony and the credibility of witnesses. In other words, the appellate courts have held that the statement of the trial judge that he does not believe a witness and that no sane man could believe him does not and should not influence the jury. If it does not and is not intended to influence unduly the jury—substituting the opinion of the judge for that of the jury—why should and why does the trial judge indulge in such expression of opinion?

Mr. ROSE. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. ROSE. I have read the provisions of the bill, and I can see nothing seriously wrong with them, except that I would like to call the attention of the gentleman to the words in lines 2 and 3, on page 2, where it says:

And where requested by either party said charge shall be reduced to writing——

Mr. CARAWAY. Yes.

Mr. ROSE. It does not say when the charge is to be reduced to writing. I can easily see where a trial judge may be ready to deliver his charge, but he would like to look up certain authorities before he delivers the charge. Now, when must he reduce his charge to writing?

Mr. CARAWAY. Before he delivers it.

Mr. ROSE. That may cause great delay in the trial of cases, may it not?

Mr. CARAWAY. I do not think so. I do not think the judge ought to charge the jury until he knows what the law is, and this undertakes to say that he shall know and shall reduce it to writing. All of us have suffered by the trial judge so intermingling his statement of facts and his comments upon the testimony with his declarations of law that frequently the ablest lawyer who sits in the court room can not say when the court is making a declaration of law and when he is commenting upon the testimony. This bill undertakes to say that he shall reduce his charge to writing. That is the practice, I think, in about nine-tenths of the States of this Union. It is the practice in my own State, and it works admirably. When counsel argue the case before the jury, he knows exactly what the judge's charge is. It has been reduced to writing. No great delay is caused. After all, however, it is better a little delay than a miscarriage of justice.

Mr. KEARNS. There is nothing in the gentleman's bill that would compel the court to read his charge to the jury before the argument.

Mr. CARAWAY. Yes; there is.

Mr. KEARNS. I do not so understand it.

Mr. CARAWAY. In section 2 it is provided that the judge of the court shall be required to deliver his charge to the jury after the introduction of all of the evidence and before argument of counsel.

Mr. KEARNS. Yes; but it says:

Provided, however, That in United States courts sitting in States in which the law permits the trial judge to deliver his charge after argument of counsel, such procedure and practice may be followed by the trial judges in United States courts sitting in such States.

Mr. CARAWAY. Yes; in those States.

Mr. KEARNS. So there is nothing to compel the judge to read his charge to the jury before the arguments of counsel?

Mr. CARAWAY. In States where the State practice and procedure require the court to read his charge before the argument, then the trial judge in the United States court would have to follow the State procedure.

Mr. KEARNS. Yes.

Mr. CARAWAY. But in those States where the old common law rule prevails, and permits the judge to sum up, as it is called, after the argument, the same practice would prevail in the Federal courts.

Mr. SANFORD. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. SANFORD. Is it the purpose of this bill to prevent the trial judge from stating to the jury the legal rules for determining the credibility of witnesses?

Mr. CARAWAY. No.

Mr. SANFORD. Or the rules by which they shall determine the weight of the evidence?

Mr. CARAWAY. No.

Mr. SANFORD. Does not the gentleman think his bill is a little vague on that subject?

Mr. CARAWAY. No. The only thing this bill undertakes to do is to prevent the judge expressing his personal opinion as to the credibility of a witness or as to the weight of the testimony. There is nothing in the bill to prevent the judge from saying to the jury that the plaintiff must establish his case by a preponderance of testimony, and that in determining the weight of testimony the jury shall give consideration to the interest of the witnesses and to their opportunity to know the facts, and all those things commonly laid down in the rules by which the jury shall be governed in determining the weight of testimony and the credibility of witnesses. There is nothing that prevents the judge doing that. It simply undertakes to prevent the judge saying, "I do not believe the testimony of that witness," or "I believe on the whole case the testimony of the plaintiff ought to prevail." In other words, prevents the trial judge thrusting on the jury his personal opinion as to what its finding should be.

Mr. SANFORD. I appreciate that that is the purpose and intention of the bill, but I am not so sure that the bill has made it entirely clear.

The gentleman will appreciate the fact that a clever judge in stating the rules for determining the weight of testimony and the credibility of witnesses can create in the minds of the jury any impression he may desire to create without violating the provisions of the bill or the ordinary rules of law.

Mr. CARAWAY. I do not think an honest judge would so conduct himself. For dishonest judges we have provided other means of procedure.

Mr. KEARNS. I think this bill lays down the rule of practice that is adopted in most of the States of the Union, does it not?

Mr. CARAWAY. In about nine-tenths of them; yes.

Mr. ALMON. I am very much in favor of section 1 of the bill, and it seems to me that in section 2 it should expressly provide when the request for a written charge should be made. In Alabama the rule is that if you want a written charge you must make your request after the evidence closes and before the argument begins, but is not given to the jury until after the argument of counsel.

Mr. CARAWAY. The idea I had, and I think the requirement of the bill is, that he shall reduce it to writing before he delivers it, and upon the request of either party he must reduce his charge to writing before he delivers it.

Mr. ALMON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. ALMON. Does not the gentleman think that the law should expressly provide when the request for the written charge should be made?

Mr. CARAWAY. I think that when the judge is ready to charge the jury either party can make the request.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. DAVIS of Tennessee. It occurs to me that the criticism of the gentleman from Alabama could be cured beyond question by striking out the words "reduced to" and insert the words "delivered in," so that it would leave it that the written charge should be delivered before the argument of counsel, in accordance with whether it was the practice in that State or not, as provided here.

Mr. CARAWAY. Let me say the language of the bill is almost the identical language found in the statutes or in the constitution of a number of States. The courts have always held that the judge then is required, where either party requests, to reduce his instructions to writing and read them to the jury.

Mr. SABATH. Will the gentleman yield?

Mr. CARAWAY. I will yield.

Mr. SABATH. This bill tends to take away from the judge the power to control the action of the jury, as has been frequently done by some judges?

Mr. CARAWAY. That is what it seeks to do.

Mr. SABATH. The bill states that he shall not express his personal opinion as to the credibility of witnesses, or the weight

of the evidence involved in the issue, but he can do by indirection that which you prohibit by direction. He can do it by examining the witnesses himself, and he can do it by insinuation conveyed to the jury that he does not believe the witness and that he is a contemptible witness. Does not the gentleman think that it should be so amended that he should not indirectly do what you prohibit his doing directly? Some judges have assumed the power of a czar and believe that they have a right to control the action of jurors and everyone else.

Mr. CARAWAY. We could not possibly get into the record the tone of voice by which the judge might convey his opinion, and I think it would lead to endless confusion if we attempted it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. LAGUARDIA. The purpose of having the charge reduced to writing is so as to have a permanent record?

Mr. CARAWAY. Yes.

Mr. LAGUARDIA. Or is it so that counsel may have the law before them?

Mr. CARAWAY. The idea I had was this: It follows, as I said, the language of the Constitution or the statutes of many States, and its purpose is to prevent any question about what the judge charged the law to be. It also gives counsel no excuse to mistake the court's charge. It is a record of the court's instructions and can not be misunderstood.

Mr. LAGUARDIA. Would it satisfy the provisions of this bill if a stenographic record was made of the charge delivered by the judge? What I have in mind is the saving of time.

Mr. KEARNS. The suggestion of the gentleman from Illinois is that it would stop the crooked judge, if you can conceive of such a man sitting on the bench, afterwards denying that he charged the jury in any such way.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. VOLSTEAD. I yield to the gentleman from Arkansas five minutes more.

Mr. FISHER. Will the gentleman yield?

Mr. CARAWAY. I yield.

Mr. FISHER. I am heartily in favor of the first section of the bill, but I have my doubts whether under the second section it would not be a hardship for the judge to reduce his charge to writing. Is it to be construed that he is to reduce it to writing before he delivers the charge?

Mr. CARAWAY. Yes.

Mr. FISHER. A stenographer's report would not answer?

Mr. CARAWAY. It would not answer. Counsel could consent that the judge deliver his charge thus, and that it may be transcribed by the reporter, but this bill does not contemplate that; it requires that he shall reduce the charge to writing and read that written charge, so that there can never be any question about what he said to the jury.

Mr. FISHER. Most Federal judges, at least in my district, carry around a stenographer to take down the charge, and the notes are at the request of any lawyer written out after the judge has rendered the charge. Do I understand that you are to construe this law to mean that he must write it in advance?

Mr. CARAWAY. Absolutely.

Mr. FISHER. Where he has 8 or 10 small bootlegging cases during a day, that would be a great hardship on the Federal judge.

Mr. CARAWAY. I take it that in most cases neither side would request the judge to reduce his charge to writing, but if either does it he must reduce it to writing. If either side feels that he can not permit the judge to wander in a charge and wants it reduced to writing, I think he ought to have that right.

Mr. OLIVER. This bill makes it a reversible error for the judge to express an opinion on the character of the witness or the weight of the testimony, but it fails to make it a reversible error if he refuses to give his charge in writing or deliver it in advance of the argument. Would it not, since you expressly provide in section 1 that it shall be reversible error to do a certain thing, be better to provide that it shall be a reversible error to refuse to do it?

Mr. CARAWAY. The gentleman thinks that is not implied. I think it is. Inasmuch as it is made his absolute duty to reduce his charge to writing and deliver it to the jury in advance of argument, of course it would be a reversible error if he should refuse.

Mr. OLIVER. Does the gentleman construe section 2 as preventing any charge from being given by the judge after the argument in those States where the charge is required to be given before the argument?

Mr. CARAWAY. I do not think so. In a State where the constitution provides that a judge shall charge the jury after the introduction of all of the evidence and before argument, and where requested by either party in writing, the courts have held that if some new issue should arise or if the jury should come back and ask for specific instructions the court has the right to grant the request.

Mr. OLIVER. The part I want to bring out is this: The language of section 2 is that the court, "on the issue of law," shall be required, and so forth. All charges are not necessarily referable to issues of law, as the gentleman is aware, and that is rather a restrictive definition of the charge, it seems to me. Many charges undertake to summarize the testimony. Yet that would not necessarily be a charge upon the issues of law, and that is what I had in mind when I asked whether the language of section 2 would preclude a summarizing of the testimony by the judge after the argument was in.

Mr. CARAWAY. It would prevent him from expressing his personal opinion as to the credibility of the witness or the weight of the evidence; nothing more. He would be permitted to lay down rules for weighing testimony.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HERSEY. Mr. Speaker, I would like to ask the gentleman a question, and I ask that the gentleman from Minnesota yield him two minutes more.

Mr. VOLSTEAD. I yield two minutes more to the gentleman from Arkansas.

Mr. HERSEY. I want to know the object of the judge submitting his charge in writing when you have a reporter that takes very word he says.

Mr. CARAWAY. There are two reasons. In the first place, it is very difficult sometimes in a long charge for counsel to determine just what the court has declared the law to be. It is difficult for counsel to preserve his exceptions to the charge if it is not in writing, so that he may have it before him. He is in a better position to know what his rights are and whether or not the court has erred in his declarations of law, and in presenting the case to the jury there is less excuse for him to misstate the court's charge to the jury. There are sufficient reasons, in my judgment.

Mr. LITTLE. You might not have any reporter in a Federal court.

Mr. HERSEY. I can not conceive of such a thing.

Mr. LITTLE. If the gentleman would come along with me, I could show him.

Mr. CARAWAY. There is no law in the Federal statutes for reporters in Federal courts. We have a bill now on the calendar, by Mr. STEELE, making provision for a reporter in United States courts.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. GREEN of Iowa. It is evidently the intention in this bill that this charge of the judge should be reduced to writing before being delivered to the jury.

Mr. CARAWAY. That is it.

Mr. GREEN of Iowa. And yet it has occurred to me that the bill might be so construed as to reduce it to writing at any time, so as to comply with the provisions of the bill.

Mr. CARAWAY. The judge has to deliver his charge to the jury before argument of counsel, and he can not make it except he make it in writing if either side requests it. Therefore there can be no question but that the judge would have to reduce his charge to writing before he gave it. I sincerely hope the bill will become a law.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired.

Mr. GARD. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I can not say that I heartily approve of this bill. I perhaps belong to that school which still has faith in the administration of justice in our courts. I feel that in the vast majority of cases the law is properly stated to the jury and the evidence is reviewed within the limits which are permissible to a judge bringing the facts to their attention. Because under certain circumstances there have been violations of this rule, I do not think we are justified in attempting to correct those individual cases by general legislation. However, so far as the bill is concerned I shall vote for its adoption. As originally presented there were objections to be made to the language used. For instance, as I recall the prohibition, it was to the judge expressing an opinion as to the credibility of witnesses. Of course, every lawyer in this House knows that it is the duty of a judge under certain circumstances to express an opinion and to charge the jury upon the question of credibility. Let us suppose a criminal case where a man's chief accuser is an accomplice. The court is bound to

charge the jury as to the credit and weight of such testimony. Where there is an overwhelming interest upon the part of some witness the court has the right to call the attention of the jury to that interest as something to be taken into consideration in weighing the testimony of the witness. But this language was adopted, with the approval of my colleagues on the committee:

It shall be reversible error for the judge in said court to express his personal opinion as to the credibility of witnesses—

And so forth.

To that language it seems there ought to be no objection. In other words, this would reach the cases that are complained of where the judge goes outside of his judicial function and expresses his personal opinion against a witness as to his credibility. The opinion expressed is merely the judge's own opinion. That is what is excluded by this section and what is made reversible error.

The proviso appended to this section that nothing therein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law saves the section from the objection that perhaps there might be involved in this language the prohibition upon a court to direct a verdict when it is his duty to do so.

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. Surely.

Mr. LEHLBACH. Is not all error which is prejudicial to a party to a cause ground for reversal in common law?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. LEHLBACH. Is it not a fact that some States in order to avoid grounds for appeal or reversals on technicalities, and so forth, have enacted that only such error shall be ground for reversal that goes to the merits of the case and is prejudicial to the party alleging the error?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LEHLBACH. Would not the use of the words "reversible error" make it mandatory to reverse the case in which error occurred, whether it was a reversible error or not?

Mr. GRAHAM of Pennsylvania. I think the gentleman offers a very correct definition.

Mr. LEHLBACH. Would it not be better to leave out the word "reversible"?

Mr. GRAHAM of Pennsylvania. I should think not if you are going to stop this practice or abate the evil to be cured; you ought to make it reversible error, and if the judge after the passage of this law indulges in a thing of that kind it ought to be a reversible error if it is put in the law that he ought not to do it; there ought to be no alternative given, but to cure it by saying, "It is all wrong." He should not escape the consequences of his deliberate violation of the law by having a higher court say, "I know he ought not to have done it, but on the whole case it would not justify us in setting aside the verdict, and there will be no reversal."

Mr. BEE. Otherwise it would be a harmless error.

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. CARAWAY. That is exactly the excuse the court has given by saying it is cured somewhere else; is not that true?

Mr. GRAHAM of Pennsylvania. All agree on that. But so far as the second section is concerned, I was going to say, and I may be a little bit boastful, perhaps, in so saying, that I have tried as many cases as any man in the House, and perhaps more, but you will excuse the boast when I say that that is only because I am so much older than you are. My knowledge of the practice of the courts in the East is that this section covers a subject that is unknown to us. The judge charges a jury after the addresses of counsel, and it seems to me to be the most logical place for the charge. We must have some faith in the men who administer justice in our courts, and we must believe that they are there as an umpire to express the law and to call the attention of the jury to the facts in the case so that they may reach a righteous verdict; and having that faith in the court the judges ought not to be hampered by having to prepare their charges in writing before counsel addresses the jury and deliver their charges to the jury. It seems to me as a practitioner—probably it comes from the fact of my habit of being accustomed to the opposite course that that is putting the cart before the horse. The charge ought to follow everything, and ought to state clearly the law and give a résumé of the evidence.

Mr. GARRETT. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. GARRETT. May I ask the gentleman, if I caught correctly the reading of the bill, does not the proviso take care of that situation? The practice is the same in my State, I will say to the gentleman, that it is in his.

Mr. GRAHAM of Pennsylvania. I presented that amendment in committee for the purpose of taking care of it in the States where this is now the practice, and I am going to suggest an amendment to the language of the section so as to make it clearer.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BLANTON. The gentleman stated that the charge should logically follow everything else.

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BLANTON. The argument of counsel in the case?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BLANTON. Has the gentleman in his experience not many times heard lawyers attempt to argue the law to the jury when the court on the bench knew they were not arguing the law and he was going to charge something else to the jury as the law? Then why should not the attorneys have the benefit of the court's charge in arguing to the jury what the law is and knowing exactly what the court would charge as the law in the case?

Mr. GRAHAM of Pennsylvania. Replying to the gentleman's interrogatory, I would say that we generally meet that in this way: If I am arguing a question of law to the jury, I will say, "Subject to what the court may direct on this question, gentlemen, I believe the law to be thus and so"; but there is a remedy, and that remedy is to present your points for charge, by which you pin the court down to answer your legal points, so that he must construe the law in such a way as may enable you to know what it may be.

Mr. CRAGO. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CRAGO. Is not the purpose of the charge by the court to the jury to clear up misunderstandings which have arisen during the trial of the cause?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. CRAGO. If the judge would charge the jury, and the attorneys argue the case afterwards, would not the case go to the jury in a more chaotic state than if it goes to the jury just after the judge's charge?

Mr. GRAHAM of Pennsylvania. I think so.

Mr. CRAGO. The gentleman has suggested——

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. May I have a few minutes more?

Mr. GARD. How much time does the gentleman desire?

Mr. GRAHAM of Pennsylvania. Five minutes.

Mr. GARD. I yield to the gentleman 10 minutes.

Mr. CRAGO. As the gentleman has well suggested, the submission of points by opposing counsel allows the court to pass on those points before the case is argued anyhow.

Mr. GRAHAM of Pennsylvania. Yes; this point about the charge being reduced to writing—I would like to call attention——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will yield to the gentleman.

Mr. GREEN of Iowa. Did the gentleman consider it was necessary, at the top of page 2, to put in that clause "before the argument of counsel on either side"? I had supposed that the court followed the practice in the particular State in that respect. So far as I know, the courts follow the practice of the several States in that respect, and I would think it really would be better to leave that out, so that the court, unless he was following the practice of the State, would put off the charge until the argument of the counsel had been finished.

Mr. GRAHAM of Pennsylvania. That is true. The Federal court is supposed to follow the practice of the States largely. It is not obliged to do so. Now, the object of this section of the bill is to make it compulsory on the court to follow it in this particular. And that is the reason why this language to which the gentleman has referred has been inserted.

There are two things in this section; first, the period at which the charge is to be delivered, which is before the argument of the counsel, and the other is that it must be reduced to writing.

Now, I have no experience with which to speak with reference to the latter phase of this section, but I am told that in the States where this is the practice and is required by law it leads to a very questionable state of affairs very frequently. In the midst of a trial you require the trial judge to reduce to writing his charge. He is going then to reduce it to the simplest form and will not permit of that expansion of statement that ought to be made for the purpose of clearing the matter to the minds of the jury. I am told that some of the charges simply contain the principles of law, and only covering two or three pages of foolscap, and no summing up and reviewing of the case as it ought to be reviewed. Now, if it leads to such a result as that—and I do not know whether that is correct or not——

Mr. GREEN of Iowa. Will the gentleman yield for a moment there?

Mr. GRAHAM of Pennsylvania. Yes; surely.

Mr. GREEN of Iowa. I will say that depends entirely on the temperament of the judge.

Mr. GRAHAM of Pennsylvania. That is what I said.

Mr. GREEN of Iowa. Some of them are inclined to short charges, but even in Iowa we have the complaint there that some of them make too long constructions of the law, up and down and around, until we do not know where they will land.

Mr. GRAHAM of Pennsylvania. My point is that if you adopt this rule you appeal to the judge that is lazy or to the judge that is timid to make exceedingly brief charges, and only express principles of law, and not do justice to the case.

Mr. LITTLE. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LITTLE. The gentleman suggested that judges sometimes, or generally, he was told, omitted the proper review of the case. As far as my experience goes, of about 32 years, the universal rule in all States where the law is as he suggests is that before he does anything else the judge gives a complete and rounded review of the facts of the case. I do not think it has occurred to the contrary in my experience.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. In just a moment, when I have finished this point.

I cited an instance that is fairly corroborated by the gentleman from Iowa [Mr. GREEN]. Now, the second thing in the requirements of this section is that the judge shall reduce his charge to writing. The other relates to the period of its delivery. In addition to what I have already said I would like to add that there is in the Committee on the Judiciary now a bill providing for the appointment of stenographers in all the Federal courts, and that is what ought to be done. There ought to be stenographers to take down the charge of the court, so that there will be no question as to what it is, and so that it could be readily reproduced, and that without the delay incident to requiring the judge to write it in person, and without the temptation to shorten it in order to escape the labor or escape the fear of reversal. Now, if that bill concerning court stenographers is going to be passed, then we need not pass a provision like this requiring the charge to be reduced to writing—to longhand writing—prior to the argument of counsel, in the midst of the trial, and before the case can be concluded.

Now I yield to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. I come from Kentucky. In our State the charge is given as provided in this bill, in the State courts; but in the Federal courts they follow the procedure as in the gentleman's State. Now, I doubt if there is a lawyer in general practice in the State of Kentucky who does not favor the giving of the written instructions or charge before the argument. And I can not see how it affects the gentleman from Pennsylvania, as the bill requires the court in his State to still follow the State law. Now, in States where they have the State-court practice with this Federal practice we will have two kinds of procedure, but we would make the procedure in our State and in other States similarly situated uniform. And it would be a good thing for Kentucky, and I think the Kentucky lawyers want it.

Mr. VOLSTEAD. May I call attention to the fact that it will not be uniform, because in many States, I assume, they do not require that the charge shall be written by the judge at all. It is not provided in my State, for instance, that the charge shall be written up, and still this would compel it to be written.

Mr. GRAHAM of Pennsylvania. I am going to suggest that in line 5 of section 2—and I would ask the attention of the gentleman from Arkansas [Mr. CARAWAY] to that—an amendment be made by inserting the words "or rules of procedure and practice."

Mr. CARAWAY. That is in the proviso?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CARAWAY. How would it read?

Mr. GRAHAM of Pennsylvania. As it reads now it is——

Mr. CARAWAY. I know how it reads now.

Mr. GRAHAM of Pennsylvania. "Courts sitting in States where the law permits." There may be a question raised if simply a rule of court provides it.

Mr. CARAWAY. I have no objection to that. What I wanted to preserve was that the Federal courts would be compelled to follow the State procedure.

Mr. GRAHAM of Pennsylvania. That is what I am aiding you to do.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. GRAHAM of Pennsylvania. I have made these remarks because I thought it was only fair to present the whole case to the consideration of my colleagues. [Applause.]

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, it has been a third of a century since I began the practice of the law. It has been 32 years, I think, since I made my first appearance as a lawyer in the Federal courts. The State in which I have practiced has followed the policy which is required in this bill. The Federal court in that State has followed the practice against which this bill is aimed. So I have had an opportunity to see both methods very much in use. The gentleman from Pennsylvania [Mr. GRAHAM] has stated that he comes from a State where they use the other method, both in the State courts and in the Federal courts, and he hints that he may be prejudiced in favor of his own system, which is very natural. Anybody who has had the extended and successful experience that my colleague from Pennsylvania [Mr. GRAHAM] has had, would very naturally be somewhat fixed in his ideas about the merits of the practice pursued.

But I think those of us who come from States where the practice is dissimilar in the State courts and in the Federal courts have the advantage of the gentleman in opportunity for estimating the merits of the two methods of practice. Under the practice that he advocates the attorney begins his address to the jury after he knows what the evidence is, but before he knows what the law is. A man might just as well address the jury without knowing what the evidence was as to talk to them without knowing what the law was. It would be just as logical.

In the second case I ever tried in the Federal court the question at issue was whether a letter written by the president of the national bank that I represented was a fraudulent letter or not. Of course, I said it was not, and my opponent said it was a fraud, and that they should win their case on that letter.

Before the case had proceeded far the Federal judge remarked casually, in his frank and open way, that if that letter was not a fraud he did not know what a fraud was. Of course, that had a tendency—a slight tendency—to prejudice the jury against my client, though they could believe the judge did not know, as he did not. I called the president of the biggest bank in the State as a witness, and he swore that that was exactly such a letter as he would have written, whereupon the judge said, "Well, I guess I do not know what a fraud is, then." But he had managed to prejudice the jury by his previous statement, so that 11 of them voted against us, and we had a disagreement of the jury and had to try the case over again. Personally I do not think a judge should testify—even in rebuttal—unless he is sworn. Then another judge came down and sat in the case, and as soon as the evidence was presented he told the jury that the letter was not fraudulent at all; that it was just such a letter as anybody should have written; and that if he had written any other kind it would have been fraudulent. He directed the jury presently to decide in our favor. That was an instance in which no man on earth could tell what to say to the jury until he found out what the court was going to hold as to what the law was.

In those States where the court is required to address the jury before counsel argue the case and is required to write out his instructions to the jury the plaintiff appears and puts in writing his requests for certain instructions to the jury. He states the law of his case. The defendant does the same thing. The court then makes his choice between the two. He can take one of them or the other, or he can take a part of one and a part of the other, or he can disregard both; but if he fails to give any just request as to the law made by either plaintiff or defendant or to cover the point in some way in his charge, then the case is reversed on him, if the point is of any importance.

The minute that I, representing the plaintiff, state to the court what the law is and ask him so to charge, and the court refuses to do it, he gives me ground for a new trial, on a reversal in the court of appeals, if I am beaten, and the same is true of the defendant. This conduces to equity and to a just determination of the case. In a State where the judge does not tell the jury what the law is until after counsel have addressed the jury, no man on earth can tell what the decision of the court may be.

In Federal courts, without stenographers, you can not be sure of what error is instructed. Of course, the instructions should be in permanent form for the record and that the attorneys may read and be guided by them. Every man is entitled to a jury trial, and it is not for a judge to sit on a jury. The sheriff, the marshal, or the bailiff has just as much right to tell the jury which witness should be favored as the judge. A man who butts in on a trial that way is a dangerous man. The duty of the court is to state the law and see it is obeyed. One side may address the jury for an hour, following one line of evidence, and the court may say that that has nothing to do with the case. It is not giving a man an opportunity to have a full day in court. No man has had his full day in court until the

opportunity comes to his attorney to present the facts to the jury with a knowledge of what the law is. There is always a dispute between the lawyers on each side as to what the law is, and if the attorney for the plaintiff has an incorrect idea of the law of the case his argument goes into the waste basket and his evidence is of no value, and it is the same for the defendant.

The proper thing is for the lawyer to begin the presentation of his case to the jury with all the law in his hand, written out, stating what it is. The gentleman suggests that it should not be in writing. When a judge begins the preparation of his charge to the jury he takes the requested instructions made by each side, goes to his office with his stenographer, and in a few minutes he has prepared the charge, because he has it all accessible at hand.

On the other hand, if he is a just and industrious judge it will take him as long to get ready the other way and no time will be saved. If he jumps in and delivers a charge without looking up the law he has not done the fair thing. So that it would take just as long one way as the other.

Before any judge can charge a jury he must take a little time with the facts before him to decide what the law is. It takes as long for him to prepare his charge after the argument as it does before. And in this system the attorneys have an opportunity to present to the jury their arguments knowing what the law is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield to the gentleman one minute more.

Mr. LITTLE. The gentleman suggests that he has great confidence in the courts and does not think it is necessary to make this change. So have I, but the courts that follow this procedure are more numerous and they do as well as his courts. If the courts which instruct after the arguments are worthy of confidence so are those which deliver written instructions before counsel address the jury.

Mr. RAKER. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. RAKER. Is it not a fact that the method the gentleman suggests and which is provided in this bill has the effect of expediting the trial of cases?

Mr. LITTLE. Absolutely. The gentleman's experience on the bench makes him a good witness.

Mr. BLANTON. Is it not a fact that every judge who has been on the bench any time has copies of his old charges from which he can select a charge that will apply to almost any case he may have before him?

Mr. LITTLE. Piles of them that high, and barrels of them sometimes. The gentleman from Texas was a long time on the bench and knows.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. GRAHAM of Pennsylvania. Where has the gentleman seen any such court where the judge has piles of charges?

Mr. LITTLE. Almost every judge in my State has them in his office room, and I have a good many judges' old instructions in my own office. They are always easily accessible from the files.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLAND of Missouri. Is it not a fact that every trial judge where this procedure exists during the progress of the trial is constantly preparing his instructions so far as they will affect the case?

Mr. LITTLE. Precisely.

Mr. BLAND of Missouri. And so, at the conclusion of the evidence, he has the complete instructions ready?

Mr. LITTLE. The gentleman from Missouri ought to know that is so, for he was on the bench in our State for a number of years, and he has practiced law in Missouri, where the practice is somewhat different, and I hope he will tell the House something about that. As a general proposition, I believe that no man on earth has a right to come to a decision in any case or indicate his judgment until he hears all the evidence. Any judge who, before the evidence is all produced, drops a remark before the jury as to how he stands is not an honest man. No court has a right to form its opinion or impress the jury until the witnesses are all heard.

John Brown was tried for his life in Virginia and condemned. Somebody asked him about the judge. He said, "I never did know which side that little man was on." There must have been an honest judge. [Applause.]

Mr. GARD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, like most of the gentlemen in this House, I have a license to practice law and have practiced at the law for some years. In the State of Kentucky the court must charge the jury in writing in all criminal cases and must give all the law in criminal cases before the argument of counsel. In civil cases he must give the charge to the jury in writing if requested by counsel before argument to the jury, and that is the only logical way, in my opinion, to try a lawsuit. If a lawyer argues a case, he ought to know what the law of that particular case is before he argues it, so that he can apply the facts to the law. If the charge is not given before he makes his argument, he frequently guesses at what the court will charge the jury and generally takes a crack at the sky and very often misses it. I remember one time being in San Antonio, Tex., when my friend Mr. BEE was district attorney at that place. They have this method—or did then in Texas—of a judge charging the jury after the argument had been closed. A civil case was on trial. One of the lawyers argued that such and such was the law, and another lawyer for the other side argued that something else was the law. The court instructed the jury entirely different from what either one of them had contended. If the court had instructed the jury before the argument of counsel, his instruction, whether the law was correct or not, would have been the law of that particular case until reversed by a higher court, and the attorneys arguing the case would have been confined to those instructions as the law of that case and could have properly applied the facts. That is the method of practice in the State of Kentucky, and I will venture that there is not a lawyer in the State from the Big Sandy to Mills Point who would be willing to adopt a different kind of practice. It is the logical practice and it is the proper practice. I never had any patience with the court making a speech to a jury for his side of the case, and that is what courts frequently do. I do not think the law ought to permit any court to instruct upon the facts.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. THOMAS. Mr. Speaker, I will ask the gentleman to give me a little more time.

Mr. GARD. How much time have I remaining?

The SPEAKER. Twenty-two minutes.

Mr. GARD. I yield five minutes more to the gentleman.

Mr. THOMAS. Mr. Speaker, I think the court ought to give the law as he conceives it to be, and the jury should be the sole judges of the facts, and they should determine what the facts are, not from what the court says but from the testimony of the witnesses and the law as applied to the testimony. If the court has the right to say what the facts are, why should we have a jury, or of what use and what purpose is a jury, if it is to sit there and decide the facts of a case as the court in summarizing it states the facts to be. You might just as well repeal the jury system. The instructions to a jury should give all of the law applicable to the case on trial and in the shortest and simplest form. That, in my opinion, is the most conducive to justice. I have heard of Federal judges in summarizing the testimony absolutely denounce witnesses before juries as being liars. I understand there is one in the State of Arkansas who makes a practice of doing that thing; and any Federal judge who is guilty of such a thing is not fit to try an animal, much less a human being, and he ought to be impeached, I do not care who he is. The object of courts is, or ought to be, to give justice in all cases, and whenever a judge goes to summarizing testimony I think that he is liable to be subject to the same kind of weakness of human nature that affects us all, and that is, in the summary he may favor the side that he honestly thinks ought to prevail. If this bill is passed, the testimony will be heard and the court will have to give its instructions in writing without giving instructions as to how the case should be decided, and then the jury should take his instructions as the law of the case and apply that as best they can to the testimony of the witnesses and decide the case accordingly.

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. KING. Mr. Speaker, a point of order. I have been watching the clock very carefully while the gentleman from Kentucky has been speaking, and he has been cut off one minute of his time.

Mr. THOMAS. I will grant that minute to the gentleman from Illinois.

Mr. KING. I do not want it, but I was speaking for the gentleman.

Mr. GARD. Mr. Speaker, if there is any confusion about the time, I shall be glad to accept the minute remaining. I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Speaker, I am very heartily in favor of the bill as drawn and interpreted by the gentleman from Arkansas [Mr. CARAWAY], who introduced it. I am doubtful, however, as to whether section 2 as drawn carries out the purposes he

announces, and I have therefore prepared two amendments, both of which are intended to make effective the interpretation given by the gentleman from Arkansas. I think the House evidently favors the interpretation which he gave the bill. In section 2 it is provided that the charge of the court on the issue of law shall be delivered in advance of the argument in those States where such practice prevails.

The language of section 2 might be construed as simply requiring the charge of the court on mere abstract questions of law to be given in advance of the argument and might permit the court to summarize the evidence by way of charge after the conclusion of the argument. I have prepared an amendment requiring the charge on issues of law and fact to be given in advance of the argument. On page 2 the language is perhaps doubtful, in that it does not require that the charge, when requested in writing, shall be reduced to writing before its delivery. Evidently that is the purpose of the bill. Some of the committee, however, have thought that a compliance with this requirement of section 2 would be met where a stenographer took down the charge and afterwards transcribed and submitted it to the attorneys.

Mr. GARRETT. I want to ask the gentleman if it is not the customary language as is contained in various State constitutions and State statutes? Is not this language in the exact form it is in many States, and has it not been construed always to mean that it should be in advance?

Mr. OLIVER. I will state this to the gentleman: That some members of the committee are not in favor of that construction and feel that the requirement is met by taking contemporaneous stenographic notes to be later transcribed.

Mr. GARRETT. I do not think that is the construction in any State.

Mr. OLIVER. I am not familiar, of course, with the construction in all of the States——

Mr. GARRETT. Of course, I am not, either.

Mr. OLIVER. For your information I will say that attorneys from some Western States inform me that it is a sufficient compliance for the stenographer to take down the charge. I have therefore prepared an amendment for insertion after the word "charge," in line 1, on page 2, the words "before delivery." I yield back what time there may be remaining.

Mr. DOWELL. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. DOWELL. On page 2 the bill provides that at the request of either party the judge shall give instructions in writing. There is no provision, however, in the bill as to the time when this request may be made. Does not the gentleman believe that there should be a time when these requests should be offered?

Mr. OLIVER. I think it would expedite the trial if you required that at some period of the trial in advance of the argument that such demand be made.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Page 1, line 11, after the word "law," insert the words "and fact."

The question was taken, and the amendment was agreed to.

Mr. OLIVER. Will the Speaker permit me to ask a question? I think the word "issue" there should be "issues" of law and fact, and I move that that be amended so as to make the word "issues."

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Has there been any suggestion that we are proceeding under the five-minute rule?

The SPEAKER. No; but amendments may be offered without the House proceeding under the five-minute rule.

Mr. GARD. I thought the gentleman was going to make that suggestion.

Mr. OLIVER. I thought the amendment was carried.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 11, after the third word, "the," strike out the word "issue" and insert the word "issues."

The question was taken, and the amendment was agreed to.

Mr. GARRETT. Mr. Speaker, was the other amendment declared carried?

The SPEAKER. It was.

Mr. GARRETT. I expected to ask a division on that.

Mr. DOWELL. Mr. Speaker, I desire to offer an amendment.

Mr. GARD. I have an amendment to offer.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 11, after the word "court," insert "upon request of either party."

Mr. GARD. Mr. Speaker, so that the committee may have an intelligent idea of what they are acting upon, I merely beg leave to say that I think, in section 2, where it provides that the issue of law shall be charged by the court before argument of counsel, it should be at least limited to the request by either party, and I have coupled with this amendment which so provides an amendment striking out the language in line 2, page 2, after the word "side," all of the language in line 3 which requires a judge to reduce his charge to writing.

In other words, it makes this state of affairs under section 2: It provides that where there are to be requests the judge on the issues of law shall be required to charge the jury before the argument of counsel, and strikes out that proviso requiring the court to stop as long as is absolutely necessary to reduce his entire charge to writing. I do not desire to pursue the argument any further. I request a vote after the committee understands it.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was rejected.

Mr. THOMAS. Mr. Speaker, I desire to make a motion to reconsider the vote by which the first amendment offered by the gentleman from Alabama [Mr. OLIVER] was passed.

The SPEAKER. The gentleman from Kentucky moves to reconsider the vote by which the first amendment of the gentleman from Alabama was agreed to.

Mr. OLIVER. Mr. Speaker, I will state this, that I have no objection to its being reconsidered. If they think it gives to section 2 a different interpretation than that announced by the gentleman from Arkansas [Mr. CARAWAY], I have no desire to offer it.

The SPEAKER. The question is on the motion to reconsider.

The question was agreed to.

Mr. RAKER. May we have the amendment reported?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Page 1, line 11, after the word "law," at the end of the line, insert the words "and fact."

Mr. BRAND. Mr. Speaker, I desire to offer a substitute to that amendment. Am I in order?

The SPEAKER. The gentleman is in order.

Mr. BRAND. As a substitute to the amendment offered by the gentleman from Alabama [Mr. OLIVER], I move to amend as follows:

After the word "issues," add the following words in section 2, line 11: "raised by the pleadings and evidence involved in said cause."

The SPEAKER. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRAND: Page 1, line 11, after the word "issues," insert: "raised by the pleadings and evidence."

Mr. RAKER. Will the gentleman yield for just a moment? The court instructs upon any other matter without the pleading and evidence.

Mr. BRAND. This section confines it to the law.

Mr. SANFORD. Mr. Speaker, I make the point of order that there is no quorum present. It does not seem possible to do business in this way.

The SPEAKER. The gentleman from New York makes the point that there is no quorum present.

Mr. SANFORD. I will reserve it for the present, Mr. Speaker.

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia as a substitute to the amendment offered by the gentleman from Alabama [Mr. OLIVER].

Mr. BRAND. Mr. Speaker, have I the right to a minute or two?

The SPEAKER. The gentleman from Ohio [Mr. GARD] has the floor. The question is on the amendment offered by the gentleman from Georgia [Mr. BRAND].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama [Mr. OLIVER].

The question was taken, and the amendment was rejected.

Mr. DOWELL. Mr. Speaker, I desire to offer an amendment.

Mr. VOLSTEAD. Mr. Speaker——

The SPEAKER. The gentleman from Minnesota, the chairman of the committee, asks for recognition. Does the gentleman from Minnesota yield to the gentleman from Iowa?

Mr. VOLSTEAD. I do.

The SPEAKER. The gentleman from Iowa is recognized.

Mr. DOWELL. Mr. Speaker, I move to amend by adding, in line 1, page 2, after the word "of," the words "all the."

The SPEAKER. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, after the word "of," insert the words "all the."

The SPEAKER. The question is on agreeing to the amendment.

Mr. BLAND of Missouri. Will the gentleman yield a moment? Would it not be better, after the words "all the," to write the word "evidence" instead of "testimony"?

Mr. DOWELL. I did not want to change the language of the bill.

Mr. JOHNSON of Mississippi. May we not have the bill reported as it is proposed to be amended?

Mr. DOWELL. This is the way it will read:

That the judge of the court on the issues of law involved in said cause shall be required to deliver the charge to the jury after the introduction of all the testimony.

Mr. BLAND of Missouri. Will the gentleman yield for a moment?

Mr. DOWELL. I yield.

Mr. BLAND of Missouri. As I understand it, the testimony is that evidence which is introduced under oath. Evidence may be documentary or testimony under oath.

Mr. DOWELL. I am willing to accept an amendment to strike out "testimony" and insert "evidence," and by unanimous consent I will so amend the amendment.

The SPEAKER. The gentleman offers a modified amendment, which he will please state to the Clerk.

Mr. DOWELL. To read, "of all the evidence."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. I move to amend on line 5, after the word "law," on page 2, by insisting "or procedure and practice."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, line 5, after the word "law," insert "or procedure and practice."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. On line 6, after the word "counsel," on page 2, insert "or without such charge being written," so as to make it conform in all the States.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, line 6, after the word "counsel," insert "or without such charge being written."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Page 2, line 7, strike out the word "may" and insert the word "shall."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Page 2, line 7, strike out the word "may" and in lieu thereof insert the word "shall."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I now move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Minnesota moves the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Kansas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

ADJOURNMENT OVER FROM FRIDAY UNTIL TUESDAY NEXT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns Friday it adjourn until Tuesday next. Monday is Labor Day, and quite a number of Members have invitations to speak on that day, and some of them require considerable time to go and come.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns on Friday it adjourn until Tuesday next. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Thursday, August 28, 1919, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriations required by the National Park Service to reimburse appropriations for the Glacier and Yellowstone National Parks for money expended in fighting forest fires, including construction of a bridge over the Flathead River at Belton, Mont., was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SWEET, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 8778) to amend and modify the war-risk insurance act, reported the same without amendment, accompanied by a report (No. 266), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on Indian Affairs, to which was referred the bill (H. R. 7751) authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla., reported the same with amendment, accompanied by a report (No. 267), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 75) authorizing the appointment of an ambassador to Belgium, reported the same without amendment, accompanied by a report (No. 268), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 8818) to amend the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 8820) to provide members of the military and naval forces with capital for farm settlements; to the Committee on Banking and Currency.

By Mr. RANDALL of Wisconsin: A bill (H. R. 8821) authorizing the Secretary of War to donate to the city of Oconomowoc, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 8822) authorizing the Secretary of War to donate to the county of Perry, State of Pennsylvania, to be placed in the public square, city of Marysville, one German cannon or fieldpiece, with carriage and suitable number of shells; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 8823) to promote the efficiency of the permanent Military Establishment of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. FERRIS: Joint resolution (H. J. Res. 184) directing the Secretary of War to carry into effect section 7 of the Post Office appropriation act, approved February 28, 1919, and to transfer to the Department of Agriculture for the benefit of the several States the motor-propelled vehicles therein mentioned; to the Committee on Military Affairs.

By Mr. MONDELL. Concurrent resolution (H. Con. Res. 29) for the appointment of a committee to make arrangements for appropriate exercises in the welcome of Gen. John J. Pershing; to the Committee on Rules.

By Mr. WOOD of Indiana: Resolution (H. Res. 266) protesting against the proposed action of this Government in sending of troops to Silesia or any other part of Europe for police duty; to the Committee on Foreign Affairs.

By Mr. PETERS: Resolution (H. Res. 267) for the immediate consideration of House bill 7767; to the Committee on Rules.

By Mr. MONDELL: Resolution (H. Res. 268) providing for the immediate consideration of House concurrent resolution No. 29; to the Committee on Rules.

By Mr. LEHLBACH: Resolution (H. Res. 269) to provide for the consideration of House bill 3149; to the Committee on Rules.

Also, resolution (H. Res. 270) directing the Postmaster General to transmit certain facts; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8824) granting an increase of pension to Lewis Barrick; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 8825) granting an increase of pension to Elias W. Bowman; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 8826) granting a pension to Louise May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8827) granting an increase of pension to Samuel Z. Beam; to the Committee on Invalid Pensions.

By Mr. CURRIE of Michigan: A bill (H. R. 8828) for the relief of Frank Alger; to the Committee on Claims.

By Mr. DEWALT: A bill (H. R. 8829) granting a pension to Dorothy M. Mohr; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 8830) granting an increase of pension to Walter L. Jewell; to the Committee on Pensions.

Also, a bill (H. R. 8831) granting a pension to Margaret J. Mahan, to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 8832) granting a pension to John W. Redington; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 8833) granting a pension to John Speer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8834) granting a pension to Caroline Scherrer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8835) granting a pension to Andrew Jackson Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8836) granting an increase of pension to Philip C. Cooter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8837) granting a pension to Arthur Barchman; to the Committee on Pensions.

Also, a bill (H. R. 8838) granting an increase of pension to Gilmon A. H. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8839) granting a pension to Green B. Cloud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8840) granting a pension to George T. Hubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8841) granting a pension to Christopher Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8842) granting a pension to William Bleckwendt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8843) granting a pension to James M. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8844) granting an increase of pension to Frederick Lampe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8845) granting an increase of pension to John W. Bond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8846) granting a pension to Charles D. Wood; to the Committee on Pensions.

Also, a bill (H. R. 8847) granting a pension to Lucinda J. Henry; to the Committee on Pensions.

Also, a bill (H. R. 8848) granting an increase of pension to Charles C. Mauch; to the Committee on Pensions.

Also, a bill (H. R. 8849) granting a pension to Pearl C. Holt; to the Committee on Pensions.

Also, a bill (H. R. 8850) granting a pension to John P. Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8851) granting a pension to Henry Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8852) granting a pension to Perneeia Boozer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8853) granting a pension to Louisa F. Mansfield; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 8854) granting an increase of pension to William F. Brought; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8855) granting an increase of pension to Cornelia F. Huckins; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 8856) granting a pension to Mary Morgan; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 8857) granting an increase of pension to Richard L. Davis; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 8858) granting a pension to Isabella Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8859) to correct the muster of Cassius C. Roberts; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 8860) granting an increase of pension to Charles E. Frizzell; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 8861) granting an increase of pension to Matilda M. Whitaker; to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 8862) for the relief of Bertrand W. Heim; to the Committee on Military Affairs.

By Mr. WILSON of Illinois: A bill (H. R. 8863) granting a pension to Edward E. Wagner; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of City Municipal Council of Massachusetts, favoring the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of the Chamber of Commerce of Mansfield, Ohio, in favor of the budget system; to the Committee on Appropriations.

By Mr. BACHARACH: Resolutions adopted by General Henry W. Slocum Post, Grand Army of the Republic, of Paterson, N. J., urging increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

By Mr. BEGG: Petition of the League for the Protection of Korea, of Tiffin, Ohio, protesting against the persecutions of the Koreans by the Japanese; to the Committee on Foreign Affairs.

By Mr. CRAGO: Petition of Local Union No. 131, Journeymen Tailors' Union of America, of Pittsburgh, Pa., disapproving wartime prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of Local Union No. 97 of Mount Clemens, Mich., in favor of light wine and beer; to the Committee on the Judiciary.

By Mr. KEARNS: Petition of R. G. Shumaker and others, of Waverly, Ohio, favoring the passage of House bill 8376; to the Committee on the Post Office and Post Roads.

Also, petition of Charles C. Bennett, secretary National Association of Letter Carriers, No. 184, of Portsmouth, Ohio, favoring Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

By Mr. MILLER: Petition of the Clara Barton Tent, No. 1, in regard to House joint resolution No. 157; to the Committee on the Judiciary.

By Mr. REBER: Petition of Mr. William Navick, chairman, and Mr. William Cupstas, secretary American Lithuanian Fraternity, Shenandoah, Pa., relative to the Lithuanian situation; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petition of Robinson Straus & Co., of St. Paul, Minn., against special tax of $50 per year on sales agents; to the Committee on Ways and Means.

By Mr. TAYLOR of Tennessee: Petition of Roy E. Paul, of Rockwood, Tenn., favoring the passage of Senate joint resolution No. 84; to the Committee on the Post Office and Post Roads.

Also, petition of John L. Hollingsworth, Charles L. Silcox, Lewis M. Broyles, John R. Broyles, William Mazingo, and J. P. Miller, of Lafollette, Tenn., asking for an increase in salaries as mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. THOMPSON of Ohio: Petition of Scott Post, No. 100, with 88 members, of Van Wert, Ohio, favoring an increase of pension to the surviving Civil War veterans to $50 per month; to the Committee on Invalid Pensions.

Also, petition of International Association of Machinists, Van Wert Lodge, No. 667, indorsing Government ownership of railroads under the Plumb plan; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *August 28, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

CALLING OF THE ROLL.

Mr. NUGENT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Jones, Wash.	Norris	Sutherland
Calder	Kellogg	Nugent	Swanson
Chamberlain	Kenyon	Overman	Thomas
Culberson	King	Page	Townsend
Cummins	Kirby	Pomerene	Trammell
Curtis	La Follette	Robinson	Underwood
Dial	Lenroot	Sheppard	Walsh, Mass.
Fernald	McCumber	Smith, Ga.	Walsh, Mont.
Gay	McLean	Smith, Md.	Watson
Hale	McNary	Smoot	Wolcott
Harris	Myers	Spencer	
Jones, N. Mex.	Nelson	Sterling	

Mr. CURTIS. I wish to announce the absence of the Senator from Massachusetts [Mr. LODGE], the Senator from Pennsylvania [Mr. KNOX], the Senator from Ohio [Mr. HARDING], the Senator from Indiana [Mr. NEW], and the Senator from New Hampshire [Mr. MOSES], who are engaged in a hearing before the Committee on Foreign Relations.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. KING. I wish to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from New York [Mr. WADSWORTH], the Senator from Maryland [Mr. FRANCE], the Senator from Kansas [Mr. CAPPER], the Senator from New Hampshire [Mr. KEYES], the Senator from Oklahoma [Mr. GORE], the Senator from South Carolina [Mr. SMITH,] the Senator from Louisiana [Mr. RANSDELL,] the Senator from South Dakota [Mr. JOHNSON], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Mississippi [Mr. HARRISON], who are engaged in taking testimony before the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. MCKELLAR and Mr. PITTMAN answered to their names when called.

Mr. FRELINGHUYSEN, Mr. FRANCE, Mr. POINDEXTER, Mr. MCCORMICK, Mr. GERRY, Mr. SMITH of South Carolina, Mr. HENDERSON, and Mr. JOHNSON of South Dakota entered the Chamber and answered to their names.

Mr. GERRY. The Senator from California [Mr. PHELAN] is absent on official business. I also announce that the senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

WAR RISK INSURANCE BUREAU.

Mr. MCCUMBER. Mr. President, yesterday morning the Senator from Oklahoma [Mr. GORE] submitted a resolution requesting an investigation of the Bureau of War Risk Insurance. I asked that it might go over until to-day that I might ascertain whether a like investigation is being conducted by the House. I do not understand that the House is making such an investigation, but, on the other hand, the two committees on the order of business in discussing the matter of such an investigation some time ago decided that it might well be left with the Senate committee, because there had already been considerable testimony taken by it. I did not understand that there was any objection to the resolution yesterday, and with the permission of the Senator from Wisconsin [Mr. LA FOLLETTE], who has the floor on the unfinished business, I ask that the resolution may be brought up and agreed to, if there is no objection to it and no discussion.

Mr. SMOOT. I will say to the Senator from North Dakota that the Finance Committee appointed a subcommittee of that committee for the consideration of the questions involved in the resolution, and just as soon as the leasing bill is out of the way, as chairman of that subcommittee, I intend to take up the question and hope to report to the Senate before very long just what necessary legislation should be enacted.

Mr. MCCUMBER. If the Senator from Utah will request that the resolution be read at the desk, possibly he will find in the resolution Senate authority for action on the part of the committee independent of the committee's own action, and possibly it might cover a little wider scope than is the intendment in the matter before the committee at the present time.

Mr. SMOOT. I have no objection to the resolution.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Finance Committee be, and hereby is, directed to investigate the operation and administration of an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917, providing insurance and compensation for persons disabled in the naval and military service of the United States, and to report such legislation as may be necessary to secure greater equality and justice in the payments and compensation under such act to persons who have been disabled in such naval and military service.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill S. 2236, relating to affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 3171) to amend the practice and procedure in Federal courts, and for other purposes, in which it requested the concurrence of the Senate.

RAILROAD CONTROL.

Mr. SMITH of Georgia. Mr. President, there is being pressed before Congress a bill called the "Plumb plan." I regard the Plumb plan as so objectionable that I consider it a public service to make it known that it will meet with determined opposition and little support in Congress.

I had intended to discuss it orally, but there are a number of bills being pressed before the Senate for immediate consideration, and I will not occupy the time of the Senate to discuss this measure at present.

A short time ago I received a letter from excellent citizens connected, I believe, with an organization of railroad men in Savannah, Ga., asking me to support the Plumb plan. In answer to the letter, I wrote stating that I was opposed to it and could not support it.

My answer points out a number of objections to the Plumb plan and instead of addressing the Senate at this time I wish to place this letter in the RECORD. I wish it to appear that the publication is made at my instance, and I ask leave to have it printed without reading.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 21, 1919.

Mr. J. C. TYSON,
Secretary Savannah Chamber of Industry,
Savannah, Ga.

DEAR SIR: Your letter of August 18 reached me to-day. You write in view of the fact that I have expressed my opinion against the Plumb plan, you, representing a majority of the voters of Chatham County, request that I use all of my efforts and influence to have this plan passed.

I do not understand exactly what you mean, and I can not think it possible that a majority of voters of Chatham County approve the Plumb plan. Indeed, when fully understood, I can not believe that any considerable number of voters of Chatham County or the State of Georgia will approve this plan.

I am opposed to it, and if it ever becomes live enough in the Senate to require it, I shall freely expose its indefensible features.

The Plumb plan provides that the Government shall buy all the railroad properties in the United States and put them into the possession of a corporation to be known as the National Railway Operating Corporation. The corporation is to have no capital stock. It is to operate all the railroads of the United States for 100 years, under a board of directors consisting of 15 men—5 to be named by the President and confirmed by the Senate, 5 to be selected by the classified employees of the railroads, and 5 to be named by the other employees of the railroads.

Mr. Plumb, in February, before the Senate Interstate Commerce Commission, estimated that the railroads would cost $18,000,000,000. The owners of the railroads insist that they are worth more, and at present high prices in effort to condemn them would meet decisions placing their value at higher figures, but for the present I will consider them as costing the Government $18,000,000,000.

If the Government were to purchase these properties it would be necessary to sell bonds to raise the money. You know how

difficult it was to sell Liberty and Victory bonds. They were bought largely as the result of patriotism, to conduct the war, and to settle war liabilities. The bonds already put upon the market for war purposes have created a vast expansion of credit. To put $18,000,000,000 more bonds upon the market would be most unfortunate. They could not be sold except at a very high rate of interest, and it is hard to estimate the injurious effect it would have upon conditions generally.

The Plumb plan proposes that all the railroads shall be operated under a single management. Conditions in different parts of the United States are so varied that I do not believe it practicable to operate, successfully, all the railroads under a single management. Passing by the loss of competition, which is essential to efficient management, the lack of knowledge of any one set of men of all the conditions so vitally affected by transportation render it impossible for the railroads to be satisfactorily operated by a single management.

The difficulty we have had with the railroads in the hands of the Government, and the failure to appreciate our local conditions during the past 18 months, illustrate and prove the soundness of this objection.

The Plumb plan proposes that after paying interest on the bonds, and the salaries and compensation fixed for the employees, the surplus of profits shall be divided between the employees and the Government. I regard it as impossible to operate the railroads economically under the plan proposed. Instead of there being a surplus there will be a continued deficit, as there has been under Government operation during the past several months.

If there is a surplus, it is to be divided between the operators and the Government. If there is a deficit, as I am confident there would be, it would be borne by the public. This I regard as unfair.

The Plumb plan proposes that the Government, all the people, should pay for the property, and that the employees, one-tenth of the people, should control the operation of the property. We have 110,000,000 people in the United States. There are about 2,000,000 employed on the railroads. Allowing to each a family of five, it would make 10,000,000 people, including the families, connected with the railroads.

The Plumb plan requires the 110,000,000 people to pay $18,000,000,000 or more for the railroad properties and turn them over to the control of the 10,000,000 people. That is to say, all of the people are to pay for the property and turn it over to one-eleventh of the people. This one-eleventh will be directly interested in salaries and compensation. They will be operating the railroads of all of the people for the benefit of themselves, one-eleventh of the people. They will fix their own compensation as they see fit, without reference to the views of the other ten-elevenths of the people, who must bear the burden of the enterprise.

While it is true that the Plumb plan authorizes the Interstate Commerce Commission to direct the costs of freight and passenger transportation, still, as the expenses of operation must be derived from the charges for transportation, or else out of the National Treasury, the cost of transportation must be made as high as the operatives of the roads wish to make their demands for compensation.

The Plumb plan therefore requires all the people to pay for the properties, and one-eleventh of the people to handle the properties as they see fit, paying themselves what they see fit, and placing upon the balance of the people all the burden they wish through high rates of transportation.

This proposition is so unreasonable that its unfairness should be clear to the operators of the railroads. It is worse than socialism. The Socialist's plan is to have all the people own and all the people operate the industries for the benefit of all the people. The Plumb plan is to have all the people own the railroads and one-eleventh of the people operate them for their own benefit and burden the balance of the people to any extent they see fit.

For many years I have sought earnestly to aid the employees of railroad companies to obtain justice. I have insisted that they were entitled to be heard by the owners of the properties in determining fair rates of compensation and hours and conditions of labor. I have insisted that if the two could not agree impartial arbitrators should settle their disputes.

Railroad transportation is essential to the occupation and to the very life of all of the people of our country. The rates of transportation and the compensation of employees are so interwoven that they should be passed upon by an impartial tribunal, deciding what is right and just, both for the employees and for the public, who pay the charges.

I favor lodging authority in an impartial tribunal to fix both the cost of transportation and the compensation of employees. This is the same principle that the railroad employees advocated a few years ago. I still believe in it. I know it is right. I am utterly opposed to requiring all of the people to put up the money to buy the railroads, and then to permit the employees of the railroads to control the property and put whatever burdens they see fit upon the balance of their fellow citizens. To yield to such a contention would be as inexcusable as to have said to the owners of the properties years ago, "Treat your employees just as you see fit."

From the fact that you urge me to support the Plumb plan I am forced to believe that you have not studied or realized the true effect of this measure. Railroad employees ought not to support it. They can not afford to put themselves in the position of seeking unfair advantage over the balance of their fellow citizens. Justice and right should control all, and it would be unjust for one-eleventh of the people to take the railroads and use them for their own benefit, with unrestrained authority to burden the balance of their fellow citizens.

I believe when you really study the Plumb plan you will withdraw any suggestions that I should support it, and I know the majority of the voters of Chatham County will be opposed to it.

Very truly, yours,

HOKE SMITH.

Mr. McKELLAR. Mr. President, several days ago I received a resolution from the Trades and Labor Council of Memphis, Tenn., favoring the so-called Plumb plan of railroad operation. I am opposed to the Plumb plan and have written the Trades and Labor Council stating my position. Rather than state it on the floor, I am going to ask unanimous consent to submit the letter to go into the RECORD, together with the resolution of the Trades and Labor Council, so there may be no misunderstanding as to my position in the matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT,
August 27, 1919.

Mr. C. H. SCOTT,
Secretary Trades and Labor Council, Memphis, Tenn.

MY DEAR MR. SCOTT: I have just received the resolution of the Trades and Labor Council of date August 21, which is as follows:

"Whereas the Plumb plan of railroad control is now before the Congress of the United States;

"Whereas the Plumb plan of railroad control has the entire indorsement of the American Federation of Labor in convention assembled;

"Whereas we believe that this is the only plan that will prevent overcapitalization, graft, and the looting of the public pocketbook: Therefore be it

"*Resolved*, That the Trades and Labor Council most heartily indorse the Plumb plan of railroad control as being the only democratic and just method of railroad administration.

"*Resolved*, That a copy of this resolution be sent to the Congressmen and Senators of Tennessee."

Replying to your resolution, I beg leave to say that under the Plumb plan the railroads are to be purchased by the Government, and in order to purchase them twenty billions of bonds are to be issued by the Government to pay for them. When the railroads are bought and paid for, they are to be put under a board of directors of 15 members, 5 of whom are to be selected by employees of the railroads, 5 by official employees of said railroads, and 5 by the President of the United States, by and with the advice and consent of the Senate.

It will thus be seen that this bill proposes that the railroads are to be bought and paid for by the Government and then turned over to a committee of official and classified employees of the road for management and operation.

Since I have been a Member of the Congress I have uniformly favored practically all legislation looking to the betterment of labor. I believe I have voted for every labor measure that has passed, including the Adamson law. I believed that such measures were right.

My sympathies are with the men and women of this country who earn their bread by the sweat of their faces; but, my friends, in this instance I can not agree with the request made in your resolution. To dispose of the railroads in this manner would be injurious to the efficient management of the railroads themselves, injurious to the traveling public and to the shipping public, injurious to the development and growth of our country and to its progress and prosperity, and, above all, would in the end, in my judgment, prove disastrous to labor itself. Therefore I can not vote for the measure, but I shall vote against it.

During the war the Government has operated the railroads, the telegraph and telephone lines. It appeared absolutely nec-

essary to do this as a war measure, and only because of the war. In each case Government operation and control was full and complete, just as full and complete as it would be under this law. In each case Government control and operation has proved a failure.

As a business proposition the Government has been the loser by hundreds of millions of dollars each year on railroads alone. From the standpoint of service rendered, Government operation has been distressingly inefficient and unsatisfactory. As a business venture it has been even more unsatisfactory. Though permitted to raise rates far beyond every bound of reason, still it is claimed that the revenues are not enough to pay rents and expenses by hundreds of millions each year, and the people are being taxed to pay the deficits.

With this record staring us in the face, it would be little short of simple-minded to continue Government operation.

Again, in all frankness, the Government is not in a position to buy the railroads. When our war bills are finally settled our Nation will owe in excess of $30,000,000,000, and our bonds are below par now and, of course, will go lower with every additional bond issue. If we buy the railroads the Government will have to go in debt twenty billion more. The interest alone that the Government would have to pay would amount to two and a half billions of dollars per year, more than twice as much as our entire cost of Government before the war.

This would impose a burden of taxation upon the people that would be intolerable. In addition, if the Plumb governmental plan should prove to be no better than the present governmental ownership and operation, and we have no reason to believe it will be, we would have to impose other taxes every year to meet the deficits, just as we are doing now.

Again, in my judgment, the Plumb plan is unsound in principle and unjustifiable in policy. It would be class legislation of the most obvious type. It is undemocratic, socialistic, and anarchistic and un-American. It takes this particular class of property from all of the people and gives it to a class only. Bolshevism takes private property from some of the people without payment and gives it to all the people. This plan out-Bolshevists Bolshevism. It gives to the present private owners of the railroad better property than they had before, viz, Government bonds, and then takes the property and gives it ostensibly to a comparatively small class of our people, but in reality to 10 out of 15 directors, composed of 5 representatives of the operative officers and 5 of the representatives of the operative men. But if the plan is unsound in principle it is even more unsound as a matter of policy. If the Government buys the railroads and gives the property to the officers and employees thereof, why should it not in like manner buy all the banks of the country, issue its bonds to the bank owners, and turn the bank properties over to the officers and employees of the banks? In like manner why should it not buy all the mills, factories, mines, public-service companies, and every kind of company, turning the property over to the officers and employees of the said several companies? Surely, if such a policy were adopted any sane man could see that it would soon lead to chaos and ruin. Bolshevist Russia has never gone this far.

The plan would not prevent overcapitalization, but its first step would be to give to the owners of the railroads par value for all the watered stock that is now in them, and in my judgment graft and looting of the public would proceed under this plan in a perfect frenzy of riot. The owners of the railroads would doubtless be delighted to exchange their holdings for Government bonds. But other than the owners and the 10 directors to whom this $20,000,000,000 of property is given, I do not see that anybody will be benefited by the enactment of this proposed law. I am sure that the rank and file of railroad employees will not be benefited.

I am sending you a copy of the bill. I hope you will read it and consider it yourselves on its merits, and when you do I am sure you will advise me that it is to your interest that I should vote against this vicious and un-American plan.

My own view is that the Congress should pass legislation returning the railroads to their owners at the earliest possible moment—indeed, it should have been done long ago; that the principle of competition among railroads should be restored to the fullest degree possible; the strictest regulation by the Interstate Commerce Commission should be had; that no guaranty of any kind should be made by the Government to the owners of these roads as to income or profits; that the strictest governmental supervision should be established over all questions pertaining to them; that freight and passenger rates should be reduced as rapidly as possible; that bond and stock issues by railroads should be strictly guarded by the Government so that the public might not be imopsed upon; and that a plan should be devised by which every sound and efficiently managed road would be able to obtain proper financial credits. Efficiency and economy in management and service to the public ought to be fostered and heavy penalties should be visited upon all managers or owners of roads who exploit them for selfish ends or who gamble upon their outcome or profiteer upon their necessities.

Every safeguard should be placed around the interests and rights of the operating officials and operating men, and the affairs of the railroads should be so regulated by the Interstate Commerce Commission as to make the owners and operators virtually partners in their operation without injury to the public. There is no reason whatever why, under the guidance of the Interstate Commerce Commission, a profit-sharing plan should not be worked out and agreed upon between the owners and operators so that the highest economy and efficiency in operation of the roads can be had, and the increased profits naturally arising from such efficient operation divided among those justly entitled to them.

With kind personal regards to you all, who have always been my good friends, I am,

Sincerely, yours,

KENNETH MCKELLAR.

PETITIONS AND MEMORIALS.

Mr. CALDER. I present resolutions unanimously adopted on August 5 at a meeting of the executive committee of the Associated Industries of Massachusetts, opposing Government ownership or Government operation of railroads as set forth in the plan of the railroad brotherhoods. I ask that the resolutions be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Resolutions unanimously adopted at a meeting of the executive committee of the Associated Industries of Massachusetts, Tuesday, August 5, 1919.

Whereas the proposition is before Congress to nationalize the railroads of the country, which is stated to be the first step in the nationalization of industry: Now, therefore, be it

Resolved, That the Associated Industries of Massachusetts declares itself emphatically and unqualifiedly opposed to Government ownership or Government operation of railroads as set forth in the plan of the railroad brotherhoods, which, in our estimation, is the most serious menace to the welfare of the Nation of any legislation presented to Congress since we became a Republic; and also

Resolved, That we are unalterably opposed to the continuation of Government operation with all its inefficiency, poor service, and high costs of transportation, and that we are in favor of an immediate return of the railroads to their owners; and

Resolved, That we are utterly and forever opposed to the nationalization of industry since this will result in ruin to the industries, the workers, and the Nation.

It was also voted that a committee of six, including the president ex officio, be appointed by the president to take such measures as may seem advisable to combat the menace to the Nation of the plan of nationalizing the railroads as proposed by the railroad brotherhoods, with full power to act.

Mr. HALE presented petitions of sundry citizens of Westbrook, Auburn, and Augusta, all in the State of Maine, praying for an increase in the salaries of postal clerks, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the mayor, aldermen, and common council of Bath, Me., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Portland, Me., remonstrating against the methods now being employed by the railroad labor unions, particularly in regard to strikes, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of York, Me., praying for the purchase of a site and the erection thereon of a public building at that place, which was referred to the Committee on Public Buildings and Grounds.

He also presented memorials of sundry retail merchants of Madison, of the Chamber of Commerce of Bath, and of the Retail Merchants' Association of Gardiner, all in the State of Maine, remonstrating against the enactment of legislation requiring retail merchants and dealers to mark the cost price of their commodities, etc., which were referred to the Committee on Interstate Commerce.

Mr. McLEAN presented petitions of sundry postal clerks and carriers of New Haven, Derby, Hartford, Middletown, Waterbury, and Southington, all in the State of Connecticut, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry Lithuanian citizens of Thompsonville, Conn., praying that the United States Government recognize the independence of the Lithuanian Republic

and praying for the withdrawal of the Polish Army from Lithuanian territory, which was referred to the Committee on Foreign Relations.

He also presented a petition of the committee of members from Connecticut of the convention of the Friends of Greece, praying for the return of Thrace and North Epirus to Greece instead of to Bulgaria, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Stamford, Willimantic, New Haven, and Seymour, all in the State of Connecticut, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Bantam Ball Bearing Co., of Bantam, Conn., praying for immediate action on the question of the high cost of living, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Meriden, Conn., praying for the repeal of the tax on ice cream, soda, and soft drinks, which was referred to the Committee on Finance.

He also presented a petition of Excelsior Lodge, No. 259, International Association of Machinists, of Derby, Conn., praying for the passage of the so-called Sterling civil-service retirement bill, which was ordered to lie on the table.

Mr. PAGE presented a memorial of the Sodality of the Immaculate Conception of St. Peter's Parish, of Rutland, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD. I present petitions from certain retail merchants and business men of Texas in behalf of the Kenyon bill regulating packers. I ask that the heading of one of the petitions be printed in the RECORD and that they be referred to the Committee on Agriculture and Forestry.

There being no objection, the petitions were referred to the Committee on Agriculture and Forestry, and the heading of one of them was ordered to be printed in the RECORD, as follows:

Kenyon bill (S. 2202) regulating the threatened monopoly of all food products by the meat-packing combination.

To the President of the United States and the Members of the United States Senate and House of Representatives:

We, the undersigned retail merchants and business men of Texas, respectfully ask your favorable consideration and support of the above bill, believing that it affords the readiest remedy for the prevailing social unrest caused by the abnormal and unjustifiable high prices of food commodities, as demonstrated by the Hoover and Federal Trade Commission reports. We believe that these high prices are chiefly caused by improper combinations of the packing interests, and that such proper regulation of same as is embodied in the Kenyon bill will do more to put an end to the discontent that is breeding Bolshevism than any other piece of legislation before the present Congress.

Respectfully,

_____.

Mr. WALSH of Massachusetts. I have received a large number of letters relative to the present state of affairs in Lithuania. I have selected one from among numerous others of a similar tenor, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE LITHUANIAN NATURALIZATION AND BENEFIT CLUB,
Worcester, Mass., July 15, 1919.

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR: We, members of the Lithuanian Naturalization and Benefit Club of the city of Worcester, Mass., in a meeting held on July 14, 1919, at the L. N. Club Hall, 96 Green Street, Worcester, Mass., have adopted the following resolutions:

"Whereas the invasion by the Polish Army in Lithuania is a brutal violation of the war aims declared by President Wilson and the allied Governments, condemned by liberal opinion the world over as indefensible interference with the right of self-determination of nations;

"Whereas Lithuania was for ages an independent State, whose inhabitants, a distinct ethnic group, have never renounced their right to independence: Be it

"*Resolved*, That we, the members of the society and American citizens of Lithuanian descent, hereby request the United States Government to compel Poland to withdraw her army from the Lithuanian territories and that all assistance be denied to Poland as long as she continues to occupy the invaded territories; and be it further

"*Resolved*, That we request the United States Government to recognize the Lithuanian Government and to render it moral and material assistance."

Respectfully, yours,

[SEAL.] JOHN S. DEZ WALLIS, *Chairman.*
JOHN J. PUPIS, *Secretary.*

Mr. WALSH of Massachusetts presented petitions of sundry American citizens of Lithuanian descent in Boston, Westfield, Cambridge, and Worcester; of the Lithuanian Society of the Lithuanian National Fund for War Sufferers; of the Lithuanian Alliance of St. Casimer; of the St. George Lithuanian Beneficial Society, of Boston; of the Lithuanian Roman Catholic Alliance of America; of the St. Josephs Roman Catholic Association of Labor (Inc.); of the St. Vincents Lithuanian Society (Inc.); and of sundry American citizens of Lithuanian descent in Westfield, all in the State of Massachusetts, praying for recognition of the Lithuanian Government and protection against Polish aggression, which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 2895) to authorize the appointment of John McClintock a major of Cavalry in the United States Army; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 2896) to regulate the manufacture, sale, purchase, and use of explosives; to the Committee on the Judiciary.

By Mr. FERNALD:

A bill (S. 2897) granting an increase of pension to William Dobson (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2898) ceding jurisdiction to the State of Texas over certain lands or bancos acquired by the United States of America from the United States of Mexico; to the Committee on Foreign Relations.

A bill (S. 2899) for reinstatement of Woodbury F. Pride in the United States Army; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 2900) for the relief of Aaron Kibler; to the Committee on Military Affairs.

AFFIDAVITS IN MILITARY TRIALS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2236) relating to affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, which were, on page 1, line 10, after "plaintiff," to insert "after such notice as the court may prescribe"; on page 2, line 3, after "judgment," to insert "if otherwise legal"; on page 2, line 4, to strike out "thereof" and insert "of such judgment as if such affidavit had been duly filed"; on page 2, line 6, to strike out "guilty of a misdemeanor and shall be"; on page 2, line 7, to strike out "one year" and insert "two years"; and on page 2, line 8, to strike out "$1,000" and insert "$5,000."

Mr. LENROOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 3171. An act to amend the practice and procedure in Federal courts, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. JONES of New Mexico. Mr. President, I have received a number of telegrams in regard to the leasing bill which is now under consideration making urgent request that parties who have gone upon the public domain under existing law and have started to discover oil should be protected; that they should be permitted to go ahead with the work which they have undertaken, and should have the benefit of the existing law. I am not prepared at this moment to say that that is the best thing that could be done for them, nor am I prepared to say that it is the best thing that could be done for the Government and in the genuine interest of oil development. I present these telegrams, however. They are most urgent. One of them comes from the acting governor of New Mexico and the other telegrams are from various prominent citizens of that State.

There has within the last few months been very great activity in that State looking to the development of oil, and these people have gone upon these lands under existing law and have acquired rights; that is to say, they have been prosecuting this work under the invitation the Government has held out to them by existing legislation. While this bill in the last section does protect all "valid claims," it is feared that the word "claims" as used in that connection would be construed to mean a valid location after discovery, and therefore would take away from these people all rights which they have acquired under existing law. I think it is quite evident that they should be protected in some manner. They would be quite content to be permitted to go ahead under existing law and take their chances on a compliance with the law and make the discovery on each 160 acres, but my present view is that they would be better protected if they were given the preference right to a permit to prospect, which would enable them to join together in their claims and secure in one block 2,560 acres, which would be an inducement for people to put up the money with which to drill wells.

I believe that going into a wildcat country—and I use that expression in the sense in which it is thoroughly understood and not in any derogatory sense whatever—going into a new country any prospector ought to have the right to develop not merely 160 acres but at least 2,560 acres. I have heretofore explained to the Senate that in the case of private holdings very much greater areas than 2,560 acres are being given under lease for the purpose of getting wells drilled and prospecting the country, but under this bill we are proposing to limit it to 2,560 acres. That amount, at least, should be included in any one permit or should be given as the prospective benefit which the man would get who actually goes upon the land and drills.

Before this bill is finally passed I may offer an amendment to the effect that these people shall be permitted to go ahead under existing law and perfect their title if they can; but, at any rate, for the present I content myself by offering the amendment which I send to the desk and ask to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 18 it is proposed to strike out from line 1 to line 9, inclusive, and to insert the following:

SEC. 19. That any person who, at the time of any withdrawal order, was a bona fide occupant or claimant of oil or gas lands not withdrawn from entry and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and any person who at the time of the passage of this act is a bona fide occupant or claimant of oil or gas lands not withdrawn from entry and who shall have performed all acts under existing laws necessary to valid locations thereof except to make discovery—

Mr. JONES of New Mexico. The amendment just read by the Secretary ends without any punctuation at all, and would be followed by the language of the bill beginning on page 18, line 10, which is as follows:

if application therefor shall be made within six months from the passage of this act shall be entitled to prospecting permits thereon upon the same terms and conditions as other permits provided for in this act.

That amendment simply gives the preferential right for a permit to the people who have gone upon this land. Where they have made their locations in areas of 160 acres or less, I have not any doubt that the locators would combine in asking for a permit to prospect as much as 2,560 acres.

Mr. SMOOT. Mr. President, may I make a suggestion to the Senator from New Mexico?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. SMOOT. I desire to call the Senator's attention to the fact that the Senator from Wisconsin [Mr. LA FOLLETTE] has the floor, and he would very much like to proceed with what he has to say on the general subject. Then when the Senator from New Mexico offers his amendment we can both discuss the question.

Mr. JONES of New Mexico. I beg pardon of the Senator from Wisconsin. I did not know that he still had the floor. I shall be glad to defer to him and take up the matter later.

Mr. WALSH of Montana. Mr. President, before the Senator from Wisconsin proceeds, I rise to a matter of personal privilege. In the course of the remarks of the Senator from Wisconsin on yesterday he commented, as I have been told, upon the fact that but very few Senators were in the Chamber, and he called the names of those who were present. The RECORD of the proceedings has not been published, and I know of this only by being told of it. My name will not appear among those who were present because I could not be present and knew nothing about it except as I was told near the close of the session.

I desire to say, however, that I have been in my seat almost continuously since the consideration of this bill began. I was called from the Chamber by cards sent me by constituents on a number of occasions yesterday, and I have no doubt that it was on one of those occasions that the incident to which I refer occurred.

The Senator from Wisconsin will very readily understand that it is not possible for Senators to be in the Senate Chamber at all times. Indeed, my recollection is that while the bill was under consideration some three or four days before he began his speech, the Senator from Wisconsin found it possible to be here himself only on rare occasions and then for brief periods.

Mr. LA FOLLETTE resumed the speech begun by him yesterday. After having spoken for nearly three hours,

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I yield the floor for the present.

Mr. WALSH of Montana. Before the Senator quits the floor I wish to call his attention to a matter that may be of interest to him. He has been discussing the provisions of the bill with relation to the naval reserves. I will say to the Senator that that feature of the matter has never engaged my especial attention; there are no withdrawn areas in my State, so that I have only the interest in this question that Senators generally have, and I say to the Senator that I have never followed either the matter of the withdrawal or the matter of reserves with any particular care. But I have received a letter this morning sent me by Mr. Phelan, of the Shipping Board, who makes a suggestion very pertinent to the matter. I ask to have the letter read from the desk for the information of the Senate.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DIVISION OF OPERATION,
UNITED STATES SHIPPING BOARD,
EMERGENCY FLEET CORPORATION,
Washington, August 28, 1919.

Hon. THOMAS J. WALSH,
United States Senate, Washington, D. C.

MY DEAR MR. WALSH: In connection with the discussion over naval reserves Nos. 1 and 2 in the State of California, permit me to say that it is an utter impossibility to conserve the gas and oil in these reserves unless the Navy can secure the absolute title to the subsoil in all the sections in these reserves, and that is impossible.

To begin with, the Standard Oil Co. is the owner or has a State lease on section 38, township 30, range 23; section 16, township 31, range 23; section 36, township 31, range 23; section 16, township 32, range 24; section 16, township 31, range 24; all of which are in these two naval reserves, and all of which are being developed with the usual diligence of this great corporation. In addition to the holdings of the Standard Oil Co. in these two reserves, the Southern Pacific Railroad Co. has a grant on every other section, and while the Government is disputing this grant, the railroad corporation has won a victory in the United States District Court in the case of No. 2, and a victory in the United States Circuit Court in the case of No. 1.

For the past nine years development work has progressed on these two reserves, hundreds of wells have been drilled in, and more than 100,000,000 barrels of oil have been extracted. The reserves are now in such a shape that the various punctures in the different zones are fast reducing the gas pressure, and within a very few years the production per well will be materially reduced. Unless some legislation is enacted giving the Government the right to secure some royalty oil in these reserves, or unless the Navy itself drills in the territory to which it has a clear title, the Standard Oil Co. and the Southern Pacific Railroad Co. by reason of their widely scattered acreage, and the fact that they have the best selections, means that the reserves will, if not be entirely depleted of oil, have the available oil reduced to a minimum.

I have no hesitancy in saying that the delay in the passage of a general leasing bill has enriched the Standard Oil Co. millions of dollars, and any continued delay will work to the sole advantage of that company.

Only a few days ago the Standard Oil Co. bought in the largest gas well in the history of the oil and gas business in naval reserve No. 1, and the taking of this gas means a reduction in the pressure for the extraction of oil through this reserve and a great loss to the Navy.

Very sincerely, yours,

JOSEPH A. PHELAN,
Oil Examiner.

Mr. WALSH of Montana. Mr. President, I submit the letter at this time. I have no very definite knowledge about the matters to which it refers, except as stated in the letter; but I commend the suggestion of the letter to the Senator from Wisconsin, who has apparently given considerable attention to the subject of the provision in relation to the naval reserves. It recites that the Standard Oil Co. has acquired title to at least one section of this land, the title apparently not being in dispute, being derived from the State of California; that it is now draining the field through that particular oil well; and that in view of that situation of affairs, not only is the oil drained but the gas pressure is reduced so that it is doubtful whether the character of a reservoir will continue very long.

I will say to the Senator that I know enough about it to know that testimony of that character was submitted by some very practical oil men, and it will be found in the hearings; and I was present one day at the hearings, I recall, when Secretary Daniels was there, and his attention was called to that testimony. It did not excite his apprehensions, however, I will say to the Senator from Utah, but my own have not been stilled. Here is this great well being operated by the Standard Oil Co., pumping away daily and removing the oil. We all know that petroleum exists throughout the field, and I suppose

probably the area that will be drained by one well is more or less problematical. I suggest to the Senator that perhaps, in connection with his motion to strike out section 18, he might be disposed to submit an amendment authorizing the Navy Department to take steps to drill in the field and at least get its share of the oil before it is gone.

Mr. LA FOLLETTE. I will say to the Senator that I am very glad he has called my attention to this matter, and I shall make some comment upon it. I have a letter from the Assistant Secretary of the Navy which I do not find among my papers; I think I must have left it in my office; but at that time I shall want to make reference to that.

EXPENSES OF AMERICAN COMMISSION TO NEGOTIATE PEACE (S. DOC. NO. 80).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

At the close of the last session of Congress, after it had become certain that the Peace Conference at Paris would not be able to conclude its work until after the expiration of the fiscal year, on June 30, 1919, when the existing appropriations from which the expenses of the American Commission were being paid would cease to be available, the Acting Secretary of State submitted, at my direction, a request for an additional appropriation of $5,000,000. That amount was requested first, in order to defray the expenses of the American participation in the Conference at Paris until the close of its deliberations; and second, to meet the initial expenses of the American participation in the various commissions and agencies which the Treaty with Germany provides shall be set up immediately after the ratification of that Treaty.

No action having been taken on that request by Congress, the Secretary of the Treasury, at my direction, in a letter to the Chairman of the Committee on Appropriations of the House of Representatives, in June last, pointed out the urgency of providing for the expenses of the American Commission and this was followed by a communication from the Acting Secretary of State further explaining the necessity of the appropriation. No steps have yet been taken to provide for the expenses of the American delegation in Paris, or of the agencies necessary to the discharge of its duties since July 1, 1919, when the appropriation for the National Security and Defense ceased to be available. It is therefore incumbent upon me again to bring the matter to your attention and point out the urgency of making suitable appropriations for the expenses of the commission. Meanwhile I have been compelled to make use of part of the emergency fund of the Department of State for the expenses of the Commission, which is unfortunate in view of the large demand which it is foreseen will be made upon that fund during the current fiscal year.

Inasmuch as there might be objection to providing money at this time for the execution of any of the provisions of the treaty, when ratified, it is not desired now to ask your attention to that part of the estimate submitted.

I assume that no explanation is necessary of the continued presence of the Commission in Paris since everyone knows that although the treaty with Germany is now before the Senate, treaties with Austria, Turkey and Bulgaria are yet to be completed, and many other matters of actual and potential concern to this country require careful attention of the American representatives.

The purposes for which an additional appropriation is needed will be indicated by the enclosed statement of the expenditures already made and the liabilities growing out of the Peace Conference. In considering these expenses and estimates, it should be borne in mind that for a time the personnel of the American delegation numbered more than 1,300 persons and on July 31 last had been reduced to about 400, about 88 of whom were civilians, the remainder being from the Army and Navy. The conference has been held at a time when conditions in France are abnormal, prices of food being more than 120% greater than a year ago; railroad transportation having increased more than 150%; fuel not only difficult to obtain, but only obtainable at prices over 200% higher than before the war. Although an Army Commissary has been utilized for the most part, the prices paid have, notwithstanding, been vastly greater than in pre-war times. Then, too, means of communication and the usual channels of information have been so greatly impaired, as a result of the war, that not only has it been necessary, to maintain an expensive courier system but, in many instances, commissions have had to be despatched for purposes of investigation in order that the American Commission might be in a position to act intelligently and upon information, the accuracy of which had been positively established. These unusual conditions have made the work of the Commission expensive, although I have no hesitation in saying that, considering the magnitude of the task, and the extent to which the Commission was obliged to rely upon its own agencies, instead of upon those available in normal times the expenses have been and are very modest.

It is obviously not possible at present to estimate how much longer the conference may be in session, but assuming that its work shall extend to the end of the calendar year, December 31, 1919, which I think may be regarded as the maximum, the sum of $825,000 will be required for the expenses. I hope that this amount may be appropriated at an early date.

WOODROW WILSON.

(Enclosures:—Statement as described above.)

THE WHITE HOUSE,
28 August, 1919.

Mr. LODGE. I ask that the estimates and expenditures referred to be also read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Expenses of the American commission to negotiate peace.

EXPENSES.

Expenses from Dec. 1, 1918, to June 30, 1919:			
Travel and subsistence	$15,843.48		
Subsistence	144,914.03		
Salaries	103,815.95		
Wages to employees of Hotel Crillon	53,345.33		
Stationery, office supplies, printing, furniture and fixtures, repairs, newspapers, and miscellaneous expenditures	40,432.71		
Rents	5,720.06		
Food and hotel supplies	128,828.10		
Hire and launder of hotel linens	31,583.48		
Fuel, heat, light, and compressed air	20,038.78		
Telephone	166.17		
Inventories and legal services	3,329.75		
Special allotments to investigating commissions dispatched to the Baltic Provinces, Poland, Turkey, the Balkans, Russia, and the Caucasus	105,510.26		
Confidential expenses	13,587.19		
Purchase of automobiles	14,602.96		
		$666,859.29	
Traveling expenses, stationery, and supplies (disbursements by the Department of State in Washington)		38,009.02	
			$704,868.31
Reimbursement of the Government by members of the American Commission to Negotiate Peace on account of subsistence furnished their wives; official entertainment by the Secretary of State and Edward House; unexpended allotments; and miscellaneous items			18,721.42
Total net expense, Dec. 1, 1918, to June 30, 1919, exclusive of the rent of the Hotel Crillon and telegraph charges			686,146.89

LIABILITIES.

Rent of Hotel Crillon from Dec. 1, 1918, to Sept. 30, 1919, including damages, the amount of which are not yet known, approximately $35,000 monthly	$350,000.00		
Telegraph and cable service through the War Department, bills not yet rendered and amount not yet known, though the expense will be large.			
Expenses of the commission from July 1, 1919, to July 30, 1919, exclusive of rent and telegraph service	150,629.74		
Expenses of the commission from Aug. 1, 1919, to Aug. 31, 1919, exclusive of rent and telegraph service, estimated	125,000.00		
Expenses of the commission from Sept. 1, 1919, to Dec. 31, 1919, estimated for four months	440,000.00		
Total estimated and actual liabilities, so far as known, to date		$1,250,629.74	
Less rental of the Hotel Crillon to June 30, 1919, which is payable out of the appropriation for the national security and defense		245,000.00	
Total appropriation required on the assumption that the conference may be prolonged to Dec. 31, 1919			$820,629.74
Total expenses of commission, actual and estimated			1,506,776.63

The VICE PRESIDENT. The message and accompanying paper will be referred to the Committee on Appropriations and printed.

JAPANESE INTERESTS IN CHINA.

Mr. LODGE. I send to the desk a telegram from Portland, Oreg., which I should like to have read. It is very short.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

PORTLAND, OREG., *August 27, 1919.*

HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

We extend congratulations to Foreign Relations Committee on substitute China for Japan. Every true American glories in your stand. We hope committee will carry out America's great principle of self-determination for small nations by recognition of republican form of government established by people of Ireland. We urge you not to allow surface indications produced by propaganda to deceive and cover true American spirit of justice and righteousness which permeates every honest soul in our beloved country.

UNITED IRISH SOCIETIES.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] has been discussing for about six hours questions foreign to the pending bill. I do not at this time wish to answer the statements made by the Senator, in which he undertook to connect certain reports made upon entirely different bills years ago with the pending measure. I simply want to say that section 18 of the bill provides—

That as to all like claims situated within any naval petroleum reserve the producing wells thereon only shall be leased.

Nobody who knows anything about oil conditions thinks for a minute that the producing wells can be successfully closed and the oil remaining in the ground saved to some future time. Those wells must continue to produce, and if they do not, the whole oil reserves are likely to be lost.

Mr. NUGENT. Mr. President, will the Senator yield?

Mr. SMOOT. Certainly.

Mr. NUGENT. I desire to call the Senator's attention to the provision in the second paragraph of section 18, which will be found on page 16, which provides that in addition to the wells in operation other areas may be leased.

Mr. SMOOT. Yes; by order of the President. That is only in case the President finds out that it is really necessary to produce more oil for the Navy or for commerce, in which case he can grant additional leases on lands already relinquished to the Government. I do not think the Senator from Idaho will for a minute take the position that that power should not be granted to the President.

Mr. NUGENT. If the Senator please, I will say that it is quite apparent to my mind, and it must be apparent to the mind of the Senator from Utah, that neither the President nor the head of any department of the Government attends to or can possibly attend to any of such matters himself; that he must, as a matter of course, depend upon the reports made to him by subordinates.

Mr. SMOOT. Does the Senator think that the Secretary of the Interior would advise the President of the United States to issue a lease to anyone within the naval reserve unless he positively knew that it was required?

Mr. NUGENT. No; I do not believe that he would do that.

Mr. SMOOT. That would be the only process under the provisions of the section by which it could be accomplished.

Mr. NUGENT. Neither do I understand that these leases are to be given for the benefit of the Navy. As I read the proviso in the bill, it is merely to the effect that another well may be drilled within 660 feet of the original well with the consent of the lessee of the original well.

There is nothing, so far as this provision is concerned, that relates to the furnishing of oil to the Navy. In other words, the wells may be drilled by private individuals, and the oils derived from the wells may be disposed of by them in such manner as they see fit, absolutely regardless of the Navy or the fact that the lands were reserved for naval purposes. Is not that correct?

Mr. SMOOT. If we had a President of the United States who did not desire to protect the oil for the Navy and who paid no attention to the real necessity of developing oil on the naval reserve, the position taken by the Senator from Idaho perhaps would be correct, but I can not conceive of such a President.

Mr. NUGENT. Does the Senator contend that in the new leases to be given on these naval-reserve lands the oil taken from them shall be stored for the use of the Government?

Mr. SMOOT. No; the Senator does not pretend to say that, nor does the bill provide it.

Mr. NUGENT. Does not the Senator think that the leases can be granted to private individuals, and that they can dispose of the oil in such manner as they see fit?

Mr. SMOOT. If the condition arises on a reserve, and the President, in his judgment, after an examination and with the Secretary of the Interior advising him of the situation, feels that it is absolutely necessary to protect the oil that is in the ground for some reason which we may not know now, I think the President ought to have the right and the power to say that he can make such leases.

Mr. NUGENT. Does the Senator take the position that in order to protect the oil on these naval reserves it will be necessary to drill wells and withdraw the oil from the land by private persons, to be disposed of as they see fit?

Mr. SMOOT. There are oil wells now producing oil. The only way to save the oil of such wells or within a certain limit of the wells now producing the oil is to continue flow, and if the Senator or anyone else undertook to stop the flow, more than likely within a very short time the gas would escape and there would be no pressure to produce the oil later, and water would come in and the whole oil field would be destroyed.

Mr. NUGENT. In order to carry out that purpose, additional wells will be drilled within the naval reserve?

Mr. SMOOT. Not necessarily, and the bill does not provide that. The President, as I said before, may authorize the leasing of additional wells.

Mr. CURTIS. May I ask the chairman of the committee a question?

Mr. SMOOT. Certainly.

Mr. CURTIS. I wish to ask, in view of the question propounded by the Senator from Idaho [Mr. NUGENT], if the bill does not authorize either the Navy or the Interior Department to put down upon a naval reserve offset wells to save the interests of the United States?

Mr. SMOOT. There is no limit so far as that is concerned. There is nothing in the bill to prevent the development in any way of these oil lands by the Government.

Mr. WALSH of Montana. Mr. President, I should like to ask the Senator from Idaho [Mr. NUGENT] for my information what feature of the bill is the subject of his inquiry and what is his view with respect to it?

Mr. NUGENT. My inquiry was directed to the provision contained on page 16 of the bill, commencing in line 16, which reads as follows:

Provided, however, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee.

That is the provision to which my inquiry was directed.

Mr. WALSH of Montana. Let me inquire what is the view of the Senator? I understand the lessee gets an opportunity to work only one well.

Mr. NUGENT. Only one well.

Mr. WALSH of Montana. And the Government has the right otherwise to sink wells anywhere it sees fit; but, of course, if it sunk a well 20 feet away from the lessee's well his lease would not be of very much value.

Mr. NUGENT. I do not so construe the bill.

Mr. WALSH of Montana. Must you not fix some area around his well within which the Government should not be permitted to drill another well?

Mr. NUGENT. I will say to the Senator——

Mr. SMOOT. I will say to the Senator from Idaho that the bill itself specifically provides that a well shall not be bored within 660 feet of a leased well.

Mr. WALSH of Montana. That is the provision which the Senator from Idaho has just read.

Mr. NUGENT. That is just what I read:

No wells shall be drilled in land subject to this provision within 660 feet of any such leased well without the consent of the lessee.

The matter presented to my mind was whether it was the intent of the framers of this legislation to provide that leases might be given to private individuals to drill wells within the naval petroleum reserve within 660 feet of the wells leased, provided the lessee of such leased wells would consent to it, my idea being that if that were true a very considerable number of men might go on one of these naval peroleum reserves and by some sort of agreement entered into among themselves would agree that they would give permission that leases might be granted in the reserve to each other, and if the Government could be induced to grant those leases as a matter of fact in a short period of time those lands would absolutely be drained of their oil. That was the matter of which I made inquiry.

Mr. WALSH of Montana. It occurs to me that this is preventive of that.

Mr. NUGENT. I doubt it very much.

Mr. WALSH of Montana. I find myself unable to follow the Senator. As I understand the matter, a lease of a producing well may be executed by the Government to the man who owns or claims that well.

Mr. NUGENT. I understand that.

Mr. WALSH of Montana. Then it provides that the Government may, if it cares to do so, sink wells itself, and it may authorize others to go and do likewise, but it can not authorize a well within 660 feet of this well—that is to say, the lessee is protected to that extent.

Mr. NUGENT. There is no doubt of that.

Mr. WALSH of Montana. Beyond that the Government may authorize other people to go on and dig wells.

Mr. NUGENT. That is precisely the matter on which I was endeavoring to secure information. I am endeavoring to point out that the lessees of the leased wells are entitled under this provision to give their consent to the drilling of other wells within 660 feet of their wells. So I say that being true, if a considerable number of men entered into an agreement of that character, and the Government could be induced to issue leases to them, it would not be any great length of time before the entire naval petroleum reserve would be drained of its oil.

Mr. WALSH of Montana. I confess I can not follow the Senator at all.

Mr. NUGENT. I regret very much I do not make myself clear.

Mr. LENROOT. Will the Senator yield?

Mr. NUGENT. Certainly.

Mr. LENROOT. I call attention to the next proviso, where the President is given the fullest power to lease all the naval reserve, if he sees fit.

Mr. NUGENT. I am well aware of that.

Mr. LENROOT. So the 660 feet provision can have no reference except for the protection of the lessee of an existing well.

Mr. NUGENT. That is true.

Mr. SMOOT. The Senator from Idaho must admit that an oil man certainly has got to have some acreage of land before he will take a lease.

Mr. NUGENT. I am not disputing that proposition at all. As I said before, and stated repeatedly, and I am sorry I have not made myself sufficiently clear, it appears to me that under the provision which I have read, and to which the Senator calls attention, it is probable or possible that all the oil within the lands reserved for naval purposes can be taken out——

Mr. KING. Will the Senator yield?

Mr. NUGENT. And to that I am opposed. I yield to the Senator from Utah [Mr. KING].

Mr. KING. The position of the Senator from Idaho, as I understand it, in part is this: He thinks that the provisions of the bill do not sufficiently protect the oil reserves, so that some official of the Government, either the Secretary of the Interior or the President, may, by some improvident action upon his part, drain these oil-producing fields at an early date.

Mr. NUGENT. I say that that might be done, and I believe these naval reserves should not be operated, and the oils within those lands should be preserved.

Mr. KING. Then the Senator's position, in brief, is this: He thinks the President of the United States or the Secretary of the Interior, or any person in charge of the administration of this act, ought to have no authority whatever to execute these leases in his discretion.

Mr. NUGENT. That is precisely it. If the oil contained within these reserves is for naval purposes, it should remain there until a different condition prevails than at present obtains.

The statement has frequently been made during the progress of this debate, if I remember correctly, that the oil supply of the country is now or will at a comparatively early date be insufficient for our needs. If that statement is true, and I assume for the purpose of this discussion that it is, it appears to me to be a matter of vital importance that in view of the situation which prevails at this time throughout the world, and may prevail for some time to come, there should be no chances taken of any kind, character, or description of placing ourselves in a position where the safety of the United States might depend upon oil for the Navy and that oil not be forthcoming. For that reason, it is my contention that the oil within these naval-reserve lands should be preserved for the purposes for which it was intended until the expiration of some time at least. The Senator will remember that these leases extend for a period of 20 years.

Mr. KING. One further question, if the Senator will permit. Then it is the Senator's view that there ought not to be lodged with the President the discretion to open up these oil fields whenever he pleases, that if the exigency required oil for the operation of the Navy the President could not order or authorize the sinking of a well, but he would have to come to Congress and get additional legislation to authorize him to open up and develop the oil fields that have been reserved for producing oil for the Navy?

Mr. NUGENT. Far from it. It is the contention of the Senator from Idaho that the President should at any time have the authority to develop these oil fields for the purposes of the Navy, but I do contend that under no circumstances should the oil within the naval petroleum naval reserves be turned over to private interests.

Mr. WALSH of Montana. Let me inquire of the Senator from Idaho whether it is not the succeeding proviso to which his criticism is directed—

Provided, however, That the President may, in his discretion, lease the remainder of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease.

Mr. NUGENT. If the Senator pleases, my criticism is directed to the entire section and I had intended to move to strike it out.

Mr. SMOOT. Will the Senator permit me?

Mr. NUGENT. Certainly.

Mr. SMOOT. The lands to which this section refers are the lands which are relinquished to the United States. The parties have a claim now and there must be oil-producing wells upon that claim. It is only upon the remainder of such claim after the claimant has been given the lease upon 640 acres that the President has the right then to give a lease upon that claim, a claim that has been relinquished to the Government of the United States. In that event the claimant or his successor shall have a preferential right to such lease on the claim that he has already relinquished to the Government.

As far as the balance of the lands in the naval reserve are concerned, that is, I mean where there has been no claimant and where it is now owned by the Government of the United States as a reserve, the bill has nothing whatever to do with it.

Mr. NUGENT. If I understand it, and if the information that I have secured in respect to the matter is correct, it is to the effect that the bill is intended to relieve gentlemen who went upon these lands after the withdrawal order——

Mr. LENROOT. No; that is not true so far as the naval reserves are concerned at all.

Mr. NUGENT. Then if I understand it from the statement of the Senator there are no wells now in operation that were discovered upon these naval-reserve lands by men who had trespassed thereon after the issuance of the Executive order.

Mr. LENROOT. There are no existing wells upon naval reserve No. 2 where the claims were not initiated prior to the first withdrawal.

Mr. NUGENT. How is it with respect to the other reserves?

Mr. LENROOT. The other reserves are not affected in any way by this bill, because there are no wells upon either 2 or 3.

If the Senator will yield, I wish to ask him whether he realizes that it may very possibly arise that it is necessary to give the President authority to lease these lands in order to save the oil either for the Navy or royalty for the Government. Does the Senator realize that this oil drains a distance of 500 feet, that the oil can not be kept within a limited area? And if the Government should succeed in a relinquishment or through action in court or by action of the Secretary of the Interior in acquiring 160 acres of land upon which there are producing oil wells and there is private ownership surrounding that 160 acres, I want to say to the Senator that not a particle of that oil, so far as commercial quantity is concerned, can be conserved for the Navy. The only way in which the Government can get any benefit whatever out of that kind of a situation is either to dig the oil out itself through drilling its own wells or leasing it for a royalty, because at the end of 20 years there would be no oil left in that 160 acres.

Mr. NUGENT. What is there to prevent the Government from doing that?

Mr. LENROOT. Nothing.

Mr. NUGENT. Why should not that be done, then?

Mr LENROOT. I do not anticipate that for a small area of the kind I have described there would be the slightest occasion for the Government to go into the drilling of wells, when the Senator remembers that the Government gets at least one-eighth of all the oil that is produced under this bill which will be available for the Navy and for every other governmental purpose.

Mr. THOMAS. Mr. President, I very much regret that it has become necessary for me to again occupy the attention of the Senate while this bill is under discussion. Last Saturday I said all and more than I intended to offer upon that very im-

portant subject. But the Senator from Wisconsin [Mr. LA FOLLETTE], in his very long and to-be-continued remarks, assumed a somewhat controversial attitude, possibly provoked by one or two interruptions of my own, and having reference to the previous history of attempted oil legislation, which seems to require consideration. I do not entertain the slightest hope of convincing the Senator from Wisconsin that I am right in my view of the merits of this bill, but I feel reasonably sure of my recollection concerning the character of the last one and the initial attitude of the Secretary of the Navy concerning it.

The Senator complained that this bill had been reported in a somewhat unusual manner, without any accompanying report and with little or no explanation, and that its vast importance certainly justified the committee, if, indeed, it did not require the committee, to hold extensive hearings concerning its many important features. I interrupted to remind the Senator that during the past five or six years much of the time of the Committees on Public Lands in both Houses had been given, and at great expense to the public, in hearing from all classes and conditions of men, beginning with the heads of departments in the President's Cabinet down to the most humble individual in the land who felt that he could offer anything of importance or of interest upon the subject, and that, as a consequence, the necessity for further hearings was neither obvious nor necessary. I repeat that assertion.

The Senator thought that the Secretary of the Navy, however, and the Attorney General, greatly interested in the subject matter of this bill, should have been heard upon it, to which I responded, and I think correctly, that this bill, so far as it goes—and, of course, it is confined to the subject of leasing—is very largely the bill which was killed here by a filibuster during the closing days of the last Congress. With that the Senator took issue, and at the same time emphasized the statement that the Secretary of the Navy and the Attorney General had not been truthfully represented on this floor by Senators when we were considering the conference report, who asserted that they were satisfied with the bill as it finally came from the conference committee. In order to sustain that assertion the Senator read a telegram from the Attorney General and a letter from the Secretary of the Navy dated in the month of February, 1918.

The record thus made is undoubtedly the fact, but it does not controvert the antecedent facts, and I want to give an outline of them. I am disposed when a colleague of mine on this floor makes an assertion to believe that assertion may be relied upon until the contrary appears, and even then, if there is merely a denial of his position, I want something more than the ipse dixit of an individual, I care not how high he may be in official station, to change my viewpoint concerning the credibility of the statement here made.

Mr. President, the Senator from Wisconsin, so keenly critical and so loud in complaint when a slender audience of Senators attends his addresses to this body, was not present during many of the discussions which took place here when we considered the bill to which I am referring. Let me say, however, with regard to that particular absence of the Senator, that he was, as I now remember, kept away because of the very serious illness of a member of his family. But while I am upon this subject, I may be pardoned for suggesting that it is not very palatable to be lectured for nonattendance by Senators who are conspicuous for their own absences from this floor during the discussion of very important subjects; and in that particular I know of no one who sins more constantly and generally, with one or two possible exceptions, than my friend the distinguished senior Senator from Wisconsin, not only in his attendance upon the consideration of this bill alone but of many bills equally if not more important and requiring the best thought and the best attention of all of us if we are to thoroughly comprehend and intelligently dispose of them.

I said yesterday, and I repeat, that the most constant attendant upon our sessions at all times is the senior Senator from Utah [Mr. SMOOT], and his colleague [Mr. KING] is a good second. My friend the Senator from Idaho [Mr. NUGENT] is another constant attendant; the Senator from South Dakota [Mr. STERLING], the junior Senator from Wisconsin [Mr. LENROOT], the Senator from Washington [Mr. JONES], the Senator from Kansas [Mr. CURTIS] are nearly always in their seats, whether the proceedings be such as to attract crowded galleries or whether they merely embrace the humdrum routine of everyday senatorial business.

Of course, if such a man should arise and complain of my absence, however unmerited I might consider the complaint, I would certainly recognize his right to criticize my absence. I have been a fairly regular attendant on this body, and consequently I have heard much of the discussion regarding this bill and similar previous bills of other sessions which have been carefully considered in committee, then introduced here and debated at length. So if Senators are dilatory or negligent or unmindful of the vast importance of this particular bill and we speak to empty seats in the Chamber it is not an unusual thing, but one for which all so offending may cite the senior Senator from Wisconsin as a standing and shining example. So much for that criticism and complaint regarding the attendance of Members of the Senate.

One of my interruptions of the Senator from Wisconsin was to emphasize the fact that among those who had been heard patiently, exhaustively, and more than once in opposition to pending bills, in criticism of their contents and in recommendation of legislation, the Secretary of the Navy and the then Attorney General of the United States were conspicuous. Sometimes they attended in person and gave us the benefit of their illuminating wisdom upon the subject of oil lands in the West; sometimes they sent their assistants to speak for them; but never, Mr. President, were any of them denied a hearing or was the time of a single one of them ever limited.

I said that these gentlemen seemed to be content with the bill of the last session, because it had been so constructed ultimately as to exclude naval reserves from its operation, and that it was therefore a measure which could not have affected that important question, and did not affect it.

Now, let me go back to December, 1917. During that month the Senator from Virginia [Mr. SWANSON], acting as the chairman of the Senate Committee on Naval Affairs, introduced Senate bill No. 3521, and accompanied it with a motion that the bill be referred to the Committee on Naval Affairs. It was a bill, Mr. President, taking jurisdiction of the naval reserves, and containing provisions whereby the title to those reserves could be secured and confirmed in the Government of the United States. A number of us objected to the reference of such a bill, referring exclusively to the public domain, to any other than the Committee on Public Lands. Those of us who believed it should go to that committee discussed the question here for several days, with the result that on the 18th day of January, 1918, the Senate committed the unprecedented act of referring a public-land bill to the Committee on Naval Affairs by a vote of 40 to 17. At or about that time the Senator from Virginia—and I wish he were here—declared that the only interest which the Secretary of the Navy had in this legislation was its contemplated inclusion of the naval reserves, and with their exclusion he was satisfied to let the bill take its course. I think the Senator was authorized to make that statement. It is inconceivable that a man of his standing and character would have undertaken even by indirection to represent the Secretary of the Navy in such an important matter on his own motion or without previous complete authority to do so.

Mr. President, I join the Senator from Wisconsin in the high encomium which he paid this morning to the Secretary of the Navy. I think Mr. Daniels's career in that high office has been a great credit to the Nation and to himself. I think he is a man of sterling uprightness and unimpeachable integrity, a man who at all times conscientiously seeks to perform his duty, however mistaken his notions of that duty may be; and I do not propose to say anything which would even seem to challenge the Senator's judgment of this great man, except in so far as it may be necessary because of his attitude toward that bill, which finally was strangled upon this floor during the expiring hours of the last Congress.

The Secretary of the Navy was not satisfied very long with the arrangement which had been made in some degree by his authority. He was not content with the exclusion of his reserves at his own request, voiced from the lips of the Senator from Virginia, and their transfer to the tender care of the Naval Committee, which afterwards exercised absolute, exclusive, and unchallenged control of the naval reserve aspect of the public-land oil situation, for very soon he appeared, either in person or by representative, before the House committee to which the oil-leasing bill was sent after it passed the Senate; and very soon the Attorney General, either in person or by deputy, also appeared there in opposition to the bill, notwithstanding the fact that as passed by the Senate it did not and could not affect the possession by the Government of the naval oil reserves created in 1912 and subsequently.

In private life and among humble individuals such conduct would be regarded as an act of bad faith, but among those who occupy the seats of the mighty one can very easily take refuge in the assertion that the public interest being at stake understandings such as these should not for a moment be considered if they interfered with a discharge of duty along lines subsequently decided upon. As a consequence, from the time that bill reached the House committee up to the good hour when it was finally withdrawn from consideration here and perished by lapse of time, the Navy Department and the Department of Justice were constantly and mischievously conspicuous in their

interference with the needs of the West, with the requirements of legislation, and the desires of the Secretary of the Interior, under whose jurisdiction until the good year 1916 all matters relating to the public lands were supposed to be. The Attorney General even permitted one of his satellites, an Assistant Attorney General of the United States, before the House committee publicly to impugn the integrity of the Secretary of the Interior and his subordinates by declaring that their opposition to certain sections of that bill was due to the fact that they felt that under its administration by the Interior Department all fraudulent locations and locators of oil claims would be protected and recognized, and by failing to repudiate him the honorable Attorney General acquiesced in that statement, thus placing an imputation upon the official character and good name of one of the most conscientious, upright, and capable Secretaries of the Interior this country ever had; and up to the good hour of Attorney General Gregory's resignation the Department of Justice gave no sign that the man who recorded that infamous slander was not authorized to do so. The present Attorney General has given that gentleman his congé, and appointed to succeed him a man who is incapable of such conduct either in office or out of it. That is the sort of treatment this much-needed legislation has received and is receiving.

The Senator from Wisconsin seems to think—perhaps I should say that if I have correctly understood him, the Senator from Wisconsin assumes—that subjects matter like this are within the domain of the Secretary of the Navy and of the Department of Justice. I deny it. The Navy Department had not even the excuse that its reserves were in jeopardy. It is true that many locations have been fraudulently made, and it is equally true that the Department of the Navy is directly concerned in the integrity of the naval reserves; but it is equally true also that the Department of Justice is interested in everything that concerns a violation of any of the laws of the United States, whether land laws or other laws, and in the administration of justice, no matter what department may be concerned, as it is equally true that the Secretary of the Navy has an interest in everything affecting the Navy, whether the particular thing falls within the jurisdiction of the Department of the Interior or elsewhere. But does that give them jurisdiction over the affairs of that department? Does that justify such a meddling and a usurping practice? If so, then the Secretary of the Interior should be equally powerful. He should not only assert but exercise the power to interfere in naval affairs whenever a contract is made for a battleship or a bill presented to increase or diminish the marine forces. And the Secretary of War should take charge of the bill now pending and which is designed to distribute public lands to the units of the American Expeditionary Forces. Not only so, but the Secretary of the Interior should also exercise some of the functions of the Department of Justice, bringing suits himself against the violators of the land laws, regardless of the wish or the purpose of the Attorney General. And if these two high officials are authorized or justified in assuming the prerogatives of the Department of the Interior for any reason, then they are equally justified in assuming those of the Secretary of State or the Secretary of the Treasury, and per contra all of them have the same right to administer the affairs of the Interior Department whenever in their opinion their departments have concern, remote, direct, or contingent, in some of its affairs.

The result would be a confusion worse confounded than that which already exists between conflicting bureaus, commissions, and divisions.

If the Secretary of the Navy fears that the Interior Department is not protecting naval reserves which are carved from the public domain, his business is with the head of that department. If the Attorney General of the United States believes that by the enactment of a law, the execution of which is intrusted to the Interior Department, violators of the law will be protected and rewarded instead of being punished, then he should confer with the Secretary of the Interior, and, failing there, his appeal is to the President of the United States. But from the commencement to the end of all efforts to secure relief for those who under the prevailing law have acquired rights in the public domain, every step has been marked with the opposition sometimes open, frequently covert, of the Department of Justice and the Department of the Navy. I deny that the Secretary of the Interior is a man whose abilities or the lack of them, whose integrity or the lack of it, whose interest in the affairs of his office or the want of it, is such as to justify even remotely this most unprecedented and extraordinary usurpation of authority. If it is to be recognized and shall become a precedent, then I can conceive of no legislative step contemplated by the Congress of the United States affecting the Government in any way that may not be subject to the interference of or to control by any Cabinet officer who feels that his duty or the interests of his department require it. Of course that means chaos.

There is nothing in the situation which justifies these actions which have characterized, since 1915 and 1916, the attitude of the Navy and Justice Departments concerning this legislation. I do not deny the right or the duty of the Department of Justice to institute suits against violators of the law; but up to very recent times, even during the reign of Theodore Roosevelt, that department acted with regard to the affairs of other departments by the request of their heads or by the direction of the President; and even in those days the Secretary of the Navy was quite content to put his trust—and he was justified in doing so—in the capacity and the integrity of the Secretary of the Interior. I think the most deplorable aspect of this situation is the reflection it casts upon the capacity and the integrity of the Secretary of the Interior by these self-appointed custodians of its functions and authority.

This is not the first time, Mr. President, that I have had occasion so to express myself, and I do so with no desire to reflect unduly upon those who are self-implicated; but I have a right to complain that after yielding to the demands of the Secretary of the Navy, after referring the naval reserve bill to the Committee on Naval Affairs, thus violating every precedent upon the subject, after strictly observing all of the conditions and reservations prescribed by everybody in the Department of Justice, and inserting them or eliminating them as directed, they should have revived their opposition to it, as they plainly did, through the letter written to the Senator from Virginia and telegram to the Hon. Gifford Pinchot, which the Senator from Wisconsin has read into the RECORD.

I shall violate no confidences knowingly, but I may say that the Senator from Virginia, like the honorable man that he is, never swerved from the assurance he gave to the friends of this measure that with the excision of the naval reserves from its recitals he would interpose no objection to the enactment of the bill.

Mr. President, the statements concerning the attitude of the heads of these departments, if I remember rightly, were made by the Senator from Nevada [Mr. PITTMAN] and possibly by others. I recall him distinctly. He is not here; but I put it to my colleagues in this body whether the honorable Senator from Nevada, in charge of the bill during the last session of the Congress, would have announced the acquiescence of these officials in the terms of the conference report if the facts were not so?

I know about that time the opponents of the bill became unusually diligent, very active against it; and I have no doubt that pressure was brought to bear, perhaps through misconstruction of its possibilities, and these official gentlemen were persuaded to veer back to their old position, sit tight, and beat any legislation concerning the deposits of oil and gas upon the public domain. I will stand by my colleagues as to any statement which they make regarding such a subject, although it may appear unfounded because of an attitude subsequently assumed.

The Senator says that that bill, which he calls an iniquitous one—and I have no doubt he thinks it was—contained a damnable provision permitting a citizen of the United States to patent his property, and that it would have become a law but for his filibuster. As far as one may judge from the progress of this bill, the Senator two years from now may make the same boast regarding this bill. He is making a good start in that direction. But the feature of the bill he condemns was the best part of it. I contend that because a measure may bestow a right upon a corporation in common with citizens of the United States, both of whose rights should be recognized and protected, it should not be condemned.

The Senator and I are in accord in many things; perhaps in most things. But here we are wide asunder. I have seen my country grow and prosper under the operation of laws permitting citizens to discover and acquire mineral deposits upon the public domain. That policy has enriched the citizen and the public. These laws have been abused, as have all other laws, but nearly always by the connivance of a class of officials who, I believe, have long since disappeared from the departments.

I have no more use for the Standard Oil Co.—I do not think I have—than has the Senator from Wisconsin. I have no more use for a man who will violate the laws of his country and perpetrate a fraud upon its possessions than has the Senator from Wisconsin. Such a man should not only be denied the fruit of his effort but should be punished to the extent of the law; and this bill, with its predecessors, has been drawn with that end in view. Now, it will not always operate successfully.

The genius of man has never yet been able to frame the structure of a prohibitive statute so perfect in its operation as to be proof against the cunning and the unscrupulousness of men. Some one has said that equity might be well defined as an eternal race between the rogue and the chancellor, and legislation might well be included within the definition. We do not pretend that this law is bull proof and hog high; but we do believe that as far as prevision and earnest effort can make it possible this is as good a bill in its protective features as has been framed upon any subject within the consideration of the Congress.

I referred the other day to the act of 1872, under which the great Rocky Mountain region was populated and through the operation of which more than half a dozen States were given to the Republic. That bill condemns fraud and punishes crimes committed or attempted under it. The Department of the Interior prepared rules and regulations, which have been from time to time revised, for the protection of the honest locator and for the punishment of the dishonest locator, and yet many dishonest locations have been patented. Men have been able, notwithstanding these prohibitions, either to evade them, to jump through them, or otherwise disencumber themselves from their restrictive and penal provisions; but that is true of every penal law upon the statute books of every State in the Union. I might extend it to all the nations of the world. No legislation can be perfect. But who dares here advocate the repeal of that law?

I object to this bill, as I stated the other day, because it launches the Government of the United States upon an unexplored sea of landlordism, and is subject, in my opinion, to all of the objections that can be made to landlordism everywhere; but it is the best that we can get and is evidently far more than the Senator from Wisconsin is willing the people of the West shall have.

The Senator does not like the bill for reasons far different from mine. I do not like it principally because it is a leasing bill, and that is one of the features which he commends; but in view of the impossibility of securing any other than such a bill as this, its support becomes my duty, particularly to those constituents whom I know personally, honest men, against whose reputation no man can say a word, who have conscientiously tried to comply with all the requirements of the law and who have initiated valuable rights which they have vainly tried to perfect. It is in their interest and for their protection that we take the stone where bread should be their portion.

Mr. President, let me refer for a moment to the Senator's filibuster of the last session and his rather tart criticism of my comments upon it. I may say by way of preliminary that I have opposed filibustering ever since I have been in this body. I resorted to it once myself; I may do it again, but I told the Senate very candidly that I was doing it, and I did it in counteraction of its exercise by others against a very pressing measure.

We have in this body, unfortunately, no rule that can stop debate. If I want to do so, I can occupy the floor, now that I have it, and talk until I am physically and mentally exhausted, long before which everybody listening to me will have reached that condition. As a result two or three men determined to defeat a measure, however important, or to secure the enactment of an amendment upon some measure however obnoxious, can easily succeed by a common understanding to occupy the floor day and night and talk the Senate of the United States to death, or until the purpose is accomplished. With the exception of the first session which I attended, every Congress since then has passed away at the end of a long, miserable, unjustifiable filibuster, resulting in the defeat of legislation sometimes of the most supremely important character and justified upon the theory of necessity and to protect the interests of the people.

The last five or six days of the last session of Congress were occupied almost entirely by three Senators, of whom the Senator from Wisconsin was one and not the least conspicuous of the trio. The filibuster was not directed against the oil-leasing bill. That was its commencement. When the Senator having that bill in charge perceived that it was impossible to secure a vote upon it, he withdrew it. Then came the great supply bills, including a bill for the relief of the railways carrying something like $800,000,000. These Senators occupied the floor by day and by night, insisting whenever they referred to the pending bills at all that they were too important, too far-reaching, carrying billions of dollars, to be hurried through the expiring hours of the session; that the interests of the people demanded that they should be considered at great length; that they should be carefully and conscientiously examined; that every detail should be submitted to microscopic inspection lest the people should somewhere come to grief through cunningly contrived phraseology and other concealed snares lurking secure from the superficial gaze. I do not pretend to give the argument. Indeed, it is great courtesy to call anything said during a filibuster by the name of argument. It is talk, and the sole purpose is to consume time, wear down the endurance of the Senate, and set everything aside by the process of sheer obstruction. It is not a superdifficult task. A good pair of lungs and a vigorous physique are all the equipment required.

It so happened that during the first month, certainly during the first 45 days of the present Congress, and which, by the way, had to be called in special session because of that filibuster, Congress took up and enacted all these bills carrying the millions and billions of dollars. The railroad item in the deficiency appropriation bill carried $750,000,000. That bill was passed on June 12, on which day I submitted this comment to the Senate:

MR. THOMAS. Mr. President, I have no intention of opposing this bill. On the contrary, I shall vote for it with a great deal of pleasure. I rose, however, for the purpose of referring for a brief moment to the bill which has just been passed by the Senate without debate. It is the bill which appropriates $750,000,000 to enable the Government to meet the deficiency occasioned by its operation of the railroad systems of the United States. It was one of several large appropriation bills which had been reported from the committee and which were upon the calendar during the closing days of the last session. Those days were devoted to a general, indiscriminate, and long-continued discussion, ostensibly of one or more of the bills, but really of everything on earth except the substance of the bills. The reason assigned for their procedure at the time by gentlemen then occupying the attention of the Senate and the country was that these bills were of such transcendent importance that they involved questions and issues and considerations so vital to the welfare of the people of the country, with which they should be made acquainted in the fullest possible manner, that Senators were unable to square their conscience with their duty and permit those bills to pass without extended consideration. I note that the bill took just about five minutes for its presentation and passage to-day, and that not one of the Members of the Senate who were conspicuous in their opposition to the consideration and passage of these bills at the last session was present and in his seat at the time of the enactment of this great measure, carrying almost a billion dollars.

If my recollection serves me right not one of these filibustering Senators was present at the passage of either of the bills which they gassed to death in the public interest in the month of March, 1919.

That may be performing a public service—I am not capable of judging—but as far as I am capable of estimating its character, it does not appeal to me. I affirm that no filibuster ever carried on within these walls was justified or productive of any beneficial result. We had one in 1898, running for nearly six months, the subject being the repeal of the purchasing clause of the Sherman Silver Act. It passed ultimately and that filibuster did more to injure the cause of silver and to postpone its final rehabilitation than any other incident connected with the history of that great movement. Good legislation should never be thus obstructed and bad legislation will always recoil on its authors and destroy them.

The Senator says there is no reason for hastening this bill. Let us see. Congress has been in session since the 19th day of May. What have we accomplished? With the exception of the passage of the urgency supply bills we have done practically nothing except in committees. The committees have been very busy. We have confronting us the most important treaty that ever confronted any nation, railroad legislation, legislation affecting the cost of living, immigration, water power, revenue, a Military Establishment, and I might upon reflection cite a number of other measures. If we make the same progress between now and the 4th of March, 1921, we have made since the 19th day of May last, comparatively little of this important business will be crystallized into legislation. We have no time to spare on any of these matters.

We passed the oil-leasing bill in the last Congress in the month of February, 1918. The House did not pass it until 10 months thereafter. The committee of conference did not report it until very shortly before the Congress was to expire by limitation. That was not due to lack of effort upon the part of the conference committee nor to lack of interest in the subject. It was due to the opposition that the Senator is now manifesting to this bill.

The Senator has introduced a number of amendments, but, after talking for six hours, when he informed the Senate that he would yield the floor for about 15 or 20 minutes to refresh himself, and then would take it again, I can not recall that he has referred in terms to a single one of them. If that is the way this bill is to be discussed, if that is the sort of treatment it encounters at the threshold, how long will it take us to send it over to the House for its consideration? The Senator knows as well as we do that our action upon this bill is not conclusive. It must undergo the ordeal of a House investigation, where everything that is defective or supposed to be defective in it can be considered and remedied, where all its provisions will be examined in the very nature of things,

notwithstanding the fact that it has been combed over and over again by the House committees in preceding Congresses.

No, Mr. President, we have not time to dally along with our mighty tasks. Unless we manifest more activity than we have so far exhibited, this Congress, like the last, will prove abortive, and a vast amount of extremely important legislation which the people ought to have, and ought to have had before this Congress came into existence, will knock at the doors of the next one. Every consideration appeals for urging the bill and expediting it as rapidly as the importance of the subject matter will permit.

Mr. President, I am ready to consider the amendments of the Senator from Wisconsin seriatim. They may be good, in whole or in part, or they may be objectionable, but I regret that the Senator did not prepare and suggest his amendments to the committee, where they might have been fully considered weeks ago, and thus saved this body much valuable time. Of course, I have no right—and if I did, I would not pretend to exercise it—to instruct the Senator from Wisconsin, who is an older legislator than I, what course he should pursue in regard to these matters.

When I am interested in a bill in committee I try to secure amendments, if desired, before the committee having the bill under consideration, where they receive much more attention than they are apt to receive here. Indeed, Mr. President, I can not take my seat without expressing my confidence in the Senate Committee on Public Lands. It is composed of excellent gentlemen, experienced legislators, every one of whom has conscientiously given his best work and thought to the bill which comes to us as the result of long-continued and earnest reflections. Let us enact this legislation or reject it, thus ending our consideration of the subject in some fashion, and turn our efforts in the direction of other equally insistent and equally important subjects clamoring for attention.

TREATY OF PEACE WITH GERMANY.

Mr. WILLIAMS. Mr. President, I do not rise for the purpose of making a reply to the Senator from Wisconsin [Mr. LA FOLLETTE]. That would be a work of supererogation, because, in the first place, his long speech had no effect upon the Senate, as was evidenced by his own frequent complaint of the fact that Senators were not here, and, in the second place, because the speech itself is so long that nobody in or out of the Senate will ever read it.

Mr. President, I hold in my hand a letter from Charles W. Eliot, lately printed in one of the New York papers. I need not tell any Senator who Charles W. Eliot, president emeritus of Harvard College, is. He possesses one of the best native and one of the most highly trained intellects of any man in the United States. He is long-sighted, because he has been taught by abundant knowledge of the present status and the past history of the world to be long-sighted. He, too, if he chose, could say, "I am an American; I can not help it; and I remain an American," although he would not say it in that style, which is quite the style of the captain of the ship in comic opera of Pinafore.

I ask unanimous consent that it be inserted in the RECORD. It deals with the question of the covenant of peace for the nations of the world, and requests the Senate of the United States to ratify the treaty whether with or without interpretative resolutions, but at any rate to give the people peace and rest.

The PRESIDING OFFICER (Mr. PHELAN in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

PROMPT RATIFICATION WITH OR WITHOUT RESERVATIONS.

"On the 1st of July, 1919, I printed in the New York Times a statement about the covenant and treaty, over which the editor, not I, placed the following heading: 'It confers great benefits on the world and provides for its own perfecting.' I said in the first paragraph of this paper the treaty 'is by far the most promising agreement among the freer and more progressive nations that has ever been worked out.' The paper then enumerated several of the manifold and extraordinary merits of the document. For my present purpose I summarize these merits as follows: It rights great wrongs perpetrated by autocratic European governments in the eighteenth and nineteenth centuries. It sets on foot several new republics and makes free and safe populations that have endured for generations cruel oppression from alien autocratic governments. It proposes to create and maintain the first international legislative body, the first executive council with adequate powers, and the first international court with a sanction behind its decrees. It suggests the reduction of competitive national armaments. It contains many provisions for the improvement of the league itself and of the various institutions it establishes. To carry into execution the new policies the treaty embodies the league of nations which the covenant establishes is indispensable. It is the league that must maintain order and peace throughout the world while the new republics or constitutional monarchies set up in Europe and Asia are becoming stable and orderly and are gaining experience in self-government. It is the league which is gradually to provide an intelligent and righteous way of giving aid to the backward peoples of the earth and of protecting them from exploitation by any stronger power. It is the league which is to determine the admission of new members. Without the league the sacrifice America made in the war will have been in vain. With it the treasure spent and the young lives sacrificed will have earned an immense gain for mankind. It is the league which is to find a way to suppress militarism; that is, to annihilate the military class of professional soldiers who have no occupation except war and preparation for war.

"If the principles embodied in this treaty can be fairly applied and the instrumentalities it creates wisely developed, the welfare of humanity will be promoted to a degree unprecedented, and, indeed, quite beyond the scope of the human imagination. Its greatest beneficiaries will be the civilized nations which have through the war escaped from despotic rule. The free nations in Europe that have lived in constant fear of invasion by military despotisms will come next. Then the backward nations will reap lesser but enormous advantages. And, finally, America will be greatly benefited because genuine democracy will be made secure and increasingly influential throughout the world.

"In the American Senate certain objections are being urged against the ratification of this extraordinary treaty and covenant on grounds which look serious to some statesmen and Government officials, though not to the majority of them. These objections are based, first, on apprehension lest certain provisions in the treaty or covenant should limit the power of Congress to decide whether America should or should not take part in conflicts which may hereafter arise between nations in other parts of the world. To some minds these apprehensions seem reasonable and only prudent; to others they seem small-minded, mean-spirited, and faint-hearted. Another objection is the fear lest, under some unspecified passage in the treaty, the council of the proposed league might invalidate the American doctrine that foreign nations are not to establish on American soil colonies which remain subject to foreign Governments. Still another objection suggests that the council to be established under the covenant might possibly interfere with the settlement of purely American questions, such as immigration and tariff. Still another looks to a modification of the clause which provides for withdrawal from the league of nations on two years' notice by any member of the league. The Shantung objection seems to be no longer urged.

"On comparing these objections with the immense improvements in human welfare which the covenant and league propose to effect, it is manifest that the scope of the objections is minute compared with the immense possibilities of good for humanity contained in the covenant and treaty. If the allied and associated Governments that have made this covenant and treaty really desire to bring them into effect as promptly as possible—and there can be no doubt that they feel that desire very strongly—they will make no objection whatever to the adoption by the American Senate of all the reservations proposed. They will welcome the prompt ratification of the treaty with or without the reservations, and they would be incredibly dull of comprehension if they did not.

"The objectors to immediate ratification by the American Senate do not seem to have as much faith in the wisdom and morality of the American people in the future as the allied and associated powers have. The deeds of the United States since April, 1917, have completely convinced all the European powers that the American people can be relied on to interfere in an effective way in European contests, no matter on what scale the fighting may be or to which side victory inclines, if they think, as they did in 1917, that by interfering they can make this world, including America, a better place to live in. The European powers are perfectly satisfied that no American traditions of the eighteenth century, like that contained in the phrase "no entangling alliances," will prevent the American people from interfering in European or Asiatic conflicts, if they decide again, as they did in 1917, that they can promote liberty and justice in the world by fighting in Europe, Asia, or Africa. There is not a Government in Europe that is not fully persuaded that America will interfere again with like energy if she has similar reasons for interference. And, indeed, she will. What Americans hope is that similar reasons for interference will not recur, if the world learns to submit to the guidance of the proposed league of nations, improved or unimproved.

"Assuming as granted that the proposed reservations are not amendments or conditions, but only explanations or interpretations, I venture to suggest that it is the part of wisdom to ratify

the covenant and treaty forthwith with or without the reservations proposed. What is desirable is that ratification should take place at Washington with the consent of all political parties and with an enthusiastic movement of national hope and expectation. Then the measures already proposed for reconstruction, rehabilitation, and amelioration of the severe conditions of the armistice can be immediately prosecuted with diligence and a calm mind; and in a few years, or even months, the production and trade of the world can be brought back to something like normal conditions. Then the effectiveness of the American democracy in war and in peace, in all our industry and social construction, will be seen and known of all men; and it will be quite unnecessary for American public men to keep shouting 'America first,' or 'I am an American.' Those praiseworthy sentiments will go without saying.

"It will be of great advantage for the United States to get the treaty and covenant ratified at once, to count the superb undertaking of April, 1917, as achieved, and settle down to the study of the new political and industrial problems which confront the Nation. It is nine months already since the armistice which settled the military issue. Can not the whole people now unite in adopting the only means of winning the fruits of that victory? Surely no partisan contests, personal animosities, or differences of contemporary judgment concerning the wisdom and character of the statesmen who have framed the treaty and covenant ought to prevent or delay the entry of the American people upon the new crusade for public liberty, justice, and happiness.

"CHARLES W. ELIOT.

"ASTICOU, ME., *August 19.*"

Mr. WILLIAMS. Mr. President, I hold in my hand an editorial from the New York World dated August 25, 1919, part of which I feel tempted to read, although I do not want to take up the time of the Senate at this moment, with the oil-leasing bill pending—a bill which has been delayed so long and so unjustifiably. It is headed "Two ways of making peace." I *will* read it:

TWO WAYS OF MAKING PEACE.

"By a vote of 9 to 8, which lined up all its Republican members except Mr. MCCUMBER, the Senate Foreign Relations Committee has adopted an amendment to the Versailles treaty providing that former German rights in Shantung shall revert not to Japan but to China.

"Should the Senate follow the advice of its committee a grave affront will have been offered to Japan, our associate in the war with Germany, whose jealously-guarded honor is pledged to the restoration of Shantung. How disastrously that affront might affect international relations it would be superfluous to suggest to men with the experience in foreign affairs which Senators LODGE and KNOX have enjoyed.

"Yet this is but the beginning of mischief. The committee has invited the discontent of Europe, Asia, and Africa to come and be heard. Its door is open specifically to Irish, Greek, Egyptian, Lithuanian, Lettish, Ukrainian, and Esthonian champions. It can not consistently refuse to hear the Scottish national committee, seeking 'Scotland's right to self-determination.'"

I will stop reading long enough to say that I suppose that crowd of Scotchmen does not represent over about one man in one hundred thousand in Scotland. I continued the reading:

"It may reargue the delicate problems of Fiume, Danzig, the Banat of Temesvar, the Thracian Pomaks, Albania, Syria. It evidently intends to examine the right of the illiterate Egyptians to immediate self-government."

Not only that, I will stop reading long enough to say, Mr. President, but that certain American colored people have been before the committee this morning to argue the right of savage tribes in Africa to self-determination, and all that sort of thing; tribes that nobody contends to be anything but wild savages with breechclouts about them, and yet the committee has heard them. By the way, I want to say that there was more justification for hearing those American colored people concerning those of their race in Africa, in Togoland, and elsewhere than there was for hearing a great many of the others appearing before the committee.

But to continue with the reading, the article goes on:

"For trouble makers even the jump to India would not be long."

Why, Mr. President, I will stop reading long enough to say that almost before the ink got dry upon the editorial the "jump to India" had been made, for the committee has agreed to hear certain gentlemen representing themselves as being "representatives of the native population of India" who desire to present various things to the committee and who are to be heard while they present them. This is laughable when you consider that they are simply Hindus, and that if anything happens to put the Mohammedan, the Sikh, the Gurkha, and the other fighting races of India under the rule of Hindus there would be a "merry Christmas" in India, and a hot time in the old towns there.

I will say, by the way, I should not be a bit surprised if we heard Madagascar next. Madagascans can come before the committee very properly and say, "We were conquered by France; we never consented to become a part of the French Republic or under its sovereignty at all; and we ask that we be heard upon the question of our independence." It is true that the Madagascans are pure barbarians and pretend to no sort of civilization, except a very few who have been to French schools, who live in some of the cities, and have been employed by the French Government; but I suppose that may be the next leaf to be turned in this book of international farce.

What does it all mean, Mr. President? We meet for the purpose of concluding peace and to terminate the greatest war that the world ever saw and the Committee on Foreign Relations is sitting down and hearing what? A half dozen or more propositions to dismember the countries of our allies. This treaty dismembers Germany; it dismembers Austria-Hungary; it will dismember Turkey, because those countries were enemy territory and have suffered the fate of war by being overcome in war; but the American Senate Committee on Foreign Relations proposes, instead of considering solely the questions as to what shall become of the dismembered parts of our enemy countries, to consider the question of what shall become of the parts proposed or desired to be dismembered as parts of the countries of our victorious associates in war!

Mr. KING. Will the Senator yield to me?

Mr. WILLIAMS. Yes, sir.

Mr. KING. I do not see how the committee, having gone so far, can deny the right of the inhabitants of the Sahara Desert, of Tunis, and of Tripoli to be heard; likewise some of the American Indians; likewise Porto Rico and the Philippine Islands; likewise some of the sections of New York City that are inhabited exclusively by Russian Jews and some Italians and some other foreigners, some of whom are aliens and some of whom are not.

Mr. WILLIAMS. And who profess allegiance to Trotski and Lenin.

Mr. KING. Yes.

Mr. WILLIAMS. Why, Mr. President, in reply to the Senator from Utah, I will say that he understands as well as I that probably the only reason those whom he has mentioned have not been heard is because they have not asked to be heard. To go on with this editorial:

"There are two ways in which a Senate of the United States might consider and decide upon the pending treaty of Versailles.

"One way would be to recognize it as imperfect in detail"—

I will stop to say that all human work is that—

"but as the direct route toward assured peace; as a settlement in which idealism had been obliged to compromise somewhat with previous bargains and present-day necessities, but had nevertheless triumphed on the whole. In such spirit a Senate might well accept it as the best obtainable, ratify it with or without interpretations helpfully intended to clarify its meaning, and hope with the rest of humanity for peaceful rearrangements under the league of nations.

"Another way would be to turn from the moving spectacle of a world in turmoil and torment in search of an 'issue' for 1920; to tear open healing wounds, undo difficult decisions, and encourage conflict; to affront our friends, bankrupt our customers, and stir up the red flames of anarchy; to throw the treaty into the discard and delay for more than a year the end of war, in the hope that the anguish of the world will somehow compel a new settlement not much worse than the present one—and in the certainty that, whether it does or not, the presidential election will in the meantime have been lost or won.

"With honorable exceptions, the Republicans in the United States Senate seem to have resolved upon the way of strife, bitterness, and political and financial chaos rather than the way of quick peace and the chance to rebuild prosperity. What have the people of the United States to say to such a choice? Between two ways of making peace, how will they make their preference plain?"

I have read that editorial, Mr. President, because I did not desire it to be published in the ordinary small print. I desired it published in large print, like the balance of my remarks, of which I make it a part. I apologize to the Senators in control of the pending bill for taking up even that much time. I confess that what I have put in was not apropos to the matter under present consideration, but there has been so much time wasted upon the bill that I did not know when I could come in if I

waited until it was through with, and I thought that I would splice in what I had to say before the Senate got to a decision upon the bill, for fear I might not get it in to-day at all.

Mr. SMOOT. I will say to the Senator from Mississippi that there has been no objection to his putting articles daily into the RECORD even while this bill has been under consideration.

Mr. WILLIAMS. I put the longer letter into the RECORD and read only the short editorial. My object in reading the short one was what I have stated. In inserting the longer I have been actuated by a desire not to delay the consideration of the pending bill.

Mr. SMOOT. There will be some more editorials to-morrow.

LEAGUE OF NATIONS AND PEACE TREATY.

Mr. TOWNSEND. Mr. President, may I inquire of the Senator from Utah if he expects to finish the pending bill to-night?

Mr. SMOOT. I will say to the Senator that, in my opinion, it is very doubtful whether the bill will be concluded to-night.

Mr. TOWNSEND. I dislike very much to further trespass upon the patience of the Senator, who has spent so much time on the pending bill, and yet I desire to submit a few remarks on another subject, inasmuch as I am obliged to be away. I would refrain from doing so, however, if it would inconvenience the Senator or interfere with the bill he has in charge.

Mr. SMOOT. I shall not object to the Senator speaking at this time if he is going to leave the city.

Mr. TOWNSEND. Then, Mr. President, I shall submit my observations now, because I desire before I leave the city at least to inform my constituents as to my present view, and that very briefly, on the league of nations. I perhaps can find no better time when I could inflict less suffering upon the Senate than the present, while most Senators are absent from the Chamber.

Mr. President, owing to conditions which I have not been able to control, it has been impossible for me to be present during much of the consideration by the Senate of the peace treaty with Germany, improperly involved, as I think it is, with the league covenant, and unfortunately I find it is necessary for me to return to my home immediately, but before I go I have felt it was my duty to my colleagues and my constituents to express briefly my convictions and conclusions at this time upon one of the most momentous questions which have ever been before the United States Senate.

It is with great difficulty that I am able to determine what the treaty and league are and what their possible effects may be upon the world and especially upon my country. I have been deeply impressed with the fact that I am an humble Member of the Senate, which is one of the two branches of the treaty-making power of our Government. I realize the fact that I have taken a solemn oath to perform my public duty without evasion and with an eye single to the welfare of our Republic. I was elected a Senator from the State of Michigan to represent that State as an integral part of the United States of America. It was known that the interests of the United States were more or less involved in the affairs of the world, but it was never suggested until within the last year that the President and Senators were expected to establish and maintain monarchies on the Eastern Continent, to administer foreign Governments, or to become parties to international intrigues. The people had not heard of this proposal when the present Senate and the President were elected. Indeed, President Wilson was elected on the distinct issue—and upon that alone—that he was against the war, and he assured the country that he had not only kept us out of it but that he would continue to keep us out of it, and the clear inference was that he was opposed to engaging by the United States in European affairs. Neither the President nor the Congress had received any mandate from the people to surrender any of their country's rights or sovereignty in exchange for the right to meddle with the Governments of the Old World.

I have felt that the President has treated the Senate and the country unfairly in handling this great question, but I am not now conscious of any personal antagonism or political bias. I am only anxious to know what is best for our Republic, and what may happen to me or my party through any conscientious act of mine in reference to this matter does not control me. I have felt and still feel that the United States should do what it properly can consistent with its greatest present and future usefulness to render impossible another such a world calamity as that through which we are now passing. I confess, however, that I am impressed with the thought that my first duty lies with my country. I know that that country is the hope of the world. If it is destroyed or materially weakened, that hope is blasted. Without thought of gain or desire of conquest, the United States entered the European war primarily for self-protection and secondarily to preserve civilization against armed autocracy. History records no similar example of sacrifice and devotion to principle, and if it could have been possible after we had saved Europe and removed the menace to our own country for us to have retired from the Eastern Hemisphere I would have been much better satisfied than I am to-day. I realize, however, that, being a party to the war against Germany, it probably was necessary for us to assist in making the treaty of peace. The United States could have made a separate peace with Germany; and it would have been better for us if this had been done, rather than to have been involved as the pending treaty involves us. I do not believe it was necessary for us to become so entangled in the affairs of the Old World as to make it necessary for us to stand sponsor not alone for the peace of the world, but for the maintenance and stability of foreign governments whose normal state is revolution.

The President, however, was practically our sole representative at the peace conference, and he neogtiated the present treaty with its league covenant. I should have mentioned the league first, for the peace treaty was not only secondarily considered, but it was evidently considered of secondary importance. For seven months he negotiated with representatives of the Allies, and it has been disclosed that his principal object was to establish a league of nations, and to obtain this, not as he had planned it but as others had forced it upon him, he consented to do things which he admits are not right but to which he asks the consent of the Senate.

The Senate has been considering the matter for something over two months and has been obliged to work very much in the dark. Even now all the facts have not been disclosed, although most of them are in the possession of the President. There are a few which even he does not know yet. Treaties with Austria, Hungary, Turkey, and probably other nations are now being negotiated at Paris. The treaty before the Senate is involved, or will be, in these other treaties, and yet the Senate is criticized because it does not like to play blindman's buff with a matter of such transcendent importance as a proposition completely to change the American policy which has maintained for more than a hundred years, and under which this Republic has become the greatest, most progressive, and most powerful in the world.

I have refrained hitherto from making statements on the floor of the Senate concerning this matter, even when I have been present and tempted, because I confess that I have been trying to find out the truth, and the whole of it, before I spoke. Now, however, many things have been disclosed and they have made my duty more clear. I now find that practically all of the great and high principles for which the President contended prior to his trip to Paris have been abandoned. The publicity which we were promised, and which we had a right to expect, was not experienced. The principle of self-determination of small nations was abandoned. The assurance that the United States would not be involved in international alliances was not realized, and, from the statements of the President and his Secretary of State, it is discovered that our representatives to the conference were overreached and deceived. The President said, however, if I remember his statements correctly at the recent White House conference, that the understandings of certain Senators as to how the treaty should read are already included in the purpose and intent of the treaty itself. He bases this statement on the fact that he has a verbal understanding with those nations who withheld facts from him to the effect that such is indeed the understanding of the conference. As for myself, sir, I must have that understanding in writing. I can not consent that my country must either enter into future engagements which would be contrary to the best interests and to the desire of this Republic, when the occasion arose, or else be accused of infidelity to its treaty obligations. This agreement proposes that we shall give everything and receive nothing. There is, in fact, nothing which the Allies can give us that we need or want, and it seems to me to be foolish and most unwise to enter into a unilateral contract to furnish the men and the money to keep the peace of the world, preserve the possessions obtained by conquest, and to maintain the boundaries of the nations of the Eastern Continent in exchange for their protection, which we do not need and which they can not give. Inasmuch as we ask for and get nothing, inasmuch as our help will be gratuitous and unselfish, and no contract to that effect is necessary to convince the world of the fact, it seems unwise and unnecessary for us to enter into this complicated, confused, and confusing agreement to do what the advocates of the bargain believe we would do anyway if it was right that we should. I realize, of course, that the United States at any future time could, with practical impunity, break this agreement, and if the treaty as written is adopted the United States will break it if called upon to send our boys and treasure to maintain an existing monarchy in the Orient or to preserve

some of the territorial possessions obtained by force and intrigue and validated by the pending treaty; but when the United States breaks the treaty for any cause the other signatories, or some of them, will condemn her as being faithless to her international obligations, and thus, to some extent at least, will she lose that world respect and confidence which is her greatest power for good to-day.

I do not care to discuss the question of the differences between legal and moral obligations. They are both the same to me, unless by a written statement made as a part of the treaty it is clearly defined that the extent of our moral obligations would be determined by the circumstances of every case as it arises. We are pledged in this treaty to maintain a standing army in Europe for at least 15 years, and he indeed would be exceedingly blind who could not even now see the necessity of maintaining our troops in the Eastern Hemisphere indefinitely. These troops will be composed of American boys taken from American homes. Something other than hazy dreams or untried theories should form the foundation for such a sacrifice. We are to be linked up with a league of more than 30 nations, of which not more than one besides the United States is unquestionably solvent. If trouble occurs in Europe, which under the league and the treaty the United States is bound to enter, our Government must settle the trouble and pay the bills, even though a majority of its men are sacrificed and its whole treasure is exhausted, for morally we can not turn back or surrender when we enter the contract. In a partnership each partner is responsible for all obligations of the firm. Do you think the people understand this? Are Senators wrong in explaining these facts to them? I can not consent that my country shall enter into such a firm where the liabilities are so great and the possible rewards so uncertain unless the people who constitute the country, furnish the boys, and provide the money understand the true conditions and command me to sign the papers.

I regret that the Senate Foreign Relations Committee has seen fit to amend the treaty in the Shantung matter, not that an unconscionable wrong is not done to China under the treaty, for it has, but I am anxious to relieve the United States from any responsibility or liability in the distribution of the spoils of war among the Allies. I would like to place such reservations in the instrument as clearly to relieve us from any part in this unrighteous job. I am not willing, therefore, to assume the position of dictating how these spoils shall be distributed. Let those nations who have profited by the plunder be responsible. The Shantung matter is not less reprehensible than others contained in the treaty, and I do not care to make any invidious distinctions. I would gladly wash our hands of all of them.

I am fearful that even if this treaty were properly reserved, that is, as properly as it can be under its present construction, it will not contribute to the peace of the world. I am fearful that under any circumstances it will be provocative of trouble. It clearly results in establishing and preserving the balance-of-power principle; and the President prior to his visit to Europe said that that was one of the evils which must be destroyed.

It seems to me that from the very nature of things the league will compel the establishment of other leagues for self-protection, and the selfishness which has been manifested in the distribution of territory and which will still further be manifested in the distribution of the larger territory of Austria, Hungary, and Turkey, can only bear one kind of fruit, and that will be the Dead Sea variety to the hopes of those who are anxiously looking for the peace of the world. I am very desirous that the United States, which went into the war clean, shall come out in the same condition. The treaty and its attached league prevent the possibility of this if it is adopted as presented to the Senate.

I realize that all right-thinking men and women in the world are anxious for something to come out of this war which will make for peace. They have suffered and sacrificed so much that very many of them have been willing to accept any proposition labeled "Peace," almost without reading or understanding it. The label, however, does not necessarily properly identify the contents. We do not change the nature of the thistle by calling it a lily. We should understand what the probable results of any proposed treaty are before we adopt it. I am so thoroughly convinced of the reasonable possibilities for irreparable injury to my country under the treaty as presented to us that I can not, under my oath of office and my conscientious convictions, vote for it unless it is made clear by reservations, if such can be made, or by amendments, if necessary, that we engage only to do things which we believe are for the good of the world and not detrimental to our country. If we remain aloof from international complications and properly solve the problems of this Republic, we will be the one hope of a world looking and longing for peace. If we involve ourselves with all the Bolshevist, monarchial, revolutionary, territory-grabbing nations of the Old World, we will not only be unable to help them but we may destroy ourselves. Our obligations to engage in any European or Oriental war or disturbance must depend entirely upon the action of the Congress which is in session when it is proposed that we shall participate in such difficulty. I can not support the treaty unless in unequivocal and clear language we reserve from the consideration by the league of nations or the supreme council all questions affecting the internal policies of the United States. No verbal understanding or expressions of doubtful construction will meet with my approval, and what I say of internal policies I say of the Monroe doctrine. No convention representing monarchies or other alien nations shall have the right even to discuss whether this doctrine is a "regional understanding" or purely an American policy. That question must be left unembarrassed to the United States.

I want no strings, either moral or legal, attached to our withdrawal from the league. I know that my country will be faithful to all of its obligations, and the very suggestion that a council of aliens shall determine whether we have fulfilled our obligations, not only to the league but to all other nations of the world, is offensive to me. I could well wish that a simple and yet effective covenant could have been drawn whereby all its signatories could have agreed to submit justiciable questions to arbitration and to refrain from war where possible until its causes and necessity could be passed upon by the conscience of the world. I want the United States to make the meaningful statement that inasmuch as it is receiving nothing from Europe, Asia, and Africa, and believes in representative democracy and self-determination of peoples, it can not and will not assist in forcibly transferring peoples and their territory to other governments, and then agree to maintain these enlarged boundaries perpetually against external aggression. It would have been sufficient for the United States to have pointed to its unselfish attitude in this war in order to impress the world, and especially every offending nation, with the fact that what it had done it would do again if duty demanded. The President has gone too far.

Now, under this treaty we will be subject to all the danger of intrigue, and even as the President was imposed upon in the secret treaty between Japan and her allies, England, France, and Italy, so might he or some other representative of our Government be imposed upon again. He believed that this secret treaty was wrong, but thinks it is necessary to accept it now in order to carry out his plan for a league, and to purchase the support of Japan, and I am inclined to think he was right. But friendship and support purchased under such conditions and at such a price are liabilities instead of assets. The trouble arises through the involvement of the United States in European complications and intrigues. We should remove ourselves from that position. I think we can do it by proper reservations. If, as the President states, those reservations are now understood by the league covenantors, they will be adopted without delay. If, however, notwithstanding the President's statement, that "what I propose is the mutual understanding of the parties to the league," they hesitate and quibble, it will be conclusive evidence to me that they have secret understandings which will be disturbed by a clear and unquestionable statement of the obligations which the United States assumes.

I have stated that the document now under consideration by the Senate is not clear, even to the best minds in the country. I know of no two wise and thoughtful men, advocates of the treaty, who agree as to the meaning of all of its provisions. Equally honest and capable men who oppose it also differ in their construction of its terms. All will agree, however, that the possibilities under its operation are of the greatest importance to our country and to the world. They agree that it means a complete change of the traditional policies of the United States, and yet impatience is manifested on the part of the President, his blind followers, and many men and organizations throughout the country at the time and discussion which the Senate is devoting to this subject. Will any man deny, however, that the discussion which has thus far occurred has changed public sentiment? Can anyone doubt that the people were entirely ignorant of the real things which the treaty contained, and that as they become better informed they counsel caution? My mail is not different, I imagine, from that which is received by other Senators.

The great majority of the letters which now come to me are against the consent of the Senate to this treaty as it now stands. Their impulses are all for peace, but they are now wondering whether what is proposed necessarily will accomplish that desirable end. When the people understand this

treaty it is the duty of the Senate to listen attentively to their advice and to follow it if they can conscientiously. It is my belief, however, that the people of Michigan believe that I ought at least to understand the situation better than they, and they expect me to act in accordance with my own best judgment as to what is good for our common country. They want the United States to play as large a part as it properly ought to do in this New World, but they are opposed to a blind and useless sacrifice of our national policies and ideals to a theoretical scheme which the best thought of the world believes is full of danger.

I regret exceedingly that the President saw fit to involve the peace treaty with Germany in all the doubts and dangers of a league to enforce peace. I know he felt that there was an opportunity to carry out some of his ideas by involving them as inextricably as possible with the peace treaty. He evidently felt that he might not succeed with a league which was obliged "to stand upon its own bottom." On his way to Europe the second time he made a speech in New York in which he said he proposed to weave the league into the treaty in such a manner that the Senate could not unravel it. I am not quoting his words, but think I am stating his sentiment correctly. He evidently expected to do what he has done, namely, coerce the Senate into precipitate action by appealing to the people on the ground that the Senate's action was delaying peace and continuing industrial disturbance. I am sorry that he took this course, because it is unworthy of the President of a great Republic whose very life may be involved in this complicated treaty. I am willing, however, so far as I am concerned, to assume the responsibility of acting for what I believe to be the highest interests of my country, whatever the political result may be upon me or whatever the temporary effect may be upon the business of this Republic.

Even now, after weeks of study, I am not clear in my own mind as to all of the provisions of this document, and I feel confident that a large number of Senators are in the same condition as I am. I had read the provision of the covenant relating to labor and did not thoroughly understand it, but I thought it was intended as a political sop to labor and not fraught with danger. But I listened to the speech of the senior Senator from Colorado on this subject with interest, as I always do listen to him, for he is a great and honest lawyer and always possessed of the courage of his convictions, and I shall try to go over the matter again before I am called upon to vote upon it. If I believe its adoption will be detrimental to labor or to our country, I shall vote against it. If called upon to vote upon this treaty before I have cleared every doubt, I shall resolve it in favor of the United States, which I am sworn to maintain and uphold, and to which with all my heart and soul I yield my undivided allegiance and support.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. Mr. President, I have every reason to believe that we can get a vote on this bill to-morrow, and for that reason I am not going to ask the Senator from Wisconsin to proceed to-night. I therefore move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. OVERMAN. I had an understanding day before yesterday that we would have an executive session yesterday; and the honorable Senator from Kansas [Mr. CURTIS], known as the Republican whip, agreed that no matter what happened we would have an executive session this afternoon. I think, therefore, the Senator from Utah ought to move that the Senate proceed to the consideration of executive business.

Mr. SMOOT. I understand that the Senator from New Jersey [Mr. FRELINGHUYSEN] came to the Senate to-day, and he and the Senator from Montana [Mr. WALSH] had some understanding. They are both away from the Senate now. The Senator from New Jersey went away, and he is not in his office, nor is the Senator from Montana in his office. I want to say to the Senator from North Carolina that there is no intention whatever of delaying the confirmation of Mr. Palmer, but I do think the Senator from Montana and the Senator from New Jersey ought to be here.

Mr. OVERMAN. I do not want to take any advantage of these Senators if they had an understanding that the matter would be postponed.

Mr. SMOOT. I do know that they talked together to-day.

Mr. OVERMAN. I should like to have unanimous consent, however, that there will be an executive session to-morrow afternoon at not later than 5 o'clock.

Mr. SMOOT. I am perfectly willing to say to the Senator now, in the open, that just as soon as this bill is voted upon to-morrow the Senate can go into executive session.

Mr. OVERMAN. The question is whether this bill will be voted upon to-morrow or not.

Mr. SMOOT. I do not think there is any doubt but that it will be voted upon to-morrow.

Mr. OVERMAN. Does the Senator think that it will be voted upon to-morrow?

Mr. SMOOT. I do not think the Senator from North Carolina for a moment thinks I would make that statement unless I had some basis for it.

Mr. OVERMAN. I have very great respect for the Senator, but I did not know who was going to delay the matter. You can not tell how matters are delayed. I think there ought to be an executive session held soon, and I should like to have unanimous consent that there will be an executive session held to-morrow afternoon at not later than 5 o'clock.

Mr. SMOOT. That might be just the time we would be about to vote upon the bill; and I would not like at that time to go into executive session under such conditions.

Mr. OVERMAN. I do not want to interfere with the Senator's bill at all, but I want to have some understanding. We have had one understanding or two understandings that there would be an executive session.

Mr. SMOOT. The Senator from Kansas [Mr. CURTIS], I am quite sure, understood that there would not be an executive session to-day, because he has left the Senate, too; and I do not think the one day will make any difference.

Mr. OVERMAN. I think, from what a page tells me, that there must have been some understanding such as the Senator suggests between the Senator from New Jersey and the Senator from Montana; but I shall insist every day now on an executive session.

Mr. SMOOT. The Senator will not find me opposing it, but I do not want to say positively that there was an agreement. I saw the Senator from New Jersey [Mr. FRELINGHUYSEN] talking to the Senator from Montana [Mr. WALSH], and I do know that the Senator from New Jersey came over to this side and said he was going to leave and we would have an executive session to-morrow.

Mr. OVERMAN. I shall ask for an executive session to-morrow. I give notice now so that it may be understood that I shall press for an executive session to-morrow afternoon. If there was such an understanding I do not want to take advantage of anyone.

Mr. SMOOT. I know the Senator does not.

Mr. UNDERWOOD. Mr. President, I merely wish to say that, of course, we are not doing very much business in the Senate and have not for some months. So far as I am concerned, I have not any objection to an understanding of Senators being carried out, but this is the second day when it has been understood that we were going to have an executive session between Senators who are supposed to represent the other side of the Chamber as the titular leaders and Senators on this side who are interested.

It seems to me that in the orderly conduct of the business of the Senate there is no reason why Senators should not be kept here to transact business in which they are interested. Of course, we are all interested in different things, but when it is understood that business in which Senators are interested is coming before the Senate, two particular Senators can not go off in a corner and reach an understanding that will stop the entire machinery of the Senate from grinding. Really I do not think there is any understanding or agreement between the Senator from New Jersey and the Senator from Montana. I saw the Senator from New Jersey in the Chamber within the hour. I have no doubt he is in town, and I think he is capable of being here. There are a number of nominations upon the Executive Calendar that should be passed on. If there is a fight on them or any disposition not to dispose of them, we can find that out when we get an executive session; but, of course, the matter can go over until to-morrow.

Mr. SMOOT. I will say to the Senator that I telephoned to the office of the Senator from Montana [Mr. WALSH] and was informed that he was not there. I have taken particular interest in trying to locate him somewhere, and I can not do it. I also telephoned to the office of the Senator from New Jersey [Mr. FRELINGHUYSEN] and I was told that he had left the office.

Mr. UNDERWOOD. Let me ask a question, if the Senator will allow me. Of course I do not want to interrogate the Senator, but does he assert that either of the Senators has informed anybody in the Senate, including himself, that there was any agreement? In fact, he said he did not know there was any agreement made between the Senator from New Jersey and the Senator from Montana, but he suspects there has been an agreement made between them, and therefore we should not have an executive session.

Mr. SMOOT. I will say to the Senator the basis I have for that statement is that the Senator from New Jersey [Mr.

FRELINGHUYSEN] asked me whether I was going to yield for an executive session; and if so, at what time. I told him I did not want to yield until the bill was passed, and that if it was passed to-day we would hold an executive session. He then said to me that he would go over and talk to the Senator from Montana [Mr. WALSH] and see if they could not arrive at some understanding about the executive session. I do not know whether they arrived at that understanding, but I do know that both of them have left the Senate Chamber.

Mr. UNDERWOOD. It is customary very often in the Senate to yield public business to the convenience of some Senator; we do it all the time, and this may not be an exception to the rule; but I think this is the first time I have ever heard of the Senate stopping the wheels of business because it is suspected that some Senator wanted to do something. I have no objection to the matter going over until to-morrow. It is not so urgent as that, but for two afternoons——

Mr. THOMAS. That is a very serious suspicion to entertain against the Senators.

Mr. UNDERWOOD. Assuredly. I agree with the Senator. A charge of that kind ought not to be brought to their door, especially at this time. I hope we can reach an executive session to-morrow afternoon. Senators on this side of the Chamber reached an agreement with the leaders on the other side of the Chamber in the customary way to transact this business, and Members of the Senate have waited patiently all day for an opportunity to attend to the business in executive session. Now, when the time for the executive session comes, we are going to adjourn because we suspect that two Senators have reached an agreement. I think the time has come when we should act. I am not going to interfere with our adjournment, letting the matter go over until to-morrow, but I think we are entitled to have an assurance that we are going to have an executive session when to-morrow comes.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Friday, August 29, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 28, 1919.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, help us, we beseech Thee, to concentrate our minds for the moment upon the things eternal, that we may be the better prepared to take up the things of the now and advance the civilization of the world to larger, nobler conditions which shall make life stronger, better, purer. In Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2883. An act authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2883. An act authorizing the Merdian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted, as follows:

To Mr. JAMES, for the balance of the week, on account of sickness.

To Mr. MCARTHUR, for 30 days, for the purpose of accompanying the Secretary of the Navy and Admirals Parks and McKean on their trip of inspection to the Columbia River.

A QUORUM—CALL OF THE HOUSE.

Mr. DOUGHTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Doorkeeper was directed to close the doors, and the Sergeant at Arms to notify the absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

McCulloch	Frear	McFadden	Rucker
Anthony	Fuller, Mass.	McKenzie	Sanders, Ind.
Babka	Gallivan	McKinley	Sanders, N. Y.
Baer	Ganly	McKinley	Saunders, Va.
Bell	Gard	MacGregor	Scott
Benson	Garland	Magee	Scully
Black	Garrett	Maher	Sears
Blackmon	Godwin	Major	Sells
Bland, Ind.	Goldfogle	Mann	Shreve
Boles	Good	Mead	Siegel
Booher	Goodwin	Merritt	Sims
Bowers	Graham, Ill.	Montague	Sisson
Brinson	Graham, Pa.	Moon	Small
Britten	Griest	Mooney	Smith, Ill.
Browne	Griffin	Moore, Ohio	Smith, N. Y.
Brumbaugh	Hadley	Moore, Pa.	Smithwick
Burke	Hamill	Moore, Va.	Snyder
Burroughs	Hardy, Colo.	Moores, Ind.	Steenerson
Byrnes, S. C.	Haskell	Morin	Stephens, Miss.
Caldwell	Haugen	Mott	Stephens, Ohio
Candler	Hawley	Mudd	Stevenson
Carew	Hill	Neely	Stiness
Carter	Holland	Newton, Minn.	Sullivan
Casey	Huddleston	Newton, Mo.	Summers, Wash.
Classon	Hulings	Nolan	Sumners, Tex.
Costello	Humphreys	O'Connor	Taylor, Ark.
Cramton	James	Olney	Taylor, Colo.
Crowther	Jefferis	Overstreet	Thompson, Okla.
Curry, Calif.	Johnson, S. Dak.	Parker	Tilson
Davey	Johnson, Wash.	Pou	Timberlake
Davis, Minn.	Johnston, N. Y.	Purnell	Tinkham
Dempsey	Jones, Pa.	Rainey, John W.	Upshaw
Denison	Jones, Tex.	Ramsey	Vare
Dewalt	Kelley, Mich.	Randall, Calif.	Volgt
Donovan	Kelly, Pa.	Rayburn	Walsh
Dooling	Kennedy, Iowa	Reavis	Walters
Doremus	Kennedy, R. I.	Reber	Ward
Dunn	Kettner	Reed, N. Y.	Wason
Eagle	Kiess	Reed, W. Va.	Watson, Pa.
Ellsworth	Langley	Riddick	Weaver
Emerson	Lea, Calif.	Riordan	Wheeler
Esch	Lee, Ga.	Robsion, Ky.	Wilson, Pa.
Evans, Nebr.	Lehlbach	Rodenberg	Wingo
Fess	Linthicum	Rogers	Winslow
Fields	Longworth	Rose	Wise
Fitzgerald	Luce	Rouse	Yates
Flood	McArthur	Rowan	Zihlman
Foster	McDuffie	Rowe	

The SPEAKER. On this call 240 Members have answered to their names; a quorum is present.

Mr. DYER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. Under the special order to-day the gentleman from Mississippi [Mr. COLLIER] is recognized to address the House for 30 minutes.

THE WAR.

Mr. COLLIER. Mr. Speaker, we have just passed through the greatest war in the world's history. As a result of that war, never before has there been such social, economic, and financial upheaval.

Our country was indeed fortunate to emerge from that struggle with a record for valor and accomplishment unparalleled throughout the annals of all time and at a minimum cost of human life, as compared with other countries which participated in that war. [Applause.]

While it is true that the United States is the only country which came out of that great conflict stronger and more powerful in every way than when she entered, yet to-day upon her bosom are found many scars, some of which thus far are unhealed.

Aside from the irreparable loss of the brave manhood who perished on the field of battle and in the hospitals; the immense amount of treasure expended; the taxes which of necessity were levied; the bonded indebtedness upon which over a billion dollars will be required to meet the interest alone; the governmental activities in taking over the various industrial, public-service, and utility corporations; the determination as to what kind of an Army and Navy we may need in the future; all remind us that confronting us lie the problems of almost a world-wide reconstruction.

I indulged in the vain hope that we might proceed to the solution of these problems so vital to the interest of our country without our efforts being hampered by a narrow and selfish partisanship, which throughout every stage of the Democratic

administration, not even excepting the period of the war, has marked the conduct of so many Republican Members of this House.

From the moment Congress declared that a state of war existed between the United States and Germany until to-day, no partisan expression on the floor of this House has issued from my lips. During the long weeks and months consumed by the Ways and Means Committee in raising billions of dollars to successfully carry on the war the minority Members were welcomed in our midst and no partisanship of any kind or character ever crept into our proceedings.

The President of the United States called into his counsel the leading men of the Republican Party and the administration tried in every way to make common cause against a common enemy. I would be untrue to myself as well as to you if I did not state in this connection that many of these Republicans, with an eye single to the interests of our country, gave the best that was in them to that cause.

But all the time in this House our efforts here were hampered and obstructed by a partisanship which in its intensity at times threatened to place the love of party above the welfare of country.

Now that the war is over we find that, swollen with the conceit of a brief period of temporary power, partisanship on your side of the House reigns supreme, and many Republican Members are intolerable in their continued denunciation of Democratic extravagance, Democratic incompetency, and Democratic inefficiency.

Continually harping on the inefficieny of others comes with a bad grace from a political party which could not even perfect its own organization in this House without calling in several Republican Senators and the chairman of the Republican national executive committee, who dictated to you what you should do and who organized this House. [Applause.]

The Republican filibuster in the Senate deprived for several months the wives and widows and mothers of our soldiers of the allotments given by a Democratic administration and allowed by a Democratic House. At last, in response to an insistent demand from these widows and mothers and wives, a Republican appropriation committee finally reported a bill to give them these allotments which should have been paid to them long ago. Notwithstanding that for months the Republican filibuster had kept these dependent ones of our soldiers out of their money and the bill was reported and on the Speaker's table, yet the chairman of the Appropriation Committee refused to call up the bill and asked for more time and more delay. And when we on this side protested against a further denial of the rights of our soldiers' widows and mothers and wives we were answered not with reasons nor excuses for the delay but by an arrogant motion from the Republican floor leader to adjourn.

You Republicans talk about incompetency and inefficiency. You have a majority of nearly 50 in this House, and every Republican present voted to adjourn and further delay the payment of these allotments; yet there were so many of you efficient Republicans absent that the Democrats defeated the motion to adjourn, and the Democratic leader, Mr. CLARK, taking the place of the Republican chairman of the committee, took the bill from the Speaker's table, where you wanted it to remain, and it was passed in less than an hour. [Applause.]

The gentleman from North Carolina [Mr. KITCHIN], when he was chairman of the Ways and Means Committee, passed a bill through this House last session in 11 minutes, and every Member on both sides voted for it. It was sent to the Senate and died by reason of the Republican filibuster. The Republican chairman of the Ways and Means Committee brought in the same identical bill, without the changing of the dotting of an "i" or the crossing of a "t." What happened? Debate lasted all day, and the same bill, every one of you Republicans and Democrats voted for and passed through the House last session in 11 minutes, has never yet been voted on, but was lost for weeks somewhere on the Speaker's table.

Why, the gentleman from Ohio [Mr. LONGWORTH] would stop all the functions of the Federal Government and go to investigating everything, because he heard that a carpenter in Cincinnati had his wages raised by the War Department from $15 to $75 a week. But there is nothing unusual in this, for highly efficient Republicans are always willing to stop anything or everything to investigate any raise of a poor man's wages, but no one ever heard of them ever wanting to investigate the millions of dollars of the people's money they have turned over in tariff rates to the trusts and combines and manufacturing monopolies in exchange for campaign contributions. [Applause.]

Some time ago the Republican chairman of the Appropriations Committee told this House that there was an absolutely indefensible hospital item in the sundry civil bill that would be a loss to the Treasury of $1,500,000. The Secretary of the Treasury also told us that the expenditure of this sum would be useless extravagance, as there were hundreds of empty beds in the hospitals and there was more room now than the soldiers needed. Yet when it appears that the only way this indefensible item can be removed from the bill would be to refuse to concur in the Senate amendment and force the Senate to recede, or else by a special rule so modify the amendment that the $1,500,000 might not be a total loss, the chairman of the committee, Mr. GOOD, insisted that we concur in an amendment which, according to his statement and according to the statement of the Secretary of the Treasury, is a total loss of $1,500,000 to the taxpayers of this country. When we demanded the other alternative, the bringing in of a rule, it developed that this can not be done, because the distinguished gentleman from Ohio [Mr. FESS], a member of the Rules Committee, is absent making Republican speeches [applause], and there are other Republican members of the committee absent, and a quorum of this committee can not be secured. So the House, over Democratic protest, concurred in the Senate amendment.

The Republican Members of this House love to talk about the high prices which are now prevailing, and they say they are the result of Democratic extravagance. But I do not see how the Democrats can be responsible for the American people having to pay $1,500,000 for two or three Republican speeches made by the chairman of the Republican congressional executive committee, Mr. FESS. And in spite of the high prices which are now prevailing, I trust I will not be offensive when I express the opinion that, as wonderful an orator as the hysterical gentleman from Ohio is, the history of no Democratic administration will ever show where so much was paid and so little was received.

The Republican Party has often been compared to the Bourbons because they never learn anything by experience. There never was a more helpless and bewildered political party in the history of the Republic than that party is to-day. They are preaching progressive policies but practicing the same old reactionary measures. With the exception perhaps of one or two chairmen, every leader they have in this House and every near leader belongs to the old reactionary crowd of stand-pat Republicans, whose policies were repudiated by the American people eight years ago, and before they had been in power 30 days they returned to those practices which drove them from office a short time ago.

In the good old Republican days of a few years back, the days of gag rule, stifling debate, counting in a quorum, and the Speaker taking a member off the committee if he didn't vote to suit him, the minority was always allowed a fair representation on a partisan investigating committee, and never treated as the Democrats have repeatedly been treated when the Rules Committee brought in the gag rule on the investigation of the War Department.

In those days, bad as they were, no partisan measure was ever adopted by the Republican majority without at least giving the minority an opportunity to vote on the question in the committee. There was often no opportunity for discussion, but Mr. Speaker Reed, and Mr. Speaker Henderson, and Mr. Speaker CANNON, and the Republican membership always permitted the minority to be present at the committee and vote when the final vote was taken. The worst days of Cannonism or Reedism never denied us this. But now the Democrats are not even called in to the committee when the final vote is taken, and the first knowledge the Democratic members of the committee have of the ex parte proceedings of a committee report to investigate one of the great bureaus of this Government is when the gentleman from Kansas presents the rule which shuts off debate, prevents amendment, and upon which the previous question is ordered.

A new order of Republicanism, where the Speaker of the House stands behind the Chaplain and dictates to him what prayers and what petitions shall or shall not be sent to the throne of Almighty God.

It is, indeed, a new order of Republicanism which for the first time in the history of the Republic censures the prayers of the Chaplain, a Chaplain who has been with us for over 24 years, and who was praying to bring about a condition for peace on earth and good will to men.

We should, however, feel grateful in that so far there has been no attempt made to refuse to permit us to sit in the House and answer to our names when the roll is called.

The sensational gentleman from Pennsylvania [Mr. MOORE], and the genial gentleman from Ohio [Mr. LONGWORTH] and the hysterical gentleman from Ohio [Mr. FESS] love to charge the Democratic Party with extravagance and inefficiency and incompetency, when if they do not know, they surely ought to

know, that the present Democratic administration has not only repealed much of the mischievous Republican legislation, but at the same time has enacted into law more real substantial legislation than the Republican Party has in its entire history, and much of this remedial legislation were the redemptions of many broken Republican promises.

For years you ignored the demand that United States Senators should be elected by a popular vote of the people. We crystallized this demand into law.

For 50 years the American people have been longing for an income-tax law whereby the wealth of this country should pay its proportionate share of the burdens of government. During all those years they looked in vain to the Republican Party, for that party has never believed that the wealth of the country should ever contribute anything but Republican campaign contributions. Had it not been for the Democratic income-tax law it would have been impossible to have raised the money by taxation necessary to meet the expenses of the war.

We reduced the indefensible and prohibitive rates of the Payne-Aldrich tariff law. As to the success of the Underwood bill, we have but to point you to the reflection of the thousands of furnace fires blushing red against the skies over every industrial center in this country.

The Democratic administration has done more for labor than the Republican Party has ever done. We created the Department of Labor; we gave labor an eight-hour law, and as much as you would have liked to, not one of you dared to vote against it. We gave labor an anti-injunction law, and only 31 of you voted against it, and yet for 50 years you refused to give this legislation to labor.

Every four years the Republican Party in convention assembled would solemnly promise the American people that it would repeal the clumsy, antiquated system of currency then in operation throughout the United States—a system which in time of stress always failed to give relief, and which in the past so often failed to prevent financial panics, which paralyzed industry, destroyed commerce, and left ruin, failure, and disaster in its wake. The Democrats replaced the antiquated currency laws with a sound economic system of currency reform without which it would have been impossible to have financed the war.

The Republican Party often promised the farmer a rural credits act, but all it ever gave him was a tax on agricultural products, which was nothing but a flimsy pretext to console him for the millions of dollars wrung from his pockets every year by the plundering hand of a tariff.

I could go on for hours reviewing the real substantial legislation enacted by the Democratic administration—an antitrust law, a Federal Trade Commission, a Tariff Board, a child-labor law, and many other wholesome laws looking to the general welfare of the American people—laws many of which were promised by you, but shamelessly denied.

The Republicans voted for nearly all of the great war measures which the gentleman from Ohio [Mr. FESS] and the gentleman from Pennsylvania [Mr. MOORE] now so bitterly denounce, though both of them voted for the very measures they are denouncing.

Why, the meek and lowly gentleman from Ohio [Mr. FESS] grew hysterical in his frenzied opposition to a hospital for our sick soldiers when he found it was intended to be built in a Southern State.

The genial gentleman from Ohio [Mr. LONGWORTH] nearly choked with indignation when he discovered that, by reason of natural advantages, a nitrate plant was erected in the South.

My good friend from Pennsylvania [Mr. MOORE] has almost developed into a common scold lecturing us on Democratic extravagance in passing bills which he himself voted for. And in this connection I wish to say that there is no Member of this body who has dug oftener or deeper or more effectively in the Public Treasury securing appropriations for the Delaware River and his impossible canals.

When some measure advocated by the President of the United States and backed by the unanimous approval of the American people would be brought up in the House, you on the Republican side were the first to clamor for a roll call so you could put yourselves on record in support of the measure. But what was the record of many of you when you had a chance to obstruct the Democratic administration in the conduct of the war on matters equally important but yet not featured in newspaper headlines, and you could safely oppose them without material injury to yourselves?

When the Huns were almost in sight of Paris and the line of the Allies was being slowly but surely pushed back, the eyes of all Christendom were turned imploringly toward America for aid. Like a devastating scourge the great German war machine was sweeping on, and if our forces did not get there in time to stem the red tide of German fire and blood and steel all that the Allies had gained during the war might be lost. Yet there was much we had to do.

We had to raise, train, and equip 4,000,000 soldiers. We had to provide the machinery for the raising of these soldiers. We had to create the War Risk Bureau so the dependent ones of our soldiers could be protected in their absence. We had to create an insurance department. We had to take over railroad and telegraph and telephone lines. We had to build factories and arsenals to manufacture and store guns and ammunition and explosive shells and all kinds of munitions of war. We had to build camps to take care of these soldiers. We had to build vessels to carry them across the seas. We had to raise nearly $30,000,000,000. We had to create numerous bureaus to take care of the various war activities—the War Labor Board, the Emergency Fleet Corporation, the Food Administration, the Fuel Administration, the War Industries Board, the War Finance Corporation, and many others.

We had to provide places where these thousands of civilian employees of these bureaus and the thousands of new civilian employees of the tremendously increased business of the Quartermaster Department, the Adjutant General's Office, the Ordnance Department, and the Navy Department could attend to their duties. All this, and much more, we had to do before we could send our soldiers across the seas to face the Hun. And all the time this great work was going on, work which dazzled the world in the magnitude of the undertaking, in the rapidity of its dispatch, and in the splendor of its accomplishment, the Huns were still drawing nearer to Paris.

Once Paris was in German hands our task would be increased a hundredfold, yet notwithstanding the imperative need of haste and the feverish activity in all war preparations throughout these various bureaus and departments, in order that our soldiers might reach European soil before the line of the Allies was crushed and cut to pieces, yet notwithstanding all this, in your selfish, partisan fear that in the employment of these thousands of new civilian employees a few more Democrats might receive places than Republicans, many of you insisted that these places should be filled by civil-service regulations, though you knew that the Civil Service Commission was months behind in its work and would delay these war preparations for weeks. And you should have known that the price we would have had to pay for this delay would have been paid in the blood of the young manhood of our country.

When it became necessary to not alone finance our own war expenses but those of our allies as well and the Treasury Department was working three shifts a day printing and taking care of the sale of Liberty bonds and war savings stamps, looking after the allotments of our soldiers, and busier than ever before in its entire history, working at top speed all the time, you were continually hampering the Secretary of the Treasury by offering continued resolutions of investigation and demanding itemized statements of the expenditures of the different branches of the department, delaying and hindering this important work at this critical time in the vain hope that in the immense volume of business before the Treasury Department you might find something which would reflect upon the Democratic administration and bring discredit upon the greatest Secretary of the Treasury since the days of Robert J. Walker. [Applause.]

Several times you Republicans tried to take the management and control of this war out of the hands of President Wilson and the Democratic administration and put this management in the control of a joint committee of Members of the House and Senate. Had you been successful in your efforts to do this, and had the control of this war been placed in the hands of a partisan committee, you might have succeeded in embarrassing President Wilson; you might have succeeded in embarrassing the Democratic administration; you might have succeeded in embarrassing the cause of human liberty, for little, indeed, might have been accomplished by such a committee. To-day arguments, disputes, and wrangles might still be going on in that committee and the Huns might yet be on this side of the Rhine.

What is there in the record of the Republican administrations in the conduct of a war that even in a remote degree justifies you in asking the American people to permit you to take part in the management and control of a war? They gave you a chance to show what you could do in the Spanish-American War.

According to the report of your own investigating commission, the almost criminally inefficient and incompetent manner in which that war was conducted by the Republican administration branded your party as utterly incapable and incompetent to handle such matters even on a small scale.

A Republican investigating commission, appointed by a Republican President, after being in session for 108 days, reported that during the War with Spain there was lacking in the general

administration of the War Department that complete grasp of the situation which was essential to high efficiency.

Throughout all the hearing in this report we find that soldiers months after we had entered the war, and after they had been mobilized here in our own country, died by the hundreds from neglect and lack of proper medicine which should have been furnished them.

The report shows incompetency and inefficiency everywhere. It shows how guns fitted to improper carriages were sent useless into the field; it shows that small packages of medicine were shipped from one point to another in the United States by freight instead of by express and did not reach their destination for months [applause on the Democratic side]; it shows that after the war was over troops that were in the field since the beginning of the war had never been supplied with sufficient clothing or camp and garrison equipage [applause on the Democratic side]; it shows that the belts furnished the soldiers at Chickamauga were absolutely worthless on account of their flimsy character, poorness of sewing, and lack of room for the cartridges; why, months after we entered the war the only medicine on hand for weeks in base hospitals was a supply of salts, castor oil, and quinine.

Gen. Miles said that the beef furnished the soldiers would not be good in any country in the stomach of any man. The chief surgeon, at Chickamauga, testified that sick soldiers had to buy medicine at their own expense, and the testimony shows that the soldiers on transports had to trade the very shirts off their backs to the sailors for food.

When Camp Thomas, at Chickamauga, where we had 60,000 soldiers, was a veritable pest hole, according to the testimony under oath of Maj. Helborn, of Kentucky, the Quartermaster Department failed to furnish tents, and the men having fever, measles, and other diseases were exposed to the rain on rainy nights.

Gen. Brooke, in command at this camp, was clamoring for tents and supplies and medicines, which he did not receive for weeks, though at the same time there were immense stores piled up at St. Louis only a few hundred miles away. Asst. Surg. Gen. Wright was asked by the investigating commission this question:

Would it not have been just as easy for you as chief medical purveyor of the Western Department to have your office at Camp Thomas as to have had it at St. Louis?

He replied:

Hardly. * * * There was an immense stock of goods there. It would take days to move them, and it could not be done at an expense under $2,000.

The commission then asked Gen. Wright:

Would it have been possible if you had had the necessary orders to have purchased within a very short time all the cots, all the hospital supplies needed, either in the city of St. Louis or by telegraph from other cities adjacent?

Gen. Wright replied:

We could have furnished them certainly by early in June if we had directions to make provision for them.

Yet, on June 28, the chief surgeon at Camp Thomas wired Washington:

Desks, pouches, medical chests, surgical instruments urgently needed.

And later on in July he again wires that—

the medical supply officer here has repeatedly been directed by me to make requisition for supplies.

And a week later he wires Washington that he did not even have enough blank forms on hand for keeping a record of the sick.

And yet Surg. Gen. Wright stated on oath that these supplies could have been secured early in June if he had had authority or orders to provide them, but that it would cost $2,000 to move them from St. Louis.

It is no wonder, Mr. Speaker, that a political descendant of an economical administration like that holds up his hands in holy horror at the bare thought of the wages of a carpenter in Cincinnati being raised by the extravagant Democratic administration. But the Democratic administration would rather pay a carpenter more money than he was worth than permit hundreds of our young American boys, dying with typhoid, dysentery, and other diseases, to lie in the rain, on the bare ground, in the cold mountain air, with no cots to lay in, no tents above their heads, and no medical supplies other than what these poor sick soldiers bought with money taken from their own pockets.

But this inefficiency was not confined to the Medical Department and the Quartermaster Department, but everywhere. In July Gen. Brooke wired The Adjutant General:

I deem it my duty to say that there has not been one single regiment fully equipped under the present system of supplying the ordnance equipment of the soldiers.

From Jacksonville the Chief of Ordnance of the Seventh Corps wires:

Not a single bayonet, scabbard, cartridge belt, canteen, haversack, blanket, bag, and no oil and cleaning material have been received by the corps at this station, notwithstanding requisitions and repeated letters and telegrams.

The commission stated that the purchase of 7,000,000 rations by the commissary general was a colossal error for which there was no parallel.

There were instances of trainloads of sick and dying soldiers being sent through the United States without a single medical man in attendance.

At Chickamauga, according to the testimony of Maj. Coggswell, the soldiers were without meat of any kind for three weeks.

At some of the camps no laundries were in operation and great quantities of soiled bedding and sheets, and so forth, were piled up and burned.

The commissary general of the Army was court-martialed. A round robin signed by men of the high character and standing of President Theodore Roosevelt, Gen. Joseph Wheeler, Gen. Leonard Wood, Gen. Henry W. Lawton, and many others complained of the lack of knowledge in Washington of conditions in Cuba, and urged the War Department to take some action before it was too late or the Army would perish from sickness and disease—a communication from the leading officers of the American Army in Cuba which, in the language of Secretary of War Alger, "afflicted the country with a plague of anguish and apprehension."

I am not criticizing the Republican administration for these unfortunate occurrences and this state of affairs, for I know that everyone connected with that administration did the best they could for our soldiers. I am only mentioning this to show that with the best intentions in the world to do right the Republican administration was incompetent and inefficient and did not know how to conduct and manage a war. [Laughter on the Republican side.]

No; I am not criticizing it; I think you did the best you could. Now, I yield to anyone over on that side to state that you did not do the best you could.

SEVERAL REPUBLICAN MEMBERS. We do not think that you are criticizing us.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. COLLIER. I can not yield. Give me 5 or 10 minutes more and I will yield to every one of you.

Mr. SMITH of Michigan. I will give the gentleman an hour.

Mr. COLLIER. If the House will give—ask unanimous consent for 10 minutes more time.

Mr. SMITH of Michigan. I ask unanimous consent of the gentleman to yield.

Mr. COLLIER. I ask you to give me 10 minutes more time. Do not take up my time.

Mr. BLANTON. Mr. Speaker, a point of order.

Mr. COLLIER. Mr. Speaker, I hope that this is not to be taken out of my time.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I submit as a point of order that it is improper for Members to interfere with a gentleman who has the floor, and I ask for a ruling on my point of order.

Mr. KNUTSON. Mr. Speaker, I ask that the gentleman from Texas be called to order.

Mr. BLANTON. The gentleman from Texas has a right to make a point of order, Mr. Speaker, when Republicans are out of order.

Mr. COLLIER. I hope this does not come out of my time.

The report of the investigating commission further shows that when Gen. Shafter was sending imploring telegrams to the department here in Washington for medicine and hospital supplies these medicines and supplies were packed in the holds of transports under heavy freight and kept on these transports for months, and many of them were returned to the United States unloaded, because no one knew where they were. Why, the report shows that one 200-bed hospital outfit, beds, operating tables, surgical instruments, blankets, an entire outfit, several carloads of supplies, were shipped to one of the camps here in the United States and were lost and never found until after the war, when they were discovered in an abandoned warehouse.

And, with a record like this not much more than 20 years ago, you wanted us to take the control and management of this war out of the hands of President Wilson and the Democratic administration and turn it over in part to you.

I do not intend to go further into the report of the investigating commission other than to give you one of the conclusions

of the commission, and I give you this only as justification to us in refusing to permit you to take the management of the war away from the Democratic administration. "Fortunately for the sick at various times and in many places," recited the commission, "private charity came to the rescue, and a large amount of milk and ice, of delicacies, of even lacking medicines, instruments, and articles of hospital furniture were supplied by the National Relief Commission, auxiliary Red Cross associations, State and local aid societies, and individuals. * * * It was a fact, and one to be regretted, one that should not have existed, that again and again agents of private organizations had on hand and ready for issue an abundance of necessary and needed supplies when the officers of the Government whose duty it was to furnish them did not have them and therefore could not give them out."

And yet because we raised the wages of a carpenter in Cincinnati and were doubtless extravagant in building camps on cost-plus contracts, and located a nitrate plant in the South, and had a quantity of canned goods left over after the war, the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Ohio [Mr. FESS] and the gentleman from Nebraska [Mr. REAVIS] would not only have taken away from the Democratic administration and President Wilson the management and control of the most successfully conducted war in the world's history, but at the same time in their partisanship they would blacken and soil and besmirch some of the brightest pages in the annals of our country. [Applause on the Democratic side.]

But, Mr. Speaker, I would not be fair either to this House or to myself if I did not state that the Republican investigating commission excused the greater part of the inefficiency and incompetency of the Republican administration because of the stupendous task of raising an army of nearly 250,000 men and sending nearly 20,000 of them a few hundred miles to Cuba. It was too big a job for the Republican administration. [Applause on the Democratic side.]

For every soldier the Republican administration sent a few hundred miles to Cuba and failed to give him needed medicine, equipment, and supplies, the Democratic administration sent over 100 men, fully equipped with all medicine, hospital, and other supplies, over 3,000 miles to Europe, and at the same time took care of over 2,000,000 soldiers here in the United States.

Mr. Speaker, if the Republican administration, though honestly and patriotically doing the very best it could, was unable to properly equip and take care of 250,000 soldiers during the progress of a war a few hundred miles from our shores, should not the American people thank God that when it came to the equipping and taking care of an Army of over 4,000,000 soldiers and safely sending 2,000,000 of them over 3,000 miles across the seas, to meet what was then supposed to be the greatest and most powerful military machine on the face of the earth, and, meeting it, break that machine to pieces as they drove the great army of Huns in confusion across the Rhine, should not the American people thank God that in the great World War there was in power an administration which knew how such a war should be properly and victoriously conducted? [Applause on the Democratic side.]

The mistakes, Mr. Speaker, of the Republican administration in the War with Spain have been buried for over 20 years. They have been forgotten, and all we remember is the glory and valor of American achievement, as our brave soldiers in a tropical land willingly offered their lives that a nation might be free. Yes; the mistakes have been buried for over 20 years, and it is with reluctance that I open a grave which we all hoped had been sealed forever. My only justification in briefly resurrecting this part of the history of that conflict with Spain is to show how dangerous and how cruel it would have been to our soldiers and their loved ones here in the United States for us to have permitted the management and control of this war to have been taken out of the hands of the Democratic administration and turned over, even in part, to the political descendant of those who, however earnestly and patriotically trying to do the best they could, yet made such costly, deadly, and colossal blunders in the Spanish-American War. [Applause on the Democratic side.]

When you found that President Wilson was rapidly becoming the foremost figure in all the world and that something must be done to discredit the Democratic administration so that you might be kept in power, you conceived the idea of starting out almost as a unit against the league of nations.

Why, a resolution was introduced by one of your greatest leaders to practically nullify any part we might play in the league. The papers were full of the resolution. The Republican leaders gave out their interviews favoring this resolution and the day was set when it should be adopted. But that day has long passed, and, like the bill brought in by the chairman of the Ways and Means Committee of this House, the resolution is lying somewhere on the Senate table in the hope that it may be forgotten. It seems that patriotic and far-seeing men like Mr. Taft and Mr. Root and Mr. Wickersham told your wonderful leaders that if they did not want to destroy the Republican Party they had better stop trying to obstruct the advance of human progress, because the American people were in favor of some kind of an agreement which would, at least for a while, put an end to these cruel and unnecessary wars.

From the moment the President landed in France you Republican leaders have done all you could to discredit him with the European powers. President Wilson as soon as war was declared called to his aid the best men he could find in this country, regardless of their political affiliations. He made a former Republican President chairman of the War Labor Board. He made his late Republican antagonist, Hughes, chairman of the aircraft investigation. Schwab, a Republican, was made chairman of the Emergency Fleet Corporation. Phillips, Assistant Secretary of State, and Woolsey, Solicitor for the State Department, both Republicans. Two Republican Assistant Secretaries of the Treasury, Leffingwell and Rowe, and three Republican Assistant Secretaries of War, Crowell, Keppel, and Stettinius. Vanderlip, a Republican, chairman of the War Savings Stamp Commission, and Bielaski, a Republican, chief of the important bureau of investigation. Garfield, a Republican, Fuel Administrator, and Hoover, a Republican, Food Administrator.

In his fight against the Hun, President Wilson showed a patriotism above partisanship and party lines. Did you Republican Members of this House and elsewhere, in President Wilson's fight to preserve peace and tranquillity throughout the world, did you rise above partisanship and party lines? [Applause on the Democratic side.]

When Woodrow Wilson sat at the peace table at Versailles he was not alone your spokesman, not alone our spokesman, but the spokesman of 100,000,000 American people. But every utterance of his before that great tribunal, of which he was the leading figure, was criticized by the Republican leaders, who in order to make political capital tried in every way they could to embarrass and humiliate and discredit the representative of all the American people as in their name and by their desire he tried as best he could to bring about a condition which would insure peace and happiness and tranquillity to the human race for generations to come. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent that the gentleman may be permitted to conclude his remarks.

Mr. COLLIER. Just one minute more.

The SPEAKER. Is there objection to the gentleman's continuing for one minute more?

Mr. VAILE. Mr. Speaker, reserving the right to object, which, of course, I shall not do, I would like to ask the gentleman to yield to a question.

Mr. COLLIER. If the gentleman will make it five minutes, I will yield.

Mr. VAILE. Mr. Speaker, I ask that the gentleman have five minutes more.

The SPEAKER. The gentleman from Colorado [Mr. VAILE] asks unanimous consent that the gentleman may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. COLLIER. I thank the House for this indulgence. In one moment I will yield to the gentleman.

But now, when you find that the democracy of this country, the American Federation of Labor, the women's organizations, the business men's leagues, all of the Democratic and independent press, and over 80 per cent of the Republican newspapers are behind Woodrow Wilson and England and France and Italy and Belgium and 41 other civilized nations for the peace treaty and the league of nations, and that, on the other hand, there is against this peace treaty and the league of nations Germany, who brought on the war; the unspeakable Turk, the murderer of the Christian; and a few misguided Republican leaders in this country, who know not what they do; when you Republicans find all this, I prophesy that there is going to be the greatest change of heart on the Republican side of this House ever before witnessed in the history of politics in this country. [Applause on the Democratic side.]

Now I will yield to the gentleman.

Mr. VAILE. The gentleman devoted the first part of his very interesting address to a criticism of the Republican side of the House for passing an appropriation of $1,500,000 for hospitals asked for by the Public Health Service. Is it possible that the gentleman, who was a Member of the Sixty-fifth Congress, has

forgotten that the appropriation was passed by the Sixty-fifth Congress, and does he not know that a large part of that appropriation had been expended before this Congress convened, and does not he know that the appropriation was asked for by the Public Health Service, which now, as then, is under Democratic administration?

Mr. COLLIER. The gentleman knows this, that in the closing hours of a three months' session of Congress a great deal is passed; but the gentleman knows this, too, that the Secretary of the Treasury came in and told us that this hospital item was an absolutely useless piece of extravagance, because there were hundreds of empty beds in the hospitals and more room then than the soldiers could use. The gentleman knows that his own chairman of the Appropriations Committee, the gentleman from Iowa [Mr. GOOD], a man for whom I have the kindest personal feelings and the highest regard, came in and told this House it was an absolutely indefensible proposition; and yet, a few days afterwards, that same gentleman got up on this floor and asked the House to concur in an amendment which, according to his own statement and according to the statement of the Secretary of the Treasury, was a loss of $1,500,000 to the taxpayers of this country; and I can not reconcile myself to your hypocritical assertion that all the time you were for retrenchment.

Mr. VAILE. I would like to discuss further the matter of a hospital asked for by the Public Health Service, but another gentleman, the gentleman from Michigan [Mr. SMITH], would like to ask a question.

Mr. COLLIER. I am always glad to yield to my friend from Michigan.

Mr. SMITH of Michigan. I would like to inquire whether it was not the Republican Party and a Republican leader of the Committee on Military Affairs on this side of the House that put through the bill for conscription of soldiers and the raising of this Army about which you are talking? [Applause on the Republican side.]

Mr. COLLIER. I say that the gentleman from California [Mr. KAHN], for whom I have the highest respect and regard, led that part of the fight in which a great majority of the Democrats on this side assisted. I stated in my remarks that not all Republicans opposed all the administration measures. Why, bless my soul, there are 210 or 220 of you, and you can not get that many men together without getting up three or more tolerably good men. [Applause and laughter on the Democratic side.]

The SPEAKER. The time of the gentleman from Mississippi has again expired.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman may have two minutes more.

Mr. CAMPBELL of Kansas. I object.

The SPEAKER. Objection is made.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. WOOD of Indiana. Reserving the right to object—and I am not intending to object—I would like to have unanimous consent to proceed for 10 minutes at the conclusion of the gentleman's remarks.

The SPEAKER. The gentleman from Indiana couples with the request of the gentleman from Minnesota a request that he shall have 10 minutes at the conclusion of the remarks of the gentleman from Minnesota. Is there objection?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that each Member of our Republican colleagues on that side shall have 10 minutes in which to answer the gentleman from Mississippi [Mr. COLLIER]. [Laughter.]

The SPEAKER. Is there objection to the requests of the gentleman from Minnesota and the gentleman from Indiana?

There was no objection.

Mr. KNUTSON. Mr. Speaker, the gentleman from Mississippi [Mr. COLLIER] has paid a most eloquent tribute to Democratic efficiency. I have here a letter written by a soldier boy serving in northern Russia, which is also a testimonial to Democratic efficiency, and I will ask to have it read from the desk in my time.

The Clerk read as follows:

SUFFERING ON RUSSIAN FRONT—BRAINERD SOLDIER WRITES A HARROWING STORY OF PRIVATION ENDURED—ARE FIGHTING TWO BATTLES—TRYING TO KEEP FROM STARVING TO DEATH AND DODGING BULLETS—MEN ON DETACHED SERVICE.

In a letter which eluded the censor, being carried across seas and then mailed in the United States, ——— ———, of the One hundred and sixty-eighth Company, Transport Corps, United States Army, stationed at Syren, North Russia, under date of May 28, describes the suffering and privation of American soldiers stationed there. He says:

"We are under the British, and they sure are trying to give us a rotten deal. Our ration is rotten—that is, English corn bull, M. & V. mixture, and their old hard-tack, which our dogs refuse to eat—but they expect us to fight and work with that kind of stuff.

"We do not get any potatoes or vegetables of any kind, nor bread, and if I have to stay here for the winter I am going to dig my own grave, providing some Bolsheviki does not bump me off, and that will save me the trouble.

"We came to this country to open up the railroads, so as to get American troops out of Archangel, but we are not doing such work.

"We are fighting for our lives, as the Russians do not want us here, and we have no business here at all. They put us on detached service, in which they split us all up in small bunches of 20 and 30. Well, we have captured several towns, and now we are on our way to Petrograd.

"When we came over to this country we had 720 men, and now we have 340 left, so you can imagine how the Bolsheviki are bumping us off. They have got us outnumbered 50 to 1, and they have good guns and plenty of ammunition. We are using Russian guns and what we captured from the Bolsheviks.

"We are trying to fight two battles at once—that is, trying to keep from starving to death and dodging bullets.

"We did pretty well a week ago, when we held up a train and got a carload of jam, cigarettes, tobacco, sugar, hard-tack, coffee, and also a carload of rum, and we sure had a good time. These rations belong to the British. They say 'the bloody Yanks steal everything and even take our bloody rum.'

"We do all the fighting and the British want all the credit. All we want is a transport to take us to the U. S. A., and then we will tell the people all about this war in Russia and also tell them about France.

"We do not have any trenches to fight in over here. It is all swamp land and rocks. We are living worse than a bunch of hogs. You should see us. We are full of cooties, dirty, ragged, no hair cut, no shave, and you should see your ragged soldier now. I sure would like to have a picture of myself just to show you what I look like.

"I have been all over the States, but that was a paradise compared with the life I am putting up with in this dump.

"This is the first chance I ever had to tell you about this war, as the censor will not get to see this letter at all. There are a few of our boys leaving for the U. S. A. in a few days, wounded and discharged, and one is taking my letter and will mail it in the States.

* * * * * * *

"When I land in the States they will have to civilize me all over again, as I am as ignorant and dumb as a mule. Show this letter to my old pal Hank. Will tell you more about this war when I get home."

Mr. KNUTSON. Is it any wonder that the boys who come back are loud in their praises of this administration? [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, in the time allotted to me I wish to call attention to a resolution which I introduced on yesterday in reference to sending troops to Europe. On Tuesday morning I saw announced in the press, as perhaps all of you did, the statement that it was the intention of the War Department to send the Fifth and Fiftieth Infantry Regiments to Silesia. I waited to see whether or not this announcement would be confirmed by the evening papers. Nothing appeared in the evening papers on the subject, but on yesterday morning there was a further announcement that there was trouble in the mines in Silesia, and that in all probability foreign troops, including troops of the United States, would have to be called over there for the purpose of protecting them.

Desiring to know the facts in regard to this proposal, I went to the War Department, and there discovered that it is true that the regiments referred to have been ordered to Europe. I also discovered that the War Department was greatly chagrined at the information being published that it was their intention to send these troops over there. To use the language expressed to me in regard to this matter, they said "the cat had got out of the bag" from the other side and came through the cablegram sent to this country announcing this fact from Coblenz. When I asked what the purpose was in sending these troops over there, I was told that it was for the purpose of affording police protection in guarding the mines in Silesia. I was told that the further purpose was to afford protection to the railroads leading into the country where these mines are situated. A further excuse was given for sending these men over there to the effect that there is a plebiscite soon to be held in Silesia, and that these troops would act as policemen in enforcing order during the period of the campaign and up to the time of holding the election in the plebiscite.

Now, the reason why they sought to conceal this action from the American people is perfectly plain. The American people have been led to believe from statements emanating from the War Department that our troops are being brought back as fast as possible, and that they would all be brought back from France and from Germany not later than September. No wonder that they did not want the American people to know that in violation of this promise they are sending new troops over to Europe.

And why are they sending them there? I was further informed that through an interallied agreement made between the President of the United States and the allied countries it was arranged that if called upon we would send soldiers from this country over there to do police duty, the character of which is expressed by the War Department in this instance. The American people are unalterably opposed to sending more troops to Europe. [Applause.]

I see from the headlines of the press before me now that American soldiers are fighting in Silesia at this moment. We are fighting there an undeclared war. This country is not at

war with Silesia, and we are intermeddling with affairs over there with which we have, and should have, nothing to do. It brings to my mind in most forcible fashion what we may expect, if you please, if this entangling alliance proposed in the articles of the peace convenant for a league of nations is entered upon. This is but a foretaste of what would be expected of us. All the little States created by this peace council are now at war with each other. Some of them will constantly be calling upon the United States to send troops over there to do the duty that these troops are now being sent over for.

If you please, I wish to call your attention to this further additional fact, that now, when we have trouble enough throughout this country of ours, and when, God knows, there is trouble enough across the border in Mexico, is it not time that we are attending to our own affairs, attending to the people who need our protection along our border, and if we want to furnish occupation for our troops we should use them there, instead of sending them across the ocean to Europe to meddle in the international affairs with which we have nothing to do?

There are practically, in round numbers, 3,600 men in a regiment, so that 7,200 men are included within these two regiments which are to go to Europe, costing the American people, if you please, $1,500,000 for transportation alone, and in addition to that we will have to pay a head tax to get them in there and a head tax to get them out, the same as was charged by France for getting our men into France and out. To do what? Not to discharge any service to the American people or perform any duty of ours, but in violation of the Constitution of the United States to invade neutral territory. I think that the American people should be apprised of this fact. [Applause.] I know that they will resent it. I know that the American people who have sons over there now are praying night and day for their coming back. It may be that no man on this floor has a son or a relative in either the Fifth or the Fiftieth Regiments, but there are fathers and mothers who have sons there, who have thought and have had reason to believe, by virtue of the promises made by this administration, that their sons would no longer be called upon to engage in war on the other side of the sea. We are representing them here, and it is our duty as representatives of the people to voice the protests that we know the people are uttering and to express by our voice and our action our determination to see to it that the wishes of the people and the promises of this administration are kept, or if violated that it be over our protest. I hope that this resolution will not be treated as a partisan measure, but that it will be treated with the spirit in which it has been offered, and an expression be had from every gentleman here with reference to what he thinks and what his people are thinking concerning our sending troops over there and keeping them there after the war has ceased, when we are trying to reestablish our normal conditions in this country. God knows that that task is enough without our taking upon ourselves all of the troubles that are perplexing Europe.

Mr. KNUTSON. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Minnesota?

Mr. KNUTSON. Has the gentleman seen statements in the papers to the effect that some prominent official has stated that in the event we enter the proposed league of nations it will be necessary to keep American troops in Europe for 15 years before peace is actually established over the world?

Mr. WOOD of Indiana. That is admitted by the War Department, and it is further urged by the War Department that in the event of the consummation of this league of nations we will have to keep a minimum standing army of 500,000 men, so that we will be ready at all times to contribute whenever called upon for American troops who may be required to do police duty in Europe.

Mr. BLANTON. Will the distinguished gentleman yield for a question?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. If the gentleman wants to get our boys home and keep them home, I would suggest that he get the Republican leaders at the other end of the Capitol to ratify the treaty and bring us peace, and then we will bring them home. [Applause.]

Mr. WOOD of Indiana. I wish to say that that is a mere subterfuge, and this is a sample of it. If this administration is doing these things before it has the sanction of law by virtue of the ratification of this treaty, and if this administration is taking the power into its own hands to send our soldiers over there without authority, how much more will it do when it has the sanction of this so-called league of nations? [Applause.] There are more than 20 countries at war over there now. If we are going to guarantee peace over there to all these countries, do you think there will ever come a time when we will not be called upon to send and keep troops over there? For more than 2,000 years the States that constitute the Balkans have been in intermittent war. For 2,000 years more they will be in war, and one side or the other will be constantly and eternally calling upon the United States to come over and participate in their differences. What do you think of this prospect? To my mind it is fraught with danger, dark and sinister, threatening not only our hoped-for peace and tranquillity but also threatening the very life of our system of government.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Would not this treaty have been ratified long ago if it had not insisted upon our entering into entangling alliances with Europe and restricting American rights? [Applause.]

Mr. WOOD of Indiana. There is no question about that. And speaking about possibilities, if the President of the United States had sent some representative citizens of the United States over there when the armistice was signed to negotiate a peace treaty, and had he proclaimed to the people of the world, "We have done the work that we went over there to do and have done it well, and we will bring our troops home, and henceforth we will live as we have lived heretofore, content in attending to our own affairs, and by precept and example continuing to show the nations of the earth the possibilities of a free people under a practical democracy to govern themselves and maintain peace and prosperity," he would have proven himself an American worthy of the plaudits of all Americans. [Applause.]

Mr. KNUTSON. Will the gentleman yield?

Mr. HARDY of Texas. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Texas.

Mr. HARDY of Texas. Does not the gentleman know that with the league of nations and the disarmament agreed to under section 8 every nation on earth, the United States included, will have a smaller navy and a smaller army than it would without it?

Mr. WOOD of Indiana. If that be true, why is it that not only the Government of the United States but all Europe, England especially, is looking to the erection of a greater navy than ever before? [Applause.]

Mr. SMITH of Michigan. Tell him about article 10.

Mr. WOOD of Indiana. Yes; why is it that the President is so insistent upon the ratification of article 10? The answer is plain; it is furnished in the action of the President in sending these new troops to Silesia—a most practical demonstration of the purpose of article 10.

The SPEAKER. The time of the gentleman has expired.

Mr. KNUTSON. I ask unanimous consent that the time of the gentleman from Indiana be extended two minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Indiana [Mr. WOOD] be extended two minutes. Is there objection?

There was no objection.

Mr. KNUTSON. If the point made by the gentleman from Texas [Mr. HARDY] is well founded, why the necessity for a separate treaty with France?

Mr. WOOD of Indiana. The best answer is that the French people have no faith in this league of nations, and they would ten to one rather have the independent guaranty of England and of the United States to protect them in the future than the guaranty of the league of nations which has been proposed.

Mr. KNUTSON. Will the gentleman yield further?

Mr. WOOD of Indiana. Yes.

Mr. KNUTSON. Is it not a fact that the article of the treaty which provides for handing over 36,000,000 republicans in China to the autocratic rule of Japan is doing more to delay this peace treaty than any other one agency?

Mr. WOOD of Indiana. Yes; and it is doing more to dishonor the United States than anything that has ever happened before. [Applause.]

The SPEAKER. The time of the gentleman has expired.

BRIDGE ACROSS PERDIDO RIVER, ALA.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1362) for the construction of a bridge across the Perdido River.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill (S. 1362) to authorize Hiram I. Sage, a citizen of Baldwin County, Ala., to construct and maintain a bridge across the Perdido River at or near Nunez Ferry.

The SPEAKER. Is there objection to the immediate consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That Hiram I. Sage, of Baldwin County, Ala., his heirs and assigns, be, and he is hereby, authorized to construct, maintain, and operate a toll bridge and approaches thereto across the Perdido River, at a point suitable to the interests of navigation, in section 22, township 6 south, range 6 east, in Baldwin County, Ala., at or near the point known as Nunez Ferry, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

GENERAL OF THE ARMIES OF THE UNITED STATES.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 265.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7594, being a bill relating to the creation of the office of General in the Armies of the United States. That there shall be 30 minutes of general debate; one-half to be controlled by the gentleman from California, Mr. KAHN; one-half to be controlled by the gentleman from Alabama, Mr. DENT. At the conclusion of the general debate the bill shall be read for amendments, whereupon the bill with the amendments, if any, shall be reported to the House. That the previous questions shall be considered as ordered on the bill and all amendments to final passage, without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, since agreeing with the resolution which provides for 30 minutes' debate on the bill which it makes in order, gentlemen have asked for more time for the consideration of the general subject than is permitted under the rule. I shall therefore take the hour entitled under the rule and divide it with the gentleman from North Carolina [Mr. POU].

Mr. BEE. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. For a question.

Mr. BEE. This is a bill to confer the grade of general upon Gen. Pershing?

Mr. CAMPBELL of Kansas. It makes in order a bill authorizing the President to appoint a general of the Army——

Mr. BEE. Will Members be indulged in political discussion, or is it contemplated that the discussion will be confined to the bill?

Mr. CAMPBELL of Kansas. I assume that gentlemen will confine themselves to the subject matter under consideration. I yield 30 minutes to the gentleman from North Carolina [Mr. POU], and ask him to use some of his time.

The SPEAKER. The gentleman from North Carolina is recognized for 30 minutes.

Mr. POU. I will say that this resolution makes in order a bill which will authorize the President to confer the highest Army rank and title on Gen. Pershing. I think I voice the sentiment of every man on this side of the Chamber by saying that it has our unanimous support; that the man who was designated by the President as the head of our military forces in Europe has made such a record that he is entitled to this high rank and honor.

I could speak more in detail about the great work of Gen. Pershing, and the splendid Army under him, but I believe that it is not necessary. I believe there is a feeling throughout the United States on the part of the man on the street, the business man, the professional man, and everybody who has followed the course of events in Europe, that Gen. Pershing is entitled to the highest military honor that can be conferred by this Government. [Applause.]

Let us hope he is at least one man who will not be charged with inefficiency; I hope so. I will say for myself that under his administration the war was brought to an end very much sooner than I for one dreamed that it could be finished. Just where he could have been more efficient, as a layman I do not know. We do know that he was sent over there to do the job, and he did it in much quicker time than anybody dreamed he could do it. [Applause.] The loss among the American troops was very much less than the average man feared it would be. So I say that I believe this is a resolution which this House will take pleasure in passing, in recognizing the splendid achievements of this general who was the head of our military forces in Europe. [Applause.]

Mr. DYER. Will the gentleman yield?

Mr. POU. Yes.

Mr. DYER. Will the gentleman tell us what became of the recommendation that Gen. March was to be included in the bill?

Mr. POU. I can not answer that question. I can only state what I have heard, but I think the inquiry of my friend had best be addressed to the chairman of the Committee on Military Affairs.

Mr. DYER. It was not before the Committee on Rules?

Mr. POU. No.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. POU. Yes.

Mr. THOMPSON of Oklahoma. This resolution does not authorize the conferring of the grade of general on Gen. March?

Mr. POU. The resolution only confers authority on the President to appoint Gen. Pershing.

Mr. CAMPBELL of Kansas. That is correct.

Mr. THOMPSON of Oklahoma. And it could not authorize the conferring of the grade upon Gen. March?

Mr. CAMPBELL of Kansas. Not this resolution.

Mr. POU. There is only one appointment that could be made under the wording of the bill.

Mr. THOMPSON of Oklahoma. I think there is no doubt as to what the President would do as between Gen. Pershing and Gen. March.

Mr. POU. We understand that the purpose of the bill is to give the President of the United States the authority to confer this title upon Gen. Pershing.

Mr. CAMPBELL of Kansas. If the gentleman will permit me, the bill provides that—

the President is hereby authorized, in his discretion and by and with the advice and consent of the Senate, to appoint to said office a general officer of the Army who, on foreign soil and during the recent war, has been especially distinguished in the higher command of military forces of the United States.

Mr. POU. The provisions of the bill are such that there could not be any uncertainty.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 20 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the gentleman from North Carolina [Mr. POU] has well said that practically every individual in this country will favor this legislation. I think, however, that it is proper to put into the RECORD at this time some of the wonderful achievements of the commander in chief of the American Expeditionary Forces, Gen. John J. Pershing.

During the history of our country we have had only three generals of the Army. They were appointed after the Civil War. Gens. Grant, Sherman, and Sheridan were the only ones thus honored. During the period after the formation of our Government, when we began to have trouble with France, Congress created the grade of lieutenant general of the Army. It was understood that Gen. George Washington was to be appointed to that grade, and, as a matter of fact, when the law was passed President Adams sent in to the Senate the nomination of Gen. Washington as lieutenant general of the Army. He was promptly confirmed, and the then Secretary of War, Gen. McHenry, took the commission personally to Mount Vernon and there delivered it to Gen. Washington, who was then working out in his fields. In accepting the commission Gen. Washington gave utterance to a thought that I believe ought to be indelibly impressed upon the mind of every child of this country. He said, "I am ready for any service I can give to my country." [Applause.] That was the spirit that actuated Gen. Pershing and all of the officers and men of his command who went to Europe to fight this war for our country. The first thing that Gen. Pershing did that was of great importance to the American forces was to insist that his forces should fight as an American Army. Both the French and English demanded that our soldiers be used as replacement troops. In other words, if they had gone into a battle and five or six thousand of their soldiers were killed or wounded, we were to immediately furnish the requisite number of men to fight under their generals as replacement troops.

From the beginning Gen. Pershing fought that proposition. Not only the high command of the French and the high command of the British forces insisted that this procedure should be adopted by us, but the statesmen of those two countries took the same position. Gen. Pershing finally said that we would fight as an American Army if we fought at all. He gained his point, and by fighting as an American Army our soldiers brought the war materially to a speedier conclusion. [Applause.]

Gen. Pershing had been in Europe but a few months when he began to realize that the only way to bring the war to a speedy conclusion was to hammer and hammer away continually and never give the enemy a chance to dig in. He, therefore, sent a cable to this country in October, 1917, urging that the men of our forces be trained for open warfare, not for

trench warfare. He urged rifle-fire training and the use of the bayonet, for he saw that the Germans were mortally afraid of bayonet charges. He knew that the Americans would shine if they were to be allowed to use the bayonet upon the enemy when they came in close contact. That course, as suggested by Gen. Pershing, was followed, and the result was that when the American armies began their forward movements they never gave the Germans a chance to dig into trenches. That was another reason that contributed to the speedy termination of the war. [Applause.]

Gen. Pershing had been on the other side but a few months when he realized that it was important that the enemy be driven out of the St. Mihiel salient. The plan to accomplish such a result was formulated by the Americans as early as September, 1917. Pershing was not able to carry it into immediate effect. He had not the necessary troops. We were in that neighborhood at Toul, training, getting ready. But after the Chauteau-Thierry fight he undertook to carry out the plans that he and his staff officers had formulated for the St. Mihiel drive.

I want to say that when that plan was submitted, as it had to be submitted, to the French high command the latter did not alter in any particular the plan that was made by the Americans. The St. Mihiel fight was carried out to a successful issue according to those plans. In 27 hours Gen. Pershing and his army drove out the enemy, who had occupied that territory for practically four years. Thousands of the allied troops had lost their lives in trying to take portions of that salient. They were unsuccessful; but under the plans of Gen. Pershing we secured a substantial victory in that region, which caused the enemy to retire from a large extent of territory he had theretofore been holding against terrific but unsuccessful drives of the allied forces.

After Sir Douglas Haig had made his despairing cry to the British Army to stand with their backs to the wall, during the March drive in 1918, and when Lloyd-George made his memorable speech in Parliament stating how serious was the situation on the French front, Gen. Pershing went to England for a conference. We were told that reinforcements were badly needed if we hoped to save the situation, and that it was necessary to send over our troops as speedily as possible. After the interview in England, occurred what is known as the Abbeville conference in France. At that conference Gen. Pershing agreed to get over the American soldiers if Great Britain would furnish the ships, and it was by reason of that agreement that England furnished the ships. We began to take over forces of American soldiers to such an extent that two months later they were arriving in France at the rate of no less than 10,000 men a day. [Applause.] Gen. Pershing had performed a very important work in bringing about that agreement for the use of British ships by this country. While Gen. Pershing insisted on fighting his men as an American Army, when the great German drive from the Aisne began, in May, 1918, which brought the Germans to the Marne, he did not hesitate in turning over for the use of the French high command every American division that could be sent to that important front.

Thus the First, the Second, the Third, and, I believe, the Forty-second Divisions of the American Expeditionary Forces all went forward after the 18th of July and helped to drive the Germans out of that territory and far toward the boundary of their own country. Gen. Pershing cooperated in every way he could with the allied forces. It was his foresight, his prescience, that enabled him to realize the advantages that must ensue by cooperating in every way possible with the allied armies. It is hardly necessary to recall the fact that our divisions were neither fully trained nor fully equipped for that service, so that the results attained by our men were all the more wonderful.

It is needless to tell the details of the Meuse-Argonne fight. It was hammer and push and hammer again that drove the enemy from those regions. The allied nations were war weary. Their soldiers had been operating for four long years. They had exhibited marvelous courage and fortitude, but they were tired out, and it is probable that they never could have accomplished what the Americans accomplished in the Meuse-Argonne fight. All that one has to do is to go through that area and see the terrible character of the terrain over which our armies operated. But they were dauntless, they were fearless, and they were determined to bring the issue to an end. Gen. Pershing's training and ability as a commander contributed largely to the successful result of their efforts. [Applause.]

I want to say, too, that Gen. Pershing is a man of deep feeling and sympathy and consideration for his men. The wounded were his constant concern. All through the war he made every effort to see that those men who had fallen in battle were taken care of in hospitals to the best possible advantage. Every convenience was afforded them. He often found time to visit them. Everything that could be done for their comfort was done. Gen. Pershing made it a point to investigate those matters personally and see to it that the wounded men and officers and the sick men and officers of our Army should be given every care and attention.

I was present at Ancy-le-Franc when I heard this splendid officer address the Eightieth Division. I wish every American citizen could have heard it. It was the utterance of a plain soldier and was full of advice to his men in respect to their demeanor as citizens, as civilians, after the war was over and they were demobilized. I was surprised to find that this man who was not given to public speaking could express himself so readily and so admirably, and that the advice he gave was so full of splendid Americanism. [Applause.]

Mr. Speaker, my time is almost up, and I will not burden the House any longer at this time. I shall ask unanimous consent to extend my remarks, but I feel, in closing, that I want to say this, that we as Members of this House should say to him on his return, "Welcome home, Gen. Pershing. You have honored your country, and your countrymen delight in honoring you." [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. Mr. Speaker, will the gentleman yield for a brief question?

Mr. KAHN. Yes; I will yield to my friend from Illinois.

Mr. JUUL. I would like to ask the gentleman from California if it would be considered improper to name the gentleman who is to be appointed to this honor?

Mr KAHN. I will say to the gentleman that in framing the bill I looked up all the laws that have been passed by the Congress in cases where the grades of general of the Army and of lieutenant general were created and I found that never in any law that was passed by Congress has the name been used.

Mr. LAGUARDIA. If the gentleman will permit, the President submitted in his message that he would name Gen. John J. Pershing.

Mr. KAHN. In addition to that, after I introduced the bill in this form, I went to the White House and saw one of the President's secretaries and told him that a controversy had arisen as to whether the officer should be named or not in the proposed legislation. I called attention to the fact that where Congress at one time endeavored to insert a name in this kind of legislation, President Arthur had vetoed the bill on the ground that it was trenching upon the President's prerogative. The President wrote me a letter in reply, in which he said that he intended, of course, to name Gen. Pershing, and he hoped any bill that was passed would provide that he should rank every other officer in the Army. [Applause.] So the gentleman will find a provision in this bill which puts Gen. Pershing ahead of the Chief of Staff and every other officer in the Army. So that proposition is taken care of in the bill. [Applause.]

Mr. JUUL. I thank the gentleman.

Mr. KAHN. Mr. Chairman, in honoring Gen. Pershing we are but following the course pursued by the allied countries in showing proper appreciation of the services rendered by their great military leaders. The ovations tendered by the populaces of Paris, London, and Rome to our commander in chief attest the fact that the peoples of the allied nations fully recognize the splendid ability and the great worth of this American soldier. The passage of this bill will afford his own countrymen an opportunity to show him that we are not behind the nations of Europe in honoring one who has shown us, through his many years of service in the Army of his country, in the Indian campaigns, in the Spanish-American War, in the Philippines, on the Mexican border, and at Colonia Dublan, that the American officer is always ready to meet any emergency that affects his country's welfare. While we are not a military Nation, the lives of such officers as Gen. Pershing have always shed luster on the pages of our country's history.

Mr. CAMBPELL of Kansas. Will the gentleman from North Carolina use some time?

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the bill before us, following precedents which the Committee on Military Affairs believes should be adhered to, does not name the officer who is to receive the title of General of the Armies of the United States, but on June 18 of this year the President recommended legislation which would authorize the appointment of John Joseph Pershing

to the permanent rank of general, and that distinguished officer is as definitely recognized as the recipient of the honor proposed to be conferred as though he were named in the bill.

Mr. Speaker, others have spoken eloquently of the long, varied, important, and distinguished services of this great soldier. They have refreshed our recollection of his gallant service in many fields, and particularly as the commander of that magnificent force of the soldiers of the Republic who broke the advancing lines of the enemy, turned the tide of battle, and became the deciding factor in the winning of the World War.

But, Mr. Speaker, while others speak of Pershing the soldier, I desire in the moment allotted to me to speak of Pershing the man, the citizen. It is a matter for congratulation that in the bestowal of the highest military honor in connection with the World War there is unanimous agreement from the President to the humblest member of our military forces as to the man whose military service entitles him to this distinction. May I suggest that it is equally a matter for congratulation that the man on whom this honor is to be bestowed is as worthy as a man and a citizen as he is as a military leader, and that he represents those personal virtues which mark the highest and best type of a citizen of the Republic.

He was a normal, wholesome boy, still lovingly remembered as "Johnnie Pershing" by the people of the little Missouri town where he was born and lived in his early youth. He was a dutiful and affectionate son, a kind and loving husband. He is a faithful and considerate father. He has been at all times a good citizen, who in this devotion to his profession has not lost interest in the problems of citizenship. To those who have been fortunate enough to know him he has been a faithful and devoted friend.

It is a fortunate thing for the Republic that the man who is to receive the distinguished honor proposed in the measure before us, as a recognition of his great service to his country and of the service of the gallant men who fought under him, should be such a man as the good people of the Republic delight to honor. [Applause.]

Mr. POU. I desire to ask the Speaker how much time I have remaining?

The SPEAKER. The gentleman has used 12 minutes and he has 18 minutes remaining.

Mr. POU. I will yield to the gentleman from Missouri [Mr. CLARK] 10 minutes.

Mr. CLARK of Missouri. Mr. Speaker and gentlemen, I hope this resolution conferring the rank of permanent general on Gen. John J. Pershing will pass without a dissenting voice. We are all proud of him as a great American. Missourians are especially proud of him because his eyes first opened upon the glories of the world in imperial Missouri.

First and last I have made four or five speeches in this House about lieutenant generals whenever we had the question up. I have always insisted, and I insist now, that the rank of lieutenant general and of full general should be bestowed by a special act of Congress only on men who have distinguished themselves in the military service of the country. [Applause.] Extraordinary rank is an extraordinary honor and should be bestowed for extraordinary service. Gen. Grant was made lieutenant general with succession to Sherman; afterwards changed to extend to Sheridan. They all filled the position of lieutenant general, and all three of them filled the position of full general. Gen. Sheridan was made a full general when he was on his deathbed. After him we never had another permanent general. The rank of full general as a temporary rank has been bestowed on two generals in this war. The rank of lieutenant general was resurrected for Gen. Schofield on the theory that he was the only Union soldier then living who had commanded an army in the field. Then Gen. Miles had been wanting to be a lieutenant general for a long time, and finally we made him lieutenant general and tried to limit the rank to him, on the theory that it should be bestowed only on men of great services. But we could not do it. So he was made lieutenant general. The machinery for continuing the lieutenant generals was put in the bill, and we had four or five lieutenant generals in succession, and then they ran out of generals who had won any particular distinction anywhere. If you can use the term "gravitating up," they had "gravitated up" to be commanders of the Army.

So Gen. Grosvenor and myself, and a lot of us, went into a logrolling scheme here one day and limited the rank of lieutenant general to men who served in the Civil War. That is the way we stopped it. Washington during the Revolution was commander of the American Army and a lieutenant general in the French establishment by appointment of Louis XVI. During our troubles with France, after quitting the Presidency he was made lieutenant general with authority to appoint his subordinate major generals and brigadiers. After the Mexican War, Winfield Scott was made brevet lieutenant general. During the Mexican War a bill passed the House to resurrect the grade of lieutenant general, and Col. Thomas Hart Benton, "The Great Missourian," was to receive the appointment; but the bill failed in the Senate by three votes.

Gen. Pershing commanded more soldiers than any other American has ever commanded in the history of the world or, in all human probability, ever will command. I hope we will never have any use for any such big Army any more, and so does every man who has any sense or patriotism. That he did his duty faithfully and well there is no question.

It is a rather interesting, though little, fact that he got into West Point only 22 days before he would have been too old. That was a very narrow margin on which to get opportunity for a very great career. Like a great many other men of distinction, not so many in the Army as in the civil walks of life, he had been a school-teacher out in Missouri. One of the best places for the development of American talent and manhood that can be found anywhere is teaching a country school. [Applause.] And he did it.

It is also an interesting fact that he and Gen. Crowder were born and reared in the same congressional district in Missouri.

Gen. Pershing enjoys the distinction which I am not certain any other American general ever had, of having commanded troops and having fought on three continents—America, Europe, and Asia. I do not suppose there is anything that would ever inveigle him down into Africa, although it may be. Americans are proud of him. They want to bestow on him the highest honor that is possible under our military system. It is universally admitted that he discharged his duties well.

Of the small number of lieutenant generals Missouri furnished three—Sherman, Schofield, and Bates. Of four full permanent generals two—Grant and Pershing—have lived in Missouri—Grant for three or four years, Pershing all his life. Gen. Grant was made a brigadier while camped at Mexico, Mo., in my congressional district, and his wife was a Missouri woman.

Of course, the manner of fighting has changed so much in recent years that it is impossible to compare one of the generals of this war with the great captains of former times, and I shall not undertake it. But we honor ourselves in honoring this splendid American soldier. [Applause.]

I have a theory that I love to preach and promulgate, and which I believe is the gospel truth, that the average American rises equal to any emergency in which he finds himself placed. [Applause.] I do not think there is any doubt but that there were a great many men in this vast Army that we had in Europe that would have made shining reputations if the opportunity had afforded. I have no sort of doubt that there were colonels, lieutenant colonels, majors, captains, and lieutenants, sergeants, corporals, and privates that would have commanded an army successfully if they had had a chance. [Applause.] But they did not get the opportunity. Whether it was sheer good luck or what it was that gave Gen. Pershing his high command, I will not undertake to say. But he got it, and having attained it in Mexico and in the Philippines and in Europe, he has discharged his duties to the entire satisfaction of the American people. And I repeat that we honor ourselves in honoring him. [Loud applause.]

Mr. POU. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, the gentleman from Missouri [Mr. CLARK] has mentioned the fact that Gen. Pershing came near being beyond the eligible age when he was named as a cadet at West Point. In this connection it may be interesting for the House to know that the Member of Congress who named Gen. Pershing as a cadet at West Point was a Representative from the old tenth congressional district of Missouri, of which my home county, Daviess, was a part. The Rev. Joseph H. Burroughs, of Harrison County, represented that district in this House in the Forty-seventh Congress, having been elected as a Greenbacker in 1880. He was a Baptist preacher and a farmer. He died only about a year ago, after a long life well spent, and honored by a host of friends in my congressional district. He was an esteemed constituent of mine. We were warm personal friends. I mention as an interesting circumstance that this man, a preacher of the gospel, who was elected to the Congress as a Greenbacker, shaped the career of the great man whom we undertake to honor by this legislation. In common with the entire delegation from Missouri I shall support this bill, the purpose of which is to do honor to one of Missouri's most distinguished sons, Gen. John J. Pershing. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER. The gentleman from Illinois is recognized for three minutes.

Mr. MADDEN. Mr. Speaker, I have always said we never should confer the rank of general upon any man except for conspicuous service in the field, and I am proud as one American to do honor to one who, I believe, has rendered the most conspicuous military service in the history of America.

Gen. Pershing did more to enforce a condition which enabled America to fight under an all-American Army on the other side than any other living man. It was not the purpose of the European nations to permit Americans to fight an all-American Army. They wanted American soldiers merged in the armies of the Allies. But Gen. Pershing stood as adamant against such a proposition and finally won. [Applause.]

To-day the victory achieved over Germany is due to the fact that America had an all-American Army fighting at Chateau-Thierry and Argonne-Meuse under the gallant leadership of Gen. John J. Pershing, the commander in chief of the American Army there. [Applause.]

Gen. Pershing is a great American. He is a great soldier. We can not honor him too much. In other countries they confer titles upon men for distinguished services. We have no titles here. Every man is a plain American. Thank God, we have this opportunity of recognizing the achievements of this great American by giving him the rank of general in the American Army.

I believe there ought to be but one general, no matter what anybody else may think. [Applause.] One general is all that America can afford, and I hope that the distinction which comes from the title of general in the American Army will be worn by John J. Pershing only during his lifetime. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, it is gratifying to me to be able to bring in a rule that meets with such unanimity of sentiment. Gen. Pershing will go down in history with a record of having commanded the greatest number of men that any general, I believe it is safe to say, in the history of mankind ever commanded. There was appropriated for the support of that Army the largest sum of money that was ever appropriated in human history for the support of an army. That he filled this large place and did his work well no man now or hereafter will deny. [Applause.]

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BLANTON. Mr. Speaker, would it be in order to note in the RECORD that it was by unanimous vote of the House?

The SPEAKER. The House, according to the terms of the resolution, resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7594, and the gentleman from Missouri [Mr. DYER] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7594, with Mr. DYER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7594, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7594) relating to the creation of the office of General of the Armies of the United States.

Mr. KAHN. Mr. Chairman, in view of the fact that up to the present time I have not had any requests for time, I shall reserve the balance of my time, and shall ask the gentleman from Alabama [Mr. DENT] to use his time.

Mr. DENT. Mr. Chairman, I yield eight minutes to the gentleman from Mississippi [Mr. QUIN].

The CHAIRMAN. Unless the gentleman from California [Mr KAHN] asks that the first reading of the bill be dispensed with, the Clerk will report the bill.

Mr. KAHN. Yes; I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from California asks that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] is recognized.

Mr. DENT. I yield eight minutes to the gentleman from Mississippi [Mr. QUIN].

The CHAIRMAN. The gentleman from Mississippi is recognized for eight minutes.

Mr. QUIN. Mr. Chairman, I have been pleased in listening to the gentlemen who have spoken on this rule, because I have felt in my heart from observation and knowledge of Gen. Pershing that he is entitled to every word of laudation and encomium that has been passed upon him by the Members who have preceded me.

The Committee on Military Affairs of the House of Representatives is unanimous in its voice and vote in bringing this resolution No. 265 before this House, making it in order to consider the bill H. R. 7594, from the Committee on Military Affairs, conferring upon Gen. Pershing the title of general.

That committee did not need the influence of the President of the United States, because every man on that committee appreciates individually and collectively the services rendered by Gen. Pershing to the United States Government. This is an honor conferred upon the American soldier, upon the individual private, upon every subordinate officer, and upon the American people by placing the title of general upon Gen. Pershing, who commanded the brave boys, more than 2,000,000 of them, who went across the seas in this great struggle.

Some gentlemen have referred to the personality of Gen. Pershing. I had the honor to meet the distinguished soldier. He invited my wife and myself and the distinguished chairman of our committee [Mr. KAHN] to dine with him at his chateau in France as a compliment not so much to us but to the people whom we have the honor to represent. I found him to be a refined, elegant gentleman, educated and cultured.

Gen. Pershing as a man is typical of the American citizen. This great soldier and great American, at a time when the whole world had its eyes upon our country, was a leader of this Republic over yonder among kingdoms and empires. Gen. Pershing at the head of that great Army showed ability as a soldier, showed great executive ability as an individual, and he showed the typical heart of an American.

It is true some things might have gone wrong across the sea. No man is perfect. The only perfect man was our blessed Savior, who walked the shores of Galilee. But as an individual Gen. Pershing made fewer mistakes in organizing that great machine across the water and placing our soldiers in the proper places and having them win this great victory than any other man the Government could have sent there. [Applause.]

This Government owes to the Army a compliment, and in placing this honor upon Gen. Pershing I contend that the American Congress is placing it upon each of our soldiers, upon every man of the Army.

The truth is that the President of the United States has asked for this honor for two men. I do not believe that the American Congress should give it to more than one, and that man is Gen. Pershing. [Applause.] I believe that one admiral for the Navy is sufficient, and when the Congress of the United States gives this honor to Gen. Pershing and to one admiral of the Navy I think it will have done its full part in that method of bestowal of honors upon the American Army and the American Navy. We are not doing this so much for Pershing, the individual. We are doing it for the Army, for those 5,000,000 soldiers who wore the American uniform in the great struggle to bring victory to this Republic; and in bestowing this honor upon the general in chief across the sea, who really had the responsibility, who had the eyes of the whole world upon him, we are bestowing it upon all these soldiers. [Applause.]

Mr. KAHN. I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I believe that the privilege seldom comes to a legislator to participate in conferring an honor upon his former commander in chief, and as a member of the American Expeditionary Forces I want to state that Gen. Pershing at all times enjoyed the complete confidence and admiration of every man of that expedition. [Applause.] They had confidence in him, because they knew they had a big man for the big job. So much has been said to-day of his record on the other side that it is not necessary to repeat it; but I do want to say that we have a big job in this country in the reorganization of the Army, and I personally believe that Gen. Pershing again is the big man for that big job. [Applause.] As stated by the gentleman from Illinois [Mr. MADDEN], in the history of our Army we have had but one general at a time, and I hope that we will maintain that tradition and custom. In conferring the permanent rank of general to-day upon Gen. Pershing we are doing exactly what the people of this country desire. All generals of our allies have received honors from their Governments, some of them very substantial; and the least that we can do is to pass this bill to-day and let it go to the Senate, so that when Gen. Pershing returns in a few days he will be the permanent general of the great American Army. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman and gentlemen of the committee, I do not desire to pluck one single laurel from the brow of Missouri; but as a Nebraskan I want to lay claim to Gen. Pershing as a Nebraskan, because of the length of time that he lived in my State and because of the fact that his relatives live there now in the capital of the State, Lincoln, Nebr.

In 1893 I had the pleasure of sitting beside Gen. Pershing at commencement time in the early part of June, when he received his diploma as a graduate of the law department of the Nebraska State University. He was assigned to duty there in the training of the cadets of the university. I was serving then as private secretary to the governor of the State. I met him on frequent occasions. I have studied his history as he has gone forward from that day up to the high station which he now occupies. If time permitted, we might dwell upon some characteristics of the man, and the quiet way in which he has gone forward in discharge of his duties, not with any great demonstration or with what you might call brilliant display, but in a quiet, steady, thoughtful way, solving the problems that came to him in the Philippines, in the United States, in Mexico, and then in Europe.

Some people have said that Washington was not a great general. A son of the Iron Duke of Wellington replied to that criticism by saying that Washington was one of the greatest generals of all time, because he knew how to select and command men and put them in the proper stations to win a victory on the whole field at the right time. He was a general in command of men. Pershing has that characteristic also.

Note Gen. Grant and his quiet ways. Study the history of that quiet, steady thoughtfulness by means of which he outlined his plan of campaign and carried it through to victory. I discover in Gen. Pershing this characteristic. Without display he has analyzed the problem; he has gone forward with a clearness of vision that saw the end from the beginning. He marshaled his forces to the right and left, he brought them from the rear, he held his reserves, he commanded the situation; and as a Nebraskan I pay tribute to him to-day as a Nebraskan, and will gladly vote for the passage of this resolution. [Applause.]

Mr. KAHN. Mr. Chairman, I ask the gentleman from Alabama [Mr. DENT] to use some of his time.

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. CAMPBELL].

Mr. CAMPBELL of Pennsylvania. Mr. Chairman and gentlemen of the committee, I should feel negligent of my duty if I did not pay a tribute to Gen. Pershing. He is all and more than was said of him by the distinguished gentleman from Wyoming [Mr. MONDELL]. I have gained personal knowledge of his consideration for the welfare of the private soldiers from visits to hospitals in this country, where I have met young men who were wounded in France, who told me that Gen. Pershing had visited the wards there in which they were sick and wounded and asked them personally how they were doing. A man of that character is a man with a heart, and, as our distinguished former Speaker [Mr. CLARK] said, we honor ourselves in honoring him.

And as a further example that came under my own personal observation, a young man, a graduate of Princeton University and former member of an all-American eleven and coach of the University of Pittsburgh football team, endeavored to enter the Army when the war broke out, but on account of a defect of vision he was unable to gain admission to the officers' training camp. He made several efforts and finally prevailed upon the draft board in his home town to send him to Camp Lee. He made further effort and got with a contingent that was going overseas. I wrote Gen. Pershing and recited the circumstances. Gen. Pershing at once ordered the young man to a training camp in France and wrote me that he took pleasure in placing him there, remarking that the young man would at least have his chance to demonstrate what was in him. That young man was commissioned a second lieutenant in the Army on the 30th of September, 1918. He went to the front and was killed in action on October 9 or 10, 1918.

Replying to numerous letters written in behalf of Pittsburgh and western Pennsylvania soldiers serving with the American Expeditionary Forces, Gen. Pershing invariably displayed a solicitude that would indicate a personal interest in the welfare and progress of all the men under his command from the humblest private up through the ranks. Not once in scores of cases concerning which I communicated with him did he fail to give marked consideration to the subject of the inquiry. This held true all through the war, and after the armistice was signed he personally ordered the return of young men with dependent or suffering families in advance of their organizations.

Gen. Pershing has demonstrated himself to be such a commander of men that this country can not pay too great an honor to him. I would like to see the people of this country and this House put aside our partisanship, our adherence to Democracy and Republicanism, and make him the unanimous choice of the conventions that assemble next year and elect him President of the United States. [Applause.]

Mr. KAHN. Mr. Chairman, I have only one more speech. Will the gentleman from Alabama use the remainder of his time?

Mr. DENT. Mr. Chairman, there seems to be such a unanimous sentiment on this side of the House in favor of the bill that I have no further requests for time, except that I will yield one minute to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Chairman, I do not intend to make any extended eulogy of Gen. Pershing. So many have paid him a deserved tribute in such splendid and glowing terms that nothing I can say would add to it. His record of achievement is his greatest tribute, and his place in the hearts of the American people will always be perhaps his greatest treasure. I simply want to say that the people of my district are heartily in accord with the bestowal of this honor that is to be given him.

Aside from that, the gentleman from New York [Mr. CALDWELL] has asked me to-day to advise the House that he is being held in New York on account of the primaries and could not be here to take part in this session, but he wants to be recorded as strongly in favor of and heartily indorsing this resolution.

Mr. KAHN. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have not the honor of a personal acquaintance with Gen. Pershing. However, I know a little about the human side of Gen. Pershing. Making a man a general does not necessarily make him a man with great sympathies for the humanity of the world. I want to tell this little incident. There are a few men in the House that will recollect Benjamin F. Marsh, of Illinois, who had 10 or 12 years of service in this House. He was colonel of a Cavalry regiment during the Civil War and accredited himself with great honor and to the benefit of the country.

Losing his first wife he married a second one during his service in the House. There were two or three children born of that marriage. I received a letter from one of the youngest, who had the fighting spirit of his blood, and in 1914 he went to Canada and enlisted in the army. He was sent across the seas and saw over three years' service in the front as a private soldier, was wounded four times, recovered from his wound, and each time returned to the front.

About the time he was anticipating going back the last time he sat down and wrote me a letter. I did not know where the boy was or that he had gone into the English Army. In that letter he told me about his condition. He did not ask to be discharged, nay, nay. Nor did he ask for a commission. But he said "I am an American citizen fighting under a foreign flag—fighting for right, not right and country. I want to be transferred from the English Army to the American Army in France [applause] without crossing the ocean. I want to serve under the American flag in a just cause, now that America is in this great cause." He said:

> I have never regretted for an instant my going to Canada to enlist in 1914, and would under the same circumstances do it all over again. The entrance of the United States in the war justifies me in my action and gave me added determination to try to stem the German aggression. There is only one regret, that I can not serve under the colors my father fought for so long and so well. No service would be too menial, too humble, too dangerous for me if I could but end my service and perhaps my days under the Stars and Stripes. I have the greatest admiration and respect for the uniform I now wear and I have given faithful service. I hope I may come through safely; but if I die, I want to die in defense of the Stars and Stripes.

[Applause.]

I loved his father who was my colleague for years. I got busy but could not arrange it in Washington. They said there was nothing doing; that there were many requests of that kind and the doors were closed. I sat down and inclosed that letter to Gen. Pershing, telling him who Col. Marsh was, and, as I say, inclosing the letter which told its own story. I promptly received a letter in reply that he had arranged the transfer of the boy from the English Army and that he was now in the American Army. [Applause.]

O, Lord, I hope to make Gen. Pershing's acquaintance some time. He has a heart as well as great ability as a general. [Applause.]

The CHAIRMAN. All time has expired, and the Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the office of General of the Armies of the United States is hereby revived, and the President is hereby authorized, in his discretion and by and with the advice and consent of the Senate, to appoint to said office a general officer of the Army who, on foreign soil and during the recent war, has been especially distinguished in the higher command of military forces of the United States; and the officer appointed under the foregoing authorization shall have the pay prescribed by section 24 of the act of Congress approved July 15, 1870, and such allowances as the President shall deem appropriate; and any provision of existing law that would enable any other officer of the Army to take rank and precedence over said officer is hereby repealed: *Provided*, That no more than one appointment to office shall be made under the terms of this act.

Mr. BEE. Mr. Chairman, under ordinary circumstances I would not have spoken upon this occasion except for the fact that I feel that to a great extent Texas contributed Pershing to the annals of the world. His service was largely upon the frontier. We remember with pride his efforts in the famous Villa expedition, the result of which, unsatisfactory though it was, was not due to any fault of this splendid general. He was living in El Paso, Tex., when the sad news came of the great loss of his family by fire in California. He was living in San Antonio when he was summoned to Washington, and from Washington was sent to France. I remember very well, as one of a committee that called upon him upon that occasion, the soldierly diffidence with which he declined to answer the questions propounded by the committee as to whether the summons was a summons to command in France. At that time war was declared. It was well known that we were going across the water, and when he left our city with its many memories, ancient and historic, we knew that the banner of the American Army on the far-flung fields of France would be placed in the hands of John J. Pershing, and those of us who had seen him in his goings in and comings out in our city as commander in chief of the Southern Department knew full well that that banner would be carried not only to a glorious victory under the leadership of John J. Pershing but to a stainless and glorious victory. [Applause.]

One singular thought has occurred to me in connection with the history of this remarkable man, as applied to the history of our country. George Washington, wonderful and glorious man that he was, did not escape censure. There were calls for the removal of Washington from the command of the American Army. In the War with Mexico and in the War of 1812 there were differences in respect to the commanding officers, and in the great war between the States the commanding officers were constantly changed. There were criticisms in the Spanish-American War, but if there ever was a man who commanded an army, an army of over 4,000,000 men, in the greatest war known to the world, of whom there has been not only no visible criticism but absolute unanimous commendation through the entire course of the war, it has been of John J. Pershing. [Applause.] He combines the great qualities of the soldier with the splendid humane qualities of a man, because he is in truth and in fact what the regulations of the Army contemplate that he shall be—an officer and a gentleman. That is the reason why the great American Congress to-day, regardless of party, is glad to pay tribute to him, to accord to him this distinguished honor, because, as was said by the distinguished gentleman from California [Mr. KAHN], we are not only honoring him but we are honoring our country. He has brought honor to us. And in behalf of Texas, the field of his activities, under whose mellow moon he studied the problems of war, along whose far-flung border he pursued his training as a soldier and equipped himself for his splendid service, and because we knew him as a soldier and loved him as a man, and found in him a splendid type of American, we pay on this day this deserved tribute to John J. Pershing. [Applause.]

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The question was taken, and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 7594) relating to the creation of the office of General of the Armies of the United States had directed him to report the same back to the House without amendment and with the recommendation that the bill do pass.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. As I recollect the rule, it provides that the previous question shall be considered as ordered on the bill and all amendments thereto.

The SPEAKER. It does. The question therefore is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I think that this is a bill that ought to be passed by a quorum, and I make the point of order that there is no quorum present.

Mr. CANNON. Will the gentleman before he makes that point allow me to make this suggestion to him, that he ask for a rising vote?

Mr. BLANTON. I think we ought to have a quorum here to vote on an important bill as this—to do honor to a general of the United States Army.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry. What is the parliamentary situation?

The SPEAKER. The gentleman can not put a parliamentary inquiry after the point of no quorum is made. [After counting.] One hundred and forty-one Members are present, not a quorum. This is an automatic call of the House. The question is on the passage of the bill. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 4, answered "present" 1, not voting 151, as follows:

YEAS—274.

Ackerman	Dyer	Lankford	Reed, W. Va.
Alexander	Eagan	Larsen	Rhodes
Almon	Eagle	Layton	Ricketts
Anderson	Echols	Lazaro	Riddick
Andrews, Nebr.	Edmonds	Lehlbach	Robinson, N. C.
Ashbrook	Elliott	Lesher	Robsion, Ky.
Aswell	Elston	Little	Rodenberg
Ayres	Evans, Mont.	Lonergan	Romjue
Bacharach	Evans, Nev.	Lufkin	Rose
Baer	Fairfield	Luhring	Rowe
Bankhead	Ferris	McAndrews	Rubey
Barbour	Fisher	McCulloch	Sabath
Barkley	Focht	McDuffie	Sanders, La.
Bee	Fordney	McGlennon	Sanford
Begg	Freeman	McKeown	Sells
Bell	French	McLane	Sherwood
Benham	Fuller, Ill.	McLaughlin, Mich.	Siegel
Black	Gard	McLaughlin, Nebr.	Sims
Bland, Mo.	Garner	McPherson	Sinclair
Bland, Va.	Garrett	MacCrate	Sinnott
Blanton	Good	MacGregor	Small
Boles	Goodall	Madden	Smith, Idaho
Bowers	Goodwin, Ark.	Major	Smith, Mich.
Box	Goodykoontz	Mansfield	Smithwick
Brand	Graham, Ill.	Mapes	Snell
Briggs	Green, Iowa	Martin	Steagall
Brooks, Ill.	Greene, Mass.	Mays	Stedman
Brooks, Pa.	Greene, Vt.	Michener	Steele
Browning	Hardy, Tex.	Miller	Strong, Kans.
Buchanan	Harrison	Minahan, N. J.	Strong, Pa.
Burdick	Hastings	Monahan, Wis.	Summers, Wash.
Butler	Haugen	Mondell	Sweet
Byrns, Tenn.	Hawley	Montague	Taylor, Tenn.
Campbell, Kans.	Hayden	Moore, Ohio	Temple
Campbell, Pa.	Hays	Moore, Va.	Thompson, Ohio
Cannon	Heflin	Morgan	Thompson, Okla.
Cantrill	Hernandez	Murphy	Tillman
Caraway	Hersey	Nelson, Mo.	Timberlake
Carss	Hersman	Nelson, Wis.	Tincher
Casey	Hickey	Newton, Minn.	Towner
Chindblom	Hicks	Newton, Mo.	Treadway
Clark, Fla.	Hoch	Nicholls, S. C.	Vaile
Clark, Mo.	Holland	Nichols, Mich.	Venable
Cleary	Howard	Nolan	Vestal
Coady	Hudspeth	O'Connell	Voigt
Cole	Hull, Iowa	O'Connor	Volstead
Collier	Hull, Tenn.	Ogden	Watkins
Copley	Husted	Oldfield	Watson, Pa.
Crago	Hutchinson	Oliver	Watson, Va.
Crisp	Igoe	Osborne	Weaver
Cullen	Ireland	Overstreet	Webb
Currie, Mich.	Jacoway	Padgett	Webster
Curry, Calif.	Jefferis	Paige	Welling
Dale	Johnson, Ky.	Park	Welty
Dallinger	Johnson, Miss.	Parrish	Whaley
Darrow	Kahn	Peters	White, Kans.
Davis, Minn.	Kearns	Phelan	White, Me.
Davis, Tenn.	Keller	Platt	Williams
Denison	Kendall	Porter	Wilson, Ill.
Dent	King	Pou	Wilson, La.
Dewalt	Kinkaid	Purnell	Winslow
Dickinson, Mo.	Kitchin	Quin	Wood, Ind.
Dickinson, Iowa	Kleczka	Radcliffe	Woods, Va.
Dominick	Knutson	Rainey, H. T.	Woodyard
Doremus	Kraus	Raker	Wright
Doughton	Kreider	Ramseyer	Young, N. Dak.
Dowell	LaGuardia	Randall, Wis.	Young, Tex.
Dunbar	Lampert	Rayburn	
Dupré	Lanham	Reavis	

NAYS—4.

Connally	Jones, Tex.	Schall	Thomas

ANSWERED "PRESENT"—1.

Pell

NOT VOTING—151.

Andrews, Md.	Foster	Langley	Sanders, Ind.
Anthony	Frear	Lea, Calif.	Sander, N. Y.
Babka	Fuller, Mass.	Lee, Ga.	Saunders, Va.
Benson	Gallagher	Linthicum	Scott
Blackmon	Gallivan	Longworth	Scully
Bland, Ind.	Gandy	Luce	Sears
Booher	Ganly	McArthur	Shreve
Brinson	Garland	McClintic	Sisson
Britten	Glynn	McFadden	Slemp
Browne	Godwin, N. C.	McKenzie	Smith, Ill.
Brumbaugh	Goldfogle	McKinley	Smith, N. Y.
Burke	Gould	McKinley	Snyder
Burroughs	Graham, Pa.	Magee	Steenerson
Byrnes, S. C.	Griest	Maher	Stephens, Miss.
Caldwell	Griffin	Mann	Stephens, Ohio
Candler	Hadley	Mason	Stevenson
Carew	Hamill	Mead	Stiness
Carter	Hamilton	Merritt	Sullivan
Christopherson	Hardy, Colo.	Moon	Sumners, Tex.
Classon	Haskell	Mooney	Swope
Cooper	Hill	Moore, Pa.	Taylor, Ark.
Costello	Houghton	Moores, Ind.	Taylor, Colo.
Cramton	Huddleston	Morin	Tilson
Crowther	Hulings	Mott	Tinkham
Davey	Humphreys	Mudd	Upshaw
Dempsey	James	Neely	Vare
Donovan	Johnson, S. Dak.	Olney	Vinson
Dooling	Johnson, Wash.	Parker	Walsh
Drane	Johnston, N. Y.	Rainey, J. W.	Walters
Dunn	Jones, Pa.	Ramsey	Ward
Ellsworth	Juul	Randall, Calif.	Wason
Emerson	Kelley, Mich.	Reber	Wheeler
Esch	Kelly, Pa.	Reed, N. Y.	Wilson, Pa.
Evans, Nebr.	Kennedy, Iowa	Riordan	Wingo
Fess	Kennedy, R. I.	Rogers	Wise
Fields	Kettner	Rouse	Yates
Fitzgerald	Kiess	Rowan	Zihlman
Flood	Kincheloe	Rucker	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. ANTHONY with Mr. WISE.

Mr. BLAND of Indiana with Mr. WINGO.

Mr. BROWNE with Mr. WILSON of Pennsylvania.

Mr. BURKE with Mr. VINSON.

Mr. BURROUGHS with Mr. UPSHAW.

Mr. COSTELLO with Mr. TAYLOR of Colorado.

Mr. CROWTHER with Mr. TAYLOR of Arkansas.

Mr. DEMPSEY with Mr. SUMNERS of Texas.

Mr. DUNN with Mr. STEVENSON.

Mr. ESCH with Mr. STEPHENS of Mississippi.

Mr. FESS with Mr. SMITH of New York.

Mr. FREAR with Mr. SEARS.

Mr. FULLER of Massachusetts with Mr. SCULLY.

Mr. GARLAND with Mr. SAUNDERS of Virginia.

Mr. GLYNN with Mr. RUCKER.

Mr. GRAHAM of Pennsylvania with Mr. ROWAN.

Mr. GRIEST with Mr. RIORDAN.

Mr. HADLEY with Mr. RANDALL of California.

Mr. HARDY of Colorado with Mr. JOHN W. RAINEY.

Mr. HULINGS with Mr. LEA of California.

Mr. JAMES with Mr. KINCHELOE.

Mr. JOHNSON of Washington with Mr. KETTNER.

Mr. JONES of Pennsylvania with Mr. JOHNSTON of New York.

Mr. KENNEDY of Iowa with Mr. HUMPHREYS.

Mr. KENNEDY of Rhode Island with Mr. HUDDLESTON.

Mr. KIESS with Mr. HAMILL.

Mr. LONGWORTH with Mr. GRIFFIN.

Mr. LUCE with Mr. GOLDFOGLE.

Mr. MCARTHUR with Mr. GODWIN of North Carolina.

Mr. MCFADDEN with Mr. GANLY.

Mr. MCKENZIE with Mr. GANDY.

Mr. MCKINLEY with Mr. GALLAGHER.

Mr. MORIN with Mr. FITZGERALD.

Mr. MUDD with Mr. FIELDS.

Mr. RAMSEY with Mr. DRANE.

Mr. REBER with Mr. DOOLING.

Mr. ROGERS with Mr. OLNEY.

Mr. SANDERS of Indiana with Mr. NEELY.

Mr. SANDERS of New York with Mr. MOON.

Mr. SHREVE with Mr. MEAD.

Mr. SMITH of Illinois with Mr. MAHER.

Mr. SNYDER with Mr. MCKINLEY.

Mr. STEENERSON with Mr. MCCLINTIC.

Mr. STEPHENS of Ohio with Mr. LEE of Georgia.

Mr. STINESS with Mr. DONOVAN.

Mr. TILSON with Mr. DAVEY.

Mr. TINKHAM with Mr. CAREW.

Mr. WHEELER with Mr. CANDLER.

Mr. ZIHLMAN with Mr. BYRNES of South Carolina.

Mr. SLEMP with Mr. BRUMBAUGH.

Mr. SCOTT with Mr. BRINSON.

Mr. MOORE of Pennsylvania with Mr. GALLIVAN.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MANN with Mr. BLACKMON.

Mr. WALSH with Mr. CARTER.

Mr. WASON with Mr. BOOHER.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. HOUGHTON with Mr. PELL.

Mr. FOSTER with Mr. BABKA.

Mr. EMERSON with Mr. MOONEY.

Mr. EVANS of Nebraska with Mr. SISSON.

Mr. CHRISTOPHERSON with Mr. SULLIVAN.

Mr. CRAMTON with Mr. DEWALT.

Mr. MOORES of Indiana with Mr. CALDWELL.

Mr. YATES with Mr. BENSON.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SNELL). A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER resumed the chair.

Mr. BLANTON. Mr. Speaker, I want to make a motion to adjourn in honor of our brave private soldiers, sailors, and marines and as a further mark of esteem to them, it apparently being impossible to do anything else for them.

The SPEAKER. The gentleman from Texas moves to adjourn.

Mr. BLANTON. Mr. Speaker, I ask that that motion may be read by the Clerk. My motion is in writing, and under the rules of the House I ask that my written motion to adjourn in honor of privates be read from the Clerk's desk.

The SPEAKER. The gentleman from Texas——

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair declines to recognize the parliamentary inquiry. The question is on the motion to adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. BLANTON), the House divided; and there were—ayes 1, noes 223.

So the motion to adjourn was rejected.

EXTENSION OF REMARKS.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the bill just passed. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. MILLER. Mr. Speaker, I ask that my colleague, Representative JOHNSON of Washington, be excused for the day on account of illness.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Speaker, on behalf of my colleague, Mr. CROWTHER, I ask that he be excused from attendance on this House for five days on account of important business.

The SPEAKER. The proper way is to put those requests in writing. The gentleman from New York [Mr. HICKS] asks unanimous consent that his colleague, Mr. CROWTHER, may be granted a leave of absence for five days on account of important business. Is there objection?

There was no objection.

WELCOME TO GEN. PERSHING.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:

The Committee on Rules, to which was referred House concurrent resolution No. 29, submit a privileged report on said resolution, with the recommendation that the following resolution be agreed to:

House concurrent resolution 29.

Resolved, etc., That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the Vice President and the Speaker of the House, respectively, shall be named for the purpose of making arrangements for appropriate exercises in welcome of John J. Pershing, general and commander in chief of the American Expeditionary Forces of the World War. That said committee shall report to the Senate and the House of Representatives such program and procedure therefor as in its opinion shall be fitting and appropriate.

Mr. CAMPBELL of Kansas. Mr. Speaker, it has been thought fitting that on the return of Gen. Pershing he have such public reception as is fitting to the return of a great soldier from a

foreign field to his own country, and it is with the view of providing such a reception that this committee has authorized this resolution. If there is no request for time on the other side, I move the previous question.

Mr. POU. There is no desire for time on this side.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask a question for information.

Mr. CAMPBELL of Kansas. I yield to the gentleman.

Mr. CLARK of Missouri. Does this contemplate the parade we are going to have?

Mr. CAMPBELL of Kansas. No.

Mr. CLARK of Missouri. This is a separate function?

Mr. CAMPBELL of Kansas. This is a separate function which is contemplated by the resolution. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

COMMISSIONED PERSONNEL FOR THE ARMY.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 264, submit a privileged report on said resolution, with a recommendation that the resolution be agreed to, as follows:

House resolution 264.

Resolved, That immediately upon the adoption of this resolution the House shall resolves itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2622, being a bill to provide necessary commissioned personnel for the Army until June 30, 1920.

There shall be two hours of general debate, one-half to be controlled by those favoring the bill and one-half to be controlled by those opposing the bill.

Whereupon the bill shall be read for amendments. At the conclusion of such consideration the committee shall report the bill with such amendments as may have been agreed to. The previous questions shall be considered as ordered on the bill and all amendments to final passage, without intervening motion, except one motion to recommit.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. BLANTON. I would like to ask the distinguished and courteous chairman of the Committee on Rules whether or not among any of these various resolutions that are brought in under rule there has been any attempt by his committee to bring in a rule that will make in order proper legislation to do anything in behalf of or confer any honor upon the brave and deserving private soldiers, sailors, and marines who valiently fought in behalf of their country?

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution makes in order a bill asked for by the War Department, stating that it was necessary to retain certain officers of the Army in the service who came in from civil life, at least, until June 30, 1920. It is asserted the officers are especially needed in the Medical Corps to take care of the sick and wounded soldiers not yet discharged. There are other officers, it is said, needed to take care of something like $6,000,000,000 worth of property that is scattered throughout the country, some of it in our own country and some of it in Europe. This property should be taken care of. Also the Air Service, a service that has really been added to our military forces during this war—only a small percentage of officers now engaged in the Air Service have come in from the Regular Army.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. As I understand the resolution, it makes in order a bill that will provide for 18,000 officers?

Mr. CAMPBELL of Kansas. That is, a total of that many. It adds, I think, something like 6,000.

Mr. GARNER. It makes a total of 18,000?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. I saw a statement in the paper the other day, purporting to be an authentic statement from the War Department, which said that on the 1st day of October there would be 225,000 troops in the Army. If you make this arrangement, you will have 1 officer for each 12 men. Is it necessary to have that many officers?

Mr. CAMPBELL of Kansas. I am submitting this resolution at the request of the Committee on Military Affairs, and they say that the War Department asked for 24,000.

Mr. GARNER. The gentleman is making it possible for Congress to consider the question of selecting 18,000 officers to command 225,000 troops. I am asking him whether he thinks it necessary to have 1 officer for each 12 men?

Mr. CAMPBELL of Kansas. I do not.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I am informed that this bill did not come as a unanimous report from the Committee on Military Affairs. Some members of the Committee on Military Affairs thought a limit of 15,000 officers, all told, was sufficient. They thought that would be quite sufficient.

Mr. GARNER. Mr. Speaker, will the gentleman yield again?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. Then the gentleman does not favor 18,000 officers to command 225,000 men?

Mr. CAMPBELL of Kansas. No. I favor merely considering the matter upon the floor at this time, because it is necessary to retain some medical officers and aviation officers.

Mr. GARNER. We have an authorization of 12,000 officers now, and we shall have 225,000 men on the 1st day of October. Are not 12,000 officers sufficient to command 225,000 men?

Mr. CAMPBELL of Kansas. That is a matter that will be discussed, I assume, by the members of the Committee on Military Affairs.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. KEARNS. I will say that the Secretary of War said it would require 24,000 officers, but he thought he could get along, possibly, with 18,000.

Mr. KAHN. That is not quite the statement, if the gentleman will allow me.

Mr. Speaker, the Secretary of War sent to all the bureaus of the War Department directing them to cut down to the lowest figure commensurate with safety the number of officers that were needed to demobilize and bring the Army back to a peace condition. The bureaus reported that they would have to have 24,000 officers to do the work. There is a great deal more work to do than the gentleman from Texas [Mr. GARNER] imagines. The War Department of its own motion cut the estimate of 24,000 officers down to 18,000, and they believe that they ought to have that many.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. The gentleman is chairman of the Committee on Military Affairs and has some knowledge, probably, of military affairs. [Laughter.] I will ask him the question whether he considers one officer to 12 men necessary in the American Army?

Mr. KAHN. Of course, the gentleman will readily understand that that proportion does not exist in every branch of the service. In some branches, of course, there are a great many more enlisted men to one officer. In other branches of the service there are very few enlisted men.

Mr. GARNER. That does not answer my question. If we are to have 225,000 privates, is it necessary to have 18,000 officers to command that number of men?

Mr. KAHN. I think that in order to get back to a peace basis, to take care of the property of the United States, $6,500,000,000 worth, according to the latest estimate, to take care of the Air Service, to take care of the Tank Service, to take care of the Motor Transport Service, all new services that are not provided for in the existing national defense law, it is necessary to have these 18,000 officers.

Mr. DUNBAR. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from California yield to the gentleman from Indiana?

Mr. KAHN. Yes.

Mr. DUNBAR. I want to ask the chairman of the Committee on Military Affairs if Secretary Baker stated to him that 24,000 officers were necessary to command for the coming year?

Mr. KAHN. No. The Secretary of War, in a communication to me, which I in good time will ask to be read to the House, stated, as I told the House, that he had asked for estimates from his bureau chiefs and that they had recommended 24,000 officers, whereupon he used his discretion and cut the number to 18,000.

Mr. DUNBAR. Then the Secretary of War has asked the Committee on Military Affairs to prepare a bill providing for 18,000 officers to command during the coming year?

Mr. KAHN. They are not all commanders. The gentleman must understand they are not all commanding officers. They are officers performing certain functions, but they are not in charge of troops.

Mr. DUNBAR. Then the Secretary of War, in a communication to the gentleman, has asked that a bill be prepared for 18,000 officers?

Mr. KAHN. Yes.

Mr. DUNBAR. Then upon that request coming from the Secretary of War, is the gentleman ready now to defend the position taken by the Secretary of War, or does he think it his province to put up to the House the demands and recommendations of the Secretary of War?

Mr. KAHN. I believe——

Mr. DUNBAR. And are you, as chairman of the Military Affairs Committee, on the defense, or is the Secretary of War on the defense?

Mr. KAHN. I do not think there is any great defense about it. I propose to give the House in my time a statement of the facts, and I hope to be able to convince the House that this number of officers is needed; and I shall abide, as, of course, I shall have to abide, by the decision of the House.

Mr. DUNBAR. Another question, please. Then it is your object——

Mr. CAMPBELL of Kansas. Mr. Speaker, I shall not yield further for a violation of the parliamentary language that must be observed by gentlemen on the floor of this House while I have anything to do with it. The rule provides that gentlemen must not address each other in the second person.

The SPEAKER. The gentleman's statement of the rule is correct.

Mr. LITTLE. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield to the gentleman from Kansas?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. LITTLE. How many officers were estimated to be necessary at the time when it was proposed that the Army should consist of 500,000 men?

Mr. KAHN. Twenty-eight thousand officers at the time that it was asked that the Army be made 500,000 men.

Mr. LITTLE. Then one other question: If these officers are not going to command, why should they be officers instead of privates?

Mr. KEARNS. Some of them are medical.

Mr. LITTLE. Why should they not be privates?

Mr. CAMPBELL of Kansas. Mr. Speaker, I do not yield further. I want to know whether we can agree on time for the consideration of this rule? The rule provides for two hours of general debate on the bill.

Mr. GARRETT. The rule provides for two hours of general debate, one-half to be controlled by those in favor of the bill and one-half by those opposed to it. Now, if we can have an agreement as to the persons who are to control the time, it may simplify matters. I understand there is only one member of the committee on this side opposed to the bill. That is the gentleman from Mississippi [Mr. QUIN]. I have sent for him, and he is not present. I will say to the gentleman from Kansas that my colleague from Tennessee [Mr. DAVIS] wants 15 minutes.

Mr. CAMPBELL of Kansas. On the bill?

Mr. GARRETT. It is not related wholly to the bill. This debate is not confined to the bill. If we can have the assurance that my colleague from Tennessee [Mr. DAVIS] can have 15 minutes on the bill, we will not ask for any time on the rule.

Mr. CAMPBELL of Kansas. There will be two hours' general debate, one hour to be controlled by this side and one hour, I assume, by that side.

Mr. LITTLE. The rule says one-half to be controlled by those in favor of the bill and one-half by those opposed to the bill.

Mr. CAMPBELL of Kansas. That is what the rule provides.

Mr. LITTLE. Who will have charge of the time?

Mr. KAHN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from California.

Mr. KAHN. While it is not customary to discuss on the floor what happened in the committee, it is an open secret that on the final vote to report this bill the only objection raised against the bill was raised by the gentleman from Mississippi [Mr. QUIN].

Mr. HARRISON. Mr. Speaker, I should like to ask the gentleman from Kansas how he is going to divide the time?

Mr. CAMPBELL of Kansas. I understand that the gentleman from Mississippi [Mr. QUIN], a member of the Committee on Military Affairs, is opposed to the bill, and will therefore have one hour of time. The other hour will be under the control of the gentleman from Ohio [Mr. KEARNS].

Mr. GARRETT. Mr. Speaker, I spoke to the gentleman from Kansas [Mr. CAMPBELL] privately, saying that I wished to obtain 15 minutes for my colleague, Judge DAVIS, to talk on a matter not directly relating to the bill. All that I am seeking is the assurance that he can get that time during general debate on the bill. Otherwise I would like to get it for him on the rule, and he prefers to wait about 5 or 10 minutes, if possible.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. By what authority are these gentlemen doing all this talking?

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] has the floor and has yielded.

Mr. CLARK of Missouri. But he does not have indefinite time.

The SPEAKER. No; but he has one hour.

Mr. GARRETT. In order to get the matter straightened out, although the gentleman from Virginia [Mr. HARRISON] is not, so far as I know, opposed to the bill, he is the second Democratic member of the committee, and I ask that the rule be modified so as to provide that one-half the time shall be controlled by the gentleman from California [Mr. KAHN] and one-half the time by the gentleman from Virginia [Mr. HARRISON].

Mr. KAHN. I suggest that the gentleman from Ohio [Mr. KEARNS] control the time on this side.

Mr. CAMPBELL of Kansas. Then I ask unanimous consent that the gentleman from Ohio [Mr. KEARNS] control one half of the time and the gentleman from Virginia [Mr. HARRISON] control the other half.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the resolution be modified so that the gentleman from Ohio [Mr. KEARNS] control one hour and the gentleman from Virginia [Mr. HARRISON] the other. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Now, Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from New York [Mr. SNELL] will take the chair.

Mr. SNELL took the chair amid applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 2622, to provide necessary commissioned personnel for the Army until June 30, 1920, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to officers of the permanent establishment as in his judgment may be necessary for the proper performance of the functions of the Military Establishment, and to retain at their temporary grade such officers of the Regular Army as he may deem necessary: *Provided*, That additional officers so maintained shall be selected so far as practicable from officers who served during the emergency and are applicants for appointment in the permanent establishment: *Provided further*, That after September 30, 1919, the total number of commissioned officers held in active service under this act shall at no time exceed 18,000.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to officers of the permanent establishment as in his judgment may be necessary for the proper performance of the functions of the Military Establishment: *Provided*, That additional officers so maintained shall be selected, so far as practicable, from officers and enlisted men who served during the emergency and are applicants for appointments in the permanent establishment: *Provided further*, That after October 30, 1919, the total number of commissioned officers in active service shall at no time exceed 18,000: *Provided further*, That no officer on the active list shall be detailed for recruiting service or for duty at schools and colleges, not including schools of the service, where officers on the retired list can be secured who are competent for such duty: *And provided further*, That 1,200 officers shall be assigned to the Air Service, of whom not less than 85 per cent shall be duly qualified fliers."

The CHAIRMAN. By agreement the two hours of general debate under the rule will be controlled one half by the gentleman from Ohio [Mr. KEARNS] and the other half by the gentleman from Virginia [Mr. HARRISON].

Mr. KEARNS. Mr. Chairman, I do not desire to trespass to any great extend on the time and patience of this committee, but I would like to impress upon the membership of the committee the great importance of this bill. I was sorry indeed a while ago to note that there is to be some opposition to it, but I am hopeful that before the time allotted for debate has expired each Member of this House might be impressed with the great importance and necessity of this measure.

This Congress two months ago in an appropriation bill said to the War Department, "We want the Army demobilized at the very earliest practicable moment"; and therefore that appropriation was so limited that it was necessary to discharge the

National Army down to a prewar strength by the 30th of September of this year. By doing this we have left the Secretary of War, so he claims, without sufficient legislation to maintain a commissioned personnel to take care of the necessary business that always follows in the wake of any war. I know that it has been contended that there is existing law under which the Secretary, as long as the emergency lasts, can keep up the commissioned personnel of the Army to such strength as he deems necessary to take care of the business. But in a later communication to the House the Secretary says that he finds himself without this authority. I am frank to say to this House that I care not whether the Secretary of War has that authority or not. He has indicated to us that he believes he has not, and that he will not exercise such debatable authority. You and I by our vote declared war against the Imperial Government of Germany, and by reason of this fact we find in the various hospitals scattered over the United States 29,000 sick and wounded men in bed. Under the demobilization order there will only be about 700 officers in the Medical Department on the 30th day of September of this year.

These men are sick and wounded because you and I issued the mandate that sent them into the zone of danger. The War Department says to us that it will require not only the 700 medical officers that they will have on the 30th of September, but it will require something like 1,700 or 1,800 officers in addition to take care of these sick and wounded men.

Mr. KAHN. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. KAHN. Of course the gentleman means that we will require that many officers in addition to those authorized by law?

Mr. KEARNS. I thought I said that.

Mr. KAHN. I did not so understand the gentleman. He said that it would require that number of officers.

Mr. KEARNS. I meant to say that many in addition. I do not want to see one dissenting vote on the Republican side of this House on this bill. The increase in the personnel of officers as asked for in this bill will cost this Government perhaps $18,000,000 additional. But since these boys require the attention of these medical men, I do not believe that the Republican Congress should be so miserly and niggardly that, in order to save $18,000,000, or any part thereof, it would allow one of these boys to die unattended in a hospital.

Mr. BEGG. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. BEGG. Did I understand the gentleman to say that we had 30,000 wounded men in the hospitals?

Mr. KEARNS. I said 29,000.

Mr. BEGG. I will be generous and make it 30,000. The gentleman says we have 700 officers in the Medical Corps now, or we would have on the 30th of September.

Mr. KEARNS. Yes.

Mr. BEGG. And that we require 1,700 more. That would make a total of 2,400.

Mr. KEARNS. If the gentleman will wait until I get through—I say we have 29,000 sick and wounded in the hospital. We have 10,000 or 12,000 men in the convalescent camps who need the attention every day of medical men. We have besides that an Army of 250,000 men, some of whom will be sick and some of whom will need the constant attention of a physician. That would make a population of 300,000, with a sick population of 35,000 constantly in need of medical attendance throughout the nine months, the period covered by this bill. For remember this measure, if it becomes a law, will be only temporary. It will become void after June 30, 1920. So it seems to me that the War Department has not been extravagant when it asks Congress to pass legislation which will allow the War Department to have sufficient medical men to take care of the sick and wounded and those in the Regular Establishment that may become sick or wounded.

Mr. BEGG. Now, will the gentleman allow me to finish my question?

Mr. KEARNS. No; I have only 10 minutes and I have given the gentleman the benefit of my opinion, and if the gentleman has made up his mind to cast his vote not to give them this medical attention anything that I could say further would not convince him.

Now, from a business standpoint the only reason why any Member can vote not to allow the increase asked by the War Department would be on account of the cost, and I hope there will not be one such vote on the Republican side, and I hope there will not be a man in the House that will vote against the bill simply because it will cost $18,000,000.

Mr. BLANTON. I want to ask the gentleman a question for information.

Mr. KEARNS. No; I will not yield.

The CHAIRMAN. The gentleman refuses to yield.

Mr. BLANTON. I want to ask the question only for information.

Mr. KEARNS. Well, I yield to the gentleman.

Mr. BLANTON. The fighting ceased November 11, 1918, nine months ago?

Mr. KEARNS. Yes.

Mr. BLANTON. Has not nature so helped to cure men who have not died from their wounds up to this time that it is not necessary to retain 1,700 more doctors in the service?

Mr. KEARNS. I have just told the gentleman that there are lying in sick beds 29,000, who are either sick or wounded; that there are in the convalescent camps ten or twelve thousand more; that we have an Army population in the Regular Establishment of 225,000 men, all whom at times will need medical attention.

Mr. ROBSION of Kentucky rose.

Mr. KEARNS. I can not yield any further, as I have only 10 minutes. There is another reason. We have property belonging to the Government amounting to something like $6,000,000,000. About $4,000,000,000 of that will have to be salvaged and put on the market and sold. This property needs attention. It needs to be guarded and taken care of in order that it may not deteriorate in value. We need officers to command the men who are guarding it. We need officers to see that it is kept intact till sold, and when sold to see that it is delivered to the buyer.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill S. 2236, an act relating to affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war."

PROVIDING NECESSARY COMMISSIONED PERSONNEL FOR THE ARMY UNTIL JUNE 30, 1920.

The committee resumed its session.

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen, if I vote against this bill it will not be on account of the finances, but unless some one interested in the bill enlightens me upon the proposition of the Army officers using too many privates to take care of them and using too many of the boys in the Army under that pretext, I am disposed to vote against the bill. I want to talk for just a minute about one institution that has been called to my attention recently. It is the hospital at Cooperstown, N. Y. I am informed that there is no one in that hospital who is sick or ailing, that the officers are using it as a summer resort where they are enjoying life, that they are keeping privates there to care for them, boys who ought to be discharged from the Army, who enlisted only for the duration of the war; that these officers are abusing that privilege.

I am informed that there are civilians in that hospital now and that the officers are requiring privates from my own State to wait upon and serve them—boys that have no more business being in that hospital there as waiters and servants than have you or I, boys who went to the Army as volunteers from a patriotic standpoint to fight for their Government, but who are now up there acting as servants to help officers entertain their civilian friends. I am informed that they are using that hospital in that way. When I asked the Secretary of War to look into the matter and to secure the release of these privates I received no answer; no attention is paid to me. I was advised that the commanding officer there would pay little attention to me because he wants to hold the job; that there is nothing in civil life for him and he has no ambition to get back to it, and does not understand the nature of men who do want to get back to civil life. I wrote to him and he turned me down with the proposition that they could not release these privates until they could be replaced. Replaced as what? As servants—these men of affairs, substantial business men, who left their business and enlisted for the duration of the war. They have been held there for two or three months over their own protests, and if that is what you want with more officers, to require more business men as servants to wait upon them, I am against this bill. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman, I rise primarily to reply to some remarks made earlier in the day by the gentle-

man from Indiana [Mr. WOOD], which are in line with similar statements made from time to time by Members of the majority party. After engaging in a general criticism with respect to the demobilization of the military forces, the gentleman from Indiana engaged in a very spirited criticism of the fact that several thousand—I believe he said 6,500—men were to be sent overseas very shortly, and he drew some conclusions as to what would follow if the Senate adopted the treaty of peace, including the league of nations covenant. Let us consider the facts as they actually exist.

After the Civil War it took 18 months for the demobilization of the military forces of this Government. After the Spanish-American War, under a Republican administration, it took 10 months for the demobilization of 197,397 men, and for a year or two afterwards a considerable force of the Regular Army, under Gen. Wood, was kept in the island of Cuba for the purpose of restoring peace and stabilizing conditions, without criticism on the part of anyone. Now, after the conclusion of this World War, when times are as unsettled as they are, a Democratic administration in less than 10 months has demobilized nearly 4,000,000 men, half of whom have had to be brought from across the seas. Only a comparatively small number still remain overseas, and in order that they may be relieved this Government called for 50,000 volunteers, it being expressly announced that they were to volunteer for foreign service, to relieve the men who had borne the brunt of battle, in order that they might return home. The posters calling for such volunteers, which were posted all over this country, invited the men to volunteer in order that they might see foreign service. They volunteered with their eyes open, and the most of them for the very purpose of seeing foreign service.

These men referred to by the gentleman from Indiana, the 6,500 men who are being sent across to replace the boys who were in the war, are some of those volunteers, members of the Regular Army. Yet the gentleman from Indiana [Mr. WOOD] engages in bitter criticism of the administration for sending those men to relieve men who were in the war. Why are they being sent? Because we have valuable property interests over there—railroads and other property and equipment—which have not yet been disposed of, but which are being disposed of as rapidly as possible, as well as many other important interests requiring the protection of a small military force. I think it is marvelous that we have come as near as we have to withdrawing all of our military forces from Europe, after the greatest war in the world's annals, when it took a Republican administration over two years to withdraw all of their forces from Cuba, although they never at any time had over 20,000 men there.

During the short time that I have been a Member of this House I have been making some observations, and although I have several times discussed pending legislation on the floor of this House, yet this is the first time I have even replied to any political arguments. However, patience sometimes ceases to be a virtue, and I take this opportunity to raise my voice, feeble though it be, in refutation of some of the slanderous and unjust statements emanating from gentlemen on the Republican side.

I have observed that while some chairmen of your committees, notably the distinguished chairman of the Committee on Military Affairs, which has reported out this bill, have manifested a commendable and a refreshing spirit of patriotism and nonpartisanship and a desire to legislate in the interest and the welfare of the masses of the people, yet, on the other hand, I have been impressed with the fact that many Members on the Republican side seem to have no higher motive than to engage in continual petty faultfinding. Some of you have spoken time after time and have never yet made any speech or any statement that was not partisan in nature, and you have manifested no purpose or desire to help solve the great questions with which we are now confronted. Many of you have repeatedly indulged in petty partisan criticism of the extravagances of this war, and yet the statistics show that, although we were engaged in this war for considerably over a year, and although we had to mobilize, equip, and train 4,000,000 men and send 2,000,000 men 3,000 miles overseas, and have brought most of them back, yet the cost per man of this great war was less than twice as much per man as the money spent per man by the Republican administration in the Spanish-American War, although the actual fighting in the latter-named war lasted but three months, and that war was but a skirmish compared to the World War.

Instead of solving the reconstruction and high cost of living problems, which are pressing for solution, most of you on the Republican side are devoting all of your time to petty faultfinding and to authorizing and conducting expensive investigations in order to determine how and why we won the war, with a hope that in the enormous expenditures, made amidst the speedy preparation, you may, someway, somehow, unearth something that will aid you in the next campaign. You have been driven almost to distraction by knowledge of the fact that America's stupendous and marvelous achievements were accomplished by a Democratic administration and that a Democratic President is the foremost citizen and most commanding figure in all the world. Many of you are afflicted with an incurable malady, which may be correctly defined as anti-Wilsonphobia. Utterly ignoring the great achievements of his administration, both in peace and during war, and utterly unwilling to accord him any credit therefor, you engage in a continuous campaign of misrepresentation, trivial criticism, and unwarranted abuse, taking as your pretext the alleged misconduct of some subordinate official, a letter from some irresponsible party, or some unverified newspaper report. In one breath you charge the President with usurpation of power, and in the next breath you criticize him because he does not exercise more power. In view of the fact that all of this is clearly for political effect, you are evidently very much perturbed in mind and very apprehensive as to your political status. You evidently feel very insecure, or else you would be content to let matters rest. You clamored for the President to call you into extra session in order that you might pass much-needed constructive legislation and reduce the high cost of living, and yet, although you have been in session for over three months, you have enacted no constructive legislation, unless a few high-protective tariff bills constitute your idea of postwar constructive legislation; and aside from passing one bill at the urgent request of the President, embodying one of his suggestions, you have enacted no legislation looking to the reduction of the high cost of living, except to repeal the tax on ice cream and soda water.

Furthermore, in reply to the statement made by the gentleman from Indiana, that sending these 6,500 men overseas was simply a forerunner of what would be sent if we were to adopt the treaty of peace, including the league of nations, I wish to state that the very purpose of the league of nations is to so arrange the affairs of the world that it will not be necessary to send any soldiers overseas, and the greatest minds and hearts of your own party recognize that it will probably have that effect. [Applause on the Democratic side.]

Mr. REAVIS rose.

Mr. DAVIS of Tennessee. If some of you would read the patriotic articles that are being daily published from the pen of your great Republican ex-President, Mr. Taft, you would acquire a different vision from that which you now possess.

Mr. REAVIS. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. REAVIS. I understood the gentleman to say that the purpose of the league of nations was to prevent sending soldiers overseas?

Mr. DAVIS of Tennessee. Yes, sir.

Mr. REAVIS. Does not the gentleman know that one of the provisions of the document known as the league of nations will keep our soldiers on the Rhine for 15 years in exact terms? [Applause on the Republican side.]

Mr. DAVIS of Tennessee. Yes; in comparatively small numbers, but without the league of nations you and other Members of this House were compelled to vote to send 2,000,000 boys overseas. [Applause on the Democratic side.] And this league of nations will fix it so that we will only have to send a small number for 15 years, and after that not be compelled to send any. That is not merely my view, but it is the view of the greatest men of your own party.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. HARDY of Texas. As I understand, that provision for keeping our soldiers there is not part of the league of nations covenant but a part of the treaty of peace. It is not in the league of nations at all.

Mr. DAVIS of Tennessee. That is true.

Mr. RHODES. Will the gentleman yield for a question?

Mr. DAVIS of Tennessee. Yes.

Mr. RHODES. Is the gentleman in favor of the retention of American soldiers in Siberia at this time?

Mr. DAVIS of Tennessee. Not any longer than absolutely necessary in order to keep our solemn agreement which was made with the allied nations to keep them there temporarily.

Mr. RHODES. Will the gentleman permit one other question?

Mr. DAVIS of Tennessee. My time is so limited; there are some other things I wish to say. But if my time is extended I will answer the gentleman's and all other questions.

As high an authority as the able and respected Republican ex-Attorney General, James W. Wickersham, gave out a written

statement the other day in which he said that the objections now being urged against the league of nations are almost identical with those that were urged at the time against the adoption by the Colonies of the Constitution of the United States.

Mr. Wickersham further stated:

The failure to accept the peace covenant would destroy the most practical plan for the preservation of the world's peace ever submitted to the acceptance of the nations. Let the Senate ratify the treaty and thus avert from America the reproach of depriving the world of the great hope, the radiant promise, of a world allied for the preservation of peace.

[Applause.]

Now, many of you on that side would substitute for a governed world a chaotic world, if by so doing you could in some manner embarrass a Democratic administration or discount the achievements of a Democratic President.

Mr. TINCHER rose.

Mr. DAVIS of Tennessee. I am convinced that many of you are more concerned in an effort to destroy and disparage the accomplishments of this great administration and thereby gain political advantage than you are in settling these great problems or in future world peace.

Mr. TINCHER. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. TINCHER. Does the gentleman consider that the Baker military bill as introduced in the Senate, as suggested by Secretary Baker, providing for compulsory training, is necessary to carry out the league of nations and is to go with the league of nations? [Laughter on the Republican side.]

Mr. DAVIS of Tennessee. The league of nations covenant has not been adopted, and my opinion is that if it is adopted and as soon as world conditions have become settled we will not need any Army except sufficient to maintain order here at home. [Applause on the Democratic side.]

Mr. KAHN. Will the gentleman yield?

Mr. DAVIS of Tennessee. My time is very limited.

Mr. KAHN. I know the gentleman wants to be fair. Does not the gentleman remember that the President himself stated when he came back from France the first time that he did not believe that the league of nations provision would stop war entirely, but he did think it would reduce the possibility of war to a minimum?

Mr. DAVIS of Tennessee. Yes. I do not think it would stop war entirely any more than the law against murder will stop murder entirely, but I do not think for that reason we are any more justified in not making an earnest effort to stop war than we are in making an earnest effort to stop murder. [Applause on the Democratic side.]

Now, gentlemen, I want to quote from another great Republican authority and a great American, and I want to show you that instead of following the greatest men in your own party you are following some petty politicians in your party who are merely seeking political advantage. [Applause on the Democratic side.] Here are some words to which I want you to give close attention while I read them to you. Listen to this quotation:

All the civilized powers which are able and willing to furnish and to use force, when force is required to back up righteousness * * * should join together to create an international tribunal and to provide rules, in accordance with which that tribunal should act. These rules would have to accept the status quo at some given period, for the endeavor to redress all historical wrongs would throw us back into chaos. They would lay down the rule that the territorial integrity of each nation was inviolate; that it was to be guaranteed absolutely its sovereign rights in matters affecting its honor and vital interest * * *. All other matters that could arise between these nations should be settled by the international court * * *. Then, and most important, the nations should severally guarantee to use their entire military force, if necessary, against any nation which defied the decrees of the tribunal or which violated any of the rights which in the rules it was expressly stipulated should be reserved to the several nations, and rights to their territorial integrity and the like.

In addition to the contracting powers, a certain number of outside nations should be named as entitled to the benefits of the court. These nations should be chosen from those which are as civilized and well-behaved as the great contracting nations, but which, for some reason or other, were unwilling or unable to guarantee to help execute the decrees of the court by force.

No power should be admitted into the first circle, that of the contracting powers, unless it was civilized, well behaved, and able to do its part in enforcing the decrees of the court.

[Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. I yield five minutes more to the gentleman.

Mr. DAVIS of Tennessee. You will notice that this article directly recognizes and advocates the very principles involved in article 10 of the league of nations covenant, which is now being so violently attacked by some of you and others, and this quotation is from none other than an article printed in 1915 in the Outlook from the pen of Theodore Roosevelt. [Applause.]

Mr. NEWTON of Minnesota. Will the gentleman yield? Does not the gentleman know that certain proponents of the league of nations have openly rejoiced that the voice of Theodore Roosevelt has been silenced?

Mr. DAVIS of Tennessee. No; I do not know any such thing, and I resent such an imputation. But that imputation is an evidence of the narrow partisanship to which I have been referring. [Applause on the Democratic side.]

Mr. RHODES. Will the gentleman permit a question?

Mr. DAVIS of Tennessee. I have only a minute or two, unless you can get me more time.

Mr. RHODES. The gentleman stated a few moments ago that he was not in favor of the retention of American soldiers in Siberia any longer than necessary. In your opinion about how long will it be before the American soldiers can be withdrawn from Siberia?

Mr. DAVIS of Tennessee. The gentleman knows that that matter depends entirely upon circumstances, and you should not expect me to be a prophet and look into the future, when for three months you gentlemen have not been able to answer the people in their requests, coming from all over the Nation, and present some real solutions of the problems with which you are confronted.

The gentleman from Indiana also engaged in a severe criticism of the Shantung provision in the treaty of peace, and Members on that side have repeatedly spoken in criticism of that provision. In the few minutes left to me I can not enter into any real discussion of this question. However, I wish to call attention to the fact that President Wilson and the other American peace delegates had to deal with the conflicting interests and ideals of twenty-odd allied nations, and it is preposterous to expect them to have been able to induce all of those nations to agree to a peace treaty in full conformity with their own views, much less one that would please every Republican politician. It is marvelous that all of the different allied nations could reach a common agreement at all, and especially that there was evolved a treaty of peace and a league of nations covenant, about which so little can be said in criticism, even by the hypercritical Republicans who are so desperately seeking for political capital.

What are the facts about the Shantung matter? At the time of the Boxer troubles, by way of indemnity China granted certain concessions in the form of a lease, with political and exclusive dominion for 100 years over the town of Kiaochow, together with an economic right to construct a railway through the Province of Shantung, which Germany and China should jointly operate and which Germany might police. Germany acquired no other governmental control, except the indirect influence of operating and policing that railway through Shantung; it was not a cession of political dominion.

When Japan was induced to unite with Great Britain and France and Russia against Germany, one of the inducements offered her, it seems, was a transfer of German rights in China. She thereupon proceeded to conquer Kiaochow, a work of considerable difficulty, and establish herself in possession of the German holdings. She then policed the Pacific for the Allies and drove Germany out of that very large part of the globe. She also helped to guard transports from Australia and other countries of the allied nations into the Mediterranean.

When the question arose as to the disposition to be made of German colonies and holdings outside of Germany, Japan claimed these rights in Shantung as a part of the contract under which she entered the war. The contract, of course, did not bind the United States, but it did bind the other allies.

President Wilson and the American delegates insisted that Shantung should be immediately and absolutely restored to China. Japan steadfastly refused to agree to this, insisting that her agreement made with Great Britain and France and Russia should be kept. The representatives of Great Britain and France declined to break their agreement with Japan. After prolonged negotiations President Wilson finally succeeded in inducing Japan to agree to later restore Shantung to China; this is embodied in the treaty of peace. Japan informed the allied representatives that she would decline to enter the league of nations unless the Allies agreed for her to retain for the present the rights in China which she had wrested from Germany. President Wilson finally reluctantly yielded, after, as before stated, exacting a promise from Japan to later restore all of her rights in Shantung to China.

In a recently published article ex-President Taft stated that a failure to yield to Japan meant a new war. In the article referred to ex-President Taft further stated:

The other results of the Boxer rebellion, with the territorial acquisition of the other Governments, are not to be changed. In other words, the reform under the league of nations and the principles declared in the 14 points can not practically be made retroactive in every case.

Of course we deprecate Japan's insistence on retaining German rights, but we would be unreasonable if we did not realize how exceedingly difficult it was for the President to change a situation created before

he was a factor in it. It is said that he yielded on the Shantung business in order to save the league of nations. Be it so. That was the statesmanlike course to pursue. Suppose, instead, that insistence upon a restoration of Kiaochow and the economic rights to China had led Japan to refuse to subscribe to the league of nations and to stand out against such a peace settlement. Her then position in the world would have been a constant threat. Germany would promptly take advantage of her attitude and an alliance between the two would be quite certain. The necessary result of such an alliance would be the beginning of a new alignment, ultimately to result in another war.

How much prejudiced is China by this result of the war? Japan is not likely to have any more spirit of encroachment than Germany would have had. Senator BORAH and Senator JOHNSON were certainly not in favor of our going to war with Germany to take the Shantung rights away from her. Are they in favor of doing so now with Japan?

The worst thing that could happen to China would be the failure of the league of nations; Japan could then work her exploiting purpose with China with little or no restraint from us. The league of nations offers to China a full opportunity to bring Japan before the tribunals of the league and before the considered public opinion of the world over any schemes of Japan to secure further dominion over the Chinese Republic.

I am answering your small partisan arguments, prompted by a lack of patriotism and accurate information, in the words of your own leaders, who, in fact, represent the views of the masses of the people, who are not to be denied the opportunity for future world peace by technical quibbles over comparatively immaterial features of the peace treaty.

That able Republican Senator from North Dakota [Mr. MCCUMBER], in a recent speech, declared that the effort to adopt the Shantung amendment was to drive a "poisoned dagger" into the peace treaty, and to defeat the treaty and the league, and that it would "renew this World War and send our soldiers into the Orient single-handed and alone to drive Japan out of China," or else the proposed amendment awarding Shantung to China would be ineffective.

The gentleman from Indiana [Mr. WOOD] seriously objects to 6,500 members of our Regular Army going to Europe to relieve some of our boys over there, and yet he would involve us in a war with Japan, a powerful military nation, which would involve the sacrifice of untold numbers of our boys.

Why and when have some of you Republicans and some at the other end of the Capitol become so deeply concerned over the welfare of China, the most populous nation on the globe, which has always refused to defend itself? Why were you so content for Germany to have those rights in Shantung, when you are so unwilling for them to be temporarily retained by an ally who helped us to win the war against Prussianism?

Many of you have repeatedly denounced the Shantung provision in the peace treaty as an outrage, and yet Japan gobbled up all of Korea under a Republican administration, and not one of you raised your voice in protest. Roosevelt, who was then the Republican President, not only made no protest, but he flatly refused to receive the letter and appeal of the Emperor of Korea sent by a personal representative.

Germany acquired her rights in Shantung in March, 1898, during President McKinley's administration, and neither President McKinley nor you nor any other Republican protested against it. Neither did any of you protest when Japan acquired those rights of Germany by act of war, nor did any of you protest until the treaty of peace was presented for ratification by a Democratic President. In a blind effort to obtain political advantage, you are willing to throw away the victory won by the sacrifices and valorous deeds of our soldiers and sailors and make possible the awful horrors and cruelties of another World War.

Instead of any of you having made a previous protest, on the other hand, on September 6, 1899, 18 months after Germany had made the treaty with China acquiring the said rights in Shantung, John Hay, then Republican Secretary of State, addressed a letter to Count Von Buelow, in which he expressly recognized that treaty, and commended the liberal policy being pursued by Germany in Shantung. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEARNS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I do not believe that any gentleman on the floor of the House is under the impression that I favor retaining officers in the Army that are not necessary or an Army of too great size. I think the best thing I ever did in my short legislative life was in opposition to the appropriation bill in which we cut down the Army from 507,000 to an average of 300,000. Events have proven we were right in that, but had we at that time followed the recommendation of the General Staff we would have had an excessive Army on our hands and would have spent something like $170,000,000 more.

But the facts here are somewhat different. Some of the gentlemen are asking for information, and I would ask the gentlemen to have the kindness and patience to read the report. That contains a list showing exactly how these officers are to be used.

You must bear in mind the fact that we had an Army of 4,000,000 men. This Army is being demobilized. The men are being discharged. But that is not all there is to it. There are the records of these men to be kept, the property of the Army to be cared for, the ordnance of the Army. All this vast amount of supplies must be cared for.

Now, then, according to the provisions of the national defense act, the War Department is authorized to maintain something like 11,750 officers. Out of that number of officers there is no provision for the Air Service, for the Chemical Warfare Service, or for the Tank Corps.

Mr. KAHN. And for the Motor Transport Corps and the Construction Corps.

Mr. LAGUARDIA. Yes; and for the Motor Transport Corps and the Construction Corps. I thank the gentleman from California. Now, I find that out of the 11,750 officers they have taken 950 and assigned them to these various corps. The Quartermaster Corps has an enormous amount of work to do, and all the additional officers that we are allowing by this bill to the Quartermaster Corps will make a total in that service of 1,072. The Air Service will get 1,200 men, and that number is limited by the bill. Then we have the Medical Corps, where provision is made for 2,877. I doubt whether it will be possible to obtain the services of 2,877 doctors to remain in the Medical Corps. But we need those men. We have hospitals, as you know, scattered all over the country. And the number of officers provided include also all officers who are sick, injured, and disabled until such time as they are discharged or pensioned.

Now, if any gentleman has any information of any hospital that is being used as a summer resort, I want to get it. I will go to the bat on it. I will go to the bat on anything of that kind that you can give me. I am looking for it. But if you have not the facts, it is not right to assert anything like that in the discussion of this bill.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TINCHER. The gentleman was in the Chamber, was he not, when I mentioned the name of the hospital—Cooperstown, N. Y.?

Mr. LAGUARDIA. I will go to Cooperstown; you bet I will.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. KAHN. As to the matter of hospitals and abuses in the hospitals, there is a committee that is now investigating that subject, and I suggest to the gentleman from Kansas [Mr. TINCHER] that he confer with the chairman of the subcommittee that has the hospitals in charge, in order that the information he is possessed of may be thoroughly investigated.

Mr. LAGUARDIA. Under the apportionment the Air Service was allowed, I think, 255 officers. The present Chief of Staff, as you all know, is not in sympathy with the Air Service for some reason of his own; I do not know why. He is prejudiced against the Air Service, so that he has filled that quota of 235 men with men from other branches of the service, not flying officers; so that out of the 235 men we have, beginning with the chief of the Air Service, men who are not trained for that kind of work, men who are not in sympathy with the development of the Air Service, men who do not understand the Air Service, so that if we were not to pass this bill we would have on the 1st of October 235 men, of whom only a small percentage would be fliers, while a still smaller percentage would be men who are technically trained and qualified to care for the vast property that we have.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. THOMPSON of Oklahoma. The gentleman knows, of course, that every time application is made for the addition of an officer to the Army it makes it necessary to provide four or five privates to wait on him?

Mr. LAGUARDIA. I never had privates waiting on me.

Mr. LITTLE. Was the gentleman in the Regular Army?

Mr. THOMPSON of Oklahoma. You were not in the Regular Army?

Mr. LAGUARDIA. No. I was in the temporary Army.

Mr. THOMPSON of Oklahoma. You know the officers usually oppose the demobilization of privates. You have had experience in that. Do they not usually oppose any discharge?

Mr. LAGUARDIA. I will say to the gentleman that of these officers that we are providing most of them will be detailed for other work. In the Quartermaster Corps, for instance, we are employing civilians.

Mr. THOMPSON of Oklahoma. Why can not privates do that work as well as officers, with a good deal less pay?

Mr. LAGUARDIA. In one breath the gentleman says he wants to get the men out, and in another he says "Let the privates stay in." We are providing for the Army, and it must be officered by military men. That is fundamental.

Mr. THOMPSON of Oklahoma. I mean civilians.

Mr. LAGUARDIA. Can you find civilian doctors to go into these hospitals and do that work, and go into the Air Service and in the Tank Corps?

Mr. THOMPSON of Oklahoma. If you need doctors, why not report a bill for the doctors, and not include these other officers?

Mr. LAGUARDIA. If the gentleman will take the trouble to read the report and add the additional officers allowed to the Medical Corps, and to the Quartermaster Corps, and the liquidating commissions, and to the claims boards, and to the Judge Advocate General's Department, and to the Tank Corps, and the Chemical Corps, and the Motor Transport Corps he will see that there is not an additional officer provided for in this bill and allowed to the Infantry, Cavalry, or Coast Artillery. It is just to clean up the work. That is all.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. KAHN. I would remind my colleague on the committee that there are about 190,000 civilians that have been employed and are now employed to take the places of enlisted men who were clamoring to be demobilized and discharged.

Mr. LAGUARDIA. Yes; and another point: I will say to the gentleman that the Secretary of War, I believe, had the authority to keep officers in the service, and this bill will permit him to release men who are anxious to get out of the service and put in men who are willing to serve.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Has not the gentleman received letters, urgent requests, from surgeons and doctors in the various hospitals who come from his district, telling him that there are numerous doctors and surgeons, a surplus of them, in almost every nospital in the country, and urging him to get them out of the service? Is not that the fact?

Mr. LAGUARDIA. Not doctors.

Mr. BLANTON. Has not the gentleman received letters from surgeons telling him that there is a surplus of surgeons in almost every hospital in the country?

Mr. LAGUARDIA. No. I have great faith in the medical service of our Army. I have repeated on the floor of this House several times that that is one branch that came out of this war with an excellent record. Thanks to the patriotism and skill of the civilian doctors who answered the call, our medical department went into the war with equipment and men and ranked above the medical department of any of our allies.

Mr. BAER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BAER. Is it not a fact that in this demobilization of the boards composed of doctors and physicians it requires more doctors now to examine these men than it did in taking them into the Army, because it requires careful examination to serve as safeguard against pensions and everything that can occur in the future?

Mr. LAGUARDIA. Certainly; because we want to be sure of their physical condition when they are sent home.

Mr. BAER. Because we want to protect ourselves against claims for pensions and everything of that sort.

Mr. LAGUARDIA. Certainly. Now, this is a temporary provision. I certainly would not support this bill if it were a permanent provision. The whole Army is undergoing reorganization. We have this vast amount of property to take care of. We have these records to take care of, and this is necessary in the cleaning-up process of a big Army of 4,000,000 men. I have gone into the matter very carefully, and I deemed it my duty to support the bill. No one in the War Department will be able to avoid responsibility by claiming that there were insufficient officers. And no one can expect mercy if he does not make good on the job. [Applause.]

Mr. KAHN. Will the gentleman from Virginia use some of his time?

Mr. HARRISON. I yield 20 minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, I was at lunch when the House took this matter up, and I thank my good friend from Virginia [Mr. HARRISON] for yielding me this time.

I can not approve this bill. I voted against it as a member of the Committee on Military Affairs, and I am going to vote against it here. [Applause.] It occurs to me that it is time for the American Congress to realize that the war is ended and that our country is crying to be restored to a peace basis, so that all of the citizens who have been voluntarily or involuntarily forced into the service of their country during this horrible struggle shall soon be back following productive and peaceful pursuits.

This bill provides 18,000 officers, for what? It is for the purpose of having a larger number of men under them. The more officers you establish, the more private soldiers you are going to have in the Army in this country. [Applause.] It is of no use for us to endeavor to fool ourselves. I am going to call on you gentlemen to study the bill that is now before our committee, and I am going to appeal to your judgment, in the interest of the people of this country, whether or not such a thing as that should be put through this Congress. I take it you assume that the President of the United States is behind that bill of the General Staff and the Secretary of War, judging from statements of the Secretary of War to the Senate committee. They have proposed to have 576,000 privates in the Regular Army of this country and at least 700,000 in the reserve army in time of peace. They have proposed, in addition to that, to have conscription under the euphonious name of universal military training, taking every young man when he reaches the age of 19 years and putting him in a military camp and training him to be a soldier and then putting him into what they call the reserve army for two years. More than that, they expect to have every year 800,000 men conscripted and trained. They propose to conscript under the euphonious appellation of a selective draft the number required beyond the volunteers to make these 576,000 privates and numerous and numberless officers over them. They propose that outrage in time of peace. My goodness, think of it! We went out over this country making Liberty bond speeches and spurring our people to patriotic efforts, telling them that after this war was over, as the President of the United States and all of those around him said, there would be disarmament and the reduction of big armies not only in our country, but all over the world.

That is what all of us did during this war. I did it and I was honest in it. Four and one-half million of our young men patriotically served their country. Many of them are lying across the sea under the daisies, never to return to this country except in coffins. My friends, our boys did their part. Now will we do ours? When this war is over, when this whole country is crying for labor, the Secretary of War and the General Staff have sent a bill before the committee, of which I have the honor to be a member, and they have sent before the Senate committee a bill which they expect this Congress to pass making the General Staff of this country a replica of the Prussian general staff that brought on this horrible conflict across the sea. They propose the biggest Army that the United States ever heard of in time of peace; they propose compulsory military training of all young men and conscription in peace times; and they propose this after all the statements that were made that we would not have any big Army or big Navy any more.

Not only that, but we were assured that by the league of nations we would not need any great big Army. Yet in the face of the fact that they say the league of nations is going to be approved and organized and the treaty of peace ratified, our committee is called on and you are called on to put a standing Army of 576,000 privates, yea, 1,250,000 privates, and many, many thousands of officers upon the people of this country. Why, the bill provides that there shall be 87 brigadier generals, 36 major generals, 6 lieutenant generals, and the number of lieutenants, captains, and corporals are as the sands of the seashore. Hold your breath and think of such a thing in times of peace! Place that kind of an Army on this country in time of peace, make the taxpayers of this country bear a burden of at least $2,000,000,000 a year in order to support and maintain such an establishment as that. How will you be fulfilling your promises?

Mr. KEARNS. Will the gentleman yield?

Mr. QUIN. I would rather not yield. I would rather discuss this now, because I am very much in earnest. The American people ought to know what is going on, because the propaganda is out on the other side of this question. I am here as the Representative of an honest constituency and I am speaking my honest convictions regardless of what Mr. Secretary Baker or anybody else may say; and I, as a member of the Committee on Military Affairs, am not going to support this outrage, as I consider it, upon the American people. [Applause.] I am not going to vote for it, and I am going to do my best to put it in the wastebasket. Here, with the farmers of the country needing labor, it is proposed by legislation in time of peace to take 800,000 of our young men out of their work, off the farms and out of the factories, every year and place them in military camps to be trained for soldiers.

And then you understand they are to be put in the reserve Army and kept there for two years, with the power in the President of the United States to call them out into active

service and send them anywhere. Let me show you something else. This monster provides that if an emergency arises the same old conscription act that was put on the books in 1917 shall be effective without Congress saying a word, except that Congress shall declare war. They expect you in this bill to enact a conscript law that will be effective all the time in the future.

They further put in this bill that you are to have 800,000 boys every year trained, put back in what they call the reserve, which would make 3,200,000 soldiers subject to call at any time after the first two years.

Mr. KEARNS. Will the gentleman yield?

Mr. QUIN. I can not yield now. The others are ready to be called. Such power as that was never invested in the General Staff nor in the Kaiser of Germany in the palmiest days of Prussianism.

Mr. BAER. Will the gentleman yield?

Mr. QUIN. I can not. The plain people of this country are called upon through their Representatives in time of peace to put this monstrous legislation on the statute books of this country. I appeal to you men to back us members of the committee who are going to fight that proposition. I ask you as representatives of the plain people to stand back of the men of the committee to keep this serpent from raising its deadly head and throwing its poisonous fangs into the body politic. [Applause.] If we are going to be only a servile set of men, bowing down to the interests of the War Department, turning the country into a military despotism instead of remaining a republican government of the people, you may enact this legislation and the day of democratic government will be ended on this continent.

Do you believe the American people would indorse such a bill as is proposed, such a bill as is pending in the Senate today, such a bill as the committee of the House is called upon to have hearings on and listen to all the arguments in favor of it?

If the men who stand for the people of this country will unite themselves and let that Military Committee know what the sentiments of their constituents are, we can kill this bill in committee, where it ought to die and sleep forever. But if we let the propaganda of the militarists go through, the papers every day carrying headlines, they will do the job and put it across.

Another thing, just about the time that they will have the fire built underneath the members of the committee, trying to force the bill out of committee, they are going to have a big scare that Mexico is going to come over here and swallow us. If they can not get that old Mexican scarecrow revived, they will say that Japan is going to come over and take us. There never was a time when the militarists could not stalk out a ghost and prove a lie. [Applause.] They are going to do it just as soon as this bill comes up.

So, my friends, it is time for all of you to put on the armor and stand by the plain people that sent you here. It is the duty of the American manhood in this Congress to see that the people are protected from such an outrage as this, regardless of who the Secretary of War or General Staff is that sends it down here. [Applause.]

There is no mistake about this; we may just as well assert the rights of the people. If the time comes when an emergency arises that our people need the protection of a large Army, there would not be a man on the committee more ready to give it to them than would I. But in a time of peaceful pursuits, when the Secretary of War and the General Staff propose to establish the greatest Army that we ever had, I feel that every speech I made during the war and every pledge I made to the people was of no avail. I would feel that 95 per cent of the speeches of this country that were made to get the people to subscribe to Liberty bonds that we needed to win the Great War were futile. Instead of that, after we have crushed the military power of Germany with our boys that were called to fight against militarism and Prussianism, we are now called upon to establish the same system in our own country, except we are establishing it on a greater and more magnificent scale.

What a stupendous idea—3,850,000 men conscripted and trained in peace times, to be called by the President of the United States any time that the emergency might arise, and you would have these men all conscripted in advance.

Mr. FOCHT. Will the gentleman yield?

Mr. QUIN. No; I can not. I can not for one moment dream that the people would indorse the American Congress in any such act in a time of peace. It would be a stench in the nostrils of the patriotic people of the country.

Another thing, all through the United States we have 10,000,000 colored people, whom we call negroes in my country. Under this bill they would take these negroes, every youth who had reached the age of 19, and put him into training camps with an American Army uniform on him and train him to be a soldier, train him to shoot, and then put him back into the reserve and let him be a menace to the South or any other section of the country he happened to be in in great numbers.

It is enough to make every representative on the floor of this House rise up and take notice that aside from the expense of it, it means the taking of these young men out of their proper pursuits in life, where they are needed every day. It would mean about 1,400,000 strong young men taken away from productive pursuits, at a great expense and a great loss in production, which would be bound to raise the cost of living. They are seeking to put upon us an institution that will bring about in this country more strife and turmoil. The people of the country will say to Congress that it has played them false; that Congress promised that if we won this war we were going to do away with big armies, and that, notwithstanding that promise, we have gone to work and established a monster Army and conscripted the sons of the country in a time of peace, to take them away from their ordinary pursuits and put them, by act of conscription, into the Army of 576,000 privates. Oh, you know the scheme. We could not get over 150,000 men in the Regular Establishment by volunteering. That has been our history.

Mr. KEARNS. Mr. Chairman, will the gentleman yield for a question?

Mr. QUIN. Yes.

Mr. KEARNS. Or rather for a statement. The gentleman is not arguing about this bill. He is arguing about the proposed reorganization bill.

Mr. QUIN. Certainly, I am. I want the people to know what you are leading up to under this bill. [Laughter and applause.] You are just naturally laying the predicate right now under this 18,000-officer bill for this outrageous scheme to conscript over 576,000 men out of the reserve every year to make up this Regular Army. You need not disturb yourself about that.

Mr. KEARNS. I heartily agree with the gentleman on the proposed reorganization bill, but he is not talking about this bill.

Mr. QUIN. Yes, I am. You gentlemen are laying the predicate with your 18,000 officers to be appointed by the War Department, and Mr. Baker will come in and say, "We have the officers, now we want some more men." [Laughter and applause.] There is no doubt about that. The American people are going to know what is going on, and all of these newspapers, all of these kept papers that have been paid to carry the big military news, are going to spread that propaganda. The proposed bill intends to kill the National Guard. I am for a very strong National Guard in every State of this Union. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Could not the gentleman give me a little more time? I would like to have 10 minutes more.

Mr. HARRISON. I have not the time to yield.

Mr. QUIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. The time was fixed in the House, and, of course, it is not competent for the committee to extend the time.

Mr. KING. Mr. Chairman, I ask unanimous consent that irrespective of the time fixed by the House the gentleman may proceed for 10 minutes.

The CHAIRMAN. The Chair can not put that request, as it would be a violation of the rules of the House.

Mr. QUIN. I do not want to violate the rules of the House. I thank you. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD upon the Pershing bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEE. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BAER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the American Legion, the bill passed yesterday.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEARNS. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the speech just made by the gentleman from Mississippi [Mr. QUIN] is very opportune. It is a good speech, a commendable speech. I am not surprised that the gentleman is amazed at the military program proposed by his administration. I am not surprised that he is amazed that the President, just home with the league of nations under his arm, preaching peace and good will to all men, has acquiesced in the plan proposed by the War Department for the establishment and maintenance of the greatest professional Military Establishment ever proposed in America. Over 500,000 professional soldiers are proposed by this administration at a time when we are told that wars are to cease and peace is to reign throughout the world, an establishment which on the basis of the estimates made by the War Department itself would cost more annually than the entire expenditure of the Federal Government under Republican administrations before the war. Certainly he is amazed. Every reasonable citizen is.

I am not a member of the Military Committee and I am not prepared to speak for that committee, but I want to suggest to the gentleman that in my opinion he need have no fear that this Congress or the Republican majority in this Congress will propose a Military Establishment of over 500,000 professional soldiers [applause] or an establishment that will cost——

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KEARNS. It is 576,000 and not 500,000.

Mr. MONDELL. It is worse than I thought it was, and Heaven knows it was bad enough as I understood it. The gentleman may be assured in advance that this Congress, at least the Republican side of it, will not approve a military program that will cost over a billion dollars a year to maintain.

The gentleman referred to the budding propaganda in behalf of this kind of an enormous Military Establishment. We have seen it. We have not yet reached the yellow peril end of it to which the gentleman referred, but the Mexican side of the propaganda is well under way. After eight years of watchful waiting and miserable intermeddling, during which American lives and property have not been safe for a moment anywhere in Mexico, the administration is now apparently giving out a carefully prepared propaganda suggesting intervention. A gentleman named Fox has been laying the groundwork for some days of what the administration seems to have in mind to do. There is to be no more vacillation, no more alternate support now of Villa and then of Carranza, sometimes of both and sometimes of neither.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. But real vigorous action, we are told—that is what is proposed now, and this morning's Washington Post contained what is apparently an inspired article outlining a plan of intervention in Mexico. Under the Constitution, Congress has a right to declare war, but here we have a suggested plan of war that reads as though inspired from the White House.

Mr. GARNER. Do I understand the gentleman to insist that Mr. Fox speaks for the administration?

Mr. MONDELL. I do not know Mr. Fox.

Mr. GARNER. The gentleman said it was an inspired article.

Mr. MONDELL. No; I did not say that Mr. Fox's articles were inspired. I said the article this morning reads as though inspired.

Mr. GARNER. Evidently inspired by the White House.

Mr. MONDELL. I did not say the Fox articles were inspired. I did not say that, but I did say that the article in this morning's Post, which was not Mr. Fox's article, was evidently an inspired article, and I ask the gentleman from Texas to read it, and he is so honest and conscientious that I shall not ask him whether or not it sounds to him like an inspired article for fear the question might embarrass him.

Mr. GARNER. I want to say to the gentleman in perfect frankness that I read the article to which he refers, and I do not believe that it was inspired by the administration. I do not think that the gentleman ought to put that statement, if the gentleman will pardon me for saying——

Mr. MONDELL. I said it was an apparently inspired article. It certainly sounded so to me. I can not understand how anyone would write in the vein in which that article is written unless what they said was inspired from high official sources.

Mr. GARNER. The gentleman from Wyoming is bound to understand and bound to know, as he has said he has read Mr. Fox's article, that it is manufactured propaganda against the administration, and has been for some weeks. [Applause on the Democratic side.]

Mr. MONDELL. I can not agree with the gentleman in regard to the Fox articles, but the one I last referred to was not a Fox article. It is an article bearing all the earmarks of inspiration, and it points as plainly as can be to an effort on the part of the administration to create a situation under which Congress may be compelled to act. If that is not a reasonable inference from the reading of that article, I do not know what inference one can properly draw.

Mr. VENABLE. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. VENABLE. Does the gentleman mean to charge specifically that the article to which he refers was inspired?

Mr. MONDELL. The gentleman heard what I said.

Mr. BEE. Say it again.

Mr. MONDELL. The gentleman may put any construction on it he desires. Now, Mr. Chairman——

Mr. VENABLE. Will the gentleman yield further?

Mr. MONDELL. No; I can not yield. I have but 10 minutes. No one who has followed the newspapers and has carefully read the articles appearing from day to day but what is driven to the conclusion that the administration is carefully planting the seed and adroitly endeavoring to create a sentiment in favor of intervention in Mexico. So much for that. When we shall have the propaganda relative to the yellow peril in behalf of the enormous professional Military Establishment that this alleged peace-loving administration is proposing, I do not know.

Mr. Chairman, I now desire to address myself to this bill. I shall vote for it, but without any enthusiasm, and I shall vote for it for the reason that I imagine actuated the members of the Committee on Military Affairs in supporting it. They realize that the wholly indefensible attitude of the War Department has probably created a situation under which it is necessary for Congress to act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Can the gentleman yield me five minutes additional?

Mr. KAHN. Yes; I yield the gentleman five minutes.

Mr. MONDELL. Everybody knows that it is an effort of the War Department to "pass the buck" to Congress. Everybody knows, who is familiar with the situation, that the Secretary of War has now full authority and will have probably quite to the limit of the period during which this bill is to remain in force, to retain as many officers as he needs, but gentlemen also know that when Congress refused to provide the enormous appropriations the War Department asked that in a spirit of childish, puerile pique the Secretary of War signed a perfectly idiotic order for the separation of all emergency officers from the service on or before September 30. It is an unfortunate thing that Congress has to act to pull the War Department out of the miserable hole in which the Secretary plunged it by that wholly indefensible order, an order that anyone having any knowledge of the situation knew could not be carried out without infinite harm to the Military Establishment. [Applause on the Republican side.]

But the Congress had seen fit to say in effect: "We limit your appropriation in order that in retaining the force you need if you create a deficiency you must give a good reason for doing it." Congress having done that, I presume the General Staff, that ought to be in better business, persuaded the Secretary to issue that senseless order that immediately brought confusion into the Military Establishment. Of course, that order can not be carried out. Taking advantage of the fact that we have need of many officers for our hospitals, to take care of Government property in the aviation and other special services, the War Department has placed Congress in the position where it must, in my opinion, authorize not necessarily this number of officers but a considerable number above the number allowed for the Regular Army in order to maintain the Military Establishment. In doing that do not let us forget we are giving the War Department authority to retain many general officers in rank above that which they held in the Regular Establishment. That we are authorizing them to maintain colonels in perhaps double the number that the Regular Establishment provides for, and that not one of those generals and few, if any, of the colonels will be an emergency officer or an officer of the National Army.

Mr. HARRISON. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. HARRISON. If Congress has refused to make the appropriation, a Republican Congress, how can the Secretary make the additional officers?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. May I have one more minute?

Mr. KAHN. Yes.

Mr. HARRISON. Congress makes a small appropriation and now you expect the Secretary of War to justify you in doing it?

Mr. MONDELL. The gentleman knows perfectly well——

Mr. LAGUARDIA. The Secretary af War asked for 507,000 men.

Mr. MONDELL (continuing). That the number of men provided for in this bill could probably be retained and paid for out of the appropriation that Congress has made if there was proper economy in other lines. The gentleman knows further that if this number of officers is needed the Secretary has authority to retain them, but the Secretary "passes the buck" to Congress. When the Secretary issued his order serving notice on all emergency officers to get out by September 30 they very naturally began to make arrangements for other employment. The best of them were the first to find other fields of usefulness. All were disturbed and unsettled. In the situation thus produced, not by lack of appropriations or act of Congress, but by a fool department order, Congress must step in to restore confidence. That, in a nutshell, is the situation. Congress saves the War Department from the effect of its own folly.

Mr. HARRISON. I yield 10 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Under the leadership of the gentleman from Wyoming this House has saved many millions the alleged military experts would have squandered. The distinguished leader, who has just addressed us, says he is going to vote for this bill, but without any enthusiasm. I am going to vote against it with all kinds of enthusiasm. [Applause.]

I have been very much interested in the address of the gallant soldier from New York, my friend Maj. LAGUARDIA, who I find opposed to my views on this occasion. A few weeks ago he rendered the people probably the greatest service any man has rendered them in any branch of this Congress at this session. He made the motion that knocked in the head this opportunity to establish an Army of 576,000 and a military despotism in this country. Now, after being on the committee a few months, he takes the position that we ought to have 12 officers for every soldier in this Army [laughter], because the Military Establishment demands that. He evidently yielded against his better judgment on the theory a few months of 6,000 extra officers might not do any real harm. I am reminded of the poem:

> Vice is a monster of such frightful mien,
> To be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

It is very curious to observe what a life on the Military Committee does for a man. But I know this gallant young soldier's heart is in the right place on all these topics.

Mr. LAGUARDIA. The gentleman knows my associations.

Mr. LITTLE. The gentleman is all right. He will get over it. They will not. The Committee on Military Affairs is overrun by shoulder straps from the desks, but seldom gets to hear those from the firing line.

I look at this bill and I read the report, and I find that they want to have 2,877 doctors to handle 20,000 or 30,000 sick people next year. That will be a doctor for every 10 sick people. If we had in this House, regularly employed, 43 doctors to attend to us and do nothing else, we would be doing just what they want. If these people put in their time attending to these 10 soldiers, they could cut a leg off every other day. Is it possible that we want a physician for every 10 men for a year? What is going to be the matter with these fellows? If they are that sick, they will all be dead before the year is out.

I notice, also, that they want 234 judge advocate generals. A judge advocate general is a prosecuting attorney. This means 1 prosecuting attorney for every 1,000 people. I do not know how your States are, but down in our State about 20,000 people have a prosecuting attorney.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LITTLE. I would rather not.

Mr. LAGUARDIA. The gentleman wants to get the facts right. Most of these men are reviewing cases of which the gentleman so severely complains.

Mr. LITTLE. The most of them are reviewing cases of which I have been complaining? If there have been so many cases as that, I think we ought to discharge all these officers and begin over again. No, gentlemen; they want judge advocates, prosecuting attorneys, 234 of them, to attend to these 225,000 people, 1 to 1,000.

I go down here in their list and I find that they want 270 construction officers. If every construction officer handles a hundred men, we would have 27,000 men working in construction. What are you going to build? We have finished building. What do we need construction for? If it is to tear down, let the construction stand. It would be cheaper.

This is not a bill to do anything that ought to be done. This is a bill to enable 18,000 fellows that would like to work to hold out for another year. It would cost $15,000,000 to do this. You have just brought in a bill to give a $150 raise to postal clerks. Almost every one of those clerks has a family; every one of them is tied to a stake; and many a one is living beyond his means because he can not make his salary piece him out. If you want to use this amount of money, pay it to the postal clerks, and let these other fellows go home and work like all other boys do.

Every time you write a bill to reduce the Army you can hear the low, sad moan of the spur jingles, the man being separated from the only military weapon he ever knew, his pretty spurs. They want 6,000 men for construction. Who are they sending out? Do not flatter yourselves that they are going to keep the soldiers already in the Army. The soldiers that fought will be sent home. Last week Jerry Springsted came in to see me and said that he had been fired. He enlisted as a private in the Twentieth Kansas 20 years ago and fought in every battle that regiment had except one. He came home a war-scarred veteran, and spent seven years in the militia, and rose to be colonel, and then graduated in the schools run by these experts from West Point.

When this war began they promptly put him in and made him a major, and he was so valuable they kept him as a major in the construction department. But as soon as the war was over they told him to go home. Who fired him? Col. Trask. I asked him how many they were keeping, and he said "Sixty." "How many of them fought?" "Not a one." I said, "Why do not you see Trask?" He said, "I did." Jerry said to Trask, "Does not military service count for anything, other things being equal?" Trask answered him, "Damned little."

That is the kind of people they are keeping and the men they are sending home. I wrote Trask. I thought as little of his opinion as he did of military service, and sent a copy of my letter to the Secretary of War, asking whether that was the department's policy. He said to me that he thought the Trask remark was "intemperate," but that he would investigate. A week has gone by and I have not heard since. Jerry came in this morning and said he was going home on the 2d, and I wrote the Secretary to know whether Trask was going home or Jerry was going home. What is the purpose of this appropriation to keep in 6,000 officers who can not fight and would not fight? You admit that these officers are not to command; that they are simply to draw salaries, wear spurs and straps, and take charge of stores of supplies and strut around. All this is civilians' work, to be much better done by civilians. Why build up officers in the Army not to fight?

Why does not this bill provide for Sergt. York and his kind—fighting men? This bill does not keep men of that kind in the Army. This is a bill to keep spur jinglers in the Army, men who wear uniforms which they never dared to carry into battle, men holding soft jobs who could not make a living at home, including doctors sometimes. A doctor at Fort Sill said to a man who brought in a letter from Senator CURTIS, of Kansas, "You bring in a letter from any more damned civilians and you will be sorry for it." I asked him if he had used that language, and he denied it. I got three affidavits from men who heard him, among them one who was the son of the secretary of the governor of Kansas, whom I know well, and he said he heard him say it. That is the class of men this legislation would favor. We can not afford to squander money like military experts.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. I yield to the gentleman.

Mr. BLANTON. How is the gentleman going to reconcile his position with that taken by the caucus the other night?

Mr. LITTLE. The caucus did not do any such thing about military legislation as the papers said it did.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LITTLE. I ask unanimous consent for five minutes more.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes. He is a pretty good talker.

The CHAIRMAN. Under the rule, the time for debate was fixed in the House, and it is not competent for the committee to extend the time.

Mr. LITTLE. I hope the Chair will not force me to appeal from his decision. There is no rule that does away with unanimous consent.

The CHAIRMAN. The Chair declines to put the request for unanimous consent under the circumstances.

Mr. LITTLE. I appeal from the decision of the Chair.

Mr. KAHN. Mr. Chairman, I move that the appeal lie on the table.

Mr. LITTLE. I make that appeal, Mr. Chairman, and the motion is now to lay it on the table.

Mr. LAGUARDIA. Mr. Chairman, the gentleman who has the floor [Mr. LITTLE] has nothing to appeal from.

The CHAIRMAN. The gentleman is not recognized for the purpose of making any motion. He has not the floor. The gentleman from California [Mr. KAHN] has the floor.

Mr. KAHN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KAHN. As a matter of fact, the rule adopted in the House provided for the distribution of the time?

The CHAIRMAN. That is what the Chair ruled.

Mr. KAHN. And the committee, as I understand it, can not change the rule adopted by the House.

The CHAIRMAN. The Chair has so ruled.

Mr. KEARNS. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. LITTLE. I have got leave to revise and extend. Just read the RECORD in the morning. [Laughter.]

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. HULL of Iowa. Mr. Chairman and gentlemen, let us for a few moments consider the bill that is under consideration. When the war was at its height there were 188,000 officers engaged. The armistice came on, and they have demobilized up to the present time until there are now 32,000 officers. Unless you pass this bill, they have in the next month to demobilize the officers until there will be less than 12,000.

Mr. GARNER. Mr. Chairman, will the gentleman yield there?

Mr. HULL of Iowa. Yes.

Mr. GARNER. Under the law as it exists on the statute books, can not the Secretary of War continue in the service just as many officers as he has money to pay for?

Mr. HULL of Iowa. I do not think that he can; not if he carries out the already expressed wishes of Congress.

Mr. GARNER. The gentleman from Wyoming [Mr. MONDELL] just made that statement a few moments ago, that under the present law the Secretary of War could continue in the service as many officers as he had money to pay for.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. LAGUARDIA. That is just exactly what we are trying to avoid, so that the men who are in the service and want to get out can get out, and the men who are willing to serve can come in and serve.

Mr. GARNER. It is a question with the Secretary of War; and yet you are coming in here and asking us to confirm and say——

Mr. HULL of Iowa. Oh, Mr. Chairman, I did not yield my time for the gentleman to make a speech. That is what we do not want the War Department to do—to do something that we have tried to prevent. On the floor of this House, under the leadership of the gentleman from New York [Mr. LAGUARDIA], we set the size of the Army at 225,000. That makes about 12,000 officers in the Army, and if they, under any subterfuge, increase that number, they are doing indirectly what we asked them not to do. That is the very thing that we ought not to allow the War Department to do. They have come fairly to Congress and called our attention to a condition which we created, and we ought to be men enough to meet it. [Applause.] They asked us to give them about 7,000 officers to take care of $6,500,000,000 worth of property, and some men on this floor hesitate to do it. They are fair with us. Let us be fair with them. Let us create a better condition between the War Department and the administration and Congress. There has been too much in the past of this subterfuge and doing things that Congress directed them not to do. We have asked them not to carry more than 12,000 officers, and they have asked us for 6,500 additional officers to take care of this property, and we should be men and grant it to them at once.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ANDREWS of Nebraska. Mr. Chairman, a question. How does it happen that the War Department did not furnish this data before?

The CHAIRMAN. The Clerk will read.

Mr. KEARNS. Mr. Chairman, how many more speeches has the gentleman on the other side?

Mr. HARRISON. We have only five minutes left on this side.

The CHAIRMAN. The gentleman from Virginia [Mr. HARRISON] is recognized.

Mr. HARRISON. Mr. Chairman, I had not intended to say anything in regard to this bill, but in view of the character of support it has received from some of its advocates, and representing in part the Democratic members of the committee, I feel it incumbent on me to set out briefly the reasons I am heartily for the bill.

In the Military Affairs Committee the bill had the support of every Republican member and every Democratic member, except the gentleman from Mississippi [Mr. QUIN]. The passage of the bill is made necessary by the failure of Congress to make the necessary appropriations in the Army appropriation bill. If the Republican leadership in the House had been less anxious to make a great showing of economy, when the appropriation bill was under consideration, this bill would not have been necessary. As a relief for his feelings in support of this necessary supplemental legislation the Republican leader criticizes the President and the Secretary of War. The Republican floor leader [Mr. MONDELL] carries his criticism to the extent of quoting the propaganda he finds in the Republican press, and claiming that it is inspired by a Democratic President.

Mr. LITTLE. The Washington Post is not a Republican paper, is it?

Mr. HARRISON. Yes. What is it? If it is not a Republican paper it can very well pass for it, judging from its editorials.

Mr. LITTLE. It does not pass for it over here.

Mr. HARRISON. It is not a Democratic paper, and is certainly not an inspired organ of the administration, and I do not believe any responsible paper of this country ever has acted in such a capacity.

The bill provides for the retention in the service of about 6,000 officers. The Regular Establishment, as provided in the national-defense act, requires 12,000, and for the temporary purposes of winding up the war status 6,000 additional officers are asked, and the hearings before the committee demonstrate that this additional number is absolutely needed. It provides simply for a temporary force of 6,000 officers until the Army can be properly demobilized. Gentlemen of the House before voting against this bill should read the hearings before the committee.

And yet the gentleman from Wyoming says, "The Secretary of War has the right to retain these officers and should go ahead and exercise this right," that he is passing the buck up to Congress, or words to that effect. The gentleman knows that this Congress failed to provide the appropriation, and the Secretary would violate the law if he paid these additional officers out of funds not provided for that purpose.

Mr. GARNER. Will the gentleman allow me to ask him a question?

Mr. HARRISON. Yes.

Mr. GARNER. Suppose that under the appropriation that Congress made in the last Army bill the Secretary of War should demobilize the Army down to 150,000 men. Would he not have enough money left to pay 18,000 officers for the rest of this fiscal year?

Mr. HARRISON. If he provided for an Army below the number required in the national-defense act, he would be violating the law.

Mr. GARNER. That is 175,000 men.

Mr. HARRISON. That is 175,000 combat troops, with the additional auxiliary corps, which brings the number up to the 225,000 men, to which the Army is being demobilized. And yet when the War Department has reduced this Army down to 225,000 men it finds it must have 6,000 additional officers, who are necessary for the temporary purposes of the Government. It is the duty of the Secretary to obtain, if practicable, the officers which the Regular Establishment requires, and if he discharged these he would be violating the law and neglecting the duty which it imposes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. No; I have only five minutes.

Mr. BLANTON. I have not had any time.

Mr. HARRISON. Well, I will ask the gentleman to take his time when he can get it. I happened to get this five minutes. [Laughter.]

I do not understand, either, gentlemen, the hostility which this House seems to evince to the officers of the Army. The lack of trained officers was our greatest handicap in the war. If we are to have an efficient Army, we must have competent and trained officers. I want to say that I am as utterly opposed as is the gentleman from Mississippi [Mr. QUIN] to anything like a standing Army of 500,000 men. [Applause.] This not the time to discuss the problems of Army reorganization, but whatever the Regular Establishment may be I shall certainly favor a sufficient number of trained and competent officers to meet any present or future emergency. I do not know of any member of the Military

Affairs Committee who is in favor of anything that approaches compulsory military service in time of peace unless it be my friend from California [Mr. KAHN] [applause], who is, as I understand, in favor of compulsory military training of youths.

Mr. KEARNS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 24 minutes remaining.

Mr. KEARNS. I yield that time to the gentleman from California [Mr. KAHN]. [Applause.]

Mr. KAHN. Mr. Chairman, in dealing with military matters I have always tried to be absolutely fair. I do not believe that there should be partisanship in military matters. The defense of the Nation is the concern of every citizen, be he Republican or Democrat or Prohibitionist or what not. It is the concern of every one of us, and so I try to treat these matters in a fair, straightforward manner.

Under the law passed in February, 1919, by the last Congress, the Secretary of War was authorized to enlist the Regular Army by voluntary enlistment up to the figure of approximately 225,000 men, of whom approximately 175,000 are combat troops and 50,000 are auxiliaries. The War Department has, up to the present time, as I understand, enlisted about 104,000 men under that law. These men are being gradually put into the service to take the places of the men who were drafted or who volunteered for the war.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. For a very brief one.

Mr. ANDREWS of Nebraska How did it happen that these extra items were not fully covered in the last Army appropriation bill?

Mr KAHN. I do not quite catch the drift of the question, except that I imagine the gentleman means these various branches of the service which are not covered under general law. Is that right?

Mr. ANDREWS of Nebraska. I understand this bill is to supplement the appropriations and authorizations made in the last Army bill.

Mr. KAHN. No; the last Army bill provided for an average force of 325,000 men for the year, but a force that would be gradually reduced to 225,000 men by the end of September, and would continue at 225,000 until the 1st of next July.

Under the national-defense act there is no provision at all for an air service. The Aviation Corps, which was provided in that law, was attached to the Signal Corps; it was only an adjunct to the latter. But Congress continued the Air Service as a regular branch of the military service until June 30, 1920. So also it continued the Tank Corps, the Chemical Warfare Corps, the Construction Corps, and the Motor Transport Corps. Of course, to continue these special services which Congress ordered the War Department to continue we will have to provide officers that are not provided for under the national-defense act.

In addition to that, we face a very peculiar situation. It only happens after a great war. Vast amounts of property are purchased in every branch of the departments of the service in order to supply the men, the fighting force, and the men in the auxiliary force, with the necessary supplies and equipment. Our Ordnance Department is enormously expanded in time of war. It takes a long time to make the heavy guns that are needed by the Government in the war, to make the ammunition that is needed, and it requires an enormous number of additional officers to carry out the plans of the department and see that the necessary fighting material is properly produced.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. The gentleman is making the only real argument I have heard up to this time in favor of the bill. I understand the gentleman that under the national-defense act we will have to have additional officers to those authorized by the national-defense act.

Mr. KAHN. Until the 30th of June, 1920.

Mr. GARNER. After that time will it not take additional officers for the different units which were not arranged for?

Mr. KAHN. It is the purpose of the Military Committee, and it is the desire of the War Department, that that committee draft legislation for an entire reorganization of the Army, and under that reorganization bill the permanent status of the officers and men of the Army will be fixed. This is only a temporary matter.

Mr. GARNER. From the gentleman's argument I deduce that we will have to have an increased percentage of officers.

Mr. KAHN. Yes; we will have to have more officers at this time and during this period than we will have in ordinary times. The gentleman is quite correct.

Mr. BEGG. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. BEGG. I should like to ask about one item in the list, if the gentleman can advise us. What increase is there in the number of officers in the Air Service? There are 965 provided for, and I should like to know what the increase is.

Mr. KAHN. I believe in the Air Service 235 officers are provided under existing law.

Mr. BEGG. That makes an increase of 730.

Mr. KAHN. Practically 1,000, because we are giving them 1,200 in all in the Air Service. I want to say to the gentleman, in all fairness, that the War Department has claimed that it has taken a great deal of money to train these fliers. I am told that the amount is probably $30,000 for the training of every flier. Now, it has been contended that these men will leave the service if this legislation is not passed, and they will not have any of these fliers left in the Air service. With 200 or 300 in all it would be a terrible crippling of the service.

Mr. BEGG. Can the gentleman further enlighten us as to how many men are in the service—how many have we in the service?

Mr. KAHN. I want to say that when the legislation came before the Military Committee originally we were novices in matters affecting warfare in the air. The Secretary of War, as I recall, said it practically required 30 men on the ground for every plane that was in the service in the air. I take it for granted that that proportion has not been materially reduced. These men are largely mechanics.

Now, I want to say further that there are 18 machines to every squadron; that is, machines that ought to be actually in use, but experience has taught us that we must have at least 1 additional machine for emergency, so that the squadron really has 36 flying machines.

Mr. BEGG. If I may I would like to inquire what these 30,000 men are going to do in face of the fact that a news story was carried a few days ago, apparently from the War Department, when there was trouble threatened by Mexico, that they did not have any aeroplanes.

Mr. KAHN. It is a mistake, for they have a great many aeroplanes. However, not as many as we hoped to have, but we have no pursuit planes at all.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. LAGUARDIA. We have aeroplanes fit to use in Mexico, but we could not use them anywhere where we would have anything against us in the air.

Mr. KAHN. Yes; I understand there are only 15 aeroplanes, all told, in the armies of Mexico, so that Mexico does not present a serious problem in that connection.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BANKHEAD. Is it not a fact that a considerable number of officers in the Regular Establishment are still incapacitated from wounds and sickness?

Mr. KAHN. Absolutely.

Mr. BANKHEAD. If so, how many?

Mr. KAHN. The gentleman has called attention to a very important matter. Of the inmates of our hospitals, of the 30,000 that have been spoken of here, 1,200 are officers in the Regular Establishment, and their places will have to be supplied temporarily until they recover from their wounds, or from the diseases with which they are afflicted. Surely this House does not want these wounded and sick officers to be under a strain constantly because they may fear there may be no one in the service to take their places during their illness.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BLAND of Missouri. I call the attention of the gentleman to the fact that the report of the committee shows that there are 1,800 officers in the hospital.

Mr. KAHN. The number is more than I had thought. I want to say to the gentleman from Missouri and to the committee that this temporary increase of officers does not carry a single officer in the Infantry, the Cavalry, the Artillery, the Coast Artillery, the Philippine Scouts, or similar branches of the service.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. LITTLE. There is no request for any increase in any department that would ever be shot at, is there?

Mr. KAHN. Oh, yes.

Mr. LITTLE. Which one?

Mr. KAHN. Let me say to the gentleman that men in the Medical Department laid down their lives under fire in this very war and the records disclose the fact. [Applause.]

Mr. VAILE. And the first officer killed in this war was an officer in the Medical Department.

Mr. KAHN. Exactly.

Mr. LITTLE. He was from my State.

Mr. KAHN. I decline to yield further.

Mr. DYER. The gentleman [Mr. LITTLE] seems to be ashamed of the fact.

Mr. KAHN. I want to be perfectly fair.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. CONNALLY. I call the attention of the gentleman to the Motor Transport Corps. The report shows that they have 543 officers.

Mr. KAHN. Yes.

Mr. CONNALLY. That corps has been in existence only about a year.

Mr. KAHN. It was organized during the war. I stated there is no provision for that branch of the service under existing law in the Regular Army. Of course, it has been created out of the necessities arising during the war. It had a very large number of officers and men—had to have.

Mr. CONNALLY. Too many officers.

Mr. KAHN. I am not prepared to argue that with the gentleman, but I call his attention to the fact that the laws which have been passed by Congress authorize the President of the United States as Commander in Chief of the Army to fix the proportion of officers and men in all technical branches of the War Department during the war.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. CONNALLY. I suppose the gentleman is aware that there is a bunch of these motor transport officers out on a joy ride to the Pacific coast at the present time, is he not?

Mr. KAHN. I understand there is a transport convoy that is making the trip across the continent to the Pacific coast, in order to develop some important information for the War Department. I want to say to my friend, whom I met over on the other side, that the transport service of this country performed an invaluable work for our country in bringing our soldiers, time and again, from one place in the fighting area to another place where they were sadly needed; and any army which we may constitute in the future will, in my opinion, not be without a very considerable army transport corps.

Mr. CONNALLY. I thoroughly agree with the gentleman, but that condition does not exist out on the Pacific coast at present, does it?

Mr. KAHN. I do not know anything about the condition on the Pacific coast.

Mr. CRISP. Mr. Chairman, if my friend will permit me, Gen. Drake, who is chief of this Board of Transport Corps, told me that one of the reasons for this corps going across the country to California was not only to subserve a useful purpose in testing out the value of such trucks and machines, but he stated that they had a number of these trucks that had to be sent to the Pacific coast and they could send them cheaper overland than they could by freight.

Mr. KAHN. I thank the gentleman for the information.

Mr. KELLER. I would like to ask the chairman of the committee whether next year they will not clean up the work——

Mr. KAHN. Of course, it is an unusual condition that confronts us. As was stated by the gentleman from Ohio, the latest figures of the War Department indicate that they have $6,500,000,000 worth of property that will have to be taken care of, that will have to be guarded closely and properly protected. Of course, a large force of officers will be required to look after those things. The gentleman, I think, from Kansas spoke of officers in the Judge Advocate General's Department. Those officers are going over the cases of courts-martial, reviewing them, and assuredly the House wants that work thoroughly gone over, because much has been said of the injustice——

Mr. LITTLE. Will the gentleman yield? Why do we want to go over it now?

The CHAIRMAN. The gentleman should not interrupt the gentleman who has the floor.

Mr. KAHN. Gentlemen will readily understand that these matters ought to be well looked into. There are many thousands of cases that are being investigated. Then there are matters of claims that the Judge Advocate General's Department is considering now—the rights of people of foreign territory and their property that was destroyed are being investigated and determined. There are thousands of those cases; the Judge Advocate General's Department is handling those matters, and, by the way, I want to say to my friend from Texas, Mr. GARNER, that there are no enlisted men in that branch of the service at all. They are all officers in that branch, and they are all officers in the Inspector General's Department and several other branches of the bureaus of the War Department, so it is not fair to say that one officer commands 12 men. That condition does not exist.

Mr. GREENE of Vermont. Will the gentleman permit this suggestion, too, in line with what he says? Perhaps there is a popular tendency to confuse the military title which we are wont to associate with military men when it is applied to many not strictly military officers. The rank of a second lieutenant, first lieutenant, captain, and so on, while given in the Military Establishment, in a manufacturing establishment or similar occupation in private life would be held by men who were called superintendents and foremen and paid accordingly, and these ranks are intended to fix the pay in such cases.

Mr. LITTLE. Will the gentleman yield?

Mr. KAHN. I will yield.

Mr. LITTLE. I would like to know why these men who have nothing on earth to do but fill civilian jobs should be dignified with shoulder straps and officers' epaulettes when everybody knows that they are never going to fight?

Mr. KAHN. Mr. Chairman, that is a pertinent question. There are many men who do not see why men should be commissioned when a civilian seemingly could do the same thing; but an officer is under the Articles of War and a civilian is not. It is imperative, especially in war times, that officers rather than civilians do those things so that they can be held amenable to the Articles of War if they violate the laws of government.

Mr. GREENE of Vermont. And this rank simply fixes the scale of pay in more or less correspondence to civil employment.

Mr. KAHN. That is all. I would like to say that I would like to have had the opportunity to read a letter which was sent to me by the Secretary of War, and which is very illuminating, on this question. I shall ask unanimous consent, however, to revise and extend my remarks, and shall insert it in the RECORD.

The CHAIRMAN. The gentleman from California ask unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. I want to say that I have tried to explain orally and as briefly as I could the main features of the propositions that he has given in the letter while I was on my feet. Usually I do not favor legislation that would in ordinary times expand the War Department to an unnecessary number of officers. But to get down to a peace basis and to conserve the property rights of the country, to look after the sick soldiers, I think we would be making no mistake by giving these 6,250 additional officers for this emergency until June 30, 1920. [Applause.]

The letter from the Secretary of War is as follows:

WAR DEPARTMENT,
Washington, August 25, 1919.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: 1. On July 25 I wrote you a letter giving certain general reasons why during the year which will end June 30, 1920, there will be required, in order to enable the Military Establishment properly to perform its functions, a number of officers greater than that authorized by the national defense act of June 3, 1916, and inclosing for your consideration the draft of a bill which, if passed, would enable me to retain until June 30, 1920, not to exceed 18,000 commissioned officers on the active list. In support of that bill I, in due course, at your invitation, appeared before the committee of which you are chairman.

2. From subsequent comment made by Members of the House of Representatives, evidently in good faith, and some by the public press, it is manifest that there are probably many by whom the existing situation is not clearly understood. The interests affected are nation wide. It is therefore imperative that any such misunderstanding should be cleared up, to the end that the bill may be considered absolutely upon its merits. The purpose of this letter is to review the facts from a business standpoint.

3. As soon as the armistice was signed the War Department became immediately confronted by three problems:

First. The discharge and return to civil life as rapidly as possible of about 4,000,000 men, all of whom, with the exception of about 50,000, were, by the terms of their engagement with the Government, entitled to the earliest practicable release.

Second. The liquidation of plant and of property of an enormous number of different classes, of a total value of over $6,500,000,000.

Third. With the 50,000 individuals referred to as a nucleus, the complete rebuilding of a permanent military force of whatever strength might be determined by Congress.

4. It is essential to emphasize that each of these problems, while necessarily affecting the other two, is, nevertheless, in the main distinct from them, and that the completion of any one of the three in itself in no way insures the completion of either of the other two.

5. Each of these three great pieces of work, together with the facilities necessary to complete it, will now be considered in turn.

6. Demobilization of personnel: In order to meet the urgent and natural demand that men who had been either enlisted or drafted into

the military service between April 1, 1917, and November 11, 1918, should be returned to civil life with the least practicable delay, no effort has been spared to secure all available transportation with which to return the troops from overseas. As a result of these successful efforts the emergency military force has been reduced by August 16 to about 345,000 officers and men. By September 30 it is anticipated, that with the exception of about 80,000, all emergency enlisted men will have been discharged. The emergency men then remaining in the service will be the 30,000 physically unfit for discharge, the 8,000 trained medical personnel retained for their care, and about 25,000 who, on that date are either en route or in forces abroad, that have not yet been replaced by men who are being as rapidly as possible specifically enlisted for that purpose. That is to say, on that date the demobilization of emergency enlisted personnel will be about 98 per cent complete.

7. At this point I must emphasize strongly that under ordinary service conditions in the Regular Establishment, all work incident to the abandonment of any camp or post, and the sorting, storage, or other disposal of the public property and reserve supplies, etc., is done by the troops themselves. Early in the course of demobilization it became clear to me that if this usual course were pursued it would, owing to the enormous quantities of property on hand, involve there being retained in the service for that purpose for a long period about 250,000 men who could be released almost immediately provided this work could be done under some justifiable alternative plan. As a result, therefore, of careful consideration made in the month of February I authorized the release gradually, with three general exceptions, of all men otherwise eligible, who were performing work not essentially military in character, as soon as they could be replaced by civilians employed to do the specific work involved. The three general exceptions were those engaged in—

First. Feeding men being demobilized;

Second. Discharging men being demobilized; and

Third. Caring for sick and wounded.

There have thus been released at various dates since March 1 about 250,000 men, who, had this action not been taken, would be in the service to-day, mostly in the supply departments, and who would have had to have been retained in the service for months to come.

8. In the work connected with the liquidation of plant and property they have been replaced by about 192,000 civilians. As it was found possible to make this replacement at a substantial saving to the Government it was justifiable not only from a demobilizing but also from a financial standpoint. The approximate completion of the demobilization of enlisted personnel by September 30, and not at a much later date, is therefore due to this civilian replacement and would have been absolutely impracticable until months later had this alternative plan not been adopted.

9. This replacement did not, of course, diminish the number of officers required to supervise work being done by the civilian force. Inevitably, therefore, the discharge of emergency officers could not, and has not, kept pace with the discharge of emergency enlisted personnel. For reasons that will appear later, consideration of this is deferred until after I shall have dwelt somewhat on the second and third problems above referred to.

Second. Liquidation of plant and property invested. Upon the signing of the armistice the War Department found itself in the position of a corporation which, to care for an extraordinary immediate and imperative demand, had acquired a physical plant and stock on hand greatly in excess of that necessary to meet its normal requirements. That extraordinary demand having been met, the observance of ordinary business principles demands that all portions of the plant not required for the corporation's permanent activities be salvaged or otherwise disposed of.

10. The plant and property to be liquidated to normal is, in round figures, distributed in charge of the several departments, as follows:

Utilities (Construction Division)	$300,000,000
Motor Transport Corps	225,000,000
Quartermaster Corps	2,000,000,000
Air Service	250,000,000
Ordnance Department	3,500,000,000
Miscellaneous	250,000,000

There are engaged in the work incident to the sorting, arranging for storage, shipment, division between reserve and disposal portions, etc., about 185,000 of the 192,000 civilian employees referred to in paragraph 6, supra. The pay roll of these employees amounts to over $18,500,000 per month. That the care and liquidation of this enormous mass of property and the great civilian force engaged therein require intelligence and competent supervision is, of course, not open to question.

11. Manifestly there are but two courses pursuable regarding such supervision, namely, first, to retain of the officers at present engaged therein a number sufficient for that purpose, or, second, as was done in the case of the enlisted men of the Staff Corps, to discharge all emergency officers serving in those corps and replace them by competent civilians. Aside from any others there are two serious objections to adopting the second course. These are, first, that in the midst of an operation of this magnitude it is, other things being equal, very undesirable to change the supervising force; and the second, as will be demonstrated later, that any civilian supervising force competent to undertake the work could only be obtained at an average salary per individual greatly in excess of the average salary per officer. Irrespective, therefore, of any other considerations, it is believed that it is to the best interest of the Government to pursue the first course; namely, to retain of the officers now engaged upon the work of liquidation a number sufficient to supervise its completion.

12. To determine what that number shall be, the responsible head of each organization of the Military Establishment has been called upon to submit an estimate of the minimum number of officers required to function his organization under the abnormal conditions that will continue during the fiscal year ending June 30, 1920, by which date it is hoped the liquidation of plant and property will be essentially completed. The aggregate of the estimates received from the heads of the department enumerated above is 7,268 officers as against an aggregate of 1,221 authorized under the national-defense act.

13. Under ordinary conditions, I question whether it is practicable for any civilian occupying my position to reach an intelligent independent opinion as to whether or not the number of officers asked for by the head of any staff corps or department is in excess of the number actually required. Under the present abnormal circumstances the large money values give a basis for comparison with similar responsibilities in commercial life. For the purpose of such comparison I invite attention to the following table, from which it will be seen that, as relates to the value of the property in charge, the heads of the several departments have asked for officers as follows:

Utilities	one for each	$1,000,000
Motor Transport Corps	do	330,000
Quartermaster Corps	do	600,000
Air Service (excluding 900 fliers and the value of their machines)	one for each	800,000
Ordnance Department	do	7,000,000

14. The number asked for in the pending bill, when distributed by grades as per memorandum herewith gives an aggregate cost equivalent to about $3,000 per officer per annum. I believe that you will agree with the opinion unanimously expressed by the heads of departments that it will be quite impracticable to obtain either in or from civilian life the required supervision at anywhere near that average figure. That it is possible to do so from the officers available for selection is due to the fact that among the thousands of emergency officers taken in from civil life during the war, and who are still in the service, there are many who, though thoroughly capable of earning far above this limit in civil life, have from association acquired a liking for the service sufficient to incline them to remain in, provided the financial sacrifice entailed be not too great.

15. Third. The reorganization of the military forces: As noted above, the completion of the demobilization of enlisted personnel left the permanent establishment with a nucleus of only about 50,000 enlisted men. The national-defense act fixes that strength at approximately 225,000 men. Congress in passing the recent appropriation bill provided for the continuation of five services not included in the national-defense act, namely, the Air Service, the Chemical Warfare Service, the Tank Corps, the Motor Transport Corps, and the Utilities (Construction Division). On the basis of an army of 225,000 in other arms, these five activities require the services of about 29,000 enlisted men. If it be the intention of Congress that the number so required shall be an addition to those provided for by the national-defense act, the strength of the Army during the coming year would thereby be increased to about 254,000 men. In any event, the War Department is confronted with the work during the months to come of enlisting and distributing among various units either 175,000 or 204,000 men.

16. The majority of those now being enlisted are men who served during the recent war. It is therefore fair to presume that individually they are well grounded in drill, in the use of their weapons, and in much other knowledge essential to military efficiency. It is a well-known fact, however, that in civil life an organization made up of stars hastily thrown together will generally be excelled or defeated by another organization composed of less brilliant men, but who are thoroughly trained to teamwork. Even more so is this true in the military service. It is the knowledge that each man has, based on continued acquaintance and association, that in an emergency he can depend on the man on his right and on the man on his left, and his confidence in the officers commanding him, that enables a military unit to accomplish its tasks with the minimum loss of life.

17. Opinions may readily differ as to what strength our Army should have, but all will agree that whatever its size, it should be thoroughly efficient. Conditions that are of public knowledge make it important that that state of efficiency should be reached with as little delay as possible. These conditions dictate that except during the present period of recruiting line officers should not be detached but should be continuously occupied in welding their respective units into trained efficiency.

18. As above stated (par. 15) Congress has approved the continuance until June 30, 1920, of the Air Service, the Chemical Warfare Service, the Motor Transport Corps, the Tank Corps, and the Utilities or Construction Division, organizations additional to those provided for in the national defense act. There were in these services August 1 an aggregate of 7,740 officers, of whom only 385—i. e., less than 5 per cent—belong to the Regular Establishment. If the continuance of these organizations is to be of any present value whatever it is the opinion of their chiefs that there must be retained during the fiscal year many of the trained specialists now serving as emergency officers. To do otherwise would be to throw away practically all that has been built up and start afresh. In short, it would defeat the purpose of the recent legislation continuing these organizations. The aggregate of estimates of chiefs of these organizations is 2,506 officers.

So much for the requirements incident to the three general problems.

19. Arising out of or correlated to these are many other problems, smaller in magnitude, but not in importance. To attempt to enumerate them would exceed the limits to which I feel I may extend this letter. I will, however, mention a few as illustrations:

Care of sick, wounded, etc.: There are at present in the hospitals, convalescent centers, and demobilization camps 1,800 officers, and, as has been noted above, 30,000 men, either sick, wounded, or undergoing reconstructional or other physical development. It is, of course, imperative that this medical attention and care should be given, and I have concurred in the view of the Surgeon General that there should be retained in his department a number of officers approximately double that allowed him by the national defense act.

Claims: The operations incident to raising and training the Army here and, to a lesser extent, to its work abroad, have necessarily given rise to an enormous number of claims. These in general are based either on the Government's desire to terminate contracts, or on damages necessarily done to private property by military forces or individuals acting under competent orders. These claims, in most cases, have just foundation. Simple fairness to the claimants, whether they be our own citizens or those of other countries, requires that these claims should be adjusted and settled with the least practicable delay. Such settlements can only be based on competent legal investigation and advice. This work, owing to its magnitude, far exceeds the capacity of the Judge Advocate General's force of 31 officers, authorized under the national defense act, to handle. There are at present in his department, here and abroad, engaged on these and other urgent legal matters, 330 officers.

Records: During the war approximately 4,000,000 men and officers have been inducted into the military service. Upon the completion of demobilization over 90 per cent will, even assuming reenlistments, have been separated permanently from the service. The record in each individual's case is the Government's prima facie evidence as to whether any claim he may make in the future has an equitable foundation. It is, therefore, clearly evident that these records should be properly completed, sorted, and filed. The Adjutant General's office is charged with this work. Again the abnormal task involved exceeds the capacity of the 50 officers authorized to him. Failure properly to perform this work would ultimately result in injustice either to the Government or to a great number of individuals.

General Staff: The solution of the three great problems and of the numerous secondary problems depends primarily upon the most careful coordination of the efforts of the various departments. This coordina-

tion it is only possible to insure through an efficient General Staff. I believe you will unquestionably agree with me that, from what has already been shown above, the work that will devolve upon that body for months to come is very much greater than twice and probably not less than three times that incident to coordinating the activities of an army of 225,000 men thoroughly trained, equipped, and functioning under normal conditions. It may not be amiss to add that, notwithstanding the fact that the number of oversea men discharged in the demobilization centers during the month of June was more than double that discharged in the same centers in the month of March, the successful efforts of the General Staff to secure more effective coordination reduced the gross cost of discharge for July below the gross cost of discharge in March by an amount that would pay the whole present General Staff for a period of four years.

20. Comment might readily be made relative to officers required for education and special training, camp administration, physical reconstruction, military intelligence, recruiting service, foreign liquidation and special missions, etc. It is believed, however, that the illustrations given will suffice.

21. Summarizing as to the need of the increased number of officers that I have asked be authorized, it should be noted—

First: That the number of officers authorized under the national defense act is 11,755.

Second. That based on the great volume of work to be done (as portrayed above), the aggregate of the estimates furnished me by the heads of the respective departments is 24,693.

Third. That the bill calls for an aggregate, including those authorized by the national-defense act, of 18,000, a number which, taking all the facts into consideration, I believe is the absolute minimum consistent with accomplishing the work economically and efficiently. In fact, I am frank to say that had I, at the time the bill was before me, had the detailed information that has since become available, I should have asked for 20,000.

22. The need of the number asked for having been established there remains to be considered a misunderstanding as to the necessity for this legislation. To that misunderstanding I have, I regret to say, unintentionally contributed. In the report of my hearing before the Military Committee, July, appears the following:

"Mr. GREENE. This question of having a sufficient officer list to take care of an army, whatever may be its size, is governed all the time by the regulations you set up on September 30; but by the continuance of the blanket power the Executive has the men can be continued in the service until he has officially proclaimed peace.

"Secretary BAKER. Yes.

"Mr. GREENE. So that even though when we arrived at the date of September 30 you find it impossible to get down to the lowest average to meet the appropriation, but find a necessity for continuing the emergency men, you can take the authority of that power the Executive has to continue such men as you may need and then bring in a supplemental deficiency estimate.

"Secretary BAKER. Clearly.

"Mr. GREENE. So that you are not really handicapped by any failure of legislation, as the law, regardless of the appropriation, authorizes the Executive to employ men and obligates Congress to pay them?

"Secretary BAKER. Yes. The embarrassment there is the creation of a deficiency, which I am anxious to avoid if possible.

"Mr. GREENE. It is not a positive obstacle to the employment of men?

"Secretary BAKER. No.

"Mr. GREENE. So that in that sense you are not handicapped?

"Secretary BAKER. No."

23. My replies on that occasion have probably given the impression that it was my opinion that under existing law I had the power to hold, not merely until the completion of demobilization of enlisted personnel but until the completion of the liquidation of the property (including other abnormal activities) whatever emergency officers might be required for that purpose. Bearing on that point, I have called upon the Judge Advocate General of the Army for an opinion as to exactly how long under existing law I am authorized to hold emergency officers. A copy of that opinion is appended. From that opinion it will be clear that I can hold emergency officers until the completion of liquidation, only provided that liquidation is completed either before or by the termination of the emergency.

24. I think that unquestionably you will agree with me that it is highly improbable that these two periods will be coterminous. To illustrate my meaning: It is my best judgment, based on the consensus of opinion of the department chiefs, that this liquidation will not be completed earlier than June 30, 1920. And when it is considered that the value of the property involved is probably not less than three times that of the Standard Oil Corporation at the time when it was given by the courts a year and a half to rearrange its affairs, I believe that that estimate will be admitted to be conservative.

25. The word "emergency" and the phrases "during the emergency" or "for the emergency," or some similar expression, appear in about 300 acts of Congress. Of these acts about two-thirds pertain to subjects not in any way connected with the Military Establishment. They affect so many great and diverse interests that it is manifest that the determination of the termination of the emergency can not possibly be based solely upon the affairs of the Military Establishment. Generally speaking, it may be said that the whole pressure of these other interests is for the termination of the emergency at the earliest practicable date. My authority under existing law to hold emergency officers on the work of liquidation would automatically cease from that date and the whole liquidation machinery would be utterly disorganized. The loss that would result is difficult to estimate.

26. Moreover, as has above been stated, many of the emergency officers are men each of whom in civil life is, owing to his special technical or other knowledge, able to earn an income much in excess of that he is receiving as an officer. He is, however, willing to remain in the service provided that he thinks his stay there will last at least until the completion of the work that is known to be on hand. If, however, he knows that the length of his stay will not be so determined but is dependent upon a contingency that may occur any day, he realizes that if he remains in the service he does so in the status of a man engaged subject to discharge at a day's notice.

27. These men were willing in the hour of the Nation's need to give their services without condition. Now that it is merely a question of a pure business proposition of liquidating property and plant, no man can be criticized for desiring that his status in that operation be put on a normal business basis.

28. The national defense act authorized 11,755 officers in the permanent establishment. There are, however, at present about 2,200 vacancies. The number of officers, therefore, actually in the permanent establishment is about 9,500. The effect of this bill, if passed, pending the filling of these vacancies, would be to enable me to retain in the service a total of about 8,500 emergency officers.

29. It follows that in many departments the number of emergency officers will exceed the number of Regular officers. During the war it has been the policy of the heads of all the supply and staff departments to fill each position in his department with the man available to him who is best fitted for it, irrespective of whether that man was a permanent or an emergency officer, and to give that man the rank justified by the responsibilities of the position. That policy is being still pursued and is believed to be that which will make for the greatest efficiency in liquidation work. It thus happens frequently that of two men at desks facing each other and occupying positions of equal responsibilities, and therefore equal rank, one is an emergency and the other a Regular officer of a junior grade holding higher rank temporarily. On this account a specific provision has been included in the bill authorizing me to continue this practice. It is submitted in this connection that it would certainly work many unintended hardships were the bill so amended as to permit us to retain the emergency man with the rank adequate to his responsibilities, but face to face with a man of the Regular service, who, with no diminished responsibilities, was, at the "termination of the emergency," reduced to his former rank.

30. Expenditure involved: The cost to the Government for the eight months will be approximately $12,500,000. Considered as an amount paid to insure competent supervision over the liquidation of property valued at $6,500,000,000, the expenditure is equivalent to obtaining that insurance for eight months at a premium of less than one-fifth of 1 per cent. Moreover, assuming—what is quite beyond the bounds of reason—that the only effect of failure to provide proper supervision will be to prolong unduly the period of liquidation, the cost to the Government for the civilian liquidating force for 20 days of such prolongation would exceed the whole cost until June 30, 1920, of the supervising force now asked for.

31. What is really involved is not the mere question of whether there shall be retained in the service 12,000 officers or 18,000 officers or 20,000 officers. It is whether or not the Nation's sick and wounded shall be properly cared for and the liquidation which involves a money value of $6,500,000,000 and interests and classes of property so many and so varied that it affects practically every line of industry shall be so conducted as to insure the most expeditious and most economical return to the commercial life of the country of an amount greater than was the amount of the national debt as it existed at any date prior to this war.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

AUGUST 19, 1919.

Memorandum for the director of operations:
Subject: Distribution of the 18,000 officers.

1. The responsible head of each organization of the Military Establishment was called upon to submit an estimate of the minimum number of officers required to function his organization under the abnormal conditions that will obtain during the fiscal year ending June 30, 1920. The aggregate of these estimates is 24,693.

2. To meet the conditions of the bill, S. 2622, this number has been scaled down to a total of 18,000 officers tentatively distributed by services as follows:

	In service now.	Asked for by department heads.	Allotted.	National defense act.	Additional number required.
General officers	140	90	90	61	38
General Staff	344	239	199	88	111
Adjutant General	420	210	204	50	54
Inspector General	105	112	82	28	54
Judge Advocate General	280	329	234	31	203
Quartermaster Corps	4,607	3,138	1,072 1350	359	1,053
Medical Corps	12,068	932	2,877	1,551	1,326
Dental Corps		392	347	233	104
Veterinary Corps			369	118	251
Sanitary Corps			175		
Engineers	3,835	797	504	504	
Ordnance Department	2,383	492	233 125	141	117
Signal Corps	1,293	325	324 110	126	188
Air Service	4,219	1,198	955 1235	148	1,052
Bureau of Insular Affairs		2	2	2	
Militia Bureau	59	6	6		6
Division trains		62	62	53	9
Chaplains and band leaders		231	[2]231	194	37
Professors, United States Military Academy		7	7	7	
Cavalry	994	1,505	1,300	1,300	
Field Artillery	1,011	1,308	876	870	
Coast Artillery	1,034	1,649	1,200	1,200	
Infantry	5,868	3,733	3,314	3,314	
Philippine Scouts		292	292	292	
Construction Division	645	223	270 120		200
Tank Corps	82	153	113 170		153
Motor Transport Corps	2,024	749	443 1100		543
Chemical Warfare Service	172	123	123		123
Education and special training	699	538	[3]149		68
Camp administration		68	68		
Physical reconstruction		175	22 1130		152

[1] Borrowed from line.

[2] Band leaders will be temporarily charged to the line organizations to which the bands belong.

[3] In addition to officers now provided by additional officers and detached officers' list. No additional authorization for these services would result in a very heavy drain upon the line of the Army, for which no extra officers are provided for by this table.

	In service now.	Asked for by department heads.	Allotted.	National defense act.	Additional number required.
Claims board [1]		591	485		485
Military intelligence	114	216	[2] 192		
Recruiting service	525	429	145 / 50		195
Foreign liquidating and special missions [3]		44	[4] 44		
Bureau of Standards	2	2	2		2
Service schools	273	85	[2] 85		
Division and department staff officers	39	16	16		16
Officers for duty as inspectors and instructors of the National Guard, recruiting, on duty with colleges and universities and all other detached duties not otherwise specifically provided for by law, the detached period of which is generally more than 1 year. Referred to in the national defense act as additional officers and the detached officers' list	1,079	1,079	1,079		1,079
Total			18,000		

[1] See Quartermaster Corps and Ordnance Department, in which these claims records are at present included.

[2] In addition to officers now provided by additional officers and detached-officers list. No additional authorization for these services would result in a very heavy drain upon the line of the Army, for which no extra officers are provided for by this table.

[3] Reports from Europe are lacking, but probably about 100.

[4] For care and disposal of property, settlement of claims, and settlement of United States interests abroad, principally in Europe.

2. Owing to changing conditions it is not possible to estimate accurately the maximum strain in any one of these organizations. This phase of the situation is also affected by the undeterminable and varying dates when sick and wounded officers, who now number over 1,800, many of whom will require long continuous treatment, will become available for duty. Therefore this distribution among the services can not be made rigid.

3. The 18,000 officers have been distributed, by grades, as follows:

General officers	99
Colonels	693
Lieutenant colonels	797
Majors	2,717
Captains	5,400
First lieutenants	5,179
Second lieutenants	3,107
Total	18,000

P. P. BISHOP,
Brigadier General, General Staff,
Chief Personnel Branch.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to officers of the permanent establishment as in his judgment may be necessary for the proper performance of the functions of the Military Establishment, and to retain at their temporary grade such officers of the Regular Army as he may deem necessary: *Provided*, That additional officers so maintained shall be selected so far as practicable from officers who served during the emergency and are applicants for appointment in the permanent establishment: *Provided further*, That after September 30, 1919, the total number of commissioned officers held in active service under this act shall at no time exceed 18,000.

Also the following committee amendment was read:

Strike out all after the enacting clause, and insert:

"That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to officers of the permanent establishment as in his judgment may be necessary for the proper performance of the functions of the Military Establishment: *Provided*, That additional officers so maintained shall be selected, so far as practicable, from officers and enlisted men who served during the emergency and are applicants for appointment in the permanent establishment: *Provided further*, That after October 30, 1919, the total number of commissioned officers in active service shall at no time exceed 18,000: *Provided further*, That no officer on the active list shall be detailed for recruiting service or for duty at schools and colleges, not including schools of the service, where officers on the retired list can be secured who are competent for such duty: *And provided further*, That 1,200 officers shall be assigned to the Air Service, of whom not less than 85 per cent shall be duly qualified fliers."

Mr. KAHN. Mr. Chairman, I move the previous question on the——

Mr. BLANTON. Mr. Chairman, the gentleman said he was going to be liberal in allowing us to offer amendments. I have an amendment I want to offer to the committee amendment.

The CHAIRMAN. Let the Chair state that it is not proper to move the previous question in the committee.

Mr. LITTLE. Let us not shut off debate on this.

Mr. BLANTON. Mr. Chairman, I have an amendment I desire to offer.

Mr. KAHN. Mr. Speaker, I would like to find out just how much time is desired at this time, and how many amendments it is desired to offer.

Mr. BLANTON. I have one amendment that I desire to offer.

Mr. DYER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. As I understand it, amendments are not in order and can not be offered.

The CHAIRMAN. Oh, yes; they are in order under the five-minute rule.

Mr. BLANTON. Germane amendments are.

The CHAIRMAN. The gentleman from California is making an inquiry as to how many amendments are to be offered and how much time is desired for debate.

Mr. KAHN. I understand there are probably five or six amendments to be offered. I would like to finish the bill to-night.

Mr. GARNER. The gentleman can not do that. Finish it in the morning.

Mr. KAHN. I shall not interpose any objection at this time to offering amendments.

Mr. MONDELL. Will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. MONDELL. Would it be entirely satisfactory to the gentleman from California, if it is to the committee, if, when the previous question is ordered on the bill, we adjourn and have the vote to-morrow?

Mr. KAHN. I certainly will have no objection to that.

The CHAIRMAN. The Chair wishes to state that the previous question is ordered automatically under the rule.

The gentleman from New York [Mr. LAGUARDIA] is recognized for the purpose of offering an amendment.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment:

Page 2, line 21, before the word "officers" insert the word "emergency."

So that it will read:

And provided further, That 1,200 emergency officers shall be assigned.

And so forth.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 21, after the word "officers," insert the word "emergency."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. GREENE of Vermont. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Vermont offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREENE of Vermont: Page 2, line 20, after the word "duty," strike out the colon, insert a semicolon, and the following language:

"*And provided further*, That hereafter officers retired for physical disability shall not form part of the limited retired list."

Mr. KAHN. Mr. Chairman, I reserve a point of order on that.

Mr. KNUTSON. Mr. Chairman, may we not have that amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The gentleman from California reserves a point of order against the amendment.

Mr. GREENE of Vermont. Mr. Chairman, the amendment that I have proposed may, on the face of it, seem to be possessed of some technical character that would cause some distrust and suspicion, especially on the part of some of our friends who are rather dubious about voting for this bill at all, because they think it may extend or amplify the powers of the War Department.

The reason for proposing this amendment here and now is simply to take advantage of the text of the bill itself relating to the detail of retired officers, to cure at this time a long-standing complaint against an old statute which is no longer applicable to present circumstances and conditions. Under the old statute the retired list of the Army was divided into two parts, a limited and an unlimited list, and, singularly enough, the most impracticable part of it is that the limited list provided for the retirement of officers only, first, for physical disability, unless found disqualified upon promotion examination; second, by direction of the President upon reaching the age of 62 years; and, third, upon their own application after more than 30 and less than 40 years' service. All other officers when retired were placed on the unlimited list.

You will see that that prevents the elimination from the active officers' list officers incapacitated through physical disa-

bility at any time when this limited list is already filled up. They have to be carried on full pay on the active list of the Army, although doing nothing, until there happens to be a vacancy on the limited list, when they can be retired on three-quarters pay. So that it is manifestly in the interest of economy, to say nothing about the improvement of the service, to place these men on the unlimited list.

Now, then, as illustrative of the practical sense behind this amendment and of the actual condition in the Army to-day, I may suggest to you that there are now being carried on the active list of the Army 41 officers who have been found physically incapacitated for duty, and who are now being carried at full pay, but who can not be retired at three-quarters pay until vacancies can be opened up on the so-called limited list.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GARNER. And your amendment will carry them on the unlimited list?

Mr. GREENE of Vermont. Yes; so that we may have room for active men on the active list, and at the same time carry out the spirit of our good intentions toward the Army in the matter of economy.

Mr. GARNER. Your amendment is in the interest of economy?

Mr. GREENE of Vermont. Exactly. It is in the interest of economy as well as the efficiency of the service.

Mr. BUTLER. Mr. Chairman, a point of order is pending.

Mr. KAHN. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from California withdraws the reservation of the point of order. The question is on agreeing to the amendment offered by the gentleman from Vermont [Mr. GREENE].

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I have an amendment.

The CHAIRMAN. Is the gentleman from Texas a member of the Committee on Military Affairs?

Mr. BLANTON. No.

The CHAIRMAN. The gentleman from Texas is recognized for the purpose of offering an amendment. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 15, after the word "exceed," strike out "18" and insert in lieu thereof "14."

Mr. BLANTON. Mr. Chairman, our distinguished colleague, Gen. SHERWOOD, who has seen important active service, is my authority for the statement that in peace times there should be one officer to every 60 men, and that in active war service there should be one officer to every 40 men.

Mr. SHERWOOD. That is what it was during the Civil War.

Mr. BLANTON. That is what the gentleman believes it should be now?

Mr. SHERWOOD. Yes.

Mr. BLANTON. According to Gen. SHERWOOD as authority, with our 225,000 soldiers authorized by law, there should be in peace times only 3,750 officers.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I have only five minutes. I am sorry I can not yield.

According to Gen. SHERWOOD, in active war time, with 225,000 soldiers, there should be only 5,625 officers.

But according to this bill we are to authorize the Secretary of War to have 18,000 officers kept in the Military Establishment. As long as war lasted I voted for every measure requested by the Secretary of War, the Secretary of the Navy, or the President, and if the war were going on at this time I would continue without question to do so; but on November 11, 1918, the armistice was signed, and fighting ceased, and from that day up to this, and all through my future career in Congress, when matters are submitted to this House respecting the business of this Nation, I am going to follow my own best judgment so far as my vote is concerned on every issue that is presented to this House, and not simply the request of the Secretary of War or the Secretary of the Navy. [Applause]. I am constrained to believe that the person in the back part of the House making so much noise and who is trying to interfere with the debate is not a Member of the House, but he must be a new page or somebody who is not familiar with the rules, hence I will not say anything further about it. But if, according to Gen. SHERWOOD, 3,750 officers are sufficient in peace times, and 5,625 officers are sufficient in war time to handle the American Army of 225,000 men, then in God's name if we give them 10,000 more, according to my amendment, making 14,000 officers for our 225,000 men, why are not they enough to handle the situation?

They say that we need doctors. If you will read the report on this bill you will see that they say we will have in round numbers about 30,000 men who are sick and afflicted with injuries, and they are asking in round numbers about 3,000 surgeons or one surgeon to every 10 men. Now, as time passes we can expect Mother Nature to assist these surgeons to help the men get well and be repaired and get out of the hospitals, but you do not take the surgeons out except by order of this Congress. These 3,000 surgeons will continue in the service until June, 1920, even though all sick and disabled men should be discharged from the hospitals by November 1. But because the Military Establishment has asked for 18,000 officers, forsooth, we must shut our eyes and vote for it.

Mr. KEARNS. Mr. Chairman and gentlemen of the committee, I am sorry, indeed, that the gentleman from Texas [Mr. BLANTON] has such a poor opinion of the Secretary of War. The Secretary of War has said that he needs about 18,000 officers, not to command men in the field or in the camps, but to take care of the business incident to the end of the war—the finishing-up process. Anyhow this bill is not a command to the Secretary of War to keep 18,000 officers on the pay roll, but it says that until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to officers of the permanent establishment as in his judgment may be necessary, and so on. Now, I know the gentleman from Texas [Mr. BLANTON] has no confidence in the present administration——

Mr. BLANTON. Oh, yes; I have. The gentleman must not misquote me in that way.

Mr. KEARNS. The gentleman did not believe the present administration when it said the other day that it would need 18,000 officers. I do not know whether they need 18,000 officers or not. I know that the Secretary of War, who in this instance is the mouthpiece of the President of the United States, says he will need that many. As I said before, these are not officers in command of troops. They are not really officers at all. They are simply men brought out of civil life, camouflaged in officers' uniforms. The War Department claims that they will need possibly 2,700 of these men to take care of the sick and wounded who are now in beds in hospitals throughout the United States. The Secretary of War has said, in addition to that, that he will need these physicians—you may call them officers if you please—to take care of the men who will be sick among the 250,000 in the Regular Army. Many of those men will be sick between now and the 30th of June.

And I would like again to impress upon the membership of this House that this is only a temporary bill. It only continues these men in office until June 30, 1920.

Mr. ROBSION of Kentucky. Will the gentleman yield for a question?

Mr. KEARNS. Yes; if the gentleman will make it brief.

Mr. ROBSION of Kentucky. I am going to vote for the bill, but I want to be clear on two points. Will this bill have a tendency in any way to prolong the stay of the private soldiers in Europe?

Mr. KEARNS. I am glad that question has been asked. It has nothing to do with the soldiers in Europe; and the reason why this House passed the appropriation bill in the form in which it did pass it was to compel demobilization and bring back the boys from France, to get them home, where they ought to be. In doing that we robbed the War Department of a certain officer personnel which it will need in order to clear up the tail end of the business incident to this war.

Now, there is another reason why they will need these officers.

Mr. ROBSION of Kentucky. A second question along the same line.

Mr. KEARNS. I can not yield any further. They will need additional officers to help take care of and get ready for sale $6,500,000,000 worth of property. It has been estimated that these men will each one have in charge a million dollars' worth of property. I mean those officers assigned to that business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEARNS. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Ohio asks that his time be extended for three minutes. Is there objection?

Mr. BLANTON. Mr. Chairman, I regret that I must object.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

Mr. DYER. Mr. Chairman, I will ask if the vote on the amendment we have before the House does not come first.

The CHAIRMAN. The amendment offered by the gentleman from Texas is an amendment to the amendment in the bill.

So that the amendment to strike out the last word is an amendment in the third degree. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 8, noes 93.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

The question of ordering tellers was taken, and seven Members rose.

The CHAIRMAN. Not a sufficient number, and tellers are refused.

Mr. LITTLE. Mr. Chairman, we might as well be frank about this. It may be that you will pass the bill to add 6,000 officers to the Army without adding one soldier, but if you do you will do so without any reason whatever being advanced for its passage. They say that they need 3,000 doctors. I call attention to the fact that that would be 1 doctor for every 10 men.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LITTLE. No; I will not yield; I have only five minutes and other gentlemen would not yield to me. The figures fix it at 29,000 sick to be treated this year and the doctors at 2,900, and that is a doctor for every 10 sick people. Every man here knows that any statement that they need such a number of doctors for such a number of sick is pure nonsense. If any man votes to give 2,900 doctors to 29,000 sick men, he is voting away the money of the public without any return whatever. [Applause.]

Nobody has tried to answer my suggestion on that last proposition. There is no pretense here that any fighting force is increased or that anybody is asked to be added who will go into the fight.

When I said that there was no increase of Cavalry, no increase of Infantry, no increase of Artillery, I said there is nobody to be added that will fight. The answer was, "Oh, yes; doctors have died on the battle field." Yes, doctors and nurses have died on the battle field, men and women both, but they are not combatant forces, and when a doctor goes in he does not expect to be put on the battle front. I said that nobody was to be added who was expected to fight, and that has not been denied. Yet they seek to add an expense of $15,000,000, and not one more fighting man in the Army.

They then say that they want to take care of the business of the Army. Gentlemen, if you have a lot of property to take care of, you had better hire some civilian business man to take care of it and save it. These men are trained at West Point, and they have no business experience whatever. Their idea of Ford car conservation in France is to pile them up and burn them.

When Gen. Siebert went to France the newspapers said he took charge of the Manila & Dagupan Railroad in the Philippines in 1898 and started it. He did not do anything of the kind. No officer in the Army nor any graduate of West Point was on hand to take charge. No Army engineer took charge. A private soldier by the name of John Haisch took charge of the railroad. He ran it from Manila until we got hold of the whole length of it and long after. I know something about it, because he was my own orderly, and he ran it for months as a private soldier. There was no officer from West Point on his force. You go to the Library and get the record of that war, and you read the dispatches, and you will see that they are signed "Haisch," and the orders from Maj. Gen. Otis are to John Haisch. He could tell a major general when to get on and when to get off. These Army-trained engineers were not found when McArthur's Division took the railroad from Manila to Dagupan. A volunteer soldier from the Twentieth Kansas took charge, put the railroad in motion, and was more useful to our forces in the Philippines than any man who ever saw West Point. This war was fought by men trained a few weeks or months. The business of this country is not managed by graduates of the Military Academy. If you want the Army run so as to save money, get a business man to run it, and he will not burn the property over there in France. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 15, after the word "exceed," strike out the word "eighteen" and insert the word "fifteen."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 16 ayes and 87 noes.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman demands tellers. All in favor of ordering tellers will rise and stand until counted. [After counting.] Three gentlemen have risen, not a sufficient number, and tellers are refused.

Mr. HOCH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 2, lines 12 and 13, strike out the words "and are applicants for appointments in the permanent establishment."

Mr. HOCH. Mr. Chairman, possibly I do not understand the purpose of this clause, but I offer the amendment believing that it should prevail, provided my understanding is correct. If not, I shall stand corrected. I understand this is merely a temporary arrangement to provide officers until the 30th of June next year. If that be true, it seems that we have discriminated here, in granting these commissions, against the boys who are now in the service and who may desire to remain until the 30th of June, but who do not desire a permanent appointment in the Military Establishment. With reference to the first provision, that we should give a preference to those who have seen service, certainly we all agree to that, that those who have seen service in the war should be given preference; but if this is not a move for a permanent policy, why should we discriminate and say that we will, as far as practicable, turn down those who may now be in the service, but who may desire a commission up until the 30th of June, and will prefer those who desire to be professional soldiers?

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. LAGUARDIA. That is exactly what we are trying to do. We are trying to take in only such men as desire to stay in the Army, so that the men who desire to be released may be released immediately. There are 18,000 applications on file now, and these 6,000 will be selected from the 18,000 applicants.

Mr. HOCH. I do not think the gentleman understands my position. Why should we discriminate against the soldier who does not desire to be a soldier permanently, but who desires simply to remain until the 30th of June next? This bill provides that we shall make the appointments not from those who simply want to stay until the 30th of June, but from those who want to enter the Regular Establishment.

Mr. LAGUARDIA. Because common sense dictates that a man who has his application on file to enter the permanent establishment should be taken in, while others who are going to get out anyway, who just desire to stay for a few months, might as well get out now.

Mr. HOCH. It says that they shall be chosen from officers and enlisted men. If there is an enlisted man who is entitled to a commission by virtue of distinguished service, even though it be only until the 30th day of June next, why should he not be given that commission and the pay that goes with that commission? Why should we say that we prefer the man who desires to become a professional soldier?

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. KAHN. The reference to enlisted men in the bill is this: There are many enlisted men who during the war have been given commissions. They are now in the commissioned personnel. They are among the 14,000 additional emergency officers who are going to be demobilized. The purpose of that is to allow them to keep these enlisted men in the commissioned personnel. It is the purpose to hold them. Otherwise they would have to be sent back to the enlisted force.

Mr. HOCH. Does not this provide that one who is an enlisted man, who does not hold a commission, but who may desire, if he can get a commission, to stay until the 30th of June, shall not be chosen? I would like to have that man given preference. Why should we not give it to that man instead of saying to him we prefer the man who is going to enter the regular standing Army? I want no discrimination against any soldier who has rendered service in this war, and who is otherwise worthy, merely because he does not choose to join the Army permanently and become a professional soldier.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. KAHN. Mr. Chairman, I will find some time later to explain to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was rejected.

Mr. PLATT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. PLATT: Page 2, line 15, after the word "exceed" strike out "eighteen" and insert in lieu thereof "nineteen."

Mr. PLATT. Mr. Chairman, I would like to be heard on the amendment. I offer this amendment because I think the temper of this House is altogether too narrow in regard to the War Department's requirements, very much as it was before the war, when the Democrats were in the majority. We all know now that the failure to comply with recommendations of the department then cost many millions of dollars later. The men in the War Department are not seeking to discredit the administration of which the Secretary of War is a part by advocating unnecessary expense. They are in a position to know what is needed, and there is no reason why we should be so narrow and cheeseparing about the whole thing. They have estimated for about 24,000 officers for the clearing-up and readjustment period. At the demand of the committee they have pared it down to a bare 18,000. Now, I offer this amendment in a spirit of cooperation with the needs of the department, and also for the purpose of asking this question of the chairman of the committee: Some remarks, more or less facetious, have been made about the number of medical men in the Army. Now, it has been said by physicians in civil life in high station and by many health officers that there is great danger of a return of the epidemic of influenza this fall. I desire to ask if the Army has made any preparation for its soldiers, who may be taken with the influenza this fall, in the way of retaining physicians and nurses in the service and maintaining hospitals in readiness for such a serious emergency?

Mr. DYER. They go to the Public Health Service.

Mr. PLATT. Soldiers go to the Public Health Service?

Mr. DYER. Yes; those discharged.

Mr. PLATT. I am not talking about discharged soldiers.

Mr. KAHN. Will the gentleman yield?

Mr. PLATT. I yield gladly to the chairman of the committee.

Mr. KAHN. So far as I understand the Medical Service of the War Department has said nothing to the Committee on Military Affairs about the possibility of an epidemic of influenza. But the gentleman is quite right. There may be such an epidemic. And yet I do not agree with him that it is necessary to increase the number of officers to 19,000.

Mr. PLATT. You need two or three thousand more medical officers to take care of the Army alone in case there should be such an epidemic.

Mr. KAHN. Then we will have to get them at the time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. KAHN. Mr. Chairman, the gentleman from Kentucky has asked me to yield to him for the purpose of asking a question. I desire to be courteous in the matter.

Mr. ROBSION of Kentucky. Mr. Chairman, I have very great respect for the opinion of the chairman of the committee and I want to know from the chairman if we vote for this additional officers' bill has it any bearing on the retention of the private soldier in Germany?

Mr. KAHN. I do not think it will have any on the private soldier anywhere. I am entirely in accord with the gentleman in wanting our forces brought home and demobilized. I want to say to the gentleman, as I stated before, the War Department has already demobilized 190,000 emergency soldiers. And replaced them with civilians who are now working in the War Department. Now, Mr. Chairman——

Mr. TINCHER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. TINCHER. As I understand the bill now preference is given in the appointment of about 18,000 extra officers to those who are applying for commissions in the permanent army?

Mr. KAHN. Yes.

Mr. TINCHER. Now, then, if this bill becomes a law and those commissions are given, does the gentleman mean to say that it is not contemplated that there will be 18,000 permanent officers in the Army?

Mr. KAHN. Oh, no.

Mr. TINCHER. What will they do, reduce them?

Mr. KAHN. Of course they will be materially reduced when the Army reorganization bill is brought in, but at the very latest this number can be retained only until June 30, 1920.

Mr. TINCHER. I do not believe that the gentleman got my point, or I did not make myself clear. But what I mean is this: Does the gentleman mean that the officer himself—take a captain or a major——

Mr. KAHN. Yes.

Mr. TINCHER. Will be reduced in rank after next June, because he is to be appointed from the men who apply for a permanent position in the Army?

Mr. KAHN. Mr. Chairman, if I can make myself clear, and if I can have the attention of the gentleman, many officers in the Regular Army are being demoted now. They held this high rank because we had 186,000 officers for our war-time Army. As the Army is being reduced to a peace-time basis these Regular Army officers are being reduced in rank accordingly. And, of course, some of these emergency officers will be held in higher station than others, but the work of demotion for the Regular Army officers will go on right along.

Now, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is first on the committee amendment as amended.

The question was taken; and the amendment as amended was agreed to.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (S. 2622) to provide the necessary commissioned personnel for the Army until June 30, 1920, had directed him to report the same to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule, the previous question is ordered on the bill.

EXTENSION OF REMARKS—CALIFORNIA RAILROAD STRIKE.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks by the publication of four telegrams that I have received in regard to the strike situation in southern California. I would like to have the House informed as to the situation.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing the four telegrams to which he has referred. Is there objection? [After a pause.] The Chair hears none.

The following are the telegrams referred to:

(Postal telegram.)

LOS ANGELES, CALIF., *August 27, 1919.*

Hon. H. Z. OSBORNE, *Washington, D. C.:*

As a result of tie-up on administration lines in California, 25 oil refineries, 20 of which are solely dependent on rail transportation for their crudes, are to-day practicaly isolated from their source of supply as well as customers.

Irrigation systems, power plants, public utilities, power, gas, and water plants in outlying districts, dependent on fuel oil, are shut off.

Food supplies dependent on truck transportation, in turn dependent on gasoline distillate and lubricants from refineries, may soon cease to move.

Locally oil marketers have situation fairly in hand, but stocks in country are dwindling fast, in spite of our efforts with hundreds of trucks on 24-hour service to relieve situation.

Immediate action on part of Railroad Administration is urged to meet an already serious condition.

INDEPENDENT PETROLEUM MARKETERS' ASSOCIATION OF CALIFORNIA.

(Western Union telegram.)

LOS ANGELES, CALIF., *August 27, 1919.*

Hon. H. Z. OSBORNE, *Washington, D. C.:*

No mail in from East, South, and Middle West since evening of 25th. None out to same points since evening of 24th. No mail to northern California and North States since evening of 25th. None in from same points since noon of 25th. Some offices in southern California isolated since 23d. Partial service irregular to most southern California offices by means of electric lines and automobiles. Fair service on city electric lines, northern California and other States. Mail sent by boat to San Francisco this date.

BROWN, *Postmaster.*

(Western Union telegram.)

LOS ANGELES, CALIF., *August 27, 1919.*

Hon. H. Z. OSBORNE, *Washington, D. C.:*

In view of alleged reason given by steam railroad employees for tying up steam railroad traffic west of Ogden, Albuquerque, and El Paso, and with particular reference to press dispatch dated Cleveland, August 23, quoting statement of railroad brotherhood chiefs, the following statement of situation as to strike on Pacific Electric Railway and Los Angeles Railway may be of service:

Pacific Electric Railway had at no time any strike or threatened strike on its lines from 1900 until 1918, when steam railroad organizers solicited its men for membership, the company, under the President's War Labor Board proclamation of April, 1918, no longer opposing membership in such organizations.

It was represented to employees that they were entitled to steam-railroad rates of pay and working conditions. Under direction of brotherhood officers, having no employment with Pacific Electric Railway, strike was called July 2, 1918, on six hours' notice, alternative being recognition of steam-line brotherhood's negotiations with their officers on behalf of Pacific Electric Railway and under conditions as then known and subsequently proved impossible for the Pacific Electric

Railway to meet. Strike was in face of Pacific Electric Railway's service being essential in connection with navy base, Army post, aviation camps, and munitions industries. Federal injunction and prompt action of Navy Department, together with reluctance of employees to strike in these circumstances, resulted in all men returning to work within a few hours after they struck.

The same brotherhood officers then appealed to War Labor Board, setting forth certain claims on steam-line basis. Case dragged; was amended in December, certain Pacific Electric Railway employees then appearing. War Labor Board took full testimony nearly six weeks in hearing, resulting in decision of April 9, 1919, showing contention of brotherhood chiefs that this property should be classed with steam lines totally disregarded.

Wage schedules were recommended for men involved, they being entirely in transportation department, at rates of pay which were actually less on the whole than those in effect before strike of 10 days ago, advances having been made voluntarily subsequent to War Labor Board decision.

Brotherhood officers made vigorous attempt to secure rehearing before War Labor Board, but no action was taken. They did not indicate they would abide by its decision, though they were the ones who had appealed to it. While the company offered full testimony, it reserved the right as to whether or not it would adopt the decision. Effort was then made by brotherhood men in employ of company working in association with steam-line brotherhood officers to create general dissatisfaction on Pacific Electric Railway and secure general walkout, with result that on August 16 committee claiming to represent large majority of employees called on vice president at 10 o'clock in morning, presented an ultimatum in the way of wage and working conditions, which they required him to adopt by 1 o'clock, or else they would call general strike at 2 o'clock following morning.

These schedules meant addition to pay rolls of $2,500,000 and could not be entertained, the company having operated at a deficit after deduction of fixed charges of $1,690,000 in 1918, and adoption of proposed schedules would make it impossible to secure operating revenues sufficient to meet operating expenses and taxes without any allowance for taxes and fixed charges.

Wages of men have been increased up to August 1, 60 per cent in two years. Compared with wages elsewhere for like work, under like conditions of living, they are much higher as a rule.

Distribution of total number of men, motormen and conductors, on July 31 in service of company was, in street car service, 602; interurban passenger service, 646; freight switching, work train, and other service, 248 men. Many of these latter engaged on single car movements. Over 70 per cent of revenue is derived from street car and interurban fares, averaging about 10 cents each, and during seven months ending July 31 only 21.5 per cent was derived from freight traffic, and year's average revenue derived from freight traffic interchanged with steam lines is only about 8 per cent.

It is manifestly absurd that on such an interurban and street car system there should be such persistent attempts to fasten steam railroad wages and conditions under which company could not possibly operate, and it is not understood how Brotherhood chiefs can in their minds classify motormen of street cars with their locomotive engineers.

Pacific Electric Railway operates and connects parts of four counties in southern California, linking the cities with interurban service, and provides street car service in 10 cities and towns.

Los Angeles Railway, on which strike was called at same time, gives only a street car service in city of Los Angeles, is narrow-gauge line, and has no connection with steam lines whatever.

Strike on electric lines was failure, though without warning to railways, and Pacific Railway had not hired one man in anticipation of strike. Of its employees, however, less than 35 per cent followed the strike leaders, and on Los Angeles Railway less than 30 per cent struck. Within a few days our daylight service was adequate on both electric railways and is now practically normal.

Pacific Electric Railway is in this territory and through Los Angeles Harbor, handling United States mail in all directions heretofore carried by steam lines, and at request of Federal managers has brought large numbers of passengers from Colton, San Bernardino, where steam-line crews deserted the trains.

In beginning of strike steam-line crews, in violation of their contract with steam lines and Director General as successor thereto, and in violation of their strike instructions as promulgated before the Federal court in July, 1918, in effort to keep injunction from being made permanent, which injunction was made permanent and sustained by United States District (Circuit) Court of Appeals, refused to perform service they had previously performed in switching cars to and from Pacific Electric tracks. They were not disciplined for this action, and United States Railroad Administration followed a policy of conservative conciliation.

This action had not any effect upon Pacific Electric Railway and Los Angeles Railway situation. They proceeded then to stop work first in southern California, then throughout the territory west of Ogden, Albuquerque, and El Paso to demonstrate their power and in effort to intimidate the administration into coercing the Pacific Electric Railway and Los Angeles Railway to accept conditions under which it would be impossible to operate the properties.

The result has been to arouse an antagonism almost beyond measure throughout California against their action, as illustrated by telegraphic resolutions and expression of views to the President, Director General, and Director of Transportation, United States Railroad Administration, from scores of chambers of commerce and commercial bodies and hundreds of companies and individuals as stated in the press here.

Pacific Electric Railway does not refuse to discuss any questions with its men, but, on the contrary, its officers meet with them monthly on all divisions and invite full and free discussion of all grievances, and these grievances are considered with committees where employees so desire, the individual rights being reserved, however, where men wish to speak for themselves. The company with the employees maintains a club of 2,000 members and summer camp in the mountains, gives them 12 days' vacation with pay with transportation each year; provides recreation rooms at terminals and hospital system. No employee can be discharged without full hearing with employee of his own election to represent him if he does not wish to represent himself. Has right to appeal to President, and thereafter, if he so desires, he can go outside and have his case decided by commissioner appointed by Federal judges of southern California.

All employees, five years' service and over, receive annual passes for themselves and family. Minimum wage guaranteed to every motorman and conductor after he enters service, $100 per month. Students paid while breaking in. Wages on regular runs averaged in July: Street car service, from $140 to $145; interurban passenger service, $150 to $158; freight service, from $170 to $185. A considerable number of employees in such service earn over $200 per month.

I place these statements before you in refutation of charges made in interview referred to, and repeat that until officers of the brotherhoods under what must have been a mistaken idea as to nature of our operations solicited memberships among our employees with promises that were impossible of fulfillment, there was never a strike on the Pacific Electric Railway. All increases in wages have been made voluntarily on the part of the company, and wages and other questions have been subject of full and free discussion between officers and employees.

PAUL SHOUP,
President Pacific Electric Railway Co.

(Western Union telegram.)

LOS ANGELES, CALIF., *August 21, 1919.*

Hon. H. Z. OSBORNE,
House of Representatives, Washington, D. C.:

The following resolution was this day unanimously adopted by the undersigned organizations assembled in joint meeting:

Whereas strike conditions now existing in the city of Los Angeles gravely imperil the very life of our community through the action of a few who, in the assertion of their demands, by their actions are causing the loss and destruction and preventing the necessary transportation of foodstuffs, thereby threatening want and suffering upon the great majority of the people of this community who are not connected directly or indirectly with their controversy and are seeking by such means to compel the great majority of people forced by such suffering and privation to become their allies in accomplishing their purposes; and

Whereas the declared purpose of those who are now striking and of their leaders is to deal a death blow at the principles of the open shop and industrial freedom, which are the vital principles upon which this community has been built, lived, and prospered; and

Whereas the loyal men who are now exercising their constitutional right as American freemen to labor are encountering the wrath and opposition of and are carrying the brunt of the battle with those who are seeking to destroy free labor; and

Whereas the citizens of Los Angeles desire to express their intention of supporting and protecting those who are working and making the fight and of encouraging the independent workmen, who constitute the great majority of workers, in asserting and insisting upon their right to labor as free men without themselves or others being coerced by illegal means: Now, therefore, be it

Resolved, That the undersigned organizations, instituted and existing for the purpose of fostering, developing, and protecting the welfare of this community, call a meeting of their members for the purpose of voicing the foregoing sentiments, to the end that a united American citizenship, with their families, in this crisis may make a successful resistance against this peril and at whatever necessary sacrifice settle the proposition that Los Angeles is a free city and that the foregoing principles must be preserved and maintained in all their integrity to insure the happiness and contentment of our people.

Bolshevism can not and will not be allowed, through the courage of our people, to rear its malignant head or to leave its withering curse and devastated path in our community: Be it further

Resolved, That we pledge our cooperation and support, physical, moral, and financial, to the President and United States Railroad Administration in all efforts necessary to restore a vital service necessary to both the Nation and community, which has been temporarily destroyed by strikers acting in violation of their contracts and their obligations to their country.

Los Angeles Chamber of Commerce, Los Angeles Realty Board, Kiwanis Club, Rotary Club, Merchants' and Manufacturers' Association, Southern California Laundry Owners' Association, Commercial Federation of California, Southern California Wholesale Grocers' Association, Founders and Employers' Association, Southern California Hotel Men's Association, Los Angeles Clearing House, Wholesalers' Board of Trade, Los Angeles Grain Exchange, Building Owners' Association of Los Angeles, Building Industries Association, Produce Exchange of Los Angeles, Wholesale Drygoods Association of Los Angeles, Retail Drygoods Merchants' Association, Wholesale Metal Dealers' Association, Motor Car Dealers' Association, Southern California Seed Trade Association.

LEAVE OF ABSENCE.

Mr. DRANE, by unanimous consent, was granted leave of absence, for two days, on account of important business.

EXPENSES OF PEACE COMMISSION (S. DOC. NO. 80).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered printed:

To the Senate and House of Representatives:

At the close of the last session of Congress, after it had become certain that the peace conference at Paris would not be able to conclude its work until after the expiration of the fiscal year, on June 30, 1919, when the existing appropriations from which the expenses of the American commission were being paid would cease to be available, the Acting Secretary of State submitted, at my direction, a request for an additional appropriation of $5,000,000. The amount was requested, first, in order to defray the expenses of the American participation in the conference at Paris until the close of its deliberations; and second, to meet the initial expenses of the American participation in the various commissions and agencies which the treaty with Germany provides shall be set up immediately after the ratification of that treaty.

No action having been taken on that request by Congress, the Secretary of the Treasury, at my direction, in a letter to the

chairman of the Committee on Appropriations of the House of Representatives, in June last, pointed out the urgency of providing for the expenses of the American commission, and this was followed by a communication from the Acting Secretary of State further explaining the necessity of the appropriation. No steps have yet been taken to provide for the expenses of the American delegation in Paris or of the agencies necessary to the discharge of its duties since July 1, 1919, when the appropriation for the national security and defense ceased to be available. It is, therefore, incumbent upon me again to bring the matter to your attention and point out the urgency of making suitable appropriations for the expenses of the commission. Meanwhile I have been compelled to make use of part of the emergency fund of the Department of State for the expenses of the commission, which is unfortunate in view of the large demand which it is foreseen will be made upon that fund during the current fiscal year.

Inasmuch as there might be objection to providing money at this time for the execution of any of the provisions of the treaty, when ratified, it is not desired now to ask your attention to that part of the estimate submitted.

I assume that no explanation is necessary of the continued presence of the commission in Paris, since everyone knows that although the treaty with Germany is now before the Senate, treaties with Austria, Turkey, and Bulgaria are yet to be completed, and many other matters of actual and potential concern to this country require careful attention of the American representatives.

The purposes for which an additional appropriation is needed will be indicated by the inclosed statement of the expenditures already made and the liabilities growing out of the peace conference. In considering these expenses and estimates, it should be borne in mind that for a time the personnel of the American delegation numbered more than 1,300 persons, and on July 31 last had been reduced to about 400, about 88 of whom were civilians, the remainder being from the Army and Navy. The conference has been held at a time when conditions in France are abnormal, prices of food being more than 120 per cent greater than a year ago; railroad transportation having increased more than 150 per cent; fuel not only difficult to obtain but only obtainable at prices over 200 per cent higher than before the war. Although an Army commissary has been utilized for the most part, the prices paid have, notwithstanding, been vastly greater than in prewar times. Then, too, means of communication and the usual channels of information have been so greatly impaired, as a result of the war, that not only has it been necessary to maintain an expensive courier system but, in many instances, commissions have had to be dispatched for purposes of investigation in order that the American Commission might be in a position to act intelligently and upon information the accuracy of which had been positively established. These unusual conditions have made the work of the commission expensive, although I have no hesitation in saying that considering the magnitude of the task and the extent to which the commission was obliged to rely upon its own agencies, instead of upon those available in normal times, the expenses have been and are very modest.

It is obviously not possible at present to estimate how much longer the conference may be in session, but assuming that its work shall extend to the end of the calendar year, December 31, 1919, which I think may be regarded as the maximum, the sum of $825,000 will be required for the expenses. I hope that this amount may be appropriated at an early date.

WOODROW WILSON.

(Inclosures:—Statement as described above.)

THE WHITE HOUSE.
28 August, 1919.

LEAVE TO FILE MINORITY REPORT.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOLDFOGLE] be allowed five days in which to file a minority report on House joint resolution No. 151.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the gentleman from New York [Mr. GOLDFOGLE] be allowed five days in which to file a minority report on House joint resolution No. 151. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. CANNON. What for?

Mr. MONDELL. For the purpose of having the vote on this bill and putting in a good day on legislation that will come before the House, probably from the Committee on Ways and Means.

Mr. BLANTON. Reserving the right to object, Mr. Speaker——

Mr. MONDELL. I do not care to insist, Mr. Speaker, if there is any general objection.

Mr. BLANTON. I would like to ask if there will be included in the legislation to-morrow any relief for the private soldier?

Mr. MONDELL. Mr. Speaker, I do not——

Mr. BLANTON. If not, I object.

The SPEAKER. Objection is made.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until Friday, August 29, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Assistant Secretary of Labor, transmitting list of useless papers in the Bureau of Labor Statistics, and asking for disposition thereof, was taken from the Speaker's table, referred to the Committee on Disposition of Useless Executive Papers, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Idaho, from the Committee on Reform in Civil Service, to which was referred the bill (H. R. 7404) to repeal section 7 of the act of October 7, 1917, entitled "An act making appropriation to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes," reported the same with amendment, accompanied by a report (No. 272), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on the Public Lands, to which was referred the bill (H. R. 2945) to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes, reported the same with amendment, accompanied by a report (No. 273), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service where extraordinary and unusual conditions prevail, reported the same with amendment, accompanied by a report (No. 274), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 8864) to encourage the reclamation of certain arid lands in the State of California, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. SEARS: A bill (H. R. 8865) authorizing the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Coronado Beach; to the Committee on Interstate and Foreign Commerce.

By Mr. MAPES (by request): A bill (H. R. 8866) concerning suits at law against the District of Columbia for injuries to persons and property; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8867) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings"; to the Committee on the District of Columbia.

By Mr. COADY: A bill (H. R. 8868) to provide for an examination and survey to be made of Baltimore Harbor, Md., and the channels leading thereto with a view to providing channels with a navigable depth of 40 feet and of adequate width; to the Committee on Rivers and Harbors.

By Mr. GALLIVAN: A bill (H. R. 8869) providing that preference be given to honorably discharged soldiers, sailors, and marines and their wives and widows in Government work, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. DENT: A bill (H. R. 8870) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.

By Mr. WHALEY: A bill (H. R. 8871) to authorize the Columbia Railway & Navigation Co. to construct a canal connecting the Santee River and the Cooper River in the State of South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Kansas: A bill (H. R. 8872) providing that before any person can become an officer in the Army of the United States he must serve one year as an enlisted man with the pay and equipment of the rank he attains; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 8873) providing for the recording of mortgages on vessels and notation thereof on certificates of registry or enrollment and license; creating jurisdiction in the district courts of the United States for foreclosure of such mortgages, and providing procedure in connection therewith; also providing for maritime liens upon vessels for necessaries, etc., and their enforcement, and subordinating the same to the liens of mortgages; repealing all conflicting acts, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GALLIVAN: Resolution (H. Res. 271) directing the Secretary of the Navy to furnish certain information to the House of Representatives; to the Committee on Naval Affairs.

Also, resolution (H. Res. 272) directing the Secretary of War to furnish certain information to the House of Representatives; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8874) granting an increase of pension to Edgar G. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8875) granting an increase of pension to Henry Strong; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 8876) granting an increase of pension to Robert A. Evins; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 8877) granting a pension to James Rimby; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 8878) granting an increase of pension to James E. Nute; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 8879) granting a pension to Oliver Hull; to the Committee on Pensions.

Also, a bill (H. R. 8880) granting a pension to Ferdinand M. Sterrett; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 8881) authorizing the Secretary of the Treasury to reimburse the First National Bank of New Carlisle, Ind., for the loss of war savings stamps and thrift stamps; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 8882) granting an increase of pension to Azubath Srofe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8883) granting an increase of pension to Chloie Bennett; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 8884) granting an increase of pension to John H. Bogardus; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 8885) granting an increase of pension to George Martin; to the Committee on Pensions.

Also, a bill (H. R. 8886) granting an increase of pension to Alpheus Danley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8887) granting an increase of pension to John W. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8888) granting an increase of pension to Margaret J. Cramp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8889) granting an increase of pension to Joseph Crites; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 8890) granting a pension to Alice McDowell; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8891) granting restoration of pension to Harriet S. Upright; to the Committee on Invalid Pensions.

By Mr. THOMPSON of Ohio: A bill (H. R. 8892) granting an increase of pension to Charles Hoff; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 8893) granting a pension to Mollie M. Reck; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 8894) granting a pension to Elsie C. Shumacher; to the Committee on Pensions.

Also, a bill (H. R. 8895) granting an increase of pension to Samuel Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8896) granting an increase of pension to Alexander Hoagland; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 8897) granting an increase of pension to Georgia Gatewood; to the Committee on Pensions.

By Mr. GILLETT: Resolution (H. Res. 273) to provide for the compensation of Clarence A. Cannon; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Massachusetts rural carriers of Boston, Mass., favoring an increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of the Newark (Ohio) postal employees, in favor of an increase in wages; to the Committee on the Post Office and Post Roads.

By Mr. CULLEN: Petition of James Shewan & Sons (Inc.) and others, of New York, N. Y., protesting against House bill 8422; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER of Illinois: Petition of John Petraitis, of Rockford, Ill., relative to the Poland Army, asking the United States Government to extend to the Lithuanian Government formal recognition; to the Committee on Foreign Affairs.

Also, petition of employees of the Mendota (Ill.) post office, favoring House joint resolution No. 181; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Petition of John B. Gossman and other letter carriers of Hartford, Conn., favoring an increase in wages; to the Committee on the Post Office and Post Roads.

By Mr. McGLENNON: Petition of the board of directors of the Jersey City Chamber of Commerce, opposing Senate bill No. 2202; to the Committee on Interstate and Foreign Commerce.

By Mr. RADCLIFFE: Petition of General H. W. Slocum Post, No. 55, Grand Army of the Republic, Department of New Jersey, favoring an increased pension to all widows of the veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. WATSON of Virginia: Petition of clerks of the post office at Petersburg, Va., favoring House joint resolution No. 181; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *August 29, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Johnson, S. Dak.	Myers	Smith, Ga.
Brandegee	Jones, N. Mex.	Nelson	Smoot
Capper	Jones, Wash.	Norris	Spencer
Chamberlain	Kellogg	Nugent	Sterling
Colt	Kirby	Overman	Sutherland
Cummins	Knox	Page	Thomas
Curtis	La Follette	Phelan	Townsend
Gay	Lenroot	Pittman	Trammell
Hale	McKellar	Poindexter	Wadsworth
Harris	McLean	Robinson	Walsh, Mont.
Henderson	McNary	Sheppard	

Mr. CURTIS. I desire to announce that the Senator from Massachusetts [Mr. LODGE], the Senator from California [Mr JOHNSON], the Senator from Indiana [Mr. NEW], and the Senator from New Hampshire [Mr. MOSES] are absent on official business as members of the Committee on Foreign Relations.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KING answered to his name when called.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call.

Mr. THOMAS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. WATSON, Mr. WILLIAMS, Mr. ELKINS, Mr. HARRISON, and Mr. KEYES entered the Chamber and answered to their names.

Mr. KING. The Senator from Rhode Island [Mr. GERRY], the Senator from South Carolina [Mr. DIAL], the Senator from North Carolina [Mr. SIMMONS], the Senator from Arizona [Mr. ASHURST], and the Senator from Maryland [Mr. SMITH] are detained on official business.

Mr. SHEPPARD. The Senator from Nebraska [Mr. HITCHCOCK], the Senator from Virginia [Mr. SWANSON], the Senator from South Carolina [Mr. SMITH], the Senator from Wyoming [Mr. KENDRICK], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Arizona [Mr. SMITH] are necessarily detained on business of the committees of the Senate.

Mr. PHELAN. The Senator from Massachusetts [Mr. WALSH], the senior Senator from Kentucky [Mr. BECKHAM], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. KNOX obtained the floor.

Mr. THOMAS. Will the Senator from Pennsylvania yield to me for a moment?

Mr. KNOX. Certainly.

JOHN D. RYAN.

Mr. THOMAS. Mr. President, in the Washington Post of this morning there is a telegraphic dispatch from Portland, Oreg., entitled:

Charge $5,000,000 wasted on spruce. May find basis for recovery against Ryan, add probers.

The article justifies the headline. I will not take time to read it.

My purpose in calling the attention of the Senate to it is that the charge of misconduct is again insinuated against Mr. John D. Ryan, recently Assistant Secretary of War and Director of Aviation Production. I have little doubt but that this committee will discover a wastage of large sums of money in the production of spruce; but these insinuations against an upright, honest, and patriotic citizen are so wholly unwarranted, so cruelly unjust, especially when repeated, that I feel justified in asking unanimous consent to have inserted in the RECORD a letter dated the 16th of August from Gen. Brice P. Disque, late brigadier general, United States Army, commanding the spruce division, citing the connection of Mr. Ryan with this affair, to which I think the public is entitled, in view of the repeated innuendo which reflects upon Mr. Ryan's standing and character as a citizen and a public official.

I thank the Senator from Pennsylvania.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

[The Washington Post, Aug. 29, 1919.]

"CHARGE $5,000,000 WASTED ON SPRUCE—MAY FIND BASIS FOR RECOVERY AGAINST RYAN, ADD PROBERS.

"PORTLAND, OREG., *August 28.*

"Charges that approximately $5,000,000 of Government funds had been 'squandered, misapplied, and converted to the prospective uses of the Milwaukee railroad interests,' were contained in a report telegraphed to-day to Secretary of War Baker by the congressional committee investigating operation of the Spruce Production Division.

"The report declares that the expenditures of the spruce production division were 'wasteful and unnecessary.' It concludes by saying that 'further investigation may disclose conditions upon which a recovery can be had against John D. Ryan and others who are responsible for this wasteful expenditure of public funds.'

"The report was signed by Representative JAMES A. FREAR, of Wisconsin, chairman, and WALTER W. MAGEE, of New York. Representative CLARENCE F. LEA, Democratic member of the committee, did not sign the report."

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AUGUST 16, 1919.

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

MY DEAR SIR: The prompt manner in which you recently defended Mr. John D. Ryan after his action as Director of Aircraft Production had been misrepresented and attacked leads me to feel that you may be interested in a complete and authoritative statement of the circumstances which led to the construction of a railway line in Clallam County, State of Washington.

I was in charge of spruce-production activities from November, 1917, until the end of the war and personally handled all problems which led to construction activities connected therewith.

It was some time in February, 1918, that I decided that it would be necessary to have a railway finished and ready for operations not later than January, 1919, with a view to obtaining spruce from the Clallam County timber tract. The Milwaukee Railroad approached that stand of timber nearer than any other line, and, with a view to conserving the funds of the War Department, I carried on negotiations with the officials of the Milwaukee road, Mr. H. B. Earling, vice president, and subsequently Mr. H. E. Byrom, president of the road.

It seemed to me then, and still does, that the logical thing was to have the Milwaukee either build the extension themselves or buy it from us later on if we had to build it, because it was an extension of their own line which had been contemplated, and upon which they had been working for several years, advancing 2 or 3 miles each year as the country developed. I endeavored, first, to have the railroad authorities build the line themselves, but they demurred, stating that there was no justification from the railroad standpoint for the expenditure at that time. I then endeavored to come to an agreement with them whereby the railroad might be built by the War Department under a contract with the Milwaukee which would provide for the taking over of the extension upon terms which would be satisfactory to both parties, and allowing for depreciation and interest charges for a period of years which would elapse before the Milwaukee would have made the extension of their own accord.

Our negotiations were progressing satisfactorily when the Railroad Administration took greater control and it became necessary for me to go to Washington in order to expedite the construction of this line, which had to be completed before November of the same year, because of the heavy rainfall in that section rendering construction impossible after that date. It was about this time, May, 1918, that Mr. Ryan was appointed Director of Aircraft Production. Until he was appointed I had never heard of him that I recall, certainly had never seen or spoken to him, nor had he ever heard of me, I am sure.

I went to Washington shortly after Mr. Ryan's appointment, determined to have this railway and several other important matters in our operations decided promptly or to request my release from duties in connection with spruce production, because I had felt that the difficulty and delay in obtaining authority from Washington were seriously prejudicing the effective results of our operations. I had made up my mind that unless Mr. Ryan was a man who would act, and who also had authority commensurate with his responsibility, that I could not continue on an operation which seemed certain of failure, due to delays in Washington.

I met Mr. Ryan for the first time in my life on the day I arrived in Washington and had a long conference with him, outlining the activities of the spruce division. When I referred to the extension of the Milwaukee Railroad, Mr. Ryan promptly told me that he was a director of that line and would not discuss any matters pertaining to it. He asked Mr. Stettinius, Assistant Secretary of War, to act for him in every phase of the matter of extending the Milwaukee road, and from that moment on this subject was never mentioned or discussed with Mr. Ryan.

Mr. Stettinius referred myself and Mr. Byrom, president of the Milwaukee, who had come to Washington to meet me, with a view to carrying on our negotiations, to the Railway Administration for a solution to our problem. Mr. Byrom and I had three conferences with Judge Lovett, who finally stated that the Railway Administration would not permit the Milwaukee to make the extension, nor would they permit the Milwaukee to enter into any contract which would obligate them in any way in connection therewith.

Mr. Byrom then left Washington, and we abandoned the idea of having the Milwaukee Railroad participate in any manner with this branch line which we required.

It then became necessary for us to utilize aircraft funds for the construction of the line, and I explained the project to the Aircraft Board, at which meeting Mr. Ryan absented himself because of his interest in the Milwaukee road, and the possibility that this extension might some day be of interest to that line. The Aircraft Board approved of the project and directed me to proceed with the railroad at our own expense.

Between February and the time referred to in the preceding paragraph I had received numerous requests from contractors, both real and spurious, to give them contracts for building the road, and, after surveying the entire field, we came to the conclusion that the Siems, Carey-H. S. Kerbaugh Corporation were the best prepared to carry out the project.

I had never seen or heard of any of the members of this firm prior to the time they applied for the contract, and my decision to award it to them was based solely upon my conviction that

they were more capable of accomplishing our work within the time available than any other contractors who had been considered. And the fact that they actually did complete the 38 miles of line in less than five months, whereas practical railroad men and logging railroad operators had told me it could not be done in a year, has amply justified my decision.

I know positively that Mr. Ryan had absolutely nothing to do with the negotiations leading up to the Siems-Carey contract. I carried them on myself, had a complete contract with them before I left Portland, requiring only the approval of the Director of Aircraft Production to make it legal, and brought it with me to Washington on the trip above mentioned. When I presented this contract to Mr. Ryan he again stated that his interests in the Milwaukee were such that he could not consider it and referred it to Mr. Stettinius, who revised the contract in some minor details, with the assistance of the counsel of the Aircraft Production Board, and submitted the same to the Secretary of War and obtained his approval.

The contract throughout was a fair one to the contractor and the Government, and were I to repeat the operation I would not hesitate to duplicate the contract as it was written and give it to the same contractors.

You will see from the above that the charge that Mr. Ryan influenced our operations in Clallam County or had anything to do with the contract for building of the railroad up there are without the slightest foundation of fact, and I can assure you that your defense of Mr. Ryan in this matter was not only justified but was a duty to a most patriotic gentleman, who gave his tremendous ability to the Government when it was most needed in a most unselfish and disinterested manner.

If there is any phase of this activity or any others connected with the spruce-production division on which you desire information, I shall be only too glad to send it to you in detail.

Very respectfully, yours,

BRICE P. DISQUE,
Late Brigadier General, United States Army,
Commanding Spruce Division.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 1362) to authorize Hiram I. Sage, a citizen of Baldwin County, Ala., to construct and maintain a bridge across the Perdido River at or near Nunez Ferry.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6808. An act to incorporate the American Legion; and

H. R. 7594. An act relating to the creation of the office of general of the Armies of the United States.

The message further announced that the House had passed a concurrent resolution authorizing the appointment of a joint committee of five Senators and seven Members of the House of Representatives to make arrangements for appropriate exercises in welcome of John J. Pershing, general and commander in chief of the American Expeditionary Forces of the World War, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

H. R. 6808. An act to incorporate the American Legion was read twice by its title and referred to the Committee on the Judiciary.

H. R. 7594. An act relating to the creation of the office of general of the Armies of the United States was read twice by its title and referred to the Committee on Military Affairs.

TREATY OF PEACE WITH GERMANY.

Mr. KNOX. Mr. President, before proceeding with my remarks I ask the privilege of having inserted in the RECORD, at the conclusion of my remarks, an index of the German peace treaty which I had prepared for my own use by Maj. J. Ruben Clark, jr., formerly Solicitor of the Department of State, a man who by reason of his great ability and experience in international and diplomatic affairs and fine analytical mind brought to that work, I think, as high a degree of talent as has yet been devoted to it.

I had furnished this document to the Committee on Foreign Relations, realizing its value, and the committee had it printed for the committee's own use; but I think every Senator ought to have the opportunity of inspecting it, because it contains an excellent index of the treaty; it contains a complete coordination of its parts, and a very thorough system of cross references enables one to get at particular subjects that are dealt with in half a dozen or more places in the treaty. So I ask the privilege of having it inserted in the RECORD at the conclusion of my remarks.

Mr. NORRIS. Mr. President, will the Senator yield to me at that point?

Mr. KNOX. Certainly.

Mr. NORRIS. From the Senator's description of this document, I think it ought to be printed in the form of a Senate document. It would be cumbersome for use if it were merely printed in the RECORD, and, as the Senator has described it, I think it ought to be printed by itself. I wish the Senator would include in his request that it also be printed as a Senate document.

Mr. KNOX. I do not know whether or not it is still in type; it is printed now in this form [exhibiting] as a separate document; it is printed in rather larger type than our Senate documents, because there are so many parallel columns of cross references.

Mr. NORRIS. If it were printed in that form, it would be much more valuable to Senators who desire to use it for reference than it would be if it were merely printed in the CONGRESSIONAL RECORD.

Mr. KNOX. I think the Senator from Nebraska is correct, and, yielding to his suggestion, I make the request that the document may be printed as a public document in the form that it is now before the Committee on Foreign Relations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. KNOX. Mr. President, I wish at the outset to make my own position perfectly clear, that reason or excuse for misunderstanding or misinterpretation may not exist. No one more abhors Germany's lawlessness, her cruelty, her gross inhumanity in the conduct of this war than do I. No one is more determined than I to make her pay the full penalty for the great wrongs she has inflicted on civilization and on the world whose equipoise she has by her iniquities well-nigh destroyed. It must not seem to be profitable for anyone to violate the great eternal laws of right, and we must vindicate them now against Germany if we are to save ourselves from chaos. The observations I shall make are therefore dictated by no maudlin sympathy for Germany, the felon who must suffer the penalty incident to his crime.

But I am vitally concerned in the peace of this world, and peace we must have if it be attainable. But, Mr. President, I am convinced after the most painstaking consideration that I can give, that this treaty does not spell peace but war—war more woeful and devastating than the one we have but now closed. The instrument before us is not the treaty but the truce of Versailles. It is for this body—the coordinate treaty-making power of this great neutral Nation of ours—to make of the document a peace treaty if possible, or if that be impossible, then we must put this Nation in such relation to the treaty and to the powers of the world that our voice may hereafter as heretofore be always raised for peace.

It is to be regretted that the whole matter has been so unfortunately managed, that there has been so much of needless secrecy, so many times mere partial disclosure when the whole truth could and should have been told, so much of assumed mystery in the whole affair, that it has become impossible for any of us not in the confidences to tell when we have arrived at the whole of any matter. It is no fault of mine if the facts themselves shall speak an impeachment of the wisdom, the purpose, or the result of the negotiations.

Fortunately it is no longer necessary to insist upon the high importance of this treaty nor the fact that it marks the point in our history where we turn from our old course of proved happiness, prosperity, and safety to a new one, for us yet untried, of alliances, balance of power, and coalition with countries and peoples whose interests, aspirations, and ideals are foreign to our own, because the people are waking to this as the true issue. Little by little they are bringing a divulgence of the facts connected with the treaty and they may now hope finally to see the whole of the great gaunt tragedy into which those whom they had charged with protecting them were about to betray them.

But as this treaty itself, as finally placed before us, is so intricate and all-embracing in its conception, is so ponderous and voluminous in its execution, is so microscopic in detail, and, because of these things, so inaccessible to the people upon whose backs it is proposed to place its mighty burdens, it has seemed due and proper that, to the extent of my power, I should add my bit to the information which other Senators are so ably placing before them. For assuredly it is one of the calamities of this situation that of the hundred million of us who are to sign this great promissory note, but a paltry few thousand will be able to read it before signature. And that, Mr. President, is at once my reason and my excuse for again intruding my voice in this discussion, for it is the duty of each of us who are charged with the responsibility of speaking and acting for the people in this

matter to give to them in as concrete and understandable a form as we may the actual provisions of this document. The people will judge this matter rightly if they but know and understand its facts.

But unfortunately this treaty, intricate, ponderous, and voluminous as it is, yet is by no means the whole story. Many documents involved in its making are before neither the Senate nor the people.

Within the last week the Committee on Foreign Relations requested that the proceedings of the peace conference and the documents connected therewith should be furnished for our information. The reply was that all were not here, only those immediately at hand having been brought, and that those here were being sorted and some would be finally sent to us. Why should these documents need sorting? Do they hold secrets it is thought best the American people should not know?

Nor have we yet the treaties with Germany's allies—the former Austro-Hungarian Empire, Bulgaria, and Turkey—all of whom, if we may credit report, are to be dismembered or shorn of territory, or both. The provisions of the treaty before us are intimately and inevitably entwined with those of these other treaties. Can we wisely proceed without those treaties and treat this situation piecemeal?

It was only this morning that the chairman of the Foreign Relations Committee handed me a most important treaty, which has already been completed and agreed upon—the treaty relating to international air navigation—access to which he was only able to get through the British market at 9 pence per copy.

If the negotiators found it necessary, as they did, to consider the whole situation at one time that they might arrive at harmonious arrangements, must not we also to act intelligently and wisely have everything before us?

What is it, sir, about these things that the people can not know? What is there to hide from them? Must we take this thing, as the German people must take it, unsight and unseen? Are we to be no more advantaged than our fallen enemies? We are asking neither for a Saar Basin, a Fiume, nor a Shantung. We have no hope or desire of aggrandizement to be disappointed. We want merely to know what we are promising to do.

Mr. President, a treaty of peace has two great functions: In the first place it ends the war and brings back peace; and in the next place it gives to the victor his spoils which normally take the form of territorial adjustments and monetary or other indemnity, either merely to make good his losses, or in addition to impose a penalty. If the victor be guided by a wise statesmanship, he so accommodates his spoils as not to sow seeds for another conflict with his erstwhile enemy. The great war now ending was bottomed on Bismarck's violation of this fundamental principle. France overlooked her indemnity, but she never forgot or forgave Alsace-Lorraine. There is, I warn you, Senators, many another Alsace-Lorraine in the treaty laid before us for action.

The first of the named functions of a peace treaty is performed in this case not by an article specifically declaring that the treaty brings peace to the parties belligerent but by two widely separated clauses, one at the very beginning of the document and another at the very end of it, from which you spell out the time and occasion of the termination of this conflict. The initial clause, which follows the recitation of the persons signing, says:

> From the coming into force of the present treaty the state of war will terminate. From that moment, and subject to the provisions of this treaty, official relations with Germany, and with any of the German States, will be resumed by the allied and associated powers.

In the last article, the fourth and third clauses preceding the testimonial clause, read as follows:

> A first procès verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers, on the other hand.
>
> From the date of this first procès verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

Germany and Great Britain have already ratified the treaty. So soon therefore as the treaty has been ratified by any two of the remaining principal allied and associated powers, the remaining powers being the United States, France, Italy, and Japan, and when the procès verbal of such deposit of ratifications has been drawn up, "the state of war will terminate," as a reading of the many treaty clauses, coming into force at that time and making the further conduct of the war impossible, will clearly show.

It results from the foregoing that in order to bring peace between us and Germany it is not necessary that we shall ratify this treaty. It is true Congress need not accept this treaty termination of our belligerency, and might by proper resolution, either joint, concurrent, or by separate resolution to the same effect by the Senate and House, respectively, continue this war, because to Congress exclusively belongs the authority to create a status of war, and therefore it might continue such a status by a new declaration. But Congress has no desire to do and will not do this thing.

On the other hand, Congress, while it can not negotiate a peace with the enemy, can nevertheless end hostilities with him by declaring as no longer existant the status of war with him, which the Congress created by its own act.

Thus so soon as the first procès verbal is drawn under this treaty, Congress may with all propriety, and should to insure full legality to the act of the Executive in negotiating this particular treaty provision, pass a resolution—concurrent, because the Executive having already committed himself to the substance thereof, his approval would be superfluous—which shall declare that the status of war created by its resolution of April 6, 1917, no longer exists, and that a status of peace from that moment obtains. Thus we shall put the country immediately upon a complete peace basis and may at once resume all our normal commercial and other relations with Germany, unhampered by any restrictions. So much for that part of the treaty which ends the war.

I pass now to the second branch of the treaty, which comprises its whole volume aside from the brief clauses I have quoted, and which deals with the victor's spoils.

In order that we may better appraise the value of the provisions to which I shall call your attention it seems well that we recall the bearings of the course we laid for ourselves when we entered this war, when we literally pledged the lives of our own sons to the accomplishment of a purpose stated—a pledge redeemed in full necessary measure as the mourning in 50,000 homes bears witness. To refresh our recollection of a few salient facts, I shall, in the first place, read the words of President Wilson when he invited Congress to declare war. Said he, after adverting to the course of the Imperial German Government in submarine warfare:

> I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States: that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.

A little later in the same address he said:

> We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that their Government acted in entering the war. It was not with their previous knowledge and approval.

Still further on, asserting that Prussian autocracy—

> has filled our unsuspecting communities and even our offices of Government with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without, our industries, and our commerce—

He said:

> We knew that their source lay not in any hostile feeling or purpose of the German people toward us—who were no doubt as ignorant of them as we ourselves were—but only in the selfish designs of a Government that did what it pleased and told its people nothing.

Again, still later:

> We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included; for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy.

And finally he said:

> It will be all the easier for us to conduct ourselves as belligerents in a high spirit of right and fairness, because we act without animus, not in enmity toward a people or with a desire to bring injury or disadvantage upon them, but only in armed opposition to an irresponsible Government which has thrown aside all consideration of humanity and of right and is running amuck. We are, let me say again, the sincere friends of the German people, and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us

Or, to put it shortly, our purposes as stated by Mr. Wilson were threefold—first, the defeat and elimination of the Imperial German Government and Prussian autocracy; next, the liberation from their yoke of despotism of the German people themselves—for whom we had nothing but sympathy and friendship—to the end that they might be masters of their own fates and fortunes; and, lastly, the reestablishment, as sincere friends of the German people, "of intimate relations of mutual advantage between them and us."

But we here in Congress were not quite so sure-footed in our estimate of our relations to the German people in case we went to war. It became difficult for us to work out just how we could confine our hostility to the Imperial German Government when

the German people and not the German royalty were to shoot down our sons, and while we were bending all our efforts to kill the German people. But we did see this in the situation: Our own citizens of German ancestry were among our best, most stalwart, and freedom-loving, patriotic citizens, whose ancestors in many cases had fled Germany to escape the despotism against which we were about to wage war. We recalled that the Teutonic peoples were in origin and early tradition a free people who knew no masters. And we judged that rid of those rulers who had debauched their intellects for generations this mighty people would reassert their racial characteristics as had their sons who had come to us, and that they would become in turn a great, free people, as they had been a great monarchical nation. And this is my faith to-day, if we but give that great people a fair chance, consistent with the punishment they have earned and must suffer.

But no one here was such an ecstatic as to conceive that, going forward, we should not make war on the German people, or that before the war should end we should not have engendered hostility toward them. Congress, therefore, on April 6, four days after the delivery of the President's address, declared in a joint resolution the existence of a state of war between the United States and the Imperial German Government, solemnly affirmed that the Imperial Government had so "committed repeated acts of war against the Government and people of the United States" that a state of war has been thrust upon them by that Government, and therefore formally pledged the whole military and national resources of the country to "bring the conflict to a successful termination."

These were the aims, the purposes, and the reasons for entry into the conflict as stated in our former record. How mighty was the accord of our whole people therein was shown by their full and quick approval of the measures Congress took to make good the pledge we gave—the passing of the selective-service act and of the measures imposing our enormous financial powers and obligations.

These were the ends and the purposes which threw into the conflict with their whole hearts and souls our great, splendid body of loyal citizens of German ancestry. Fired with the spirit of liberty and freedom and weighted with the blessings of free Government, they saw in the war an opportunity to bring to the home folk in the old fatherland the same inalienable rights of life, liberty, and the pursuit of happiness. Their sons rushed to our standards to fight first that we might continue to live free and next that liberty and its blessings might come to their kindred across the sea.

We did have, we had to have, a quarrel with the German people; it was inevitable that we should entertain toward them hostile feelings. But we had and have a sympathy for them as misguided and misdirected, and we did hope that winning the war we should liberate them from an intellectual despotism they seemed not to sense, and that thereafter they would arise a free, great people.

So we entered the war. Eighteen months later Germany, staggering, asked for an armistice to arrange a peace. Before the armistice was granted the Emperor and the Crown Prince fled their dominions, followed by certain of their military chieftains. Next came the abdication of the Emperor and the initiation of proceedings looking to the democratization of Germany.

Thus, prima facie, we had achieved the full purpose for which we entered the war; our enemy was defeated, the Imperial Government destroyed, and the German people were liberated, free—again quoting the President—to "choose their way of life and of obedience."

Following this came the signing of the armistice of November 11, the terms of which wisely and properly put it beyond the power of Germany thereafter effectively to continue this war.

There we, who sought no territory, nor indemnity, nor aggrandized power, should have rested, signed our peace when our associates made peace, and quit the war as we entered it, still free and independent, masters of our own destiny, able to work for the benefit of all mankind, unhampered by entangling alliances or commitments.

We should have left the political adjustments and the indemnities to the powers of Europe who alone were immediately concerned, we at most exercising a restraining hand to see, first, that justice was done to a fallen foe—and this in spite of the fact that he initiated and carried out the most cruel, relentless, inhuman war of modern times—and in the next place to insure that no more dragon's teeth were sown in Europe than the indispensable necessities imperatively required. Such a course would neither have endangered nor sacrificed those threatened peoples to whose assistance we came, for Germany had been disarmed, and our two millions of young men, now for the first time fairly equipped, were still in France at the behest of any military exigency which might arise.

But such was not the course followed, and our representatives sat at the peace table as coequal negotiators.

Twenty-seven powers (besides Germany) have signed this treaty. Five of these—the United States, the British Empire, France, Italy, and Japan—are designated as the principal allied and associated powers. These 5 with the other 22 signing the treaty (besides Germany) are termed the allied and associated powers. Of these 22, 4 only were European powers in existence at the outbreak of the war, namely, Belgium, Greece, Portugal, and Roumania; 3 others of Europe are created or recognized by the treaty—Poland, Czechoslovakia, and the Serb-Croat-Slovene State, the boundaries of which nor its location the treaty does not disclose. Of the remaining 15 States, 3 are Asiatic—Siam, China—who has the sole distinction of being robbed by her allies—and the Hedjaz—likewise with undefined boundaries and, as to the treaty, unlocated. The 11 remaining States are of Latin-America as follows: Bolivia, Brazil, Cuba, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, and Uruguay. I have mentioned these 22 States so we may have clearly in mind the fact that all of them combined could not under the most favorable conditions one could hope for, withstand the armies of Germany one day, or enforce against Germany's will the most inoffensive treaty stipulation. In the domain of force, in which Germany has lived and will continue for a time to live, these powers count for naught. The great responsibilities of the treaty, the only power behind the treaty, is that of the five principal allied and associated powers. Nor does the treaty in any of its parts blink this. There is no single important function in the treaty performable by the victor powers which is not consigned to the five great powers. There is no single important immediate function consigned to the league of nations which does not run to the council of the league which these five powers control and of which they are the sanctioning force. The small powers are named that may be granted benefits. The load of the world, the keeping of the peace of the world, under this treaty rests on the five powers.

But there is one power we miss in all this, the power which met the brunt of the German shock while the rest of the world got ready; the power that mobilized in the allied cause some 21,000,000 men; that lost—killed in action—2,500,000; that lost in other casualties 3,500,000, of whom 1,500,000 are absolute invalids and badly mutilated; that lost in prisoners 2,000,000, of whom half died in prison; a power whose armies at the beginning of February in 1917 numbered 14,000,000 men under arms; who fought during the war over a front of 3,500 miles, and who had there pitted against her one-third of the whole German Army, two-thirds of the whole Austrian Army, all of the Hungarian Army, and two-thirds of the whole Turkish Army; a power who took as prisoners of war 400,000 Germans, 300,000 Hungarians, 300,000 Turks, and 1,000,000 Austrians. I speak of poor, ever despot-ridden Russia. I have but said China enjoyed a unique position; but I spoke in haste. Russia, who raised three times as many men as we planned to raise as a maximum; Russia, whose losses if imposed on us would have made every home in this land a house of mourning; Russia, whose men in battle front, unarmed and unequipped, stopped the German onrush of cold steel with bare breasts and clenched fists, so saving us and Europe from slavery; Russia, whose people and rulers stood forefront, our friends, even in the hours of our sore and most threatening distress; this Russia, with this record, is mentioned in this treaty, but only with ominous words that presage her national destruction.

Russia, sir, is a problem; but dismemberment by others is not its solution. And shall I tell you, Mr. President, what the intelligent Russians, those of the great so-called middle classes, are saying? It is this: We must first recover ourselves and wipe out the dishonor of our collapse, the dishonor of forsaking our Allies in the hour of their dire need. And then we must readjust our dominions as we wish them, for Russia can never be bound by the Russia-disposing portions of a treaty to which Russia is not a party. And I ask you, sir, would we?

And this thought brings me to speak again of what I have said heretofore, that this treaty, stripped of its meaningless beatific provisions, provides merely and simply for an alliance between the five great powers in a coalition against the balance of the world. And again I ask, has history ever answered this save in one way—by destroying the coalition and at times all or some of its constituent members?

Think you Germany—smarting and staggering under the terms of this the hardest treaty of modern times—will, even if we were to set up the league and she should join it, supinely rest content with the dole of grace and sufferance we are vouchsafing her, the crumbs from her victors' table? It is beside the point to say that such is but her just deserts and the full measure thereof. Lacking the wisdom to go forward and inflict a mili-

tary punishment that would have uprooted their philosophy of force and taught them the lesson of live and let live, we have left them beaten but proud and arrogant, with their mighty spirit bent for the time but unbroken, with their damning philosophy unchanged, and with a will, fired by hate, to mete out revenge.

That people will no more cease to plot and plan to recover their former high estate than did Satan, plunged into the abysmal depths of Hell. Whether they are in the league if formed or out of it, Germany's agents, secretly or openly, will be at work with her former allies, and with injured Russia, and with Japan, whose conceptions, ideals, aspirations, and ambitions are of Imperial Germany, not democratic America, Britain, and France. As Russia goes so will go the whole Slavic and affiliated peoples. And if Germany succeed in this and be able to unite these powers to herself, to turn the teeming millions of Russia to swell her own ranks, and to augment this by the great yellow races of the Pacific, who, through Russia, would have unimpeded access to the battle front, western Europe, at least, must perish. Think you, Germany, revengeful, will turn aside from so imposing and grateful a vision in order to grace for generations a conqueror's triumph?

Why have we invited this vision? Was there none at all of that much-vaunted forward looking at the peace table? The wise, the obviously wise, course required not months of inventing and piling up penalties, but a few hours devoted to a plan that should rid Germany of the Hohenzollerns, that should provide for her democratization, that should impose a lesson-bearing indemnity, and that should then bind with rivets of steel, because rivets of friendship, the German people to western Europe, to France, who can not hope to keep Germany under her feet. Napoleon tried to conquer a people and failed. This should be France's lesson. The only possible wise course for France, her only permanent safety, is closest friendship with Germany. The restoration of Alsace-Lorraine, the payment of a suitable indemnity, and then forgetfulness as to the past, hard as that might prove—this should have sufficed. It may seem I am unsympathetic, unmindful, and forgetful of wrongs and injuries, unmoved by suffering and grief. I am none of these. I am trying to point out how France herself might escape further and more overwhelming wrong, suffering, and grief. For as certain as the sun rises, if we follow the road in which this treaty sets our feet, France and ourselves shall meet those on the way.

The treaty of peace is divided into 15 parts. All of them deal with territorial adjustments, penalties, and indemnities of the war except Part I—containing the covenant of the league of nations—and Part XIII, labor—providing for an international labor organization. The other parts are, in their order: Part II, boundaries of Germany; Part III, political clauses for Europe; Part IV, German rights and interests outside Germany; Part V, military, naval, and air clauses; Part VI, prisoners of war and graves; Part VII, penalties; Part VIII, reparation; Part IX, financial clauses; Part X, economic clauses; Part XI, aerial navigation; Part XII, ports, waterways, and railways; Part XIV, guaranties; and Part XV, miscellaneous provisions.

It is of course impossible to give even a detailed summary of a volume of some eighty thousand odd words, doubtless the longest treaty in history. But I shall only aim to give a picture of certain general features to which I wish to invite special attention.

By this treaty Germany cedes outright portions of her European territory to Belgium; to France, a recession of Alsace-Lorraine; to Poland; to the Czecho-Slovak State; and to the principal allied and associated powers, including the United States, who get unconditionally Memel—a small strip of territory in the extreme northeastern tip of Germany—and the free city of Danzig with its adjacent territory, to be placed under the protection of the league of nations. Germany also cedes, contingent upon the wishes of the people in the area affected as expressed by a vote, further portions of her territory to Belgium, to Poland, and to the allied and associated powers, who thus take Schleswig with an obligation at some time to hand it over to Denmark if the people so vote. The Czecho-Slovak State secures a further bit of territory if a determination of the Polish frontier should isolate it from Germany; and the league of nations takes as trustee the Saar Basin, which shall be governed, however, by a commission appointed, not by the league but by the council of the league, pending the plebiscite of 15 years hence. Thus the United States becomes the owner in fee of a tenant in common of European territory and a trustee as to other territory.

For this territory so ceded nobody pays Germany anything, nor is any credit allowed Germany for it on her reparation account, to which I shall shortly refer. However, all cessionary powers, except France and the league of nations as to the Saar Basin, assume that portion of the imperial and State debt attaching to the ceded area—fixed, stated roughly, upon the basis of the prewar revenue of the area to the prewar total imperial and State revenue, respectively.

The imperial and State property in all these areas, including the private property of the former German Emperor and other royal personages, is turned over to the cessionary of the area, who must pay the value of the same to reparation commission, which places the same to the credit of Germany on the reparation account. This does not apply to France, who takes such property in Alsace-Lorraine without payment, nor to Belgium, nor to the Saar Basin.

Germany cedes all her overseas possessions in fee simple to the allied and associated powers, who do not assume the debts and who take all the property, without any compensation whatever running to Germany, either for the territory ceded or for the actual property taken. Thus the United States becomes a tenant in common with the British Empire, France, Italy, and Japan, of Germany's African possessions, comprising Togo, Kamerun, German Southwest Africa, and German East Africa, with an area of nearly 1,000,000 square miles—almost one-third the size of the United States—and a native population of about eleven and a half millions; of her Pacific possessions, including Kaiser Wilhelm's Land, Bismarck's Archipelago, Carolina Island, Palau or Pelew Islands, Marianne Islands, Solomon Islands, and Marshall Islands. It may be noted in passing that certain of these island possessions form a barrier ring to access to the Philippines, and their possession by any other power other than ourselves is big with potential troubles for us.

Germany cedes also, without compensation of any sort or description, her extraterritorial and analogous rights in Siam, Morocco, Egypt, and Samoa, and recognizes the French protectorate in Morocco and the British protectorate in Egypt. The imperial and State property in these areas go to the cessionaries without compensation. The same is true of such property located in and ceded to China. Germany's rights in Shantung and German property also are ceded to Japan "free and clear of all charges and encumbrances."

Thus territorially Germany has been closed out in all the world without a penny's compensation. Moreover, she loses the efforts of a generation to provide an outlet for her rapidly increasing surplus population, which now must and will find expanding room elsewhere. To this situation is added a restriction of Germany's European area, which would have taken care of a part of this expansion.

The indemnities provided by the treaty may be classed roughly into two divisions: (1) Restitution in cash of cash taken away, seized, or sequestrated, and also restitution of animals, objects of every nature, and securities taken away, seized, or sequestrated in the cases in which it proves possible to identify them in territory belonging to Germany or to her allies; and (2) reparation for all the damage done to the civilian population of the allied and associated powers and to their property during the period of the belligerency of each as an allied or associated power against Germany by her aggression by land, by sea, and from the air, and this includes damages inflicted not only by Germany but by Germany's allies, and also by the allied and associated powers themselves upon their own nationals.

There can, of course, be no question as to the propriety of compelling Germany to disgorge the loot which she seized and which she still has, nor in requiring her to replace that which she seized and has since consumed or otherwise used or destroyed. No matter what this may mean to Germany, no matter how it may leave her, this must be done. The thief must not be heard to plead necessity for the article he stole nor inconvenience from restoring it. This is the most elemental justice and the wholesomest morality. Thus far we move on solid ground.

But when we get away from and go beyond this, it behooves us to proceed with care, lest we go beyond the bounds of wise statesmanship and, in the homely adage, kill the goose that we expect to lay the golden eggs.

But the treaty edges in on the perfectly proper theory of restitution by a theory designated as replacement, which places Germany under rather startling obligations. She is first made to "recognize (s) the right of the allied and associated powers to the replacement, ton for ton (gross tonnage) and class for class, of all merchant ships and fishing boats lost or damaged owing to the war." She then acknowledges "that the tonnage of German shipping at present in existence is much less than that lost by the allied and associated powers in consequence of the German aggression," and agrees that "the right thus recognized will be enforced on German ships and boats under the following conditions": Germany cedes to the allied and associated powers, on behalf of herself and of all other parties in-

terested, all German merchant ships which are of 1,600 tons gross and upward. Included in these will doubtless be the 32 auxiliary cruisers and fleet auxiliary—named in another part of the treaty—which are to be disarmed and treated as merchant ships. In addition to the foregoing, Germany further cedes one-half, reckoned in tonnage, of the ships which are between 1,000 tons and 1,600 tons gross; one-quarter, reckoned in tonnage, of the steam trawlers; and one-quarter, reckoned in tonnage, of the other fishing boats. All the foregoing must be delivered to the reparation commission within two months of the coming into force of the present treaty.

Thus, we take practically all of Germany's means of conducting commerce through her own vessels with overseas countries, of whom we are the farthest away and of which we shall stand most in need, for it is an open secret that before the war the German shipping was the peer at least of any shipping in the world.

But the treaty goes further than this and compels Germany to lay down in her own shipyards a maximum of 200,000 tons of shipping for each of the next five years—approximately half, I am told, of her shipbuilding capacity—and our representatives, the reparation commission, determine the specifications, conditions of building, price to be paid—by giving credit against the reparation bill the commission will make up—and all other questions relating to the accounting, building, and delivery of the ships.

Thus, for a number of years at least, we have pretty effectively barred German vessels from the seas.

But this is only half the story. She is also in good part stripped of her inland shipping, for by this treaty she very properly undertakes to restore in kind and in normal condition of upkeep to the allied and associated powers any boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals, and which can be identified. This would, of course, cover boats purchased by Germans for full value, transactions that might have been carried out through neutrals.

Nor is this all. With a view to making good the loss of the allied and associated powers in inland-navigation tonnage which can not be made good by the restitution already recited, Germany agrees to cede to the reparation commission a portion of her river fleet up to the amount of the loss mentioned to a maximum extent of 20 per cent of the river fleet as it existed November 11, 1918.

As to all the foregoing ocean-going and inland-navigation vessels, Germany agrees to take any measures indicated to her by the reparation commission for obtaining the full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags without the consent of the allied and associated Governments.

Nor is this all. She waives all claims against the allied or associated powers for the detention, employment, loss, or damage of any German ships, except as called for by the armistice agreement; all claims to vessels or cargoes sunk by naval action, and subsequently salved, in which the nationals of the allied and associated powers or the powers themselves may be interested either as owners, charterers, insurers, or otherwise, notwithstanding any decree of condemnation which may have been made by a prize court of Germany or her allies.

But I am compelled to note still further shipping deliveries. The treaty obliges Germany to cede to France tugs and vessels from among those remaining registered in German Rhine ports—after the above deductions—to an amount fixed not by the treaty even in maximum but by an arbitrator appointed by the United States. The tugs and vessels so taken must have with them their fittings and gear, shall be in a good state of repair to carry on traffic, and shall be selected from among those most recently built.

Similarly and under like conditions, tugs and vessels to an unnamed amount must be transferred to the allied and associated powers from those used on the river systems of the Elbe, the Oder, the Niemen, and the Danube; and, in addition, Germany must cede material of all kinds necessary for the utilization of these river systems by the allied and associated powers concerned.

France also gets all installations, berthing and anchorage accommodations, platforms, docks, warehouses, plants, and so forth, which German subjects or German companies owned on August 1, 1914, in Rotterdam, and the shares or interests possessed by such nationals or companies therein.

Thus seemingly under a theory of replacement the treaty likewise strips Germany of much of her inland shipping.

The effect of all this upon Germany's future and upon her ability to meet the other requirements of this treaty are well worthy of deep and mature reflection.

But drastic and possibly ruinous as all this is, it yet is but the beginning.

The next inroad on the doctrine of restitution is made under the name of physical restoration. Germany undertakes to devote her economic resources directly to the physical restoration of the invaded areas of the allied and associated powers to the extent that these powers may determine. Under this provision the allied and associated Governments may list the animals, machinery, equipment, tools, and like articles of a commercial character which have been seized, consumed, or destroyed by Germany or destroyed in direct consequence of military operations—this would include military operations by the allied and associated powers themselves—which such powers urgently and immediately need and which they desire to have replaced by animals and articles of the same nature in being in Germany at the coming into force of this treaty. As an immediate advance of animals on this account, Germany must within three months deliver to France 30,500 horses, 92,000 cattle, 101,000 sheep, and 10,000 goats; and to Belgium 10,200 horses, 92,000 cattle, 20,200 sheep, and 15,000 sows. As to such animals, machinery, equipment, tools, and like articles of a commercial character, the reparation commission in deciding the amount which shall ultimately be given by Germany must take into consideration German's needs, having in mind the maintenance of German's social and economic life and the general interest of the allied and associated powers that the industrial life of Germany shall not be so impaired as adversely to affect Germany's ability to perform the other acts of reparation called for. It is, however, provided that of machinery, tools, equipment, and like commercial articles a maximum of 30 per cent may be taken of the quantity actually in use in any one establishment.

Similar lists, subject to the same regulations, may be made by the allied and associated powers of reconstruction materials—stones, bricks, refractory bricks, tiles, wood, window glass, steel, lime, cement, and so forth—machinery, heating apparatus, and like commercial articles which the powers may desire to have produced in Germany.

In addition to the foregoing and of like character is the obligation of Germany to furnish coal to France at France's option, up to a maximum of 20,000,000 tons for each of the first five years and 8,000,000 tons for any one of the succeeding five years; to Belgium, at her option, 8,000,000 tons per year for 10 years; to Italy, at her option, amounts beginning at 4,500,000 tons for the first year and increasing to 8,500,000 tons for the last six years; and to Luxembourg, her annual prewar supply, if the reparation commission so directs; a possible total of 32,000,000 to 35,000,000 tons for the first five years and of 25,000,000 tons for the next five years. At the option of the vendees, metallurgical coke instead of coal must be delivered at fixed ratios. In this category also is to be placed the German obligation to deliver to France for the next three successive years some 115,000 tons of coal distillation products, and to the reparation commission 50 per cent of the total dyestuffs and chemical drugs in Germany or under German control at the date of the coming into force of the present treaty.

In considering the question of supplying coal we must not lose sight of the cession of the Saar Basin coal mines to France.

But we come now to an item which is not to be accounted for as restitution, as replacement, or physical restoration. I refer to the cession by Germany on her own behalf and on behalf of her nationals of her submarine cables. By this act the treaty takes from Germany all direct telegraph relations with overseas countries.

As a final entry under this general head I wish to observe that, speaking generally, Germany also cedes to the States which secure portions of her territory all railways situated therein, and I find in the treaty no positive provision for the payment therefor by anyone. This cession carries with it the works and installations; the rolling stock, complete where a ceded road has its own stock, in a normal state of upkeep, and where a ceded road has no rolling stock of its own, then rolling stock from German lines with which the ceded portion forms a system; and stocks of stores, fittings, and plants. And while on this point I may add that Germany must build for Czechoslovakia a designated railroad if that State so elects, at the latter's cost, and must build for Belgium the German portion of a deep-draft Rhine-Meuse navigable waterway at her own cost, seemingly, if Belgium decides the canal should be built.

Now, as to the bill against Germany. Germany is made to admit as a basis of her liability the responsibility for herself, and for all her allies, for causing all the loss and damage to which the allied and associated Governments and their nationals have been subjected as a consequence of the war.

The allied and associated powers, recognizing the burden thus stated is too heavy for German resources to bear "after taking into account permanent diminution of such resources which will result from other provisions of the present treaty," require, and she so undertakes, that Germany make compensation for all damage done to the civilian population of the allied and associated powers and to their property during the period of belligerency of each as an allied or associated power, by land, by sea, and by air.

The reparation commission is to find one bill against Germany for this damage, the elements of which are of such importance that I feel I ought to cover them in some detail. They are as follows: 1. Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including all attacks on land, on sea, or in the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising. 2. Damage to civilian persons, caused by Germany or her allies, by acts of cruelty, violence, or maltreatment—including injuries to life or health as a consequence of imprisonment, deportation, internment, or evacuation, of exposure at sea or of being forced to labor—wherever arising, and to the surviving dependents of such victims. 3. Damage to civilian persons injured either in German territory or invaded territory, caused by Germany or her allies by acts injurious to health or capacity to work or to honor, as well as to their surviving dependents. 4. Damage caused by any kind of maltreatment of prisoners of war. 5. As damages, the pensions and compensations in the nature of pensions to naval and military—including members of the air force—victims, whether mutilated, wounded, sick or invalided, and to the dependents of such victims, sums so due to be capitalized on the basis of the French scale in force on the coming into effect of the present treaty. 6. The cost of assistance extended to prisoners of war and their families. 7. Allowances by the Governments of the Allies and associated powers to the families and dependents of mobilized persons or persons serving in the forces, the sum to be paid to be capitalized on the basis of the French scale in force during the year the payment was made. 8. Damage to civilians by being forced by Germany or her allies to work without just remuneration. 9. Damage to all property, wherever situated, belonging to any of the allied or associated States or their nationals, with the exception of naval or military works or materials, which has been carried off, seized, injured, or destroyed by the acts of Germany or her allies on land, on sea, or from the air, or damages directly in consequence of hostilities or of any operations of war. 10. Damages in the form of levies, fines, and other similar exactions imposed by Germany or her allies upon the civil population.

It is admitted that certain of these damage rules violate the principles of international law as hitherto recognized and observed by the family of nations. The reason why we as well as the enemy should discard such benign principles as have been worked out by the nations in the last centuries is not clear.

The thought has been entertained that the treaty fixes, at least tentatively, the German indemnity under these rules at 120,000,000,000 gold marks, about $24,000,000,000, but such an idea is not justified.

In the first place, Germany agrees, in addition to the sum named, to pay Belgium's debt to the Allies and associated powers, whatever the debt may be. This payment is to be considered restoration.

In the next place, the treaty stipulates that the $24,000,000,000 worth of gold bonds which Germany undertakes to issue is to cover "whatever part of the full amount of the approved claims is not paid in gold, or in ships, securities, and commodities, or otherwise." Thus the total values of all the materials to be turned over as heretofore mentioned seem quite clearly to be in addition to this $24,000,000,000 of gold bonds.

Moreover, it is provided that "further issues [of bonds] by way of acknowledgment and security may be required as the [reparation] commission subsequently determined from time to time."

So that the bill against Germany will clearly not stop at $24,000,000,000 and may run to any amount.

I may here also correct another impression that has gone out, namely, that somehow the reparation commission can reduce the amounts to be paid by Germany, if they decide such a course is wise and just. Now, the reparation commission is made up of representatives of the United States, Great Britain, France, and Italy, who always sit at its sessions, and the representatives of one other power, either Belgium, Japan, or the Serb-Croat-Slovene State. While each other allied and associated power may have a representative present when its interests are involved, such representative may not vote. This commission decides the amount of the claims against Germany by a majority vote; that is to say, the representatives of Great Britain, France, and Italy, or Belgium, or Japan, or the Serb-Croat-Slovene State, any three of them, may fix the amount of this indemnity. But a decision to cancel the whole or any part of the German debt or obligation requires a unanimous vote of all of them sitting, and before this decision can become operative the commission must have the specific authority of the several Governments represented on the commission. In other words, unless the four great powers and Belgium or Japan or the Serb-Croat-Slovene State unanimously so agree, the claims once fixed by a majority of the commission can not be abated one penny except by the consent of all the powers represented on the commission. Moreover, the commission is closely limited even as to the postponement of total or partial reparation payments, for all such postponements beyond 1930 of payments falling due between May 1, 1921, and the end of 1926, and of any postponement, for more than three years, of any installment falling due after 1926 requires a unanimous vote.

Assuming, for the sake of the argument, that some one of the powers represented on the commission is determined to exact the pound of flesh, there is no way under this treaty to prevent it, short of the application of coercive measures. The reparation commission is not and is not intended to be a beneficent philanthropic, or eleemosynary institution; it is and must be the enforcer of stern retribution, imposing on the vanquished the utmost burden his back will bear.

But these measures are by no means the end of the story. Reference has already been made to the payment by Germany in securities of what I shall designate her nonbond debt. On this point I quote from the treaty:

> Germany will within six months from the coming into force of the present treaty deliver to each allied and associated power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights, or interests situated in the territory of that allied or associated power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that power.

That is to say, German investments in allied or associated countries and held in Germany are to be wholly closed out.

Moreover, all other property held by Germans or German companies in allied or associated countries, or territories, colonies, possessions, and protectorates, may be retained or liquidated by such powers. This completes the closing out of German interests in allied and associated countries. Nor is this all, for this last provision applies to territories ceded to the allied and associated powers by this treaty, so that Poland, Czechoslovakia, the free city of Danzig, the principal allied and associated powers in Memel, Denmark, Belgium, and France may sell out property and interest of every German national or company within their newly acquired territory.

Furthermore, the reparation commission may require, by a majority vote, the German Government to acquire and turn over to it the rights and interests of German nationals in any public utility or concession operating in Russia, China, Turkey, Austria, Hungary, and Bulgaria, or in the possessions or dependencies of these States, or in any territory formerly belonging to Germany or her allies, or to be administered by a mandatory under this treaty.

Nor is this the end. Germany must fully compensate, and most properly so, the nationals of all allied and associated powers for the losses they have suffered with reference to property located in German territory, and this includes all property acquired or in course of acquisition by the German alien property custodian, this compensation to be reduced by the actual value of any property restored to the owners.

For all property rights or interests taken by the allied and associated powers from German nationals, Germany undertakes to compensate them.

Now, the disposition of the proceeds of all this German property is obviously of the utmost importance. The treaty proposes two methods, one of which is so fantastic that it is difficult to believe our wildest dreamer would, on study, care to adopt it. I shall give you the effect of a few of its salient features: If we should proceed under it, the United States would guarantee the payment of all specified debts owed by our citizens—who were solvent at the beginning of the war—to Germans. We would establish a clearing office which would take over all such debts due to our citizens from Germans, and we would undertake to act as a collection agent for all such

debts due from our citizens to Germans, making good any we did not collect. From the coming into force of this treaty all payments or acceptance of payments and all communications regarding the settlement of specified obligations would be absolutely prohibited between our citizens and Germans, under penalties imposed for trading with the enemy, except correspondence through our clearing office, and each Government would promise to do its utmost to ferret out and report violations of the prohibitions to the others.

If an American citizen made a claim which was not allowed, he would be fined. If he contested a claim which was allowed, he would be fined. Where he and the German could not agree, the two clearing offices would settle it if they could; if they could not agree, it would go to the mixed arbitral tribunal. If, finally, a debt were held either by the clearing offices or the mixed tribunal not to be within the specified classes, permission is graciously given to the parties to go to court.

When all such debts are liquidated any credit balance in favor of Germany goes to the reparation commission to be credited on Germany's account. That is to say, the excess proceeds of German property in the United States would go to compensate Italian or Greek or some other power's losses.

If this clearing-office system be not adopted, then Germany pays directly to the allied and associated Governments, or their interested nationals, the cash assets and the proceeds of the property, rights, and interests in her hands belonging to them; but each of the allied and associated powers shall dispose of the proceeds of the property rights and interests and of the cash assets of German nationals in accordance with its laws and regulations. They may apply them if they wish to the payment of claims and debts held by their nationals against German nationals, including claims against the German Government for acts committed by it after July 31, 1914, and before the particular power concerned entered the war against Germany. Or, and this is most remarkable, the power may use this money derived from the proceeds of property owned by German nationals to pay debts due the power's nationals from nationals of German allies. That is, we may use German money to pay a Turk's debt.

And in all of this it is well to remember that by the treaty the property rights and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken against them.

It had not been and is not my purpose to attempt a discussion of the number of provisions of this instrument which run counter to our constitutional guaranties, but I can not forbear the observation that no one will, I apprehend, be so hardy as to contend that, peace being established, we shall continue to have power to take private property without compensation.

Under this plan also the excess of German property over American debts will go to the reparation commission, if we retain the excess. The treaty is not clear as to any other disposition of the surplus.

Now, for all this German property so disposed of, and for which Germany assumes liability to her own nationals, no credit is given on the reparation account, save as to that part which may be ultimately turned over to the reparation commission.

One point more and I shall be done with this part of the treaty. It is stipulated that all investments wheresoever affected with the cash assets of nationals of the high contracting parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever, shall be annulled. That is to say, either the treaty annuls or we obligate ourselves to annul all investments by our Alien Property Custodian of enemy funds. The disposition of such funds is not clear.

Thus we close out German interests in all allied and associated countries.

But we also take other commercial measures no less far-reaching. The treaty terminates all multilateral treaties to which Germany is a part except those specifically named in the instrument, and all bilateral treaties and conventions between her and other powers save only those which the other powers notify their intention to revive. Thus another presumed tenet of international law passes out with this treaty.

Moreover, under this treaty the allied and associated powers acquire all the treaty and conventional rights and advantages enjoyed by Austria, Hungary, Bulgaria, or Turkey, and such rights and advantages granted to and enjoyed by nonbelligerent States or their nationals since August 1, 1914, so long as such treaties, conventions, or agreements remain in force. Thus no power having with Germany a treaty which gave to Germany a favored position at the expense of the power will revive such a treaty, and every power having a treaty which gives her an advantage over Germany will revive that treaty. Furthermore, if Germany shall undertake to make with any foreign country any reciprocity treaty in regard to the importation, exportation, or transit of any goods, then all favors, immunities, and privileges granted by it shall simultaneously and unconditionally and without request or compensation be extended to all the allied and associated States. The treaty thus effectually prevents Germany from fostering her commerce by special trade agreements with other countries.

The tariff and customs provisions are equally drastic. Notwithstanding the increased costs of production throughout the world, Germany may not, for the first six months after the coming into force of this treaty, impose higher tariffs than the most favorable duties applied to imports into Germany on July 31, 1914; and for a period of 30 months thereafter the same rule shall apply to all imports covered by a designated schedule which enjoyed rates conventionalized by treaties, to which imports are added other named articles.

Furthermore, as to all duties, charges, prohibitions, and restrictions on both exports and imports, the allied and associated powers enjoy favored-nation treatment. I shall make no attempt even to list the exceptional tariff privileges granted to France, to Poland, to Luxemburg, to Morocco, and to Egypt.

The nationals of allied and associated powers resident in Germany have as to all measures relating to occupation, professions, trade, and industry most-favored-nation treatment; and as to taxes, charges, and imports, direct or indirect, touching the property rights or interests of nationals or companies of such powers, or restrictions, the treatment must be that accorded to German nationals. In all the foregoing I do not recall one reciprocal favor granted to Germany or her nationals.

The general principle of favored-nation treatment, and in some cases national treatment, is granted to the allied and associated countries and their nationals in all matters referring to transit, which Germany must expedite over and through German territory, and as to all charges connected therewith, all without any reciprocal undertaking in favor of Germany. All regulations governing such traffic must be equal and nondiscriminating as against the allied or associated powers or their nationals. Moreover, all inland traffic, our "coastwise" trade, is open to the vessels of the allied and associated powers on the same terms as German vessels, while Germany may not engage without permission in the like traffic of any other power.

Existing free zones in ports shall be maintained, and, in addition, Germany shall lease to Czechoslovakia areas in Hamburg and Stettin, which shall be placed under the régime of free zones.

Certain specified areas of the great German river systems of the Elbe, the Oder, the Niemen, and additional parts of the Danube, and all navigable parts of these river systems, are internationalized and placed under the administration of international commissions. The internationalization of the Rhine is extended. On these the traffic is open to the vessels of all nations on terms of perfect equality. Special concessions are given to France and Belgium on the Rhine, which need not be further noted.

Finally, Germany undertakes so to adapt her railway rolling stock that it may accommodate the inclusion in German trains of the rolling stock of the allied and associated powers, and that the trains of the latter may incorporate German rolling stock. In addition to this, regulations are laid down as to rates and traffic on through trains, which Germany undertakes to accept and operate.

These are broad statements, covering an almost infinity of details on these various subjects. For no one of these various trade concessions and agreements is Germany given any credit or compensation nor any direct or conspicuous advantage named in the treaty.

In addition to all this, she waives all claims arising out of the internment or repatriation of German nationals and all claims arising out of the capture and condemnation of German ships or the liquidation of German property in China and Siam. Germany waives to all of the allied and associated powers and their nationals, as already noted, all claims of any description in respect to the detention, employment—except under the armistice terms—loss, or damage of any German ships or boats, and all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved, in which any of the allied or associated Governments or their nationals may have any interest either as owner, charterer, insurer, or otherwise, notwithstanding any decree or condemnation by a German prize court. Finally, Germany undertakes not to put forward, directly or indirectly, against any allied or associated power signatory of the present treaty, including those which without having

declared war have broken off diplomatic relations with the German Empire, any pecuniary claim based on events which occurred at any time before the coming into force of the present treaty, such claims by this provision to be finally and completely barred.

And as a capstone to this whole remarkable edifice let me refer to that provision by which Germany, on the one hand, accepts and agrees to be bound by all decrees and orders concerning German ships and goods made by any prize court of the allied and associated powers and agrees to put forward no claim arising out of such orders and decrees, and on the other hand acknowledges the right of the allied and associated powers to challenge all German prize-court decisions and orders.

As to that part of the treaty which deals with labor, I shall now merely say: Either it will never be enforced as drawn, and perhaps was never intended to be enforced as drawn, but to be merely a sop thrown to labor, or if enforced as written and in the spirit its provisions seem to carry it will wreck the world. It compels the class antagonism between capital and labor which wisdom requires that we lessen, not increase, if we are to remain a free people; and makes possible an ultimate interference of foreign nations in our labor disputes at the instance of residents of our own country.

I regret, sir, that this has been a long and tedious process, but its importance could be satisfied in no other way. It has shown us the treaty takes Germany's territory, European and foreign, without compensation; that it takes from her practically all of her ocean shipping and a large portion of her inland vessels; that it deprives her of all special benefits of treaties and conventions; that it takes her cables; that it compels her to supply large quantities of raw materials; that it internationalizes her great river system and throws them open to traffic of all nations on a national basis as if they were the high seas; that it opens her coastwise shipping to all nations; that it compels her to grant exceptional import and export privileges and to accept important restrictions; that it lays down far-reaching principles governing her internal commerce and transportation; that it closes out German interests in practically the whole civilized world—outside the territories of her late allies—including those areas which have been taken from her and given to others; that it closes out the interests of that same world in Germany. It has shown that having done all this it assesses against her provisionally, with a stipulation permitting an increase, a debt of 120,000,000,000 gold marks, which is in addition to the property restored in kind, and to the value of the boats, gold, and securities delivered; that it makes her responsible for these damages inflicted not only by herself but by her allies, and even by the allied and associated powers themselves, with a list of items which includes some admittedly contrary to the rules of international law hitherto existing and that finally and in addition she is compelled to answer to her own nationals for the value of the property taken by the allied and associated powers.

It remains for me to add that the United States is bound up in every one of the obligations and duties incident to the enforcement of these terms, with the great responsibilities attached thereto.

We are participants, either as one of the principal allied and associated powers, or as a member of the council of the league of nations, in the Belgian, Saar Basin, Czecho-Slovak State, Polish, free city of Danzig, and Schleswig boundary commissions. We are in like manner participants in the Saar Basin governing commission, with all the inevitable difficulties and dangers attached thereto. We participate in plebiscite commissions of Poland, Schleswig, and East Prussia, and the interallied military, naval, and aeronautical commissions of control charged with enforcing the disarmament provisions of this treaty. In addition we have our own prisoners and graves commissions, our own clearing offices if we adopt that method of adjusting the enumerated debts. Finally, we are one of the four powers whose representatives are to sit as a reparation commission to assess damages against Germany, to appraise credits, to judge of her economic requirements as affecting her ability to furnish certain raw materials, to pass on her tax system, to postpone payment on her debts, to prescribe the conditions of her bonds, to recommend abatement of her debt, to appraise the value of public property in ceded territories, and a great bulk of other duties that need not be here referred to, all of which may make or break the peace of Europe, with an obligation on our part that having so participated in the breaking we shall once more contribute our millions of men and our billions of dollars to the readjustments.

In addition to this, the United States is to appoint arbitrators to determine the amount of river craft that shall go to France on the Rhine and to the allied and associated powers—including ourselves—on the Elbe, the Oder, the Niemen, and the Danube, and to determine the conditions under which the international convention relative to the St. Gothard Railway may be denounced.

Mr. President, the more I consider this treaty the more I am convinced that the only safe way for us to deal with it is to decline to be a party to it at all. I think we should renounce in favor of Germany any and all claims for indemnity because of the war and see that she gets credit for what we renounce, as indeed she should for the value of all she gives up as against a fixed and ample indemnity. I agree with the President when he says the indemnity should have been a fixed amount. We ought to renounce all participation or membership in commissions, committees, boards, or otherwise provided for in the treaty in aid of its execution to which by its terms we are parties. We ought not to accept cessions of German territory. We ought to declare a general policy to regard with concern any threat of disturbance of general world peace, but at the same time we should reserve complete liberty of action either independently or in conjunction with other powers in taking such steps as we determine wise for preserving the peace. We ought, then, to carry out the spirit of the act of 1916, which authorized the President to convene the nations of the world together to establish a code of international law, reduce armaments, to establish an international tribunal and go as far as possible in the direction of securing peace through justice, through a league to which all the world are parties in its formation. This would be a fitting, generous, and dignified exit from a situation in which primarily we had no direct concern.

It is indeed a hard and cruel peace that this treaty stipulates, and I have no objections to its being so, but see no reason why we, who do not partake in its spoils, should become parties to its harshness and cruelty. I see no reason why we should be parties to imposing upon Germany a treaty whose terms, our negotiators say, she will not be able to meet; a treaty that robs our ancient friend, China, in a way disapproved by our negotiators; a treaty that lays the foundation for centuries of bloodletting, into which we should not be drawn; a treaty that, contrary to our own judgment, fails to fix the amount of indemnity to be paid, leaving that vast question to the whim of a majority of a commission on reparations; a treaty predicated upon the assertion that a stricken and helpless world requires our counsel and support but leaves to the beneficiaries the decision as to the measure and character of the benefactions they are to receive; a treaty that with ominous words presages our involvement in the eruptions of suppressed volcanic world conditions; a treaty that would require us to underwrite all the regional understandings between nations recognized by the league, most of which are based upon oppression of weaker nations, many of which are as yet secret and undisclosed, and when disclosed might drive us to acts of injustice similar to that in which the President felt himself compelled to acquiesce in the case of Shantung.

The mind stands appalled and refuses to grasp the infinite possibilities which arise from the ramifications of the obligations we are asked to assume. Looking at the treaty as a whole, is it to be wondered at that we are asked to guarantee by our arms and our resources the territorial status which it creates?

Sir, I have all but finished. I have not sought to propound or establish any thesis beyond this: The treaty as it stands can not be enforced. This is admitted by its proponents. The treaty as it stands is but a harbinger of other and greater wars. This being true, the question must come, Why was this treaty so drawn and the vanquished compelled to sign it? It may be when we get all the documents this will appear. And yet in spite of all these great duties and obligations we assume for the future, in spite of our great contribution in men and resources to the successful fruition of the great joint enterprise we entered, it seems to be proposed that we are to waive all participation in the benefits of this treaty, and that we are to add further to the general burdens of the people by ourselves compensating our citizens who have suffered losses in this war.

The weight of the task resting upon us is not light, but the people demand that we fully perform it, in accordance with our sworn duty. We can in this matter take the ipse dixit of no man.

I have sought in my remarks to put before the people as tersely as I could the salient features of this treaty so that, knowing them, their counsel might assist us in our work. For one of the great defects thus far incident to the treaty is that too few minds have functioned on its provisions, and perusing it one finds it impossible to believe that any responsible mind had sought to coordinate its provisions and trace out their ultimate logical conclusions.

Nothing in all our history, sir, has called for a clearer perception of present and future, a keener or juster understanding of our free institutions, a clearer vision of the mighty mission of our great Nation in the world, or the dedication of a purer and loftier patriotism than the consideration of this treaty.

Unless, sir, we shall have the guidance of the infinite wisdom we shall fail in our duty, and, wrecking our beloved country, earn the odium of its treasonable betrayal. [Applause in the galleries.]

PETITIONS AND MEMORIALS.

Mr. LODGE. I submit a resolution adopted by Lincoln Post, No. 40, Grand Army of the Republic, of Shawnee, Okla. It is very brief, and I ask that it may be read.

There being no objection, the resolution was read and referred to the Committee on Foreign Relations, as follows:

SHAWNEE, OKLA., *August 22, 1919.*

Hon. H. C. LODGE,
Senate, Washington, D. C:

At a meeting of Lincoln Post, No. 40, Grand Army of the Republic, held August 21, 1919, at Shawnee, Okla., the following resolution was unanimously adopted: Requesting the Senate of the United States do not ratify the league of nations. For we believe it to be unpatriotic in regard to article No. 10, also in regard to the Monroe doctrine, also in regard to the steal of Shantung from China. We believe we paid the great debt we did owe France, and as France came to our relief when we badly needed help so did we go to her relief when her national salvation would have been wiped off the face of the earth; we now break even.

We do not know what is in the future, but this we do know, that the United States of America has always stood for the right without coercion, and we believe that the United States has not and will not forget our moral and legal obligations no more in the future than we have in the past. We acknowledge God in our Nation, and that is more than the league of nations does. We have shed our blood that our country might live and are not willing to boost anyone's egotism or ideals to the detriment of our Nation. We do not want to see Old Glory trailed in the dust. We stand with late Col. Roosevelt for a pure and undefiled Americanism.

Respectfully, yours,

F. A. BROWN, *Commander.*
A. M. CALDWELL, *Sergeant Major.*

Mr. LODGE presented a petition of sundry citizens of Boston, Mass., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Peabody, Mass., remonstrating against the adoption of the so-called Plumb plan of railroad control, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the board of directors of the Chamber of Commerce, Worcester, Mass., remonstrating against Government ownership of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Lithuanian Citizens' Association of Boston, Mass., and a petition of Local Branch, No. 7, Lithuania National League of America, of South Boston, Mass., praying for the independence of Lithuania, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Board of Aldermen of Worcester, Mass., favoring an investigation into the present high cost of living, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by Journeymen Plumbers' Union No. 12, of Boston, Mass., favoring the retention of Commander I. E. Bass, United States Navy, at the Charlestown Navy Yard, Mass., which was referred to the Committee on Naval Affairs.

He also presented a memorial of the League for Democratic Control of Boston, Mass., requesting that the people of the United States be more fully informed in regard to the Russian situation, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Canton, Mass., of Brighton-Allston Post, Massachusetts Post No. 17, American Legion, and of the Trades and Labor Council, of Lowell, Mass., praying for self-determination for Ireland, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Quinsigamond Val Lodge, of Worcester, Mass., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of District Grand Lodge, of New England, Knights of Pythias of the Eastern and Western Hemispheres, remonstrating against race riots, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Nahant, Mass., remonstrating against the ratification of the proposed league of nations treaty in its present form and praying for self-determination for Ireland, which was referred to the Committee on Foreign Relations.

Mr. PAGE presented a petition of sundry employees of the post office at Burlington, Vt., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a petition of sundry employees of the post office at Belleville, Kans., praying for an increase in the compensation of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROBINSON presented a petition of sundry postal clerks and letter carriers of Hot Springs, Ark., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

GENERAL OF THE ARMIES OF THE UNITED STATES.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 7594) relating to the creation of the office of General of the Armies of the United States, and I submit a report (No. 163) thereon. I give notice that on Tuesday next I shall call up the bill for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 2901) for the relief of John B. O'Sullivan; to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 2902) to amend section 5182, Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. GORE:

A bill (S. 2903) to provide that robbery of a Federal reserve bank or member bank shall constitute a felony, and for other purposes; to the Committee on the Judiciary.

By Mr. HARRIS:

A joint resolution (S. J. Res. 95) authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A joint resolution (S. J. Res. 96) authorizing the Secretary of War to loan to the Veterans Welfare Commission of the American Legion of the State of Montana sundry equipment for the use of said organization at their reunion at Helena, Mont.; to the Committee on Military Affairs.

BILLS OF EXCHANGE.

Mr. HENDERSON submitted an amendment intended to be proposed by him to the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, which was ordered to lie on the table and to be printed.

LANDING OF THE PILGRIMS.

Mr. HARDING. I send to the desk a concurrent resolution, and ask for its immediate consideration.

The concurrent resolution (S. Con. Res. 8) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the joint special committee, consisting of two Senators and four Representatives, appointed to confer with officials of the Commonwealth of Massachusetts, or any political subdivision thereof, or with officers of any organization or society, or with individuals, relative to the contemplated observance of the three hundredth anniversary of the landing of the Pilgrims, ordered to report its recommendations on or before September 1, 1919, be granted an extension of time for its report and recommendations until December 10, 1919.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Ohio asks unanimous consent for the present consideration of the concurrent resolution. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HARDING. Mr. President, I think no explanation of the concurrent resolution is necessary. The original concurrent resolution fixed September 1 as the time for the committee to report. The officials of Massachusetts are not yet ready, and this resolution simply grants an extension of the time.

The PRESIDING OFFICER. The question is on concurring in the resolution.

The resolution was concurred in.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I desire to give notice that at some convenient hour on Tuesday next it is my purpose to make some remarks upon the pending treaty.

LEAGUE OF NATIONS.

Mr. OWEN. Mr. President, I desire to give notice that I shall address the Senate on "The league of nations" to-morrow morning at the reassembling of the Senate at 11 o'clock, or as soon thereafter as the business of the Senate will permit.

TREATY WITH POLAND (S. DOC. NO. 82)—MILITARY OCCUPATION OF THE RHINE (S. DOC. NO. 81).

The VICE PRESIDENT. The Chair desires to announce that he has received from the President of the United States a message transmitting the treaty with Poland and the agreement with reference to the military occupation of the territories of the Rhine, which must be received either in open session or in executive session.

Mr. LODGE. Mr. President, I move that, as in open executive session, the two documents transmitted by the President be printed and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered. The Secretary will read the message of the President of the United States.

The Secretary read as follows:

To the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to their ratification, the accompanying treaty with Poland, signed at Versailles on the 28th of June; and the agreement between the United States, Belgium, the British Empire, and France of the one part, and Germany of the other part, with regard to the military occupation of the territories of the Rhine, also signed at Versailles on the 28th of June.

This treaty and this convention are ancillary to the treaty of peace with Germany, and I am glad to lay them before the Senate now in order that they may be considered, if possible, in connection with that treaty, and also in order that they may serve to throw further light upon the treaty itself.

WOODROW WILSON.

THE WHITE HOUSE,
29 August, 1919.

Mr. LODGE. Mr. President, I only desire to say that those treaties have been sent in response to a request of the Committee on Foreign Relations. They were signed on the same day as the treaty of Versailles and are an integral part of the treaty with Germany.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Chair understands that an order has been made that the message and accompanying papers be printed and that they be referred to the Committee on Foreign Relations.

Mr. LODGE. That order has been made, and an order also has been made to print the treaties.

The PRESIDING OFFICER. The Chair so understands.

GEN. JOHN J. PERSHING.

Mr. LODGE. I ask the Chair to lay before the Senate a concurrent resolution of the House.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee to consist of five Senators and seven Members of the House of Representatives, to be appointed by the Vice President and the Speaker of the House, respectively, shall be named for the purpose of making arrangements for appropriate exercises in welcome of John J. Pershing, general and commander in chief of the American Expeditionary Forces of the World War. That said committee shall report to the Senate and House of Representatives such program and procedure therefor as in its opinion shall be fitting and appropriate.

Mr. LODGE. I move that the Senate concur in the resolution of the House.

The resolution was concurred in.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. Mr. President, I understood that the Senator from Wisconsin [Mr. LA FOLLETTE] would continue his remarks upon the leasing bill this morning; but he is out of the Chamber for the moment. I desire to offer an amendment to the bill. On page 31, line 17, I move to strike out the word "any" and to insert the word "all." I will state that the word "all" was agreed to by the committee, but in the printing of the bill the error was made.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 31, line 17, before the word "moneys," it is proposed to strike out the word "any" and to insert the word "all," so as to read:

That all moneys which may accrue to the United States.

And so forth.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I notice on page 29, line 13, the word "monopoly" is incorrectly spelled. I believe that the Secretary was instructed to correct errors due to a misprint. If not, I ask that it be done now.

The VICE PRESIDENT. The Chair rules that the engrossing clerk has a right to spell correctly if the Printing Office can not.

CONFERENCE OF CAPITAL AND LABOR.

Mr. POINDEXTER. Mr. President, there seems to be a lull in the consideration of the oil-leasing bill, and I wish to take advantage of the opportunity to call attention to a joint resolution which I introduced on the 17th of last June, which was referred to the Committee on Education and Labor. The joint resolution proposes to authorize the President to call a conference of representatives of employees and employers. It is very brief, and I will read the substantive part of it, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to call a national conference to meet at such point as may be designated by him at an early date to be named by him, to be composed of the following-named persons, the same being among the most prominent representatives both of employers and of employees, of capital and labor: E. H. Gary, William H. Johnston, Frank P. Walsh, Charles E. Hughes, A. B. Garretson, William K. Vanderbilt, Franklin K. Lane, William B. Wilson, John D. Rockefeller, Samuel Gompers, Daniel Guggenheim, Charles H. Moyer, J. P. Morgan, Andrew Furuseth, F. S. Peabody, Frank J. Hayes, J. Ogden Armour, J. Fitzpatrick, E. L. Stotesbury, W. D. Mahon, and such other persons as the President may name, equally divided among leading representatives of labor and capital.

It shall be the duty of said conference to consider, with a view of the permanent solution of the same, such problems as may be presented to it relating to permanent relations of capital, of labor, of industrial management, of adjustment of wages, of settlement of industrial disputes, of promoting improved conditions, and greater industrial efficiency as a Nation; to adopt resolutions which, when approved by a majority of the conference composed of the representatives of capital and of labor, shall serve as recommendations to employers and employees for the government of their relations with each other; and said conference shall consider the question of State and National legislation which may be practicable and feasible, looking toward the beneficial conduct of the Nation's industries and the promotion of the welfare of all its citizens.

Mr. President, the purpose of this joint resolution was, by authoritative action of the Government, to afford an opportunity and a vehicle by which there could be an understanding between the employees of the industries of the country and the owners and operators of those industries as to the viewpoints of each. It is a matter of elementary knowledge that acquaintance and information of those who are engaged in business with each other tends to avoid troubles and disputes, tends to remove antagonism and to bring about understanding. A meeting upon an authoritative basis of national scope, with the right kind of delegates, representing the various industries of the country and the organized and unorganized employees, might very well produce a settlement on a permanent basis of some of the causes of controversy which are now menacing the peace and the order and the well-being of the entire country.

I call attention to this because the committee has taken no action on it, to emphasize the peculiar need of action of this kind at this particular time, in view of the developments that have occurred since the resolution was introduced.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield to the Senator.

Mr. KENYON. I want to say to the Senator that it seems to be a very difficult matter to get a quorum of the Committe on Education and Labor; why, I do not know. The Senator's joint resolution has been up before the committee, as he knows. We now have arranged with the House Committee on Labor for a joint hearing next Thursday on the Senator's joint resolution and on the other resolutions that have been introduced in the House, and I earnestly hope that at that time some action will be taken looking toward the proposition that the Senator has advanced. The chief objection I found in the committee was in the naming of the delegates to such a conference in the joint resolution, and I think there is very substantial legitimate objection to that feature; but I firmly believe that some resolution along those lines will come out of the meeting of the joint committee, and the joint committee has the advantage of being able to secure a quorum.

Mr. POINDEXTER. I am very glad, indeed, to hear the statement of the chairman of the committee that some arrangements have been made for the serious consideration of the question.

Mr. President, the resolution that was pending in the House, or at least one of the resolutions which the Senator from Iowa, the chairman of the committee, has referred to, is simply a duplicate of this joint resolution. In fact, it is this joint resolution which was introduced there either simultaneously or subsequently to its introduction in the Senate. The introduc-

tion of this resolution has already served one purpose, with a very interesting result—that it has developed the fact that both the representatives of organized labor and the representatives of organized industry do not want to confer with each other, furnishing a new and a stronger reason than existed before why the Government ought to take some action to bring about a conference. When that sort of obstinacy exists, when that sort of estrangement exists between the parties to a controversy in which the public has a primary interest, it is a reason for the Government to take some steps toward bringing them together.

Mr. SMITH of Georgia. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator perhaps knows that I take a very active interest in the work of the Committee on Education and Labor, having been chairman of the committee until the change occurred.

Mr. POINDEXTER. I know the Senator does.

Mr. SMITH of Georgia. I wanted to say to the Senator, in addition to what was said by the chairman of the committee, that he and I were each very favorable to such a joint resolution, provided we could get a basis of selection. We had at once earnest protests against those suggested in the joint resolution. Then we asked for suggestions as to how they should be selected. We had such a strong expression of contrary views as to the mode of selection that we hardly knew how to proceed.

I was not impressed with the idea that the men coming before us objected to a conference, but each bunch wanted to control their side of the conferees. I thought they were probably willing to confer if those before us would represent the branch of their side that would name the men that would do the conferring. It was more a difficulty about agreeing upon any plan to select conferees than any objection to coming together; at least, it so impressed me; but, at any rate, the chairman of the committee and I were not able to get anywhere with those who came before us looking toward a mode of selecting the conferees. It was suggested that the President appoint them. Quite a number of objections were expressed to that.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I do.

Mr. SMOOT. May I ask the Senator if we can not proceed now with the oil-leasing bill?

Mr. POINDEXTER. We can not proceed with the oil-leasing bill until I get through with this matter, which is of more immediate importance than the oil-leasing bill. The Senator will save time by allowing me to proceed. It will only take a few moments.

With regard to the particular phase of this matter that the Senator from Georgia speaks of, I will say that I was present at one meeting of the committee. I appreciate the general condition to which the Senator from Iowa refers, the difficulty of getting a quorum of the committee; but that is not any reason why important questions of this kind should not be disposed of. If the members of a committee of the Senate refuse to attend and make a quorum to dispose of business which is of vital interest to the country, the chairman of the committee or some member of the committee who is interested in it ought to report that matter to the Senate, and some action ought to be taken by the Senate upon which progress could be made.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I do.

Mr. KENYON. What does the Senator suggest as a remedy for this situation? At a meeting of this committee Thursday to take up the educational bill the Senator from Georgia [Mr. SMITH], who is generally present, and myself were the only ones in attendance. Would the Senator report to the Senate the names of those who will not attend, with a motion to discharge them from the committee?

Mr. POINDEXTER. I do not desire to offer suggestions to the Senator.

Mr. KENYON. I want suggestions, because I have thought seriously, as far as I am concerned, of resigning from the chairmanship of the committee because the members will not attend. There are no more important subjects before Congress than are now before the Committee on Education and Labor, and I should like a remedy for the condition that exists.

Mr. POINDEXTER. I do not think there is a more important committee of the Senate in this particular juncture than the committee of which the Senator from Iowa is chairman, and I should hesitate to offer suggestions to the experienced chairman of the committee. Of course, there are many courses which might be pursued.

Mr. KENYON. I will say, as far as I am concerned, that if we are going to keep on as we have been, with the members refusing to attend the meetings of the committee, I shall resign as chairman of it. We have much important legislation before us—the minimum-wage bill, the educational bill, the Americanization bill, the bill establishing a permanent bureau of labor—and I do not propose to be chairman of a committee and not have the members attend at all.

Mr. STERLING. Mr. President, will the Senator from Iowa permit me to say a word?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. POINDEXTER. I do.

Mr. KENYON. I hope we may have a confession from all the members of the committee who do not attend.

Mr. STERLING. Mr. President, this is not a confession; this is an explanation.

I have the honor of being a member of the Committee on Education and Labor. I have been profoundly grieved to think that my other duties did not permit of my attendance at the important meetings of the Committee on Education and Labor, and I think the Senator from Iowa has been apprised of the reasons of my failure to be in attendance. I hope he will not carry into execution his threat to resign from the chairmanship of the committee, and that he will still continue to be a member, and that he will appreciate the duties devolving on other members of that committee.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield to the Senator.

Mr. NELSON. The experience to which the Senator from Iowa refers does not pertain alone to his committee, but my experience is that it pertains to other committees; and we have been obliged on two committees of which I am a member—very large committees, with 17 or 18 members—to adopt a resolution that six members of the committee shall constitute a quorum to do business. Without such a resolution we would have been unable in several instances to do any business at all. I can not see any remedy except for Senators who can not attend committees, who never attend them, to resign and let men go on the committee who will attend to the work.

Mr. POINDEXTER. I have served on a committee with the distinguished Senator from Minnesota, and I know the diligence with which he attends sessions, the inspiration that he gives the members of committees of which he is chairman, and the example that he sets them for attendance on their sessions; and I only wish that they had imitated his example to a greater degree than they have. I certainly hope the Senator from Iowa will abandon the idea of resigning the chairmanship of the committee he refers to, because I know the interest that he takes in this important legislation which is pending before his committee, and the efforts which he has made to secure the attendance of the members.

Mr. KENYON. Mr. President, may I say another word? There were men in the Senate who were anxious to go on this committee, men who would take an especial interest in questions of human welfare, like the Senator from Maryland [Mr. FRANCE], I may mention. I asked the committee on committees to place the Senator from Maryland on there. The committee, I think, when we get down to the facts of the matter, was regarded as getting too radical. They were afraid of getting too many radical men on the committee—men who take a viewpoint of these labor questions that perhaps did not agree with some of the most conservative elements of the Senate; and I am not reflecting on any men on the committee, of course. They are all good men, but many of them have not that interest in these affairs that the Senator has and that I have, and they do not regard this committee as being of any importance, and many of them do not care anything about the labor question. That is just telling the truth about it as I understand it; and so, if it goes on, they can have the whole committee as far as I am concerned.

Mr. POINDEXTER. I think one remedy would be afforded if the chairman, after a sufficient number of efforts to secure the attendance of a quorum of a committee, would make a report on his own account to the Senate, reporting back the legislation which is pending in the committee, stating the circumstances which prevent the committee from acting upon it, and asking the Senate for advice upon that legislation and as to the disposition of it. That would tend to bring the matter before the Senate and before the country, and undoubtedly remedies

could be found. I think this discussion probably will have some beneficial effect upon the attendance on committees.

Mr. SHEPPARD. Mr. President——

Mr. POINDEXTER. I yield to the Senator.

Mr. SHEPPARD. Is it not a fact that Senators are on altogether too many different committees? Every Senator is on six or seven committees.

Mr. POINDEXTER. I think that is one of the vices of the situation, although I do not know that it is the cause of the difficulty we are discussing, because I notice that the remarks apply to Senators who are on few committees as well as to those who are on many. But I think the situation the Senator mentions does exist, and perhaps it ought to be corrected.

I was present, Mr. President, in attendance on the Committee on Education and Labor in an effort to get action upon this joint resolution at a hearing that had been called by the chairman. The general counsel of the American Federation of Labor—I am very sorry to say that I believe that he is since deceased—an able lawyer, and authorized to represent that organization, appeared before the committee and made an address to the committee or those members of it who were present; and he did not, as the Senator from Georgia suggests, merely base his objection upon the names that were mentioned as members of this proposed conference. He did object to them; but he also expressly and emphatically objected to any conference at all. I remember very distinctly that he argued there rather strenuously, I thought, that this savored of the shifting of responsibility on the part of Congress; that Congress is the legislative body of the country that ought to make rules in regard to the relations of labor and employers, overlooking altogether that the purpose of the resolution was to bring about such an adjustment of the differences as would in many cases obviate the necessity of legislation, which is always objectionable if these industrial disputes can be settled privately and without the interference of the Government.

Mr. SMITH of Georgia rose.

Mr. POINDEXTER. Furthermore, let me add—and then I will yield in a moment to the Senator from Georgia—there seemed to be a very fundamental misapprehension on the part both of the representatives of organized labor and the representatives of organized industry in regard to the purposes of the proposition.

Both of them seem to think that it was introduced merely as affecting them. Neither one could see that there was any other interest in the matter except their own. Neither one could see that the opposite party had as much right to be consulted about the initiation of legislation, the form of the legislation, and the names of the conferees as they had; and still less did they appreciate the fact that over and above the interest of them both, far more extensive and more vital, and far more entitled to the consideration of Congress than the particular interest either of industry or of labor, were the interests of the great public of the United States. It is in the interest of the public, including labor, including industry and its owners and operatives, in order to avoid disaster, loss, injury, suffering, perhaps death, that may come from the threatened movements and controversies that are now approaching a critical stage in the country, that I have introduced this resolution—not thinking that it would be a panacea or that it would surely result in improving conditions, but that it might result in settling some of the controversies; that there was everything to gain and nothing to lose.

I received a telegram from the President of the American Federation of Labor expressing some resentment that the joint resolution was introduced without consulting him, a very naive expression, perfectly natural, apparently an unconscious expression of the idea that seems to be prevalent in certain ranks that nothing which affects them can be done without their consent, overlooking the fact that they are a part of the public, and that the public interest is paramount, and that the Government rules over all.

I also received a letter from the president of the Wage Adjustment Board, indicating another rather peculiar viewpoint of certain elements as to the direction and method that ought to be pursued in the consideration of these questions of labor and capital by the Congress of the country. He said that nothing ought to be done until the President came home. I wrote him that I knew that that idea represented a considerable element of opinion in the country of persons who thought that nothing ought to be done without first consulting with the President, but that I did not think it was the predominant opinion of the country. The President, of course, is entitled to the highest consideration in these matters, but it is not necessary and it was not necessary, before exercising the functions of Congress upon a matter that is more or less critical, to postpone all consideration of it until the President could return from his long sojourn in Paris.

On the other hand, I received a number of letters from manufacturers, evidently part of a propaganda, evidently worked up by their organization through the officials whom they maintain here in Washington City, also expressing resentment that such a thing as this should be done without first consulting with them, and objecting to the names that were proposed for the members of the conference, and many of them objecting altogether to the idea of a conference between labor and capital at all. The joint resolution provides that in addition to the names which are mentioned as members of the conference the President may appoint additional conferees. There is no limit placed upon the number, so that there is every opportunity, in case the resolution should pass, even in the form in which it was introduced, for the President to direct the complexion and character of the conference and to see that every interest which claimed to have a right to be represented there had a delegate in the conference. Many of these manufacturers said that there was no one in this list of names in the resolution who really represented the employers. There is Mr. E. H. Gary, whose name is mentioned; there is Mr. J. Ogden Armour, whose name is mentioned; there is Mr. Daniel Guggenheim, whose name is mentioned; and Mr. J. P. Morgan; and there are names of others mentioned who represent the banking interests in the country and what might be called capital. It seems to me that those whom I particularly mention certainly can be said to represent the employers of the country, because they are the heads of active industrial organizations.

Mr. Guggenheim, for instance, is one of the largest employers in the United States. He is one of the heads of the great smelting interests of the country, who employ thousands of men. If he is not in immediate contact with the employees it would be to his interest and he would have every means and opportunity of surrounding himself with men as his advisers who are in the employ of the corporations of which he is one of the controllers and who are in direct contact with employees in the smelting plants. Mr. Armour likewise is a representative of the employers of the country, and so is Mr. Gary. Only a few days ago I noticed that the representatives of the American Federation of Labor were seeking to obtain a conference with Mr. Gary, although it is only a short time since they opposed the resolution which named him as a member of a general national conference for the consideration of the general labor situation throughout the country. This indicates the inconsistency of the attitude, the narrowness of the viewpoint of both sides to the controversy, the fact that both, I think, are disposed—instead of assuming a helpful attitude to bring about an agreement upon mooted questions, to search out remedies, to avoid the loss and suffering which occur from industrial warfare—to put petty obstacles in the way, to create difficulties and objections where there is no substantial ground for them. All of which emphasizes the fact that Congress itself must use its own judgment in these matters and not wait upon the agreement of these special parties as a preliminary condition to the passage of the legislation.

I wish to present and ask to have printed in the RECORD as a part of my remarks a telegram received from Mr. D. M. Linnard, a prominent and patriotic citizen of San Francisco, Calif., in relation to the resolution, and to express the hope that the committee, in the meeting with the committee of the House to which the chairman has referred, will take some definite action upon this important matter. It can not be productive of any harm; it may be productive of beneficial results.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *August 25, 1919.*

Hon. MILES POINDEXTER,
Senate Office Building, Washington, D. C.:

Congratulations upon your labor-capital resolution. Every thoughtful, well-meaning citizen, with sincere desire for solution of our people's most serious problem, will undoubtedly applaud and aid the suggested conference, with heartfelt hope for results which will tend to a better understanding between capital and labor, employees and employers. The time has actually arrived for the cooperation of broad-minded, fair-minded, liberal men from the ranks of labor and the like of capital, who will reason fairly for all, make concessions where just, and save our people from the fearful results which would be disgraceful to the intelligence we Americans credit ourselves with possessing. As an extensive employer in my 10 hotels, including the Palace in San Francisco, the Ambassador at Atlantic City, I commend action on your resolution, and hope for most successful results with but little delay. If my sentiments as expressed herein indicate my ability to be of assistance to you in this splendid cause, please command me.

D. M. LINNARD.

LUDENDORFF'S STORY OF THE WAR.

Mr. CHAMBERLAIN. Mr. President, I received yesterday afternoon a telegram from a distinguished citizen of my State, one who proved himself a patriot and was active in all efforts

to assist our cause during the late war. I send it to the desk and ask that it be read, and I then desire to make a few comments on it.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

PORTLAND, OREG., *August 26, 1919.*

Hon. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.:

To-day's Oregonian announces the Ludendorff story of the war will not be printed in the Oregonian. Everyone I know here says the patriotic decision of the Oregonian is right, and that the Federal Government should forbid at once the publication of the Ludendorff story in every paper of the United States. Why should our dead and maimed soldiers' homes be profaned with Ludendorff's story vindicating Hun brutalities?

L. B. SEELEY.

Mr. CHAMBERLAIN. Mr. President, the paper referred to and I think a great many other papers in the United States have been carrying for a number of insertions the promise that Ludendorff's story of the war would at a certain date in the future—probably some time the next week—be printed in that and the other papers which have carried the announcement.

I am in accord with the views of Mr. Seeley, who sends that telegram, to a certain extent, and while I would not undertake to restrain the press from publishing this story, if they see fit to do so, yet I would appeal to the patriotism of the newspapers in the United States and beg them, as Congress ought to beg them, not to publish this story of the war.

My reason for it can be found in the character of the man who writes the story. While I have not had an opportunity to look up the record of Ludendorff as he is and was during the war, I desire to quote a brief statement with reference to the man from Current Opinion of August, 1918, entitled:

French interpretation of Gen. Erich Ludendorff—Latest effort to disclose the real man behind the mask.

The article is quite lengthy, and I satisfy myself with reading just the concluding paragraph, but I am going to ask that the whole article be printed in connection with the telegram. The article, taken as a whole, is rather favorable to Ludendorff as a man of great ability and a man who rose rapidly in his profession of arms. It shows the viewpoint of a Frenchman, though rather an impartial observer of the man. It concludes:

The character of Ludendorff is pronounced by the French observer to be "hard, cruel, pitiless," in accordance with the dominant ideal of the Prussians in high command. Ludendorff, we are assured, was the most ferocious instigator of continued submarine warfare. He insists upon constant aerial bombardment of open and unfortified towns.

Remember, Mr. President, this was in the midst of the war. Now, quoting:

"By killing the women and children," he is quoted as saying, "we destroy the future mothers and the ultimate defenders of their land; that is, the future forces upon which the enemy depends."

That is the end of the quotation of Lundendorff's observation.

Ludendorff, moreover, is a hypocrite, a sly and affected being. He is not above telling the newspapers that the lives of German soldiers are more precious than a mere swamp or a blackened ruin the enemy wants to preserve. He is notoriously the most sanguinary feeder of cannon with "fodder," never hesitating to pile high the plains of the Somme with heaps of German dead. Ludendorff attaches great importance to what he calls "morale," and no press agent had ever more skill.

I call attention to this because it reflects that he is active in America, as he was active over there, with press agents.

He keeps in touch with the journalists night and day, for it is a mistake to deem him the "simple soldier," at his ease only in the theater of war. He holds his regular receptions for the benefit of his friends, the reporters. He inspires a school of military criticism with its experts to prove that Germany is invincible. He is a master of the propaganda that works with fiction. He invented the system of heralding every German offensive far in advance, arguing that the effect upon enemy "morale" is tremendous.

Ludendorff is a commander who seeks less a strategical surprise than a tactical one. An organizer of experience and ability, he excels in preparation. His plans are not only large, but definite. He concentrates. He affects a complete candor with the enemy, advertising an offensive that remains in detail a secret, announced with menaces and shrouded with devices that bewilder, distract, terrify, the inexperienced.

Now, Mr. President, that is the character of the man. Can it be that his propaganda is to be disseminated in the United States through the instrumentality of a so-called history of the war or story of the war? Are the American people to be educated from the German standpoint and to have the German theory of the reason for the war, Germany's innocence in its instigation, its harmless carrying on of the war, through the instrumentality of the story of this man?

Mr. LODGE. Is it proposed to publish serially or in any other way such a thing as that?

Mr. CHAMBERLAIN. Absolutely. If the Senator will observe some of the newspapers he will find that they are promising now to publish in the near future the so-called Ludendorff Story of the War.

Mr. LODGE. I trust it will not be done.

Mr. CHAMBERLAIN. I am just expressing that hope, and I am glad to have the Senator join with me.

This article goes on to say that it was Ludendorff who brought Hindenburg to the front, and not Hindenburg who brought Ludendorff to the front; that it was Ludendorff whose brains were the animation and spirit of the German Army during its whole progress. As this paper says, he has been responsible, therefore, for the ruthless submarine warfare. He has gloried in the bombing of adjoining territory, the destruction of women and children who were not participants in the war.

Mr. President, America has had over 200,000 casualties as a result of the war. Not only are her hospitals filled with boys who have been maimed by the cruel processes of German warfare, but the asylums as well are filled in some instances with young men who were shell-shocked or otherwise disabled by the system of warfare waged under Ludendorff's direction. The American people have learned who are the authors of this war. They know it was the settled plan of the militarists of Germany to become involved in it and to wage it. They know that it was their purpose in the last analysis to make America assist in the payment for the war, if current and contemporaneous history is to be believed. Notwithstanding that belief and knowledge, are we to have this friend of the reportorial system of Europe introduce his methods into this country and slyly instill into the American people not only that Germany was innocent of instituting the war but that the German methods were kindly and its purposes lofty?

I for one, Mr. President, hope that the newspapers of the country, and I am glad to say that practically all of them were patriotic and loyal in the war, will without any action upon the part of Congress, but simply inspired by the same motives of patriotism which animated them during the war, decline absolutely to print this story of the war by the man who was the reputed military leader and who is so largely responsible for German cruelty and brutality.

I call attention of the Congress to this matter, Mr. President, in the hope that, if this story is to be printed, there may be some public expression about the author of this so-called history of the war, so that the people may be warned in advance to read it with caution as a part of a system of German propaganda, deliberately planned to poison the minds of the American people, and of the fathers and mothers, wives and sweethearts of our heroic dead.

There being no objection, the article from Current Opinion for August, 1918, was ordered to be printed in the RECORD, as follows:

"FRENCH INTERPRETATION OF GEN. ERICH LUDENDORFF—LATEST EFFORT TO DISCLOSE THE REAL MAN BEHIND THE MASK.

"Physically one's first impression of Ludendorff is that of a vast forehead, very rounded, very well denuded of hair, above eyes of the profoundest blue, that search keenly. A blond mustache is traced definitely, along with the thin lips, disdainfully curved. The chin inclines to the double formation. The head as a whole seems to reflect lively intelligence, an obvious mentality contrasting with trooper Hindenburg's heavy mass and ponderous look. Ludendorff's corpulence is great enough, considering his medium height, yet he conveys an impression of the energetic man, sure of himself, in full physical and intellectual vigor. The portrait is sketched in the Paris Illustration by Commandant Henru Carre, who knows Ludendorff and who has done perhaps one of the best of the many sketches now taking up so much space in the French press. Is he a genius? The question is of critical importance, suggests the Debats, considering the importance attached to the quality not by Napoleon only but by all who have written on the art of war. Commandant Carre reaches the conclusion that Ludendorff is no better, to say the least, than Foch, and the German has yet to display the artistry of the Frenchman, the art of war being as important as the science. Nevertheless, reckoning with the danger of underestimating the enemy, if pains be taken to take the true measure of Ludendorff, the idea of him is, the French commandant says, that of a man brilliant as regards intelligence, indefatigable by nature, endowed with a most supple mind. He is rich in the expedients devised on the spur of the moment—a quality precious to von Moltke—and he has liveliness of imagination. The brain is, in a word, rich in ideas. Ludendorff is, accordingly, a great soldier because he reveals imagination and ideas. All his qualities are reinforced, fortified, accentuated by cool energy, a tenacious will, and a strong soul.

"Ludendorff is, as German commanders go, young, and his career in Berlin passes for rapid and even brilliant. He is not much past 50, for he was born in Krucszevina, in the Province

of Posen, April 9, 1865, his rise having been so meteoric that the ordinary reference book even in Germany fails to note the fact. Erich Ludendorff had the good luck to possess a far-seeing and a wealthy parent of Prussian stock, who got him, at 17, into the Ploen cadet school, from which he emerged as a sublieutenant in an infantry regiment at Wesel. The young man turned up as a lieutenant of marines at Kiel and then got into the grenadiers. His ambitions were always military and they took him to the war academy which sent him forth with the rank of captain at 30. How he got into the great general staff at Berlin, in view of his comparatively mediocre origin, is not clear, but he went out of it and through the grades successfully. He proved himself an officer of the correct general staff type, bred in the true Moltke school, and a creditable pupil of Gen. von Schlieffen.

"Ludendorff was early established as a military scientist, with rare gifts for the assimilation of whatever knowledge came his way. When he was 47 he took command of the fusiliers at Dusseldorf and not long after he was at Strassburg as major general of infantry. This was the force with which he went into the grand mobilization for the war, and he replaced, as head of the fourteenth brigade, Gen. von Vassoff, who was killed at Liege. In the course of the swift operations which reduced that place the brilliant behavior of Ludendorff, who led the assault at the head of his brigade, earned for him one of the first of the crosses of a knight of the Order 'Pour le Merite,' of which Emperor William is so sparing.

"Now occurred in the career of Ludendorff the 'decisive event,' of which so much has been written. The general staff had become worried at the advance of the Russian forces into German territory. It was Ludendorff, however, who suggested Hindenburg, and not Hindenburg who suggested Ludendorff. The aged man was intimately acquainted with the theater of operations in East Prussia. Ludendorff's reputation for sound judgment was so solid that the all highest took the risk of heeding his suggestion. Hindenburg was dragged from his retirement at Hanover, and naturally he selected Ludendorff as his chief of staff. These are the facts, declares our French authority, in spite of many a tale to the contrary. In no long time the pair won the Tannenburg victory, which brought to one the grade of field marshal and to the other that of lieutenant general. At the head of a group of armies they gained the day at the Mazurian Lakes, and, specializing in the Russian theater of operations, they redeemed their native land from pressing perils with the conquest of Poland and Galicia. Just two years ago, in consequence of the Bronsiloff offensive, 'which caused the German defense to tremble to its foundation,' Hindenburg, still 'doubled' with Ludendorff, was given command of the Austro-German forces in the eastern theater. Before many days—replacing Von Falkenhayn, who had to take all the blame for the Verdun check—Hindenburg was made chief of the general staff, with Ludendorff at his right hand as general of infantry, exercising the functions of a chief general quartermaster. 'They ticked like two clocks.'

"The whole German press was jubilant. 'An immense delight reigns everywhere in the fatherland. Our new Blucher retains at his side our new Gneisenau. Ludendorff remains with Hindenburg.' The Kaiser consented to the eclipse of his own imperial star by the new constellation of the twins, Hindenburg-Ludendorff, and the field marshal in turn—free from jealousy or full of gratitude—permitted the personality of his right-hand man to grow more decisive and conspicuous. On the western front, until the beginning of the present offensive, the great idea of the two chiefs seem to the French expert we quote to have been the strategical retirement to that well-known Hindenburg line. The operation was presented at home as 'a bit of boldness conceived by the highest genius' and as 'a prelude to the solutions entirely new and magnificent.' In spite of these enthusiasms, the great general staff took refuge in a strict defensive for the period of one whole year, during which it sustained the successive checks of Arras, Ypres, Vimy, the Chemin des Dames, Verdun, and l'Allette. Ludendorff concentrated all his faculties on the collapse of Russia before turning again to the 'principal enemy,' France, and the most detested of all the foes, England.

"The collaboration of Hindenburg and Ludendorff has all this time been most intimate. In this association one acts as the brain and the other as the right hand. One represents the young and active element, the fecund brain with the 'ideas,' while the other is the mass which brings the weight to bear. The decisions seem to be taken in common, but they are for the most part inspired by Ludendorff. In the 'enormous machine' called 'German war,' one is the motor and the other is the power. Ludendorff is the true directing mind. Force is affirmed by our French authority to be eminently the characteristic of the man. One detects that fact in his favorite aphorisms. 'As always in war,' he observes, 'one must now be strong and resolute. Superiority, danger—such things exist only for the feeble.' He is fond of saying also that the strong man does not talk of danger but, at most, of the way to avoid it. Again: 'He who complains of fatality had better accuse himself.' 'A strong will creates his own destiny.' Ludendorff says there is no such thing as fatality, as destiny. There is but the will of the strong man.

"The character of Ludendorff is pronounced by the French observer to be 'hard, cruel, pitiless,' in accordance with the dominant ideal of the Prussians in high command. Ludendorff, we are assured, was the most ferocious instigator of continued submarine warfare. He insists upon constant aerial bombardment of open and unfortified towns. 'By killing the women and children,' he is quoted as saying, 'we destroy the future mothers and the ultimate defenders of their land; that is, the future forces upon which the enemy depends.' Ludendorff, moreover, is a hypocrite, a sly and affected being. He is not above telling the newspapers that the lives of German soldiers are more precious than a mere swamp or a blackened ruin the enemy wants to preserve. He is notoriously the most sanguinary feeder of cannon with 'fodder,' never hesitating to pile high the plains of the Somme with heaps of German dead. Ludendorff attaches great importance to what he calls 'moral,' and no press agent had ever more skill. He keeps in touch with the journalists night and day, for it is a mistake to deem him the 'simple soldier' at his ease only in the theater of war. He holds his regular receptions for the benefit of his friends, the reporters. He inspires a school of military criticism with its experts to prove that Germany is invincible. He is a master of the propaganda that works with fiction. He invented the system of heralding every German offensive far in advance, arguing that the effect upon enemy 'moral' is tremendous.

"Ludendorff is a commander who seeks less a strategical surprise than a tactical one. An organizer of experience and ability, he excels in preparation. His plans are not only large but definite. He concentrates. He affects a complete candor with the enemy, advertising an offensive that remains in detail a secret, announced with menaces and shrouded with devices that bewilder, distract, terrify the inexperienced."

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. LA FOLLETTE addressed the Senate in continuation of the speech begun by him on Wednesday. After having spoken for four hours,

Mr. OVERMAN. Will the Senator yield to me that I may ask him a question?

Mr. LA FOLLETTE. Certainly.

Mr. OVERMAN. Does the Senator expect to conclude this afternoon? I gave notice yesterday that I would move an executive session to-day.

Mr. SMOOT. If the Senator from Wisconsin could go on he might conclude in half an hour.

Mr. LA FOLLETTE. I shall probably consume a couple of hours longer.

Mr. OVERMAN. Will the Senator yield to me, then, to move an executive session?

Mr. LA FOLLETTE. I will be very glad to yield, and if agreeable to the Senator from Utah, I will yield the floor for the time being.

Mr. SMOOT. I wish to give notice that if the bill is not passed by 6 o'clock to-morrow evening I shall ask for a night session. The Senator from North Carolina desires an executive session, and I shall make the motion, if he does not, because I agreed to it yesterday.

Mr. OVERMAN. Let the Senator from Utah move it.

Mr. OWEN. Before the motion is made I wish to say just a word.

Mr. SMOOT. I will withhold the motion.

FOREIGN EXCHANGE.

Mr. OWEN. Mr. President, I notice in the New York Journal of Commerce that Mr. Seward Prosser, president of the Bankers' Trust Co., made a statement to the effect that a comment which I made on the floor that the bankers had profited in large measure by the high premium paid for the purchase of American dollars or credits by British, French, and Italian importers showed a complete misunderstanding of the functions of banks in dealing in foreign exchange; that the banks act merely as brokers in exchange transactions; that they execute orders from their customers to buy or sell exchange at the market price of the moment and charge for the service a commission usually

ranging from one-eighth of 1 per cent to sometimes less than one-sixteenth of 1 per cent, depending on the size and character of the transaction, which charge is included in the rate of exchange. He said:

In order that the banks might profit along the lines suggested by Senator OWEN, they would themselves have to purchase the exchange created by these commercial transactions and hold it, hoping for an improvement in the market with all its attendant risks. If operations of this kind had been the practice in the past, they would now show large losses to the banks, as is easily realized when the decline in the exchange market is considered.

Mr. President, I thoroughly understand the practice. I know one of the great trust companies charged off over $5,000,000 to losses on Russian rubles because of transactions of this very character, and I am informed and believe that these transactions of the immediate past have run into $500,000,000, and that these transactions do involve these profits by holding the foreign exchange credit until the reaction takes place, and that somebody has bought them beyond a doubt, because the transactions could not take place without that having been done. I state as a fact that certain banks and trust companies in New York City have been buying exchange and selling it short on their own account as well as for clients and customers on the scale of millions and not alone as Mr. Prosser describes, which is the legitimate method. Mr. Prosser does himself little credit by issuing a statement that every foreign exchange banker in New York should know is grossly misleading to the public. I know what is going on, and Mr. Prosser can not sidetrack the facts, but may precipitate a congressional inquiry that will expose the conditions as they are.

I want our commerce protected and intend to protect it if I can do so, in spite of all camouflage or denials by those who should know better than to deny a notorious fact.

The short selling of exchange for speculation is producing bad results, as shown by a telegram which I have just received from some of the unhappy exporters of New York, stating that the export business of the United States is being paralyzed and that if it is the desire of the Government to correct this injurious condition certain remedial steps will have to be taken. I ask that the telegram may be inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

NEW YORK, N. Y., *August 27, 1919.*

Senator ROBERT L. OWEN,
United States Senate Offices, Washington, D. C.:

The export business of the United States is paralyzed to-day. If it is the desire of our Government to preserve to America its foreign commerce and prevent the horrors of overproduction in the near future, something must be done at once to get the Government and all interested members of the community together to provide a present remedy. If a committee is convened by call of the President in Washington, consisting, say, of two appointees of the President, two members of the Banking and Currency Committee of the Senate, two members of the appropriate House committee, two members of the bankers committee, two members of the American Manufacturers' Export Association, two exporters, and two appointees of the National Chamber of Commerce to sit in Washington, hold hearings, and bring forth a plan, a solution will be forthcoming, having the support of all, in 30 days. There is a great crisis, which will admit neither of delays nor of differences between those charged with the responsibility of averting a great misfortune. Anything we can do to help, regardless of time or expense, will be done.

GASTON, WILLIAMS & WIGMORE,
GEO. MOGENSEN.

Mr. SMOOT. I suppose that telegram will confirm what I said here the other day—that our exports can not remain at the amount they are at the present time unless some kind of an arrangement is made for foreign trade.

Mr. OWEN. That is absolutely true. The Senator from New York [Mr. WADSWORTH] told me that the New York port is congested with ships loaded with American goods that can not go abroad because they can not be financed. The Senate ought to take some steps to meet the situation.

Mr. SMOOT. It is because foreign countries can not pay for the goods. That is the absolute truth.

Mr. OWEN. A dispatch from Boston announces the organization of a credit corporation with $100,000,000 capital, one-half to be furnished by Americans and one-half by Italians. The Italian Government to be asked to guarantee 5 per cent to 7 per cent on the stock and to guarantee credits up to $500,000,000 backed by bonds at 50 cents on the dollar.

A dispatch from London states that Sir Auckland Geddes, in the House of Commons, stated that the British Government would set up an office to provide sterling credits on behalf of European countries where insufficient facilities are available through ordinary channels. That the London Times says the plan will greatly benefit the financial and mercantile communities. England acts and Congress talks and does not provide relief.

The negotiations in New York for raising of credits for France, Italy, and Belgium are said to total nearly a billion dollars, according to the same London dispatch. Fair terms must be provided or these shipments can not be made.

I insert a dispatch from Paris showing that France is taking steps to put her financial house in good order and justifying the faith of those who have entire confidence in the solvency of this great people.

The matter referred to is as follows:

TO CONSOLIDATE FRENCH DEBTS—BILL WILL TAKE CARE OF FLOATING OBLIGATIONS—MINISTER OF FINANCE PLANS TO RAISE LARGE SUMS FOR RAILWAYS AND FOR LIBERATED DISTRICTS OF FRANCE.

PARIS, *August 5.*

Now that the importance of the peace conference has been lessened, the Government has decided to take stringent measures with a view of reducing the cost of living and of making it possible for France to develop a healthy industrial life. With this object a special economic council has been formed under the presidency of M. Clemenceau. It includes among its members M. Klotz, the minister of finance; M. Claveille, the minister of transport; M. Loucheur, the minister of industry; M. Clementel, minister of commerce; M. Noulens, minister of agriculture; M. Henry Simon, minister of colonies; M. Colliard, minister of labor; and M. Lebrun, minister of the liberated regions.

The council held a formal meeting, and the public has already shown the necessity of some such stringent action by having taken the law on several occasions into its own hands. Both in Paris and the Provinces shops where unduly high prices have been charged have been sacked, and the public authorities have scarcely interfered. This so far has not occurred on a large scale, but it is indicative of public irritation. One of the methods on which M. Noulens is particularly relying to prevent abuse is the posting up of retail and wholesale prices, so that the public will be in a position to appreciate whether a fair profit or unfair profit is being made. One of the most important steps which has been taken to reduce the cost of living has been the purchase of American Army stocks. The price has not yet been officially stated, but it is known that the French Government will now have at its disposal a large number of railway engines and wagons, some 50,000 motor lorries and motor cars, large quantities of clothing and foods, and considerable stocks of agricultural implements and supplies of all sorts. It is expected that these supplies will be placed on the market according to the system adopted in the case of French Army stores.

M. Klotz threw some interesting light on the financial policy of the country. He estimates that some twelve milliards will be obtained during the last six months of the year through bons de la defense. Taxes during the same period will bring in some five milliards, and he expects also to make use of advances from the Banque de France. He has stated definitely his intention of raising a new loan to consolidate floating debt, but refused to indicate when the loan will be issued. He suggested that it would be undesirable to attempt an issue until there is a feeling of absolute confidence, but evidently anticipates the raising of a sum at least equal to that obtained from the last loan. He intends to raise some nine hundred million for the State railways either during the month of August or early in September. He also advocates a loan of some two and a half milliards being raised for the liberated districts, and has actually brought in a bill for bringing this into effect. M. Klotz concluded in an optimistic note, stating that the financial negotiations with the allied Governments were progressing satisfactorily.

The universal scarcity of coal has given considerable impetus to the movement in this country for the development of the French waterfalls as sources of power for industrial purposes. One of the most ardent advocates of the bill which is now before the chamber for rendering it possible to make fuller use of France's great natural resources of this kind is M. Jules Cels, the undersecretary of state for public works, who has made a special study of the question. In an interview a few days ago M. Cels stated that France, in its waterfalls and rivers, possesses power to the extent of 9,000,000 horsepower, of which only 750,000 horsepower, or less than 10 per cent, have as yet been utilized. This amount of power, M. Cels calculates, if properly organized, would correspond to a permanent productive force of 78,000,000,000 horsepower hours, which would represent annually the equivalent of the power produced by 78,000,000 tons of coal.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours and fifteen minutes spent in executive session the doors were reopened.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 7 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Saturday, August 30, 1919, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 29 (legislative day of Saturday, August 23), 1919.

ASSISTANT SECRETARY OF AGRICULTURE.

James R. Riggs, of Indiana, to be Assistant Secretary of Agriculture.

CONSUL GENERALS.

Charles C. Eberhardt, of Kansas, now a consular inspector, to be a consul general of class 2 of the United States of America.

From consular inspector to consular general of class 3:
Stuart J. Fuller, of Wisconsin.

From consul general of class 5 to consul general of class 4:
Leo Allen Bergholz, of New York.

Frederic W. Goding, of Illinois.
Frederick M. Ryder, of Connecticut.
George Horton, of Illinois.
Alexander W. Weddell, of Virginia.
Alfred A. Winslow, of Indiana.
William H. Gale, of Virginia.
Ernest L. Harris, of Illinois.
Will L. Lowrie, of Illinois.
Francis B. Keene, of Wisconsin.

CONSULS.

From consul of class 3 to consul general of class 4:
John Ball Osborne, of Pennsylvania.
Albert W. Pontius, of Minnesota.
From consul general of class 5 to consul of class 3:
E. Carleton Baker, of California.
W. Stanley Hollis, of Massachusetts.
From consul of class 4 to consul of class 3:
Augustus E. Ingram, of California.
Charles K. Moser, of Virginia.
Samuel T. Lee, of Michigan.
From consul of class 5 to consul of class 4:
Hernando de Soto, of California.
Carl F. Deichman, of Missouri.
Gebhard Willrich, of Wisconsin.
North Winship, of Georgia.
John K. Caldwell, of Kentucky.
George E. Chamberlin, of New York.
From consul of class 6 to consul of class 4:
Wesley Frost, of Kentucky.
Roger C. Tredwell, of Indiana.
From consul of class 8 to consul of class 4:
DeWitt C. Poole, jr., of Illinois.
From consul of class 6 to consul of class 5:
Cornelius Ferris, jr., of Colorado.
Nelson T. Johnson, of Oklahoma.
Frederick T. F. Dumont, of Pennsylvania.
Henry S. Culver, of Ohio.
Otis A. Glazebrook, of New Jersey.
Lewis W. Haskell, of South Carolina.
Douglas Jenkins, of South Carolina.
J. Paul Jameson, of Pennsylvania.
Myrl S. Myers, of Pennsylvania.
Claude I. Dawson, of South Carolina.
Emil Sauer, of Texas.
Jesse B. Jackson, of Ohio.
Wilbur T. Gracey, of California.
Ralph C. Busser, of Pennsylvania.
Clarence E. Gauss, of Connecticut.
Edwin L. Neville, of Ohio.
Joseph E. Haven, of Illinois.
Jose de Olivares, of Missouri.
Walter A. Leonard, of Illinois.
John A. Gamon, of Illinois.
Walter H. Sholes, of Oklahoma.
Charles M. Freeman, of New Hampshire.
Harold D. Clum, of New York.
Clarence Carrigan, of California.
Alfred W. Donegan, of Alabama.
Homer M. Byington, of Connecticut.
W. Roderick Dorsey, of Maryland.
Ross Hazeltine, of Indiana.
Mahlon Fay Perkins, of California.
Leslie A. Davis, of New York.
George M. Hanson, of Utah.
From consul of class 7 to consul of class 5:
David J. D. Myers, of Georgia.
Wallace J. Young, of Illinois.
Graham H. Kemper, of Kentucky.
Ezra M. Lawton, of Ohio.
From consul of class 8 to consul of class 5:
Ely E. Palmer, of Rhode Island.
Tracy Lay, of Alabama.
Harry A. McBride, of Michigan.
From Turkish secretary to consul of class 5:
Lewis Heck.
From consul of class 7 to consul of class 6:
Gordon Paddock, of New York.
Percival Gassett, of the District of Columbia.
Andrew J. McConnico, of Mississippi.
John M. Savage, of New Jersey.
Lucien N. Sullivan, of Pennsylvania.
Lucien Memminger, of South Carolina.
Henry C. A. Damm, of Tennessee.
Claude E. Guyant, of Illinois.
Arthur B. Cooke, of South Carolina.
Chester Donaldson, of New York.
Clement S. Edwards, of Minnesota.
Lorin A. Lathrop, of California.
Edward I. Nathan, of Pennsylvania.
Wilbert L. Bonney, of Illinois.
William J. Grace, of New York.
Bertil M. Rasmusen, of Iowa.
Henry P. Starrett, of Florida.
Henry M. Wolcott, of New York.
Charles M. Hathaway, jr., of Pennsylvania.
Henry H. Balch, of Alabama.
Kenneth S. Patton, of Virginia.
George K. Donald, of Alabama.
Paul H. Foster, of Texas.
Arthur C. Frost, of Massachusetts.
Wilbur Keblinger, of Virginia.
Milton B. Kirk, of Illinois.
Oscar S. Heizer, of Iowa.
Theodore Jaeckel, of New York.
B. Harvey Carroll, jr., of Texas.
Carl R. Loop, of Indiana.
Gaston Smith, of Louisiana.
George K. Stiles, of Maryland.
James B. Young, of Pennsylvania.
John K. Davis, of Ohio.
George C. Hanson, of Connecticut.
John R. Putnam, of Oregon.
William L. Jenkins, of Pennsylvania.
From consul of class 8 to consul of class 6.
Richard L. Sprague, of Massachusetts.
Walter F. Boyle, of Georgia.
Charles C. Broy, of Virginia.
William E. Chapman, of Oklahoma.
Louis G. Dreyfus, jr., of California.
John W. Dye, of Minnesota.
Edwin Carl Kemp, of Florida.
Frank Anderson Henry, of Delaware.
Max D. Kirjassoff, of Connecticut.
Lawrence P. Briggs, of Michigan.
John S. Armstrong, jr., of North Carolina.
Francis J. Dyer, of California.
Albro L. Burnell, of Maine.
O. Gaylord Marsh, of Washington.
George S. Messersmith, of Delaware.
Thomas B. L. Layton, of Louisiana.
Thomas D. Bowman, of Missouri.
Thomas D. Davis, of Oklahoma.
Maurice P. Dunlap, of Minnesota.
Elliott Verne Richardson, of New York.
Henry T. Wilcox, of New Jersey.
Harry Campbell, of Kansas.
David B. Macgowan, of Tennessee.
Charles H. Albrecht, of Pennsylvania.
Addison E. Southard, of Kentucky.
Thornwell Haynes, of Alabama.
Horace Remillard, of Massachusetts.
Alfred R. Thomson, of Maryland.
Ralph F. Chesbrough, of Wisconsin.
George F. Bickford, of Washington.
Hasell H. Dick, of South Carolina.
Eugene H. Dooman, of New York.
Paul Knabenshure, of Ohio.
Francis R. Stewart, of New York.
James B. Stewart, of New Mexico.
Gilbert R. Willson, of Texas.
Algar E. Carleton, of Vermont.
Paul H. Cram, of Maine.
Hugh H. Watson, of Vermont.
J. Preston Doughten, of Delaware.
Raymond P. Tenney, of Massachusetts.
Raymond S. Curtice, of Pennsylvania.
Ralph H. Bader, of Virginia.
Leland B. Morris, of Pennsylvania.
Paul R. Josselyn, of Iowa.
Thomas H. Bevan, of Maryland.
George W. Young, of Maryland.
Harris N. Cookingham, of New York.
Harold B. Quarton, of Iowa.
Charles Roy Nasmith, of New York.
Samuel W. Honaker, of Texas.
Irving N. Linnell, of Massachusetts.
Felix Cole, of the District of Columbia.
Robert L. Keiser, of Indiana.
Robert W. Harnden, of California.
Austin C. Brady, of New Mexico.

Lloyd Burlingham, of New York.
Leonard G. Dawson, of Virginia.
Henry B. Hitchcock, of New York.
Edward A. Dow, of Nebraska.
Baylor L. Agerton, of Texas.
Charles E. Asbury, of Indiana.
Robert R. Bradford, of Nebraska.
James P. Davis, of Georgia.
Sample B. Forbus, of Mississippi.
Harry F. Hawley, of New York.
George D. Hopper, of Kentucky.
George L. Logan, of Arkansas.
Arnold A. McKay, of North Carolina.
Stewart E. McMillin, of Kansas.
Vivian L. Nicholson, of Louisiana.
Maurice C. Pierce, of Wisconsin.
Eugene C. A. Reed, of Florida.

Henry W. Diederich, of the District of Columbia, now a consul general of class 4, to be a consul of class 7 of the United States of America.

Philip C. Hanna, of Iowa, now a consul general of class 5, to be a consul of class 7 of the United States of America.

The following-named persons to be consuls of class 7 of the United States of America:

Harry M. Lakin, of Greensburg, Pa.
C. Inness Brown, of Charleston, S. C.
Lewis V. Boyle, of Sacramento, Calif.
Reed Paige Clark, of Londonderry, N. H.
William C. Burdett, of Knoxville, Tenn.
Coert du Bois, of San Francisco, Calif.
Damon C. Woods, of Waco, Tex.
Lester L. Schnare, of Macon, Ga.
Dayle C. McDonough, of Kansas City, Mo.
Ulysses S. Fitzpatrick, of Spokane, Wash.
Henry Dexter Learned, of Philadelphia, Pa.
Howard F. Withey, of Reed City, Mich.
Dudley Golding Dwyre, of Fort Collins, Colo.
Theodore B. Hogg, of Pittsburgh, Pa.
Karl de G. MacVitty, of Chicago, Ill.
Carl O. Spamer, of Baltimore, Md.
Henry E. Mills, jr., of Berkeley, Calif.
Thomas R. Owens, of Gadsden, Ala.
Harold Playter, of Los Angeles, Calif.
Charles R. Cameron, of York, N. Y.
Carol H. Foster, of Annapolis, Md.
John J. Melly, of Allentown, Pa.
Robert L. Rankin, of Berlin, N. J.
James P. Moffitt, of New York City.
Maurice L. Stafford, of Coronado, Calif.
Thomas M. Wilson, of Memphis, Tenn.
James Armstrong, of Oakland, Calif.
Drew Linard, of Mobile, Ala.

From consul of class 8 to consul of class 7:

James S. Benedict, of New York.
Fred C. Slater, of Kansas.
Henry C. von Struve, of Texas.
John J. C. Watson, of Kentucky.
G. Carlton Woodward, of Pennsylvania.
William A. Pierce, of Mississippi.
George G. Duffee, of Alabama.
G. Russell Taggart, of New Jersey.
John O. Sanders, of Texas.
Charles N. Willard, of Kansas.
William W. Brunswick, of Kansas.
Stillman W. Eells, of New York.
John S. Calvert, of North Carolina.
Shelby F. Strother, of Kentucky.
Harry L. Walsh, of Maryland.
Romeyn Wormuth, of New York.
Parker W. Buhrman, of Virginia.
Bartley F. Yost, of Kansas.
Frank Bohr, of Kansas.
Luther K. Zabriskie, of Connecticut.
Keith Merrill, of Minnesota.
William W. Early, of North Carolina.
William P. Garrety, of New York.
Raymond C. Mackay, of Wisconsin.

From consular assistant to consul of class 7:

Leslie E. Reed, of Minnesota.
Hamilton C. Claiborne, of Virginia.
J. Klahr Huddle, of Ohio.
Donald D. Shepard, of the District of Columbia.
W. Duval Brown, of Virginia.
Dana C. Sycks, of Ohio.
Frank C. Lee, of Colorado.
Morgan O. Taylor, of West Virginia.
S. Pinkney Tuck, of New York.
Ernest L. Ives, of Virginia.
Lowell C. Pinkerton, of Missouri.
Charles E. Allen, of Kentucky.

CONSULAR INSPECTORS.

From consul of class 3 to consular inspector:

Robert Frazer, jr., of Pennsylvania.
Arthur Garrels, of Missouri.

PROMOTIONS IN THE REGULAR ARMY.

INFANTRY.

To be lieutenant colonels.

Maj. Perry L. Miles, Infantry, from July 26, 1919.
Maj. James A. Lynch, Infantry, from August 2, 1919.
Maj. Milton L. McGrew, Infantry, from August 2, 1919.

To be captains.

First Lieut. Oliver F. Holden, Infantry, from October 11, 1918.
First Lieut. William H. McCutcheon, jr., Infantry, from October 15, 1918.
First Lieut. Beverly G. Chew, Infantry, from October 16, 1918.
First Lieut. Thomas L. Lamoreux, Infantry, from October 16, 1918.
First Lieut. Daniel N. Murphy, Infantry, from October 18, 1918.
First Lieut. Adlai C. Young, Infantry, from October 19, 1918.
First Lieut. Alexander N. Stark, jr., Infantry, from November 2, 1918.
First Lieut. Clinton I. McClure, Infantry, from December 6, 1918.
First Lieut. Roy C. L. Graham, Infantry, from December 19, 1918.
First Lieut. George R. Barker, Infantry, from December 20, 1918.
First Lieut. John E. Gough, Infantry, from January 10, 1919.
First Lieut. Leonard A. Smith, Infantry, from January 19, 1919.
First Lieut. John W. Thompson, Infantry, from January 19, 1919.
First Lieut. Philip Overstreet, Infantry, from February 2, 1919.
First Lieut. Lara P. Good, Infantry, from February 2, 1919.
First Lieut. Archie A. Farmer, Infantry, from February 2, 1919.
First Lieut. Edwin E. Elliott, Infantry, from March 18, 1919.
First Lieut. Charles S. Ferrin, Infantry, from March 20, 1919.
First Lieut. George W. Titus, Infantry, from March 20, 1919.
First Lieut. Robert G. Ervin, Infantry, from April 9, 1919.
First Lieut. Edward L. McKee, jr., Infantry, from April 11, 1919.
First Lieut. Robert W. Nix, jr., Infantry, from May 5, 1919.
First Lieut. Lyman L. Parks, Infantry, from June 6, 1919.
First Lieut. John T. Murray, Infantry, from June 6, 1919 (subject to examination required by law).
First Lieut. Warfield M. Lewis, Infantry, from June 7, 1919 (subject to examination required by law).
First Lieut. Joseph L. Collins, Infantry, from June 25, 1919.
First Lieut. James O. Green, jr., Infantry, from July 9, 1919.
First Lieut. Harold McC. White, Infantry, from July 9, 1919.
First Lieut. Lincoln F. Daniels, Infantry, from July 14, 1919 (subject to examination required by law).
First Lieut. Frederick A. Irving, Infantry, from July 16, 1919.
First Lieut. Matthew B. Ridgway, Infantry, from July 18, 1919 (subject to examination required by law).
First Lieut. Richard M. Wightman, Infantry, from July 18, 1919 (subject to examination required by law).
First Lieut. Charles W. Yuill, Infantry, from July 23, 1919.
First Lieut. William W. Eagles, Infantry, from August 13, 1919 (subject to examination required by law).
First Lieut. Francis A. Markoe, Infantry, from August 13, 1919 (subject to examination required by law).
First Lieut. John J. McEwan, Infantry, from August 13, 1919 (subject to examination required by law).

PROVISIONAL APPOINTMENT BY PROMOTION IN THE REGULAR ARMY.

INFANTRY.

To be captains.

First Lieut. Arthur P. Jervey, Infantry, from October 10, 1918 (subject to examination required by law).
First Lieut. John T. Fisher, Infantry, from March 11, 1919 (subject to examination required by law).

To be first lieutenants.

Second Lieut. Wilbur C. Herbert, Infantry, from October 16, 1918.
Second Lieut. William M. Smith, jr., Infantry, from October 16, 1918.
Second Lieut. Ray E. Porter, Infantry, from October 9, 1918.
Second Lieut. Frank E. Barber, Infantry, from October 9, 1918.
Second Lieut. John E. Brannan, Infantry, from October 11, 1918.
Second Lieut. George W. Brodie, jr., Infantry, from October 13, 1918.
Second Lieut. William J. Devine, Infantry, from October 15, 1918.
Second Lieut. Charles C. Brooks, Infantry, from October 15, 1918.
Second Lieut. William V. Rattan, Infantry, from October 16, 1918.
Second Lieut. Rosswell E. Hardy, Infantry, from October 16, 1918.
Second Lieut. Herron W. Miller, Infantry, from October 30, 1918.
Second Lieut. Maurice R. Fitts, Infantry, from November 2, 1918.
Second Lieut. Marvin R. Dye, Infantry, from November 4, 1918.
Second Lieut. William I. Truitt, Infantry, from November 5, 1918.
Second Lieut. Lloyd Zuppann, Infantry, from November 8, 1918.
Second Lieut. John K. Rice, Infantry, from November 10, 1918.
Second Lieut. Hammond D. Birks, Infantry, from November 22, 1918.
Second Lieut. James H. Hagan, Infantry, from November 25, 1918.
Second Lieut. Lester S. Ostrander, Infantry, from December 1, 1918.
Second Lieut. Arthur B. Jopson, Infantry, from December 5, 1918.
Second Lieut. Charles P. Cullen, Infantry, from December 8, 1918.
Second Lieut. Roscoe B. Ellis, Infantry, from December 11, 1918.
Second Lieut. Edward G. Perley, Infantry, from December 14, 1918.
Second Lieut. Frank M. Conroy, Infantry, from December 18, 1918.
Second Lieut. Charles S. Johnson, Infantry, from December 19, 1918.
Second Lieut. Hugh A. Wear, Infantry, from December 21, 1918.
Second Lieut. George A. Miller, Infantry, from December 21, 1918.
Second Lieut. David Loring, jr., Infantry, from December 21, 1918.
Second Lieut. Stockbridge C. Hilton, Infantry, from December 22, 1918.
Second Lieut. Jay M. Fields, Infantry, from December 23, 1918.
Second Lieut. George A. Horkan, Infantry, from December 23, 1918.
Second Lieut. Samuel C. Thompson, Infantry, from December 27, 1918.
Second Lieut. Harry W. Caygill, Infantry, from December 28, 1918.
Second Lieut. Emery St. George, Infantry, from December 28, 1918.
Second Lieut. James E. Jeffres, Infantry, from January 3, 1919.
Second Lieut. Harry E. Storms, Infantry, from January 4, 1919.
Second Lieut. Orlo H. Quinn, Infantry, from January 6, 1919.
Second Lieut. Ernest R. Hoftyzer, Infantry, from January 8, 1919.
Second Lieut. Lewis A. Page, Infantry, from January 9, 1919.
Second Lieut. John M. Battle, Infantry, from January 12, 1919.
Second Lieut. William R. Silvey, Infantry, from January 14, 1919.
Second Lieut. Alexander O. Gorder, Infantry, from January 15, 1919.
Second Lieut. Forrest A. Roberts, Infantry, from January 15, 1919.
Second Lieut. Alonzo F. Myers Infantry, from January 15, 1919.
Second Lieut. Thomas E. Martin, Infantry, from January 17, 1919.
Second Lieut. Thomas J. Guilbeau, Infantry, from January 18, 1919.
Second Lieut. Milo V. Buchanan, Infantry, from January 19, 1919.
Second Lieut. Kearie L. Berry, Infantry, from January 19, 1919.
Second Lieut. William E. Chickering, Infantry, from January 21, 1919.
Second Lieut. Wilbur R. McReynolds, Infantry, from January 22, 1919.
Second Lieut. David D. Barrett, Infantry, from January 23, 1919.
Second Lieut. Arthur D. Fay, Infantry, from January 23, 1919.
Second Lieut. William B. Pitts, Infantry, from January 23, 1919.
Second Lieut. Thomas H. Ramsey, Infantry, from January 24, 1919.
Second Lieut. Gaillard Pinckney, Infantry, from January 24, 1919.
Second Lieut. Benjamin F. O'Connor, jr., Infantry, from January 24, 1919.
Second Lieut. Fred C. Milner, Infantry, from January 24, 1919.
Second Lieut. William P. Driskell, jr., Infantry, from January 26, 1919.
Second Lieut. George K. Bowden, Infantry, from January 26, 1919.
Second Lieut. Francis M. Darr, Infantry, from January 28, 1919.
Second Lieut. William C. Webster, Infantry, from January 28, 1919.
Second Lieut. Frederick W. Wendt, Infantry, from January 30, 1919.
Second Lieut. William C. Thurman, Infantry, from January 30, 1919.
Second Lieut. Charles F. Craig, Infantry, from January 30, 1919.
Second Lieut. Oscar K. Wolber, Infantry, from January 31, 1919.
Second Lieut. Karl E. Henion, Infantry, from January 31, 1919.
Second Lieut. Thomas L. Creekmore, Infantry, from January 31, 1919.
Second Lieut. George O. Clark, Infantry, from February 2, 1919.
Second Lieut. William C. Stettinius, Infantry, from February 2, 1919.
Second Lieut. Russell J. Potts, Infantry, from February 2, 1919.
Second Lieut. William H. Craig, Infantry, from February 2, 1919.
Second Lieut. John R. Schwartz, Infantry, from February 2, 1919.
Second Lieut. Thaddeus C. Knight, Infantry, from February 5, 1919.
Second Lieut. Ollie W. Reed, Infantry, from February 12, 1919.
Second Lieut. Frank E. Boyd, Infantry, from February 13, 1919.
Second Lieut. Louis W. Maddox, Infantry, from February 14, 1919.
Second Lieut. Clark O. Tayntor, Infantry, from February 14, 1919.
Second Lieut. Ernest E. Stansbery, Infantry, from February 15, 1919.
Second Lieut. John C. Glithero, Infantry, from February 16, 1919.
Second Lieut. W. Fulton Magill, jr., Infantry, from February 16, 1919.
Second Lieut. Harry Curry, Infantry, from February 18, 1919.
Second Lieut. Millard F. Staples, Infantry, from February 19, 1919.
Second Lieut. Walter B. Fariss, Infantry, from February 19, 1919.
Second Lieut. Robert J. Wagoner, Infantry, from February 19, 1919.
Second Lieut. William E. Vernon, Infantry, from February 19, 1919.

Second Lieut. George F. Herrick, Infantry, from February 20, 1919.
Second Lieut. Joseph W. McCall, jr., Infantry, from February 20, 1919.
Second Lieut. Clive A. Wray, Infantry, from February 20, 1919.
Second Lieut. Thomas B. Steel, Infantry, from February 22, 1919.
Second Lieut. Harold H. White, Infantry, from February 23, 1919.
Second Lieut. Everett Busch, Infantry, from February 23, 1919.
Second Lieut. Frank L. Scott, Infantry, from February 23, 1919.
Second Lieut. John W. Heisse, Infantry, from February 26, 1919.
Second Lieut. Max Bernstein, Infantry, from March 1, 1919.
Second Lieut. Hreschel V. Johnson, Infantry, from March 1, 1919.
Second Lieut. William B. Clark, Infantry, from March 1, 1919.
Second Lieut. Stewart D. Hervey, Infantry, from March 2, 1919.
Second Lieut. James L. Blanding, Infantry, from March 2, 1919.
Second Lieut. Frank J. Pearson, Infantry, from March 2, 1919.
Second Lieut. J. Gordon Hussey, Infantry, from March 3, 1919.
Second Lieut. Lester T. Miller, Infantry, from March 4, 1919.
Second Lieut. Leo Donovan, Infantry, from March 4, 1919.
Second Lieut. Frank W. Hayes, Infantry, from March 6, 1919.
Second Lieut. Richard L. Holbrook, Infantry, from March 6, 1919.
Second Lieut. James K. Hoyt, jr., Infantry, from March 6, 1919.
Second Lieut. Julian G. Hart, Infantry, from March 7, 1919.
Second Lieut. John T. Sunstone, Infantry, from March 10, 1919.
Second Lieut. Arthur B. McDaniel, Infantry, from March 11, 1919.
Second Lieut. Randall T. Kendrick, Infantry, from March 13, 1919.
Second Lieut. Percy McC. Vernon, Infantry, from March 14, 1919.
Second Lieut. Milton Whitney, jr., Infantry, from March 14, 1919.
Second Lieut. Emile J. Boyer, Infantry, from March 14, 1919.
Second Lieut. Harry M. Bardin, Infantry, from March 15, 1919.
Second Lieut. Leander F. Conley, Infantry, from March 15, 1919.
Second Lieut. Peter J. Lloyd, Infantry, from March 18, 1919.
Second Lieut. Lewis B. Cox, Infantry, from March 20, 1919.
Second Lieut. Theodore M. Cornell, Infantry, from March 21, 1919.
Second Lieut. Launcelot M. Blackford, Infantry, from March 21, 1919.
Second Lieut. Frederick W. Deck, Infantry, from March 23, 1919.
Second Lieut. Fernand G. Dumont, Infantry, from March 24, 1919.
Second Lieut. Joseph H. Payne, Infantry, from March 25, 1919.
Second Lieut. Paul V. Kellogg, Infantry, from March 25, 1919.
Second Lieut. Landon D. Wythe, Infantry, from March 26, 1919.
Second Lieut. Giles F. Ewing, Infantry, from March 26, 1919.
Second Lieut. Fred W. King, Infantry, from March 26, 1919.
Second Lieut. Ivy W. Crawford, Infantry, from March 27, 1919.
Second Lieut. Bernard M. Barcalow, Infantry, from March 30, 1919.
Second Lieut. Jesse B. Smith, Infantry, from April 4, 1919.
Second Lieut. John R. Hodge, Infantry, from April 4, 1919.
Second Lieut. Arthur R. Walk, Infantry, from April 6, 1919.
Second Lieut. Leslie E. Toole, Infantry, from April 6, 1919.
Second Lieut. Lewis A. List, Infantry, from April 8, 1919.
Second Lieut. James F. Johnson, jr., Infantry, from April 8, 1919.
Second Lieut. Francis M. Brady, Infantry, from April 8, 1919.
Second Lieut. Eubert H. Malone, Infantry, from April 9, 1919.
Second Lieut. Wayne W. Schmidt, Infantry, from April 10, 1919.
Second Lieut. James F. Butler, Infantry, from April 11, 1919.
Second Lieut. Herbert G. Peterson, Infantry, from April 13, 1919.
Second Lieut. Truman M. Martin, Infantry, from April 15, 1919.
Second Lieut. Warner B. Van Aken, Infantry, from April 15, 1919.
Second Lieut. Richard G. Plumley, Infantry, from April 15, 1919.
Second Lieut. Charles R. Davis, Infantry, from April 15, 1919.
Second Lieut. Cecil L. Rutledge, Infantry, from April 16, 1919.
Second Lieut. Theodore C. Gerber, Infantry, from April 17, 1919.
Second Lieut. Charles J. McCarthy, jr., Infantry, from April 20, 1919.
Second Lieut. James N. McClure, Infantry, from April 21, 1919.
Second Lieut. Garth B. Haddock, Infantry, from April 23, 1919.
Second Lieut. Lawrence L. W. Meinzen, Infantry, from April 24, 1919.
Second Lieut. George LeC. Ramsey, Infantry, from April 24, 1919.
Second Lieut. John J. Albright, Infantry, from April 25, 1919.
Second Lieut. Robert J. King, Infantry, from April 25, 1919.
Second Lieut. Raymond E. Vermette, Infantry, from April 26, 1919.
Second Lieut. Alexander Adair, Infantry, from April 26, 1919.
Second Lieut. Grant A. Schlieker, Infantry, from May 2, 1919.
Second Lieut. Burnett F. Treat, Infantry, from May 4, 1919.
Second Lieut. William G. Hilliard, jr., Infantry, from May 5, 1919.
Second Lieut. Albert C. Cleveland, Infantry, from May 5, 1919.
Second Lieut. Leslie M. Skerry, Infantry, from May 7, 1919.
Second Lieut. Walter C. Phillips, Infantry, from May 10, 1919.
Second Lieut. Anthony J. Touart, Infantry, from May 13, 1919.
Second Lieut. Henry P. Gray, Infantry, from May 13, 1919.
Second Lieut. Dan H. Riner, Infantry, from May 14, 1919.
Second Lieut. Robert M. Browning, Infantry, from May 15, 1919.
Second Lieut. Arthur E. Easterbrook, Infantry, from May 16, 1919.
Second Lieut. Harry J. Collins, Infantry, from May 16, 1919.
Second Lieut. Edgar V. Maher, Infantry, from May 18, 1919.
Second Lieut. Henry V. Hallowell, Infantry, from May 19, 1919.
Second Lieut. Chester F. Price, Infantry, from May 21, 1919.
Second Lieut. Harley M. Kilgore, Infantry, from May 22, 1919.
Second Lieut. William R. Jutte, Infantry, from May 23, 1919.
Second Lieut. Plautus I. Lipsey, Infantry, from May 26, 1919.
Second Lieut. Henry I. Eager, Infantry, from May 27, 1919.
Second Lieut. Thomas H. Frost, Infantry, from May 28, 1919.
Second Lieut. Robert E. Archibald, Infantry, from May 28, 1919.
Second Lieut. Buhl Moore, Infantry, from May 28, 1919.
Second Lieut. Felix T. Simpson, Infantry, from May 29, 1919.
Second Lieut. Chauncey V. Crabb, Infantry, from June 2, 1919.
Second Lieut. Harry J. Rockafeller, jr., Infantry, from June 2, 1919.
Second Lieut. Frank C. David, Infantry, from June 3, 1919.
Second Lieut. Adrian R. Brian, Infantry, from June 3, 1919.
Second Lieut. Burton L. Lucas, Infantry, from June 3, 1919.
Second Lieut. Elijah G. Arnold, Infantry, from June 4, 1919.
Second Lieut. Walter R. Ketcham, Infantry, from June 4, 1919.
Second Lieut. George S. Wear, Infantry, from June 6, 1919.
Second Lieut. Wilbur F. Littleton, Infantry, from June 6, 1919.
Second Lieut. Walter T. Scott, Infantry, from June 8, 1919.
Second Lieut. Elizur K. H. Fessenden, Infantry, from June 11, 1919.
Second Lieut. John E. Curran, Infantry, from June 11, 1919.
Second Lieut. John W. O'Daniel, Infantry, from June 11, 1919.
Second Lieut. Frederick Winant, jr., Infantry, from June 12, 1919.
Second Lieut. Smith G. Fallaw, Infantry, from June 13, 1919.
Second Lieut. Walter E. Perkins, Infantry, from June 13, 1919.
Second Lieut. Joseph R. Busk, Infantry, from June 13, 1919.
Second Lieut. Andrew L. Cooley, Infantry, from June 14, 1919.
Second Lieut. Harry F. Thompson, Infantry, from June 14, 1919.
Second Lieut. Leonard C. Barrell, Infantry, from June 14, 1919.
Second Lieut. James A. McCarthy, Infantry, from June 14, 1919.
Second Lieut. Carl McK. Innis, Infantry, from June 14, 1919.
Second Lieut. William H. Allen, Infantry, from June 16, 1919.
Second Lieut. Faxon H. Bishop, Infantry, from June 18, 1919.
Second Lieut. Benjamin W. Pelton, Infantry, from June 20, 1919.

Second Lieut. Joseph W. McKenna, Infantry, from June 20, 1919.
Second Lieut. Paul L. Porter, Infantry, from June 21, 1919.
Second Lieut. Thomas C. Vicars, Infantry, from June 21, 1919.
Second Lieut. Stanley J. Grogan, Infantry, from June 24, 1919.
Second Lieut. Robert B. Waters, Infantry, from June 25, 1919.
Second Lieut. Lloyd B. Jones, Infantry, from June 26, 1919.
Second Lieut. Stonewall Jackson, Infantry, from June 28, 1919.
Second Lieut. Henry C. Jordan, Infantry, from June 28, 1919.
Second Lieut. Robert E. Woodward, Infantry, from June 30, 1919.
Second Lieut. Gerald Preshaw, Infantry, from July 1, 1919.
Second Lieut. Harold Q. Moore, Infantry, from July 2, 1919.
Second Lieut. Reuben S. Parker, jr., Infantry, from July 3, 1919.
Second Lieut. Ward R. Clark, Infantry, from July 4, 1919.
Second Lieut. Charles D. Jencks, Infantry, from July 4, 1919.
Second Lieut. Warner B. Gates, Infantry, from July 5, 1919.
Second Lieut. Max A. Tuttle, Infantry, from July 6, 1919.
Second Lieut. Farlow Burt, Infantry, from July 9, 1919.
Second Lieut. Warren J. Clear, Infantry, from July 11, 1919.
Second Lieut. Philip H. Didricksen, Infantry, from July 11, 1919.
Second Lieut. Oscar J. Neundorfer, jr., Infantry, from July 12, 1919.
Second Lieut. Frederick A. Norton, Infantry, from July 12, 1919.
Second Lieut. O. D. Wells, Infantry, from July 12, 1919.
Second Lieut. Leonard M. Gaines, Infantry, from July 12, 1919.
Second Lieut. Ross B. Smith, Infantry, from July 13, 1919.
Second Lieut. Samuel I. Anderson, Infantry, from July 13, 1919.
Second Lieut. Walter B. Huff, Infantry, from July 13, 1919.
Second Lieut. Thomas B. Woodburn, Infantry, from July 17, 1919.
Second Lieut. Thomas K. Johnston, Infantry, from July 18, 1919.
Second Lieut. James W. Payne, Infantry, from July 18, 1919.
Second Lieut. William B. Wilson, Infantry, from July 18, 1919.
Second Lieut. Stanley F. Griswold, Infantry, from July 18, 1919.
Second Lieut. John T. Dibrell, Infantry, from July 19, 1919.
Second Lieut. Edmund J. Lilly, Infantry, from July 19, 1919.
Second Lieut. Cornelius E. Ryan, Infantry, from July 19, 1919.
Second Lieut. Raymond W. Miller, Infantry, from July 19, 1919.
Second Lieut. Thomas G. Hannon, Infantry, from July 20, 1919.
Second Lieut. John E. Hull, Infantry, from July 23, 1919.
Second Lieut. Charles A. Rawson, Infantry, from July 25, 1919.
Second Lieut. Barkley E. Lax, Infantry, from July 26, 1919.
Second Lieut. Earle E. Horton, Infantry, from July 26, 1919.
Second Lieut. Thomas F. Bresnahan, Infantry, from July 27, 1919.
Second Lieut. John C. Cleave, Infantry, from July 27, 1919.
Second Lieut. Koger M. Still, Infantry, from July 27, 1919.
Second Lieut. Arthur A. Baker, Infantry, from July 28, 1919.
Second Lieut. Joseph N. Arthur, Infantry, from July 29, 1919.
Second Lieut. Gillman K. Crockett, Infantry, from July 31, 1919.
Second Lieut. Thomas E. Roderick, Infantry, from August 1, 1919.
Second Lieut. Wallace A. Mead, Infantry, from August 1, 1919.
Second Lieut. James H. Howe, Infantry, from August 1, 1919.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy, for temporary service, from the 1st day of July, 1919:

Louis J. Roth,
Clarke Withers,
Tunis A. M. Craven,
Samuel S. Thurston,
Philip C. Ransom,
Jerome A. Lee,
Alfred H. Donahue,
John D. Jones,
William Masek,
Edmund S. McCawley,
Langdon D. Pickering,
Andrew L. Haas,
Franklin B. Conger, jr.,
Lloyd H. Lewis,
Samuel N. Moore,
William G. B. Hatch,
Valentine Wood,
Leo H. Thebaud,
James R. Webb,
Horace W. Pillsbury,
Walker Cochran,
Julian B. Timberlake, jr.,
Laurence W. Clarke,
Michael Hudson,
Gordon Hutchins,
Henry F. Floyd, and
Joseph H. Hoffman.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, for temporary service, from the 1st day of July, 1919:

William J. Russell,
Arthur C. Leonard,
Emil F. Linstrom,
Edwin V. Wilder,
Ola F. Heslar,
Louis M. Palmer,
Hanry Plander,
Henry E. Cressman,
Benjamin F. Blume,
Robert Anderson,
Roscoe C. Bright,
Simeon L. Owen,
Edo S. Carfolite,
George H. Wheeler,
Daniel Campbell,
J. Walter Eaton,
Albert L. King,
Ray P. Helm,
William P. Turner,
Laurie C. Parfitt,
Leo Mead,
Ray H. Watkins,
Alfred R. Boileau,
Herbert Wycherley,
Manuel J. Cayton,
Warren A. Northrup,
Grover A. Miller,
George Stone,
James E. Drever,
William I. Denny,
Frank Dobie,
William J. Poland,
Thomas Fertner,
Ellis H. Roach,
Olaf J. Dahl,
Warren W. Wesley,
August Skolasky,
Werner E. Follin,
Frederick Bense,
Carter E. Parker,
Walter H. Thomas,
Lester M. Harvey,
Adolph J. Hofman,
Edward Eger,
William Johnson,
Harlie H. Brown,
Emmett M. Wanner,
Alfred L. Johnson,
James F. Cooper,
Frank J. McManamon,
Walter F. Marriner,
Oliver P. Kilmer,
August A. Bressman,
Walter J. Fanger,
Richard L. Reuling,
Eldred J. Richards,
Jacob M. Gibson,
Martin J. Werner,
Arthur G. Somers,
George A. Gast,
Marion C. Erwin,
Arthur P. Spencer,
Robert T. Bamford,
Lewis A. Yancey,
Haden H. Phares,
James Moran,
Emil H. Petri,
Ralph F. Streitz,
Stephen J. Drellishak,
Edwin F. Bilson,
James J. Morgan,

Carl E. Nelson,
Charles M. May,
Frederick G. Lemke,
Edmond F. Sale,
Edward L. Moyer,
Thomas C. Ryan,
John Erikson, jr.,
Garrison Payne,
Walter H. Stuart,
Leo E. Orvis,
Harold E. Fosdick,
Archie O. Mundale,
John C. Hicks,
Charles W. Henckler,
Henry Quinton,
Harvey C. Brown,
Joe S. Wierzbowski,
George W. Allen,
Edmont T. Coon,
George H. Turner,
Frederick A. Ruf,
Thomas M. Arrowsmith,
William R. Giddens,
Ernest C. Marheineke,
John D. Cornell,
Carl I. Ostrom,
James Williams,
William H. Newman,
George Enos,
Fred P. Brown,
Thomas E. Orr,
Harry L. Thompson,
John D. Lennon,
Edward V. Brown,
William A. Reynolds,
Leslie K. Orr,
Frank Mogridge,
Chub J. Smith,
John A. Rayhart,
Ira A. White,
Elmer B. Robinson,
Albert L. Bishop,
Harold Bye,
Nels E. Smith,
Mauritz M. Nelson,
Orie H. Small,
William B. Anderson,
William P. Crowley,
Louis M. Bliler,
Robin Southern,
Elmer A. Posey,
John F. McConalogue,
Joseph K. Konieczny,
Christian V. Pedersen,
Henry Eismann,
Walter E. Sharon,
Herman G. Mecklenberg,
Earle S. Nason,
Robert De Bellefeuille,
John H. Burke,
George E. Comstock,
Ralph M. Jeffries,
Frank L. McClellan,
Frederick L. Rose,
William A. Blazo,
Herbert G. Haynes,
Harry L. Ritchie,
Roy E. Hall,
Leon W. Thomas,
George W. Haynes,
Charles Braun, jr.,
Clyde Morrison,
Joseph A. Curzon,
Emil Roeller, and
Edward D. Berry.

The following-named ensigns to be lieutenants (junior grade) in the Navy, for temporary service, from the 1st day of July, 1919:

Edwin W. Hartzell,
Richard G. Berger,
Fred C. Shoebridge,
Walter S. Hayes,
James H. Mitchell,
Malcolm J. Otis,
William H. Parker, jr.,
Emmett J. Driscoll,
William P. Thomas,
Earle Walton,
Samuel B. Ogden,
Benjamin Allen,
Arthur F. Folz,
Warren M. Robertson,
Julian F. Greeley,
Robert V. Anderson, jr.,
William O. Tait,
Harry H. Fisher, jr.,
Alfred Pedrick,
Lowell McCutcheon,
Arthur F. Morrill,
James D. Griffin,
Samuel Temple,
William R. Squire,
Luther S. Phillips,
Lloyd S. Kinnear,
Francis D. H. Eaton,
Donald B. Caldwell,
Matthew K. Coleman,
Norman F. Thompson,
Ernest A. Scholze,
Hallett W. Thorne,
Palmer M. Gunnell,
Andrew J. McElhinney,
Robert F. McNally,
Edward DeM. Payne,
George M. Stevens,
Joseph C. Newman,
Clarence E. Knapp,
Paul F. Hittinger,
Alvin E. Loucks,
Robert L. Atwell,
Roland N. Calkins,
Fred A. Hardesty,
Everett W. Edwards,
Charles W. Hickernell,
Edward W. Duggan,
John H. Duncan,
Jeremiah F. Sullivan,
Edgar F. Wilson,
Donald G. Beachler,
Everett L. Cole,
Arthur J. Grant,
Bernard C. Decker,
Daniel S. Brierley,
Edgar W. Upton, jr.,
Stewart R. Whitehurst,
Henry F. Massnick,
John A. Cronin,
William H. Bloeser,
Philip M. Woodwell,
Charles S. Seely,
Samuel M. Hunt,
Leo B. Tyson,
Ira W. Truitt,
Milton F. Smith,
George Paille,
Louis B. Raper,
John M. Schmissrauter,
Dougald E. Martin,
Truman E. Ayers,
Lewis E. Shaw,
John J. Dem,
James L. Freese,
Charles F. Adams,
Edgar J. Hayden,
Christopher Bell,
Thomas R. Jones,
Edward A. O'Neill,
William W. Brougham,
William T. Van Voris,
Allen P. Judson,
Maitland Bakewell,
William E. Phillips,
Thomas Ryan, jr.,
Clovis N. Fontaine,
John Q. Chapman,
Ryder H. Gay,
Frank E. Vensel, jr.,
James H. Woodward,

Clayton R. Jones,
Walter H. Stanton,
Arthur F. Anderson,
Theodore C. Junkins,
Earle H. Strickland,
Eliot F. Landon,
Joseph L. Cassidy,
Arthur C. Torrey,
Abram L. Hopkins,
Frank H. Wright,
John P. Hildman,
William H. Mann, jr.,
Franklin E. Cook,
Froebel A. Lawrence,
George W. Travis,
Meares B. Cartmell,
Francis F. Martin,
Myron T. Grubham,
Richard L. Jones,
Werdebaugh Ramsay,
Hafford C. Southall,
James P. Steedley,
Joseph M. Jensen,
Theodore D. Case,
Fred Ford,
William F. Roessler,
Russell D. Richardson,
Roy Jackson,
Raymond G. Deewall,
Oscar Henrichsen,
Manning W. Hodgdon,
Joseph A. Kelly,
Jesse G. Hughes,
John De Rue,
Stanley Limont,
Frank W. Rasch,
Louis P. Ledoux,
Harry F. Newton,
Harry C. Rohlfs,
Lyle Turner,
Charles M. Johnson,
Clarence E. Wardell,
Joseph L. Marshall,
Franklin P. Early,
Peter Talbot,
Henry L. Pitts,
Charles F. Waters,
Sylvester T. Moriarity,
Charles W. Van Horn,
Glenn F. Degraves,
Clarence A. Suber,
Emory F. Hosmer,
Edward J. Lysaught,
Henry F. Mulloy,
Frederick Keil,
Frank L. Lanham,
Donald B. McClary,
Chickering Nelson,
Charles R. Dunne,
Alva Henderson,
Levi C. Houston,
Albert A. Elliot,
Peter P. Zeller,
Grover F. Coulson,
Jesse E. Jocoy,
Earl B. Brix,
Elmer E. Watkins,
Perle M. Lund,
Van Buren Jarvis,
James G. Finton,
Bernard C. Parker,
Leonard S. Moore,
John E. Vollmer,
Miles Brazil,
George Harris,
Adolphus M. Dryden,
John O. Crom,
Ernest N. Joly,
Glen R. Ringquist,
William L. Wagner,
Algy R. McCartney,
Percy C. Reed,
Julius A. Egenhoff,
Gurney E. Patton,
Anthony F. Tirem,
Percy A. Decker,
John E. Landers,
Claude M. Rice,
Lewis B. Hubbel,
Harvey A. Harrison,
Clyde Knight,
Clyde B. Dahlman,
Carl Axelson,
William S. Johnson,
John R. J. Le Roy,
Cornelius J. O'Connor,
William G. Sullivan,
Ernest C. Fiedler,
Frank E. Powers,
John F. Welch,
Thomas J. Costello,
Charles R. Jeffs,
Frank P. Moore,
Glenn C. Provost,
Charley F. Martin,
Merion E. Hair,
Clinton W. Gray,
George L. Morin,
Luttie E. Tappen,
Harold M. Jones,
Warren R. Hastings,
John H. Conroy,
Lester Carpenter,
Burt Ketcherside,
Montie Wood,
Oliver C. Morse, jr.,
Oscar R. Doerr,
John H. Lopez,
De Forest L. Trautman,
John P. Campbell,
William B. Kerr,
Neville Levy,
Robert F. A. Benson,
Rae C. Nichols,
Earle B. Earhart,
Walter E. Andrews,
Julian T. Lett,
Carl F. Lindstol,
Robert P. Dodds,
Frederick A. Olsen,
John J. Dallier,
John F. Shea,
Clyde W. Jordan,
Charles E. Carlson,
Edward B. Peterson,
Thomas J. Quinn,
Albert J. Wheaton,
Arthur Brown,
Arthur S. Fenton,
Julius J. Lorzing,
Edward L. Gench,
William R. Simpson, jr.,
Philip L. Emerson,
Howard A. McKee,
Daniel F. Kelly,
Alfred C. Headley,
Thomas J. Coffee,
Howell O. Jones,
Kenneth Cartwright,
Lewis R. Madison,
Albert Lorch,
Audrew Carnegie,
John W. Lane,
John L. Taylor,
Joseph G. Enzensperger, jr.,
Halsey E. Crosby,
Joseph H. Davis,
Caleb R. Crandall,
David LeF. Dodd,
William C. Landis,
Wellington S. Morse,
Frank E. Kennedy,
James E. Arnold,
Palmer S. Mock,
Walter B. Holder,
Clifton M. McAfee,
Arthur H. Adams,
Loring P. Jones,
Raymond E. Farnsworth,
Frank A. Mullen,

Reginal C. Ramsay,
Clarence D. Williams,
Robert I. Mayorga,
William J. Shackelford,
Paul D. Clyde,
Roger P. Adair,
Ralph J. Crosby,
Harvey T. Collins,
Harry F. Parks,
John F. Grimm,
Donald E. Robertson,
Gurth Williams,
Joseph B. Carr,
John T. Roach,
Lewis F. Leventhal,
Wallace S. Wharton,
Rowland McK. Stover,
Alfred M. Geis,
Clarence F. Eddy,
Robert B. Ryder,
John E. Dingwell,
Albert B. Bennett,
Eli B. Parsons,
John G. Coffin,
Frank Eggert,
Leslie E. Gehres,
Edwin W. Holden,
Fletcher H. Dutton,
Arthur C. Dunn,
Lester T. Forbes.
John W. Buttrick,
Roland S. Bailey,
Bernard A. Sullivan,
Lewis B. Beatty,
Harold W. Scott,
Paul A. Thompson,
John B. McGovern,
John W. Loman,
Robert K. Jeffereis,
Frank E. White,
Lester W. Preston,
Leroy M. McCluskey,
William P. Downing,
Robert E. Crowley,
Edwin F. Thrall,
Samuel L. Oliver,
Charles S. Allen,
Eldred W. Christie,
Ralph T. Brengle,
John D. Kennedy,
Arthur G. Crafts,
Rea C. Newman,
Hibbert W. Moss,
William T. McCargo,
Wilbur C. Dyer,
Frederick R. Avery,
Czar J. Dyer,
Norman E. Millar,
Ralph L. Chisholm,
Louis S. Walsh,
John L. Flynn,
Louis L. Burden,
Clarence E. Dimmitt,
Kenneth J. Van House,
Earle G. Brooks,
Coe A. Boardman,
William C. Eubank,
Lloyd C. Eddy, jr.,
Charles W. Proctor,
Harold B. Summers,
Harold E. Richardson,
Elmer J. Tiernan,
Hugh M. Kitchen,
Whitney W. Miller,
Edward M. Hope, jr.,
William F. Whitlow,
Howard G. Wheaton,
Howard W. Neely,
Julius C. Kinsky,
Benjamin S. Brown,
Solomon T. Sutton,
Earle C. Peterson,
Milton P. Hall,
Francis E. Matthews,
Mortimer B. Carraher,
Harold D. Scott,
Lewis P. Harris,
William F. Burton,
Leo B. McNulty,
Paul L. Hughes,
Louis F. Edelman,
Willis C. Doane,
Charles J. Naumilket,
Ralph A. Light,
Charles W. Scribner,
Albert W. Liddle,
Aaron Mandel,
Llewellyn K. Winans,
Gordon McSwain Lupo,
Albert K. Rumsey,
Selden H. Oviatt,
Harold J. Dunne,
Richard F. Richardson,
John J. Cooney,
Thomas A. O'Connor,
Cecil G. Simpson,
Walter W. Miller,
Lester J. Calender,
Albert P. Short,
David W. Jones,
Ralph S. Maugham,
Carl C. Chandler,
Edward R. Powell,
Lawrence K. Beaver,
Lewis H. C. Johnson,
John O. Jenkins,
Franklin R. Uhlig,
Benjamin H. Corning,
Joseph W. McColl,
Carlton M. Hammond,
Donald G. Davis,
Christopher P. Schlacter,
Daniel H. Kane,
Charles C. Beck,
Luther C. H. Beighey,
William J O'Hara,
Raymond E. Daniels,
George L. Hart,
George C. Wrentmore,
Leonard P. Kane,
Elie A. F. Lavallette,
Asher A. Howell,
Fred A. Luenser,
Charles E. Chamberlain,
Guy R. Bostain,
Roy A. Jones,
Walter A. Irwin,
Wilfred G. Lebeque,
George R. Milbourne,
Charles C. Gillis,
Philip H. Taft,
Joseph R. Tobin,
Carleton H. Crawford,
Arthur F. Peterson,
George O. Augustine,
Edward L. Garnett,
Arthur E. Maginiss,
Denis J. Kiely,
John H. Kevers,
Wade Lash,
Lewis F. Kepple,
William R. Schimmeyer,
Mortimer Laurence,
Herman A. Berch,
William Pffeffer,
Edward G. Nolan,
Walter F. A. Dixon,
Edward A. Stein,
William R. Ross,
George E. Hummer,
Arnold Hanchett,
Charles F. Grisham,
Reginald G. Seger,
Raymond F. Tillman,
Cleophas G. Harris,
Lawrence C. McEnerney,
Clyde W. Haskins,
Calvin A. Cole,
Leo L. Waite,
Lawrence S. Tichenor,

Christian W. Manegold,
Frank L. Burgess,
Elmer D. Lundberg,
Carl B. Fields,
Ford K. Lucas,
Abraham S. Lewis,
Hermann P. Knickerbocker,
John A. Manfrin,
Samuel M. Thompson,
Philip L. Reid,
Otto Gmelich,
Charles E. Reynolds,
James N. McTwiggan,
Frederick W. Ickes,
Joseph Mather,
Marshall Anderson,
Elmer T. Marr,
Ira D. Spoonemore,
Walter G. Neal,
Lester E. Auger,
Charles R. Hoffecker,
Samuel A. Katz,
Angus V. Chisholm,
Ralph E. Thomas,
Richard W. Thompson,
John H. Thomas,
William Hartenstein,
Jesse F. Cordes,
Joe R. Robson,
John S. Hawkins,
Erastus E. McClaine,
Reuben F. Davis,
Charles H. Trask,
Alfred J. Butler,
Walter E. Stephen,
Leonard Sicer,
Henry L. Burmann,
Edward J. Tyrell,
Virgil D. Duke,
Charlie S. East,
William C. Betzer,
Byron Williams,
Thomas Downs, and
George J. Tansey.

The following-named warrant officers to be ensigns in the Navy, for temporary service, from the 1st day of August, 1919:

Cecil E. Godkin,
Charles H. Ahrens,
Charles A. Brown,
Earl E. Reber,
Walter D. Bonner,
William Wilkinson,
Arthur S. Billings, and
Albert E. Baker.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 1st day of August, 1919:

Frederick S. Beach,
Roland E. Krause,
Herbert C. Behner,
George E. Weigel, and
Raymond F. Taylor.

Ensign John W. Dupaquier, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 22d day of April, 1919.

Medical Inspector Herbert O. Shiffert to be a medical director in the Navy, with the rank of captain, for temporary service, from the 8th day of February, 1919.

Medical Inspector John H. Iden to be a medical director in the Navy, with the rank of captain, for temporary service, from the 11th day of March, 1919.

Surgeon Howson W. Cole, jr., to be a medical inspector in the Navy, with the rank of commander, for temporary service, from the 8th day of February, 1919.

Surgeon Abraham H. Allen to be a medical inspector in the Navy, with the rank of commander, for temporary service, from the 11th day of March, 1919.

Surgeon Earle P. Huff to be a medical inspector in the Navy, with the rank of commander, for temporary service, from the 6th day of June, 1919.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 15th day of June, 1919:

Joseph A. Meledy,
John R. Marshall,
Joseph MacDonald,
Paul R. Heber,
Thomas M. MacLachlan, and
Thomas O. Cole.

Lieut. Edward Frothingham, of the United States Naval Reserve Force, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 15th day of August, 1919.

The following-named officers of the United States Naval Reserve Force to be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), for temporary service from the 15th day of June, 1919:

Carl E. Reynolds,
Charles S. Weigester,
Lester B. Lang,
Clarence L. Gorcia, and
Theodore P. Donahoe.

Lieut. Ary E. D'Armona, of the United States Naval Reserve Force, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 1st day of August, 1919.

Lieut. Charles L. Tompkins, of the United States Naval Reserve Force, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 15th day of August, 1919.

Passed Asst. Paymaster Thomas DeF. Harris to be a pay inspector in the Navy, with the rank of commander, for temporary service, from the 23d day of April, 1919.

Passed Asst. Paymaster Frank T. Watrous to be a pay inspector in the Navy, with the rank of commander, for temporary service, from the 2d day of May, 1919.

Acting Pay Clerk Carl R. Fatzer to be an assistant paymaster in the Navy, with the rank of ensign, for temporary service, from the 1st day of August, 1919.

The following-named officers of the United States Naval Reserve Force to be assistant paymasters in the Navy, with the rank of ensign, from the 1st day of August, 1919:

Chester T. Pohling and
Harvey E. Wathen.

The following-named boatswains to be chief boatswains in the Navy, for temporary service, from the 1st day of August, 1919:

William McClain,
Samuel Watson,
Coenraad Lichtendall,
Hubert George, and
George L. Kennedy.

Chief Boatswain Albert R. Mulkins, United States Naval Reserve Force, to be a chief boatswain in the Navy, for temporary service, from the 1st day of August, 1919.

The following-named gunners to be chief gunners in the Navy, for temporary service, from the 1st day of August, 1919:

Chester C. Culp,
Russell K. Young,
Charles H. Ripley,
Charles Edlund,
Grover Williams,
Ottie B. Taylor,
James J. Lowe,
Orbla O. Peterson,
Warren S. MacKay,
Everett T. Proctor,
John Gordon, and
Thomas M. Flattley.

The following-named machinists to be chief machinists in the Navy, for temporary service, from the 1st day of August, 1919:

Harry W. Bailey,
Albert A. Golay,
Alfred Ward,
Michael Connors,
Einar Boydler,
Horace L. Taylor,
Howard J. Randall, and
Bayard K. Brown.

The following-named carpenters to be chief carpenters in the Navy, for temporary service, from the 1st day of August, 1919:

William G. McIntyre,
Dion W. Taylor,
Hugh McAlmond, and
William E. Redfern.

The following-named pharmacists to be chief pharmacists in the Navy, for temporary service, from the 1st day of August, 1919:

Charles A. Adelmann,
George R. Hensen,
Ernest W. Herrmann, and
James J. Farrell, jr.

Pay Clerk (temporary) Russell H. Sullivan to be a chief pay clerk in the Navy, for temporary service, from the 1st day of August, 1919.

The following-named acting pay clerks to be chief pay clerks in the Navy, for temporary service, from the 1st day of August, 1919:

Edward H. Kallinich and
John A. Zinsitz.

Lieut. Commander George F. Neal to be a commander in the Navy, from the 1st day of July, 1919.

Lieut. Garret L. Schuyler to be a lieutenant commander in the Navy from the 1st day of July, 1918.

Lieut. Weyman P. Beehler to be a lieutenant commander in the Navy from the 15th day of August, 1918.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1919:

Elroy L. Vanderkloot and
Earl H. Quinlan.

Ensign Leighton Wood to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1918.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1919:

Russell S. Berkey,
Clinton E. Braine,
William F. Boyer,
Byron S. Dague,
Thorwald A. Solberg,
John A. Vincent,
Charles J. Wheeler,
Robert J. Walker,
John D. Price,
Thomas J. Keliher,
William F. Loventhal,
Carroll W. Hamill,
Woodbury E. MacKay,
Augustus J. Selman,
John M. Bloom,
Theodore T. Patterson,
Charles T. Gilliam, and
Isaiah Parker.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 30th day of July, 1918:

John Harper,
Paul Richmond, jr.,
Grover C. Wilson,
Richard H. Miller,
George W. Taylor, and
Virgil H. Carson.

Asst. Surg. Eugene W. Torrey, United States Naval Reserve Force, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 10th day of December, 1918.

Passed Asst. Paymaster William R. Van Buren to be a paymaster in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1918.

Lieut. (temporary) Lewis N. Moeller to be an assistant civil engineer in the Navy, with the rank of lieutenant (junior grade), from the 1st day of July, 1919.

Boatswain Jerry C. Holmes to be a chief boatswain in the Navy from the 11th day of January, 1919.

Gunner Stephen A. Farrell to be a chief gunner in the Navy from the 13th day of January, 1919.

Boatswain Charles C. Beach (retired) to be a chief boatswain on the retired list of the Navy from the 3d day of August, 1919.

Gunner Edgar A. Roble (retired) to be a chief gunner on the retired list of the Navy from the 22d day of July, 1919.

Maj. Oliver C. Hine, Marine Corps Reserve, to be a captain in the Marine Corps, for temporary service, from the 1st day of July, 1918, next after Capt. Harry C. Savage, jr.

The following-named captains to be first lieutenants in the Marine Corps, for temporary service, from the 16th day of August, 1917:

Harold D. Shannon,
Robert M. Johnson,
Louis R. Jones,
Ramond J. Bartholomew,
Bruce B. MacArthur,
Claude A. Larkin,
Erwin Mehlinger,
William B. Croka,
Lothar R. Long,
Amos R. Shinkle,
Bruce Gootee, jr.,
George H. Morse, jr.,
Marc M. Ducote,
Wesley W. Walker,
Lewis B. Freeman,
William H. Taylor, jr.,
Lucian W. Burnham,
William K. Snyder,
Shaler Ladd,
Robert M. Montague,
John A. Willis, jr.,
Charles Z. Lesher,
John C. Wood,
Thomas R. Jewett,
William T. Evans,
George D. Hamilton,
Charles I. Emery,
Clyde P. Matteson,
Rolla R. Hinkle,
Nathaniel H. Massie,
Richard H. Jeschke,
Francis P. Mulcahy,
Frederic C. Wheeler,
Thomas E. Kendrick,
Albert A. Le Boeuf,
Alfred W. Ogle,
William Van D. Jewett,
Robert S. Lytle,
Paul E. McDermott,
Donald J. Kendall,
Harold St. C. Wright,
Leonard Stone,
Alton A. Gladden,
Lewis B. Reagan,
Dudley S. Brown,
Robert H. Pepper,
Robert L. Nelson,
John B. Wilson,
James McB. Sellers,
James D. Colomy,
Galen M. Sturgis,
Carl W. Meigs,
Joseph W. Knighton,
Charles I. Murray,
George L. Maxwell, jr.,
Joseph C. Bennet,
James A. Mixson,
Cecil B. Raleigh,
William H. Hollingsworth,
Oakley K. Brown,
Charles D. Roberts,
Gus L. Gloeckner, and
Graves B. Erskine.

The following-named captains to be first lieutenants in the Marine Corps, for temporary service, from the 28th day of August, 1917:

Leo F. S. Horan,
Felix Beauchamp,
Philip A. Murray, jr.,
John H. Craige,
Reginald C. MacK. Peirce,
Claude M. Bain,
Thomas A. Tighe,
David Bellamy,
Richard O. Sanderson,
Louis S. Davis,
Howard B. Freeman,
Edward D. Kalbfleisch,
Chaplain G. Hicks,
Leo D. Hermle, and
Lee H. Brown.

Capt. Robert E. Mills to be a first lieutenant in the Marine Corps, for temporary service, from the 1st day of February, 1918.

Capt. Earle F. Swett to be a first lieutenant in the Marine Corps, for temporary service, from the 7th day of June, 1918.

Capt. Paul S. Hanway to be a first lieutenant in the Marine Corps, for temporary service, from the 8th day of June, 1918.

Capt. Allan C. Perkinson to be a first lieutenant in the Marine Corps, for temporary service, from the 14th day of June, 1918.

Capt. Robert D. Evans to be a first lieutenant in the Marine Corps, for temporary service, from the 16th day of June, 1918.

The following-named captains to be first lieutenants in the Marine Corps, for temporary service, from the 1st day of July, 1918:

Herman R. Anderson,
Clarence M. Ruffner,

Chester L. Fordney,
Hu H. Phipps,
Walter E. Lawson,
James H. Williamson,
Carroll F. Byrd,
Clifton B. Cates,
William W. Ashurst,
Richard F. Boyd,
Ralph McN. Wilcox,
Clement A. Berghoff,
Walter S. Hallenberg,
Charles A. Etheridge,
Wallace A. Bell,
Willis Brodhead, and
Harold Moore.

The following-named officers of the Marine Corps Reserve to be first lieutenants in the Marine Corps, for temporary service, from the 17th day of July, 1918:

William J. Crosson,
Thomas R. Shearer,
Louis J. Hughes,
Donald M. Taft,
James Maguire,
Harold C. Major,
George A. Plambeck,
John H. Weaver,
William S. Hilles,
Edward W. Franklin,
Samuel F. Birthright,
Horace W. Mitchell,
Frank H. Fleer, jr.,
James H. Legendre,
William M. Radcliffe, and
Basil G. Bradley.

The following-named officers of the Marine Corps Reserve to be first lieutenants in the Marine Corps, for temporary service, from the 15th day of August, 1918:

Ivan P. Wheaton,
Richard Livingston,
Charles J. Lohmiller,
Henry F. Adams,
Howard M. Peter,
Charles W. Henkle,
Solon B. Kemon, and
Gwendell B. Newman.

The following-named captains to be first lieutenants in the Marine Corps, for temporary service, from the 16th day of August, 1918, next after First Lieut. William F. Brown:

Sidney R. Vandenberg,
Louis W. Bartol,
George L. Maynard, jr.,
David C. Levy, and
Samuel F. Milliken.

The following-named first lieutenants to be second lieutenants in the Marine Corps, for temporary service, from the 15th day of August, 1918:

Joseph B. Carhart,
Laurens H. Reyburn,
Oscar E. Kelly,
Moses J. Gould,
Harvey J. Rice,
Corlies Adams,
Basil H. Pollitt,
John Groff,
Prentice S. Geer,
George W. Walker,
Arthur L. Whiteside,
George Draine,
George R. Rowan,
Theodore H. Cartwright,
Lucas I. Bruns,
Walter S. Farley, and
Grover C. Moore.

The following-named reserve officers to be second lieutenants in the Marine Corps, for temporary service, from the 1st day of June, 1919:

Harmon J. Norton,
Stanley Klos,
Frank L. Lamb,
Manson C. Carpenter,
Amos P. Booty,
William R. Affleck,
Harry W. Miller,
Bert Van Moss,
James Gallivan,
Goodyear W. Kirkman,
Walter V. Brown,
Lawson H. M. Sanderson,
Edward C. Smith,
Jacob F. Plachta,
Jacob Makohin,
Ocia K. Manahan,
Harold E. Rosecrans,
Joseph L. Moody, jr.,
Fred T. Molthen,
Glen W. Chamberlain,
Samuel P. MacNeill,
Richard L. McAdams,
Harold H. Titus,
Charles R. Ford,
Robert F. David,
Christian F. Schilt, and
George L. Murray.

The following-named temporary and reserve officers to be second lieutenants in the Marine Corps, for temporary service, from the 19th day of August, 1919:

Robert D. Foote, jr.,
John W. Mueller,
John F. McVey,
Charles C. St. Clair,
John Waller,
Otto Salzman,
Harry V. Shurtleff,
Harry W. Gamble,
Robert F. Slingluff,
Thomas Quigley,
Patrick W. Guilfoyle,
Frank Z. Becker,
Nathan E. Landon,
Eugene L. Mullaly,
John J. Mahoney,
Albert J. Phillips,
William O. Corbin,
John P. McCann,
Harry A. Ellsworth,
Warren C. Barnaby,
Maurice C. Gregory,
Gustav F. Bloedel,
John Strong,
Thomas Dwight,
John J. Haley,
Frank D. Creamer,
Harry E. Horner,
Robert W. Maxwell,
William F. Thalheimer,
Benjamin F. Fogg,
Howell Cobb,
Thomas F. Joyce,
William Frederick Brown,
James W. Lattin,
Henry A. Riekers,
Edward McEvoy,
Charles D. Meginness,
Eugene B. Mimms,
Henry Baptist,
Robert W. Williams,
Wilbur G. Gunn,
Carl E. Clark,
Michael Kearney,
Edward H. W. Holt,
Bror G. Brodstrom,
Joseph Watson,
John P. Harvis,
Harry H. Couvrette,
John Angus McDonald,
Clate C. Snyder,
Frank F. Zissa,
Martin Canavan,
Charles G. Haas,
Archie W. French,
Sparling B. Anderson,
James Diskin,
Lee Carter,
Charles D. Baylis,
Alfred Dickerson,
Forest J. Ashwood,
Eugene E. Brong,
Harry H. Shepherd,

Albert B. Sage,
Gustaf A. Brodstrom,
Fred B. Hoyt,
John F. Cassidy,
Sydney J. Handsley,
Thomas J. Kilcourse,
Thomas M. Cummings,
Charles W. Lavlett,
Charles B. Loring,
David R. Nimmer,
David L. Ford,
Emil M. Northenscold,
Silas M. Bankert,
Henry S. Hausmann,
Joseph I. Nettekoven,
Sherman L. Zea,
Harold W. Whitney,
Herbert G. Joerger,
John H. Parker,
Nicholas F. Clauson,
Stewart P. Corning,
James P. Schwerin,
Daniel L. Clifford,
William J. Mosher,
Vernon Bourdette,
Robert I. Avery,
Edward T. Bayman,
Paul A. Lesser,
Arnold C. Larson,
Joseph N. Shaw,
Edward F. O'Day,
Tom E. Wicks,
Jacob J. Kesel,
Charles F. Morrison,
Murl Corbett,
William P. Grow,
Harry P. Crouch,
Amor L. Sims,
Oscar DeV. Keown,
Richard H. Schubert,
Ogbourne A. Hill,
George W. Hopke,
Frederick Israel,
Carl J. Norstrand,
Cecil J. Widdifield,
John T. Foster,
William J. Whaling,
Curtis T. Beecher,
Walter Sweet,
Willard R. Enk,
Minter L. Lowther,
Gerald C. Thomas,
Erwin F. Schaefer,
Wilbur Summerlin,
Carl F. Merz,
Harry C. Moore,
Charles P. Hill,
Frank D'Ippolo,
Lester M. Folger,
Maurice R. Gustavus,
Walter B. Casey,
Edgar G. Kirkpatrick,
Joseph R. Caldwell,
Austin W. Boden,
John D. O'Leary,
Grover C. Darnall,
Lloyd R. Pugh,
Harry D. Barger,
Duncan W. Lewis,
Roy Wiedemer,
Arthur L. Caperton,
Hans O. Martin,
Charles McL. Lott,
Albert E. Benson,
William G. Kilgore,
John D. Brady,
James G. Bowen,
Leo Sullivan,
Horace D. Palmer,
Hayne D. Boyden,
Eugene Rovegno,
Harold J. Adams,
Raymond W. Conroy,
Russell E. Stephens, and
Franklin G. Cowie.

UNITED STATES COAST GUARD.

First Lieut. of Engineers John E. Dorry, United States Coast Guard, to be a captain of Engineers from August 21, 1919, in place of Capt. of Engineers Charles F. Nash, retired.

The following-named cadet Engineers to be third lieutenants of Engineers in the Coast Guard from date of oath and acceptance, to fill original vacancies:

Charles W. Dean and
Walfred G. Bloom.

RECEIVER OF PUBLIC MONEYS.

Miss Florence M. West, of Pueblo, Colo., to be receiver of public moneys at Pueblo, Colo., vice James B. Orman, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 29 (legislative day of Saturday, August 23), 1919.

ATTORNEY GENERAL OF THE UNITED STATES.

A. Mitchell Palmer to be Attorney General of the United States.

COAST GUARD.

Second Lieut. of Engineers Webb C. Maglathlin to be a first lieutenant of Engineers.

Second Lieut. of Engineers Whitney M. Prall to be a first lieutenant of Engineers.

Third Lieut. of Engineers Walter M. Troll to be a second lieutenant of Engineers.

First Lieut. James F. Hottel to be a captain.

Second Lieut. Fred A. Nichols to be a first lieutenant.

COAST AND GEODETIC SURVEY.

The following-named officers to be hydrographic and geodetic engineers (by promotion from junior hydrographic and geodetic engineers):

Otis William Swainson.
Arthur John Ela.
Alfred Lewis Giacomini.
George Durno Cowie.
Harold Alonzo Cotton.
Frank Spaulding Borden.
Leon Archie Potter.
John Albert Daniels.
George Carl Mattison.

To be junior hydrographic and geodetic engineers (by promotion from aids):

Max Orville Witherbee.
Aaron Louis Shalowitz.
George Russell Hartley.
John William Cox.
George Lawrence Bean.
George R. A. Kantzler.
William Daryl Patterson.
Edgar Herbert Bernstein.
Elwood Morton Wilbur.
Benjamin Friedenberg.
William Humphreys Overshiner.
Lowell O. Stewart.
James Donald Crichton.
Aaron George Katz.
Herman Odesky.
Henry Williams Hemple.

To be junior hydrographic and geodetic engineers (by promotion from deck officers):

Leland Monroe Mower.
Ronald Roberts Moore.

To be aids (by promotion from deck officers):

Casper Marshall Durgin.
Francis Lawrence Gallen.
Joseph Smook.
John Aloysius Bond.
William Thomas Combs.
Cornelius Daniel Meaney.
Edward Clinton Bennett.
Elbert Francis Lewis.
Augustus Peter Ratti.
Earl Oscar Heaton.

REGISTERS OF LAND OFFICE.

John L. Burnside at Las Cruces, N. Mex.
Emmett Patton at Roswell, N. Mex.

RECEIVERS OF PUBLIC MONEYS.

Donaciano E. Rodriguez at Las Cruces, N. Mex.
Raymundo Harrison at Fort Sumner, N. Mex.
William G. Cowan at Roswell, N. Mex.

POSTMASTERS.

ALABAMA.

Oscar L. Pruet, Ashland.
Rufus C. Abernethy, Flomaton.
Henry R. Cohen, Muscle Shoals.
Adrienne G. Wilson, Russellville.

ARIZONA.

Leonard D. Redfield, Benson.
John R. Livingston, Chloride.
Charles P. Heisser, Flagstaff.
George W. Sigler, Florence.
Ida E. M. Carty, Fort Huachuca.
Zach G. Page, Hayden.
Charles Osborne, Holbrook.
John Towner, Naco.
Grace E. Moorman, Ray.
Ora J. Moss, Somerton.
Lawrence S. Williams, Williams.

CALIFORNIA.

Gertrude Brandon, Crockett.
Selma A. Porter, Dunsmuir.
Charles F. Riedle, Los Banos.
Paul T. Mizony, National City.
Charles R. Farrar, Placentia.
Harvey P. Rogers, Quincy.
Arthur C. Parsons, Taft.
James J. Mitchell, Tulare.

COLORADO.

William F. Ordway, Dolores.
William G. Hubbell, Fort Lupton.
Sarah J. O'Connell, Georgetown.
James Brennan, Grand Valley.
Ralph E. Finnicum, Kiowa.
Robert E. McCunniff, La Jara.
Frank G. Colburn, Mount Harris.
Madge L. Weller, New Castle.
Vivien A. Chambers, Pagosa Springs.
Edward S. Spangler, Simla.

FLORIDA.

Francis B. Swearingen, Fort Meade.

GEORGIA.

Jeptha H. Rucker, Athens.
Charles P. Graddick, Barnesville.
James R. Stafford, Bell Air.
Ruby E. Millirons, Crumps Park.
William G. Ingram, McDonough.
Arthur H. Overton, Sylvester.
Warner A. Enterkin, Temple.
John W. Wells, Adel.
Benjamin R. Leggett, Broxton.
Thomas W. Vickery, Folkston.
Abe Hargraves, Homerville.
Frank D. Colson, Ocilla.
Frank C. Lovett, Sparks.
Herbert F. Rudulph, St. Marys.
James O. Varnedoe, Valdosta.

HAWAII.

John F. Daly, Hilo.

ILLINOIS.

John T. Kelahan, Algonquin.
Joseph L. Lampert, Alton.
Thomas W. Medlin, Anna.
Thomas W. McGraugh, Ashland.
Joseph H. Coffman, Augusta.
Albert J. F. Larimore, Beecher City.
Hazel L. Garvey, Blandinsville.
Mahala E. Trainer, Blue Mound.
Albert E. Gent, Brighton.
William F. Lammers, Buckley.
Wilbur F. Whitney, Byron.
Wesley A. Challacombe, Carlinville.
Frank P. Williams, Carrollton.
Isaac C. Davidson, Carthage.
Benjamin L. Washburn, Carterville.
Glen S. Fleming, Catlin.
Roscoe Tygett, Christopher.
Edith M. Wescott, Chillicothe.
George B. Marvel, Clinton.
Thomas Berta, Coal City.
Walter E. Roberts, Coffeen.
Mabel G. Holmes, Cornell.
Robert C. Baird, Coulterville.
Stephen A. D. Howe, Cowden.
Edwin J. Kingdon, Cullom.
Ludwig A. Karcher, Dahlgren.
George R. Tilton, Danville.
James L. Molohon, Divernon.
William F. Hogan, Dixon.
Darlin H. Thompson, Earlville.
James H. Nelms, Edinburg.
John Coveny, Elizabeth.
Ella Martz, Elmwood.
Hugh L. B. Mason, Equality.
John J. Lloyd, Fairfield.
Carl E. Schmidt, Farina.
Charles C. Fonken, Forreston.
Perry Westerfield, Frankfort Heights.
Frank H. T. Maronde, Franklin Grove.
John C. Reuter, Freeburg.
Michael C. Slattery, Galena.
Catherine Burroughs, Genoa.
Bertha M. Densmore, Georgetown.
John A. Pence, Gibson City.
Frank W. Freeman, Grant Park.
John S. Redshaw, jr., Granville.
Rolla W. Churchill, Grayslake.
William M. Cannedy, Greenfield.
Enoch M. Runyon, Green Valley.
John A. Mathews, Greenview.
David Wilson, Gridley.
Edward T. Crock, Hampshire.
Henry Earle, Hebron.
John R. Paskell, Henry.
John D. Perrine, Herrin.
Edward Suppiger, Highland.
Louis I. Hanning, Hopedale.
William Sutton, Kempton.
Mary S. McClymonds, Kirkwood.
Joseph V. Campeggio, Ladd.
Frank G. Pierski, La Salle.
Joseph C. Lampert, Lena.
Peter M. Biwer, Lincoln.
William Q. Crane, Lomax.
Robert Selby, Lovington.
Daisy M. Uphaus, Macon.
Audie Lindsey, Mahomet.
Cora L. Tisler, Marseilles.
Solomon H. Handy, Marshall.
Chriss C. Kavanaugh, Mason.
Thomas N. Sutton, Mason City.
Edward F. Poorman, Mattoon.
Nathan T. Crews, Menard.
Emil J. Hess, Mendota.
Samuel M. Stewart, Metropolis.
John E. Herman, Mounds.
Helen G. Longenbaugh, Moweaqua.
Thomas E. Davis, Mulberry Grove.
Edwin L. Ballard, National Stock Yards.
John C. Rolands, New Boston.
Dora Blair, New Douglas.
George Rankin, Normal.
Harry Bryant, Norris City.
Ann Sheehan, Ohio.
Frank S. Stults, Oquawka.
Charles Walkup, Oregon.
Alfreda Desborough, Panama.
Charles Stade, Park Ridge.
Ben C. Allensworth, Pekin.
Hugh Rice, jr., Piper City.
Merton L. Spangler, Plainfield.
Horace C. Aleshire, Plymouth.
John S. Murphy, Pontiac.
Grace R. Skelton, Port Byron.
Ernest R. Duncan, Potomac.
Rose C. Auth, Rankin.
Benjamin F. Bosley, Ransom.
Charles E. Baum, Ridge Farm.
Wiley B. Barnum, Ridgway.
Charles C. Grady, Rock Falls.
William H. Hefferan, Rockford.
Charles L. Stephenson, St. Francisville.
John T. Scott, Saybrook.
George B. Gray, Sesser.
Harley R. Hootman, Sheldon.
Thomas B. Williams, Sidell.
Joseph P. McMahon, Silvis.
Rollin A. Gouwens, South Holland.

George W. Menzimer, Stockton.
Frank A. Reese, Sullivan.
Isaac W. Terry, Tamaroa.
John T. Carroll, Toluca.
Fred L. Mosimann, Troy.
George L. Hausmann, Vandalia.
Harold M. Oakford, Walnut.
Albert Heyl, Waterloo.
Joseph S. Euans, Watseka.
Clara M. Smith, Weldon.
James M. Fairbank, West Chicago.
Fred Beehn, sr., West Salem.
Mary Anen, Winthrop Harbor.
John H. Henson, Xenia.

IOWA.

Joseph M. Drees, Carroll.
Merrill D. Mitchell, Carson.
Sue G. Cross, Chelsea.
Henry C. Hastings, Eldon.
Harry P. Gordon, Everly.
William L. McLaughlin, Glidden.
Charles A. Britch, Ida Grove.
John N. Muncey, Jesup.
Dora M. Schenken, Keystone.
James J. Glenn, Marengo.
Clarence C. Stoner, Nora Springs.
Eugene F. Kieffer, Remsen.
Irving J. Foy, Ruthven.
Guy F. Scofield, Strawberry Point.
Frank H. Hoeppner, Traer.
John A. Hale, Tripoli.
Tabitha Yelsma, Ute.
Layton E. Brown, Victor.

LOUISIANA.

William La Croix, Colfax.

MINNESOTA.

Earnest H. Reff, Bagley.
Charles Jesmore, Eveleth.
John B. Connors, Hibbing.
Adolph C. Gilbertson, Ironton.
Walter B. Clark, Lamberton.
Jeremiah M. Collins, Pine City.
William Lynch, Shakopee.
Frank L. Henderson, South St. Paul.
Albert J. Anderson, Spicer.
Alphonse J. Philippy, Waconia.

MISSISSIPPI.

Daniel R. Johnson, University.

MISSOURI.

James R. Williams, Browning.
Clyde E. Holt, Cardwell.
Leonidas J. Hall, Columbia.
Sallie F. Duncan, Dearborn.
Stephen A. D. Elmore, Galt.
Daniel E. Gudgell, Kingston.
Alma O. Chrisman, Laredo.
John T. Haley, Steelville.

NEW MEXICO.

Deloss W. Smith, Tyrone.

NEW YORK.

Charles R. Flanly, Babylon.
Maud Rogers, Bridgehampton.
Joseph G. Cole, Broadalbin.
Charles F. Bergner, Callicoon.
Fred J. Land, Cohocton.
William M. Heaney, Cold Spring Harbor.
Melvin W. Billings, Harleyville.
Wickham R. Gildersleeve, Mattituck.
Charles E. White, Middleburg.
William T. Vaughn, Sag Harbor.
Michael J. Manton, Sayville.
Bessie M. Wyvell, Wellsville.
George Taylor, Arkport.
Barton L. Piper, Watkins.

OKLAHOMA.

Starrett C. Burnett, Allen.
John D. Pugh, Anadarko.
T. Lee Hopson, Ardmore.
Albert E. Howell, Avant.
Odalee Allen, Boise City.
Caesar F. Simmons, Boley.
Essyl B. Logan, Calvin.
William J. Pointer, Chelsea.
Grace E. Wandell, Coyle.
Seth M. Hufstedler, Dewar.
Homer S. Chambers, Dilworth.
Edward T. Washington, Douthat.
Calvin R. Lockhart, Dustin.
Clyde C. Cantrell, Haskell.
John B. Pope, Heavener.
William B. Pickett, Hinton.
Robert D. Bonham, Keota.
Douglas Allen, Lehigh.
Walter J. Stevens, Lexington.
Walter B. Willis, Locust Grove.
Preston S. Lester, McAlester.
Charles L. Williams, Maysville.
William C. Parnell, Meeker.
John W. McCracken, Nowata.
Jacob M. Casper, Okeene.
Claude Weaver, Oklahoma.
Preston R. Calvert, Pawnee.
James C. Williamson, Quinton.
Phillip H. Dalby, Ramona.
William H. Maxey, Randlett.
Robert A. Lackey, Roosevelt.
William M. Cummings, Sasakwa.
John H. Meier, Sentinel.
Erasmus A. Ingle, Soper.
George H. Montgomery, Valliant.
Edwin S. Gray, Weleetka.
Laura Houston, Woodward.

OREGON.

Claiborne H. Stewart, Albany.
Lovie R. Watt, Amity.
Edward J. Kaiser, Ashland.
Charles O. Henry, Athena.
Diana Snyder, Aurora.
Henry J. Atlee, Banks.
Charles E. Hedge, Beaverton.
John P. Cooley, Brownsville.
Margaret Clark, Canyon City.
Robert Blumenstein, Elgin.
Edward L. Campbell, Eugene.
Albert L. Cauley, Fort Stevens.
John W. Hughes, Fossil.
Mary T. Mangold, Gervais.
Henry A. Ball, Hillsboro.
Percy P. Locey, Huntington.
George C. Mason, Jefferson.
Nellie Elliott, John Day.
William C. Wilson, Joseph.
Charles A. White, Lakeview.
William R. Cook, Madras.
Hugh P. McLain, Marshfield.
S. Bruce Shangle, Milton.
Gaphart D. Ebner, Mount Angel.
Walter R. Hamer, Newport.
John T. McGuire, North Bend.
Jacob R. Gregg, Ontario.
Richard F. Evans, Stanfield.
James J. Gaither, Toledo.
Cora Macoon, Warrenton.
Charles R. Tyler, Yamhill.

PENNSYLVANIA.

John B. Kean, Alexandria.
George H. Houck, Cairnbrook.
Emma Claughsey, East Brady.
David J. Bonsall, Grampian.
Edna E. Snably, Hollsopple.
James J. Hanlon, Kulpmont.
Esther J. Johnson, Madera.
Tillie U. McLaughlin, Midway.
Samuel B. Miller, Mifflinburg.
Everett C. Davis, Nanty Glo.
Nancy T. Newland, Orbisonia.
Frances H. Diven, West Bridgewater.
Susanna S. Hartman, Yardley.

SOUTH CAROLINA.

George B. Stackhouse, Mullins.

SOUTH DAKOTA.

Arthur D. Flagg, Buffalo.
Clarence E. Archer, Plankinton.

TENNESSEE.

Benjamin F. Chambers, Friendship.

TEXAS.

Angus G. Vick, Belton.
Vincent V. Urban, Hempstead.
J. Marshall Bonds, Morgan.

VIRGINIA.

Robert P. Cummings, Abingdon.
D. Taylor Martin, East Radford.
David G. Snodgrass, Meadowview.

VERMONT.

George E. Randall, Wells River.

WASHINGTON.

John J. Carney, Aberdeen.
Louis H. Gurnsey, Addy.
George D. Shannon, Anacortes.
William R. Whitlock, Black Diamond.
Eliza F. Head, Cathlamet.
Elmer McBroom, Chehalis.
Stonewall J. Craig, Clarkston.
John F. Moyer, College Place.
Roger E. Williams, Concrete.
Arthur B. Cass, Connell.
Lawrence N. Sill, Coupeville.
Jacob H. Berge, Davenport.
William A. Lancaster, Fort Casey.
Mae C. Cook, Fort Flagler.
Edward J. Byrne, Garfield.
Talleyrand Bratton, Goldendale.
Christian Hansen, Kirkland.
Patrick M. Kane, La Center.
Duncan L. Beckes, Lynden.
Constance G. Clark, Montesano.
William E. Palmer, Naches.
George T. Heslin, Newport.
George W. Reed, Pullman.
Vanira Chamberlin, Riverside.
Fred B. Goldsworthy, Rosalia.
James Lane, Roslyn.
Nelson Murray, Roy.
Charles E. Hancock, Selah.
James H. McCourt, Sequim.
Fenton Smith, South Bend.
Robert O. Logsdon, Sprague.
William Rouse, Stanwood.
Albert C. Sly, Stevenson.
Calvin W. Stewart, Tacoma.
Bertram R. Sturm, Toppenish.
James H. Adams, Waitsburg.

WEST VIRGINIA.

Emery C. Queen, Berkeley Springs.
Charles T. Dyer, Montgomery.
Joseph P. Ashby, Nitro.
Walter E. Stout, Parkersburg.
Sam Hissam, Sistersville.

WISCONSIN.

Edward Cody, Antigo.
Tracy M. Page, Bangor.
Andrew Crahen, Brooklyn.
Thomas N. Curran, Campbellsport.
Alexander W. Horn, Cedarburg.
John D. Burns, Colfax.
Carrie V. Richer, Delafield.
Frank H. Kellner, Denmark.
John A. Kuypers, De Pere.
Christian A. Hoen, Edgerton.
Ida Englesby, Eleva.
Francis M. Porter, Elkhorn.
Charles A. L. Varney, Greenwood.
William Alexander, Hayward.
Micheal J. Rice, Kewaunee.
Alexander Buchanan, Lakemills.
Dorothea Devlin, Loyal.
William A. Devine, Madison.
Thomas F. Powers, Manston.
Ivy R. Carman, Minocqua.
Nina M. Yeager, Montfort.
Edward F. Butler, Mosinee.
Asa H. Craig, Mukwonago.
Francis J. Eagan, Muscoda.
Charles T. O'Brien, Necedah.
Anna D. Hagan, New Richmond.
Harriet N. Apker, North Freedom.
Peter Sievers, North Milwaukee.
Levi Lane, Oconto Falls.
William Denomie, Odanah.
Benjamin S. Shove, Onalaska.
Nellie I. McGill, Oregon.
William F. Gruenewald, Oshkosh.
James E. Wall, Oxford.
Libbie M. Bennett, Pewaukee.
Thomas L. Cleary, Platteville.
Thomas J. Bergen, Prairie du Chien.
George H. Herzog, Racine.
Herbert Hopkins, Randolph.
Francis H. Metcalf, Reedsburg.
Frank J. Haas, Richland Center.
Albert A. Pagel, Schofield.
John A. Stewart, Seymour.
Fred A. Knauf, Sheboygan.
Edward V. Aberg, Shell Lake.
John Coppes, South Kaukauna.
Herman A. Ohm, South Milwaukee.
John J. Kaiser, Stratford.
Howard J. Barry, Sun Prairie.
Robert A. Grignon, Suring.
Marcus T. Syverson, Tomah.
Carrie M. Hogan, Turtle Lake.
Frank E. Riley, Two Rivers.
Charles J. Janisch, Waterloo.
Henry B. Kaempfer, West Bend.
Carrie A. Anderson, Weyerhauser.
George A. Murray, Wisconsin Veterans Home.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 29, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, as we pass this way but once, help us to leave in our wake some worthy thought or deed, if it be only to plant a tree or flower, dig a well, or help some forlorn soul to a higher altitude.

If there be aught of malice, revenge, or jealousy in our hearts, remove it far from us, that love and good will may grow abundantly. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair will designate Mr. GOOD, of Iowa, to preside over the House on Tuesday next, in case the Speaker should not be here at the opening of the House.

A QUORUM—CALL OF THE HOUSE.

Mr. GARD rose.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Cooper	Fuller, Mass.	Houghton
Anthony	Costello	Gallagher	Hulings
Babka	Cramton	Gallivan	Humphreys
Benson	Crowther	Gandy	Hutchinson
Blackmon	Davey	Ganly	James
Bland, Ind.	Davis, Minn.	Garland	Johnson, Miss.
Booher	Dempsey	Glynn	Johnson, S. Dak.
Britten	Dewalt	Godwin	Johnson, Wash.
Browne	Donovan	Goldfogle	Johnston, N. Y.
Brumbaugh	Dooling	Good	Jones, Pa.
Burke	Dunn	Gould	Kelley, Mich.
Burroughs	Ellsworth	Graham, Pa.	Kelly, Pa.
Byrnes, S. C.	Emerson	Griest	Kennedy, Iowa
Caldwell	Evans, Nebr.	Griffin	Kennedy, R. I.
Candler	Ferris	Hadley	Kettner
Carew	Fess	Hamill	Kiess
Carter	Fields	Hardy, Colo.	Kraus
Casey	Flood	Haskell	Langley
Classon	Foster	Heflin	Lea, Calif.
Cole	Frear	Holland	Lee, Ga.

Linthicum	Olney	Sanford	Stevenson
Longworth	Parker	Saunders, Va.	Stiness
Luce	Pell	Schall	Sullivan
McArthur	Rainey, J. W.	Scott	Sumners, Tex.
McKenzie	Ramsey	Scully	Taylor, Ark.
McKinley	Randall, Calif.	Sears	Tinkham
McKinley	Randall, Wis.	Shreve	Upshaw
Magee	Reavis	Siegel	Vare
Maher	Reber	Sisson	Walsh
Mann	Reed, N. Y.	Slemp	Walters
Mead	Reed, W. Va.	Small	Ward
Moon	Riordan	Smith, Ill.	Wason
Mooney	Rogers	Smith, N. Y.	Wheeler
Moore, Pa.	Rouse	Snell	Wilson, Pa.
Moores, Ind.	Rowan	Snyder	Wise
Morin	Rucker	Steele	Yates
Mott	Sabath	Stephens, Miss.	
Mudd	Sanders, N. Y.	Stephens, Ohio	

The SPEAKER. Two hundred and seventy-nine Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call.

The motion was agreed to.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. That is not in order at this moment.

CHANGE OF REFERENCE.

Mr. GARD. Mr. Speaker, I ask a change of reference in the case of the bill H. R. 8378 from the Committee on Agriculture to the Committee on the Judiciary.

The SPEAKER. The gentleman from Ohio asks that a change of reference be made of the bill H. R. 8378 from the Committee on Agriculture to the Committee on the Judiciary. Is there objection?

Mr. ANDERSON. What is the bill?

Mr. GARD. The bill is one which was introduced by me, and its purpose is to control necessaries through interstate commerce.

Mr. ANDERSON. Had the gentleman any agreement with the chairman of the Committee on Agriculture with respect to the bill?

Mr. GARD. The chairman of the committee is over there. He said he did not want the bill in his committee.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. BLANTON. Mr. Speaker, I have a letter from the Director General of Railroads, Mr. Hines, in which he requests me to have it printed in the RECORD, and I ask unanimous consent to insert it in the RECORD in addition to my own remarks. I ask that I may be permitted to print this letter and other comments on the industrial situation.

The SPEAKER. The gentleman from Texas asks unanimous consent to insert in the RECORD a letter from the Director General of Railroads and his comments thereon. Is there objection?

Mr. DYER. For the present I object until we can have a vote upon the pending bill.

Mr. CLARK of Florida. Mr. Speaker, now I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for five minutes. Is there objection?

Mr. DYER. For the present I object.

The SPEAKER. Objection is made.

COMMISSIONED PERSONNEL FOR THE ARMY.

The SPEAKER. The unfinished business before the House is the bill (S. 2622) to provide necessary additional personnel for the Army. Upon that there was one amendment. The previous question was ordered. The amendment really covered the whole bill. The Chair will not ask to have it reported. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on a motion to recommit.

Mr. QUIN. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. QUIN. I am. I am opposed to any increase of the personnel at all.

The SPEAKER. The gentleman from Mississippi offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

By Mr. QUIN: I move to recommit the bill——

Mr. MADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Illinois moves the previous question on the motion to recommit.

Mr. BLANTON. Mr. Speaker, would such a motion be in order until after the motion to recommit had been fully read by the Clerk?

The SPEAKER. No. The Clerk will report the motion in full.

The Clerk read as follows:

By Mr. QUIN: I move to recommit the bill to the committee, with instructions to immediately report it back to the House with an amendment to strike out the words "eighteen thousand," in line 15, page 2, and insert "sixteen thousand" in lieu thereof.

Mr. BLANTON. Mr. Speaker, I offer an amendment.

Mr. KAHN. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from California moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Mississippi to recommit.

Mr. BLANTON. On that I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Two gentlemen have risen in the affirmative—not a sufficient number—and the yeas and nays are refused. The question is on the motion of the gentleman from Mississippi to recommit.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 57, noes 182.

So the motion to recommit was rejected.

Mr. QUIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas and nays have already been refused.

Mr. QUIN. Then I make the point of no quorum present.

The SPEAKER. The last vote discloses a quorum. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, upon the passage of the bill I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Five Members have risen—not a sufficient number. The yeas and nays are refused. The question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 181, noes 16.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum. The vote just taken is less than a quorum.

The SPEAKER. The Chair will count.

Mr. BLANTON. The vote just taken shows no quorum voting.

The SPEAKER. That makes no difference. The question is whether a quorum is present or not. [After counting.] Two hundred and forty-one Members are present, a quorum. The bill is passed.

On motion of Mr. KEARNS, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, at the request of Mr. KAHN, H. R. 7878, the similar House bill, was ordered to lie on the table.

THE HOUSING CORPORATION.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for five minutes. Is there objection?

Mr. DOWELL. Mr. Speaker, reserving the right to object, on what subject does the gentleman desire to speak?

Mr. CLARK of Florida. I simply want to straighten out a matter that occurred in the House the day before yesterday with respect to the Housing Corporation.

Mr. DOWELL. I have no objection.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object—and I shall not object in any event—the gentleman from Ohio [Mr. MURPHY] would like to address the House for 15 minutes. I do not care to couple that with the request of the gentleman from Florida, but that request will be made.

Mr. FORDNEY. Mr. Speaker, under the agreement general debate on the pending bill has not yet been closed, and I intended to yield 15 minutes to the gentleman from Ohio [Mr. MURPHY].

The SPEAKER. Can the gentleman from Florida also be accommodated?

Mr. DYER. Has not the gentleman from Florida already been given unanimous consent?

The SPEAKER. No; he has not.

Mr. FORDNEY. I hope there will be no objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida.

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, day before yesterday the gentleman from Massachusetts [Mr. TREADWAY] called attention to a very glaring instance of the extravagant use of money by the United States Housing Corporation. Unfortunately I had some important business which detained me from the House or I would have been present at that time. Some questions were raised on that occasion that I think ought to be explained to the House.

Realizing the extravagance in which this bureau was indulging, on the 28th day of May last I introduced a resolution in the House providing for an exhaustive investigation of the bureau. That resolution went to the Committee on Rules, and the Committee on Rules held hearings for four separate days upon it.

I think the committee was convinced, as the chairman of the Committee on Rules [Mr. CAMPBELL of Kansas] stated on the floor day before yesterday, that it was a very extravagant and wasteful outfit. But although that resolution has been pending since the 28th of May, the Committee on Rules, for some reason, has not reported it out. It was stated in the discussion referred to that the reason why it was not reported out was because the Senate was engaged in a like investigation, and the Committee on Rules did not care to have the work duplicated. At the time that this resolution was first pending before the Committee on Rules there was no investigation in progress in the Senate at all. I believe since that time and very recently a committee of the Senate has taken it up, and I am not going to say whether there is an investigation pending there or not. Gentlemen can investigate for themselves and can ascertain how thoroughly it is being made. The fact is, though, that the Committee on Public Buildings and Grounds, which committee reported the legislation that created this institution, undertook to hedge it about with all sorts of safeguards to prevent the very thing that has occurred; and since we have not been able to get an investigation, in order to lay bare facts before this House that I think would appall the members, I introduced a bill to repeal the law under which this Housing Corporation is operating. That bill came before our Committee on Public Buildings and Grounds, and the committee has reported it out, and it is on the calendar now, and I am extremely anxious and the entire membership of the committee are extremely anxious to get it before the House, in order that we may stop this profligate expenditure of public funds and not let it go any further. [Applause.] I may say that the chairman of the committee [Mr. LANGLEY] has been called away upon very important matters, but he will be back here Monday, and I know it is his purpose to undertake to get the Committee on Rules to give us a rule for the consideration of that bill; and we are prepared now, without any further investigation, to lay facts before this House that will show an utter disregard for the economical expenditure of the public funds on the part of this Housing Corporation. Talk about extravagance! The whole thing reeks with it from the very beginning to this good hour. In the first place, they employed an army of people. They had at one time much more than a thousand employees to build a few houses for laborers over this country, in order that we might have munitions and things of that kind manufactured to carry on the war. While the war was in progress we said nothing about it, because we knew that in the nature of things there had to be and would be great waste, but when the armistice was signed and the war had ended our committee put these gentlemen upon notice that they had to go out of business, and we called upon them to reduce their force as rapidly as possible in order to go out of business, because it never was intended that this thing should be a permanent adjunct to the Government of the United States. But their whole course has clearly indicated their purpose to fasten themselves on the Government as a permanent institution, and I am quite sure, if they are let alone, all the property which is now held by them will be dissipated in such wasteful performances as the printing of this book, constantly increasing salaries, and the like, and that it will take them not months but years to wind up their affairs.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. CLARK of Florida. I yield to the gentleman.

Mr. BROOKS of Illinois. Is it a fact that this Housing Corporation spent $128,000 for automobiles?

Mr. CLARK of Florida. Yes; that is a fact.

Mr. BROOKS of Illinois. Is it a fact also that this Housing Corporation has increased the salaries of its employees since the close of the war?

Mr. CLARK of Florida. Absolutely, and one of them from $5,000 to $9,996 a year, a good many of them doubled, and I have recently learned that they increased the salary of one man, who was styled an expert on dormitory equipment, from $5,000 to $12,000 per annum.

The SPEAKER. The time of the gentleman has expired.

Mr. TREADWAY. I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Florida be extended five minutes. Is there objection?

There was no objection.

Mr. TREADWAY. The gentleman has just called attention to the question of salaries. Has the gentleman from Florida any information as to the salary of the librarian who prepared that publication that I showed here day before yesterday?

Mr. CLARK of Florida. Mr. Hubbard? No; I did not know they had an editor until I saw that book.

Mr. TREADWAY. Is it the opinion of the gentleman that it would be within the province of the corporation whose duty it was to build houses to employ a librarian to edit a book?

Mr. CLARK of Florida. Not at all; they exceeded their authority in the preparation and the printing of the book. Section 6 of the act creating the concern provided simply for a report by the President, to whom was intrusted the execution of the act, to Congress at the beginning of every session of Congress showing their financial operations, their acts and doings, how they had expended the money, what they had expended it for, whom they employed and what salaries were paid them. They have gone out of their way to get up a magnificent book on the finest paper you can find, with cuts and prints and all sorts of illustrations, without any authority whatever.

Mr. TREADWAY. The gentleman is entirely in accord with the statement I made day before yesterday that the publication was absolutely beyond the authority of the report which the President is authorized to make to Congress.

Mr. CLARK of Florida. Undoubtedly. I want to say further that this book is gotten out by the United States Housing Corporation, and the law nowhere requires a report from that corporation. The Congress did not know them until an appropriation was asked for. They got authority to incorporate so that they could use these moneys as a revolving fund and not come to Congress when they wanted money. I will say that at that time I was at home in Florida on a very important business matter, but if I had been here that provision would have gone out on a point of order, because I certainly should have raised it on the appropriation bill.

Mr. DOWELL. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. DOWELL. Did the committee make any investigation as to the cost of this report?

Mr. CLARK of Florida. No; I never knew a thing about it until I received a copy of the book sent me through the mail or by messenger two or three days ago; but I apprehend our committee will look into that.

Mr. KNUTSON. Will the gentleman yield?

Mr. CLARK of Florida. Certainly.

Mr. KNUTSON. Does the gentleman contend that the publication of the book was entirely unauthorized?

Mr. CLARK of Florida. Absolutely.

Mr. KNUTSON. I am surprised.

Mr. DOWELL. Will the gentleman's committee make a further investigation and report the facts to the House?

Mr. CLARK of Florida. Yes; that is my idea.

Mr. TREADWAY. One further question. May I ask the gentleman if he does not consider that the extravagance shown in the publication of the book was in accord with the extravagance shown——

Mr. CLARK of Florida. All the way through.

Mr. GARRETT. Will the gentleman yield?

Mr. CLARK of Florida. I will yield to the gentleman from Tennessee.

Mr. GARRETT. I have not had an opportunity to examine the bill reported by the gentleman's committee. Does it provide for a substitute of some other system, or does it simply abolish the corporation?

Mr. CLARK of Florida. It repeals the law, which will wipe out the United States Housing Corporation, and provides for turning over the property that they have accumulated to the Treasury Department to be sold by an organization which the Treasury Department already has and which will not cost the Government a single dollar to dispose of it.

On June 15, 1919, they had 238 people on the pay rolls in the Washington office to administer a dead concern, because they have no authority to build anything now, and, in fact, it seems that their principal activities now consist in raising salaries, publishing beautiful and expensive books in which to detail their exploits, and otherwise glorifying their wonderful abilities.

Mr. LAYTON. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. LAYTON. Would that include the building and construction by the Emergency Fleet Corporation?

Mr. CLARK of Florida. No; that is a separate matter. Now, let me say that since this bill has been introduced and reported to the House this bureau has become very active. They do not come to Congress themselves in order to present a justification for their further existence and their wasteful actions, but they have gone to the war workers on the Plaza, the dormitories, to the young ladies who come from all over the country, and appealed to them with the statement that this means "to turn you out in the street with no home." It does not mean anything of the sort, because we provide in the bill that the dormitories are to be turned over to the Public Buildings Commission, of which Senator SMOOT is chairman, and are to be operated as long as there is necessity for them, and it does not cost the Government any money. [Applause.]

TARIFF ON PEARL BUTTONS.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7705.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7705.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MURPHY. Mr. Chairman and gentlemen of the House, the morning papers carry a headline that reads as follows:

First speech in Ohio; Wilson will open his campaign for treaty next Thursday; trip to occupy 25 days.

Gentlemen, I am of the opinion now that the President is going to make his first speech in my home State. The time has come when I, as a member of the delegation from Ohio, should raise my voice within these walls and ask that the President of the United States exercise common honesty in the statement that he makes to the people of my State with reference to the league of nations.

I want Mr. Wilson when he goes to Columbus next Thursday to tell the mothers of Ohio that while he is out seeking to tie to the cannon wheels of Europe the boys of this land his Secretary of War, also from my State, is asking the Committee on Military Affairs of this House for a standing army of more than a million men—576,000 men to be ready for service and 691,000 rosy-cheeked, bright-eyed boys of the United States of America to be conscripted into training, and what for? Oh, men, I am not talking politics now. [Laughter on the Democratic side.] I am talking patriotism. I am talking patriotism, and not one of you dare go back and look the motherhood of your districts in the face and tell them the truth—that every mother of them will have to go down into the valley, 691,000 mothers of the United States each year, and bring forth a man child, and what for? To keep on the rotten thrones of Europe their tottering monarchs. [Applause on the Republican side.]

Oh, yes, there appeared on the floor of this House last Tuesday afternoon the ruddy-faced giant champion of the league of nations, handsome to look upon, and he came clothed in white, and for what purpose? Why, to snatch the halo from the Christ and place it on the brow of Woodrow Wilson as the savior of the world. You men are honest over on the Democratic side of the aisle just as well as we are over here, and you love your country, but you do not dare go back to your districts and tell the people the truth about the league of nations. You do not dare go back and tell them that the American boy, with his ruddy face and his clear eyes and his sweet, pure blood—because they do not take any other kind—you do not dare go back and tell them that they have to be sent overseas to fight for Turkey.

You do not dare go back and tell them that back of it all is the venturesome American dollar, which seeks protection with American blood. Oh, give out the truth, Republicans and Democrats alike, about this miserable paper that the President of the United States has brought forth. And why did he bring it forth? He alone knows; he did not ask for advice from the men he took with him. He had his head in the air, and his feet were off the ground. Oh, yes, he could see them suffering in Armenia. Yes; he could see them over there, but he did not realize that back home, with all of the great wages that are being paid to the toilers of America, that unrest was abroad in our land. He thought more of the folks over yonder than he thought of the folks at home. You know that I am only talking to you for common honesty. I want you to tell your people the truth about the league of nations. Tell them that our country, peopled with the sons and the offspring of those who left those cursed lands overseas and landed on these shores of liberty, must now provide the soldiers to be sent back to those lands to fight to keep those rotten monarchs on the thrones of Europe. Tell the mothers the truth. You gentlemen on the Democratic side, show the courage to tell the truth. Not one of you dare deny that article 10 of that document means just what I have said, and you know that your Secretary of War, as was disclosed on the floor of this House yesterday, asked for 691,000 of our keen American boys each year.

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. Yes.

Mr. WELTY. What did the Military Committee recommend on that matter?

Mr. MURPHY. I wish I could answer the gentleman. I really do not know.

Mr. WELTY. The Military Committee is in charge of the Republicans, is it not? Did they not recommend——

Mr. MURPHY. Oh, I only have a little time, and I can not yield further. Oh, go back, if you want to be honest—go back and tell the mothers the truth.

Mr. WELTY. Mr. Chairman——

Mr. MURPHY. Tell the mothers of America what the truth is. That is what I want you to do.

Mr. WELTY. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Ohio [Mr. MURPHY] has the floor, and the gentleman from Ohio [Mr. WELTY] will take his seat.

Mr. WELTY. And I asked the gentleman whether he will yield for a question. Who introduced the bill?

The CHAIRMAN. The Sergeant at Arms will seat the gentleman from Ohio [Mr. WELTY].

Mr. MURPHY. He is afraid to go back and look the womanhood of America in the face and tell them the truth, that 691,000 boys——

The CHAIRMAN. The gentleman from Ohio [Mr. MURPHY] will suspend. The gentleman from Ohio [Mr. WELTY] will take his seat and not interrupt his colleague.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. And the gentleman from Texas will take his seat.

Mr. BLANTON. But I ask for my constitutional privilege to make a point of order.

The CHAIRMAN. The gentleman from Texas will take his seat.

Mr. BLANTON. Mr. Chairman, may I make a point of order under my constitutional right as a Representative of the people of this country?

The CHAIRMAN. The gentleman from Texas may make a point of order, but may not precede it with an explanation.

Mr. BLANTON. I make the point of order that the gentleman from Ohio [Mr. MURPHY] is offensive to the Members of the Democratic side of the House. [Laughter.]

The CHAIRMAN. The gentleman will take his seat.

Mr. WELTY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WELTY. Did not the gentleman from Ohio [Mr. MURPHY] yield to me?

The CHAIRMAN. He yielded to a question and then declined to yield further.

Mr. WELTY. Did I not have the right to ask the question?

The CHAIRMAN. Not unless he yielded further.

Mr. MURPHY. Mr. Chairman, I hope this will not be taken out of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. MURPHY] declined to yield further, as was his right.

Mr. WELTY. But what authority has the Chairman to send me to my seat if my colleague yielded?

The CHAIRMAN. Because the gentleman from Ohio refused to yield further, and the gentleman will take his seat.

Mr. MURPHY. Mr. Chairman, I hope this time will not come out of my time.

The CHAIRMAN. This does not come out of the time of the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, a few short weeks ago the great Democratic leader returned from his vacation from across the seas, and after he found the temper of the American people was against his pet scheme he boasted that he would write it into the peace treaty—this miserable—oh, what shall we call it? It means so much trouble to the world. It means more trouble, however, back home in your districts when the good women come to understand it and get a chance to vote, as we provided by the resolution which we passed not so long ago.

Mr. WELTY. Will the gentleman yield?

Mr. MURPHY. No; I have not the time.

Mr. WELTY. Just for a question?

Mr. MURPHY. No. I seem to be telling the truth, do I not—as you do not seem to like it [applause on the Republican side]—as you do not want to hear it. Your leader is going out to appear before the people of this great land as the savior of oppressed peoples [applause on the Democratic side], forgetting he bowed his head to the rape of Shantung. [Cries of "Oh!" on the Democratic side.] How do you like it?

The CHAIRMAN. Gentlemen will not interrupt the gentleman without his permission.

Mr. MURPHY. Go back home and tell your mothers—I am pleading for the home; I am pleading for the homes of your people as well as mine. [Laughter on the Democratic side.] Yes; but you will not laugh in the faces of those good women.

Mr. MAYS. Will the gentleman yield?

Mr. MURPHY. No. You do not dare go home and tell the truth about this so-called league of iniquities. Ah, men, you know all about it. You might just as well know that your leader is going out to try to fool the people of this great land for the second—well, I do not know how many times he has tried to fool them. He kept his chair because of the slogan, "He kept us out of war!" And, great God, men of this House, this article that so many of you laughed at—ah, just think of it—this man of whom it is said he kept us out of war has a Secretary of War asking for the largest standing army that our Nation ever had. Ah, some of you may think this is a joke, but I tell you, men, you should get down on your knees and ask Divine guidance in this one particular matter. This is the thing for you to do.

Mr. CARAWAY. Everybody kneel.

Mr. MURPHY. Yes; you need it. The country at this moment is on edge. You do not know just what is ahead of you. You find that your great leader has fooled the great laboring masses of this country, until to-day they do not know what to expect next at his hands. [Applause on the Republican side.] Oh, yes; he is going to my State to make his first appeal. Yes; but you watch them answer from my State. Gentlemen, it was not my purpose to try to lecture [laughter on the Democratic side], but it is my purpose as a patriotic American, because I look into your faces on this side and on that side, and I realize as I look there that you men, 90 per cent of you, did not come from homes of affluence; 90 per cent of you were born into American life from the humble homes, and by your efforts you have landed here, and that condition that has made it possible for you to be here is being menaced by this document, and that is why I am calling the attention of this House to its dangerous effects on this Nation.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MURPHY. We want this country in the future for our children to be as good a country as it has been for us, and right now I want to tell you, as never before since the signing of the Declaration of Independence——

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MURPHY. Has the freedom of all of the people of this great Nation been menaced as it is by this nefarious document. Gentlemen, I thank you. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I think that the magnificent speech of the gentleman from Ohio ought to be answered, and I therefore yield five minutes to the gentleman from Texas [Mr. BLANTON]. [Laughter and applause.]

Mr. BLANTON. Mr. Chairman—— [Applause.]

Mr. JUUL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. JUUL. Mr. Chairman, I rise for the purpose of bespeaking for the gentleman from Texas the same order and consideration that the preceding speaker received. [Laughter and applause.]

Mr. BLANTON. Mr. Chairman and gentlemen of the House, it ill becomes the gentleman from Ohio to admonish the Democrats on this side of the aisle to get down upon their knees and pray to Almighty God when the time has come, unfortunately, in the history of this House when, by the command of our Republican Speaker, our supplications must be specially framed according to Republican recipe, so as not to embrace any hope of universal peace and brotherly love, for which the lowly Savior of men meekly taught us to pray. [Laughter and applause.]

And likewise, unfortunately, by the command of the Republican Speaker of the House, the distinguished, Godly, blind Chaplain of this House, though a Republican, has been denied the privilege of praying without restraint for Democrats, and though during his many sessions of valuable service as nonpartisan Chaplain of this House he in years past wast taught by leaders of the Republican Party that an established peace guaranteed by a league of nations was a condition much to be sought after and worthy to be prayed for, his pious lips are now sealed and this blind follower of the Nazarene has been forbidden by Republican mandate to pray for Divine guidance in assisting Congress to bring about a cessation of cruel war and the establishment of universal peace, forsooth, because our Republican colleagues have denominated same Democratic doctrine.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BLANTON. No; I regret I have not the time to yield. I agree with the gentleman who preceded me that the President should tell the truth at Columbus, Ohio, next Thursday; but it is not the truth the gentleman from Ohio and his Republican partisan colleagues want. If he told the whole truth he would tell the good people of Ohio that on June 13, 1918, the Secretary of War advised us that it would not be necessary to draft our young boys and send them to the trenches, as he only needed 2,300,000 new soldiers and he had 21,000,000 available able-bodied, grown men from which to select the number, and that he was going to make every able-bodied man either work or fight. And the President would then be forced to tell the people of Ohio what happened, namely, that Samuel Gompers threatened that he would not permit the "Work or fight" order to apply to labor unions, and then, and then only, it was that after our Democratic chairman of the Military Affairs Committee refused to be intimidated by Samuel Gompers and refused to obey his command, which meant the drafting of 670,000 18-year old boys, then it was that the gentleman from California, the present Republican chairman of the Committee on Military Affairs, came to the rescue of Samuel Gompers and protected the members of labor unions from being drafted even though they refused to work in 6,000 strikes, and fathered and passed his pernicious law drafting into the service 670,000 18-year boys, and then the gentleman from California [Mr. KAHN] went to Europe and bragged about it in such loud tones that the war lords of Europe heralded him as our Secretary of War, so great was his dignity, and so apparent was his military mien and carriage. And if the President should be so unkind to the Republican Party as to tell the whole truth to the good people of Ohio at Columbus next Thursday he would be forced to tell them that since the military gentleman from California [Mr. KAHN] has returned from exchanging ideas with the war lords of Europe, it is the gentleman from California, the Republican chairman of the Military Affairs Committee, and he alone, who now seeks to sow militarism in the United States by preaching universal military training.

Mr. KNUTSON. Will the gentleman yield?

Mr. BLANTON. I would like to yield to the gentleman from Minnesota, the active Republican whip, but I have a more serious duty to perform. The Republican chairman of the Committee on Military Affairs, who seeks now to inflict upon the country a quasi military government, is the deserving target at which the gentleman from Ohio [Mr. MURPHY] should justly aim his venomous darts if he would protect the good mothers of our land from having their young sons forcibly taken from their arms and the needed influence of homes and firesides and sent to the military camps of the country, as it is Mr. KAHN, distin-

guished Republican leader, who is now arranging to force such a pernicious law down the throats of Congress through the majority vote of his Republican machine now running Congress.

And I want to serve notice on the gentleman from California right now that there is one Democrat in this House who is not going to vote for his compulsory military measure as it is now framed when it comes up in the House for consideration. If the President were to tell the truth to the people of Ohio, he would tell them, not that the league of nations seeks to take the boys away from their firesides, but, if the President tells the truth, which he will do, because there is nothing in him but the truth—[laughter on the Republican side and applause on the Democratic side]—when he tells the people of Ohio the truth he will tell them that by the league of nations, which he as the leader of the people of this country has brought before the gentlemen on the other side of the Capitol for consideration, he hopes to reduce to the minimum the chances of ever again burying in France 50,000 of the brave men of this country. He would tell them that by that very league of nations, which is largely the product of his incomparable mind and statesmanship more than that of any other man in the world, he expects to let the people of this country live in peace hereafter as long as this Republic stands. He would not tell them it would keep them out of war forever, because it will not. And there is no law that will keep them out of war forever as there is no State law that will prevent all crime. There is no law that can change the leopard's spots. The instincts of disobedience to law will be in humanity as long as the world lasts, and it will crop out in nations as it crops out in individuals. But by the league of nations the President hopes, as I say, to make it absolutely impossible for one nation ever again to successfully declare and maintain war against another.

I want to say that it ill becomes the gentleman from Ohio to attempt to speak in behalf of the mothers, to say one word against the league of nations, because all the mothers of the land favor it. [Applause on the Democratic side.]

If the President should tell the people of Ohio the whole truth at Columbus next Thursday, he would advise them that while Republican leaders on the other side of the Capitol have for weeks been trying to assassinate the league of nations and all hopes of universal peace, loudly applauded by eastern munitions manufacturers, the Republicans, now in control of this House, have wasted week after week of the valuable time of Congress in passing class legislation, such as the surgical-instrument and chemical-glass measures, the tungsten-ore bill, and the pearl-button bill, thus taking from the poor people of this country millions of dollars annually and placing same into the pockets of rich manufacturers who furnish the campaign funds for Republican politicians.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, it is not my purpose in asking time to pursue the line of discussion with which we have just been regaled. But there is a matter that has been called to my attention and to the attention of all the Members of Congress, I assume, that in my judgment is a matter of sufficient importance to justify my calling attention to what I regard to be a very grave injustice to one of the great existing agencies of the Government at the present time.

It seems that some association, called the "Association of Disabled Soldiers, Sailors, and Marines," with headquarters in the city of Philadelphia, through one of their directors, a Mr. Browning, a week ago last Sunday, in the New York Tribune and in other papers of the country, made a very unwarranted assault upon the present administration of the Federal Board for the Vocational Rehabilitation of Wounded and Disabled Soldiers. Now, gentlemen, in this period, when it seems investigations and suspicions and rumors and various reports so easily find lodgment in the minds of our people, and where there is an existing governmental agency which is performing a great function in what I regard and what I believe the evidence shows a most efficient and most patriotic manner, that when an assault is made upon its entire administration and the results that it is accomplishing, which charges and assaults have no foundation in fact, they should be resented on the floor of Congress, because this organization is one of the creatures of an act passed by this assembly.

To illustrate the unwarranted and unfounded nature of this attack that has been made upon the Vocational Board, I desire to call attention to a few of the charges in concrete fashion, in order that you may see the nature and scope of the untrue statements that have been sent over the country, for what purpose I do not know, and actuated by what motive I shall not undertake to judge, but which, if uncorrected, gentlemen, will certainly have a great tendency unjustly to discredit this great organization. I will state that the charge is made that many of those being trained under the board's auspices have objected to their pay being reduced by the board by the amount they earned while learning a new trade. The answer to that by Dr. Prosser, the director of the board, is that no deduction has been made or will be made by the board in the training of disabled men of money incidental to their work while in training—a categorical denial of the charge that has been made.

I want to assert this, that the proof in this case shows after these charges were made by Mr. Browning that a direct invitation was sent to him by the Federal Board for Vocational Education to come before the board and review these charges and be corrected as to the misinformation which has been given him, and that he has declined to do it.

Another grievance of the association is that it has not learned of a single disabled soldier among the one thousand nine hundred and odd employees of the Federal board. That is a damaging charge. That is one calculated, gentlemen, to prejudice the disabled soldiers, and all soldiers, as well as the people, against the administration and officials in charge of this board. And the man who undertakes to make a charge of that grave character against a Government administration and its officials, certainly in justice to the public and to the soldiers of this country ought to know what he is talking about before he makes it.

The fact is that the records show at the present time that there are 256 ex-service men in the employ of the board, of whom 48 received disabilities in the service.

Another charge is that the Federal board has failed to be guided in the administrative work by sound scientific principles evolved by other countries that have been recognized as pioneers in the work of vocational education. The answer to that is, and it is the truth, that the statement is without foundation. The former vocational secretary of the Canadian Military Hospital Commission has been assigned to the board as special advisor since the very beginning of the work, and he is there yet.

Another charge is that according to the report of the Federal board, made under date of June 21, 1919, only 11 men have been placed in remunerative employment after completing courses of training. The answer to that is, as stated by Dr. Prosser—and these facts can all be verified by the records of the board—that of 119 men reported by the district officers as completing training, 12 will not resume employment now because they are ill or resting; 35 will resume training in the fall; 6 have left training giving no address; and the status of 12 cases has not been reported.

This leaves a balance of 54 men, of whom 42 have been placed and have concluded their training.

Now, I will not have the time to go on, as I wish I could, to reply to some of these charges in detail.

Mr. BROOKS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. I will yield for a brief question.

Mr. BROOKS of Illinois. I would like to ask the gentleman to state just how a wounded or crippled soldier might get into one of these schools? I have a great many letters inquiring about that subject.

Mr. BANKHEAD. I can answer that. If you will direct an inquiry to the National Board for Vocational Training they will send you full information on the subject.

Mr. BROOKS of Illinois. I have already done that. They sent it to Chicago.

Mr. BANKHEAD. What is your State?

Mr. BROOKS of Illinois. Illinois.

Mr. BANKHEAD. The district office is located, I imagine, in Chicago, in charge of a director. He has charge of the details of taking these applications and sending out men to pass upon them. If the gentleman will pursue that course, or if any disabled soldier will pursue it, he will have no difficulty in getting his application granted if he comes within the law.

Mr. BROOKS of Illinois. I started on that line, but have not heard from them yet.

Mr. BANKHEAD. The gentleman probably has not had a reasonable time.

Now, I wish to give a summary of the work that has been done by this board up to date, despite the charges made by Mr. Browning to the effect that the board are not getting the disabled soldiers into training. This statement was issued by Dr. Prosser on August 22, 1919:

To this date a total of 14,876 cases have been approved for training, of which 7,356 have been placed in training, the rest having been notified of the approval of their courses and are awaiting the opening of the schools which they will attend in September. It is obviously impossible to send these men to school until the schools open. A total of about 17,000 men will be in training by October 1. In the seven months since demobilization of disabled men in large numbers began and the board secured entrance to the military hospitals, the board has approved for training as many men as Canada has approved in four and one-half years of war, and has in training at the present time as many men as Canada. From present indications the United States will by October 1 have passed the Canadian figures as to total number of men in training since the war began in 1914.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Arkansas?

Mr. BANKHEAD. I yield for a brief question.

Mr. CARAWAY. If a soldier has been discharged from the service but has been disabled, how does he go about it?

Mr. BANKHEAD. He pursues the same course as that I have outlined.

Mr. CARAWAY. He writes to the Bureau of War Risk for his compensation, does he?

Mr. BANKHEAD. The Bureau of War Risk has absolute charge of the compensation. The Vocational Board has nothing to do with it.

Mr. CARAWAY. If he writes to either of these boards, do you reckon he will get the information?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. KITCHIN. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. CARAWAY. If he writes to either of these boards, he will get a reply, will he not?

Mr. BANKHEAD. I presume he will. So far as the Vocational Board is concerned, I think I can stand sponsor for the proposition that they answer their correspondence, whether it comes from a soldier or from some official of the Government.

Mr. CARAWAY. That has not been my experience. I am glad to hear the gentleman make that statement. Neither one of these bureaus, in my experience, has replied to requests.

Mr. BANKHEAD. I have heard a great many complaints about the War Risk Bureau not answering letters, but not about this board.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HOWARD. Is it not a fact that in the last few days there has been eliminated the rule with reference to compensation?

Mr. BANKHEAD. I am coming to that. I am glad the gentleman from North Carolina [Mr. KITCHIN] yielded me time in order to cover that situation.

The charge is made in this newspaper publication, in a memorandum which I believe was presented to the President of the United States, asking an investigation of this department, that there had been complaints in regard to the long delay which wounded and disabled soldiers had to undergo before they could begin to draw money from the Vocational Board. Every Member of Congress certainly is familiar with the proposition, and Mr. Brown and his association, before they made these serious charges, should have acquainted themselves with the law on this subject. Until we passed the bill after the special session began a few weeks ago, the Vocational Board had no authority under existing law to take over men for vocational training until their compensation status had been determined by the War Risk Bureau, and no doubt confusion and ignorance as to the law accounts in a large measure for these complaints. At the present time and under existing law the Vocational Board has authority to take over men for training who come within the limitations of the Vocational Educational Board, pending the adjustment of the compensable status by the War Risk Bureau.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DOWELL. Is not the criticism now that the board is not performing its duty in putting these boys into training as rapidly as it should?

Mr. BANKHEAD. That is a question I am undertaking to answer. That is one of the criticisms. I started out to say that it was estimated in the beginning that the minimum number of men, judging from the experience of Canada, that would be taken over in the entire administration of this law would be 15,000 men.

Up to date, as shown by the statistics furnished here by the Director of the Vocational Board, by the 1st of October there will be in training 17,000 wounded and disabled men. If this board took over any men contrary to the provisions of the law affecting their status there would be complaint and criticism. As a matter of fact, this board has been subjected to criticism on the floor of Congress to the effect that it was too eager and too zealous in reaching out to take men in and too enthusiastic in trying to get in touch with men who had the right to avail themselves of this law. But I want to assert here, because I have tried to keep in intimate touch with the operations of this board, that nowhere in the Government service today—and I want to say this in justice to these men, none of whom are from my section of the country, and I do not know that any of them belong to my political party—I want to say, in justice to Dr. Prosser and his immediate associates, that there are no men under the Government to-day who, since they began their duties, have labored with greater devotion and more zealous assiduity to perform their duties under the law than they. They have been working on Sundays and long hours at night for the purpose of getting in touch with these men, because they have a humane interest in the proper and effective administration of this law, and I regret, gentlemen, that upon unfounded charges, upon statements which can not be verified by the evidence, an effort is being made to discredit the minds of soldiers, sailors, and marines and the people of this country generally the integrity of the entire administration of this great work.

The secretary of the National Council of the Association of Disabled Soldiers, Sailors, and Marines, under date of August 27, in an answer to Dr. Prosser's refutation of the complaints made with amazing frankness, states, "We will not pretend at the moment to say whether or not this lack of confidence is justified, but that it exists shows very clearly the need of an investigation."

They demand an investigation not upon reliance of facts within their knowledge but upon surmise and suspicion only.

I simply rise, gentlemen, as I have felt it my duty to do as a Member of this House and as one who knows what that board has been doing, to resent these charges and to present a few answers to the unfounded statements that have been made.

Mr. PLATT. I agree with a great deal that the gentleman has said and think that the most of those charges were unfounded; but it seems to me that this is true, that the Vocational Educational Board, by their publicity, created a great many unfounded hopes and ideas in the minds of soldiers as to what they could do which they can not do and which the law does not give them authority to do, and I think a certain amount of blame attaches to Dr. Prosser and the rest of them for having promoted false hopes.

Mr. BANKHEAD. What false hopes did they hold out?

Mr. PLATT. They have made a lot of soldiers who are not disabled enough to be handicapped in resuming their vocations think they are entitled to take these courses and to receive the generous support provided.

Mr. BANKHEAD. Does the gentleman assert the board has ever held out any inducement to men who were not wounded to make them think they were eligible under the law?

Mr. PLATT. Dr. Prosser himself says that thousands of soldiers who are not entitled to these benefits are making requests of this board in order to get the pay or support provided, and I think it is the fault of some of the extravagant publicity of the board.

Mr. BANKHEAD. I do not think the board has ever sent out any publicity or ever held out any hopes to men who were not disabled that they could take advantage of this law.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. BANKHEAD. I think I have said all I desire to say, but in order that this whole matter may be properly presented I ask unanimous consent that the communications to which I have referred may be printed in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The communications are as follows:

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
Washington, August 22, 1919.

To Members of the Congress:

There has been called to the attention of the Federal Board for Vocational Education by several Members of Congress a communication addressed to all the Members of that body by Robert Browning, signing himself as field representative of a new organization known as the Association of Disabled Soldiers, Sailors, and Marines. Inasmuch as this communication was apparently made without knowledge of the actual conditions, the board invited Mr. Browning to come to its office

at Washington in order that these errors might be pointed out to him and the actual facts placed in his hands. Since he has failed to do this and has allowed his publicly made statements to stand without correction, the board finds it necessary to send to the Members of Congress the following answers to his statements, the latter being given in quotation marks, followed by the statement of the board.

I.

"Many of those being trained under the board auspices have objected to their pay being reduced by the board by the amount that they earned while learning a new trade. This is manifestly unfair, they claim, since such a method offers no incentive for progress and it encourages the employer to exploit the disabled soldier."

* * * * * * *

No deductions have been made or will be made by the board in the training pay of disabled men because of moneys earned incidental to their work while students in training in shops, offices, farms, or anywhere else.

II.

"Another grievance of the association is that it has not learned of a single disabled soldier among the one thousand nine hundred and odd employees of the Federal board."

* * * * * * *

The records show that at the present time there are 256 ex-service men in the employ of the board, of whom 48 received disabilities in the service. Preference is being given to discharged soldiers, and among discharged soldiers to those who, in spite of their disability, will be able to qualify under the civil-service rules and do the work. Most of the employees of the board are female stenographers and typists. Where disabled men are qualified for this work, they have been given employment. Disabled men in training in commercial courses are being assisted by the district offices to qualify under the civil service as soon as they are able so that vacancies in the force of the board may be recruited from their ranks. It must be remembered that while the civil service has, under the President's order, established a separate list of ex-service men these men must meet the civil-service requirements as to qualifications in order to be eligible to employment—a process that requires time.

III.

"A number of men have complained that in spite of President Wilson's order that physical examination be waived in the cases of men certified by the Federal board for civil-service jobs, the board refused to give the men the required data, and that consequently they were unable to obtain the positions under the civil service."

* * * * * * *

The board receives applications of disabled men who desire to train for civil-service positions. Up to the present time 61 men have applied through the board for training for civil-service positions. The following table shows the action taken by the Civil Service Commission on these cases since May 17, 1919:

Approved	27
Approved if the test for physical disability which the board is having made is satisfactory	14
Rejected for one position, but approved for another	4
Returned for further medical data	5
Rejected because disability made work impossible	11

Even if it appears to the representative of the Civil Service Commission on the first review of the case when it is presented to them by the board that a man can not qualify for the position desired, the door of opportunity is not closed to the man. If his physical condition improves, or if a satisfactory test is made later, the man's case can again be placed before the civil service for a decision.

The above table shows that only 11 applications for civil-service positions have been rejected by the commission. Some of these cases were those of men suffering from active tuberculosis who will not be put in training by the board under any conditions. In other cases the man desired an occupation which was entirely unsuited to the nature of his disability. These cases were rejected by the commission and very excellent recommendations made as to opportunities in other Government positions.

IV.

"The Federal board has failed to be guided in the administration of its work by the sound scientific principles evolved by other countries that have been recognized as the pioneers in vocational reeducation."

* * * * * * *

The statement that the Federal board has not been guided in the administration of its work by the scientific principles evolved by other countries is without foundation. The former vocational secretary of the Canadian Military Hospital Commission has been assigned to the board as special advisor since the very beginning of the work. The former district vocational officer of the Province of Alberta organized most of the district offices and has been field organizer in the United States since the very beginning of the work. Representatives of the Federal board visited France and made a thorough study of the French rehabilitation system. A study of the systems used in the various countries will show that Canada and the United States are far ahead in the administration of the problem. The only difference between the United States and Canada is in the fact that the United States Government is very much more liberal in awarding subsistence and training to disabled men. A great many men now in training in this country would not be considered eligible for training in Canada. It is also true that no other country has the provisions available for practically all disabled men that are made available by section 3 of the vocational-rehabilitation act under which, as has already been stated, every man awarded compensation under the war-risk insurance act may pursue a course of instruction for which the Government will pay the entire cost, without subsistence, while in training.

V.

"According to a report of the Federal board under date of June 21, 1919, only 11 men have been placed in remunerative employment after completing courses of training. This would indicate an alarmingly low figure, considering the number of disabled soldiers who have completed courses."

* * * * * * *

Of the 119 men reported by district officers as completing training, 12 will not resume employment now because they are ill or resting; 35 will resume training in the fall; 6 have left training giving no address; and the status of 12 cases has not been reported. This leaves a balance of 54 men, of whom 42 have been placed, or have placed themselves. Twelve men only are pending placement, and their cases are being pushed vigorously. It is difficult to secure the immediate placement of normal men, including even those discharged from the service without disabilities. The problem becomes doubly difficult when the man has a handicap, and often requires testing and time. Inasmuch as the status of men in and out of employment and in training changes rapidly, the number given above (12) will vary, but in general it expresses the situation. The statement that only 11 men completing courses have secured employment, and that therefore 108 men have finished their work and have been neglected by the board is obviously untrue.

VI.

"Hundreds of men have complained that they were compelled to wait from six weeks to six months without pay and forced to depend on the help of friends or charity before their cases were finally acted upon by the board."

* * * * * * *

It is not the function or duty of the board to provide support for men immediately on discharge from the service or to provide support for any disabled men, other than those who have been placed in training because they are in need of vocational rehabilitation to overcome the handicap of their disability. Support of disabled men after discharge was provided for by the Congress in giving a $60 bonus and by paying compensation through the War Risk Insurance Bureau for disabilities received. Furthermore, the original vocational rehabilitation act provided that the board could not make payments to men in training until compensation was awarded by the Bureau of War Risk Insurance.

At the time the President signed the amendment to section 2 of the vocational rehabilitation act there were 3,633 cases which had passed the district case boards and had been approved for training by the Washington office. In the discharge of its responsibility the Bureau of War Risk Insurance is required by law to secure legal proof of many things before it can award compensation, and unavoidable delays result. These 3,633 men had not been awarded compensation, and the board was, therefore, legally unable to approve or provide training. Since July 11 all of these cases have been acted upon, and the districts have been authorized to proceed with training in all cases in which the training was necessary within the meaning of the amended act.

VII.

"It has recently come to the attention of the association that the Federal board has issued to its 14 district officers an order that precedence be given to cases of seriously disabled men over those with minor injuries. Such a ruling is resented by the thousands of soldiers who have suffered less conspicuous disabilities, but who, nevertheless, are prevented from returning to their old jobs, and who need retraining just as much as the men who have given an arm or a leg in battle."

* * * * * * *

Since it was impossible administratively to handle immediately the many thousands of applications before the board when it was given a free hand by the Congress on July 11, 1919, the board decided to concentrate its efforts in getting men with major occupational handicaps into training at once. We reaffirm the justice and wisdom of this policy. Your attention is invited to the fact that the board's definition of a major occupational handicap includes not only those suffering from loss of limb, which are comparatively few, but many thousands of cases that are suffering from disabilities less obvious than amputations which prevent their return to employment. Moreover, in order to be eligible for training at the present time, it is only necessary for the man to show that he has a temporary major handicap. If he is suffering from a temporary major disability, which may be entirely cured in six months, such as the after effects of chlorine gas, leaving tachycardia and shortness of breath on exertion, he is considered eligible for training. The standards adopted by the Federal Board for Vocational Education are more lenient than those of any other country, and a larger proportion of disabled men will be embraced within the provisions of the vocational rehabilitation act in this country than in any of the warring nations.

An examination of the files of the Federal Board for Vocational Education will show hundreds of applications for training made by men who were discharged with a very slight or almost negligible disability. Several men, for example, who were discharged from the Navy on account of seasickness request training, because they are unable to return to their previous occupation of clerk. On account of the generosity of Congress in providing liberal allowances for disabled men in training, a great many unworthy cases applied for training at the district offices. All of these applications were given due consideration, as it was thought that these men, although suffering from an apparently slight disability, might really be in need of training. It has been found that the men suffering from negligible disability are as insistent on immediate action as those suffering from major disabilities. While the pressure from disabled men was increasing, many experienced men left the staff of the board to return to their former positions, and the work has in consequence been greatly handicapped. It was, therefore, administratively impossible to give serious consideration to all cases with minor disabilities. As an administrative program, it was decided to attend first to the serious cases, get these men in training immediately, and to adjudicate the claims of the slightly disabled men after the more important problems had been met, remembering that they may be assumed to be in receipt of or soon to receive as support such compensation as they are entitled to from the War Risk Insurance Bureau.

VIII.

"The Federal board has acted in a bureaucratic fashion by demanding for its headquarters in Washington absolute power and by depriving its district vocational officers of any initiative."

* * * * * * *

The statement that the Federal board has not given the districts sufficient authority is without foundation. The districts have been given whatever authority is possible. As the board is operating on a budget system, it is impossible to assign the expenditure of funds to the district offices. If the district offices were allowed to place men in training prior to central offices' approval, thereby contracting large obligations, the board would soon contract to spend money far in excess of its appropriations. In order to control the expenditure of Federal funds it is absolutely necessary that control be exercised by the central office and the board thus discharge the duty imposed by Congress.

IX.

The Federal Board for Vocational Education "has shown a decided unwillingness to cooperate with existing agencies that have offered their facilities freely and generously for training and absorbing into employment disabled soldiers."

* * * * * * *

The board is using at the present time 546 existing State and local institutions for training disabled men and is training disabled men on the job in 198 factories, workshops, and offices throughout the country. The board has to its knowledge refused to use offered facilities in not more than six cases and these were refused for good and sufficient reasons.

The board has excellent cooperative arrangements with the Departments of Commerce, Labor, and Agriculture, the War and Navy Departments, the Public Health Service, the Surgeon General's office, War Department, the Bureau of Medicine and Surgery, Navy Department, the War Risk Insurance Bureau, the United States Employment Service, the American Red Cross, the Council of National Defense, the National Catholic War Council, the National Manufacturers' Association, the American Federation of Labor, the United States Chamber of Commerce, the Elks' War Relief Commission, the Elks' Clubs throughout the country, the Rotary Clubs throughout the country, and war casualty insurance companies throughout the country, as well as many hundreds of others.

The board is cooperating with more than 30,000 public and private agencies, national, State, and local in their scope, and in countless ways is securing invaluable aid from them in the discharge of its task.

X.

"The Federal board has announced that it has made contracts with 146,931 for training and that of this number only 5,808 already have been placed in training. At its present rate of progress it will take the board more than a year to place this number in training. As a result over 100,000 disabled men will be waiting without pay from the Federal board."

* * * * * * *

The board has not made contracts with any soldiers. They have established contact with 133,367 soldiers. By "contact" is meant that the board has, through its representatives in person or by correspondence, gotten into touch with this number of soldiers. Of this number, 110,135 have actually been interviewed and surveyed by agents of the board in the desire to reach every man in need of training to overcome the handicap of his disability.

Of these men a great majority are not eligible to training under the law, because they are not, in the language of the law, "in need of vocational rehabilitation to overcome the handicap of their disability." They are able to return to their former occupations successfully, where, in addition to their wage, many will receive compensation from the War Risk Insurance Bureau. The board expects to administer the law in the most liberal spirit possible and to give the soldier the benefit of the doubt where any exists. Training under section 3 of the act is made available to every man awarded compensation by the War Risk Insurance Bureau. Every such man is given a course of instruction, if he will take it, and the expense of tuition, books, supplies, and traveling are paid by the Government. In every case where a man, because of a temporary or total disability, is unable to enter employment successfully, the full support provided by the law for him and his dependents is paid in addition. Beyond this the board can not go under the law, whatever may be its personal feelings.

If it is the intention of Congress to provide vocational rehabilitation to every man discharged with a disability rated as 10 per cent or over, Congress should realize the expenditure involved by a program of this magnitude.

The weekly statistical report of the General Staff of August 7, 1919, contains the following:

"The Army had reported to the Bureau of War Risk Insurance to July 1 the names of 149,433 men discharged from the Army with disability. Only cases showing 10 per cent disability have been reported. At this rate it seems probable that the total number of cases of disability resulting from the war and entitled to compensation will be close to 200,000."

These figures are exclusive of disabilities incurred in the Navy or Marine Corps. Estimating this number at 50,000 makes a total of 250,000 men discharged with disability rated as 10 per cent or over. If these men receive training with support it will involve an expenditure of $350,000,000; only $16,000,000 have been appropriated. Moreover, the $350,000,000 required for support and tuition for such a group of men does not include their traveling expenses, medical care, or mechanical appliances nor the expenditures for equipment and for administration.

It is impossible to conceive that all men who have received disabilities in the service will need retraining in order to return to their old occupations. The experience of Canada, whose standards are more liberal than those of any of the European countries, shows that approximately 10 per cent of the disabled men need retraining. If this country doubles the percentage of men trained by Canada there would only be 50,000 men to be retrained. The statement that over 100,000 disabled men will be waiting without pay from the Federal board is therefore obviously without foundation.

The theory and intent of the war-risk insurance act and the vocational-rehabilitation act was that compensation should be given to all disabled men to compensate for the disability as a handicap in employment and that training should be given to those unable to return to employment successfully because the handicap of the disability interfered with their specific occupation. Inasmuch as it is not the function of the board to provide compensation as support for all disabled men, but only to provide maintenance for those needing training, the charge that 100,000 men will be waiting without pay from the Federal board has no foundation in law or in fact.

To this date a total of 14,876 cases have been approved for training, of which 7,356 have been placed in training, the rest having been notified of the approval of their courses and are waiting the opening of the schools, which they will attend in September. It is obviously impossible to send these men to school until the schools open. A total of about 17,000 men will be in training by October 1. In the seven months since demobilization of disabled men in large numbers began and the board secured entrance to the military hospitals, the board has approved for training as many men as Canada has approved in four and one-half years of war and has in training at the present time as many men as Canada. From present indications the United States will by October 1 have passed the Canadian figures as to total number of men in training since the war began in 1914.

By increasing the rate of support to men in training the Congress has by recent legislation made the maintenance of disabled men in training and their dependents average about $100 per month, thereby making an award of training financially advantageous. Many people look upon this training pay as a legal right of every man with a disability however slight or negligible, comparable to the $60 bonus and the award of compensation. This is not the law and consequently the board is unable to administer it from any such standpoint; but it is on the basis of this misconception that great pressure is being brought to bear from returned soldiers and persons occupying prominent public positions. To satisfy this demand that every man discharged from the service with a disability be placed on the Government pay roll at an average salary of $100 per month it will be necessary for Congress to amend the present law and to face without hesitation an expenditure of from $400,000,000 to $500,000,000 before the task is completed.

This may be, and in the opinion of many persons is, the best and most equitable solution of the difficulty. They hold that as a measure of social reconstruction every man injured or diseased in the service should be given, at Government expense, a minimum of from 6 to 12 months of training, and believe not only that this training is due all such men as compensation for suffering, but also that money spent in this way on them will provide the largest social return.

The Federal board stands ready and will be glad to answer any inquiries or respond to any call Congress may make for a clear and comprehensive understanding of the administration of the rehabilitation law.

Respectfully, yours,

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
By C. A. PROSSER, *Director.*

MODERN MEDICINE,
New York, August 26, 1919.

Hon. WILLIAM B. BANKHEAD,
Committee on Education, House of Representatives,
Washington, D. C.

MY DEAR MR. BANKHEAD: I inclose copy of a letter which I addressed to Robert Browning, field representative of the Association of War Wounded Soldiers, Sailors, and Marines, as a protest against the meanness of his attack on the Federal Board for Vocational Education, published in the New York Tribune and other papers on Sunday, August 17, and distributed, I understand, to Members of Congress.

I have never been connected with the Federal Board for Vocational Education, but have been a student of vocational education and of rehabilitation, and have followed the work of the Federal board from its beginning. It is, in my judgment, most unfortunate that a board and its officials who have given such earnest attention to a new and difficult problem should be maligned by publicity-seeking people. I am sure the facts given by me are already in your possession.

I earnestly hope that in the cause of justice and in the interest of constructive work the malicious charges against the Federal board shall be promptly and effectively answered.

Very truly, yours,

JOHN A. LAPP,
Managing Editor.

AUGUST 19, 1919.

ROBERT BROWNING,
Field Representative, the Association of Disabled Soldiers, Sailors, and Marines, New York City.

DEAR SIR: You are quoted in the New York Tribune last Sunday as declaring that the Federal Board for Vocational Education is incompetent, etc., and that the funds have been wasted, and that war cripples wait in vain. I presume that your entire statement was not quoted, and that probably the Tribune is at fault in giving garbled extracts. Surely you must know better than the statements indicate, or else the association for war cripples is in a bad way for field representatives or for publicity.

Your statements as quoted do not even bear the semblance of truth. You apparently did not even take the time to learn ordinary facts about the history of the function of the vocational work under the Federal Board. If you would spend a part of your time getting a full understanding of the problems and the difficulties, and in cooperating with the Federal board, instead of attempting to court publicity by unfair charges, there would be some prospect for the disabled soldiers and sailors growing out of your efforts.

Have you conferred with the Federal board about the problems confronting them? Have you investigated the facts? Do you know that it has been a little over a month since the Federal board was given jurisdiction? Are you aware that up to that time no case could be handled by the board until certified by the War Risk Bureau? Do you know that thousands of cases accumulated before that time? Are you aware of the difficulties of getting men to take vocational training? Do you know that personal efforts result in inducing scarcely 50 per cent of the men to take the training? Do you know the difficulties of getting schools and teachers for the work of training? I believe you know some of these things. If you do not, then you are a poor specimen of a field representative. If you do know these things, then your statements are despicable.

I am not in any way connected with the Federal board, but I have been a student of vocational education and of the rehabilitation problem for a number of years, and I have been a close observer of the work of the Federal board, and believe strongly in fair dealing.

The Federal board has assumed and carried tremendous responsibilities in this war. It has approached its problems with a big vision. All of its problems were new in this country, even the idea of vocational training for youth was new. Everything had to be built from the ground up. There were few teachers and schools capable of handling problems of vocational education, let alone vocational rehabilitation education. For many months the War Department attempted to handle the problem and the Federal board could not get in contact with the men until after they were discharged from the hospitals. Then, when that matter was straightened out, the accumulation of claims before the War Risk Bureau occurred. The Federal board has not had a chance until recently to do its work and now you, who profess to be interested in the welfare of the cripples, come forward and, for publicity's sake for yourself, attempt to throw the whole problem into confusion.

No Government in the history of the world ever provided so generously for its wounded men as has this Government, and in no department has there been such earnest effort to do a difficult piece of work for the benefit of the soldiers as has the Federal board. If you are sincere and desire to aid the crippled soldiers you will cooperate with the Federal board in attempting to get the men who were scattered over the country before the Federal board had a chance to

interview them to come back to take the training. The attempt to court publicity by such ridiculous statements as you made in the Tribune will do very little good in the cause in which you are supposed to be enlisted.

Very truly, yours,

JOHN A. LAPP,
Managing Editor.

P. S.—Since writing the above I have called the Federal board to inquire if you have ever conferred with them upon the problems of rehabilitation and I have learned that you have never done so, although given a special opportunity. Further comment is unnecessary.

Mr. FORDNEY. Mr. Chairman, I ask that at the end of 15 minutes the debate thereafter may be confined to the bill.

The CHAIRMAN. The gentleman from Michigan, chairman of the Committee on Ways and Means, asks unanimous consent that at the end of 15 minutes the further general debate be confined to the bill itself. Is there objection?

Mr. HOWARD. Reserving the right to object, how will the time be divided?

Mr. FORDNEY. The gentleman from Kansas [Mr. STRONG] wishes three minutes, and it will be equally divided among the others.

Mr. HOWARD. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STRONG of Kansas. Mr. Chairman, there was a time a few weeks ago when all the Members of this House felt that we had performed those duties for which we were called together, and that we might take an adjournment. The appropriation bills had been passed; the amendments relating to woman suffrage and prohibition had been voted upon; the Senate were engaged in discussing the peace treaty and the league of the 32 nations proposed by the President, and they were so rightfully and earnestly engaged that they were not in a position to join with us in the consideration of legislative matters, and all Members felt that we should take an adjournment. Of course there were some objections made for political reasons by one or two Democrats who had already purchased their tickets and made their reservations to go home or to Alaska or somewhere else and who did not expect their objections to prevail. But everyone on both sides of the House was in accord with the idea of adjournment when the Executive sent in a request that we reconsider our action and remain here, and we yielded to that request. But now, gentlemen, when the men who are engaged in the operation of the railroads are taking a vote to see whether or not they will engage in a nation-wide strike when we have the Mexican situation confronting us and becoming very acute, and when we are trying to do everything possible to bring down the high cost of living, it does seem to me that the executive as well as the legislative branch of this Government should stay on the job. [Applause.] I have therefore introduced a resoluton which I will ask to have read in my time.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the resolution be read in his time. Is there objection?

There was no objection.

The resolution was read, as follows:

Resolution requesting the President of the United States to remain at the seat of the National Government.

"*Resolved*, That the existing conditions in national affairs are such that another absence of the Chief Executive from the National Capital is fraught with very grave danger to the welfare of our country in these troublous times, in which a crisis involving labor, credits, transportation, the cost of living, profiteering, the welfare of former service men, or foreign relations may assume grave proportions necessitating immediate action by the Chief Executive.

The House of Representatives therefore respectfully request that the President of the United States remain at the National Capital until these pathological conditions shall be remedied or ameliorated.

Mr. DYER. Mr. Chairman, I ask unanimous consent for the immediate consideration of this resolution. [Laughter.]

The CHAIRMAN. The request is not in order now.

Mr. FORDNEY. I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, the gentleman from Florida [Mr. CLARK] a few minutes ago referred to the resolution which he had introduced relative to an inquiry into the Housing Corporation, and also to my resolution pending before the Committee on Rules. He also referred to the delay of the Committee on Rules in reporting out his resolution after rather extended hearings. At the time reference was made to my resolution two days ago the chairman of the Rules Committee stated that same subject was under consideration in the other branch of Congress. I took pains to go to the document room and inquire for any document relative to any such investigation in the other branch and was unable to find that any resolution of inquiry into the Housing Corporation had been introduced. Yesterday I consulted with the chairman of the Senate Committee on Public Buildings and Grounds [Mr. FERNALD] and found that that committee, without any special resolution, was considering the subject. Personally I hope that such an investigation will be carried on most thoroughly by some official organization of one branch or the other of Congress. It is immaterial where the investigation is made, but it is certainly very apparent that it should be made. Unless the investigation is followed expeditiously in the other branch it certainly is incumbent on the House to take up the matter.

Mr. BLANTON. Mr. Chairman, we have 27 Members on the floor of the House——

The CHAIRMAN. If the gentleman from Texas desires to make a point of order, let him make it without explanation or apology.

Mr. BLANTON. Does the Chair hold that I can not call attention to the fact that we have only 27 Members——

The CHAIRMAN. The Chair thinks that the gentleman from Texas may only make the point of order that there is no quorum present, without explanation.

Mr. BLANTON. I have the profoundest respect for the Chairman, and therefore I will obey his ruling, and will make the point that there is no quorum present, because I think that even under Republican control we should have one here to attend to business.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. Evidently there is no quorum present. The Sergeant at Arms will notify absentees and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fields	Kennedy, R. I.	Rogers
Andrews, Md.	Fitzgerald	Kettner	Romjue
Anthony	Flood	Kiess	Rouse
Babka	Foster	Langley	Rowan
Benson	Frear	Larsen	Rucker
Blackmon	Fuller, Mass.	Layton	Sanders, Ind.
Bland, Ind.	Gallagher	Lea, Calif.	Sanders, N. Y.
Booher	Gallivan	Lee, Ga.	Sanford
Britten	Gandy	Linthicum	Saunders, Va.
Brooks, Pa.	Ganly	Longworth	Schall
Browne	Garland	Luce	Scott
Brumbaugh	Glynn	McAndrews	Scully
Burke	Godwin, N. C.	McArthur	Sears
Burroughs	Goldfogle	McCulloch	Shreve
Butler	Good	McKenzie	Siegel
Byrnes, S. C.	Goodall	McKinley	Sims
Caldwell	Gould	McKinley	Sisson
Candler	Graham, Pa.	Magee	Small
Cantrill	Graham, Ill.	Maher	Smith, Ill.
Carew	Griest	Mann	Smith, N. Y.
Carter	Griffin	Mason	Snell
Casey	Hadley	Mead	Snyder
Clark, Fla.	Hamill	Merritt	Steele
Classon	Hardy, Colo.	Montague	Stephens, Miss.
Cooper	Haskell	Moon	Stephens, Ohio
Copley	Haugen	Mooney	Stevenson
Costello	Hays	Moore, Pa.	Stiness
Crago	Heflin	Moore, Va.	Sullivan
Cramton	Hersman	Moores, Ind.	Sumners, Tex.
Crowther	Hill	Morin	Taylor, Ark.
Davey	Holland	Mott	Taylor, Colo.
Dempsey	Houghton	Mudd	Tinkham
Denison	Huddleston	Nichols, Mich.	Upshaw
Dent	Hulings	O'Connor	Vare
Dewalt	Humphreys	Olney	Walsh
Donovan	Husted	Parker	Walters
Dooling	James	Pell	Ward
Drane	Jefferis	Rainey, Henry T.	Wason
Dunn	Johnson, Miss.	Rainey, John W.	Watson, Pa.
Dupré	Johnson, S. Dak.	Ramsey	Wheeler
Ellsworth	Johnson, Wash.	Randall, Calif.	Williams
Emerson	Johnston, N. Y.	Reavis	Wilson, Pa.
Esch	Jones, Pa.	Reber	Winslow
Evans, Nebr.	Kahn	Reed, N. Y.	Wise
Evans, Nev.	Kelley, Mich.	Riddick	Yates
Fairfield	Kelly, Pa.	Riordan	Zihlman
Fess	Kennedy, Iowa	Robsion, Ky.	

The committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 7705, found itself without a quorum; that he had caused the roll to be called, when 243 Members answered to their names, and he presented a list of the absentees.

A quorum being present, the doors were opened.

The committee resumed its session.

Mr. TREADWAY. Mr. Chairman, I was about to refer to the bill reported by the Committee on Public Buildings and Grounds doing away with the Housing Corporation. There is, to my mind, one serious drawback to that bill, although it is an excellent piece of legislation to be finally enacted. It does not reach the seat of the trouble. It merely transfers the remaining work of the Housing Corporation to some other bureau of the Government. It does not reach to an investigation of the extravagance that the Housing Corporation has been guilty of during its existence. That is the point that I desire to reach through

a special investigation conducted either by the committee in the other branch or the committee here, or a specially appointed committee, as other investigations have been conducted.

Mr. ANDREWS of Nebraska. Will the gentleman allow me to call his attention to the fact that a resolution was introduced to accomplish the purpose the gentleman refers to, but it has not yet come before the House. That resolution gives authority to make the investigation.

Mr. TREADWAY. I stated when I had the floor that there was such a resolution pending before the Committee on Rules, together with one more recently introduced by me, but that neither of them has been reported for the reason explained by the chairman of the Committee on Rules, namely, that there is pending in the Senate a similar investigation, and there ought not to be any duplication of the work. But we do want to get at the root of the extravagance and waste that the Housing Corporation has been carrying on under war-time authority. That object will be accomplished some time, in some way, either by this House or the other branch.

Mr. PLATT. Mr. Chairman, I would ask the gentleman whether it is the part of his contract with the gentleman from Texas [Mr. BLANTON], who furnishes him with an audience, that the gentleman from Texas, having furnished the audience, shall leave the Chamber?

Mr. TREADWAY. I am not the keeper of the attendance nor of the person of the gentleman from Texas, and I prefer not to make any personal reference to him respecting whether he is on the floor or not. He is responsible only to his own sense of duty as a Member of the House and perhaps to his constituents in Texas. Consequently, I ought not to answer the question of the gentleman from New York.

Mr. PLATT. I wanted to call the gentleman's attention to the fact that he is not present.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SMITH of Michigan. I take it from what the gentleman says that he thinks this bill that he is now discussing should provide for an investigation, as well as for assigning the activities of the Housing Bureau to the Secretary of the Treasury.

Mr. TREADWAY. I would say to the gentleman that we want an investigation of the work that the Housing Corporation has performed during its existence, whether it comes through a special committee or through a committee of either branch of the Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KNUTSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KNUTSON. May I ask who raised the last point of no quorum?

Mr. BLANTON. I did.

Mr. KNUTSON. Oh.

Mr. BLANTON. I can answer the question. Every time I catch you Republicans without one I am going to call the attention of the country to it.

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. McKEOWN. Mr. Chairman, recent newspaper reports quote Gen. Pershing as saying that he favors the plan to establish a national cemetery in France and as being opposed to the removal of the bodies of our deceased heroes and bringing them back to America. The newspaper reports have caused considerable comment among some of the people throughout my part of Oklahoma, and I think it not out of place at this time to make a few statements respecting the matter.

There seems to be quite a misunderstanding about what is the status of the legal situation respecting the removal of the bodies of our deceased soldiers. It has been currently reported that there is a French law which prohibits the Government of the United States from removing the bodies of these soldiers. At the opening of the war it was agreed between the military authorities—and I think properly so—that no attempt would be made to return the bodies of our soldiers until the close of the war. I think that was a proper order, because of the circumstances attending transportation, and so forth. After that occurred, about January 1, the French Chamber of Deputies passed a law making it three years after the close of the war, and to which law, I am informed, Great Britain, Belgium, and Italy agreed.

Here is how I feel about the matter myself: Wherever the parents of a deceased soldier request the War Department to bring back the body, I think it is the duty of the War Department to bring it back. Out of the requests that went out to the fathers and mothers and nearest of kin, 75 per cent of the answers which came back were in favor of the return of the bodies. There were 10,000 letters in which the writers said they wanted the bodies to remain in France. I think the proper solution of the question would be to bring back the bodies of those whose next of kin or parents request it, and then establish a cemetery over there as a perpetual monument to the bodies of those whose parents do not make that request.

Mr. Chairman, there is a touch of sentiment in this matter. It is something about which legislators should act very carefully, if the matter should come up for legislation. Many of the fathers and mothers in my country who have given their boys, who have died in France, are too poor in this world's goods to make a visit to France, and yet if they are denied the right to have the bodies of their sons brought back to America, as long as they live they will be constantly trying to devise means by which they can raise enough money to visit the final resting place of their loved ones in France.

Mr. McPHERSON. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. McPHERSON. In view of the correctness of the last statement, does the gentleman not think it would be something all of the people would desire, that the fathers and mothers of the dead who lie buried in France be taken to France, if they so desire, as the guests of the United States, to visit the graves of their dead?

Mr. McKEOWN. That might be satisfactory to some of them, but here is the proposition: These boys lie buried in foreign soil. In the coming years no one can tell what will take place. They may lie there and may be lying there some day under the German flag, the very people they fought in defending their country. For that reason there is a sentiment about bringing them back to the soil of their own country.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SHERWOOD. I thoroughly agree with everything the gentleman is saying on that question. I have received a large number of letters, not only from my own district but from others, and I think the sentiment is in favor of bringing back the remains of our soldiers. I think we have the right to do that, notwithstanding any claim made by Great Britain or France or Belgium.

Mr. McKEOWN. The department now, as I understand it, is undertaking to reach an agreement to carry out the first proposition, which was to bring back the bodies at the close of the war, when the last American soldier had started on his return.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. KITCHIN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. McKEOWN. Mr. Chairman, I feel sure it is going to be the sentiment of this House, whatever position may be taken by the department, that this matter shall not rest or be permitted to get into such a situation where we find ourselves unable to bring back those bodies. My contention, from the standpoint of a lawyer, is that their removal is not subject to the laws of France. These soldiers went there under military authority and direction, and their remains must be governed by the rules of military power, so far as that regulation was made with France at the time by our department. The mothers and fathers who brought these boys into the world and gave them to their country to die for the flag, or the wives of those who were married, ought to have first consideration in determining the place where their bodies shall rest until the end of time.

By unanimous consent, Mr. MCKEOWN was granted leave to extend and revise his remarks in the RECORD.

Mr. FORDNEY. Mr. Chairman, that closes debate, except on the provisions of the bill. I yield 30 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. KITCHIN. As I understand it, the debate now, according to the motion adopted, is confined to the bill?

Mr. FORDNEY. Yes, sir.

Mr. GREEN of Iowa. Mr. Chairman, the Ways and Means Committee so far has introduced two classes of bills—one pertaining to what might be known as key industries and war industries; the other class is what we term emergency bills, cases where an American industry was in danger of being destroyed by foreign competition. The bill which we now have under consideration with reference to pearl buttons belongs to the latter class, the pearl-button industry being in danger of being destroyed by reason of cheap Japanese labor. The pearl-button industry began away back in 1890. Prior to that time there were hardly any made in this country. In the year 1890 a great American statesman, and a great Republican I might say also, brought into this House one of the most scientific tariff

bills that had ever been known. It changed the rates, which had heretofore been largely ad valorem—that is, based upon the foreign price of the article—to specific rates. It took care of all of the industries of this country, regardless of whether they were great or small. Among the industries which this great statesman thought worthy of building up at that time was the pearl-button industry, and the tariff of 1890 imposed a duty upon pearl buttons of nearly twice as much as the one which is asked for by this bill. The tariff of 1890, as you remember, remained in force but a short time. A campaign of misrepresentation was instituted against it in the country, and as a result our Democratic friends came into power, and in 1894 the Wilson bill was enacted. The Wilson bill vindicated the judgment of this great statesman when he prepared his bill in 1890. It was not long in operation until all industries all over the country were depressed. In a short time our exports of gold brought our currency to a dangerous situation, in which it was difficult to say whether we could long maintain specie payment.

Our exports became less than our imports. The crisis in our country's affairs was most critical, and McKinley was suggested as the next Republican candidate by reason of the failure of the Wilson bill. I have often wondered why McKinley has no monument in this city; and yet as a fact he needs none. His monument is in the great industries of this country, which he developed and in which this country has come to be the leader, surpassing all the rest of the world.

The tariff of 1897, known as the Dingley bill, succeeded the Wilson bill. The pearl-button industry, which had languished under the Wilson bill, became more prosperous, and the same rates provided in the Dingley bill were also established in the Payne bill, and then came the same campaign of misrepresentation which had originally been made against the McKinley bill, and with the same results. The country, which had prospered so highly, for some reason concluded that it would change its administration and its national policy. It did so by the election of Mr. Wilson, and his administration did so by passing the tariff known as the tariff of October 3, 1913, the Underwood bill, prepared largely by the distinguished gentleman from Alabama, now Senator from that State. The results of the passage of that tariff were at once apparent. It was passed in October, and by December the failures in this country were enormously increased. By April the balance of trade, which had been $600,000,000 a year in our favor, had set in against us. Prices of agricultural products greatly decreased, and a great army of unemployed, larger than all those who had been engaged in the great World War which has been just closed, thronged our streets——

Mr. MAYS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MAYS. Is the gentleman discussing the subject of the bill? [Laughter.]

Mr. GREEN of Iowa. Yes; and I am very sorry if my friend is not able to understand it.

The CHAIRMAN. The point of order, though facetious, is not well taken.

Mr. GREEN of Iowa. As I remarked, a throng of unemployed passed along our streets larger than that of the Army which we have had in the last war, and yet for some reason at that time our Democratic friends thought it was unnecessary to have any labor bureau to take care of them. And where in the spring of 1914 and the summer of 1914 were the Democratic orators who now declaim so vigorously against these tariff bills we have introduced, and among them the distinguished gentleman from North Carolina, who, I expect, will have considerable to say with reference to this bill—where were they at the time? Silent as the grave. They stood like so many extinct volcanoes, which had formerly thrown forth smoke and gas, which had obscured the vision. They had nothing to say. The war came on and saved the business situation and saved the Democratic Party. It created an absolute embargo against all importations from Germany and Austria. It stopped the course of trade. It created a demand for our goods, our products. It restored our industries by destroying those of Europe and turned them to the manufacture of munitions. It built up the wealth of this country for the time being at the expense of the blood and tears and misfortunes of Europe. Now that the war is over and this artificial barrier no longer exists a necessity arises for the enactment of tariff bills to save American industries. We have already had an indication in last month's trade with foreign countries, the month of July, of what is coming. Our balance of trade during July fell off $400,000,000. I undertake to predict that as normal conditions follow we will have the same results that we had under the Wilson bill, the same results that we had under the Underwood bill, and, finally, the balance of trade will turn against us entirely, and that we will be overwhelmed with a flood of goods from a people impoverished but still able to work, who occupy now the devastated regions of Europe, which are soon to be restored to their former condition.

We will be overwhelmed by a flood of goods from Japan, as we are now in the case of the pearl-button industry.

In 1912 there was only $28,000 worth of pearl buttons imported from Japan into this country. During the last fiscal year there were more than thirty times as much brought in. The pearl-button industry, which at one time was quite flourishing, having a capital of probably about $5,000,000, giving employment to about 20,000 people, and turning out $5,000,000 or more in goods every year, by reason of the influx of cheap Japanese goods has been placed on the road to entire destruction. It is utterly impossible for us to compete in this country with Japanese labor. The cost of manufacturing in this country is about ten times as much per day, so far as daily wages are concerned. The Japanese workmen probably not being able to turn out as much per man as the American workmen, the entire cost in this country is about six times that in Japan. By reason of the influx of Japanese goods our factories have been unable to sell their products. Thirteen million gross of buttons have accumulated on the shelves of the American manufactories, which they are unable to sell. Their factories are running on about 40 to 60 per cent time and they are running on insufficient wages. The workmen are not being paid the wages they ought to be paid, and yet the factories are running at a loss. Recently there was a labor disturbance at Muscatine, Iowa, where probably the largest factory in the whole country in the button industry is located. The governor of Iowa appointed a commission to examine into the causes of this trouble which existed between the manufacturer and his employees. The commission appointed by the governor was an entirely impartial commission, except it might be said that it contained one man who was intended to represent labor.

The commission reported that the manufacturers were not paying the wages that ought to be paid to the men in order to support them in proper condition. But it reported also that they were paying all they could possibly afford, and in some instances actually losing money. And I received a letter from one of the members of this commission stating that it was impossible for this industry to continue unless it was protected in some way from the competition which it is now obliged to meet by reason of the low rates of the Underwood bill.

Now, with reference to this bill I would say that it is a moderate one, which offers the rates which formerly prevailed in the Payne bill. The tariff rates are a cent and a half a line and 15 per cent ad valorem. These rates never have and never will affect the consumer in the least. Many gentlemen may not understand what is meant by a line. A line is one-fortieth of an inch. The buttons which I have here on my shirt are probably 14 or 16 lines—I think a 14-line button. A cent and a half a line would be one and one-half times 14, or 21 cents per gross, plus 15 per cent ad valorem, which would amount variously from 1 up to 5 cents per gross, according to the original value of the button. The tariff in this bill on the buttons of a shirt would not exceed a cent.

Now, these buttons are made in all sorts of sizes. Here is a button [exhibiting] which is about a 20-line button; that is about half an inch across.

Mr. BOX. May I ask the gentleman how many lines there are to the inch?

Mr. GREEN of Iowa. A line is one-fortieth of an inch. The tariff rate on that would be one and one-half times 20, plus 15 per cent ad valorem on the original cost, which probably in Japan would be somewhere around 30 cents a gross.

Mr. DICKINSON of Missouri. Will the gentleman yield for a question?

Mr. GREEN of Iowa. I will.

Mr. DICKINSON of Missouri. The gentleman stated that there were about 13,000,000 pearl buttons on the shelves.

Mr. GREEN of Iowa. I stated it much stronger than that. I said 13,000,000 gross.

Mr. DICKINSON of Missouri. Thirteen million gross?

Mr. GREEN of Iowa. Yes.

Mr. DICKINSON of Missouri. Now, for what reason are they not being sold? Is it due to the fact that the market is overstocked or that those who hold on the shelves this large supply of buttons are unwilling to put them on the market at the price at which buttons are being sold now?

Mr. GREEN of Iowa. I suppose they can sell them at some price, as far as that is concerned. They are unable to sell them at a price which would pay them for making them; that is, which would pay the cost of making them.

Mr. DICKINSON of Missouri. Does the gentleman understand that the market is overstocked at present?

Mr. GREEN of Iowa. The market is overstocked at present.

Mr. DICKINSON of Missouri. And these buttons in such a large amount are not being held purely to await the passage of a bill raising the tariff?

Mr. GREEN of Iowa. No; they could not have been manufactured and held for that purpose, for the reason that they accumulated before this bill was ever proposed or before it was ever thought to present the matter to Congress. The reason for their accumulation is because in some places, like the town of Muscatine, the whole community depends entirely upon the manufacture of buttons. If the factory is shut down a large number of the people will absolutely have to starve. They have no other way of living; they have no other trade; they are dependent wholly on this industry. There are somewhere from 20,000 to 30,000 people in the United States who are dependent upon this industry. Gentlemen say it is a small one. Small industries have their rights to be protected as well as large ones.

And this bill is important in another way. We will determine by the passage of this bill—and I am satisfied it will pass—whether the President of the United States is willing that the workingmen of this country shall be protected against the cheap labor of the Orient. The gentlemen upon the other side will also have to pass upon that question.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 12 minutes remaining.

Mr. GREEN of Iowa. Mr. Chairman, the button industry, as I have said, is a small one. But the time has come to give it protection or let it pass out of existence once and for all. The rates which we ask are moderate. They are rates which were established at a time when the industry was not obliged to meet this Japanese competition, which did not begin until about 1912. The competition from Germany and Austria was not nearly so severe in 1909 when the Payne bill was enacted.

Mr. TILSON. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman.

The CHAIRMAN. Will the gentleman from Iowa yield to the gentleman from Connecticut?

Mr. GREEN of Iowa. I will.

Mr. TILSON. The gentleman has a very interesting exhibit, and I would like to ask him a question in regard to it, as to the relative amount of handwork and machine work. It would seem from some of the larger shells appearing there in the middle that the buttons are cut out by a die, which, of course, is done by machinery?

Mr. GREEN of Iowa. Yes.

Mr. TILSON. How much of the work is done by hand, and how much hand labor is there as compared with the amount of machine labor?

Mr. GREEN of Iowa. If I understand the question of the gentleman correctly, very little of the labor is what might be called hand labor. The greater portion of it is done by machines which are semiautomatic, which simply need the attention of the workman to turn out these buttons in great numbers. As the gentleman will see, we use such an enormous amount of these buttons that it is necessary to have some machine of that kind.

Now, I ought to have spoken of the blanks that are exhibited here in great numbers. Here is a simple disk of pearl, which shows the first stage of manufacture.

Mr. TILSON. That is evidently cut out by a die stamp—by machinery.

Mr. GREEN of Iowa. It is cut out by machinery.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr GREEN of Iowa. Yes.

Mr. HULL of Iowa. It is cut out by a tubular saw.

Mr. GREEN of Iowa. Yes. It is cut out by a tubular saw, as my colleague explains. The rate prescribed by the present bill is somewhat lower than the rate of the Payne bill, being less than the rate on the finished button itself.

Here you see these disks in all stages of manufacture. Here they have been rounded off. That is the second stage. Here an opening is made for the purpose of lessening the distance of drilling and adding to the appearance of the button.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HICKS. Is that done by grinding or by some tool that cuts it?

Mr. GREEN of Iowa. It is done by grinding.

Then here is a button not quite complete, not fully polished, as I take it. They are polished also. About 70 per cent of the value of the button is labor. The rest of it is due to the various stages which it goes through and the expense of the machinery, the shells being first dug and taken to the factory, and then the buttons put through these various stages of manufacture in which costly and complicated machines are required.

Mr. KINKAID. Mr. Chairman, will the gentleman yield right there?

Mr. GREEN of Iowa. Yes.

Mr. KINKAID. I wish to inquire of the gentleman whether the cheap-made Japanese productions are now being shipped into the United States and offered in our markets?

Mr. GREEN of Iowa. Oh, yes.

Mr. KINKAID. I understand they cost a great deal less than these homemade productions cost. Is the gentleman able to say how much?

Mr. GREEN of Iowa. I will say this, that the Japanese have been able to put some of their cheaper grades of buttons into the market for less than it costs the American manufacturer when they are completed to put them on that card. [Indicating.] It costs the American manufacturer from 5 to 8 cents per gross to have those buttons put on the card. You can see that is not an unreasonable amount to pay the American workman for putting them on. Some of these Japanese buttons have been sold here for less than it has cost to put them on the card.

Mr. KINKAID. These Japanese factories have shut the Muscatine shops?

Mr. GREEN of Iowa. To a considerable extent. Some of the pearl-button factories are closed down entirely, and others are running only a part of the time.

Mr. KINKAID. And those are only running in the hope of relief in the future?

Mr. GREEN of Iowa. Yes; in order to hold their workmen in case they are able to resume full operations, so that they can then conduct their business at a profit. If they can not get relief, they must abandon the business.

Now, I believe I have said all I care to say of the situation with reference to this industry. We confidently expect that the bill will be supported by every Republican in the House, and we are in hopes that some of our Democratic friends will see the error of their ways and also turn to its support. [Applause.]

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] is recognized.

Mr. BLANTON. Mr. Chairman, I think we ought to have a quorum. I make the point of no quorum.

The CHAIRMAN. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fess	Kennedy, Iowa	Reber
Andrews, Md.	Fields	Kennedy, R. I.	Reed, N. Y.
Anthony	Fitzgerald	Kettner	Rhodes
Ashbrook	Flood	Kiess	Riddick
Babka	Focht	Kleczka	Riordan
Bacharach	Foster	Kreider	Rodenberg
Benson	Frear	LaGuardia	Rogers
Blackmon	French	Langley	Rouse
Bland, Ind.	Fuller, Mass.	Lea, Calif.	Rowan
Bland, Va.	Gallagher	Lee, Ga.	Rucker
Boies	Gallivan	Lehlbach	Sanders, Ind.
Brinson	Gandy	Linthicum	Sanders, N. Y.
Britten	Ganly	Longworth	Sanford
Brooks, Pa.	Garland.	Luce	Saunders, Va.
Browne	Glynn	McAndrews	Schall
Brumbaugh	Godwin, N. C.	McArthur	Scott
Burke	Goldfogle	McCulloch	Scully
Burroughs	Good	McGlennon	Sears
Butler	Goodall	McKenzie	Shreve
Byrnes, S. C.	Gould	McKiniry	Siegel
Caldwell	Graham, Pa.	McKinley	Sims
Candler	Graham, Ill.	McLane	Sisson
Cantrill	Greene, Mass.	McLaughlin, Mich.	Smith, Ill.
Carew	Greene, Vt.	Magee	Smith, N. Y.
Carter	Griest	Maher	Snell
Casey	Griffin	Mann	Snyder
Clark, Fla.	Hadley	Mason	Steele
Classon	Hamill	Mead	Stephens, Miss.
Cooper	Hamilton	Merritt	Stephens, Ohio
Copley	Hardy, Colo.	Montague	Stevenson
Costello	Haskell	Moon	Stiness
Crago	Haugen	Mooney	Sullivan
Cramton	Hawley	Moore, Pa.	Sumners, Tex.
Crowther	Hayden	Moore, Va.	Sweet
Cullen	Hays	Moores, Ind.	Taylor, Ark.
Davey	Heflin	Morin	Tinkham
Dempsey	Hill	Mott	Upshaw
Denison	Holland	Mudd	Vare
Dent	Houghton	Neely	Voigt
Dewalt	Hulings	Nicholls, S. C.	Walsh
Donovan	Hull, Tenn.	Nichols, Mich.	Walters
Dooling	Humphreys	Ogden	Ward
Doremus	Hutchinson	Olney	Wason
Drane	James	Overstreet	Watson, Pa.
Dunn	Jefferis	Parker	Wheeler
Echols	Johnson, Miss.	Pell	Wilson, Ill.
Edmonds	Johnson, S. Dak.	Porter	Wilson, Pa.
Ellsworth	Johnson, Wash.	Rainey, Henry T.	Winslow
Elston	Johnston, N. Y.	Rainey, John W.	Wise
Emerson	Jones, Pa.	Ramsey	Woods, Va.
Esch	Kahn	Randall, Calif.	Yates
Evans, Nebr.	Kelley, Mich.	Rayburn	
Fairfield	Kelly, Pa.	Reavis	

The committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee, having had under consideration the bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl, found itself without a quorum, whereupon he caused the roll to be called, when 222 Members, a quorum, answered to their names, and he reported the names of the absentees to be printed in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

Accordingly the committee resumed its session, with Mr. CAMPBELL of Kansas in the chair.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. VAILE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring), That the joint special committee consisting of two Senators and four Representatives appointed to confer with officials of the Commonwealth of Massachusetts, or any political subdivision thereof, or with officers of any organization or society, or with individuals relative to the contemplated observance of the three hundredth anniversary of the landing of the Pilgrims, ordered to report its recommendations on or before September 1, 1919, be granted an extension of time for its report and recommendations until December 10, 1919.

TARIFF ON PEARL BUTTONS.

The committee resumed its session.

Mr. FORDNEY. I yield 10 minutes to the gentleman from West Virginia [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman and fellow Members of the House, those who are familiar with only the common shellfish of the American seacoast or with the chalky, brittle shells of the streams of the Atlantic slope can have but little conception of the nature and quality of the mussel resources of the Mississippi Basin. In streams large and small throughout the greater part of this wide region, from the Appalachian Mountains to Arkansas and Dakota and from Louisiana to Minnesota, there is a wealth of pearly mussels of a variety of species, the shells of which are thick and firm, with clear, pearly luster, and in some cases displaying beautiful iridescence. Often the shells are strikingly ornamented with knobs and ridges, and the nacre, or mother-of-pearl, may be clear white, delicately tinted, or deeply colored with various shades of pink, salmon, red, or purple. The shells that are most striking in appearance are not, however, the most important. Of greatest value are those having the surface of the shell free from ornamentation or irregularities and with nacre of clear, lustrous white without stains or colors. It is these qualities, combined with a peculiar toughness or absence of brittleness or chalkiness, that lend to the fresh-water-mussel shells the value they now possess as the basis for important manufacture.

Until the mussels assumed economic importance the several species were without distinguishing common names. With the development of the fishery the shellers on the several streams applied the common names which have suggested themselves as appropriate to the appearance of the shell or those which seem to have originated in a spirit of facetiousness. Since the shellers move from place to place, those of one State frequently mingling with those of distant regions, there has come to prevail a better degree of uniformity of names of mussels than of the names of fishes.

As primary products or as by-products of manufacture the mussel shells are brought into commerce in the form of buttons, novelties, jewelry, chicken feed, road materials, composition marble, and otherwise. By far the chiefest use of mussel shells is, however, for the manufacture of pearl buttons, now worn by nearly every individual from the cradle to the shroud. The pearl mussels are also valuable in the production of pearls of a value of about $364,000 a year, but our concern is with the adaptability of the shells for the manufacture of buttons.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BOWERS. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I will ask the gentleman if it is not true that the pearl shell has peculiarities which especially adapt it to the making of buttons by reason of the fact that such buttons are not injured but rather improved by the application of soap and water?

Mr. BOWERS. That is true.

Mr. GREEN of Iowa. And there is no other material to take its place.

Mr. BOWERS. Nothing has yet been found.

When the manufacture of buttons from fresh-water shells began, in 1891, the yellow-sand shell was the first to be used. As the industry grew the supply of these shells soon proved to be insufficient. According to Mr. Boepple, the mucket, pocketbook, and black-sand shells were then brought into use, but it was not until 1894 that the niggerhead shell was tried. The niggerhead proved to be an excellent shell, with firm texture and beautiful luster, while a portion of it was found to be highly iridescent. This shell gained rapidly in favor and became the standard of price, while in time the valuable but less abundant yellow-sand shells became monopolized by the export trade.

It was the custom of the early shellers to gather the river run of mussels and cook out the meats of all. The yellow-sand shells and niggerhead shells were the only ones saved, while the others were thrown away as worthless. The shellers, however, cooked out the entire lot of mussels in the hope of finding additional pearls and slugs. The shelling and the button industries, therefore, have a history similar to many other American industries in that the pioneers wasted large quantities of good material through lack of knowledge and experience and while secure in the thought that the supply was inexhaustible. In the course of time other shells were brought into use, until now 41 species in all are employed in the manufacture of buttons and novelties.

There are approximately 500 species of fresh-water mussels in the United States. The commercial species are practically restricted to flowing waters derived from the drainage of limestone regions. Such waters include most of the streams of the Mississippi Basin and some of those of the Great Lakes and Gulf drainages. Here the mollusk finds an abundance of lime, as well as of food, with the depths of water, currents, and other conditions favorable to its reproduction and growth. Many species of mussel occur in the streams of the Atlantic coast, but their shells are thin, chalky, and eroded.

An ideal button shell would have the following qualities: The nacre pearly white, or preferably iridescent, free from spots, stains, or colorings; the texture firm throughout, neither brittle nor chalky nor yet too hard; the inner surface smooth; the outer surface free from ridges or protuberances; the thickness uniform, with low umbones or beaks, and tips relatively thick; the shape flattish, oval; the size sufficient to permit of cutting several blanks. There are, however, no ideal button shells to be found. Some valuable for certain desirable qualities are yet far from perfection in other respects. A few approach the ideal, but the same species is not always uniform in quality in different rivers nor even in different parts of the same river.

A given species may yield a good working shell in one river, while in another stream its shell shows hard and soft spots, stains, dullness of nacre, or other poor qualities. For example, the washboard of the upper Illinois River, while extra large, is badly stained; yet the same species in the lower stretches of this river, though much smaller, is flatter and so free from spots as to make a much better material for buttons. The muckets of the Kankakee, Wabash, and upper Mississippi Rivers are extra good.

Of the North American species of fresh-water mussels, more than 500 in all, we have named 64 as more or less familiar to the fishermen, but of these only 41 can be classed as having commercial value in the shell trade. Some of the others are valuable as producers of pearls.

Looking at the 41 used in manufacture more closely, we find only 17 that are of real importance at the present time. It is desirable to name these separately. These are known as niggerhead, hickory nut, pimple back, maple leaf, monkey face, pig toe, Ohio River pig toe, blue point, three ridge, washboard, mucket, southern mucket, Lake Pepin mucket (fat mucket), butterfly, pocketbook, yellow-sand shell, and black-sand shell.

Many manufacturers or buyers would reduce this list by omitting several of the species, but there would probably be little agreement as to the species to be eliminated.

The best of all species at the present time are the yellow-sand shell, the niggerhead, the yellow-back mucket, and the Lake Pepin mucket, the last three being approximately of equal value. The yellow-sand shell has been used entirely for export and commands a price nearly double that of other species. Many niggerheads were exported a few years ago, causing a distinctly advanced price.

There is a great deal of variation in quality among the several species. Some shells are better for one purpose, while others are better for another.

Within the species there is variation according to the locality in which the mussels have grown. A mussel may have a shell of good quality in one stream and of poor quality in another. The differences may apply to color, luster, texture (firm, chalky, brittle, or hard), and form (shape and thickness).

Within the same mussel bed there may be differences in quality in the same species. We may find side by side pink muckets, white muckets, and so forth.

The shells of the Quadrula class show more uniformity in quality over the entire region of distribution than those of the Lampsilis class.

Iridescence is best shown in the niggerhead and pimple-back groups, but only a very small percentage of truly iridescent buttons can be obtained in any case.

The following streams have had the value of the shell and pearl products to the fishermen at the river tabulated as follows:

Rivers.[1]	States.	Years.	Total value of shell and pearl products to fishermen at the river.	Pearl products in total.
				Per cent.
Mississippi	Minnesota, Wisconsin, Iowa, Illinois, Missouri.	1914	$176,510	29
Rock	Wisconsin, Illinois	1913	150,696	21
Illinois	Illinois	1913	128,692	31
White	Arkansas	1912	122,748	38
Ohio	West Virginia, Ohio, Kentucky, Indiana, Illinois.	1912	118,891	10
Black	Arkansas	1912	68,726	65
Wabash	Indiana, Illinois	1913	67,991	35
White, East Fork	Indiana	1913	45,080	19
St. Croix	Wisconsin, Minnesota	1913	37,032	63
St. Francis	Arkansas	1912	29,769	17
Okaw	Illinois	1913	23,970	25
Cumberland	Tennessee, Kentucky	1912	22,136	33
Caddo (Lake)	Texas	1912	20,000	100
Fox	Wisconsin, Illinois	1913	15,842	51
Muskingum	Ohio	1912	14,275	14
Neosho	Kansas, Oklahoma	1912	12,063	17
Pecatonica	Wisconsin, Illinois	1913	11,463	7
Tennessee	Tennessee, Alabama	1912	11,061	8

[1] Minor tributaries are included with the main stream.

Minor mussel streams not included in the foregoing table may be classified as follows: (1) Those with shell product exceeding pearl product in value and (2) those with pearl product greater than shell product. The streams in each of these two classes are as follows, the arrangement being alphabetical: 1. Big Sunflower, Miss.; Blue, Kans.; Bourbeuse, Mo.; Cedar, Iowa; Cottonwood, Kans.; Des Moines, Iowa; Eel, Ind.; Embarrass, Ill.; Grand, Mich.; Green, Ky.; Holston, Tenn.; Huron and Raisin, Mich.; Iroquois, Ill.; James, S. Dak.; Kalamazoo, Mich.; Kankakee, Ind. and Ill.; Little, branch of Red, Ark.; Little, branch of St. Francis, Ark.; Little Missouri, Ark.; Little Wabash, Ill.; Maple, Mich.; Marais de Cygnes, Mo. and Kans.; Maumee, Ohio and Ind.; Meramec, Mo.; Minnesota, Minn.; Mississinewa, Ind.; Muskegon, Mich.; Nebraska, Kans.; Ouachita, Ark. and La.; Osage, Mo. and Kans.; Pearl, Miss. and La.; Saline, Ark.; St. Joseph, Mich. and Ind.; Shell Rock, Iowa; South Skunk, Iowa; Tombigbee, Ala.; Tuscarawas, Ohio; White, West Fork, Ind.; and miscellaneous smaller streams.

2. Clinch, Tenn.; Duck, Tenn.; Iowa, Iowa; Sangamon, Ill.; and doubtless many creeks.

There are also probably a few mussel streams, especially in the South, which have not yet been surveyed.

The mussel fishery is pursued more or less actively in the following 19 States:

Mississippi River or westward: South Dakota, Minnesota, Iowa, Missouri, Kansas, Arkansas, Oklahoma, Louisiana, and Texas.

Mississippi River or eastward: Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, West Virginia, Tennessee, Louisiana, Mississippi, and Alabama.

Manufacturing States such as New York, Massachusetts, New Jersey, Pennsylvania, and Maryland are indirectly interested in the mussel fishery on account of having manufacturing industries based upon the shells received from the mussel streams. Thus at least one-half of the States have an immediate interest in the preservation of the mussel resources.

During my connection with the Bureau of Fisheries I had occasion to investigate the subject of the propagation of mussels with a view to conserving and improving the supply. I secured the services of two of the most eminent biologists in America, Dr. Lefever and Dr. Curtis, from the University of Missouri. These men, after a work which covered nearly two years, made a report to the Bureau of Fisheries, and, based upon that report, a recommendation was made to Congress asking an appropriation for the purpose of erecting a laboratory to make further investigation on those lines. Congress voted an appropriation; the laboratory was located 6 miles south of the town of Muscatine, in Iowa.

As a result of the investigations there it was found possible to replenish the depleted streams. The male and female mussel were placed together and means were found to save the supply. It was found that, under natural conditions, in the streams, when the female emitted her fertilized glocadiæ, in many instances they were lost in the mud. But it was found that by taking coarse fishes and placing them in tanks filled with the glocadiæ, great numbers of them adhered to the fins and tails of those fishes, and so were carried away and kept alive, and as they grew they would slough off from these fishes who had furnished them temporary traveling homes, and would then attach themselves to rocks and other hard substances in the water, and the future supply of the industry was in that way conserved and increased.

Previous to 1890 a German came to this country and located on a farm in Illinois. Three years later he started the first industry in this country for the manufacture of pearl buttons—in the State of Iowa. After many reverses he finally succeeded in establishing a successful plant. From that time until the present the pearl-button industry in this country has grown, until it employs from 20,000 to 30,000 people, and the last statistics, in 1914, with reference to this industry show that 20,000,000 gross of buttons were produced.

Prior to the war the pearl-button industry in this country competed with Austria. Since the war the Japanese, through their relations with China, have taken possession of the larger mussel beds in China, and have been enabled by reason of their low wages to get control of the market in this country.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. FORDNEY. I yield five minutes more to the gentleman.

Mr. BOWERS. In addition to the people who are employed throughout this country in this industry, we must not forget to take into consideration those engaged in the hunting of pearls. These pearls consist not only of the better varieties but also of what are called the slugs and baroque pearls, which in these days are exceedingly valuable. Many people are engaged in the work of hunting these pearls in addition to those employed in the manufacture of buttons. Investigation shows that the wages paid to the pearl-button laborers in this country are just about ten times as much as those paid to the Japanese for similar work.

I believe this bill is right and meritorious. Probably we will be told by our friends on the other side that we have increased the duty 500 per cent. If I had it in my power, I would make it prohibitive. I believe in protecting this industry and its laborers by the broad shield of American law. I would make the pearl-button industry in this country supply the market here exclusively.

Mr. AYRES. Will the gentleman yield?

Mr. BOWERS. I yield to the gentleman from Kansas.

Mr. AYRES. I understood the gentleman to say a while ago that there were pearl-button factories in Oklahoma and Kansas. Am I right about that?

Mr. BOWERS. I said that the mussel shells were found in those States. I am not positive as to the location of the factories. There has been quite an increase in their number during the past 10 years.

Mr. Chairman, I believe this bill to be a meritorious one. I joined with the majority members of the committee, and I hope the bill may pass the House unanimously. [Applause.]

Mr. JUUL. Will the gentleman yield?

Mr. BOWERS. I yield to the gentleman from Illinois.

Mr. JUUL. The gentleman's statement has been very interesting. I would like to know what period of time elapses from the spawning or propagation of the young mussel until it has developed into a commercial shell. Does anyone know?

Mr. BOWERS. The supposition is that it takes three years, but it is a hard problem to solve as yet, because there has been no definite investigation along those lines. [Applause.]

Mr. FORDNEY. I yield 20 minutes to the gentleman from Iowa [Mr. HULL].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMITH of Idaho having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 29.

Resolved by the House (the Senate concurring), That a joint committee, to consist of five Senators and seven Members of the House of Representatives, to be appointed by the Vice President and the Speaker of the House, respectively, shall be named for the purpose of making arrangements for appropriate exercises in welcome of John J. Pershing, general and commander in chief of the American Expeditionary Forces of the World War. That said committee shall report to the Senate and the House of Representatives such program and procedure therefor in its opinion shall be fitting and appropriate.

TARIFF ON PEARL BUTTONS.

The committee resumed its session.

Mr. HULL of Iowa. Mr. Chairman and gentlemen, the industry for which we are asking protection is the pearl-button industry. The pearl-button industry in this country employs about 20,000 people and has an output of from five to ten million dollars every year. It has grown up in this country in the last 30 years under a wise protective law passed by Republicans. It has declined, since the Democratic Party came into power, through the passage of the Underwood tariff bill. It is active in about 25 States.

Previous to the introduction of this industry in this country buttons were imported largely from Europe, and they were made to some extent out of other material in this country, as they are to-day. There has never been and can not be a monopoly in this industry, either in raw material or the finished product. There are to-day from a dozen to a dozen and a half other kinds of buttons made in this country and in foreign countries that compete directly with the pearl button. But the pearl button is superior to all of them.

Mr. HICKS. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. HICKS. I would like to ask the gentleman whether it would be possible, in his opinion, without restricting the imports unduly, for this country to provide all the buttons necessary in the industry.

Mr. HULL of Iowa. It certainly would. We can easily do it and would not have to increase the factory facilities that we have to-day. The industry to-day is not employing 50 per cent of its capacity. I think that will answer the gentleman's question.

Now, I want briefly to call your attention to how pearl buttons are produced. In the first place, they are the product of the clam shell. Clam shells are one of the most common things there are in this country. There is hardly any State but what you can go out and find clams, and most of you have done it when boys, and some of you dig them to-day.

Here is a clam and here is another one, showing you the different varieties. Here is one that I myself the other day dug up in the tidal basin. When I dug that clam I brought up half to a dozen pearl buttons, and could, if I had a few things necessary, produce from it pearl buttons that I might use.

You see here a card which illustrates practically the entire industry. Here is a clam shell. The clam shells are opened, spread apart, and then, with a tubular saw applied to the shell, blanks are produced. These blanks are similar to these here. There are blanks of different sizes taken out of the shell. The blank passes through different processes, one to another, and finally the holes for the thread are drilled in the button, and then the button is finished and polished.

Now, these processes may be done in a large factory or they may be done and are done in a very small factory.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. CHINDBLOM. Does the gentleman know how many persons are employed in gathering these mussels?

Mr. HULL of Iowa. Not exactly; but I think about 5,000 all told. That may be a little high, but that is one of the costs of the industry, the cost of labor in digging the shells. A great many men are employed doing this all over the country. There are a great many men employed in that way in Arkansas and Minnesota to-day, and it extends up and down the Mississippi River and practically all over the country.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. GREEN of Iowa. I want to ask the gentleman if the wages of these diggers have not been about doubled within the last year or so, and by reason of that the price of the shells greatly increased?

Mr. HULL of Iowa. Of course, wages have advanced all over the country, and the price of shells has advanced because the price of the shells is the wage the man receives for digging the shells. He digs the shells and sells them; not all of them, because some men employ men to dig for their own factories; but not many of them do this.

Mr. VAILE. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. VAILE. Are the shells of the oyster used?

Mr. HULL of Iowa. There is an ocean-pearl industry that competes with the fresh-water pearl, and it is a very great industry in Japan.

Mr. HUSTED. What percentage of the pearl buttons used in this country are produced here at the present time under this law?

Mr. HULL of Iowa. I think about 85 per cent, and it may be 90 per cent.

Mr. HUSTED. Produced in this country at the present time?

Mr. HULL of Iowa. Yes; but the industry is declining very fast.

Mr. HICKS. I notice that in the samples of shells on the board there there is no oyster shell. Are there any buttons made from oyster shells, which is the most prolific shell we have?

Mr. HULL of Iowa. I am not very well versed in that, but I think not. I think the oyster shell does not produce a good button. There are a great number of clam shells that will not make good buttons. There are certain kinds of shells that if you put them in a lake in Minnesota they will produce the best grade of buttons, but if you take them into another State and put them in other waters they will not produce good buttons.

Mr. HICKS. I notice that there are no salt-water clams among those shells there—what we call little-neck clams.

Mr. HULL of Iowa. They are not the little-neck clams. These are the fresh-water clam or mussel shells.

Mr. HICKS. They are not the eating clams?

Mr. HULL of Iowa. They are not the clams the gentleman eats; no. The mussels that these are produced from are fresh-water mussels. I want to demonstrate that the introduction of this industry into this country has not only been of great benefit to labor in this country, but that it has actually reduced the price of buttons. I am not going to take up a great deal of time in arguing the question, but I want to read to you from the Tariff Commission report to demonstrate that what I state is true. I want to call the attention of the gentlemen on the Democratic side to the Tariff Commission. This Tariff Commission was proposed by Woodrow Wilson, and it was to determine the facts and present them to Congress. I presume that at the time he had in mind that we had a condition just similar to this—at least the results indicate this.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. RAKER. Before the gentleman passes on to that, is there any difference in the kind of manufacture of buttons in the United States from the process abroad, or is it the same process practically?

Mr. HULL of Iowa. Of course the Japanese manufacture at home a great many more of these buttons than we do in this country. They take them home and manufacture them in the homes and card them there.

Mr. RAKER. Then the real difference in the cost as between this country and abroad is the cost of putting the button in shape to use?

Mr. HULL of Iowa. Certainly not. The gentleman knows that the Japanese can go out and dig the mussels in the rivers and sell them for $20 a ton, where our men are getting $75 a ton.

Mr. RAKER. That is a question of production?

Mr. HULL of Iowa. Certainly.

Mr. RAKER. Then the difference in the price of the button to the consumer all relates to the difference in the cost of production abroad and in this country?

Mr. HULL of Iowa. Oh, yes, absolutely. The gentleman is correct about that. I understood the first question of the gentleman to refer to the finishing processes.

Mr. RAKER. The work of gathering the buttons and transporting the buttons to manufacturing establishments and the work of manufacturing them all goes into the question of production?

Mr. HULL of Iowa. Yes.

Mr. RAKER. So the labor question is the sole and only question involved?

Mr. HULL of Iowa. The gentleman is absolutely right. I am glad that he called my attention to that. Practically 70 per cent of the selling price of these buttons is paid for labor to produce them.

It is a very high average, so that if labor is cheaper, as it is so much cheaper in Japan, we can not compete with it. They can get labor for practically 10, 15, and 20 per cent of what our people have to pay here. I am pleading the cause of the laboring man, not that of the manufacturer.

Mr. RAKER. Do the hearings before the committee, as well as those had before the Tariff Commission, show this relative difference in the cost of production of the button at home and abroad?

Mr. HULL of Iowa. Certainly. That is what I was coming to. But I want the gentlemen on that side to understand that this Tariff Commission is not a Republican commission, but that it is a Democratic commission appointed by the Democratic President to bring out these facts. The facts that they brought out justified the conclusions which we have stated on the floor.

I want first to read from the report of the Tariff Commission. This is not a statement of any commercial organization, but this is the Democratic Tariff Commission's report about an industry in this country. I want to read to you first from page 21.

Mr. RICKETTS. Of the hearings?

Mr. HULL of Iowa. No; this is a report of the Tariff Commission. They had no hearings, but they investigated it, had scientific men investigate the industry, and then published the facts as they found them.

For the five years preceding 1890 the average yearly importation of pearl buttons into the United States amounted to about $1,500,000, but by 1891 the imports of all pearl buttons had decreased to $100,000. A United States consul, reporting from Austria-Hungary in 1898, stated that "the pearl-button industry in Austria-Hungary, which in former years occupied a flourishing place among the industries of the monarchy, has dwindled of late to such an insignificant figure that pearl buttons can no longer be considered one of the principal imports to the United States. This may be attributed to the development of the industry by the United States."

Further—

Despite the increased cost of raw material and labor in 1914, as compared with 1904, the price of fresh pearl buttons shows a considerable decrease.

That is exactly what we have always told you. Protect an industry and build it up and you lessen the cost to the consumer.

Mr. POU. Has there been a decrease in the selling price of pearl buttons?

Mr. HULL of Iowa. Certainly. That is what I just read to you out of your own Tariff Commission's report.

Mr. POU. I am asking the gentleman for facts. I am asking if there has been a decrease, and if so what the decrease is.

Mr. HULL of Iowa. I could not tell the gentleman the exact figures, but it is quite a decrease. It says here in this Tariff Commission report that it shows a considerable decrease.

Mr. POU. Could the gentleman approximate in percentage?

Mr. HULL of Iowa. I think it is about 15 per cent, but I am not certain about that. Then it varies as to the grade of button. Certain grades decrease more than other grades.

Mr. GREEN of Iowa. Will the gentleman yield now?

Mr. HULL of Iowa. I just want to answer the gentleman's question. If gentlemen will read the report, here is another thing: Using the census figures as a basis, the average price per gross in 1904 was 29.4. In 1914 the average price was 22.5, a decrease of 6.9 per cent.

Mr. GREEN of Iowa. It is 6.9 cents per gross, which would be somewhere over 20 per cent decrease.

Mr. KITCHIN. I did not catch the gentleman's statement exactly. I think the gentleman makes the point that on account of encouraging the home industry and the multiplying of producers here that reduced the price from 29 cents in former years to 22 cents in 1914?

Mr. HULL of Iowa. That is what the Tariff Board says.

Mr. KITCHIN. So the gentleman does not attribute the low cost in 1914 to the Underwood tariff bill, does he?

Mr. HULL of Iowa. Certainly I do; and I want to call attention to another thing that this Tariff Board also reported. In regard to the industries having plenty of raw material—

It may be stated with assurance that the fresh-water mussel resources of the United States will endure indefinitely. They can, of course, be practically exhausted in any given locality, but only as the result of very shortsighted practices in the fishery. They could be seriously depleted over the country as a whole only by widespread and inexcusable negligence.

That will answer the question of monopoly in raw material.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HULL of Iowa. I will.

Mr. RAKER. It has been suggested that there has been a good deal of waste and destruction of these mussels. What is the status now? Are they scarce or plentiful?

Mr. HULL of Iowa. Well, owing to the high cost of labor they are high, but there are plenty of them, and, as I think the gentleman from West Virginia explained to you, they are easily reproduced artificially.

Mr. RAKER. This is merely for information——

Mr. HULL of Iowa. Yes

Mr. RAKER. Is there any effort being made to have them reproduced?

Mr. HULL of Iowa. Oh, certainly. We have a great biological industry at Fairport, in Muscatine County, Iowa, for that very purpose of reproducing them and distributing them over this country. It is a very interesting study, and I wish I had time to explain how they do it; but I have not the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I would like to have the gentleman have more time, because he seems familiar with the subject.

Mr. FORDNEY. I yield the gentleman 10 additional minutes.

Mr. HULL of Iowa. Now, I want to read a little further from this Tariff Board's report:

The importance of the industry to the people at large rests only in part upon the fact that practically every individual in the country uses fresh-water pearl buttons. This class of buttons is, in fact, used about as universally as cotton. The significance of the industry to the public is based in large manner upon the fact that as fresh-water shell is the one abundant domestic material of the button manufacturer, and, apparently, the most abundant and readily available in the world, the price of all staple buttons to consumers has been greatly lowered in the development of this industry.

Notice that, gentlemen on the Democratic side.

Assuming, for example, that the mussel industry were abolished and no new satisfactory material discovered, it is obvious that the cost to the public in enhanced prices, due to the relatively limited quantities of other materials, would be much greater than the present value of the fresh-water pearl buttons consumed.

That is the Democratic Tariff Board. It is advising you in so many words that you had better not destroy an industry that to-day is producing buttons for less money than you formerly had to pay for them.

Mr. HENRY T. RAINEY. That is not a Democratic board; that is a nonpartisan board.

Mr. HULL of Iowa. Their report on this industry is certainly a very fair one and indicates that they intend to be impartial and nonpartisan.

Mr. HENRY T. RAINEY. The law requires it.

Mr. HULL of Iowa. Now I want to read a little further about what they say about the Japanese industry—this same Democratic board:

During the last few years Japan has made remarkable progress in the manufacture of buttons from ocean pearl. The development of the industry is attributed mainly to the abundance of cheap raw material and the supply of cheap labor. This development started before the war, and trade has been stimulated by the opening of new markets to the Japanese product on account of the elimination of European competition.

Then it goes on to demonstrate by figures just how this Japanese industry has been developed and is developing to-day and is entering the markets of this country and is taking this market away from the American laborer. I want gentlemen on that side to get the report of their own Tariff Commission. They ought to have it and read it. Then I want to read a little about the wages over there, as given by this Tariff Board. These are the wages they get over there:

Five sailors at $8.50 per month.

Mr. KITCHIN. What page?

Mr. HULL of Iowa. This is on page 80 of the Tariff Board's report. Now, how is a man going to compete with a wage scale like that? I would suggest to the gentleman from North Carolina that he had better answer that.

Mr. O'CONNELL. What is the date of that report, please?

Mr. HULL of Iowa. It is very recent.

Mr. O'CONNELL. Is there a date on it?

Mr. HULL of Iowa. It is 1918.

One tender at $20 per month, per year $240.
One diver (besides 8 per cent of shells taken by him), $10 per month, $120 per year.

It says, further:

Most of the divers are Japanese. They are paid from $10 to $20 per month and, in addition, from 8 to 10 per cent of the shells taken by them. In some instances owners pay $150 per ton for shells in addition to the rates. Others allow 10 cents extra for each shell. Still others allow $5 per picul (which is 139.44 pounds) for shells and 10 per cent for pearls, besides wages.

And it goes on and gives some further costs as to labor. There is not any question about the labor of Japan being very much cheaper than the labor of this country. I am going to give you something else which I want you to notice. This has not only the indorsement of your Tariff Commission, but it has the indorsement of your own administration.

I want to read to you from a letter of your own Secretary of Commerce, Mr. Redfield. He went out to Muscatine in the last two months and looked over this industry, and he wrote this letter. I want to read some of it to you, so that you will vote right on this question. I will put it all in the RECORD. If you do not vote right you are not in line with the administration; you are not in line with your Tariff Commission. This is the letter:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 12, 1919.

MY DEAR CHAIRMAN: This department, through the Bureau of Fisheries, at the biological station located at Fairport, Iowa, is maintaining the supply of raw material for the pearl-button industry through the inoculation of fish in quantities with the microscopic parasites from which the fresh-water clams develop.

This cooperation with the industry has been highly appreciated. The manufacturers contributed to the purchase price of the property on which our laboratory is located, and it appears to be the case that without the assistance thus given by us the supply of fresh-water clam shells, on which the industry depends, would soon cease to exist and with it would go an industry of some importance.

Because of the mutual interest thus arising, I visited the biological laboratory at Fairport on the 1st instant, and then had a conference with the leading manufacturers of pearl buttons in Muscatine, Iowa,

the center of the industry, and met also the producers of the machinery for the industry. It seems to be the fact that the industry is seriously threatened by Japanese competition. This is true in the cheaper grades of pearl buttons and has gone to such an extent that some of our leading manufacturers have abandoned the manufacture of the cheaper grades and are themselves purchasing the Japanese product, which they sell as jobbers. I saw these Japanese buttons in quantities in their storerooms. At the same time I also saw quantities of the cheaper grades of American-made buttons, for which there is no present sale in competition with the Japanese product. The present market for American-made pearl buttons is almost or quite wholly in the higher grades, including colored buttons and fancy designs.

The manufacturers told me that our duty upon the product was 45 per cent ad valorem, which is quite insufficient to affect materially the lower grades, but has, of course, more bearing on the higher-priced varieties.

There seems no doubt of the reality of the danger to the industry. Its substantial extinction has already taken place in the lower grades, where, as I have said, the American manufacturers have themselves become jobbers of the Japanese product.

We have undertaken here a study of several phases of the industry, which we think may be helpful. Among these are the development of a better market for the large amount of waste product. This is one of the industries in which as at present operated labor constitutes nearly or quite three-fourths of the cost, and a considerable proportion of the labor is hand labor in sorting and grading the product. It seems possible to develop a multiple cutter, so that the same amount of labor will produce many more button blanks than is now the case. This has been tried and failed in the past, but it seems possible to work it out to success. It seems practicable, also, to improve the methods of sorting and grading, so as to considerably reduce the amount of hand labor in those processes. Economies can apparently also be made in connection with packing.

It does not seem to me, however, from the brief study I was able to give the matter, that these economies can be made sufficient to overcome the difference in cost. It appears to be the case that the American product costs from four to five times as much as the Japanese, in the lower grades.

The subject is one, therefore, worthy of your careful thought. I inclose copies of Commerce Reports Nos. 29 and 49, in which articles bearing on this subject are marked, together with a statement of the buttons exported from Japan for 1915, 1916, and 1917. We will endeavor to get later figures if we can.

I venture to think that what is required is not so much an actual increase of the present duty so much as a modification of its form whereby a specific duty should be made to apply to the lower grades.

If we can assist in the matter, we beg you to command us.

Yours, very truly,

WILLIAM C. REDFIELD,
Secretary of Commerce.

Dr. F. W. TAUSSIG,
Chairman United States Tariff Commission,
Washington, D. C.

Mr. DICKINSON of Missouri. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. HULL of Iowa. Certainly.

Mr. DICKINSON of Missouri. For how much lower does the Japanese button sell now in the market than these buttons of American make?

Mr. HULL of Iowa. Just low enough to obtain the market. They do not cut under more than enough to sell. I want to answer another question that was asked here as to why the American manufacturer does not cut it down low enough to sell his product. The manufacturers can not produce buttons cheap enough to undersell the Japanese product.

Mr. DICKINSON of Missouri. The gentleman is not able to give the figures showing the comparative price of Japanese buttons now sold as to the selling price?

Mr. HULL of Iowa. There are hundreds and hundreds of different kinds of buttons. It would take an expert to answer the gentleman's question. Here are Japanese buttons [exhibiting]. They are a cheaper grade of button. These are the kind of buttons largely that they are selling in this country to displace the American buttons, which are better, and like that [exhibiting], and put up in a better and more sanitary manner. I would like to answer the gentleman's question, but I can not do it in the time that is allotted to me. There is an American button right there [exhibiting]. It is a much better button than the Japanese button. You can not overcome the Japanese low price of labor. We have made buttons cheaper, but we have made them practically as cheap to-day as we can make them, and they are still coming in and still building up their industry in Japan and cutting under the market.

Now, this bill does not propose a high rate of duty. I hope every Republican will support this equitable tariff measure, so that we may keep up the American wage scale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I think we ought to have a quorum, and I make the point——

Mr. KITCHIN. Oh, no.

Mr. BLANTON. I want the gentlemen to hear the gentleman from North Carolina discuss this question, and I make the point there is no quorum present. They will hear something.

Mr. FORDNEY. Mr. Chairman, the gentleman makes the point of order and then scoots over to his office in the House Office Building, and when we try to get some business transacted over here he comes back again.

Mr. BLANTON. Mr. Chairman, if you Republicans want to keep a quorum here to do business, do it.

Mr. FORDNEY. Stay here and attend to business.

Mr. BLANTON. I am here all the time. I do not stay here when the roll is being called, but when business is transacted.

The CHAIRMAN. The gentleman will be seated. The gentleman from Texas has a right to make the point that there is no quorum present.

Mr. BLANTON. It is my duty, Mr. Chairman.

The CHAIRMAN. The gentleman will be seated. The point of order is not debatable, and the gentleman from Texas will not precede the making of a point of order with debate. He can not obtain the floor except by making the point of order. Following the point of order he may not debate. Hereafter when the gentleman from Texas desires to make a point of order he should rise and address the Chair and make the point of order that a quorum is not present. It is not debatable by him or by any other gentleman.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I quite agree with the distinguished Chairman, but is it in order for the chairman to impugn my motives or to abuse me on the floor of the House?

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] was out of order. The point of order is not debatable by anybody. The Chair will count. [After counting.] One hundred and six gentlemen are present, a quorum. [Applause.]

Mr. KITCHIN. Mr. Chairman, before I proceed I want to brush aside the statements as to Japanese costs and wages made by the gentleman from Iowa [Mr. HULL], which apparently was sustained by his reading a portion of the report of the "Democratic Tariff Commission," so termed by the gentleman. He read from page 80 of the Tariff Commission report for the purpose of showing how low was the cost of production of pearl buttons in Japan. In order to be sure that I understood him correctly, I asked him a moment ago if that was the page from which he was reading. He said it was. Let me tell the gentlemen of the House that what he read does not refer to Japanese costs of production of pearl buttons at all. It has nothing to do with these shell buttons, known as fresh-water pearl buttons, that we are producing in this country, and for which protection is asked by the proponents of this bill. The quotation he read refers to ocean pearl, and it refers only to the cost of operating pearling boats in the waters of the Philippine Islands. Most of the divers of these boats are Japanese. The Tariff Commission does not undertake to verify or indorse even the statement as to such cost. It reports simply what is "said" to be the cost. No doubt those interested in the "protection" in this bill "claimed" to the commission such to be the costs of operating such boats.

I will say, too, that the gentleman did not even as to such costs read all the report says. Had he read the few lines immediately following his quotation he would have ascertained that in addition to the wages paid, to which he referred, the divers got a certain percentage of the shell taken, which amounts to far more than the specific wages.

So, gentlemen, do not be misled by the gentleman by such quoting by him "of evidence from the Democratic Tariff Commission's report." It has nothing to do with the cost of producing shell buttons in Japan, called by the trade "pearl" buttons.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. KITCHIN. I certainly will.

Mr. GREEN of Iowa. I have not the report of the Tariff Board before me, but if the gentleman will turn to page 25, the second paragraph, he will see the statement there.

Mr. KITCHIN. No; the statement of his colleague [Mr. HULL] is not there. I will not refer to that now, but I will refer to the speech and report of the gentleman from Iowa [Mr. GREEN] in a moment.

I think it is most appropriate for the gentleman from Iowa, Mr. HULL, and for the other gentleman from Iowa, Mr. GREEN, to bring these shells in here and exhibit them, because this game they are trying to play on the rest of the Members of this House and on the country by this bill is a shell game pure and simple. [Laughter and applause.] I do not propose that they shall play that game unless the men who are going to help them play it know the facts. If they get stung, all right. [Laughter.] It will then be their fault and not mine. [Renewed laughter.]

The distinguished gentleman from Iowa, Mr. GREEN, is the author of this bill; that is, he introduced this bill. But he is

not its real author. The rules of the House do not permit a man not a Member of Congress to introduce a bill; if they did, the manufacturers of pearl buttons in Muscatine, Iowa, in his district and State, or their attorney, would have introduced it. [Laughter.] But they did frame the bill. They told Mr. GREEN what to put into it, and told the Committee on Ways and Means what they wanted in it, and the Republican members of the Committee on Ways and Means put in exactly what they said they wanted in. [Laughter.] I said the manufacturers in actual fact conceived and dictated the preparation of the bill. Perhaps it would be more accurate to say that the hired lawyer of the manufacturers supervised the framing of the bill. Let us see. Turn to Mr. F. M. Swacker's testimony given before our committee. He says he is counsel for the National Association of Pearl Button Manufacturers. What kind of a tariff and what rate did he want on pearl buttons? On page 16 of the hearings he expressed the wants and demands of the manufacturers, his clients. I quote from him:

Pearl buttons or parts of pearl buttons, finished or unfinished, 1½ cents per line per gross and, in addition thereto, 15 per cent ad valorem.

And into this bill, fathered by the gentleman from Iowa [Mr. GREEN] went the identical demand of this hired lawyer. Let me read from the bill:

Buttons of shell or pearl, finished or partly finished, 1½ cents per line per gross and, in addition thereto, 15 per cent ad valorem.

[Laughter.]

The same old way all Republican tariff bills are written.

But Judge GREEN and the Republicans on the committee are entitled to great credit for credulity in believing that this hired lawyer knew exactly how to write the right kind of a tariff bill and the right tariff rate to protect the industry in his district and his State. [Laughter.] Judge GREEN has made a most magnificent fight, and so has Mr. HULL, for the pearl-button industry, "to save the industry" in their State and districts. He has made a splendid, magnificent speech in advocacy of it. He has made a splendid report in behalf of the majority of the committee. He has the distinction of being the first and only man since the beginning of the Government who has made a pearl-button speech in Congress. I recall when I was a boy—and all of us recall—that there was a distinguished gentleman, a Member of Congress, by the name of Judge William D. Kelley, who, for his able championship of a high-tariff on pig iron, became known throughout the length and breadth of this country as "Pig Iron Kelley," and he deserved that distinction. [Applause.] His biographer states that he was so well known in the United States as "Pig Iron Kelley" that a letter addressed simply to the "Hon. Pig Iron" would seek him out wherever he was in the United States and be delivered to him. [Laughter.]

Now, the distinguished gentleman from Iowa [Mr. GREEN] deserves and is entitled to be hereafter known as "Pearl Button Green." [Laughter.] It is an honor which, if I were in his place and a high protectionist, as he is, and representing his district, perhaps, I would carry with much pride; and I am just as sure, after this bill is passed and the people throughout the country read his able speech and his splendid report on this bill, that if a letter should be addressed to the "Hon. Pearl Button," it will be promptly delivered to him. [Laughter.] There will be no need hereafter in having people address him as "Hon. WILLIAM RAYMOND GREEN, of Council Bluffs, Iowa." "Hon. Pearl Button," will be all sufficient, and it will go right straight to him. [Laughter.]

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. VAILE. I might suggest to the gentleman that it would not only help me in my district, but elsewhere, if I were to be known as "Tungsten Vaile."

Mr. KITCHIN. Well, you did not know enough about tungsten to deserve that name. [Laughter.]

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. TILSON. As these Japanese pearl buttons are so cheap, would it not save time and expense just to sew a pearl button on the envelope? Would not that reach Judge GREEN just the same? [Laughter.]

Mr. KITCHIN. I think on account of his great services, as I said before—and as I shall show before I get through—in raising the tariff duty somewhere from 150 to over 500 per cent ad valorem, his Muscatine friends can afford to furnish him American-made buttons free. [Laughter.] There is no use in making the author of this bill patronize a Japanese industry to the injury of an American industry even for that. [Laughter.]

Mr. CARAWAY. Why not put on a shell?

Mr. KITCHIN. It would be unreasonable to expect that. It would not be so honorable to put on a shell. It would advertise the game he is playing. [Laughter.]

Mr. OSBORNE. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. OSBORNE. I would inquire of the distinguished gentleman from North Carolina whether Judge William D. Kelley, of Pennsylvania, was not in his day one of the ablest and most distinguished and most scholarly Members of this House?

Mr. KITCHIN. Yes; and so is my distinguished friend, Judge GREEN, of Iowa. [Laughter.] But the name "Hon. Pearl Button" will add to his distinction. [Laughter.] I think he now has the degree of LL. D., conferred by a great university. Now, by his able championship of the pearl-button tariff, the manufacturers of pearl buttons are going to confer on him the additional degree of "P. B." [Laughter.]

I want to pay the gentleman from Iowa a compliment by saying that he knows more about——

Mr. OSBORNE. Mr. Chairman, will the gentleman yield for another question?

Mr. KITCHIN. Yes.

Mr. OSBORNE. Will the gentleman say whether or not that distinguished man, a Member of this body, known as "Pig Iron Kelley," was not to a very great degree the father of the enormous business in iron and steel that is now such a distinguishing feature of the vast business of the United States?

Mr. KITCHIN. Oh, no.

Mr. OSBORNE. I think the gentleman is wrong about that.

Mr. KITCHIN. Judge Kelley was the most persistent talker on pig-iron tariff in Congress, but long before he became an advocate of a protective tariff, while he was making free-trade speeches in Boston, there were many distinguished men in Pennsylvania and elsewhere advocating a protective tariff on pig iron and iron and steel products. In fact, before his advocacy of a protective tariff there had been a protective tariff on iron and steel.

Judge Kelley started out a staunch free trader, but years afterwards, on his return to Pennsylvania, he changed his views on the tariff and became an advocate of a high protective tariff and a very able and effective one.

Mr. KNUTSON. Is it not possible that Judge Kelley saw the error of his way?

Mr. KITCHIN. Probably so, in his judgment; and if you are just as honest as Judge Kelley was when we get through with the discussion of this bill you will see the error of your ways and vote with me against this bill. [Laughter.]

As I started to say a while ago, I pay the tribute to Judge GREEN of Iowa, the author of this bill and the author of this report and the author of the splendid speech that we heard this afternoon of saying that he knows more about the shell or pearl-button industry in this country, more about the pearl-button tariff rates, more about what they ought to be from the manufacturers' viewpoint, and more about all things in connection with the pearl-button industry here and abroad than any Republican on the Ways and Means Committee, than any Republican in this House or in this Capitol, or any Republican in the United States. Here is his report. Understand, he knows more about it, he knows more facts in connection with the pearl-button industry and the labor cost here and the labor cost abroad, he understands the provisions of this bill better than any Republican living to-day; and I am going to show you how much he knows about this subject. Then I will let you judge how much the other Republicans on the Ways and Means Committee and in this House and in this country know. [Laughter.] All right. We start out with his report, filed in behalf of the majority of the committee. In the very first sentence, in its statement of facts we read:

The pearl-button industry employs from 20,000 to 30,000 people.

Where did he get that from? I will tell you. He got it from Mr. Swacker, the paid lawyer of the National Button Manufacturers' Association. Look at this report of the Tariff Commission and you will see where he has missed it by from 5,000 to 10,000 people. Why, he even included all the fishermen. Mr. HULL of Iowa said there were about 5,000 people engaged in the shell-gathering industry.

The Tariff Commission reports 10,331, including shoremen, in the shell-pearl fishing business. But all of those who are in the shellfish business are not engaged in it primarily for pearl or shell buttons. Many of them are engaged in it for other purposes. The report of the Tariff Commission shows that even including the fishermen there are less than 19,000 men in the pearl-button industry. So Judge GREEN misses it by several thousand people. That is the first sentence of the report. Of course Judge GREEN thought it was a fact. He had reason to believe it was a fact. He had the best reason from a Republican protective-tariff standpoint in the world to believe that it was a fact. The hired lawyer of these corporate gentlemen who want to get their hands into the pockets of the people told him that was the fact. This paid lawyer in his testimony

says that in this industry there are over 20,000, and in his opinion 30,000 people. He told Judge GREEN that, and, of course, from a Republican standpoint Judge GREEN had the right to believe that the hired lawyer of these beneficiaries told the truth. He thought there was no use for him to investigate to see whether that lawyer stated the facts. When he heard and read what that lawyer said he took it as gospel truth. But, you know, I have been a lawyer myself, and I know how lawyers talk for their clients sometimes. When I was appearing for possibly the guiltiest man I would represent him and in my enthusiasm for my client would talk like he was the most innocent man in the world. This is hired lawyer like.

Mr. KNUTSON. I believe you would.

Mr. KITCHIN. So from my own experience I doubt the testimony of hired lawyers as to the real, exact facts every time, and therefore after I read that lawyer's testimony I made some investigation and I found that that lawyer enlarged the number of people employed by from 5,000 to 10,000. I do not blame Judge GREEN about this. He did what all Republican authors of tariff bills do—take the word of the beneficiaries and their lawyers; but the lawyer knew that in order to fool some few Democrats and all the Republicans, his clients had to make you think this was a great big industry employing 25,000 or 30,000 people—men and women, working day by day for a livelihood—and that by their labor they were supporting families of 100,000 or more and they had him to play it up big in order to fool somebody into voting for this high, extortionate, excessive tariff. Let us see in how ridiculous a light that paid lawyer has put the author of this bill and the Republican majority of the committee. I know Judge GREEN is man enough and honest enough that when he finds out he is mistaken he will get up and apologize, and when he finds he is wrong about this bill he will get up and vote against it. I know he will do that. [Laughter.]

Mr. KNUTSON. Mr. Chairman, the gentleman spoke of having practiced law and of having tried to make black white and white black——

Mr. KITCHIN. That was only when I was appearing for a fellow like you. [Laughter.]

Mr. KNUTSON. Is the gentleman appearing for the Japanese pearl-button industry now?

Mr. KITCHIN. No. I am appearing now for the Government and the people.

Mr. FORDNEY. Will the gentleman from North Carolina yield?

Mr. KITCHIN. I will.

Mr. FORDNEY. The gentleman from Texas [Mr. BLANTON] a few minutes ago said he was always on the floor when there was anything of importance going on.

Mr. BLANTON. He is right here now. [Laughter.]

Mr. FORDNEY. I thought the gentleman was asleep and I wanted to wake him up.

Mr. BLANTON. I am right here and I am wide awake. [Laughter.]

Mr. KITCHIN. The gentleman from Michigan knows that I would not have proceeded to talk unless the gentleman from Texas [Mr. BLANTON] was present. [Laughter.] I knew the gentleman from Texas was standing in the doorway.

Now, let us get back to the number of people employed in the industry and see how inaccurate this report is. Judge GREEN and the majority of the committee took what the lawyer said. I want him to listen very particularly to what I shall say, and I ask the House also to listen. The whole selling value, including the total cost of all the pearl or shell buttons made in the United States in one year, labor cost, overhead charges, depreciation of the plant, profits—and they make good profits—amount to a little less than $10,000,000 a year.

The testimony of the gentleman from Iowa [Mr. HULL] before the committee was that it was "something like $10,000,000 per annum." Judge GREEN, in the report, says the average daily wage paid the labor is now $4.40. Taking 25,000 employees as the average "between 20,000 and 30,000 people employed," which, he says, are in the industry, at $4.40 a day, it would require $33,000,000 a year to pay the employees—over three times as much as the total selling value of all the shell or pearl buttons made in the United States a year. According to Judge GREEN'S figures as to the number of people in the industry and the average daily wage paid, the industry, after exhausting the whole selling value of its product, lacks $23,000,000 a year having enough to pay its labor. I would like for Judge GREEN to tell us where the industry, whose total investment is less than $4,000,000, gets that extra $23,000,000 to pay its employees with. This shows how absurd is the claim in this report that "the industry employs from 20,000 to 30,000 people" and that "the average wage is $4.40" a day.

Even if they paid the labor $2 a day, it would be $15,000,000 for the labor alone, $5,000,000 more than the selling value of all the shell and pearl buttons made in the United States, with the imported Japanese pearl buttons thrown in for good measure.

But the manufacturers and their lawyer must make such absurd claims to fool Judge GREEN and the Republicans on the committee, and Judge GREEN must repeat them in the report to induce the House to vote for his bill. But Judge GREEN knows more about the pearl-button industry in the United States and in Japan, how many men are employed, what wage they get, and every other detail of the industry, than any Republican on the Ways and Means Committee, or any Republican in this House, or any Republican in the United States! [Laughter.]

Let us go to the next sentence of his report. It reads:

In 1914 twenty million gross of buttons were produced, valued at $4,879,844.

While that is an untrue statement, it seems a harmless little statement; but do you know that there is a tariff point in that? You see, that is the calendar year of 1914. The Underwood Act had its first year's operation in 1914. He wanted to show by this that as the Underwood Act had reduced the tariff duty on pearl buttons, a very few and at a very low value were produced that year, while the statistics would show a larger production and a higher value under the Payne Act for 1913 and 1912.

But this statement in the report is absolutely untrue. They say that we must take as true the report of the Tariff Commission. I don't, but all right, take this then. Turn, my distinguished friend, Judge GREEN, to page 1, of the Tariff Board report and you will read this:

A great variety of materials entered into the manufacture of many grades and styles of buttons produced. Those made of pearl (or of shell) constituted the product of chief value. The 26,181,405 gross of such buttons, valued at $7,369,208, represented 35 per cent of the value of the total production of buttons.

The commission states that these statistics "relate to the year 1914."

So instead of producing under the Underwood Act in 1914 20,000,000 gross, valued at $4,784,000, according to Judge GREEN'S report, there were produced, according to the Tariff Commission's report 26,181,405 gross, valued at $7,369,208.

Let us proceed further with this remarkable report.

Listen to this:

The prices are now somewhat higher——

Not lower now, than they were under the Payne-Aldrich Act, as my friend, Mr. HULL of Iowa, would in his speech a few moments ago have you believe. The prices are somewhat higher now—

owing to the fact that the cost of shells has advanced to about 100 per cent, and wages in the button factories increased 93½ per cent over the wages of 1913.

Who told Judge Green that? Did the Tariff Board? Oh, no. Who told him? Why, this same hired lawyer, Mr. Swacker. [Laughter.] Turn to his testimony on page 11, and you will read:

We have experienced about 93½ per cent increase in the manufacturing cost and 100 per cent increase in the shell cost.

And so forth. And Judge GREEN puts that in his report as gospel truth. And again the lawyer fooled him. He knew how to fool Judge GREEN and the Republican committee into the belief that he was absolutely accurate. Instead of saying 92 per cent or 94 per cent, or about 100 per cent, he wanted them to know that he had figured it down to a fine point, that he did not want to miss the actual increase in cost even by a fraction of a cent. So he had figured and figured, and the exact amount to a fraction was 93½ per cent. Of course, by being so exact, even to a fraction of a cent, Judge GREEN and the committee thought the lawyer was absolutely correct; if he had not been correct he would never have taken the time to figure it out and bring it down to a half cent. Oh, yes; the lawyer was telling the truth! And into the report it went. "Wages," says his report, "in the button factories increased 93½ per cent." What does the Tariff Commission report show? I will ask Judge GREEN to turn to page 17 of the Tariff Commission's report and he will read this:

A general advance in wages from 25 to 60 per cent in the various branches of the button industry has added to the cost of production.

A "heap of difference," Judge, between the Tariff Commission and Lawyer Swacker; a "heap of difference" between your report and the commission's report, and a "heap of difference" between "93½" and "from 25 to 60 per cent." I doubt if Swacker ever saw one of these factories in his life. I presume he said to the manufacturers, "How much do you want me to get," and they told him, "Make the facts to fit the case," and he got it. For a real, good prohibitive tariff rate, such as this bill contains, the lawyer slipped up on American wages. He did not

put the wages high enough for Judge GREEN and the Republican members of the committee. Judge GREEN knew that it would not do to put the lawyer's figures on the wage rate. It must be higher. The higher the wage rate, the higher the tariff rate he could make and the more easily the committee could put the bill across in the House. The lawyer said that the average wage rate that they were paying now was from $2.50 to $3 per day. That is the testimony on page 7, and to be sure he meant that he repeats it on page 17. Mr. Willis, page 34, testified that wages here were from $2.50 to $4.22 per day. Mr. Willis is a large manufacturer of pearl buttons in the State of my distinguished friend, Judge GREEN. Mr. Lemaire, another manufacturer of the State of my good friend, on page 59, says that the wages here were from "about $2.50" to "about $4" a day. But Judge GREEN in his report puts it at $4.40 a day.

Nobody says $4.40 but Judge Green. They could not fool him in that. He knew it was higher than they said. He knew the manufacturers who paid off that labor every week and every day did not know what they were talking about, and he knew that Mr. Willis, of his own State, one of the biggest button manufacturers of the country, did not know what he was talking about, and Mr. Lemaire, another manufacturer, did not know what he was talking about, and that the hired lawyer of the manufacturers did not know what he was talking about. But Judge Green knew all about it. So he puts it right. He has it $4.40, so that they can whoop it up to the "boys" in the House to put this high tariff on in order to keep up the high wages.

I will give Judge GREEN $100, or a card of real pearl buttons, made from the pearls from the bottom of the ocean, bigger and brighter than any of these before us, if he will show me on what page of the commission's report or on what page of the hearings anybody said the average wage of labor in the button plants here was $4.40. I challenge the Judge to point to one line or one word of testimony anywhere in the hearings or in the Tariff Board's report sustaining his statement.

Now, the Judge stands a sure showing of getting out of me $100 or a card of real pearl by pointing to any page in that commission's or any page of the hearings report wherein it is stated that the average daily wage here is $4.40. My $100 is waiting. Oh, no; he can not do it.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GREEN of Iowa. I will take great pleasure in doing that when the gentleman gets through.

Mr. KITCHIN. Does the gentleman know? If he wants to get the pearl buttons or $100, what is the page?

Mr. GREEN of Iowa. Wait until you get through.

Mr. KITCHIN. Wait? You have the report of the hearings there before you. Tell me now and get my money. [Laughter.]

The CHAIRMAN. The Chair desires to admonish the gentlemen to address each other in parliamentary form.

Mr. KITCHIN. The Chair is exactly right. Certainly he is right; I owe the Chair an apology by following the bad example of these Republicans so much in violating rules like that, but I will do so no more. [Laughter.] But it is perfectly parliamentary for me to stand here and wait until the distinguished gentleman, the distinguished author of this bill, shall point out to me the page in all the testimony on which I can find that anybody said the average labor wage was $4.40 a day. Is not that parliamentary? [Laughter.] But the gentleman can not do it. I hate to ask such a hard question, but they have put up such a hard bill. Now, gentlemen, let us see about the Japanese wages. The Tariff Board does not know anything about the Japanese cost or wages, and neither does Judge GREEN. They want to scare us about the Japanese wages. Let us see what confusion these manufacturers and the hired lawyer and Judge GREEN get us into when they begin to talk of the wages in Japan.

Mr. Swacker, the lawyer, says workmen in the Japanese button industry are paid 14 and 14½ cents a day while we pay from $2.50 to $3.

He puts our wages here over 25 times higher than the wages in Japan. He wanted to make a good, clinching case.

Mr. Willis, one of our pearl-button manufacturers, said he had been over to Japan; that he had imported some blanks and buttons from Japan; and that labor wage there in the pearl-button industry was about 26 cents a day.

Mr. Lemaire, another manufacturer, said that wages in the industry in Japan was from 30 to 40 cents a day. Judge GREEN, in his report, says that the average wage of the Japanese workers in the industry is 42 cents and thirty-nine one hundredth of a cent. Judge GREEN has got the Swacker habit of figuring things down to a fine point. He is from 20 to 200 per cent higher than the witnesses. But he attempts to keep up the proportion by putting the wages here much higher than they did.

I almost made up my mind that on his report I would vote for Judge GREEN's bill. When I first read it I said that it was such a good report and Mr. GREEN was such a good man, I believed I would vote for it. Then it occurred to me, however, that it was better first to look into these things and ascertain the actual facts and vote according to the facts as they exist. I found the facts as far apart from Judge GREEN's report as the two poles are from each other.

Let us analyze the report further. We read:

A significant fact—

Now, notice the words "significant fact."

A significant fact is that it appeared from the hearings that the Japanese manufacturers could make the pearl buttons entire and put them on cards for a little less than the American manufacturer could have them sewed on the card.

It appeared, says his report, from the hearings that the Japanese could make the buttons entire and put them on cards for a little less than our manufacturers up in Iowa could get a girl or somebody to sew them on the card.

I want again to make the same pearl-button or $100 offer to my distinguished and amiable friend from Iowa. Point to one line of evidence in all the hearings or Tariff Commission's report that will sustain that statement and I will make good my offer.

"A significant fact," says this distinguished gentleman, who knows more about the pearl-button industry and the tariff it needs than any Republican, that these Japanese manufacturers make pearl buttons and put them on cards for less than the Americans can put them on the card! Even Lawyer Swacker did not go that far. He never said such a thing. The manufacturer did not say that. If the lawyer said that, if one of these manufacturers said it, or anybody else said it, just let the Judge point out to me on what page of the hearings I will find such testimony. I will tell you what misled Judge GREEN. He got the evidence all mixed up in his mind. Knowing Judge GREEN as well as I do, I can not believe he would have written that report unless somebody had taken advantage of him. [Laughter.] Sometimes I am indignant when I read that report—indignant against the man who so misled Judge GREEN into writing that report. The Judge knows, and his Republican colleagues on the committee know, that I like him too well to sit still and see anybody impose on him in that way. [Laughter.]

If you will turn to page 8 of the hearings, you will see the testimony upon which this part of the report is based, and that it differs widely from the report. As a matter of justice, it is due the author of the report that I should read it. I want to ask unanimous consent later on that he may be permitted to withdraw from the files of the House this report, and file another one in its place, after hearing my speech. [Laughter.]

Now, if Judge GREEN will just turn to page 8 he will find that he failed to recall correctly the lawyer's testimony. The lawyer testified:

During 1917 and 1918 some Japanese buttons of an inferior quality, sewn on cards, were imported and sold at the following prices per gross:

	Light.	Dark.
1917.	*Cents.*	*Cents.*
16-line	.06½	.05½
18-line	.07½	.06½
20-line	.08½	.07½
1918.		
16-line	.07	.06
18-line	.08	.07
20-line	.09	.08

Those buttons are sewn on cards and those prices are slightly more than it would cost us in this country to card and box the buttons, for that operation alone.

Mr. GREEN. Just to put them on the card and in the box?

Mr. SWACKER. Yes, sir; the cost of the cards and boxes. The whole selling price of the Japanese buttons is but a little more, maybe 1 cent a gross, than the cost after our button is finished for carding and boxing it and preparing it for market.

Those "some Japanese buttons of inferior quality," referred to by the lawyer, are made, sewn on cards, and imported for "slightly more," says the lawyer, than it cost here "for carding, boxing, and preparing for market," and not as Judge GREEN's report has it, that the Japanese button cost to make and card a "little less" than it costs here to simply sew the button on the card. But it is hard for a Republican author of a tariff bill report to distinguish between "more" and "less." [Laughter.]

Judge GREEN says, "Just to put them on the card and in the box?" Mr. Swacker says, "Yes, sir; the cost of the cards and box, and preparing for the market."

But to make out a tiptop case for a high prohibitive tariff bill, Judge GREEN has all Japanese buttons coming in at a "little less" than the cost here of sewing them on the card. But the lawyer said only "some Japanese buttons of inferior quality came in 1917 and 1918." I will show you in a moment what "some" means. He said the price for these "inferior" buttons was a little "more" than what it costs here to have the buttons sewn on the card, to pay for the card, to pay for the box, and put them in the box, and prepare them for the market.

Let me repeat, in the light of the lawyer's testimony, what the judge says in his report:

A significant fact is that it appeared from the hearings that the Japanese manufacturers could make the buttons entire and put them on cards for a little less than the American manufacturers could have them sewn on the card after they had been made.

I declare! [Laughter.] It is not in order now to move an amendment to fit the report to the evidence and the facts, but Judge GREEN will no doubt do it later. [Renewed laughter.]

The lawyer made as strong a case as he could by stating that only "some Japanese buttons of inferior quality" came in at certain low prices in 1917 and 1918. But Judge GREEN did not make any qualification. How large a quantity involved in that "some" do you suppose was imported? Less than one-half of 1 per cent. That is, if they sent over here 100 gross of buttons, it would be less than one-half of a gross. If Judge GREEN can cite any testimony to the contrary or any testimony that will sustain his statement, I will vote for his bill. Judge GREEN and Lawyer Swacker and his clients, the manufacturers, to get this bill through the House would have the House, and especially the Republicans, believe that the buttons imported from Japan are selling at 5, 6, 7, and 8 cents per gross. In fact, Mr. Swacker says the "basic cost" of Japanese buttons is 7 cents.

Why gentlemen, let us see how far from the facts they are. If Judge GREEN, or Lawyer Swacker, or his clients had simply taken the statistics of the value of the imports contained in the report of the Department of Commerce or of the Tariff Commission report, or even as given in the table of statistics filed by the lawyer himself, they would have found that the average price of imported pearl buttons in the year 1918 was over 20 cents, and this without freight, commission, or the present tariff duty charges. The average import price or cost, without freight, duty, or commissions, for the 11 months ending May 31, this year, was 22½ cents. That was the price in Japan or other foreign country from which imported, and in order to sell them over here the importer must in addition pay the freight, a 45 per cent duty, and then add his profits or commissions. The 45 per cent duty alone, without freight or commissions, added to the 22½ cents would make over 32½ cents per gross. There might have been a few gross of imperfect, "inferior quality" buttons sold here for less than that. Our factories make, also, imperfect, "inferior quality" buttons, and one witness, Lawyer Swacker, testified that they sold them for one-fourth or one-fifth of their cost. But, as I said, the average import price or cost of the imported buttons, without duty or freight or commissions, for the 11 months ending May 31, 1919, as they left Japan or other foreign country was 22½ cents per gross.

Mr. GREEN of Iowa rose.

Mr. KITCHIN. I yield to the gentleman. Does the gentleman want to ask me a question?

Mr. GREEN of Iowa. No; I was just remarking to some of these gentlemen here that you would have to vote for the bill, because I will show you that you are entirely wrong.

Mr. KITCHIN. Point it out now. Give me a chance at it right now. I have the report of the Tariff Commission and the hearings right here. Tell me now where is the evidence or statement that refute what I have stated? The average import price of the buttons in Japan and other foreign countries from which imported in May this year was 28¼ cents per gross. May was the last month for which the report of the Department of Commerce gives the statistics. Now, the present duty of 45 per cent on 28¼ cents is a fraction over 12 cents, making the cost of the imported button here, without freight or commission, 40½ cents per gross. Add the commission and the freight and the cost of preparing them for market here, and the selling price will be over 45 cents here. And yet the manufacturers and their lawyer and Judge GREEN and the Republican members of the committee would have the House believe and have the country believe that this bill is absolutely necessary to protect the American button industry against the 5 and 7 and 8 cent "Japanese button that is flooding the American market and shutting down the American factories." All right, does Judge GREEN deny that?

Mr. GREEN of Iowa. I will answer you when the time comes.

Mr. KITCHIN. This is the time if we want to get the truth about the matter.

Mr. GREEN of Iowa. I will show that hardly a statement that the gentleman made here is correct.

Mr. KITCHIN. Now is the time. The gentleman can not by the evidence dispute my statements. I have quoted correctly from the testimony. I have cited the pages both of the hearings and Tariff Commission report. I have quoted his report. I have cited figures from the report of the Department of Commerce, from its latest report.

Now, let us proceed with Judge GREEN's report. Here is something fine. They want to show you how American buttons are lying on the shelves of American factories and how these factories are shut down because of the "flooding of our markets by the 5 and 7 and 8 cent Japanese buttons." Is this Judge GREEN's report? Somebody may have "fudged" a bogus report on me. Am I reading from the right report?

Mr. GREEN of Iowa. That is my report. [Applause.] I am sorry that the gentleman is not able to get that through his head.

Mr. KITCHIN. I did not know for certain whether somebody had fooled me or not. I thought I had been reading from the gentleman's report.

Mr. GREEN of Iowa. And the gentleman is standing up here and misleading the House right along.

Mr. KITCHIN. By reading from the gentleman's report. Well, all right. You know if it can be made to appear that the buttons of our factories are piling up on their shelves for lack of sales on account of the Japanese pearl-button flood, and this has been going on for a year or two, some of these Democrats might be fooled into voting for this tariff bill, and all the Republicans will. But I am going to show you what the fact is, and show you how far it is from the Judge's report. I wish Judge GREEN would take his report and keep up with me as I read it. Turn to page 2 of the report and begin at line 3. But before I get to the piling up of buttons "on the shelves" of the factories here let me refer to the "Japanese competition" referred to in the report. Now, Judge, see if I read this right:

The result of the Japanese competition has been virtually to put the American manufacturers out of the market.

Why, all the imports of the pearl or shell buttons from Japan and of the entire world is less than 10 per cent of what the American people are buying and using. The manufacturers of such buttons here are selling 90 per cent of the whole market and the balance of the world only 10 per cent. In other words, every hundred dollars worth of pearl and shell buttons that the people buy and use in this country $90 worth is American-made buttons; only $10 worth is foreign made.

The CHAIRMAN. The gentleman from North Carolina has occupied one hour.

Mr. KITCHIN. I am glad the Chair has called my attention to that fact, but I believe I am credited with 30 minutes more, under the arrangement with the chairman of the Ways and Means Committee.

The American manufacturers take 90 per cent of the whole button industry trade in this country. I will put a common-sense illustration. Suppose I am a merchant selling shoes in the city of Washington, and the shoe merchants of Baltimore, of Philadelphia, of New York, and all other American cities are competing with me. I put up the claim that the Baltimore merchants and merchants of the other cities are coming into such competition with me that they are ruining me by taking the whole market from me. I begin to clamor for protection against them. Suppose upon looking into the matter and getting the facts it is found that out of every $100 worth of shoes sold to the people in Washington I sell $90, and all of Baltimore, all of New York, all of Philadelphia, all of the balance of the country sell only $10. Why, you would say to me, "KITCHIN, you are either the biggest fool or the biggest liar in the world. Do you not know that when you have 90 per cent of all the trade you need not be scared of Baltimore and the rest of the country, and you can not as an honest man say that the Baltimore and other merchants are driving you out of the market and ruining your business in the city of Washington."

That is the case of this bill right here. Is not that so, Judge GREEN? That is so, Judge; that is so. [Laughter.]

Mr. GREEN of Iowa. I will answer the gentleman at the proper time.

Mr. HUSTED. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. HUSTED. If the gentleman has any information on the subject, will he kindly give it to us as to the profits made by the Americans who furnish our pearl buttons with the Japanese

competition. I happen to know that in my own town a very snug little concern which was manufacturing fresh-water pearl buttons successfully has been absolutely driven out of business by the competition, and the concern closed up.

Mr. KITCHIN. When?

Mr. HUSTED. Within the last three years.

Mr. KITCHIN. So the gentleman from New York has a little industry in his own State?

Mr. HUSTED. No; it used to be there. [Laughter.]

Mr. KITCHIN. And it went out how long ago?

Mr. HUSTED. It closed up three years ago; they could not make any money and could not continue the business.

Mr. KITCHIN. How many years was it in the business?

Mr. HUSTED. It started along under the old law, and got along very well under the Underwood tariff bill.

Mr. KITCHIN. I wish the gentleman knew a little more about that industry. It closed down, he says, in 1916 after being in the business three years. If there was a pearl-button industry in the United States that had been in business two or three years before 1916 and it went out of business in 1916, it was not the Japanese competition, but because that business was run by a set of incompetents. Why, Judge GREEN, and every man who knows anything about the industry, knows that in 1916 and 1915 the industry was doing better than it ever did. They complain of Japanese importations in 1917 and 1918 and this year. Not in 1916 or 1915 or 1914. Mr. Swacker, the lawyer, tells us that the "flood" came in 1917 and 1918, but that even during that time and since the pearl-button industry throughout the country has been making over 11 per cent net profit, after deducting all cost, depreciation, taxes, overhead charges, and everything.

Now let us read the report about the vast "accumulations on the shelves of American factories:

> Their goods have accumulated on the shelves until it is estimated that they have a two years' supply.

If Judge GREEN can point out one single line or word in the evidence, in the hearings, in the Tariff Commission's report, that will sustain such a statement, that will sustain it by one-half or by one-third or by one-fourth, I will vote for this bill.

Mr. GREEN of Iowa. I did not hear that statement.

Mr. KITCHIN. Oh, the gentleman ought to listen to his own report, because it ought to sound good to him. In the gentleman's report it is stated that "their goods have accumulated on the shelves until it is estimated that they have a two years' supply." I was saying that I would vote for the gentleman's bill——

Mr. GREEN of Iowa. Oh, the gentleman will have to vote for it.

Mr. KITCHIN. The gentleman has the hearings before him—right in his hand—and he has also the Tariff Commission's report, and if he will show me one line or one word in the hearings, or in the commission's report that will corroborate that statement even by one-third or one-fourth, I will vote for the bill. Nobody but the Judge made that estimate, so far as I can find. Mr. Swacker, the lawyer, goes just as far as a lawyer's conscience will permit him to go, and he said there were only 13,000,000 gross of buttons on the shelves, but the gentleman's report has it over 60,000,000. How much has been the production in the last two or three years? A little over 30,000,000 gross a year. They were producing 26,181,000 gross under the Underwood Act in 1914. They now have increased to over 30,000,000. We are exporting pearl buttons; we are large exporters of all kinds of buttons; we are exporting in competition with Japan and all the world. The lawyer only had 13,000,000 "on the shelves." We are making over 30,000,000 a year. The gentleman's report has "on the shelves" a two-years' supply. That would make over 60,000,000 gross "on the shelves," would it not? It is awful! Yet they must have this 150 to over 500 per cent ad valorem tariff contained in this bill, because they have "a two-years' supply," or more than 60,000,000 piled on the shelves. As the Judge is "sort of" disputing my statements, I reckon I might as well give him the page.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I can not yield until I give him the page. If the Judge will turn to page 12 he will find that they had only 13,000,000 "accumulated on the shelves," according to the lawyer, who was making it just as large as he could; but the Judge goes him four and a half times better—400 per cent more. Now, let Judge GREEN tell this House candidly when he comes to tell how much I have misled it, who estimated 60,000,000, who estimated for him the two years' supply. I will ask you to tell right now—I beg the Chair's pardon; I ought not to speak in the second person; but I ask the gentleman from Iowa, the distinguished author of this bill and of this report, to tell now who estimated "the two years' supply"? Where is the evidence? Was it not simply the imagination of the distinguished gentleman himself? It is not a "two-years' supply." It is just 13,000,000—not an unreasonable supply to have on hand at any one time. I think I have discussed all the "statements of facts" in the report.

Neither Judge GREEN nor any Republican member of the committee understands what the peculiar kind of rates in this bill mean. Does it surprise you, gentlemen, to tell you that? Let me call the attention of the House to some interesting portions of the testimony as to the meaning or import of the rates.

I am going to show you that the Judge himself was astounded when Lawyer Swacker attempted to explain these rates. He could not believe they would amount to such a marvelous ad valorem equivalent.

Before the introduction of this bill this lawyer and his clients, the manufacturers, came down here and told the Republicans of the committee to put on a duty of "a cent and a half per line per gross, plus 15 per cent ad valorem." That was Hebrew and Greek mixed to every Republican on the committee. They had no idea what that meant. When they began they did not know, when they finished they did not know, and they do not know now. Judge GREEN was surprised almost "out of his boots" when Lawyer Swacker told the committee that on some buttons that rate—the very rate now in the bill—would amount to 300 or 350 per cent ad valorem. He could have told them in truth that on some it would amount to 500 per cent.

The distinguished gentleman from Iowa will please turn to pages 22 and 23 of the hearings and see if I quote him and Lawyer Swacker correctly and construe him correctly.

Judge HULL, of Tennessee, asked Mr. Swacker, with reference to the ad valorem equivalent of the specific rate:

> What would be the ad valorem equivalent of the specific in round figures? If you were to put on a specific rate which would equal the difference of the labor cost in Japan and here, assuming that in Japan it would be one-fourth of what it is here, the effect of that specific rate would be the equivalent of an ad valorem of 75 per cent, would it not?
>
> Mr. SWACKER. No; of several hundred per cent. It would be, anyway, 300 per cent, because the difference is the difference between 25 and 100; three times 25 would be 75; and to make it up to the 100 it would not be 75 but it would be 300 per cent.

Mr. HULL further asked, "So you would want a rate of 300 per cent in order to equalize your labor cost?" "Yes," says this lawyer.

Judge GREEN was absolutely astonished that the bill he was to introduce would give a duty the equivalent of 300 per cent ad valorem and could not believe it. So he at once said to the lawyer:

> You have got that altogether wrong, I think. You just said you only asked for a cent and a half a line and 15 per cent ad valorem, the same as the old tariff.

Swacker answered, "Yes, sir."

Let me quote here the colloquy between the Judge and the lawyer:

> Mr. GREEN. Now, the price of cheap Japanese buttons per line would be how much?
>
> Mr. SWACKER. Their price, at which we would export [import] in that case, would be 6 cents.
>
> Mr. GREEN. Therefore 1½ cents per line would not be any 300 per cent?
>
> Mr. SWACKER. Yes; that would be 21 cents; on a 14-line button it would be 21 cents as a specific rate. Now, you see that would be 300 per cent or about 350 per cent of the 6 cents.

The Judge could not think that anybody would have the audacity to come down here and ask him to introduce a bill carrying rates which would equal 300 per cent or over ad valorem. Swacker explained to him that the bill he was to introduce at the demand of the manufacturers, and which he did introduce and which is now before us, did that very thing.

The Judge still was surprised and could not believe it. He was not satisfied with the explanation, so in a few moments he again brought the matter up and, page 24, said to the lawyer:

> There must be some error there in your computation as to the equivalent of the ad valorem rate or the computation made in that work to which I have referred before, because in 1913 they said that the equivalent ad valorem rate was 77.18 per cent, while now you say it is 300 per cent.

The Judge thought that the bill he was to introduce would not exceed the 77.18 per cent ad valorem equivalent. But Swacker again assured him that he was wrong; that instead of 77.18 per cent it would work out in many cases 300 per cent and over. Judge GREEN still insisted that Swacker was in error. But Swacker was correct. He knew what they wanted. He could have said further that on some buttons the specific rate in the bill would amount to over 450 per cent. He testified that these buttons came in at 7 cents a gross, some at 5 and 6 cents on a 16 and 18 line button. On a 7 cent per gross button, 18 line, the

ad valorem equivalent of the rates in the bill is a fraction over 300 per cent; on a 6 cent per gross button it is 365 per cent; on a 5 cent per gross button it is 455 per cent.

Not a Republican on the committee, not a Republican in the House, knew this. But Swacker and his clients knew how this bill would operate. The rate in the bill is 1¼ cents per line per gross plus 15 per cent ad valorem. The actual duty works out this way: On an 18-line button, which is the button on your negligee shirt and underwear, the 1¼ cents rate in the bill is equivalent to a duty of 27 cents per gross, this being one and one-half—"1¼ cents per line"—times 18—18 lines. Add to this the 15 per cent ad valorem provided for in the bill and you will have the full amount of duty to be levied on that kind of button.

It is said that this bill has the same rates as those in the Payne-Aldrich Act. This is true, and no 5 or 6 or 7 or 10 or 20 cents per gross pearl or shell buttons could be or were imported under that act. The rate was absolutely prohibitive, and so is the rate in this bill.

For the 11 months ending May 31, 1919, $890,000 worth of pearl and shell buttons came into this country from all foreign countries, mostly from Japan. But we exported to foreign countries $751,340 worth of pearl or shell buttons in competition with Japan. Mr. Swacker shows, without knowing it, in his testimony why they wanted this high prohibitive tariff. They desired by excluding the cheaper buttons, which enter every household, to get a monopoly on them here and charge the American consumers such a high price and profit that they will be enabled to sell their export buttons cheaper to the foreigners in competition with Japan. [Applause on the Democratic side.]

Mr. Willis, a large manufacturer, in his testimony says this rate will shut out all Japanese goods, and that is what they want.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. AYRES. How does our export of pearl buttons compare with our imports?

Mr. KITCHIN. For the 11 months ending May 31, 1919, we imported $890,000 worth of pearl buttons and exported $751,000 worth; but of all other kinds of buttons we exported $1,887,000 worth.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield there?

Mr. KITCHIN. Yes, sir.

Mr. REED of West Virginia. I believe you corrected the statement about Japanese labor prices of 15 and 20 cents a day?

Mr. KITCHIN. I stated what the hearings showed.

Mr. REED of West Virginia. You said the wage was about 50 cents.

Mr. KITCHIN. Oh, no. No man knows. Even the Tariff Commission does not know, or does not say. One witness said one rate of wages, one witness said another rate, and Judge GREEN stated still another rate.

Mr. REED of West Virginia. And you said the American rate of wages was $2.50.

Mr. KITCHIN. I never stated, because I did not know, and the evidence is conflicting. One witness put it from $2.50 to $3, another from $2.50 to $4.22, and Judge GREEN put it at $4.40.

Mr. REED of West Virginia. That is what I understood was the rate. The testimony, then, would be that the Japanese rate of labor is 400 per cent less than the American rate?

Mr. KITCHIN. Oh, no. The gentleman intended to say the American rate was 400 per cent more than the Japanese rate. Lawyer Swacker says our labor here gets $2.50 to $3 and the Japanese 14 or 14½ cents. That is about 2,000 per cent more. If the gentlemen who testified are right about it, the rate of tariff ought to be 2,000 per cent in order to equalize labor wages here and there.

I am now going to call attention to one thing relative to this bill which is really gratifying. This bill changes the button provisions of the Underwood tariff act only as to pearl or shell buttons. We make in this country celluloid buttons, bone buttons, ivory buttons, silk buttons, nickel buttons, metal buttons, and many other kind of buttons; in fact, buttons embraced in the whole button industry. Pearl or shell buttons are only about one-third of our production. We produce annually about $30,000,000 worth of all kinds of buttons. In the preparation of the Underwood Act we changed and reduced the rates on every kind of buttons. The Underwood Act has worked so well and so fairly that the gentleman who introduced this bill and the gentlemen who reported it favorably to the House made no change in that act except with respect to pearl or shell buttons. They were perfectly satisfied with the Underwood Act with respect to all other kinds of buttons.

I certainly beg the pardon of Judge GREEN and of the House for taking up so much time to enlighten him and his colleagues on the committee concerning this bill. [Laughter.]

In conclusion, let me repeat briefly what this bill does. The buttons "protected" in this bill are a universal household necessity. They are used on negligee shirts, the ordinary shirtwaists, children's dresses, and on practically all kinds of underwear for men, women, and children. It is the most commonly used of all classes of buttons. The peculiar kind of specific rate provided in the bill amounts to an equivalent ad valorem of from 150 to 500 per cent, according to the value of the button. It is from three to ten times higher than the existing rate, which is 45 per cent ad valorem. This bill taxes all the people at least $5,000,000 annually, not for the benefit of the Government but for the benefit of a few manufacturers. It most aptly illustrates the Republican tariff policy—taking money from all the people and giving it for the enrichment of a favored few. [Applause.]

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TOWNER having taken the chair as Speaker pro tempore, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl, had come to no resolution thereon.

THREE HUNDREDTH ANNIVERSARY OF LANDING OF THE PILGRIMS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate concurrent resolution No. 8 now on the Speaker's table. Pending the submission of that request I ask the Speaker to present the resolution to the House for its information.

The SPEAKER pro tempore. The gentleman asks for the reading of the resolution?

Mr. MONDELL. For the reading of the resolution for the information of the House, and then I shall submit my request.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution No. 8.

Resolved by the Senate (the House of Representatives concurring), That the joint special committee, consisting of two Senators and four Representatives appointed to confer with officials of the Commonwealth of Massachusetts, or any political subdivision thereof, or with officers of any organization or society or with individuals, relative to the contemplated observance of the three hundredth anniversary of the landing of the Pilgrims, ordered to report its recommendations on or before September 1, 1919, be granted an extension of time for its report and recommendations until December 10, 1919.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER pro tempore. Is there objection to the immediate consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of Mississippi, indefinitely, on account of illness.

To Mr. OGDEN, until September 18, 1919, on account of business.

To Mr. ASHBROOK, until September 15, on account of important business.

LEAVE TO EXTEND REMARKS.

Mr. BLANTON. Mr. Speaker, I have a communication from Director General Hines, which he asks me to place in the RECORD. I ask unanimous consent that in addition to my own comments I be permitted to extend my remarks by placing this communication in the RECORD.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House, under the order heretofore made, adjourned until Tuesday, September 2, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Labor submitting a supplemental estimate of appropriation required for "miscellaneous expenses, Bureau of Naturalization, 1920" (H. Doc. No. 208); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Labor, transmitting report directed to be made to the House of Representatives pursuant to House resolution 225 (H. Doc. No. 209); to the Committee on Labor and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 4311) to authorize the addition of certain lands to the Caribou National Forest, reported the same with amendment, accompanied by a report (No. 275), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 2022) vesting in the Bureau of Pensions jurisdiction of all pension claims based upon service in the Army, Navy, or Marine Corps of the United States subsequent to October 5, 1917, to repeal certain sections of article 3 of the war-risk insurance act, and for other purposes, reported the same without amendment, accompanied by a report (No. 277), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2883) authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr., reported the same without amendment, accompanied by a report (No. 278), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (S. 183) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., reported the same without amendment, accompanied by a report (No. 276), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6697) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (S. 552) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 8831) granting a pension to Margaret J. Mahan; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky: A bill (H. R. 8898) to provide for the taxation of certain incomes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: A bill (H. R. 8899) to amend section 2 of the act approved September 8, 1916, relating to pensions; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 8900) fixing a time limit within which claims arising under war contracts may be filed in the Court of Claims; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 8901) to extend the benefits of the pension laws to certain innocent divorced wives of deceased soldiers or sailors who were in the military or naval service of the United States during the Civil War; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 8902) authorizing the Secretary of War to donate to the village of East Rockaway, in the State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 8903) to provide for the entrance into the civil service of veterans of the war with Germany; to the Committee on Reform in the Civil Service.

By Mr. STRONG of Kansas: A bill (H. R. 8904) providing that before any person can become an officer in the Navy of the United States he must serve one year as an enlisted man with the pay and equipment of the rank he attains; to the Committee on Naval Affairs.

By Mr. ESCH: A bill (H. R. 8939) to provide for the establishment on the Mississippi River in Wisconsin a fish-cultural and fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; to the Committee on the Merchant Marine and Fisheries.

By Mr. RODENBERG: Joint resolution (H. J. Res. 185) suggesting the continued presence of the President of the United States at the Capital during the present crisis; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Joint resolution (H. J. Res. 186) providing for the rehabilitation of those of Hawaiian and part Hawaiian blood; to the Committee on the Territories.

By Mr. THOMPSON of Ohio: Resolution (H. Res. 274) to investigate the Walter Reed Hospital and St. Elizabeths Hospital, both within the District of Columbia; to the Select Committee on War Expenditures.

By Mr. STRONG of Kansas: Resolution (H. Res. 275) requesting the President of the United States to remain at the seat of the National Government; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8905) granting an increase of pension to William A. Middleton; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 8906) granting an increase of pension to Ruben Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8907) granting an increase of pension to John J. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8908) granting a pension to Elizabeth Acton; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 8909) to remove the charge of desertion standing against Patrick Fay, alias Owen Carroll; to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 8910) granting a pension to Sarah C. Dodge; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 8911) granting a pension to Carrie F. Titus; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 8912) granting an increase of pension to Ransom House; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 8913) granting an increase of pension to James Aitken; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 8914) granting a pension to Benjamin F. Fawbush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8915) granting a pension to W. W. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8916) granting an increase of pension to Willis G. Craddock; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 8917) to correct the military record of Edward Burns Hughes; to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 8918) granting a pension to Janet Millage; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 8919) granting an increase of pension to Lewis E. Letner; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 8920) granting a pension to Margaret W. Mitchell; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 8921) for the relief of Lena R. McCauley; to the Committee on War Claims.

By Mr. MAPES: A bill (H. R. 8922) granting a pension to William I. Allen; to the Committee on Pensions.

By Mr. O'CONNELL: A bill (H. R. 8923) granting an increase of pension to Lafayette A. Dennett; to the Committee on Pensions.

By Mr. OGDEN: A bill (H. R. 8924) granting an increase of pension to Mary O. Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8925) granting a pension to George Byrne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8926) granting an increase of pension to David R. Fenton; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 8927) granting a pension to Belinda J. Cox; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 8928) granting a pension to Carrie Howell; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 8929) granting an increase of pension to James L. Vallely; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8930) granting a pension to Ben B. Sell; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 8931) for the relief of Victor Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 8932) for the relief of Martin L. Cuppels; to the Committee on Military Affairs.

Also, a bill (H. R. 8933) for the relief of Susan C. Bott; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 8934) granting a pension to Martha P. Conklin; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8935) granting an increase of pension to Fronie Fisher; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 8936) for the relief of William C. Brown; to the Committee on Military Affairs.

By Mr. WOOD of Indiana: A bill (H. R. 8937) granting an increase of pension to John H. Smith; to the Committee on Invalid Pensions.

By Mr. WOODS of Virginia: A bill (H. R. 8938) granting a pension to J. M. Fisher; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Resolutions of the Newark (Ohio) molders' union, in favor of the retirement bill; to the Committee on the Post Office and Post Roads.

By Mr. CALDWELL: Petition in re repeal of tax on soft drinks and ice cream from residents of Astoria, Long Island, N. Y.; to the Committee on Ways and Means.

By Mr. CULLEN: Petition of Boston City Club, Boston, Mass., favoring the passage of the Mondell-Smoot bills; to the Committee on the Public Lands.

By Mr. CURRY of California: Resolutions by the Service Club of San Joaquin County, Calif., indorsing by the board of supervisors of that county in re immigration and naturalization of aliens; to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Petition of the American Legion of New York City, in favor of law and order; to the Committee on the Judiciary.

By Mr. ESCH: Resolutions adopted by the Bible and Evangelistic Conference of the Methodist Episcopal Church South, Junaluska, N. C., urging the support of all plans to advance the chaplains in the Army the same as other branches; to the Committee on Military Affairs.

Also, petition of the board of governors of the Commercial Club and Chamber of Commerce of Salt Lake City, Utah, opposing the so-called packers' bills now pending in Congress; to the Committee on Agriculture.

By Mr. LINTHICUM: Petition of United Brotherhood of Carpenters and Joiners of Baltimore, Md., favoring the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. Phillip Pitt, of Baltimore, Md., protesting against the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. T. Chapman, of Baltimore, Md., favoring an increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. J. T. Andrews and other citizens of Baltimore, Md., for the repeal of revenue bill H. R. 12863 of 1918; to the Committee on Ways and Means.

Also, petition of C. W. Doggett, of Baltimore, Md., favoring the passage of House bill 8537; to the Committee on the Post Office and Post Roads.

By Mr. LUFKIN: Resolutions adopted by branch 26, National Association of Letter Carriers, of Haverhill, Mass., in favor of an increase in the salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petitions of business men of Moorewood, Hess, Elmer, and Creta, Okla., asking that the Kenyon bill be enacted into law; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT: Petition of sundry citizens of Danbury, Conn., favoring the repeal of the zone postal rates; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of sundry citizens of Chicago, Ill., favoring the repeal of section 907 of the revenue act; to the Committee on Ways and Means.

By Mr. NOLAN: Petition of the Merchants' Association of New York, favoring the passage of House bill 7597 providing for the creation of Federal home loan banks; to the Committee on Banking and Currency.

By Mr. O'CONNELL: Petition of the American Gear Manufacturers' Association, of Philadelphia, Pa., protesting against Government ownership or Government operation of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of William J. Gokey & Co., Theodore A. Cranes Sons & Co., Ira S. Bushey & Sons (Inc.), Schuyler & Caddell, James Shewan & Sons (Inc.), Morse Dry Dock & Repair Co., all of New York, N. Y., protesting against H. R. 8422; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Associated Industries of Massachusetts, favoring the Mondell-Smoot bills; to the Committee on the Public Lands.

Also, petition of Associated Manufacturers and Merchants of New York, N. Y., protesting against Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. PHELAN: Petition of H. E. Foster and others of Lynn, Mass., employees of the Postal Service, asking for an increase in salaries; to the Committee on the Post Office and Post Roads.

Also, petition of A. J. MacDonald and others, of Peabody, Mass., protesting against the passage of the Plumb-plan bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of the Red River Lumber Co., Westwood, Calif., protesting against the Plumb plan for the nationalization of the railroads and urging the return of the railroads to their former owners; to the Committee on Interstate and Foreign Commerce.

Also, petition of Irving C. Tomlinson, Boston, Mass., protesting against House bill 2023 and the bills introduced by Senator SMITH and Representative TOWNER; to the Committee on Education.

Also, petition of the Brunswing Drug Co., of Los Angeles, Calif., protesting against the bill introduced by Representative SIEGEL providing that manufacturers, wholesalers, and retailers shall mark upon the products they sell the actual cost price of such article; to the Committee on Agriculture.

By Mr. REBER: Petition of Mr. John Bubnis, Minersville, Pa., relative to the Lithuanian situation; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *August 30, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

LEAGUE OF NATIONS.

Mr. OWEN. Mr. President, on Tuesday, August 12 last, the honorable Senator from Massachusetts [Mr. LODGE], chairman of the Committee on Foreign Relations of the United States Senate, and the chosen leader of the majority party in this Chamber, delivered a very carefully prepared argument against the league of nations. The Senator from Massachusetts is recognized as a learned scholar and a very studious historian, and an argument which he delivers after the debate has proceeded for months may fairly be regarded as the ablest possible presentation of the case against the league of nations. If this argument can not stand an analysis, the case of the opposition to the covenant falls to the ground.

The honorable Senator lays down the first proposition:

That mankind from generation to generation is constantly repeating itself.

And says:

We have an excellent illustration of this fact in the proposed experiment now before us of making arrangements to secure the permanent peace of the world.

Thereupon he calls attention to the alluring promises made in the treaty of Paris of November 20, 1815, and the high purposes alleged in the treaty of the Holy Alliance, and shows historically that wars followed and not peace. He argued by necessary inference that these promises of peace and assurances of high purposes did not produce peace but war, and therefore that the declaration of purposes found in the present covenant of the league of nations would naturally be followed by war, because "mankind repeats itself."

The Senator quotes in derision the preamble to the covenant, and says:

> Turn to the preamble of the covenant of the league of nations, now before us, which states the object of the league. It is formed—
>
> "In order to promote international cooperation, to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international laws as the actual rule of conduct among governments and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another."

The Senator then said:

> No one would contest the loftiness or the benevolence of these *purposes. Brave words, indeed. They do not differ essentially from the preamble of the treaty of Paris* (1815), *from which sprang the Holy Alliance.*

In other words, Mr. President, the promises made by the treaty of the Holy Alliance having led to war, these promises will also lead to war, because "mankind repeats itself."

The obvious fallacy of this argument is that the *alleged* "*purposes*" of the Holy Alliance had nothing to do with the consequences which ensued from that alliance. War did not result from the virtuous promises made to the people by the Holy Alliance. The Holy Alliance made willfully deceitful and false promises of brotherly love and peace in order to deceive the people of Russia, Prussia, and Austria, and thus prevent them from going into a revolution, as the people had done in France under like conditions of tyranny and brute military power. The fact that wars followed the treaty of the Holy Alliance was because this treaty was between military dynasties, made by monarchial autocracies, each controlled by intrigue, by rival armaments, and by ambitious secret purposes. They were lined up against other similar governments at that time not greatly in advance of them in structure of government or in conception of liberty and popular rights. England, however, was becoming steadily more democratic, and soon withdrew from the treaty of Paris. France ultimately withdrew from the Holy Alliance. The cause of war was wrapped up in the treaty of the Holy Alliance of Russia, Austria, and Prussia because of their then several secret dynastic military ambitions. There was during that period no available or possible provision in the world providing for conciliation and arbitration in the settlement of international disputes. There was no means of promoting progressive disarmament, and the ambitions and the lust for power, unrestrained by law, unavoidably led to war as a necessary consequence. There was no adequate restraining power in all the world and no forum where the organized opinion and power of mankind could make itself effective for peace as there is available now.

The Senator from Massachusetts has shown himself unable to discriminate between the unavoidable consequences of war of governments based on tyranny and brute force, such as Russia, Prussia, and Austria, Bulgaria, and Turkey, and the consequences favorable to peace of governments based on the consent of the governed, on justice and liberty, such as the United States and Canada, the South American Republics, Australia, Great Britain, France, Belgium, and Italy. Such blind leadership might easily prove to be a national calamity.

The Senator from Massachusetts has failed to discover what every student of history ought to know who has a discerning mind and an intelligent comprehension, that the instability and wars of military dynasties had adequate causes, and that these causes rest in the "rule of the few," moved by intrigue, by gross human selfishness, by ambition and lust for the property of other people, leading them to develop great armies nominally for defense, but always secretly for offense, so well described by Von Bernhardi in his description of the Hohenzollerns and of Frederick II. Everybody seems to know this except the Senator from Massachusetts. The stability of Republics and their power for peace are not based on preambles nor lofty promises of high purposes, as the Senator from Massachusetts seems to think. They are based upon sound principles affecting the structure of government, which go to guarantee justice and liberty and humanity and the organized righteous self-government of the people. These are the principles which guarantee stability. These are the principles which not only promise but will make sure the peace of the world.

The Senator loosely argues that since "mankind repeats itself," and since the Holy Alliance made virtuous "promises" and war followed, therefore the virtuous promises of the present covenant of a league of free nations can mean nothing but war. The Senator argues from the false premise that the promises of the autocrats of the Holy Alliance were sincere. They were not sincere. They were wickedly false. I wondered, when the learned Senator was quoting the treaty of the Holy Alliance with its virtuous "promises," that he did not also quote the secret amendments to the treaty of the Holy Alliance of 1822, which disclose the infinitely wicked deceit of these promises—the secret treaty of Verona, in which the "holy alliance of liars" pledged their undying hostility to the democracies of the world and the freedom of the press. Since the Senator thinks it was the virtuous "promises" of the Holy Alliance that led to war, let me call his attention to their pledge to destroy the democracies of the world, and he will see, I trust, an abundant cause for war necessarily involved in the treaty of the Holy Alliance with its secret amendments at Verona, not because of their virtuous promises but in spite of them. Their secret purpose was war.

Listen to the philosophy and historical admonition of the secret treaty of Verona:

> "*The undersigned, specially authorized to make some additions to the treaty of the Holy Alliance, after having exchanged their respective credentials, have agreed as follows:*
>
> "*Article 1. The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchial principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.*
>
> You can only put an end to a government by war.
>
> "*Art. 2. As it can not be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations to the detriment of those of princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own States but also in the rest of Europe.*" (Vol. 53, pt. 7, p. 6781, 64th Cong., 1st sess., Apr. 25, 1916.)

The King of Prussia and the Emperor of Austria were the real autocratic monarchs behind this deadly compact to destroy the democracies of the world and establish "world power" for themselves and their allies as the military autocrats of mankind.

Here these military autocrats, who had offered themselves to the people of Europe as the servants of Christ and the guardians of the peace of Europe, were, in fact, secretly pledging themselves to murder unoffending people of other lands who had the temerity to believe in representative government and in the liberty of a free press. They instantly made war on the unoffending Spanish and Portuguese people and the innocent Italian people, and put them all under absolute monarchies, and would have done the same thing to the South American Republics but for Great Britain and the Monroe message.

Does the Senator from Massachusetts really believe that it was the virtuous "promises" of the Holy Alliance that led to war, or the "secret" purposes and ambitions of these military monarchial despots who were secretly plotting to rule the world by brute force? There is a vast difference, Mr. President, between the promises of an honest man or an honest government, of sincere well-meaning democracies, and the promises of trained liars, murderers, and self-seeking despots. And I feel fully justified in describing the Hohenzollerns and the Hapsburgs and the Romanoffs in these plain terms.

The Senator from Massachusetts believes that the promises of these royal scoundrels may be justly compared with the promises and aspirations of the honest organized democracies of the whole world basing an alliance not upon their pretenses of justice and liberty but upon the demonstrated fact that they are truly willing to die for liberty and justice.

The Senator from Massachusetts really believes in the rule of the representatives of the people over the people, in the rule of the few over the many. He would draw a wide distinction between "representative" government and government "by the people." He does not believe that the people of a State have a right to instruct or control their elected representatives or to

initiate and pass the laws that they want or to veto laws they do not want. *He thinks that for the people to express their opinion upon a public question is dangerous to the principle of constitutional government.*

Am I hasty in making this charge against the leader of the Republican Party in the Senate? I most certainly am not. The Senator from Massachusetts may have forgotten, but I have not forgotten, his famous speech in Boston on September 15, 1907, for I had been but two days in the Senate when, on December 18, 1907, Senator Hale, of Maine, had printed 20,000 copies of this famous speech of the Senator from Massachusetts as Senate Document 114, Sixtieth Congress, first session. This speech was delivered in opposition to a bill then pending in the Massachusetts Legislature, known as the "public-opinion bill." The "public-opinion bill" proposed to permit the people of Massachusetts the astounding liberty of expressing their opinion upon a public measure, but not exceeding four measures in any one year. This bill Senator LODGE violently opposed on the ground that it would overthrow the constitution of Massachusetts and destroy representative government. I shall not challenge the Senator's integrity of mind or his integrity of purpose in making this speech. I shall assume that he honestly believed that the opinion of the people was dangerous to constitutional government. At all events, this was his argumet.

Twenty thousand copies of his speech were sent into Maine in order to defeat a campaign then pending for the initiative and referendum in that State.

The Senator said in criticizing the public-opinion bill that it—

would mean nothing less than a complete revolution in the fabric of our Government and in the fundamental principles upon which the Government rests.

That it—

would undermine and ultimately *break down the representative principles in our political and governmental system.*

With the assistance of Kingsbury B. Piper, secretary of the State Referendum League of Maine, I prepared and had printed as a memorial to Congress the answer of the State Referendum League of Maine to the Senator from Massachusetts (Senate Document 521, 60th Cong., 1st sess.). I caused 20,000 copies to be printed and I franked them to Maine, and when the people of Maine came to pass upon the validity of the argument of the Senator from Massachusetts that *the people should have no right to express their opinions on public questions*, either by public-opinion statute or by the initiative and referendum, they decided against the argument of the learned Senator from Massachusetts, and the honorable Senator from Maine who circulated the famous Boston speech against the public-opinion bill did not find it desirable to stand for reelection.

In the State of Massachusetts, in the last election, when the people were selecting their delegates to a constitutional congress, there was a campaign in behalf of the initiative and referendum. I had prepared by the National Popular Government League, by Judson King, secretary, an argument for this great measure of popular government, and caused it to be printed as Senate Document 763, Sixty-fourth Congress, second session, which was used in the Massachusetts campaign in favor of the initiative and referendum. An overwhelming majority of the delegates who had favored it were elected, and even the president of Harvard, who opposed it, was defeated. Senator Weeks opposed it, and he was defeated, and Senator WALSH, who favored it, was elected and is now present in the Senate.

I commend the judgment of the people of Maine and Massachusetts to the considerate judgment of the honorable Senator from Massachusetts. His leadership against popular government has failed both in Maine and in the great Commonwealth of Massachusetts.

The Senator from Massachusetts does not believe in the wisdom of the people. He does not believe that the people have the intelligence to initiate laws they do want or to veto laws they do not want, and therefore he does not have any great degree of confidence in the stability of a league of the great democracies of the world or their ability to make sure their own peace. He looks upon them with less confidence than he did upon the military autocracies that framed the treaty of the Holy Alliance, for the Senator favored a league in 1915, when the autocracies were in full flower.

I am devoutly thankful that there are hundreds of thousands and millions of Republicans in the United States who do not agree with the Senator from Massachusetts in this view, and that there are on this floor splendid Republican Senators who do believe in popular government and in the right of the people to govern and who have confidence in democracies.

And I pause to say, Mr. President, that those who believe in popular government are deeply desirous of having passed through the Senate a thoroughgoing corrupt-practices act, and I appeal to the Senator from Massachusetts to give his support to such a bill in order that the "*representative* system" of selecting Senators and Congressmen may not be perverted by the corrupt and sinister influences that by money and fraud are able unduly to influence the nomination and election of Congressmen and Senators. For six years the progressive Senators on this floor have been trying to get a thoroughgoing corrupt-practices act, but have not been able as yet to do so. Why? I will leave to those who opposed it and to those who do not favor it and to those who secretly throw the weight of their influence against it to answer that question before the end of the next session of Congress.

The Senator's whole argument is based upon his inability to perceive the difference between the relative trustworthiness of democracies and autocracies, and in his violent assaults upon the league he tries to show that we ought to have no league of nations at all. He goes so far as to denounce the banner of the proposed league of nations, of the free nations of the earth, of our wonderful Allies, of our heroic Allies, who died for liberty and justice and civilization, as a "mongrel" banner, and he attaches to the league of nations the unmerited stigma of "Bolshevism" as illustrating wicked "internationalism" as contrasted with his own admirable "Americanism."

Mr. President, all good Americans believe in Americanism in its highest and purest and truest meaning.

Mr. President, a man can be a good citizen of a town, of a county, of a state, of a nation, and of a world without inconsistency. He can love his home, and be utterly devoted to his own nation, and be a glorious American, and yet be generously disposed and favor international justice and liberty and good neighborhood, and the means of attaining them.

The galleries always applaud when a Senator strikes an oratorical pose and thunders forth his sturdy Americanism, and the Senator from Massachusetts did not fail to strike this popular chord. The Senator gloriously said:

Call me selfish if you will, conservative, or reactionary; but an American I have remained all my life. I can never be anything else but an American, and I must think of the United States first.

Fine! This is magnificent. The galleries burst with applause; but, Mr. President, in June, 1915, at Union College, the Senator was still an American, whether "selfish, conservative, or reactionary," and he told the world then in language clear and forceful—and I use his own words—that—

Nations must unite as men unite to preserve peace and order.

He stated that nations must be so united as to be able to say to any single country—

You must not go to war.

Fine! This is splendid, but a flat contradiction of his present attitude that nations must *not* unite to preserve peace and order, that they must *not* be so united as to say to any single country "You must not go to war."

The Senator's Americanism at Union College did not prevent his making an earnest argument in favor of a league of nations, and when he made the argument in favor of a league at Union College it was fine Americanism. It was fine Americanism when Theodore Roosevelt made the same argument in receiving the Nobel prize at Christiania in 1910. President Taft shows his fine Americanism when he loves America and loves his fellow men throughout the world and stands for a program of assured peace through the honest cooperation of all the great democracies of earth.

It is fine Americanism when the Senator from North Dakota [Mr. MCCUMBER] and other patriotic Republicans and Democrats stand on this floor and urge a league of free nations.

The Senator from Massachusetts must not attempt to monopolize Americanism, for selfishness and partisanship in foreign affairs do not describe Americanism.

When Germany and Austria and Bulgaria and Turkey, the great military dynasties, were at the height of their power the Senator from Massachusetts argued in favor of nations uniting to prevent war. He was willing to admit military dynasties to a league of nations to prevent war, but now that the military dynasties have been humbled to the dust, now that brute force based on the doctrine that might makes right has been utterly overthrown by the honest peace-loving democracies of the world, the Senator rises up as the chief opponent of what he himself generously argued as a good American in 1915.

Mr. President, am I going too far if I appeal from "Philip drunk to Philip sober"?

The one great gigantic fact of all history has occurred to assure and make possible the future peace of the world and to make it comparatively easy to establish peace, and that is the

overthrow of arbitrary power, the overthrow of the Hohenzollerns, the Hapsburgs, the Romanoffs, and their brood of princes, grand dukes, et id genus omne, and the establishment of the great doctrines of liberty, justice, and self-government and the establishment of the overwhelming power of the democracies of the world.

The Senator from Massachusetts fails to recognize the one great event which makes this war the most notable war of all history and which alone opens wide the door to permanent world peace.

The Senator from Massachusetts having argued that it was un-American to recognize this "mongrel" flag of the free nations of earth, proceeds, absurdly enough, to argue that he and his colleagues will accept the "mongrel" flag and all its evils provided reservations be inserted in the ratification, which do not really change the meaning of it, but would prevent any friendly ally in the future from changing the meaning of it.

The Senator does not recognize any difference between the *legal and moral* obligations of the league. He says treaty obligations are merely moral obligations, and with this view I am in entire accord. But, Mr. President, an interpretative resolution separate from the resolution of ratification of the treaty, interpreting the meaning of the covenant, would protect the United States from the possibility of any future charge of moral delinquency by any nation on earth, and prevent any nations, friendly or otherwise, from charging that the United States refused to do what it agreed to do. The only difference between the effect of a resolution separate and apart as an interpretation and an amendment or reservation in the face of the ratifying resolution is that the latter would require the action of all other nations, might produce serious confusion, would certainly postpone final action for some months at a time when prompt action in declaring peace is of the highest importance, while a resolution of interpretation would avoid these obvious objections. There is one possible *partisan* advantage in putting amendments and reservations on the proposed league. It might to that extent discredit with some of our own people and with those of foreign countries the President of the United States and the members of the peace conference who represented the United States at Paris.

Is it un-American if I should feel unwilling to discredit our representatives, either at home or abroad, unnecessarily? The delay in ratifying the peace treaty is paralyzing our export trade. Our favorable balance of trade fell off $400,000,000 in the month of July in 31 days. Our foreign-exchange market has gone into complete demoralization awaiting the determination of the conditions of peace.

We hear no proposal from Great Britain or France or Italy or Belgium or Japan for putting amendments into this proposed league. They do not have any fear that the friendly nations of the earth, based on self-government, liberty, and justice, will misinterpret the covenant to their disadvantage. None of them have imagined that they were relinquishing their rights of self-government or subjecting themselves to the coercion of a league of foreign nations. On the contrary, they wrote into the league section 10 for the protection of the territorial integrity and existing political independence of every nation. This covenant was drawn up by the ablest men in the world—if the Senator from Massachusetts will pardon the apparent neglect—chosen men representing all of the great nations. It was subjected to the closest scrutiny. It carries out and makes possible the aspirations of The Hague conventions, with the addition of methods for conciliation and arbitration and disarmament and means for protecting the territorial integrity and existing political independence of nations by boycott, blockade, and even armed force, which will assuredly rarely, if by any possibility ever, be necessary.

This should not be made a partisan question. The Senator from Massachusetts taught me the sound doctrine in one of the great maxims of the United States Senate, which has been honored for a hundred years, and that is—

Party lines cease at tide water.

Is it un-American if I appeal to the honorable Senator to sustain this venerable and worthy maxim of the Senate? Why does he, before the treaty arrives, sign his round robin? Why does he marshal his political followers as far as he can in hostility to the aspirations of mankind? The world is weary, utterly weary, of war. The industries, the commerce of the whole world, have been profoundly shaken by the gigantic destruction and waste of this war.

The cost of living because of this Great War has become painful and irksome to the people of the whole world. It is of the most urgent importance that we get back to the basis of peace, in order that we may address ourselves to solving the problem of the high cost of living in this country, which is greatly perplexing to the Congress as well as the people at home.

The unhappy people of Europe are struggling to reestablish themselves. Millions of men, women, and children have died in this great struggle to establish on earth human liberty and the right of the people of the earth to self-government. Side by side in the hills and in the valleys of France lie thousands of our beloved sons with the cherished youth of Great Britain, Belgium, France, Italy, and of our other Allies. They died in a war whose great purpose was to overthrow arbitrary power, to establish government upon a sound basis of the consent of the governed, to establish forever "peace on earth, good will toward men." Surely it is not un-American that we should desire that their infinite sacrifice should not be in vain. Honest democracies do not want war, nor the cost of war, nor to have their children die in battle. The people who pay the cost of the war, who send their sons to die upon the battle field, who pay the taxes of war, and control democracies will not permit war that can possibly be avoided.

Perhaps without a league the future peace of the world might be accomplished, but a league of free nations of the earth, established with the power to say to outlaw nations "You must not go to war," as the Senator from Massachusetts so finely argued in June, 1915, at Union College, will secure and make certain the ends for which the youth of the world was sent to the battle fields to die.

May I not be permitted to appeal to the better Americanism of the Senator from Massachusetts not to throw himself across the path of human progress and world peace? He is not (as he thinks) waging a war against Woodrow Wilson; he is waging a war against the desires and the hopes of all mankind.

We have joined the sons of France, Great Britain, and Italy and our other great allies in breaking down the military autocracies of Europe. Are we not in honor bound to stand by our allies until the new governments, the new democracies of Europe, are established and made stable by the stabilizing force of the organized powers of mankind that league to preserve peace?

Shall we scuttle like cowards and cravens from the wounded peoples of Europe before the nations born of this war can balance themselves and be at peace and a blessing to themselves and to the world when with the league of the great democracies we can easily assure them stability and peace?

Is it un-American to carry out our implied obligations to Europe?

Mr. President, the honorable Senator from Massachusetts interprets article 10 to mean that the council in *advising* the means to be employed to preserve the territorial integrity and the existing political independence of member nations will be authorized to send American troops to the ends of the earth in every petty quarrel that might arise anywhere in the world.

The Senator urges that we would have a "moral" obligation to take the advice, and the "moral" obligation being as strong as a legal obligation we would be obliged to obey or be guilty of a breach of our moral obligations, a thing absolutely inconceivable to the austere Senator from Massachusetts.

The Senator greatly enlarges upon this great, unhappy thought and in his imagination he sees our soldiers sent into central Arabia to protect the Sultan of Hejaz under the irresistible advice of the council.

Mr. President, with the establishment of a league of nations, with the great democracies of the world in honest cooperation, there are many provisions which will prevent war or the need of soldiers.

For example:

Every means possible for conciliation.

Every means for arbitration, and at last if a nation be determined to be an outlaw nation in violation of the organized opinion of mankind, and then invades the territorial integrity of a member nation and its existing political independence, there is a penalty so gigantic that no nation would dare to face it; that is, a world boycott, a complete separation of that outlaw nation and of its nationals from any commercial, financial, postal, telegraphic, or any other means of communication with the citizens of other nations.

No nation could stand this. But this is not all. It is only on the extremely remote if not impossible contingency that this would not suffice to restore an outlaw nation to sanity, then and then only would it be necessary for the council to "advise" means of military and naval coercion.

It is to be assumed by men of common sense and common honesty that the council in such a remote contingency would give

sensible and honest advice and that the great, honest, peace-loving democracies of the earth would act in good faith in regard to the advice.

If in the extremely remote contingency which might thus arise the still more unlikely occurrence should take place that the advice should prove foolish or tyrannical, no nation would be compelled as a "moral" obligation to observe idiotic advice.

The Senator from Massachusetts is unduly alarmed. He is seeing ghosts which do not exist.

Article 10, pledging every member nation its territorial integrity and existing political independence, is vital to the peace of the world, and under no circumstances should this assurance be removed from the treaty or modified.

The Senator finds an insuperable difficulty in article 15 because it provides that any dispute may be submitted to the council, and the council might submit it to the assembly, and the assembly might make a "report" unfavorable to the United States, and the dispute might be on the question of immigration with Japan. Terrible! The answer is, first, that no such dispute could arise, because it would be an invasion of our existing political independence and territorial integrity, and, second, if it did arise, in spite of the article 10, in spite of the preamble to the treaty, and the council did not throw it out of court because it was "solely within the domestic jurisdiction" of the United States, and, finally, if the entire assembly made a report against the United States, nothing would follow, because nothing could follow under article 15, except *that Japan might wage a war*, and *she can do that now*. Nothing would follow, because there is nothing in the treaty to compel the enforcement of the opinion or report of the assembly in that particular.

It is left to the parties unable to settle their controversy under the report then to resort to war, in which the world will take no part except conciliation, world opinion, and world influence. The report is not made enforceable by article 15. Such a report is only of the same force as a report by the council, wherein the members agree not to go to war against a member who complies with the recommendations of the report. If the council fails to reach a unanimous report the members reserve liberty of action.

We would not be any worse off if the three times impossible should happen, as imagined by the Senator, for Japan could make war on us now if Japan wished to do so. Besides that, we could withdraw from the league of nations if we did not like the administration of it. There is not the slightest possibility, however, that any nation will ever withdraw from this league once it has entered into it, because this league will work to perfection, giving a forum, a meeting place, where the nations of the world can come together and use there the common sense and common honesty of the human race, and that will be found sufficient.

The Senator is seeing ghosts, which were not visible at Union College. The Senator declares that if other nations are willing to subject themselves to the *domination* of a league, he will never, never consent for the United States to be *dominated* by the league.

The Senator need not trouble himself. Other nations are not willing to subject themselves to the *domination* of a league, but enter into the league for the purpose of protecting themselves against the *domination* of outlaw military tribes or nations who are not yet sufficiently advanced in civilization to appreciate the blessings of liberty and justice and self-government.

The Senator is very much frightened about the Monroe doctrine, and it is extremely difficult for me to believe in the sincerity of those who argue the Monroe doctrine will be weakened by the proposed covenant which explicitly recognizes it and implicitly confirms it by every principle of the proposed covenant.

The Senator is terribly afraid that we can not withdraw, because he thinks that we could not withdraw *except by unanimous vote*, that all our international obligations and all obligations under the covenant had been fulfilled. It never crossed the mind of any honest man who had part in framing this league covenant that any member could be refused the right to withdraw on any such ground. Such an interpretation is not only contradicted by the President of the United States but is absurd. Of course, a nation in withdrawing should withdraw and discharge its obligations at the same time. But the Senator proves too much. He discovers that it requires *unanimous* action to withdraw.

If it were *an affirmative action of the league* (which it is not) it might be true, for an affirmative action of the league does require *unanimous* consent; but this discovery entirely destroys the long argument which the Senator makes about the league dominating the United States, interfering with immigration, tariffs, and so forth, as no one is stupid enough to contend a *unanimous* vote of the assembly to deal unjustly with any nation is possible.

The Senator greatly enlarges upon the United States meddling in the internal affairs of the nations of Europe. There is nothing in the league of nations which justifies this notion of the Senator from Massachusetts. On the contrary, the 10th article prevents any interference with the existing political independence of the nations. It was necessary, in setting up the new Governments of Europe, made up out of the heretofore subject peoples of Austria and Germany, to provide the means of which they should be established, including Turkey and Bulgaria; but beyond this the treaty does not go, and in this the covenant of the league takes no part.

Mr. President, I favor the liberty and freedom of all peoples sufficiently advanced to govern themselves or under mandatories where backward and not yet qualified. I wish to see Ireland free and the Philippines. I wish to see Egypt and Porto Rico free; I wish to see India and Korea free to govern themselves, and given honest, faithful help to accomplish this end in safety and peace.

The members of the league, article 23 (b), "undertake to secure just treatment of the native inhabitants of territories under their control."

What is the just treatment referred to? It can be nothing less than liberty, freedom, and self-government, such as was involved in the proposals of President Wilson as a basis of the armistice, and which was accepted by all our great allies.

We set the example in Cuba, we are following it in the Philippines, we must perfect it in Porto Rico, and we must use our influence in having this element of justice carried out throughout the world undeterred by commercial or industrial selfishness.

Mr. President, the league of nations in this covenant is a league between the great, honest, peace-loving democracies and free nations of the whole earth.

Its moral influence for peace and good will toward men is the greatest power ever invoked for the peace, the happiness, the prosperity of mankind. It not only proposes peace; it provides the most abundant means and mechanism by which to accomplish it. It provides the completest means for the conciliation of disputes and the settlement of controversies by arbitration.

It provides for disarmament and the reduction of the military and naval forces of mankind down to police purposes.

It puts an end to military dynasties. It establishes the great principles of liberty, justice, and the self-government of the people of the whole world.

On such principles it safeguards the backward peoples of the world and provides a means for leading them forward to civilization without exploitation.

It provides for the protection and preservation of the territorial integrity and existing political independence of every nation.

It provides the means to enforce the rights of member nations against aggression.

It establishes in the council and in the assembly a meeting place where all the nations of the world may in one chamber communicate with each other freely and openly.

It puts an end to secret treaties and political intrigue and military dynasties and the doctrine of divine right and the doctrine that might makes right and establishes on earth the rule of conscience, the rule of morality, the rule of international decency and justice and good neighborhood. It is not a mere peace of idealism based on a rosy dream. It is a real living, vital force, born on the battle field out of the blood of all of the nations of earth. The world will not go back. It is moving forward under the leadership of God and the everlasting doctrines of Christ. Let the Senator from Massachusetts beware of throwing himself across the path of the righteous judgment of mankind.

INDEX TO TREATY OF PEACE WITH GERMANY.

Mr. KNOX. Mr. President, yesterday I asked and obtained the privilege to have inserted in the RECORD at the conclusion of my remarks an index to the German peace treaty, which was prepared for my own use by Maj. J. Ruben Clark, jr., former Solicitor of the Department of State. The copy of the index did not accompany my speech as printed in the RECORD of to-day. I therefore ask that the matter may be inserted in the proceedings of to-day.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DATA PRESENTED TO THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE, RELATING TO THE TREATY OF PEACE WITH GERMANY.

[Prepared by Maj. J. Reuben Clark, jr., formerly Solicitor of the Department of State.]

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles.

[NOTE 1. The "Principal Allied and Associated Powers" are the United States, France, Great Britain, Italy, and Japan. The "Allied and Associated Powers" are the foregoing powers and all other signatory of the Treaty, except Germany. The "High Contracting Parties" are all signatories of the Treaty. It is not clear who are designated as "Allies."

NOTE 2. The page references first given are to the two-language text (Senate Doc. 51, 66th Cong., 1st sess.). The *italic* page references are to the English text (Senate Doc. 49, 66th Cong., 1st sess.).

NOTE 3. The table below is designed to show side by side the property or rights given up by Germany, whether it be territory ceded or renounced, obligations assumed or acknowledged, rights renounced or abrogated, rights recognized, or property rights surrendered (placed in the left-hand column); and the credit, if any allowed, for such property on the general reparation account (placed in the right-hand column). As to items as to which it is expressly provided that credit shall be given, it is so stated in the right-hand column opposite the item. If it is expressly provided in the Treaty that no credit shall be given, this also is stated in that column. When the matter is doubtful, a question mark is placed in that column, after the entry. If no entry at all is made in the credit column, it means nothing has been found in the Treaty to indicate that any credit at all shall be given.

NOTE 4. Speaking broadly and generally the theory of the Treaty in the matter of the making up by Germany of damages and losses, appears to be this: Restitution shall be made of all Allied and Associated property taken by or coming into the possession of Germany since the war began, if the property is now in existence. In addition to this, reparation shall be made for property lost or destroyed and for civilian personal injuries caused by the war. The Reparation Commission is to make the adjustment for this, seemingly by making one bill against Germany covering everything and by then giving on this account credit for the assets turned over by Germany for which credit is to be allowed. No credit is allowed for the proportion of public debt assumed by cessionaries of territory.

NOTE 5. The Treaty also provides for the liquidation of all German property in Allied and Associated countries, and of the property of all nationals of such Powers in Germany, including the private securities held in Germany of companies of Allied and Associated Powers. All cash assets of such liquidation held by an Allied or Associated Power go to the payment of claims (in respect of property, rights, and interests) against Germany by the Powers' nationals, the balance, if retained by the Power, is to be paid to the Reparation Commission and credited on the reparation account.]

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
DAMAGES.	
Germany accepts the responsibilities of *Germany and her Allies* for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her Allies. (Art. 231, p. 249; *p. 91.*)	"The following shall be reckoned as credits to Germany in respect of her reparation obligations: "(*a*) Any final balance in favor of Germany under Section V (Alsace-Lorraine) of Part III (Political Clauses for Europe) and Sections III and IV of Part X (Economic Clauses) of the present treaty: "(*b*) Amounts due to Germany in respect of transfers under Section IV (Saar Basin) of Part III (political clauses for Europe), Part IX (financial clauses) and Part XII (ports, waterways, and railways); "(*c*) Amounts which in the judgment of the Reparation Commission should be credited to Germany on account of any other transfers under the present Treaty of property, rights, concessions, or other interests. "In no case, however, shall credit be given for property restored in accordance with Article 238 of the present part." (Art. 243, p. 257; *p. 94.*)
Germany undertakes that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea, and from the air. (Art. 232, p. 249; *p. 91.*) The amount of such damage for which compensation shall be made is to be determined by the Reparation Commission and notified to Germany. (Art. 233, p. 251; *p. 92.*)	
Compensation may be claimed from Germany for damages under following heads (Art. 244, Annex I, p. 259; *p. 95*): (1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians *caused by acts of war*, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war *by the two groups of belligerents wherever arising.* (2) Damage by *Germany or her Allies* caused to civilian victims by acts of cruelty, violence, or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment, or evacuation, of exposure at sea or of being forced to labor), wherever arising, and to the surviving dependents of such victims. (3) Damage caused by *Germany or her Allies*, in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work or to honor, as well as to surviving dependents of such victims. (4) Damage caused by any kind of maltreatment of prisoners of war. (5) As damages caused to the peoples of the Allied and Associated Powers, all pensions and compensations in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick, or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalized cost of such pensions and compensation at the date of the coming into force of the present treaty on the basis of the scales in force in France at such date. (6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents. (7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilized persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year. (8) Damage caused to civilians by being forced by Germany or her allies to labor without just remuneration.	And see Article 250, p. 307, *p. 112.* Germany shall be given credit on the Reparation Account for the value as assessed by the Reparation Commission of material handed over under Article VII of the Armistice of November 11, 1918, and Article III of the Armistice Agreement of January 16, 1919, and for any other mate-

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which have been carried off, seized, injured, or destroyed *by the acts of Germany or her allies* on land, on sea, or from the air, *or damage directly in consequence of hostilities or of any operations of war.* (10) Damage in the form of levies, fines, and other similar exactions imposed by *Germany or her Allies* upon the civilian population. "The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances." (Art. 244, Annex II, par. 18, p. 275; *p. 101.*) Damage for repairing, reconstructing, and rebuilding property in the invaded and devastated districts, including reinstallation of furniture, machinery, and other equipment, will be calculated according to the cost at the dates when the work is done. (Art. 244, Annex II, par. 12 (e), p. 269; *p. 99.*) Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, or by bonds issued to the Commission, or under Article 243. The rate of interest shall be 5 per cent unless the Commission shall determine at some future time that circumstances justify a variation of this rate. The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921. (Art. 244, Annex II, par. 16, p. 273; *p. 100.*)	rial handed over in accordance with the Armistice of November 11, 1918, and all subsequent Armistice Agreements, for which, as having nonmilitary value credit should, in the judgment of the Reparation Commission, be allowed to the German Government. (Article 250, p. 307; *p. 112.*)
RESTITUTION. Restitution in cash of cash taken away, seized, or sequestered; and restitution of animals, objects of every nature and securities taken away, seized, or sequestrated, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies. (Art. 238, p. 255; *p. 93.*)	No credit on compensation account. (Art. 243, p. 257; *p. 94*; Art. 250, p. 307; *p. 112.*)
Germany undertakes to devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers to the extent that these Powers may determine (Art. 244, Annex IV, par. 1, p. 283; *p. 104*) and to make direct application of Germany's economic resources to reparation as specified in Annexes III, IV, V, and VI (Part VIII, sec. 1) relating, respectively, to merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products. (Art. 236, p. 253; *p. 93.*) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guarantee by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt. (Art. 244, Annex II, par. 12 (a), p. 267; *p. 98.*)	"The value of the property transferred and any services rendered by her under these Annexes (Part VIII) assessed in the manner therein prescribed, shall be credited to her (Germany) towards liquidation of her obligations under the above articles." (Art. 236, p. 253; *p. 93.*)
APPLICATION OF GERMAN ASSETS. PRIORITIES. "Subject to such exceptions as the Reparation Commission may approve, the first charge upon all the assets and revenues of the German Empire and its constituent states shall be the cost of reparation and all other costs arising under the present Treaty, or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions. "Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission." (Art. 248, p. 305; *p. 111.*) "The priority of charges established by Article 248 shall, subject to the qualifications made below, be as follows: "(*a*) The cost of the armies of occupation as defined under Article 249 during the Armistice and its extensions. "(*b*) The cost of any armies of occupation as defined under Article 249 after the coming into force of the present treaty. "(*c*) The cost of reparation arising out of the present treaty or any treaties or conventions supplementary thereto. "(*d*) The cost of all other obligations incumbent on Germany under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto. "The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers." (Art. 251, pp. 307–309; *p. 112.*) The foregoing provisions do not affect the rights of the Allied and Associated Powers to dispose of enemy assets and property within their respective jurisdictions. (Art. 252, p. 309; *p. 113.*)	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
"Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favor of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between Germany and the Allied or Associated Power concerned, by the German Empire or its constituent states, or by German nationals, on assets in their ownership at that date." (Art. 253, p. 309; *p. 113.*)	
The successive installments paid over by Germany in satisfaction of the claims will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each. (Art. 237, p. 253; *p. 93.*)	
PROPERTY, RIGHTS, AND INTEREST.	
The Allied and Associated Powers reserve the right (subject to contrary stipulations in the Treaty) to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territories ceded to them by the present treaty. (Art. 297, p. 367; *p. 134;* and see also Art. 252, p. 309; *p. 113.*) This applies to industrial, literary, and artistic property dealt with under war legislation by the Allied and Associated Powers (Art. 298, Annex, par. 15, p. 385; *p. 141*), but rights of industrial, literary, and artistic property not so treated shall be restored, and rights which would have been established except for the war shall be recognized and established (Art. 306, pp. 415, 417; *p. 152*). The German owner shall not be able to dispose of such property, rights, or interests nor to subject them to any charge without the consent of that state. (Art. 297 (*b*), p. 367; *p. 134.*) Until the completion of the liquidation so provided for, the property, rights, and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them. (Art. 298, Annex, par. 9, p. 381; *p. 139.*)	Price or amount of compensation fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated. (Art. 297 (*c*), p. 367; *p. 134.*) No credit on compensation account for the product of the liquidation of the property covered by these sections, except in so far as concerns any final balance in favor of Germany under Article 243. (Art. 242, p. 257; *p. 94.*)
The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage and injury inflicted upon their property, rights, or interests, including any company or association in which they are interested in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 2 of the Annex hereto. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory of or under the control of the claimant's state, which property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex thereto. The payment of this compensation may be made by the Allied or Associated state, and the amount will be debited to Germany. (Art. 297 (*c*), p. 369; *p. 134.*)	Compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an arbitrator appointed by that Tribunal. (Art. 297 (*e*), p. 369; *p. 134;* and see Art. 298, Annex, p. 4, p. 379; *p. 138*, opposite column below.)
All property rights and interests of German nationals within the territory of any Allied or Associated Powers and the net proceeds of their sale, liquidation, or other dealing therewith, may be charged by that Allied or Associated Power *in the first place* with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, or he being unwilling, by the Mixed Arbitral Tribunal. They may be charged *in the second place* with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights, and interests, within the territory of other enemy powers in so far as those claims are otherwise unsatisfied. (Art. 298, Annex, par. 4, p. 379; *p. 138*).	
Each of the Allied and Associated Powers reserves the right to impose limitations on industrial, literary, or artistic property, acquired before or during the war, or hereafter, of a character deemed necessary by the Power for national defense or the public interest, or except as to rights hereafter acquired, as a coercive or preventative measure against Germany, or for securing performance of the obligations of the present Treaty. But these provisions shall not apply to properties dealt with under war measures. (Art. 306, p. 419; *p. 152.*) Rights lapsed on account of nonperformance of any formality because of the war shall be revived. (Art. 307, p. 421; *p. 153.*) Such revival to be subject to regulations of war time.	
Rights of priority as to such property shall be extended. (Art. 308, p. 421; *p. 153*).	
Any claim for compensation in respect of damage or injury to property, rights, or interests by the application of measures of transfer shall be satisfied by the restitution of the said property, if it still exists in specie (Art. 297 (f), p. 369; *p. 135*); but such right of restitution is reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the Armistice. (id. (g) p. 371; *p. 135.*)	
Up to the time when restitution is carried out under Article 297, Germany is responsible for the conservation of property, rights, and interests of the nationals of allied and associated powers, including companies and associations in which they are interested that have been subjected by her to exceptional war measures. (Art. 298, Annex, par. 6, p. 381; *p. 139.*)	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
All investments, wheresoever effected, with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever shall be annulled. These cash assets shall be accounted for irrespective of any investment. (Art. 298, Annex, par. 12, p. 383; *p. 140;* Art. 306, p. 417; *p. 151.*)	
Germany undertakes to transfer to any Power to which German territory in Europe is ceded and to any Power administering former German territory as a mandatory, under Article 22 of Part I (League of Nations) such portion of the reserves accumulated by the Government of the German Empire or of German states, or by public or private organizations under their control, as is attributable to the carrying on of social or state insurance in such territory, the funds transferred to be applied to the performance of obligations arising from such insurance. (Art. 312, p. 427; *p. 155.*)	
Without prejudice to other announcements in the Treaty the Reparation Commission may within one year from the coming into force of the Treaty demand that the German Government shall become possessed of rights and interests of German nationals in any public utility, undertaking or in any concession, operating in Russia, China, Turkey, Austria, Hungary, and Bulgaria or in the possessions or dependencies of these states or in any territory formerly belonging to Germany or her allies, to be ceded by Germany or her allies to any power or to be administered by a mandatory under the present Treaty, and may require that the German Government transfer, within six months of the date of demand, all such rights and interests and any similar rights and interests the German Government may itself possess to the Reparation Commission. (Art. 260, p. 317; *p. 116.*) The provisions of this article apply in the case of all agreements concluded with German nationals for the construction or exploitation of German works in the German oversea possessions, as well as any sub-concessions or contracts resulting therefrom which may have been made to or with such nationals. (Art. 123, p. 171; *p. 63.*)	Credit given on reparation account for the value assessed by the Reparation Commission of the transferred rights. (Art. 260, p. 317; *p. 116.*)
WAIVER OF CLAIMS BY GERMANY.	
To China and any Allied or Associated Government:	
All claims arising out of the internment of German nationals in China and their repatriation, and all claims arising out of the capture and condemnation of German ships in China or the liquidation, sequestration, or control of German property rights and interests in that country since August 14, 1917. (Art. 133, p. 177; *p. 65.*) Rights of individuals are protected under Part X of the Treaty (id.).	
To Siam:	
Germany waives all claims against the Siamese Government on behalf of herself and her nationals arising out of the seizures and condemnation of German ships, the liquidation of German property, or the internment of German nationals in Siam. (Art. 137, p. 179; *p. 66.*) Rights of individuals are protected under Part X of the Treaty (id.).	
To Allied and Associated Governments:	
Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss, or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent agreements.	
Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved, in which any of the Allied or Associated Governments or their nationals may have any interest either as owner, charterer, insurer, or otherwise, notwithstanding any decree of condemnation which may have been made by a prize court of Germany or her allies. (Art. 244, Annex III, pars. 8-9, pp. 281-283; *pp. 103-104.*)	
No claims or indemnities which may result from the annulment of concessions, privileges, and favors of any kind granted since August 1, 1914, to Germany or to a German national by Russia or a state or government of which the territory formerly constituted a part of Russia, shall be charged against the Allied or Associated Powers or the powers or states, governments, or public authorities which are released from their engagements by the present article. (Art. 293, p. 345; *p. 126.*)	
Without prejudice to the provisions of the present treaty Germany undertakes not to put forward directly or indirectly against any allied or associated power signatory of the present Treaty, including those which, without having declared war, have broken off diplomatic relations with the German Empire, any pecuniary claims based on events which occurred at any time before the coming into force of the present Treaty. The present stipulation will bar completely and finally all claims of this nature, which will be thenceforward extinguished whoever may be the parties in interest. (Art. 439, p. 535; *p. 193.*)	
No claim shall be made or action brought by Germany or German nationals in respect of any industrial, literary, or artistic property used during the war by any Allied or Associated Power or the nationals thereof, nor in respect of any sale, offering for sale, or use of any products, articles, or apparatus whatsoever to which such rights applied. (Art. 306, p. 417; *p. 152.*)	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

II. ABSOLUTE CESSIONS OR RENOUNCEMENTS OF TERRITORY BY GERMANY.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
TERRITORY CEDED.	*No compensation beyond the assumption by the cessionary of a portion of the German pre-war debt in an amount equal* to that represented by the ratio between the pre-war revenues of the ceded area and the total revenues of the Empire or states, respectively. (Art. 254, p. 309; *p. 113.*)
To Belgium: Morsenet neutre. (Art. 32, p. 55; *p. 21.*) Prussian Morsenet. (Art. 33, p. 55; *p. 21.*)	No credit on reparation account, but debt assumed. (Art. 39, p. 59; *p. 34;* Art. 254, p. 309; *p. 113.*)
To France: Alsace-Lorraine. (Art. 51, p. 93; *p. 35.*)	No credit on reparation account, and debt not assumed. (Art. 55, p. 95; *p. 36;* Art. 255, p. 311; *p. 113.*)
To Czecho-Slovak State: Small area in Southeastern Silesia. (Art. 83, p. 119; *p. 44.*)	No credit on reparation account, but debt assumed. (Art. 254, p. 309; *p. 113.*)
To Poland: Considerable portions of Eastern Germany, seemingly German Poland (boundaries can not be followed on maps available). (Art. 87, p. 123; *p. 46.*)	No credit on reparation account, but debt assumed, *minus* that portion thereof which represents cost of German colonization of Poland. (Art. 92, p. 137; *p. 51–52;* Art. 255, p. 311; *p. 113.*)
To Principal Allied and Associated Powers: Free city of Danzig, with adjacent surrounding territory (Art. 100, p. 149; *p. 55*), to be placed under the protection of the League of Nations. (Art. 102, p. 151; *p. 56.*)	No credit on reparation account, but debt assumed. (Art. 254, p. 309; *p. 113.*)
To Principal Allied and Associated Powers: All Germany's rights and titles over her oversea possessions. (Art. 119, p. 169; *p. 63.*)	Debt not assumed. No credit on reparation account. (Art. 257, p. 313; *p. 114.*)
To Principal Allied and Associated Powers: Memel. (Art. 99, p. 147; *p. 55.*)	No credit on reparation account, and debt assumed. (Art. 257, p. 313; *p. 114.*)

III. CONTINGENT CESSIONS OR RENOUNCEMENTS OF TERRITORY BY GERMANY.

To Belgium: Kreise of Eupen and Malmedy, final disposition determined by plebiscite. (Art. 34, p. 57; *p. 22.*)	No credit on reparation account, but debt assumed. (Art. 39, p. 59; *p. 23;* Art. 254, p. 309; *p. 113.*)
To League of Nations, as Trustee, with possibility in France: Saar Basin, final disposition determined by plebiscite (Art. 49, p. 67; *p. 25;* Art. 50, Annex, Chap. III, par. 34–35, pp. 87–89; *p. 33*), meanwhile governed by a Commission (Art. 50, Annex, Chap. II, par. 16–33, pp. 77–87; *pp. 29–33.*)	No credit on reparation account, and debt not assumed. (Art. 257, p. 313; *p. 114.*)
To Poland: Upper Silesia, a portion of, if plebiscite so determines. (Art. 88, p. 125; *p. 47.*)	No credit on reparation account, but debt assumed.
To Poland, or somebody else: East Prussia, portion of, if plebiscite so determines. (Art. 94, p. 141; *p. 52.*)	If to Poland, *minus* that portion thereof which represents cost of German colonization of Poland. (Art. 92, p. 137; *p. 51;* Art. 255, p. 311; *p. 113.*)
To Poland or East Prussia: Kreise of Stuhm and Rosenberg, and a portion of the Kreise of Marienburg. (Art. 96, p. 145; *p. 53.*)	No credit on reparation account but debt assumed. (Art. 254, p. 309; *p. 113.*)
To Czecho-Slovak State: Kreis of Leobschutz, a portion of, if a determination of Polish frontier isolates this from Germany. (Art. 83, p. 121; *p 44.*)	
To Principal Allied and Associated Powers: Schleswig, to be handed over to Denmark, if plebiscite so determines. (Art. 109, p. 155; *p 58;* Art. 110, p. 163; *p. 60.*) For purposes of plebiscite, the territory is divided into two zones. (Art. 109, p. 155; *p. 60.*)	No credit on reparation account but debt assumed. (Art. 114, p. 165; *p. 61;* Art. 254, p. 309; *p. 113.*)

IV. GERMANY'S RELINQUISHMENT OF EXTRATERRITORIAL AND ANALOGOUS RIGHTS.

With Siam: As from July 22, 1917. (Art. 135, p. 177; *p. 66.*)	
With Morocco: As from August 3, 1914, "renounces the régime of the capitulations." (Art. 142, p. 181; *p. 67.*)	
With Egypt: As from August 4, 1914, "renounces the régime of the capitulations." (Art. 147, p. 183; *p. 68.*)	
Samoa: Rights under the tripartite convention of December 2, 1899. (Art. 288, p. 341; *p. 125.*) No statement as to who receives these rights. [But see general overseas cession, Art. 118, p. 169; *p. 63.*]	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

V. GERMAN RECOGNITION OF SPECIAL TERRITORIAL RIGHTS AND ACCEPTANCE OF CONSEQUENCES.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
Morocco: Recognition of French Protectorate, and "accepts all the consequences of its establishment." (Art. 142, p. 181; *p. 67.*)	
Egypt: Recognizes protectorate proclaimed over Egypt by Great Britain on December 18, 1914. (Art. 147, p. 183; *p. 68.*)	

VI. GERMANY RECOGNIZES THE INDEPENDENCE OF CERTAIN STATES AND THE BOUNDARIES OR FRONTIERS THEREOF AS ALREADY OR HEREAFTER DETERMINED.

Austria: Germany acknowledges and will respect strictly the independence of Austria, which independence will be inalienable, except with the consent of the Council of the League of Nations, within the frontier fixed in a treaty between that State and the Allied and Associated Powers. (Art. 80, p. 117; *p. 44.*)	
Czecho-Slovak State: Germany recognizes the complete independence of the Czecho-Slovak State, which will include the autonomous territory of the Ruthenians to the south of the Carpathians, and recognizes the frontiers of this State as determined by the Allied and Associated Powers and the other interested States. (Art. 81, p. 119; *p. 44.*)	
Poland: Germany recognizes the complete independence of Poland, the boundaries not laid down in the treaty to be subsequently determined by the Principal Allied and Associated Powers. (Art. 87, p. 125; *p. 46.*)	
Russia and Russian States: Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914. Germany undertakes to recognize the frontiers of any State now existing or coming into existence which formed a part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of such States as determined by them and the Allied and Associated Powers. (Art. 116, p. 167; *p. 62.*)	
Allied and Associated Powers: Germany undertakes to recognize the full force of the Treaties of Peace and additional conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany, and to recognize whatever disposition may be made concerning the territories of the former Austro-Hungarian Monarchy, of the Kingdom of Bulgaria, and of the Ottoman Empire, and to recognize the new States within their frontiers as those laid down. (Art. 434, p. 525; *p. 190.*)	

VII. GERMANY RENOUNCES SPECIAL NAMED CONVENTIONAL RIGHTS OUTSIDE EUROPE.

To China: "Benefits and privileges resulting from the provisions of the final Protocol, signed at Peking on September 7, 1901, and from all annexes, notes, and documents supplementary thereto," and in "favor of China," any "claim to indemnities accruing thereunder subsequent to March 14, 1917" ("Boxer Indemnity"). (Art. 128, p. 173; *p. 64.*) China not bound to grant to Germany the advantages of the arrangement of August 29, 1902 (regarding the new Chinese tariff) or the arrangement of September 27, 1905, regarding Wheng-Poo, and the provisional supplementary arrangement of April 4, 1912. (Art. 129, p. 173; *p. 64.*) Leases under which the German concession at Hankow and Tientsin are now held. (Art. 132, p. 175; *p. 65.*)	
With Siam: All treaties, conventions, and agreements between Siam and Germany terminated. (Art. 135, p. 177; *p. 66.*)	
With Liberia: All rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German receiver of customs (no one named to exercise this right) are renounced. (Art. 138, p. 179; *p. 66*) and all treaties and arrangements between the two countries terminated. (Art. 139, p. 179; *p. 66.*)	
With Morocco: All rights and titles and privileges conferred by the General Act of Algeciras of April 7, 1906, and the Franco-German Agreements of February 9, 1909, and November 4, 1911, are renounced. All treaties, agreements, arrangements, and contracts concluded with the Sherifian Empire are abrogated as from August 3, 1914. (Art. 141, p. 179; *p. 67.*) German protected persons, semsars and "associes agricoles" no longer have a privileged status but are subject to the ordinary law. (Art. 143, p. 181; *p. 67.*) Germany will not intervene in any way in negotiations relating to Morocco between France and any other power. (Art. 141, p. 181; *p. 67.*)	
With Egypt: All treaties, agreements, arrangements, and contracts with Egypt are abrogated as from August 4, 1914. Germany will not intervene in any way in negotiations relating to Egypt between Great Britain and any other power. (Art. 148, p. 183; *p. 68.*) Germany consents to abrogation of the Khedival decree of November 28, 1904, relat-	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

VII. GERMANY RENOUNCES SPECIAL NAMED CONVENTIONAL RIGHTS OUTSIDE EUROPE—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
ing to the Commission of the Egyptian Public Debt or to changes therein as the Egyptian Government may wish. Germany renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt. (Art. 151, p. 185; *p. 69.*) *To Japan:* All her rights, title and privileges which Germany acquired from China by the Treaty of March 6, 1898, and all other arrangements relating to the Province of Shantung. (Art. 156, p. 187; *p. 70.*) *To France:* All rights under the Conventions and Agreements with France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. (Art. 125, p. 171; *p. 64.*) *To Great Britain:* Transfer to Great Britain, of the powers conferred on his Majesty the Sultan, by the Convention signed at Constantinople on October 29, 1888, relating to free navigation on the Suez Canal. (Art. 152, p. 185; *p. 69.*)	

VIII. GERMANY CONSENTS BEFOREHAND TO ANY TREATIES WHICH THE ALLIED OR ASSOCIATED POWERS MAY MAKE.

(See Memorandum No. 7.)

With Belgium:
Any treaties entered into by the Principal Allied and Associated Powers, Belgium, and Holland, to replace the Treaties of April 19, 1839. (Art. 31, p. 55; *p. 21.*)
With Luxemburg:
Germany accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy. (Art. 40, p. 61; *p. 23.*)
Russia and Russian States:
Germany will recognize all treaties or agreements entered into by the Allied and Associated Powers with states now existing or coming into existence in the future in the whole or part of the Empire of Russia as it existed on August 1, 1914. (Art. 117, p. 167; *p. 62.*)
Allied and Associated Powers or one of them with any other Power:
Germany will accept and observe all agreements made by these Powers relating to trade in arms and spirits, and to matters dealt with in the General Act of Berlin of February 26, 1885, the General Act of Brussels of July 2, 1890, and the conventions completing or modifying the same. (Art. 126, p. 173; *p. 64.*)
Turkey and Bulgaria:
Germany recognizes and accepts all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to the rights, interests, and privileges claimed by or for German nationals in those States. (Art. 155, p. 187; *p. 69.*)
New States:
Germany undertakes not to refuse her assent to conclusion of certain arrangements by new states. (Art. 283, p. 339; *p. 124.*)
Principal Allied and Associated Powers with Third Power:
Germany hereby undertakes to recognize and to conform to the measure and agreements taken by the foregoing powers to carry out the renouncement of Germany's rights, titles, and privileges whatever in or over territories which belonged to her or to her allies, and all rights, titles, and privileges whatever their origin which she held as against the Allied and Associated Powers. (Art. 118, p. 169; *p. 62.*)
Allied and Associated Powers:
Germany undertakes to adhere to any general conventions regarding international régime of transit, waterways, ports or railways which may be concluded by the Allies and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty. (Art. 379, p. 483; *p. 175.*)
Germany undertakes to recognize the full force and effect of the Treaties of Peace and Additional Conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany. (Art. 434, p. 525; *p. 190.*)

IX. GERMANY CONSENTS TO ABROGATION OF ALL TREATIES NOT SPECIALLY RESERVED, WITH RESULTING LOSS OF ALL ADVANTAGES APPERTAINING THERETO.

Multilateral Engagements:
Multilateral treaties, conventions, and agreements of an economic character as enumerated in the Treaty shall alone be applied as between Germany and those of the Allied and Associated Powers party thereto. (Art. 282, p. 335; *p. 122.*)
Bilateral Engagements:
Each of the Allied or Associated Powers shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany. Only such bilateral treaties so notified shall be revived; all the others are and remain abrogated. (Art. 289, p. 343; *p. 125.*)
Austria, Hungary, Bulgaria, Turkey:
All treaties, conventions, or agreements concluded with these powers since August 1, 1914, to the coming into force of this Treaty "are and shall remain abrogated." (Art. 290, p. 343; *p. 125.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

IX. GERMANY CONSENTS TO ABROGATION OF ALL TREATIES NOT SPECIALLY RESERVED, WITH RESULTING LOSS OF ALL ADVANTAGES APPERTAINING THERETO—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
Russia, Roumania: All treaties, conventions, or arrangements concluded with Russia, or any Russian state or Government, or with Roumania, either before August 1, 1914, or after that date until the coming into force of the present Treaty, "are and remain abrogated." (Art. 292, p. 345; *p. 126.*) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and all other treaties, conventions, and agreements entered into by her with the Maximalist Government in Russia. (Art 116, p. 167; *p. 62.*)	
Belgium: Recognizes neutralizing treaties of April 19, 1839, as no longer conformable to the requirements of the situation and consents to the abrogation thereof. (Art. 31, p. 55; *p. 21.*)	
Luxemburg: Germany "Adheres to the termination of the régime of neutrality of the Grand Duchy" established by the treaty of May 11, 1867. (Art. 40, p. 61; *p. 23.*)	

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.

1. GERMAN NATIONAL PROPERTY, IMPERIAL AND STATE, AND THE PRIVATE PROPERTY OF THE EX-EMPEROR AND OTHER ROYAL PERSONAGES. (COMPENSATION, WHERE MADE, IS TURNED OVER TO REPARATION COMMISSION.)

To Belgium: Moresnet neutre and Prussian Moresnet, such property in.	No credit or compensation. (Art. 39, p. 59; *p. 23;* Art. 256, p. 313; *p. 114.*)
To France: Alsace-Lorraine, such property in.	No credit or compensation. (Art. 56, p. 95; *p. 36;* Art. 256, p. 313; *p. 114.*)
To Czecho-Slovak State: Silesia, such property in small area in southeastern part of.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*)
To Poland: Eastern Germany, such property in ceded portions of.	Credit on reparation accounts, *minus* valuation of buildings, forests, and other state property belonging to the former Kingdom of Poland. (Art. 256, p. 313; *p. 114;* Art. 92, p. 139; *p. 51.*)
To Principal Allied and Associated Powers: Memel, such property in.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*)
To Principal Allied and Associated Powers: Free City of Danzig, such property in.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*) But property shall be given to Free City of Danzig or to Poland as the owning Powers may determine. (Art. 107, p. 155; *p. 58.*)
To Principal Allied and Associated Powers: German Colonies, all such property in.	No credit on reparation account. (Art. 257, p. 313; *p. 114.*)
To Belgium: Kreise of Eupen and Malmedy, such property in, if area ceded to Belgium after plebiscite.	No credit on reparation account. (Art. 39, p. 59; *p. 23;* Art. 256, p. 313; *p. 114.*)
To League of Nations as Trustee with possibility in France: Saar Basin, such property in, if area ceded to France after plebiscite.	No credit(?) (See Art. 257, p. 313; *p. 114.*)
To Poland: Upper Silesia, such property in portions of, if area goes to Poland after plebiscite.	Credit if to Poland. (Art. 256, p. 311; *p. 114.*)
To Poland or somebody else: East Prussia, such property in portions of, if area goes to Poland after plebiscite.	
To Poland or East Prussia: Kreise of Stuhm and Rosenberg, and a portion of the Kreise of Marienburg, such property in, if area goes to Poland after plebiscite.	
To Czecho-Slovak State: *Kreis* of Leobschutz, such property in a portion of, if area goes finally to Czecho-Slovak State.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*)
To Principal Allied and Associated Powers: Schleswig, such property in, if area goes to Denmark after plebiscite.	Credit(?) (Art. 256, p. 311; *p. 114; but see* Art. 114, p. 165; *p. 61.*)
To Great Britain: Canton, such property in the British Concession at Shameen.	Credit(?) (Art. 256, p. 311; *p. 114.*)
To France and China conjointly: Shanghai, property in German school at.	Credit(?) (Art. 256, p. 311; *p. 114.*)
To China: Tientsin and Hankow or elsewhere in Chinese territory, such property in German concession, enumerated in this instance by classes, diplomatic and consular residences or offices being excluded. *Shantung reserved also.*	Credit(?) (Art. 256, p. 311; *p. 114.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.—Continued.

1. GERMAN NATIONAL PROPERTY, IMPERIAL AND STATE, AND THE PRIVATE PROPERTY OF THE EX-EMPEROR, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Siam: All such property, *except* premises used as diplomatic or consular residences or offices.	"Without compensation." (Art. 136, p. 177; *p. 66.*)
To Maghzen (Morocco): *Sherifian* Empire, all such property in.	"Without payment." (Art. 144, p. 181; *p. 67.*)
To Egypt: Egypt, all such property in.	"Without payment." (Art. 153, p. 185; *p. 69.*)
To Japan: Kiaochow, all such property in.	"Free and clear of all charges and encumbrances." (Art. 157, p. 187; *p. 70.*)

2. GERMAN PROPERTY, NATIONAL OR PRIVATE, AND RIGHTS THEREIN, SUCH AS NATURAL RESOURCES, DEVELOPMENT OR EXPLOITATION WORKS, TRANSPORTATION SYSTEMS, CABLES, TELEGRAPH LINES, ETC., GIVEN UP BY GERMANY.

NATURAL RESOURCES.	
To France: Saar Basin, coal mines in (Art. 45, p. 63; *p. 24*), whether Government or private owned. (Art. 50, Annex, Chap. I, par. 2, p. 69; *p. 26.*) If Saar Basin goes ultimately to Germany, she repurchases mines for gold. (Art. 50, Annex, Chap. III, par. 36, p. 89; *p. 34.*)	"As compensation for the destruction of the coal mines in the north of France and as part payment toward the total reparation due from Germany for the damage resulting from the war." (Art. 45, p. 63; *p. 24.*)
Alsace-Lorraine, all rights regarding trade in potash salts, under the law of May 25, 1910, and any stipulation for the interruption of German organizations in the working of potash mines, as well as all rights under any existing agreements, stipulations, or laws with regards to other products. (Art. 71, p. 107; *p. 40.*)	Credit given on reparation account. (Art. 50, Annex, Chap. I, par. 5, p. 71; *p. 27.*) (See Art. 243 (*a*), p. 257; *p. 94.*)
To Japan: Mines, plants, and materials for exploiting mines, together with all rights and privileges attaching thereto, connected with Tsingtao-Tsinaufu Railway. (Art. 156, p. 187; *p. 70.*)	Seemingly no compensation. (Art. 156 (last paragraph), p. 187; *p. 70.*)
To Morocco: Mining rights recognized as belonging to German nationals. (Art. 144, p. 181; *p. 67.*)	Credit given on reparation account. (Art. 144, p. 181; *p. 67;* Art. 297 (*b*), p. 367; *p. 134;* Art. 243, p. 257; *p. 94.*)
PUBLIC UTILITIES, INCLUDING RAILWAYS.	
To France: Accessories and subsidiaries to Saar coal mines, particularly their plant and equipment, surface and underground extracting machinery, electric, coke and by-products plants, workshops, means of communication, electric lines, plant for catching and distributing water, lands, buildings as offices and dwellings for officers, managers, employees, and workmen, schools, hospitals, and dispensaries, stocks and supplies of every description, their archives and plans, and everything which those who own or exploit the mines possess or enjoy for the purpose of exploiting the mines and their accessories. (Art. 50, Annex, Chap. I, par. 3, pp. 69–71; *p. 26.*)	Credit on reparation account for value determined by Reparation Commission. (Art. 50, Annex, Chap. I, par. 3, pp. 69–71; *p. 26.*)
Rights of German Empire over all railways, administered by the Imperial Railway Administration, which are in operation or under construction in Alsace-Lorraine. (Art. 67, p. 103; *p. 39.*)	No compensation. (Art. 67, p. 103; *p. 39.*)
Rights of German Empire over all railways and tramway concessions in Alsace-Lorraine. (Art. 67, p. 103; *p. 39.*)	No compensation. (Art. 67, p. 103; *p. 39.*)
To Luemburg (?): All rights in the exploitation of the railways. (Art. 40, p. 61; *p. 23.*)	Compensation (?).
To Cessionaries of German Territory: Belgium, France, Poland, Principal Allied and Associated Powers (for Denmark and Free City of Danzig and for themselves) and Czecho-Slovak State. Railways in ceded territory named above, complete and in good condition, with all the rolling stock thereto belonging, complete and in normal state of upkeep; if no rolling stock belongs thereto, a proportionate part of rolling stock of systems to which railway belongs. (Latter provision applies to railways of "former Russian Poland.") (Art. 371, p. 477; *p. 173.*)	Compensation (?). (See general provisions of Art. 243, p. 257; *p. 94.*)
To Japan: All German rights in the railways in Kiaochow. All German rights in the Tsingtao-Tsinaufu Railway, including its branch lines, together with its subsidiaries, of all kinds—stations, shops, fixed and rolling stock. (Art. 156, p. 187; *p. 70.*)	Seemingly no compensation. (Art. 156 (final paragraph), p. 187; *p. 70.*)
To the Power concerned: Where any Allied or Associated Power, Russia, or a state or government, of which the territory formerly constituted a part of Russia, which has been forced since August 1, 1914, by reason of military occupation or by any other means or for any other cause to grant or allow to be granted concessions, privileges, and favors of any kind to Germany or to a German national, such concession, privilege, and favors are *ipso facto* annulled. (Art. 293, p. 345; *p. 126.*)	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.—Continued.

2. GERMAN PROPERTY, NATIONAL OR PRIVATE, AND RIGHTS THEREIN, SUCH AS NATURAL RESOURCES, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
SHIPPING, OCEAN AND INLAND.	
To Allied and Associated Powers:	
All German merchant ships of 1,600 tons gross and upwards.	While boats are for "replacement" of shipping lost, seemingly credit will be given on reparation account. (Art. 236, p. 253; *p. 93;* Art. 237, p. 253; *p. 93;* Art. 243 (c), p. 257; *p. 95.*)
One-half (½) such ships, reckoned in tonnage, of ships between 1,000 tons and 1,600 tons gross.	
One-quarter (¼) reckoned in tonnage of German steam trawlers.	
One-quarter (¼) reckoned in tonnage of other German fishing boats. (Art. 244, Annex III, par. I, p. 277; *p. 101.*)	
These to be transferred entirely, free from all encumbrances, charges, and liens of all kinds. (Id., par. 4, p. 279; *p. 102.*)	
Boats are regarded as German within the above provisions which (*a*) fly, or may be entitled to fly, the German merchant flag; or (*b*) are owned by any German national, company, or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or (*c*) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company, or corporation. (Id., par. 3, pp. 277–279; *p. 102.*)	
Germany agrees to take measures indicated by the Reparation Commission for obtaining full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags, without the consent of the Allied and Associated Governments. (Id., par. (7), p. 281; *p. 103.*)	
To the Reparation Commission:	
To make good loss in inland navigation, from whatever cause arising, a portion of the German river fleet, up to the amount of the loss, but not to exceed 20% of river fleet as it existed November 11, 1918. (Art. 244, Annex III, par. 6, p. 281; *p. 103.*)	Seemingly credit given on reparation account, as boats go to Reparation Commission. (Art. 236, p. 253; *p. 93;* Art. 243 (c), p. 257; *p. 95.*)
To Allied and Associated Powers:	
A proportion of tugs and vessels remaining registered in the ports of the river systems referred to in Article 331 (the Elbe, Oder, Niemen, and Danube) after deducting those surrendered by way of restitution or reparation. Craft must be provided with fittings and gear, in good state of repair, in condition to carry goods, and selected from those most recently built.	Credit given on reparation account. (Art. 339, p. 449; *p. 163.*)
Materials of all kinds necessary to the Allied and Associated Powers concerned for the utilization of those river systems.	
Number of craft, amount of material, and distribution determined by arbitrators appointed by the United States. (Art. 339, p. 449; *p. 163.*)	
To France:	
Tugs and vessels, from among those remaining registered in German Rhine ports after the deduction of those surrendered by way of restitution or reparation, or shares in German Rhine navigation companies, such tugs and vessels, together with their fittings and gear to be in a good state of repair, in condition to carry on commercial traffic on the Rhine, and to be selected from among those most recently built. Amount, specifications, and credit value of (in no case to exceed the capital expended in the initial establishment of the material ceded) such tugs and vessels to be determined by an Arbitrator appointed by the United States. (Art. 357, p. 463; *p. 167.*)	Credit on reparation account. (Art. 357, p. 463; *p. 167.*)
Installations, berthing, and anchorage accommodations, platforms, docks, warehouses, plant, etc., owned by German subjects or companies in Rotterdam August 1, 1914, and also shares or interests in such installations at the same date, possessed by Germany or German nationals, the credit value thereof to be determined by an Arbitrator appointed by the United States. (Art. 357, p. 463; *p. 168.*)	Credit on reparation account. (Art. 357, p. 463; *p. 167.*)
CABLES AND TELEGRAPHS.	
To Japan:	
German State submarine cables from Tsingtau to Shanghai, and from Tsingtau to Chefoo, with all the rights, privileges, and properties attaching thereto. (Art. 156, p. 187; *p. 70.*)	"Free and clear of all charges and encumbrances." (Art. 156, p. 187; *p. 70.*)
To Principal Allied and Associated Powers:	
All rights, titles, or privileges of whatever nature belonging to Germany or her nationals, in following submarine cables: Emden–Vigo: From the Straits of Dover to off Vigo. Emden–Brest: From off Cherbourg to Brest. Emden–Teneriffe: From off Dunkirk to off Teneriffe. Emden–Azores (1): From the Straits of Dover to Fayal. Emden–Azores (2): From the Straits of Dover to Fayal. Azores–New York (1): From Fayal to New York. Azores–New York (2): From Fayal to the longitude of Halifax. Teneriffe–Monrovia: From off Teneriffe to off Monrovia. Monrovia–Lome: From about lat. 2° 30′ N. long. 7° 40′ W. of Greenwich, to about lat. 2° 20′ N. long. 5° 30′ W. of Greenwich; and from about lat. 3° 48′ N. long. 0° 00′, to Lome. Lome–Duala: From Lome to Duala. Monrovia–Pernambuco: From off Monrovia to off Pernambuco. Constantinople–Constanza: From Constantinople to Constanza. Yap–Shanghai, Yap–Guam, and Yap–Menado (Celebes): From Yap Island to Shanghai, from Yap Island to Guam Island, and from Yap Island to Menado. (Art. 244, Annex VII, p. 299; *p. 110.*)	Credit on basis of original cost, less suitable allowance for depreciation, for such cables or parts thereof as are privately owned. (Art. 244, Annex VII, p. 301; *p. 110.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.—Continued.

2. GERMAN PROPERTY, NATIONAL OR PRIVATE, AND RIGHTS THEREIN, SUCH AS NATURAL RESOURCES, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
For three months from coming into force of this treaty, Germany will not use the high-power wireless telegraph stations at Nauen, Hanover, and Berlin for transmission of certain messages concerning naval, military, or political questions, without the consent of the Principal Allied and Associated Powers. The use of the stations for commercial purposes will be under the supervision of said governments. (Art. 197, p. 223; *p. 83.*)	
PUBLIC UTILITIES CONCESSIONS.	
Germany must acquire (on demand of Reparation Commission) rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary, and Bulgaria, or in the possessions or dependencies of these States, or in any territory formerly belonging to Germany or her Allies, to be ceded by Germany or her Allies to any Power or to be administered by a Mandatory under the present Treaty, and must if required cede the same to the Reparation Commission, and any similar rights and interests possessed by the German Government itself. (Art. 260, p. 317; *p. 116.*)	Credit on reparation account. (Art. 260, p. 317; *p. 116.*)
This rule shall apply also to all agreements concluded with German nationals for the construction or exploitation of public works in the German overseas possessions, as well as the subconcessions or contracts resulting therefrom which may have been made to or with such nationals. (Art. 123, p. 171; *p. 63.*)	

XI. GERMANY TO ISSUE BONDS, AND TO DELIVER UP GOLD, CASH DEPOSITS, SECURITIES, CONTROL OF FINANCIAL INSTITUTIONS, ETC.

BONDS.	
For Belgium: Bearer bonds, payable in gold marks, on May, 1926, or at the option of the German Government on any May 1 prior to May 1, 1926, for a sum equivalent to the sum Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, with interest on such sum at the rate of 5 per cent per annum, the amount to be determined by the Reparation Commission. This *in addition* to compensation for damages and is included in restoration of Belgium. (Art. 232, p. 249; *p. 91.*)	Credit on reparation account? (Art. 232, p. 249; *p. 91;* Art. 243 (c), p. 257; *p. 95.*)
For Allied and Associated Countries: To facilitate and continue the immediate restoration of the economic life of Allied and Associated countries, the Reparation Commission will take from Germany, by way of security for and acknowledgment of her debt, a first installment of gold bearer bonds free of all taxes and charges of every description established or to be established by Germany, gold bearer bonds as follows (Art. 244, Annex II, par. 12, pp. 267–269; *p. 98*):	Credit on reparation account? *If bonds, etc., disposed of outright not by way of pledge,* to persons other than the several governments in whose favor Germany's original reparation indebtedness was created an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face. (Art. 244, Annex II, par. 12 (d), p. 269; *p. 99.*)
(1) Gold bearer bonds "issued forthwith" for 20,000,000,000 gold marks, without interest, payable not later than May 1, 1921. [These bonds are to be amortised by the payment of 20,000,000,000 marks in gold (or in commodities, ships, securities, or otherwise as the Reparation Commission may determine) during 1919, 1920, and first four months of 1921. (Art. 235, p. 253; *p. 93;* Art. 244, Annex II, par. 12-c. (1), p. 267; *p. 98.*)] If any bonds not redeemed, they shall be exchanged for new bonds (p. 267; *p. 98*).	
(2) Gold bearer bonds "issued forthwith," for 40,000,000,000 gold marks, interest at 2½ per cent from 1921–1926, and thereafter at 5 per cent, with 1 per cent additional for amortization after 1925 (p. 267; *p. 98*).	
(3) Undertaking in writing, "delivered forthwith," to issue when Commission is satisfied Germany can meet interest and sinking fund, 40,000,000,000 bearer gold 5 per cent bonds, time and mode of payment of principal and interest to be determined by the Commission (p. 269; *p. 99.*)	
(4) Further issue by way of acknowledgment and security may be required as the Commission subsequently determines from time to time (p. 269; *p. 99.*)	
GOLD.	
To the Principal Allied and Associated Powers, to be disposed of as they see fit. (Art. 259, p. 315; *p. 115.*)	Credit on reparation account. Sums of money delivered under this article (p. 315; *p. 115*) to be disposed of as determined by principal Allied and Associated Powers. (Art. 259, p. 315; *p. 115.*)
(1) Gold deposited in the Reichsbank in the name of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government notes to be delivered within one month from coming into force of Treaty.	
(2) Gold payments for twelve years, as provided in the German Treasury bonds deposited by her in the name of the Council of the Administration of the Ottoman Public Debt as security for the second and subsequent issues of Turkish Government currency notes.	
(3) Gold deposit constituted in the Reichsbank or elsewhere representing the residue of the advance in gold agreed to on May 5, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government to be delivered in one month from coming into force of Treaty to such authority as the Principal Allied and Associated Powers may designate.	
(4) Any title Germany has to the sum in gold and silver transmitted by her to the Turkish Ministry of Finance in November, 1918, in anticipation of the payment to be made in May, 1919, for the service of the Turkish internal loan.	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XI. GERMANY TO ISSUE BONDS, AND TO DELIVER UP GOLD, CASH DEPOSITS, SECURITIES, CONTROL OF FINANCIAL INSTITUTIONS, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
(5) Any sums in gold transferred as pledge or as collateral security to the German Government or its nationals in connection with loans made by them to the Austro-Hungarian Government, to be delivered within one month from the coming into force of this treaty.	
CASH DEPOSITS AND SECURITIES.	
To France:	
All deposits, credits, advances, effected by virtue of the conventions and agreements between Germany and France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. (Art. 125, p. 171; *p. 64.*)	Credit on reparation account. (Art. 125, p. 171; *p. 84;* Art. 243 (c), p. 257; *p. 94.*)
Shares representing Germany's portion of the capital of the State Bank of Morocco, transferred to whomsoever France nominates. (Art. 145, p. 183; *p. 68.*)	Credit on reparation account. (Art. 145, p. 183; *p. 68.*)
All debts owing for products delivered from Saar Basin area before the entry into possession of the French State, and after the signature of the present Treaty, and all deposits of money made by customers. (Art. 50, Annex, Chap. I, par. 3, p. 71; *p. 27.*)	
Repayment in marks of exceptional war expenditures advanced during the course of the war by Alsace-Lorraine or by public bodies in Alsace-Lorraine, on account of the Empire. (Art. 58, p. 97; *p. 36.*)	
To Roumania or Principal Allied and Associated Powers:	
All monetary instruments, specie, securities, and negotiable instruments or goods which Germany received under the Treaties of Bucharest and Brest-Litovsk. (Art. 259; p. 317; *p. 115.*)	Credit on reparation account. To be disposed of as Principal Allied and Associated Powers may determine. (Art. 259, p. 317; *p. 115.*)
To each Allied or Associated Power:	
All securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights, or interests situated in the territory of that Allied or Associated Power, including any shares, stock debentures, debenture stocks, or other obligations of any company incorporated in accordance with the laws of that Power; and full information regarding all such property. (Art. 298, Annex, par. 10, p. 383; *p. 139.*)	Credit on reparation account, probably, but method of accounting to Reparation Commission not clear. (Art. 243, p. 257; *p. 94.*)
Germany undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities, and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the German authorities. (Art. 223, p. 241; *p. 89,* Part IV, Prisoners of War and Graves.)	
Germany undertakes to transfer to the Allied and Associated Powers any claims she may have to payment or repayment by the Governments of Austria, Hungary, Bulgaria, or Turkey, and, in particular, any claims which may arise, now or hereafter, from the fulfillment of undertakings made by Germany during the war to those Governments. (Art. 261, p. 319; *p. 116.*)	
To Brazil:	
All sums representing the sale of coffee belonging to the State of Sao Paulo in the ports of Hamburg, Bremen, Antwerp, and Trieste, which were deposited with the Bank of Bleichroder at Berlin shall be reimbursed, together with interest, at the rate or rates agreed upon, the reimbursement to be effected at the rate of exchange of the day of deposit. (Art. 263, p. 319; *p. 117.*)	No credit on reparation account. (Art. 243, p. 257; *p. 94;* Art. 239, p. 255; *p. 94.*)
CONTROL OF FINANCIAL INSTITUTIONS.	
Germany renounces all rights accorded to her or her nationals by treaties, conventions, or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, state banks, agencies, or other financial or economic organizations of an international character, exercising powers of control or administration, and operating in any of the Allied or Associated States, or in Austria, Hungary, Bulgaria, or Turkey, or in the dependencies of these States, or in the former Russian Empire. (Art. 258, p. 313; *p. 115.*)	

XII. GERMANY AGREES TO RESTORE PROPERTY SEIZED, OR TAKEN, OR COMING INTO GERMANY'S POSSESSION.

To Allied and Associated Powers:	
Boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals and which can be identified. (Art. 244, Annex III, par. (6), p. 281; *p. 103.*)	No credit on reparation account. (Art. 243, p. 257; *p. 94;* Art. 238, p. 255; *p. 93*).
Animals, machinery, equipment, tools, and like articles of a commercial character, seized or taken away by Germany. (Art. 244, Annex IV, par. 2 (*a*), p. 283; *p. 104.*)	No credit on reparation account. (Art. 243, p. 257; *p. 94;* Art. 238, p. 255; *p. 93*), except to extent animals can not be identified as animals taken away or seized. (Arts. 236, 237, p. 253; *p. 93;* Art. 244, Annex IV, par. 6, p. 289; *p. 105.*)
As immediate advance on account of such animals the following are to be furnished:	
To French Government:	
500 stallions (3 to 7 years);	
30,000 fillies and mares (18 months to 7 years), type: Ardennais, Boulonnais, or Belgian;	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XII. GERMANY AGREES TO RESTORE PROPERTY SEIZED, OR TAKEN, OR COMING INTO GERMANY'S POSSESSION—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To French Government—Continued. 2,000 bulls (18 months to 3 years); 90,000 milch cows (2 to 6 years); 1,000 rams; 100,000 sheep; 10,000 goats. *To Belgian Government:* 200 stallions (3 to 7 years), large Belgian type; 5,000 mares (3 to 7 years), large Belgian type; 5,000 fillies (18 months to 3 years), large Belgian type; 2,000 bulls (18 months to 3 years); 50,000 milch cows (2 to 6 years); 40,000 heifers; 200 rams; 20,000 sheep; 15,000 sows. (Art. 244, Annex IV, par. 6, p. 289; *p. 105.*) *To European Commission of the Danube:* Germany shall make to Commission all restitutions, reparations, and indemnities for damages inflicted on the Commission during the war. (Art. 352, p. 457; *p. 166.*)	

XIII. GERMANY UNDERTAKES TO BUILD OR CONSTRUCT TRANSPORTATION FACILITIES, OR TO REFRAIN FROM BUILDING COMMERCIAL UTILITIES

For Czecho-Slovak State: A railway line between the stations of Schlauney and Nachod in Germany. (Art. 373, p. 479; *p. 174.*)	Cost of construction borne by Czecho-Slovak State. (Art. 373, p. 479; *p. 174.*)
For Account of Allied and Associated Powers: Ships, tonnage to be laid down in each of five years not to exceed 200,000 tons gross, construction to be in accordance with specifications of Reparation Commission which also determines conditions of building, delivery, price per ton, etc. (Art. 244, Annex III, par. 5, p. 279; *p. 102.*)	Reparation Commission credits price of vessel to Germany's account on her reparation obligations. (See Art. 244, Annex III, par. 5, p. 279; *p. 102;* also Art. 243 (c), p. 257; *p. 95;* Art. 236, p. 253; *p. 93.*)
For Belgium: A deep-draught Rhine-Meuse navigable waterway, in accordance with plans communicated by Belgian Government, so far as such waterway runs through German territory, if Belgium decides to build the same within 25 years. (Art. 361, p. 467; *p. 169.*)	Seemingly no compensation cost of undertaking is divided among States crossed by waterway. (Art. 361, p. 469; *p. 170.*)
Germany shall not build any high-power wireless telegraphy stations in her own territory or that of Austria, Hungary, Bulgaria, or Turkey, within a period of three months from the coming into force of this Treaty. (Art. 197, p. 223; *p. 83.*)	

XIV. GERMANY UNDERTAKES TO DELIVER NATURAL OR MANUFACTURED PRODUCTS.

To France: Per year, for three years (options covering) delivered at the French frontier by rail or by water: Benzol, 35,000 tons. Coal tar, 50,000 tons. Sulphate of ammonia, 30,000 tons. Coal tar, may, at option of French Government, be replaced by corresponding quantities of products of distillation, such as light oils, heavy oils, anthracene, naphtalene, and pitch. (Art. 244, Annex V, par. 8, p. 293; *p. 108.*)	Credit on reparation account. (Art. 236, p. 253; *p. 93.*) The material is to be purchased at a price which shall be the same as that at which they are sold to German nationals. (Art. 244, Annex V, par. 9, p. 295; *p. 108.*)
Per year, seven million tons for ten years, and in addition, for ten years, coal equal to the difference between the annual output of the mines of the Nord and Pas de Calais before the war and the output of these mines during the ten years period. In place of coal, metallurgical coke may be accepted in the proportions of 3 tons of coke to 4 tons of coal (Art. 244, Annex V, par. 7, p. 293; *p. 107*), total delivery not to exceed 20,000,000 tons per year for the first five years, and 8,000,000 tons in any one year of the succeeding five years. (Art. 244, Annex V, par. 2, p. 291; *p. 106.*)	Credit on reparation account. (Art. 236, p. 253; *p. 93.*) Coal to be purchased by France under stipulations as to price. (Art. 244, Annex V, par. 6, p. 293; *p. 107.*)
To Belgium: Eight million tons of coal (option covering) annually for ten years with same privileges as to exchanging coal for coke that control with France. (Art. 244, Annex V, par. 3, p. 291; *p. 107.*)	Same conditions that control supply of coal to France. (*Supra.*)
To Italy: Coal (option covering) in the following quantities: July 1919 to June 1920, four and one-half million tons. July 1920 to June 1921, six million tons. July 1921 to June 1922, seven and one-half million tons. July 1922 to June 1923, eight million tons. July 1923 to June 1924, and each of the following five years, eight and one-half million tons. Two-thirds of actual deliveries to be land borne. Coal may be replaced by coke as in case of France. (Art. 244, Annex V, par. 4, p. 291; *p. 107.*)	Same conditions that control supply of coal to France. (*Supra.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XIV. GERMANY UNDERTAKES TO DELIVER NATURAL OR MANUFACEURED PRODUCTS—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Luxemburg: Coal (option covering) equal to the prewar annual consumption of German coal in Luxemburg, if Reparation Commission so directs. (Art. 244, Annex V, par. 5, p. 293; *p. 107.*) Coal may be replaced by coke as in the case of France. If Reparation Commission determines that full exercise of foregoing options would interfere unduly with industrial requirements of Germany, the commission is authorized to postpone or cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace the coal from destroyed mines shall receive priority over other deliveries. (Art. 244, Annex V, par. 10, p. 295; *p. 108.*)	Same conditions that control supply of coal to France. (*Supra*).
To Reparation Commission: Dyestuffs and chemicals (option covering) as commission may designate, up to 50 per cent of the total stock of each and every kind in or under German control at date of coming into force of Treaty. "Dyestuffs and chemical drugs" includes all synthetic dyes and drugs and intermediate or other products used in connection with dyeing. This arrangement also includes cinchona bark and salts of quinine. (Art. 244, Annex VI, pars. 1 and 5, pp. 295–299; *pp. 108–109.*)	Credit on compensation account. (Art. 236; p. 253; *p. 93.*) Price fixed by Reparation Commission. (Art. 244, Annex VI, par. 3, p. 297; *p. 109.*)
Dyestuffs and chemical drugs each six months until January 1, 1925, up to an amount not exceeding 25 per cent of the German production of such dyestuffs and chemical drugs during the previous six months' period. (Id. par. 2, p. 297; *p. 109.*)	
To Allied and Associated Powers: Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture, and like articles of a commercial character which Powers desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of invaded areas. (Art. 244, Annex IV, par. 2 (b), pp. 283, 285; *p. 104.*)	Credit on reparation account. (Arts. 236–237, p. 253; *p. 93;* Art. 244, Annex IV, par. 5, p. 287; *p. 105.*)
Animals, machinery, equipment, tools, and like articles of a commercial character now in Germany which Governments desire to replace animals and articles of the same nature that have been seized, consumed, or destroyed by Germany or destroyed in direct consequence of military operations. (Art. 244, Annex IV, par. 2 (a), p. 283; *p. 104.*)	Credit on reparation account. (Arts. 236, 237, p. 253; *p. 93;* Art. 244, Annex IV, par. 5–6, p. 289; *p. 105.*)

XV. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS, GRANTS THE FOLLOWING RIGHTS, AND MAKES THE FOLLOWING OBLIGATIONS AS TO HER EXTERNAL COMMERCE.

Duties, Charges, Prohibitions, and Restrictions Affecting Allied or Associated States:

Importations into Germany from any such states, from whatsoever place arriving, of goods, the product or manufacture of such states, shall not be subjected to other or higher duties, including internal charges, or to the maintenance or imposition of other prohibitions and restrictions, than those to which are subjected like goods the produce or manufacture of any other such state or of any other foreign country. (Art. 264, p. 321; *p. 117.*)

The same principles apply as to exports from Germany and her duties, charges, prohibitions, and restrictions, levied thereon by Germany. (Art. 266, p. 323; *p. 117.*)

Germany shall not, in administrative régime, make any discrimination against the commerce of any of the Allied and Associated States, as compared with any other of the said states or any other foreign country, even by indirect means. (Art. 265, p. 321; *p. 117.*)

RECIPROCITY TREATIES.

Every favor, immunity, or privilege in regard to the importation, exportation, or transit of goods granted by Germany to any Allied or Associated State or to any other foreign country whatever shall simultaneously and unconditionally without request and without compensation be extended to all the Allied and Associated States. (Art. 267, p. 323; *p. 118.*)

CUSTOMS PROVISIONS.

To France:

For five years, all natural or manufactured products which both originate in and come from Alsace-Lorraine shall be admitted into German customs territory free of all customs duty. The French Government shall fix the amount of such importations for each year, which shall not exceed annually the average amounts of 1911–1913.

For the same period, Germany shall allow free export from Germany and reimportation to Germany exempt from all customs duties and other charges (including internal charges), yarns, tissues, and other textile materials or textile products of any kind and in any condition sent from Germany into Alsace-Lorraine, to be subjected there to any finishing process, such as bleaching, dyeing, pointing, mercerization, gassing, twisting, or dressing. (Art. 268 (a), p. 323; *p. 118;* Art. 68, p. 193; *p. 39.*)

Germany shall establish no railway or canal tariff which directly or indirectly discriminate to the prejudice of the transport of the personnel or products of the Saar mines and their accessories or subsidiaries, or of the material necessary to their exploitation, all of which shall enjoy the rights and privileges which are guaranteed to similar products of French origin. (Art. 50, Annex, Chap. I, par. 6, p. 71; *p. 27.*)

French customs régime shall apply to the Saar Basin. (Art. 50, Annex, Chap. II, par. 31, p. 85; *p. 32.*)

Products which both originate in and pass from the basin into Germany shall for five years be free of import duties. (Id.)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XV. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS, GRANTS THE FOLLOWING RIGHTS, AND MAKES THE FOLLOWING OBLIGATIONS AS TO HER EXTERNAL COMMERCE—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Poland: For a period of three years, the same privileges as to natural or manufactured products from Poland that are granted to France in respect of Alsace-Lorraine (supra) with analogous limitations. (Art. 268 (b), p. 325; *p. 118.*) *To Luxemburg:* The Allied and Associated Powers reserve the right to require Germany to accord freedom from customs duty, on importation into German customs territory, to natural products and manufactured articles which both originate in and come from the Grand Duchy of Luxemburg, for five years, subject to certain prescribed limitations as to amounts. (Art. 268 (c), p. 325; *p. 119.*) For first six months after Treaty comes into force, German duties on imports from Allied and Associated States shall not be higher than the most favorable duties which were applied to imports into Germany on July 31, 1914. For a further period of thirty months, this provision applies to products which comprised in section A of the First Category of the German Customs Tariff of December, enjoyed rates conventionalized by Treaty (on July 31, 1914) with the addition of all kinds of wine and vegetable oils, of artificial silk, and of washed or scoured wool. (Art. 269, pp. 325–327; *p. 119.*) The Allied and Associated Powers reserve the right to apply to German territory occupied by their troops a special customs régime as regards imports and exports, in the event of such a measure being necessary in their opinion in order to safeguard the economic interests of the population of these territories. (Art. 270, p. 327; *p. 119.*) *To Morocco:* Moroccan goods entering Germany shall enjoy the treatment accorded to French goods. (Art. 146, p. 183; *p. 68.*) *To Egypt:* Egyptian goods entering Germany shall enjoy the treatment accorded to British goods. (Art. 154, p. 185; *p. 69.*) SHIPPING. *Allied and Associated Powers:* Vessels of, entitled to treatment of most-favored nation, in German territorial waters, as regards sea fishing, maritime coasting trade, and maritime towage (Art. 271, p. 327; *p. 119*), and as to fishing boats all rights of inspection exercised solely by ships belonging to such Powers. (Art. 272, p. 327; *p. 119.*) These provisions are terminable in five years. (Art. 280, p. 333; *p. 122.*) New states without seacoast may have a merchant marine. (Art. 273, pp. 327–329; *p. 120.*) UNFAIR COMPETITION. *Allied and Associated Powers:* Goods of, to be protected from unfair competition by all legislative and administrative measures necessary, Germany to seize all fraudulently marked as to maker, origin, type, nature, or special characteristics (Art. 274, p. 329; *p. 120*), with special provisions relating to wines and spirits and their markings. (Art. 275, pp. 329–331; *p. 120.*) TREATMENT OF NATIONALS OF ALLIED OR ASSOCIATED POWERS. All measures relating to occupations, professions, trade, and industry must be equally applicable to all aliens and the same as enjoyed by the nationals of the most-favored nation; and all taxes, charges, and imposts direct or indirect, as to the property, rights, or interests of nationals or companies of such powers, and restrictions, must be those applied to German nationals and none other. (Art. 276, p. 331; *p. 121.*) Germany will recognize new nationalities acquired by her nationals under the laws of the Allied and Associated Powers. (Art. 278, p. 333; *p. 121.*) Germany will admit and permit to exercise their functions, consuls, appointed by the Allied or Associated Powers. (Art. 279, p. 333; *p. 121.*) Germany will extend to nationals of Allied and Asssociated Powers all rights and advantages of any kind which she has granted to nationals of Austria, Hungary, Bulgaria, or Turkey, by treaties, conventions, or arrangements concluded before August 1, 1914, so long as such treaties, etc., remain in force. (Art. 291, p. 345; *p. 125.*) Germany will give to Allied and Associated Powers the benefit *ipso facto* of the rights and advantages of any kind which she has granted by treaties, conventions, or arrangements to non-belligerent states or their nationals since August 1, 1914, until the coming into force of this Treaty, so long as such treaties, conventions, or arrangements remain in force. (Art. 294, p. 347; *p. 126.*)	

XVI. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS ON HER CONTROL OF INLAND COMMERCE AND NAVIGATION, AND THE INSTRUMENTALITIES THEREOF.

FREEDOM OF TRANSIT. Germany grants freedom of transit, including crossing of territorial waters by rail, navigable waterways, or canal, to persons, goods, vessels, carriages, wagons, and mails coming from or going to the territories of any of the Allied or Associated Powers, without subjection to any transit duty or undue delay, and to national treatment as regards charges, facilities, and other matters, all charges imposed in traffic to be reasonable and not dependent directly or indirectly on ownership or nationality of the vessel or other vehicle. (Art. 321, p. 435; *p. 157.*)	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XVI. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS ON HER CONTROL OF INLAND COMMERCE AND NAVIGATION, AND THE INSTRUMENTALITIES THEREOF—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.

Goods in transit shall be exempt from all customs and other similar duties. (Art. 321, p. 435; *p. 157.*)

Transmigration traffic across Germany is to be free and unimpeded. (Art. 322, p. 435; *p. 158.*)

Importations and exportations:

Germany will make no discrimination or preference, direct or indirect, in duties, charges, and prohibitions on goods or persons entering or leaving her territory on account either of origin or destination. (Art. 323, p. 437; *p. 158.*)

Germany will not establish, as against the ports and vessels of any of the Allied and Associated Powers, any surtax or direct or indirect bounty for export or import by German vessels or ports, or by those of another Power, for example, by means of a combined tariff; and goods or persons passing through ports or by vessels of the Allied and Associated Powers shall be subject to no formality or delay other than is incident to such traffic on German vessels or through German ports. (Art. 323, p. 437; *p. 158.*)

Germany shall take all necessary administrative and technical measures to expedite transmission and forwarding of Allied and Associated goods, particularly perishable goods, equally with any other goods similarly routed and carried. (Art. 324, p. 437; *p. 158.*)

Seaports of the Allied and Associated Powers shall enjoy all favors and all reduced tariffs granted on German railways or navigable waterways for the benefit of German ports or the port of another Power. (Art. 325, p. 439; *p. 159.*) And Germany must participate in the tariffs or combinations of tariffs intended to secure for ports of any Allied or Associated Power advantages similar to those granted by Germany to her own ports or the ports of any other Power. (Art. 326, p. 439; *p. 159.*)

Nationals, vessels, and property of Allied or Associated Powers shall, without impediment, enjoy in all German ports and on the inland navigation routes of Germany, national treatment in all respects, with complete freedom of access to all places in Germany, and with national treatment as to port and harbor facilities, including stationing, loading and unloading, duties, charges of tonnage, harbor, pilotage, lighthouse, quarantine and all analogous duties. Any preferential régime granted by Germany to any Power is immediately and unconditionally extended to all Allied and Associated Powers. (Art. 327, p. 441; *p. 159.*)

FREE ZONES.

Existing free zones in ports shall be maintained, and, with others to be established (Hamburg and Stettin, Art. 363, p. 469; *p. 170*), shall be subject to the Treaty régime. Goods entering or leaving such zones shall be subject to no import or export duty (except they leave the zone for consumption in the country where the zone is situated, or enter the zone for export, when the duties shall be the regular normal import or export duties Art. 330, p. 443; *p. 160*), except handling charges and specified statistical duty used for defraying the expenses of the port. (Art. 328, p. 441; *p. 160.*) All goods consumed in the zone shall be free of duty. (Art. 329, p. 443; *p. 160.*)

The foregoing stipulations and provisions are subject to revision at any time after five years by the Council of the League of Nations. Failing such revision, the privileges may be enjoyed only on a basis of reciprocity, unless the Council extends the period. (Art. 378, p. 481; *p. 175.*)

INTERNATIONALIZATION OF WATERWAYS.

Rivers Elbe, Vltava, Oder, Niemen (Russgrom-Memel-Niemen), and Danube are, as to certain parts thereof, declared international, and also all navigable parts of these river systems which naturally provide more than one state with access to the sea, together with lateral canals and channels, and any Rhine-Danube navigable waterway. (Art. 331, p. 443–445; *p. 161.*)

On international waterways, declared by the Treaty, nationals, property, and flags of all nations are on a perfect equality—no distinctions being made between shipping of riparian and nonriparian state to the detriment of the latter, except that Germany may not engage in traffic between the ports of any Allied or Associated Power without the consent of that Power. (Art. 332, p. 445; *p. 161.*) This article also is subject to review and adjustment by the council of the League of Nations, as above set out. (Art. 378, p. 481; *p. 175.*) Only maintenance charges may be levied for the use of such waterways (Art. 333, p. 445; *p. 161*), or for use of port facilities. (Art. 335, p. 447; *p. 162.*) Riparian states obliged to remove obstacles to navigation (Art. 336, p. 447; *p. 162*), and to erect no impeding work. (Art. 337, p. 447; *p. 162.*)

To France:

On the French frontiers, subject to the provisions of the Convention of Mannheim, or a substituted Convention, or the stipulations of this Treaty, France has the right to take water from the Rhine to feed navigation and irrigation canals, with the right to execute necessary works on the German banks, and the exclusive right to the power derived from the works of regulation on the river (subject to payment to Germany of half the power actually produced), the exercise of such rights not to impede navigation or involve increase to tolls, Germany undertaking not to allow construction of lateral canals on the right bank opposite French frontiers and recognizing France's right to use lands on right bank for necessary works, compensation being made to Germany therefor. (Art. 358, p. 465; *p. 168.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XVI. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS ON HER CONTROL OF INLAND COMMERCE AND NAVIGATION, AND THE INSTRUMENTALITIES THEREOF—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Switzerland: Equivalent rights as to her Rhine frontier if she demands. (Art. 858, p. 465; *p. 168.*) *To Belgium:* An equivalent right to take water to feed a Rhine-Meuse navigable waterway, if constructed. (Art. 358, p. 465; *p. 168.*) Germany agrees to offer no objection to extending the jurisdiction of the central Rhine Commission, to designated portions of the Moselle, to additional portions of the upper part of the Rhine, and to lateral canals established to improve naturally navigable sections of the Rhine and Moselle, etc. (Art. 362, p. 469; *p. 170.*) RAILWAY PROVISIONS. German railway lines to carry goods of Allied and Associated Powers, either on through transit across Germany or to a destination in Germany, under the most favorable treatment as to rates, facilities, etc., accorded to any traffic by the railroads under similar conditions of transport, for example, length of route. The same treatment shall be accorded on request of any Allied or Associated Powers to specially designated goods coming from Germany to the Power. International tariffs involving through way bills shall be established. (Art. 365, p. 471; *p. 171.*) This article also subject to review and adjustment by the Council of the League of Nations as above set out. (Art. 378, p. 481; *p. 175.*) Germany must cooperate in the establishment of a through ticket service (for passengers and their luggage) which any Allied or Associated Power may require; must accept trains and carriages coming from the territories of such Powers, forward the same at her best speed for long-distance trains, at rates no higher than for German internal service for the same distance. Most favorable tariffs must be applied to emigrant traffic going to or coming from ports of the Allied or Associated Powers. (Art. 367, p. 473; *p. 171.*) Germany must not apply to such through service, or to emigrant service, any technical, fiscal, or administrative measures, such as customs examinations, general police, sanitary police, and control, which would impede or delay the service. (Art. 368, p. 475; *p. 172.*) Articles 367, 368 are also subject to review and adjustment by the Council of the League of Nations as above set out. (Art. 378, p. 481; *p. 175.*) German railway rolling stock must be so fitted with apparatus as to permit their inclusion in trains of such Allied and Associated Powers as are parties to the Berne Convention (May 15, 1886, modified May 18, 1907) without hampering the action of the continuous brake, which may within ten years be adopted by Allied and Associated Powers and the acceptance of Allied and Associated rolling stock in German trains, which rolling stock shall have on the German lines the same treatment as German rolling stock as regards movement, upkeep, and repairs. (Art. 370, p. 475; *p. 172.*) Germany's railway administration must make arrangements with contiguous states as to the working of interstate railways; if these fail to make an agreement, the points of difference will be settled by a Commission of experts, designated by the Allied and Associated Powers, on which Germany will be represented. (Art. 372, p. 479; *p. 173;* Art. 371, p. 477; *p. 173.*) For the present Germany must carry out instructions given her on behalf of the Allied and Associated Powers for the carriage of troops under the provisions of this treaty, and of material, ammunition, and supplies for any use, for the transportation of supplies for certain regions, for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organization of postal and telegraphic services. (Art. 375, p. 481; *p. 174.*) Disputes between the interested Powers regarding the "interpretation and application of the preceding articles" (seemingly articles 321–375) are to be settled as provided by the League of Nations (Art. 376, p. 481; *p. 174*), which may at any time "recommend the revision of such of these Articles as relate to a permanent administrative régime." (Art. 377, p. 481; *p. 174.*) KIEL CANAL. Kiel Canal and its approaches must be maintained free and open to vessels of commerce and of war, of all nations at peace with Germany on terms of entire equality. (Art. 380, p. 483; *p. 175.*) Vessels of all nations to be treated on an absolute equality as to charges and facilities and in all other respects, with vessels of Germany or of the most favored nation, without impediment as to movements of vessels or persons beyond reasonable and necessary police, customs, sanitary, immigration and emigration regulations. (Art. 381, p. 483; *p. 175.*) Charges levied are to be such only as are necessary for maintenance, improvements, and expenses incurred in the interests of navigation. (Art. 382, p. 485; *p. 176*) and no other charges shall be levied. (Art. 384, p. 485; *p. 176.*) Germany is bound to remove obstacles or dangers to navigation, to insure maintenance of good conditions, and not to undertake any works of a nature to impede navigation on the canal or its approaches. (Art. 385, p. 485; *p. 176.*) Violations of the foregoing or disputes as to the interpretations of these articles are to be referred "to the jurisdiction instituted for the purpose by the League of Nations," but small questions shall be settled in the first instance by a local authority established at Kiel by Germany. Complaints thereto may be presented by the consuls of the interested Power. (Art. 386, p. 485; *p. 176.*)	

"MEMORANDUM NO. 1.

"SPECIAL OBLIGATIONS OF GERMANY RELATING TO ALSACE-LORRAINE.

"Shall apply no special measures to German money or monetary instruments current in Alsace-Lorraine. (Art. 57, p. 97; *p. 36.*)

"Shall refund exceptional war expenditures advanced by Alsace-Lorraine or public bodies therein, beyond a proportional amount based on the ratio of the revenues of the Empire to the revenues of Alsace-Lorraine. (Art. 58, p. 97; *p. 36.*)

"Restore to Alsace-Lorraine all property rights and interests belonging to them November 11, 1918, and now in Germany. (Art. 60, p. 99; *p. 37.*)

"Shall bear expense of civil and military pensions earned on November 11, 1918. (Art. 62, p. 99; *p. 37.*)

"Pay damages for injuries suffered by the civilian population as if Alsace-Lorraine were an Allied or Associated Country. (Art. 63, p. 99; *p. 37;* Art. 244, Annex I, p. 259; *p. 95.*)

"For ten years, furnish electrical energy (power) under contracts in force, at a rate not higher than paid by German nationals. (Art. 69, p. 105; *p. 39.*)

"Property rights of Alsace-Lorrainers dealt with as if they had been during war on part of allied territory. (Art. 73, p. 107; *p. 40.*)

"France may retain and liquidate all German national and society interests, Germany compensating her nationals. (Art. 74, p. 109; *p. 40.*)

"France retains exclusive control over all questions of nationality of Alsace-Lorrainers. (Art. 79, Annex, p. 115 et seq.; *p. 43 et seq.*)

"Germany to cancel any contract notified by French Government between Alsace-Lorrainers and Germans or German States or Empire, save certain contracts partly performed before November 11, 1918; who makes the compensation not specified. (Art. 75, p. 109; *p. 41.*)

"Alsace-Lorrainers preserve full and entire enjoyment of industrial property rights in Germany. (Art. 76, p. 111; *p. 41.*)

"France may prohibit—

"Management or exploitation by Germans.

"Ownership of mines and quarries by Germans.

"German participation in metallurgical establishments.

"(Art. 70, pp. 105–107; *p. 40.*)

"Germany is to pay to the French Government such proportion of all reserves accumulated by the Empire or by public or private bodies dependent upon it, for the purposes of disability and old-age insurance, as would fall to the disability and old-age insurance fund at Strasbourg. The same shall apply in respect of the capital and reserves accumulated in Germany falling legitimately to other social insurance funds, to miners; superannuation funds, to the fund of railways of Alsace-Lorraine, to other superannuation organizations established for the benefit of the personnel of public administrations and institutions operating in Alsace-Lorraine, and also in respect of the capital and reserves due by the insurance fund of private employees at Berlin, by reason of engagements entered into for the benefit of insured persons of that category resident in Alsace-Lorraine. (Art. 77, p. 111; *p. 41.*)

"MEMORANDUM NO. 2.

"REDUCTION OF MILITARY, NAVAL, AND AIR FORCES.

"1. Military Clauses:

"Army must not exceed 100,000 effectives, who must be used only to maintain order in Germany, of whom 4,000 may be officers (Art. 160, p. 191; *p. 71*), the Army organization, equipment, armament, munitions, and material being specified by provisions and tables in the Treaty. (Arts. 160–162, pp. 191–193; *pp. 71–72*, and tables following Art. 180, p. 207; *p. 77.*) Compulsory military service is abolished and hereafter the German Army can be constituted and recruited by voluntary enlistment only. (Art. 173, p. 201, *p. 74.*) The period of enlistment of noncommissioned officers and privates is twelve consecutive years (Art. 174, p. 201; *p. 75*), and the period of service for officers is twenty-five consecutive years. (Art. 175, p. 201; *p. 75.*) Officers remaining in the service must serve till they are 45 years old, and officers previously in the service must not take part in any military exercise, theoretical or practical. (Art. 175, pp. 201–203; *p. 75.*) Provisions covering allowable military schools are inserted (Art. 176, p. 203; *p. 75*), and 'Educational establishments, the Universities, societies of discharged soldiers, shooting or touring clubs, and, generally speaking, associations of every description, whatever be the age of their members, must not occupy themselves with military matters. In particular they are forbidden to instruct or exercise their members or allow them to be instructed or exercised in the profession or use of arms.' (Art. 177, p. 203; *p. 75.*) All measures of or appertaining to mobilization are forbidden. (Art. 178, p. 205; *p. 76.*) Germany must not send or accredit to any foreign country any naval, military, or air mission, nor allow any such mission to leave her territory, and must prevent her nationals enrolling in the Army, Navy, or Air Service of a foreign power, or being attached thereto as instructors. No Allied or Associated Power must enroll in or attach to their armies or naval or air forces any German national as instructors, but this shall not affect France's right to recruit for the Foreign Legion under her laws. (Art. 179, p. 205; *p. 76.*) Maintenance of military forces or assembling them, or upkeep of permanent works of mobilization, are forbidden on the left bank of the Rhine or within fifty kilometers of the right bank. (Art. 43, p. 61; *p. 24.*) All surplus arms, munitions, and war materials, including aircraft, must be surrendered to the Principal Allied and Associated Powers. (Art. 169, p. 199; *p. 73.*)

"2. Naval Clauses:

"German naval forces in commission must not exceed after 2 months from coming into force of Treaty, 6 battleships, 6 light cruisers, 12 destroyers, 12 torpedo boats, but no submarines, and an equal number of vessels constructed to replace these (Art. 181, p. 211; *p. 78*), but replacement ships must not exceed a specified displacement (10,000 tons for armored ships), and except when a ship is lost replacement shall not occur except after 20 years for battleships and cruisers, and 15 years for destroyers and torpedo boats, counting from the launching of the ship. (Art. 190, p. 217; *p. 81.*) All other warships must be placed in reserve or devoted to commercial purposes. (Art. 181, p. 211; *p. 78.*) The navy personnel shall not exceed 15,000 officers and men, with a total officers' strength of 1,500, and including naval and military corps or reserves (Art. 183, p. 211; *p. 79*), all raised by voluntary enlistment, for periods of 25 consecutive years for officers and 12 consecutive years for petty officers and enlisted men; replacements shall not exceed 5 per cent per annum of totals; and no officer or man of the mercantile marine shall receive any training in the Navy. (Art. 194, pp. 219–221; *p. 82.*) All surface warships not in German ports, and all now interned in neutral ports or in the ports of the Allied and Associated Powers, 'cease to belong to Germany, who renounces all rights over them.' (Art. 184, p. 213; *p. 79.*) Eight named German battleships, 8 named light cruisers, 42 modern destroyers, and 50 modern torpedo boats chosen by the Principal Allied and Associated Powers. (Art. 185, p. 213; *p. 79.*) Surface warships now under construction are to be broken up (Art. 186, p. 215; *p. 80*) and certain named auxiliary cruisers and flat auxiliaries are to be disarmed and treated as merchant ships. (Art. 187, p. 215; *p. 80.*)

"All German submarines, submarine salvage vessels, and docks for submarines, 'including the tubular dock,' are to be delivered to the Principal Allied and Associated Powers. If any are unfit to proceed under their own power or to be towed to allied ports, they and all others in course of construction are to be broken up. (Art. 188, p. 217; *p. 80.*)

"No materials derived from any of this breaking up shall be used except for purely industrial or commercial purposes; they may not be sold or disposed of to other countries. (Art. 189, p. 217; *p. 81.*)

"The construction or acquisition of any submarine even for commercial purposes is forbidden. (Art. 191, p. 219; *p. 81.*)

"3. Air Clauses:

"The armed forces of Germany must not include any military or naval air forces and no dirigibles shall be kept. (Art. 198, p. 223; *p. 83.*) All military and naval aeronautical material (except 100 seaplanes, with a spare engine for each to be used in searching for submarine mines), must be delivered to the Principal Allied and Associated Powers. (Art. 198, p. 223; *p. 83.*)

"In addition to the foregoing clauses, others in this Part may be noted as follows:

"Within three months Germany must disclose to the Principal Allied and Associated Powers the nature and mode of manufacture of all explosives, toxic substances, and other like chemical preparations used or prepared for use by them in the war. (Art. 172, p. 201; *p. 74.*)

"Moreover, the importation into Germany and the manufacture for and export out of Germany of all arms, munitions, and war materials (Art. 170, p. 199; *p. 74*), the manufacture and importation of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices (Art. 171, p. 199; *p. 74*), the manufacture and importation into Germany of armored cars, tanks, and similar constructions suitable for use in war (id. p. 199; *p. 74*), the manufacture for and export from Germany of arms, munitions, or naval war material (Art. 192, p. 219; *p. 81*), and for a period of six months 'the manufacture and

importation of aircraft, engines for aircraft, and parts of engines for aircraft' (Art. 201, p. 225; *p. 84*) is forbidden.

"All the forgoing clauses are carried out under inter-Allied Commissions (one for military matters, Art. 208, p. 229, *p. 85*; one for naval, Art. 209, p. 231, *p. 86*; and one for aeronautics, Art. 210, p. 233, *p. 86*) whose 'upkeep and cost,' and 'expenses of their work' shall be borne by Germany (Art. 207, p. 229, *p. 85*), which shall attach a qualified representative to each Commission, and which will give to the Commission 'all necessary facilities for the accomplishment of their missions.' (Art. 206, p. 229, *p. 85*.) As the end of three months, 'German laws must have been modified and shall be maintained by the German Government in conformity with this part of the present treaty.' (Art. 211, p. 233; *p. 87*.)

"4. Fortifications:

"No fortification on left bank of Rhine nor on right bank within 50 kilometers of the river. (Art. 42, p. 61; *p. 23*.)

"No fortifications in plebiscite areas of Kreise of Stuhm and Rosenberg and part of Kreise of aMrienburg, if plebiscite gives them to East Prussia. (Art. 97, p. 147; *p. 54*.)

"Of Heligoland—destroyed—neither they nor any similar works shall be reconstructed. (Art. 115, pp. 165, 167; *p. 61*.)

"In territory occupied by Allied and Associated troops, disarmed and dismantled, and no new ones erected. (Art. 180, pp. 205–207; *p. 76*.)

"On east coast of Schleswig, Holstein, and north coast of Mecklenburg, existing fortifications demolished and guns removed, and no guns installed commanding maritime routes. (Art. 195, p. 221; *p. 82*.)

"Fortifications on southern and eastern frontiers maintained as now. (Art. 180, p. 207; *p. 76*.)

"Those already established within 50 kilometers of the German coast or on German islands off that coast (other than those specified in Art. 195) considered as of defensive character, and may remain where they are. (Art. 196, p. 221; *p. 82*.)

"5. Evacuation by Military Forces of Germany:

"From Poland, the German plebiscite area, within 15 days of coming into force of Treaty. (Art. 88, Annex I, p. 129; *p. 48*.)

"From East Prussia—the plebiscite area, within 15 days of coming into force of Treaty. (Art. 95, p. 141; *p. 52*.)

"From Kreise of Stuhm and Rosenberg and portion of Kreise of Mareinburg—a plebiscite area—within 15 days of coming into force of Treaty. (Art. 97, p. 145; *p. 54*.)

"From Schleswig—designated portion—within 10 days of coming into force of Treaty. (Art. 109, p. 157; *p. 58*.)

"MEMORANDUM NO. 3.

"COMMISSIONS AND ANALAGOUS BODIES ESTABLISHED FOR THE CARRYING OUT OF THE TREATY PROVISIONS (EXCEPT THE CLEARING OFFICES, THE REPARATION COMMISSION, AND THE MIXED ARBITRAL TRIBUNAL, WHICH ARE TREATED IN SEPARATE MEMOS.).

"1. Belgium Boundary Commission:

"A commission composed of seven persons—five appointed by the Principal Allied and Associated Powers, one by Germany, and one by Belgium—will be set up within 15 days from the coming into force of the present Treaty and will settle on the spot the new frontier lines between Belgium and Germany, taking into account the economic factors and means of communication. Decisions will be taken by a majority and will be binding on the parties concerned. (Art. 35, p. 57; *p. 22*.)

"2. Saar Basin Boundary Commission:

"A commission composed of five members—one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other powers—will be constituted within 15 days from the coming into force of the present Treaty, and will trace on the spot the frontier line prescribed by the Treaty, taking into consideration so far as possible local economic interests and existing communal boundaries. The decisions of this commission will be taken by a majority and will be binding on the parties concerned. (Art. 48, p. 67; *p. 24*.)

"3. Saar Basin Governing Commission:

"The government of the territory of the Saar Basin shall be entrusted to a commission representing the League of Nations. This commission shall be composed of five members chosen by the Council of the League of Nations—one to be a citizen of France, one a native of the Saar Basin not a citizen of France, and three members belonging to three countries other than France or Germany. The members are appointed for one year and may be reappointed. They may be removed by the Council of the League of Nations, which will refill the positions so vacated. (Art. 50, Annex, Chap. II, pars. 16, 17, pp. 77, 79; *p. 29*.) The chairman, appointed from the members by the Council of the League, will act as the executive of the commission. (Id., par. 18, p. 79; *p. 30*.)

"Within the territory of the Saar Basin the governing commission shall have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials and the creation of such administrative and representative bodies as it may deem necessary. It shall have full powers to administer and operate the railroads, canals, and the different public services. Its decisions shall be taken by a majority. (Id., par. 19, p. 79; *p. 30*.)

"4. Commission of Experts:

"A commission of three experts—one nominated by Germany, one by France, and one, who will be neither a Frenchman or German, by the Council of the League of Nations—the decisions of the experts to be given by a majority, will determine the price in gold which Germany is to pay for France's right of ownership in the Saar Basin coal mines, which may be situated in such part of the territory of the Saar Basin as the League of Nations may decide favors a union with Germany as the result of the plebiscite to be held 15 years from the coming into force of the treaty. (Art. 50, Annex, Chap. III, pars. 34, 36, pp. 87, 89; *pp. 33, 34*.)

"5. Boundary Commission for Czecho-Slovak State:

"A commission composed of seven members—five nominated by the Principal Allied and Associated Powers, one by Poland, and one by the Czecho-Slovak State—will trace on the spot the frontier line between Poland and the Czecho-Slovak State. The decisions of this commission will be taken by a majority and shall be binding on the parties concerned. (Art. 83, p. 119; *p. 44*.)

"6. Boundary Commission of Poland:

"A commission consisting of seven members—five of whom shall be nominated by the Principal Allied and Associated Powers, one by Germany, and one by Poland—shall delimit on the spot the frontier line between Poland and Germany. The decision of the commission will be taken by a majority of five and shall be binding on the parties concerned. (Art. 87, p. 125; *p. 46*.)

"7. International Commission Exercising Authority over Poland Upper Silesia Plebiscite Area:

"A commission composed of four members designated by the following powers: United States of America, France, the British Empire, and Italy, will exercise authority over the plebiscite area of Upper Silesia. The commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation, and shall have the competence of interpreting its own powers, with authority to settle all questions arising from the execution of the commission clauses of the Treaty, which decision shall be taken by a majority vote. It shall be assisted by technical advisers chosen by it from among the local population. It shall conduct the plebiscite provided for by the treaty. (Art. 88, Annex, pars. 2, 3, pp. 129, 131; *p. 48*.)

"8. International Commission Exercising Authority over the East Prussia Plebiscite Area:

"A commission composed of five members appointed by the Principal Allied and Associated Powers shall have general powers of administration and in particular will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to insure its freedom, fairness, and secrecy. The commission will have all necessary authority to decide any questions to which the execution of these provisions will give rise and will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority. After the vote has been taken the Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region. (Art. 95, pp. 141, 143; *p. 52*.)

"9. Boundary Commission for Free City of Danzig:

"A commission composed of five members, three appointed by the Principal Allied and Associated Powers, including a High Commissioner as president, one appointed by Germany and one by Poland, shall delimit on the spot the frontier of the Free City of Danzig territory, taking into account as far as possible the existing communal boundaries. (Art. 101, p. 151; *p. 56*.)

"10. International Commission to Exercise Authority over the Northern Schleswig Plebiscite Area:

"A commission composed of five members, three designated by the Principal Allied and Associated Powers, one by Norway, and one by Sweden, or in the event of their failing to name the members, these two members also to be chosen by the

Principal Allied and Associated Powers will exercise authority over the Northern Schleswig plebiscite zone.

"The commission will have general powers of administration, with the power to remove and replace German authorities and to take all steps deemed by it necessary to insure the freedom, fairness, and secrecy of the vote. It shall be assisted by German and Danish technical advisers chosen by it from among the local population. Its decisions will be taken by a majority. (Art. 109, pp. 157, 159; *p. 58.*)

"11. Schleswig Boundary Commission:

"A commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark, and one by Germany, shall be constituted within 15 days from the date when the final result of the vote is known, to trace the frontier line on the spot.

"The decisions of the commission will be taken by a majority of votes and shall be binding on the parties concerned. (Art. 111, p. 163; *p. 60.*)

"12. Military Inter-Allied Commission of Control:

"The Military Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the military clauses. (Art. 208, p. 229; *p. 85.*)

"The number of members composing this commission and its internal procedure are not provided for.

"The members of the commission are appointed by the Principal Allied and Associated Powers. (Art. 203, p. 227; *p. 85.*)

"13. Naval Inter-Allied Commission of Control:

"The Naval Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the naval clauses. (Art. 209, p. 231; *p. 86.*)

"The members are appointed by the Principal Allied and Associated Powers. (Art. 203, p. 227; *p. 85.*)

"The method of appointment and provisions for the internal government of the commission are not given.

"14. The Aeronautical Inter-Allied Commission of Control:

"The Aeronautical Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the air clauses. (Art. 210, p. 233; *p. 86.*)

"The members are appointed by the Principal Allied and Associated Powers. (Art. 203, p. 227; *p. 85.*)

"The number of members or the internal procedure of the commission are not provided for.

"15. Prisoners' Commission:

"A commission composed of representatives of the Allied and Associated Powers on the one part and of the German Government on the other will carry out the repatriation of German prisoners of war and interned civilians.

"For each of the Allied and Associated Powers a subcommission, composed exclusively of representatives of the interested Power and of delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war. (Art. 215, p. 237; *p. 88.*)

"The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present treaty and shall be carried out with the greatest rapidity. (Art. 214, p. 237; *p. 87.*)

"16. Commission on Graves:

"Germany agrees to recognize any commission appointed by an Allied or Associated Government for the purpose of identifying, registering, caring for, or erecting suitable memorials over the graves of soldiers and sailors buried in German territory, and to facilitate the discharge of the duties of such commissions. This provision seems to be reciprocal in favor of Germany. (Art. 225, p. 243; *p. 89.*)

"17. Commission on Social and State Insurance in Ceded Territory:

"A commission of five members, one appointed by the German Government, one by the other interested Government, and three by the governing body of the International Labor Office from the nationals of other States, shall determine the conditions of transfer of such portions of the reserves accumulated by the Government of the German Empire or of German States, or by public or private organizations under their control, as is attributable to the carrying on of social or State insurance in ceded territory, unless such transfer has been arranged by special convention within three months after the coming into force of the present treaty. (Art. 312, p. 427, 429; *p. 155–156.*)

"18. International Commission for the Elbe (Labe) River:

"The Elbe (Labe) shall be placed under the administration of an international commission which shall comprise four representatives of the German States bordering on the river, two representatives of the Czecho-Slovak State, one representative of Great Britain, one representative of France, one representative of Italy, and one representative of Belgium. Whatever be the number of members present, each delegation shall have the right to record a number of votes equal to the number of representatives allotted to it. If certain of these representatives can not be appointed at the time of the coming into force of the present Treaty, the decisions of the commission shall nevertheless be valid. (Art. 340, p. 451; *p. 164.*)

"This commission shall proceed immediately to prepare a project for the revision of existing international agreements and regulations (Art. 343, p. 453; *p. 164*), which project shall designate the headquarters of the commission, prescribe the manner in which its president is to be nominated, specify the extent of the commission's powers, particularly in regard to the execution of works of maintenance, control, and improvements on the river system, the financial régime, the fixing and collection of charges and regulations for navigation, and shall define the sections of the river or its tributaries to which the international régime shall be applied. (Art. 344, p. 453; *p. 165.*)

"19. International Commission for the Oder (Odra) River:

"The Oder (Odra) shall be placed under the administration of an international commission which shall comprise one representative of Poland, three representatives of Prussia, one representative of the Czecho-Slovak State, one representative of Great Britain, one representative of France, one representative of Denmark, and one representative of Sweden.

"If certain of these representatives can not be appointed at the time of the coming into force of the present Treaty, the decisions of the commission shall nevertheless be valid. (Art. 341, p. 451; *p. 164.*)

"This commission shall proceed immediately to prepare a project for the revision of existing international agreements and regulations (Art. 343, p. 453; *p. 164*), which project shall designate the headquarters of the commission, prescribe the manner in which its President is to be nominated, specify the extent of the commission's powers, particularly in regard to the execution of works of maintenance, control, and river improvements on the river system, the financial régime, the fixing and collection of charges and regulations for navigation, and shall define the sections of the river or its tributaries to which the international régime shall be applied. (Art. 344, p. 453; *p. 165.*)

"20. International Commission of the Niemen (Russstrom-Memel-Niemen) River:

"Upon request to the League of Nations by any riparian State, the Niemen (Russstrom-Memel-Niemen) shall be placed under the administration of an international commission, which shall comprise one representative of each riparian State and three representatives of other States specified by the League of Nations. (Art. 342, p. 453; *p. 164.*)

"21. International Commission for the Danube System:

"A commission shall be appointed composed of two representatives of German riparian States, one representative of each other riparian State, and one representative of each non-riparian represented in the future on the European Commission of the Danube, and shall be placed in charge of the administration of the Danube system referred to in Article 331 (p. 443; *p. 161*).

"If certain of these representatives can not be appointed at the time of the coming into force of the present Treaty, the decisions of the commission shall nevertheless be valid. (Art. 347, p. 455; *p. 165.*)

"This commission shall undertake provisionally the administration of the river in conformity with the principles of Articles 332 to 337 (pp. 445–447; *pp. 161, 162*) until such time as a definite statute regarding the Danube is concluded by the Powers nominated by the Allied and Associated Powers. (Art. 348, p. 455; *p. 165.*) This conference will be of the Powers nominated by the Allied and Associated Powers. (Art. 349, p. 457; *p. 166.*)

"22. Commission Free Zones in Northern Ports:

"A commission consisting of one delegate of Germany, one delegate of the Czecho-Slovak State, and one delegate of Great Britain shall decide as to the delimitation of the free zones in Hamburg and Stettin, which Germany shall lease to the Czecho-Slovak State for a period of 99 years (Art. 363, p. 469; *p. 170*) and the equipment of such areas, their exploitation, and in general all conditions for their utilization, including the amount of

the rental. Such conditions shall be susceptible of revision every 10 years in the same manner and Germany declares in advance that she will adhere to the decisions so taken. (Art. 364, p. 471; *p. 170.*)

"23. Commission of Experts on Railways:

"Commission of Experts on Railways designated by the Allied and Associated Powers, on which Germany shall be represented, shall as regards railway lines, ceded by Germany to States obtaining part of her territory, where said railway lines have no special rolling stock, fix the proportion of the stock existing on the system to which the lines belong, which Germany shall hand over to the ceded system. These commissions shall also specify the locomotives, 'carriages,' and 'wagons' to be handed over in each case; they shall decide upon the conditions of their acceptance and shall make the provisional arrangement necessary to ensure their repair in German workshops. (Art. 371, p. 477; *p. 173.*)

"The High Contracting Parties agree that, in the absence of any subsequent agreement to the contrary, the chairman of any commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote. (Art. 437, p. 533; *p. 19.*)

"MEMORANDUM NO. 4.

"THE REPARATION COMMISSION.

"1. Constitution and Personnel of the Commission (Art. 244, Annex II, p. 261 et seq.; *p. 96, et seq.*):

"Each of the Powers named below will appoint one delegate and also one assistant delegate, who takes the delegate's place in case of the latter's illness or necessary absence, the assistant delegate at other times having merely the right to be present at proceedings without taking any part therein.

"These powers are the United States of America, Great Britain, France, Italy, Japan, Belgium, and the Serb-Croat-Slovene State. On no occasion shall more than five of the Powers have the right to take part in the proceedings of the commission and record votes, and the delegates of the United States, Great Britain, France, and Italy shall have the right on all occasions. The delegate of Belgium shall sit whenever the delegate of Japan (who sits on questions relating to damage at sea and the condemnation of concessions in Russia, China, etc., Art. 260, p. 117; *p. 116,* or the delegate of the Serb-Croat-Slovene State, who sits on questions relating to Austria, Hungary, or Bulgaria) does not sit.

"Any Government represented on the commission may withdraw upon 12 months' notice filed with the commission, the notice being confirmed in the course of the sixth month after the date of the original notice.

"Other interested Allied and Associated Powers may appoint a delegate to be present and act as assessor in respect to that Power's claims and interests when under examination or discussion, but the assessor has no right to vote.

"Proceedings of the commission are private unless the commission otherwise determines.

"There shall be a chairman or vice chairman of the commission holding office for one year and eligible for reelection.

"The German Government will accord to the members of the commission and its authorized agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly Powers and will pay the salaries and expenses of the commission and of its staff. (Art. 240, p. 255; *p. 94.*)

"A member of the commission is responsible to his own Government for his acts of omission or commission, and no Allied or Associated Government assumes any responsibility in respect to any other Government.

"The commission shall be dissolved when all the amounts due from Germany and her Allies under the present Treaty or the decisions of the commission have been discharged and all sums received, or their equivalents shall have been distributed to the Powers interested. (Art. 244, Annex II, par. 23, p. 277; *p. 101.*)

"Powers and Jurisdiction of the Commission (Art. 244, Annex II, p. 261; *p. 96*):

"The commission is not bound by any code or rules of law or by any particular rule of evidence of procedure, 'but shall be guided by justice, equity, and good faith.' Cases involving the same principles and rules should be similarly decided. The commission will establish rules relating to methods of proof of claims and will act on any trustworthy modes of computation. (Par. 11.)

"The commission has the right to appoint all necessary officers, agents, and employees requisite for the executions of its functions and fix their remuneration; may constitute committees, whose members need not be members of the commission; take all executive steps necessary for the discharge of its duties; and delegate authority and discretion to officers, agents, and committees. (Par. 7.)

"'The commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this part of the present Treaty and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above (those appointing delegates and assessors) as the exclusive agency of the said Governments, respectively, for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this part of the present Treaty.' (Par. 12.)

"The Reparation Commission determines the amount of damage for which compensation is to be made by Germany after giving the German Government a 'just opportunity' to be heard (Art. 233, p. 251; *p. 92*), but Germany may take no part in the decisions of the commission, which shall also afford a similar opportunity to the Allies of Germany when it shall consider that their interests are in question. (Art. 244, Annex II, par. 10, p. 265; *p. 97.*)

"The following additional functions are worthy of note:

"The Reparation Commission shall—

"Draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of 30 years from May 1, 1921. (Art. 233, p. 251; *p. 92.*)

"Determine in its discretion when and to what extent the payments of Germany shall be extended or modified (Arts. 233, 234, p. 251; *p. 92*), and shall hear evidence and arguments on the part of Germany on any questions connected with her capacity to pay. (Art. 244, Annex II, par. 9, p. 265; *p. 97.*)

"Determine within the limits of rules laid down the amount of bonds or other obligations which Germany shall issue and as to when they shall be issued, which bonds are to be both a guarantee and an acknowledgment of the debt they cover. (Art. 244, Annex II, par. 12, p. 269, et seq.; *p. 99.*)

"Lay down the procedure under which shall be restored cash and property seized or sequestrated by Germany during the war. (Art. 238, p. 255; *p. 93.*)

"Receive from Germany the merchant ships and fishing boats which she must deliver. (Art. 244, Annex III, p. 277; *p. 102.*)

"Determines the specifications of the ships to be built by Germany for the account of the Allied and Associated Governments, the conditions under which they are to be built and delivered, the price per ton at which they are to be accounted for by the Reparation Commission, and all other questions relating to the accounting, ordering, building, and delivery of the ships. (Id., p. 279; *p. 103.*)

"Take title to that portion of the German River fleet which is turned over to make good the losses incurred during the war by the Allied and Associated Powers. (Id., p. 281; *p. 103.*)

"Consider the lists filed with it by the Allied and Associated Governments showing animals, machinery, equipment, tools, and like articles of a commercial character, which have been seized, consumed, or destroyed by Germany, or destroyed in direct consequence of military operations, which the Governments desire to have restored for meeting their immediate and urgent needs, as also of reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles which the powers desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of the invaded areas. The commission shall then determine the amount and number of materials and animals mentioned in the lists which Germany is to be required to furnish. (Id., Annex IV, pp. 283, 285; *p. 104–105.*)

"Give the representatives of the German Government an opportunity and a time to be heard on their ability to furnish such materials, articles, and animals. (Id., p. 287; *p. 105.*)

"Determine the value to be attributed to such materials, articles, and animals and the amount thereof to be credited against the reparation account. (Id., p. 287; *p. 105.*)

"Pass upon the amount of coal which Germany should be called upon to furnish under the options granted in the Treaty, as also the replacement of coke for coal, the delivery of benzol, coal tar, and sulphate of ammonia. (Art. 244, Annex V, p. 291, et seq.; *p. 106, et seq.*)

"Have the right to require the delivery of 50 per cent of the total stock of each and every kind of dyestuff and chemical drug in Germany or under German control at the date of the coming into force of the treaty, the price to be paid for such dyestuffs and so to be credited against the reparation account to be fixed by the commission. (Art. 244, Annex VI, p. 295, et seq.; *p. 108.*) Germany also agrees to deliver during any six

months period up to January 1, 1925, up to 25 per cent of the German production of such dyestuffs and chemicals produced during the preceding six months, or 25 per cent of the normal production. (Id., par. 2, p. 297; *p. 109.*)

"Have the power to make exceptions to the priority distribution provided by the Treaty for the revenue of the German Empire and its constituent States. (Art. 248, p. 305; *p. 111.*)

"Determine the amount of the public debt (Empire or State) which cessionary States shall assume in respect to the territorial areas ceded to them, as also the method of discharging such obligation. (Art. 254, p. 309; *p. 113.*)

"Fix the value of all State property ceded by the Treaty to the Allied and Associated Powers, which property shall include the private property of the former German Emperor and other royal personages, such value to be paid by the acquiring States to the Reparation Commission for credit on the reparation account in favor of the German Government. (Art. 256, p. 311; *p. 114.*)

"May demand that the German Government become possessed of rights and interests of German nationals in public utilities and concessions in Russia, China, Turkey, Austria, Hungary, and Bulgaria or in the possessions or dependencies of these States or any territory formerly belonging to Germany or her allies to be ceded by Germany or her allies to any Power or to be administered by a mandatory under the present Treaty; and may require the German Government to transfer all such rights and interests to the Reparation Commission, which shall credit Germany on the reparation account the value of said rights and interests as assessed by itself. (Art. 260, p. 317; *p. 116.*)

"Is authorized to accept on account of the bill against Germany for the total amount of her damage (which shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of the Government's obligations) (Art. 233, p. 251; *p. 92*) chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes for gold being fixed at a fair and just amount by the commission itself, which shall have due regard in accepting such payments, for any legal or equitable interests of the Allied and Associated Powers or of neutral Powers or of their nationals therein. (Art. 244, Annex II, pars. 19, 20, p. 275; *p. 101.*)

"Determine the debt Belgium owes to the Allied and Associated Powers, incurred up to November 11, 1918, with interest at 5 per cent, and accept German bonds for this amount. (Art. 232, p. 249; *p. 91.*)

"Make decisions regarding cancellation of German debt (Art. 234, p. 251, *p. 92;* Art. 244, Annex II, par. 13, p. 271; *p. 99*), accompanied by a statement of reasons (Art. 244, Annex II, par. 12 (f), p. 269, *p. 99*), but any cancellation must be with the specific authority of the several Governments represented upon the commission. (Art. 234, p. 251; *p. 92.*)

"Require information from German Government relative to financial situation and operation and to the property productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals, also information regarding military operations. (Art. 240, p. 255; *p. 94.*)

"Determine credits to be made to Germany on account of transfers, rights, concessions, or other interests not specifically covered. (Art. 243, p. 257; *p. 94.*)

"Must take bonds and undertakings from Germany as stipulated. (Art. 244, Annex II, par. 12 (c), p. 267; *p. 98.*)

"May take into account in fixing total amount of debt against Germany, interest due on sums arising out of the reparation of material damages as from November 11, 1918, up to May 1, 1921. (Art. 244, Annex II, par. 16, p. 273; *p. 100.*)

"Make recommendation of action to be taken against Germany in case of default by Germany in performance of any obligation imposed by Part VIII. (Art. 244, Annex II, par. 17, p. 273; p. 100; and see Art. 430, p. 521; *p. 189.*)

"Indicate to German Government measures to be taken by it to secure full title to ships transferred to neutral flags during war, or now in process of such transfer without consent of Allied or Associated Governments. (Art. 244, Annex III, par. 7, p. 281; *p. 103.*)

"Determine amounts representing expenditures by the German Empire or States upon the Government properties referred to in Article 256. (Art. 255, p. 311; *p. 113.*)

"Determine value of Saar Basin property ceded to France. (Art. 50, Annex, Chap. I., par. 5, p. 71; *p. 27.*)

"Determine amount of German debt arising from measures adopted by the German and Prussian Governments with a view to German colonization of Poland. (Art. 92, p. 137; *p. 51.*)

"Approve estimates of French Government relating to deposits, credits, and advances effected under the agreements dealing with Equatorial Africa. (Art. 125, p. 171; *p. 64.*)

"Determine value of buildings, forests, and other State property which belonged to former Kingdom of Poland. (Art. 92, p. 137; *p. 51.*)

"Determine value of Germany's portion of the capital of the State Bank of Morocco. (Art. 145, p. 183; *p. 68.*)

"All proceedings of the commission shall be private, unless on particular occasions the commission shall otherwise determine for special reasons. (Art. 244, Annex II, par. 8, p. 265; *p. 97.*)

"MEMORANDUM NO. 5.

"CLEARING OFFICES.

"*Property, rights, and interests, including pecuniary obligations of German nationals in allied and associated countries and of the nationals of the Allied and Associated countries in Germany.*

"[See generally Part X, Sec. III, pp. 347–367, *pp. 127–133*, and Sec. IV, pp. 367–385, *pp. 134–141.*]

"*First.* As to the property of German nationals in Allied and Associated territory:

"Under the Treaty the Allied and Associated Powers reserve the right to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territory ceded to them by the present Treaty, this liquidation to be carried out in accordance with the laws of the allied or associated state concerned, the price to be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated. Proceeds of industrial property dealt with in the same way, unless legislation in force at the time of signature of treaty, otherwise directs. (Art. 306, p. 417; *p. 152.*) The German owner shall not be able to dispose of his property, right, or interests, nor to subject them to any charge without the consent of the State in which the property is located. (Art. 297 (b), p. 367; *p. 134.*)

"The Treaty also provides that as between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand all the exceptional war measures or measures of transfer (both of which terms are defined in the Treaty, see Art. 298, Annex, par. 3 and 4, p. 377, 379, *p. 138*, and cover roughly activities such as those of the Alien Property Custodian in the United States) or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex to Article 298 (pp. 375–377; *pp. 137–138*) shall be considered as final and binding upon all persons except as regards the reservations laid down in the Treaty.

"Paragraph 1 (p. 375; *p. 137*) of the Annex above mentioned amplifies this confirmation of the exceptional war measures or measures of transfer by the powers (and as to the provisions of paragraph 1, of Germany also). Paragraph 2 (p. 377; *p. 137*) provides further that no claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a Power by Germany or by any German national wherever resident in respect of any action or omission with regard to his property, right, or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws, or regulations of any Allied or Associated Power.

"The property, rights, and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them pursuant to the authorization above recited until the complete liquidation therein contemplated has been completed. (Art. 298, Annex, par. 9, p. 381; *p. 139.*)

"Furthermore all investments wheresoever effected with the cash assets of the nationals of the Allied and Associated Powers and Germany, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy property or having control over such administration or by order of such persons or of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investments. (Art. 298, Annex, par. 12, p. 383; *p. 140.*)

"Again compensation in respect of damages or injuries inflicted upon the property of the nationals of Allied and Associated Powers in Germany may be charged upon the property of German nationals within the territory or under the control of the creditor national's State. This German property may

be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of the compensation may be made by the Allied or Associated State and the amount will be debited to Germany. (Art. 297 (e), p. 369; *p. 134.*)

"Finally Germany undertakes to compensate her nationals in respect of the sales or retention of their property, rights, or interests in Allied or Associated States. (Art. 297 (i), p. 373, *p. 136.*)

"*Second.* The property of the nationals of Allied and Associated Powers of Germany:

"In the first place the exceptional war measures and measures of transfer (defined as already indicated), taken by Germany with respect to the property, rights, and interests of the nationals of Allied and Associated Powers including companies and associations in which they are interested, *when liquidation has not been completed*, shall be immediately discontinued or stayed and the property, rights, and interests concerned restored to their owners who shall enjoy full rights therein as provided in the Treaty. (Art. 297 (a), p. 367; *p. 134.*)

"As to the confirmation (of paragraph 1 of the Annex to Art. 298, p. 375; *p. 137*) of the complete acts of the German Government instrumentalities (equivalent to the American Alien Property Custodian) there is this proviso: This confirmation will not apply to such of the measures mentioned as have been taken by the German authorities in invaded or occupied territory, nor to such of the mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void. (Art. 298, Annex, par. 1, p. 377; *p. 137.*)

"As to the property and rights of the nationals of the Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the armistice the following procedure may be had. (Art. 297 (f) (g), pp. 369–371; *p. 135.*)

"Whenever a national of such a power is entitled to property which has been subjected to a measure of transfer in German territory, and expresses a desire for its restitution, his claim for compensation shall be satisfied by the restitution of the said property, if it still exists in specie, free from any encumbrances or burdens with which it may have been charged after the liquidation, all third parties injured by the restitution being indemnified. Allied and Associated Powers must specify the property, rights, and interests as to which they intend to exercise this right of restitution which will be carried out by order of the German Government or of the authorities which have been substituted for it. (Art. 298, Annex, par. 7, p. 381; *p. 139.*)

"As to all such property, rights, and interests so restored Germany undertakes to restore and maintain such property in the legal position obtaining in respect of the property, rights, and interests of German nationals under the laws in force before the war, and not to subject any such property, rights, or interests to any measures in derogation of property rights which will not apply equally to property, rights, and interests of German nationals and to pay adequate compensation in the event of the application of these measures. (Art. 298, p. 373; *p. 136.*) These provisions apply also to property as to which exceptional war measures of transfer have been discontinued.

"Furthermore, the nationals of Allied and Associated Powers shall be entitled to compensation in respect of damages or injury inflicted upon their property, rights, or interests, including any company or association in which they are interested in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI of Part X or by an arbitrator appointed by that tribunal. (Art. 297 (e), p. 369; *p. 134.*)

"Finally, Germany must, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights, or interests situated in the territory of that Allied or Associated Power, including any bonds, stocks, debentures, debenture stocks, or other obligations of any company incorporated in accordance with the laws of that power. (Art. 298, Annex, par. 10, p. 383; *p. 139.*)

"In brief, Germany is to cease all exceptional war measures and measures of transfer and restore to the nationals of the Allied and Associated Powers their property affected thereby; is to restore any of their property still existing in specie; is to grant compensation for all damages or injuries inflicted upon their property; and is to deliver to each of the Powers the securities held by Germans of any company created under the laws of the Power.

"*Third.* Disposition of the proceeds of enemy property:

"The net proceeds of the sales of enemy property, rights, or interests wherever situated carried out either by virtue of war legislation or by the application of the provisions of Article 297, and in general all cash assets of enemies shall be dealt with as follows:

"Two plans are provided—one for those not adopting the provisions of Section III and the Annex thereto (Part X) and the other that provided for by said section. (Art. 297 (h–1, 2) p. 371; *p. 135.*)

"A. Plan to be followed by those not adopting Section III of Part X:

"(1) Property of the nationals of Allied or Associated Governments held by Germany.

"The proceeds of property, rights, and interests and the cash assets of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government. (Art. 297 (h–2), p. 371; *p. 135*).

"(2) Property of German nationals held by Allied or Associated Powers.

"The proceeds of property, rights, and interests and the cash assets of German nationals received by an Allied or Associated Power shall be subject to disposal by such power in accordance with its laws and regulations and may be applied in payment of claims and debts defined by this article or paragraph 4 of the Annex hereto. (Art. 297 (h–2), p. 371; *p. 135.*)

"The provisions of paragraph 4 referred to are as follows:

"All property, rights, and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power *in the first place* with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged *in the second place* with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights, and interests in the territory of other enemy powers, in so far as those claims are otherwise unsatisfied." (Art. 298, Annex, par. 4, p. 379; *p. 138.*)

"Any property, rights, and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power, and if retained the cash value thereof shall be dealt with as provided in Article 243 (p. 257; *p. 94*)—that is to say, it will be credited to Germany in respect of her reparation obligations. (Art. 297 (h–2), p. 371; *p. 135;* and see Arts. 242, 243, p. 257; *p. 94.*)

"Liquidation effected in new States signatories of the present Treaty or in States which are not entitled to share in the reparation payments to be made by Germany. The proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235 (p. 253; *p. 93*) and 260 (p. 317; *p. 116*), be paid direct to the owner. If the owner be not satisfied and apply to the Mixed Arbitral Tribunal, such tribunal shall itself or by an arbitrator examine the case and if satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained shall have discretion to award to the owner equitable compensation to be paid by that State. (Art. 297 (h–2), p. 373; *p. 136.*)

"B. Powers adopting Section III (p. 347; *p. 127*) and the Annex thereto proceed as follows:

"It is in the first place to be observed that this section is entitled 'Debts' and apparently relates, primarily at least, only to the settlement and adjustment of *debts* between German nationals and the nationals of Allied and Associated Powers. It does not appear clear in what manner property, rights, and interests other than debts, which are covered by Section IV, which follows (p. 367; *p. 134*), are to be adjusted under Section III, although the plan for adjustment under Section IV is reasonably clear, and it seems in contemplation (Art. 296, p. 349; *p. 127*) that such property, rights, and interests mentioned in Section IV shall be accounted for under this procedure. Moreover, the class of debts which may be adjusted under this section are confined to the following (Art. 296, p. 347; *p. 127*):

"1. Debts payable before the war and running from a national of one of the Contracting Powers residing within its territory and due to a national of an Opposing Power residing within its territory;

"2. Debts which became payable during the war to nationals of one of the Contracting Powers residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;

"3. Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

"4. Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payments of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

"The settlement of these debts is accomplished under the following principles and plan:

"A. Each Government guarantees the payment of all such debts of its nationals except where the debtor was in a state of bankruptcy before the war or had given formal indication of insolvency or where the debt was due by a company whose business had been liquidated under emergency legislation during the war. This does not apply to territory invaded or occupied by the enemy before the armistice. (Art. 296 (b), p. 349; *p. 127.*) This guaranty is effective whenever for any reason a debt is not recoverable because of the reasons above mentioned or where the debt has been barred by the statute of limitations in force in the debtor's country. (Id., Annex, par. 4, p. 355; *p. 129.*)

"Within six months of the establishment of the Clearing Office, creditors must give notice of debts due them, and shall furnish the office with any document and information required of them. (Art. 296, Annex, par. 5, p. 355; *p. 129.*)

"A debtor Clearing House must credit a Creditor Clearing House with every debt admitted by the debtor even though it be unable to collect it. The Government concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted. (Id., par. 14, p. 359; *p. 131.*)

"B. Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts and also of communications between the interested parties with regard to the adjustment of said debts otherwise than through the Clearing Offices to be established. (Art. 296 (a), p. 349; *p. 127.*) Violations of this prohibition shall be punished with the same penalties which are provided by legislation for trading with the enemy (id., Annex, par. 3, p. 353; *p. 129*), and the parties to the Treaty agree to take all suitable measures to trace and punish collusion between enemy creditors and debtors and to communicate one with another any evidence and information which might help the discovery and punishment of such collusion. (Id., Annex, par. 5, p. 355; *p. 129.*) Moreover, each country must prohibit within its territory all legal processes relating to the payment of enemy debts except in accordance with the provisions of the Treaty. (Id., par. 3, p. 353; *p. 129.*)

"C. Each country shall establish a Clearing Office for the collection and payment of debts due to its nationals and for the collection for payment of debts due from its nationals to nationals of the opposing party. (Art. 296, Annex, par. 1, p. 353; *p. 128.*) It moreover appears that by agreement between the Allied and Associated Powers, these Clearing Offices may similarly act with reference to the nationals of one resident in the other; that is, an American Clearing Office could act in the settlement of a debt running from a German to a Frenchman resident in the United States. (Art. 296 (f), p. 353; *p. 128.*)

"In appointing the personnel of a Clearing Office or of the Mixed Arbitral Tribunal due regard shall be paid to the knowledge possessed by the personnel of the language of the other country concerned. (Id., Annex, par. 21, p. 363; *p. 132.*)

"D. Each Clearing Office is both a debtor Clearing Office and a Creditor Clearing Office. As a creditor Clearing Office it notifies the Clearing Office of the other country (which for this purpose is a debtor Clearing Office) of all the debts which have been declared against the other Clearing Office. (Id., Annex, par. 5, p. 355; *p. 129.*) As a debtor Clearing Office it informs the Clearing Office of the other country (which for that purpose is a Creditor Clearing Office) of all debts which have been admitted and of debts which are contested, in the latter case giving the grounds for the nonadmission of the debts. (Id.)

"Or, differently stated, the American Clearing Office notifies the German Clearing Office of all debts claimed by American citizens against Germans and of all claims admitted by American citizens in favor of Germans; and the German Clearing Office notifies the American Clearing Office of all debts admitted by Germans in favor of Americans and of all claims made by Germans against Americans.

"If any person makes a claim which in whole or in part is not admitted, he must pay by way of fine, interest at 5 per cent on the part not admitted. If any person denies liability of the whole or part of a debt claimed he shall pay by way of fine interest at 5 per cent on the amount with regard to which his refusal is disallowed. (Id., par. 10, p. 357; *p. 130.*) The amount recovered from these fines applies on the expenses of the Clearing Office. (Id.)

"Where any debt is not admitted in whole or in part, the two Clearing Offices (debtor and creditor) examine the matter jointly and endeavor to bring the parties to an agreement. (Id., par. 8, p. 357; *p. 130.*) Seemingly, if creditor and debtor are unable to reach an agreement, the two Clearing Offices may undertake to reach an agreement. (Id., par. 16, p. 361; *p. 131.*)

"If the Clearing Offices do not reach an agreement, the dispute shall be either referred to arbitration on terms agreed to by the parties or referred to the Mixed Arbitral Tribunal provided for in the Treaty. However, if the creditor Clearing Office so requests, the dispute shall be submitted to the jurisdiction of the courts of the place of domicile of the debtor (that is, an American claim would go to the German courts). (Id., par. 16, p. 361; *p. 131.*) Sums found due by the Mixed Arbitral Tribunal or by the court or the tribunal agreed to by the parties shall be recovered through the Clearing Office, as if the sums were debts admitted by the debtor Clearing Office. (Id., par. 17, p. 361; *p. 132.*) In case an appeal is taken to the Mixed Tribunal from a decision of the Clearing Office, the appellant shall make a deposit against the costs. A fee of 5 per cent of the amount in dispute shall be charged in respect of all cases brought before the Mixed Tribunal and shall unless the tribunal directs otherwise be borne by the unsuccessful party. 'Such fee shall be added to the deposit referred to.' (Id., par. 20, p. 363; *p. 132.*)

"If the Clearing Offices or the Mixed Arbitral Tribunal hold that the claim does not fall within Article 296 (p. 347; *p. 127*), the creditor may prosecute the claim before the courts or otherwise as he may wish. (Id., par. 23, p. 365; *p. 133.*)

"Persons who have suffered injuries from acts of war and who admit owing debts shall not have their debts charged against them until the compensation due to such persons concerned in respect of such injuries has been paid. (Id., par. 14, p. 359; *p. 131.*)

"Unless an agreement otherwise is reached by the Governments concerned, debts shall carry interest in accordance with rules set out in the Treaty. (Id., par. 22, p. 363; *p. 133.*)

"Balances between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week. (Id., par. 11, p. 359; *p. 131.*)

"Statutes of limitation are suspended from the time of the presentation of the claim to the Clearing Office. (Id., par. 23, p. 365; *p. 133.*)

"Each Government defrays the expenses of the Clearing Office set up in its territory, including the salaries of the staff. (Id., par. 15, p. 361; *p. 131.*) Fines that may be levied (as above provided) are credited by the Clearing Office collecting them, which is responsible therefor to the other Clearing Office 'which shall retain them as a contribution towards the costs of carrying out the present provisions.' (Id., par. 10, p. 357; *p. 130.*) The expenses for postal and telegraphic communication through the intervention of the Clearing Offices by the debtors and creditors desirous of coming to agreement as to the amount of their debts shall be borne by the parties concerned. (Id., par. 5, p. 355; *p. 129.*)

"Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, of the British Dominions, of India, as may be concerned. If the debts are payable in some other currency, they shall be paid or credited in the currency of the country concerned, whether Allied or Associated Power, colony, protectorate, British Dominion, or India, at the prewar rate of exchange, which the treaty defines. If a contract provides for a fixed rate of exchange in the transaction, then the above provisions concerning the rate of exchange shall not apply. (Art. 296 (d), p. 351; *p. 128.*)

"The foregoing provisions may, however (as to matters provided for in Art. 297), be rendered inapplicable by notice to that effect to Germany on the part of the Allied or Associated Power concerned within six months of the coming into force of the present treaty. (Art. 296 (e), p. 351; *p. 128.*)

"The creditor Clearing Office pays to the individual creditor the sums due him out of the funds placed at its disposal by its own Government. (Art. 296, Annex, par. 9, p. 357; *p. 130.*)

"MEMORANDUM NO. 6.

"MIXED ARBITRAL TRIBUNAL.

"[Art. 304, and Annex, pp. 409–415; *pp. 149–151.*]

"Within three months of the coming into force of this treaty, the Mixed Arbitral Tribunal shall be established by each of the Allied and Associated Powers on the one hand and Germany on the other. Each tribunal is to consist of three members, one appointed by Germany, one appointed by the Allied and Associated Powers concerned, and the third, who is to be the president of the tribunal, shall be chosen by agreement of the two Governments, or that failing, by the Council of the League of Nations, and until that is set up, by M. Gustave Ador. The Council of the League and Mr. Ador shall name two other persons who may take the place of the president in case of need, and all three persons named by either of them must be nationals of powers who were neutral during the war.

"Where the number of cases before a tribunal justifies it, the personnel may be increased, and the tribunal may then sit in divisions.

"In case vacancies in personnel are not filled by the Governments concerned within one month, the members shall be chosen by the other Government from the two persons named as alternates for the presidency.

"Decisions shall be reached by a majority vote and shall be final.

"The jurisdiction of the tribunal shall relate to cases coming up to it from the Clearing Offices (provided for in Part X, Section III); cases in reference to compensation for damage done to nationals of the Allied or Associated Powers in Germany and also the adjustment of claims of nationals of new States and of States not entitled to share in the reparation payments made by Germany, and to cases arising under Sections V and III of Part X, none of which latter concern the United States because of reservations made in the Treaty.

"Each tribunal determines its own procedure, except as provided in the Annex to Article 304, which establishes the tribunal.

"Each Government pays the expenses of its own representative upon the tribunal and a proportionate part of the joint expenses, including the compensation, etc., of the president.

"The national courts of each of the parties are required to render all assistance in their power, particularly as regards transmitting notices and collecting evidence.

"There are no rules of law laid down by which the tribunals are to be guided, and the procedure is practically unprovided for on all matters pertaining thereto, except that it is stipulated that 'The tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.'

"The language in which the proceedings shall be conducted shall unless otherwise agreed be English, French, Italian, or Japanese, as may be determined by the Allied or Associated Power concerned.

"MEMORANDUM NO. 7.

"ADDITIONAL CONVENTIONS OR AGREEMENTS TO BE MADE.

"1. A further agreement to be made between France and Germany, dealing with the interests of the inhabitants of territories ceded to Germany in 1871. (Art. 53, p. 93; *p. 35.*)

"2. A special convention to determine the conditions for repayment, in marks, of the exceptional war expenditures advanced during the course of the war by Alsace-Lorraine, or by public bodies in Alsace-Lorraine. (Art. 58, p. 97; *p. 36.*)

"3. A special convention between France and Germany which shall be submitted to the approval of the Central Rhine Commission to fix the details particularly as regards financing of the administration of the port of Strasbourg and the port of Kehl. (Art. 65, p. 101; *p. 38.*)

"4. An agreement establishing frontier railway stations, it being stipulated in advance that on the Rhine frontier they shall be situated on the right bank. (Art. 67, p. 103; *p. 39.*)

"5. A special convention to determine the conditions and procedure of transferring of funds covering social insurance from the German Government to the French Government. (Art. 77, p. 111; *p. 42.*)

"6. A special convention between France and Germany, settling all questions not covered by the Treaty, as to competence, procedure, or administration of justice. (Art. 78, p. 113; *p. 42.*)

"7. Further convention between France and Germany covering all questions concerning Alsace-Lorraine, which are not regulated by Section V, and the Annex thereto of Part III, or by the general provisions of the Treaty. (Art. 79, p. 113; *p. 42.*)

"8. Subsequent agreements to decide questions not decided by the present Treaty which may arise in consequence of the cession of German territory to the Czecho-Slovak State. (Art. 86, p. 123; *p. 46.*)

"9. A treaty between the Czecho-Slovak State and the Principal Allied and Associated Powers, containing the provisions deemed necessary by the Powers to protect the inhabitants of the Czecho-Slovak State who differ from the majority of the population in race, language, or religion. (Art. 86, p. 123; *p. 46.*)

"10. A treaty between the Czecho-Slovak State and the Principal Allied and Associated Powers, containing such provisions as the Powers deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations. (Art. 86, p. 123; *p. 46.*)

"11. A treaty between Poland and the Principal Allied and Associated Powers containing provisions deemed necessary by the Powers to protect the interests of the inhabitants of Poland who differ from the majority of the population in race, language, or religion. (Art. 93, p. 139; *p. 52.*)

"12. A treaty between Poland and the Principal Allied and Associated Powers containing the provisions deemed necessary by the Powers to protect freedom of transit and equitable treatment of the commerce of other nations. (Art. 93, p. 139; *p. 52.*)

"13. Convention between Germany and Poland (differences to be settled by the Council of the League of Nations) securing to Germany and to Poland, respectively, full and adequate railroad, telegraphic, and telephonic facilities over one another's territories. (Art. 98, p. 147; *p. 55.*)

"14. An agreement between the Principal Allied and Associated Powers of the one part, the Polish Government of another part, and the Free City of Danzig of a third part, relating to customs, use of waterways, docks, basins, wharves, etc., railway administration, postal, telegraphic, and telephonic communications; to provide against discrimination within the Free City of Danzig to the detriment of citizens of Poland, and other persons of Polish origin or speech; to provide that the foreign affairs of the Free City of Danzig shall be taken care of by the Polish Government. (Art. 104, p. 153; *p. 57.*)

"15. Further agreements to settle all other questions which may arise from the cession of territory made by Germany to the Principal Allies and Associated Powers, in establishing the Free City of Danzig. (Art. 108, p. 155; *p. 58.*)

"16. International agreements between the Allied and Associated Powers and the Grand Duchy of Luxembourg, fixing their relations. (Art. 40, p. 61; *p. 23.*)

"17. Special agreements regarding the interest on debts (these not necessarily entered into.) (Art. 296, Annex, par. 22, p. 363; *p. 133.*)

"18. Special conventions between the German Government and the Governments concerned covering social and State insurance in ceded territory. (Art. 312, p. 427; *p. 156.*)

"19. General convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to waterways recognized in such convention as having international character. (Art. 338, p. 449; *p. 163.*)

"20. Régime for the Danube, formulated by a conference of the Powers. (Art. 349, p. 457; *p. 166.*)

"21. Revision of the convention of Mannheim. (Art. 354, p. 459; *p. 166.*)

"22. A new convention to replace the Berne convention of 1890, covering the transportation of passengers, luggage, and goods by rail. (Art. 366, p. 473; *p. 171.*)

"23. General conventions regarding the international régime of transit, waterways, ports, or railways, which may be concluded by the Allied and Associated Powers with the approval of the League of Nations. (Art. 379, p. 483; *p. 175.*)

"24. Subsequent agreements covering all matters, not covered by the present Treaty, relating to the occupation of German territory by troops of the Allied and Associated Governments. (Art. 432, p. 521; *p. 189.*)

"(And see Table, Section VIII, Germany consents beforehand to any other treaties which the Allied or Associated Powers may make.)

"MEMORANDUM NO. 8.

"CONVENTION OR AGREEMENTS MADE BUT NOT SUBMITTED.

"The agreement for the division by the Allied and Associated Governments, in determined proportions, of the sums paid by Germany in satisfaction of claims. (Art. 237, p. 253; *p. 93.*)

"2. Convention relative to aerial navigation concluded between the Allied and Associated Powers. (Art. 319, p. 433; *p. 157.*)"

CALLING OF THE ROLL.

Mr. NUGENT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Capper	Jones, Wash.	Owen	Sterling
Chamberlain	King	Page	Sutherland
Colt	Kirby	Pittman	Thomas
Cummins	Lenroot	Poindexter	Trammell
Curtis	McCormick	Robinson	Walsh, Mass.
Gay	McNary	Sheppard	Walsh, Mont.
Harrison	Nelson	Smith, Ga.	Watson
Henderson	Norris	Smith, Md.	Williams
Johnson, S. Dak.	Nugent	Smoot	
Jones, N. Mex.	Overman	Spencer	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The VICE PRESIDENT. Thirty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. LA FOLLETTE answered to his name when called.

Mr. MCCUMBER entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. KELLOGG and Mr. ASHURST entered the Chamber and answered to their names.

Mr. KING. Mr. President, I think the RECORD should show that Senators GRONNA, KENYON, RANSDELL, KENDRICK, WADSWORTH, and FRANCE, and also Senator KEYES, have been engaged for a number of days in the Committee on Agriculture and Forestry investigating the packers and other matters. They are having a hearing this morning, and their absence from the Senate is occasioned by the fact that they are busily engaged in that investigation.

Mr. SMOOT. That is also the case with the Committee on Foreign Relations. I do not see why the Sergeant at Arms can not go to those committees and get the Members to come here in order to make a quorum.

Mr. KING. The Senator from Nebraska [Mr. HITCHCOCK], the Senator from Virginia [Mr. SWANSON], the Senator from California [Mr. PHELAN], the Senator from Arizona [Mr. SMITH], and the Senator from South Carolina [Mr. SMITH] are detained on official business.

Mr. HARRISON. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], the Senator from Rhode Island [Mr. GERRY], the junior Senator from Kentucky [Mr. STANLEY], the Senator from Delaware [Mr. WOLCOTT], and the Senator from Tennessee [Mr. MCKELLAR] are absent on public business.

Mr. KIRBY. I wish to announce the unavoidable absence of the junior Senator from South Carolina [Mr. DIAL] and the junior Senator from Georgia [Mr. HARRIS] on public business.

Mr. WADSWORTH, Mr. RANSDELL, Mr. GRONNA, Mr. KENYON, Mr. KENDRICK, Mr. CULBERSON, and Mr. SIMMONS entered the Chamber and answered to their names.

Mr. CURTIS. I wish to announce that the Senator from New Hampshire [Mr. KEYES] is absent by reason of illness.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

GEN. JOHN J. PERSHING.

The VICE PRESIDENT. On yesterday the Senate concurred in a resolution of the House of Representatives for the appointment of a joint committee, consisting of five Senators and seven Members of the House, to make arrangements for appropriate exercises on the welcoming of John J. Pershing, general and commander in chief of the American Expeditionary Forces in the World War. Pursuant to that concurrent resolution the Chair appoints on behalf of the Senate the following Members: Mr. WADSWORTH, of New York; Mr. WARREN, of Wyoming; Mr. SPENCER, of Missouri; Mr. CHAMBERLAIN, of Oregon; and Mr. THOMAS, of Colorado.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the concurrent resolution of the Senate extending the time for the report of the joint special committee relative to the contemplated observance of the three hundredth anniversary of the landing of the Pilgrims.

The message also announced that the House had passed the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, with an amendment, in which it requested the concurrence of the Senate.

EDWARD JOHNSON.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2469) for the relief of Edward Johnson, reported it with an amendment and submitted a report (No. 164) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 2904) relating to manufactured articles intended for interstate commerce, and for other purposes; to the Committee on Interstate Commerce.

By Mr. GAY:

A bill (S. 2905) for the relief of Joseph A. Prat; to the Committee on Post Offices and Post Roads.

COMMISSIONED PERSONNEL OF THE ARMY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920.

Mr. WADSWORTH. I move that the Senate disagree to the amendment of the House, and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. WADSWORTH, Mr. SUTHERLAND, and Mr. CHAMBERLAIN conferees on the part of the Senate.

RECESS UNTIL TUESDAY.

Mr. SMOOT. I move that when the Senate takes a recess today it be until 11 o'clock a. m. on Tuesday next.

The motion was agreed to.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. JONES of New Mexico. Mr. President, during the last few days I have received a number of telegrams from New Mexico which reveal a situation very alarming if the information which the senders of these telegrams give is correct. One from the acting governor of the State, under date of August 27, says:

SANTA FE, N. MEX., *August 27, 1919.*

Senator A. A. JONES,
United States Senate, Washington:

Oil-leasing bill now before Senate very disastrous to New Mexico, especially section 30. Six thousand of claims approved this year will be void for lack of discovery. Do all in your power to protect our interests here.

BENJ. PANKEY, *Acting Governor.*

Another telegram from Alamogordo, N. Mex., is as follows:

ALAMOGORDO, N. MEX., *August 27, 1919.*

Senator A. A. JONES,
Washington, D. C.:

Oil-leasing bill before Senate will result in great loss to people here who have made locations in good faith. Some are drilling and others have spent a large amount getting ready to drill. Suggest that bill be amended to protect all locations made during present year, regardless of discovery.

Bob Woodworth, president; Tom Charles, secretary; W. C. Haynes, F. C. Rolland, J. W. Fetz, G. F. Rousseau, Jos. Heslep, G. B. Oliver, W. W. Man, R. S. Tiptonn, T. B. Oliver, A. C. Menger, C. H. Thomason, J. T. Hutchins, A. F. Meneger, L. Ferguson, O. M. Veride, E. H. Menger, F. Feler, Mack Missik, A. Heckes, B. Felder, C. W. Morgan, E. Heckes, A. K. Gore, R. R. Fratt, F. L. Riley, Mose C. Cauthern, J. B. Newell, Fred Kathberger, L. N. Jones, J. H. Hogan, C. E. Mitchell, W. E. Groom, G. V. Clayton, F. Shelton, L. S. O'Neal, Chas. E. Thomas, T. W. Martman, S. J. Redman, W. D. Bryars, T. H. Plumb, W. E. Sarren, H. C. Raedal, Chas. F. Prince, G. A. McGee, Alamogordo Commercial Club.

Another telegram from Silver City, N. Mex., is as follows:

SILVER CITY, N. MEX., *August 27, 1919.*

Hon. A. A. JONES,
Washington, D. C.:

Please exert your best efforts to have the oil and gas leasing bill which is about to be introduced amended so that its provision will not affect any present oil location upon which discovery has not yet been made in this State, as you know there are a number of oil locations already made upon which discoveries have not yet been made and which undoubtedly will be developed. If bill passes in present form believe it will seriously affect oil development in this State.

W. D MURRAY.
F. W. VELLACOTT.
T. L. LOWE.
W. C. PORTERFIELD.
E. M. SAWYER.

From the Deming Chamber of Commerce:

DEMING, N. MEX., *August 27, 1919.*

Hon. A. A. JONES,
Washington, D. C.:

Use your best influence to have section 36 of mining laws amended; of vital importance to this section.

DEMING CHAMBER OF COMMERCE.
J. A. MAHONEY, *President.*

Here is one from Hurley, N. Mex., signed by several prominent citizens of that section:

HURLEY, N. MEX., *August 27, 1919.*

Senator A. A. JONES,
Washington, D. C.:

Please use your influence against that portion oil and land bill which might have a tendency to invalidate present locations upon which no discoveries have been made.

HURLEY LAND AND LEASE ASSOCIATION.
By F. E. MORTON and H. S. BOISE.

A telegram from Roswell, N. Mex., reads as follows:

ROSWELL, N. MEX., *August 30, 1919.*

Senator A. A. JONES,
Senate Chamber, Washington, D. C.:

Great injustice will be done the present locators of placer claims in New Mexico who are working in good faith for development if their prior rights as locators under the present law is not recognized under the new oil-leasing law now before Congress. It will throw the bars down to an army of outsiders, oil sharks, who will crowd out the present locators by fair means or foul and cause no end of serious trouble and gun play. Please mail at once copy of the oil-leasing bill.

ROSWELL OIL DEVELOPMENT CO.

Another from Silver City, from the American National Bank:

SILVER CITY, N. MEX., *August 27, 1919.*

Senator A. A. JONES,
United States Senate, Washington, D. C.:

Please use your influence against that portion of oil and gas leasing bill which might operate to invalidate present locations upon which discoveries have not yet been made.

AMERICAN NATIONAL BANK.

Another from Albuquerque, from a very prominent attorney there:

ALBUQUERQUE, N. MEX., *August 27, 1919.*

Hon. A. A. JONES,
United States Senate, Washington, D. C.:

Hope oil-leasing bill protects present valid locations.

W. C. REID.

One from Socorro, N. Mex., signed by H. O. Busom, George Curry, C. T. Brown, and probably 50 others, most of whom I know personally, and know that they are responsible citizens of that community:

SOCORRO, N. MEX., *August 27, 1919.*

Senator A. A. JONES,
United States Senate, Washington, D. C.:

About 500 locators of oil land in Socorro County want change in provision of leasing bill. All location in New Mexico will be void for want of discovery. Section 36 should be amended so as to protect claims located in present year regardless whether discovery has yet been made.

H. O. Busom, Geo. Curry, C. T. Brown, Matt Fowler, M. C. Mechem, Geo. Sickless, Geo. E. Cook, W. B. Bunton, Lee Baldwin, Fred Baldwin, Powell Stickhouse, jr., B. H. Kinney, J. S. McTavish, C. L. Tallmage, G. E. Senohoze, C. G. Duncan, W. A. Parvis, J. M. Sully, Geo. Keith, C. N. Hilton, S. P. Owens, T. J. Ross, W. J. Eaton, J. E. Tores, C. E. Moffett, Julies Camprede, Fred Nichols, H. G. Sanderson, Robt. Law, John McIntyre, B. A. Pino, A. C. Tores, Malton Tores.

One from Tularosa, N. Mex., from an ex-judge of the State:

TULAROSA, N. MEX., *August 28, 1919.*

Hon. A. A. JONES,
United States Senate, Washington, D. C.:

Citizens of New Mexico relying upon present laws have expended, and are about to expend, large sums on oil development especially in Tularosa Basin, which oil-leasing law will affect. They consider they now have vested right and prolonged litigation may develop and retard progress until settled. Suggest law should be amended so as not to affect present rights acquired in good faith.

E. L. MEDLER.

One from Las Cruces, N. Mex.:

LAS CRUCES, N. MEX., *August 27, 1919.*

A. A. JONES,
United States Senate, Washington, D. C.:

Provisions of oil-leasing bill in Senate considered inimical to interests of oil locators in New Mexico. If bill passes in present shape oil locations void, want prior discovery. Can not section 36 be amended to protect claims located present year? Can it be amended in conformity to New Mexico statute regulating discovery-placer locations?

W. W. COX.
H. B. HOLT.

Another from Las Cruces:

LAS CRUCES, N. MEX., *August 28, 1919.*

Hon. A. A. JONES,
United States Senate, Washington, D. C.:

Locations of Cox Oil Co. made in good faith this year, thousands expended preparatory to drilling for oil; pending bill should make adequate provision for protection of bona fide explorers initiating rights before its passage; see wire of Wednesday. Kindly wire present status and prospects.

COX-HOLT.

In that connection I will state that in the spring of this year Mr. Cox, who is quite a prominent citizen of that State, a banker and cattleman and prominent generally in business circles, organized a company for the purpose of exploring a section of the country with the expectation of finding oil. He advertised his plan throughout the State. He was perfectly frank about it. He let everybody understand that what money they put into it was simply put in for the purpose of prospecting, for the purpose of drilling a well; that they might get something, and they might not; and he advised all people not to put in any money which they could not afford to lose; but, of course, nobody wants to lose if it can be avoided. In response to that call the citizens of New Mexico generally subscribed to his stock, and he raised in that way, I think, $150,000. That money is on hand, and a portion of it has been used in the purchase of machinery and other preparations for drilling. He made locations upon the public domain this year, as I recall, along about March and April of this year. Of course, there has been no discovery of oil up to date, and can not be this year unless a very unusual condition should be found.

There are other telegrams here from other people—one from the State land commissioner, which says:

SANTA FE, N. MEX., *August 27, 1919.*

Senator ANDRIEUS A. JONES,
Washington, D. C.:

Section 36 oil-leasing bill should be amended to protect claim located present year regardless of discovery.

N. A. FIELD, *Commissioner.*

These telegrams are coming in right along.

Now, Mr. President, I want to submit the case to the Senate so that Senators may see whether or not the fears of these people are justified; and if they are justified I feel certain that proper relief will be granted.

Mr. SMOOT. Mr. President, may I say to the Senator that in such a case as cited by him in his remarks I have not any doubt but that they are taken care of under section 36 of the bill. It is short, and I desire to read it at this time.

Mr. JONES of New Mexico. I shall be very glad to have the Senator state his views upon that section at this time.

Mr. SMOOT (reading)—

That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws.

I wish to say to the Senator that the bills that have been heretofore introduced used the language "except as to valid locations" and that has been changed to "valid claims." That was done as the result of the decision of the United States circuit court, in which the court upheld the Western American Oil Co. in the claims that they had which were contested by the Government of the United States. I am quite sure that under section 36 of the pending bill if the parties referred to by the Senator have complied with the law and have made their locations under existing law and continued to comply with the law, so that up to date they have valid claims, they will not be interfered with in any way.

Mr. JONES of New Mexico. Mr. President, I am very glad the Senator from Utah has made that statement. I think it is due to the committee that the statement should have been made. I will add at this point that it is my understanding that the same construction has been put upon the section by other Senators who are members of the committee.

Mr. SMOOT. There is no question about it.

Mr. LENROOT. Mr. President——

Mr. JONES of New Mexico. I shall be glad to yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator from New Mexico if he has before him the decision of the circuit court of appeals in the case of the Consolidated Oil Co. against the United States, where this matter was gone into fully and decided in favor of the construction given by the committee and by the chairman? I have that decision before me, if the Senator has it not.

Mr. JONES of New Mexico. I have hunted for that decision, but have been unable to find it, and I should be very glad if the Senator from Wisconsin will make a statement regarding it at this time.

Mr. LENROOT. Mr. President, as the Senator will remember in the withdrawal order of September 27, 1909, President Taft made an exception to the withdrawal in these words:

All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigations and examination.

The Department of Justice, and I think also the Department of the Interior—the Senator was Assistant Secretary of the Interior at that time—had held that the words "locations or claims" necessarily meant completed discovery, and that was really the reason why the Pickett Act was passed, because it was feared that under the exception to the Taft withdrawal men who had complied with the law in all respects up to the time of withdrawal and had thereafter prosecuted their claims with due diligence would not be protected. That, I repeat, was really the reason for the passage of the Pickett Act.

I wish to say that at all times I took the position that the exception in the Taft withdrawal order fully protected every

bona fide claimant and permitted him to proceed upon the withdrawn lands if he proceeded with due diligence to discovery and was entitled to a patent. The matter finally came before the courts in the case of the United States against Consolidated Mutual Oil Co., and the circuit court of appeals rendered the decision from which I now quote, as follows:

It is insisted on behalf of the Government that the exemptions from the effect of the order of the President therein provided for can not be properly held to apply to any land upon which at the time of its promulgation no mineral had been discovered, even though, as in the present cases, the land had been located under and by virtue of the mining laws, its boundaries properly marked on the ground, and the assignees of the locators then in its bona fide actual possession actively engaged in seeking mineral therein.

A discovery of mineral in the ground under such conditions would manifestly have perfected the locations not only against third parties but also against the Government, and would have given to the owner of them an equitable title against the United States, and have entitled the owner to the legal title, upon compliance with the statutory requirements respecting annual assessment work and payments, which rights would have been secure under the provisions of the Constitution of the United States. Such locations upon which discovery had then been made needed no protection through any order of the President.

President Taft, who had himself been a distinguished Federal judge, of course, well knew this, and we think it altogether unreasonable to hold that the words employed by him in his order, "all locations and claims existing and valid on this date may proceed to entry in the usual manner after field investigations and examination," were intended or can be fairly construed to apply to lands upon which discovery had already been made and to which its locators had already acquired an equitable title; but, on the contrary, that they were intended and should be held to apply to all locations and claims existing at the time of the making of the "withdrawal order," to which the locators or claimants had some valid rights.

Mr. KIRBY. Mr. President, I should like to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. I yield.

Mr. KIRBY. Will the pending bill, should it become a law, have the effect to permit people who have already begun the location of a claim to extend their right to 2,560 acres?

Mr. LENROOT. It will not if they have proceeded under the placer-mining law.

Mr. KIRBY. What I mean to ask is, if they have not completed location under the old law, but have already made claims or locations in fact, will the bill have the effect of extending their right to 2,560 acres of land?

Mr. LENROOT. Extend their right in what respect?

Mr. KIRBY. Their right to locate or to develop under the proposed new law?

Mr. LENROOT. No. Under section 19 of this proposed law if a locator was bona fide upon the land at the time of any withdrawal or if he was upon the land under like circumstances on January 1, 1919, he will be given a preference right for a prospecting permit for all the land upon which he has located and nothing more.

Mr. JONES of New Mexico. Mr. President——

Mr. LENROOT. I should like to conclude upon this other matter.

Mr. JONES of New Mexico. Very well.

Mr. LENROOT. The committee in section 36 have used identically the language of President Taft in his withdrawal order, except the word "locations." So if it were possible they have made stronger and more certain the protection of any bona fide claimant under existing mining laws at the date of the passage of this act, so that he may proceed if he will comply with the placer mining to discovery and to full title, irrespective of the provisions of this proposed act.

Mr. SMOOT. Mr. President——

Mr. JONES of New Mexico. I shall be glad to yield to the Senator from Utah.

Mr. ASHURST. I suggest to the Senator from Wisconsin to put into the RECORD the entire opinion which he has just read.

Mr. LENROOT. I have only the excerpt just read.

Mr. SMOOT. Mr. President, in this connection, if the Senator desires to do so, I suggest to him to call to the attention of the parties interested, and those who have sent the telegrams which he has read into the RECORD, the decision in favor of the North American Oil Co. which was sustained by the United States district court of appeals covering the same question.

Mr. JONES of New Mexico. I have the decision rendered by the district court of California in the case of the North American Oil Co., but I have been unable to find any decision in that case by the circuit court of appeals. I will ask the Senator from Wisconsin the date of the decision to which he has referred.

Mr. LENROOT. I have not the date on this memorandum, but it was about a year ago. I should like to say further that since that time, to my personal knowledge, the Department of Justice has accepted this construction, and I understand the Secretary of the Interior has done likewise.

Mr. JONES of New Mexico. I hope the decisions to which attention has just been called by the Senator from Utah and the Senator from Wisconsin will be accepted without question by all of the courts of the country. I have been aware of the previous rulings by the Department of the Interior, as stated by the Senator from Wisconsin. I feel convinced, however, that the decision of the circuit court of appeals, from which the Senator from Wisconsin has just read, ought to be the law, because the use of the word "claims," to the ordinary mind at any rate, would include anything which had been obtained or any act done under lawful authority. I believe that that should be sufficient; but here are these telegrams expressing all of these fears, and, of course, these people are very much interested in this subject. They want this matter put beyond any possible construction against them. They want to go ahead in the way they thought they had a right to do in the absence of any future legislation.

I desire to make this suggestion to the chairman of the committee and the other members of the committee, that, with this intend to mind, we can do no harm, and certainly will remove fears on the part of these people, if after the word "claims," in the first line on page 33, we insert the words "or possessions," so that it will read: "except as to valid claims or possessions."

Mr. SMOOT. I will say to the Senator we can not accept such an amendment.

Mr. LENROOT. Certainly not.

Mr. SMOOT. That would mean that a man could go on the land, take any number of acres, and be in possession of them——

Mr. LENROOT. He might have a lease for grazing lands and be in possession of them.

Mr. SMOOT. As the Senator from Wisconsin suggests, he might have a lease on grazing land and be in possession of that land. The proposed amendment is too broad; we could not accept it.

Mr. JONES of New Mexico. Then I will make it read "and possessions under the mining law."

Mr. LENROOT. Mr. President, I sincerely hope, in view of the decisions of the courts, that the Senator will not press any amendment which will again throw the construction in doubt and into the courts.

Mr. SMOOT. If we accept an amendment of that character, then the whole question will have to be thrashed out again; it will have to be taken from one court to another, and it will be years before the question is settled. The question as to the wording of this section has been settled now, and I feel sure, I repeat to the Senator, that the parties in whom he is interested will be taken care of under section 36.

I received to-day a letter from the president of the Holbrook (Ariz.) Oil Bureau and Mining District, of Holbrook, Ariz. Mr. Sapp, the president of the company, certainly has not read this bill or he never would have written such a letter. What I am afraid of is that they have not received copies of the bill as reported. They must have received some copy other than the bill we have before the Senate.

Mr. ASHURST. Mr. President, I know Mr. Sapp very well. What is the date, please, of the letter?

Mr. SMOOT. This is dated August 25.

Mr. ASHURST. Mr. Sapp, I suppose, had not received at that time my letter transmitting a copy of the bill. He is an excellent lawyer, and has been superior judge of his county, and when he wrote the letter, I suppose, he did not have a copy of the pending bill.

Mr. SMOOT. Yes; and from the letter I judged that Judge Sapp is entirely against any leasing system.

Mr. ASHURST. No doubt he is.

Mr. SMOOT. And I think that is the basis of the whole complaint.

Mr. ASHURST. I am sure Judge Sapp reflects the sentiment of the local community there.

Mr. SMOOT. Absolutely.

Mr. ASHURST. Will the Senator from New Mexico pardon me a moment?

Mr. KING. Will the Senator from Arizona yield to me?

Mr. ASHURST. I have not the floor.

Mr. KING. Will the Senator from New Mexico yield to me?

Mr. ASHURST. I should like to interject a statement while the matter is timely and before it gets away from me.

Mr. JONES of New Mexico. I yield first to the Senator from Arizona.

Mr. ASHURST. Mr. President, with much respect for the opinion of the Senator from Utah [Mr. SMOOT], who has given this matter careful and intelligent consideration, and with respect for the opinion held by the Senator from Wisconsin

[Mr. LENROOT], I share the view entertained by the Senator from New Mexico [Mr. JONES]. Now, I ask the Senator from Wisconsin [Mr. LENROOT] to remember that in the withdrawal order of President Taft the President used the words "location" and "claim." This bill, as the Senator from New Mexico points out, says "claim." We examined the statute the other evening, and we find that in the original mining law of 1872 the words "location" and "claim," claim of location, are used interchangeably and synonymously; and although I have respect for the opinions of the Senator from Utah and the Senator from Wisconsin, I think nevertheless there is great force in the suggestion of the Senator from New Mexico when we reflect that the statute itself uses the terms "claim" and "location" interchangeably and synonymously, and that President Taft's withdrawal order uses the words "location" and "claim." I do think, with the Senator from New Mexico, that the words "location and claim" should be inserted.

Mr. LENROOT. I have no objection to that.

Mr. SMOOT. I will say to the Senator that I have no objection whatsoever.

Mr. LENROOT. It was only in the nature of removing any possibility of a doubt, a discovery in the past having always been connected with the word "location," that we omitted the word "location"; but if the Senator desires the word "location" I have no objection.

Mr. ASHURST. But the statute uses the term "location." Then in another line it uses the word "claim." It uses the words interchangeably.

Mr. LENROOT. I have no objection to the identical words in President Taft's order.

Mr. ASHURST. I assure the Senator that that is the language.

Mr. SMOOT. That is the language, because it says "all locations or claims existing."

Mr. ASHURST. That is all right.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. JONES of New Mexico. I first have to yield to the Senator from Utah [Mr. KING]. Then I shall be glad to yield to the Senator from Colorado.

Mr. THOMAS. I merely wanted to call attention to another decision; that is all.

Mr. KING. Mr. President, my colleague called attention to a communication received by him from Judge Sidney Sapp, the president of the Holbrook (Ariz.) Oil Bureau and Mining District. I received a communication from him under date of August 25, and I think the whole tenor of his letter is that he is opposed to the leasing system. He states as to the bill before the Senate now:

> Vast areas of Arizona are still open to mineral discovery, and the prospector, as in the past, is the hope of the State, and his efforts will, as also in the past, redound to the benefit not of a few capitalists but of the people at large.

Then he further states, referring to the leasing bill:

> The passage will throttle development in this State, where 67 per cent of all the taxes are derived from mineral development, and, at best, would place the resources of Arizona at the mercies of monopolies—in all likelihood of foreign ones at that. There is no valid reason why the public domain of the United States should be placed out of reach of the average citizen or why provisions which have served the country well in the past should be altered. The Holbrook (Ariz.) Oil Bureau and Mining District represents approximately 600,000 acres of located land, whereon development for oil has been inaugurated in absolute good faith and excellent prospects for successful exploration. Protest with all of the emphasis possible against the passage of the present bill.

I want to say, if my colleague will permit me, that one view expressed by Judge Sapp I do not quite concur in, namely, that the pending measure would make for monopolistic control of the mineral lands of the United States. I am opposed to the leasing system. I am opposed to this measure, but not for the reason indicated in that part of the sentence of Judge Sapp's letter to which I called attention.

In view of the observations made by the Senator from Arizona, I felt that I ought to present this letter before the Senate.

Mr. SMOOT. Mr. President, the letter I have received is similar to the one my colleague has received. I think Judge Sapp ought to know that if his policy were carried out the locators of oil lands that have been entered in Arizona under existing law would never receive title to them. The President would withdraw those lands before ever title was passed to the locator, just the same as the President, through the department, has done with all such lands in the past. What we are doing in this bill is to pass legislation that will allow the development of those lands, not in the way I would want them developed, nor the way the Senator from Arizona would want them developed, but in the only way we have at our command to see that they are developed, and that is through a leasing system.

Mr. ASHURST. If the Senator will pardon me just for a further observation, I purpose sending Judge Sapp a copy of the RECORD of to-day's proceedings, and he will be able to see what the views of Senators are. Speaking for myself, I was about to say those from the West, but certainly those of us who are opposed to a leasing bill, realize at last that the only way a private individual, especially a man of limited means, will ever get a pound of coal out of the earth or a gallon of oil out of the public domain will be under a leasing bill, because the departments, acting under the direction of the executive arm of the Government, have overthrown the old mining law, and we are facing the practical situation of passing some leasing bill or allowing the Standard Oil Co. to run riot in the oil market. We have no choice in the matter. The executive arm by its withdrawal, and the courts by their view of the law supporting those executive withdrawals, have forever put it beyond the reach of the man of modest means to secure title to or possession of a coal claim or an oil claim on the public domain. I regret that those withdrawals should have been made, but they have been made and the courts have sustained them. So we are powerless, and the coal and oil of the public domain are out of the reach of poor men unless it be by a leasing system.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I promised to yield to the Senator from Colorado, if he now desires me to do so.

Mr. THOMAS. Mr. President, I think perhaps what I intended to say is not of any particular consequence. My recollection is that in the case of the Del Monte Mining Co. against another mining company whose name escapes me, the Supreme Court of the United States defined the word "location" and the word "claim" as they occur in that part of the mining law relating to lode locations as the equivalent of each other, and I am inclined to think that such has been the uniform drift of decisions where the question was involved; and by analogy I presume the same doctrine would apply to a placer location. If that is correct, then the use of either or of both terms would be sufficient to cover the apprehension which the Senator's constituents have outlined in the telegrams that have just been read into the RECORD.

Mr. JONES of New Mexico. I am very glad the Senator has called attention to the decision in the Del Monte Mining Co. case. That decision is to be found in One hundred and seventy-first United States Reports, page 74, and does lay down specifically the doctrine which the Senator from Colorado has just announced, that the words "claim" and "location" are used interchangeably, as also stated by the Senator from Arizona. This is what my constituents undoubtedly have in mind. Everybody knows that there is no valid location until after there is discovery, and that is the cause of the apprehension of my constituents.

In view of the statements of the Senator from Utah and the Senator from Wisconsin, leading members of the majority of the committee, that they want to protect these people, I submit that there can be no reason why we should not put in here language which will protect them beyond any peradventure. The decision of the circuit court of appeals to which the Senator has referred, I hope, is the law. It ought to be the law, because by the use of the word "claims" here and in the withdrawal order of President Taft I have not the slightest doubt but that it was the intention to protect every bona fide occupant of the public domain who had gone there in pursuance of the laws of the country, seeking to develop the resources of the country. These apprehensions, however, exist. The decision to which the Senator from Wisconsin referred is not the decision of a court of last resort in this country. It is only the decision of the circuit court of appeals. For all I know, that decision may be now on appeal to the Supreme Court. A decision to the contrary may come from some other circuit court and reach the Supreme Court of the United States. But while we all have our minds upon doing the thing, I see no reason in the world why we should have to rely upon the decision of a circuit court of appeals, when we can by the use of language make it perfectly plain and remove all doubt that may be in the mind of anyone; and if we insert, after the word "claims," the words "or possessions under the mining laws," then this exception would read:

> Except as to valid claims or possessions under the mining laws existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws.

Mr. LENROOT. Now, will the Senator yield, Mr. President?

Mr. JONES of New Mexico. Yes.

Mr. LENROOT. I am very glad to state to the Senator my objection to that amendment. Under the amendment of the Senator, if a man a year ago made a location in the sense of marking out his boundaries and recording them, and remained

in possession but had done nothing looking toward discovery, the Senator's amendment would protect that locator, and that locator ought not to be protected. Under the language as it stands, in order to receive the protection of section 36 there must have been a location, and up to the time of the passage of this act the locator must have been diligently in pursuit of discovery. He may not have made discovery, but he must have complied with the mining laws up to the date of the passage of this act. If he has not so complied, he is not entitled to the exception.

Mr. JONES of New Mexico. I feel quite sure that the Senator from Wisconsin has not realized as yet the full force of the language which I propose inserting. It would make the exception to the act apply only to valid claims or possessions under the mining laws, and the amendment which I put in would only mean valid possession under the mining laws. I do not believe the case which the Senator from Wisconsin has referred to would come under this provision, because it must be a valid possession under the mining laws.

Mr. SMOOT. I will ask the Senator if it is possible to have a valid claim and not be in possession of the land so located that ripens into that claim?

Mr. JONES of New Mexico. The Senator is undoubtedly right, that possession is only one of the elements of a valid claim; but the word "claim," under the decision which has been referred to by the Senator from Colorado in this Del Monte case, is used interchangeably with the word "location," as the Senator from Utah knows.

Mr. SMOOT. The Senator does not want to put the word "location" in here, does he?

Mr. JONES of New Mexico. I do not, because the Senator from Utah knows that the word "location" has a very definite meaning under the mining laws, and that that presupposes a discovery.

Mr. SMOOT. There is no doubt about that. The Senator is perfectly correct. That is what I said before, and therefore I think it would be very unwise for us to put in here "location or claim"; but it does seem to me that if we put in there "or possessions under the mining laws" it would result in making it possible for anyone, for instance, that may make a location between the passage of this bill in the Senate and the signing of the bill by the President of the United States, if it passes the House, to locate any land wherever he wanted to and in any quantity, under the law, and then be in possession of that and then fall under section 36.

Mr. JONES of New Mexico. The Senator from Utah having stated already that the purpose of the bill as framed would protect anybody who did enter into possession of the public domain under the mining laws up to the time of the passage of the act——

Mr. LENROOT. And had complied with the law up to that time.

Mr. SMOOT. Then he has a valid claim, and that is all he has.

Mr. JONES of New Mexico. He has no valid possession unless he has complied with the law necessary to make that possession valid.

Mr. SMOOT. I do not believe the Senator could find in any statute that has been passed by Congress since the first mining law was passed where the words "in possession under the mining law" are used, and I feel sure if those words are included in the bill it will lead to any amount of litigation.

Mr. JONES of New Mexico. If the Senator really wants to cover the situation and wants to get a word which has been used in the statute, I call his attention to the Pickett Act of 1912, where it says "bona fide occupant." I am willing to use the word "occupant," if the Senator prefers it, so that it will read:

Any valid claim or occupation under the mining law.

If the Senator will yield, I have no doubt, and I do not think the Senator has any doubt, that in view of the decision of the court of appeals, the view of the Department of Justice, the view of the Department of the Interior since that time, used in this connection, a "valid claim" means a claim that up to the time of the passage of this act has been asserted under the mining law, so that if continued to discovery it would entitle the claimant to a patent. If the Senator proposes to use that word and in addition "a bona fide occupant," it must mean that and something else.

I want to say to the Senator very frankly that for years on all such bills, and this has been one of the most troublesome questions, no one has been unwilling to protect a bona fide claimant who has complied with the law in all respects up to the time of withdrawal in a proceeding with which to get a patent, but we have endeavored not to give protection to anybody else, and if we are going to open the door now by any such language as the Senator proposes I wish to say very frankly that instead of being an advocate of the bill, as I have been from the start, I shall oppose it.

I must confess my inability to get that point of view. The Senator from Wisconsin is perfectly willing to protect the rights of anyone who is on the public domain in pursuance of the placer mining laws and who has not yet made a discovery. It has been decided time and again that the word "location" presupposes a discovery. It has been decided by the United States Supreme Court that the words "location" and "claim" as used in the mining laws are interchangeable. In the withdrawal by President Taft the language "location and claim" was used.

I have not read the full opinion of the circuit court of appeals, but I can see how, by the use of the two words, the court might have concluded that by the use of the word "claim," together with the word "location," something in addition to location was intended. But that decision is not the decision of the court of last resort in this country. I believe the decision is good law, or it ought to be good law, but I have learned in my career that it is very difficult to know absolutely what the court of last resort is going to say is the law. The Supreme Court of the United States may say that that is the law; and in view of other decisions and the former practice of the Department of the Interior, I can see how the Supreme Court might decide otherwise.

Mr. LENROOT. Will the Senator yield right there?

Mr. JONES of New Mexico. With pleasure.

Mr. LENROOT. In the Taft withdrawal, if the Supreme Court decided otherwise it would have to regard the exception as having no meaning whatever. In the present case for the court or the department to give such a construction to section 36 as the Senator thinks might be given to it, would mean that section 36 has no meaning whatever in the law. There would be no possible use in attempting to protect a completed discovery, because such a discovery needs no protection in the law; we could give it no protection. Therefore the only possible construction that can be given to it is the construction given by the circuit court of appeals in the Consolidated Mutual case. And if the Senator will yield further——

Mr. JONES of New Mexico. I am glad to yield to the Senator.

Mr. LENROOT. Under the Senator's amendment, consider this kind of a case: A locator went upon land six months ago in good faith and proceeded for three months in good faith. He still is in good faith, but has not the money to develop and go further, and work has been suspended upon that location for three months. He is still in possession; it has not been withdrawn; no one else has asserted possession. The Senator's amendment would permit that man, when he had no valid claim because of the suspension of work, to begin work and proceed to patent. That is not the theory of the bill.

Mr. JONES of New Mexico. I am not sure that I caught all the Senator said, but clearly under the language which I employ there must be a valid possession under the mining law in order that anyone may get any protection under the amendment which I propose. The Senator states that the language does not mean anything if it is not intended to protect those who have not made a discovery. I will say to the Senator that that view I happen to know is not agreed to by at least one of the very able lawyers in this body. The view has been suggested to me that not only does the language not include claims preceding discovery but that it was intended to include only the claims after discovery, and that the exception was put in for the purpose of enabling parties to go ahead and obtain a patent after the discovery had been made.

Mr. LENROOT. The Senator knows very well that no patent is needed to secure to the discoverer a vested right. It certainly could not have meant that. The circuit court of appeals has said directly the contrary, and I am sure it must appeal to every lawyer that President Taft was not merely in the exception seeking to protect the paper title by a patent when the discoverer had a full equitable title and could exhaust every barrel of oil from the well without ever going again to the United States Government.

Mr. JONES of New Mexico. I suppose it will be impossible to convince the Senator from Wisconsin that there is any necessity for this amendment, but I must confess my inability to see how any objection can arise to the amendment if Senators want to accomplish just the thing which the Senator from Wisconsin says he wants to accomplish.

Senators can not conceive of anything in the amendment proposed which is not necessary to a valid claim under the existing mining law, and if that be so why not accept this language and put it beyond all doubt? Why leave it open to construction? Why invite litigation?

Mr. WALSH of Montana. Mr. President, will the Senator permit an interruption?

Mr. JONES of New Mexico. I am glad to yield to the Senator from Montana.

Mr. WALSH of Montana. I feel tempted to make a suggestion in this connection. The Senator will recall that section of the mining law which authorizes the issuance of a patent to one who has occupied mining land for a period equal to the local statute of limitations, even though he never makes a location at all. In other words, the statute gives essentially full title to one whose title simply ripens from possession. The word "possession" as used there would embrace, as I take it, something more than the Senator has in mind to take care of, his purpose, as I understand it, being to take care only of those who have actually made a location—that is, marked it out upon the ground as provided by local statute and filed the certificate of location. The other is too vague and obscure a right to undertake to fix here.

As the Senator will recall, he spoke to me about it, and I expressed some considerable doubt as to whether the words "valid claim" used here would not imply that discovery had been made. Indeed, it was my impression in the first place, and I am not sure that it is entirely removed, that that is a proper construction to give it. My view about the matter was very much disturbed when the Senator called my attention to the later provision of the section to this effect:

> And thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws.

That would seem to imply that the location was not, as we expressed it, entirely perfect at the time to which the bill refers. But I submit to the Senator that now that the Senator from Utah [Mr. SMOOT], the chairman of the committee in charge of the bill, has expressed his understanding of it, and his view about the matter is supported by the Senator from Wisconsin [Mr. LENROOT], there can be no doubt as to what was the intent of the Senate at least in using this language, and that it was the purpose of the Senate to take care of just such cases as the Senator from New Mexico has in mind, namely, the case of one who has marked out his location upon the ground and complied in all respects with the State statute entitling him to possession of the ground within the limits of the location.

Mr. LENROOT. If the Senator from New Mexico will yield a moment, may I say that this language has been agreed upon by the Interior Department, and that they have given the same construction I have urged. So there is no possible question as to the construction of the Interior Department as to the language.

Mr. JONES of New Mexico. I will state that I had two purposes in view in presenting this matter to the Senate in the way I have done. The first was to get in the bill language which in the mind of anyone would put the case beyond all question; and failing that, to get an expression from the chairman of the committee and various Senators in the body as to the construction for the purpose of getting the effect to which the Senator from Montana [Mr. WALSH] has referred. I think myself that in view of the expressions which have been made here to-day the Interior Department would not be warranted in turning down any person who had made a location in pursuance of the mining laws prior to the passage of this act, and that he would have a right to go ahead and perfect the claim by complying with the laws.

But I must confess that even yet I am not convinced that we ought not to put in some language here. The reference of the Senator from Montana [Mr. WALSH] to the provision of the statute which gives possession for the time covered by the statute of limitations in the State gives, as the Senator has stated, a right to a patent; but if he was in possession of a mining claim under the law of the United States, why should he not then be protected?

Mr. WALSH of Montana. I answered the Senator that it was because, as it seems to me, it is too obscure. That man has not even filed a notice of location. That man perhaps has not even complied with the statute in relation to marking the corners. He has not done anything, except that he is in possession of it, and he is in possession of it for the period of the statute of limitations. But it would give him a right to patent. So I referred to it for the purpose of indicating to the Senator that if the words "valid possession" were put in it would go beyond the case that he desires to take care of.

Mr. JONES of New Mexico. I call the Senator's attention to the fact that that is followed by other words, as the amendment reads, "or possession under the mining law." As I take it, while the possession under the statute of limitations may ripen into a title, it is not possession in pursuance of or under any mining law.

Mr. WALSH of Montana. I do not agree with that, because his only right to patent as a matter of course is derived under the mining law, and his possession, of course, must be under the mining law in anticipation of eventually securing a patent from the Government before the statute of limitations shall run.

Mr. JONES of New Mexico. Then, to meet the objection of the Senator from Montana, assuming it to be well founded—and I must say that his expression of opinion carries great weight, so far as I am concerned, in the consideration of any legal proposition—we can put in here to cover that point, if the Senator thinks it advisable, the word "placer," so that it will read "or possession under the placer-mining law of the United States."

Mr. WALSH of Montana. That would not change the situation a bit, because this is a common statute, and it says anyone having occupied a mining claim for the period of the statute of limitations shall be entitled to patent, having worked it, of course.

Mr. SMOOT. Mr. President, I wish to say to the Senator from New Mexico that I think the wording of the provision is exactly as it ought to be, and if we put in any other words the locator is going to have trouble; it is going to be carried to the courts, and there will be no telling what the decision will be. I believe it is for the best interest of the men who are trying to develop the oil fields of the West, the men to whom the Senator has referred, to rely upon this provision of the bill just as it is. I hope the Senator will not be too insistent upon a vote of the Senate upon his amendment.

Mr. JONES of New Mexico. Mr. President, I think I have succeeded in accomplishing one purpose. If these people suffer any injury, they are going to put the blame upon the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LENROOT], and the Senator from Montana [Mr. WALSH].

Mr. SMOOT. I will say to the Senator that if they do sustain any injury whatever the Senator from Utah will be one Senator who will help the Senator from New Mexico to pass a remedial act as quickly as possible to take care of those men.

Mr. JONES of New Mexico. Mr. President, with that assurance I will abandon the amendment. I accept the construction of the Senator from Utah, the Senator from Wisconsin, and the Senator from Montana. I feel, of course, that I have put my constituents in very good hands, with the promise of the Senator from Utah that if they get into trouble he will give them remedial legislation.

Mr. SMOOT. As far as I can.

Mr. THOMAS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. THOMAS. I thought the Senator had yielded the floor.

Mr. JONES of New Mexico. No; I have not yet yielded the floor. There is another amendment which I have to present.

Mr. THOMAS. Will the Senator yield to me for a moment, because I must leave the Chamber?

Mr. JONES of New Mexico. I am very glad to yield to the Senator.

Mr. THOMAS. Mr. President, two days ago in discussing this bill I made some strictures upon former Special Assistant Attorney General Kearful, who writes me a somewhat passionate letter of protest, some features of which are decidedly personal. But I always make allowance for a man who writes or speaks in the heat of passion and prompted by a sense of injury. Mr. Kearful challenges the correctness of some of my statements and says in effect that his only remedy is to call the matter to my attention and insist that what he says upon the subject shall be inserted in the RECORD, since my privilege as a Member of this body is my protection and his inability to otherwise defend himself.

I have never insisted and never shall insist upon the shield of senatorial privilege, Mr. President, nor shall I knowingly abuse it. I have always, therefore, inserted in the RECORD anything that is printable which is sent to me by anyone who feels that I have upon this floor either misrepresented or traduced him. A man who would take advantage of his official position to intentionally or deliberately do either and then fall back upon his privilege does not deserve a seat in the Senate of the United States. I therefore ask that Mr. Kearful be given his day in court by inserting the letter which he has sent me in the RECORD just as I received it, without the change of a word or syllable. And if the extract he makes from my speech is unfounded I shall, of course, retract it.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). Without objection, the letter will be inserted in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, August 30, 1919.

Hon. CHARLES S. THOMAS,
United States Senate.

MY DEAR SENATOR: In the Senate on day before yesterday, while S. 2775, known as the oil-leasing bill, was under consideration, you made the following statement (CONG. REC., p. 4449):

"The Attorney General even permitted one of his satellites, an Assistant Attorney General of the United States, before the House committee publicly to impugn the integrity of the Secretary of the Interior and his subordinates by declaring that their opposition to certain sections of that bill was due to the fact that they felt that under its administration by the Interior Department all fraudulent locations and locators of oil claims would be protected and recognized, and by failing to repudiate him the honorable Attorney General acquiesced in that statement, thus placing an imputation upon the official character and good name of one of the most conscientious, upright, and capable Secretaries of the Interior this country ever had; and up to the good hour of Attorney General Gregory's resignation the Department of Justice gave no sign that the man who recorded that infamous slander was not authoried to do so. *The present Attorney General has given that gentleman his congé* and appointed to succeed him a man who is incapable of such conduct either in office or out of it. That is the sort of treatment this much-needed legislation has received and is receiving."

I am the person to whom you referred as "an Assistant Attorney General of the United States," guilty of an "infamous slander" against the Secretary of the Interior, in which former Attorney General Gregory acquiesced. There is no truth in any part of the statement; but that which most concerns me is your assertion that, because of the aforesaid misconduct of the Assistant Attorney General, "the present Attorney General has given that gentleman his congé."

If I knew a more expressive foreign word to disguise the short and ugly English one which properly characterizes that assertion I should want to use it here. In your own elegant and parliamentary English it was at least an "infamous slander." It was more than infamous; it was pusillanimous. When you stated to the Senate as a fact that I had been unceremoniously discharged by Attorney General Palmer for misconduct in the office of Assistant Attorney General, you stated, under the protection of senatorial immunity, what you must have known to be unqualifiedly false if you knew anything at all about the fact.

You spoke as if by authority of "the present Attorney General," and those who heard you speak and others who read the RECORD must so understand it, for he is the one and only person whose statement regarding the fact could be authoritative. You did not ask him about it, but evidently accepted as true a miserable rumor from some malignant source. Had you made inquiry of Attorney General Palmer he would have told you, and he will tell you now if you are interested in making a just retraction, that my resignation was wholly voluntary and for private business reasons; that I remained in office at his earnest solicitation for several months; and that after the appointment of my successor I remained for two more months as a special assistant to continue the conduct of these very oil matters of which you complain so much, until my successor could become acquainted with the subject.

You have asserted in the Senate heretofore, on two other occasions and equally without justification, that I slandered the Secretary of the Interior in this same particular. That was a year ago. (See 56 CONG. REC., pt. 10, p. 10486; pt. 11, p. 10568.) As to that you are not the judge; he had then, and has now, his remedy. Indeed, for a year and a half he has had a choice of remedies. But for the false and unjust record you have made against me I am without a remedy unless it pleases you to afford it. What you recorded to my lasting discredit—contrary to the fact—was spoken on the floor of the Senate, and, as you have probably forgotten, can not lawfully be questioned in any other place. Are you willing to let that record stand?

I am jealous of my record in the Department of Justice. If you would learn something about it, ask any justice of the Supreme Court, before whom I presented some thirty-odd cases of importance during the past three years; ask any of the men who have been my associates in the department; since you would discredit Mr. Gregory also, ask former Solicitor General Davis or the present Solicitor General; ask any of my adversaries in the Government litigation, among whom are some prominent lawyers in your own home town; if you would have the highest authority on the subject about which you assume in ignorance to speak, ask the President—he knows.

Inasmuch as your discreditable statement in the Senate can not be corrected elsewhere, I must insist that it be corrected there in the terms of this letter.

Very sincerely, yours.

FRANCIS J. KEARFUL,
Special Assistant Attorney General.

Mr. JONES of New Mexico. Mr. President, I now desire to call attention to another matter which does affect some of my constituents. In seeking some remedy for the evil of which they complain, and assuming the worst, that their locations would not be protected under section 36, I started to find some other way of meeting this situation which would not be to their real financial embarrassment. In considering the matter it occurred to me that whether section 36 means what we have now decided it does mean or not, those people are still entitled to a better provision in the bill regarding the leasing feature than is now provided for in it. What I have to say about people in New Mexico undoubtedly applies to locators in various other Western States.

Under section 19 of this bill any person who prior to the 1st of January of this year has made a location, or, to use the language of the bill—

that any person who, at the time of any withdrawal order, or who on January 1, 1919, was a bona fide occupant or claimant of oil or gas lands not withdrawn from entry—

By the way, I will call the attention of the Senator from Montana [Mr. WALSH] to that language. If the language which I proposed a while ago as an amendment to section 36 would be improper or unwise, then the use of the word "occupant," used on page 18, section 19, should be subject to the same criticism. The language is:

SEC. 19. That any person who, at the time of any withdrawal order, or who on January 1, 1919, was a bona fide occupant or claimant of oil or gas lands not withdrawn from entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this act, and who had performed work or expended on or for the benefit of such locations an amount equal in the aggregate of $250 for each location if application therefor shall be made within six months from the passage of this act shall be entitled to prospecting permits thereon upon the same terms and conditions as other permits provided for in this act——

Mr. WALSH of Montana. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I think the language referred to is not subject to the criticism voiced by the Senator. I think that language is intended to take care of this situation: In a number of the States—and apparently that is the case in the State of New Mexico—the law provides for marking an oil placer location upon the ground and for filing the notice of location. In the State of Wyoming the law provides for a subsequent notice to be filed whenever discovery has been made, and then the two notices complete and perfect the title of the locator.

But in my State there is no such provision. There is the ordinary location certificate notice that recites that a discovery has been made; and no one can make it, without committing perjury, unless he has already made discovery. So there is in my State no provision whatever by which a man can go out upon the public domain and mark an area which he would subsequently claim as his placer claim. He has got to go and conduct his operations upon the ground. He has no claim; he is simply an occupant of the public domain engaged in drilling operations. It was to take care of such cases as that, I think, that the word "occupant" was used as applicable to a man conducting drilling operations in my State as distinguished from a claimant, a man conducting operations, in the State of the Senator from New Mexico.

If the Senator will pardon me, I have before me the statute to which I called his attention a moment ago, and, with his permission, I will ask to read a portion of it. It is section 2332 of the Revised Statutes, and reads as follows:

Where such person or association, they and their grantors—

That is, the parties applying for patent—

have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim.

So the Senator will observe that it is not even necessary to have a notice on record or anything else. All the locator has to prove is that he has been in possession of the claim for the period of the statute of limitations.

I refer to this for the purpose of showing that the possession of mining ground is recognized in the mining act as a foundation for a right to a patent just as well as is a location perfected in accordance with the laws of the local jurisdiction.

Mr. JONES of New Mexico. I am sure this discussion is enlightening, but——

Mr. LENROOT. Mr. President——

Mr. JONES of New Mexico. I yield.

Mr. LENROOT. There is a further reason in addition to that suggested by the Senator from Montana [Mr. WALSH] for this provision. It relates, I think, wholly to the State of Wyoming. In the case of a great many claims there persons have made what they claim to be a discovery of oil, but the Department of the Interior, as the Senator well knows, has held in many such cases that it was not a sufficient discovery because not in commercial quantities. The locators have acted in good faith; they are in possession; but nothing has been done since the drilling of what is called the "validity well" except to keep up the assessment work. The purpose of this provision was, in part, so long as we are going to give prospecting permits, to give the preference to such an occupant, who had actually expended as much as $250 upon the claim although he might not have any valid claim, because in law there was not a sufficient discovery and nothing had been done for a considerable period of time prior to the passage of this bill that would enable him to maintain it as a valid claim.

Mr. JONES of New Mexico. Since we have adverted to the other provisions, I want to state to the Senator that there has just been handed me this suggestion with regard to section 36, that at the end of the section we add the words "by discovery or otherwise." I believe that this suggestion coming at this time will be accepted by everybody. It can not affect any point which any Senator has suggested.

Mr. LENROOT. There is only one way to perfect a claim and that is by discovery. You can not, therefore, say "otherwise."

Mr. JONES of New Mexico. Why can we not say so?

Mr. SMOOT. A claim can only be perfected by discovery. The suggestion is to insert the words "or otherwise." What does "or otherwise" mean? Who can say what "otherwise" means?

Mr. JONES of New Mexico. It must be done under the law.

Mr. LENROOT. But if the Senator says "may be perfected under such laws by discovery or otherwise," what does that mean?

Mr. WALSH of Montana. I do not see any objection to the suggestion of the Senator from New Mexico.

Mr. SMOOT. I do not see any objection as to the word "discovery," but does not the Senator see any objection to the use of the words "or otherwise"?

Mr. WALSH of Montana. Yes; but the Senator from New Mexico is seeking particularly to have the words "by discovery" inserted.

Mr. SMOOT. I have no objection to the first part of the amendment, inserting the words "by discovery," because that is the only way a claim can be perfected.

Mr. WALSH of Montana. Then, let the words "by discovery" be inserted.

Mr. SMOOT. Very well.

Mr. JONES of New Mexico. Of course, I should like to have the amendment inserting the words "by discovery" accepted alone if I can not get the other; but I can imagine that there are many claims in connection with which annual assessment work has got to be done, and that sort of thing and other laws complied with besides the requirement as to discovery.

Mr. SMOOT. We provide for that in section 36, where the Senator wishes to add the suggested amendment to the provision at the end of the bill so as to make it read:

Existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws by discovery.

Mr. JONES of New Mexico. Suppose we use the words "Including discovery."

Mr. SMOOT. Very well; if the Senator desires to insert the words "including discovery" I shall offer no objection.

Mr. WALSH of Montana. Mr. President, I was going to say to Senators that to my mind discovery does not necessarily perfect the claim, because the claimant would not be entitled to a patent unless he had performed $500 worth of work, and in a just sense his claim would not be protected.

Mr. SMOOT. The words "under such laws" cover everything—the $500 worth of work, discovery, and everything else.

Mr. WALSH of Montana. But the words "including discovery," now proposed, it seems to me, will make it plain.

Mr. SMOOT. I have no objection to those words going in the bill.

Mr. JONES of New Mexico. Then I move, at the end of line 3, on page 33, that the period be stricken out and the words "including discovery" be added.

The PRESIDING OFFICER. Does not the Senator desire a comma after the words "such laws"?

Mr. JONES of New Mexico. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 3, after the words "perfected under such laws," it is proposed to insert a comma and the words "including discovery."

The amendment was agreed to.

Mr. JONES of New Mexico. Mr. President, I wish to say that I thank the Senator very much for conceding that amendment. I am sure it will relieve a good many apprehensions which I am satisfied Senators believe have no real foundation, but it is desirable to have everything put beyond any question of doubt.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. JONES of New Mexico. I wish to call attention to another amendment. I do not desire to take up very much further the time of the Senate in explaining it, but it seems to me that we are granting a privilege here to people who happen to have made locations on the 31st of December, 1918, rather than on the 1st of January of this year. A person who made a location on the 31st of December is given a preference right to a permit, while no such privilege is accorded to the man who made his location on the 1st of January or subsequent to that date. If we are going to permit a locator prior to the 1st of January to have a preference right to a permit, then I do not see why we should not bring that down to date. Certainly no harm can be done, because in order to get an original permit under this bill one only has to go upon the ground and put a stake there, claiming a right or stating that he is going to apply for a permit. That will give him a preference right for 30 days to make his application for a permit. Why, therefore, should people who made such locations prior to the 1st of January have a greater right than those who have made a location since the 1st of January?

Mr. SMOOT. Mr. President, if a person made a location before the 1st day of January, 1919, he will have performed $250 worth of work. The Senator knows what the practice is throughout the West with relation to mining claims of various kinds. I have tried to secure the passage by Congress for the last five or six years of an act preventing the location of a mining claim and at the beginning of the next year, no work having been done meanwhile, the relocation by the same person of the same claim. If there were a location on January 1, 1919, and the occupant was a bona fide one at the time, certainly the Senator believes there ought to be expended $250 upon that claim by the time he gets his permit or by the time of the passage of this act.

Mr. JONES of New Mexico. I wanted to bring the matter to the attention of the Senate and to make the statement I have made regarding it. I do not believe that it is of very much importance, because if the parties have already located the land they can go and put up another stake as soon as this bill passes and comply with the law, and, inasmuch as they are on the ground and have the first opportunity, they will have the first chance, at least, of getting a prospecting permit.

Mr. SMOOT. They have the information now as to where they want to locate as against all the world.

Mr. JONES of New Mexico. Indeed, that is so.

Mr. SMOOT. I hope the Senator will not press the amendment.

Mr. JONES of New Mexico. If the members of the committee feel that the change should not be made, I shall not press the amendment further, because I am anxious that this bill shall pass, and I do not want to consume any further the time of the Senate.

Mr. SMOOT. I thank the Senator.

Mr. JONES of New Mexico. I thank the chairman and other members of the committee for their courtesy during this discussion.

Mr. WALSH of Montana. Mr. President, if the Senator from Utah will permit, I desire to offer an amendment as a separate section to come in at the end of the bill. The justice of it, I think, will appeal to everyone, and probably it will require no discussion.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add a new section, to be known as section 38, as follows:

SEC. 38. In the case of permits or leases embracing lands——

Mr. SMOOT. I desire to ask the Senator from Montana if it would not be very much better to strike out, after the word "further," in line 13, page 18, down to and including line 7, on page 19, and let the amendment proposed by the Senator from Montana be inserted at the place where the words are stricken out.

Mr. WALSH of Montana. I will say to the Senator that I think that will be an appropriate place for another amendment, which I shall offer when the pending amendment is disposed of.

Mr. SMOOT. I thought the Senator had offered the amendment, copy of which I have in my hand.

Mr. WALSH of Montana. No; this is a different amendment.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. At the end of the bill it is proposed to insert a new section, to be known as section 38, as follows:

SEC. 38. In the case of permits or leases embracing lands entered as agricultural lands or to which patent may have been issued reserving to the United States the oil or other mineral therein provisions shall be made in such permits or leases as the Secretary of the Interior may by rule prescribe, to minimize the damage to any bona fide entryman or patentee or his assigns which may ensue by reason of any operations carried on in prospecting for or extracting or removing oil or other mineral from the premises and for compensation to such entryman or patentee or his assigns for such damage as may be done by such operations.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I offer another amendment, to strike out the last proviso in section 19 and to insert as a separate section the amendment which I send to the desk.

The PRESIDING OFFICER. The amendmnt will be stated.

The SECRETARY. On page 18, in section 19, after the word "section," in line 22, strike out all down to and including line 7, on page 19, and insert as a separate section the following:

SEC. —. In the case of lands bona fide entered as agricultural, but not including lands claimed under any railroad grant, the entryman shall be entitled to a preference right to a permit and to a lease as herein provided in case of discovery; and within an area not greater than a township entrymen may combine their holdings not to exceed 2,560 acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 7½ per cent as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof.

Mr. SMOOT. Mr. President, I hope that amendment will be agreed to.

Mr. LENROOT. I take it for granted that the construction is that as to the lands that are included in the discovery the 5 per cent will apply.

Mr. WALSH of Montana. The 5 per cent portion will apply. I merely desire to state that the section is intended to take care of the case of lands that have already been entered by homestead entry or other similar entries, not including lands claimed under railroad grant. The express authority is given to the Secretary of the Interior to lease those lands or to issue a permit for the prospecting of those lands, care being taken not to damage the entryman any more than is necessary, as provided in the section just adopted. The homestead entryman is given a preference right under this to the prospecting permit.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. LA FOLLETTE obtained the floor.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	New	Smith, S. C.
Capper	Kellogg	Norris	Smoot
Chamberlain	Kendrick	Nugent	Spencer
Curtis	Kenyon	Page	Sterling
Gay	King	Phelan	Thomas
Gore	La Follette	Reed	Trammell
Harding	Lenroot	Sheppard	Walsh, Mass.
Harrison	Lodge	Shields	Walsh, Mont.
Henderson	McNary	Simmons	Williams
Johnson, S. Dak.	Myers	Smith, Ariz.	
Jones, N. Mex.	Nelson	Smith, Ga.	

Mr. SHEPPARD. The Senator from Georgia [Mr. HARRIS] and the Senator from South Carolina [Mr. DIAL] are detained on public business.

Mr. KING. The senior Senator from Arkansas [Mr. ROBINSON], the Senator from Virginia [Mr. SWANSON], the junior Senator from Arkansas [Mr. KIRBY], and the Senator from North Carolina [Mr. OVERMAN] are detained on official business.

The PRESIDING OFFICER. The roll call discloses only 42 Senators present, not a quorum. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER and Mr. SUTHERLAND answered to their names when called.

Mr. SMITH of Maryland, Mr. CULBERSON, Mr. KNOX, Mr. BRANDEGEE, Mr. POINDEXTER, Mr. FALL, Mr. MCCORMICK, Mr. RANSDELL, Mr. OVERMAN, and Mr. SWANSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present.

Mr. LA FOLLETTE resumed the floor in continuation of the speech begun by him on Wednesday. After having spoken for some time,

Mr. LA FOLLETTE. Mr. President, I should like to inquire whether there has been a vote taken in the Senate during the pendency of this bill upon the question of increasing the amount of acreage that any municipality may have under the terms of the bill over and above the amount of 320 acres, named on page 6, section 8, lines 17 and 18, to 2,560 acres?

Mr. SMOOT. I will say to the Senator that there has been no vote taken upon that. The Senator from Massachusetts [Mr. WALSH] offered an amendment, but withdrew it before a vote was taken, after an explanation.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. WALSH of Massachusetts. I have the usual difficulty of never being able to hear the Senator from Utah. May I ask him to repeat his answer?

Mr. SMOOT. The Senator from Wisconsin asked whether there had been a vote taken in the Senate—that is, while the bill was in the Committee of the Whole, I suppose he meant——

Mr. LA FOLLETTE. The bill is still in the Committee of the Whole.

Mr. SMOOT. Yes. As to increasing the acreage allowed to municipalities, found in section 8 of the bill, on page 6.

Mr. WALSH of Massachusetts. I heard the Senator's question.

Mr. LA FOLLETTE. Increasing it from 320 acres to 2,560 acres. I do not want to offer an amendment upon any identical proposition upon which there has already been a vote in the Committee of the Whole, of course.

Mr. SMOOT. And I stated to the Senator that the Senator from Massachusetts [Mr. WALSH] had an amendment similar to that and had offered it, but, upon explanation, he withdrew the amendment, and that there had been no vote taken upon that question in the Senate.

Mr. LENROOT. The amendment was adopted in committee.

Mr. SMOOT. There is no amendment.

Mr. LENROOT. No; this is a new bill—that is right.

Mr. SMOOT. I will say to the Senator that the original bill was 160 acres and the committee made it 320.

Mr. LA FOLLETTE. Then there has been no vote upon that amendment?

Mr. SMOOT. No vote.

Mr. LA FOLLETTE. I simply wanted to be certain about that fact.

At this point in my discussion, Mr. President, I desire to offer an amendment; and if I am offering an amendment that has been voted upon I hope I will be so advised by the Senator from Utah, who, I take it, has kept tab upon all amendments offered.

Mr. SMOOT. Yes; I have.

Mr. LA FOLLETTE. I propose, if there is no amendment pending before the Senate, on page 6, in section 8, in lines 17 and 18, after the figures "320," to insert the following: "And 1,000 acres for a municipality of not less than 100,000 population or more than 150,000 population, and for a municipality of 150,000 population or more the right to acquire 2,560 acres."

Mr. SMOOT. If the Senator from Wisconsin thinks it is proper that that number of acres of coal should be turned over to the municipalities of the West, I am not going to object; but I want to say to the Senator from Wisconsin that the former bills have provided for only 160 acres. That is all that has ever been considered and that has ever been asked by the cities of the West.

The coal is generally located, as the Senator knows, in the mountains. If there are any little towns around nearby that can haul it they would not want more than 25 or 30 acres of coal land; but under the bill it is provided that it shall be given to the city outright, that they shall have the operation of it for their own use, and then under the bill if a city wants to go into the coal business they can take a lease just the same as any other corporation.

Senators from the West thought it would be unfair and unjust to stand here upon the floor of the Senate and ask the Government of the United States to give to little municipalities, for instance, like hundreds in my own State, more than 320 acres. In the past it has been 160 acres, but if the Senator from Wisconsin thinks it is proper that the Government should turn over this number of acres of coal land, or tie it up there to be used by the city alone, I am not going to object and I will accept the amendment as far as I am concerned. However, I do not think it is proper.

Mr. LA FOLLETTE. Let me say upon that one point that I am very desirous that municipalities shall have the opportunity to get an ample supply of coal as nearly at cost as possible for the benefit of the public. I have not been able to have data accessible during the consideration of the bill to determine just what relation a certain acreage should bear to a certain municipal population. When the bill gets into the Senate I may want to change materially the figures of this amendment which I now offer.

Mr. WALSH of Montana. Will the Senator kindly give those figures again?

Mr. LA FOLLETTE. The amendment which I propose would follow after the 320 acres provided in the bill for a municipality, and would permit a municipality with a population of over 100,000 and not more than 150,000 to have 1,000 acres of coal land.

Mr. WALSH of Montana. That was my recollection.

Mr. LA FOLLETTE. And that for municipalities with a population of more than 150,000 there might be the maximum provided for private individuals or corporations here.

Mr. WALSH of Montana. That would reach the cities of Denver, Salt Lake, Seattle, and Portland.

Mr. LA FOLLETTE. I would like to have the acreage proposal of my amendment carefully considered, and, as I say, I may desire to change these figures myself in Committee of the Whole. Perhaps by the time we get into the Senate with this feature of the bill we will all of us have a better perspective of the whole situation.

Mr. WALSH of Montana. I trust the Senator from Wisconsin will understand that the suggestion I addressed to him was not in a critical attitude.

Mr. LA FOLLETTE. I understand that.

Mr. WALSH of Montana. It was for the purpose of bringing out the operation of the amendment. It is perfectly satisfactory to me, and I shall offer no objection to it, but I call the

attention of the Senator to the fact that it affects just four cities, Denver, Salt Lake, Seattle, and Portland.

Mr. LA FOLLETTE. I am very glad to have that noted in the RECORD, and I think that will lead me to modify the amendment when we get into the Senate or possibly to offer another amendment in committee if the bill at the next session of the Senate should still be before the Committee of the Whole.

Mr. LENROOT. I would like to suggest to my colleague that instead of 1,000 acres he make it 1,280 acres, which would comprise two sections or legal subdivisions.

Mr. LA FOLLETTE. I think that should be done, and perhaps the number of population affected ought to be changed. I adopt the suggestion of my colleague, and it is very likely I shall want to modify this amendment further myself.

Mr. SMOOT. Will the Senator yield to me for just a moment?

Mr. LA FOLLETTE. Certainly.

Mr. SMOOT. I want to help the Senator from Wisconsin if I can in this matter, because I am perfectly willing to accept anything the Senator wants in relation to acreage, after the explanation I make.

I will say to the Senator as far as my State is concerned 320 acres of coal land would be sufficient, and we have enough coal in that State to last the world for 300 years. There is no doubt of that.

Mr. LA FOLLETTE. Yes; and to furnish them cheap coal, if it is not cornered in some way. .

Mr. SMOOT. Let us leave that out now. So, if Salt Lake City, the largest city that we have in the State, and either of the cities named by the Senator from Montana——

Mr. LA FOLLETTE. What is the population of Salt Lake?

Mr. SMOOT. Three hundred and forty thousand. If either of these cities filed on 320 acres of coal land, that city could not work it out possibly in 100 years.

Mr. LA FOLLETTE. Let me interrupt the Senator right there.

Mr. SMOOT. I have no objection to the amendment.

Mr. LA FOLLETTE. I know, but let me interrupt the Senator. Does the Senator mean to say that the average 320 acres that might be selected in the vicinity of Salt Lake City would last the population of that city for the period that he has just named?

Mr. SMOOT. I will say that they could take a vein in some of the coal districts in Emery County and in the counties adjacent to Emery and it would last Salt Lake City for that length of time, because of the fact that the vein runs through range after range, not ranges of mountains, but section after section of mountains, and in all that has ever been developed in the past there have been these large veins of coal. I will state to the Senator that they have been working there for fully 30 years now and sending coal to Butte, Mont., and to California, furnishing coal to every city in the State and sending it into Nevada, and it has hardly made a showing.

Mr. LA FOLLETTE. I am sure that it will be wise statesmanship to devote some time to this provision, and provide an ample supply of coal to every municipality.

This morning, while I was off the floor of the Senate, I looked up a bill introduced by the late Senator Teller, of Colorado, upon this subject. It will be remembered that he had a long period of service in the United States Senate and was for several years Secretary of the Interior. I hope to get time to go over his bill and, if possible, to look up any discussion or any observation which he may have made upon it in the Senate. It was my privilege to be associated with Senator Teller upon a committee in my early service in the Senate. He was one of the wisest men who have been in the Senate of the United States in the last generation of time.

Mr. WALSH of Montana. I have a suggestion to make in connection with this matter for the consideration of all the Senators who have given their attention to the question raised by the Senator from Wisconsin. Municipalities may select the land under this provision of the bill anywhere upon the public domain. The city of Seattle may come over into my State——

Mr. LA FOLLETTE. Yes; I understand that.

Mr. WALSH of Montana. Just let me conclude.

Mr. LA FOLLETTE. Of course they would be moved by the consideration of transportation.

Mr. WALSH of Montana. There is no doubt about that.

Mr. LA FOLLETTE. And the cost of mining and all those things that enter into the economies of the cost of production.

Mr. WALSH of Montana. Undoubtedly. We would, of course, be glad to have the city of Seattle or any other municipality come to our State for the purpose of developing the coal lands, but under the provisions of the bill a royalty is paid in commercial operations upon the coal, restricted by the act not to exceed 20 cents per ton. One half of that, or 45 per cent, goes into the State treasury, and the other goes into the reclamation fund. The Senator will remember that only 10 per cent is reserved for administration purposes. So our State would lose, in that case, the contribution to the reclamation fund and the contribution to the treasury. I submit to the Senator whether, under those circumstances, the selection should not be made within the State in which the municipality is located?

Mr. LA FOLLETTE. I realize that at once as a consideration that ought to be weighed in connection with such an amendment.

Mr. SMOOT. I am perfectly willing, so far as I am concerned, to accept the amendment offered by the Senator from Wisconsin.

Mr. LA FOLLETTE. I do not want to have the amendment accepted with the idea that it embodies mature judgment upon my part in offering it.

Mr. SMOOT. I understand that, Mr. President.

Mr. LA FOLLETTE. I think very likely I shall want to modify it. I have offered it, and I will let it stand as offered for the present.

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). The Secretary will state the proposed amendment.

The SECRETARY. On page 6, line 18, after the word "acres," it is proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to insert "1,280 acres for a municipality of not less than 100,000 and not more than 150,000 population, and 2,560 acres for a municipality of 150,000 population or more."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LENROOT. Mr. President, just a word before the amendment is adopted. I am in favor of it, but I would not wish any implication to rest that the committee has not sought to do full justice to every community that would be affected by the amendment.

The fact is that those representing the West immediately affected have never asked for more than 160 acres, and that has been the amount included in previous bills. It was proposed by the conservation commission that in this bill the amount should be increased to 2,560 acres, but that was not done, for the reason that unless there be classification, and classification was never suggested by anyone, to give every little community 2,560 acres would enable them to tie up perhaps all the valuable coal lands in a given vicinity, and it seemed unfair to give that privilege to a little community where in a thousand years perhaps that community would not have exhausted more than a fraction of the 2,560 acres of coal. But with the classification that is now proposed by my colleague I think it is entirely fair, and I think it should be adopted.

Mr. NUGENT. Mr. President, I merely desire to inquire if the provisions of the bill with reference to corporations are applicable to municipal corporations as well as private corporations, and entitle municipal and private corporations to take equal advantage of the provisions of the bill?

Mr. LENROOT. Yes; I do not think a municipal corporation could file upon this land and simply hold it without doing anything with it for its own use. But if they had 2,560 acres, the largest city might mine only 10,000 tons a year. If that were sufficient for their own needs they would not need to mine any more.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Just one word. I remember from a very hurried reading this morning of Senator Teller's bill that he provides for townships acquiring certain areas, and then provides for municipalities or incorporated cities acquirng a larger area of coal lands. I am sure that the areas as he had worked them out, however, are for certain populations within the scope of his bill considerably more than 320 acres. I only mention this that it may invite the attention of Senators who may be interested to go into the record of that time with a view to getting all the suggestions available upon this subject.

Mr. NUGENT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. I yield.

Mr. NUGENT. I suggest this for the consideration of the Senator. It may be that he can reach the object he is seeking to attain in this way: Amend the bill in such manner as to provide that all municipal corporations may make application for leases and secure them on the same terms and conditions as private corporations or individuals on tracts of land not to exceed, say, 50,000 acres, with the further proviso that such

municipal corporations shall have a preference right to leases except as to applications of the discoverer or discoverers of the coal field. By making such blanket provision it would appear to me that it would leave discretion in the Secretary of the Interior to determine the number of acres of land that should be leased to each municipal corporation, and I apprehend that the population of the community would enter into that calculation.

Mr. SMOOT. I will say to the Senator from Idaho that there is no question of discovery as to coal lands. There are 47,700,000 acres of known coal lands which have been withdrawn. It is only a question of the Secretary of the Interior issuing permits.

Mr. NUGENT. I submit, however, Mr. President, that there may be other coal lands that have not yet been discovered.

Mr. SMOOT. Certainly, but I will assure the Senator, if the policy in the future is as it has been in the past, if they are discovered they will be withdrawn. Under the provisions of the bill, entirely outside of section 8, a city may make a lease for 2,560 acres.

Mr. NUGENT. I am well aware of that fact, I will say to the Senator from Utah, but I was suggesting that in order to reach the point the Senator from Wisconsin [Mr. LA FOLLETTE] evidently is endeavoring to arrive at, instead of limiting the acreage there might be a provision to the effect that the acreage should not exceed, say, 50,000 acres, and that a municipality may be granted a lease for any number of acres within that limit that the Secretary of the Interior may deem advisable.

Mr. SMOOT. If the Senator would say 50,000 acres, it would require only a few towns to take up the entire acreage of coal lands in some of the States.

Mr. NUGENT. That is the reason I suggested that the quantity of land should not exceed 50,000 acres, so that it might be only 200 acres or 500 acres or 1,000 acres, as the Secretary of the Interior might determine.

Mr. SMOOT. Mr. President, I can not conceive how a city containing even 1,000,000 people would want 2,560 acres of coal land. I do not think the city of New York would want that much coal land even if it were within two or three hundred miles of the city of New York—and at a greater distance the hauling is quite an expensive item, so that there arises the question of the economical handling of coal. There would be no necessity for that city having 2,560 acres of coal land, because if it were any kind of a coal vein at all, if it were any kind of a coal field whatever, I do not know how many hundreds of years it would take to work it out.

Mr. LA FOLLETTE. Mr. President, the suggestion of the Senator from Idaho [Mr. NUGENT] that municipalities shall undertake the mining of coal under this bill, with a view of making a profit out of it, does not appeal to me. It does seem to me that we ought to be able to get some ratio between the average production of coal per acre in the section of country that is to be affected by this bill and the population of townships and municipalities to be supplied, and that we ought to provide that there shall be opportunity for population, urban and inter urban—the people residing in townships, in villages, and in cities—to have access to the coal that nature has stored for the use of man without being required to pay a profit to some corporation or some individual fortunate enough to secure a lease upon it through the privileges accorded them by other sections of this bill. Therefore I should like to see a provision wrought out of this bill as to public coal lands that would furnish to every section of the population that may be economically reached such coal as they may need at the naked cost of mining and delivering it for consumption.

Mr. NUGENT. If the Senator please, I should have not the slightest objection to that.

Mr. LA FOLLETTE. I am sure the Senator would not.

Mr. NUGENT. And I call the Senator's attention to the fact that the section of the bill which he is seeking to amend provides in terms that the coal mined by a municipal corporation shall be disposed of without profit.

Mr. LA FOLLETTE. Yes. What I am saying has been elicited by the suggestion, as I understood the Senator, that municipalities should have a right to acquire areas of coal to mine for profit.

Mr. NUGENT. Oh, no.

Mr. LA FOLLETTE. I, doubtless, misunderstood the Senator.

Mr. NUGENT. I merely desire that it may be acquired by them upon the same terms and conditions as are provided in the bill under which private corporations and individuals may acquire the land and mine the coal, but that the acreage shall not be limited to 2,560 acres; in other words, that a municipal corporation shall be entitled to a lease to more than 2,560 acres of land if, in the discretion of the Secretary of the Interior, it shall be necessary and advisable that it be given the larger amount.

Mr. LA FOLLETTE. I do not see how a municipality would have a very direct interest in prosecuting coal mining operations, excepting to supply the people within the municipality all the coal that they might need for fuel and lighting purposes, and to supply the municipality itself with whatever coal it might need for municipal power purposes and all that. I should like to see this particular legislation worked out with that care which would inaugurate a new era, so to speak, in providing coal at a low cost for at least some of the needy people of the country while we are disposing of coal lands out of which mining companies are certain to make large profits.

Mr. WALSH of Montana. I am very glad that the Senator from Wisconsin has again brought this subject to our attention. Perhaps it was disposed of with undue haste the other day when the amendment was offered by the Senator from Massachusetts [Mr. WALSH]. Another idea has occurred to me which lends support to the suggestion made by the Senator from Wisconsin that the acreage might very properly be increased. I dare say, Mr. President, that that provision of the bill might be utilized by municipalities for the purpose of inducing manufacturers to locate within their limits, where they would be supplied with coal at cost. I dare say that it would have a tendency to build up manufactories in cities that might be able to avail themselves of this provision of the bill. If the Senator will pardon me, I have written out an amendment to express the idea to which I referred a few moments ago. The amendment would follow immediately after that offered by the Senator from Wisconsin which has just been adopted and would read as follows:

> The land to be selected within the State wherein the municipal applicant may be located.

I offer that amendment if the Senator has no other amendment he desires to present now.

Mr. LENROOT. Mr. President, a parliamentary inquiry. Has the amendment of the Senator from Wisconsin been adopted?

Mr. LA FOLLETTE. Mr. President, I do not think the amendment has been adopted as yet.

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin has not yet been adopted.

Mr. WALSH of Montana. I understood it had been.

Mr. LA FOLLETTE. Mr. President, the suggestion of the Senator from Montana suggests a broader application of the provisions we are discussing. I can see that in the next decade, or in the next quarter of a century, possibly, every city of any considerable population in this country may develop municipal heating plants. We say that a certain amount of coal is all that is needed for the purposes of a municipality now; but 25 years from now all community cooking, heating, and lighting and other necessary conveniences may be provided by municipalities at cost. We may have a common kitchen for every municipality; we may have a system of heating as well as lighting, under which no individual and no home will be charged with the burden of managing a furnace or a heating plant. All of us know that there is a certain waste in the individual operation of such plants, and in the progress that may be made in the next quarter of a century there may be uses for coal in every little center of population away beyond what we see now in the haste of the hour in passing this legislation.

The amendment suggested by the Senator from Montana with regard to the municipality being limited to the confines of the State in which it is located in its selection of coal land raises this question in my mind: There may be many municipalities within easy reach of coal fields lying just over the line in another State, and if such municipalities are to be restricted to coal fields within the limits of their own State or Commonwealth they might be compelled to transport coal 100, 200, or 300 miles. The public lands belong to all the people of the country, and I do not know whether it would be just and fair to provide such a restriction. It may be that it will be necessary for us to modify some of the other provisions of the bill in connection with this matter in order to do justice to the situation under consideration. I should be very glad to hear the view of the Senator from Montana upon that subject.

Mr. WALSH of Montana. Mr. President, I appreciate that the condition suggested by the Senator from Wisconsin might very easily occur; it might be that, by reason of a State line, a little community would be denied access to a coal mine on the other side of the State line——

Mr. LA FOLLETTE. It might be a great city.

Mr. WALSH of Montana. It might be a great city; but let me submit to the Senator from Wisconsin that one can very readily conceive of a city of 100,000 people on the Wyoming side

of the line, between Montana and Wyoming, in close proximity to a coal bed upon the Montana side. Under the provisions of the Senator's amendment they would get a coal area of 1,280 acres, the coal from which would be constantly withdrawn from our State over onto the other side. It would help to build up that city, increase its assessed valuation, and enable it to have all of the benefits, while the community from which the coal was drawn would have nothing whatever of its own natural resources with which to build up the community upon its side of the line. It could not tax the lands because they belong to the United States. We hope to reach that by the provisions of the bill under which the State gets a part of the royalty derived from the coal; but in this case there would be no royalty and the community from which the resource was drawn would be impoverished to enrich the community upon the other side. It would not be just.

Mr. LA FOLLETTE. I see some force in the suggestion of the Senator, and yet here there is, we will say, a community of 150,000 or 250,000 people. The city is built close to the line of the State. It is a source of benefit as a city, as a distributing point, not only to the people on one side of the State line, but to the people across the line in the other State. Now, suppose you exclude that municipality from having any right to enter upon a coal field that is just over the line in order to take care of the needs of that municipality, and you compel it to go, we will say, 200 miles in another direction and pay transportation charges to railroad companies in order to supply coal to the municipality. That would seem to be very wasteful.

Mr. WALSH of Montana. But, if the Senator from Wisconsin will permit me——

Mr. LA FOLLETTE. Just let me conclude, if you please, on that point, and then I will yield. Suppose you do that, and you reserve, as suggested by the Senator from Montana, this desirable coal area contiguous to the municipality for private enterprise to develop, and a company goes in there, or an individual takes up 2,560 acres, acquires a monopoly of the coal supply of that particular section, and is able to make the people living in that municipality pay excessive charges for coal to supply their needs up to the very limit of long-distance transportation. That would hardly seem to be either fair or wise. Taking this country by and large, and remembering that the public lands belong to the people of this whole country, does it not appeal to the Senator as being a fair proposition that we should work out some plan by which each municipality can be supplied by the near-by deposit of coal?

Mr. WALSH of Montana. I fully agree with the Senator, and it would not be precluded at all from taking this particular tract of land. It would simply escape, under this provision, the payment of the royalty. Under the general provisions of the bill——

Mr. LA FOLLETTE. No, no. I beg the Senator's pardon for interrupting him, but under the plan proposed by the Senator the feature of the bill which we are now considering, if I understood the Senator's amendment, would not apply to this municipality.

Mr. WALSH of Montana. Exactly.

Mr. LA FOLLETTE. And it would not be permitted to take this coal, excepting it paid the royalty to the Government.

Mr. WALSH of Montana. Exactly.

Mr. LA FOLLETTE. Just exactly like a private enterprise going in there to mine for profit.

Mr. WALSH of Montana. Exactly. That is to say, Mr. President, the municipality upon the other side of the line would be obliged, if it desired to take the coal, to take it under the general provisions of the act, just the same as any other one paying the royalty prescribed by the act, which will not be to exceed 20 cents. In other words, we will compel that municipality to contribute a small portion to the public lands of the State from which it takes the coal; that is all. It still has the opportunity. It just simply is obliged to pay the royalty. It is not debarred at all. So that at the most it could only increase the cost of the coal to the consumer 20 cents a ton.

Mr. LA FOLLETTE. By the amount of the royalty which is exacted.

Mr. WALSH of Montana. By the amount of the royalty, and one-half of that royalty would go to the treasury of the State out of which the coal had been taken, because, the land being held by the Government and the title being in the Government, it would not be subject to taxation by the local authorities; and so it contributes its share to the support of the government of the State from which the coal is taken.

Mr. LA FOLLETTE. I think there is force in the proposition which the Senator has now presented. As first stated, I did not understand that the municipality would be permitted to take the coal under any circumstances. I missed that point in the statement of his amendment.

Mr. WALSH of Montana. No; I would not have the Senator misunderstand me. My amendment does not so provide, but the general provisions of the bill so provide. My amendment touches only the securing of the coal without the payment of royalty.

Mr. LA FOLLETTE. Exactly. It was for that reason that I overlooked the point. I can see that the municipality or the city in question, which we are supposing in the hypothetical case under discussion, would only be required to pay not to exceed 20 cents per ton as a royalty for the coal mined in the contiguous territory over the State line. I can see that that does not impose any very considerable hardship upon any municipality; and I do not at this moment desire, therefore, to interpose any objection to the amendment proposed by the Senator from Montana.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. WALSH of Montana. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. WALSH of Montana. It comes in after the amendment tendered by the Senator from Wisconsin and now adopted.

The SECRETARY. After the amendment just adopted it is proposed to insert the following:

The land to be selected within the State wherein the municipal applicant may be located.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I want to say that I have a discussion that I want to present to the Senate bearing upon sections 18 and 19. I do not desire to do so this afternoon, with 48 hours or more intervening between the time I submit my observations on the subject dealt with in those sections and the time when I shall propose amendments to the sections. Therefore I am taking up other amendments now to fill in the time, because I do not desire to make that argument to-night. I wish to make it approximately near the time when the Senate will vote upon sections 18 and 19, to which the discussion relates. So, Mr. President, in order to occupy the time of the Senate, as the Senator in charge of the bill desires to go on with its consideration——

Mr. HARRISON. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. I will.

Mr. HARRISON. Do I understand the Senator to mean by that that he is taking up the time of the Senate merely to utilize the time until next Tuesday may come?

Mr. LA FOLLETTE. I tried to make myself clear upon that point. I have some observations here and some facts which I desire to lay before the Senate with respect to the amendments which I shall offer to sections 18 and 19, which I conceive to be most important sections of this bill. As it is Saturday afternoon, and we are to adjourn over until next Tuesday, I do not wish to make the argument which I have prepared upon those provisions two or three days before they are to be voted upon. I wish to make it in connection with the sections when they shall come up for the consideration of the Senate. I have some other amendments here with which I can occupy the time of the Senate for the balance of the afternoon, amendments which will have to be considered by the Senate, and so no waste of the Senate's time will be involved in taking up those amendments now. That was my purpose, and that was what I meant when I suggested the consideration of my other amendments.

Mr. HARRISON. I was thinking that if the Senator merely wanted to occupy the time in order to pass away the time until next Tuesday——

Mr. LA FOLLETTE. Oh, no.

Mr. HARRISON. There are some other matters which we might consider to-day.

Mr. LA FOLLETTE. I do not desire to do that. I could fill in the time by general talk upon this subject of conservation if it were merely to do that. I am not occupying the time of Senate in that way, but I thought I could take up some other amendments which I consider less important than those intended to perfect sections 18 and 19.

Mr. HARRISON. I thought the Senator might consent, together with the Senator from Utah, if he merely wanted to kill time——

Mr. LA FOLLETTE. Oh, no.

Mr. HARRISON. That we might take up the bill which is here, which has already passed the House at the urgent request of the President, to amend the food-control act in order that we may get at the profiteers in this country. That bill

would take very little discussion, in my opinion, and we could pass it very quickly. It has been on the calendar now for a week. It has been over three weeks since the President asked us to take action. The House passed it some two weeks ago. It does seem to me that we are fiddling while the profiteers are bleeding the country, and that we ought to do something.

Mr. LA FOLLETTE. So far as I am concerned, Mr. President, I shall be very glad to take it up. I do not think it is the solution of the problem, by any means——

Mr. HARRISON. Well, it might aid.

Mr. LA FOLLETTE. But I am very glad to give my assent to its immediate consideration, and I shall not stand in the way of a motion to that effect, if the Senator desires to make one; and he is at liberty to make it if he is in earnest about this thing. I will yield the floor for that purpose.

Mr. HARRISON. I am very much in earnest.

Mr. LA FOLLETTE. Well, I will yield the floor to the Senator to make his motion.

Mr. HARRISON. Will the Senator from Utah allow us to take it up?

Mr. LA FOLLETTE. It is not necessary for the Senator from Utah to allow the Senator to take it up. The Senator from Utah does not control the matter. I have the floor. I will yield.

Mr. HARRISON. I call up the bill——

Mr. LA FOLLETTE. The Senator can make the motion. He can not call it up except by motion.

Mr. SMOOT. Mr. President, before the Senator does that, allow me to say a word. The Senator from Wisconsin has now yielded the floor.

Mr. HARRISON. The Senator is winking at me, and I do not know just what he means.

Mr. LA FOLLETTE. I mean, if the Senator wants to make a motion, if he is in earnest about taking up this bill, let him proceed. That is what I mean.

Mr. HARRISON. Did the Senator from Utah desire to ask me a question?

Mr. SMOOT. Yes; I did.

Mr. HARRISON. The Senator did want to ask a question?

Mr. SMOOT. I want to say to the Senator from Mississippi that I do not want the oil-leasing bill displaced as the unfinished business, nor do I want to stop its consideration. There are amendments here that the Senator from Wisconsin has in printed form that he intends to offer. If he does not offer them now he will offer them Tuesday or at some other time. They will all be offered. The situation is just as he says—that the two amendments referred to were amendments to sections 17 and 18 of the bill, but the other amendments do not apply to those sections at all; and I want the Senator from Wisconsin to offer those amendments now and let us go right on with the leasing bill.

Mr. HARRISON. Would the Senator consent to our displacing this bill and let us take up the other bill?

Mr. SMOOT. Not if I can help it; no.

Mr. HARRISON. Of course, I occupy a very modest position on the Agricultural Committee, but I told the chairman of that committee that I would notify him whenever we could get up the food-control bill, and he wants to call up that bill, and it is of vital importance. Not only does it carry a penalty and provide a punishment for profiteers in foodstuffs, wearing apparel, and other necessaries in this country, but it provides a penalty against these gougers in the District of Columbia, who are extorting from the people unreasonable and exorbitant rates upon houses and apartments; and it seems to me that it is a matter of such urgent necessity that we ought to pass that bill this afternoon.

Mr. SMOOT. As far as I am concerned, I want to say this: During the number of days that this bill has been before the Senate there has not been a single day but that part of the time has been taken up in the discussion of questions entirely foreign to the bill. Last Wednesday the whole day was taken up by a discussion of the league of nations. Not one word was said about the oil-leasing bill and not a reference was made to it. What I want the Senate to do—and I asked the Senate last night to do it to-day—is to consider the pending bill; and I should like to have them stay here at nighttime, as I said last night, to do it. This is Saturday, and, of course, I know that it is hard to keep a quorum here Saturday; but there is a quorum here, and the Senator from Wisconsin is willing now to offer his amendments to the bill, and I ask the Senator from Mississippi to allow him to proceed.

Mr. HARRISON. Of course, I do not want to disarrange the plan. I wish the chairman of the Agricultural Committee were here to call up the measure to which I have referred. I wish we could get consent to do it, because I do not believe there will be any opposition to this food-control bill. We could pass it quickly, and then go on with this leasing proposition that has been running wild for several days.

Mr. SMOOT. It will lead to discussion. Other bills that are just as important as that are waiting for the passage of this bill. The Senator from South Dakota [Mr. STERLING] has given notice several times that he intends to take up the prohibition bill just as soon as this measure is passed; but the question is entirely in the hands of the Senate as to either this bill or any other bill. The Senate so far has said, however, that this bill should be the unfinished business, and I have kept it before the Senate now ever since it was made the unfinished business. If the Senate really wants to pass this bill, and, if it is not done to-night, will stay here with me Tuesday, when we intend to meet again, I will stay here all night Tuesday night, and all day Wednesday, if necessary, until it is passed. That is the way to pass the legislation.

Mr. HARRISON. I know that the Senator from Utah has been expediting the bill as much as he could; but we have been considering it now for possibly a week or more, four days of which have been taken up by the Senator from Wisconsin.

Mr. SMOOT. I will say to the Senator that the proponents of this bill have not occupied three hours altogether on the bill. Now, let us get down to the amendments, and let us vote upon the amendments, and get through.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Dakota?

Mr. HARRISON. I yield to the Senator.

Mr. STERLING. I simply wish to say that more than a week ago I gave notice that upon the disposal of the oil-leasing bill I would move the consideration of the prohibition bill. That is a bill of great importance, too; of vital importance at this time. First, it is important because of the need of a law to enforce war-time prohibition; secondly, it is time that a law was enacted to carry into effect prohibition under the constitutional amendment. It is of vast importance, and I shall insist on taking up that bill immediately on the disposition of this bill, and object to the taking up of any other bill.

I want to say that there will be long discussion over the bill mentioned by the Senator from Mississippi. It will not pass, I think, in as short order as the Senator from Mississippi seems to think.

Mr. HARRISON. I will say to the Senator from South Dakota that I realize the importance of the prohibition legislation, and I am very much in favor of it, but the food-control bill, in my opinion, is most urgent and most necessary. It was a matter of such vital importance that when the Congress, controlled by a Republican majority in the House, saw fit to take a recess, and had made its plans for a recess and those plans were accepted by a Republican majority in the Senate, the President called them together and asked them to stay here and not recess. He came to Congress and delivered a message in which he pointed out the high cost of living and the necessity for some speedy action in the matter of amending the food-control act. The Attorney General came before the Senate Committee on Agriculture and Forestry and set forth the weapons that he had with which he could fight the profiteers, and stated specifically the amendments that he desired in order that he might carry on this crusade in the country.

The Senate Committee on Agriculture and Forestry allowed two weeks to pass before it took action, but finally it awoke from its lethargy and reported out the bill favorably. That was over a week ago. The House acted speedily on it. They passed the bill nearly two weeks ago, and the bill that passed the House and the one that is now on the calendar of the Senate are practically the same, except that the latter proposes to take care of the rent profiteers in the District of Columbia.

While the prohibition bill is very important and should be considered immediately, perhaps, the urgency is not there that attaches to the food-control legislation. The country is expecting the United States Senate to act, because the man who to-day works upon a fixed income, with a family to support, can not do it with the profiteers running mad in the country. The responsibility is upon us, not upon the Department of Justice, when we withhold from them the weapons that they ask us to give to them.

While I do not wish to disarrange the plans of the leaders on the other side, I am quite sure any motion I might make to displace consideration of the pending bill and take up the food-control bill would not prevail; yet it does seem to me that the food-control bill should be passed, and should be passed immediately, if we are going to give any relief to the country, and

I plead with the Senators that they at the very earliest moment possible take some action and carry out the recommendations of the department.

Mr. LENROOT. Will not the Senator add to his statement the fact that for nearly two years the President has had and to-day has the fullest power over hoarders of foodstuffs and fuel, over extortionate prices, under stringent penalties, and until three weeks ago neither the President of the United States nor anyone in the administration lifted a finger to prevent it?

Mr. HARRISON. It is very true that there was a food-control law in existence that did provide a penalty for hoarding, but it is not true that the act carried with it any provision that made it possible to go after an individual who was extorting from the people high, exorbitant prices for products that were sold, and it is to cure that defect that the Attorney General has asked us to amend the law. We add a penalty that did not exist before, and we propose to so amend the law that the Department of Justice can indict the individuals who are making exorbitant charges.

I warn each Senator here that the responsibility is upon his shoulder to help the Department of Justice in this crusade at this time to reduce the high cost of living.

Mr. LA FOLLETTE. Mr. President, I yielded to the junior Senator from Mississippi [Mr. HARRISON] in the hope that he would have the courage of his convictions and come to the rescue of the suffering country and especially the District of Columbia, and would offer a motion to take up the bill in question. I said when I yielded that I would yield to him to make that motion. I thought he really wanted to make it, but apparently he wished to enter upon the RECORD here an appealing statement that President Wilson and the Attorney General were all ready to rescue the people of the District and of the country from the profiteers if they could only get a chance to get the legislation through. I am very glad my colleague pointed to that proposition——

Mr. HARRISON. Will the Senator yield?

Mr. LA FOLLETTE. Presently. I should like to complete this statement.

There is abundant legislation upon the statute books, not only recent legislation, not only the legislation enacted in connection with the war, but legislation broader and more far-reaching than that, legislation which the President of the United States specifically was pledged to enforce by his platform and by declarations made again and again in the campaign of 1912, which he has wholly ignored, neglected, and repudiated. Now he comes to the Congress after the people have been gouged by the profiteers for six years of his administration, during which time the cost of living increased hour by hour. Not a month has gone by since Woodrow Wilson was elected President of the United States that the high cost of living did not advance upon the American people, month by month. If one studies the trend of prices long before we got into the war, one will note the constant advance in the cost of living, and no determined prosecution of the trust officials which the Democratic platform and the President in his campaign of 1912 assured the American people would be prosecuted criminally if once he and the Democratic Party were entrusted with the control of the Government.

Now he asks for additional legislation after more than six years of procrastination, while the cost of living advanced so shockingly. It advanced before we went into the war. No one need rise here and say that the President has been occupied with the prosecution of the war, and that that prevented his redeeming the pledges that he made in so many speeches over the country in 1912, and the solemn pledges that were in the Democratic platform. Yet not a hand was raised. Look at the Democratic platform. There is a specific pledge in the platform of 1912, first preceded by a charge that the Republican administration had not prosecuted criminally a single trust official, followed by the statement that the Democratic Party, if empowered by the people with their votes in that campaign, would proceed to the criminal prosecution of trust officials. Not a criminal prosecution, so far as I can recall, and I am pretty sure the record will bear me out in that statement, can be cited. What does it mean?

That was not all. The next specific pledge in that platform was that the burning question—I do not quote the exact language, but that is the meaning—that the burning question before the American people was the increase in the cost of living; that it was due to private monopolistic control of prices, and that if the Democratic Party was intrusted with power it would put an end to private monopoly in the United States. I am going to bring in on the floor here some day that specific language. I thought I had it in my notes here to-day. I can lay it before the Senate in specific terms.

Then there was a third promise that they would destroy all "criminal commercial conspiracies" that increased the cost of living. They had ample power under the law to do it. They arraigned the Republican Party because it had not used the laws on the statute books to achieve that end. It was the indictment, the charge, that the Republican Party ought to be displaced because it had not prosecuted private monopoly. I think the charge was well founded. I agree that the growth of monopolies and trusts and combinations and the steady increase in the cost of living was due, up to the time Woodrow Wilson came in, to a dereliction of duty on the part of two Republican administrations. But what hope is there for the American people when another party comes in and another President, more distinctly and more positively and concretely pledged to free the American people from the bondage, and repudiates the promise made in the platform upon which they were elected?

I say if you study the Democratic platform of 1912, that there never was a clearer-cut issue made than that platform. Nearly all the other subjects, and there were many of them presented in the platform, were passed by and scarcely mentioned. It was the one great question in the presidential campaign of 1912. There never was a campaign in which all other platform pledges were so ignored and the whole contest narrowed to one single issue as was the case in Mr. Wilson's campaign of 1912.

Mr. WALSH of Montana. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Montana.

Mr. WALSH of Montana. I was wondering which two of the four Republican administrations since the enactment of the Sherman Act the Senator referred to and why he accused merely the Democratic administration?

Mr. LA FOLLETTE. Because there was not any very active organization of trusts until after 1901. It began in a small way in 1898. There really were not very many trusts in this country until we entered upon the period of reorganization of business between 1901 and 1904.

Mr. WALSH of Montana. That covered three Republican administrations.

Mr. LA FOLLETTE. Yes; but there were very few trusts until after 1901. The highest authority in this country on the organization of combinations limits the number of trusts at the time of the inauguration of President Roosevelt to 149. I stated this on the floor of the Senate yesterday, but the Senator was not here, and I repeat it now. In seven years they increased until there were over 10,000. The best authority on that subject I have been able to find in this country gives those figures, and in his great work on the subject he names them and lists them and sets out their capitalization.

They went on increasing until President Wilson, seizing upon the issue which their growth under Republican administration offered him in 1912, sought the Presidency on that issue. It was the one thing he talked about. The Senator from Montana must remember. I do not think anybody will want to take issue with me on that.

So, Mr. President, I say if the present administration and the present Executive were thoroughly in earnest about freeing the people, and had been since he became the Chief Executive, he would have laid hold of the weapons that were and are at his hand, and have been all the time since he has been President, and would have sought to destroy the great monsters that control in this country. For they have added at least 100 per cent and somewhat more than that, I think, to the cost of living since he has been President of the United States, and a large part of the advance came before we entered the war.

If the Senator from Mississippi would like to have me yield, I yield for a question, or for an interruption, rather.

Mr. HARRISON. Mr. President, I think this bill ought to have been disposed of before now. The Senator has occupied four days in a discussion of it. The Senator from North Dakota [Mr. GRONNA] is the chairman of the Agricultural Committee, and is in charge of the proposed legislation to which I have reference. I had hoped he would be on the floor to call it up. I can not myself take the responsibility of calling the bill up, but just as soon as the leasing bill is out of the way—and the quicker the Senator from Wisconsin stops talking the sooner we shall stop the high cost of living if legislation will do it—we shall try to get the bill up and have it passed.

Mr. LA FOLLETTE. Yes, Mr. President; and the quicker the oil grafters and the coal grabbers will get hold of the public domain under the terms of this bill if it shall be passed without amendment. That is my view of it.

It is true, Mr. President, I have taken some time on this bill for the last three or four days. But it is only the second time I have occupied the attention of the Senate, I think, during the present session. I will compare space in the CONGRESSIONAL RECORD with other Senators on this floor as to the amount of

the public time that I have taken in the discussion of public questions. I am willing to stand on judgment before the American people as to whether I discuss matters that touch the vital issues of government as it affects the life of the American people, or whether I join in filling the RECORD with general conversation on this floor, which occupies the time of the Senate so fully session after session.

I am not responsible to the Senator from Mississippi [Mr. HARRISON], or to any other Senator on this floor, for the time that I consume or the subjects that I discuss.

I can not be charged with a narrow, partisan attitude in public life either here or before I came here. So, Mr. President, if I choose to discuss legislation that affects all that is left of the coal, the oil, phosphate, and sodium lands of the public domain, it is only because I seek to aid in bettering, as best we can, those provisions of the bill which grant leases practically in perpetuity.

I will now take up some of the amendments that I have pending to other sections of the bill.

Mr. President, I introduce, so that they may be printed and lie on the table, two other amendments that I have to offer.

I will read one of these amendments, Mr. President, because I think it will especially interest Senators. This amendment will be offered to be inserted on page 2, line 7, after the word "thereof," by adding the following:

And provided further, That the Government hereby reserves the right at all times, under rules and regulations to be prescribed by the President, to determine, fix, and control the selling price of all products derived from lands leased hereunder, whether in the crude or natural condition or in other merchantable form, which shall be a reasonable price both as to the producer and the consumer; and the reservation of such right shall be expressly stated in each lease.

I think that is an amendment that will commend itself to the good judgment and the patriotism of the Senate. I think it will help to protect the American people from extortionate charges. I think it will be possible for a President who really desires to protect the public to work out some plan by rules and regulations that can be so applied as to control the prices consumers pay for these products. And, Mr. President, I would not be much surprised if it lessened the interest of the lobby that is in attendance here awaiting the enactment of this legislation.

The other amendment to which I have referred I send to the desk and ask to have printed and lie on the table without reading.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. LA FOLLETTE. Now, Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 2, line 24, after the word "that," it is proposed to strike out all of lines 24 and 25, and, on page 3, to strike out all of lines 1 to 10, inclusive, and to insert in lieu thereof the following:

That no common carrier, as defined in the act of February 4, 1887, entitled "An act to regulate commerce and acts amendatory thereof," and no association, any member of which is an officer, agent, or shareholder, or in any manner interested in the business of any common carrier, shall be permitted to hold a license under the provisions of this act.

Mr. LA FOLLETTE. Mr. President, during the discussion of this bill a day or two ago the chairman of the committee stated that under the terms of the bill there was but one railroad company which would be able to acquire any lease upon coal lands, and that that company was the Chicago, Milwaukee & St. Paul Co.

Mr. SMOOT. I said it in this way——

Mr. LA FOLLETTE. It may be I am not correctly stating what the Senator said.

Mr. SMOOT. I said that the real reason why the provision was inserted in the bill originally and was retained in its present form was to take care immediately of the Milwaukee Railroad. I do not know whether the Senator has read the provision as it was originally introduced in Senate bill 1269.

Mr. LA FOLLETTE. I think that was substantially the same form in which it was before the Senate in the conference report.

Mr. SMOOT. It was virtually the same.

Mr. LA FOLLETTE. I tried to make a comparison of the two, and it seemed to me that it was practically the same.

Mr. SMOOT. The committee received a letter from Mr. Gifford Pinchot calling attention to that provision and asking that the original provision be stricken from the bill and the provision which is now in the bill be substituted therefor. This is the reason assigned for such action by Mr. Pinchot:

The reason for the above suggestion is the uncertainty as to the meaning of the definition of "railroad" or "common carrier," and also the uncertainty as to what is meant by "any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier."

That was the wording, I will say to the Senator, of the original provision.

It is evident that if the relief is given fairly and squarely to the common-carrier railroads the full purpose of the act will be accomplished; and if an attempt is made to do more we can not foresee the consequences.

Therefore the committee accepted the provision suggested by Mr. Pinchot, which is the provision the Senator now seeks to amend.

Mr. LA FOLLETTE resumed his speech. After having spoken for over an hour,

Mr. SMOOT. Mr. President, partially to allay the fear expressed by the Senator from Wisconsin and further to protect, if possible, the coal areas of the United States, I am going to suggest to the Senator that I myself think that, perhaps, the provision which was suggested by Mr. Pinchot could be greatly restricted by an amendment which I am going to offer. It is as follows: After the word "line," on page 3, line 6, I propose to insert the words "within the State in which the leased property is situated," so that the provision will read:

And such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each 200 miles of its railroad line within the State in which the leased property is situated, exclusive—

And so forth.

If that amendment is adopted it will be impossible for a railroad to receive more than one permit for acreage authorized in the section unless it has in the State in which the property is leased 400 miles of line. As there is an amendment pending, I shall not now offer this amendment, but in connection with this provision I desire the Senator from Wisconsin to know that I am going to offer the amendment which I have just stated.

Mr. LA FOLLETTE. That seems to me to be a very great improvement upon the bill as it is now worded. If I understand the amendment proposed, it would not permit any one railroad company to secure more than 2,500 acres of coal land within a single State unless its line within the State covered more than 200 miles?

Mr. LENROOT. Not unless its line covered more than 200 miles within the State. It would not be permitted to compute any mileage outside of the State.

Mr. SMOOT. It could not take into account its mileage within any other State.

Mr. LA FOLLETTE. Suppose the line of the road within the State was more than 200 miles but less than 400 miles, how would that be considered?

Mr. LENROOT. They could secure two leases.

Mr. LA FOLLETTE. Suppose it was less than 400 miles, say 230 miles, could the railroad then secure two leases under the suggested amendment of the Senator?

Mr. SMOOT. The wording is that no railroad shall be allowed "more than one permit or lease for each 200 miles of its railroad line within the State in which the leased property is situated."

Mr. LENROOT. I beg the Senator's pardon; I was wrong. There could be only one lease up to 400 miles of railroad.

Mr. LA FOLLETTE. One lease up to 400 miles.

Mr. SMOOT. There could only be one lease for 399 miles.

Mr. LA FOLLETTE. I think that is something of a concession, and I am very glad the Senator is willing to make it.

Mr. SMOOT. I may say to the Senator that I do not know of a railroad which has a direct line of railroad more than 399 miles in length within the borders of a State.

Mr. LENROOT. I think there may be in the State of Wyoming.

Mr. LA FOLLETTE. Not only in Wyoming but in North Dakota and, perhaps, some other States.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I do.

Mr. WALSH of Montana. I should like to understand the purport of the amendment which the Senator from Utah says he will propose.

Mr. SMOOT. If the Senator will take the bill, I will read it again. On page 3, line 6, after the word "line," I propose to insert the words "within the State in which the leased property is situated," so that it will read:

And no such company or corporation shall receive or hold more than one permit or lease for each 200 miles of its railroad line within the State in which the leased property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad.

Of course, Mr. President, I can not offer that amendment now, inasmuch as there is an amendment already pending.

Mr. LA FOLLETTE. I will withdraw my amendment for the time being, with the permission of the Senate, to give the Senator from Utah the opportunity first to present his amendment. I may wish to renew my amendment in a different form later.

The PRESIDING OFFICER. The Senator from Wisconsin withdraws his amendment. The Senator from Utah offers an amendment, which the Secretary will state.

The SECRETARY. On page 3, line 6, after the words "railroad line," it is proposed to insert "within the State in which the leased property is situated."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. LA FOLLETTE. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which the Secretary will state.

The SECRETARY. On page 29, line 5, after the word "emergency," it is proposed to insert:

provisions prohibiting the employment of any boy under the age of 16, or the employment of any girl or woman without regard to age in any mine below the surface.

Mr. SMOOT. I gladly accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, as the amendment just adopted might imply that women and girls are employed underground in coal mining in the public-land States, I feel moved to say that no such condition does exist.

Mr. LA FOLLETTE. The Senator is not prepared to give any bond for the future, I presume, with regard to such employment?

Mr. WALSH of Montana. No; I am not. So the amendment is all right.

The PRESIDING OFFICER. Are there any further amendments?

Mr. LA FOLLETTE. Yes, Mr. President; there are several.

RECESS.

Mr. SMOOT. I move that the Senate take a recess, it being, under the order heretofore entered, until 11 o'clock on Tuesday morning.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until Tuesday, September 2, at 11 a. m.

SENATE.

TUESDAY, *September 2, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

JOHN D. RYAN.

Mr. MYERS. Mr. President, there is a subcommittee of a House committee which has been investigating acts of the War Department during the war with Germany and much publicity has been given to the activities of this subcommittee. Among other things of which it has made so-called investigation is the aircraft production of the War Department during the war, which for a time was in charge of Hon. John D. Ryan, of Montana, formerly Assistant Secretary of War. Through the instrumentality of this subcommittee wide publicity has been given through the press to some very grave charges against the official conduct of Mr. Ryan while in charge of aircraft production. So far it seems Mr. Ryan has had no opportunity to appear before the subcommittee and give his version of these charges.

Among those charges is one, loosely made and given much publicity, that he caused to be expended $12,000,000 in the construction of an extension of a railroad, which was done, it is claimed, for the benefit of private interests rather than the public interest. In the Anaconda (Mont.) Standard of the 28th ultimo, Mr. Ryan makes a personal statement, over his signature, in regard to these charges, and in that statement he makes a complete refutation of the charge of the misuse of Government funds in the construction of such railroad extension. He shows conclusively that this work was decided upon, the contract for the work was entered into, and the work was ordered done before Mr. Ryan took charge of the aircraft production of the Government, and that he had nothing whatever to do with the contract or the work in question.

I think it was grossly wrong for the subcommittee to give wide publicity to such charges when it could easily have learned, by going to the records, the fact that Mr. Ryan had nothing whatever to do with it, and that it was decided upon, ordered done, contracted for, and entered upon before he took charge of the aircraft-production work of the Government. I think it was a gross outrage for publicity to be given to those charges under those circumstances. There is another matter which is material which is set right in Mr. Ryan's statement. The charge has been made that the construction of this piece of railroad cost $12,000,000. While Mr. Ryan had nothing to do with it, he shows that the cost was only $4,000,000.

The statement of Mr. Ryan to which I have referred is brief and concise, and in justice to him I here offer it and ask that it be printed in the RECORD. Mr. Ryan has held a very high, honorable, and responsible position under the Government, that of Assistant Secretary of War, and I think this courtesy is due him. I think he has been greatly wronged and justice should be done him.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

The following statement from John D. Ryan, formerly Director of the Bureau of Aircraft Production, and later Assistant Secretary of War in charge of the entire air program for the United States, was given out yesterday:

"I am informed that certain Montana publications have printed, as charges made against me, certain inquiries in hearings of a subcommittee of Congress investigating aircraft expenditures by the War Department, alleging that I authorized and directed the building of a railroad in the State of Washington by the Government, that was in effect an extension of the Chicago, Milwaukee & St. Paul Railway, of which I was a director, and that the road so built cost $12,000,000, and that I was interested in land or timber that it was intended to reach by the building of this railroad.

"These charges were answered fully by Secretary Baker at the hearing before the committee in Washington on August 1. His answer was to the effect that the contract for production of spruce with the Siems-Carey Co., to carry out which this line of railroad was built, was entered into by the proper officers of the spruce-production division on the Pacific coast more than a month before I became Director of Aircraft Production, which was on May 20, 1918. Further, that this contract for the production of spruce was entered into between the officers of the spruce-production division and the contractors, with the agreement and understanding that it was to go into effect upon the signing of a contract between the Government and the Chicago, Milwaukee & St. Paul Railway Co. for the building of a certain line of railway which would tap the territory from which this spruce was to be produced. This contract between the Government and the railway company had been negotiated on the Pacific coast and was brought to Washington for execution by the United States Railroad Administration just before the time when I was put in charge of aircraft production. I had no previous knowledge from either the railroad officials or the Government that any such contract was in contemplation. Upon its being brought to my attention I immediately refused to discuss it or have anything to do with it, even in an advisory capacity.

"I referred the whole matter to Secretary Baker, and he testified before the committee that I declined to even advise or confer on the subject, and gave as my reason for it that I was a director of the railway and a member of its executive committee. He called in Mr. Stettinius, who was then Assistant Secretary of War, and in my presence stated that this contract for the building of the railroad had been negotiated, but that the United States Railroad Administration refused to allow the Milwaukee Railway Co. to expend its funds for the construction, the Railroad Administration taking the position that the road was being built not as a railroad enterprise but as a war measure, and that the War Department should furnish the funds for its construction. The Secretary further told Mr. Stettinius that I had stated to him that I was a director of the Milwaukee Railway; that I could and should have nothing to do with the railroad contract, and that Mr. Stettinius should take the matter up and negotiate the contract, which he did. I never saw the contract afterwards. I never signed it. I never directed that anybody else should sign it, and I never had anything to do with the negotiations from the beginning to the end, and Secretary Baker has so testified before the committee. These charges originated in a statement made by the military intelligence officer in a telegram to the War Department dated November 23, 1918.

"My resignations as Assistant Secretary of War and Director of Air Service having just been tendered to the President and Secretary of War, and accepted, were published in the newspapers of the day before. Secretary Baker, upon receipt of this information and at my request, ordered the Inspector General of the Army to have a thorough investigation made and report to him. An officer of the Inspector General's Department was detailed and made such investigation. The Inspector General himself visited the Pacific coast, interviewed witnesses, and checked the investigation of his officer, and reported to the Secretary of War that there was no evidence whatever that would substantiate any of the charges made, and no evidence whatever that myself or any officer of the Government had profited or had tried to profit by any of the operations or expenditures of the spruce-production division that had been investigated, and, further, that instead of the railroad costing the Government $12,000,000, as charged, it had cost less than one-third of that sum completed.

"This whole matter, both the railroad contract and spruce-production contract, had been agreed upon more than a month before I was appointed Director of Aircraft Production or entered the Government service. I had nothing whatever at any time to do with the railroad contract, and the only thing I had to do with the contract with Siems-Carey-Kerbaugh Co. for the production of spruce was to insist in some respects in which I thought the Government had not been sufficiently protected that certain changes be made to insure protection for the Government. Both the original contract and the one entered into after I insisted upon the changes have been called to the attention of the Inspector General and are open records of the Government for anyone to judge whether my changes were in the interest of the Government or

of the contractor. I have not and never have had any personal interest in land or timber on the Pacific coast or any enterprise connected with them, except as a shareholder of the Chicago, Milwaukee & St. Paul Railway.

"In making this statement that I had nothing whatever to do with the negotiations or execution of the contract between the Government and the Siems-Carey Co. for the building of this railroad, I want to make plain that I believe that the contract was entered into solely in the interest of the Government and of its allies in war; that it was necessary to build that road and to provide for the production of spruce in the territory which it reached to insure a full supply of airplane wood for all of the Allies; that the need was urgent and unprecedented and everything that was done to meet it that had come to my knowledge was done under capable management by men who were acting from patriotic motives and who accomplished a fine piece of work.

"The complaints and criticisms, and I investigated all that were brought to my attention, were made by men who had either endeavored and failed to get contracts for themselves or who had held positions in the Government service which they were not qualified to fill and who had to be removed. The job of spruce production for the Allies and our own Government in the war was, in my opinion, one of the things that helped to bring an early ending of the war, and which reflected credit and honor upon the men who were connected with it, and I am proud of the little I had to do to help carry out the work."

RELATION OF LABOR TO INTERSTATE RAILROADS.

Mr. UNDERWOOD. Mr. President, I give notice that on Thursday next, after the completion of the morning business or at such opportunity as may offer itself, I desire to address the Senate on the question of the relation of labor to the interstate railroads.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Johnson, Calif.	Newberry	Smith, Ga.
Brandegee	Johnson, S. Dak.	Norris	Smoot
Capper	Jones, Wash.	Nugent	Sterling
Chamberlain	Kellogg	Overman	Sutherland
Colt	Keyes	Page	Thomas
Cummins	La Follette	Phelan	Trammell
Curtis	Lenroot	Pittman	Underwood
Elkins	McCormick	Pomerene	Wadsworth
Fall	McNary	Ransdell	Walsh, Mass.
Gronna	Myers	Robinson	Warren
Hale	Nelson	Sheppard	Watson

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. GRONNA. I wish to announce that the Senator from Mississippi [Mr. HARRISON], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Iowa [Mr. KENYON] are engaged in business of the Senate.

Mr. ELKINS. The Senator from Delaware [Mr. WOLCOTT] and the Senator from New Jersey [Mr. FRELINGHUYSEN] are absent in attendance at a meeting of the subcommittee of the Committee on Commerce.

Mr. KING. The Senator from Rhode Island [Mr. GERRY], the senior Senator from Kentucky [Mr. BECKHAM], the Senator from South Carolina [Mr. DIAL], the Senator from Delaware [Mr. WOLCOTT], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

Mr. SHEPPARD. I wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Louisiana [Mr. GAY], the Senator from New Mexico [Mr. JONES], the Senator from North Carolina [Mr. SIMMONS], the Senator from Virginia [Mr. SWANSON], and the Senator from Maryland [Mr. SMITH] are absent on official business.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. EDGE, Mr. POINDEXTER, and Mr. WALSH of Montana answered to their names when called.

Mr. MCKELLAR, Mr. KING, Mr. CULBERSON, Mr. MCCUMBER, Mr. HENDERSON, Mr. SMITH of South Carolina, Mr. REED, and Mr. HARRIS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House, in accordance with the provision of House concurrent resolution No. 29, had appointed as the committee on the part of the House to make arrangements for appropriate exercises in welcome of John J. Pershing, general and commander in chief of the American Expeditionary Forces in the World War, Mr. MONDELL, Mr. KAHN, Mr. GREENE of Vermont, Mr. LAGUARDIA, Mr. CLARK of Missouri, Mr. DENT, and Mr. FIELD.

The message also announced that the House insists upon its amendment to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. GREENE of Vermont, and Mr. DENT.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2236) relating to the affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war," and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. PAGE presented resolutions adopted by the Vermont Rural Letter Carriers' Association in convention at Barton, Vt., favoring the enactment of legislation providing for civil-service retirement, for the establishment of a civil-service court of appeals, for a permanent salary of $1,500 per year, and for additional allowances for maintenance of equipment, etc., which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Vermont, praying for Federal control and operation of railroads, which was referred to the Committee on Interstate Commerce.

Mr. MOSES presented petitions of Local Grange No. 212, Patrons of Husbandry, of Haverhill; of Blackwater Grange No. 152, Patrons of Husbandry, of Andover; and of the local grange, Patrons of Husbandry, of Hooksett, all in the State of New Hampshire, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of Local Union No. 1715, United Mine Workers of America, of Carneyville, Wyo., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. CAPPER presented a petition of sundry citizens of Topeka, Kans., and a petition of sundry citizens of Chanute, Kans., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented telegrams in the nature of memorials from sundry citizens of Boston, Mass., remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Boston, Lowell, Springfield, Medford, Brockton, Fall River, Somerville, Taunton, Haverhill, and Brookline, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations covenant and praying for its separation from the treaty of peace with Germany, which were referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of petitions from sundry American citizens of Greek origin praying for the annexation to Greece of Thrace, Macedonia, Epirus, and the Dodecanese, which were referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of petitions from sundry American citizens of Ukranian origin, praying for the independence of Ukrania, which were referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of petitions from sundry American citizens of Lithuanian origin, praying for the independence of Lithuania, which were referred to the Committee on Foreign Relations.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 2907) for the relief of McAteer Shipbuilding Co. (with accompanying paper); to the Committee on Military Affairs.

By Mr. GRONNA:

A bill (S. 2908) to promote efficiency in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. RANSDELL:

A bill (S. 2909) granting a pension to Richard D. Powers; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 2910) to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Ham-

ilton County, in the State of Tennessee," approved April 5, 1916; to the Committee on Commerce.

By Mr. KING:

A bill (S. 2911) granting pensions to certain soldiers and widows of deceased soldiers of the Utah Territorial Militia who served in the Indian wars in Utah Territory, and to amend the act approved March 4, 1917, entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 2912) to appropriate funds for the immigration inspection of the Department of Labor; to the Committee on Appropriations.

By Mr. CAPPER:

A joint resolution (S. J. Res. 97) to declare a legal holiday within the District of Columbia on the day of the review of the First Division of the United States Army; to the Committee on the District of Columbia.

By Mr. KING:

A joint resolution (S. J. Res. 98) to authorize the Secretary of War to grant revocable licenses for the removal of sand from the Fort Douglas Military Reservation for industrial purposes; to the Committee on Military Affairs.

AMENDMENT OF FEDERAL-RESERVE ACT.

Mr. GRONNA submitted four amendments intended to be proposed by him to the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal-reserve act, which were ordered to lie on the table and be printed.

AMENDMENT OF INTERSTATE-COMMERCE LAW.

Mr. CUMMINS. I ask unanimous consent to introduce a bill.

The bill (S. 2906) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, was read twice by its title.

Mr. CUMMINS. Mr. President, the bill I have just introduced is the result of the constant, painstaking work of a subcommittee of the Interstate Commerce Committee for the last three months. I have introduced it at this time for two reasons:

First, that it might be referred to the Interstate Commerce Committee as a whole and furnish the basis of the further work of that committee.

Second, because it is a subject of such tremendous importance that it seems to me that at the earliest opportunity the Senate and the public ought to know what we have done as a subcommittee.

It does not represent in every particular the views of every member of the subcommittee, which was composed of Senators POMERENE, ROBINSON, POINDEXTER, KELLOGG, and myself, but it does represent the composite judgment of the subcommittee, and I am very glad to be able to say that the points of difference between the members of the subcommittee are very, very few.

I take this opportunity to explain the bill. I will do so as briefly as it is possible for me to do it intelligently.

The bill proposes to repeal the act of March 21, 1918, commonly known as the Federal-control act. It takes effect at midnight on the last day of the month in which it shall become a law. It returns the railroad properties of the United States to their owners at that time, and it transfers to the Shipping Board the interest of the United States acquired under the act of 1918 in the inland waterways of the country. All rights, both in behalf of the United States and in behalf of the carriers, are preserved under the act of 1918, and the President is authorized to adjust and settle with the railway companies now in his possession and under his control in accordance with the law as prescribed last year.

The advances—and they will be no inconsiderable sum when the railways are returned—made by the United States to the railway companies which are chargeable to capital account are to be funded and payable in five years from the time the railways are so returned, with interest at the rate of 5 per cent per annum. Other advances which have been made by the Government to railway companies which are not chargeable to capital account, but to the cost of maintenance and operation, are to be evidenced by the demand notes of the railway companies, with interest at the rate of 6 per cent.

Schedules of rates which are filed with the Interstate Commerce Commission within 30 days after the return of the properties to their owners are to become effective at the end of four months, with such modifications and changes as the commission may make in the meantime. During the period of four or five months, as the case may be, the act constitutes a guaranty of an operating income equal, first, with respect to those carriers with which the President has entered into contracts fixing compensation during Federal control of a proportionate amount, representing the proportion of four months or five months, to the annual compensation provided for in that act. With respect to those carriers with which no contracts have been made but whose rights depend upon the act of 1918 alone, and with respect to those carriers dismissed from the control and possession of the Government prior to the 1st of July, 1918, the act constitutes a guaranty of a proportionate operating income as defined by that act. It is commonly known in the literature of the subject as the "standard return."

Mr. NELSON. May I ask the Senator a question in that connection?

Mr. CUMMINS. Certainly.

Mr. NELSON. Is the guaranty of which the Senator speaks to be a continuing guaranty for the future?

Mr. CUMMINS. The guaranty ends with the period of four months or five months, as the case may be.

Mr. NELSON. In all cases?

Mr. CUMMINS. Carriers are permitted to file their schedules of rates, if they desire to file them, within 30 days after the act takes effect, and the commission has four months in which to adjust or to modify those rates, according to its view of the justice of the matter. During that time, but no longer, the act constitutes the guaranty which I have attempted to describe. So much of the bill relates to the return of these properties to their owners.

We may now assume for the moment that they have been returned and are in operation by their several owners. The bill declares a permanent policy with respect to our system of regulation and control, operative for all time to come or until Congress shall change the policy which is here declared. Let me offer a preliminary word or two with respect to this subject.

The insuperable difficulty which the Interstate Commerce Commission has always met, and which it has never been able to overcome, in prescribing rates for the carriers of the United States is this: The diversity in the conditions surrounding the carriers, their physical condition, the density of the traffic which they bear, the populations which they serve, and many other considerations of like character have rendered it entirely impossible for the Interstate Commerce Commission to prescribe rates that would be at once fair and just to the public and fair and just to the several carriers.

In large measure the rates which produce the revenue of carriers control competitive traffic. Every railroad company which competes for the traffic must charge the same rate or it will secure either all the business or none of the business. The rates which were in force prior to the possession of the railroads by the Government, for instance, would produce for one railroad company an excessive revenue, while they would produce for another railway company, which must compete for the traffic, substantially no net operating income. I have in mind, as I am sure other Senators will have in their minds, many instances in which railway companies were operated under rates which were in force before the Government took possession that yielded to the companies involved 10, 15, even 20 per cent upon the value of their property or upon their capitalization, while with respect to another railway company the same rates would yield either nothing or a very small and inadequate return upon the value of its property. That was the seat of the whole difficulty with the Interstate Commerce Commission. The result was that it either had to prescribe rates that would give to some railway companies an inordinate earning capacity, so that they might sustain the weaker railroads, or give to the stronger railroads rates that would be wholly inadequate to sustain the weaker railways. Both kinds of railways are essential to the business and the commerce of the United States; they must both be sustained if the people of this country are to be served as their commerce and their business demand that they shall be served. This was the difficulty, and the committee has endeavored to meet that difficulty in the following way:

The bill declares that it shall be the policy of the United States to divide or consolidate the railways of the country into not less than 20 and not more than 35 separate, distinct, competitive systems. I emphasize "competitive." It is not suggested that there shall be a regional division of the railways. It is the desire and the purpose of the committee to preserve in this country competition in service in even greater degree than it is now seen.

I may say that upon the roads which I call the stronger roads, or the strong roads, there is carried 70 per cent of the traffic of the United States, and upon the weaker roads, or the weak roads, is carried about 30 per cent of the traffic of the country. It is declared to be the policy of the country that these systems shall be not only competitive but that they shall preserve as far as practicable the existing routes of trade and of

commerce and create no disturbance in the movement of commodities from one part of the country to another.

The consolidations of which I have spoken—and I do not intend to enter upon the details of the bill—are to be carried into effect either by the reincorporation of existing State-incorporated railways or the original incorporation of railways under the provisions of this act.

At this point may I say that one of the great causes for distrust, suspicion, and prejudice has been the feeling on the part of the people of the country that the railway carriers of the United States have been and are overcapitalized; that their capitalization represents securities upon which the people ought not to be called upon to pay a return, and one of the vital things which we have attempted to compass is the removal of that distrust in cases in which it is not well founded, and the removal of the overcapitalization in cases in which it is well founded. We have therefore provided that the reincorporated companies—and they are to be reincorporated in much the same way as the national banks of the country were permitted to become national banks during the Civil War—or the companies originally incorporated shall have as a basis for their capitalization the value attached to their properties by the Interstate Commerce Commission and no other value, and when the process of consolidation is complete we will present to this country instead of the disordered spectacle which is now exhibited a picture of railway companies capitalized according to their true worth, representing securities upon which the people of the country can justly be called upon to pay a return.

Mr. McCUMBER. Mr. President, do I understand the Senator to mean that in cases where railway companies are overcapitalized this bill will require them to issue new stock with which to take up the old stock, the issue of new stock to be in lesser quantity than the old stock?

Mr. CUMMINS. I am very glad to answer the question, although I did not intend to enter into details. The bill does not attempt to take existing railway companies and change their capitalization unless those companies ask the privilege of consolidating with some other railroad company, and in that case they must accept the basis which is prescribed by the Interstate Commerce Commission. We probably have no power to deal in that manner with existing railway companies; but the privilege of consolidation, of which I shall speak in a moment, is conferred only upon reincorporated companies and companies organized under the act originally.

The consolidation of which I have spoken is to take place under and in accordance with a plan to be made immediately after this act takes effect. A plan is to be devised by a board of railway transportation, which is created in the bill, having large and important functions. The plan when tentatively made is to be given publicity and all persons and all corporations interested in the subject are to be given an opportunity to be heard. When the hearing is complete the plan which is recommended by the railway transportation board must receive the approval of the Interstate Commerce Commission, and then, aside from the power which is given both the board and the commission to revise from time to time for good cause shown, the plan which has been thus prepared and thus adopted, all consolidations whether voluntary or involuntary are to take place in accordance with, in harmony with, and in furtherance of the plan so promulgated.

Seven years are allotted for a voluntary consolidation—that is, consolidations in harmony with the plan I have suggested—but applied for by either reincorporated companies or original companies to be formed to the Interstate Commerce Commission. The time is suggested by the stage of the work of the Interstate Commerce Commission in valuing the railway properties of the United States, a work which is in progress; we all hope that it will be completed in a much shorter time, but the committee did not feel it could safely assume that it would be entirely done before the expiration of the seven years. During these seven years, as I have suggested, any existing railway company having reincorporated itself under the Federal law which we have prescribed can apply to the Interstate Commerce Commission for leave to consolidate, and if the commission finds that the plan of consolidation which it presents is in accordance with the plan adopted by the Government, and is in furtherance of it, it may grant authority for the consolidation. At the end of the period of seven years the consolidation becomes compulsory. That is to say, machinery is created so that the railway transportation board, in connection with the Interstate Commerce Commission, can proceed to consolidate all the railways of the United States into the systems I have described, in so far as they have not already, by voluntary action, been so consolidated.

Again I will not enter into the details, but will simply say that this contemplates no obligation upon the part of the United States. While the power of eminent domain is given both to the railway transportation board and to the companies that may be organized under the act or reincorporated under the act, so that they may also employ the right of eminent domain, there is to be no obligation created, inasmuch as the board is limited in power to those cases in which the financial operations of these companies have already been assured before the consolidation takes place.

We now have, Mr. President, if I have been correctly understood, a fair view of the permanent policy which this bill attempts to establish, and in my judgment—and it is a deliberate, carefully considered judgment—we never will be able successfully to meet all the problems of governmental regulation until these consolidations have taken place; and I further venture the suggestion that unless some such plan as this can be carried into effect Government ownership and Government operation are but a question of time.

As I said a moment ago, we have created a railway transportation board; and in addition to the duty which I have mentioned, of dividing or grouping this country into systems so that the Interstate Commerce Commission can regulate rates in justice to the public and to the carriers, it has many other and extremely important duties.

In a general way we have transferred from the Interstate Commerce Commission to the railway transportation board what may be roughly described as the administrative duties of the commission, leaving the commission mainly—not wholly, but mainly—the duties of rate making, of valuation, and of accounting, but in many important instances requiring the approval of the commission before the act of the board becomes binding. We have transferred from the Interstate Commerce Commission to the board what is ordinarily known as the car-service act, an act introduced a year ago or more by the distinguished Senator from Ohio [Mr. POMERENE], and which is one of the most important functions which regulation has ever attempted to exercise. We have enlarged it so as to give to the transportation board fair and adequate authority to bring about that unification which is the only merit which Government ownership, as distinguished from private ownership, possesses. We have given it authority to prescribe a common use of terminals and other railway facilities. We have given it power to divert traffic when the public interest requires it to be diverted, in order that the service of transportation may be speedily and adequately carried on. We have transferred to the board the administration of what is known as the safety-appliance act. We have transferred to the board the administration of the locomotive-inspection acts, and many others of similar character. We have attempted to clothe the board with authority over the physical operation of the railroads, hoping to leave to the Interstate Commerce Commission its judicial or semi or quasi judicial duties, unencumbered by the accompaniment of these administrative affairs which have very greatly hindered the commission in the performance of its wider and more far-reaching duties.

I need not enlarge upon that subject further, for I am sure I have given you a general outline of the thing we have attempted to do in this bill respecting a board of railway transportation.

We have required the commission immediately to divide the country into rate groups or districts, and that is one of the most vital things we have attempted to do. In any rate district—and we have done it because the conditions are widely different in the various rate districts——

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. OVERMAN. Are these districts to be differentiated from the classification districts now prescribed by the Interstate Commerce Commission?

Mr. CUMMINS. We have not attempted to limit the commission with regard to these districts, believing that it would act probably more intelligently than the legislature could act, for we have not full information with regard to all the circumstances that should be considered in determining what should constitute a rate group or a rate district. Knowing what has been done in the past, I have entire faith that the Interstate Commerce Commission will discharge this duty with great efficiency, and to the entire satisfaction of the whole American people.

We have required the commission to establish rates in each of these groups or districts that will furnish a fair return upon

the value of all the property in that district, considered as a whole. It is the only way in which we can approach, at this time, the principle we have attempted to set forth in the ultimate consolidation of the railway properties. It is the value of the property as fixed by the Interstate Commerce Commission, mark you, which is to present the basis for the rates in the rate-making group.

For illustration, I will assume that the rate-making groups are the eastern and the western and the southern districts, as they are now known. The rates which are to be imposed upon each district are to be sufficient, and only sufficient, to make a fair return upon the value of the property—railroad property, property held and used for the service of transportation in that district. After that is done, it is apparent to any student of the subject that some of the railroads in the district will earn much more than a fair return, and some of them will earn less than a fair return, for the reasons that I attempted to describe a few moments ago. That situation is inseparable from the condition in which the railroad companies now find themselves, and in which the public, as well, finds itself; but we attempt to reach that disparity in another way.

The earnings of some of the railroads, when the rates are sufficient in the group as a whole to make a fair return upon the value of the property as determined by the Interstate Commerce Commission, will be large. The earnings of some of the railroads will be small; and the latter must struggle as best they can without complete relief until the process of consolidation takes place. I think it is the function of the Government to render transportation service to the people of the United States. It is as completely the function of the Government to supply the people of this country with the facilities with which they move their commodities and move their persons from place to place as it is to furnish the facilities for moving the mails, or any other authority we now exercise without the least protest.

I think it is the duty of the Government to see that adequate transportation is furnished to the people of this country at the lowest possible cost consistent with fairness to the capital which is employed in the business; and if I believed—and I must make this declaration now, because it is a belief that I have held these many years—if I believed that the Government could take and operate the railroads of the United States and furnish the people with the transportation which their commerce demands at less cost than the transportation can be furnished through the instrumentality of private corporations, I would instantly be for Government ownership and Government operation. It is only because I believe and I know, from the experience not only of our own country but of others, from my standpoint, that it will cost the people of this country more for their transportation if its operation be in the hands of the Government than through rigidly regulated private companies, that I am for the latter rather than for the former.

Recalling your attention to the fact that I have said that under the system we have proposed, or, indeed, under any other, until consolidation, the earnings of some companies will be excessive and the earnings of some companies will be inadequate, we have provided that if the return upon the rates so established by the Interstate Commerce Commission and upon the values so ascertained are more than a fair return upon the value of the property of that particular carrier or corporation, the excess shall be paid to the board of transportation, to be expended by that board in the manner which I shall describe: One-half of the excess is to be paid to the board for the advantage of the employees of the corporation which earns an excessive return. One-half of it is to be paid to the board, to be used in the purchase of railway equipment for those railroads which are incapable of securing the capital with which they themselves can buy the equipment, or to loan, for any legitimate railway purpose, to the weaker roads which I have already described.

This leads me to the explanation of the labor provisions in the bill.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. LENROOT. Before the Senator gets to that subject, he has spoken of the use of the excess; but what does the Senator provide for the case of a particular road where the average rate of fair return upon the group does not afford an adequate return for the particular road?

Mr. CUMMINS. Unfortunately we have not been able to provide any assistance of that kind to the weaker roads, other than the accumulation of this fund coming from one-half of the excess earnings of the stronger road in loans to the weaker road, funds which they may be unable to secure in the general market of the country.

Mr. LENROOT. That leads me to ask the Senator whether, in his opinion, we have any constitutional right to deprive a particular road, that may be well managed and well conducted, of an adequate return upon the value of its property?

Mr. CUMMINS. Personally, I have no doubt about that.

Mr. LENROOT. That we have that right?

Mr. CUMMINS. Yes. That has been a question very much disputed, but it will be remembered that we have provided that the excess shall be over and above a fair return upon the value of its property.

Mr. LENROOT. Not its property, but of all the property of the group, as I read the bill.

Mr. CUMMINS. The Senator has not, I think, comprehended my statement fully. The Interstate Commerce Commission is to establish rates that will make a fair return upon the value of all the property in the group. That, I am sure, the Senator understands. I have said that when these rates were applied the result would be necessarily excessive earnings with some companies and inadequate earnings with others, and we take all the excessive earnings from the strong roads and deposit it in the fund either for the use of the employees of all the railways in the country or for the betterment of the weaker roads.

Mr. LENROOT. I should like to ask whether the inevitable result would not be to force the weaker roads into bankruptcy?

Mr. CUMMINS. The weaker roads are in bankruptcy.

Mr. LENROOT. Some of them are and some are not.

Mr. CUMMINS. I do not know of one that is not. That is the unfortunate part of the situation.

Mr. LENROOT. May I give a concrete illustration? Suppose the Pennsylvania and the Baltimore & Ohio are put into a group. A fair return upon the property of both combined would not furnish an adequate return to the Baltimore & Ohio. The Baltimore & Ohio is not a weak road.

Mr. CUMMINS. I hope the Baltimore & Ohio will not go into bankruptcy; but unless we make very great improvements over the present situation under Government operation I am sorry to say that the Baltimore & Ohio will be in bankruptcy, as well as a great many other roads, because some of the heretofore best roads in the country are not now earning enough to pay the interest upon their bonds.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator from Wisconsin referred a moment ago to the inadequacy of certain returns or earnings to some of the companies. I simply desire to say in reply, in addition to what was said by the Senator from Iowa, that it is the hope of the committee that many of the smaller roads or roads of little earning capacity will be absorbed by the larger systems, either by a process of voluntary consolidation or compulsory consolidation, and in that way we would relieve very largely the situation which the Senator from Wisconsin has in mind.

Mr. CUMMINS. The Senator from Ohio is quite right. That is our ultimate hope, and it is the only hope for the railway situation in my opinion, but the withdrawal of the excessive earnings from some railroads which are fortunately situated will do very much to alleviate the financial hardships which some of the weaker roads are now suffering.

I return and say that this leads me to a brief consideration of the so-called labor provisions of the bill. I need not remind the Senate that this is a somewhat delicate subject, and to it the subcommittee has given its most careful attention, and its conclusions in these respects are the unanimous conclusions of all the members of the subcommittee. I want to emphasize that fact, so that there can be no intimation or suggestion that there is a difference of opinion among the members of the subcommittee with regard to this vital subject.

The first phase of the bill which deals with the subject is the one to which I have just referred, namely, one-half of the excess earnings of the railroads of the country—that is, one-half of all they earn above a fair return upon the value of their individual respective properties as prescribed by the Interstate Commerce Commission—is paid to the railway transportation board, and it is to be expended in the following way. I intend to take the time to read just how that fund is to be expended.

Mr. McCUMBER. Before the Senator reaches that will he explain whether it is the intention of the bill to divide this half of the excess earnings with those employees who are already receiving a wage far in excess of the average wage for like character of employment in the United States?

Mr. CUMMINS. The subcommittee have not assumed and do not assume that any employee is receiving an excessive compensation. We have not believed that it was for us or for Congress to legislate upon that particular subject.

Mr. KIRBY. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I yield to the Senator.

Mr. KIRBY. Should not rather the excess profits, instead of being divided among the employees, be so applied as to reflect a reasonableness of rates to the public?

Mr. CUMMINS. It is only a question as to how the excess earnings can be most wisely expended in the interest of the public. The welfare of the people generally is the sole criterion, the guide, and the subcommittee have believed that the public would be better served by the use of the excess earnings in the way I am about to describe.

The share of excess earnings—

I am now quoting from the bill—

Mr. NELSON. At what page?

Mr. CUMMINS. Page 42—

SEC. 25. The share of excess earnings assignable for the benefit of employees as hereinbefore provided shall be put into a fund designated as the employees' welfare fund, under the control and administration of the board. Said fund may be invested or expended for the following purposes, or any of them:

(a) The promotion of invention and research to ameliorate the conditions of labor and to lessen the hazards of employment.
(b) To extend and improve hospital relief
(c) To supplement existing systems of insurance and pensions.
(d) To afford opportunities for the technical education of employees.
(e) To establish a system of profit sharing by employees.

In the administration of said fund it shall be the duty of the board to organize an employees' advisory council composed of one representative from each organized craft of railroad employees requesting representation, and no new line of expenditure from such fund shall be undertaken by the board without first receiving the advice of said council; and, if the advice is not followed in any respect, the reasons therefor shall be stated in writing and published. Full information regarding the expenditures shall be published, and access to the records shall be afforded to the advisory council for the purpose of audit.

This is the first provision in the bill having relation to the welfare of employees of railway corporations.

Second. The bill provides that upon the board of directors of all railway companies, whether organized under the act, reincorporated under the act, or remaining as they are, there shall be two directors representing the classified employees of the corporation involved; but I may say, in passing, also two directors representing the Government and appointed by the board.

It is also provided that upon all committees of boards of directors having power to act, such as executive committees or finance committees, there shall be at least one director who was chosen in the manner provided in the bill for the election or appointment as a member of the board of directors from the classified employees. That is the second provision made for labor. It is in accordance with a universal and, as I believe, a just movement in this country and in every other to give the employees of any industry an opportunity to know the policies, the reasons which move the corporations in any given direction. I feel sure that time will but verify my prediction when I say that it will not be long until all industries are organized in that way. I repeat, it is my opinion that this is one of the conditions precedent to peaceful, intelligent, and forward-looking policies in the controversies between capital and labor.

Third. We have created in the bill a Government tribunal for the settlement of all disputes between the employees of railway companies and the companies themselves, including the fixing of wages and the conditions of labor. This is obviously an advance upon the general course of legislation in the past. I confess that I have been rather slow and somewhat reluctant to reach the conclusion that it was necessary that the Government shall fix the wages ultimately of railway employees, but I have been driven to that conclusion by the inexorable logic of events. There is no possible way of withstanding it. If transportation is a governmental function or allied to governmental functions, it is impossible to contemplate continued and disturbing controversies between railway companies and employees. I want the Senate and the country to know what provisions we have made in that regard. They will be found on page 43 of the print which some Senators have before them, as follows:

SEC. 26. For the purpose of settling disputes not adjusted under existing provisions of law or otherwise adjusted between railroads and their employees there is hereby created a committee of wages and working conditions, composed of eight members, four of whom shall represent labor and four of whom shall represent railroad corporations. They shall be appointed for terms of four years: *Provided*, That the terms of the first four appointees in each group shall be one, two, three, and four years, respectively. Each organized railroad craft may nominate candidates for the memberships representing labor, and the board shall appoint four persons from among such nominees. Each railroad corporation may nominate one candidate for the memberships representing the carriers, and the board shall appoint four persons from among such nominees. If less than four nominations in either group are made, the board may appoint additional persons believed to represent labor or the carriers, as the case may be. The members of the committee of wages and working conditions shall each receive a salary of $4,000 per annum. They may appoint a secretary and other necessary employees. The board shall provide a suitable meeting place for the committee of wages and working conditions, and shall pay out of its appropriation the salaries of the members and of the secretary and other employees of the said committee, and all other expenses necessarily incurred in the performance of the duties of the said committee. The salaries of the employees of the said committee shall be fixed by the commission.

I quote further:

It shall be the duty of the committee of wages and working conditions to consider all complaints submitted by representatives of employees or of the carriers and to make decisions by majority vote as promptly as practicable. The decisions of said committee shall be certified to the board and shall take effect when approved by the board.

If the committee of wages and working conditions is evenly divided upon any question, the matter in dispute, together with all records of proceedings pertaining thereto, shall be referred to the board, whose decision shall be final. The board shall certify to the commission all decisions of the committee of wages and working conditions when approved by said board and all decisions by said board in cases referred to it promptly upon deciding the same, and said certificate shall be conclusive evidence before the commission of the matters so determined and certified.

This is the tribunal for governmentally adjudging and decreeing the merits with regard to all controversies between the employees of railway companies and the corporations themselves. It is the intention of the subcommittee that this decision, when finally reached, shall be conclusive everywhere, not only with regard to the work of the Interstate Commerce Commission but it shall be conclusive upon every citizen who desires to be a law-abiding man.

The subcommittee have assumed that it was necessary to give to the board which we propose to create some rules of conduct that it can apply when it comes to adjust or settle or decide upon a controversy between the operating men and the corporation. I quote further:

SEC. 27. The wages and salaries paid by carriers subject to this act and the hours of labor and other conditions of employment shall be fair, just, and reasonable. In determining the fairness, justness, and reasonableness of wages and salaries the committee of wages and working conditions and the board shall take into consideration among other relevant circumstances:

(a) The scale of wages paid for similar kinds of work in other industries;
(b) The relation between wages and the cost of living;
(c) The hazards of the employment;
(d) The training and skill required;
(e) The degree of responsibility; and
(f) The character and regularity of the employment.

These are rules that are suggested for the committee of wages and working conditions and to the board in deciding these disputes as they arise from time to time. There are adequate provisions in regard to the summoning of witnesses and requiring books and papers and all the information necessary to enable the board to decide the matter with full knowledge and all the information that it can acquire.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. KELLOGG. I think the Senate misunderstood the Senator from Iowa; at least I did. I do not think the Senator meant to be understood that this was a bill creating a board to fix all the wages of railroad employees by law.

Mr. CUMMINS. Oh, no.

Mr. KELLOGG. It is a board created to settle all disputes——

Mr. CUMMINS. It has jurisdiction only when a dispute arises which is incapable of being settled or adjusted by the other provisions of the law which are now in existence.

Mr. KELLOGG. Between the employees and the companies themselves. It only acts in the settlement of a dispute between employees and employer.

Mr. CUMMINS. The Senator from Minnesota is quite right about that. Then comes this provision:

SEC. 29. Any carrier or any officer of any carrier knowingly refusing to obey the decision of said committee after it has been approved by the board or of the board in cases referred to it, as hereinabove provided, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

That is intended, of course, to punish those officers of railway companies who may refuse to give heed or to obey or to carry into effect decisions of the committee or of the board.

Mr. NORRIS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. I do not know how far the Senator from Iowa invites questions, for he has stated that he does not care to go into minute details.

Mr. CUMMINS. I am quite willing to answer any question.

Mr. NORRIS. If my question has a tendency to lead the Senator further than he would like, if he will say so, I will, of course, withdraw it. But what he has just said about this board has led me to ask this question, without having had an opportunity, of course, to examine the bill until just a few moments ago. The answer may be very simple, but to me it presents a practical proposition which I think may lead into difficulties. Assuming that one of the railroad companies making ex-

cessive earnings has a dispute with its employees as to wages, if the officials of the corporation and the employees agree on what the wages shall be then this committee has nothing to do with the matter; that is final. Under those conditions, would it not be probable, since the corporation could retain only so much money anyway, but would earn more than the amount allowed them under ordinary conditions, that they could make an agreement with their employees that would be unfair to the public, either concerning wages or working conditions, and thus compel the public to stand burdens that would not be fair? In other words, there would be no limit as to what they might do; and under those conditions, it seems to me, there would be nothing to impel any interest on their part except to come within the earnings, which, the Senator says, in the case of some roads would be very excessive.

Mr. CUMMINS. While neither the board nor the committee on wages and conditions of labor would have any jurisdiction in such a case, it is not true, I hope, that the public would be unprotected, for the Interstate Commerce Commission would then have the right to review what had been done between the employees and the carrier corporation, and if the Interstate Commerce Commission believed that there had been any such alliance as that described by the Senator from Nebraska, it would make the necessary order to protect the public in deciding what was a fair return upon the value of the property of the carrier.

Mr. NORRIS. Does the bill give to the Interstate Commerce Commission such appellate jurisdiction?

Mr. CUMMINS. It does not do so expressly, but as a necessary consequence the commission would have that power just exactly as it has it now. The commission is not obliged in fixing rates to accept the wages which have been agreed upon between carriers and their employees.

Mr. NORRIS. Then the finding of this committee is not final, but can be reviewed by the Interstate Commerce Commission?

Mr. CUMMINS. Where there is a dispute it can then be reviewed by the board, and the board, acting for the Government, may disapprove the decision of the committee on wages and working conditions.

Mr. NORRIS. My last question probably did not state just what I intended it should. In case there is no dispute—and that is the case I originally put—will the Interstate Commerce Commission have power to review when both sides are satisfied with the decision?

Mr. CUMMINS. I think it has such power now. That particular thought has not been considered by the committee; and if the bill is lacking in that respect I hope it will be amended, for the Senator from Nebraska has stated a case which must have some kind of remedy; that is apparent.

Mr. POINDEXTER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. POINDEXTER. It appears to me that the condition which the Senator from Nebraska [Mr. NORRIS] apprehends—namely, an agreement between the representatives of the company and the representatives of the employees—now exists. It is perfectly feasible under present conditions for the companies and their employees to agree about wages. So there is at least no new situation created by the bill in that regard.

Mr. NORRIS. If the Senator will permit me——

Mr. ROBINSON. If the Senator from Iowa [Mr. CUMMINS] will yield to me I desire to say, in answer to the question of the Senator from Nebraska [Mr. NORRIS], or in further partial answer to his question, and also in pursuance of the suggestion made by the Senator from Washington [Mr. POINDEXTER], who has just taken his seat, that the bill which the subcommittee proposes does place a limitation upon the power of the railroads and their employees to make contracts. Section 27 provides that—

> The wages and salaries paid by carriers subject to this act and the hours of labor and other conditions of employment shall be fair, just, and reasonable.

While the existing law does not prevent any contract that might be entered into between employees and the railroads, this bill does safeguard the interests of the public against the possibility by improvident contracts such as have been suggested by the Senator from Nebraska. Under the provisions of section 27, if a railroad company should agree, for instance, to pay its employees twice the compensation which should be applied, taking into consideration the facts set forth in the bill as the basis for determining what constitutes a fair, just, and reasonable wage, a complaint to the Interstate Commerce Commission that that agreement was unfair, unjust, and unreasonable would enable the commission to determine the question, as stated by the Senator from Iowa, under the present rules of procedure before the commission. The matter could be reached in that way.

Mr. NORRIS. If the Senator from Iowa will permit me, I desire to say that I was impressed with what the Senator from Washington [Mr. POINDEXTER] said, that conditions would be the same as they now are. Of course, I am not familiar with its details, but as I understand the bill from the explanation made by the Senator from Iowa, there would be a great many instances in the case of the strong roads where the earnings would be excessive, and it was that kind of a case I had in mind when I propounded my question. In such a case the officials of the railroad would not be moved by any question of profit, for the company would not get that profit anyway, while under present conditions, if they make an agreement with their employees that is unreasonable it immediately has an effect upon their own incomes. I do not know whether the particular provision which the Senator from Arkansas [Mr. ROBINSON] has read would give the Interstate Commerce Commission jurisdiction, but the simple statement in the law that all these rules and regulations, wages, and provisions should be fair and just would be too general.

Mr. CUMMINS. It may be, Mr. President, that some additional strength should be given to that provision, although I agree entirely with the Senator from Arkansas that the commission would have complete power in that respect.

Mr. McCUMBER. Mr. President, to make the matter absolutely clear, will the Senator allow me to give him a concrete case and base his answer upon that case?

Mr. CUMMINS. Certainly.

Mr. McCUMBER. Suppose that one of the more fortunate roads should be allowed by the commission to earn 10 per cent upon rates which would be fixed by the commission and which would be applicable throughout the district, and that their earnings were really 20 per cent. Now, suppose that they anticipated its division with their employees and stated, "We will take 5 per cent of this now and pay you 5 per cent more than the other roads can afford to pay." There would be, then, no dispute between the railroad company and its employees, and yet their wages would be considerably higher than the wages of other employees, while the public would not be paying any less. Under the bill, who could make a complaint to bring that matter before the commission and secure a revision which would force the company to pay the usual wages?

Mr. CUMMINS. Mr. President, anyone who is interested in transportation. The railway board of transportation could do it.

Mr. McCUMBER. Could anyone who does lose by it institute such a complaint?

Mr. CUMMINS. Certainly.

Mr. McCUMBER. Such a complainant is only paying the regular rates that are fixed, and he can not say that he is losing anything by it. The only ones who are losing are the unfortunate roads.

Mr. CUMMINS. They could complain; any shipper could complain, and anyone else who has the right to appeal to the Interstate Commerce Commission under the act to regulate commerce could complain.

Mr. POINDEXTER. Mr. President——

Mr. CUMMINS. I yield.

Mr. POINDEXTER. If the Senator will allow me to revert just for a moment to the question asked by the Senator from Nebraska [Mr. NORRIS]. I did not follow very clearly—in fact, could not hear very distinctly—the suggestions of the Senator from Arkansas [Mr. ROBINSON]; but the last part of section 26 of the proposed act provides as follows:

> The board shall certify to the commission all decisions of the committee of wages and working conditions when approved by the board.

My understanding of that language is that the words "when approved by the board" give the board, which represents the public, discretion of approving or disapproving the findings of the committee of wages and working conditions.

Mr. CUMMINS. The Senator from Nebraska, however, was speaking of a case that had never been before the committee on wages and working conditions, and therefore never before the board.

Mr. POINDEXTER. I understood that he was speaking of a case where the committee on wages and working conditions had agreed.

Mr. CUMMINS. No.

Mr. ROBINSON. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. Yes.

Mr. ROBINSON. My statement was directed to the inquiry of the Senator from Nebraska, which stated a hypothetical case, the case of a railroad having excess earnings, in which event, as he stated, there might be a tendency to collude with the employees to pay the employees excessive compensation and thus

absorb the excess earnings and prevent them from going into the fund contemplated by this bill. I stated that, since the pending bill provides that the wages paid employees shall be just, fair, and reasonable, such a case could be reached by complaint filed before the Interstate Commerce Commission setting forth the facts, in which event the commission could make such a ruling as would in all probability obviate the difficulty. The probability of such a case arising is exceedingly remote, it seems to me, but it might possibly occur.

Mr. NORRIS. May I interject a word just there?

Mr. CUMMINS. I yield.

Mr. NORRIS. As I understood the Senator from Iowa, earlier in his explanation he stated that the power of the Interstate Commerce Commission was going to be changed, and while they would have jurisdiction of rates and some other matters, the question of wages, perhaps, would not be one of the matters in their jurisdiction. In the case that I have put, if such a thing occurred, it would not affect the rates, and if it did not affect the rates, the Interstate Commerce Commission, perhaps, if the bill takes away some of their authority at least, would not have jurisdiction.

Mr. CUMMINS. None of the authority of the commission with respect to that is taken away; on the contrary, we have given them express addditional authority upon that point in this——

Mr. NORRIS. If you have, then you have remedied it.

Mr. CUMMINS. The Interstate Commerce Commission is to prescribe in the case of a carrier what is a fair and just return upon its particular property. If a particular carrier has colluded with its employees and is paying them more than a fair, just, and reasonable compensation, then the amount paid to the employees under that sort of an arrangement would not be deducted in determining what the excess earnings were.

Mr. NORRIS. No; but the matter to which I wished to call the attention of the Senator from Iowa, and also the attention of the Senator from Arkansas, was that in the particular case I have put it would not have an effect, as I understand the bill from the Senator's explanation, upon the rates. The rates apply to a whole division——

Mr. CUMMINS. That is true; but——

Mr. NORRIS. And some road in a given division has excessive earnings. The action of the railroad company in the case I have put would simply have a tendency to take away excess profits; that is all.

Mr. CUMMINS. The Senator does not quite catch my meaning. Suppose the carrier were in receipt of $100,000 of excess earnings according to its own books. Now, suppose the carrier had conspired with its employees and had paid out $100,000 in wages more than was fair and reasonable. Then the excess earnings of that carrier would be $200,000 and the stockholders would have to bear the loss. It is not very likely that the carrier would undertake any such experiment as that.

Mr. NORRIS. I do not think the Senator understands my position in the matter. The stockholders would not have anything to do about it. These are excess earnings that are going into this fund; but the stockholders in the case I have put are getting all they can get, and more is being accumulated to go into this fund, so that the stockholders would have no interest in it whatever.

Mr. CUMMINS. The Senator from Nebraska is wrong about that so far as authority is concerned. The Interstate Commerce Commission would simply take the excess payment to the employees and put it into this fund; that is all; and the stockholders would receive that much less.

Mr. NORRIS. The stockholders, as I understand the Senator's explanation, would not get this excess fund; it is a fund that is paid over to this board, one-half of it to be used in one way and one-half in another way.

Mr. CUMMINS. Suppose the commission should say "You have been in the habit of paying 7 per cent dividends, but now you are paying too much to your employees, and we will only allow you to pay 4 per cent dividends"?

Mr. NORRIS. No; but suppose you are paying a 25 per cent dividend, and it is held that 10 per cent is fair and reasonable, and that 15 per cent of that dividend is going into this fund, and under those conditions you make that kind of a deal with your employees—then where are you?

Mr. CUMMINS. Then we will reduce it in just the same way. I hope the Senator from Nebraska will give thought to the matter, and if he has any amendments to propose when the bill finally comes in, if it ever does come in, from the full committee, I am sure that every consideration will be given to his suggestions, because I am just as anxious to protect the public against any such contingency as the Senator from Nebraska can possibly be.

I resume for just a moment more the provisions of the bill with regard to labor. I had already read the provision with regard to the disobedience of any officer of any carrier. That section concludes in this way:

> If two or more persons enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the movement of commodities or persons in interstate commerce; or enter into any combination or agreement which substantially hinders, restrains, or prevents the movement of commodities or persons in interstate commerce, such persons so combining and agreeing shall be deemed guilty of a conspiracy and shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment: *Provided*, That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason.

Mr. President, the latter part of this section makes it unlawful for any two or more persons to combine substantially to hinder, restrain, or prevent the movement of commodities or persons in interstate commerce, or to enter into any combination that accomplishes this result. Everyone understands and will understand perfectly, I am sure, that this is a prohibition against what is ordinarily known as the lockout, and is also a prohibition against what is ordinarily known as the strike. It is intended to preserve the channels of commerce free from obstructions of that character.

The committee believes that after having provided a tribunal for the adjustment of disputes between railroad companies and their employees, both sides must accept the judgment of that tribunal and respect it. It is not intended, of course, to lay the least restraint upon any individual so far as the cessation of his employment is concerned; but it is intended to prevent the combinations which result in a general suspension of transportation. We have reached that stage of development and civilization in our country in which the lives and welfare and the health of all the people of the country depend upon the continuous, the constant, and the regular interchange of commodities between communities and persons. Only two or three weeks, in many populations, lie between plenty and starvation. Only two or three weeks, in certain seasons of the year, lie between warmth and freezing. All the considerations of modern life depend upon and they demand that the transportation of this country shall be carried on free from obstruction of that character.

I have always regarded the strike as a legitimate and an invaluable weapon as between the employer and the employee. I have looked upon it as substantially the only weapon that could be employed by the laboring man in order to secure that justice which is his due. But when we advance to the point at which the Government undertakes to fix his wages in the event of dispute, when we advance to the point where we authorize a Government tribunal to enter a decree with regard to the justice of the particular matter, there is no room longer for the interruption of a strike or a combination among men of any kind, whether employers or employees, to hinder, delay, or restrain the movement of commerce.

I believe this provision will result in justice to the employee. I believe it will secure for him in an enlightened Government a fair share of the fruits of his toil; and, so believing, I have given it and I do give it my unqualified support.

Mr. President, a word more and I shall have concluded.

We have given the commission in this bill the exclusive authority over what may be known as the issues of securities by railway companies. We have greatly enlarged the car-service act, to which I have referred, so that the utmost capacity of the railways of the country can be utilized in the days of need. We have made many other amendments to the interstate-commerce act. I ought to say—it is only fair to say—that we have taken the bill introduced by the Senator from Ohio [Mr. POMERENE], which contains many amendments of the act to regulate commerce, and, with some modifications, have embraced those amendments in the bill.

I beg pardon for having delayed the Senate so long, but we are dealing with a subject of such vast importance and of such imminence that I felt that this explanation of the work of the subcommittee might be helpful; and I know that the Senator from Arkansas [Mr. ROBINSON], and possibly other members of the subcommittee, will be glad to supplement what I have so inadequately said by some observations of their own.

Mr. ROBINSON. Mr. President, I shall take occasion at this time to present to the Senate briefly only one feature of the bill which has been introduced this morning by the Senator from Iowa, and which was prepared by the subcommittee of which he has spoken, providing for the return of the railroads to their owners and the operation of the railroads under private management.

The feature of the bill that I address myself now in explanation of is that last discussed by the Senator from Iowa. It is exceedingly desirable, in view of the importance of this provision

of the bill, that it should be made clear to the Senate and to the country at this time. The Senator from Iowa has explained the subject and I might very well rest the case on his statement.

There is no purpose on the part of the subcommittee to oppress anyone. Current and recent events have given emphasis to the fact that it is impossible for the Congress to perform the constitutional function of regulating commerce unless some tribunal is established by the Government empowered finally to decide disputes between railroads and their employees—disputes which might result in a suspension of commerce and in the misery and suffering which we all realize would result from a universal or general lockout or strike. Believing that the time has come when the Congress should act promptly and courageously in considering and disposing of this all-important question, your subcommittee has written into the bill providing for the return of the railroads to their owners some paragraphs which create a Government tribunal authorized to determine disputes between railroads and their employees relating to hours, wages, and working conditions. That tribunal is called the committee of wages and working conditions, and is composed of four members representative of labor and four members representative of the railroad organizations. Nominations for each class are made by those authorized to represent the classes, and the selections are made by the transportation board from the nominees of labor and from the nominees of the railroads, respectively. The decisions of this committee are by majority, and since it is composed of four representatives of the employees and four representatives of the employers it is easily conceiveable that in a given case the committee might be evenly divided, in which event the bill provides that the whole case shall be referred to the transportation board, and by it decided. Decisions of the committee of wages and working conditions are made effective when approved by the board. The committee thought it wise and just to retain some governmental regulation over settlements of this character, in view of the fact that the public finally pays the bill. When decisions have been reached by the committee and approved by the board, or in case of failure of the committee to decide and decision by the board, these decisions are certified to the Interstate Commerce Commission, and are made conclusive upon that body in the determination of all questions which may arise before it.

In this bill we provide for representation on the boards of directors of the various companies of two members representing labor and two members representing the public. It is also provided, as stated by the Senator from Iowa [Mr. CUMMINS], that the country shall be divided into rate-making groups, and rates shall be so adjusted as to provide a fair return upon the value of the property held and used for transportation in each group. This will undoubtedly result in some railroads, the more profitable railroads, receiving earnings in excess of a fair return. The bill provides that the commission shall determine what is a fair return, and, having determined that, all sums above a fair return shall be divided into two funds: First, a fund to be known as the employees' welfare fund, to be devoted to the improvement of the conditions of labor, to promote inventions and to lessen the hazards of employment, to the extension and improvement of hospital relief, to supplementing existing systems of pensions and insurance, to afford opportunities for technical education, and, if the commission so decides, to providing for a system of profit sharing by the employees. The other half, the bill provides at page 8—

> Shall be deposited in a fund which, from time to time, shall be expended by the board in the purchase of equipment to be leased under proper terms to carriers in order to facilitate transportation or to loan to carriers upon reasonable security in order to purchase equipment or other facilities in the event that such carriers are unable to secure elsewhere the funds with which to provide themselves with adequate transportation facilities.

The right to strike has heretofore been recognized in our laws, particularly in certain provisions of the Clayton Act. Those laws should be modified and strikes of employees on railroads engaged in interstate commerce should be forbidden.

The provision by law of a fair tribunal to settle disputes between railroads and their employees is, of course, a prerequisite in any plan fairly calculated to relieve the country from the menace of strikes and lockouts that will restrain or prevent interstate commerce. It is indispensable to the comfort and life of our people that commerce be continued and no system which leaves commerce subject to the will of individuals or organizations among them can be justified.

In the interests of the laborers themselves, and more particularly in the interests of the general public, Congress should deal with this subject comprehensively and courageously.

It is desirable, if possible, to devise a plan that will meet with the approval of the laborers and at the same time fairly safeguard the public interest. But it might as well be understood in the beginning that the question is one in which the public interest is equal to that of the railroads and the laborers, if not controlling, and that under our system of government, while no man should be compelled to perform involuntary servitude, except as a punishment for crime, and while the full freedom and right of employees as individuals to quit work at will must be preserved, the dangers of a general strike or lockout which would suspend commerce are so apparent and far-reaching that disputes likely to result in strikes or lockouts on railroads must be determined in an orderly manner.

If a just solution of the subject can be written into the law, the value of the service to the public will be almost immeasurable. In the years to come frequent controversies will arise between the railroads and their employees, no matter what general plan is adopted for the disposition of the railroads. Whether, as contemplated by this bill, the roads are returned to their owners and hereafter privately operated under strict Government regulations or the Government acquires and operates them, there will be no escaping serious controversies affecting the rights and compensation of laborers on railroads. It is necessary that the public should maintain a check upon the decisions of such questions, for to permit railroads and their employees the unqualified power of decision might impose unreasonable burdens upon the public generally. The important thing to be accomplished is to provide a fair tribunal for the early and just decision of labor disputes as to the railroads, and, having done that, no logical reason appears for countenancing either strikes or lockouts calculated to suspend commerce. Everyone realizes that commerce is not only necessary but also indispensable to provide comfort for our people and to maintain their lives.

This bill not only assures to employees just, fair, and reasonable hours, wages, and working conditions, but, as already stated, it gives them representation on the boards of directors of the various railroad corporations and establishes an employees' welfare fund from the excess earnings which it is believed some of the railroads will derive from the rates to be established under the bill. This employees' welfare fund will be expended by the transportation board, upon the recommendation of an advisory committee representing the railroad brotherhoods, and is designed to promote hospital relief, improve conditions of labor, lessen the hazards of employment, supplement existing systems of insurance and pensions, afford opportunities for the technical education of employees, and to establish a system of profit sharing by them.

There is no purpose to oppress or permit the oppression of the employees of railroads. On the contrary, the bill is intended to secure to them their just rights. Having done this, it can not be considered unfair to protect the public against the dangers of strikes and lockouts.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The bill introduced by the Senator from Iowa will be referred to the Committee on Interstate Commerce.

CALLING OF THE ROLL.

Mr. FRELINGHUYSEN obtained the floor.

Mr. HALE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McKellar	Sheppard
Bankhead	Henderson	McNary	Shields
Borah	Johnson, Calif.	Moses	Smith, Ariz.
Brandegee	Johnson, S. Dak.	Nelson	Smith, S. C.
Capper	Jones, N. Mex.	New	Smoot
Chamberlain	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Norris	Sutherland
Cummins	Kendrick	Nugent	Trammell
Curtis	Kenyon	Overman	Wadsworth
Dial	Keyes	Page	Walsh, Mass.
Edge	King	Phelan	Walsh, Mont.
Elkins	Kirby	Pittman	Warren
Frelinghuysen	Lenroot	Poindexter	Watson
Gronna	Lodge	Pomerene	Williams
Hale	McCormick	Ransdell	Wolcott
Harris	McCumber	Robinson	

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, there is a quorum present.

Mr. FRELINGHUYSEN. I yield to the Senator from New Hampshire [Mr. MOSES] to submit a report.

REPORT OF DAUGHTERS OF AMERICAN REVOLUTION.

Mr. MOSES, from the Committee on Printing, reported a resolution (S. Res. 175), which was considered by unanimous consent and agreed to, as follows:

> *Resolved*, That the report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1918, transmitted to Congress by the Secretary of the Smithsonian Institution, pursuant to law, be printed as a Senate document, with illustrations.

LEAGUE OF NATIONS.

Mr. WILLIAMS. Mr. President——

Mr. FRELINGHUYSEN. I decline to yield further.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. WILLIAMS. Will the Senator yield to me for just one moment that I may make a request for unanimous consent?

Mr. FRELINGHUYSEN. Will the Senator kindly state his purpose.

Mr. WILLIAMS. I wish to make a request for unanimous consent to insert something in the RECORD.

Mr. FRELINGHUYSEN. May I ask the nature of it?

Mr. WILLIAMS. It is an editorial in the Baltimore Sun entitled, "Facts and Fancies About the League of Nations."

Mr. FRELINGHUYSEN. I yield for that purpose.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"FACTS AND FANCIES ABOUT THE LEAGUE OF NATIONS.

"The meeting at the Lyric on Thursday night in opposition to the league of nations was a most successful one from the standpoint of its promoters. There was a big crowd and great enthusiasm. The speakers were all adepts in the art of arousing the emotions of an audience and the applause which their periods commanded was abundant and spontaneous. It was evident that the particular 3,000 people present at the Lyric were largely opposed to the league of nations and that the speakers were saying the things which they wanted them to say. It is true that the audience was largely a Republican audience. Of the 'prominent Baltimoreans' present, practically all were Republicans. There was a sprinkling of colored brethren in the gallery. Much of the most vociferous applause was given to remarks made in disparagement of President Wilson. But it would be a very unfortunate thing if the Republicans of the country, through dislike of President Wilson or for any other reason unconnected with the merits or demerits of the league of nations, should allow themselves to assume a position of hostility to the league. It would be very unfortunate if they, through thoughtlessness or prejudice, should ally themselves with Johnson and Borah rather than with Taft and Hughes and Root. This, as the several speakers of the evening all truly said, is not a partisan question and should not be considered in a partisan spirit. The treaty that is finally ratified should express the sentiment of America and not of a party.

"In view of this fact it is desirable that Republicans as well as Democrats and all other citizens should forget their partisanship and should form their opinion as to the desirability or undesirability of the league of nations purely from a consideration of what it is and what will be the effects of it. To that end it would be appropriate to discuss quietly and rationally the arguments against the covenant presented by the speakers of Thursday evening.

"One thing which underlies practically all the argument and which is vital to any understanding of it is the fact that no one holds either the peace treaty or the league covenant to be perfect documents. No one believes that either will bring about the millennium overnight. What the advocates of the treaty do hold is that it marks a tremendous advance over any other similar treaty in the world's history and a great step forward in international relations. It has many beneficent provisions—provisions that could never have been incorporated in it but for the idealism injected into it by American pressure, that idealism which is the target for so much scorn of such 'practical' men as Senator REED. It makes free and independent nations of hitherto oppressed peoples—the Poles, the Czecho-Slovaks, the Jugo-Slavs. It makes colonial governments responsible to a tribunal composed of representatives of all the civilized nations of the world. It points the way to a reduction of armaments. It, of course, puts an end to the German menace—a menace the frightfulness of which some of our people seem to be beginning to forget—and it presents a rational plan, a plausible plan, and a plan which represents the best thought of the best minds on the earth, which have devoted themselves to the subject, to make a repetition of that menace as impossible as human thought and concerted action can make it. All of these advantages will be lost if the treaty fails.

"The opponents of the treaty say that these advantages are apparent only, and not real. An independent Poland, an independent Czechoslovakia, and independent Jugo-Slavia have, indeed, been created, but they will be controlled by the international bankers or the military cliques of Europe. The colonizing governments will still control the backward peoples. Armaments will not be effectively and fairly reduced. The league of nations will not work. Here it is clear that they have fallen into the error of which we spoke above. Because the new arrangements are not perfect, they are overlooking the fact that they are tremendously better than the arrangements of the past. They do not accomplish everything. They do accomplish much.

"Senator JOHNSON devoted much of his attention to the subject of the secret treaties. Here his rhetorical exuberance betrayed him into an erroneous statement, when he said that the peace was based upon the secret treaties and upon them alone. It was not based upon them alone. But that is inconsequential. The secret treaties are bad. The system is bad, and some of the provisions of these particular treaties are bad. The provisions of the secret treaties, or some of them, were insisted upon by the nations participating in them, and were incorporated in the peace treaty. What the critics overlook, however, is the fact that international relationships in Europe heretofore have always been based upon secret treaties. European diplomacy knew no other method. When Italy and Japan entered the war they merely followed the invariable precedent of the past by agreeing in advance upon an after-the-war program, upon a division of the spoils of war, to put it coarsely. It was known that in the event of victory Germany's colonies would be taken from her. It was natural and inevitable that England and France and Japan should agree in advance as to which of the colonies should go to which.

"A bad system? Certainly, when viewed from the standpoint of perfection. But one the existence of which had to be accepted, because it did exist. Sensible men who accept conditions as they find them could not do otherwise than premise their actions upon the existing conditions. To reject a peace which in its entirety is highly desirable, a peace which in itself will bar all secret treaties in the future if the peoples of the nations consenting to it insist upon the carrying out of its plain provisions, merely because it is based in part upon secret treaties of the past, would be utterly illogical.

"This leads to another point. Senator JOHNSON objected to the treaty because it was made not by the peoples of the nations which fought Germany but by their rulers. This is partly true and partly untrue. The attitude of the peoples of the various nations, of course, largely dictated the position of their representatives at Paris. So far as the European nations are concerned, at least, those representatives could not have remained in power but for the approval of their peoples. But this important fact is to be remembered in connection with the future. The league of nations will be what the peoples of the nations composing it make it. In practically every nation of the world the people are assuming larger powers in the control of the governments. In practically every one the political issue is no longer between the old-time liberals and conservatives; it is between the liberals and the radicals. And both of those classes are interested in making the league of nations a workable instrument, responsive to the will of the people. That is one of the chief grounds of the reasonable hope that it will prove an effective agency for the preservation of peace.

"Senator JOHNSON is particularly concerned about article 10. If he had his way, he said, he would shut up every American in a room for 24 hours and make him learn article 10 by heart. We, too, should like to have that provision universally known, and to further the good work we print it here verbatim:

"'The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.'

"The Senator is anxious that everyone should read this article, but it is apparent that he himself has not read it understandingly. How else can be explained his impassioned assertion to his audience that 'you are asked to guarantee with your blood' that these territorial arrangements shall stand for all time, and his even more absurd statement that 'we are asked to guarantee the possession of Shantung by Japan for all time.' Apparently his eyes are blind to those words, 'as against external aggression.' That means merely that Germany shall not take possession of Alsace-Lorraine against the will of the people of Alsace-Lorraine, that Japan shall not hold Shantung against the will of the people of Shantung. It does not protect any nation against internal disturbance, against revolution or rebellion. And, in any case, the council of the league has authority only to advise, not to compel. Congress can accept its advice or reject it. It will of course be under a moral obligation to use the power of this country to carry into effect the plain intention of this article. But the hypothetical cases advanced by the opponents of the league to disparage it are usually cases which do not involve the carrying out of the intention of the article. Congress would be under no obligation, moral or

otherwise, to accept the advice of the council if it should ever attempt to involve this country in any unwarranted action.

"'We want to say for ourselves when we shall go to war,' cried Senator JOHNSON. We shall, under the league and under the Constitution. 'What one man is wise enough to sit in that council at Geneva and declare war for 100,000,000 people?' he asked. No one man will do it. Congress alone will declare war. The representative of the United States on the council will pretty nearly represent the sentiment of the people of the United States. In the inconceivable event that he doesn't, Congress will disregard his action. And Congress will control.

"Senator REED is against not only this league of nations but any one that might be devised, because it attempts the impossible. He made the startlingly original suggestion that you can not change human nature. 'If Christ's Sermon on the Mount could not change the spirit of the robber nations of the earth in 2,000 years, no league of nations could.' This human-nature argument was probably used by a prototype of Senator REED in some savage tribe of precivilized days when the suggestion was made that it would be better for him to settle his differences with his neighbor by appealing to the judgment of his chief rather than by fighting it out. It was probably made by those who opposed the formation of courts of law of any sort. Perhaps you can't change human nature, but you can appeal to human nature. You can teach men that it is wiser to settle their disputes by legal methods than by violence. If individuals can be so taught, nations can. Maryland and Pennsylvania know that. The United States and Canada know it. This country and Great Britain have learned it. Is it preposterous, in this day when Europe is closer to America in most essential respects than Maryland was to Ohio before the Baltimore & Ohio Railroad was built, to think about and work for an extension of the principle?

"Times have changed. Senator JOHNSON argues not, for he declared that there have been no alterations in international relations sufficient to justify any change in America's traditional policy of isolation. The great war is the answer to that. The fact is that participation in the affairs of the international world has been thrust upon this country, whether we will or no. We can not avoid it any more than we could avoid participation in the war, or any more than we will be able to avoid participation in another war of the sort if it should come. The men who are vainly crying out for a policy of isolation are talking of a dead past. Much more than half a league behind, they are pursuing an accomplished fact with flouts and flings. The only question for America to decide to-day is as to how it shall participate in international affairs, whether in the most effective or a less effective way.

"The racial equality talk of Senator REED is hardly worthy of discussion. That black and yellow races should be included in the league is, of course, desirable. That they may constitute a majority of the members of the assembly is unimportant. The important work of the league is to be done by the council and not by the assembly. Senator REED sees in this fact an admission that the assembly is a 'fake' institution and without value. That is not true. It is necessary to have a general body in which all the nations represented in the league should have a voice, in order that no cause in which a single one of these nations might be interested should lack a champion. For that reason it was right that the various self-governing bodies of the British Empire should have representation in the assembly. That is all there is to the talk of Great Britain's having 6 votes in the assembly to America's 1. In the council, which is the important body, the United States has an equal vote with the British Empire, with France and Italy and Japan.

"In the foregoing we think we have stated fully and fairly and very frankly the principal arguments of these opponents of the league of nations. We have resisted the temptation to point out the evidences of personal and political partisanship and unfairness, which were not wanting in their speeches, because this article is intended to appeal to the sober-minded judgment of both Republicans and Democrats who want to know the truth about this matter and are impatient of partisanship or unfairness on either side. But there is one feature of the method used by these men in appealing to the American people that ought to be pointed out very plainly and frankly. That is their impudent—we can think of no other word that correctly describes it—their impudent assumption that there is more patriotism and Americanism linked up with their cause than with that of the men who favor the league; that they are more patriotic and more American than Mr. Taft and Mr. Hughes and Mr. Wilson. Patriotism means faithfulness to the institutions and ideals of one's country. Among the American ideals are liberty and freedom and peaceful relations with the rest of the earth, and the very purpose of the league of nations is to uphold and strengthen these institutions in the earth. The men who are seeking to establish it are engaged in an endeavor of purest patriotism and Americanism, and would be even if they were mistaken.

"In the dark days of the spring of 1918 when the hordes of the enemy were driving relentlessly toward Paris, when it seemed as if the French capital must fall, and with it, perhaps, civilization itself, the people of this country knew what the German menace was and they knew what war was. And in the minds of most Americans, we believe, there was registered at that time a vow that if this calamity came not upon the earth, if the heroic efforts of the American men on that horrible fighting line were successful and civilization was saved, they would do, each of them in his power, whatever they could do to prevent a like menace from ever again frightening the world. The question now is as to whether that vow is to be respected. The league of nations represents an effort to carry it into effect, the only effort possible. If it is not formed, nothing will now be done to make peace durable and wars improbable. If it is not formed, there will be no compensation for the war and the bloodshed therein. This is the issue."

Mr. WILLIAMS. If the Senator from New Jersey will allow me just a moment, I wish to say in connection with the editorial that I consider it a complete answer to the argument made by the Senator from Missouri [Mr. REED] and the argument made by the Senator from Pennsylvania [Mr. KNOX].

PERSONAL EXPLANATION—ALIEN PROPERTY CUSTODIAN.

Mr. FRELINGHUYSEN. Mr. President, last Saturday the Attorney General of the United States sent broadcast throughout the country an attack upon me. I have only seen the newspaper accounts, but I am informed that Mr. Palmer's statement is the same everywhere, and that the attack was published in all papers throughout the country.

On Sunday, purchasing a paper in New Brunswick, I saw the great headline:

Palmer charges FRELINGHUYSEN with aiding Germans during the war.

Another paper had the headline:

Palmer bitterly attacks FRELINGHUYSEN, charging him with misuse of his office.

Mr. Palmer tries to give the impression that in my opposition to his appointment and in Senator CALDER'S and my effort to have his acts as Alien Property Custodian investigated we are "pleasing Germany"; that I was opposed to the trading-with-the-enemy act; also that I was against the Americanization of the German industrial concerns in America; that I urged the continuance of the German insurance companies in this country as such; that I protested against his official management of the German woolen mills in Passaic, and that the position taken by the Stuyvesant Insurance Co., of which I am president, in refusing to cancel the liability in the Balkan Insurance Co. under a contract was an evidence of pro-Germanism.

Such charges are so ridiculous that they scarcely warrant a reply.

The people of my State know my record for patriotism and loyalty, and I feel sure, and I feel that I can safely assert, that they will resent such an outrageous charge of this character against me.

Mr. Palmer is pursuing the same course he has used before, shouting pro-Germanism against those who oppose his high-handed methods, and through his great sources of publicity in his department, maintained at the expense of the taxpayers, seeking to intimidate those who stand for upright practices.

Mr. Palmer charges that I introduced Mr. Neal Bassett, vice president of the Fireman's Insurance Co., of Newark, and of the American Insurance Co., of Newark, to the committee considering the trading-with-the-enemy act, and that together we urged an amendment in the interests of certain American insurance companies contrary to the provisions proposed in the act by Mr. Palmer. That is true.

Under the act the assets of the German companies having contracts for reinsurance with American companies came into the hands of the Alien Property Custodian.

The original draft of the act provided that the American insurance companies having claims for losses should proceed through the courts to collect such claims from the German companies in the custody of the Alien Property Custodian.

To compel the American companies to finance their own losses as well as the German losses, compelling them also to sell securities on a depressed market when their surpluses were low, was unfair and unwise and would have resulted in crippling some and ruining others of the 17 American companies that had contracts with these German institutions prior to the war, and which had unexpired risks when the war broke out and Mr. Palmer took them over.

My amendment provided that Mr. Palmer should pay these losses immediately out of the assets here in America owned by the German companies which came into his hands, as they would have had to do had there been no alien property custodian act.

This procedure in no way helped Germany or German interests, was perfectly right and proper, and was a wise amendment.

That Congress enacted the amendment and the President signed it is sufficient answer to Mr. Palmer's charge.

I send to the desk and ask the Secretary to read a statement by Mr. Daniel H. Dunham, president of the Firemen's Insurance Co., of Newark, and a reputable American citizen of my State, and I may say incidentally that the name "Dunham" is not German.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DANIEL H. DUNHAM PROVOKED.

"Neal Bassett," referred to in the Palmer statement, is a vice president and western manager of the Firemen's Insurance Co., of this city. His home is in Chicago, and he could not be reached last night from here. Daniel H. Dunham, president of the Firemen's Co., was informed of the Palmer statement last night in his summer home in Belmar. He, too, was averse to discussing the statement without having himself read it, but he was provoked that anything but purely American motives should be attached to the appearance of Mr. Bassett in Washington in connection with the trading-with-the-enemy act.

"Mr. Bassett went to Washington for the sole purpose of urging an amendment to the trading-with-the-enemy act that would permit of the making of contract settlements between German and American insurance companies in order to prevent impounding of the money of American companies for the period of the war. We cared nothing about what the American Government did to the German companies, except that as loyal Americans we were equally interested with our Government in stopping German business activities here. Our whole effort was along strictly American business lines. We wanted to prevent financial hampering of our own company, and also to help prevent the creation of a financial situation that would have been serious to smaller companies that would have been unable to weather the proposed impounding of their money for a period that would be indefinite and probably long. It would have been a decided hardship to the Firemen's Co., but our assets and the general conditions of our business are such that we could have gotten through without any real distress, though the experience would have been an unpleasant one, to say the least.

"We had canceled our contracts for reinsurance that we had with German companies, and therefore had no further interest in those companies. Without the amendment to the trading-with-the-enemy act it would have been necessary for our company and other companies, many of them less able to do so, to pay out large sums of money for new reinsurance of a great volume of business. It would then have been impossible to get that money back, and all hands stood to make large losses. It is certain that some of the companies could not have survived, I believe.

PROTECTING AMERICAN COMPANIES.

"Protection of American insurance companies and the money that was rightfully theirs was our only thought. We didn't care about the foreign companies—were against them, as a matter of fact—and wanted only that the American Government care properly for the interests of the American business that was involved. Mr. Bassett was introduced to the Senate committee by Senator FRELINGHUYSEN. There was nothing wrong in that. His business there was legitimately in the interest of a large New Jersey business concern, and Mr. FRELINGHUYSEN is a United States Senator from New Jersey.

"It seems to me that little more need be said in connection with the statement issued by Attorney General Palmer. If he or anyone else puts upon the appearance in Washington of Mr. Bassett any different construction than what would be in keeping with what I have just said to you, it can be characterized as a falsehood."

Mr. FRELINGHUYSEN. Mr. Palmer charges that in some way my own interests influenced me in this action because I represented insurance companies. That is untrue.

Before the war my companies had certain contracts with foreign reinsurance companies, two with companies in Bulgaria, and one Russian and one German company. Two of these contracts were immediately canceled and replaced with other reinsurance companies. One it was not necessary to cancel because it was a Russian company and it did not come within the jurisdiction of Mr. Palmer.

The other was a contract with the Balkan Insurance Co., held by the Stuyvesant Insurance Co., an American concern of which I am president. We had a contract with this Balkan Insurance Co., of Sofia, Bulgaria, although I am informed that the stock of the company was owned in Germany, but I never knew it until after it was taken by Mr. Palmer. This company was managed in the United States by Mr. William Scheide, whom Mr. Palmer afterwards appointed head of his insurance bureau.

Mr. Palmer took this company over and asked the Stuyvesant to cancel the contract.

We endeavored to procure other facilities to carry the liability to be surrendered.

As our directors felt there was no call for us to assume increased liabilities, and to cancel the Stuyvesant policies in which the Balkan Co. bore part of the risk would disorganize the Stuyvesant's business, the question was submitted to counsel to ascertain if in any way the company was taking a position that was unloyal or unpatriotic. Our counsel advised us that it could in no way inconvenience the United States; that under the contract we could hold the Balkan liable until the contract expired at the end of a year, and that it was our duty to do this in consideration of the stockholders and policyholders.

Mr. Palmer states that we were the only company that refused to cooperate in this matter. I am informed, and believe reliably, that this was not so; that one or two other companies refused to cancel their risks, including the North River Insurance Co., managed by Crum & Foster, to whom Mr. Palmer sold the German-owned International Co.

Such a charge as this tending to show antagonism with the trading-with-the-enemy act is malicious and made only to create a false and unfavorable impression.

Mr. Palmer again charges that in taking over the six great woolen mills in Passaic I protested against interfering with the official management of the properties and their sale by him. This is not so.

Mr. Palmer made a bitter attack in the papers against the industries and their management. Fearing the destruction of the entire woolen industry in Passaic, the president of the Passaic Board of Trade, the mill owners themselves, as well as several citizens, came to my office in Washington and urged me to see Mr. Palmer about it. I called on Mr. Palmer at the request of these constituents, and to the best of my recollection of the conversation urged that the industries be preserved to New Jersey, stating that there were thousands of employees in these mills who would be thrown out of employment should they be closed, and that unless the mills were continued great hardship would ensue to Passaic.

I cared not how the German interests were exterminated, but I did not wish the industries exploited for a Palmer holiday at the expense of the workingmen of New Jersey. What I did in that matter in no way gave encouragement to Germany or German interests. I have no apologies to make for my action; I would most certainly pursue the same course again were I called upon to do so.

Mr. Palmer charges that I opposed an amendment to the alien-property-custodian act which authorized him to sell the German industries in this country for which he was trustee. When the amendment came before the Senate I offered an amendment to the amendment providing all sales should be at public auction after being duly advertised. This amendment was approved by the Senate. In the House, at Mr. Palmer's request, it was further amended, providing that any public sale could be invalidated by Executive order of the President, on the theory that the property would return to German hands. When this amendment came to the Senate I opposed and voted against it, for the reason I believed that the act already safeguarded this point, that it was not proper legislation, and that great abuses might arise under it. I felt Mr. Palmer already had sufficient power to protect American interests and to destroy any German influence in the industries for which he was custodian. In that action I exercised my best judgment and voted against it, believing that it was bad legislation.

I never personally had any connection with or interest in any German company, corporation, or business, and no sympathy for their methods since the invasion of Belgium was begun. Before the war, as I have stated, insurance companies in which I was interested had certain contracts of reinsurance with foreign companies. I believe there were four. One of the companies in which I was interested, but had no say in the management, had a contract with the Munich Insurance Co., a large German reinsurance corporation, which also did business under similar contracts with a large number of American companies. This contract was canceled soon after our entrance into the war. Another contract was with the Rossia Insurance Co., at Petrograd, which was not affected, as the Alien Property Custodian did not take it over; another with the Bulgaria Insurance Co., which was canceled soon after our entrance into the war. The other was the Balkan contract which I have already mentioned.

Now, in order that the Senate may understand, I wish to explain very briefly what is meant by this system of reinsurance. Owing to the large value seeking insurance, it was a common practice for American and English insurance companies to relieve themselves of a part of their liability by reinsuring it in this class of companies called reinsurance companies. The separate risks were reported on a bordereau and premium settlements were made monthly. These companies were admitted legally to do business in the United States, depositing funds to protect their liability with the insurance commissioners. The contracts were agreed to by the directors of American companies and a large business was transacted with them. The facilities

were welcomed by American companies and this plan of insurance had been in vogue for many years.

At the outset of the war there was a great demand for insurance, and the rightfully enforced retirement of these companies caused great embarrassment for the American companies that had contracts, inasmuch as they were compelled to care for the additional liability on account of their seizure by the Alien Property Custodian and withdrawal from active business.

Every fire insurance man, including myself, had but one desire, to protect American interests only and to prevent the retirement of loyal American companies who were reinsured with these companies from Germany and elsewhere, all of whom were operating in the United States. England had two years previously faced the same situation and confronted the same problem. It was a question of business policy, and the American underwriters handled it with great skill and loyalty and with no sympathy with German interests.

In my public acts in this connection I have never thought of my own personal interests. They were slight, very slight, compared with the other larger American companies that were interested. My knowledge of the situation I think helped to shape legislation wisely, and the result was that all American companies survived. I pursued the honorable course, as I believed, and I am not ashamed of it. I have done nothing except in the line of public duty, Mr. Palmer to the contrary.

I think that covers all of Mr. Palmer's specious and untrue charges. I insist, however, that the management of the office of the Alien Property Custodian be investigated and to that Mr. Palmer objects. Notwithstanding Mr. Palmer's objection, I demand that that be done, and be done immediately. I claim that that is my right as a United States Senator whose honor and patriotism have been attacked by a high official of the Government.

Mr. Palmer's vindictiveness proves what, on its face, to me always seemed axiomatic, that a man should never be appointed to an office where he will have the right to pass judgment on complaints against himself. If the Attorney General displays such spleen against me because I opposed confirmation of his appointment, will even his most ardent friends contend that the claims against him as Alien Property Custodian will be judged impartially by him as Attorney General? You all know, but the public does not know, that under the law claims against Mr. Palmer as Alien Property Custodian must, in the first instance, be presented to Mr. Palmer for allowance or disallowance. Why was he so anxious for the office of judge on claims against himself? Now that he is secure in such office, why does he bombard those who urge that his administration of the office of Alien Property Custodian should be investigated? Why does he oppose investigation? What has he done? Does he think that by calling me pro-German he will check my efforts to have him investigated? Does he think that he will so discredit me that any attack I may make will not be listened to by the people of this country?

He knows that my ancestors have been identified with New Jersey since prior to the Revolution and that there is not a single drop of German blood in me. My demands for preparedness, my disgust with the administration for the policy of "too proud to fight," and my indignation about the *Lusitania* and my contempt for Mr. Palmer and those like him who adopted the German doctrine that as Americans were warned of danger they should not have embarked on it, were well known when Germany forced war on us. I had no fear that anyone could say that I was pro-German, and I had no hesitation to demand justice for my constituents when those who had been pro-German went to extremes merely trying to throw dust in the eyes of the public and make our people forget their past.

I send to the desk a statement of Mr. Palmer's on the sinking of the *Lusitania*, and ask that it may be read by the Secretary at this period of my remarks.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the New York Times, May 9, 1915.]

RESPONSE TO TELEGRAPHIC REQUEST FOR EXPRESSION OF OPINION AS TO WHAT AMERICA'S ATTITUDE SHOULD BE ON THE SINKING OF THE "LUSITANIA."

STROUDSBURG, PA., *May 8.*

The loss of American lives on the *Lusitania* is a matter of grave concern to our people, but it does not, under the circumstances, call for immediate drastic action on the part of the United States. It certainly ought not to embroil us in this foreign war.

The *Lusitania* was flying the British flag and carrying munitions of war for the support of a belligerent. Neutral passengers who, in the face of warnings, undertook this perilous voyage, certainly assumed some risk themselves, for which the entire Nation ought not to be asked to suffer. Of course, the destruction of a passenger boat is horrible. War is always horrible.

This method of fighting is *not* humane—it is hardly civilized, but there is no such thing as humanity in civilized warfare. Our people may have the greatest confidence that the President will deal with this admittedly serious situation with a wise forbearance, which will make for peace without sacrifice of any of our real rights.

A. MITCHELL PALMER.

Mr. FRELINGHUYSEN. Mr. President, I did not oppose Mr. Palmer personally. For his information and that of this Senate and of the public I will say that I distrusted Mr. Palmer from the very bottom of my heart from the time that his weasel words about the sinking of the *Lusitania* were published in the New York Times. When later I discovered that he was an intermediary between the President and German agents, and when I learned that he, as such intermediary, tried to palliate the sinking of the *Lusitania* and that he was willing to help Germany secure cotton from which to manufacture explosives to sink more innocent women and children, I confess his desire to become judge of his own acts and his opposition to investigation merely strengthen the belief that he is not a man to be honored with public office. Such a man, to divert attention from his record, is capable of running amuck when placed in such a position as Attorney General.

At this point in my remarks I ask that there be inserted in the RECORD a statement of the conversation with Legal Agent Levy and Mr. John Simon, as reported in the memorandum, translated from the German, found in Dr. Albert's dispatch bag, relating to Mr. Palmer, which has never been satisfactorily answered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Senator DILLINGHAM. I desire at this time to place in the record a copy of a memorandum found in the dispatch bag lost by Dr. Albert and mentioned by Senator FRELINGHUYSEN in connection with the publication in the New York World regarding an interview had by Mr. Palmer with the President. This has been furnished to me by the State Department, and is a translation of the original document, which was in German. I am informed by the State Department that no other paper relating to Gen. Palmer was found in the papers taken.

The memorandum referred to is here printed in full, as follows:

[Translation.]

CONVERSATION WITH LEGAL AGENT LEVY AND MR. JOHN SIMON.

NEW YORK, *July 23, 1915.*

Levy advises regarding a conference with M. P. Thereafter M. P. saw Lansing as well as Wilson. He informed both of them that an American syndicate had approached him which had strong German relations. This syndicate wishes to buy up cotton for Germany in great style, thereby to relieve the cotton situation and at the same time to provide Germany with cotton. The relations of the American syndicate to Germany are very strong, so that they might even possibly be able to influence the position of Germany in the general political question. M. P. therefore asked for a candid confidential statement, in order to make clear not only his own position but also necessarily the political opportunity. The result of the conversation was as follows:

1. The note of protest to England will go in any event, whether Germany answers satisfactorily or not.

2. Should it be possible to settle satisfactorily the *Lusitania* case, the President would bind himself to carry the protest against England through to the uttermost.

3. The continuance of the difference with Germany over the *Lusitania* case is "embarrassing" for the President in carrying out the protest against England. He will not create the impression that the note to Germany and the protest to England are a "bargain," for he has undisputed American rights to uphold.

4. A contemplated English proposal to buy cotton in great style and invest the proceeds in America would not satisfy the President as an answer to the protest, because that refers to the violation of American rights and not only to a question of money. (N. B.—M. P. believes that it will be possible to bring this plan to the front with the assistance of Southern Senators.)

5. The President, in order to ascertain from Mr. M. P. how strong the German influence of his syndicate is, would like to have trend of German note before the note is officially sent, and declares himself ready before the answer is drafted to discuss it with M. P., and eventually to so influence it that there will be an agreement for its reception and also to be ready to influence the press through a wink.

6. As far as the note itself is concerned, which he awaits, so he awaits another expression of regret, which was not followed in the last note. Regret, together with the statement that nobody had expected that human lives would be lost and that the ship would sink so quickly.

The President is said to have openly declared that he could hardly hope for a positive statement that the submarine warfare would be discontinued. Germany should only, out of consideration for friendly America, declare herself to be prepared to discuss with the United States and to work together with her to make impossible the destruction of American lives. Germany shall declare herself ready to make the strongest efforts to reach this goal, but to expect that America will work with her in this respect. The President is of the opinion that Americans who in the present situation take passage on a munitions-laden ship "take their lives into their own hands." The President seems to expect that we ourselves shall set forth an agreement in the matter, possibly leaving out the principle and fall back upon the above-mentioned mutual endeavors.

The foregoing information sounds almost unbelievable. If it is correct, the President has not understood the German note at all, and, on the other hand, does not know what he says in his note. The diplomatic expressions and the meaning of a "deliberately unfriendly act" do not seem to be clear to him.

M. P. again emphasized how very much the President was upset and disturbed about the matter, how much he wishes to come out of the matter, how he emphasized that the note to England had been ready when the *Lusitania* case came up, and how he held out to M. P. that if he could clear up this matter how very much obliged to him he would be.

If the plan is to be carried through, he promises beforehand telegraphic connections with Germany.

Mr. FRELINGHUYSEN. Mr. President, my business is fire insurance; that was and is well known. I believe that I understand my business. Had Mr. Palmer had his way, he would have crippled and ruined many American companies that had prewar contracts with German companies. I opposed him and sponsored one of my constituents who represented one of the largest New Jersey companies. Because we prevented his destruction of companies that had contracts with German companies, he now rails at both of us. He knows well that we cared nothing for the German companies and that all we sought was the safeguarding of American interests.

For my opposition to Mr. Palmer, both as a man and as Alien Property Custodian, I have no apologies. When I saw companies slaughtered, I could not approve. Perhaps he now realizes that it was not the Germans but Americans he was injuring by his foolish course, dictated by his wild desire to make all forget that he received German agents in his own house. If he was engaged in legitimate business, why did he receive them at his home and not at his or their office?

The fund derived from the proceeds of the sale of German property is the fund from which we hope to pay losses of our citizens. If it does not prove sufficient—and we know it will not—will Mr. Palmer be praised or blamed? Has he not boasted that he did not try to sell at the best times properties he knows were sacrificed? I have never said that he personally profited in a pecuniary way. Many got bargains. Many profited by their purchases—at figures much below real values. Does Mr. Palmer count them among his friends? In that way has he not profited? Does any one of you doubt it? In proportion to its size of population, my State received perhaps the most attention from Mr. Palmer. With no taint of pro-Germanism, constituents, enraged at his conduct, appealed to me. My attention repeatedly was called to the experience, or rather lack of experience, of the agents selected by him to conserve and direct large industries. It is no secret, and all New Jersey knows that many of those appointed were personal or political friends of the secretary to the President. If Mr. Palmer expected that I would be afraid to insist that industries in New Jersey should receive fair play, he was mistaken.

I had no German record to haunt me, to make me countenance unjust and arbitrary conduct on his part. Justice will ultimately prevail. There are many who in their hearts distrust Mr. Palmer, his duplicity and his high-handed methods, as much as I do.

The New York World, in an editorial in its issue of February 28, 1919, said when the letters "M. P." were found in the dispatch of Dr. Albert:

> The identity of "M. P." thus remains undetermined. But the mystery should be cleared up. Mr. Palmer himself should insist upon it in advance of his confirmation by the Senate. It is a small matter as between himself and others mentioned who shall be the next Attorney General. It is a great matter that the American people should know positively that "M. P." is not the next Attorney General of the United States. Who was "M. P."?

Mr. Palmer could not deny that he was the "M. P." referred to; in fact, he admits it. The New York World now is silent in its opposition. Were it not the time when friends of the administration believe that they must close their eyes to its faults, would it be silent?

Neither names nor threats can make me hesitate for a moment in denouncing the high-handed proceedings or from calling attention to the fact that the office of Alien Property Custodian was administered by Mr. Palmer in a high-handed way in the hope that thereby he would cause the public to forget that he had been the intermediary between the President and German agents. I opposed and will ever oppose Mr. Palmer:

First. Because he publicly proclaimed, as did the Germans, that Americans, having been warned of danger, should not have sailed on the *Lusitania*.

Second. Because he was an intermediary between the President and German agents, willing and anxious to have the *Lusitania* incident condoned and to secure cotton for Germany, so that she might manufacture explosives to destroy more helpless women and children.

Third. Because in an endeavor to make the public forget his pro-Germanism he conducted the office of Alien Property Custodian in a high-handed manner.

Fourth. Because as Alien Property Custodian he did not secure the best possible prices for property seized by him, and as a result the alien-property fund will probably be insufficient to satisfy claims of our citizens.

Fifth. Because his administration of the office of Alien Property Custodian has profited the few who secured bargains at his sales and was not for the benefit of the country as a whole.

Sixth. Because under the law the Attorney General is the office of the Government to pass on claims against the Alien Property Custodian; and, in my opinion, aside from the impropriety of an accused being his own judge, it is not fair to compel claimants who have had bitter quarrels with Mitchell Palmer as Alien Property Custodian to now present their claims against him as Alien Property Custodian to him as Attorney General.

In conclusion let me say that Mr. Palmer resents criticism and will not hesitate to use all the great power of his office to intimidate those who oppose him. His contact with German agents has taught him the power of bureaucracy. If he has nothing to fear, why does he oppose investigation and abuse those who urge it? Why, having been Alien Property Custodian, did he fight for the office of Attorney General, so that he could be the judge of claims against himself? Why did Mr. Bradley Palmer urge in Paris a provision in the treaty whitewashing the Alien Property Custodian?

Mr. Palmer has indeed learned from the German agents.

He is more Prussian than the Prussians.

I denounced the Prussians and their ways, and no one of their disciples can intimidate me.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside——

Mr. SMOOT. I shall object to that, Mr. President.

Mr. UNDERWOOD. Mr. President——

Mr. SMOOT. If the Senator wants to call up his bill and it will lead to no discussion, I am perfectly willing that it shall pass; but I do not want to lay the unfinished business temporarily aside.

Mr. WADSWORTH. I thought the request I was making was the orderly procedure.

Mr. SMOOT. I do not want to lay it aside at all.

Mr. WADSWORTH. Then I ask unanimous consent that the Senate proceed to the consideration of Order of Business 140, H. R. 7594.

Mr. UNDERWOOD. Mr. President——

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I have no objection if it will not lead to discussion.

Mr. UNDERWOOD. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. UNDERWOOD. I do not desire to object in the end, but I think the speech that has just been made on the floor of the Senate should be answered now. I am not willing to have any other business intervene, because I desire to say something in reference to the speech that has just been made by the Senator from New Jersey. Intervening business will carry us away from that point, and on the request for unanimous consent I suppose I can make the statement that I desire to make. Of course, I have no real objection to the passage of the bill referred to by the Senator from New York. As a matter of fact, I am in favor of that bill.

Mr. WADSWORTH. Mr. President, will the Senator yield? He seems to have the floor.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the bill to which he has referred.

Mr. WILLIAMS. What is it?

Mr. WADSWORTH. The Pershing bill.

The PRESIDENT pro tempore. Is there objection to that request?

Mr. SMOOT. There is no objection upon my part if it does not lead to discussion.

Mr. LODGE. There will not be any discussion.

Mr. WADSWORTH. I do not intend to ask unanimous consent for the consideration of this bill and have that consent granted and then have speeches made upon an entirely different topic. It seems to me that it would be gravely improper to continue the discussion upon this matter of the Attorney General as Custodian of Alien Property in connection with a proposal to make John J. Pershing a general of the Army of the United States.

Mr. UNDERWOOD and Mr. WILLIAMS addressed the Chair.

Mr. WADSWORTH. The Senator from Alabama desires, of course, to address the Senate upon the matter which the Senator from New Jersey [Mr. FRELINGHUYSEN] has just discussed; and in view of that fact I prefer to withdraw my request for unanimous consent.

Mr. UNDERWOOD. I will ask the Senator to allow me to make this statement. It is rarely that I claim the floor of the Senate, but I think the matter that has just been discussed is of too grave importance to go to the country without some contradictions being made; and therefore I shall be greatly obliged if the Senator will not press his request at this moment.

Mr. WADSWORTH. I withdraw the request for unanimous consent.

Mr. WILLIAMS. Mr. President, I ask the Senator from Alabama to yield to me for just about three minutes by the clock.

Mr. UNDERWOOD. I should be glad to yield to the Senator, but if it is for a speech I want to make one right now myself.

The PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. UNDERWOOD. Mr. President, I listened with some astonishment to the statement that has just been made by the Senator from New Jersey [Mr. FRELINGHUYSEN] in reference to the Alien Property Custodian. I would not trespass upon the time of the Senate at this time and in this manner if it were not for the fact that there are certain statements contained in that speech that should be met and contradicted at this time.

I want to say to the Senate that I have some responsibility in this matter myself. When the original alien-property-custodian act was passed it provided for the taking over of the German property and the preservation of the German property for the German people that owned it, notwithstanding the fact that the junker classes of Germany, the aristocracy of Germany, the wealth of Germany that owned this property, were the men that stood behind the Kaiser in his diabolical assaults on civilization. They were the men who approved the sinking of the *Lusitania*. They were the men who stood behind the Kaiser when he made his assault on innocent Belgium. They were the men who countenanced the taking captive of women and carrying them into slavery. They were the men who, by their financial strength and aid, sustained the power of the German Government in the ruthless war it was carrying on. When the time came, at the suggestion of the administration, I introduced the amendment to put teeth into the alien-property-custodian act and take this property away from German citizens, the millionaires of Germany, the aristocracy of Germany, the junker class of Germany; and ever since it has been done it has been assaulted by the German interests.

Who are to pay the claims of American citizens for the sinking of the *Lusitania*, the taking of American property, the destruction of American lives, if we do not hold intact this fund of the Alien Property Custodian? Collect it out of Germany? How can you collect it out of a broken-down, devastated country? Must you send your bayonets back there to collect your debts, or are you going to preserve intact this property—$750,000,000—to pay the claims of American citizens for wrongs and for property destroyed in this war? That is the issue that is before the Senate.

This attack was made in a mild way when the amendment was offered to the alien-property-custodian act. This attack has been made continually ever since. I do not deny that men have a right to fight for their property interests or to protect their rights, but I think we might as well know what they are fighting for. I do not say that these Germans have not a right to come here before Congress and present their claims if they want to, but we might as well know what they are doing, and the men who appeared in this hearing before the Judiciary Committee and assaulted the Alien Property Custodian in this manner, as a rule, were the paid, hired attorneys of these German interests, representing claims of Germans, wanting to get back this property that has been taken away from them, and the record shows it. Every one of these questions against the Alien Property Custodian that the Senator from New Jersey raises here was raised before the Subcommittee on the Judiciary. Here is the report. Those questions were answered there; and notwithstanding the fact that the cases of the claimants of this German property were ably represented, a unanimous finding of a committee composed of a majority on that side of the Chamber found that these charges were without justification, and unanimously found a verdict against what the Senator from New Jersey contends for now, because I take it for granted that if this committee had for one instant sustained the charges that are contended for by the Senator from New Jersey they would not have brought into this Chamber a unanimous report in favor of the confirmation of Mr. Palmer as Attorney General of the United States.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. UNDERWOOD. Certainly; I yield.

Mr. FRELINGHUYSEN. I should like to ask the Senator from Alabama a question. Does the Senator know whether there were any witnesses called before that committee under subpœna?

Mr. UNDERWOOD. I think, if my understanding is correct, that most of the witnesses were furnished or proposed by the Senator from New Jersey.

Mr. FRELINGHUYSEN. That is not so, and it does not answer the question. Were any witnesses called by the committee under subpœna?

Mr. UNDERWOOD. I do not think so. My understanding of it is—I may be mistaken; the Senator from New Jersey can correct me if I am mistaken, and there are other Senators on the committee—but my understanding is that this charge—not in the way of a charge, because the Senator denied that, but by way of a suggestion—was made by the Senator from New Jersey against the confirmation of Mr. Palmer. The Senator from New Jersey, if I am not mistaken, suggested to the committee the names of the witnesses he wanted examined. Is not that correct?

Mr. FRELINGHUYSEN. I mentioned several men who desired to appear.

Mr. UNDERWOOD. That is correct.

Mr. FRELINGHUYSEN. I also requested that the committee call a number of witnesses; and, at the request of the ex-attorney general of New York that certain witnesses be called to prove, as he stated, that Mr. Palmer had favored friends in the sale of these properties, I requested the committee to call those witnesses, and they failed to do it.

Mr. UNDERWOOD. I will come to that in a minute. The Senator is correct that the committee did fail to summon certain witnesses, but manifestly why? Because the witnesses they had summoned on the suggestion of the attorneys for these German interests and on the suggestion of the Senator from New Jersey failed to develop anything that was worthy of consideration in this case; and why should they have delayed the case, after an investigation lasting for months, to continue to run out an endless chain that would have led nowhere and brought no information? I hold in my hand a document with the testimony in it, a more or less voluminous document, failing to sustain a single charge that is made in this instance.

I want to say this: The Senator from New Jersey has made on the floor of the Senate—and I do not know with what authority; he can quote his authority—the charge that the Attorney General of the United States, Mr. Palmer, is opposing an investigation of the Alien Property Custodian's office. Now, I happen to know that that statement is not true. I know it from first authority. I have talked with the Attorney General on this subject, and I know what his views are. I do not know who warranted the Senator from New Jersey in making that statement.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. UNDERWOOD. I yield; certainly.

Mr. FRELINGHUYSEN. I made that statement on the attack Mr. Palmer made on me, in which he argued against any investigation by saying that American interests were not desiring the investigation, and in commenting upon it I assumed that Mr. Palmer himself was opposing the investigation. I am delighted to hear the statement of the Senator from Alabama that Mr. Palmer does not oppose the investigation. That is what I have been contending for all along.

Mr. UNDERWOOD. Mr. Palmer has made a written statement on the subject. What he said about the American interests not being in favor of the investigation is shown by the investigation of the Committee on the Judiciary. There are no American interests asking for an investigation of A. Mitchell Palmer. The men who appeared there appeared as the attorneys representing the German interests.

I say that the Attorney General is not opposing an investigation. Now, I will say to the Senate what he said to me. It is no assumption from a newspaper article, it is no secondhand information such as the Senator from New Jersey is furnishing the Senate, assuming a position because of personal criticism. That is not the issue before the Senate. The personal relations between the Attorney General of the United States and the Senator from New Jersey are not questions before the Senate, but there is a grave question before the Senate, and that is the protection of the property taken from the German interests for the claimants in the United States.

What the Attorney General told me before he left here is that he did not oppose an investigation of the matter, but that if it was made he wanted it made in the interest of the American people and not in the interest of the German claimants. He asked me to introduce amendments proposing that if the investigation is made it shall not be made by men who are the paid agents of the German junker class, and I propose whenever the question comes before the Senate to offer those amendments.

That is the position of the Attorney General. More than that, the investigation proposes to have an auditing made of all the

books of the Alien Property Custodian. There are 40,000 different accounts, 40,000 different pieces of property taken, valued in the neighborhood of $750,000,000. I think the auditing of those accounts ought to be made, the Government thinks it ought to be made, the Attorney General of the United States thinks it ought to be made, and it is being made to-day. A company of bonded accountants are auditing and passing on those accounts to-day. It will probably be 60 or 90 days before they complete their report. It will cost not less than $150,000 to do the work. It is being done in the interest of the Government by a bonded auditing company, and why should Congress duplicate that work until that report it made? Why should it spend another $150,000 or $200,000 in digging into those books when in 60 or 90 days the audit will be made and published? I can see no necessity unless it is for the purpose of hiring auditors to act as a smelling committee to try to find some reason to get this property back into the hands of the Germans from whom it was taken. That is all there is in it. That is all there is in the charges that were made against the Attorney General of the United States.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. UNDERWOOD. I yield to the Senator.

Mr. JONES of New Mexico. I understand the Senator from New Jersey to make a statement to the effect that Mr. Palmer had favored some of his personal friends in the disposition of the property. My understanding is that all the property disposed of by the Alien Property Custodian was disposed of under a procedure devised by a commission appointed by the Alien Property Custodian, and that Mr. Palmer had no personal part in the specific disposition of the property. I should like to know if the Senator from Alabama has any information regarding that point.

Mr. UNDERWOOD. I have, and I am glad the Senator brought it up. There are just three points upon which this question could be considered as to whether there is need for an investigation—first, as to whether the Alien Property Custodian took over all the property he could; second, as to whether he properly disposed of the property that he took over in the American interests; and the third is as to whether he was honest and properly kept his books. That is all you can get out of an investigation.

In passing, before answering the Senator's question, first let me say that the Alien Property Custodian took over all the property in sight that was held by German interests or people who were alien enemies technically under the property custodian act and interested in alien companies. Of course, that included some American citizens. The purpose in taking that property was to keep the earnings, the dividends, the usufruct of it from getting into Germany in any way. There was a vast deal of German property in this country belonging to German citizens who were living here, most of them small owners, not committing acts against our Government, and it was the policy of the Alien Property Custodian to leave them undisturbed, and that was the policy of Congress, and nobody questioned it. We were not attacking Germans living on American soil. We were attacking in the act passed by Congress the German who stood behind the firing line of the Kaiser's army in Germany. The Alien Property Custodian took steps to take over that property. When it came to selling that property it was his purpose to sell the property and convert it into dollars for a trust fund to look after the American people and, more than that, to get money to carry on the war. Every dollar that the alien enemy property brought forth was invested in what? In liberty bonds to aid in carrying on the war and in fighting the common enemy.

Mr. Palmer had no more to do with the disposition of the property directly than you and I had. He could not have done it. It was manifestly impossible for him to do it. There were 40,000 different pieces of property, valued at $750,000,000. Do you mean to say that one man could do it? No; he provided a selling organization under which the property should be sold. He provided rules and regulations for the disposition of the property. I will not occupy the time of the Senate in reading it now, because it fills three or four pages of printed matter, but anyone who is interested can find it at page 114 of the hearings before the subcommittee of the Committee on the Judiciary in the matter of the nomination of A. Mitchell Palmer to be Attorney General of the United States.

The important thing in the matter, as the Senator from New Mexico asked me, is, Who passed on the sale of the property? The Alien Property Custodian did not pass on it himself, but he selected a committee of the ablest men in the United States that he could find to pass on the question as to the value and the reasons for selling the property. And whom did he put on the committee?

Otto T. Bannard. Otto T. Bannard is the president of the board of trustees of the New York Trust Co. and was once a Republican candidate for mayor of the city of New York. He is a member of the Yale Corporation board of trustees, of Yale College, and is well recognized everywhere in the country, where he is known as an outstanding, big, able American citizen. He was chairman of the selling committee.

The other members were Cleveland H. Dodge, whom all of you know. He is a trustee of Princeton, a great mining, manufacturing, and banking man. Next to him was George L. Ingraham, who had been for years the presiding judge of the Supreme Court of New York, who was then the president of the New York City Bar Association, a man respected, loved, and revered by men everywhere, and I understand in political faith he is a Republican.

The next man was Ralph Stone, president of the Detroit Trust Co., of Michigan, a graduate of the University of Michigan and of Swarthmore College, one of the ablest financiers of the West, and in political affiliation I understand he is a Democrat.

The other and last member of the board was Benjamin H. Griswold, jr., who is to-day senior member of the firm of Alexander Brown & Son, among the big private bankers of Baltimore, a man of distinguished ability and high standing in finance, and I understand in political faith he is a Democrat.

Here is a board of men, the strongest that could be picked, serving the Government without pay, serving for a patriotic purpose, and Mr. Palmer, Alien Property Custodian, said there was not a single sale made or ratified until this sales board had investigated it and investigated every sale to its minute details and approved it. In any case where they withheld their approval the sale was not ratified.

Now, this is not the action of A. Mitchell Palmer. These acts were done by a board of distinguished business men of the highest standing in America, a majority of the board Republican in faith. These are the men whom it is proposed to investigate in the interest of trying to smell out some way to get this property back into treacherous German hands. That is what it means; that is what it spells.

So far as I am concerned I hold no commission to defend A. Mitchell Palmer. He is able to defend his personal character and his acts himself. But you and I wrote on the statute books of the land the amendment to the alien-property-custodian act that took this property, took it as a matter of war, took it as a matter of protection, took it to preserve the rights of American citizens who had claims against Germany, and I do not propose to stand here and have it assaulted and misrepresented and the Senate and the public misled in reference to it without entering my protest.

Now, in reference to this insurance question about which the Senator from New Jersey is criticizing Mr. Palmer. The German insurance companies are reinsurers of American policies. The Government ordered it stopped and took over some of them wherever organized in this country, and why? What was the German to pass on? Where was our vulnerable point? Those men were insuring our ships. What did the insurance policy say? It said, with reference to the ship, where it is going to sail from and where it is going to sail to and what kind of a cargo it is going to carry. Do you think that the Alien Property Custodian and the President of the United States would have been loyal to the people of America if they had allowed these German insurance companies to continue to reinsure American policies and obtain this information for the use of their bloody submarine warfare? The Alien Property Custodian did only what was right, what was in the interest of American lives and American people and the American soldier. He took over these German insurance companies such as he could, and then the President drove the balance of them out of America. That is all there is in that proposition.

The Senator from New Jersey claims that all claims against the Alien Property Custodian must come through the Attorney General. The Attorney General has nothing whatever to do with the matter except technically. That was stated in the executive session very clearly by one of the Senators who was on this investigation committee. If anybody has a claim against the Alien Property Custodian for taking over his property illegally, under section 9 of the alien-property-custodian act, he can go into the Federal courts of the United States and sue, and the only connection that the Attorney General of the United States has with it at all is that a local district attorney may be called upon to defend that suit in the interest of the American people. There is no action by the Attorney General himself except that he represents the Government in an adverse action.

There is an opportunity to settle these cases out of court with the Alien Property Custodian, but Mr. Palmer is no longer the Alien Property Custodian. If they are not satisfied with the

settlement they can go into the courts of the land, and the man who decides the case is not the Attorney General of the United States but the judge on the bench. I find some of the attorneys shown in this record representing German claimants, like this McNeill Co., that admits on the record that it put up a camouflage to fool the British people to buy their inventions. That state of conditions exists. You do not have to take my word for it, for it is all of record. If the record is searched it will be disclosed who the witnesses were and who were behind them, namely, attorneys acting on behalf of German claims against this property. I thank God that we have an Attorney General now who is going on fighting the German interests and protecting this property for American citizens.

There is one other word I want to say in this matter. This charge has been made; and it has been contradicted time and time again; but the Senator from New Jersey seeks to besmirch the character of the Attorney General by assuming that he was allied with German interests. There is no man in the United States who has been more loyal to the American flag, who has used his great power with more force in striking down the Germans who were carrying on this war against us, than has A. Mitchell Palmer in his assault on their pocketbooks. The Germans have published his recent report. I have not the paper at hand at this moment, but if you will take the German edition, which is here in the Capitol, of the Alien Property Custodian's report, and examine their criticism and analysis of that report, it will be shown that they are already seeking to try to find the ways and means to drag back from the Government of the United States the property that was taken by the Alien Property Custodian and return it to German hands.

I say to the Senate that this is no time to weaken. Let the world know in the future as we have let it know in the recent past that the Nation that fires on the American flag and destroys American property and murders American citizens must not only pay for it with its blood but with its dollars. Let them know that if they assault this great Nation, their property in this country for the future is confiscated. We will thereby cause them to halt and consider before they engage in another war on us.

I desire to make merely one more reference to these charges. Let me read you what Mr. Palmer himself said in regard to the so-called Albert papers which were found. A newspaper tried to connect Mr. Palmer with the incident because he had the initials "M. P." Let the record show what he said. Nobody is able to deny his statement; nobody can controvert it. Do Senators on either side of the Chamber for one minute believe that the President of the United States would have made A. Mitchell Palmer the Alien Property Custodian if he had doubted his loyalty? Does any Senator believe for a moment that the President of the United States would have made Mitchell Palmer Attorney General of the United States if he had doubted his loyalty? Yet above all men in the world the President of the United States was the one man who was absolutely cognizant of and knew the facts in reference to the charge made by the Senator from New Jersey, because the charge is that this "M. P.," whom the Senator from New Jersey tries to convert into Mitchell Palmer, had disclosed to German agents a conversation which took place between him and the President of the United States. Was not the President of the United States conversant with the fact as to whether any such conversation took place? Palmer denies it. The President knows whether or not it is true; he is the one man in the United States who does know. The Senator from New Jersey by implication, if you believe this was true, would charge the President of the United States not only with being disloyal to the Government but with being disloyal to himself. It is absurd; it is a mere piece of mud that has been thrown out from enemy sources to besmirch the character of a clean, just, and able man.

Now, here is what he says. It has been printed. I am now quoting from Mr. Palmer's testimony:

> When the Albert papers were published by the New York World the New York World printed what was alleged to be a memorandum found amongst the Albert papers in which reference was made to the visit to the White House of one "M. P." I had never heard of Albert; I did not know there was such a person living at that time, and of course I was amazed to find this memorandum with a reference to "M. P." and a garbled, exaggerated, and entirely different statement of what I had told Mr. Stanchfield.

Prior to this he said that Mr. Stanchfield was a lawyer who had called on him in reference to securing a shipping line. Most men knew of Mr. Stanchfield, his ability and standing as a lawyer in New York. Then Mr. Palmer continues:

> The New York World telegraphed me, I think, and asked me for an explanation. I made this statement, which is printed in your hearings, and which, as I recall, is about what I said:

This is what was published in the New York World:

> The story published in the World this morning, which implies, though it does not say, I am the mysterious "M. P." referred to in somebody's report of an alleged conversation with the President, is all a fairy tale as far as I am concerned. I never had any such conversation with the President and never reported any such conversation to anybody, anywhere, at any time. I never saw this Dr. Albert, whose private memoranda are presumably being published by the World, and I never heard of him until these articles began appearing. I never had any communication of any kind or any character with him.

Could there be a more complete, absolute denial of this whole proposition than Mr. Palmer made then when it was published by the New York World and makes now? Mark you, these gentlemen who are still charging him with this connection, with being the "M. P." referred to in the New York World, have no proof to sustain the charge. They are harking back to this newspaper article which was the emanation of some sensational brain which was endeavoring to stir the American people before we became involved in the war. But there is not one line of proof. In the last analysis, there is just one great witness to prove the case as to whether or not it was true that A. Mitchell Palmer had a conversation with the President of the United States and disclosed that conversation to the Albert man, and that one witness is the President of the United States, who, I repeat, would not only be disloyal to the country but disloyal to himself if he had appointed A. Mitchell Palmer Attorney General of the United States had this charge been true.

So, I say these charges emanated from German interests. They are slanders which have been spread abroad for a purpose. It is not that they care who A. Mitchell Palmer is or what becomes of him; but they are fighting for their dirty dollars; they are hiring lawyers to get back this blood money. So far as I am concerned, they will not take it back so long as I can stand in the Senate and protest against it, if I can help it.

Mr. WILLIAMS. Mr. President, I had intended to indulge in some rather extensive remarks in answer to the Senator from New Jersey [Mr. FRELINGHUYSEN], but, after listening very carefully and attentively to the remarks of the Senator from Alabama [Mr. UNDERWOOD], I believe that nearly everything, if not every single thing, that I had it in mind to say would be in supererogation. I shall, therefore, not say much upon this particular question.

Mr. President, "following war comes the aftermath." There must come all of that seething element in America which is either sympathetically or financially attached to Germany. It must in some way be heard through the newspapers, upon the floor of the House, upon the floor of the Senate, in the magazines, in public meetings, or in some other way. It can not seethe itself out. The seething must be vocalized by somebody somewhere. The aftermath has started, in my opinion, in this unprovoked, uncalled for, and absolutely unjustified attack upon the Attorney General of the United States.

Mr. FRELINGHUYSEN. Mr. President, I make the point of order——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. WILLIAMS. In a moment.

Mr. FRELINGHUYSEN. I make the point of order against the Senator from Mississippi——

Mr. WILLIAMS. It is one of the peculiar properties of a seething mass——

The PRESIDENT pro tempore. The Senator from Mississippi will suspend for a moment——

Mr. WILLIAMS. I said "wait a moment."

The PRESIDENT pro tempore. Until the Chair is advised with regard to the purpose for which the Senator from New Jersey has risen.

Mr. WILLIAMS. I hear a friend say, "It is a point of order." I beg the Chair's pardon.

Mr. FRELINGHUYSEN. I call the attention of the Chair to Rule XIX of the Senate, which provides that—

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. WILLIAMS. Mr. President, I have said nothing about any Senator at all; I have named no Senator and referred to no Senator. I have referred to a propaganda and a movement that is finding a voice in public in some way or other at this time.

Mr. FRELINGHUYSEN. The Senator stated that he had never listened to such an unwarranted attack; he said that it was the aftermath of war; he said it was due to German influence and German activity. If necessary, I shall ask that the RECORD be read.

The PRESIDENT pro tempore. The Chair unfortunately did not observe the language of the Senator from Mississippi.

Mr. WILLIAMS. Then I will repeat it.

The PRESIDENT pro tempore. The Senator from Mississippi understands the rule, and the Chair is sure he will avoid any reference forbidden by the rules in the future, but the Chair in this instance can not rule upon the question raised.

Mr. WILLIAMS. Mr. President, I have carefully avoided anything of that unparliamentary sort, and have proceeded and shall proceed carefully to avoid it. What I said in substance was that "after war came the aftermath; that we had a right to expect it; and that in the seething caldron of German financial and sympathetic emotions in America we were prepared to see all sorts of attacks made upon this floor, the floor of the other House, in the newspapers, and in the magazines, and all sorts of propaganda that would find its vocalization in public." Now, if the Chair rules that that is out of order, I should like to know how it can be; but if he does, I will not repeat it.

Mr. FRELINGHUYSEN. Mr. President, I should like to ask the Senator a question. Does he assume for a moment that I entertain any sentimental feelings toward Germany, or that in my speech I intimated anything of that character?

Mr. WILLIAMS. Why, Mr. President, I have already indicated by my indirect method of making the statement that I did not. I do not regard the Senator as the chief mover in this business. I believe that the Senator was led by the fact that he was a Senator of the United States to represent, very innocently, some of the business interests of his State here and some of its financial interests, believing himself that he was representing something right; but I believe that that force which behind him led him into it, without knowing just what the full force behind him was, was just such a force as I have described.

Mr. FRELINGHUYSEN. Mr. President, does the Senator assert that I in any way represent any German interests in New Jersey or anywhere else?

Mr. WILLIAMS. Oh, Mr. President, I have not said that. I have said just what I have said, and the RECORD will show it.

Mr. President, I had intended to say a few words in defense of A. Mitchell Palmer, but not because he needs them but because I want to say them. There is not a man in America who has not been made indignant by this attack upon him other than those who have been amused by it. The indignation goes out from those who know the men who stirred up and started the attack and the amusement goes to those who have more or less innocently carried it on.

I served with Mitchell Palmer in the House of Representatives for several years. I know him intimately and well. I am a very fair judge of honest, intelligent men. He was very good natured, amiable, public-spirited, patriotic, and clean—he is as clean as a hound's tooth.

No man who knows himself well, and knows Mitchell Palmer well, and is at the same time a man of honest intent, can draw any other conclusion from an intimate acquaintance with the man himself. I have been serving in public life some 24 years—25 and a little bit over—more than a quarter of a century. If I were called upon to pick out the three cleanest men I have ever known in public life I would pick Mitchell Palmer as one of the three; and I believe that if any other man who served with him were called upon to designate three of the cleanest men he ever knew—the most honest and straightforward and patriotic, intellectually honest as well as personally and financially honest—he would pick out Mitchell Palmer as one of them. And yet the unprecedented act of holding up a nomination of the President of the United States for a Cabinet position—one of his private political family—has occurred in connection with Mitchell Palmer.

So far as I now recall, the Federalists controlling the Senate when Jefferson was President, Democrats controlling the Senate with a Republican President, and afterwards when Republicans were controlling the Senate with a Democratic President, no Senate has undertaken to hold back the nomination of a member of the Cabinet—the President's private political family—because a cabinet in America is not like a cabinet in Great Britain or France; it is a body of Secretaries collected to advise the President, and collected by the President. It has ever been deemed an act of distinct discourtesy to a President of the United States not to confirm an appointment to the Cabinet.

Now, why is it that a man of peculiarly clean character—a pacifist before the war; yes, as I was; he more than I, because he is by religion a Quaker—why should a man of peculiarly clean character, private and public, have been singled out for this unprecedented act, unless there were, unconsciously to those who represented them upon this floor, of course, some strong interests behind the opposition somewhere in the United States?

Mr. FRELINGHUYSEN. Mr. President, is the Senator aware of the fact that I was replying to an attack made by Mr. Palmer on me?

Mr. WILLIAMS. Oh, yes; and I was also aware of the fact that Mr. Palmer's so-called attack upon you was merely a reply to your attack upon him—an unjustified attack.

Mr. FRELINGHUYSEN. Mr. President, Mr. Palmer undoubtedly was informed of that attack, and, as I understood, it was made in secret session; and I merely wish to say that I did not inform Mr. Palmer.

Mr. WILLIAMS. Oh, Mr. President, the Senator appeared before that committee in a so-called secret session. I should like to know where a secret session is to be found in connection with the Senate of the United States. I never have found one. I remember reading a 10-minute speech made in a secret session of the Senate once, an executive session, verbatim, just as it was pronounced in the Senate. I do not know about that. I am not prepared to go into that. Some people have said that they hid men up above here. I do not know; but the Senator may rely upon it, of course, that if he and Mitchell Palmer were both witnesses before that committee, neither what he said was hidden from Mitchell Palmer nor what Mitchell Palmer said was hidden from him. He knows that as well as I do, and there is absolutely no tail or head to the kite of that particular interrogation.

Mitchell Palmer first came to the House as an untried Representative from the State of Pennsylvania. I happened to be at that time in a position where it was a part of my duty to learn about men, to know whether they were trustworthy or not, whether they were clean and reliable and straight. I heard all sorts of things about all sorts of men coming in, but I never heard but one line of adverse conversation about Mitchell Palmer, even from the Republicans. He has fought some of the most partisan fights ever made in the State of Pennsylvania, some of the fights where human passion rolled violently in a tempest wave over the soil of Pennsylvania, and until he was nominated Attorney General I never heard, nor was there brought to my knowledge in any way, one word of aspersion against Mitchell Palmer. I would trust him with my life, I would trust him with my fortune, and I believe that the Senator from New Jersey would trust him with his life and his fortune, with the absolute knowledge that Mitchell Palmer would take no advantage of the trust either to his own interest or to anybody else's, or in the interest of his own vindictiveness, even if he had any, and he is not the sort of man to have any vindictiveness.

There were a good many things I wanted to say, but the Senator from Alabama [Mr. UNDERWOOD] said them before me, as well and probably better than I could say them, and therefore I shall not say them now.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I gave notice that to-day, if convenient, I would make some remarks on the pending treaty. I desire now to state that I shall take the liberty of postponing them until to-morrow.

THE LEAGUE OF NATIONS.

Mr. WILLIAMS. I ask unanimous consent to insert in the RECORD resolutions of the Confederate Veterans of Mississippi in favor of the league of nations.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

Memorial from De Soto Camp, United Confederate Veterans, No. 220, to the Congress of the United States.

Whereas the fundamental principles of the Christian religion is peace, and Jesus commanded Peter to put up his sword, telling him My kingdom is not of this world; and

Whereas the people of the United States and most of the civilized nations of both continents claim to be Christian nations, following in the footsteps of Jesus of Nazareth; and

Whereas war is the reverse of Christianity, sanctioning every from of crime from theft, robbery, arson, rape, to murder, and necessarily overthrows civilization and Christianity; and

Whereas all difficulties and differences between nations can be settled by a congress of nations without loss of life, honor, or property, and even if not settled justly the loser would not lose the life of one good citizen, to say nothing of the loss of thousands of lives and millions of dollars in property by war in the inexpressible suffering on battle fields, in loathsome prisons, and heartbreaking desolation of the widows and orphans of the slain: Therefore be it

Resolved by this camp in regular annual session, That we respectfully petition your honorable body to take immediate decisive action for cessation of war throughout the civilized world by securing the cooperation of all civilized nations willing to join the United States in establishing a congress of nations fully empowered to permanently and finally adjudicate all national and international differences and difficulties by the league of nations.

Signed by committee.

W. S. WEISSINGER, M. D.
T. J. WILROY.
T. J. O'DONNELL, *Adjutant.*

Mr. WILLIAMS. I also ask unanimous consent to insert in the RECORD an editorial from the Springfield (Mass.) Republican, headed "The world's best hope," dealing with the league of nations, with what defects it has, as still being the world's best hope for civilization and peace.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

[From the Springfield (Mass.) Republican of Thursday, Aug. 14, 1919.]

"THE WORLD'S BEST HOPE.

"No American can quarrel with Senator LODGE'S eloquent declaration that the United States is the 'world's best hope,' but the time has come to convert hopes into some measure of reality. The United States is no longer an infant Moses cradled in the bulrushes; it no longer serves mankind sufficiently by continuing to exist. We are told that the part of Tuesday's oration which commanded most applause was the fine passage in which the Senator declared: 'Call me selfish, if you will, conservative, or reactionary, but an American I have remained all my life. I can never be anything else but an American, and I must think of the United States first.' It was a fine sentiment finely expressed, and nobody disputes the depth and sincerity of Senator LODGE'S Americanism. But was he a whit less of an American in June, 1915, when he declared in his speech at Union College that 'nations must unite as men unite to preserve peace and order'? Was he failing to think of America first when he added that the great nations must be so united as to be able to say to any single country, 'You must not go to war'? It is not to be credited for a moment.

"In his speech to the Senate Tuesday this distinguished historian used his wealth of learning to show how for centuries idealists had vainly pursued the phantom of perpetual peace, and how fine ideals led only to the iniquities of the Holy Alliance. But in 1915 he knew all this, yet rebuked those who lacked faith: 'It may seem Utopian at this moment to suggest a union of civilized nations in order to put a controlling force behind the maintenance of peace and international order, but it is through the aspirations for perfection, through the searches for Utopias, that the real advances have been made. At all events, it is along this path that we must travel if we are to attain in any measure to the end we all desire of peace upon earth.' In this fine passage we find nothing selfish, nothing reactionary, and nothing un-American. What has happened since 1915 to change so radically Senator LODGE'S views? Is it that the time has come to pass from words to deeds?

"The time to urge that this Nation hold aloof from foreign entanglements was the precise time when the senior Senator from Massachusetts was so ably pleading for a league of nations and when the President of the United States was doing his best to keep the country out of the war. When the United States, with the reluctant yet convinced support of the people, threw its mighty weight into the balance the effect was not simply to vindicate American rights against German aggression; it was not simply to defeat Germany and upset the throne of its war lord. By intervening with its full strength on the side of one of the great alliances, by holding up to Europe the American ideals of democracy and the rights of peoples, the United States smashed the old Europe to atoms. Does it square with the fine American ideals which Senator LODGE was upholding in 1915 to refuse now to help mend the damage done?"

"Senator LODGE fears that even if the covenant is so safeguarded as not to put the United States under any legal obligation there will be incurred a moral obligation which he finds quite as alarming. But does not the moral obligation already exist? Can we decently pull out after tearing down the old and refuse to lend a hand in shaping the new? If the new is not to be better than the old the danger is that it will be much worse. While the Senate discusses the league of nations reaction is getting a new grip. Senator LODGE denounces the Holy Alliance, but the deplorable fact is that if the spirit of the Holy Alliance is growing apace in Europe it is because of the partisan temper which has been manifested within the United States Senate.

"It was true without qualification last November that the United States was 'the world's best hope.' The sole chance for a speedy and lasting settlement lay in the sincere acceptance by the warring powers of the principles which President Wilson had set forth and which his opponents had tacitly or openly approved. But hardly was the ink dry upon the armistice when those principles were denounced by Senators in a way which notified every greedy and reactionary imperialist in Europe that Mr. Wilson no longer had the united support of his country. The victors needed the solid influence of this great and disinterested Nation to save them from their worse selves; the wreckers in the Senate set themselves deliberately to destroy or weaken the influence of their country in the world's councils. It is not that spirit which can make the United States 'the world's best hope.'

"Something can still be saved from the wreckage. The treaty of Versailles may be in some respects bad, and if the Senate continues to fumble helplessly while the prestige and authority of the peace conference wane, the remaining treaties may be worse. But they all have a saving grace; they all explicitly recognize principles hitherto ignored in treaty making. Out of the wreckage one hopeful thing emerges in the unfinished scaffolding of a league of nations. Perfect it is not, but it is a beginning, and the fate of that beginning rests in great part, perhaps mainly, with the United States. The time has come for the United States to be something more than the palladium of liberty which Senator LODGE so finely praises; to be the world's best hope it must be the world's present help."

Mr. SMOOT. Mr. President, is that the last one for the day?

Mr. WILLIAMS. Yes. I will find some more for the Senator after a while.

Mr. SMOOT. That is very nice.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. Mr. President, the Senate has been in session now for about four hours, and I think it is time that the Senate took up the oil bill for consideration. At this time I desire to offer an amendment to the bill.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I should like to get this amendment in at this time, if the Senator will yield for just a moment. I do not think it will take a moment's time.

On page 16, line 4, after the word "area," I move to insert "but in no case to exceed 3,200 acres."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, line 4, after the word "area," it is proposed to insert the words "but in no case to exceed 3,200 acres."

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Utah.

The amendment was agreed to.

AMENDMENT OF INTERSTATE-COMMERCE LAW.

Mr. POMERENE. Mr. President, I do not want to interfere with the progress of the leasing bill that is now before the Senate; but the chairman of the Interstate Commerce Committee [Mr. CUMMINS] a little while ago presented to the Senate a bill of transcendent importance, which represents the best judgment of the subcommittee of the Committee on Interstate Commerce concerning the railroad problem in this country. The able Senator from Iowa has given a pretty complete résumé of the principal provisions of the bill. I do not care to dwell upon any of those features save and except one.

In the drafting of this bill the subcommittee felt that it was just to the employees that they should have a representation upon the board of directors as well as upon the committees of each of the railroad corporations. I think we have provided amply for their wage and the method of securing better laboring conditions; but we felt that we ought, in the interest of the public, to go a little further than any legislation which has heretofore been passed by the Congress. The task before this committee was perhaps as difficult as any one of a domestic nature that ever has been presented to the Congress of the United States. Among the grave questions presented for solution was this: What, if anything, shall be done toward preventing the tying up of the interstate commerce of the country on account of disputes arising between the employers and the employees?

The Federal statutes provide for the settlement of such disputes, methods of mediation, conciliation, and arbitration; but where these fail, what shall be done? Of course, any legislation bearing upon this subject should have for its first object the public good. At the same time it should be fair both to employee and to employer.

The plan submitted by the committee in substance provides, for the settlement of disputes not adjusted under existing provisions of law or otherwise, for a committee of wages and working conditions composed of eight members, four of whom shall represent labor and four of whom shall represent the railroad corporations. The members representing the employees shall be appointed, by the transportation board provided for in the bill, from among candidates nominated by the railroad

crafts, and it shall appoint the members representing the carriers from candidates nominated by the railroad corporations. This committee is authorized to consider all complaints submitted by representatives of the employees or carriers and to make decisions by a majority vote. This decision is subject to approval by the transportation board. If the decision of the committee on wages and working conditions is evenly divided, then the matter in dispute is referred to the board, whose decision shall be final. If a carrier or any officer of any carrier refuses to obey the decision thus made, it or he, as the case may be, shall be guilty of a misdemeanor and subject to a fine not exceeding $500 or imprisonment not exceeding six months, or both.

If two or more persons enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the movement of commodities or persons in interstate commerce, or enter into any combination or agreement which substantially hinders, restrains, or prevents the movement of commodities or persons in interstate commerce, such persons shall be guilty of a conspiracy and be punished by a fine not exceeding $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment. It is especially provided, however, that nothing in this act shall be taken to deny to any individual the right to quit his employment for any reason.

The subcommittee realizes very fully the gravity of this legislation, but they believe that the situation is such as to require the Congress to provide against the possible tying up of the commerce of the country, thereby leading perhaps to evils as bad as if not worse than the war through which we have just passed.

It will be borne in mind that very recently threats were made that if certain increases in wages were not granted there would be a nation-wide strike on the railroads and in the shops affiliated or connected with the maintenance and operation of the railroads. Should such a strike be called and the railroad service suspended, within one week the people in the centers of population would be starved and in winter frozen. Such a situation means that the abundance of food products in the rural districts would waste upon the farms, while the people in the cities would be suffering because of their want; and this distress would not only be visited upon the rich and the poor, the high and the lowly, the employer and the employee, the union man and the nonunion man, but all of them would suffer alike, including the families of those who brought on the cessation of transportation. It would mean that the raw material could not be moved to the factories or the finished product from the factories to the consumers.

As an American citizen and as a Senator from a sovereign State, I submit that this is too great a power to be permitted to lodge with any man or set of men, no matter what his or their sphere of life. It is a power which the Congress of the United States would not lodge with even the President of the United States during peace, and if it can not be lodged with the Chief Executive of the United States, who is presumed to represent the whole people, it can not be—it ought not to be—lodged with any man or set of men who answer only to their craft, regardless of the consequences to the families of that craft or to the public at large, under any pretext whatsoever.

Before proceeding further I desire to say that regrettable as strikes are at any time I would not deprive of that right the employees in mine or in factory or in any activity of life which is local or intrastate in character. I realize that it sometimes happens that either the employer or the employees may become utterly unamenable to reason and insensible to their duties or the rights of others. Strikes which are local in character differ radically from those that pertain to interstate commerce and are nation-wide in their scope.

I submit that after the Congress shall have provided, as it already has, for processes of mediation and conciliation and arbitration, and as it will, if the pending bill becomes a law, provide for investigation and decision by an impartial committee on wages and working conditions, with a final decision by a transportation board, it is impossible to conceive that the demands of either party to such a dispute should be of higher importance to either disputant than is the adjustment of such dispute to the public, which includes both parties to the dispute.

Everyone realizes the feeling of unrest that pervades the country—aye, the world—due to the awful war through which we have just passed. Wages are high, and the cost of living, it seems, higher. My belief is that with rare exceptions the railway employees are as well paid if not better paid than the best-paid men in other activities of industrial life. It may be there should be some increases; I do not know.

The Government is now engaged in a campaign to reduce prices of the necessaries of life. The suspension of transportation would serve only to cut down production and thereby increase prices, to the detriment of the entire country. More than that, it would throw out of work the producers themselves.

Let me call attention to another fact. In the few months following the declaration of a state of war more than 4,000,000 of our boys, the flower of the land, entered the military service of the country—over 2,000,000 of them in France along the battle line and 2,000,000 more in the camps ready to be taken to France when the order to go might be given. These 4,000,000 boys served their country for a little more than $30 per month. For the last eight months they have been gradually demobilized. The Army is melting away into the pursuits of peace. While they were thus serving their country for $30 a month the men who are now threatening the country with a nation-wide strike were receiving wages higher than they had ever received in their lives; and now, while the $30 soldier is seeking for his job, some of the highly paid men in the railway service and kindred branches of industry are threatening to stop the wheels of all industry and thereby prevent not only themselves from earning a good wage but our soldier and sailor boys from securing employment in order to support themselves and their dependents.

Lest I may be misunderstood, I again repeat I have no reference in what I say to strikes, either in mine or factory, which are local in character, and only refer to the transportation system, which is nation wide in its importance.

It is the function of government to govern, and when it fails to govern it fails in purpose. The welfare of the whole people is vastly more to be desired than the advance in wage of a single class, though I believe in good wages and good working conditions for all. When the people as a whole are prosperous the people of the classes are prosperous, and when we legislate for all we are legislating for the benefit of every individual.

I know of no sound reasoning, either in politics or in morals, which will permit 2,000,000 men engaged in moving interstate commerce to refuse to adjust their differences with their employers or to submit them to trial and decision before a properly constituted tribunal, and thereby bring distress, if not ruin, to the entire people.

SPEECH OF HON. W. BOURKE COCKRAN—POSITION OF IRELAND.

Mr. BRANDEGEE. I ask unanimous consent to have inserted in the RECORD a speech made by Hon. W. Bourke Cockran before the Committee on Foreign Relations on behalf of Ireland.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

STATEMENT OF IRELAND'S POSITION.

"Judge COHALAN. Mr. Chairman, I desire now to present the last speaker of the hearing. I want to say first a word of thanks, and to reserve the right for filing statements, which you gave some time ago, from a great many people from different parts of the country. I shall not take up further time now, except to present one of the foremost men of the country and of the Irish race, a scholar, a student of affairs, a statesman, and an orator, Hon. William Bourke Cockran, of New York.

"Mr. COCKRAN. Mr. Chairman and Senators, I would like to begin by answering some questions that were propounded to-day through the gentlemen who appeared before the committee in opposition to this proposed league of nations. One of the most important was that of Senator BORAH, who asked if it were true, as some gentlemen contended on the floor of the Senate, that if this league of nations be established it would prove a very effective agency through which Ireland could obtain her independence. I take it that Senator BRANDEGEE's question was put in amplification of that, because he said Senator WALSH made practically the same statement on the floor of the Senate.

"Senator BRANDEGEE. I did ask such a question, but I did not know that Senator BORAH had previously asked it.

ONLY AVENUE OF HOPE CUT OFF.

"Mr. COCKRAN. Therefore I shall answer both together. I think that Senator WALSH supplied the answer to his own question most effectively. He said there were three means by which subject nations could effect their independence. One was by the consent of the governing nation, another was by the action of the people themselves, and the third was by outside intervention, and he claimed great credit for the league of nations because it prohibited but one of those methods of relief, leaving the other two open. The objection to that in point of fullness and adequacy of remedy is that no nation ever did achieve its independence by the grant of the overruling power or by the action of its own people. Every successful revolution of which I have any knowledge was effected through the agency of outside support. This country would not have been free but for the intervention of France. Cuba would not have been free but for the intervention of this country, and Greece would still be languishing under the heel of the Turk if it had not been for the intervention of Christendom. So that

when Senator WALSH says that we are deprived of one avenue of escape, the answer is that we are deprived of the only one through which escape can be effected.

ADMINISTRATION OF LAW IN IRELAND.

"There is another question which Senator BRANDEGEE asked which I think ought to be answered, and that was with reference to the administration of law in Ireland. At this time there is practically martial law, or what is called defense of the realm, which means no law at all. Everybody understands that martial law is the suspension of law. It is the substitution of law, which is a regular rule of conduct, and the replacing of it by the whim of judgment of the commanding officer, whoever he may be in the neighborhood. In Ireland under the present system we have two whims, either one of which constitutes t rule of conduct for the population. One is the whim of the commanding officer and the other is the judgment of the so-called resident magistrate—called resident magistrate for the reason that he is not a resident, apparently. All magistrates that are effective are always chosen from the neighborhood in which the laws are administered. The peculiarity of this so-called resident magistrate is that he never resides in the district; that he is always sent from outside, the basis of his selection and the reason for it being avowedly that he will not know anybody in the district, and, therefore, will not be subject to public opinion. But more than that, he is described as the arran, and although that is intended to describe him as the resident magistrate, it describes him more correctly as the removable magistrate. He is the only magistrate under the whole British system who is removable at the pleasure of the Crown. I need not remind the chairman of this body that the chief fruit that was gained by the revolution of 1688 was the termination of the system under which judges were removable by the Crown, and under which they became, in the language of Lord Macaulay, not champions to defend truth and justice, but greedy butchers to satisfy the appetite of hate and of despotism.

"The removal of that system is what the English people avowedly boast of in their rejoicings in the successful revolution of 1688, a system which they have established permanently in Ireland and through which the law is administered to-day. The effect is that if a man makes a speech, as Mr. WALSH said, advocating the republic he is promptly haled before either a drumhead court-martial or one of these resident magistrates, without any chance of appeal, committed to the hideous indignities which have been described so forcibly here to-day.

CUBA'S CASE PARALLEL.

"When conditions somewhat similar, though I do not think quite so onerous, existed in Cuba the chairman of this committee, and many other members, I think, here, were quick to raise the cry that intervention in Cuba became a task imposed upon us by our primacy of civilization; that the continuance of a government perverted from its natural functions of defending peace and order to perpetrating the very indignities that a government is organized to prevent was an injury to civilization which all the forces of civilization should combine to remove; and we, as the chief amongst those forces, drew the sword and ended that abominable system in Cuba. A worse system exists to-day in Ireland. It can be terminated, so far as we see now, by no means except the influence of the American Republic, and we are here to protest against any treaty, league of nations, or whatever it may be called, that will remove the consideration of the condition of Ireland from the jurisdiction of the conscience of Christendom. That has been the effective agency through which the oppressed nations have always effected their liberty.

"I pause for a moment to say that if there be any other Senator who wishes to ask any question concerning the character of the present government in Ireland, I would be very glad to answer him. If nobody cares to put that question, I shall proceed to discuss the question purely from an American standpoint.

"These gentlemen who preceded me have all said with great force and feeling that while they were of the Irish race they were of American birth; that they loved the country in which they were born. I say, for my part, that I am an Irishman by birth as well as by blood, and the reason I am here is that I do not want the Government which I sought, the system which I valued in my childhood, and which when I reached manhood was my first act to obtain the benefit of, destroyed, not alone for me, for my race is well-nigh run, but destroyed for all generations to follow. The light that inspired me, and millions like me, and guided our footsteps across the sea, I hope will not be extinguished, not merely for us but for all the children of men throughout the world.

QUESTION AFFECTS THE WORLD'S WELFARE.

"Mr. Chairman, this Irish question as we present it to you here, and as it is presented in this memorial, is not an Irish question; it is not a domestic question, but it is a question affecting the welfare and the peace of the world. As Judge Cohalan told you, there can be no peace throughout the world until the Irish discontent is composed. Many will say that is a mere expression of exaggerated rhetoric. It is a cold, sober, accurate statement of a fact that all history attests. It is a fact that every great war which has become general—and nearly every one has become general by England's entrance into it—that has scourged the world for the last four centuries—that is to say, since the emergence of modern civilization from the old dominion of feudalism—has had its beginning in Ireland, every one, without exception.

"This last war, which has just been closed, we all know was caused by the belief of the German Emperor that civil commotions in Ireland made 1914 the period when he could strike the blow for world dominion with the strongest hope of success. The great wars of the French Revolution began with the representation of those united Irishmen of Wolfe Tone to the directorate in France that the conditions that prevailed in that island, brought about by the deliberate withdrawal of Lord Fitzwilliam and the refusal of the concessions which had been promised to the Irish people, made the land ripe for rebellion; and when Hush was blown out of Bantry Bay in 1796, that was the incident which forced England into the coalition and afterwards ravaged Europe for 30 years. At the close of the seventeenth century it was the resolution of the Irish people to support James II in his attempts to retain the English throne which brought around the intervention of Louis XIV and led to that subsequent grand alliance against him which raged until it was settled by the peace of Utrecht. The war between Philip and Elizabeth—that war for the control of the seas—began with the dissenting Spanish and Portuguese soldiers on the coast of Calais, who were subsequently massacred to a man after the surrender by Sir Walter Raleigh—the only stain on the escutcheon of that ornament of Elizabethan chivalry.

THE IRISH QUESTION IS MISUNDERSTOOD.

"Why is it that every great war, if not exactly caused by Irish discontent, has yet made Ireland the theater of its first beginnings? There can not be a mere fortuitous connection between these two, there must be cause and effect, and my object is to show that the condition of Ireland has been a constant invitation to every person with a grievance against England to strike her at that spot where she was believed to be vulnerable and where she will continue to be vulnerable just so long as conditions against which the Irish people have protested for eight centuries are suffered to continue. So that the Irish question and its composition is not a matter that affects England and Ireland alone and one which therefore can be called domestic. It is one that has affected the peace of the world for four centuries, and which will continue to affect it, in the very nature of things, so long as it is permitted to remain an open sore in the side of Christian civilization.

"I think I may say with perfect moderation that the one great difficulty in dealing with the Irish question is to understand just what it is. It has been so misrepresented, and by the greatest masters of ingenuity that the world has ever seen, that we are oftentimes in doubt as to just what it is that causes the Irish complaint. What is it that makes this unrest? We are told that other countries have been conquered as Ireland has been, and we are told that Irish grievances are fanciful, that they are recollections of ancient injuries, ancient laws, which have long since been repealed. We are told that Belfast and Ulster are prosperous and contented and that the rest of Ireland is discontented and poor because its people are improvident, shiftless, and idle, and that at the basis and source of this demand for Irish independence is the purpose of an impoverished, thriftless, idle Irish majority to obtain the power of taxation over a thrifty and prosperous Irish minority.

"It is also said that there is a religious question involved, in that it represents the intolerance of one religious sect against another, the disposition of the Catholic to oppress and drive the Protestant from the land. That is stated in the brief submitted on this question, and is there set out as fully as it is in any discussions to which you have listened. If that be true to any extent, then I think the cause of Ireland is scarcely worth discussing. If Ireland has been reduced to its present condition of social misery by any fault of its own people, I do not think that this committee should concern itself with their future. If they are of the disposition that its critics describe, the proper thing to do with them is to let them die of starvation, let them disappear from the earth which they encumber

and discredit, but if their condition be the direct result of laws which have produced conditions that still exist, although the laws themselves have been repealed, and if it be true that England has shown that she is incapable of doing justice in Ireland, even when a majority of her Parliament is resolved upon it, then there can be but one outcome. Either English rule in Ireland must be ended or the Irish people must be exterminated. That is the alternative, and I think it is quite capable of demonstration.

IRISH PEOPLE HAVE WONDERFULLY SURVIVED.

"Let me explain to you why it is that although these oppressive laws have all been repealed, the conditions they produce still continue. All the history of Ireland ever since the Norman invasion has been the history of conquests, confiscation of land—first devastation of land and then confiscation afterwards. From the first conquest of Strong Bow in 1172 down to the final overthrow of Irish independence at the Battle of the Boyne and by the fall of Limerick in the reign of William III, after each invasion and devastation, the Irish people recovered their prosperity with a celerity and completeness that have been the marvel of all historians.

"Mountjoy, under Elizabeth, reported to the queen that everything capable of supporting life in Ireland had been burned to the ground; that the whole Irish population had been exterminated, except a few that had taken refuge in morasses where they could not be reached, and where, for the lack of food, they must starve, and yet in the very next reign Ireland was blooming like a garden. In the time of Charles I the prosperity of Ireland had already awakened the envy of Englishmen, but the Irish, with that peculiar sense of loyalty, misdirected because carried to extreme, having embraced the side of the king, fell under the vengeance of Cromwell, and again the island was devastated, and the whole of the land east of the Shannon was confiscated. The entire population was sent west of the Shannon, to a soil which was believed to be so sterile that it could not afford subsistence to human life. Cromwell's brief account of his policy was: 'The Irish people should go to hell or to Connaught.' Well, they went to Connaught, but they did not go to hell, because in some way or other there was always one Irish foe that British arms could never overcome, and that was the Irish girl. Any Englishman who received land and got quarter in Ireland soon fell under her influence. That was apparent in the time of Richard II when he passed the statute of Kilkenny, which forbade an Englishman who had received lands in Ireland from marrying an Irish woman, but the Irish girl was too strong for statutes, and she continued to marry the English, and the offspring of those marriages were the strongest Irish patriots in the world.

REGAINED COMMERCIAL SUPREMACY.

"So that after the plowshare had practically passed from the land, after everything considered valuable was practically consumed by fire and sword, the son of William in the next generation faced a hostile Irish army, a large part of it composed of the sons of Cromwell's Ironsides who had been quartered in Ireland. After that devastation by crime in the reign of Charles II, Macaulay says the recovery of Ireland is the marvel of all history. It is now established, even by Froude, who will not be suspected of any partiality toward Ireland, that in the reign of Charles II the entire transportation of goods by sea from the Old World to the New was practically carried on in Irish bottoms. Irish cattle and horses commanded the highest prices in the English market, and the Irish woolen products were the very finest in all the world.

"Immediately after the accession of this king, for whose father Ireland had incurred the resentment and fury of Cromwell, his first step in obedience to the remonstrances of the merchants of Bristol was to exempt Ireland from the navigation act, the effect of which was that nobody could transport goods in Irish bottoms. They must first go to England and then be transferred to an English bottom there. That absolutely destroyed the Irish shipping trade, from which it has never recovered.

"Next, by an order in council, for all of these were by orders in council, Irish exportation of cattle and horses to England was prohibited. That reduced the value of live stock to one-tenth of its former value, but the woolen industry remained, and probably from the fact that the energies of the country were now directed to it, the whole capital of the nation absorbed the woolen trade and it proceeded to such a degree that the woolen manufacture was unapproached by any product anywhere throughout the world. When William III finally established his authority first by arms at Okram and the Boyne, and afterwards by treason at Limerick by agreeing to terms of surrender which guaranteed to the Irish people the right to practice their faith, carry on their trade, and own property—a treaty that was violated the moment the garrison had departed from Ireland—then the system was adopted which Edmund Burke has described in words probably familiar to everyone here. He said the Irish penal code was as well fitted for the oppression, impoverishment, and degradation of a feeble people and the debasement in them of human nature itself as anything that had ever proceeded from the perverted ingenuity of man. This was the system that produced the conditions that to-day afflict and distress the Irish and which can be relieved only by ending the dominion of England.

HOW CHURCH LANDS WERE CONFISCATED.

"For 50 years a succession of statutes resulted in a body of laws under which no Catholic could hold land: First, all the land was seized. It was not bestowed, as in former cases, upon English soldiers who would settle in Ireland, but it was bestowed upon favorites of the English court in large blocks of 5,000 and 10,000 and 15,000 acres—favorites who had established their position with the sovereign not by services that were creditable but in many instances by services that could not be mentioned. They were English courtiers, who never lived in Ireland, who never visited it, who never intended to visit it. Every Catholic was prohibited from holding land. He could not hold a lease for a longer period than five years. He could not own a horse worth over £5, and if a Protestant met a Catholic riding a horse which he liked, all he had to do to get it was to tender him a £5 note. The system, to accomplish degradation, forbade education. The only element that was then equipped with education in the community was the clergy, and the priest who taught a school was guilty of capital offense and was hanged for it. In order to accomplish the degradation of the people they did not confine themselves to plunging the new generations into iguorance, but these statutes proceeded to undermine the morality of the family. The son could inform on the father, declare him to be a Catholic, and, on proving it, could immediately take possession of the estate. The wife could inform on the husband and at once was given a separate interest in it, independent of him.

RESULTS OF TOIL WERE MADE HOSTILE INSTRUMENTS.

"So that wifely loyalty and filial piety and every emotion which in civilized countries is considered necessary to the well-being of a community, the object of encouragement by the Government, were here perverted and endeavored to be destroyed and turned to the destruction of society itself. The practical operation of this was that the people never came in contact with the owners of the soil, but were left to the sweet and tender mercies of an agent. In every instance an agent represented the alien landowner. The value and efficiency of that agent were determined by the amount of rent that he could extort from the unfortunate occupants. If a man improved the soil and made it more valuable, the agent at once descended upon him and raised the rent. Not merely were the efforts of his labor confiscated, but the whole neighborhood beside were promptly informed that they could make their soil just as good as this particular man had, and they were warned that unless they raised the same amount of crops and paid the same rent they would be evicted to starve on the highway, because, by a refinement of cruelty that is almost incalculable, the only industry that survived the hostile legislation of Charles II, the woolen industry, was entirely destroyed and prohibited. Remember, it was not taxed out of existence; it was not made to bear burdens, prevented from being prosperous, but it was absolutey prohibited, and more than that, the wool, the Irish wool at that time, before the Australian supply became available for the world's necessities, was of a peculiarly valuable character. It was that quality that made the Irish woolen industry the most prosperous in the world. The exportation of that wool was prohibited to any place except six English cities, the idea being that the Irish farmer would be driven to sell his wool to the English manufacturer at his own terms, but there was a woolen industry in the lower countries, and a great demand arose for the Irish product.

RESULTS OF LIMITED TRADE LAWS.

"Wool that would bring 6 pence at Bristol would bring 1 and 7 pence in Ypres, or in any of the Flemish towns, and although the exportation was prohibited, it is needless to say that very soon a thriving and extensive smuggling business was started, and that is the beginning of that extensive smuggling the story of which forms so large a part of the eighteenth century Irish literature. But the worst feature of it was not the confiscation of money. It was this: Being contraband, it could not be carried on by open exchange and by means of the ordinary bills and banking facilities that governed commerce. It could only be carried on by barter for something that could not be discovered, for everywhere the Irish coast was patrolled by British officers charged with the

duty of discovering smuggling, and preventing it where they could and punishing where it was accomplished. The only commodity for which the exchange could be effected that could easily disappear were the Flemish wines. That was the basis of the trade, and that was the beginning of the intemperance that has been the curse of your country and mine and your race and mine for 250 years. Before that period the Irish were a temperate race. From the fact that the Irish could obtain fine wines in exchange for their wool, there soon spread through the land, in order to supply the demand, the growth of the manufacture of illicit whisky, and the island sank further and further, steeped in that dreadful intoxication from which they have suffered both at home and abroad ever since. But we can say this, Mr. Chairman, if the curse of it has been Ireland's, the shame of it is England's.

RACE EXTERMINATION BECAME IMMINENT.

"I am not saying this on my own authority. Here, again, sir, I am quoting from James Anthony Froude, the apologist of the English excesses in Ireland, who, indeed, seems to complain that if these enormities had gone further the race would have been exterminated, and if their exploitation had been further permitted, it would have been to the condemnation of civilization, which we are invoking in this body, a body through which the highest purposes of civilization can be accomplished, the civil government of a people.

"These proscriptive laws gradually disappeared; and it is to the credit and to the glory of this country that the proscriptive religious laws disappeared early, so that fugitive Irishmen and Presbyterians who settled in Pennsylvania and the Catholics who had fled from other parts of Europe were found side by side under the banner of Washington for freedom, justice, and right. Up to that time religious proscriptions were not confined to Ireland. They were universal. They were part of the general policy of the world. They were based on the assumption that anything like diversity of religious faith weakened a State, and therefore should be prevented by the Government. The Huguenots were put under serious disabilities in France, the Catholics in England, but in Ireland the distinction was that the proscriptive measures were not intended merely to punish her people for Catholicism, but were intended to degrade the population by plunging them into ignorance and by corrupting every avenue through which virtue is reenforced and through which men are inspired through those virtues that are considered essential to the well-being of every State.

STUCK LOYALLY TO THEIR RELIGIOUS FAITH.

"The faith was proscribed in Ireland with a violence which can hardly be understood. And this must be borne in mind when you consider the Irish question, that it is the only country in the world that has stuck to a faith that has been proscribed. Every other country adopted the faith that had been enforced by its government. England became almost uniformly Protestant, or something or other, under Henry VIII, almost uniformly Catholic again under Queen Mary, Protestant again under Queen Elizabeth; and it was ready to make another change to Catholicism, as the historians say, if James II had but governed with a little more sense. But in Ireland the majority of the people stuck to the faith that was proscribed, though they had to sacrifice every hope of improving their condition. The extraordinary thing about that tenacity of purpose is that it was maintained in the face of every discouragement. Such a thing as a great ceremonial had not occurred in the country for 150 years. Their faith proscribed, they practiced their rites crouching in their houses, hiding in the glens. They were driven from the towns and they took refuge in some mountain glen, as French writers describe, and there under the broad canopy of heaven, with the rains descending upon them, offtimes knee deep in mud, with sentinels posted at each end of the glen to watch for the priest hunter, who was an established institution at the time, the contemporary writers say that they practiced their rites with a fervor never before shown by any race; and even when they regained the right to practice their faith, they were remarkable for the fact that they had so little regard for the ceremonials but they remained steadfast to their nationality and to their belief.

THEIR POETRY IS INSPIRED BY MELANCHOLY.

"Their poetry, which is perhaps the most melancholy in the world—and I am one of those that think that nearly all beautiful poetry is inspired by sorrow. I have never known any beautiful note to be inspired by prosperity. All their poetry is melancholy, it contains no hope of the future. But there is no note of despair in it. Everywhere is the declaration that they will stick to the old sod, the old faith, and the old race, though they never again should see the light of freedom.

"Freedom now so seldom speaks.
The only time she speaks
Is when some heart indignant breaks
To show that still she lives.

"She has lived in the hearts of Irishmen under all circumstances under the darkest skies without any hope of deliverance; lived because freedom, though it was denied to them as a possession, was an aspiration from which they never could be separated. That is a people that can not be disturbed. That is a people that can not be subdued, and therefore, Senators, I come to submit to you with all frankness, with confidence, that the only alternative which the Irish question presents is extermination of the people or emancipation. You, the chief agency of civilization; you, the Senators, members of this body that embodies the very highest development of government, which is at once the product and the bulwark of our civilization, you will not suffer the destruction of a race like this; and if you will not suffer it to be destroyed, then you must insist that it be free. There is no alternative. [Applause.]

STOOD EVER FOR RELIGIOUS FREEDOM.

"Now, with respect to the religious question, there is a religious prejudice in Ireland and there has been a multitude of religious antagonisms, but whenever the Irish obtained possession of their country, as they did at intervals in 1642 and again in 1688, the first act of the emancipated Catholics was to declare absolute religious freedom. The reason why these so-called religious antagonisms exist is because religion was made the test of political rights and essential rights. A man could be ousted of his property because he was a Catholic, and the strongest properties some man, bound to him by the closest ties of kinship or a total stranger, could come and take possession of, and it was natural that he associated with that religion the spoilation of which he was the victim.

"But I should add also here, in order to explain why Belfast and Ulster were prosperous while the rest of the country sunk steadily deeper and deeper into misery, that a totally different system of laws prevailed in the two places. In Ulster a man was a tenant by right, so that the occupant of the soil could till it with the certainty that every improvement he made was his, and would be assured to him by law; and the linen trade, which used to be a stable industry, was always protected and not suppressed as the woolen trade was.

"So the difference between Ulster and the rest of the country was that in Ulster normal progress was made by the people under the stimulus of production; and she was able to do it because she was able to enjoy the benefit of civilized law, while the rest of the country was driven from every avenue of industry under the conditions which those laws established.

ONLY HOPE WAS IN TILLING THE SOIL.

"As I have said, the man that cultivated the soil lost not merely the benefit of his labor, but he brought down upon all his neighbors the agent with fresh demands from the landlord. And when these people were dispossessed, they were doomed to death, because there was no other industry left in the island. Everything else was suppressed in the island, the shipping industry and the woolen industry. There was nothing but agriculture; and the only hope of the man under these conditions was that he might hold some of his property under some conditions or other; and if he did not, he must die.

"Now, there was a period that Mr. Walsh has mentioned, from 1782 to 1800, when the Irish Parliament restored to those people their land, a period of the fullest prosperity, for the reason that the owners of the soil had an interest in living upon the land, and they let them remain living upon it. They were quick to realize the necessities of the people who by living upon the land became their judges and their wards.

"It is said that Ireland had exactly the same law as England with respect to land. Quite true, but the English enforcement of the laws was just as different as it is possible to conceive. The English landlord always lived upon his estate. He was the chief of an industrial family. He felt himself charged with the welfare of every person that lived upon it, and I know of nothing more impressive in the whole history of England than the manner in which these lords of the soil exercised their power over it for the benefit of the people who occupied it and for the glory of their country. Never was he off the job. Even in his amusements he was carrying out his duty and effecting his purpose. We often hear of the claret-drinking, fox-hunting squire, as though he spent his life in drinking port wine and claret and hunting foxes; and he did spend a good part of his time in these delightful occupations. [Laughter.] But when he was hunting over his own fields and those of his neighbors, he was scrutinizing his fences and the condition of his tenants' cottages, and comparing them with the conditions existing on the lands of the other landowners. When he was shooting, probably he was not conscious of anything except his desire to kill partridges and snipe; but as he shot partridges he had to wander through the stubble in which they were concealed, and there he was constantly reminded of the manner in which the agricul-

ture was carried on by his tenants. If fences decayed, agriculture was not efficient; if houses were dropping into ruin, he asked the tenant why it was so—why it was that he did not keep them up. If the tenant would say to him, 'I can not do it and pay this rent,' he replied, 'You did it before.' 'I have five children now. I did not have those children when I was paying that rent.'

TENANCY DIFFERED WIDELY IN ENGLAND AND IRELAND.

"So, if the landlord undertook to evict the man under conditions like that, he would suffer so in the respect of his neighbors that he would not be much better than if he had committed a crime; and so while the technical power that remained in the English landlord was as great as that which remained in the Irish landlord, public opinion prevented his using it and made him a trustee for the benefit of those who were in communion with him. And that man, Mr. Chairman—and I am speaking now of instances within my own knowledge—who in England would be the very embodiment of fatherly paternal care for his tenants, would administer an Irish estate with such ruthless cruelty that it is difficult for us here to conceive that such conditions could obtain in a civilized country.

"I know one man myself, who is still living and who occupies a very prominent position to-day in English public life; the younger son of a great naval officer, who acquired when he came of age a little property of a thousand pounds a year. He went on the turf, and in the course of a couple of weeks the thousand pounds passed from his pockets into those of the enterprising bookmakers, and as was the case with the Irish landlords living apart, he wrote a letter to his agent asking if he could not get more money, and the agent said that he could double his income. 'Then why the mischief do you not do it?' 'I wanted to be sure that I would be sustained.' Now, this man is a very level-headed person, quite an extraordinary man, and he thought it was very strange; that there must be something that needed explanation; so he walked over to this estate, which he had never seen, and saw his agent, who took him over the property, and he saw the various places, and the agent said, 'Now, there is one place that could easily be doubled, another place 25 per cent; and this,' said he, 'is one of the best farms in the place, worth 2 guineas an acre, and an old man rents it for 2 and 6 pence.'

THE EXAMPLE OF SIR CHARLES BERESFORD.

"The agent said they had sometimes raised the rentals and had not always been sustained by their principals. The landlord's name is Sir Charles Beresford. He had developed from his early service in the navy the habit when anything went wrong of going to see what it was himself. If an engine went out of order he never sent the engineer to find out, but went and found it out himself. So he thought he would quietly go down and see the occupant of his farm, whose name I think was Monahan. He entered the cottage door and was welcomed. They do not ask who any person is, but any one who goes by is entitled to open the door and sit down to a meal if a meal is in progress. There was no meal in progress at this time. He began to converse with Mr. Monahan on the excellence of his farm. The moment the Irishman received any congratulation on the farm he seemed to see a potential and probable rise of the rental, and when Sir Charles asked him how it happened that he only paid 2 and 6 pence for it the tenant asked, 'Why do you busy yourself about it?' 'Why, I am your landlord.' And thereupon this man, who was 70 years of age, broke down and wept like a child, and he said, 'My lord, do not take it from me. It is true I am paying 2 and 6 pence a quarter. But when I came here the land was not worth 6 pence, and the value it has to-day is the result of work for 40 years put into it by me and my boys.' Four grown sons of this man had helped him to effect this improvement. He said, 'I will give you half of it, but let me keep the rest.' Sir Charles said, 'No, Mr. Monahan; I am pretty hard up, but I would have to be much harder up before I would take away from you the work of a lifetime. Keep your farm at 2 and 6 pence as long as you live.'

"I suppose if he had not gone there he would not have been guilty of great cruelty on his part if he had been told by his agent that he could get twice as much, and the man and his four sons would have been put out on the road to die unless he could have gotten enough money to get a ship coming to America and come to this country. He could have come to this country and told his experience, and the American people hearing it, it would generate that public opinion through which this monstrous system of England is destined to perish.

FORCED TO COMPETE FOR POSSESSION OF SOIL.

"You ask, if these laws were obtained, how comes it that this condition existed. It was for the reason that it became a denial of capital. They came and went. The landlords removed their tenants at will under the conditions that I have described. The Irish people produced more commodities that were essential to support the population, twice as much, and yet they perished of hunger because they were compelled to compete against everyone else for the possession of the soil, and to obtain under such conditions their entire subsistence, which was confined to potatoes. They never tasted meat from one year to another; and when the potato crop failed, while in other countries it hardly created a ripple, in Ireland it created starvation. Great herds of cattle marched by the cottages where they were suffering from hunger, before their very eyes, and they could not touch them. The Irish people, they say, are not fit to govern themselves. But it was this exaggerated notion of property that restrained them. In any other country in the world those abundant supplies would have been seized, and the people would have used them, but the Irish, from their exaggerated idea of property, allowed themselves to perish of starvation before taking what belonged to the landlord.

"That condition is general, and the only alleviation has been by the Windham Act of 1902. That showed conclusively that if conditions were established in Ireland that would enable them to redeem their lands after their devastation, it would result in recreating a prosperity such as it would be difficult for us to conceive. Just consider what occurred under that act. Remember, the land was not taken back from the sellers and given to the occupiers, as it had been originally taken. It was taken from them at a high valuation, and after the high valuation had been fixed by mutual consent, 12 per cent was given to the sellers as a bonus. That was all charged upon the land. But the occupier was empowered to take possession of it and pay the total amount of the purchase price in installments extending over 62 years—I think that was the number of years. One-half of the land of Ireland passed into the possession or ownership of the occupier under that act. I think there were some 12,000 transactions. And now, what absolutely seems to transcend the possibilities of human nature so far as I know, there was not a single default in all of those agreements, and by 1914 the people of Ireland had already effected a wonderful revolution in their condition.

DOMESTIC CONDITIONS IMPROVED UNDER ADVERSE CONDITIONS.

"The cabins—the terrible cabins which I remember, in which we would not suffer a pig to exist to-day—had disappeared, where human beings, 9 and 10 in number, and animals if they were lucky enough to own a pig, dwelt together in the shelter of a few sods placed against an upright pole, with no protection from the weather and an open space at the top where smoke from turf and such articles as they could burn escaped. Cottages have replaced them, and implements of husbandry are kept, and I never saw better horses anywhere than in 1913 in parts of Ireland.

"They once more entered into the prosperity which they had enjoyed in 1782 to 1800, and the monuments of which are those wonderful buildings that decorate the city of Dublin, and that are the admiration of visitors from every part of the world that happen to see them.

"At this time the British Government undertook to promise a measure of home rule. The majority of the Irish people, as they were represented in Parliament, adopted it. I myself spent a whole afternoon with Balfour urging them to accept it. It was not a home-rule bill at all, but it was acceptable and afforded the best basis. It did not create a Parliament, but it proposed measures for the British Parliament. Certain subjects were relegated to the Irish Parliament, but the English Parliament had the power to set aside an act of the Irish Parliament and pass a different act, and the English act would prevail over the Irish enactment. But that was such a measure as the English could well afford to give, as it established a commission to propose laws, and the Irish and the English Government were willing to grant it. But a number of Ulsterites, encouraged by the politicians of England, banded together and declared a rebellion against the Government if the act were to go into force. Mr. Carson, who had been a high official of the Government, organized a provisional government—a government, as he said, in trust to maintain the authority of the British over the island—and one F. E. Smith, who was not an Irishman, who did not have a drop of Irish blood in his veins and who had no connection with the island, came over to Belfast and various places in Ulster and made arrangements to resist the act, aided by the ablest of the English politicians.

RESULTS OF THE EMBARGO AGAINST ARMS.

"At that time the Irish nationalists, who, mind you, at that time were supporting the English Government in England, which did not have a majority except by the vote of the Irish representatives, to sustain the act which the Government passed,

organized a volunteer force. And then what happened? First, this Government, maintained by Irish votes, forbade the admission of arms into Ireland. But the Ulsterites had arms brought in from Germany. Mr. Carson had stated openly, and so had the other Ulster leaders, that they would, rather than suffer home rule, work under the authority of the Kaiser. The nationalists were not allowed to bring arms into Ireland. The Ulsterites disregarded that proclamation. They brought in arms undisturbed without any molestation. They considered it a joke. Gun running was considered a perfectly proper pursuit. When the armed forces appeared and shot down and killed women and children who were standing by quite a few Irish national volunteers started to get possession of arms. Everywhere sedition was preached. In Ulster loyalty was preached among the Irish national volunteers, and the Irish national volunteers were persecuted by the very men they kept in office.

"Under the new amendment to the British constitution it is possible now to pass an act over the objection of the House of Lords if enacted three times in the House of Commons. The bill had been enacted once, and the second enactment was going through and the military—not the volunteers, but the regular organized military of the great British camp—were notified that it was possible that violence in Ulster might require intervention of the military arm, and forthwith the chief officers all, with the exception of Gen. Padgett, resigned their commissions and announced that they would not draw their swords for their Government because it would be drawing them in behalf of the Irish rebels and against the Ulsterites, favorites of the Government.

IRISHMEN WENT LOYALLY TO THE COLORS.

"Can you wonder at what happened? The war came on, and Mr. Redmond, acting for the nationalists, declared the purpose of the Irish people to support the war. I think he made a capital mistake when he said that they would wait for the home-rule bill until after the war was over. When the enlistment came they went to the colors in great numbers. They asked that they be organized separately, so that deeds of valor would redound to the glory of the race, but the request was denied. They were mixed in with other regiments and companies, but the Irish were sent to the front in every place where the fortunes of war were desparate and the casualties were heavy. They have suffered more than any other branch of the English service, and they did not get any credit for it.

"Well, the volunteers withdrew, and suddenly it was announced that it was resolved by the British Government that the nationalists who had been supporting the Government would be arrested, and that the few arms they had would be seized; that on Easter Sunday led to the riots, when some 17 men were shot down, and these men were the very flower of Irishmen.

SECTIONALISM WAS BRED AND FOSTERED.

"Now, the fundamental impossibility of England doing justice in Ireland is shown by that simple narrative of facts which are within the memory of us all. The insuperable difficulty is that for 200 years the legislation for Ireland has proceeded on the assumption that the Ulsterite was a superior being, and that the other Irishman was an inferior being. You can not very well wonder at that, because you can not very well rob a man and then admit that he is your equal, or that he is a good man. You must insult him at the same time that you despoil him, in order to justify the spoliation. So it became the burden of English representation concerning Ireland that the Irishmen were a shiftless, worthless, thriftless race, unworthy of consideration, and that the Ulsterites, who had opportunities of industry that the rest of Ireland sought in vain, were a superior race, and that therefore they must be treated on a totally different basis. You can not explain that different treatment of these two sections in any other way. It was not Tory Englishmen who did this. It was liberal Englishmen who did it. It was Englishmen who were kept in office by Irish votes, and it merely shows that England can not do justice in Ireland; that when she tries to do it she is incapable of doing it. I believe the majority of the English people were anxious to do justice by Ireland in 1914 and 1915, but that there are forces in England too strong to permit justice to be done to Ireland.

BUT ONE INEVITABLE OUTCOME FOR IRELAND.

"And now, to come to the point, there is but one outcome. Ireland must be released from this incubus. She can not continue to exist under it. She will not. She would not deserve to if she accepted these conditions of degradation, and she will not accept them. Her whole history shows that. All the leagues of nations on the earth will not keep Ireland submissive to this wrong, thank God for it. [Applause.] In saying that for Ireland I think I can say it for Americans, too. [Applause.] I do not believe all the powers on earth, arrayed in a league of nations or otherwise, could keep America submissive under a wrong. [Applause.] I do not believe there is any chance that America will be reduced to the test where her people must revolt against her Government in order that justice may remain their portion. I am as certain as I can be that this measure will be defeated, root and branch, as an abomination which the American people can not take to their bosoms. There is but one thing necessary here to effect the emancipation of Ireland and the regeneration of the world, and it is that we acknowledge and recognize the simplicities of the situation which the war has created, as Senator KNOX described them yesterday, and govern our course by this infallible guide. What is it that the world needs? We all say peace. Of course it is. What is peace?

"Why, peace is not merely the removal of arms from the field, but it means a deliverance from the preoccupation and obsession of preparation for war. For long before we declared war we were practically in a state of war. We were paying the price of war. Owing to the increase of armaments the great increase of production instead of bringing prices down was steadily sending the cost of living upward, and that could be accounted for on no basis except the waste that was created by the necessity for supporting 5,000,000 of men in the very flower of their productive efficiency, idle in barracks, and equipping them with the means of support and the weapons which would make them effective. That was a terrible burden upon the world before the war. To-day it is a burden that would destroy or at least seriously imperil the future solvency of the world. Remember that during the hundred of years of peace there was an enormous increase in population, but that that increase was confined also entirely to the cities. Rural populations declined rather than increased, and in all those cities there is not a single human being who produces the necessities of his own exstence. Five or six millions of people established themselves on the Hudson River and the East River, and there they have lived on the contributions of the workers of all the world. Everything that enters into their industry must come from outside, and anybody who has ever looked upon those great chimneys and seen the smoke of manufacture rising to the heavens, the incense which industry burns before the throne of God, must realize the close interdependence between all the human beings of the world to-day. Everything that enters into manufacture, the very stones of the structure in which industry works, the very beams of the building in which it is sheltered, all come from outside. The worker in the cities depends upon the labor of all the world.

INDEPENDENCE WILL AID THE SOLUTION OF GREAT PROBLEMS.

"Now, before the war 4,000,000 of those 5,000,000 people lived literally from hand to mouth, and the same proportion held good in all the other great cities that have sprung up throughout the world under the stimulus of that long peace lasting over a hundred years. To-day $250,000,000,000 of capital, by which this industry is made effective, has perished. Ten million human beings are dead. Now, how is industry to be made efficient? How are these mighty populations to exist? There is but one way. The waste of war and the preparations for war must be ended. If we have universal disarmament, then this war will turn from the greatest scourge ever laid upon the backs of the human race into the greatest blessing which a merciful Providence has ever extended to them. The French Revolution resulted in displacing the old system of feudalism which had controlled industry. The setting free of industry throughout the world led to that enormous development which has been the wonder of mankind. During the last hundred years the whole aspect of the human family has been so changed that when you consider its condition as it has become, and compare it with any previous period of the world's history, it almost seems as though we were talking of two different planets inhabited by wholly different beings.

"The powers of production have been increased so enormously, conditions have been improved so, that it is simply impossible to consider human life to-day as equivalent to what it was 100 years ago.

"And after our Civil War, notwithstanding its enormous waste, the substitution of free labor for slave labor opened a fountain of prosperity which more than supplied in five years the terrible destruction of battle. And now, if we can put all the energies of mankind into production, if we can take weapons wholly from the hands of men and place in them nothing but the implements of toil, the ravages of this war will be repaired in five years, and the human family will, I think, be able to live on six hours' labor a day. Not that I think man will want to or ought to, but I think that the moment the necessity for long hours of labor is removed, then the love of labor inherent in every human being will make men as anxious to work for the credit of production as soldiers are anxious to fight for the credit they will gain from destruction. That is the future of

the human family to which we can look forward, provided the fruits of this war are garnered for peace and justice. The world is at the parting of the ways. Either we are going to take the path which will lead to a prosperity that is immeasurable or else we will sink down through confusion and disaster to ruin that is irretrievable. Which shall we choose? Mr. Chairman, if we follow the path marked by this league of nations, and this attempt by a new covenant to perpetuate the conditions from which we hoped this war would deliver us all, if we increase armaments instead of abolishing them, this league of nations, which is a league not to create peace but to prohibit peace, as Senator KNOX has well said, will prove to be a curse and not a blessing, and in that event I believe there is no future for the human family. [Applause.]

SENATE IS FULLY ABREAST OF ITS TRADITIONS.

"But I have not the slightest apprehension. Thank God, there is here in this Senate the spirit which will deliver this country from the peril that threatens it and dispel from the horizon of humanity the cloud which darkens it. I think I may say with perfect confidence and perfect truth that since this treaty was laid upon the table of the Senate a wealth of discussion has ensued which has raised the standard of its proceedings to a plane higher than ever before attained in its history. [Applause.] I can quote speeches now, delivered by men who sit around me, that have no parallel in anything delivered in the Senate before the war, and I do not even except that much-lauded reply of Daniel Webster to Senator Hayne, of South Carolina. When we consider the wealth of information, the high spirit of patriotism, the stern resolution to do justice in the teeth of misrepresentation, I think that all the addresses delivered in the past which were sure of applause from the section whose views were represented sink and pale into comparative insignificance.

"America has accomplished the greatest things ever achieved in the history of mankind, things which have been so universally recognized as of transcendent value to the human family that if they could be changed to-day no human being would voluntarily disturb them, and if anybody who had the power to disturb them should attempt it the whole conscience of Christendom would rally to preserve them as priceless possessions of the whole human family. Yet these great accomplishments were attained, not through the politicians and statesmen, but largely in spite of them. The people have always done better than the politicians or statesmen had indicated. Surely if we look back, this war, which we can all see now was absolutely essential to the preservation of our civilization, was not the free choice of the President who waged it. He went into a campaign and sought reelection, in perfect sincerity as I believe, upon the proposition that he had kept us out of war. He could not have intended to go into war when he called the extra session, because he did it only after the failure of a measure which did not look toward war, but merely for the arming of merchant ships.

WARS AND TREATIES OF THE PAST.

"The war with Spain was forced upon a reluctant Executive, as I think the chairman of this committee will admit, close as he was to the administration of that very, very distinguished President.

"The composition of the Civil War was not what anybody suggested. Looking back at it now, if either party had had its way the country would not yet have recovered from its ravages. I remember when Mr. Tilden was, I believed at the time—and I have not wholly changed my opinion—cheated of the office to which he had been elected, I thought it was the end of this Government. I thought that the South would remain under the cruel heel of oppression, with two governments in three different States, and that the possibility of final reconstruction or reconciliation had faded away into the distance. Looking back now, I can see that it was the providence of God that put the task of withdrawing the Federal troops from South Carolina, Louisiana, and Florida into the hands of a Republican President, and thus made it the common policy of the whole country, which Democrats were delighted to welcome and which Republicans were not in a position to criticize.

"I look back to the War of 1812, which was forced on President Madison. Senator KNOX, who has undoubtedly studied closely the archives of the State Department, knows that the purchase of Louisiana as we understand it was never contemplated by Thomas Jefferson. It was forced on him, and the great territory north of the present bounds of Louisiana was regarded as a handicap by some and as a reason for rejecting the treaty by others, on the ground that it never could be of any value to us. But the people builded wiser than the statesmen through all those years.

IS AMERICA'S HOPE IN THE LEAGUE OF NATIONS?

"And now, when the greatest emergency that has ever confronted the country is upon us, I believe that the people's conscience, the people's voice, the people's judgment, and the people's wisdom will prove higher and greater than that of any member of the populace itself; but I do thank God that here in the Senate there is still the spirit of patriotism that has checked, and I believe will stop, this attempt to betray the causes and purposes for which this war was fought. I do not charge this as deliberate treason at all, but I do say it will be the net result if the purposes of those who negotiated this treaty shall be accomplished. What is the reason for this treaty? Can we find anything in it that anybody praises? The league of nations is imperfect by the concession of everybody. Shantung is an abomination. Yet we are told that we must yield to this abomination and make ourselves party to it. My God, when did it come to pass that the word 'must' can be applied to the American Nation? [Applause.] When this Nation consisted of a few villages along the Atlantic coast, the suggestion was made that they could obtain the forbearance of the greatest military power in the world at the time by a substantial advance of money. The answer was given without an instant's hesitation: 'Millions for defense, but not one cent for tribute!' [Applause.]

"And, sir, are we now to pay, not a tribute of money but a tribute of infamy, by the confession of everybody, in order to establish a league which has not and can not operate for peace, but in the very nature of things, as was conclusively shown, must operate to make war, constant and frequent, if not perpetual? Is there in that treaty one single word of which anybody should be proud? Does it emancipate a single people who seek emancipation, except as an act of vengeance against the countries that were overthrown? Does it hold out a word of hope to nations that are languishing in chains and determined to break them? Far from that, it creates new spoliations and makes us a party to them, without whom it is doubtful if those spoliations could become effective. [Applause.]

THE UNITED STATES WILL NOT BE CONTEMPTIBLE.

"But we are told that, of course, we can pass a resolution declaring we do not like it at the very same time that we are doing it. Now, I can have some respect, or at least I can understand the attitude of a man who will accomplish an infamy because he wants to, but I have no patience with the man who stoops to make himself a party to an infamy which he dislikes and which he says he dislikes. [Applause.] One man is formidable to virtue, the other is contemptible to everyone. Thank God, the United States is not going to be contemptible. [Applause.]

"Now, in all this I do not intend the slightest reflection on the President of the United States. I think I ought to say that. [Laughter.] No; no. Now, Senators, let me say this to you: I think the place of the President in history is a high one, and I think it is secure. I think it is so secure that it can not be overthrown by anything except the success of his treaty. His explanation and definition of the causes of this war has become one of the priceless possessions of humanity. The 14 points are not dead. They are alive; they are here. [Applause.] We are appealing to them. They can never die.

"I was one of those who sincerely deplored his going abroad. I did not believe then, and I do not believe now, that the President of the United States is ever justified in placing his person under the jurisdiction or power of another Government, especially when he is engaged in a great act involving the sovereignty of the United States. They could coerce him in a thousand ways. I think they did coerce him in one way which was effective, and that was by threatening him with disapproval, or at least refusing him the applause which they gave him in overflowing measure when he first appeared. But I want to say this: That when the world heard the words he uttered when launching this country into war I wrote Mr. Tumulty, and I felt it deeply in my soul, that that address would pass into history as the most momentous utterance that ever fell from human lips since Pope Urban II preached the first crusade at Cleremont-Peronne, over 800 years ago.

LEAGUE COVENANT MEANS FORCE AND WAR.

"When he said this would be a war to make the world safe for democracy, and men gave their blood for it, the earth which swallowed that libation of hero sacrifice would forever after refuse to tolerate the conditions those heroes died to overthrow, in Ireland and everywhere else in the world. [Applause.] Now, I assert that it would be as impossible for the President to come back and set up such a machinery of force to dominate the world, in view of what he said, as is embodied in this treaty,

as it would have been for Godfrey of Bouillon or any of the later crusaders to come back and try to establish Mohammedanism in his own dominions after he had shed the blood of his fellows to overthrow the dominion of the Crescent in the East. And I think it would be equally impossible to establish in this country this dominion of force that the league contemplates. How it will be abolished I do not know, any more than anybody could have foreseen the glorious outcome of the reconstruction of this country after the close of the Civil War. I am sure the chairman of this committee will remember that men of the highest standing, men like Charles Sumner and Thaddeus M. Stevens and Oliver P. Morton, patriots of the highest type, believed it would be necessary to take the most drastic precautions against a renewal of secession in the South. On the other hand, the leaders of the Democratic Party of the South believed that they were entitled at once to unconditional restoration of their governments and to establish a new system as they pleased.

"A golden mean was struck between the two. Their government was given back to them when it was clear that there would be no attempt to fasten the payment of the Confederate debt upon any part of this country. When that was made clear, then their control of their governments was absolute. And then that country—which had been ravaged as no other land had been ravaged before, whose industrial system had been subverted, whose cities had been burned, whose fields had been desecrated, where the last dollar of capital had been expended—rose from the ashes almost in a night and marched forward to the enjoyment of a prosperity greater in measure than that which has blessed any other part of this country.

DISARMAMENT WILL ALONE BRING UNIVERSAL PEACE.

"So I believe that we will get out of this the thing which the world needs, and that is disarmament. When you get disarmament you will have peace, for the very simple reason that there will not be any means with which nations can fight. Let us disarm. We have the power, and we need not lift a finger to do it. As Senator KNOX pointed out yesterday, the whole world is bankrupt. They are all intent on great armaments, but they can not establish them unless we give them the means to do it. They can not reorganize their industry. Their hope is that we will give them money for industrial reorganization, and then they will use their own resources for the establishment of great armaments on land and sea.

"For the first time in the history of the world a great war has ended leaving one power that can do the greatest harm by land and sea if it wants to, but it does not want to do it. It has the means to resuscitate society, and it does not want to exercise its power for any other purpose than the benefit of the whole human family. What is it that we are asked to do? As Senator KNOX well said yesterday, we are asked to use our resources for the regeneration of the world, not according to our idea of what would be effective, but to submit our judgment to that of other nations whose policies have led them to the path out of which they now cry to us for deliverance. Now, if there be any place in the world where anything better than America can be found to whom the disposition of American resources could be intrusted, I am ready, for my part, to see those resources turned over. But where is it? Where is there in the world any force comparable to the United States as an agency to establish justice, an agency which by the blessing of God has unlimited power, and seeks to exercise it for no purpose except the welfare of those who need it most? And we are asked to subordinate our control over our own resources to the judgment of nations that I think nobody here will dispute are inferior to us in intelligence and in love of justice. We are asked to give up the greater for the less, to abase the lofty and to join the lower.

ISOLATION INSURES EMINENCE TO NATION.

"It is said that we want isolation. Well, Mr. Chairman, that isolation was given to us by Almighty God when He gave us the first place in civilization. Eminence is always isolated, and the eminence we enjoy is our necessary isolation from the rest of the world. It is not an eminence and an isolation that we want selfishly to retain. No; no; no! America invites all the world to come up and end that isolation by sharing the eminence in which she has rested since the reorganization of this Republic. [Applause.] From the spirit that has been displayed in this gathering here to-day I have abundant confidence that she will not abandon that eminence to come down from it by abasing herself to the prejudices, the hostilities, the struggles of the European powers that have plunged the world into the welter of blood from which we have delivered them and from whose consequences we now hope to hold them.

"Senator KNOX has stated much better than I could state it the policy that is before us. With disarmament secured, the world can not fight; and then, with an unarmed world, there will be a league of nations; there will be some kind of a body to adjust disputes, for the nations can not fight without three years of preparation. And there will be disputes. There will be disputes as long as there are human beings.

IRELAND WILL CONTRIBUTE TO CIVILIZATION.

"Now, there are but two things that men and nations can do when they engage in disputes. They can either fight or they can talk. If they have not the means to fight, then there is nothing left for them to do but talk. And when we put them in the position where all they can do is talk, then they will establish tribunals to make that talk effective, and that, Mr. Chairman, I believe, will be the outcome of this situation. It may not come immediately. There may be some delay, but it is inevitable, because anything else spells not merely danger to this country but the ruin of civilization itself. I do not believe that civilization is to be ruined, and I believe that in one respect Ireland can make a contribution to the civilization of the world and to the cause of freedom which is of immeasurable value. We all know that the great trouble to-day which confronts the world is the great difficulty of keeping up voluntary cooperation in production. On every side we find men refusing to work for various reasons. There seems to be no possible way in which this difficulty can be adjusted. I have talked with those who are called captains of industry, and they tell me that the raising of wages is no panacea, because it is the men who are most highly paid who are generally the quickest to strike; and, of course, we can not scourge men to work, because the days of servitude in labor are over.

"Now, if it be impossible to make men work through fear or through hope of profit in wages, what hope is left, when it needs the active work of everybody at once to replace the dreadful waste of this war? There is one way in which it can be done, and one way only.

INDUSTRIAL CAPACITY AS GREAT AS EVER.

"It is possible that we could restore industry and make it effective if men could be induced to work for love of the soil of their country in the same way that soldiers fight to defend it. Now, President de Valera, as you may have seen, has proposed a loan of $5,000,000. Most people think that is to maintain the political agitation for Irish independence. It is not. Mr. de Valera explained to me that his main purpose is to reorganize Irish industry, and his hope is that some of the captains of industry in America will direct the expenditure of that money. Then all the industries can be started in Ireland with the best hope of making them profitable and successful; and when that is done, he says he can guarantee that when he urges the Irish people to go out and work to make the soil fruitful, as they were eager to fight to make their soil independent, there will be no hesitation in the response, and that men will not stop to think of hours or pay, any more than soldiers stop to consider them in battle, but that they will go out and work as one man to prove that the industrial capacity of Ireland is to-day as great as it ever was, and even greater.

"In Ireland there is practically no crime. Crimes against property are absolutely unknown. There has scarcely ever a burglary or forgery been committed. All the offenses there grow out of the wretched system of land tenure. Outside of that the jails are empty and criminal causes are almost unknown. The obedience which the Irish have always yielded to the leaders of their choice has been absolute, extraordinary, and unanimous.

THE PEACE OF THE WORLD DEPENDS UPON IRELAND'S INDEPENDENCE.

"In the midst of the famine Daniel O'Connell could raise hundreds of thousands of pounds to maintain agitation for the repeal of the union. During the dreadful period of 1873–74 and 1878, when there was another failure of the potato crop in Ireland, they raised 40,000 pounds for the furtherance of the causes championed by Parnell. Leaders of their own choice they have always followed implicitly. Mr. de Valera says that, although he is a president who has not a foot of ground upon which he can place an official chair, no officer whose movements he can direct, and no treasury from which he can draw a dollar, yet by a simple word he can start into active cooperation every man, woman, and child, every pair of human hands upon that island. And if it comes to pass that there is developed among civilized beings a system of industry that rests, not upon the desire for wages or the fear of punishment or the fear of famine but upon the love of one's soil, have we not taken a tremendous step toward the solution of the great difficulty which now confronts civilization?

"Mr. Chairman, I put this before you as my one final suggestion. We must have the independence of Ireland if peace is to be established throughout the world. Peace can not be estab-

lished by England. Eight centuries of history have proved that. Her latest attempt even at justice, sir, is the concluding proof of her inability. The Irish people will never submit to a war enforced upon them, even by a thousand leagues of nations. The league of nations itself is an abomination, an attempt to use the conscience of Christendom to confer jurisdiction to enforce wrongs which morality and justice condemn; and, although judgment and good sense may have departed from quarters where we had a right to expect to find them, yet we feel confident that here in this body the wisdom of the fathers will be vindicated by such an exercise of wisdom, such a display of patriotism, such an exercise of vigilance as will insure to this people the rights to which they were born, the rights which some of us who have come here have acquired through the operation of our constitutional system, and by maintaining this Constitution intact kindle and keep trimmed before the eyes of all men the lamp which will guide their footsteps to freedom, to justice, and to an unending prosperity. [Applause.]"

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. Mr. President, last Saturday at 5.30 o'clock the Senator from Wisconsin [Mr. LA FOLLETTE] had offered an amendment to the bill. He withdrew the amendment with a view of making some changes in it before again presenting it to the Senate. I do not know whether the Senator has perfected that amendment or not, but I do know that he has a dozen other amendments that have been printed and are lying upon the desks of the Senators, I suppose, at this time. I can not say whether the Senator from Wisconsin is through with his general remarks or not, but as far as the committee are concerned they have offered all of the amendments to the bill that they expect to present.

I hope the Senator from Wisconsin will be in the Chamber in a moment and offer whatever amendments he wishes to the bill at this time or proceed with whatever remarks he desires to make. I am just informed by one of the pages that the Senator from Wisconsin has been notified that the bill is now before the Senate.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole and open to amendment.

Mr. SMOOT. I do not want to have any action taken by the Senate before the Senator from Wisconsin arrives. I think it would save time if the Senate would just wait a moment until he arrives.

Mr. LA FOLLETTE. Mr. President, the bill now before the Senate, which really has been before the Senate, as we are in recess, during the present legislative day, has now reached for the first time on this 2d day of September a consideration. It is now 10 minutes after 3 o'clock. I mention that fact simply because all the time that has been occupied during this calendar day by discussion upon various subjects of great importance has not touched the bill before the Senate until this moment. I am prompted to note that fact in the RECORD because I think since the bill became the unfinished business I have been charged with having delayed by debate the consideration of the bill during the time it has been before the Senate. I remember that on one of the days when the bill was pending before the Senate it was not discussed at all; it was not mentioned; I did not have the floor. The debate ran during the entire day on the league of nations. I am not very sensitive upon that subject, but I just mention it for the RECORD.

Mr. LA FOLLETTE resumed his speech begun last Wednesday. After having spoken for some time,

GEN. JOHN J. PERSHING.

Mr. WADSWORTH. Mr. President, will the Senator from Wisconsin yield for the purpose of permitting me to make a request for unanimous consent to take up for consideration H. R. 7594, relating to the creation of the office of General of the Armies of the United States?

Mr. LA FOLLETTE. I would not yield without the consent of the Senator from Utah, who has charge of this bill.

Mr. SMOOT. I will say to the Senator from New York, and also to the Senator from Wisconsin, that I have no objection at all to the Senator yielding providing that the bill is not going to lead to any discussion, and that if it does lead to any discussion the Senator will withdraw it.

Mr. LA FOLLETTE. If it is an important measure, perhaps we ought not to have it considered with this small attendance here.

Mr. SMOOT. I will say to the Senator that I do not think there will be any objection to the bill.

Mr. LA FOLLETTE. I do not know what the measure is.

Mr. SMOOT. It is just a bill conferring upon Gen. Pershing the rank of general.

Mr. WADSWORTH. Mr. President, my request is actuated by this thought: The President, so we are informed, is to leave Washington to-morrow and to be gone approximately a month. I have thought, and members of the Committee on Military Affairs have thought, in view of the fact that this bill was reported from the committee unanimously, and that thus far we have not heard of opposition to it from the Senators, that it would be a graceful and proper thing for us to do to secure the passage of the bill to-day so that it might be returned to the House for signature and sent to the President for his signature before he departs upon his journey. That is why I make this request for immediate consideration of the bill.

Mr. SMOOT. I will say that if the Senator from Wisconsin has no objection——

Mr. LA FOLLETTE. No; I have not.

Mr. SMOOT. I certainly have not, with the distinct understanding that if it leads to any lengthy discussion the Senator from New York will withdraw the bill.

Mr. WADSWORTH. I shall, of course, abide by that understanding.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7594) relating to the creation of the office of General of the Armies of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. LA FOLLETTE resumed his speech, which will be published entire after it shall have been concluded. After having spoken for some time, Mr. LA FOLLETTE said:

Now, Mr. President, I wish to take up particularly the sections of the bill which deal with what are known as the relief provisions. I am not sure but that it would work a saving of time if I took up for the remainder of this session certain other amendments which I wish to present. I desire to have a quorum present when certain of these amendments are voted on, but perhaps I have one here that we can dispose of without raising any question of a quorum. I do not want to raise that question and occasion any delay if it can be avoided. So out of the order in which I intended to present them I will offer the amendment which I send now to the Secretary's desk.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Secretary will read the amendment.

The SECRETARY. On page 26, line 21, at the end of section 26, the Senator from Wisconsin proposes to add the following proviso:

And provided further, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in any wise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or of which the output thereof should become the subject of any agreement or understanding, written, verbal, tacit, or otherwise, to control the price or prices thereof, or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

Mr. SMOOT. Mr. President, the provisions of the amendment are exactly the words found in the Alaskan coal-leasing act down to the word "lessee" in line 10. There I am going to suggest to the Senator from Wisconsin that he strike out, after the word "or" in line 10, all the balance of that line and lines 11 and 12 and the first two words in line 13, including the word "thereof," and in place of those words insert the following:

Any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject to control the price or prices thereof.

Then the balance of the amendment will remain just the same. In other words, I am fearful that if the wording remains as it is, where the Senator refers in his amendment to "the output thereof," we can not tell from the reading whether it refers to the combination or whether it refers to the oil, shale, gas, or sodium. It is only clarifying, I am quite sure, just what the Senator wants to insert and just exactly what I think ought to be in the bill. The amendment ought to be agreed to, and with that amendment to it and one other which I desire to call to the Senator's attention I think it will be all right.

Under the existing law—what is known as the Webb law—provision is made in the matter of exportation for combinations and understandings, and I want at the close of this amendment to add the following:

But nothing herein contained shall be held to modify in any respect or to repeal, in whole or in part, the act of Congress approved April 10, 1918.

I will say to the Senate that that is the Webb Act. Then I think the amendment would cover just what the Senator has in mind. I do not know really how he feels about the Webb Act, but I will say to the Senator it does change it to that extent.

Mr. LA FOLLETTE. I am aware of that. I have not the language before me which the Senator proposes, but, from listening to it as he reads it, I would accept it tentatively.

Mr. SMOOT. Let it be accepted, and then the Senator can have a chance to see it in the RECORD.

Mr. LA FOLLETTE. Yes. With reference to the other amendment, however, I would rather not accept it.

Mr. LENROOT. That is the language of the Webb Act?

Mr. LA FOLLETTE. Yes. I was not in favor of that legislation.

Mr. LENROOT. I should like to make a suggestion to the chairman of the committee with reference to the amendment relating to the Webb Act. So far as these contracts are concerned, should there be any exception? In other words, should there be any encouragement whatever for combination under the Webb Act for exports?

Mr. LA FOLLETTE. On coal, oil, or phosphate? I think that is worthy of a little reflection, and I would suggest to the Senator from Utah that he permit the amendment to be adopted at this time, with the modification he first suggested, and that he offer his other amendment and let it be printed in the RECORD, and we can take it up in the morning.

Mr. SMOOT. The only thing I thought of was, for instance, we export a great deal of phosphate; but the suggestion the Senator makes, I think, is a wise one. Then we will have the amendment agreed to as amended, with the exception of that part which refers to the Webb Act.

Mr. LA FOLLETTE. Yes. I should like to look at the proposed amendment in the morning when the RECORD comes out.

The PRESIDING OFFICER. Does the Senator from Wisconsin ask to have reported the amendment as he proposes it?

Mr. LA FOLLETTE. Yes; as amended. I should like to have the amendment as amended by the amendment suggested by the Senator from Utah reported.

The PRESIDING OFFICER. It will be read.

The SECRETARY. The Senator from Utah offers the following modification, beginning in line 10 of the proposed amendment, after the word "or," strike out down to and including the word "thereof," in line 13, and insert in lieu thereof the following:

Any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become subject to control the price or prices thereof.

So that as amended it will read:

At the end of section 26, page 26, line 21, insert the following:

"*And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party of which his or its output is to be or become subject to control the price or prices thereof, or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings."

Mr. LA FOLLETTE. So far as I am able to follow the reading of the suggested change in my amendment I think it means the same thing.

Mr. SMOOT. I do not think there is any doubt of it.

Mr. LA FOLLETTE. I accept it for the time being and offer the amendment as modified.

The PRESIDING OFFICER. Will the Senator allow the Secretary to report again a portion of the language which seems to the Chair ambiguous?

Mr. LA FOLLETTE. I should be very glad to have it reported.

The Secretary read as follows:

In the proposed modification of the Senator from Utah occur these words:

"Of which his or its output is to be or become subject to control the price or prices thereof."

The PRESIDING OFFICER. "Subject to control." What does that mean?

Mr. SMOOT. It is exactly the language of the law to-day.

Mr. LA FOLLETTE. Does not the Senator from Utah mean "the subject of any agreement or understanding"?

Mr. SMOOT. I read it right first.

Mr. LA FOLLETTE. "The subject of any agreement or understanding."

Mr. SMOOT. It reads "is to be or become subject to control."

Mr. LA FOLLETTE. Would it not be better to say "the subject of any agreement or understanding"?

Mr. SMOOT. No; control under the understanding.

Mr. LENROOT. I do not think it is very happily phrased.

Mr. LA FOLLETTE. I think it had better be printed in the RECORD and then we can see its relation to the whole amendment.

The PRESIDING OFFICER. The Secretary will again state the amendment as modified.

The SECRETARY. After the word "or" in line 10 of the amendment proposed by Mr. LA FOLLETTE it is proposed to strike out all down to and including the word "thereof" in line 13, and in lieu thereof to insert:

Any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject to control the price or prices thereof.

The PRESIDING OFFICER. Without objection, the amendment as modified is agreed to.

Mr. LA FOLLETTE. Now, Mr. President, I will offer the amendment I send to the desk. I am offering these amendments, Mr. President, somewhat out of the order in which I had intended to present them at the request of the Senator from Utah [Mr. SMOOT]. He prefers at this time that this amendment should be taken up.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 9, at the end of section 12, after the word "deposits" in line 12, it is proposed to insert:

Provided, That each lease of phosphate under this act shall stipulate that all phosphates and phosphate products produced or secured under such lease shall be distributed and used only within the limits of the United States or its possessions.

Mr. SMOOT. Mr. President, I wish at this time to move that when the Senate takes a recess to-day it be until 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. SMOOT. Mr. President, the amendment which is now presented by the Senator from Wisconsin [Mr. LA FOLLETTE] was considered by the Public Lands Committee not only as to phosphate but as to oil and all other products covered by the bill; but of all of them, it seems to me, the amendment is least applicable to phosphates, and for this reason: The United States to-day is a heavy exporter of phosphate. The percentage of the world's export trade in phosphates is as follows: Tunis, 53 per cent, or 2,178,014 tons. The United States comes second as the largest exporter, exporting 34.7 per cent of all the phosphates of the world, amounting to 1,424,750 tons. Algeria is next, with 9.2 per cent; Egypt, with 1.7 per cent; France, with six-tenths of 1 per cent; Belgium, with five-tenths of 1 per cent; Germany, with two-tenths of 1 per cent; Italy, with one-tenth of 1 per cent; or a total export trade in phosphates for all the countries in the world of 4,107,853 tons.

The countries importing phosphates covering that 4,107,853 tons are as follows: France, 909,212 tons, or a percentage of the world's trade of 22.1 per cent; Germany, 742,267 tons, or 18.1 per cent; Italy, 614,969 tons, or 15 per cent; the United Kingdom, 455,307 tons, or 11.1 per cent; Belgium, 274,311 tons, or 6.7 per cent; Spain, 254,074 tons, or 6.2 per cent; Austria-Hungary, 100,068 tons, or 2.3 per cent; Japan, 88,674 tons, or 2.2 per cent; British possessions in the Far East, 64,904 tons, or 1.6 per cent; Sweden, 61,909 tons, or 1.6 per cent; Portugal, 45,244 tons, or 1.1 per cent; Denmark, 38,293 tons, or nine-tenths of 1 per cent; Russia, 16,671 tons, or four-tenths of 1 per cent; Switzerland, 6,568 tons, or one-tenth of 1 per cent; Canada, 5,478 tons, or one-tenth of 1 per cent; Australia and other countries, 106,395 tons, or 2.6 per cent.

In other words, there are no importations whatever of phosphates into the United States. I wish to say to the Senator from Wisconsin offering the amendment that there are almost untold quantities of phosphate in Wyoming, Utah, Montana, and in a part of Colorado. Up to the present time those phosphate deposits have not been worked to any extent nor can they be on account of the lack of railroad transportation; but we certainly do not want to say that those mammoth veins and great mountains of phosphate in our western country shall be forever denied exportation. I believe the time will come, and I do not believe it is many years off, when the great deposits in that section will

be worked; and I expect to see the product of those great bodies of phosphate exported to all European countries.

If there were not enough phosphate in this country to take care of the needs of the United States I would gladly join the Senator in doing anything to prohibit a pound of it from being exported from this country; but I can not see how it is possible for the United States to use more than a small portion of the known deposits of phosphate which are located in the West. I can take the Senator into portions of Montana, Idaho, and also Utah and show him miles and miles of phosphate there not only in blanket form but in ledge form. We who are acquainted with that section of the country know the great amount of this material that lies there. It does not have to be discovered; we know it is there; and knowing that we do not want forever to tie it up and prevent it being exported if the time comes when we can get transportation so that its exportation will be justified.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield to me, I should like to inquire in what form the phosphate is found to which the Senator has called attention and which he says abounds so largely in certain sections of the West? How is it deposited, and how expensive is it to mine?

Mr. SMOOT. It is in the form of phosphate rock and is not expensive to mine; in fact, in one part of my State there is a bed which I visited which can be mined by the same method as employed by the great Utah Copper Co., which extracts its ore by steam shovels. Railroads to transport the ore, if necessary, could be built; but I do not think that will be necessary, because a plant could be put up alongside of the phosphate beds and the phosphate shoveled into the mill and ground up as fine as sand. Some of it is now being shipped to California.

Mr. LA FOLLETTE. What is the value per ton of that phosphate upon the ground where it is produced?

Mr. SMOOT. The cost of preparing it of late has advanced so rapidly and the wages required to be paid have gone up to such an extent that I can not say what the price is to-day.

Mr. LA FOLLETTE. About what?

Mr. FALL. Four dollars and fifty-seven cents a ton.

Mr. SMOOT. It is a little more than that, is it not?

Mr. FALL. Before the war it was $3.12, and for Tennessee phosphate the price was from $3.50 to $4.57, depending upon the character of the rock.

Mr. President, if the Senator will allow me, I think possibly I can throw a little light upon this subject.

Mr. SMOOT. I will gladly yield to the Senator.

Mr. FALL. Is it mined as rock?

Mr. SMOOT. It is rock and nothing more.

Mr. FALL. It is rock, pure and simple. It is brown limestone or blue limestone, and is a mass of shells. In Tennessee, in South Carolina, and in Florida it is through all the Permian formation, which extends all through the Rocky Mountain region. Lying above the Cretaceous formation and above the Carboniferous formation, we have a great series of what are known as red beds throughout the Rocky Mountain region. What percentage may be in New Mexico remains to be discovered, but phosphate rock exists there in such quantities that it is possible to trace a ledge of it for 150 miles on the east side of the Tularosa Valley and on the west side for 100 miles. It is from 4 to 20 feet thick. Whether the percentage would be sufficient to enable anyone to ship it would be another question.

Mr. LA FOLLETTE. What does that product sell for in the markets of the East?

Mr. FALL. It sells for nothing at all with us; we can not mine it.

Mr. LA FOLLETTE. How far is it shipped?

Mr. FALL. The great deposits of it to-day that are being mined in the United States are in the States of Tennessee, South Carolina, and Florida. In Florida it occurs in two or three different formations, but they have practicaly worked out what they call the white deposit, which was a soft redeposit bleached out.

Mr. LA FOLLETTE. That is exhausted?

Mr. FALL. That is exhausted, never having existed in very large quantities; but in Tennessee the richer phosphate is in what they call the brown phosphate rock, composed of certain character of shells; the rock itself is a mass of sea shells. The blue phosphate is inexhaustible in quantity. It is harder and more costly to work than the brown phosphate, which is a more friable rock, and, as the Senator from Utah has said, is worked by steam shovels.

When it comes to working the blue phosphate, I can say to the Senator that it is almost as inexhaustible as the mountains wherever the limestone formation occurs in the Rocky Mountains. It is simply a question now of freight. It is in the position, I may say to the Senator, as gypsum in New Mexico. We have a deposit of gypsum belonging to the Government of the United States 30 miles long, from 3 to 7 miles in width, which has been blown up in ridges and is as white as the driven snow. It is worth possibly $15 per ton. It is sulphate of lime; but we can not work it. If we could get it to Niagara, where we could get cheap electric power, we might carbonize it and extract the sulphur from it, in the first place, and make sulphuric acid, and possibly change the sulphate of soda which occurs along with it to carbonated soda, which would be worth $34 a ton or more at this time.

There it is lying. Any man in the world can go and take it. They are using it here on the wheat fields of Virginia and all over the South to attempt to restore the fertility of these old fields. If you can get that deposit, you can get millions and millions and millions of tons of it, but you can not haul it. It will not pay the transportation.

The phosphate rock that we have in that country is not developed at all. There has been no incentive for us to prospect for phosphate in this immediate country, because before the war it was only worth approximately $4.57 a ton—which means ground and washed—for rock containing 52 to 57 per cent of phosphate, and it would not pay us. Only recently, therefore, has there been any attempt by prospectors to locate or prospect for phosphate; and I can say to the Senator that within six weeks before I came on here I personally rode over 150 miles of phosphate rock in New Mexico adjoining my own ranch property, in the immediate vicinity, in machine and on horseback, and found evidences of it everywhere.

The Senator understands that phosphate very easily leaches, so that when it is exposed to the air it is constantly losing its value and washing off. As the snow falls, and frosts come, and winds blow, and rains fall, it washes off in the soil, and is lost completely; and until you get under the ground a certain distance the phosphate is of no appreciable value.

Mr. LA FOLLETTE. Wherever it is exposed——

Mr. FALL. Wherever it is exposed, it leaches out. It is very easy to see it. You can recognize phosphate rock as soon as you lay your eyes on it.

Mr. LA FOLLETTE. How rapidly does it lose its value when it is exposed? Is it a matter of days or weeks or longer?

Mr. FALL. A matter of weeks, possibly a matter of years. Of course, the erosion of those mountains is going on continuously, and as the erosion goes on we are losing the value of the phosphate.

Mr. LA FOLLETTE. I did not know that the elements would destroy its value in so short a time.

Mr. FALL. Very rapidly. It is very much like the nitrates, which deteriorate rapidly on exposure to the air when taken from the caves.

Mr. LA FOLLETTE. Can it be shipped long distances without wasting its properties?

Mr. FALL. Oh, yes. It can be shipped, and is usually mixed with other material for fertilizer.

Mr. LA FOLLETTE. I am very much interested in and have been enlightened by the observations of the Senator from Utah and the Senator from New Mexico.

Mr. FALL. It occurs, I can say to the Senator, whether in paying quantities or not, at least in appreciable quantities, throughout the entire upper formation lying about the Cretaceous formation.

Mr. LA FOLLETTE. Of course, we have in this country great areas of agricultural lands the fertility of which is practically exhausted.

Mr. FALL. Yes.

Mr. LA FOLLETTE. And my motive in offering the amendment was to conserve these products for our own use here first, before we permitted exportation.

Mr. FALL. I myself, prospecting with pick and shovel, broke it off for, I think, a distance of 150 miles, where it is shown on a great escarpment. The mountains on the one side are tilted to the west, and the mountains on the other side are tilted to the east, and the valley has subsided between them, and you have a cross section of the entire formation, because it is from 2,000 to 7,000 feet in height; and you can see the entire formation in layers as it exists, the different limes and sandstones, and so forth, resting on the granite. You can trace it from the old archaic granite up from 2,000 to 7,000 feet, and see everything there is there. It is a perfect cross section of the entire country; and in the lower part of this formation, in the great, heavy blue beds of limestone, which you would not notice unless your attention was called to it, upon examination you will discover that by breaking it with a hammer you can smell it immediately. You will discover that it is a perfect mass of shells which have all been sea life at one time, and it has lain there just as it was formed by the sea, and there it exists to-day. Now, of course, it must carry fifty-odd per cent

of phosphate before it is worth even $4, or worth anything at all, in the market; and, as I say, 50 to 55 per cent phosphate before the war was worth in Tennessee from $3.57 to $4.57, washed.

Mr. WALSH of Montana. Mr. President, I should like to say a word about this matter, with the permission of the Senator who has the floor.

There are withdrawn from entry, classified as phosphate lands, 2,724,394 acres; and, as has been suggested, the character of these lands is not speculative, as is the case with much of the land withdrawn as oil land. That is withdrawn because it is believed, or a guess is made, that it contains oil; but in the case of these phosphate lands the rock outcrops, so that geologists have no difficulty whatever in asserting positively that the phosphate rock is there. As indicated, it is a sedimentary rock, just exactly the same as limestone is.

Mr. FALL. It is.

Mr. WALSH of Montana. Usually, in fact, lime is a large constituent of it.

Mr. FALL. Oh, yes.

Mr. WALSH of Montana. Very often the rock is so uptilted that the deposit is perpendicular rather than lateral, so that it bears the appearance oftentimes of being a ledge or a deposit of rock that comes up in a crevice in the earth's surface; but that is not its origin. It is not igneous in any sense. That is not its origin.

This will give the Senate some idea of the extent of those deposits; but, Mr. President, if there were no other way of reaching this matter except by this discriminatory provision, discriminating against the new and untried and undeveloped fields as against those that have been operated for years in the past, there would be very much merit in the suggestion that they ought to be preserved for our own use, however extensive they are. Of course, exactly the same thing might be said with reference to our copper. There is no more reason that I can see why we should prohibit the exportation of phosphate than there is why we should prohibit the exportation of copper or, for the matter of that, of silver or, for the matter of that, of lead. The principle is as well applicable to the one as to the other; but there is no occasion, Mr. President, to do so. If our supply of phosphates seems inadequate to the necessities of our own people, we can reach those that are now held in private ownership just exactly as well as we can reach those that are now held in public ownership, because there is no trouble about Congress at any time passing an act preventing the exportation from this country of any phosphates, whether they come from private sources and private lands or from lands leased under the provisions of this bill.

So I think it quite unfair and unjust that we should turn over the entire export trade in phosphates to the States of Florida, South Carolina, and Tennessee, as against these undeveloped deposits of the West. They labor under the disadvantage of being at remote places from the seaboard, where they must go for export, and at remote distances from the centers in which commercial fertilizer is used to any very considerable extent. It is a serious question as to whether the mining of this rock can be carried on economically or not. As I indicated the other day, the utilization of this resource contemplates the carrying on of an extensive educational work throughout the Middle West, where it is believed that a profitable market can be found for this product; but the Senator from Wisconsin knows that the farmers of his State will have to be taught the use of phosphate rock as a profitable fertilizer. We shall have to demonstrate it to them against the conservatism that the Senator knows ordinarily appears. Why, the Senator from North Dakota, I recall, when this matter was talked of here upon the floor some time ago, asserted that the wheat fields of his State needed no such meretricious aid in order to make them productive.

There is, however, another consideration which ought to be borne in mind in this connection. We ought to give these resources the advantage at the outset, at least, of any possible market that they can find. I apprehend that probably this amendment would not seriously affect the situation at present, because these fields are so remote that I imagine very likely they will not be able to compete in export trade, for instance, with South Carolina and Florida. Florida, prior to the war, annually exported some $9,000,000 worth of phosphate. It, of course, would be difficult for the western fields to compete with them, they being right on the seaboard; but I think we ought not to place any obstacles in the way of the product finding any markets it can, and the speedy development of it ought to be encouraged for this reason.

The rock in its original state is insoluble, and scarcely available. It is used by being ground into fine powder and scattered upon the land to be fertilized. Then, by the slow process of oxidation, the phosphoric acid, which is the active principle of the rock, is released, and finds its way into the adjacent soil; but it ordinarily contains phosphoric acid in only a very small proportion, and the untreated rock—that is, the rock merely ground up and pulverized—is so bulky and so heavy an article that the transportation rates practically forbid its use. It becomes necessary, therefore, to reduce it to a concentrated form and to a soluble form, and that is done by the application of sulphuric acid.

Our great copper smelters in the West, in the State of Utah and in the State of Montana and in the State of Wyoming, are belching out into the atmosphere annually thousands of tons of sulphuric acid for which no market whatever can be found, and that to the destruction, or at least to the injury, of vegetation and no doubt of animal life adjacent to these smelters. It is hoped that we shall be able to conserve this valuable product and use it in the treatment of these phosphate ores, reducing them to a soluble form and to a concentrated form in which they will stand shipment to the centers where they can be used; and accordingly I submit that we ought to give them every opportunity to develop, and thus to seek any market that is open. But in any case we are not driven to this method of conserving our supply of phosphate ores, because by the simple process of putting an embargo upon the exportation of phosphate we can reach the lands held in private ownership as well as those with which we are now dealing.

Mr. LA FOLLETTE. Mr. President, I am very much gratified, indeed, to be informed of the abundant supply of these phosphate deposits in the West. I knew about it somewhat in the East, and I knew that in some of the southern fields the supply was exhausted, and I felt that we ought to conserve its uses to our own country, but I am inclined, on the information furnished here by the Senators from Utah and New Mexico and Montana, to withdraw the amendment which I offered, in the belief that for a long period of time, at least, there will be no occasion to husband our resources of phosphate.

The PRESIDENT pro tempore. The amendment offered by the Senator from Wisconsin is withdrawn.

Mr. LA FOLLETTE. I have a number of other amendments, Mr. President, which I shall want to offer when the opportunity affords.

Mr. THOMAS. Mr. President, before the Senator having charge of this bill moves a recess, I think it is fair to the Senator to say at this time that if this bill is not disposed of tomorrow I shall make an effort to invoke the provisions of the amendment to Rule XXXII. The bill has now been before the Senate for something like 12 days, and the business of the Senate is such that it seems to me it justifies the suggestion which I make. I make it now because after tomorrow there will still be two days given to the full consideration of every phase of the bill.

Mr. LA FOLLETTE. Mr. President, I have occupied some time upon this bill, and have some further observations to make upon it and some comments to offer. I shall be able, I think, to keep easily within the time limit, if the Senate should see fit to adopt the cloture provisions of our rule, in covering what I have definitely in mind to say to the Senate and the amendments that I have to offer; but I feel constrained to observe that I do not think the proceedings upon this bill have been such as to cause any Senator to resort to cloture to pass the bill. I am not conscious myself of having consumed on this bill one moment of time more than I have felt that I ought to as a matter of duty to the legislation, aside from the fact that I have been diverted by the trend of debate to take some time to discuss the abstract principle of the filibuster and to make some observations pertaining to the cost of living.

Mr. President, I really feel that Senators who themselves upon subjects that have not been before the Senate at all, that have not been even reported from committee, have taken time in making speeches here more than I have taken during the entire session. I have occupied the floor on just two subjects since this session began on the 19th of May. One was to aid in preserving the existence of the Tariff Commission, which it was proposed in one of the appropriation bills to legislate out of existence. I did take a couple of hours in discussing that matter. The other subject upon which I have spoken is the bill that is now before the Senate.

We have had several speeches this session by Senators upon the league of nations and the treaty, which has not yet been reported to the Senate by the Committee on Foreign Relations. A number of these Senators have each made three and four and five speeches. I have been instructed and entertained by some of these speeches, and should not think of criticizing any Senators for speaking any number of times upon the subject. That is

their right. It is the right of every Senator to address the Senate upon these measures, and I resent the suggestion made that I am taking an undue amount of time in discussing this bill. I am deeply interested in it, and am moved by no other purpose than to aid in making it a better bill. I do not often intrude myself into the debates of the Senate, and when I do upon some subject concerning which I am especially interested I feel at liberty to take such time as seems proper and to be guided as to that matter by my own judgment.

Mr. THOMAS. Mr. President, I am very sorry if the Senator feels resentful because of the notice which I gave. I gave it because I wanted to avoid as far as possible the appearance of being otherwise than fair. Under the provisions of the rule, if the application were presented to-morrow, the Chair will lay it before the Senate at the expiration of the first hour of the second day after it is so presented. It occurred to me that as the Senator has had the floor, not constantly, of course, but in the absence of other subjects, for something like four or five days, two other sessions should be amply sufficient for his purposes. I know that it could have been filed to-day and without any notice whatever. My purpose in giving the notice was among other things to make provision for two days, which, if we meet at 11 and adjourn at 6, will give ample opportunity, at least I thought it would give ample opportunity, to the Senator to complete his discussion of the bill.

Mr. PHELAN. Perhaps the Senator will consent to an agreement to fix a time to vote.

Mr. THOMAS. That offer was made some time ago and the Senator from Wisconsin objected.

Mr. SMOOT. I wish to say that I am going to ask the Senate to-morrow night, if the bill is not passed, to continue in session. I had expected to do so to-night, but there were so many Senators who had engagements that had been previously made that I doubted very much whether it would be proper to undertake to hold a session to-night. However, I am going to do so to-morrow, and I hope Senators will not be inconvenienced by it and will take this as notice that we are going to hold a night session unless the bill is disposed of before the hour arrives.

Mr. LA FOLLETTE. I shall be very glad indeed to join with the Senator in a session to-morrow night, to be continued as late as the Senator may desire. I shall be entirely willing to see this bill forced through under cloture, if its friends think that a wise proceeding with legislation of this character. So the Senator from Utah can be assured that he will have no opposition from me if we remain in session until we get through with the bill.

Mr. SMOOT. I had expected no opposition from the Senator, only I thought it was proper to state at this time what the intention is, so that Senators will know exactly what will happen.

Mr. PHELAN. I should like to ask the Senator from Wisconsin, before he leaves the Chamber, whether he will not consent to a time to be fixed to vote upon the bill.

Mr. LA FOLLETTE. I will not, Mr. President, because I do not know how the debate may run upon the amendments, and if a time is fixed to vote, possibly I should not be able to offer some of the amendments I want to have voted upon. I think we can run along with this legislation just as we do with legislation usually and get through with amendments and with debate upon them in an orderly way.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7594) relating to the creation of the office of General of the Armies of the United States, and it was thereupon signed by the President pro tempore.

ILLEGAL ENTRY OF ALIENS.

Mr. PHELAN. Out of order I should like to introduce a resolution. I have been waiting a long time.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 176) was read as follows:

Whereas it is reported that during the last year and for a considerable period prior thereto illegal and surreptitious entries of aliens across the boundaries of the United States have taken place; and

Whereas owing to our extensive coast lines and land boundaries and the retirement of the patrol and other official services maintained under the passport control regulations up to the 30th day of June, 1919, there has been less protection against such illegal entries than existed prior to such date; and

Whereas such coast lines and land boundaries should be efficiently guarded and patrolled, and additional officers detailed to the various immigration stations so as to prevent the illegal and surreptitious entry of aliens across such borders and coast lines: Therefore be it

Resolved, That the Committee on Immigration be requested and is hereby instructed to secure such information as may be available on the matters set forth in the foregoing preamble and report the same, together with its recommendations thereon, to the Senate.

Mr. PHELAN. I ask unanimous consent for the immediate consideration of the resolution.

Mr. SMOOT. I think it had better go over.

Mr. THOMAS. I ask that it may go over until to-morrow. I will say that I have no intention myself of opposing it.

Mr. PHELAN. It is merely asking a committee to investigate and report.

Mr. SMOOT. Then it will be immediately referred to the committee. I misunderstood the Senator's request.

Mr. PHELAN. I ask for its immediate consideration.

The resolution was considered by unanimous consent and agreed to.

RECESS.

Mr. SMOOT. I move that the Senate take a recess, it being, under the order heretofore entered, until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, September 3, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 2, 1919.*

The House was called to order at 12 o'clock noon.

Mr. BLANTON. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms was directed to notify the absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Edmonds	Kiess	Riordan
Almon	Ellsworth	Kincheloe	Robinson, N. C.
Andrews, Md.	Emerson	Kleczka	Robsion, Ky.
Anthony	Evans, Nebr.	Kreider	Rogers
Ashbrook	Fairfield	LaGuardia	Rose
Babka	Fields	Lea, Calif.	Rouse
Bacharach	Fitzgerald	Lesher	Rowan
Barkley	Flood	Linthicum	Rowe
Benson	Foster	Lonergan	Rucker
Blackmon	Frear	Longworth	Sabath
Bland, Ind.	Freeman	Lufkin	Sanders, N. Y.
Bowers	Fuller, Ill.	McArthur	Sanford
Britten	Fuller, Mass.	McCulloch	Saunders, Va.
Browne	Gallivan	McGlennon	Scully
Browning	Ganly	McKenzie	Sears
Brumbaugh	Garland	McKinley	Sherwood
Burdick	Garrett	McKinley	Siegel
Burke	Glynn	MacCrate	Sinclair
Butler	Godwin	Magee	Sisson
Byrnes, S. C.	Goldfogle	Maher	Small
Caldwell	Goodwin	Mann	Smith, Ill.
Campbell, Pa.	Gould	Mead	Smith, N. Y.
Candler	Graham, Pa.	Montague	Snell
Cantrill	Graham, Ill.	Moon	Snyder
Carew	Griest	Mooney	Steele
Carter	Griffin	Moore, Ohio	Stephens, Miss.
Casey	Hadley	Moore, Pa.	Stephens, Ohio
Classon	Hamill	Morin	Stiness
Cleary	Hardy, Colo.	Mott	Strong, Pa.
Cooper	Harrison	Mudd	Sullivan
Costello	Haskell	Murphy	Taylor, Ark.
Cramton	Heflin	Neely	Thompson, Ohio
Crowther	Hill	Newton, Minn.	Tinkham
Cullen	Houghton	Nicholls, S. C.	Treadway
Curry, Calif.	Hulings	Nichols, Mich.	Vare
Darrow	Husted	Nolan	Walsh
Davey	Jacoway	O'Connell	Walters
Davis, Tenn.	James	Ogden	Ward
Dempsey	Jefferis	Olney	Wason
Dewalt	Johnson, Ky.	Paige	Watson, Pa.
Dominick	Johnson, S. Dak.	Parker	Welling
Donovan	Johnston, N. Y.	Pell	Welty
Dooling	Jones, Pa.	Porter	Whaley
Doughton	Keller	Rainey, J. W.	Wilson, Pa.
Drane	Kelley, Mich.	Ramsey	Winslow
Dunn	Kelly, Pa.	Randall, Wis.	Wise
Eagan	Kennedy, Iowa.	Reber	Woodyard
Eagle	Kennedy, R. I.	Reed, N. Y.	Yates
Echols	Kettner	Reed, W. Va.	

The SPEAKER. Two hundred and thirty-five Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Chaplain will offer prayer.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite and eternal Spirit, for the intellectual, moral, and spiritual progress of the past, yet we realize that there are vast areas which have not yet been explored, great heights which have not yet been climbed, problems which have not yet been solved.

Help us to keep in mind the promises, "Ask and it shall be given you, seek and ye shall find, knock and it shall be opened unto you," that as individuals and as a people we may go forward to yet greater attainments under the spiritual leadership of Jesus of Nazareth, the world's great Exemplar. Amen.

The Journal of the proceedings of Friday, August 29, 1919, was read and approved.

COMMITTEE TO MAKE ARRANGEMENTS FOR WELCOME OF GEN. PERSHING.

The SPEAKER. As the joint committee on the part of the House to make arrangements for appropriate exercises to welcome Gen. Pershing, the Chair appoints the following Members: Mr. MONDELL, Mr. KAHN, Mr. GREENE of Vermont, Mr. LAGUARDIA, Mr. CLARK of Missouri, Mr. DENT, and Mr. FIELDS.

BATTLE OF THE MARNE.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, five years ago this coming Friday there was fought in France one of the greatest battles in all history. On the morning of that day, fraught with the destiny of civilization, the French army after days of retreat before the invading Germans made their stand on the south side of the river Marne, taking the offensive, the immediate result of which was to drive the Germans back to the Aisne and the Somme, and the ultimate result of which, with the support of the valiant Americans and the gallant British, was a complete annihilation of the German war machine. That day of victory is being celebrated in France, and justly so, for had the heroic French been defeated the war would have terminated with results as disastrous as the debacle of 1871. We have among our Members a gentleman who has made a study of the battle of the Marne. As I know his remarks will be of great interest to all who will hear him, I ask unanimous consent that the gentleman from Washington [Mr. MILLER] be allowed to address the House for 30 minutes this coming Friday, after the reading of the Journal and the disposition of business on the Speaker's desk, on the subject of the first battle of the Marne.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Washington [Mr. MILLER] may address the House for 30 minutes on Friday next upon the subject mentioned. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address delivered yesterday by my colleague, Mr. O'CONNOR, before the eleventh convention of the National Federation of Postal Employees, in this city.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to insert in the RECORD an address delivered by his colleague yesterday. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein four letters, with the specimen questionnaires upon the subject of the inadequacy of pay of the Postal Service.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD upon the inadequacy of the pay of the Postal Service. Is there objection?

Mr. BLACK. Mr. Speaker, reserving the right to object, we all receive a great many of these letters. How long are the ones that the gentleman wants to insert in the RECORD?

Mr. KING. They are very short.

Mr. BLACK. Who is sending out these questionnaires?

Mr. KING. These questionnaires are sent out by the employees.

Mr. BLACK. How long are they?

Mr. KING. They would not occupy more than five or six lines in the printed RECORD.

Mr. BLACK. I should not object, but on account of so many of these communications being sent to us I shall object to any further requests of this kind.

The SPEAKER. Is there objection?

There was no objection.

SOLDIERS' SETTLEMENT BILL.

Mr. BOIES. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD three short letters which I hold in my hand, which I ask the Clerk to read in my time at this time.

The SPEAKER. The gentleman from Iowa asks unanimous consent to have read three letters. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, on what subject?

Mr. BOIES. On the subject of the so-called Mondell bill, and also upon the shortage of sugar in Iowa. Those are the subjects of two of them, and I do not just remember what the third is now.

Mr. BLANTON. Then, Mr. Speaker, I object to the third.

The SPEAKER. Is there objection to the reading of the first two?

There was no objection.

Mr. BOIES. Mr. Speaker, I now recall the subject of the third. It is the question of determining the weight and quality of flour.

Mr. BLANTON. I do not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

NATIONAL COUNCIL, WORLD WAR VETERANS,
AURORA, ILL.

[An open letter to the honorable United States Senators and Representatives, composing the Sixty-sixth Congress.]

From observation and investigations made by a committee sent from the National Council, World War Veterans, to attend the War Risk Coordination Conference, held in Washington August 18, 1919, the executive committee of the National Council, World War Veterans, has reached the conclusion that official Washington either ignores the existence of or does not know that there exists the National Council, World War Veterans, with 2,522 organized posts and a total membership of 210,000 former soldiers, sailors, and marines, and it is therefore the pleasure of the national council to forward to each Member of the Sixty-sixth Congress a copy of the official magazine and the earnest request that the same be personally observed, and that the honorable gentlemen receiving this communication and the magazine be respectfully advised that the much heralded and widely exploited American Legion does not represent the great majority of former service men, and that the wishes of other organizations may be considered as representing the will of the veterans in such legislation affecting them and the good of the United States at large.

The CONGRESSIONAL RECORD of August 21 contains an editorial from the New York Times, introduced by Hon. FRANK W. MONDELL, of Wyoming, under extension of remarks, in support of his "Mondell's soldier settlement bill," and in this editorial it would appear that the American Legion represents 4,800,000 soldiers and sailors and that these men are a unit for the Mondell bill. Congress is respectfully advised that a carefully conducted inquiry among the posts of the National Council, World War Veterans, indicates that the World War Veterans are opposed to the Mondell soldier-settlement bill and ask its defeat.

The National Council, World War Veterans, learn that there is no bill before either Senate or Congress urging the payment of $180 bonus to honorably discharged service men, and, therefore, offers Congress an opportunity to really do something for the ex-service man at this, his present time of need, and asks the passage of a bill granting $180 bonus. If Congress prefers, the National Council, World War Veterans, heartily indorses Mr. GALLIVAN'S bill, "H. R. 2923," introduced in the House May 24, 1919, and referred to Committee on Military Affairs, and asks that this bill be gotten out of committee and favorably acted upon.

Signed and transmitted to Congress by order of national executive committee, in session Chicago, Ill., August 22, 1919.

NATIONAL COUNCIL, WORLD WAR VETERANS,
By HUGH B. DONNELLY, *Commander in Chief.*

Official August 27, 1919.
CHARLES M. RAPHUN,
Adjutant General.

—

SIOUX CITY, IOWA, *August 29, 1919.*

Hon. W. D. BOIES,
Congressman Eleventh District,
Washington, D. C.

DEAR MR. BOISE: Calling your kind attention to great necessity for immediate action on existing sugar shortage in this State. Consumers complaining to retailers; they in turn are wiring, telephoning, writing for sugar, but all to no purpose, as no provision has been made by equalization board for any supply for Iowa. In our judgment immediate action stopping export of sugar should be taken, so this section of country may be able to go through canning season, which is now upon us, with sufficient supply of sugar. Nothing less than 100 cars will do Iowa any good. Our situation demands immediate attention, as already stated. Too much can not be said on the subject.

L. W. MALLERY.

—

MINNEAPOLIS, MINN., *August 30, 1919.*

Hon. WILLIAM D. BOIES,
House of Representatives, Washington, D. C.

DEAR SIR: There was introduced in the House of Representatives, July 17, 1919, by the Hon. ALBERT H. VESTAL, of Indiana, a bill "to establish a standard of weights on flour, meal, and corn products for human foods and commercial feeding stuffs, and for other purposes." This bill is known as H. R. 7482.

This bill changes the weights on flour packages from the old established basis of 196 pounds to the barrel to the decimal system. Why change? What's the idea?

While the Millers' National Federation has indorsed this change, the vote was by no means unanimous. Many millers are opposed to this bill and opposed to the idea of changing weights. And why are they so opposed? For the same reason that we are opposed to changing the weight of a bushel of wheat from 60 pounds to 100 pounds.

We have been getting along very nicely on the present basis for a great many years, and there is no reason for trying to revolutionize a system which has been and is entirely satisfactory to everyone, the public included.

The first thing we know some wise politician will want to change the method of keeping time and to change the days of the weeks and months. Why not? Why not change the days of the week to the decimal system? There is the same good reason as for changing the weight of flour.

There is nothing to be gained by this change. Custom has made a barrel of flour 196 pounds. The bill should be defeated, and we earnestly trust you will see the matter as we do, and that you will vote against its adoption when the time comes.

Very respectfully,

WASHBURN-CROSBY CO.,
By W. G. CROWN, *Secretary.*

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the business which was in order yesterday be made in order on Thursday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the business in order yesterday be in order Thursday next. Is there objection?

There was no objection.

TARIFF ON PEARL BUTTONS.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7705, with Mr. FESS in the chair.

The Clerk reported the title of the bill.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, on Friday last during the general debate on this bill the distinguished gentleman from North Carolina [Mr. KITCHIN] spoke for about an hour and a half, devoting most of the time to myself. In the course of his remarks he was kind enough to refer to me as "Pearl Button Green," saying that I deserved that name by reason of being an authority upon this bill. [Applause.] Well, I would rather be a pearl than a dub, and I would rather be known as being an authority upon a bill than as being distinguished for knowing nothing in relation to it. Let me say to my distinguished friend from North Carolina that if he continues the discussion of these bills in the same manner and form that he has been doing since the tariff bills were introduced, there will be no danger of his resting under the imputation of being an authority upon any of these bills or being distinguished by reason of his knowledge in relation to them. He can console himself to that extent. I can also compliment the gentleman in another particular. He can put before the House more misinformation in a given time than any other Member. His record is absolutely unequaled in that respect.

The gentleman was also kind enough to say that he thought if a letter were addressed to me as "Pearl Button Green" it would reach me in due course of time. I think very likely; but I have a little suggestion for the gentleman himself in that connection. Since he has posed of late as the official funny man of the House, there would not be any trouble in a letter reaching him addressed "Vaudeville Kitchin." I am sure it would find him without any other designation on the letter as easily as the one addressed to me which he suggested.

It is somewhat difficult to answer a gentleman who draws on his imagination for the facts and on his humor for his argument. The combination of the two is highly entertaining, but it is unnecessary to say that accuracy forms no part of it. When a gentleman talks for an hour and a half in this manner it would be impossible if I took the rest of the day to correct every misstatement that was made. I shall therefore point out only a portion of the glaring errors that were committed, and let the House judge after I am through as to how much reliance can be placed upon the other assertions that were made.

The gentleman took up the report that I had made on this bill and pointed out what he alleged to be a number of very glaring errors in it. He said that he expected when the errors were pointed out and demonstrated I would frankly acknowledge them. The gentleman was correct in his expectation. That is just what I would do if I were in error, but I was not in error. I was absolutely correct. Unfortunately I have no reason to expect from past experience on these bills that the gentleman would do the same thing if found to be wrong, no matter how glaring the mistake. On the contrary, I expect that after I am through showing the manifold errors that he committed, and the absolute accuracy of my report, he will take the floor for half an hour in reply and repeat over the same statements he made the other day.

One of the first objections he made to my report was that it stated that there were somewhere between 20,000 and 30,000 people engaged in the pearl-button industry. He said that was a wild statement, very erroneous.

I have forgotten the number, but I think it was somewhere from five to seven thousand he said was the correct number.

Mr. KITCHIN. If the gentleman will permit—no; I did not give from five to seven thousand. I gave what the tariff report gave.

Mr. GREEN of Iowa. The gentleman gave what the tariff report gave?

Mr. KITCHIN. Yes, sir.

Mr. GREEN of Iowa. That shows how correctly the gentleman reads and how accurate he is, because the report of the Tariff Commission does not state how many persons are employed or engaged in the pearl-button industry. What the gentleman has in mind in the report of the Tariff Commission is a statement of the number engaged in the fresh-water pearl-button business. What my report refers to is the total number engaged in the pearl-button industry in the manufacture of both fresh-water and ocean pearl buttons. The statement in my report is explicit on that point. I hardly know whether I ought to take the trouble to correct the statements of a gentleman who can not read straight a tariff report which he now holds in his hands and has right under his eyes. What does the tariff report say? On page 22, near the top, if anyone will consult it, there will be found a statement that there are over 10,000 engaged in gathering the shells alone, and that nearly 20,000 are engaged in the fresh-water pearl-button industry alone.

As the tariff report did not give the number engaged in both the fresh-water pearl industry and the ocean pearl industry, I took pains to call up the Department of Commerce in order to ascertain how many there were, and was informed that there were engaged in all the factories—ocean pearl and fresh-water pearl industry—something over 14,000. Add that to the number which the tariff report gives as engaged simply in gathering the shells and getting them ready for the factory, and you have a total of nearly 25,000. If the gentleman had taken the pains he could have figured that out of the tariff report alone, because he would have discovered that the ocean pearl factories of this country made nearly one-half the quantity of buttons that the fresh-water pearl factories turned out. As before stated, the tariff report, on page 2, gives the number engaged in the fresh-water pearl-button industry alone at nearly 20,000. Few of the shells for the ocean pearl factories are gathered in this country, but it is evident that there must be at least three or four thousand workers engaged in the ocean shell-button factories, and altogether it is clear that there must be 23,000 to 25,000 engaged in both productions. Moreover, the hearings show that it was repeatedly testified by men who were engaged in the business that there was a total of between 20,000 and 30,000 engaged in the pearl-button business in this country. If these men do not know, who does? Yet the gentleman from North Carolina said, as I remember it—I have forgotten the exact words, because he made so many rash statements—that he would give me $100 worth of pearls, or something of that kind, if I could show the incorrectness of his statement. I have shown it beyond all controversy; but I will forgive him the debt if he will only acknowledge the error. There is, however, another promise which he made which I shall call upon him to keep.

My report states that it has been shown that the Japanese manufacturers could make buttons and sell them at a cost of less than the American manufacturer could put them on the cards. The gentleman stated over and over again that if I could find one line anywhere in the tariff report or in the hearings to support any such statement as that he would vote for the bill. Well, I assume the gentleman is a man of his word. I am going to show the correctness of that statement and I shall expect him to vote for the bill. I have always found him to do just what he promised, and I shall not expect him to go back on his bets or on any of his statements. If the gentleman will turn to the tariff report, page 25, he will find the statement in the second paragraph of that page, which is as follows:

Par. 2. Japan has recently been supplying the United States with "Dobu," shirt buttons made of a fresh-water shell known as "Dobugal," selling as low as 5 cents per gross carded and duty paid.

Now, what does that mean? It gives the size of those buttons which bear a 45 per cent duty. It meant these buttons did not cost the Japanese manufacturer 4 cents per gross. You divide 5 cents by 1.45 and you have the price—the original cost of less than 4 cents. How much does it cost the American

manufacturer to put those buttons on the card? You will find on page 46 of the hearing a statement by Mr. Vetter, a manufacturer, that it costs from 6 to 7 cents per gross to put these buttons on the card and put them in the box. Of course, putting them in the box does not amount to hardly anything. A half a cent or a quarter of a cent gross would be a great big sum for putting those cards in the box. And so it costs the American manufacturer from 5½ to 6½ cents, putting it moderately, to have those buttons sewed on the card.

All this is contained in the tariff report and the hearing, and as I have shown you the Japanese manufacturers' original cost was less than 4 cents, so you see my statement was very moderate indeed when I said in the report that the Japanese cost was a little less in some instances than the American cost of putting them on the card. Now, I trust the gentleman will vote for the bill as he agreed to, because I have shown from the tariff report and from the hearings that the statement in my report that the Japanese manufacturer could make the buttons and put them on a card at a little less than the American manufacturer could have them sewed on the card was absolutely correct. Will the gentleman do it; or will he dodge and talk for another half hour, repeating the same statements after everyone present sees and knows he is wrong?

The gentleman referred to a statement in the report concerning the average wage of Japanese and American workers, and he said there was nothing of that kind in the hearings. This is another case where the gentleman could not read straight or, what is perhaps more likely, did not read at all. But a little matter of that kind does not prevent the gentleman from asserting what is contrary to the fact as positively as if he knew it to be right. I suggest that the gentleman at least glance at the exhibits which were offered as part of the hearings and which follow the oral testimony in the printed copy. Yet I fear he could not read it correctly if he did so. I will present it now.

On page 62 of the hearings are the identical figures that I quoted and a full statement giving a comparison of the average wage. It is as follows:

Comparison in wage per day between Japanese and American labor.

[These figures are taken from the best of both Japanese and American cutters on pay roll.]

JAPANESE PAY ROLL.

	Per day.
14-ligne, 3,500 pieces per day, at 23 sen (80½ sen exchange, at 52¾ cents)	$0.4256
16-ligne, 3,000 pieces per day, at 25 sen (75 sen exchange, at 52¾ cents)	.3906
18-ligne, 2,700 pieces per day, at 30 sen (81 sen exchange, at 52¾ cents)	.4283
20-ligne, 2,500 pieces per day, at 35 sen (87½ sen exchange, at 52¾ cents)	.4626
22-ligne, 2,300 pieces per day, at 37 sen (0.851 sen exchange, at 52¾ cents)	.4499
22-ligne, 1,800 pieces per day, at 40 sen (0.72 sen exchange, at 52¾ cents)	.3807
Average wage per day	.4239

AMERICAN PAY ROLL.

	Per day.
14-ligne, 271 gross per week—one-sixth, 45 gross per day, at 8½ cents	$3.83
18-ligne, 281½ gross per week—one-sixth, 47 gross per day, at 9½ cents	4.46
22-ligne, 221 gross per week—one-sixth, 37 gross per day, at 11½ cents	4.25
24-ligne, 243 gross per week—one-sixth, 40½ gross per day, at 12½ cents	5.06
	17.60
Average wage per day	4.40

The above showing is from four skilled cutters from different plants.

Mr. KITCHIN. On what page is that?

Mr. GREEN of Iowa. That is on page 62. The average wage per day for the Japanese is 42.39 cents; the average wage per day for the Americans engaged in just the same kind of work—an absolutely fair comparison about which nobody can complain, as both are engaged as cutters—the average wage of the Americans is $4.40. And on the next page it gives statements as to the amount paid in detail. Of course, this was not the average wage of everybody, nor did the reports so pretend to state, but it was a fair comparison, giving the average wage of workmen in the same kind of work, both Japanese and Americans.

Mr. KITCHIN. Does the gentleman mean page 62 of the hearings or of the Tariff Board report?

Mr. GREEN of Iowa. Of the hearings. You will find those identical figures that are printed in my report. And yet the gentleman from North Carolina said you could not find a line anywhere to support those figures.

I do not desire to take the time of the House further on these points. They are the principal things the gentleman insisted on so much. I have shown how wide of the mark he was on the statement which he made with reference to the cost of putting the buttons on the cards. And I have told you what his promise was. I expect as an honorable gentleman he will vote for the bill.

Mr. FOCHT. The gentleman has established the fact that we can make an abundance of buttons for our own consumption. Now, what effect would the introduction of these Japanese buttons into America have on the American wage scale of $4.40 for American labor?

Mr. GREEN of Iowa. It would put the button industry in this country out of business. They could not continue to employ men at that rate.

I do not think it is necessary that I should take the time of the House further in correcting the statements of the gentleman from North Carolina. I certainly have said enough to show that no one would be justified in accepting any of his figures until he had verified them from outside sources—in fact, that the presumption would be in the first instance that they were incorrect. He criticizes the statement that I made in the report with reference to the supply of buttons on hand. The figures are contained in the hearings. There were 13,000,000 gross on hand last May, and the oversupply was increasing at the rate of 200,000 gross per month, or 2,400,000 gross a year, with a constant increase in the importations from Japan and the factories working only on 40 per cent capacity. What the demand has been in the past is immaterial. If I had said that the American manufacturers would be entirely out of business in two years under the present tariff, my statement, while far stronger than what I made in the report, would have been fully sustained by the hearings.

Something has been said as to the percentages of the rates carried in the bill. These percentages may seem high, but when computed on the insignificant price of the Japanese buttons they amount to nothing to the consumer. If the whole tariff rate was added to the price, as it will not be by reason of foreign competition, it would amount to nothing to the consumer. The increase would be less than a cent on the cost of a shirt and only a few cents on a dress that had larger buttons. Neither the manufacturer nor the retailer would increase the price on account of it. With these same rates in the Payne bill the prices of buttons decreased instead of increased. While we may not expect the price to be lowered under the operations of this bill, we have no reason to expect the price to be higher. The only effect will be that we will use American buttons instead of Japanese and American labor will be employed instead of that of Japan. The consumer will still buy buttons at the same price per card and garments at the same price as before, and the American workman will be happy, prosperous, and contented instead of being, as he is now, out of employment, working on half time, or without wages enough to give him the comforts of life. [Applause.]

Mr. FORDNEY. Mr. Chairman, does the gentleman from North Carolina want to consume a little time?

Mr. KITCHIN. I will wait for a few minutes.

Mr. FORDNEY. All right. I yield one minute to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Chairman, I want to use one minute to have inserted in the RECORD an editorial published in the Buffalo Journal, in my district, on August 7, and written by my good friend, Mr. Mithun, the proprietor and editor.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD.

Mr. SCHALL. I want it read.

Mr. BLANTON. Mr. Chairman, reserving the right to object, on what subject?

Mr. SCHALL. Mr. FORDNEY yielded me one minute.

Mr. BLANTON. On what subject is it?

Mr SCHALL. On the high cost of living.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following is the editorial referred to:

It looks like another war against the black, at least in Chicago and at the seat of Government. Evidently the people of Washington and Chicago do not believe that the peace treaty was made to affect troubles between the white and the black.

The conduct of some officers at Farm No. 2, a prison camp in France, is little short of scandalous. It is the blackest blot yet upon our fair history. It is worse than what the Huns did, for they mistreated not their own but other people. Our officers have most cruelly and shamefully mistreated their own kind. The only consolation, however, is that the deeds have been committed without official orders, without the knowledge, we believe, of officers worthy of their titles. It was the act of some brute who wanted to show his authority, and may the Government now go to the bottom of the shameful act and hang every one who is guilty—yes, hanging is ten times too good for them.

Just now our National Capitol is all worked up over the cost of living; yes, just now, after the profiteers have filled their pockets so full that they are bursting and after the common people have been bled

white. The air is full of schemes and proposals, but they all seem to aim at wheat. Shall we take off the Government price on wheat, how shall we do it, and so on and so forth? This seems to be all that they think about or the dailies write of. The whole thing makes us tired. In the first place, wheat is not so terribly out of the way in price, other things considered, and bread is not all that people need to live. What about sugar, cotton, coal, and thousands of other things twice as high as wheat? This cry on wheat is nothing but a camouflage. Give us cheaper shoes, clothes, coal, and we are willing to pay and the farmers will be willing to sell wheat cheaper. Now, just take shoes, for instance. In what proportion are they sold to the cost of hides? Why and where does it all go, when the blueberry pickers sell a whole bushel of berries for 75 cents that costs us about $25 a bushel, and that in spite of the fact that the local dealers only make a few cents on it. It is only one case, and a small one we grant, but by the eternal it serves the purpose, and it is the same with all of this high-priced stuff. Leave the farmer and his wheat alone for a while and turn your attention—you Congressmen and investigating committees, we mean—to some bigger graft than the wheat graft or you will have a revolution before long. We are not the kind to howl on the Government, but the war has made thousands of millionaires overnight by pure steal, and they are not satisfied yet. You are afraid to tackle the real trouble and so try to pacify the people by making a stir about the price of wheat. It is ridiculous. The wheat trouble has hurt no one seriously nor has the farmer become a millionaire. You all know who has made the money and who is robbing the public, and why in the name of your sworn duty do you not go after the real thing?

Mr. FORDNEY. Mr. Chairman and gentlemen, the real gist of the controversy and the question in dispute is this: Is the Congress of the United States going to give aid to a great industry in this country, or are we going to transfer it to Japan? That is what we must now decide.

The Tariff Board report shows from statistics of the Bureau of the Census for the year 1914, which are the latest available, that nearly $20,000,000 is invested in this country in industries engaged solely in the manufacture of buttons, and that their output in 1914, in round numbers, was valued at $20,000,000 or $21,000,000.

There has been some controversy between the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Iowa [Mr. GREEN] about the number of people employed in the pearl button industry in this country. The Tariff Board report shows, according to the census report of 1914, that there were 15,710 people, I believe, employed in the domestic pearl button industry.

Mr. GREEN of Iowa. Will the gentleman yield there?

Mr. FORDNEY. Yes.

Mr. GREEN of Iowa. The tariff report figures refer only to the fresh-water pearls.

Mr. FORDNEY. Yes; and in 1914—five years ago.

Mr. GREEN of Iowa. There are something over 10,000 people engaged in gathering of shells alone.

Mr. FORDNEY. A gentleman engaged in the pearl button business appeared before the Ways and Means Committee and said that in his opinion there were 30,000 people employed in that industry. Whose report are we going to accept, the one as to the employees for 1914 or now? I am ready to take the statement of a gentleman engaged in the business, who has his money invested in the industry.

But here is the point—I would call the attention of the gentleman from North Carolina to this fact: The pearl button industry constitutes 35 per cent of the total production of buttons in the United States, valued at more than $20,000,000. Wages in Japan, as shown by the Tariff Board report and by information presented by other gentlemen to the Committee on Ways and Means, amount to 14 cents a day, and Japan is now our chief competitor in the pearl button business, while in this country in May this year the wages ranged as high as $4.22.

I want to ask the gentleman from North Carolina and men who are opposed to this bill if they will go to the country on the claim that they would destroy the $4.22 a day labor in this country and transfer the industry to Japan, where wages of 14 cents a day are paid in the pearl buttons trade. I believe charity should begin at home. I was sent here to represent American labor and not Japanese labor. [Applause on the Republican side.]

Twenty million gross of buttons were consumed in the United States last year. The importations are now coming in very heavily from Japan. This industry in Japan has sprung up since the war in Europe began, four and one-half years ago. Before that time our competition was largely from Europe—from Germany and from Austria-Hungary. Fresh-water pearl buttons are made in the States of New York, Iowa, New Jersey, Wisconsin, Minnesota, Indiana, Michigan, Illinois, Kansas, Arkansas, Ohio, West Virginia, Tennessee, Kentucky, Oklahoma, Missouri, and Massachusetts, but the center of the industry is in Iowa, and that State leads in the production of buttons and blanks.

The gentleman from North Carolina ridiculed the report made by the gentleman from Iowa [Mr. GREEN] that fishermen were included in the number of employees he mentioned. What fishermen? Fishermen gathering clamshells, from which buttons are made. Clamshells are the raw material of the pearl-button industry. How can you make pearl buttons without the raw material? It is quite true that the men who gather clamshells from the rivers and lakes of this country are a part of the pearl-button industry. Of course they are. But the gentleman uses arguments before the Members of the House as he does down in North Carolina before a jury. He ridicules somebody's statement. He does not get down to facts, but injects humor to evade the real issue.

My good friends, will we sustain this industry in this country, or are we going to transfer it to Japan? At the present time many blanks are made in Japan, imported into this country, and purchased by the domestic pearl-button manufacturers. Why? Because blanks can be purchased from Japan and China to-day, from which these buttons are made, at a less cost than our cost of labor in cutting the blanks from the shells, not including any of the overhead expenses nor the cost of the shells themselves, which to-day is something like $70 a ton. We buy the blanks already made for less money than the labor costs in cutting the shells in this country.

It is absolutely ridiculous to think that the rate of duty this bill imposes upon the consumers of this country would justify Members in opposing it. It would be absurd to oppose it. If the duty was all to be added to the price, it would amount to but 2 cents a gross. How many buttons do the people of this country use? A quarter of a gross per capita per year; 15 or 20 cents a year for each person who uses an average quantity of pearl buttons. Would you, my Democratic friends from the South, transfer to Japan and China this great growing and important industry, employing somewhere between 15,000 and 30,000 men in the United States with $20,000,000 capital invested? Would you transfer that industry to a foreign country and furnish employment to the Japanese and Chinese for 20 cents per capita, even assuming that the amount of the duty is added to the cost of the buttons to the consumer? It is not. Go down town to-day and buy a dozen pearl buttons of any size—16, 18, 20, or 24 line buttons, the ordinary button used on the ordinary wearing apparel of the people—and how much less do we pay because we are getting these buttons from China and Japan now than was paid when there were no importations from Japan and China? The wholesaler buys them cheaper. What does this button cost? The Department of Commerce shows that all the pearl buttons imported last year from all the countries of the world, chiefly from China and Japan, averaged 28 cents a gross—144 buttons for 28 cents. If the duty proposed in this bill were added to that price, what will it be? You will add 25 or 30 cents a gross, 2 cents a dozen, or 2 or 3 or 4 cents, or whatever it may be per dozen, owing to the size and value of the buttons.

Are you going to destroy this industry at home, I say, for the sake of that 4 or 5 cents and send your mony abroad—$20,000,000 or $30,000,000 a year—for the benefit of Japanese and Chinese labor because you do not believe in protection to American labor? American labor is what is being protected by this bill.

I wish to repeat, as I have often stated, that the capital of the country employing labor cares nothing about protection except a sufficient amount of duty to warrant them in paying an American scale of wages to the American workingman as compared with the scale of wages that is paid to the laborer abroad. [Applause on the Republican side.] That is all this protection is for. And yet men who oppose laws of this kind say that such laws create monopoly, that such laws are for the benefit of the capitalists solely. That is nonsense, gentlemen. That is not a fair argument. It is not true. If you could give the pearl-button manufacturer labor at 14 cents a day in this country, such as the manufacturers of pearl buttons have in Japan and China—and the foreign labor works 11½ hours a day right now—what would the manufacturer care about protection? Do you want American labor to work for 14 cents a day?

There is one thing certain. If you vote against this bill you have one of two desires: You either want the scale of American labor brought down to their standard, or you want to transfer the industry to China or Japan. Get away from that argument if you can. [Applause on the Republican side.]

Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, the question as to who shall make the buttons for the buttoning of the frocks and the pinafores, not to mention the shirts of the country, may not seem very important; and yet this bill involves the whole question of the tariff and of protection. Shall the Nation do its own work or shall the work of the Nation be done by the underpaid peoples

of the Orient? Shall we continue to gather salt-water shells in America? Shall we continue to grow fresh-water mussels in America? And shall we make these products into buttons in America, or shall they be made by Japanese? And when you state that question, you state the whole tariff question. Shall America do its work or shall we allow the oriental, with his low rate of pay and his low standard of living, to do it? In that event, who is going to furnish employment for the people of America, and how shall we maintain the American wage rate and the American standard of living?

The gentleman from North Carolina [Mr. KITCHIN] pettifogged a lot, in a way not very becoming to the leader of a great party, it occurred to me, when he spoke of relative costs of production of buttons in Japan and America. Well, after all is said and done, one does not need to split hairs when it comes to the question of competition between American labor and oriental labor.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. MONDELL. I have only five minutes, but I yield.

Mr. BLANTON. If the gentleman is embarrassed in speaking to 23 Republicans, I will get him a quorum here, if he wants it.

Mr. MONDELL. It is the 19 Democrats who need to hear what I have to say and not the Republicans, whatever the number may be. I come to call sinners, not the righteous, to repentance. [Laughter.] Republicans believe in the maintenance of American wage scales. They believe in the maintenance of American standards. They believe in allowing America to be independent of the world and to maintain herself. Do you gentlemen on the Democratic side believe that? You will have an opportunity in just a moment to say whether you do or not. If the Japanese are to make our goods for a few cents a day, as compared with present American wage scales, what is the American going to do, and how are American wages and the American standard of living to be maintained? Never before in the history of the country was that question so tremendously important as it is this day when we are trying to advance our standards, when our wage scale is higher than ever before and still rising. Never before has this question been put up to the American people as it is to-day. Do you believe in maintaining American standards, or do you believe in reducing American standards by opening American markets to the competition of the underpaid, low-living standard laborers of the Orient?

Mr. HARDY of Texas. Will the gentleman yield for a question?

Mr. MONDELL. I am sorry, but I have not time.

These are industries that particularly appeal to us, for they give employment to the farmer's boy out yonder in the Middle West. They allow the establishment of small industries in sections of the country far removed from the great cities. They furnish the ideal character of industry for a country like ours, industries scattered broadcast over the land, giving employment to those who are in the main not employed otherwise. The question you have got to decide to-day is, Are you on the Lord's side, and are you for America and American standards, or are you for Japan and Japanese standards? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. We have only one other speaker. I will ask the gentleman from North Carolina to go ahead.

Mr. KITCHIN. I yield four minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I wanted to ask the gentleman from Wyoming a question for information, but he did not have time to yield. I realize that.

Every industry in America as it comes along has its advocates not only to claim but to demonstrate by their figures that they are unable to compete with the foreign and pauper labor either of Europe or the Orient. What I want to know is this: This is a great country, producing an excess over its consumption to the amount of hundreds of millions of dollars. That excess must be sold abroad. Now, if every industry here is unable to compete with any foreign country, and must exclude from our markets the products of its competitors, where on earth are we going to find exchange products to come into our country in payment for the products that we wish to send abroad? [Applause.] The truth is that the Republican principle, if applied individually to every industry in the United States, would mean that none of them can stand competition, and they want from 100 to 300 per cent protection, because they say they love American labor. Yet these protected industries build up the millionaires, and we have investigated labor conditions in some of these protected industries where starvation of American laborers was the rule. I remember we investigated the woolen mills of Massachusetts when they had the highest tariff they ever had on the statute books, and yet it was shown that the laborers were unable to send their little children to school, and those children of laborers in the woolen industry could not wear woolen underwear because their parents did not receive enough to enable them to buy it. [Applause.]

Yet every time an industry comes up its advocates not only claim but prove by some kind of figures that they can not compete with production abroad and must have protection for the benefit, they say, of labor. But if we have no imports, where are you going to get your commerce for this country? You want to build up a great merchant marine and send it across the sea. What are they going to bring back to this country, if you build your tariff wall so high that no manufacturer in a foreign land can send his products here? Oh, you want to leave the burden of carrying on the commerce of this country to the workers of the farm, and then you will say that the farmer may send his products abroad because they can not be grown abroad; that we can send our surplus cotton and grain abroad; but what are we going to bring back in exchange?

Mr. FORDNEY. Will the gentleman yield?

Mr. HARDY of Texas. If I have time, certainly.

Mr. FORDNEY. If we build up an American merchant marine, and our vessels are obliged to go empty either way, I want them to come back empty.

Mr. HARDY of Texas. If you build up an American merchant marine at all, it must both go and come laden with the commerce of the world. [Applause.] The gentleman knows that his party tried for 60 years to build up an American merchant marine by every manipulation of the protective-tariff theory, and by exclusion of foreign vessels from our coastwise trade. But I do not want to go into that subject. I want to say this: We are a great Nation, and we hope to deal with the nations of the earth; but your policy would exclude their products from this country, and by doing that you will exclude our products from their countries, but you do not seem to know it. You do not seem to think of it. You harp on the laboring man, but your heart is with the capitalist who piles up his millions by the favor of the tariff. If the Republican Party is not lost to reason, they know that everything we sell must find a buyer, and that if we refuse to buy anything from foreign lands then foreign lands can buy nothing from us. When we owed vast debts to foreign countries, as we did before the war, the nations we owed could buy our products with the interest we owed them. But now they will owe us a great balance on interest payments, a balance of, perhaps, half a billion of dollars. How can they pay us that balance and then buy our surplus products if we buy nothing of their products? And yet the Republican Party would build their tariff wall so high that they will shut out the products of the industry of all the rest of the world. That would be isolation of America, indeed! [Applause.]

The Clerk read as follows:

Be it enacted, etc., That section 339 of the tariff act, approved October 3, 1913, be amended as follows:

By striking therefrom after the words "buttons of shell and pearl" the words "in sizes 26 lines and larger, 25 per cent ad valorem; below 26 lines 45 per cent ad valorem," and inserting in lieu thereof the words, "finished or partly finished, 1½ cents per line per gross and 15 per cent ad valorem; pearl or shell button blanks, not turned, faced, or drilled, 1 cent per line per gross and 15 per cent ad valorem"; and also inserting after the words "finished or unfinished" the words "not made from pearl or shell," so that said section will read as follows——

Mr. KITCHIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 9, strike out the figures and words "1½ cents" and insert in lieu thereof "three-quarters of a cent."

Mr. KITCHIN. Mr. Chairman, of course I have no hope that this Republican House will adopt that amendment. That is entirely too high a tariff to levy on any necessity or upon any other thing in this country. But I want to give the Republicans a chance to do something in accordance with their professed principles and at the same time will not inflict so heavy a burden on the people throughout the country who use pearl or shell buttons. If the gentleman from Iowa [Mr. GREEN] and the gentleman from Michigan [Mr. FORDNEY] are correct, and the testimony of these manufacturers and producers of pearl buttons themselves are correct, the amendment I offer will give 150 per cent ad valorem tariff on every button they claim is now coming in. This, of course, is outrageously high, but it is 50 per cent lower than the rate in the bill. Take a 16-line button, at three-quarters of a cent the tariff would be 12 cents per gross, and yet they tell us this morning that Japan is shipping in buttons at 5 cents a gross and paying the tariff on them. If that be true, a tariff of three-quarters of a cent will be equivalent on that kind of button to 240 per cent ad valorem. The rate in the bill would be 480 per cent. Mr. Slacker testified that the basic button now being imported into the country is laid or could

be laid down here at 7 cents. Three-quarters of a cent gives something over 150 per cent tariff on a 7-cent button. This is on the idea that the manufacturers stated the facts, that the understanding of the gentleman from Michigan and the gentleman from Iowa is correct; but I want to say to you that such testimony and such understanding are absolutely at variance with the facts.

I can not understand how a man in this House, or any man, can come before the committee—an intelligent and truth-loving man—and make these naked, bald statements in face of the fact that the reports of the Treasury Department, the reports of the Department of Commerce, show every gross of buttons imported and the import value before paying any tariff, commission, or any freight from Japan here, and that the import value, instead of being 5 cents or 7 cents, is over 20 cents per gross. But these gentlemen come and tell this House, and tell the Republican Members, in order to get this tariff bill through, that these Japanese buttons, against which they want a bill to protect the American factories, are coming in here in floods at 5 and 7 cents and that our factories can not compete with them.

Let me say, as I said the other day, that they are not flooding this country with buttons; they are not taking the market from our factories. Only 10 per cent of all the pearl or shell buttons used in the United States come from abroad, and our factories—the factories up in New York, Wisconsin, Iowa, and other States—sell in this country 90 per cent of the buttons used in this country. Gentlemen, is that undue competition?

Mr. FORDNEY. Mr. Chairman, I hope the amendment will be voted down. The gentleman talks about the terrific and terrible cost to the people because of this duty. If he will take the last report of the Department of Commerce for the month of June, on page 10, he will find that the pearl buttons imported into this country were valued at 24 cents a gross. I have stated to the House that the average person only uses about a quarter of a gross of pearl buttons a year, and that 6 cents worth of buttons, on which we are placing a duty of 2½ cents, does not add anything to the cost of the garment to the consumer.

References are made to 16-line buttons. In the measurement of buttons a line is one-fortieth of an inch, and 16 lines means sixteen-fortieths of an inch, 40 per cent of an inch, which is a small button, and the idea of saying that the bill should fail because we are imposing such an enormous tax upon people for the few pearl buttons they wear is ridiculous. Compare the wage per day of $4.22 paid people employed in making buttons in the United States with the 14 cents a day paid the Japs across the sea. It is absolutely absurd for any gentleman to attempt to go to the country and show the people that they are suffering because of this heavy tax.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BANKHEAD. Will the gentleman from Michigan dispute the statement made by the gentleman from North Carolina that we export annually about $750,000 worth of these pearl buttons?

Mr. FORDNEY. During the war we did export buttons to Europe, because they were killing people over there and making munitions and not buttons.

Mr. BANKHEAD. But before the war started?

Mr. FORDNEY. And we imported from China and Japan that same year twelve hundred thousand dollars' worth of pearl buttons.

Mr. BANKHEAD. But before the war started is it not a fact that we exported about $500,000 worth of buttons annually?

Mr. FORDNEY. We might export——

Mr. BANKHEAD. Did we?

Mr. FORDNEY. Oh, let me answer the question. We have exported only certain kinds of buttons that the people wanted over there that they did not make, not the average pearl button.

Mr. KITCHIN. But our exportation of pearl buttons was to South America and other countries, not to Europe.

Mr. FORDNEY. Does the gentleman want the House to understand that we were so prosperous in the business that we were exporting all over the world and paying $4.22 a day for labor while the Japanese were paying but 14 cents a day? If so, go to the country upon that theory, and I will go with you.

Mr. KITCHIN. There were $751,000 worth of pearl or shell buttons exported for the 11 months ending May 30, 1919.

Mr. FORDNEY. According to the Department of Commerce, exportations of pearl buttons were not of sufficient importance to merit separate classification until 1918, and reports for that year show that only one-third of the buttons exported were made of pearl. The report of the Tariff Commission on the button industry states that for the years 1910 to 1914 exportations of buttons averaged $650,000 per year in value, and the commission estimates that one-third of the buttons so exported were of pearl, so it will be seen that the exportation of pearl buttons was in the vicinity of $200,000 per year rather than $600,000. In 1918, the first year pearl buttons were classified separately, commerce reports show that Canada took $128,000 of pearl buttons and $673,000 of other buttons. For a number of years Canada has taken half of all the buttons exported from this country. It is interesting to note in this connection that during the month of June, 1919, the exportation of pearl buttons fell to the insignificant sum of $27,000 all told, while exportations of other buttons amounted to $287,000. In that month 91.4 per cent of the buttons exported were not made of pearl. This indicates how far astray a man goes if he quotes exportations of buttons of all kinds and assumes that they are pearl buttons. It is absurd to think that American pearl buttons can compete with those made in Japan.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

Mr. DOWELL. Mr. Chairman, I make the point of order that debate is exhausted, and that the gentleman from Texas is not in order.

The CHAIRMAN. The gentleman from Texas has made the motion to strike out the last word.

Mr. DOWELL. But a motion to strike out the last word is only in order if an amendment has not been offered. An amendment has been offered to this paragraph, and it has been fully debated——

Mr. BLANTON. I move to strike out the paragraph.

Mr. DOWELL. Therefore the gentleman is out of order.

The CHAIRMAN. The Chair understands the gentleman from Texas to move to strike out the last word of the amendment?

Mr. BLANTON. I do.

Mr. DOWELL. When an amendment is offered to a paragraph and debate is exhausted, then it is not in order to speak upon the amendment, and the rule provides that when there is no amendment a motion to strike out the last word may be made, and that is the custom that has prevailed here.

The CHAIRMAN. The Chair overrules the point of order. The amendment is to strike out the last word of the amendment, and the Chair thinks that that is in order.

Mr. DOWELL. I hope the Chair will examine the rule upon that question——

The CHAIRMAN. The Chair has examined the rule upon the question.

Mr. DOWELL. Because I think the gentleman is not in order.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. FORDNEY. Mr. Chairman, before that is done, I move that all debate upon this amendment close in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan that all debate upon the amendment close in five minutes.

The motion was agreed to.

Mr. BLANTON. Mr. Chairman, the distinguished chairman of the Ways and Means Committee [Mr. FORDNEY] admitted that the average per capita amount of buttons used in the United States was 20 cents. That is, that each person in the United States averaged up uses about 20 cents' worth of buttons a year. The buttons covered by this bill are the kind that poor people use, and are not the kind used by people of affluence, hence the poor people each use even more than 20 cents' worth of such buttons per year.

Mr. FORDNEY. I made a mistake. I think it is only 10.

Mr. BLANTON. I am taking the chairman's original statement for that. The distinguished gentleman from Iowa [Mr. GREEN] would have us believe that because this tariff bill does not involve such a great amount, that therefore, forsooth, we should pass the bill; and yet it will be admitted that it means an annual sum of $5,000,000 taken out of the pockets of the poor people who use these particular buttons and placed into the pockets of the rich manufacturers who pay Republican campaign expenses. If this were the only item through which the people were called upon to help the rich Republican manufacturers, it might not make so much difference, but there are 4,000 such items in the tariff law, and at this time it has become clearly apparent that our Republican colleagues now in control of the House have indifferently postponed indefinitely action on any soldiers' relief measure and are wasting the time of Congress in considering and passing one by one separate bills subsidizing and monopolizing the rich manufacturers of each and every one of these 4,000 items covered by the tariff. The gentleman from Iowa [Mr. GREEN] claimed that this bill involved the least amount, hence since it means a subsidy of $5,000,000 each year, we may therefore reasonably conclude that more than said sum will be put into the pockets of manufacturers annually on each

and every one of the 4,000 items. Figuring even the lowest minimum of $5,000,000, it means that our Republican colleagues through the passage of these innumerable tariff measures, all class legislation purely, are granting subsidies amounting to $20,000,000,000 raised and collected through a tax upon commodities mostly used by the poor people of the land not able to pay same and placed in the pockets of rich Republican manufacturers on the 4,000 items in the tariff. But why should Republicans worry? The poor people furnish no campaign funds. The rich manufacturers come across liberally without stint or limitation, not even requiring an accounting. This amazing situation demonstrates the want of interest that the Republican Members of this House have in this bill upon which we are about to vote in a few minutes. Taking $5,000,000 out of the people's pockets and placing it in the pockets of the manufacturers apparently does not amount to anything, and that is the reason that when the distinguished chairman of the committee was addressing Congressmen upon this measure he could not have more than 30 Members of the Republican Party on the floor to hear him.

Mr. FOCHT. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, I refuse to yield. That was the reason that I felt sorry for the majority leader of this House [Mr. MONDELL] when he could not get more than 23 Members of the Republican Party to stay in their seats and listen to his talk on this measure, and that is the reason that the gentleman from Iowa [Mr. GREEN], who is the best-informed man, they say, on the pearl-button industry, had to talk to less than 30 men on the Republican side in discussing this measure. The majority leader felt so chagrined at having the above called to the attention of the country that he tried to help out his absent Republican colleagues by insinuating in his reply to my proposal to get him a quorum that the number of Republicans present was indefinite, he using the expression "yes; 23 or 53 or 83," when, as a matter of fact, there were exactly 23 Republicans on the floor of the House at the time I expressed regret that he was forced to speak to empty seats on the Republican side.

And, Mr. Chairman, in this connection I desire to call attention to the fact that time and again I have protested against the House of Representatives attempting to do business with a little handful of Members present, and for some reason the distinguished Speaker of the House, for whom I have the profoundest regard and respect, has held that I was out of order and that I could not call attention to the fact that there were less than 20 Republican Members on the floor. Likewise the distinguished chairman of the Rules Committee [Mr. CAMPBELL of Kansas] has ruled me out of order and held that I could not publicly call attention to the fact that only a very few Republicans were on the floor when important legislation was under consideration. I have hunted in vain for some rule requiring this information, interesting to the general public, to be kept secret, but have not found any. I feel sure that both the Speaker and the chairman of the Rules Committee have some good reason for depriving the public of this information, and I feel sure their action meets with the approbation of the Republican campaign committee, whose cause it naturally affects. Under the circumstances I hope that the general public will understand in the future that whenever I rise and demand a quorum it is because there are only a few Republicans present, and that I would mention the exact number were I allowed to do so by the Speaker and chairman of the Rules Committee.

Whether our Republican colleagues are interested or not, the poor people of the United States are very much interested in the fact that within a very few minutes we are to vote on this important Republican tariff measure, which is to take from their pockets $5,000,000 annually, at the lowest minimum possible, and place same in the pockets of rich men who do not need it, yet we have less than 35 Members of the Republican Party in their seats on the House floor at this time——

Mr. LAYTON. The gentleman can follow his usual custom and have a roll call.

Mr. BLANTON. Oh, yes; I will make the point of no quorum directly, and then you will see my good moose-hunting friend from Minnesota, the incomparable Republican whip [Mr. KNUTSON], get busy and round up the cloakrooms, restaurants, highways and byways, and by the time the Chair can slowly count he will round up all the stray Republicans possible, who with our stanch Democratic stand-bys will aggregate less than a hundred Members present. Mr. Chairman, the few desultory remarks I have made were merely preliminary to a point of order I now make, namely, that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-nine gentlemen are present, not a quorum, and the Clerk will call the roll.

Mr. KNUTSON. Mr. Chairman, I ask for tellers.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Ellsworth	Kiess	Rogers
Almon	Emerson	Kincheloe	Rose
Andrews, Md.	Evans, Nebr.	Kleczka	Rouse
Anthony	Fairfield	Kreider	Rowan
Ashbrook	Fields	LaGuardia	Rowe
Babka	Fitzgerald	Lea, Calif.	Rubey
Bacharach	Flood	Lesher	Rucker
Barkley	Foster	Linthicum	Sabath
Benson	Frear	Lonergan	Sanders, N. Y.
Blackmon	Freeman	Longworth	Sanford
Bland, Ind.	Fuller, Ill.	Lufkin	Saunders, Va.
Bowers	Fuller, Mass.	McArthur	Scully
Britten	Gallivan	McCulloch	Sears
Browne	Ganly	McGlennon	Sells
Browning	Gard	McKenzie	Sherwood
Brumbaugh	Garland	McKiniry	Siegel
Burdick	Garrett	McKinley	Sinclair
Burke	Glynn	MacCrate	Sisson
Butler	Godwin, N. C.	Magee	Small
Byrnes, S. C.	Goldfogle	Maher	Smith, Ill.
Caldwell	Good	Mann	Smith, N. Y.
Campbell, Kans.	Gould	Mead	Smithwick
Campbell, Pa.	Graham, Pa.	Moon	Snell
Candler	Graham, Ill.	Mooney	Snyder
Cantrill	Greene, Vt.	Moore, Ohio	Steele
Carew	Griest	Moore, Pa.	Stephens, Miss.
Carter	Griffin	Moore, Va.	Stephens, Ohio
Casey	Hadley	Moores, Ind.	Stiness
Clark, Fla.	Hamill	Morin	Strong, Pa.
Clark, Mo.	Hardy, Colo.	Mott	Sullivan
Classon	Harrison	Murphy	Taylor, Ark.
Cleary	Haskell	Neely	Taylor, Tenn.
Cooper	Hayden	Nicholls, S. C.	Thompson, Ohio
Copley	Heflin	Nichols, Mich.	Tinkham
Costello	Hill	O'Connell	Treadway
Crago	Houghton	O'Connor	Upshaw
Cramton	Howard	Ogden	Vare
Crowther	Huddleston	Olney	Vinson
Cullen	Hulings	Paige	Voigt
Dale	Husted	Parker	Walsh
Davey	Jacoway	Pell	Walters
Dempsey	James	Peters	Ward
Denison	Jefferis	Porter	Wason
Dewalt	Johnson, S. Dak.	Rainey, J. W.	Watson, Pa.
Dominick	Johnson, Wash.	Ramsey	Watson, Va.
Donovan	Johnston, N. Y.	Reavis	Welty
Dooling	Jones, Pa.	Reber	Williams
Doughton	Keller	Reed, N. Y.	Wilson, Pa.
Drane	Kelley, Mich.	Reed, W. Va.	Winslow
Dunn	Kelly, Pa.	Rhodes	Wise
Eagan	Kennedy, Iowa	Riordan	Woodyard
Eagle	Kennedy, R. I.	Robinson, N. C.	Yates
Edmonds	Kettner	Robsion, Ky.	

The committee rose; and Mr. MONDELL having assumed the chair as Speaker pro tempore, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7705, finding itself without a quorum, under the rule he caused the roll to the called, whereupon 217 Members answered to their names, and he presented the list of absentees to be entered upon the Journal.

The SPEAKER pro tempore. The committee will resume its session.

The committee resumed its session.

Mr. FORDNEY. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The pro forma amendment of the gentleman from Texas is withdrawn and the vote is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. KITCHIN) there were—ayes 56, noes 81.

So the amendment was rejected.

Mr. KITCHIN. Mr. Chairman, I have another amendment on page 1.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 11, strike out the figure and word "1 cent" and insert in lieu thereof the following: "one-half of 1 cent."

Mr. KITCHIN. Mr. Chairman, this simply reduces the specific duty in the bill from 1 cent to one-half of a cent a line. That makes on a 16-line button a duty of 8 cents per gross and on an 18-line button 9 cents per gross. This amendment makes the duty entirely too high, but it is so much better than the rate in the bill that I offer it.

Mr. FORDNEY. Mr. Chairman, I hope the amendment will be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 339. Buttons of vegetable ivory in sizes 36 lines and larger, 35 per cent ad valorem; below 36 lines, 45 per cent ad valorem; buttons of shell and pearl, finished or partly finished, 1½ cents per line per gross and

15 per cent ad valorem; pearl or shell button blanks, not turned, faced, or drilled, 1 cent per line per gross and 15 per cent ad valorem; agate buttons and shoe buttons, 15 per cent ad valorem; parts of buttons and button molds or blanks, finished or unfinished, not made from pearl or shell, and all collar and cuff buttons and studs composed wholly of bone, mother-of-pearl, ivory, or agate, all the foregoing and buttons not specially provided for in this section, 40 per cent ad valorem.

Mr. KITCHIN. Mr. Chairman, I am sending up two amendments and ask that they be read together, because one reduces the rate on pearl buttons and the other on shell. I ask unanimous consent that they be considered together.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the two amendments be presented and considered together. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Page 2, line 14, strike out the figure and word "1½ cents."
Page 2, line 6, strike out the figure and word "1 cent" and insert in lieu thereof the words "one-half of a cent."

Mr. KITCHIN. Mr. Chairman, just to keep the record straight, I desire to make a few remarks with respect to the speech of the gentleman from Iowa [Mr. GREEN]. I laid down several propositions last Friday when we had this matter under consideration, and I cited the pages of the hearings and the Tariff Board report to confirm them, and I made some observations upon the inaccuracies of the splendid report of the distinguished gentleman from Iowa [Mr. GREEN]. I said that if he would point out one line or word of evidence before the committee or in the Tariff Commission's report sustaining either one of his several statements in the report which I had criticized I would vote for this bill. Well, the gentleman had all day Saturday and all day Monday—I hope he went to church on Sunday, if not he had all day Sunday—to go over the hearings and go over the report and find out whether he could quote me or the House any evidence taken before the committee or any evidence in the Tariff Commission's report sustaining a single one of these statements in his report which I had criticized as unfounded and incorrect.

I say now that he utterly failed to do so in his speech a few moments ago, though in the beginning of his speech he said he would do so and was going to get "Mr. KITCHIN's vote"; that "Mr. KITCHIN" said "there is no evidence of 25,000 or 30,000 people being engaged in this industry." The only thing he said this morning was that there were that many engaged. He cited no evidence except the lawyer's statement which I quoted the other day. Gentlemen, of course there are not, and I want to suggest to the gentleman that if there are 25,000 people engaged in the industry and the industry pays an average wage of $4.40 per day, according to his report, which he said this morning was correct, it would take, with 300 working days in a year, $33,000,000 to pay for the labor alone. Now, if it takes $33,000,000 to pay for the labor alone, and the total value—selling value—of the whole annual output of the industry is a little less than $10,000,000—but we will call it $10,000,000—where in the world does the pearl or shell button industry, whose entire capital is less than $4,000,000, get that extra $23,000,000 to pay for that labor? If there are 25,000 people engaged in the industry, as he says, and they are getting, as he says, an average wage of $4.40, requiring therefor $300,000,000 annually to pay for the labor alone, with the selling value of the total output, gentlemen will see that if every dollar of this sale went to pay the labor they would lack $23,000,000 of having enough to settle the labor account.

This very statement itself shows that they do not have 25,000 people engaged in the industry or that the wages can not average $4.40 per day. If so many are employed, the wages can not average $1.50 a day. The truth is that Mr. GREEN is mistaken both as to the number engaged in the industry and as to the average daily wage.

Mr. GREEN of Iowa. The gentleman knows that he is perverting my remarks. The $4.40 was for the cutters.

Mr. KITCHIN. All right. If the gentleman is correct in that statement, then he should have stated it in his report that cutters got $4.40. His report is silent as to cutters. It had no qualification, but stated expressly that the average workman in the factories in this country got $4.40 a day. The main contention was, the very base of his plea was, that the workman here——

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. I supposed I would have five minutes on each of the two amendments.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. KITCHIN. Now, gentlemen, the plea for this bill is—the plea that Mr. MONDELL made, that Mr. FORDNEY made, and that Mr. GREEN made this morning, and which Mr. HULL has made—that these Japanese get from 14 cents to 42 cents a day and our workman was getting $4.40 a day. The gentleman from Iowa put that in his report. Let me read from his report:

The evidence taken by the subcommittee and set out in the printed copy of the hearings shows that the average wage of the Japanese worker in the industry to-day is 42.39 cents, while the average pay for the same workman here is $4.40.

He now says "cutters get $4.40."

I told him if he found a word or line in any evidence before the committee or in the Tariff Board's report to the effect that the average pay of our workmen in the industry was $4.40 per day I would vote for the bill. I told him there was not a word of evidence to that effect. What did he cite me to this morning? Not to the evidence or the testimony given before our committee or before the Tariff Board, but to a printed statement filed by some officer of the Button Manufacturers' Association after the hearings or the testimony was over, and this was printed in the back of the hearings. And in that statement this officer says the average pay not for all the workmen but for the cutters—the cutters alone, and they are the highest paid of all—was $4.40. Mr. GREEN did not tell us in his report that $4.40 was the highest wage, and that was paid to the cutters only. There are grinders and sorters and polishers and other workmen in the industry; but he selects cutters, the highest, without letting us know it in his report. That is what I want to call attention to.

So I can not vote for Mr. GREEN's pearl-button bill, because there is not a line of evidence showing the statements in his report to be true—the statements I criticized. If he had read one page further in the statement of this officer of the association, he would have found that the average of all the workmen was from $2 and $2.50 to $3, as it gives the wages of other workmen in addition to those of the cutters.

Mr. FORDNEY. Does not the gentleman know that the report shows the pearl-button industry is only running 40 per cent capacity?

Mr. KITCHIN. They state now that it runs but 40 per cent of the time—some of the manufacturers do——

Mr. FORDNEY. All of them.

Mr. KITCHIN. All that testified. Why, they have piled over 13,000,000 gross of buttons on their shelves——

Mr. FORDNEY. They are low-grade buttons.

Mr. KITCHIN. All grades of buttons.

Mr. FORDNEY. No.

Mr. KITCHIN. I will tell you why they have piled those up since March. Why? Because they thought they could continue to make them and pile them up, and come to this Republican House and Senate and get a tariff of from 200 to 500 per cent, and thereby increase the value of the buttons on hand from 50 to over 100 per cent. And that is the reason they have piled them up and will not sell them on the market. They piled them up like the tungsten-one producers piled up their product and like the tungsten importers stored their importations up in New York, in order to get the enhanced value which Republicans are trying to give them by tariff bills. This bill, if passed, will increase the value of those 13,000,000 gross of buttons over $1,000,000. They are piling up and waiting for this extra $1,000,000. [Applause on the Democratic side.]

Mr. FORDNEY. Mr. Chairman, the gentleman said in order to keep the record straight he wanted to make a few remarks. In order to keep the bill straight, I ask for a vote on the two amendments.

The CHAIRMAN. The Chair calls the attention of the gentleman from North Carolina to an error, according to the print which the Clerk has. The "1½ cents" appears in line 7 and the "1 cent" appears in line 9.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the amendment be corrected. In line 7 I want to put "three-fourths cent" and in line 9 "one-half cent."

The CHAIRMAN. Without objection, the correction will be made. The vote is now on the amendments.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. KITCHIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 52, noes 77.

So the amendments were rejected.

Mr. FORDNEY. Mr. Chairman, there are no amendments to the bill. I move that the committee do now rise and report the bill to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl, had directed him to report the same back to the House without amendment, with the recommendation that the bill be passed.

Mr. FORDNEY. Mr. Speaker, I move the previous question.

The SPEAKER. On that the gentleman moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. KITCHIN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 126, nays 93, answered "present" 5, not voting 204, as follows:

YEAS—126.

Anderson	Fordney	Luhring	Rodenberg
Andrews, Nebr.	Good	McFadden	Schall
Baer	Goodall	McLaughlin, Mich.	Scott
Barbour	Goodykoontz	McLaughlin, Nebr.	Sells
Begg	Green, Iowa	McPherson	Shreve
Benham	Greene, Mass.	MacGregor	Sinclair
Boies	Greene, Vt.	Madden	Sinnott
Brooks, Ill.	Hamilton	Mapes	Slemp
Brooks, Pa.	Haugen	Martin	Smith, Mich.
Browning	Hawley	Mason	Steenerson
Burroughs	Hernandez	Michener	Strong, Kans.
Cannon	Hersey	Miller	Summers, Wash.
Carss	Hersman	Monahan, Wis.	Sweet
Chindblom	Hickey	Mondell	Swope
Christopherson	Hicks	Morgan	Temple
Cole	Hoch	Mudd	Tilson
Currie, Mich.	Hull, Iowa	Nelson, Wis.	Timberlake
Curry, Calif.	Hutchinson	Newton, Minn.	Tincher
Dale	Ireland	Newton, Mo.	Towner
Dallinger	Juul	Nolan	Vaile
Darrow	Kearns	Osborne	Vestal
Davis, Minn.	Kendall	Peters	Volstead
Denison	King	Platt	Webster
Dickinson, Iowa	Kinkaid	Purnell	Wheeler
Dowell	Kleczka	Radcliffe	White, Kans.
Dunbar	Knutson	Ramseyer	White, Me.
Dyer	Kraus	Randall, Calif.	Wilson, Ill.
Echols	Lampert	Randall, Wis.	Wood, Ind.
Elliott	Langley	Reavis	Young, N. Dak.
Elston	Layton	Rhodes	Zihlman
Fess	Lehlbach	Ricketts	
Focht	Little	Riddick	

NAYS—93.

Alexander	Evans, Nev.	Lee, Ga.	Stedman
Aswell	Ferris	McAndrews	Steele
Ayres	Fisher	McClintic	Stevenson
Bankhead	Gallagher	McDuffie	Sumners, Tex.
Bee	Gandy	McKeown	Taylor, Colo.
Bell	Gard	McLane	Thomas
Black	Garner	Major	Thompson, Okla.
Bland, Va.	Goodwin, Ark.	Mays	Tillman
Blanton	Hardy, Tex.	Minahan, N. J.	Venable
Box	Hastings	Nelson, Mo.	Vinson
Brand	Hayden	Oldfield	Watkins
Briggs	Holland	Oliver	Watson, Va.
Brinson	Huddleston	Overstreet	Weaver
Buchanan	Hudspeth	Padgett	Webb
Caraway	Hull, Tenn.	Park	Welling
Coady	Humphreys	Parrish	Whaley
Collier	Johnson, Ky.	Phelan	Wilson, La.
Crisp	Johnson, Miss.	Pou	Wingo
Davis, Tenn.	Jones, Tex.	Quin	Woods, Va.
Dent	Kitchin	Rainey, H. T.	Wright
Dewalt	Lanham	Raker	Young, Tex.
Doremus	Lankford	Romjue	
Dupré	Larsen	Sanders, La.	
Evans, Mont.	Lazaro	Steagall	

ANSWERED "PRESENT"—5.

Booher	Dickinson, Mo.	Mansfield	Rubey
Connally			

NOT VOTING—204.

Ackerman	Brumbaugh	Clark, Fla.	Donovan
Almon	Burdick	Clark, Mo.	Dooling
Andrews, Md.	Burke	Classon	Doughton
Anthony	Butler	Cleary	Drane
Babka	Byrnes, S. C.	Cooper	Dunn
Bacharach	Byrns, Tenn.	Copley	Eagan
Barkley	Caldwell	Costello	Eagle
Benson	Campbell, Kans.	Crago	Edmonds
Blackmon	Campbell, Pa.	Cramton	Ellsworth
Bland, Ind.	Candler	Crowther	Emerson
Bland, Mo.	Cantrill	Cullen	Esch
Bowers	Carew	Davey	Evans, Nebr.
Britten	Carter	Dempsey	Fairfield
Browne	Casey	Dominick	Fields
Fitzgerald	Johnston, N. Y.	Moore, Va.	Sears
Flood	Jones, Pa.	Moores, Ind.	Sherwood
Foster	Kahn	Morin	Siegel
Frear	Keller	Mott	Sims
Freeman	Kelley, Mich.	Murphy	Sisson
French	Kelly, Pa.	Neely	Small
Fuller, Mass.	Kennedy, Iowa	Nicholls, S. C.	Smith, Idaho
Gallivan	Kennedy, R. I.	Nichols, Mich.	Smith, Ill.
Ganly	Kettner	O'Connell	Smith, N. Y.
Garland	Kiess	O'Connor	Smithwick
Garrett	Kincheloe	Ogden	Snell
Glynn	Kreider	Olney	Snyder
Godwin, N. C.	LaGuardia	Paige	Stephens, Miss.
Goldfogle	Lea, Calif.	Parker	Stephens, Ohio
Gould	Lesher	Pell	Stiness
Graham, Pa.	Linthicum	Porter	Strong, Pa.
Graham, Ill.	Lonergan	Rainey, J. W.	Sullivan
Griest	Longworth	Ramsey	Taylor, Ark.
Griffin	Luce	Rayburn	Taylor, Tenn.
Hadley	Lufkin	Reber	Thompson, Ohio
Hamill	McArthur	Reed, N. Y.	Tinkham
Hardy, Colo.	McCulloch	Reed, W. Va.	Treadway
Harrison	McGlennon	Riordan	Upshaw
Haskell	McKenzie	Robinson, N. C.	Vare
Hays	McKinley	Robsion, Ky.	Voigt
Heflin	McKinley	Rogers	Walsh
Hill	MacCrate	Rose	Walters
Houghton	Magee	Rouse	Ward
Howard	Maher	Rowan	Wason
Hulings	Mann	Rowe	Watson, Pa.
Husted	Mead	Rucker	Welty
Igoe	Merritt	Sabath	Williams
Jacoway	Montague	Sanders, Ind.	Wilson, Pa.
James	Moon	Sanders, N. Y.	Winslow
Jefferis	Mooney	Sanford	Wise
Johnson, S. Dak.	Moore, Ohio	Saunders, Va.	Woodyard
Johnson, Wash.	Moore, Pa.	Scully	Yates

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. LONGWORTH (for) with Mr. KELLER (against).

Mr. WOODYARD (for) with Mr. MONTAGUE (against).

Mr. THOMPSON of Ohio (for) with Mr. SMITHWICK (against).

Mr. TREADWAY (for) with Mr. BOOHER (against).

Mr. ROWE (for) with Mr. HOWARD (against).

Mr. PAIGE (for) with Mr. BYRNS of Tennessee (against).

Mr. MURPHY (for) with Mr. JACOWAY (against).

Mr. MOORES of Indiana (for) with Mr. CONNALLY (against).

Mr. GRAHAM of Illinois (for) with Mr. GARRETT (against).

Mr. FAIRFIELD (for) with Mr. MANSFIELD (against).

Mr. ESCH (for) with Mr. SIMS (against).

Mr. BOWERS (for) with Mr. DICKINSON of Missouri (against).

Mr. BACHARACH (for) with Mr. MCGLENNON (against).

Until further notice:

Mr. FULLER of Illinois with Mr. ASHBROOK.

Mr. ACKERMAN with Mr. SULLIVAN.

Mr. EMERSON with Mr. MOONEY.

Mr. EVANS of Nebraska with Mr. SISSON.

Mr. FREAR with Mr. WILSON of Pennsylvania.

Mr. FOSTER with Mr. BABKA.

Mr. HOUGHTON with Mr. PELL.

Mr. JEFFERIS with Mr. SMALL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MANN with Mr. BLACKMON.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. WASON with Mr. RUBEY.

Mr. WALSH with Mr. CARTER.

Mr. STEPHENS of Ohio with Mr. CALDWELL.

Mr. YATES with Mr. BENSON.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. ANTHONY with Mr. WELTY.

Mr. BLAND of Indiana with Mr. UPSHAW.

Mr. BROWNE with Mr. TAYLOR of Arkansas.

Mr. BURKE with Mr. STEPHENS of Mississippi.

Mr. BUTLER with Mr. SMITH of New York.

Mr. CAMPBELL of Kansas with Mr. SCULLY.

Mr. COSTELLO with Mr. SAUNDERS of Virginia.

Mr. CRAGO with Mr. SABATH.

Mr. CROWTHER with Mr. RUCKER.

Mr. DEMPSEY with Mr. ROWAN.

Mr. DUNN with Mr. RIORDAN.

Mr. EDMONDS with Mr. JOHN W. RAINEY.

Mr. FULLER of Massachusetts with Mr. OLNEY.

Mr. GARLAND with Mr. O'CONNOR.

Mr. GOULD with Mr. O'CONNELL.

Mr. GRAHAM of Pennsylvania with Mr. NICHOLLS of South Carolina.

Mr. GRIEST with Mr. KETTNER.

Mr. HADLEY with Mr. JOHNSTON of New York.

Mr. HASKELL with Mr. IGOE.

Mr. HULINGS with Mr. HEFLIN.

Mr. JAMES with Mr. HARRISON.

Mr. JOHNSON of Washington with Mr. HAMILL.

Mr. KAHN with Mr. GRIFFIN.
Mr. KELLEY of Michigan with Mr. GOLDFOGLE.
Mr. KENNEDY of Iowa with Mr. GODWIN of North Carolina.
Mr. KENNEDY of Rhode Island with Mr. GALLIVAN.
Mr. KIESS with Mr. FITZGERALD.
Mr. KREIDER with Mr. FIELDS.
Mr. LUFKIN with Mr. EAGLE.
Mr. MCARTHUR with Mr. EAGAN.
Mr. MCCULLOCH with Mr. DRANE.
Mr. MCKENZIE with Mr. DOUGHTON.
Mr. MCKINLEY with Mr. DOOLING.
Mr. MERRITT with Mr. CANTRILL.
Mr. MOORE of Ohio with Mr. CANDLER.
Mr. MORIN with Mr. CAMPBELL of Pennsylvania.
Mr. NICHOLS of Michigan with Mr. BYRNES of South Carolina.
Mr. PARKER with Mr. BRUMBAUGH.
Mr. PORTER with Mr. BLAND of Missouri.
Mr. RAMSEY with Mr. BARKLEY.
Mr. REBER with Mr. ASHBROOK.
Mr. REED of New York with Mr. ALMON.
Mr. REED of West Virginia with Mr. ROBINSON of North Carolina.
Mr. ROBSION of Kentucky with Mr. NEELY.
Mr. ROSE with Mr. MOORE of Virginia.
Mr. SANDERS of New York with Mr. MEAD.
Mr. SANFORD with Mr. MAHER.
Mr. SMITH of Idaho with Mr. MCKINIRY.
Mr. SMITH of Illinois with Mr. LONERGAN.
Mr. SNELL with Mr. LESHER.
Mr. SNYDER with Mr. LEA of California.
Mr. STINESS with Mr. KINCHELOE.
Mr. STRONG of Pennsylvania with Mr. DONOVAN.
Mr. TAYLOR of Tennessee with Mr. DOMINICK.
Mr. TINKHAM with Mr. DAVEY.
Mr. VARE with Mr. CULLEN.
Mr. CRAMTON with Mr. CLEARY.
Mr. WARD with Mr. CLARK of Florida.
Mr. WATSON of Pennsylvania with Mr. CLARK of Missouri.
Mr. WILLIAMS with Mr. CASEY.
Mr. WINSLOW with Mr. CAREW.

The result of the vote was announced as above recorded.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SMALL, for 14 days, on account of public work in his district.

To Mr. BRUMBAUGH, for two weeks, on account of important business.

To Mr. WELTY, for one week, on account of important business.

To Mr. SMITHWICK, for one day, on account of illness in his family.

Mr. RICKETTS. Mr. Speaker, I ask unanimous consent that my colleague, Mr. THOMPSON of Ohio, be excused indefinitely on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEAVE TO WITHDRAW PAPERS.

Mr. HAWLEY, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies papers in the following cases, no adverse reports having been made thereon:

William M. Metzger, H. R. 13380, Sixty-fifth Congress.

William Bell, H. R. 14480, Sixty-third Congress; H. R. 3205, Sixty-fourth Congress; and H. R. 2667, Sixty-fifth Congress.

ZINC ORES.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6238, to provide a tariff and to obtain revenue in connection with the metal contents of zinc ores and products thereof, and repealing existing laws fixing the rates of duty on such commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6238, with Mr. TOWNER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. FORDNEY. I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Chairman, it has been arranged between the gentleman from North Carolina [Mr. KITCHIN] and myself that there shall be not to exceed 1 hour and 30 minutes general debate, one half to be controlled by the gentleman from Illinois [Mr. HENRY T. RAINEY] and the other half by myself. I ask unanimous consent that that arrangement be carried out.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that there be not to exceed 1 hour and 30 minutes of general debate, one half of the time to be controlled by the gentleman from Illinois [Mr. HENRY T. RAINEY] and the other half by himself.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is it proper to make such an arrangement in the Committee of the Whole? Should it not have been made in the House?

The CHAIRMAN. It can be made in the committee only by unanimous consent.

Mr. BLANTON. I think this matter ought to have been attended to in the House and not in the committee, and I object.

The CHAIRMAN. Objection is made. The Chair recognizes the gentleman from Michigan [Mr. FORDNEY] for one hour.

Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. MCPHERSON].

Mr. MCPHERSON. Mr. Chairman and gentlemen of the committee, the chief object of this bill is to protect zinc-ore mining. It is true the bill carries protection to the manufacture of zinc, but this would be unnecessary except for the duties carried in the bill to protect the mining of zinc ore. The members of the committee will understand that zinc in a manufactured form is commonly called spelter. I suppose everyone knows that. Zinc-ore mining in the United States is an old industry. It is extensively carried on in Missouri, Kansas, Tennessee, Oklahoma, Utah, Idaho, Wisconsin, and other parts of the United States.

Zinc ore is extensively mined in many of the countries of the world—in Mexico, Canada, Australia, New Zealand, Spain, in many of the countries of South and Central America, and in China and Japan.

It is true, however, that the most dangerous competitor with the United States in the mining of zinc ore is our neighbor, the Republic of Mexico.

Prior to the war the domestic production and consumption about equaled each other. No zinc ore was imported into the United States up to 1904. At that time the industry in this country had invested in it hundreds of millions of capital, and it employed tens of thousands of people. In 1904 the importations were 2,000 tons, coming chiefly from Mexico. They increased rapidly in the succeeding years. In 1907 from 2,000 tons in 1904 it increased to 100,000 tons. In 1909 it had increased to 113,000 tons.

The danger to the industry in this country from imports and the competition thus brought about was so injuriously affecting it that in 1909 a Republican Congress passed the Payne-Aldrich tariff bill, carrying the same duty on zinc ore that is carried in this bill. It gave the same protection and the same rates of protection to the manufacturers of zinc as are in this bill. During the years 1909, 1910, 1911, and 1912, under the protection afforded by the Payne-Aldrich law, this industry was prosperous. The product at that time sold as high as $67.50 a ton of 60 per cent ore, which is the kind we make in southwest Missouri, Oklahoma, and Kansas. Sixty-seven dollars and fifty cents a ton was the greatest price that the commodity had ever brought. While the industry was in that condition, the laboring men working in it happy, contented, and prosperous, the Democratic Party met at Baltimore in 1912; and I want to read to you a threat which they issued against the capital and labor employed in zinc mining. That great convention said:

> We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue, and we demand that the collection of such taxes shall be limited to the necessities of government honestly and economically administered.

While this ore was bringing the highest price in history, while the tens of thousands of workingmen employed in the mining of zinc were earning the best wages in the history of that industry, while they were supporting and educating their children, building churches and schoolhouses, and contributing their portion to make America great and prosperous, the Democratic Party met in Baltimore and declared that it would violate the Constitu-

tion of the United States to protect the workingmen in this or any other industry in competition with the low wages prevailing in Mexico, Japan, China, or any other foreign country.

At the time that declaration was made wages of the workingman in this industry were such as rivaled those recited by the gentleman from Texas the other day and of which he complained. We all remember that he called attention of the House to the fact that the laboring men on the railroads—brakemen and firemen—were some of them earning $300 a month, and he complained that the sum named was greater than that paid Texas circuit judges. I want to say to you that many of these Americans working in the zinc-ore industry in 1909, 1910, 1911, and 1912, under the protection afforded by Republican laws, were earning wages that rivaled those paid to Texas circuit judges, and the gentleman from Texas, I know, will be greatly alarmed to hear those workingmen are doing so well. Nothing seems to give him more concern.

Now, I want to say, in the face of the fact that laboring men are earning such wages, the Republicans do not get excited; nothing pleases them more than that very fact. They work and fight to help them improve their wages and protect them against lower wages by duties levied upon the products of low wages. Many of us on this side are acquainted with the brakemen and firemen referred to the other day by the gentleman from Texas as earning $300 per month. Many of us on this side know a few circuit judges of Texas—not many judges. We know some of them, and the Republicans on this side of the House will not get excited, as I said, because workingmen under the Republican principle of protection are earning more than those judges. A great many of us think the workingmen we know earn and are worth more than the Texas circuit judges we know. [Laughter and applause.]

In 1913 the Congress elected on that platform that said it violated the Constitution of the United States to equalize the opportunity of one of our own people with the Mexicans or the Chinese or the Japanese met in this Capitol, and what did it do?

It proceeded to do what was threatened. They will now admit it was hard on the country and on the capital invested in zinc mining. They are forced to admit that they placed a great American industry, necessary to the prosperity and welfare of the country, in foreign hands.

All they can claim is that out of the wreck they wrought they saved the Constitution by refusing protection to labor and capital.

They repealed this Payne-Aldrich Tariff Act that carried protection to the workingmen in this zinc-ore-mining industry.

Mr. RHODES. Mr. Chairman, will the gentleman yield for a question?

Mr. McPHERSON. Yes.

Mr. RHODES. On page 3 of the bill this language appears:

Zinc-bearing ores of all kinds, including calamine, containing less than 10 per cent of zinc shall be admitted free of duty.

I was wondering why an ore carrying that small percentage was not subject to the same duty as ore carrying a higher percentage of zinc.

Mr. McPHERSON. The object of that provision is this: Many ores carry a small percentage of zinc. Copper and silver bearing ores contain some zinc. No zinc ore primarily for the purpose of extracting zinc is brought in carrying less than 10 per cent, because it is not practical to reclaim the lower rate. But say silver is brought in that contains 10 per cent or less of zinc. The zinc will all be lost in smelting. It is burned up, and especially when zinc is a by-product of other ores and is lost in smelting it would not be right to compel such zinc to pay the duty; so that this committee, as in the Payne-Aldrich case, exempted from the provisions of this act ores carrying less than 10 per cent of metallic content for the reason that those ores could not be reclaimed in the process of manufacture and smelting.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. McPHERSON. Not now. I have referred to the fact that the Payne-Aldrich tariff was repealed in October, 1913, and instead of the rates carried in this bill, that had brought the greatest prosperity to the industry in its history up to that time, those rates were repealed, and a rate of 10 per cent ad valorem was substituted. That 10 per cent ad valorem has rendered the country splendid service, not that it served as any protection, but it has enabled this committee to-day and this Congress to measure the danger lurking in this competition from Mexican ore. Under that law of 1913 this industry, vital to American prosperity, has passed into foreign hands. Zinc ore, as you understand, is a product necessary in the manufacture of hundreds of articles of household necessity and absolutely essential in the manufacture of munitions of war. From the day it was known that the protection carried by the Payne-Aldrich bill on this industry was to be removed, and the ad valorem duty of 10 per cent substituted, until the opening of the war and for six months thereafter, the industry languished along with the other industries of the country.

During a considerable part of the time the Payne-Aldrich law was in force the Mexican rebellion, with its accompanying disorders, was going on. It supplemented the protection afforded by the Payne-Aldrich law. That protection afforded by the rebellion still exists, but I want to call your attention to the industry and to the causes for its decline given by the laboring men and by the men who have their money in this industry. The gentleman from North Carolina [Mr. KITCHIN] complained the other day because, as he said and labored to show, under the tungsten bill $5,000,000 would be taken from the pockets of the people and given to some American importers who lived over in New York. It was shown to the House that such statement was not correct and by the terms of that bill could not be true. But if it were true, as Mr. KITCHIN contended, if $5,000,000 would have been given by the tungsten bill to the importers of tungsten in New York, that conduct would not measure with the conduct of the men who took the protection off this industry. During 1916, 155,000 tons of zinc ore were imported into the United States from Mexico alone, and nearly 800,000 tons came into the United States from the various countries that imported zinc ore into our country during the years 1915, 1916, and 1917—750,000 tons that the American producer under the conditions prevailing would have received $67.50 a ton for, amounting to about $35,000,000, and that amount was voted by the gentleman from North Carolina and his party associates in this House not to American citizens in New York, who would pay taxes on it or build houses, but it was handed over into the pockets of Mexicans and into the pockets of Japanese and Chinese and other foreigners.

Mr. KITCHIN and his party, without batting an eye, voted to take the protection from zinc ore, and as the result of that vote 750,000 tons of ore came in during 1915, 1916, and 1917, for which the American producer would have received more than $30,000,000.

Let these men who own the mills and mines and have worked in them tell you the splendid services that were rendered to them by the gentleman from North Carolina [Mr. KITCHIN] and his party in 1913 acting upon the proposition and the supposition that it would violate the Constitution of the United States to protect the American workingman or an American citizen who had his capital invested in industry in his own country. The situation in the Joplin district is desperate, especially in Missouri. The situation is reflected in the falling off of production from 287,925 tons of zinc-ore concentrates in 1916 to 88,627 tons in 1918. In April, 1918, the mine operators and citizens made a special appeal to Congress, setting up the following facts:

To the business men, miners, and property owners of the Webb City-Carterville mining district:

Why conceal the facts? A great misfortune, amounting to disaster, has overtaken the Webb City-Carterville mining district. It is time the entire citizenship was aroused to the situation. The business man, the merchant, the miner, and the property owner are equally concerned.

The Southwest Missouri Mine Safety and Sanitation Association has recently gathered information and facts that every man should know. It is time that we were awakened to the situation. Out of the 87 mills that were in operation in the Webb City-Carterville district, including Oronogo, Prosperity, and Duenweg, only 18 are now in operation, or partial operation, with the probability that 5 more of them will be closed within the next week. Of these 69 mills, 30 of them have been dismantled and moved away, and others are now being offered for sale.

The production of zinc ore has declined from 75,000,000 pounds for the first 11 weeks in 1916 to 25,000,000 pounds for a like period in 1918; from 58,000,000 pounds in November and December, 1916, to 24,000,00 pounds in November and December, 1917. The bank deposits in Webb City alone have fallen off more than $500,000.

Some of the business houses have been closed and the business men of the district are making no money. The situation will become worse, because many of the miners working in the Oklahoma field are now still living in Webb City because of cheaper rents.

That every citizen may have the information, a list has been prepared showing the names of the mills that were in operation 12 months ago which have now either been closed down or dismantled and moved away.

And there follows then a list of these 87 mills, all closed down by the gentleman from North Carolina and his party. The gentleman from North Carolina [Mr. KITCHIN], calling attention to what he considers the basic difference between his side of the House and ours, said that when they undertake to levy a tariff they consult the consumer and make things cheap for him; that they pay no attention to the producer. They can not help him, however much they would like to do so, on account of their claim that the Constitution prevents giving him relief. He says we on this side find the differences in production cost and try to make a rate of duty that represents

the differences, and that we always give the producer the benefit of the doubt.

The gentleman claims the differences are in the rates merely. But I say to you the difference between this side of the House and that is far deeper than a question of rates. I have shown that you declared at Baltimore in 1912 that every time Congress invoked the principle of protection it violated the fundamental law. Every man on the Democratic side of the House, when a proposition arises in this body like that we are considering, is restrained by scruples—he can not violate the Constitution that he has sworn to support, and thinks he would do so to protect labor and capital by tariff duties.

To us your doctrine is revolting. We believe to maintain the standards of wages and of living of our workingmen is one of the principal objects for which our Government was organized and for which it exists.

It would have been a poor consolation to support and sustain our soldiers while undergoing the hardships and hazards of war to have reflected on your tariff principles and to have read your platform declaration. If a soldier came from the zinc-mining area he would have known that if while he was fighting for you and me some Mexican had taken his job by supplying the demand for zinc ore in the United States he could not trust you to give him an opportunity. You had served notice of the scruples that restrained you. They were constitutional with you.

But the Republican doctrine is the very contrary. We say we have the power under the Constitution to make it possible for the American producer to deal in his own market, and that power is one we delight to exercise.

The difference between us is not as to rates merely. It goes far deeper than that. Let us see what occurred when the war came on. When this war opened in 1914 one-half of the entire smelting capacity of the world was in Germany and Belgium. Within a few weeks after that war commenced, after the invasion of Belgium, Germany had control of 50 per cent of all the smelter capacity of the world. There was an immense demand for zinc. That demand had to be supplied by the smelters of this country. Notwithstanding the great scarcity of ships, as I have said the hearings in this case show that in 1915, 1916, and 1917 nearly 800,000 tons of zinc ore came in. What is the situation? We reproduced before the committee a showing that was made in 1913 to the Ways and Means Committee that enacted the Underwood tariff law. We took the statement from the books of six mining companies operating in Mexico showing the wages paid the ground boss, the shift boss, the pump man, the drill man, drill helpers, and shovelers, and the name of the mine was given and the cost in the hearing shown. Then we took six mines in our country that showed the same situation. That showed what men working in these different capacities mentioned in American mines received and what they received in the mines of Mexico. In every instance our wages are from three to five times those paid in Mexico. The cost of manufacturing a ton in the Joplin district, from which we took the six mines, averaged $38.45. The average price in Mexico at that time was $13.97 per ton.

Mr. ANDERSON. Will the gentleman yield?

Mr. McPHERSON. Not just at this time.

Mr. ANDERSON. Is not the gentleman willing to give us any information about his bill?

Mr. McPHERSON. Not at this time; I will later.

Mr. ANDERSON. Very well.

Mr. McPHERSON. Since the passage of the Underwood Act the amount of ore coming in, the value of the ore, and the country from which it is imported is given. What do you suppose it was? Thirteen dollars a ton in 1913.

The average cost of production in Mexico, as shown by our Treasury reports for the year 1919, commencing with January, was $9.42 per ton. It is shown by these figures that the cost of production in our country at this time is in the neighborhood of $60 to $65. What did we get for the Treasury when we struck down this industry in 1913 to save the Constitution? Ninety cents a ton. You did not get enough money into the Treasury in revenue to pay the ransom of our Army at the present rate under watchful waiting. Gentlemen on that side are anxious about the soldier. In 1918 these men of the volunteer Army, the National Guard, and the drafted army contributed their part. They had splendid jobs at splendid wages when they went across to fight for you and me, and when they came back those mines in Missouri, Kansas, Oklahoma, and so forth, were closed down and the jobs of those soldiers are in the hands of Mexicans, Japanese, and Chinese. It is not a question of what will happen. That is the question you have created, and that exists to-day. But I want to say to you on that side that you may protest as loudly as you have done. Your solicitude and anxiety to do something for the soldier, every man of you, when you cast your vote against this bill will be judged insincere in that profession by the people of Kansas, Missouri, Oklahoma, and the other zinc-producing States where the soldiers have come back and found their jobs in the hands of Mexicans. You profess a particular interest in solving the problem of the high cost of living. I want to say to you that thousands of men who worked in this industry in 1918 and 1917, practically all of them, are without employment or have found it in other activities. They are suffering doubly on account of prices because they are unemployed. They are not earning and they have not the money to buy the wherewithal to support themselves and their families. They can not meet the cost of living if it is reduced. These young men have been abroad; they have seen the situation of the workingmen in Europe; they have seen the situation in France; they have seen them in England, as many of them have passed through that island. It is certain they are unwilling to live upon the same plane as workers over there. We are unwilling that you should compel him to do so, and we are therefore going to pass this bill. We see the situation, and not like you no construction of the Constitution to which we subscribe forbids our remedying it. We propose to put a duty on all the zinc ore that shall hereafter be imported so as to help solve the problem of the high cost of living of those in the zinc-mining industry by levying the rates carried by the Payne-Aldrich tariff law.

Mr. HARDY of Texas. Will the gentleman yield for information?

Mr. McPHERSON. Yes, sir.

Mr. HARDY of Texas. Would this bill have anything to do with foreigners——

Mr. McPHERSON. I can not hear the gentleman.

Mr. HARDY of Texas. Does this bill have anything to do with foreigners working in this country?

Mr. McPHERSON. It is better than that. If there were 13,000 Mexicans, as there were 13,000 Americans, working in my district in the zinc-ore industry who proposed to come over into your district in Texas and take the jobs of 13,000 Texans, there would be a revolution. Yet that is what occurred in my district.

Mr. HARDY of Texas. But the gentleman does not answer my question.

Mr. McPHERSON. The jobs of those 13,000 American citizens are to-day in the hands of Mexicans, and yet the Mexicans are down in Mexico.

Mr. HARDY of Texas. Will the gentleman please answer my question—whether this bill has anything to do with expelling Mexicans or foreigners from this country?

Mr. McPHERSON. It has to do with the expelling of Mexicans, Chinese, and Japanese in this way: They are potentially there. Their products are coming in, and when you buy this zinc ore, as you are buying it, you are employing Chinese, Japanese, or Mexicans. I am in favor of expelling that job from him——

Mr. HARDY of Texas. Does the gentleman mean to say——

Mr. McPHERSON. It is better that we should have the Mexican himself here than to have his products, because our merchants could sell him goods, and we could tax him for schools and to run the Government, but he takes a job in this country by sending his products here, and our money goes down there as wages, and it would be better that he was himself here.

Mr. HARDY of Texas. Does the gentleman mean to say that the passage of this bill will put one Mexican out of the Joplin mines?

Mr. McPHERSON. It may not put a Mexican out of Joplin, but it will put him out of a job working for Joplin. It will put all of them out of the Joplin district. It will raise the wages of the Joplin miner to the rate he was receiving, which, as it is shown, rivals that of circuit judges down in the State of Texas. [Laughter.]

Who wants this bill? I will show you. I have shown you what these mine owners, who in my district alone have an investment of $50,000,000, say they wanted. Now, let us see. Are they the only ones? Down there these American citizens, since they have come back from war and find the situation I have described, have organized themselves. They call themselves the "Workingmen's Protective Tariff League."

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. McPHERSON. May I have 10 minutes more?

Mr. FORDNEY. I can not yield 10 minutes.

Mr. McPHERSON. Give me five minutes.

Mr. FORDNEY. I will give you all the time I have—five minutes.

Mr. McPHERSON. That will be plenty.

They passed the following resolution:

RESOLUTION FAVORING THE PASSAGE OF THE ZINC-ORE TARIFF BILL.

Whereas it has come to the knowledge of the members of the Workingmen's Protective Tariff League that Congressman I. V. McPHERSON, of the fifteenth congressional district of Missouri, has introduced the following bill into Congress at Washington, D. C., to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the day following the passage of this act there shall be levied, collected, and paid upon the metallic contents of all zinc ore imported from any foreign country into the United States or any of its possessions, a tariff of 2 cents per pound."

Resolved by the Workingmen's Protective Tariff League, with headquarters at Joplin, Mo., in meeting assembled, That we express our emphatic approval and indorsement of the said zinc-ore tariff bill, and instruct the officers of this league to convey to Mr. McPHERSON our hearty congratulations on his having introduced said measure, and assure him that the working people of this district do approve of his wise action in having introduced said bill, and pledge to him our support and assistance in having the bill enacted into law.

Unanimously adopted May 30, 1919.

WORKINGMEN'S PROTECTIVE TARIFF LEAGUE.

Why, it is because the men who sat in this House from that district subscribed to this infamous proposition, that it violates the Constitution of the United States to levy duties to protect workingmen, that I am here at all.

Now, I yield to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. I wanted to ask the gentleman why a higher rate of duty was imposed on a pound of high-grade ore than on low-grade ore.

Mr. McPHERSON. Because in extracting the low-grade ore a larger per cent of it is burned up. It was consumed in the process of smelting. They lose more of it. In other words, if there are 600 pounds of metal to the ton of ore, or 20 per cent, when you smelt it you will not get 600 pounds. You lose more on account of that low-grade ore.

Mr. Chairman, I yield back the balance of my time. [Applause on the Republican side.]

Mr. FORDNEY. Mr. Chairman, in order that a conference committee may be appointed, I ask that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 6238 had come to no resolution thereon.

COMMISSIONED PERSONNEL FOR THE ARMY.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2622, an act to provide necessary commissioned personnel for the Army until June 30, 1920, insist that the House amendment be adhered to, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from California asks unanimous consent to take up the bill S. 2622, insist on the House amendment, and agree to the conference asked for by the Senate. Is there objection?

Mr. WINGO. Reserving the right to object, what is it?

Mr. KAHN. This is the officers' bill, providing for the 18,000 officers.

Mr. WINGO. What is the principal amendment of the Senate?

Mr. KAHN. The House struck out all of the Senate bill and wrote an amendment of its own.

Mr. WINGO. I recall. In other words, the difference between the two Houses is the difference between the House and the Senate bills?

Mr. KAHN. Exactly.

Mr. WINGO. And the gentleman asks to agree to the conference asked for by the Senate?

Mr. KAHN. Exactly.

Mr. WINGO. That puts the whole thing in conference, does it not?

Mr. KAHN. Quite right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. KAHN, Mr. GREENE of Vermont, and Mr. DENT.

ZINC ORE.

Mr. FORDNEY. Mr. Speaker, while we are in the House I ask that the time be divided, one hour and a half to be divided equally between the Democratic side of the House and this, and that the gentleman from Illinois [Mr. HENRY T. RAINEY] control one half of the time and I control the balance of the 45 minutes on this side.

Mr. BLANTON. Mr. Speaker, a point of order. Would that kind of an agreement be incidental to a motion to go into Committee of the Whole?

The SPEAKER. Yes.

Mr. BLANTON. There is no such motion before the House.

The SPEAKER. It was proper, however, to make that motion.

Mr. BLANTON. There was no such motion made.

Mr. WINGO. I submit that, while that may have been the practice, the gentleman can ask unanimous consent at any time.

The SPEAKER. It is not necessary. It is only necessary to advise the House of what the purpose is. The gentleman from Michigan [Mr. FORDNEY] asks unanimous consent that the general debate on the bill which the House was considering in the Committee of the Whole House on the state of the Union be limited to one hour and a half, 45 minutes to be controlled by himself and 45 minutes by the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HASTINGS. Reserving the right to object, is the time already consumed by that side of the House to be taken out of this hour and a half?

Mr. FORDNEY. Yes.

Mr. HASTINGS. The Speaker did not put it correctly then.

The SPEAKER. The Chair took it that it was to be limited from now on to an hour and a half.

Mr. GREEN of Iowa. If the Speaker will permit, that was the original understanding, but it was not submitted to the House that there would be an hour and a half to be divided equally between the two sides. We have already consumed 30 minutes.

Mr. HASTINGS. And that will be deducted?

Mr. GREEN of Iowa. Yes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the debate be limited to one hour from now, 45 minutes to be controlled by the gentleman from Illinois [Mr. HENRY T. RAINEY] and the balance of the time by himself. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6238.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 71, noes 5.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. The Chair will count.

Mr. BLANTON. Mr. Speaker, I withdraw it at the request of the gentleman from Illinois [Mr. HENRY T. RAINEY].

The SPEAKER. The ayes have it, and the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6238. The gentleman from Iowa [Mr. TOWNER] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6238, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6238, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6238) to provide a tariff and to obtain revenue in connection with the metal contents of zinc ores and products thereof and repealing existing laws fixing the rates of duty on such commodities.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2622) entitled "An act to provide necessary commissioned personnel for the Army until June 30, 1920."

The message also announced that the Vice President had appointed Mr. WADSWORTH, Mr. WARREN, Mr. SPENCER, Mr. CHAMBERLAIN, and Mr. THOMAS as members on the part of the Senate of a joint committee to make arrangements for appropriate exercises in welcome of John J. Pershing, general and commander in chief of the American Expeditionary Forces of the World War, as provided for by House concurrent resolution 29.

DUTY ON ZINC ORE.

The committee resumed its session.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. RODENBERG].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. RODENBERG. Mr. Chairman, on August 1 the President addressed the following letter to the Speaker of the House:

THE WHITE HOUSE,
Washington, 1 August, 1919.

MY DEAR MR. SPEAKER: The Director General of Railroads informs me that the situation with reference to the railroads is growing so critical every hour that I hope it will be possible for the House to postpone its recess until some definite action is taken upon the recommendations contained in my letter to Mr. ESCH. Officials of the Government have been in consultation with reference to the problems growing out of the high cost of living, upon which I expect recommendations to be made within a fortnight. I sincerely trust that the proposed recess of Congress may be postponed at least until such time as we may know definitely the problems which confront us, growing out of this intricate situation.

Cordially and sincerely, yours,

(Signed) WOODROW WILSON.

Hon. FREDERICK H. GILLETT,
Speaker, House of Representatives.

In compliance with the suggestion of the President, the House, by a vote that was practically unanimous, rescinded the resolution providing for a recess. While many of us then believed and still believe that this was simply an adroit move on the part of the Executive to shift responsibility to the legislative branch of the Government and to shield the hopeless incompetency of the Department of Justice in the matter of enforcing the laws now on the statute books against food profiteering, yet we complied with the President's wishes, so that no partisan of his might be able to say that he failed to secure the full and hearty cooperation of Congress in his long-deferred effort to do something to bring about a reduction of the high cost of living.

The situation, gentlemen, has not changed since that letter was written. Conditions are even more critical to-day than they were on the 1st day of August. Thousands of railroad shopmen are out of employment, have quit their jobs, and there is a general feeling of unrest permeating every branch of that important service. And added to this there looms up to-day on the horizon the possibility of a great strike in the steel mills of the country, an industry that forms the very backbone of our industrial life; and in the meantime, while there is chaos and confusion in the industrial world, the cost of living continues to soar, and there is no prospect of relief in sight, so far as any consumer can see.

And now, in the face of this critical, this serious, and "may I not" say this desperate situation, the President to-morrow intends to start out on a political tour, and the expenses of that tour are to be paid out of the Federal Treasury at a time when he admonishes us to practice the most rigid economy in all governmental matters.

Why, my friends, now, after being gone the greater part of the year, he intends to absent himself for another month from the Nation's Capital, the seat of government, where his duties and responsibilities are centered.

In his address to the laboring people yesterday he emphasizes the great necessity for teamwork. Great God! How can you have teamwork when the lead horse refuses to allow himself to be harnessed and goes gallivanting all over the world? [Applause on the Republican side.]

Now, gentlemen, in the hope—vain though it be—of directing the attention of the President, whose migratory habits are proving not only an embarrassment but a positive injury to the best interests of the Nation, to the serious mistake that he is making, I introduced a resolution on August 29 for the consideration of the House. The resolution is couched in very respectful language, and I know that you will agree that the diction, in part at least, is perfect, because I have employed the language of the Executive himself. [Laughter on the Republican side.] The resolution is as follows:

House joint resolution 185.

Suggesting the continued presence of the President of the United States at the Capital during the present crisis.

Whereas the situation with reference to the railroads and labor, generally, is of such pressing importance as to indicate the necessity for immediate steps to bring capital and labor together for a better understanding; and

Whereas in compliance with the recent request of the President of the United States Congress will shortly have adopted legislation giving the administration the same control over wearing apparel and other necessaries of life that it has had for more than a year over the hoarding of and profiteering in food products; and

Whereas the renewed absence of the President, at a time when his signature is required to place into effect the measures adopted by Congress to reduce the high cost of living, would occasion serious delay in solving this vital problem: Therefore be it

Resolved, etc., That the President of the United States should postpone his proposed tour of the country at least until such a time as we may know definitely the problems which confront us growing out of this intricate situation.

[Applause on the Republican side.]

I sincerely hope that before the day passes this resolution may be adopted by the House. [Applause on the Republican side.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back the balance of his time—three minutes. The Chair recognizes the gentleman from Illinois [Mr. HENRY T. RAINEY] for 45 minutes.

Mr. HENRY T. RAINEY. Mr. Chairman, I ask the Chair to notify me when I have spoken 25 minutes.

Mr. Chairman, chaos does prevail in this country. In a period when the highest wages are being paid in our industries chaos prevails in our industries.

Why are strikes threatened? Why is this labor unrest? The answer is plain. The gentleman from Illinois [Mr. RODENBERG], who just finished his speech, did not read the last edition of the afternoon papers. Labor proposes six strikeless months. Why? In order to enable this Congress and the administration, if possible, to reduce the cost of living.

Now, what are you doing to reduce the cost of living? I want to call attention to the fact that the bills so far reported out by the Committee on Ways and Means fall under four heads—clothing, homes and home buildings, education, and food. You have reported out a bill to increase the cost of dyestuffs, a bill to increase the cost of buttons. That latter bill you have just passed through this House in order, you say, that higher wages may be paid, when the highest wages ever paid in these industries in the history of the world are now being paid. And you have reported a bill to increase the cost of tungsten, to increase the cost of magnesite, and you have reported this bill to increase the cost of zinc. In other words, in this country to-day the great building industry in this age of iron and steel lies prostrate, and you propose by these bills to increase the cost of these important raw materials in this industry.

Wages! A steel strike! Why, during the last two or three years men who have been working in the steel industries have been receiving in wages, many of them, as much as $1,000 a month. Why are they striking? Because profiteers are at large in the land, and you propose by these bills to create more profiteers. And I make no distinction between a tariff profiteer in this crisis in the history of this Nation and any other kind of a profiteer. Third, you have on the calendar—in fact, you have already passed through the House—a bill increasing the taxes on chemical glassware. Heretofore the colleges of the country, which consume half the supply of chemical glassware entering the country or manufactured in the country, enjoyed free chemical glassware—that is, if it was intended for use in a college, it could come in free of duty. In the bill you passed through the House you removed this free importation provision and taxed it all, and increased the taxes. It was the practice in colleges to compel students of chemistry to pay for the chemical glassware they used, and college authorities in hearings we have had say that they propose to continue this practice. It will amount to $15 or $20 per student per year, and so you propose by this bill to increase the cost of obtaining an education. Fourth and last, you have here on the calendar of the House a bill to increase the cost of potato flour. Bread is made now out of potato flour. Five per cent of the ingredients that go into a loaf of bread can be potato flour, and it is a bread improver. It will make cheaper bread and it will make better bread. But you propose to increase the price of potato flour.

And then this committee spent days and almost weeks considering a bill to increase the price of the farmers' fertilizers throughout this country. You have not had courage enough yet to report it out.

In other words, these bills that are now on the calendar, to which I have called attention, upon the theory that you are going to increase wages—and the laborers are not demanding that—increase first the cost of clothing in your duties on dyestuffs and buttons; second, the cost of building homes and buildings, in your duties upon tungsten, magnesite, and zinc; third, the cost of obtaining an education, by increasing the tax on chemical glassware and passing it on to the students; and, fourth, the cost of bread. That is the Republican way of meeting the crisis in this country.

The President starts on his western journey soon in order to explain to the people of this country the theory and the doctrine of peace throughout the world as made possible by the pending treaties. This is the period of reconstruction following the war; and you propose to keep the war alive by keeping this peace treaty pending indefinitely in the Senate of the United States. God speed the President in his mission [applause]; and if he accomplishes what he starts out to accomplish, then you will commence to see production increasing throughout the land and the price of the necessities of life falling.

I want to say to you that you are not going to get through the Senate any of these three tariff bills on tungsten, magnesite, or zinc. You will not even get them out of the Finance Committee of the Senate. These are raw materials for the Steel Trust, and

the Steel Trust is an octopus that you dare not offend. Now, see if I am not right about it. See if any one of these three bills that you are spending so much time on, when you ought to be discussing some of these real problems, is ever reported out by the Finance Committee of the Senate. Not one of them will ever be reported out by that committee, because this great octopus, which reaches down into the very vitals of the Republican Party and controls it, does not want them reported.

Zinc is used for the purpose of manufacturing brass, galvanizing iron, making structural sheet zinc, and for the purpose of desilverizing lead bullion.

Mr. HERSEY. Will the gentleman yield?

Mr. HENRY T. RAINEY. Certainly.

Mr. HERSEY. Do I understand the gentleman to say that the Steel Trust controls the Senate of the United States?

Mr. HENRY T. RAINEY. No; but the Steel Trust controls the Republican Party, and, unfortunately for the welfare of this country and the peace of the world, the Republican Party controls the Senate and all its committees. [Applause.]

Mr. KNUTSON. Will the gentleman yield?

Mr. HENRY T. RAINEY. No; I can not yield; I do not have much time.

Mr. KNUTSON. Just for a question.

Mr. HENRY T. RAINEY. I can not yield.

Mr. HERSEY. Will the gentleman yield further to me?

Mr. HENRY T. RAINEY. No. Later on, if I have time, I will yield to the gentleman.

Mr. HERSEY. I wanted an explanation; that is all.

Mr. HENRY T. RAINEY. The history of the zinc industry in this country can be told in a few words. It is not an infant industry by any means. We have been producing zinc for over a hundred years. They have been producing it in the Joplin field down there, about which we hear so much, for 60 years. We have been exporting zinc for a hundred years from the Franklin furnaces, right over here in the State of New Jersey. It is not a difficult business. It is not something that requires skilled operators. It is an easy mining proposition. In order to mine zinc, you simply drill a hole in the ground and find where the deposit of zinc is, and it is never any deeper than 250 feet, and usually about 100 feet, and even less than that. Then, when you find it you dig a shaft and take it out with a windlass. It is a business for small capitalists. A man with $150 or $200 can start a zinc mine and drill his holes and then finance his proposition. There is not a zinc-mining industry in this country that cost half a million dollars, and only two or three of them that cost over $100,000. It is not a well-defined industry. I have been trying to find out how many men are employed in the zinc industry, but I can not ascertain the number. There are no statistics on that subject. When the census reports were being made up no man said, "I am a zinc miner," because they are not. They work in the zinc mines when it does not pay to work anywhere else, and they work in the zinc mines when the price of the product is high and when the wages that are paid are high.

When the product declines to anything like the world price in ordinary times, why, all these little miners go out of business and go back to work in the stores or on the farms whence they came. The business of smelting zinc ore is a well-defined business in this country, which before the war employed over 9,000 men and paid over $6,000,000 in wages. I do not know how many it employed during the war, but at the beginning of the war there were 29 factories and at the close of the war there were 49 factories, and the output of refined zinc has probably doubled in amount. Now, the gentleman from Missouri [Mr. McPHERSON], who has discussed this subject, has called attention to the production of zinc as shown by the commerce reports, and he says that the importations of zinc in 1915 amounted to 79,000 tons, and in 1916 to 291,000 tons, and in 1917 to 262,000 tons. But why did he not give the importations of zinc in 1918? I will tell you why he does not give it, and they do not attempt to give it here in the report either, because the importations of zinc in 1918 were only 102,234 long tons. In other words, these importations that they fear so much in 1919 had fallen off in 1918, the last year of the war, to one-half what they were the year before, and so gentlemen do not refer to the 1918 figures but refer simply to the large figures of 1916 and 1917. And they do not refer to the fact that although the importations in 1918 were only 102,000 long tons, nearly all of this amount was merely smelted here, and the refined product was reexported—brought in in bond, as all the zinc ore is brought in, and smelted, and the refined product was shipped abroad and the drawbacks paid; and in 1918, the year when the importations were only 102,000 tons, the drawbacks were the greatest in the history of the industry. The importations in 1918 which came in competition with the domestic industry were negligible. They produce zinc in 23 States in the Union. I presume if they put enough money into the cost of production they could produce it in nearly every State in the Union. They produce zinc in most of the countries of the world.

Now, I want to ask some gentleman on the Ways and Means Committee, or the gentleman from Missouri who has just taken his seat [Mr. McPHERSON], to tell me what evidence there is anywhere in this record as to the cost per unit of producing a ton of zinc at the present time in Mexico.

Mr. McPHERSON. Will the gentleman yield?

Mr. HENRY T. RAINEY. Certainly.

Mr. McPHERSON. Did not the hearings before the committee show that under the Underwood tariff bill the average rate upon which the duty of 10 per cent was paid in the months of January, February, and March average $9.42 a ton?

Mr. HENRY T. RAINEY. I am asking what the unit cost for producing a ton of zinc is in Mexico at the present time.

Mr. McPHERSON. Not at this present day, but it was shown that the average was $9.42 in the months that I have mentioned.

Mr. HENRY T. RAINEY. The only evidence produced is a table showing the cost of ore production in Mexico mined December, 1908, before the disturbances in Mexico started. Since that time Mexico has been undergoing internal wars and revolutions, and is in about as bad a fix industrially as Russia, perhaps worse. There is no evidence anywhere in this record showing how much a cigarette-smoking, lazy, siesta-enjoying Mexican peon can produce, nor what the cost of production of a ton of ore is in Mexico.

Mr. McPHERSON. Will the gentleman yield for a further question?

Mr. HENRY T. RAINEY. Yes.

Mr. McPHERSON. Was it not shown in the hearings in support of the cost of production——

Mr. HENRY T. RAINEY. We have that on page 27 of the hearings.

Mr. McPHERSON. Page 12; it shows that the average was $9.42 a ton.

Mr. HENRY T. RAINEY. That is not the question I asked. You are talking about the price of the ore at the present time, when there has been such an overproduction here and everywhere that values are completely destroyed. Of course, we can produce zinc in Rhode Island, in all probability, but perhaps at a cost of $100 or $200 a ton. According to the authorities submitted by the proponents of this bill, it cost $16 a ton to produce zinc in the Miami section of the Joplin district.

According to Weed, who is the mining authority on this matter, according to his publication, the cost of producing zinc ore in 1917 was approximately $42 a ton in Joplin and $16 a ton in Miami; and you are asked in this bill for a tariff of $20 per ton. In other words, in order to equalize the cost of producing zinc ore, in order to make up the difference between the labor cost in Mexico and the labor cost here, you are imposing a duty higher per ton than the entire cost of producing this ore in the Miami district, where it can be produced cheaper than in the Joplin section; and if you place the duty high enough you can probably make it profitable to produce it in Rhode Island or New York.

Now, I want to call attention to the hearings for the purpose of showing how the Republican members of this committee reason things out when they draw a tariff bill. They have not taken any chances on this bill, for they have simply readopted the old Payne-Aldrich rate all the way through. They had no tariff on zinc ore from 1861 to 1909. In 1792 the tariff act of that year put zinc on the free list, and it remained on the free list until 1846, when, through some mistake in the preparation of the tariff bill of that year, it was not mentioned, and therefore went in the "not otherwise specially provided for" clause, which was 20 per cent.

They reduced it a few years later to 15 per cent, and in 1861 took it off altogether. There was no tariff in all the time that the discoveries were being made in the Joplin country of zinc ore. There was no tariff until in the campaign of 1908 Uncle JOE CANNON and some Republicans went down to that State and told them if they elected a Republican Congress, if they sent a Republican to Congress, they would get a tariff on zinc. I would like to know how much money that speech and similar speeches that year cost the home builders of this country.

Since that time, with the price of zinc going out of sight, the farmers have been covering their buildings not with galvanized iron but with paper and rubberoid roofing in order to keep out the rain from their stored-away crops and from their stock. They could not afford the zinc roof that is used in all other sections of the world.

Germany controlled half of the zinc supply of the world prior to the war. She controlled almost half, and when she succeeded in acquiring control of the Belgian mines and the Belgian smelters she did control half. But Germany, the highest tariff country in the world except the United States, never dreamed of the infamy of increasing the price of galvanized roofs by putting a tariff on zinc ore and on refined zinc.

Zinc ore and refined zinc have always been free in Germany, and with free ore Germany built up the greatest zinc-ore industry and the greatest zinc-smelting industry in the world. She invited importations, and inviting metal importations is always the wise thing for an industrial nation to do. From far-away Australia all of the zinc ore was sent to Germany, and it was smelted there. Since the war German mines and German smelters are located, nearly all of them, in the new State of Poland, and Belgium has acquired again control of her own mines and of her own smelters. Of what country in the world are you afraid at the present time? In the hearings it appears that you are afraid of Australia. Some one said that Australia had accumulated 350,000 tons of zinc ore and was ready to dump that ore on the markets of this country. That shows how much you do not know about the subject. England has contracted to take all the zinc-ore output of Australia for 10 years after the end of the war, and not a ton of it will come here. The conditions in Canada are much the same as they are here. The wages they pay there are about the same. Canada has just offered a bounty of 8 cents per pound upon electrolytic zinc, and you need not expect Canada to send anything down in the way of zinc ore for smelting purposes. Heretofore Canada has sent all of her zinc ore here, everything she produced, to be smelted here.

I want to call your attention to the theories upon which this committee has drawn this bill. Mr. Paul A. Ewart was a witness before the committee. As I read from his testimony you will see that he knew better, but that the Republican members of the committee who drew the bill did not know any better. They were discussing the method of levying the tariff on zinc, and Mr. MOORE said they simply took the foreign value for the purpose of fixing the duty. Mr. Ewart reluctantly agreed, and then Mr. FORDNEY, the chairman, said:

> The price of the ore on which the ad valorem duty is paid is fixed by the exporter, not by anybody in this country?

Mr. Ewart replied:

> It is fixed in this country under the Treasury's regulations.
>
> The CHAIRMAN. It is not fixed by anybody in this country, I beg your pardon; it is fixed by the exporter abroad, and the American consul certifies to that.

Then the chairman further says:

> It is not fixed at the port of entry in the United States. The value of an imported article which pays an ad valorem duty is fixed by the exporter abroad, and our American consul certifies to the manifest as to the value abroad.

Later Mr. MOORE said:

> If this foreign material came in at the American price; that is, if the duty was levied on the American price, you would not have so much of a quarrel with the law, would you?

All of these remarks being to this effect: Zinc ore is selling cheaper abroad than it is here. They have levied the duty on the foreign price; but if they did not do that, if they levied the duty on the Joplin price, on the East St. Louis price, according to Mr. MOORE and according to the chairman, this bill probably would never have been introduced. This testimony was taken just a little while ago, and they are complaining now of importations of 1916 and 1917. The importations in 1914 were negligible, and negligible also in 1915. I want to know if you gentlemen on the Republican side still think that the chairman and Mr. MOORE were right about it in the position they took. Nobody seems to know whether they were or not. I want to say to you that at that time and from the time these large importations commenced, from the 1st of July, 1916, until the present time, the duty on zinc ore has been levied upon the Joplin price—upon the price in this market.

You gentlemen who are responsible for these bills and who draw them do not know what the law is. Neither do you know what the circumstances are. Under paragraph L of section 3 of the tariff act of 1913—the Underwood law, the law which you are trying to amend by restoring the Payne rates—if it is impossible to ascertain the value of the imported product in the country of its origin, you take the domestic price. During the war and now zinc ore has not had a fixed value anywhere in the world, not even in this country, and on the 3d of June, 1916, when these tremendous importations came, which, according to Mr. FORDNEY and Mr. MOORE and the rest of them, could not have come if we had levied the tariff on the East St. Louis price, which is the market for Joplin here, our authorities at the ports were levying the tariff on the foreign ore at the domestic price. On the 3d of June, 1916, the Treasury Department made this order, and you will find it on page 25 of your own hearings:

> Method of ascertaining the value of zinc in imported ore under the provisions of paragraph L of section 3, tariff act of 1913, based upon the selling price of zinc in the United States.

Then follows the order, which you will find on the page of the hearings I have mentioned. From July 1, 1916, until the present time the tariff has been fixed on the domestic price and not on the foreign price. At the present time there is no market for zinc here or anywhere in the world. The demand for it in the manufacture of brass in the war just closed produced the present enormous surplus. When returning soldiers go back and look at the mines in Joplin they will find every mine mouth clogged with ore. That is the reason why zinc ore has no value here or anywhere in the world at the present time. You can not correct that situation by increasing the cost of roofing houses in this country and by increasing the cost of living. [Applause on the Democratic side.]

The zinc ore situation in the country is this: The production of zinc ore was stimulated by the war to an unprecedented degree, not only in this country but throughout the world. It is true that the importations in 1916 did amount to over 290,000 tons, as shown by the Commerce Reports, but this importation fell off in 1918 to almost nothing. But the domestic production in 1916 was over 1,395,000 tons; in 1917 it was over 1,300,000; in 1918 it was over 1,000,000 tons. The figures used by the committee and by the gentlemen who discussed this question on the other side are the Commerce figures estimated by calendar years. The Treasury figures are more reliable and are found on page 17 of the report of the Tariff Commission on zinc ore. In 1918 there was only imported from Mexico and from all the world a little over 67,000 tons of zinc ore. Therefore for every ton of foreign ore from Mexico and from all the rest of the world brought into this country in 1918, 17 tons were produced and were consumed here. Under the stimulation of the war the production of zinc ore in this country was almost doubled, but the war ended with the armistice of last November, and the war ended with tremendously large stocks on hand at the smelters and at the mines, not only in this country but throughout the world, and the presentation of this bill at this time is an apparent attempt to keep up the war price of zinc. There is no market for zinc in this country except the market the smelters here create, and the market they create is the market made possible by the demand on them. At the present time they are carrying excess stocks and are not buying from the mines, and ore clogs the mouth of every mine. If the facts were known, it could probably be ascertained that speculators for small amounts of money are buying up the ore piled up at our mine openings waiting for this tariff bill, which restores the Payne rates, 300 per cent higher than the Underwood bill, to sell the ore at prices approximating the war prices of ore, and at one time the war price of this ore reached $137 per ton.

While we are bringing down in this country the price of everything else as much as we can, while we are emptying out our cold-storage warehouses and are throwing the Government stocks of food on the market in order to lower the cost of living, the proposition of the Republicans in this bill is to make it possible to unload at war prices the immense accumulation of zinc ore in this country.

It is the boast of one of the cities in the Joplin zinc district—Tulsa, Okla.—that they have more millionaires there than they have in any other city of its size in the world—oil millionaires, millionaires as the result of land speculations, and zinc millionaires. This thriving, prosperous city boasts that it has 1 millionaire for every 1,000 of its population. No other section of the country can equal this record, not even the Wall Street section of New York State. The Joplin mining district is about 300 miles long and 100 miles wide. Mining zinc there is an inexpensive proposition. It can be stimulated by high prices at any time, and in a few weeks its production can be doubled. The ore is brought to the surface by inexpensive methods, treated in "Joplin jigs"—cheap, crude, but effective machinery and made ready for the market in a comparatively short space of time. It is more valuable to this country to have these deposits there than it is to keep out of the country ore from Canada, Mexico, and other sections of the world and exhaust this domestic supply. If you succeed in getting this bill through, you may render tremendous assistance to the millionaires of Tulsa, and you may make it possible for men who operate zinc mines in this small section of the country to make money by maintaining war prices, but you will hinder the building industry of the country. You will make homes more expensive, and you will have contributed much toward keeping up the high cost of living.

The time has come in this crisis of our history to denounce the methods which make tariff profiteers. I can conceive of no character of profiteering at the present time which ought to be criticized more severely than the kind of profiteering the Republican Party is attempting to perpetuate by increasing 300 per cent the rates of the present tariff on zinc ore. The Joplin district has profited by the war. Those who have been engaged in the mining of zinc ore have profited beyond almost any of the dreams of avarice in which they ever indulged, but the time has come to stop it. We are trying to return to the normal period of prewar days. Under the present cheaper rates of the Underwood tariff bill more zinc ore has been mined in the Joplin district and in this country than was ever imported into the country for domestic consumption in the last 20 years of time. Under the Underwood bill production in the country has doubled. Eleven countries in the world produced more zinc ore than Mexico produced in 1913, the prewar year. In 1913 Mexico produced only 1 per cent of the world's production of zinc ore. The figures upon which proponents of this 300 per cent increase in taxes rely do not bear out their assertion. Importations did not increase under the Underwood law, but production did increase, and the production of the years of the Payne-Aldrich bill is insignificant and negligible as compared with the production of zinc ores in this country under the Underwood bill. The situation is that prices of all things must fall if we are to avert the crisis which confronts us, and these gentlemen on the Republican side are doing everything they can to keep up the war prices on this important metal.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. HENRY T. RAINEY. Mr. Chairman, I yield six minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I withdraw the point of order of no quorum.

Mr. Chairman, since the hellish Huns have been driven back across the Rhine and the armistice has been signed, since the armaments have been taken away from our erstwhile ruthless foe and peace is in sight, we once more welcome back into the Halls of Congress our good friend from Illinois [Mr. RODENBERG]. His now criticizing lips were then sealed in silence during the long momentous months that this Congress was engaged in raising an army and in equipping the men who fought our battle and in providing for the revenue and the funds incident thereto. During that time we were denied the benefit of his counsel and his advice.

Whence comes this sudden and tremendous oratory? Has it been acquired through use of the proverbial Demosthenes pebble, while tramping up and down the unattractive New England seashore, or is it born solely of political envy? Is this distinguished disciple of eloquence apprehensive that Illinois will furnish so great an audience to the President of the United States there will be none left to hear his utterances? If only the gentleman had fought the Hun half as hard as he is now fighting the President of the United States the armistice might have been signed on the 10th rather than the 11th day of November last.

But "with all his faults we love him still," this genial gentleman from Illinois. When a youth he was taught to always aim high, and he is now shooting his darts at the biggest target in this Nation. But I must leave this interesting subject to perform another duty.

Why the new gentleman from Missouri [Mr. MCPHERSON] should have singled me out for attack I can not even conjecture. It is true that I did force him to attend prayers this morning, but how was I to know that he was not used to it? How was I to know that prayer affected him adversely? Our distinguished and beloved Chaplain has been praying to so many empty seats morning after morning since our Republican colleagues came into power and since our Democratic Members have learned that no doctrine of peace and good will could longer be prayed in their behalf that I felt constrained to force him an audience, little dreaming, however, that thereby I would incur the displeasure of the gentleman from Missouri [Mr. MCPHERSON].

Mr. Chairman, the mistakes and shortcomings of a new Member are usually overlooked, and in this instance, ordinarily, I would let the remarks pass unnoticed, as only a handful of Members heard the gentleman, and, unfortunately, very few read the RECORD; but he misquoted me on certain facts relating to the now almost forgotten pernicious plundering Plumb plan, concerning which the record must be kept straight. If in answering the gentleman from Missouri [Mr. MCPHERSON] I were forced to take a text, it would be that good old Missouri slogan, "You have gotta quit kicking my dog around." The new gentleman from Missouri, in attempting to quote me, said that I had made speeches last week and at times previous wherein I had said that railroad firemen and railroad brakemen received salaries equal to that of a circuit judge in Texas. Then he attempts to pass upon the proper earning capacity of officers in Texas. I wanted to know something about the qualifications of a man who would voluntarily assume such a technical undertaking that had so many limitations to it, and upon consulting the Congressional Directory I find that the only public offices which this gentleman has held during his lifetime until he came to Congress were two, the first that of prosecuting attorney of Lawrence County, Mo.; and I am told that at that time the salary of prosecuting attorney there was about $1,500 a year. The other position which he held was a member of the Legislature of Missouri, and I am told that during that time and now a member of the legislature received only $5 a day for 70 days and the balance of his time he worked for a dollar a day. The man who earned, while an officer, that kind of a salary is assuming the responsibility of passing upon the earning capacity of circuit judges in the State of Texas. When a man who is used to earning about $1,500 a year in public office is suddenly put into a position paying $7,500 per annum he immediately imagines that every other $1,500 man in the United States should also get $7,500 per year. Since the gentleman has drawn in question my earning capacity, for his information I might tell him that in writing I have an offer of $800 per month for my services, which I declined.

I said nothing about brakemen or firemen; and if the gentleman does not change his remarks his notes will show that he quoted me as giving the salary drawn by brakemen and firemen on railroads, when the salaries given by me did not refer to either.

In placing in the RECORD figures from the general manager of the Pennsylvania Railroad and of the Baltimore & Ohio Railroad and of the United States Director General of Railroads, I referred to salaries only of passenger and freight conductors and engineers. Was there any occasion for the gentleman to misquote me? I put into the RECORD last Saturday a statement from the general manager of the Baltimore & Ohio Railroad showing that the maximum paid to a passenger conductor on the Baltimore & Ohio last month amounted to $345.60. If that were the average salary per month during the year, it would constitute a remuneration of $4,147.20 a year.

Now, let us see what some governors get in some of the States. In Arizona, the governor gets $4,000; Delaware, $4,000; Nebraska, $2,500; New Hampshire, $3,000; Rhode Island, $3,000; South Carolina, $3,000; North Dakota, $3,000; Tennessee, $4,000; Texas, $4,000; Vermont, $3,000; Wyoming, $4,000.

Mr. MCPHERSON. Will the gentleman yield for a question?

Mr. BLANTON. I will not be so discourteous as the gentleman was when he so recently refused to yield to me. I will be courteous to my colleague, and I yield.

Mr. MCPHERSON. I just want to ask the gentleman a question.

Mr. BLANTON. Then do not take up all my time in preliminaries. Ask the question. I only had six minutes to begin with, and I had to fight for that, as I forced it from my colleague, while the gentleman who now wastes my time in asking me to yield spoke about 30 minutes, and yet declined to yield to me or to give me an opportunity to correct him when he misquoted me.

Mr. MCPHERSON. As I understand the gentleman complains because the workmen in this industry under Republican protection got a better salary than circuit judges in some backwoods communities such as South Carolina and——

Mr. BLANTON. No; the gentleman loses sight of the fact that all these bills brought in here—your Republican chemical glass bill, your Republican surgical-instrument bill, your Republican tungsten-ore bill, and this Republican bill which has just been passed, the pearl-button bill, which takes $5,000,000 from the pockets of the poor people and puts it into the pockets of rich manufacturers, and now this zinc-ore bill—all of them hurt the poor people of the country whom I represent on this floor of Congress, and the gentleman unfortunately represents millionaire manufacturers.

Oh, the gentleman now seems very solicitous about the returned soldier. What is your party doing for them? Day after day I have been urging on the floor of this House the consideration of some proper measure to do justice to our returned soldiers, and yet the Republican steering committee has sidetracked all bills proposing to do anything for soldiers, and is wasting the time of Congress on this class legislation making richer the now existing multimillionaires.

Why does not the Republican majority on the Rules Committee bring in a rule here making it in order to consider and pass some proper measure in behalf of the returned soldiers?

Even after Congress had passed the bill conferring the rank of general on Gen. Pershing for life, when I made a motion to then

adjourn in honor of our private soldiers, sailors, and marines who did the actual fighting that made the winning of our war possible, not a single Republican was willing to vote to do them this honor, and my motion was voted down to take up another special-privileged bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I am certainly sorry, as I had much more to say to my young colleague from Missouri.

Mr. FORDNEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Michigan has eight minutes remaining.

Mr. FORDNEY. Do you want to consume any more time on that side?

The CHAIRMAN. The time on that side has expired.

Mr. FORDNEY. Mr. Chairman and gentlemen, I will occupy but very few minutes.

I have preached republicanism now for a long time. I am mighty glad to see one Democratic convert from Oklahoma. I believe if we had a zinc mine in every Democratic district of the South we would get a solid vote. [Applause on the Republican side.] We received a few votes from Colorado the other day on tungsten. We are going to take up a bill pretty soon dealing with citrus fruits, and then look out for southern California and Florida. I am glad to see them come. We welcome them all. We do not want to leave anybody out. We are going to take them all in this year and in 1920 make it unanimous.

Mr. MADDEN. But you get them in relays; you should get them all at once.

Mr. FORDNEY. We can not get them all at once; they are a shy lot of fellows, you know.

Mr. Chairman and gentlemen, the statistics furnished to the Committee on Ways and Means by gentlemen who appeared before that committee, as shown in the hearings on pages 29 and 30, show that 82 per cent of 87 mines in the Joplin district are closed. That is a rather serious situation. The gentleman from North Carolina [Mr. KITCHIN] said a little while ago, when we were considering the pearl-button industry, that inasmuch as the Republican Party had been elected and was in power, the pearl-button manufacturers of the country were piling up stock in the storehouses. There is good evidence that that statement is correct, because they have confidence in the Republican Party to pull them out of the hole. That is quite a compliment to the Republican Party. The zinc industry in Missouri in 1909 when the Payne tariff law was framed was in bad shape, in just the same condition it is in now, because there was no duty in the Dingley tariff law on zinc ore. Between the time of the enactment of that law and the time the Payne tariff bill was framed the zinc-ore industry sprang up in Mexico. Mexican ore came into the country in such great volume that the zinc mines of the Joplin district especially and of the Southwest were closed. That is the situation to-day, due to the low rate of duty in the Underwood tariff law, of 10 per cent ad valorem.

The information presented to the committee is that Mexican ore recently has been and is being imported into this country at $9.20 a ton—a low grade ore, a 30 per cent ore. The ore produced in the Joplin district is 60 per cent ore. Therefore, one ton of Joplin ore contains as much metallic content as two tons of Mexican ore. But, in my candid opinion, because of the fact that that imported ore paid an ad valorem duty—and you must remember that the lower the import value under an ad valorem tariff provision the lower the duty—$9.20 a ton is not the actual value paid by the importers of Mexican ore into this country. The price has been kept down in order to keep down the amount of duty to be paid.

Let me give you an illustration of what the ad valorem duty has been doing. In the early stages of this war I discovered from the reports issued by the Department of Commerce that horses were being imported into this country from Canada; the finest horses in the world, the highest-grade horses in the world, were being imported at $27 a head, and we were exporting them to France at $225 a head. The price of the imported horse was cut down to $27 for the reason that the duty was an ad valorem duty, and the duty paid on that horse was $2.70, whereas if its actual value had been given in the certificate presented by the importer the duty would have been $20 or more per head.

Gentlemen, an ad valorem duty offers opportunity for fraud to every importer from every country in the world. We of the Republican Party believe in specific duties. When we have the power we enact into law specific rates of duty to prevent that kind of fraud. Our Democratic friends do not believe in the specific rate of duty. You are entitled to your opinion, gentlemen, but I think you are in error. I think you are wrong. So long as you do not agree with the Republicans fully I think you are wrong. [Applause on the Republican side.]

Mr. Chairman, if there is no other debate asked for on that side of the House, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 6238) to provide a tariff and to obtain revenue in connection with the metal contents of zinc ores and products thereof and repealing existing laws fixing the rates of duty on such commodities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled——

Mr. BLANTON. Mr. Chairman, in reading the bill, so that the Members may hear it, I ask that a quorum be here. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Texas make the point that there is no quorum present. The Chair will count. [After counting.] Eighty-nine gentlemen are present, not a quorum.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Michigan moves that that committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BAER. Mr. Chairman, I ask for a division.

Mr. FORDNEY. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Michigan asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. FORDNEY and Mr. HENRY T. RAINEY to act as tellers.

The committee divided; and the tellers reported—ayes 10, noes 95.

So the motion to rise was rejected.

The CHAIRMAN. A quorum is present. The Clerk will continue the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the day following the passage of this act there shall be levied, collected, and paid upon the metallic contents of all zinc ores imported from any foreign country into the United States or any of its possessions, the following sums, to wit: Upon all zinc-bearing ores, containing more than 10 per cent and less than 25 per cent of metallic zinc, 1¼ cents per pound on the metallic zinc contained therein; on all zinc-bearing ores containing more than 25 per cent of metallic zinc, 2 cents per pound on the metallic zinc contained therein. No duty shall be levied, collected, or paid on the zinc metallic contents of ores containing less than 10 per cent of metallic zinc: *Provided*, That on all importations of zinc-bearing ores made dutiable hereunder the duty thereon shall be estimated at the port of entry and a bond shall be given in a sum double the amount of such estimated duties for the transportation of the ores by common carrier bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import duties as provided by this act shall be liquidated thereon.

The Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this act.

SEC. 2. That there shall be levied, collected, and paid on zinc in blocks or pigs and zinc dust, 1½ cents per pound; in sheets, 1¾ cents per pound; in sheets coated or plated with nickel or other metal or solutions, 2 cents per pound; old and worn out, fit only to be remanufactured, 1 cent per pound.

With committee amendments, as follows:

That on and after the day following the passage of this act there shall be levied, collected, and paid upon articles named herein, when imported from any foreign country into the United States or any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila), the rates of duties herein prescribed, namely:

SEC. 1. Zinc-bearing ore of all kinds, including calamine, containing less than 10 per cent of zinc, shall be admitted free of duty; containing 10 per cent or more of zinc and less than 20 per cent, one-fourth of 1 cent per pound on the zinc contained therein; containing 20 per cent or more of zinc and less than 25 per cent, one-half of 1 cent per pound on the zinc contained therein; containing 25 per cent of zinc or more, 1 cent per pound on the zinc contained therein: *Provided*, That on all importations of zinc-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

SEC. 2. Zinc in blocks or pigs and zinc dust, 1½ cents per pound; in sheets, 1½ cents per pound; in sheets coated or plated with nickel or other metal or solutions, 1½ cents per pound; old and worn-out, fit only to be remanufactured, 1 cent per pound.

The CHAIRMAN. Does the gentleman from Michigan [Mr. FORDNEY] desire recognition?

Mr. BLANTON. Mr. Chairman, I have a preferential motion that I desire to offer.

The CHAIRMAN. Does the gentleman from Michigan desire recognition?

Mr. FORDNEY. No.

Mr. BLANTON. I offer an amendment to strike out the enacting clause.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Strike out the enacting clause.

The CHAIRMAN. The question is on agreeing to the motion.

Mr. MORGAN. Mr. Chairman, I ask for recognition to oppose the amendment.

Mr. FESS. Let us have a vote on this.

The CHAIRMAN. Does the gentleman from Texas desire recognition?

Mr. BLANTON. I do not desire recognition, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized for five minutes.

Mr. MORGAN. Mr. Chairman, I hope this amendment will not carry. I have no fear that it will carry.

I was very much interested in the speech made by my colleague from Oklahoma [Mr. HOWARD]. It was a very able and an eloquent speech. My colleague is here for his first term, but he has made good and we are proud of him, and I especially approve of the position he took on this bill to place a protective tariff on zinc. [Applause on the Republican side.]

Now, then, I feel that notwithstanding the fact that my colleague from Oklahoma is here for his first term, his older Democratic colleagues from Oklahoma, older in service, would do well to take his advice and vote for this protective tariff and for all other bills of this kind presented by the majority side. [Applause on the Republican side.] I say that in absolute good faith. Why? Here is the reason: I have voted on two general tariff bills since I have been a Member of this House. One was the Payne-Aldrich bill and the other was the Underwood bill. I voted for the Payne-Aldrich bill, and neither here, in my district, in my State, nor elsewhere have I ever apologized for that vote. [Applause on the Republican side.] I voted against the Underwood bill, and neither here nor elsewhere have I ever apologized for voting against that measure. [Applause on the Republican side.]

Now, Oklahoma is still a young State, and yet a great State, and it has great possibilities in the future. We have not only our great agricultural interests but our splendid mineral interests and industrial possibilities. We are capable of becoming one of the greatest manufacturing States in this Union. Take cotton. We produce nearly a million bales of cotton every year. With the exception of Texas we are one of the great cotton-producing States of the Union. Practically none of the other Southern States outranks us in that.

Mr. CRISP. Will the gentleman yield?

Mr. MORGAN. Certainly.

Mr. CRISP. I should like to say to the gentleman that my State of Georgia outranks Oklahoma in the production of cotton.

Mr. MORGAN. Georgia does, and I believe there are one or two others, but not many.

Mr. CRISP. The cotton crop of Georgia is from 1,800,000 bales to 2,500,000 bales, and Oklahoma raises about 1,000,000 bales.

Mr. MORGAN. I say Oklahoma raises about 1,000,000 bales. Oklahoma outranks quite a number of the Southern States in producing cotton. But here is the point. Oklahoma has only one small cotton mill. Our cotton is transported to other Southern States where they have cotton mills; it is transported to the New England States, to England and to Japan, and to almost everywhere to be manufactured. If Oklahoma had the cotton mills, we could manufacture our own cotton and add, perhaps, 25 per cent to the value of that cotton crop of our State, and our people would get the benefit of it. And so in every other line. The interests of Oklahoma demand that we shall greatly multiply and enlarge our manufacturing concerns. Our manufacturing interests can not be properly developed unless we give adequate protection to those interests which will enable them to be developed.

Now, I should like to see the entire delegation from Oklahoma rise above politics, and now and at all times in the future vote for those bills which will aid in developing the material wealth of Oklahoma, which will develop its mines, its farms, and factories; give our people the benefits of this development, make them a greater and richer people; make Oklahoma a greater State, and help make the United States a greater Nation among the Governments of the world. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Texas [Mr. BLANTON] to strike out the enacting clause.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 14, noes 69.

Mr. BLANTON. I make the point of no quorum present, Mr. Chairman.

Mr. BAER. Tellers, Mr. Chairman.

Mr. BLANTON. After the Chair has announced the vote which shows no quorum, and the point of order is made that there is no quorum present, it is too late to ask for tellers.

Mr. BAER. I make the point of order that there were a great many present who did not vote.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eight Members present, a quorum.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry. I notice that several of our latest Members from Texas and Oklahoma held up their hands in the gallery. I wish to ask whether or not they were entitled to be counted.

The CHAIRMAN. The Chair will state that that is not a parliamentary inquiry. A quorum is present. The motion of the gentleman from Texas [Mr. BLANTON] is lost. The Clerk will read.

The Clerk read as follows:

Committee amendment: Insert as a new section the following:

"SEC. 2. Zinc in blocks or pigs and zinc dust, 1½ cents per pound; in sheets, 1½ cents per pound; in sheets coated or plated with nickel or other metal, or solutions, 1½ cents per pound; old and worn-out, fit only to be remanufactured, 1 cent per pound."

The CHAIRMAN. The question is on the committee amendment inserting section 2.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 84, noes 1.

Mr. BLANTON. I make the point of order of no quorum.

Mr. TILSON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TILSON. My point of order is that the point of order of the gentleman from Texas is dilatory; that the Chair having ascertained a number of times by a count that there is a quorum present, and it having been developed by tellers that there is a quorum present, and it being patent to the Chair that a number of gentlemen, especially on the Democratic side, did not vote on the last motion, manifestly there is a quorum present.

Mr. BLANTON. A point of order, Mr. Chairman. The Members do not stay here. They go out in the hall and up in the gallery and outside.

Mr. KNUTSON. Mr. Chairman, if that is the case they are but following the illustrious example of the gentleman from Texas.

Mr. BLANTON. Oh, no; it is the example of the gentleman from Minnesota.

Mr. KNUTSON. Oh, no; I stay here, but the gentleman grabs his hat and goes out when he has made his point of no quorum. He should stay here and help make a quorum.

Mr. BLANTON. No; I do not.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that the point of the gentleman from Texas is dilatory. The point of order is well taken. A quorum is present. The Clerk will read.

The Clerk read as follows:

SEC. 4. That all existing laws fixing the rates of duty on the commodities in this act mentioned are hereby repealed—

With the following committee amendment:

Strike out all of lines 1, 2, and 3, on page 5, and insert in lieu thereof the following:

"That all provisions of any act or acts inconsistent with the provisions of this act are hereby repealed."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. FORDNEY. I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6238) to provide a tariff and to obtain revenue in connection with the metal contents of zinc ores and products thereof and repealing

existing laws fixing the rates of duty on such commodities, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. FORDNEY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Doorkeeper was directed to close the doors and the Sergeant at Arms to notify the absentees, the Clerk called the roll, and the following Members failed to answer to their names:

Almon	Evans, Nebr.	Kennedy, R. I.	Reed, W. Va.
Andrews, Md.	Evans, Nev.	Kettner	Riddick
Anthony	Fairfield	Kiess	Riordan
Ashbrook	Ferris	Kincheloe	Robinson, N. C.
Babka	Fields	Kreider	Robsion, Ky.
Bacharach	Fitzgerald	LaGuardia	Rogers
Barkley	Flood	Lea, Calif.	Rose
Benson	Foster	Lesher	Rouse
Blackmon	Frear	Linthicum	Rowan
Bland, Ind.	Freeman	Lonergan	Rowe
Britten	Fuller, Ill.	Longworth	Rucker
Browne	Fuller, Mass.	Lufkin	Sabath
Brumbaugh	Gallivan	McArthur	Sanders, N. Y.
Burdick	Ganly	McCulloch	Sanford
Burke	Gard	McFadden	Saunders, Va.
Butler	Garland	McGlennon	Scully
Byrnes, S. C.	Garrett	McKenzie	Sears
Caldwell	Glynn	McKinley	Sherwood
Campbell, Kans.	Godwin, N. C.	McKinley	Siegel
Campbell, Pa.	Goodykoontz	MacCrate	Sims
Candler	Gould	Magee	Sisson
Cantrill	Graham, Pa.	Maher	Small
Carew	Graham, Ill.	Mann	Smith, Idaho
Carter	Griest	Mays	Smith, Ill.
Casey	Griffin	Mead	Smith, N. Y.
Christopherson	Hadley	Montague	Snell
Clark, Mo.	Hamill	Mooney	Snyder
Classon	Hardy, Colo.	Moore, Ohio	Steele
Cleary	Harrison	Moore, Pa.	Stephens, Miss.
Coady	Haskell	Moore, Va.	Stephens, Ohio
Cooper	Hays	Moores, Ind.	Stiness
Costello	Heflin	Morin	Strong, Pa.
Cramton	Hersman	Mott	Sullivan
Crowther	Hill	Mudd	Taylor, Ark.
Cullen	Holland	Murphy	Thompson, Ohio
Davey	Houghton	Neely	Tinkham
Dempsey	Hulings	Nicholls, S. C.	Treadway
Dewalt	Husted	Nichols, Mich.	Vare
Dominick	Jacoway	O'Connell	Walsh
Donovan	James	Ogden	Walters
Dooling	Jefferis	Oldfield	Ward
Doughton	Johnson, Ky.	Olney	Wason
Drane	Johnson, S. Dak.	Paige	Watson, Pa.
Dunn	Johnson, Wash.	Parker	Welling
Dyer	Johnston, N. Y.	Pell	Welty
Eagan	Jones, Pa.	Porter	Wilson, Pa.
Eagle	Kahn	Pou	Winslow
Echols	Keller	Rainey, J. W.	Wise
Edmonds	Kelley, Mich.	Randall, Calif.	Woodyard
Ellsworth	Kelly, Pa.	Reber	Yates
Emerson	Kennedy, Iowa	Reed, N. Y.	

The SPEAKER. Two hundred and twenty-seven Members have answered to their names; a quorum is present.

Mr. FORDNEY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

ALLOTMENTS BY THE PRESIDENT FOR NATIONAL SECURITY DEFENSE.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to proceed for five minutes to make a statement in regard to a report that has just come in from the President of the United States.

The SPEAKER. The gentleman from Iowa asks unanimous consent to proceed for five minutes relative to a message from the President. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Speaker, on the 19th of May last the gentleman from New York [Mr. GOULD] introduced a resolution which was referred to the Committee on Appropriations. That resolution required the President, if not incompatible with the public interest, to furnish the House of Representatives with an itemized statement showing the expenditures of appropriations of the $100,000,000 authorized in the deficiency appropriation act of April 17, 1917, and the appropriation of $50,000,000 authorized in the sundry civil appropriation act approved July 1, 1918. The Committee on Appropriations sent a copy of this resolution to the White House and also a copy to the Secretary of the Treasury, together with a request that the information be furnished. A statement of the expenditures under these appropriations had been promised for some time, but inasmuch as it was not forthcoming, this morning the Committee on Appropriations reported out the resolution. This afternoon I am in receipt of a letter from Mr. Tumulty, reading as follows:

MY DEAR MR. GOOD: Referring to our several telephone conversations, I am sending you herewith a statement showing the allotment authorized by the President up to and including August 5, 1919, from the appropriation of $50,000,000 for the national security and defense for the fiscal year ending June 30, 1919, as provided for in the sundry civil appropriation act of July 1, 1918.

Sincerely, yours,

J. T. TUMULTY,
Secretary to the President.

Inclosed with the letter is a statement of the expenditures under the $50,000,000 appropriation act. There is no statement, however, with regard to the expenditures under the $100,000,000 appropriated under the deficiency act approved April 17, 1917. A partial report was made by the President and was submitted by Mr. Sherley during the consideration of one of the deficiency bills. It seems to me that this statement just received should be printed in the RECORD. Considerable inquiry has been made of the Committee on Appropriations with regard to this itemized statement, and I think it should be printed as a part of the regular proceedings of to-day, and not printed in the back of the RECORD under the continuation of remarks. I therefore ask unanimous consent that it may be inserted in the RECORD at this point in the proceedings.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the report referred to may be printed as a part of his remarks in the RECORD at this point. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. The gentleman referred to the report that was made by the President in reference to the fund of $100,000,000 that was submitted by Mr. Sherley.

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. In order that the RECORD of to-day may show where that report may be found, I want to state that it is found on page 7906 of volume 56 of the Sixty-fifth Congress, second session.

Mr. GOOD. I thank the gentleman for the information.

Mr. BYRNS of Tennessee. And I suggest to the gentleman, if he thinks it wise, that he may ask unanimous consent to include the report at this time, so that they both may appear together in the RECORD of to-day.

Mr. GOOD. I was going to say to the gentleman that I have no objection to that; but it seems to me that a further statement or report will be forthcoming, bringing that down to date, and that when that report comes, then we may have the prior report to which he refers printed as a supplement to that report.

Mr. GARNER. This does not take up very much space.

Mr. GOOD. I have no objection to it.

Mr. BYRNS of Tennessee. And I call the gentleman's attention to the fact that this report does show the disposition of some $73,000,000.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the report referred to be printed in connection with the other. Is there objection?

There was no objection.

The reports referred to are as follows:

Statement showing allotments made by the President, from appropriation of $50,000,000 for "National security and defense, 1919," sundry civil act of July 1, 1918, Public No. 181 (40 Stat., 635).

Date of allotment.	Object.	Amount.
1918.		
June 17	Department of Commerce: For detailed foreign trade statistics	$100,000.00
July 2	For statistical work in Bureau of Census or Bureau of Foreign and Domestic Commerce for Shipping, War Trade, and War Industries Boards	175,000.00
2	For construction, etc., plant for preparing fishery foods	125,000.00
2	For increasing fish-food supply	25,000.00
2	Council of National Defense, for expenses of National Research Council	61,000.00
2	Department of State: For transportation of Russian Railway Service Corps to Siberia	43,245.67
3	For expenses of Hon. O. T. Crosby and staff, abroad (Inter-Ally Council on War Purchase and Finance)	25,000.00
3	Department of Justice, for activities growing out of the war	600,000.00
3	Department of Interior, for work of United States School Garden Army	14,485.30
5	Department of State (confidential)	60,00.000

Statement showing allotments made by the President, etc.—Continued.

Date of allotment.	Object.	Amount.
1918.		
July 9	War Department, for expenses, Second Assistant Secretary of War and party, tour of inspection of Military Establishment	$25,000.00
9	Treasury Department, for increase force, Auditor for Interior Department	4,000.00
10	Committee on Public Information, for foreign educational work	3,000,000.00
11	Council of National Defense, for central room registration office, Washington	12,000.00
11	Treasury Department, for increased force and equipment, Auditor for Treasury Department	7,500.00
12	War Trade Board, for special representatives in foreign countries	100,000.00
12	Department of Interior, for United States School Garden Army, additional	200,000.00
12	Department of State:	
	For intelligence work abroad (political and commercial information) $400,000.00	
	For intelligence work, courier service, passport control, etc 250,000.00	
	For Inter-Allied Shipping Council 50,000.00	
	For Advisory Commission of railroad experts to Russia 50,000.00	
	For repatriation, invalid prisoners of war in neutral countries 50,000.00	
	For American section, Inter-Allied War Council 25,000.00	
	For Dr. Mezes—work in South America 20,000.00	
	For Dr. A. E. Taylor—visit to Europe for War Trade Board 5,000.00	
		850,000.00
13	Treasury Department, for increased force and equipment, Public Health Service	10,000.00
15	Department of Labor, for studies of cost of living, and survey	325,000.00
19	Department of Commerce, for investigation of thermite	4,300.00
20	Department of Commerce, for completion of building for map production	3,854.56
20	Treasury Department, for study of war taxation	25,000.00
23	Department of Agriculture, for licensing of stockyards, fertilizer, and farm-equipment industries, etc	500,000.00
26	Treasury and Agricultural Departments (acting in common council), for aid to farmers in drought-stricken regions	5,000,000.00
27	Department of Agriculture: Request of Secretary of Navy, for assistance in matter of wood for aircraft production under the Naval Establishment; defense fund to be reimbursed from appropriation "Aviation, Navy, 1919"	118,000.00
27	For fighting and preventing forest fires	1,000,000.00
29	Department of Commerce, for chart-printing press	14,000.00
	Treasury Department:	
29	For emergency force and equipment, Treasurer United States	100,000.00
29	For construction of building at Bureau of Engraving and Printing for issue of Liberty loan bonds	500,000.00
31	U. S. Fuel Administration, for emergency printing, etc	100,000.00
Aug. 2	U. S. Food Administration, for purchase of entire capital stock of U. S. Sugar Equalization Board (Inc.)	5,000,000.00
6	Department of Commerce, for land and building for altitude chambers, for Aircraft Production Service	60,000.00
	Department of Labor:	
7	Confidential	10,000.00
7	Work of children's year	150,000.00
7	For investigations of child labor by War Labor Policies Board	100,000.00
	War Department:	
10	Request of Secretary of Navy for experiments in uses of gases, Chemical Warfare Service	250,000.00
12	For expenses of officers detailed by British Government for aircraft production	30,000.00
12	Treasury Department, temporary building for War Risk Insurance Bureau	32,000.00
15	Department of State, for conference, United States and Germany, maintenance, etc., prisoners of war	20,000.00
18	Treasury Department, for administration, trading-with-the-enemy act of Oct. 6, 1917—foreign insurance companies	25,000.00
20	War Department, for expenses of organization, Loyal Legion of Loggers and Lumbermen	100,000.00
21	Treasury Department, for rent and repairs of building for Auditor for War Department	11,500.00
21	Department of Commerce, for buildings, lighthouse depot, Tompkinsville, New York Harbor	175,000.00
22	War Industries Board, for conspectus of war work	40,000.00
	Treasury Department:	
26	Increased force, Division of Public Moneys	5,625.00
26	Increased force and equipment, Auditor for State and other Departments	16,000.00
	War Department:	
27	For small balloons, Military Intelligence Branch	73,500.00
27	For tour of inspection of Military Establishmet	5,000.00
28	Committee on public information	50,000.00
29	Department of Labor, to prevent entry into and departure from the United States, etc., act May 22, 1918	500,000.00
Sept. 5	War Industries Board, for building	690,000.00
11	Council of National Defense, for expenses of National Research Council, additional	61,000.00
12	Navy Department, for entertainment of Prince Axel, of Denmark, and party, in United States	10,000.00
18	Treasury Department, for repairs and changes, Government-owned buildings, and removal of files	21,500.00
18	Department of Commerce, for equipment of building, Coast and Geodetic Survey	29,250.00
19	State Department, for supplies for civilian population, Archangel District, Russia	5,000,000.00

Statement showing allotments made by the President, etc.—Continued.

Date of allotment.	Object.	Amount.
1918.		
Sept. 21	U. S. Shipping Board, for requisitioned Dutch Vessels, repatriation of crews, storage of cargoes, etc	$2,500,000.00
	War Department:	
26	For electric lighting equipment, temporary buildings, Sixth and B Streets, Washington	65,000.00
26	For investigation of embarkation, Shipping Control Committee	5,100.00
30	Interior Department, for school board service station	25,000.00
	Department of Commerce:	
Oct. 1	For aids to navigation, Caribbean Sea	100,000.00
1	For construction, etc., motor patrol boat. (Amount not used and subsequently returned to defense fund)	40,000.00
5	War Trade Board, for improvement of economic conditions of Russia	5,000,000.00
5	Alien Property Custodian, for special local representatives	25,000.00
7	U. S. Food Administration, for traveling expenses, foreign service	25,000.00
7	Department of Commerce, for power plant equipment, war emergency building, Bureau of Standards	31,500.00
8	Post Office Department, for administration of telegraph and telephone wire systems	10,000.00
9	Alien Property Custodian, for purchase of properties in Virgin Islands of United States	210,000.00
16	Navy Department, for radio station near Monroe, N. C	65,000.00
16	Department of Commerce, for construction, etc., military testing and research laboratory	235,000.00
17	Executive Office	2,000.00
17	Department of State, investigation of special problem of Russian peasant	25,000.00
	Treasury Department:	
16	For increased force and equipment, Auditor for Treasury Department	7,500.00
17	For increased force and equipment, Auditor for Navy Department	15,000.00
21	Public Health Service, Division of Venereal Diseases, printing	125,000.00
22	For completion of Arlington Building	300,000.00
22	Department of Commerce, for nomenclature of diseases and injuries	10,000.00
26	Interdepartmental Social Hygiene Board, for salaries, etc	2,000.00
Nov. 1	Treasury Department, for increases in salaries, assistant engineers and firemen	9,702.00
2	Department of Agriculture, for agricultural advises to Military District Board	60,000.00
8	Department of Labor, for studies of wages, etc., labor in industry	300,000.00
11	War Industries Board, for conspectus of war work, additional	45,000.00
13	Navy Department, for special employees, authorized under previous allotments	280,254.38
14	Department of State, for conference, United States and Germany, maintenance, etc., prisoners of war, additional	10,000.00
19	Department of Interior, "The National School Service," magazine and speaking division transferred from Committee on Public Information	150,000.00
22	Department of State, for preparation, peace conference	100,000.00
25	Department of Labor, for National War Labor and War Labor Policies Boards	250,000.00
26	Interdepartmental Social Hygiene Board, for salaries and expenses, additional	18,000.00
29	Department of Agriculture, for agricultural mission to Europe	1,000.00
30	Department of State, for political intelligence service, peace conference	50,000.00
30	Treasury Department, for increased force, Auditor for Interior Department	4,000.00
Dec. 2	War Department, for expense, Gen. Churchill and party, peace conference	20,000.00
2	War Department, building (War Industries Board), completion and maintenance	150,000.00
	Department of Commerce:	
2	For investigation, Roberts by-products coke oven	40,000.00
3	Military researches, Bureau of Standards	100,000.00
3	For activities transferred from War Industries Board	100,000.00
3	Executive Office	1,000.00
5	Alien Property Custodian, for property of North German Lloyd Dock Co. (Balance of $6,262,631.26 paid from first national defense fund of $100,000,000.)	836,451.74
16	United States Food Administration Grain Corporation, for foodstuffs for relief in Europe	5,000,000.00
18	Department of State, for American commission to negotiate peace	500,000.00
	Department of Commerce:	
18	For waste reclamation work	20,000.00
19	For advisory business men and commodity experts, to aid commercial attachés in Europe	200,000.00
23	Federal Board for Vocational Education, for activities transferred from War Industries Board	25,000.00
1919.		
	Treasury Department:	
Jan. 10	For increased force and equipment, Treasurer, United States	175,000.00
10	For transfer of surplus materials, etc	65,000.00
11	Department of Commerce, for increase of food-fish supply	10,000.00
12	War Department, for settlement of claims for military supplies	150,000.00
21	War Industries Board (request of Secretary of the Treasury), building	50,000.00
21	War Trade Board, for expenses of Central Bureau of Planning and Statistics	73,000.00
	War Departm nt:	
22	For Lieut. Col. Riggs, mission to Russia	25,000.00
22	For Capt. Gherardi, mission to Germany	25,000.00

Statement showing allotments made by the President, etc.—Continued.

Date of allotment.	Object.	Amount.
1919.		
Jan. 27	United States Food Administration, for printing, traveling expenses, etc	$50,000.00
27	United States Employees' Compensation Commission, payments of compensation	150,000.00
29	War Department, for pay rolls due Jan. 31, 1919 (to be returned to defense fund when pending deficiency bill becomes law)	2,250,000.00
	Department of State:	
31	Maj. Gen. F. J. Kernan, for expenses of inter-allied commission to Poland	25,000.00
Feb. 2	For expenses O. T. Crosby, N. H. Davis, their staffs, and other representatives of Treasury Department in Europe	25,000.00
2	Treasury Department, for salaries and expenses, office of Commissioner of Internal Revenue (pending enactment of revenue bill)	1,000,000.00
7	War Department, for use of Gen. Harbord	10,000.00
	Department of State:	
11	Frederick C. Howe, for expenses of commission to Syria	5,000.00
14	Expenses of Bernard M. Baruch, technical adviser, American Commission to Negotiate Peace	150,000.00
15	Expenses of Marcus A. Coolidge, American delegate, mission for council of Teschen	5,000.00
15	Expenses of Peace Commission	750,000.00
21	Treasury Department, for increased force and equipment, Auditor for Treasury Department, additional	20,000.00
24	Department of Commerce, for use of Industrial Board in connection with readjustment of prices	75,000.00
25	Department of Justice, for transportation, etc., alien enemies and military delinquents	250,000.00
27	Department of Labor, for National War Labor and War Labor Policies Board, additional	250,000.00
28	War Department, hospital treatment of Porto Rican laborers	3,172.00
Mar. 1	United States Employees Compensation Commission, administrative work of commission in France	7,000.00
1	Navy Department, entertainment of Sir Eric Geddes and party	13,000.00
3	Department of State, maintenance of American Railway Corps in Russia, $75,000, and salaries of Russian Railway Service Corps, month of March, $42,000	117,000.00
3	Executive Office, for service Western Union Telegraph Co.	1,341.35
4	United States Shipping Board, repatriating crews of Dutch vessels (allotment made in October, 1918, but not presented to Treasury Department until Mar. 4, 1919)	1,265,743.43
5	United States Fuel Administration, to cover outstanding obligations	100,000.00
18	Treasury Department, Bureau of War Risk Insurance, to cover pay roll, stationery, printing, etc	2,368,000.00
22	Treasury Department, installation and equipment cafeteria in building Fifteenth and B Streets	6,000.00
24	Department of State, expenses of Norman H. Davis and staff	30,000.00
	Treasury Department:	
28	Bureau of War Risk Insurance, to cover pay roll and incidentals until May 15, 1919	500,000.00
28	Stationery for the department	100,000.00
Apr. 15	Department of State, for contingent expenses of Consular Service, $200,000; contingent expenses Diplomatic Service, $100,000, and telegraphic communication service, $200,000	500,000.00
10	Civil Service Commission, expenses of examinations, removal to and fitting up new quarters	10,000.00
16	War Department, hospital treatment of Porto Rican laborers	1,784.05
21	Department of Labor, for mediation purposes	60,000.00
28	War Department, additional for settling claims for military supplies in France, England, and United States	50,000.00
May 20	Department of Commerce, for investigation electric railways problem	10,000.00
27	Department of State, for inter-allied war council	3,000.00
27	Treasury Department, Bureau of War Risk Insurance, to cover pay roll and expenses of bureau (to be reimbursed when urgent deficiency bill becomes law)	360,000.00
29	Department of State, for commanding general, district of Paris, for allowance to soldiers and officers in connection with repatriation of Gen. Haller's Polish troops	50,000.00
June 11	Executive Office, for service of Western Union Telegraph Co., cablegrams	1,006.30
10	Department of State, for operation Trans-Siberian and Chinese Eastern Railways	4,000,000.00
19	Executive Office, for service of Western Union Telegraph Co., cablegrams	755.46
26	War Department, for advertising sale of surplus animals	5,000.00
July 12	Executive Office, for service of Western Union Telegraph Co., cablegrams	1,723.33
14	War Department, for expenses incurred by Military Training Camps Association	10,000.00
15	For emergency work on Illinois & Michigan Canal	125,000.00
Aug. 1	Executive Office, for service of Western Union Telegraph Co., cablegrams	1,418.19
	Total allotments to Aug. 5, 1919	57,977,812.76
1918.	Less reimbursements under various allotments, as follows:	
Nov. 26	Department of Commerce, allotment Oct. 1, 1918, for motor patrol boat	40,000.00
Mar. 7	Treasury Department, allotment Feb. 2, 1919, to Internal Revenue for salaries and expenses	1,000,000.00
12	War Department, allotment Jan. 29, 1919, for additional employees	2,250,000.00

Statement showing allotments made by the President, etc.—Continued.

Date of allotment.	Object.		Amount.
1918.			
	Less reimbursements under various allotments, as follows—Continued.		
Mar. 12	Navy Department, allotment July 27, 1919, to Department of Agriculture for investigation of wood for aircraft production, Aviation, Army		$118,000.00
21	Department of Agriculture:		
	Allotment July 23, 1918, $500,000 for licensing stock yards, etc	$100,000	
	Allotment July 27, 1918, $1,000,000 for fighting forest fires	350,000	
	Allotment Dec. 31, 1918, $60,000 for agricultural advisers to military district boards	50,000	590,000.00
21	Department of Commerce:		
	Allotment July 1, 1918, $100,000 for import and export statistics	10,000	
	Allotment July 3, 1918, $175,000 for special statistical work	10,000	20,000.00
21	Department of Labor:		
	Allotment Aug. 31, 1918, $500,000 for passport permits	100,000	
	Allotment Nov. 8, 1918, $300,000 for industrial survey	50,000	150,000.00
21	Committee on public information: Allotment July 26, 1918, $3,000,000 for foreign educational work		500,000.00
22	United States Employees' Compensation Commission: Allotment Jan. 27, 1919, $150,000 for compensation payments		100,000.00
25	War Department: Allotment Aug. 28, 1918, $100,000 for Loyal Legion of Loggers and Lumbermen		75,000.00
25	United States Shipping Board: Allotment Mar. 4, 1919, $1,265,743.43 for repatriation of crews of Dutch vessels		1,265,000.00
25	Treasury Department: Under various allotments		77,675.00
May 22	War Trade Board: Under allotments to the Central Bureau of Planning and Statistics for the Conspectus of War Work		25,000.00
24	Department of Commerce:		
	Allotment Dec. 3, 1918, $100,000 for activities transferred from War Industries Board	$60,000	
	Allotment Feb. 24, 1919, $75,000 for use of Industrial Board	50,000	110,000.00
June 20	Allotment Oct. 1, 1918, $100,000 for Lighthouse Service		50,000.00
24	Treasury Department: Bureau of War Risk Insurance, allotment May 27, 1919, to cover pay roll and expenses of bureau		360,000.00
27	War Trade Board, United States Russian Bureau (Inc.): Reimbursed under Executive order, June 5, 1919		4,000,000.00
30	War Department: Reimbursement under allotment for Chemical Warfare Service of the Army		146,567.05
	Total reimbursements under allotments		10,877,242.05
	Net amount of allotments		47,100,570.71
	Balance in appropriation Aug. 5, 1919, unallotted		2,899,429.29
	Amount of appropriation		50,000,000.00

TREASURY DEPARTMENT,
August 5, 1919.

Summary.

ALLOTMENTS BY THE PRESIDENT FROM APPROPRIATION "NATIONAL SECURITY AND DEFENSE, 1919," SUNDRY CIVIL ACT, JULY 1, 1918, PUBLIC NO. 181 (40 STAT., 635).

Department or office.		Total of allotments.	Reimbursed under allotments.
Department of State	$8,393,245.67		
Trans-Siberian and Chinese Eastern Railways	4,000,000.00		
		$12,393,245.67	$1,077,675.00
Treasury Department	7,585,327.00		
Bureau of War Risk Insurance	3,228,000.00		
		10,813,327.00	360,000.00
War Department		3,328,556.05	2,471,567.05
Navy Department		368,254.38	
Department of Interior		389,485.30	
Department of Agriculture		1,679,000.00	708,000.00
Department of Commerce		1,682,904.56	220,000.00
Department of Labor		1,945,000.00	150,000.00
Department of Justice		850,000.00	
Executive Office		9,841.63	
Alien Property Custodian	$235,000.00		
North German Lloyd Dock Co	836,451.74		
		1,071,451.74	
Civil Service Commission		10,000.00	
Committee on Public Information		3,050,000.00	500,000.00
War Industries Board		825,000.00	
War Trade Board		5,175,000.00	4,025,000.00
Council of National Defense		134,000.00	
U. S. Food Administration		75,000.00	
U. S. Food Administration Grain Corporation		5,000,000.00	

Summary—Continued.

ALLOTMENTS BY THE PRESIDENT FROM APPROPRIATION "NATIONAL SECURITY AND DEFENSE, 1919," ETC.—continued.

Department or office.	Total of allotment.	Reimbursed under allotments.
U. S. Sugar Equalization Board, Inc.	$5,000,000.00	
U. S. Fuel Administration	200,000.00	
Interdepartmental Social Hygiene Board	20,000.00	
U. S. Employees Compensation Commission	157,000.00	$100,000.00
U. S. Shipping Board	3,765,743.43	1,265,000.00
Federal Board for Vocational Education	25,000.00	
Post Office Department	10,000.00	
	57,977,812.76	10,877,242.05

TREASURY DEPARTMENT.
August 5, 1919.

Summary of allotments made by the President from appropriation "National security and defense," deficiency act, Apr. 17, 1917 (40 Stats., p. 28), as extended by Public Act 92, Dec. 15, 1917.

Department or office.	Permanent allotments.	Reimbursable allotments.	Amounts reimbursed or returned.
Treasury Department	$1,454,161.54	$4,200,000.00	
War Department	14,706,986.37	77,583,280.00	[1]$65,000,000.00
Navy Department	1,498,000.00		
Interior Department	200,000.00		
Department of Commerce	1,715,550.00		[2]115,370.24
Department of Labor	1,067,000.00		
For Secret Service and confidential use abroad (including State Department and Department of Justice)	6,807,507.09	275,000.00	
Executive Office	5,000.00		[2]1,[illegible]
Civil Service Commission	250,000.00		
Committee on Public Information	2,100,000.00		
Council of National Defense	600,050.00		
Judge Lovett, Priority Transportation	25,000.00		[2]17,265.37
Alien Property Custodian	50,000.00		
Exports Administrative Board	250,000.00		
War Trade Board	1,605,500.00	200,000.00	
Director General of Railroads	50,000.00	25,000.00	
United States Shipping Board	19,561,211.07		
United States Food Administration	590,000.00		
United States Food and Fuel Administrations, building and educational	2,400,000.00		
United States Fuel Administration	300,000.00		
Federal Trade Commission	700,000.00		
State, War, and Navy Departments Buildings		116,000.00	
Total	55,935,965.98	82,399,280.00	65,133,815.61

[1] Reimbursed. [2] Unused balances of allotments returned to the principal account.

Regular allotments		$55,935,965.98
Deduct amounts returned		133,815.61
		55,802,150.37
Reimbursable allotments	$82,399,280.00	
Deduct amounts reimbursed	65,000,000.00	
		17,399,280.00
Net amount allotted		73,201,430.37
Balance unallotted		26,798,569.63
Amount of appropriation		100,000,000.00

Treasury Department, May 25, 1918.

EXPLANATION OF REIMBURSABLE ALLOTMENTS MADE BY THE PRESIDENT FROM THE APPROPRIATION OF $100,000,000 FOR NATIONAL SECURITY AND DEFENSE (DEFICIENCY ACT, APR. 17, 1917) AND NOT REIMBURSED.

December 6, 1917: For sprinkler, watch, and fire-alarm systems for temporary office buildings for the War Department at Sixth and B Streets NW., group A, $70,000, to be reimbursed from appropriation when made by Congress.

December 17, 1917: For operation of temporary office buildings for the War Department at Sixth and B Streets NW., group A, for one month, to be reimbursed from appropriation when made by Congress, $23,000.

January 3, 1918: For sprinkler, watch, and fire-alarm systems for temporary office buildings for the War Department at Sixth and B Streets NW., groups B and C, $100,000, to be reimbursed from appropriation when made by Congress.

January 7, 1918: For restaurant for use of employees, War Department buildings in Henry Park, $70,000, to be reimbursed from appropriation when made by Congress.

January 9, 1918: For rent of piers and warehouse of the Bush Terminal Co. in New York, commandeered by the War Department, $1,000,000, to be reimbursed when appropriation for this purpose is made available by Congress.

January 15, 1918: For operation of temporary office buildings for the War Department, Sixth and B Streets NW., group A, for month ending January 22, 1918, $25,000, to be reimbursed from appropriation when made by Congress.

January 24, 1918: For expenses incident to the operation of railroads under the President's proclamation of December 26, 1917, in prosecuting an inquiry into the question of wages of railroad employees, $25,000, to be reimbursed when available moneys have been provided by Congress.

February 22, 1918: For purchase of land for quartermasters' warehouses at Chicago, Ill., $375,000, to be reimbursed when funds asked for for this purpose have been appropriated by Congress.

February 25, 1918: For operation of temporary office buildings for the War Department, Sixth and B Streets NW., for period ending March 1, 1918, being additional to allotments December 17, 1917, and January 15, 1918, $8,000, to be reimbursed from appropriation when made by Congress.

February 27, 1918: For purchase of land and property of the Federal Distilling Co. of Baltimore, Md., for motor storage depot and repair shop for the Quartermaster Corps, $200,000, to be reimbursed when Congress shall have provided funds for this purpose.

February 28, 1918: For purchase of land contiguous to Fort McPherson, Ga., for mechanical repair shop, Quartermaster Corps, $90,280, to be reimbursed when appropriation has been made by Congress therefor.

March 8, 1918: For purchase of land at Baltimore, Md., for establishing mechanical repair shop units for the Quartermaster Corps, $140,000, to be reimbursed when Congress shall have provided funds for this purpose.

March 15, 1918: For purchase of Mulberry Island for the purposes of the coast defense of Chesapeake Bay, $538,000, to be reimbursed when Congress shall have provided funds for this purpose.

March 23, 1918: For expenses of the War Trade Board, $200,000, to be reimbursed when Congress shall have made appropriation therefor.

March 25, 1918: For additional facilities for the manufacture of automatic pistols, $10,000,000, to be reimbursed when Congress shall have made an appropriation for this purpose.

March 25, 1918: For purchase of the Arlington property for an office building for the Treasury Department, $4,200,000, to be reimbursed when Congress shall have made the appropriation requested for this purpose.

April 30, 1918: For operation of temporary office buildings now being erected in the Smithsonian grounds and Seaton Park for the War Department, $60,000, to be reimbursed when Congress shall have made the necessary appropriation.

May 6, 1918: For the purpose of enabling the State Department to meet promptly drafts of diplomatic officers for contingent and other extraordinary expenses of their missions, $250,000, to be reimbursed when Congress shall have appropriated the funds for this purpose.

May 13, 1918: For necessary expenses in the administration of the act to prevent in time of war departure from or entry into the United States contrary to the public safety, under the State Department, $25,000, to be reimbursed when an appropriation for this purpose shall have been made by Congress.

Total reimbursable allotments so made by the President, $17,399,280.

Treasury Department, June 5, 1918.

EXTENSION OF REMARKS.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that gentlemen who spoke on the zinc bill and the pearl-button bill be permitted to revise and extend their remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that on Thursday next, after the reading of the Journal and the disposition of matters on the Speaker's table, the gentleman from Kansas [Mr. AYRES] be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

Mr. STEENERSON. That is suspension day, fixed by unanimous consent.

Mr. KITCHIN. I understand, but the gentleman from Kansas will take only 15 minutes, and that can be done by unanimous consent.

The SPEAKER. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, I desire to present the minority report on H. J. Res. 151, having reference to additional compensation to postal employees.

Mr. STEENERSON. Mr. Speaker, I make the point of order that the gentleman has no right to offer that on the floor. He can put it in the basket the same as other reports. I obtained unanimous consent for the gentleman to file his report within five days, and he has that privilege. Now he comes on the floor, and I informed him he has no right——

Mr. GOLDFOGLE. All right. I will file it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7594) relating to the creation of the office of General of the Armies of the United States.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7594. An act relating to the creation of the office of General of the Armies of the United States.

The Speaker announced his signature to enrolled bill of the following title:

An act (S. 2236) relating to the affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, September 3, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting a supplemental estimate of appropriations required by the National Park Service for fighting forest fires in the Yellowstone National Park, being additional to the estimate for this object submitted August 26 and appearing in House Document No. 206 of the present session (H. Doc. No. 210); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required by the Treasury Department for the Liberty loan temporary building (H. Doc. No. 211); to the Committee on Public Buildings and Grounds and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Flo Jamison Miller and Inez Jamison Bender, daughters and sole heirs of William H. Jamison, deceased, *v.* The United States (H. Doc. No. 212); to the Committee on War Claims and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Agriculture, submitting supplemental estimate of appropriation required by that department for fighting and preventing fires in the national forests, fiscal year 1920 (H. Doc. No. 213); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation for the rental of quarters in Washington, D. C., for a branch office of the collector of internal revenue for the District of Maryland (H. Doc. No. 214); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 796) for furnishing water supply for miscellaneous purposes in connection with reclamation projects, reported the same with amendment, accompanied by a report (No. 279), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LAGUARDIA, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 175) to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917, reported the same without amendment, accompanied by a report (No. 281), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOOD, from the Committee on Appropriations, to which was referred the House resolution (H. Res. 14) calling upon the President for information regarding the expenditure of $100,000,000 and $50,000,000 appropriations for national security and defense, reported the same without amendment, accompanied by a report (No. 280), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 8940) to authorize the Secretary of War to transfer free of charge to the Department of Agriculture and to the Post Office Department certain motor-propelled vehicles and motor equipment; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 8941) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley in Texas from Red Bluff south as far as he may deem necessary to determine the feasibility and cost of an irrigation project thereon; to the Committee on Appropriations.

Also, a bill (H. R. 8942) to assist in increasing the productive agricultural area of the Pecos Valley in Texas, and for other purposes; to the Committee on Ways and Means.

By Mr. MASON: A bill (H. R. 8943) to grant a Victory bond bonus to the members of the military and naval forces of the United States who brought about the victory; to the Committee on Military Affairs.

By Mr. OLIVER: A bill (H. R. 8944) authorizing the Secretary of War to donate to the county of Bibb, Ala., two German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 8945) authorizing the Secretary of War to donate to the county of Sumter, Ala., two German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 8946) authorizing the Secretary of War to donate to the county of Green, Ala., two German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 8947) authorizing the Secretary of War to donate to the county of Perry, Ala., two German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 8948) authorizing the Secretary of War to donate to the county of Tuscaloosa, Ala., two German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 8949) authorizing the Secretary of War to donate to the county of Hale, Ala., two German cannons or fieldpieces; to the Committee on Military Affairs.

By Mr. OVERSTREET: A bill (H. R. 8950) to provide American documents for the steamer *Christabel;* to the Committee on the Merchant Marine and Fisheries.

By Mr. HERSMAN: A bill (H. R. 8951) to provide for an examination and survey of Monterey Bay, Calif; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8952) to provide for an examination and survey of Santa Barbara Bay, Calif.; to the Committee on Rivers and Harbors.

By Mr. GRIGSBY: A bill (H. R. 8953) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; to the Committee on Territories.

By Mr. HAUGEN: A bill (H. R. 8954) to further amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicine, and liquors, and for regulating traffic therein, and for other purposes," approved June 13, 1906, and amended by the act approved March 3, 1913; to the Committee on Agriculture.

By Mr. SWOPE: A bill (H. R. 8955) for the erection of a Federal building at Harrodsburg, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. RIDDICK: Resolution (H. Res. 276) to increase salaries of two pages at the House telephone booths; to the Committee on Accounts.

By Mr. HUDSPETH: Joint resolution (H. J. Res. 187) directing the Secretary of the Treasury to pay to each honorably discharged soldier, sailor, and marine the additional sum of $500; to the Committee on Appropriations.

By Mr. MASON: Concurrent resolution (H. Con. Res. 30) making rules to return all American soldiers from countries with which we are at peace; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 8956) granting an increase of pension to John Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8957) granting an increase of pension to Johnson White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8958) granting an increase of pension to Benjamin F. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8959) granting an increase of pension to James M. Laubach; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 8960) granting a pension to Frank R. Garland; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 8961) for the relief of Edward N. Owens and others; to the Committee on Claims.

By Mr. DICKINSON of Iowa: A bill (H. R. 8962) granting an increase of pension to Charles B. Mathews; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 8963) granting an increase of pension to Henry Dunham; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 8964) granting an increase of pension to Richard A. M. Harner; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 8965) granting a pension to Hattie E. Gilliland; to the Committee on Pensions.

By Mr. HICKEY: A bill (H. R. 8966) granting a pension to Georgia Tuley; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 8967) granting a pension to Alice H. Bryant; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 8968) granting an increase of pension to Allen W. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8969) granting an increase of pension to Katherine Partridge; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 8970) for the relief of Charles E. Reyburn; to the Committee on Claims.

By Mr. MACGREGOR: A bill (H. R. 8971) granting an increase of pension to Michael Kipler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8972) granting an increase of pension to Henry W. Feldman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8973) granting an increase of pension to Lucas Kirchmyer; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 8974) granting an increase of pension to Christian Marxmuller, alias Christopher Miller; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 8975) granting an increase of pension to Samuel G. Kreidler; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 8976) to correct the military record of David G. Cormack; to the Committee on Military Affairs.

By Mr. SANDERS of Indiana: A bill (H. R. 8977) granting an increase of pension to Francis M. Blything; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 8978) granting a pension to William R. Drain; to the Committee on Pensions.

Also, a bill (H. R. 8979) granting a pension to J. Foy Riley; to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 8980) for the relief of Mary Bailey Pratt; to the Committee on Claims.

By Mr. SMITHWICK: A bill (H. R. 8981) granting a pension to Amanda B. Birch; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 8982) granting a pension to Edward J. Oeding; to the Committee on Pensions.

By Mr. THOMPSON of Ohio: A bill (H. R. 8983) granting a pension to Robert S. Peterson; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 8984) granting a pension to Samuel Durham; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 8985) granting a pension to E. E. Wagner; to the Committee on Pensions.

By Mr. CHINDBLOM: Resolution (H. Res. 277) for the relief of Joseph Hagberg; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of over 2,000 Americans of Lithuanian birth of South Boston, Mass., asking the Congress of the United States to use its influence to extend the right of self-determination to small and oppressed nationalities; to the Committee on Foreign Affairs.

By Mr. BURROUGHS: Petition of 55 residents of Manchester, N. H., advocating the repeal of the tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. CALDWELL: Petition of sundry citizens of New York, protesting against the Smith-Towner bill to create a department of education; to the Committee on Education.

By Mr. CLARK of Florida: Petition of Harvey W. Seeds Post, No. 29, of the American Legion, of Miami, Fla., advocating the passage of the Morgan bill for discharged soldiers, sailors, and marines; to the Committee on the Public Lands.

Also, petition of Gainesville Local Farmers' Union, No. 118, of Gainesville, Fla., protesting against any legislation which will increase the price of potash to the American farmer; to the Committee on Ways and Means.

Also, petition of Harvey W. Seeds Post, No. 29, of the American Legion, of Miami, Fla., asking that profiteering may be defined by legislative act and appropriate penalties prescribed; to the Committee on the Judiciary.

By Mr. DALLINGER: Petition of the Lithuanian Society of St. John the Baptist, of Cambridge, Mass., relating to the Lithuanian Polish situation; to the Committee on Foreign Affairs.

By Mr. ELSTON: Petition of United Brotherhood of Carpenters and Joiners of America, local union No. 36, of Oakland, Calif., favoring clemency for members of Hindustan Gadar Party of India; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of Wisconsin postal clerks and carriers of Milwaukee, Wis., favoring an increase in salaries of the clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of W. A. Brown, of Kansas City, Mo., secretary Railway Mail Association, favoring the passage of House bill 8537; to the Committee on the Post Office and Post Roads.

Also, petition of the Citizens Cooperative League of La Crosse, Wis., favoring such legislation as will eliminate, or tend to eliminate, profiteering; to the Committee on Agriculture.

By Mr. GALLIVAN: Petition of Boston Central Labor Union, of Boston, Mass., favoring Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

By Mr. HERNANDEZ: Petition of Charles E. Moore and others, of New Mexico, favoring the passage of the Kenyon bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Iowa: Petition of Keokuk Retail Grocers' Association and citizens of the city of Keokuk, Iowa, indorsing the passage of Senate joint resolution 48; to the Committee on Agriculture.

By Mr. LONERGAN: Resolution of the combined meeting of post-office employees of Bridgeport, Conn., for 35 per cent increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petition of business men of Cheyenne, Strong City, and Cordell, Okla., urging support of the Kenyon bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: Petition of members of St. Peter's Benevolent Society and other organizations of San Francisco against the Smith-Towner educational bills; to the Committee on Education.

By Mr. RAKER: Letters from the Wholesale Dry Goods Association and Southern California Wholesale Bakers' Association, of Los Angeles, Calif., protesting against the bill introduced by Representative SIEGEL providing for manufacturers and wholesalers and retailers placing the actual cost price on all merchandise before selling to the public; to the Committee on Agriculture.

Also, petition of John King and G. Henderson, of Sacramento, Calif., requesting support of House bill 8537, providing for an increase in pay for postal employees; to the Committee on the Post Office and Post Roads.

Also, letter from the Sacramento Council Railway Mail Association, of Sacramento, Calif., requesting support of the Zihlman bill, providing for an increase in pay for railway-mail clerks; to the Committee on the Post Office and Post Roads.

Also, letter from the Federated Associations for Cripples, protesting against the Smith-Fess measure providing for encouragement of the States to rehabilitate civilian cripples; to the Committee on Education.

Also, letter from the California White and Sugar Pine Manufacturers' Association, protesting against the Plumb plan as covered by House bill 8157; to the Committee on Interstate and Foreign Commerce.

Also, letter from Levi Strauss & Co., San Francisco, Calif., asking that the dye situation be given careful consideration; to the Committee on Agriculture.

Also, letter from Albers Bros. Milling Co., San Francisco, Calif., asking support of House bill 3462; to the Committee on Ways and Means.

By Mr. SCHALL: Petition of Henry Blais and sundry citizens of Dayton, Minn., to repeal tax on sodas, soft drinks, and ice cream, etc.; to the Committee on Ways and Means.

By Mr. TILSON: Petition of Connecticut State Board of Agriculture, favoring the granting of unoccupied farms in New England to ex soldiers, sailors, and marines; to the Committee on Military Affairs.

By Mr. YATES: Petition of employees of the post office at Mendota, Ill., favoring the passage of House joint resolution 181; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Sand & Gravel Producers' Association, Springfield, Ill., urging favorable consideration of the Cummins bill as amended; to the Committee on Interstate and Foreign Commerce.

Also, petition of Methodist Episcopal Church South, Lake Junaluska, N. C., favoring the section of the Army reorganization bill now before Congress which concerns the future status of chaplains in the United States Army; to the Committee on Military Affairs.

Also, petition of McGraw-Hill Co. (Inc.), by Arthur J. Baldwin, vice president, New York, protesting against zone postage and urging equal postage for publications; to the Committee on the Post Office and Post Roads.

Also, petition of Farm Implement News, Chicago, urging the repeal of the zone postal law; to the Committee on the Post Office and Post Roads.

Also, petition of E. B. Harris, Springfield, Ill., for the Retail Grocers & Merchants' Association, containing protest against the retail grocer being held responsible for the high cost of living and asking that a careful investigation be made; to the Committee on Agriculture.

Also, petition of Free Sewing Machine Co., Rockford, Ill., containing protest against House joint resolution 121 and Senate joint resolution 57; to the Committee on the Judiciary.

Also, petition of George A. Evers, Chicago, urging the increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of H. J. Dicks, Chicago, containing protest against the Kenyon and Kendrick bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of John S. Murphy, acting postmaster, Pontiac, Ill., urging increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of the Springfield Commercial Association, Springfield, Ill., by W. H. Conkling, urging return of the railroads to their former owners; to the Committee on Interstate and Foreign Commerce.

Also, petition of John Howe Brown, Springfield, Ill., containing protest against House bill 5941; to the Committee on Ways and Means.

Also, petition of Manhattan Electrical Supply Co. (Inc.), Chicago, containing protest against the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of Martin Sipple, Elgin, Ill., urging increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Col. R. J. Shand, Springfield, Ill., urging passage of the Sells bill, House bill No. 2; to the Committee on Pensions.

Also, petition of Illinois District Traffic League, Sterling, Ill., urging passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Francis A. Gibson, United States post office, Springfield, Ill., urging passage of the Senate joint resolution 84, to increase the salaries of the postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of members of the clerical and carrier force of the post office, Galena, Ill., urging the passage of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

Also, petition of Missouri Lime & Material Co., Alton, Ill., protesting against the advance rates on sand, stone, and gravel; to the Committee on Ways and Means.

Also, petition of Yeager & Sons, Danville, Ill., favoring House bill 2232, Senate bill 6649, and Senator CALDER's bill, 2492; to the Committee on Military Affairs.

Also, petition of Roy E. Gard, carrier No. 4, Springfield, Ill., urging passage of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *September 3, 1919.*

(Legislative day of Saturday, August 23, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Johnson, S. Dak.	Nelson	Smith, S. C.
Chamberlain	Jones, N. Mex.	Norris	Smoot
Colt	Jones, Wash.	Nugent	Sterling
Culberson	Keyes	Page	Sutherland
Cummins	King	Poindexter	Thomas
Edge	Kirby	Reed	Trammell
Gay	La Follette	Robinson	Walsh, Mont.
Hale	Lenroot	Sheppard	Warren
Henderson	McLean	Sherman	Watson
Hitchcock	McNary	Smith, Md.	

Mr. SHEPPARD. The Senator from Rhode Island [Mr. GERRY], the senior Senator from Kentucky [Mr. BECKHAM], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

Mr. KING. I wish to announce that the junior Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], the Senator from South Carolina [Mr. DIAL], the Senator from Virginia [Mr. SWANSON], the Senator from Ohio [Mr. POMERENE], the Senator from Louisiana [Mr. RANSDELL], the Senator from Wyoming [Mr. KENDRICK], and the senior Senator from Tennessee [Mr. SHIELDS] are detained on official business.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER, Mr. OVERMAN, Mr. PITTMAN, Mr. SMITH of Georgia, Mr. WADSWORTH, Mr. WALSH of Massachusetts, and Mr. WILLIAMS answered to their names when called.

Mr. NEWBERRY, Mr. FALL, and Mr. HARRIS entered the Chamber and answered to their names.

Mr. EDGE. I wish to announce that the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from West Virginia [Mr. ELKINS], and the Senator from Delaware [Mr. WOLCOTT] are engaged in a committee hearing.

Mr. BRANDEGEE. I wish to announce that the Foreign Relations Committee is still in session, and that is the reason why the members of that committee have not answered on the roll call.

Mr. WOLCOTT, Mr. FRANCE, Mr. BANKHEAD, and Mr. NEW entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6238. An act to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States; and

H. R. 7705. An act to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl.

PETITIONS AND MEMORIALS.

Mr. WARREN presented memorials of the town council of Rock Springs; of Local Union No. 1968, United Mine Workers of America, of Dietz; and of Local Union No. 595, Almalgamated Sheet Metal Workers' Alliance, of Sheridan, all in the State of Wyoming, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Commercial Club, of Cokeville, Wyo., remonstrating against the enactment of legislation providing for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the town council of Rock Springs, Wyo., praying for an investigation into the present high price of gasoline, and for the regulation of the same, which was referred to the Committee on Agriculture and Forestry.

Mr. PAGE presented a petition of Cavendish Grange No. 275, Patrons of Husbandry, of Proctorsville, Vt., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. COLT presented memorials of the Young Men's Republican Club and of the Board of Aldermen, of Newport, R. I., remonstrating against the removal of the United States engineers' office, the naval training station, and the naval torpedo station from that city, which were referred to the Committee on Naval Affairs.

Mr. WALSH of Massachusetts presented memorials of members of the Massachusetts Branch of the League for the Preservation of American Independence, residents of Boston, Cambridge, Dorchester, Malden, Wellesley, Jamaica Plain, Concord, Cohasset, Milton, South Weymouth, Brookline, and Lowell, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty unless certain amendments or reservations are adopted, which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of South Carolina:

A bill (S. 2913) to authorize the Columbia Railway & Navigation Co. to construct a canal connecting the Santee River and the Cooper River in the State of South Carolina; to the Committee on Commerce.

By Mr. WALSH of Montana:

A bill (S. 2914) granting an increase of pension to Mary Thibodo; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2915) granting an increase of pension to William D. Harrington; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2916) to provide for the payment to Alice E. Wells, formerly Alice E. Davis, only heir at law of John C. Davis, deceased, of the amount stated in the findings of the Court of Claims in congressional case No. 9264; and

A bill (S. 2917) for the relief of J. W. Hogg; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 2918) granting a pension to Grace P. Carter (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 2919) granting an increase of pension to E. Bradford Gay (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 2920) to enable the Secretary of Agriculture to carry out investigations of the causes and means of prevention of fires and dust explosions in industrial plants; to the Committee on Agriculture and Forestry.

MEAT-PACKING INDUSTRY.

Mr. NORRIS. I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The resolution (S. Res. 177) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, instructed to inform the Senate whether said Federal Trade Commission, prior to July 1, 1918, made a special investigation of the reasonableness of the maximum-profit limitations fixed on the meat-packing industry by the Food Administration; and if such investigation was made that the Federal Trade Commission be instructed to report to the Senate its conclusions and findings based thereon.

CIVILIAN EMPLOYMENT OF COMMISSIONED OFFICERS.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of the following resolution asking for information from the Secretary of War.

The resolution (S. Res. 178) was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate a statement showing specifically, with respect to each and every organization and suborganization in or attached to the office establishment of the Chief of Staff of the Army in Washington, D. C., the title or designation; the powers and duties; the nature of each class of work performed; the total number of commissioned officers now employed, the number in each grade of rank, and the total annual amount of the present pay and allowances of all such officers now employed; the total number of civilians now employed, the capacities in which employed and the number in each capacity, and the total annual amount of the present salaries of all the civilians now employed; also, for the whole of said office establishment, the total number of commissioned officers now employed, the number in each grade of rank, the total annual amount of the present pay and allowances of all officers now employed; the total number of civilians now employed, the number in each grade of salary, and the total annual amount of the present salaries of all the civilians now employed; and the nature, amount, and appropriation from which paid, of each class of expenditures, including the pay and allowances of officers of the Army, for the maintenance and operation of the whole of said office establishment during the fiscal year ended June 30, 1919, and the total amount of said expenditures.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. SMOOT. I am not going to object to its consideration, but I ask Senators not to request the consideration of any other business this morning.

The resolution was considered by unanimous consent and agreed to.

COTTON STATISTICS.

Mr. SMITH of South Carolina. I offer a resolution and ask that it may lie over.

The resolution (S. Res. 179) was ordered to lie over and be printed, as follows:

Resolved, That the Secretary of Agriculture is hereby authorized and directed to ascertain the number of acres of cotton cultivation of which was abandoned during the current crop year and to publish the same not later than October 2, 1919.

ADDRESS OF HON. FRANK P. WALSH.

Mr. BRANDEGEE. Mr. President, I ask that the proceedings before the Committee on Foreign Relations upon Saturday, containing the address of Hon. Frank P. Walsh, of the War Labor Board, may be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TREATY OF PEACE WITH GERMANY.

[Hearing before the Committee on Foreign Relations, United States Senate, Sixty-sixth Congress, first session.]

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C., Saturday, August 30, 1919.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426, Senate Office Building, Senator HENRY CABOT LODGE presiding.

Present: Senators LODGE (chairman), BORAH, BRANDEGEE, FALL, KNOX, HARDING, JOHNSON, NEW, MOSES, SWANSON, and PITTMAN.

There were also present the following persons:

O'Neill Ryan, St. Louis, Mo., former justice supreme court.

Michael Hefferman, Chester, Pa., Thomas Clarke branch, Friends of Irish Freedom.

William J. Hurley, New York, N. Y., secretary Maj. John McBride branch, Friends of Irish Freedom.

John J. Buckley, New York, N. Y., president Roger Casement branch, New York City.

P. J. Kilduff, Hoboken, N. J., State organizer.

Dr. T. C. McNamara, Hoboken, N. J., State organizer, Friends of Irish Freedom.

Thomas O'Brien, New York, N. Y., president St. Columcille branch, Friends of Irish Freedom.

Rev. William T. McLaughlin, Jersey City, N. J., State president, Friends of Irish Freedom.

Michael J. O'Connor, New York, N. Y., Innisfail branch, Friends of Irish Freedom.

Thomas J. Maloney, Jersey City, N. J., president P. Lorillard Co.

Kate M. Kelly, New York, N. Y., Irish Women's Council.

John Regan, New Bedford, Mass., president Thomas Clarke branch.

Rodger Power O'Neill, M. D., New York, N. Y., national committee.

Thomas McNamara, jr., Youngstown, Ohio, chairman Ohio committee.

Shaemas O'Sheel, New York, N. Y., William Pearse branch, Friends of Irish Freedom and William Rooney Society.

Thomas F. J. Connolly, Port Chester, N. Y., Friends of Irish Freedom, Port Chester and Rye, N. Y.

Roderick J. Kennedy, New York, N. Y., confidential attendant supreme court, State of New York.

W. E. Hogan, Bridgeport, Conn., vice president of De Valera branch, Bridgeport, Conn.

John O'Dea, Philadelphia, Pa., national secretary Ancient Order of Hibernians.

John J. O'Neill, Bridgeport, Conn., president J. F. Meagher branch, Friends of Irish Freedom.

Attorney Thomas D. Shea, Nanticoke, Pa., local council, Luzerne County; headquarters, Wilkes-Barre, Pa. Secretary, Matthew O'Connor Ford; vice president, T. R. Callam; treasurer, R. R. Fitzpatrick; trustees, P. J. Calligan, J. V. Moylan, C. A. Judge, M. D.

John Stratton O'Leary, New York, N. Y., member of grievance committee, Bronx Builders' Protective Association.

Cornelius F. Murphy, Shelton, Conn., president of P. H. Pearse branch, Friends of Irish Freedom.

Rodger Power O'Neill, M. D., New York City, N. Y., member national committee.

James D. O'Neil, Jenkintown, Pa., organizer.

Thomas McCourt, New York, N. Y., Con Colbert branch, Friends of Irish Freedom, Sunburst Club.

Frank Hague, Jersey City, N. J., member Jersey City branch.

Charles F. H. O'Brien, Jersey City, N. J., member Jersey City branch.

Eugene F. Kincaid, Jersey City, N. J., former Member of Congress.

Thomas Shea, Nanticoke, Pa.

Michael J. Enright, Chester, Pa., Thomas Clarke branch, Friends of Irish Freedom.

James B. Mulherin, Augusta, Ga., delegate John F. Armstrong branch, Friends of Irish Freedom, Augusta, Ga.

Margaret Bowles, New York City, N. Y., Bishop D. Dwyer, Friends of Irish Freedom.

Peter J. Fleming, M. D., Boston, Mass., medical committee.

Daniel Foley, Winthrop, Mass., professor of economics, Trade Union College, Boston, Mass.

John Morton, Dorchester, Mass., advisory committee chairman, Boston, Mass.

Rev. Edward S. Brock, S. J., Washington, D. C.

Joseph J. Hall, Naugatuck, Conn., assistant purchasing agent of Rubber Regenerating Co.

James O'Sullivan, Lowell, Mass., treasurer of two important corporations.
Jeremiah Flahavan, Ansonia, Conn., president of James Connely Club, Friends of Irish Freedom, Ansonia.
Francis B. McKinney, Boston, Mass., lecturer, Joseph Plunkett branch, Friends of Irish Freedom.
John G. Fitzgerald, Ansonia, Conn., vice president.
Michael B. McGreal, New Haven, Conn., City Board Ancient Order of Hibernians, New Haven, five divisions, three auxiliaries. Division No. 7, Ancient Order of Hibernians, Sarsfield G. A. Club, Friends of Irish Freedom, New Haven, Conn.
Matthew Cummings, Boston, Mass., president Boston Council, Friends of Irish Freedom.
John H. H. McNamee, Boston, Mass., banker and manufacturer.
Hon. Edward W. Quinn, Cambridge, Mass., mayor of Cambridge.
Richard Dwyer, national vice president Ancient Order of Hibernians, South Boston, Mass.
Paul F. Spain, Cambridge, Mass., treasurer bench and bar committee, Boston, Mass.
James A. Dorsey, Boston, Mass., chairman finance committee, bench and bar committee, Boston.
Michael L. Fahey, Boston, Mass., secretary bench and bar committee.
Daniel H. Coakley, Boston, Mass., chairman bench and bar committee.
Joseph C. Pelletin, Boston, Mass., bench and bar committee.
Edw. F. McSweeney, Framingham, Mass., member national council, member advisory committee, Boston.
John J. McDonagh, New York, N. Y., delegate from the Archbishop Plunkett branch, Friends of Irish Freedom.
H. Miller, New York, N. Y., Archbishop Plunkett branch, Friends of Irish Freedom.
James E. Deery, Indianapolis, Ind., national president Ancient Order of Hibernians.
E. F. White, Chester, Pa.
Rossa F. Downing, Washington, D. C., Washington branch, Friends of Irish Freedom.
Wm. J. Boyle, Central Labor Union of Philadelphia, Pa.
N. J. Sinnott, Member of Congress from Oregon.
Daniel J. Moran, Lynn, Mass., recording secretary and director of publicity.
(Mrs.) Honor Walsh, Germantown, Pa., editorial staff, the Standard and Guild.
Robert E. Ford, New York, N. Y., editor Irish World.
Patrick King, Catholic Young Men's Union, Philadelphia, Pa.
Patrick Fitzgerald, United Irish Societies of Western Pennsylvania.
Patrick Cronin, Duquesne University.
Thomas Lee, New York, N. Y.
William J. Noonan, 37 Raleigh Avenue, Richmond Borough, city of New York.
Thomas Rock, Central Federated Union, New York City.
Louis D. Kavanagh, president of Irish Self-Determination Club, Omaha.
James O. Reilly, Philadelphia, Pa.
Joseph McGarrity, Philadelphia, Pa., chairman Irish volunteer committee.
John J. Liddy, Indianapolis, Ind.
William H. Foley, Indianapolis, Ind.
P. J. Conway, president Irish-American Athletic Club, New York City.
John H. Dooley, 535 West One hundred and twenty-first Street, New York, N. Y., representative position, national executive committee, New York City.
Annie Lester Lyons, delegate Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
Lawrence Craddock Lawless, delegate Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
Margaret Edward Lawless, delegate Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
James C. Gordon, president Yorktown branch, Friends of Irish Freedom, Norfolk, Va.
M. J. Lyons, vice president Yorktown branch, Friends of Irish Freedom, United States deputy marshal's office, Norfolk, Va.
Henry McNally, president of Patrick Henry branch, Friends of Irish Freedom, Girard, Ohio.
Thomas F. Martin, secretary of state of New Jersey.
John Mannix, Glens Falls, N. Y.
Patrick O'Hagerty, Springfield, Mass.
Patrick J. Kennedy, Glens Falls, N. Y.
Rev. Joseph O'Keefe, Akron, Ohio.
J. B. Shannon, Kansas City, Mo.
Casinn J. Welch, Kansas City, Mo.
Martin Owens, Newark, N. J.
Rev. Thomas J. Hurton, Philadelphia, Pa., St. Enda's Gaelic School and St. Enda branch of the Gaelic League.
H. J. Phillips, Philadelphia, Pa., Robert Emmet branch, Friends of Irish Freedom.
J. T. Lawler, Norfolk, Va., member national committee, Friends of Irish Freedom.
Hugh Montague, Passaic, N. J., general contractor.
Roderick J. Kennedy, clerk supreme court, State of New York.
D. J. Lawless, Marcellus Falls, N. Y.
R. E. O'Malley, Michael Davitt branch, Friends of Irish Freedom, Kansas City, Mo.
J. D. Turner, Baltimore, Md.
W. C. Walsh, Cumberland, Md.
Joseph B. Fitzgerald, member Wolfe Tone Club, Jersey City, N. J.
Jerome O'Keeffe, Jersey City, N. J.
John G. McTigue, New York, N. Y.
R. T. B. Kelly, Gardner, Mass.
James Tumulty, 646 Bergen Avenue, Jersey City, N. J., president of Wolfe Tone Club, Jersey City, N. J.
P. J. O'Donnell, Detroit, Mich.
D. Lynch, Utica, N. Y.
Miss Margaret Bowers, New York, N. Y.
John B. Burke, Gary, Ind.
William J. Maloney, Gary, Ind.
M. C. Ford, Oklahoma City, Okla.

The CHAIRMAN. The committee will be in order, please. Judge Cohalan, we will hear you now. Unfortunately our time is limited, and we can give only two hours, as we have to hear representatives of Greece for an hour afterwards. Judge Cohalan, I leave it to you to arrange the time for the different speeches.

STATEMENT OF HON. DANIEL F. COHALAN, JUSTICE OF THE SUPREME COURT OF NEW YORK.

Judge COHALAN. Mr. Chairman and gentlemen of the committee, acting on behalf of those who are here to represent the great bulk of the 20,000,000 of the Irish element in this country, we have arranged a program which with your permission we will carry through in the order we have fixed, if possible, taking only the time you have allotted to us. If we may have to call upon you for a few minutes extra, we are going to ask you to indulge us in it if you will.

We are opposed to the proposed league of nations for many reasons, all of which we believe are of great weight and importance to the interests of our country. We object, in the first place, to the proposal to establish what we believe to be a superstate to which shall be delegated or turned over powers that belong to the sovereign United States of America. We believe that that is an infringement upon the sovereignty of the country and is an interference with its liberty, and because of that we most strongly oppose the establishment of any such body.

We believe it to be an affront to America to suggest even that in any such proposed league of nations as is coming before us it should be proposed that any country, no matter how friendly it may claim to be to America, should have six votes as compared to the one vote of America. We believe that would be practically an affront to the interests of America and to the intelligence of the people of America and a very decided injury to America if any such scheme were to go through.

We are opposed to this proposed league of nations because of the fact that under it we believe the old American doctrine of the freedom of the seas, for which America has stood all through its history, is not taken care of in any way, but that, on the contrary, the matter has been arranged in such a way as practically to turn over to England, without protest, the control of the oceans of the world.

We call your attention to the fact that because of the extraordinary development of our industrial conditions we manufacture in less than 8 months of every year what we would consume in 12 months, and that as a consequence of that for 4 months in the year we are dependent for a market, for an output for our factories, upon our foreign trade. We insist that under the conditions that would obtain if this proposed league of nations were to go through we would be left in a position where we could carry on such trade, not as a matter of right which we now enjoy, for which we fought, and our forefathers before us fought, and which we have always enjoyed during the history of our country, but we would be put in a position where we would enjoy it as a privilege extended to us by the nation which controlled the sea. We say this in no spirit of hostility to England. We would take the same position if any other country were put in the position of controlling the sea. We insist that for the interest of America it is absolutely requisite that we should be put in a

position where no power would be able to control the ocean through the system of navalism any more than we would have been taken care of if any country had been able to control all the land under the system of militarism.

We believe we went to war for the purpose of ending autocracy and all that that means, and that it means not alone militarism, the control of the land, but also navalism, the control of the oceans of the world. We say that if we were put in a position where we could carry on our commerce only so long as the opportunity to do so was extended to us as a matter of privilege by any nation, no matter how friendly that nation might claim to be, we could in no way build up our commerce or build up our industry on any permanent basis at all, because we would be left in the position where the carrying on of our commerce would be subject to the whim, or subject to the interest, or subject to the passion of the hour, as it might appeal to any other nation, or to any combination of nations together; and we point out with relation to that that we do not believe this war will have been properly won; that is, that the interests of America will have been properly taken care of as a consequence of the winning of the war as we insist that it was won, because of the contribution made by America, in spite of all that may be said by the other countries and the contributions they made, that it was because of the contribution made by America that the war ended in the way in which it did; and we say that under those circumstances the interests of America and the interests of mankind will not be properly safeguarded so long as any one nation or any combination of nations is left in possession and control of the sea, and able to interfere with the commerce that should be carried on in a normal way between all the free-trading countries of the world, all the countries that want to carry on commerce with one another and to have friendly business relations with one another.

We point out, with relation to that, that we believe the existence of the British fleet in its position of predominant power to-day is such that it can be directed only as against the commerce of the United States. We say that it no longer can be a weapon in the hands of England as against Germany, because Germany has been put in a position where it can in no way compete with England, where it has been deprived of its navy entirely.

We say the same thing with relation to Russia. We say that it can not be held in any way to be used as a weapon against France, because France, through the action of her statesmen and the stress of circumstances, has practically been taken into the continental vassalage of England. We say under those conditions that the English fleet can be directed or used as a weapon of menace against nobody except the United States of America, and we point out that even though, as many Englishmen contend, it is only a matter of coincidence that at any time when any country has put itself or been put in the position of being an economic rival or being an industrial competitor of England ruin has overtaken that country in every way; and we say in the interest of a just and permanent peace, if it can be made under these conditions at all, it can be made only by taking care to see that England should not be put in a position where she can menace the commerce of the United States, and menace the commerce of the world, whenever it suits her interest or whenever it suits her whim to do so. We suggest, with relation to that, that in any peace that should be made precaution should be taken to see that there be a general disarmament not only on land but also on sea, so that there will be actual freedom of all the world and not freedom simply of part of the world.

We point out the importance of Ireland in any scheme that would practically bring about the freedom of the sea. We say, again in no spirit of hostility to England at all, but only taking conditions into account as they exist, that England can not continue to be the dominant power of the earth, that England can not continue to control the world, unless she controls the sea, and that her continued control of the sea is dependent upon her continued control of Ireland; and we say that she can make no better contribution to the general freedom of the world, she can give no better evidence of her desire to make a just and durable and permanent peace, in any way equal to that which she would make by consenting to the disarmament of this fleet, which now is so very much larger than the fleet of any other nation or practically any combination of nations.

Senator BRANDEGEE. Do you object to being asked a question, or do you want to proceed without interruption?

Judge COHALAN. I do not mind, at all.

Senator BRANDEGEE. I wanted, if it would not interrupt the continuity of your thought, to have you state a little more in detail what you mean when you say that the continued supremacy of the sea depends upon this control of Ireland by England. I did not quite get it.

Judge COHALAN. For your consideration I would present the geographical position of Ireland with relation to England, the thing to which you remember George Washington referred when he said that if Ireland was 500 miles from England there would be no Irish question. When you think of the relation of Ireland to England, it puts England in a place where she can control the ocean, as she can not control the ocean unless she controls Ireland. While it is true that England made last year $225,000,000 out of the control of Ireland, the real secret for insisting upon keeping her control of Ireland is that she wants to be able to control the seas. She can do that because of the geographical position of Ireland. You will remember that you can not approach the southern coast of England without approaching the southern coast of Ireland, and can not approach the northern coast of England without approaching the northern coast of Ireland. Under the circumstances, England is going to insist on control of Ireland.

As I say, she can make no greater contribution to the freedom of the world, can give no greater evidence of the desire to bring about a just and permanent peace, than to give her consent to having the republican form of government which has been set up in Ireland recognized by herself as well as the other nations of the world.

Passing from that, we contend that we must as Americans take a position in opposition to this proposed league of nations because of what it does with relation to the Monroe doctrine. We insist that the Monroe doctrine is one of the fundamental principles upon which American statesmanship has been reared, and that our foreign policy has recognized it as the great principle of American statesmanship, of American interests, and we say in relation to it that if instead of having peace made between belligerents this peace convention is going to give its attention to the settling of all problems in the future, so as to do away with the probability of some great war occurring in the world, it ought to take into question the conditions as they have existed up to the present time, and then the interests of America are the first thing that should be looked out for by those who represent and speak for America.

We point out that under the Monroe doctrine as it has been established we have grown in wealth, prosperity, and power as no nation in the history of the world has grown. And we say that the Monroe doctrine if it is to be changed should be changed not in the way of diminishing its power but in the way of strengthening its power. If there shall be a desire to make a permanent peace, the Monroe doctrine should be extended so that it shall include any European interests in the Western Hemisphere. Any European country which is represented here by territory should depart. Since the Monroe doctrine has been enunciated all the territory which is possessed in western America by them has been given up by Denmark, France, Spain, and Portugal, and the only power remaining in any large way upon this hemisphere, the only European power possessing territory of any extent in this country, is the British Empire, and we say that if there is going to be a permanent settlement to come out of these peace negotiations the people of Canada, our great neighbor on the north, ought to have submitted to them the question of taking their place among the republics of the Western Hemisphere, or even if an arrangement could be made of joining our country, and in the same way the territory that England has in the West Indies should be turned over to America or turned over to the independence of those islands in order that there may be no further menace of American commerce, so far as the Western Hemisphere is concerned.

We Irish think that there should be no abandonment of the policy laid down by Washington in his Farewell Address of keeping away from permanent entangling alliances with any of the countries of the Old World. We point out that this has been the policy which has been followed strictly by America and has resulted probably more than anything else in strengthening the extraordinary position we occupy to-day. As the Senator from Pennsylvania said so well yesterday, the only great solvent power left, practically, on the earth is the United States, and it is the duty of those representing America to continue this policy, and we urge that in acting for the welfare of America care should be taken to see that that doctrine should be upheld, and that the advice of Washington should be continued and lived up to in such a way that we should neither take part in the quarrels of the Old World nor permit them to take part in our quarrels.

We urge, then, further, coming down to specific things, that as far as article 10 of the proposed league of nations is concerned,

we most emphatically protest against that. We say under it that we are asked to make the greatest departure from American traditions of statesmanship that have ever been made. We are asked to abandon the position that we have taken up to this day, as we did in Cuba, to give aid where people have been struggling to be free, and we would be unable to extend our sympathies to people struggling all over the world, and who are struggling to be free, if we guarantee the territorial integrity of existing nations. Under the proposed league of nations we should have to guarantee the territorial integrity of the Japanese Empire, the British Empire, the only two empires remaining, and guarantee to them the possession of all the spoils and the loot that they have gathered up in their existence in all parts of the world. No relief could be given Ireland as in the sixteenth century Spain went to the help of Ireland in her fight against England, for we would be compelled to make a fight, and would be compelled to send our men into Ireland, not for the purpose of helping them in their struggle but in order to help England to rivet the chains upon her.

We point out that if France should desire to assist Ireland as she did in the seventeenth century and the eighteenth century she would be compelled to do the same thing.

We say that it is utterly un-American, that it is against our best interest, against our highest ideals and against our highest ambition, and we point out the facts, so well known, that if a league of nations had been in existence at the time of the Revolution France could not have come to the assistance of the Thirteen Colonies, or if it had been in existence at the time of the Spanish-American War we could not have gone to the assistance of Cuba to help Cuba to obtain the position that she now occupies among the republics of the world.

Now, so far as Ireland is concerned, of course we understand that this discussion here should be very largely confined to the proposed league of nations. But we want to point out some of the conditions over there with relation to this that show the condition of affairs in the British Empire. We say that no people on earth held in oppression, held practically in slavery, have ever shown such an extraordinary political unanimity in the expression of their desire for the form of government under which they live and to become again one of the free nations of the world. I say that Ireland is able to support herself—to stand upon her feet. England last year made from Ireland $25,000,000, gathered in taxation, according to her own figures some £34,000,000, equivalent to $170,000,000; that she spent for the government of Ireland some £13,000,000, leaving a profit of £21,000,000, or $101,000,000, taking $5 as the value of a pound.

We say that last year, by reason of her absolute control of the sea, by reason of the fact that she shut Ireland off absolutely from contact with the rest of the world, so far as commerce is concerned, compelling Ireland to sell everything she has to sell through an English channel and everything she has to buy and compelling her to buy everything she has to buy from the western world through an English channel, that she did 95 per cent of the business of Ireland.

Sir Horace Plunkett says that Ireland's business with the rest of the world amounted to $820,000,000. The English statistics, so far as we can get them, show that this amount was $860,000,000 instead of $820,000,000. And we say that the English trader, who has no peer in greatness, has made an ultimate turnover of $120,000,000.

We say that since the equity union was appointed by Gladstone in 1894, composed of 19 men, 9 Englishmen, after two years of investigation of English data, they reported that Ireland, instead of costing the English money, that from January, 1891, to 1896, they had overpaid into the English treasury in the form of overtaxation the sum of £2,715,000, or the equivalent of $14,000,000, which means that for the 20 years since the formation of the union England had taken out of Ireland in that period over $1,700,000,000. We call your attention to that staggering sum even in these days. When they wanted to destroy France they imposed an indemnity of $1,000,000,000; but here, in a country two-thirds the size of that, they have taken from Ireland in overtaxation a much greater sum.

In the last 70 years, between 1845 and 1915, the population of Ireland has been practically cut in two. In 1845 the population was practically 8,500,000—between 8,250,000 and 8,500,000. According to the census taken in 1915 by the British Government, the population was a little over 4,000,000. We say that you can not find any parallel in the history of the world as that.

Senator KNOX. From what years?

Judge COHALAN. Seventy years; from 1845 to 1915.

Senator KNOX. There is a parallel in Central America.

Judge COHALAN. I did not know that you could find one.

Senator KNOX. That is under very benighted conditions.

Judge COHALAN. I would say, in relation to that, by way of comparison, that the peoples of the Continent of Europe that were most strongly tyrannized over—if you put it in that way, the nations against whose governments the strongest complaints were made by those over whom they were working and who suffered under such a condition of affairs, during the time that Alsace-Lorraine was under German rule—grew and prospered in population; Schleswig-Holstein under German rule grew and prospered; and there has been no parallel, except as Senator KNOX has indicated as to Central America.

We say that we are dependent for four months of every year upon the foreign markets of the world to find some place in which to sell our goods in order that our factories may run to their full capacity and the men may be employed.

In 1913 the business between England and the United States amounted to $875,000,000. The exports from America to England were $700,000,000, while the imports from England to America were $175,000,000. The export business between England and Ireland was $675,000,000 and the imports were around $350,000,000, so that England found in Ireland a place to which to send her manufactured goods to the extent of twice that she found in this country.

In 1845 the population of England was 9,000,000 and the population of Ireland was 6,000,000. The size of England is 50,000 square miles and Ireland 32,000 square miles, showing that the proportion of population of Ireland should be two-thirds that of England. That was the condition when the act of union passed on the 1st of January, 1801, which Gladstone characterized as the most corrupt act ever passed in England.

We say that the proposed league of nations is un-American and that it can not be depended on to guard the interests of America; that it can not safeguard the interests of America. We speak for people who are devoted to America above everything else, who have done everything possible to stand by American traditions and ideals. We urge upon you very strongly, speaking practically for one of every five persons in America, and we urge that the Senate report against this proposed league of nations and recommend that the Senate reject it; and if under any circumstances any part of it should be accepted, that under no condition should article 10 or article 11 be accepted, or any of the other things which we have pointed out, from which, as we have pointed out, there would be a curtailment of American sovereignty and American independence. We are opposed to the whole league of nations. We believe it is un-American, and urge and insist that in it there can be no justice and no just and permanent peace, and that by adopting it you are only making for a continuance of the war.

Senator MOSES. Judge Cohalan, you spoke of your speaking for one of every five persons in the United States. Do you intend to imply that there are 20,000,000 of inhabitants of this country who are of Irish origin?

Judge COHALAN. We think there are many more than that.

Senator MOSES. And the views that you express are shared by that 20,000,000?

Judge COHALAN. Suppose I give you some evidence of it. I would like to put on the record the reasons I have for that opinion. On the 22d and 23d of February, in the city of Philadelphia, I had the honor of presiding over the most patriotic gathering of American citizens that I have ever seen. There were 32 accredited delegates to the convention. The resolutions that were passed were offered by Cardinal Gibbons, seconded by a distinguished Episcopalian minister and by a distinguished Presbyterian minister and by a famous Jewish rabbi. There were representatives from every one of the Irish societies all over the country. Judge Deery, president of the Ancient Order of Hibernians, was there, and Mrs. McWhorter, representing the Women's Branch of the Order of Hibernians, representing a membership of over 150,000. And after seeing this representation there I think that we can feel assured that we are speaking practically for the great bulk of the Irish citizens in urging this action.

Senator MOSES. Can you explain, then, why it is that the Irish Senators are so lukewarm?

Judge COHALAN. Senator, I came here for the purpose of making an argument showing our position to-day. I came here to make an argument that would appeal to all the Senators, no matter what races they represent, and when the hearing is concluded I hope that the Senators will be convinced.

Senator JOHNSON of California. The difficulty is that you have been addressing yourself thus far to members of this committee who are of one mind upon this subject.

Judge COHALAN. Looking around and seeing the number of them, I am glad that that is so.

Senator JOHNSON of California. I wish it were possible for you to address them all.

The CHAIRMAN. Are you ready to go on?

Judge COHALAN. I am going to call upon Mr. Patrick J. Lynch, of the Supreme Court of Indiana, to read the memorial on the behalf of those who have come here. They have come from practically every State in the Union, from all walks in life, and from all over the country. We wish that it were possible to get people from the different parts of the country to be heard, but we have prepared a general memorial, and then later we will hand in the names of those who have signed.

The following memorial was read by Mr. Patrick J. Lynch:

MEMORIAL TO THE SENATE OF THE UNITED STATES.

"SENATORS: We, citizens of the United States, of Irish blood, but attached above all things to this Republic and its Constitution, respectfully pray that the proposed treaty now before you be rejected as a direct violation of the principles on which this war was fought as they were defined by President Wilson in these words, addressed to Congress:

"'National aspirations must be respected; peoples may now be dominated and governed only by their own consent. "Self-determination" is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril.'

"And, again, in the President's address delivered at Mount Vernon July 4, 1918:

"'The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.'

"On these principles other nations which have claimed their right to independence only during a period comparatively recent have been emancipated. To them America was bound by no ties save that of sympathy for the cause of freedom.

"Ireland has been asserting continuously her claim to independence for eight centuries. America is bound to her by close ties of friendship and of obligation for manifold services in peace and war. One-fifth of this entire population is of Irish extraction. In every war which America has fought Irishmen have shed their blood in a measure far in excess of their proportion to population. We ask that Ireland be not the only nation excluded from the benefit of the glorious principles enunciated by Mr. Wilson, as those which the Great War was fought to establish.

"We especially denounce article 10 of the proposed league of nations as a device to stifle the conscience of civilization and render it impotent to condemn, and, by condemning, to end the oppression of weak nations enslaved by powerful neighbors. It impeaches the most creditable page in our history and discredits the circumstances and conditions in which our Republic was born and our liberty achieved.

"The conscience of civilization, the only force to which the oppressed can appeal, would no longer be able to take effective jurisdiction of wrongs perpetrated by powerful nations on weaker people. No struggling nation has ever achieved its independence except through the aid of other nations. The struggling American Colonies could never have thrown off the yoke of Great Britain without the aid of France. Cuba could never have been freed without the intervention of this country, and one of the most creditable pages in human history would never have been written.

"Greece could never have escaped from the hideous domination of the Turk but for the assistance of enlightened nations.

"Under article 11 it becomes the right of the council of the league to prevent an assembly of American citizens to petition their Government to afford relief to an oppressed nation. On this point article 11 specifically says:

"'It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threaten to disturb international peace or the good understanding between nations on which peace depends.'

"Under that clause our Congress could not express in the future, as it did in the past, our sympathy with countries like Greece, seeking freedom from the Turk; the South American Republics, seeking liberty from Spain; or tender a welcome to Kossuth, of stricken Hungary; or Parnell, pleading for a self-governing Ireland.

"The determination of Ireland to regain her independence has been one of the sources of every great war which scourged the world for four centuries. Any question which disturbs the peace of nations is not domestic, but international. Its settlement is, therefore, an imperative necessity of international peace.

"Through long centuries of oppression Ireland has maintained her national spirit largely because she has always hitherto been able to cherish a hope that she might receive from some well-disposed foreign power the assistance which would insure her independence. She looked to Spain for this aid at the close of the sixteenth century; to France in the seventeenth, eighteenth, and nineteenth centuries. She looks for it now in the twentieth century to America, and we confidently hope and pray that the Senate will not allow that light of hope to be extinguished.

"Signed by—

"Daniel F. Cohalan, justice, supreme court, New York City.
"Frank P. Walsh, Kansas City.
"E. F. Dunne, former governor, Illinois, Chicago, Ill.
"Michael J. Ryan, Philadelphia.
"John Archdeacon Murphy, Buffalo, N. Y., member of American commission on Irish independence, attending peace conference, Paris.
"Charles S. Bartlett, governor, New Hampshire, Concord, N. H.
"W. W. McDowell, lieutenant governor, Montana, Butte, Mont.
"John W. Goff, former justice supreme court, New York City.
"Bourke Cochran, New York City.
"Daniel T. O'Connell, director Irish national bureau, Washington, Boston, Mass.
"John E. Milholland, New York City.
"James K. McGuire, representing Irish societies of Westchester County, N. Y.
"Joseph F. O'Connell, former Member of Congress, Boston, Mass.
"Rev. F. X. McCabe, president De Paul University, Chicago, Ill.
"Right Rev. Monsignor Gerald P. Coghlan, treasurer Philadelphia Friends of Irish Freedom, Philadelphia.
"Michael Francis Doyle, Philadelphia.
"Mary F. McWhorter, national president Ladies' Auxiliary Ancient Order of Hibernians, Chicago, Ill.
"Peter F. Tague, Member of Congress, Boston, Mass.
"Cornelius Corcoran, John McBride branch, Friends of Irish Freedom, Lawrence, Mass.
"Frank S. McDonald, John McBride branch, Friends of Irish Freedom, Lawrence, Mass.
"Michael F. Phelan, Member of Congress, Lynn, Mass.
"Hugh O'Neill, committee of 100 for an Irish republic, Chicago, Ill.
"Richard W. Wolfe, committee of 100 for an Irish republic, Chicago, Ill.
"James E. Murray, representing Irish societies of Montana, Butte, Mont.
"C. E. McGuire, Washington, D. C.
"D. J. Carlin, New Orleans, La.
"John P. Leahy, delegate, Friends of Irish Freedom, St. Louis, Mo.
"W. J. O'Brien, M. D., Philadelphia, Pa.
"Mrs. M. A. Gallagher, State president Ladies' Auxiliary of Pennsylvania, Ancient Order of Hibernians, Philadelphia.
"Louis E. Kavanaugh, president Omaha association branch, Friends of Irish Freedom, Omaha, Nebr.
"P. M. Halloran, representing Irish societies of Anaconda, Mont.
"J. W. Maney, president of Friends of Irish Freedom, Oklahoma City, Okla.
"Horace H. Hagan, former assistant attorney general of Oklahoma.
"Dennis Meehan, York, Nebr.
"Thomas Darragh Mullins, member national council, Friends of Irish Freedom, Pittsburgh.
"Dudley Field Malone, Croton on the Hudson, N. Y.
"Martin Scully, former mayor of Waterbury, Waterbury, Conn.
"Joseph P. Mahoney, president United Societies of Cook County and Chicago, Chicago, Ill.
"Rev. James Mattan Mythen, representing national council, Baltimore, Md.
"Patrick Lee, secretary American commission on Irish independence, Richmond Hill, N. Y.
"Hon. David J. O'Connell, Representative in Congress, Brooklyn, N. Y.
"Very Rev. Edward C. O'Reilly, representing Catholic clergy of diocese of La Crosse, Baraboo, Wis.
"P. J. McGarvey, Philadelphia, Pa.
"Hugh McCaffrey, Philadelphia, Pa.
"Bernard J. Rocks, Newcastle, Pa.
"P. T. McCourt, committeeman, Friends of Irish Freedom, Akron, Ohio.

"T. A. Clancy, Hartford delegate, Hartford, Conn.
"Patrick J. Lynch, Indianapolis, Ind.
"Margaret T. Mulvaney, State secretary Ladies' Auxiliary Ancient Order of Hibernians, Providence, R. I.
"M. E. Smith, treasurer St. Louis, Mo.
"Robert Emmet O'Malley, delegate, Michael Davitt branch, Kansas City, Mo.
"P. J. Ryan, member of executive council, Washington, D. C.
"M. O'Neil, president, Friends of Irish Freedom, Akron, Ohio.
"James A. Kelly, Danville, N. Y.
"Katherine Hughes, secretary, Irish national bureau, Washington, D. C.
"Joseph T. Brennan, secretary Federation of Catholic Societies, Boston, Mass.
"John R. Haverty, director John McBride branch, Lawrence, Mass.
"Timothy P. Donohue, treasurer John McBride branch, Lawrence, Mass.
"Rev. Walter P. Gough, director of Columbus, Philadelphia, Pa.
"Margaret L. Brosnahan, district president Ladies' Auxiliary Ancient Order of Hibernians, Washington, D. C.
"Margaret Buckley, district treasurer Ladies' Auxiliary Ancient Order Hibernians.
"Thomas J. Blewett, representing Thomas Francis Magher branch, Bridgeport, Conn.
"H. B. Cassidy, Syracuse, N. Y.
"Edward Ryan, president Friends of Irish Freedom, Syracuse branch, Syracuse, N. Y.
"John B. London, secretary Ancient Order of Hibernians, Philadelphia, Pa.
"E. J. Devine, delegate Norfolk branch, Norfolk, Va.
"James O'Neill, president John McBride branch, Lawrence, Mass.
"Rev. Joseph Byrne, D. D., president St. Mary's College, Darien, Conn.
"Matthew Donovan, District Council 40, Philadelphia, Pa.
"James O. Reilly, Ancient Order of Hibernian delegate, Philadelphia, Pa.
"Henry J. Phillips, secretary Robert Emmet branch, Philadelphia, Pa.
"Patrick King, Young Men's Union, Philadelphia, Pa.
"Joseph P. O'Neill, Federation of Irish County Societies, Philadelphia, Pa."

Senator BRANDEGEE. Mr. Chairman, I suggest the absence of a quorum. I would like the record to state the names of those present.

The CHAIRMAN. The clerk will call the roll.

The clerk called the roll, and the following members answered to their names: Senators LODGE, BORAH, BRANDEGEE, FALL, KNOX, HARDING, JOHNSON, NEW, MOSES, SWANSON, and PITTMAN.

The CHAIRMAN. There are 12 Senators present, a quorum. Judge Cohalan, you may put on your next speaker.

Senator BORAH. Before that is done, Mr. Chairman, I want to make a suggestion with reference to the gentlemen who are still to address the committee. The argument has been made by the advocates of the league and by some of our colleagues that under the league of nations Ireland would have a better opportunity or a better chance of having her affairs settled in harmony with her aspirations than without it. You gentlemen having kept close tab, undoubtedly, upon the debate along that line of argument, will appreciate what I say. I would like to have some one address his attention to that feature of the question.

Judge COHALAN. That will be done during the course of the hearing. Mr. Chairman, I want to put in the record a memorial with certain figures.

The CHAIRMAN. They will be printed, and as our time is limited, we will not take the time to read them now.

Judge COHALAN. Very well. Mr. Chairman, I am also going to file Ireland's declaration of independence along with other official documents, and some extension of my remarks.

The extension of Judge Cohalan's remarks and the declaration of independence referred to are here printed in full, as follows:

"The great trouble with the mass of the people of America on the question of Ireland is their viewpoint on the Irish question. Without intending to be unfair, they take for granted the justice of the English view. They find England, largely the mistress of the world and in many ways admitted to be the leader of modern civilization, in possession of Ireland.

"They find, according to histories mainly written by England's friends, that she has been thus in Ireland for centuries, and they take it for granted that she must be there legally; that she is there as a matter of right. They take for granted, too, that in the evolution of civilization, in the making of history, that conditions required her to be there, and that England's claim to the overlordship in Ireland is a valid and just claim.

"This view is strengthened by all the literature which most Americans ever read. The so-called English literature with which Americans come in contact usually rates England as the one great power which, through the centuries past, has been carrying aloft the torch of justice and progress into the dark corners of the world. So, it is not to be wondered at that many Americans are prone to think of England as the guiding star of civilization, educating and lifting up downtrodden, suffering people that have been tyrannized over by their national tyrants.

"This is the view of England that Englishmen like to have the world take of their country. Because of this viewpoint, it is extremely difficult to get before the American jury—fair as it intends to be—the actual facts of history, not to speak of the present-day conditions as they exist in Ireland.

"THE DOMINATING FIGURES IN ENGLAND.

"The ordinary American, accustomed to giving almost all of his time to a study of the internal conditions of his own country, so far as his interests lead him on, has not learned to differentiate between the England which is and the England that, according to her writers and poets, seems to be.

"He has not come to understand that the English democracy of which he hears and reads so much has little reality in fact, and that England still continues to be governed by a handful of men, representing, with but few exceptions, the same small group of titled land-controlling families that have governed England since the days of Henry XIII, if not, in fact, much longer. Since the downfall of continental aristocracies this is true of England more than of any other country.

"The dominating figures in England to-day—those in actual power—are the Cecils and their relations. Lloyd-George or some other figure that has come to represent democracy or radicalism, if you will, in the eyes of the world, is put forward as the premier of governing authority. But the will that dominates, controls, and finally directs the policies and actions of England is that of the master spirit Cecil, no matter which member of that family or its connections it may happen to be.

"In the last generation it was the Marquis of Salisbury, former premier of England, the man who said, some 40 years ago, that England and America were natural rivals in every court and in every port; the man who more than any other—with the exception of Joseph Chamberlain, the great radical who ratted and joined the forces of conservation—was responsible for the destruction of the two little Republics in South Africa.

"It was this same Salisbury who said, in the days when the Irish were carrying everything before them in the Parliamentary fights in the House of Commons, that the Irish were no better than the Hottentots and should receive the same treatment. It was the same man who represented England in the Congress of Berlin and of whom Bismarck said—because he quit when opposed by superior force—that he reminded him of a lath painted to look like iron.

"Salisbury was aided and was succeeded by his nephew, Arthur James Balfour, who became premier of England, first lord of the admiralty, and a number of other high-sounding things, but who has never been able to wipe out the title of 'Bloody Balfour,' conferred upon him by the people of Ireland when he was chief secretary for Ireland, and, among other things, ordered the shooting, if necessary, by the troops, in cold blood, of the defenseless, unarmed people of Mitchelstown.

"Balfour is still to the fore and is probably the chief governing force in England to-day, except in so far as he is displaced by his cousin, Lord Robert Cecil, son of the Marquis of Salisbury and father of the proposed league of nations—which would, if it became effective, undo the work of the revolution and put us in the position of again being a vassal state of England, subject to the control of the Cecils or any other landed aristocracy that might in the future control the destines of England and the world.

"These are types of the men who dominate England, and, through her, control the British Empire. The little King George V, first cousin to the late Emperor of the Germans and the Czar of the Russians, at present represents the German royal family as King of England and Emperor of India.

"He rules over every third person on earth and over almost every third square mile of land on earth. He is actually master of all the seas and is at the head of a Government more powerful than any which ever before existed in all the history of mankind.

"Englishmen like to say that King George reigns but does not rule. That is true. The real ruling force is that handful of aristocrats who represent the landed feudal aristocracy of England and who form the most absolute, most arbitrary, and most powerful autocracy the world has ever seen.

"ENGLAND MAKES OTHER NATIONS SUPPLY THE SOLDIERS.

"The history of England differs from that of every other country. No other country before her has reached her dominant place among the empires of the earth. Rome approached nearer to England than did any other country in similarity of methods by which she acquired world control. Her imperial motto, 'Divide et Impera,' marked the policy by which she subdued almost the entire world of her day and ruled the known world without a rival for centuries.

"But Rome acquired most of her power through her own soldiers. The generals who led her armies to victory were of Roman blood; the soldiers who swept everything before them on the field of battle were Roman legions, who found few who could stand before them. They risked their own lives, their own blood, for the quarrels of their country, in order that her will might be imposed upon other countries.

"England has improved on all this. She follows the Roman motto, but because England leaves the control of the policy of her Government in the hands of her diplomats, other nations, other races, are made to supply the generals who win the battles, and the soldiers who bleed, in order that England may grow great.

"ENGLAND'S POLICY TAKES ADVANTAGE OF FRIEND AND FOE.

"The policy which had its beginning under Henry the Eighth has been consistently carried forward, subordinating every other interest to that of the growth of England and the extension of her power. It has been carried on through all the ages by every government which comes into power in England, no matter what its domestic policy may have been.

"Englishmen may differ upon domestic problems—upon questions of taxation, of education, of religion—but as against all foreigners they are a unit and their policy is always consistently to take advantage of all openings given them throughout the world, to make and unmake alliances, to make and break treaties, to take advantage of friend and foe in order to add to the wealth and power of England and to break down those who have stood against her.

"One of the results of this policy is seen to-day in the proud boast of England that the sun never sets on the British Empire. Her flag flies in triumph over territory in every continent and in most of the important islands of the seas. It is carried aloft as the flag controlling the power of every sea of the world.

"Her forts guard practically all the great narrow waterways of the earth, with the exception of the Panama Canal. Yet here, by reason of her extraordinary influence over American legislation, England has acquired for her commerce all the rights and privileges enjoyed by American commerce, although the Panama Canal belongs to us, was built by America and paid for by America's treasures.

"MOLDING PUBLIC OPINION OF THE WORLD.

"Another and, if possible, more important result of this policy of England is the extraordinary control she has gained over public opinion in every country in the world. Her soldiers have won battles for her on land, her admirals have won fights at sea, but these are as nothing when compared to the triumph of her diplomats. No group of men in the history of the world can compare in skill, in adroitness, in finesse, in influence, with the diplomats of England.

"The visible British Empire is an external monument of their triumph, but the invisible British Empire, with its control of influences in every Government on earth, its thousand and one ways of making opinion through the press, the magazines, the pulpits, the schools, of every race and in every clime, is a vaster, more far-reaching monument of their finesse, their adroitness, their ability to make black seem white.

"The Romans were satisfied with their triumph at arms. When their soldiers had beaten down those of the opponent, the generals and princes of the vanquished were brought to Rome and made to walk sub jugo through the streets, chained to the wheels of the chariot of the Roman Consul.

"The English diplomat, more skilled in human nature, more subtle, more far-reaching in his plans, is not satisfied with such outward marks of triumph. He carries on a campaign throughout the world, to justify his actions, and, if possible, to ease his own conscience. As an example:

"ENGLAND ATTEMPTS TO DESTROY THE SOUL OF IRELAND.

"Even though England by brute force has been in possession of the body of Ireland for centuries, the English diplomat continues his fight to destroy the soul of Ireland. Even though he has proclaimed, at the birth of each succeeding generation, that he has again conquered Ireland, he still keeps looking in vain for a declaration from the people of Ireland that they have been conquered.

"He tells himself that he has beaten the Irish because of the thousand and one cruelties he has practiced upon them, but he knows in his heart that he can not conquer the Irish people while one man and one woman of Irish blood survive.

"He knows—if the world does not know—that the people of Ireland want absolute independence. He has been able with a thousand subterfuges to confuse the thought of the world on the question of what Ireland wants, but he can not deceive himself.

"The Balfours and Cecils of this generation know, as well as Burleigh, their relative, in the days of the reign of Elizabeth knew, that what Ireland wants is to have England get out of Ireland, bag and baggage, and leave the people of Ireland to govern their own country in their own way.

"IRELAND IS UNITED FOR ABSOLUTE INDEPENDENCE.

"In the last analysis, the question between England and Ireland is simplicity itself. There are two nations, each of which wishes to rule, govern, own Ireland. One is the Irish nation, to whom Ireland belongs, for whom it was set apart by God Almighty himself for all the rest of the world.

"The Irish people have dwelt in Ireland for thousands of years, distinct and separate in a hundred ways from all other peoples, set apart in nature, in thought, in language, in custom from the rest of the world, marked by the hand of God with an individuality all their own.

"The Irish people have their own strength, their own virtues, their own gifts, their own weaknesses, but differ from and are different to any and all other races of men. The Irish people have absorbed all other strains of blood that have gone into the strange country of Ireland so as to have made strangers who have gone there, after a few generations, an integral part of themselves, or, as an old writer phrased it, 'more Irish than the Irish themselves.'

"The other nation that wishes to own, govern, and rule Ireland is the English nation, belonging to England but foreign to Ireland. A nation of great gifts, great failings; a nation that may yet, in the providence of God, reach the point where it can be made to see that it will be greater to conquer themselves than to conquer a city or a world; greater to bring peace, contentment, and opportunity for decent living, not to some portion of itself but to all its peoples, so that it may not be said in the future, as it was said in the past, in a recent report of a British commission, that one-third of the people of England did not have a week between themselves and starvation.

"IRELAND ONLY WANTS WHAT BELONGS TO HER.

"If the question between Ireland and England were between two individuals, no jury sitting in any part of America would have any difficulty in disposing of the matter. Ireland does not ask anything of England except to be let alone. She wants only what belongs to her. She wants only that which was her own. She wants to govern herself and her own people in her own way, according to her own standards, and with absolute religious freedom and political equality for all of her children.

"Ireland does not ask one inch of territory that is not contained within the four seas of Ireland. She does not ask to impose her will upon a single person who dwells beyond her shores. She appeals to the free people of the earth for the opportunity to go her own way, in peace and harmony with all the rest of mankind. She offers not alone to forgive, but so far as she can, even to forget past dealings with England and to dwell in peace and amity and concord with England as a neighbor.

"But she refuses, as she has refused for 750 years, to permit the stranger—England—to govern her, to control her resources, to shut her off from contact with the other nations of the earth, to keep her out of her high place among the nations. She says, with the voice of a united people—not in a quarrelsome way, but in the quiet voice of reasoned judgment—that as she has fought for 750 years for her independence, so she is prepared to fight, if necessary, as long again in order to attain that independence, and to resume her place among the independent nations.

"Her sons say for her, quite calmly, with knowledge of the fact that though scattered all over the world, they yet remain a great race, that England with all her power, with all her subtlety, with all her barbarity, can not destroy them or wipe them out. That the fight which England waged through so many centuries can only end when England shall withdraw her last soldier from Ireland and leave that country, which she has been robbing for centuries, to govern and rule herself.

"The diplomat of England has succeeded in many parts of the world as has no other diplomat in the history of mankind, but he

has failed in Ireland as absolutely and completely as any diplomat has failed in other parts of the world.

"It may be said without exaggeration that England has tried for centuries every form of tyranny, of cruelty, of inhumanity in her treatment of the people of Ireland. Her chief spokesman, Lloyd-George, admitted in the House of Commons last year that England had made an absolute failure of her government of Ireland, and that to-day she was as unpopular with the mass of the people of Ireland as she was in the days of Oliver Cromwell.

"BELGIAN ATROCITIES DUPLICATED A HUNDREDFOLD IN IRELAND.

"In the early stages of the late Great War, the world was made familiar with the story of the treatment the Belgians received in their own country at the hands of the invaders. It was but the recital and summary of England's treatment of Ireland. Not an atrocity was charged against the Germans in Belgium, not a cruelty was practiced, not a crime committed, which could not be duplicated a hundredfold in England's treatment of Ireland.

"Proof of this fact need only be taken from the admissions of English historians; from the declarations of English statesmen—the only difference between Belgium and Ireland being that the atrocities in Belgium extended over a period of three or four years, while the atrocities of England in Ireland have extended over the centuries.

"Belgium to-day, with a chorus of thanksgiving from all over the world, has resumed her place among the free nations of the earth and is to be indemnified in so far as money can indemnify a suffering country for losses sustained.

"Ireland to-day, after seven and a half centuries of greater suffering, still lies prostrate at the feet of England, while English statesmen, with a smug hypocrisy all their own, dilate with well-stimulated astonishment on the dreadful fact that England can not leave Ireland to be governed by Irishmen, because, forsooth, the Irish can not agree politically among themselves.

"NO SUCH POLITICAL UNANIMITY EXISTS ELSEWHERE IN THE WORLD.

"The fact is, however, that there is in Ireland to-day a degree of political unanimity greater than exists in any other country on earth—very much greater than that which exists in England, where Lloyd-George and his confreres are kept in power through a political coalition between eight different groups, and much greater than exists in our own country.

"Ireland is the only country in the world in which a plebescite has been taken since the armistice was declared last November. The result of that plebescite was that the people of Ireland, by a vote of more than three to one, declared in favor of absolute separation from England and in favor of the establishment of an Irish Republic.

"This was on the 14th of last December. On the 21st day of January of this year the elected representatives of the people of Ireland met in convention at the Mansion House in the city of Dublin, declared the existence of the Irish republic, and made an appeal to the free peoples of the earth for its international recognition.

"In furtherance of that appeal, Eamon de Valera, president of the Irish republic, and several members of the Dail Eireann (Irish congress) are now in this country. They seek to lay before the people of America actual conditions as they exist in Ireland to-day. They ask a hearing in order that America may understand that what the people of Ireland are asking is full recognition of their status as a free and independent people.

"They seek not some redress of grievances, large or small, but they demand that England take her grip off Ireland and leave the country to be governed by its own people in its own way. The opinion of America has been aroused within the last year as it never has been before in favor of Ireland.

"ENGLAND AIMS TO CONFUSE THE ISSUE.

"But the English diplomats, with their accustomed skill, are seeking to confuse the issue, to prevent our people from getting a clear understanding of what is at stake between Ireland and England.

"It is their task, their duty at this time, not to simplify but to complicate the issue; not to clarify, but to confuse the situation. Because of that, there appear in a hundred forms, a hundred suggestions from England as to a way out of the difficulty.

"One group talks of dominion home rule, while others talk of a dozen varieties of the same form. Carson talks of having conditions remain as they are, while Smuts—the 'slim' South African who believes all peoples should continue to be swallowed up by the British Empire—comes forward with that latest suggestion that Ireland should receive the same recognition as that given to Bohemia.

"But all ask for Ireland something which England wants—none offers to Ireland that which Ireland demands; because at bottom—let them explain as they may—in any one of the hundred devious devices English statesmen and historians have used in attempting to explain it—the fact is that England remains in Ireland for England's profit, security, and power, and does not intend to get out of Ireland until she is persuaded, either by force or by the prospect of greater profit in some other form, that it is to her interest to do so.

"England says she remains in Ireland only for two reasons: First, because Irishmen can not agree politically, and, second, because Ireland can not financially stand alone. Neither statement has the slightest foundation in fact.

"PLEBESCITE TAKEN IN DECEMBER REFUTES FIRST CLAIM.

"The plebescite taken in Ireland last December, under the most adverse conditions, shows that the people of Ireland have reached a degree of political unanimity practically without parallel. With the great English Army of occupation and with all the machinery of the Government in possession of the English garrison, the people of Ireland, by a vote of more than 3 to 1, decided in favor of total separation of Ireland from England.

"According to the standard American histories, Washington and his associates were never able to rally to their support more than a majority of the colonists, if, in truth, they ever had so large a proportion of the colonists on their side.

"Even in the so-called convention presided over by Sir Horace Plunkett and hand picked by Lloyd-George, there was a majority of 40 to 29 in favor of the proposed plan then given, which would have gone beyond the scheme of so-called settlement now proposed by many responsible spokesmen for England. This is the more remarkable when it is considered that a large number of the members of that body were selected by Lloyd-George and his associates for the express purpose of having them fail to agree to any settlement.

"If the situation were not one of so much importance it would be farcical to hear Lloyd-George talk about the failure of the Irish to agree, when he himself remains in power in England through a coalition made up of eight different groups, and was the direct cause of the so-called failure to which he refers.

"ENGLAND REMAINS IN IRELAND FOR HER OWN FINANCIAL GAIN.

"England dares not say that she remains in Ireland because Ireland can not financially stand alone. This, in spite of the fact that last year England made at least $225,000,000 from her control of Ireland. She collected from Ireland and on Irish goods during the preceding year a revenue of more than £34,000,000. She spent on what she is pleased to call the 'government' of Ireland about £13,000,000, leaving a profit to herself of £21,000,000, an equivalent of about $105,000,000 profit gathered to herself through taxation of Ireland.

"Ireland did with the rest of the world the previous year a busines of $820,000,000, according to Sir Horace Plunkett, though other spokesmen for England say this estimate is entirely too low. Of the foreign business done by Ireland, more than 95 per cent was done with England. Why? Because England has so completely cut Ireland off from the rest of the world that she is unable to send goods abroad except through England, or to buy abroad except through England, thus being compelled, against all economic law, to sell in the cheapest market and to buy in the dearest market.

"It is only fair to presume, as a result of this, that the English tradesman, who is as shrewd, as adroit, as far seeing in his own field as is the English diplomat in the field of government, made a profit of at least 15 per cent on the turn over of this business with Ireland.

"Ireland thus gives to England, in addition to the taxation, the profit of $120,000,000, thus making for England in a single year a profit of vast proportions—a profit of $225,000,000 from her control of Ireland. That sum represents 225,000,000 reasons why England wishes to remain in Ireland. She is there as a matter of profit. She is there as a matter of interest. But above all other reasons, strong and selfish as they are, England remains in Ireland because she regards her continued control of Ireland as vital and essential to her continued control of the seas.

"ENGLAND USES IRELAND FOR A GREAT DAIRY FARM.

"Much has been made by the spokesmen of England of the claim that Ireland must remain attached to England because England is the chief market for Irish goods, and the country through which Ireland's commerce with the world must be carried on, if Ireland is to seek a world market.

"No more damning indictment could be brought against England than is brought by this bit of English propaganda. The

simple outstanding fact is that England does not buy one dollar's worth of goods from Ireland which she could buy cheaper in any other part of the world. Further, because of her absolute control of the seas of the world, and of her economic contact with every other country on earth, England does not sell to Ireland one single article, no matter how insignificant, for which she could find a better price in any other part of the globe.

"England uses Ireland for a great dairy farm, a broad grazing land, in order that food may be provided at the lowest possible price, for the teeming millions in the industrial centers of England. She uses Ireland as a dumping ground for the excess products of her factories—excess products which are turned out by her manufacturers either to meet special competition in some other country or in order to keep her industrial workers employed so that they may not have time to think too much about the grievances and the industrial problems that lead to revolution.

"ENGLAND DESTROYED THE POPULATION OF IRELAND.

"The world recently rang with English propaganda in the form of stories of the tyrannies of the Czar of the Russias and of the government of the Central Empires. These empires have gone, and properly gone, the ways of every other tyrant of past history, but the fact remains that at their worst these powers did not keep the population of Alsace-Loraine, of Schleswig-Holstein, of Galicia from greatly increasing in numbers and in prosperity.

"Nor did the brutalities and outrageous excesses of power of the successive Czars of the Russias prevent Russian Poland from growing greatly in population and in wealth. Yet in the 70 years from 1845 to 1915, the population of Ireland, under what English spokesmen are pleased to call the benign reigns of Victoria, of Edward VII, and of George V, has decreased from more than 8,750,000 to 4,390,219.

"GOVERNMENT-MADE FAMINES TO DESTROY THE PEOPLE OF IRELAND.

"In that time, in spite of the cruelties and misgovernment practiced upon the people of those continental countries, no charge has been made and has been proved—as in the case of Ireland—of a government-made famine in which more than one million starved to death in a land of plenty, and another two million were sent across the seas to seek in foreign countries an opportunity to live, an opportunity of which they were deprived in their own land by reason of the inhumanity of an alien government.

"England has systematically broken down every effort made to build up the industries, to develop the resources of Ireland, while her spokesmen sing in chorus that all the wrongs of Ireland are ancient wrongs and that Ireland is to-day governed by the same laws that govern England, and therefore the Irish people should be contented with their lot and cease to cry for liberty.

"These assertions do not bear the slightest investigation of an impartial mind. Ireland has been turned into a grazing country by the laws of England and by acts of the English Government. The system of laws made for a highly complex industrial State like England are utterly out of place in a country whose main pursuit is made to be agriculture.

"GREAT HARBORS OF IRELAND IN IDLENESS.

"The shipping controlled by England cuts Ireland off from all contact with the rest of the world and keeps in idleness 20 of the greatest harbors of Europe. It prevents the modern development of the ports of Cork, Limerick, Galway, Sligo, and Dublin, ports which centuries ago were great trading ports, carrying on extensive commerce with the countries of continental Europe.

"The railroads of the smaller and poorer country are controlled by the railroads of the richer and larger country, so that it cost until recently as much to send a barrel of flour across from Galway to Dublin as it would to send it from Chicago to Liverpool.

"Most of the banks in Ireland are bought up or controlled by the banks of England, with the result that the deposits are not invested in Ireland for the development of its resources or the upbuilding of its industries, but are placed at the disposal of English manufacturers and business men to aid in their schemes for exploiting the rest of the world and beating down the industrial rivals of England in Europe and in the United States of America.

"The Irish mercantile marine, which for centuries carried on a commerce with continental Europe and America, has been wiped out of existence by adverse English laws. It has been replaced only by ships which bring Ireland's goods to England and England's goods to Ireland in such a manner as to make the Irish market to all intents and purposes the private monopoly of England.

"England, roughly speaking, is one and one-half times the size of Ireland in square miles. When the act of union was laid upon Ireland, January 1, 1801, the population of Ireland was almost 6,000,000 and the population of England was less than 9,000,000. To-day, the population of England is over 36,000,000, and the population of Ireland, according to the latest English census, is 4,390,219. At the same date which marks the application of the act of union to Ireland, the population of Scotland was 1,700,000, while to-day, for the first time in history, it is larger than the population of Ireland.

"IRELAND VICIOUSLY MISREPRESENTED ABROAD.

"If Ireland had been satisfied to become the contented province of England and to abandon her fight for liberty and her desire for independence; if she would consent to become absorbed into England, to become a part of the English people, she would undoubtedly enjoy a prosperity that would mean all that the word implies.

"It is because of the fact that she will not consent to such an arrangement, it is because she regards the ideal as of more consequence, even in this life, than she does the material, that Ireland must continue to be misrepresented abroad. If England has her way, her rule will continue in Ireland until that day and that generation when the British Empire, following all the other mighty empires of the past, shall hear the hour of her doom strike and shall be compelled to give way to the onward march of events which will carry its end into the mighty empire and bring freedom to the peoples all over the earth who are oppressed by it. Thoughtful observers the world over agree that that day is not far distant.

"England has time after time overrun Ireland with her armies, with her confiscators, but she has never conquered Ireland, and unless all signs by which the future may be gauged fail, she never can conquer Ireland.

"To-day England faces an Irish race scattered all over the world, totaling 30,000,000 of people. She may boast that the sun never sets on the British Empire, but she must also admit that it never sets on the man of Irish blood. Wherever he has gone, into whatever country he may have been absorbed, he remains distinctively hostile to the British Government and the things for which that Government stands.

"He was, as American historians tell us, the first to raise the banner of revolt against England in this country. According to that scholarly volume, Hidden Phases of American History, by Michael J. O'Brien, 38 per cent of the rank and file of Washington's Army were Irishmen or sons of Irishmen—the most determined, the most unfaltering enemy England had in America.

"He harbors no enmity against the English people. He pities rather than condemns them for the injustice under which they suffer. He understands the economic slavery which is imposed upon them—but he is the untiring, the unfaltering enemy of the conscienceless chicanery and corrupting materialism which are the chief weapons of English diplomacy.

"AMERICA WAS LED INTO THE WAR TO PUT AN END TO AUTOCRACY.

"England may control statesmen, she may thunder from the pulpits, and she may speak through the impersonal editorials of the press in various countries. She may purchase poets, she may hire apologists, she may rewrite school histories, but ever and always there will be men rising up throughout the world to thwart her schemes, to prevent the consummation of her carefully laid plans, to point out the facts of history, and to arouse the liberty-loving people of the world to a realization of the fact that there can be no freedom on earth until the autocracy which hides behind the mask of navalism is as completely broken as was that which was covered by the garb of militarism.

"England may succeed—as she has succeeded—in cajoling or outmaneuvering the spokesmen of free peoples at the conference of Versailles; she may write the terms of peace there as she wrote them at Vienna a century before—but she can not stifle the conscience of the world. She can not satisfy America with the assertion that the war has been won because German and Russian militarism has been broken.

"America was led into the war to put an end to autocracy, and that means autocracy in every form. America entered the war to break down special privileges in all Governments and to see that not only militarism, but its twin sister, navalism, was broken beyond repair.

"If America had not gone into the war, it would have ended in an entirely different way. We threw our strength, our youth, our vigor, our idealism into the scales and we freely expressed our belief that when we won—for there was no 'if' about it once we went into the war—there would be an end to autocracy.

"We declared there would be self-determination for all peoples; that there would be freedom of the seas—that freedom for

which America through all her history has contended and for which she waged one victorious war.

"America won the war, Sir Douglas Haig's comments to the contrary notwithstanding. America threw her soul, her honor, her ideals into the winning of the war, and America will not now be satisfied until all the peoples of the earth gather in the fruits of that victory.

"There can be no just or permanent peace if, after destroying one form of autocracy, we leave another form more strongly intrenched than ever and resting upon a firmer foundation. The plain people throughout the world will not rest while two great empires remain, their strength buttressed and fortified by a peace which able spokesmen of these empires, with superior courage, superior diplomacy, with greater skill, impose upon mankind.

"America magnificently won the war. America has failed to make the peace. America's spokesmen laid down splendidly the terms of peace which were to satisfy the world and which were agreed to in advance by the spokesmen of England, of France, of Italy. But America's spokesmen have been outplayed, outclassed, by the veteran diplomats of the latter countries.

"America was satisfied with the proposed terms of peace. She is utterly dissatisfied with the proposed peace treaty and its accompanying league of nations as drawn by Cecil and Smuts and now urged by the President of the United States as something behind which he may hide the discomfiture resulting from his encounter with the skilled diplomats of the Old World.

"Gloss over the story as one may, the fact remains that out of the conference at Versailles there have emerged two great powers greatly strengthened—the island empires of England and Japan. These two empires are now seizing and taking to themselves the choicest spots on earth, adding tremendously to their already swollen power.

"THE WAR, FOUGHT FOR DEMOCRACY, ENTHRONES AUTOCRACY.

"England, whose spokesman assured us one hundred times during the war that she sought no territory, has had, in her own accustomed style, forced upon her "unwilling" shoulders huge strips of land which nominally belonged to the German Empire but which really belonged to their inhabitants. These people, as the result of the war, are simply transferred from one group of exploiters to another, and a more experienced group.

"Forty million Chinese Republicans were torn from their own country with the immense Province of Shantung and turned over to the Empire of Japan, thus making it larger, in point of population, than the United States of America.

"England, which, before we entered the war, on the visit of Balfour to Washington, was in the throes of despair and on the verge of defeat, can now proudly proclaim through her mouthpiece, Lord Cecil, that she emerges from the war richer and stronger, actually and relatively, than any other country on earth.

"The war, fought for democracy, may end with a peace which greatly increases the power of autocracy. The war, fought to bring freedom of the seas, ends with England in unquestioned control of all the oceans of the earth. The war, fought to bring self-determination to all the peoples of the earth, has the doctrine of English predetermination applied to some parts of the continent, in order temporarily to break up and permanently to cripple her European rivals. This doctrine is applied to Asia in such a way that the Japanese predetermination may apply to the continent of Asia to the end that she may eventually absorb China and be ready with her intimate ally and close friend, England, for any emergency that may arise in any part of the world.

"THE TWO GREAT EMPIRES INSIST THAT AMERICA GUARANTEE THEIR POSSESSIONS.

"Not satisfied with their own power to retain that which the self-satisfied and temporary spokesman for America has permitted them to absorb, England and Japan are insisting through Clause X in the proposed league of nations that America shall guarantee for all time the present territorial integrity of the two remaining empires on earth.

"One little knows the fierce passion for democracy which burns in the breast of the average American if he thinks that such a scheme will ever succeed. For 143 years, America has been fighting with ever-increasing vigor the battle of democracy.

"America has ever been to the forefront in the struggle for human rights. She has sought to put an end in every way to the special privileges of the few. She favors the rights of the many and she will not now permit any man speaking for her to reverse her position, to destroy her old ideals, or to prevent her from carrying on the struggle until democracy shall finally triumph and the last stronghold of autocracy be destroyed.

"SHANTUNG A MONSTROUS ACT.

"The transfer of Shantung with its 40,000,000 people from the great young democracy of China to the absolutist Empire of Japan is a monstrous act, indefensible, high-handed, un-American. The attempt to have us guarantee the territorial integrity of England and Japan is a monstrous and a cowardly act, an attempt not alone to truckle to the strong but to trample upon and destroy the rights of the weak. It would make us a party to every act of tyranny that hereafter was perpetrated throughout the world.

"But history shows that even if it were possible for the great Senate of the United States to be false and recreant to its trust a thing like this could not be permanently done. It is asking us to do the impossible. All history teaches, all experience shows, that nothing is static in nature, that it is impossible for one generation to so impose its will on the world as to prevent a change in the boundaries of countries or in the fortunes of nations.

"THE LEAGUE OF NATIONS AND THE HOLY ALLIANCE.

"A century ago a 'holy alliance' undertook to do the very thing that is again being attempted to-day, but not only is the 'holy alliance' referred to nowadays by words of contempt and contumely, but the very governments which brought the treaty into existence are themselves but memories.

"The old or little men who for the moment from time to time control the destinies of mankind may think themselves able to stop the progress of mankind and impose their wills upon advancing generations. But history shows that even the few great outstanding figures in the history of the centuries were not able thus to act for the future. And the last half century, with its seven great empires thrown into the discard, shows how fate laughs at the puny efforts of man to govern the future or control its destinies.

"The world is just entering upon a great era of growth and reconstruction, yet this is the time when an old man, an older man, and a very old man in whose hands fate seemed for the moment to have whimsically placed the strings of the future, chose to abandon the high-sounding battle cries upon which the was was waged and won, and to make another ill-conceived and badly executed balance of power under the name of the league of nations.

"To do this, Clemenceau has tried to turn the wheels of time backward, tried to go back to the Europe of Louis XIV, breaking down the great peoples of the continent who outnumber and outbreed the French, and to set up, all over the continent, a series of buffer states that would prevent the growth of strong rivals to France, and leave her in the position of being the dominant military power of the continent.

"England, running true to form, is entirely contented for the moment to have France resume her old place among the nations, so long as she may see her economic rivals on the continent broken into bits and reduced to the position of impotence and poverty.

"England herself, true to her predatory instincts, seizes in the name of civilization and justice, territories almost continental in area, rich in mineral and other natural resources, to be added to her already immense empire. She emerges from the war not only the greatest empire in extent that the world has ever known, with a monopolistic control of articles essential to the comforts and conveniences of mankind, but, through her unquestioned control of the seas, she will strive for a practical monopoly of the commerce of the world.

"England emerges from the war with but one economic or industrial rival upon earth, these United States of America, whose public opinion she flatters herself that she controls and whose activities she at least has been able to guide so far as to make us forgive, if we did not forget, our previous experience with her.

"ENGLAND SEEKS TO FLATTER AMERICA.

"Tossing everything into the scales in the last great contest in which she broke, at least for generations to come, the continental industrial rivals which were ousting her from the markets of the world, England has won decisively and absolutely, as far as empire is concerned, and now looks with complacency upon the task before her of cajoling and flattering America.

"Meanwhile she carries on an economic war against us which will shut us out from the markets of the world, and which will gradually put us on the defensive in the fight that England is waging to recover the financial supremacy of the world, which she fondly believes we have but momentarily taken from her.

"One plea that she has made calls attention to her tremendous sacrifices in the contest which she keeps reminding us was fought for our safety as well as for her own interests, and which many of her spokesmen, like Sir Douglas Haig, now remind us, since she is no longer in danger, was won by her and not by us.

"England is shutting out the products of our manufacturers from her territories and, so far as possible, is shutting out our commerce in every corner of the globe and is depending upon her control of the seas to eventually shut us out from most of the foreign markets and leave us in the position where our manufacturers must be content to sell their products in so much of our own markets as England may choose to leave to us.

"This is in no sense an exaggeration of what she seeks and of what she hopes. She relies upon the skill of her diplomats to bring this state of affairs about. She has very largely monopolized rubber, wool, and other essential products of the world. She is seeking every day, with ever-increasing chances of success, to monopolize the oil fields of the world, while all the time, with sophisticated casuistry, she keeps, through a chorus of a thousand voices raised in the press, the pulpits, and the schools of America, assuring us that she alone in all the world is our constant friend, that but for her and her chivalrous, unselfish efforts we would have been overrun by some of the continental powers which were seeking this very world power which she now possesses to the full.

"She would have us believe that she fought unselfishly in the war for the very purposes for which our President says we entered the war, yet her first act after the war was won by us was to say that the doctrine of the freedom of the seas could not be even considered at Paris, and utterly unconsidered it was and still remains.

"She said she favored self-determination for all oppressed peoples and agreed with the President when he said that no people must live under a government not chosen by themselves. She must cynically smile to herself when she has the peace conference practically adjourn after having, with the help of that self-determination cloak, broken her rivals into pieces without any effort having been made to apply that doctrine to Ireland, to Egypt, to India, or to any of the other countries of which she is in possession with only the title that a robber has to his prey.

"ATTEMPTS TO MAKE OVER THE MAP OF THE WORLD IN THE DARK.

"She said she favored open covenants of peace, openly arrived at, and yet the 'holy alliance' did not attempt to make over the map of the world with the same secrecy behind which these three gentlemen hid themselves at Paris. And so one might go through all the points and find that English skill had escaped, or English cynicism had aroused mankind to have England, but these were in the way when an English peace had to be made.

"The Englishman has a genius for diplomacy. Not content with being saved from destruction, not content with unprecedented gains in territory, in wealth, in prestige throughout the world, he now seeks to undo what he regards as mistakes of the past and to recover by mental ability that which he lost a century and a half ago by force of arms. In his self-satisfaction he takes no account of the fact that the Thirteen Colonies, if they had continued as colonies, could not have begun to save him, as the forty-eight States did actually save him, as he himself must admit.

"ENGLAND AIMS TO UNDO THE WORK OF THE REVOLUTION.

"He wishes, now that his peril is for the moment past, to undo the work of the Revolution, to destroy the great experiment in government which the fathers set up upon these shores, and by one stroke set back the hands on the clock of time for centuries. He wishes to do this in order that the special form of privileged autocracy which governs England may regain control of this country, and with its mighty strength and unlimited resources bring about that junction of the English-speaking races which his agents like Carnegie and Rhodes have foretold and for which they have labored for two generations.

"He has hoped, because of his easy control of things at Paris, that he would find that the dead hand of Rhodes had actually won the victory. But he was astounded to find not alone the Senate of the United States standing like adamant against the proposed league of nations but the public sentiment of the people of America, aroused as never before, not only to defend American rights but to do what he complains of as an insolent thing—to interfere in 'domestic' problems of English politics.

"WASHINGTON STILL THE SEAT OF THE AMERICAN GOVERNMENT.

"He is horrified to find that in spite of huge expenditures, that in spite of the British propaganda of Northcliffe, Parker, and others of that ilk, America refuses to be made again into a colony, and that interest in the freedom of the seas has been aroused in America as never before.

"He had been brought to believe during the pressure of the war that American public opinion was only the echo of English public opinion, and is astounded now to find that his complete victory at Paris is likely to be turned into complete defeat at Washington, where, in spite of his hopes to the contrary, and to his utter consternation, he finds the real seat of American government still continues to be found.

"THE REAL STRENGTH OF ENGLAND.

"England, while hastening to assure us in a hundred ways that she had no selfish interest to serve in asking to have the league of nations made operative and the integrity of the British Empire guaranteed by the power and resources of the United States, has unwittingly shown her own weakness. More and more thoughtful observers throughout the world are able to read in that demand the real opinion of English statesmen as to their own strength.

"As a flash of lightning in a storm enables the observer in a second to see his way through the darkness, so the request for such guarantee by Lord Cecil has revealed the real weakness of England, instead of the apparent strength which he and his group have been teaching us to observe.

"It is at once made clear that the England which must call on the world to guarantee its possessions is in a bad way both at home and abroad. It is an admission that it can no longer hope to call upon the strength of other countries in its hour of peril in order to preserve it, as it called the world into arms against France under Napoleon and against Germany under Wilhelm.

"In spite of its censorship the rumblings of industrial labor troubles with miners and transport workers and railway men are being heard in the land. The uprisings in India and in Egypt, the dissatisfaction in Australia and in Canada, and, above all, the settled determination upon the part of the people of Ireland to take at its face value the promises of Wilson, Clemenceau, Lloyd-George, and Orlando, and to insist upon absolute self-determination, are matters which are calling the attention of mankind to the fact that there is and there can be no freedom on earth while this distended and gigantic appetite called the British Empire continues to threaten and to prey upon mankind.

"AMERICA IS AT THE PARTING OF THE WAYS.

"The parting of the ways has come for America. Either we remain true to our ideals, true to the traditions of the past, still the moral leader of mankind and the hope of the oppressed people of the earth, or we join with the privileged class of England and become one of the predatory powers of the world.

"Either we continue to lead the forces of republicanism, whether they oppose the Central Empires of the Continent, the Czars of the Russias, or whether they stand against the Cecils and Balfours of England or the Mikado of Japan, and bring hope and cheer to the downtrodden people of Ireland, and we stand for the preservation of American rights or we join forces with Lloyd-George, that artful dodger of English politics, in his efforts to further deceive the people and put off until another generation the settlement of the question of Ireland. The question of Ireland, it must be remembered, can only be settled right when Ireland regains her independence and takes her place once more among the nations of the earth.

"Like everything else human, America can not remain static. America must either advance or retire. It must continue to lead the forces of democracy in its onward march to absolute freedom, or it must join the forces of autocracy and seek to snatch liberty from the other nations of the world.

"AMERICA IS ASKED TO ENTER INTO AN ENTANGLING ALLIANCE.

"We are asked now to abandon the advice given us by our first, and one of our greatest, Presidents against entering into entangling alliances with other powers. Not alone should we refuse to abandon this advice, but we should more than ever make clear to the world our unfaltering determination to abide by it and to make it one of the fundamental planks in our foreign policy. By standing by it in the past we have grown great and prosperous, masters of our own destinies, arbiters of our own fate.

"We have been free to enter wars and free to remain at peace, according to the exigencies of the hour and according to what we conceived to be our own interest and the best policy for the protection of the liberties of mankind. We have been free to govern our actions by the best light and information which we could obtain upon questions at the hour of action.

"Our liberty of action has not been foreclosed by reason of any commitment made in advance by those who had passed off the stage of action or were no longer in a position to speak for the majority of the people of our country. In other words, we have always been in the position of being governed by the living will of the present rather than by the dead hand of the past.

"Not alone every mandate of interest, but the high call of idealism should counsel us to remain in that position and not commit ourselves to any alliance which, obeying the passion

and meeting the whim of the hour, could commit those who come after us to labors and sacrifices which they should not be asked to undertake except at their own free will and upon good cause shown to them at the hour of sacrifice.

"We are asked now to be satisfied with a declaration of the Monroe doctrine which, according to many thoughtful observers, weakens and jeopardizes rather than strengthens that cardinal principle of American diplomacy. In this hour when a peace conference, called into existence for the purpose of making peace, did not content itself with settling the questions at issue between the belligerents, but went up and down the world seeking problems it might settle, we should extend and strengthen, rather than weaken, the doctrine laid down by James Monroe.

"We should insist that the Western Hemisphere be not invaded by any power from the East; that no Old World possessions held here are to be increased, and we should also insist upon the absolute withdrawal from this territory of the flag of every empire or monarchy.

"THE BRITISH FLAG SHOULD BE COMPELLED TO FOLLOW THE OTHER FLAGS FROM OUR SHORES.

"What is sacrosanct about the British Empire that it continues to rule vast sections of the American Continent after all other empires have left its shores? The flag of Russia, of Spain, of Portugal, of Denmark have been withdrawn from this hemisphere. Why should we not now insist that the flag of England should follow the others and leave here in this hemisphere, dedicated for all time to liberty and republicanism, only the flags of the free?

"Why should not our great neighbor on the north, which Cecil undoubtedly hopes some day to use as a weapon to smite us, should the economic war now being waged between the countries ever reach the acute stage of military or naval warfare, or if there ever should come a conflict between England's ally, Japan, and ourselves—why should not that great country have an opportunity of taking its place among the republics of the earth, or even, if it chooses, of joining our country and thus bridging the gulf which separates us from our great Territory of Alaska?

"The ties which bind the people of Canada to us are every day increasing in number and in strength. The ties of trade which bind us are natural and are varied in form. The Great Lakes that lie between us are not intended to separate us, but should by a thousand ties of commerce draw us more closely together. Great numbers of our people come from the same racial stocks, and in the late war, according to reports coming from ever-increasing sources through our returned soldiers, our own soldiers found a dozen ways in which they resembled one another for every way in which either found that they resembled the British soldiers.

"CHAMBERLAIN HAS SAID THAT AN ADJOINING REPUBLIC IS A MENACE.

"Thoughtful observers in the United States as well as in Canada realize that our interests in the Western rather than in the Eastern Hemisphere, and that the views of an ever-increasing number of Canadians with relation to the future of Ireland, the future of Shantung, are those of a majority of the people of America rather than those of the governing body of England.

"The people of Canada are essentially a freedom-loving people, aside from what is pleased to call itself the governing class, which seeks for special privileges, like the same class in England. Canadians desire liberty for themselves and would like to see the blessings of liberty given to every people.

"More than that, if there be anything in the repeated declarations of Joseph Chamberlain in his attempts to justify the rubbing out of the two little republics of South Africa that republican institutions adjoining British territory were a menace to Britain, the governing class in England can look upon the continued existence of the American Republic only as a menace to England, and we have now the right to ask of her, having saved England, that as an evidence of her good faith in saying that she is a friend of liberty, that she withdraw her flag from this continent and leave it to be entirely dedicated to liberty and freedom.

"MAN IS SIGHING FOR PEACE.

"The late war aroused mankind to a realization of the fact that without regard to the boundaries of a country or the lines of race, war is a curse to mankind; that it takes not only millions of a generation to death and leaves other millions subject to sickness and disease as an aftermath, but it imposes on the future generations a back-breaking burden of taxation which means countless hardships and privations, while it brings only to the specially privileged peoples in every country immense fortunes which break down the foundations of liberty and sap the principles on which freedom exists.

"Without regard to race or religion, man is sighing for peace. He realizes that war is an abnormal condition, that peace is the normal condition, and men are seeking as they have never sought before, to insure a peace that will prevent and destroy war.

"HOPES BASED ON PEACE CONFERENCE VANISH LIKE A DREAM.

"Mankind lived in the hope that the peace conference was to be a setting for the ending of all wars. Peoples were to be taken from the thraldom of their aggressors, natural boundaries were to be established between States, armaments were to be destroyed, cannon were to be made into plowshares, and the 14 points of President Wilson were to be made the basis of an enduring peace.

"The peace conference has practically adjourned and all the hopes that were based upon it are passing into oblivion like the illusions of dreams. But the mass of mankind is more than ever insistent that there must be an end to human destruction and to the awful butchery and suffering that modern war spells for humanity. It has been driven into their minds that only by freedom to the oppressed of all nations can peace come, putting an end to the rule of the few and by bringing about government by the many, bringing at once liberty to man and an end to all war.

"There may be for a short time a brief respite for those who remain in power, though they have deceived the people who have seen promises solemnly made, lightly broken. But no just or permanent peace can be made until the purposes to which the American people set their hands when they entered the war have been attained, until autocracy in all its forms has been destroyed, until not alone the militarism that was breaking the back of Europe but the navalism which is oppressing and controlling the whole world shall be destroyed and the right of self-determination shall be given, not alone to some, but to all the peoples of the earth.

"A COURT OF NATIONS.

"A court of nations will come in its own due time that will embrace all the people of the earth, that will see to it that all peoples are free, and that will see to it that the World War will actually bring a permanent peace. Such a court will exalt justice and will destroy tyranny, but it will be a real court, open to all peoples, and not an unreal league which is only another name for an Anglo-American alliance, a Cecil-Smuts plan to exalt autocracy and enslave mankind.

"Every red-blooded man favors such a court of nations as he favors the brotherhood of man and the counsel of perfection, but the more intensely he favors such an ideal the more he objects to and abhors the hypocrisy which would steal the ideal in order to cover a treaty of alliance that would fasten the robber grip of England on all the world.

"THE GUARANTIES OF IRELAND.

"Having set forth the claims of Ireland to independence, her demand and her right to be free, having exposed the hypocrisy of England in her varied attempts to confuse the issue, having torn away the mask behind which England hoped to securely hide from the gaze of the world, let us see what Ireland offers to the world as an evidence of her good faith.

"The people of Ireland seek for themselves a form of government which would do justice to all the people within the four shores of Ireland. They seek to set up a government representing equality to all, injustice to none. They demand and will insist upon political equality and religious freedom for all the people of Ireland.

"They insist that the majority must rule, but that the rights of political equality and religious freedom shall be given to all members of the minority as well as of the majority.

"The people of Ireland believe that the minority is entitled to guaranties but not to control. They are ready to embody a guaranty of these rights in their constitution, as they have been embodied in the Constitution of the United States.

"They are ready to adopt these things which made for success in America and to avoid those things which were found to be mistakes or errors.

"CONTRASTS IRELAND AND AMERICA.

"As a result of the Revolution in America, estates were confiscated and men were exiled. The people of Ireland, however, are ready to say to the small group in Ulster who say they can not remain as an integral part of the Irish people that they would part with them with regret but will guarantee to them, if they choose to sell, the full market value of all property which they own in Ireland.

"The people of Ireland ask every man, of whatever blood or whatever religion, who is now in Ireland to remain in Ireland on terms which will insure absolute equality for all. They point out that there is no instance in its history of religious

persecution or racial intolerance due to the majority of the people of Ireland; that wherever there has been persecution it has been by the minority, urged on against the majority by the English Government.

"The people of Ireland point out that in every section of the country, in every generation, Protestants of different sect or religious persuasions have been put forward as leaders by a majority of the Irish people, called to the highest elective office within the gift of the majority of the people. They urge that no fairer way of judging the future can be found than that furnished by the experiences of the past.

"They are willing at all times to accord to others the rights which they insist upon for themselves. They demand without further delay that their present rights shall be recognized by the world and that international recognition shall be given to the republican form of government established in Ireland after a plebiscite held on her shores last December in the presence of the great English army of occupation and under conditions which held the machinery of government at that time in the hands of Great Britain.

"All that any friend of Ireland asks of America is that present conditions in Ireland be studied fairly and dispassionately. In no other part of the world can there be found a parallel to the manner in which the population of Ireland has been reduced by the English Government within the past 70 years.

"Why should England, that cried out with such strength against injustice in Belgium, be permitted to maintain and continue her rule of might in Ireland? Even her apologists admit that England's rule in Ireland is based only upon her bayonets and cannon.

"How can England satisfy the conscience of the world with her explanation that what is wrong in Belgium and in Alsace is right in Ireland? She says that the people of Ireland should not cry out for liberty because, forsooth, they are to-day enjoying a larger measure of prosperity than they formerly had. Why should they not have it? Is it not the result only of their own thrift, their own industry, their own labors?

"The apologists of England say that Ireland did an immense business with that country last year—that this is a sufficient answer to Ireland's cry that she is badly governed! How typical was Clive of the English Government of all time when he said, after he had been accused of robbing India of immense treasure, that when he saw the wealth of the country he was astonished at his own moderation! England's statesmen feel that it is right to steal Irish sheep so long as they return a chop to the Irish owner.

"The proposition is an insult to the intelligence and conscience of the world, and in spite of the marvelous system of propaganda which the English diplomat has built up, he can not prevent the cry of Ireland for freedom from resounding in all parts of the world and coming back to plague him until it is satisfied by having justice done to Ireland.

"The English governing class are the Bourbons of modern days. They learn nothing, forget nothing. Let them beware lest the aroused public opinion of mankind shall sweep them as it swept their German and Russian cousins into oblivion and break into bits the British Empire, which is the last bulwark of autocracy against the onrushing tid of liberty and democracy."

Judge Daniel F. Cohalan, following the conclusion of his oral argument, by permission of the committee was authorized to have incorporated as a part of the testimony presented the following:

IRELAND'S DECLARATION OF INDEPENDENCE AND OTHER OFFICIAL DOCUMENTS, INCLUDING LETTERS TO THE PRESIDENT OF THE PEACE CONFERENCE AND THE GENERAL MEMORANDUM SUBMITTED IN SUPPORT OF IRELAND'S CLAIM FOR RECOGNITION AS A SOVEREIGN INDEPENDENT STATE.

IRELAND'S DECLARATION OF INDEPENDENCE—PROCLAIMED BY DAIL EIREANN, JANUARY 21, 1919.

[Translation.]

"Whereas the Irish people is by right a free people;

"And whereas for 700 years the Irish people has never ceased to repudiate and has repeatedly protested in arms against foreign usurpation;

"And whereas English rule in this country is, and has been, based upon force and fraud and maintained by military occupation against the declared will of the people;

"And whereas the Irish republic was proclaimed in Dublin on Easter Monday, 1916, by the Irish republican army, acting on behalf of the Irish people;

"And whereas the Irish people is resolved to secure and maintain its complete independence in order to promote the common weal, to reestablish justice, to provide for future defense, to insure peace at home and good will with all nations, and to constitute a national policy based upon the people's will, with equal right and equal opportunity for every citizen;

"And whereas at the threshhold of a new era in history the Irish electorate has in the general election of December, 1918, seized the first occasion to declare by an overwhelming majority its firm allegiance to the Irish republic:

"Now, therefore, we, the elected representatives of the ancient Irish people, in national parliament assembled, do, in the name of the Irish nation, ratify the establishment of the Irish republic, and pledge ourselves and our people to make this declaration effective by every means at our command.

"To ordain that the elected representative of the Irish people alone have power to make law binding on the people of Ireland, and that the Irish parliament is the only parliament to which that people will give its allegiance.

"We solemnly declare foreign government in Ireland to be an invasion of our national right, which we will never tolerate, and we demand the evacuation of our country by the English garrison;

"We claim for our national independencee the recognition and support of every free nation of the world, and we proclaim that independence to be a condition precedent to international peace hereafter;

"In the name of the Irish people we humbly commit our destiny to Almighty God, who gave our fathers the courage and determination to persevere through centuries of a ruthless tyranny, and strong in the justice of the cause which they have handed down to us, we ask His divine blessing on this, the last stage of the struggle which we have pledged ourselves to carry through to freedom.

—

IRELAND'S MESSAGE TO THE NATIONS.

[Translation.]

"To the nations of the world, greeting:

"The nation of Ireland, having proclaimed her national independence, calls, through her elected representatives in parliament assembled in the Irish capital on January 21, 1919, upon every free nation to support the Irish republic by recognizing Ireland's national status and her right to its vindication by the peace congress.

"Nationally, the race, the language, the customs, and traditions of Ireland are radically distinct from the English. Ireland is one of the most ancient nations of Europe, and she has preserved her national integrity vigorous and intact through seven centuries of foreign oppression; she has never relinquished her national rights, and throughout the long era of English usurpation she has in every generation defiantly proclaimed her inalienable right of nationhood down to her last glorious resort to arms in 1916.

"Internationally, Ireland is the gateway to the Atlantic. Ireland is the last outpost of Europe toward the west; Ireland is the point upon which great trade routes between east and west converge; her independence is demanded by the freedom of the seas; her great harbors must be open to all nations, instead of being the monopoly of England. To-day these harbors are empty and idle solely because English policy is determined to retain Ireland as a barren bulwark for English aggrandizement, and the unique geographical position of this island, far from being a benefit and safeguard to Europe and America, is subjected to the purposes of England's policy of world dominion.

"Ireland to-day reasserts her historic nationhood the more confidently before the new world emerging from the war, because she believes in freedom and justice as the fundamental principles of international law; because she believes in a frank cooperation between the peoples for equal rights against the vested privileges of ancient tyrannies, because the permanent peace of Europe can never be secured by perpetuating military dominion for the profit of empire, but only by establishing the control of government in every land upon the basis of the free will of a free people, and the existing state of war between Ireland and England can never be ended until Ireland is definitely evacuated by the armed forces of England.

"For these, among other reasons, Ireland—resolutely and irrevocably determined at the dawn of the promised era of self-determination and liberty, that she will suffer foreign dominion no longer—calls upon every free nation to uphold her national claim to complete independence as an Irish republic against the arrogant pretensions of England founded in fraud and sustained only by an overwhelming military occupation, and demands to be confronted publicly with England at the congress of nations, that the civilized world having judged between English wrong and Irish right may guarantee to Ireland its permanent support for the maintenance of her national independence.

IRELAND'S DEMOCRATIC PROGRAM—PROCLAIMED BY DAIL EIREANN.
[Translation.]

"We declare in the words of the Irish Republican Proclamation the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies to be indefeasible, and in the language of our first president, Padraic Pearse, we declare that the nation's sovereignty extends not only to all men and women of the nation, but to all its material possessions; the nation's soil and all its resources, all the wealth and all the wealth-producing processes within the nation; and with him we reaffirm that all rights to private property must be subordinated to the public right and welfare.

"We declare that we desire our country to be ruled in accordance with the principles of liberty, equality, and justice for all, which alone can secure permanence of government in the willing adhesion of the people.

"We affirm the duty of every man and woman to give allegiance and service to the commonwealth, and declare it is the duty of the nation to assure that every citizen shall have opportunity to spend his or her strength and faculties in the service of the people. In return for willing service, we, in the name of the republic, declare the right of every citizen to an adequate share of the product of the nation's labor.

"It shall be the first duty of the government of the republic to make provision for the physical, mental, and spiritual well-being of the children, to secure that no child shall suffer hunger or cold from lack of food or clothing or shelter, but that all shall be provided with the means and facilities requisite for their proper education and training as citizens of a free and Gaelic Ireland.

"The Irish republic fully realizes the necessity of abolishing the present odious, degrading, and foreign poor-law system, substituting therefor a sympathetic native scheme for the care of the nation's aged and infirm, who shall no longer be regarded as a burden, but rather entitled to the nation's gratitude and consideration. Likewise it shall be the duty of the republic to take measures that will safeguard the health of the people and insure the physical as well as the moral well-being of the nation.

"It shall be our duty to promote the development of the nation's resources, to increase the productivity of the soil, to exploit its mineral deposits, peat bogs, and fisheries, its waterways and harbors, in the interest and for the benefit of the Irish people.

"It shall be the duty of the republic to adopt all measures necessary for the re-creation and invigoration of our industries and to insure their being developed on the most beneficial and progressive cooperative industrial lines. With the adoption of an extensive Irish consular service, trade with foreign nations shall be revived on terms of mutual advantage and good will; while undertaking the organization of the nation's trade, import and export, it shall be the duty of the republic to prevent the shipment from Ireland of food and other necessaries until the wants of the Irish people are fully satisfied and the future provided for.

"It shall devolve upon the national government to seek the cooperation of the governments of other countries in determining a standard of social and industrial legislation with a view to a general and lasting improvement in the conditions under which the working classes live and labor.

—

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CASE.

"MANSION HOUSE, DUBLIN, *May 17, 1919.*

"Monsieur CLEMENCEAU,
"*President of the Peace Conference, Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as Great Britain.

"Therefore we ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates, deliberately chosen.

"We request you to notify the peace conference that we, the undersigned, have been appointed and authorized by the duly elected Government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our great esteem.

"EAMON DE VALERA,
"ARTHUR GRIFFITH,
"GEORGE NOBLE COUNT PLUNKETT.

—

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CAUSE.

"MANSION HOUSE, DUBLIN, *May 26, 1919.*

"Mons. GEORGES CLEMENCEAU,
"*President of the Peace Conference, Paris.*

"SIR: On May 17 we forwarded to you a note requesting you to warn the conference that the Irish people will not be bound by the signatures of English or British delegates to the conference, inasmuch as these delegates do not represent Ireland.

"We now further request that you will provide an opportunity for the consideration by the conference of Ireland's claim to be recognized as an independent sovereign state.

"We send you herewith a general memorandum on the case and beg to direct your attention in particular to the following:

"(1) That the rule of Ireland by England has been and is now intolerable; that it is contrary to all conceptions of liberty and justice, and as such, on the ground of humanity alone, should be ended by the conference.

"(2) That the declared object of the conference is to establish a lasting peace which is admittedly impossible if the legitimate claims of self-determination of nations such as Ireland be denied.

"(3) That incorporated with the peace treaty under consideration as a covenant establishing a league of nations intended, amongst other things, to confirm and perpetuate the political relationships and conditions established by the treaty. It is clear that it is radically unjust to seek to confirm and perpetuate what is essentially wrong, and that it is indefensible to refuse an examination of title when a confirmation of possession is intended such as that provided by the draft covenant of the league of nations.

"Ireland definitely denies that England or Britain can show any just claim or title to hold or possess Ireland and demands an opportunity for her representatives to appear before the conference to refute any such claim.

"We feel that these facts are sufficient basis to merit for our requests the consideration which we are sure you, sir, will give them.

"Please accept, Mr. President, the assurance of our great esteem.

"EAMON DE VALERA,
"ARTHUR GRIFFITH,
"GEORGE NOBLE COUNT PLUNKETT.

—

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CASE.

"MANSION HOUSE, DUBLIN, *May 26, 1919.*

"To the CHAIRMAN,
"*Council of League of Nations, Paris.*

"SIR: The Irish people share the view that a lasting peace can only be secured by a world league of nations pledged, when a clash of interests occurs, to use methods of conciliation and arbitration instead of those of force. They are consequently desirous that their nation should be included as a constituent member of such a league.

"Therefore, we, the delegates of the nation, chosen and duly authorized for the purpose by the elected national government of Ireland, desire to intimate through you that we are ready to take part in any conversations and discussions which may be necessary in order that the foundations of the league may be properly laid, and we ask the commission to provide us with an opportunity for doing so.

"Apart from the general grounds of right, the Irish nation has a special and peculiar interest in the league at present proposed.

"In the form in which the covenant is now drawn up it threatens to confirm Ireland in the slavery against which she has persistently struggled since the English first invaded her shores, and to pledge the rest of the civilized world, which has hitherto done us no wrong, to discountenance in future our just endeavors to free ourselves from the régime of implacable and brutal oppression under which we have suffered so long.

"Ireland is a distinct and separate nation with individual inalienable rights; which any league of nations founded on justice is bound to recognize.

"Accept, sir, the assurance of our great esteem.

"EAMON DE VALERA.
"ARTHUR GRIFFITH.
"GEORGE NOBLE COUNT PLUNKETT.

O'KELLY'S LETTER NO. 1 TO PREMIER CLEMENCEAU AND ALL THE PEACE CONFERENCE DELEGATES.

"PARIS, *February 22, 1919.*

"SIR: As the accredited envoy of the provisional government of the Irish republic, I have the honor to bring to your notice the claim of my government, in the name of the Irish nation, for the international recognition of the independence of Ireland, and for the admission of Ireland as a constituent member of the league of nations.

"The Irish people seized the opportunity of the general election of December, 1918, to declare unmistakably its national will; only in 26 (out of 105) constituencies of the country was England able to find enough "loyalists" to return members favorable to the union between Ireland and Great Britain; for the remaining 79 seats the electors chose as members men who believed in self-determination; of these, 73 who now represent an immense majority of the people went forward as republican candidates, and each of these republican members has pledged himself to assert by every means in his power the right of Ireland to the complete independence which she demands, under a national republican government, free from all English interferences.

"On the 21st of January, 1919, those of the republican members whom England had not yet cast into her prisons met in the Irish capital in a national assembly, to which, as the only Irish parliament de jure, they had summoned all Irish members of parliament; on the same day the national assembly unanimously voted the declaration of independence appended hereto and unanimously issued the message to the free nations, likewise appended.

"The national assembly has also caused a detailed statement of the case of Ireland to be drawn up; that statement will demonstrate that the right of Ireland to be considered a nation admits of no denial, and, moreover, that that right is inferior in no respect to that of the new States constituted in Europe and recognized since the war; three members, Eamon de Valera, Mr. Arthur Griffith, and Count Plunkett, have been delegated by the national assembly to present the statement to the peace congress and to the league of nations commission in the name of the Irish people.

"Accordingly I have the honor, sir, to beg you to be good enough to fix a date to receive the delegates above named, who are anxious for the earliest possible opportunity to establish formally and definitely before the peace conference and the league of nations commission now assembled in Paris Ireland's indisputable right to international recognition for her independence and the propriety of her claim to enter the league of nations as one of its constituent members.

"I have the honor to be, sir,

"Your obedient servant,

"SEAN T. O'KELLY,
"*Delegate of the Provisional Government*
"*of the Irish Republic.*

O'KELLY'S LETTER—NO. 2.

"PARIS, *March 31, 1919.*

"*To Premier Clemenceau and all the peace conference delegates.*

"SIR: On behalf of the Irish nation, whose accredited representative I am, I beg to draw your attention, and through you the attention of the peace conference, to the following statement with regard to Ireland:

"Ireland is a nation which has exercised the right of self-determination in harmony with the principles formulated by President Wilson and accepted by the belligerents as the only sure foundation for a world peace. It is not only in the past that Ireland, generation after generation, has striven by force of arms as well as by all pacific means to regain her national freedom. At the general election last December the issue, and the only issue, placed before the Irish people was the independence of their country, and by a majority of more than three to one the representatives elected by the constitutional machinery of the ballot box are pledged to the abolition of English rule in Ireland. In none of the small nationalities with which the peace conference has hitherto occupied itself is the unanimity of the people so great; in none has the national desire for freedom been so great; in none has the desire for freedom been asserted so unmistakably and with so much emphasis. Following upon the general election, an Irish National Assembly has met; an Irish Republic has been constituted and proclaimed to the world; a President has been appointed, and with him ministers to direct different departments of state; a program of domestic policy has been issued; and an appeal has been addressed to the nations of the world to recognize the free Irish State that has thus been recalled to life. But while the national will has been declared and the mechanism of free government is ready, the former is being stifled and the latter paralyzed by England's ruthless exercise of military power. The President is a fugitive; the Irish Parliament is forced to conduct its business in secret; the most elementary civil rights are abrogated; the courts-martial are sitting at every center; and the gaols are filled with prisoners, victims of every brutality and indignity, whose only offense is that they have sought the freedom of their native land. It is in these circumstances that the Irish nation, through me, addresses the peace conference.

"Ireland manifestly comes within the scope of the principles that have been indorsed by the civilized nations, and it is for the application of these principles that the peace conference is now sitting. Ireland is weak; England is strong. Ireland in every possible way has asserted her right to freedom, which England, by sheer militarism, is intent now, as always in the past, to destroy. It is only by the exercise of tyrannical power that Ireland's right to freedom can be denied. It is to the great principle of national freedom, represented and embodied in the peace conference, that Ireland, exhausted by the cruelties of English rule, her population annihilated by one-half within living memory, her industries destroyed, her natural resources wasted, her civil liberties ended, her chosen leaders proscribed and treated as felons, now makes her appeal.

"Article 10 of the draft covenant of the league of nations is framed to secure national independence against the aggression of an external power. Its terms are as follows:

"'The high contracting powers undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any aggression or in case of any threat or danger of such aggression the executive council shall advise upon the means by which this obligation shall be fulfilled.'

"Ireland, as a nation that has declared its independence and is pledged to the principles of freedom, justice, and peace, desires to subscribe to the covenant of the league and to claim as against England the protection of article 10. I submit to the conference with profound respect that Ireland's claim is clear and can not with any shadow of justice be refused. Should it be rejected, the consequences would be as follows:

"1. Ireland henceforth must rely for her deliverance wholly upon her own efforts. No such rule has been laid down with regard to any other of the smaller nationalities whose emancipation has been made the care of the conference.

"2. Nations which never have denied the right of Ireland to freedom will deprive themselves for the future of the power of countenancing her claim, and will in consequence be bound, for the first time in history, to leave her unaided to her own resources as indicated in the preceding paragraph.

"3. Article 10 will impose upon all nations as a condition of membership of the league the obligation to guarantee to Great Britain a title to the possession of Ireland and dominion over the Irish people.

"Against the imposition of such slavery upon Ireland, and especially against the giving of such a guaranty of title to Great Britain, I enter on behalf of the people of Ireland, in whose name I have the honor to speak, the most emphatic protest.

"Great Britain's title to Ireland rests solely upon 'the military power of a nation to determine the fortunes of a people over whom they have no right to rule except the right of force.'

"The combined guaranty of such a title against the declared protest of Ireland would constitute a definite denial of 'the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether strong or weak,' and without the acceptance of that principle 'no part of the structure of international justice can stand.'

"The guaranty of such a title would be subversive of 'the reign of law based upon the consent of the governed and sustained by the organized opinion of mankind.'

"The guaranty of such a title would constitute recognition of the right of a strong power to serve its own material interest and advantage through the exercise of its 'exterior influence and mastery.'

"The guaranty of such a title would give Great Britain a warrant to make a nation weaker than herself 'subject to her purposes and interests.' It would confirm the claim of Great Britain to rule and dominate the people of Ireland 'even in her own internal affairs by arbitrary and irresponsible force.'

"Any guaranty under article 10 of territorial integrity and political independence as affecting Ireland can rightly inure only to the benefit of the people of Ireland themselves.

"In the name, therefore, of the people of Ireland I ask that the Irish nation may be invited to give their adhesion to the covenant of the league of nations, and that membership of the

league—a membership available under article 7, even to colonies who have freely and legislatively subscribed to the supremacy of the English Imperial Parliament—shall not be denied to the government of a free, independent Irish Republic.

"I have the honor to be, sir,

"Your obedient servant,

"SEAN T. O'KELLY,
"*Delegate of the Provisional Government*
"*of the Irish Republic.*

MEMORANDUM IN SUPPORT OF IRELAND'S CLAIM FOR RECOGNITION AS A SOVEREIGN INDEPENDENT STATE.

"Ireland is a nation not merely for the reason, which in the case of other countries has been taken as sufficient, that she has claimed at all times and still claims to be a nation, but also because, even though no claim were put forward on her behalf, history shows her to be a distinct nation from remotely ancient times.

"For over a thousand years Ireland possessed and duly exercised sovereign independence and was recognized through Europe as a distinct sovereign State.

"The usurpation of the foreigner has always been disputed and resisted by the mass of the Irish people.

"At various times since the coming of the English the Irish nation has exercised its sovereign rights as opportunity offered.

"The hope of recovering its full and permanent sovereignty has always been alive in the breasts of the Irish people and has been the inspiration and the mainspring of their political activities abroad as well as at home.

"English statecraft has long and persistently striven in vain to force the Irish people to abandon hope. The English policy of repression, spiritual and material, has ever been active from the first intrusion of English power until the present day.

"English policy has always aimed at keeping every new accretion of population from without separate from the rest of the nation and a cause of distraction and weakness in its midst.

"Nevertheless, the Irish nation has remained one, with a vigorous consciousness of its nationality, and has always succeeded sooner or later in assimilating to its unity every new element of the population.

"The Irish nation has never been intolerant toward its minorities and has never harbored the spirit of persecution. Such barbarities as punishment by torture, witch burning, capital punishment for minor offenses, etc., so frequent in the judicial systems of other countries, found no recognition in Irish law or custom. Twice in the seventeenth century—in 1642–1648 and in 1689—when, after periods of terrible persecution and deprivation of lands and liberty, the Irish people recovered for a time a dominant political power, they worked out in laws and treaties a policy of full religious equality for all dwellers in the island. On each occasion this policy of tolerance was reversed by the English power, which, on recovering its mastery, subjected the Irish race to further large confiscations of property, restrictions of liberty, and religious persecutions. More recently, notwithstanding the English policy of maintaining as complete a severance as possible, when Irish Protestants became attracted to the support of the national cause, the Catholics of Ireland accorded political leadership to a succession of Protestant leaders.

"The Irish have long been a thoroughly democratic people. Through their chosen leaders, from O'Connell to Parnell, they have provided the world with a model of democratic organization in opposition to the domination of privileged classes.

"If Ireland, on the grounds of national right and proved ability to maintain just government, is entitled to recover her sovereign independence—and that is her demand—the recognition of her right is due from other nations for the following reasons:

"(1) Because England's claim to withhold independence from Ireland is based on a principle which is a negation of national liberty and subversive of international peace and order. England resists Ireland's demand on the ground that the independence of Ireland would be, as alleged, incompatible with the security of England or of Great Britain or of the British Empire. Whether this contention is well or ill founded, if it is admitted, then any State is justified in suppressing the independence of any nation whose liberty that State declares to be incompatible with its own security. An endless prospect of future wars is the natural consequence.

"(2) Because England's government of Ireland has been at all times and is conspicuously at the present time an outrage on the conscience of mankind.

"Such a government, especially in its modern quasi-democratic form, is essentially vicious. Its character at the best is sufficiently described by a noted English writer, John Stuart Mill (Representative Government (1861), ch. 18): 'The Government by itself has a meaning and a reality, but such a thing as government of one people by another does not and can not exist. One people may keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm, to be worked for the profit of its own inhabitants. But if the good of the government is the proper business of a government it is utterly impossible that a people should directly attend to it.' Consequently the people of England devolve the power which they hold over Ireland upon a succession of satraps, military and civil, who are quite irresponsible and independent of any popular control, English or Irish, and represent no interest of the Irish people. Recent events show that the essential vices of the government are as active now as in former times.

"(3) Because the English temper toward the cause of Irish national liberty produces atrocious and intolerable results in Ireland. Among the results are a depopulation unexampled in any other country however badly governed; wholesale destruction of industries and commerce; overtaxation on an enormous scale; diversion of rents, savings, and surplus incomes from Ireland to England; opposition to the utilization by the Irish people of the economic resources of their country, and to economic development and social improvement; exploitation of Ireland for the benefit of English capitalists; fomentation of religious animosities; repression of the national culture; maintenance of a monstrous system of police rule, by which, in the words of an English minister, all Ireland is kept 'under the microscope'; perversion of justice by making political service and political subservience almost the sole qualification for judicial positions; by an elaborate corruption of the jury system by the organization of police espionage and perjury, and the encouragement of agents provocateurs, and recently and at present by using for the purpose of political oppression in Ireland the exceptional powers created for the purposes of the European war. Under these powers military government is established, some areas being treated as hostile territory occupied in ordinary warfare; a war censorship is maintained over the press and over publications generally; printing offices are invaded and dismantled; the police and military are empowered to confiscate the property of vendors of literature without any legal process; persons are imprisoned without trial and deported from Ireland; Irish regiments in the English Army are removed from Ireland, and a large military force, larger than at any previous time, with full equipment for modern warfare, has been maintained in Ireland; civilians are daily arrested and tried by courts-martial and sentenced to long terms of imprisonment.

"What are England's objections to Ireland's independence?

"The one objection in which English statesmen are sincere is that which has been already mentioned—that the domination of Ireland by England is necessary for the security of England. Ireland, according to the English Navy League, is 'the Helgoland of the Atlantic,' a naval outpost, to be governed for the sole benefit of its foreign masters. This claim, if it is valid, justifies not only the suppression of national liberty but also the weakening of Ireland by depopulation, repression of industry and commerce and culture, maintenanec of internal discord, etc. It can also be held to justify the subjugation of any small nation by a neighboring great power.

"The proximity of Ireland to England furnishes another plea. But Ireland is not as near to England as Belgium, Holland, Denmark, etc., are to Germany, Norway to Sweden, Portugal to Spain. In fact, it is this very proximity that makes independence necessary for Ireland as the only condition of security against the sacrifice of Irish rights to English interests.

"A further plea is that England, being a martime power, her safety depending on her navy and her prosperity depending on maritime commerce, the domination of Ireland is for her a practical necessity—a plea involving that Ireland's natural harbors, the best in Europe, must be kept empty of mercantile shipping, except for such shipping as carries on the restricted trade between Great Britain and Ireland.

"Ireland can not admit that the interests of one country, be they what they may, can be allowed to annul the natural rights of another country. If England's plea be admitted, then there is an end to national rights, and all the world must prepare to submit to armed interests or to make war against them.

"We may expect also to find the plea insinuated, in some specious form if not definitely and clearly made, that the English rule in Ireland has been and is favorable to the peace, progress, and civilization of Ireland. We answer that, on the contrary, English rule has never been for the benefit of Ireland and has never been intended for the benefit of Ireland; that it has isolated Ireland from Europe, prevented her development, and done everything in its power to deprive her of a national civilization. So far as Ireland at present is lacking in internal peace,

is behind other countries in education and material progress, is unable to contribute notably to the common civilization of mankind, these defects are the visible consequences of English intrusion and domination.

"The Irish people have never believed in the sincerity of the public declarations of English statesmen in regard to their 'war aims,' except in so far as those declarations avowed England's part in the war to have been undertaken for England's particular and imperial interests. They have never believed that England went to war for the sake of France or Belgium or Serbia, or for the protection or liberation of small nationalists, or to make right prevail against armed might. If English statesmen wish to be regarded as sincere they can prove it to the world by abandoning, not in words but in act, the claim to subordinate Ireland's liberty to England's security.

"Ireland's complete liberation must follow upon the application of President Wilson's principles. It has not resulted from the verbal acceptance of those principles; and their rejection is implied in the refusal to recognize for Ireland the right of self-determination. Among the principles declared by the President, before and since America entered the war, accepted by the American people, and adopted by the spokesmen of the chief allied powers, we cite the following:

"'No peace can rest securely on political or economic restrictions meant to benefit some nations and cripple or embarrass others.' 'Peace should rest upon the rights of peoples, not on the rights of governments—the rights of peoples, great and small, weak or powerful; their equal right to freedom and security and self-government, and to participation, upon fair terms, in the economic opportunities of the world.' 'What we demand in this war is nothing peculiar to ourselves. It is that the world be made fit and safe to live in, and particularly that it be made safe for every peace-loving nation, which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by other peoples of the world, as against force and selfish aggression.' 'An evident principle runs through the whole of the program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made the foundation, no part of the structure of international justice can stand.'

"Speaking on behalf of the American people at New York on the 27th of September, 1918, President Wilson said:

"'We accepted the issues of the war as facts, not as any group of men either here or elsewhere had defined them, and we can accept no outcome which does not squarely meet and settle them. These issues are these: "Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule, except the right of force?" "Shall strong nations be free to wrong weak nations and make them subject to their purpose and interest?" "Shall peoples be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force, or by their own will and choice?" "Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will, and the weak suffer without redress?" "Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?" No man, no group of men, chose these to be the issues of the struggle. They are the issues of it, and they must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all, and with a full and unequivocal acceptance of the principle that the interest of the weakest is as safe as the interest of the strongest. * * * The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favorites and knows no standards but the equal rights of the several peoples concerned.'

"If England objects to the application of those principles to the settlement of the ancient quarrel between herself and Ireland, she thereby testifies: (1) That her international policy is entirely based on her own selfish interest, not on the recognition of rights in others, notwithstanding any professions to the contrary; (2) that in her future dealings with other nations she may be expected, when the opportunity arises, to use her power in order to make her own interest prevail over their rights; (3) that her particular object in keeping possession of Ireland is to secure naval and mercantile domination over the seas, and in particular over the North Atlantic and the nations which have legitimate maritime interests therein, ruling Ireland at the same time on a plan of thoroughgoing exploitation for her own sole profit, to the great material detriment of Ireland, and preventing the establishment of beneficial intercourse, through commerce and otherwise, between Ireland and other countries.

"It is evident that while Ireland is denied the right to choose freely and establish that form of government which the Irish people desire, no international order can be founded on the basis of national right and international justice; the claim of the stronger to dominate the weaker will once more be successfully asserted; and there will be no true peace.

"It must be recognized that Ireland has already clearly demonstrated her will. At the recent general election, out of 105 constituencies 73 returned republican candidates and 6 returned representatives who, though not republicans, will not oppose the free exercise of self-determination by the Irish people. Nor is there the slightest likelihood that this right will at any time be relinquished.

"The Irish people are thoroughly capable of taking immediate charge of their national and international affairs, not less capable than any of the new States which have been recognized since the beginning of the war or which are about to be recognized, and by a procedure not less valid than has been held good for other restored or newly established States they have already formally constituted a national government.

"The effect on the world of the restoration of Ireland to the society of free nations can not fail to be beneficial. On the part of the nations in general this fact will be a guaranty of the new international order and a reassurance to all the smaller nations. On the part of England, if justice to Ireland be not 'denied or sold or delayed,' the fact will be an earnest to other peoples, especially to those whose commerce is borne upon the Atlantic Ocean, that England's naval power is not hostile to the rights and legitimate interests of other countries.

"Ireland's voice in the councils of the nations will be wholly in favor of peace and justice. Ireland covets no possessions and makes no territorial claims outside of her own well-defined geographical bounds. Her liberty can not infringe on that of any other people. She will not make any war or aggression or favor any. In remembrance of her unexampled progress and prosperity during a brief period of legislative but not executive independence (1782–1798), she looks forward to the time when she will again be free to contribute to the prosperity of all countries in commercial relation with her.

"The longest agony suffered by any people in history will be ended, the oldest standing enmity between two peoples will be removed. England will be relieved of the disgrace she bears in the eyes of all peoples, a disgrace not less evident to the remote Armenian than to her nearest continental neighbors.

"In proportion as England gives earnest of disinterestedness and good will in like proportion shall Ireland show her readiness to join in with England in allowing the past to pass into history. The international ambition of Ireland will be to recreate in some new way that period of her ancient independence of which she is proudest, when she gave freely of her greatest treasures to every nation within her reach and entertained no thought of recompense or of selfish advantage."

Judge COHALAN. Mr. Chairman, I have the pleasure of presenting to the committee Hon. Frank P. Walsh, who went over to the other side as the chairman of the American mission on Irish independence. He appeared before the Paris peace conference with his colleagues, Mr. Ryan, of Philadelphia, and Gov. Dunne, of Illinois, for the purpose of appearing there on behalf of the chosen representatives of Ireland, President De Valera, Arthur Griffith, and Count Plunkett. The committee may remember that he was, with President Taft, the former joint chairman of the War Labor Board. I have great pleasure in presenting to you Hon. Frank P. Walsh.

STATEMENT OF MR. FRANK P. WALSH.

Mr. WALSH. Mr. Chairman and gentlemen of the committee, to my mind the issue that is before the Senate and to which I have the privilege of addressing myself this morning, transcends in importance any issue that has ever been presented to us in our history of nationhood. I do not except from that the great issues that brought on the conflict between our own people, the question of nullification, the question of black slavery, and the question of the right of secession, because I see in what is going on here a situation of menace to us as a Nation—not as a power, but integral as a Nation—such as we have never been confronted with before.

It was conceivable to the minds of the men who wrote our Constitution that a situation might arise whereby a dictatorship might be asserted in this country by some person who had secured the favor of the people through the processes laid down in the Constitution of the United States. It was conceivable to them that men might be weakened by flattery, that they might be carried away by power and that, perhaps, especially in dealing with other nations of different beliefs and different concepts, they might wander away from the principles laid down in the Constitution of the United States. And so I am

profoundly thankful, and I say that on behalf of those whom I represent, that this Senate committee has given us a hearing to-day. I am distressed to observe that there is not a fuller attendance of Senators, and yet I feel that I should go on with what I have to say notwithstanding, in the hope that as my mind was brought to where I am to-day, perhaps the minds of some of my fellow Democrats may be so brought, and that we may be preserved from the calamity which I believe is about to overtake us, if it be not checked by the Senate. Our forefathers, with that in mind, provided specifically against one-man power in the dealing with other nations. They provided that the President of the United States had authority to make treaties only with the advice and consent of the Senate, and then only when two-thirds of those present concurred in the treaty. It is our hold, our democratic hold, on the Constitution of the United States that I believe is going to save us and save more than one-half of the world from being plunged into wars such as have not been comparable in our history before, and which will occur under any such proposition. We have now more than one-half of the world in open rebellion against the other half asserting repressive power, among which would be under the present league of nations the Congress of the United States. So the people of the world have been looking to this Constitution, understanding its strength and elasticity, and looking to the Senate to save them from what they think will be the most calamitous event in the history of the world.

Might I, without being thought to put a personal angle on what I have to say, describe as briefly as I may how I am brought to this conclusion, which I urge upon you. Although I am but one humble citizen of this country, in appearing before you gentlemen to plead the cause I do, I do so with a feeling of solemnity which I have never before felt in any presence in my life. Perhaps what I say about myself may in a small way reflect an angle on the public mind, and it might give your committee perhaps some sort of idea if I can make myself plain, of what goes to make up the composite mind. Prior to our entry into this war I might have been described as a pacifist. I know that this finally in its last analysis will not be a political question. I know that when this matter is settled it is going to be settled by honorable men from motives of the loftiest patriotism. Our reactions may first be excused, primarily and initially, for running along party lines, because we are a party Government, but in great questions, we stand together. That is evidenced by the support that the gentlemen in whose presence I have the honor to speak gave the President of the United States, a member of my party, during the dark days when he needed support in the bitter conflict which cost us so many precious lives and billions of dollars of our treasure. I say this because I have always been a Democrat, and I like to call myself an independent Democrat, and I have supported every Democratic President since I reached my majority. Prior to our entry into this war I was a believer in peace to the point of being called a pacifist.

I believe I did think that I was a pacifist, but when brought face to face with these questions I found, as we all found, that there are so many things that we would fight for, there are so many things that if physically brave enough we would die for, that the pacifist so called, in this country was a negligible quantity. But I did have that point of view to an extent that I was led to make something like 78 speeches on the theme which the President of the United States gave to us, that he kept us out of war, and I want to say to you that throughout this land there was a great response to that thought. On account of certain connections I have had in an official way—I suppose for that reason—I was sent through the great Hocking Valley of Ohio and Pennsylvania, the coal valley, and practically with unanimity the people in that section responded to the thought that we were traditionally opposed to war, that we were historically opposed to entangling ourselves with any European embroilment and entanglements. But our country saw fit, through the regular processes, to declare war, and I say that I speak the composite mind of the people who despise war in this country when I say that they sprang to the support of the Government because under the written Constitution laid down by our forefathers they agreed in honor to do so. They knew, the intelligent ones of them, that when war was declared by this country the President of the United States became the most powerful potentate upon the face of the earth. They knew or thought they knew that he needed less legislation in the freest country in the world to perform what was at his hand, namely, to provide the means and opportunity for winning the war, than did any man on the face of the earth, including the late Emperor of Germany; and we did it purposely, gentlemen of the committee—I believe our forefathers did—because it was thought at that time that a democracy, a government founded upon republican principles, could not stand against an autocracy where one man had autocratic power, so it was provided, and wisely provided, that along the paths of peace we should proceed as a democracy, but that when war was declared we wanted all of the power, all of the drive, all of the concentration that the most powerful potentate on the face of the earth might have at that time.

So that we went into it without question. I believe that nothing that was done by any man in this war was a sacrifice. I stood among the 2,200 graves of those American citizens at the edge of Belleau Wood, with practically every name on every cross showing the boy or the man was of Irish or German origin, because there were many German names on those crosses, and I knew that even they, fighting in this spirit as they did, would not say, if their voiceless lips could speak, that they had made any sacrifice. They did it willingly, cheerfully, for the confederation of human beings that got together more than 150 years ago to declare that this was one Government that would never foster tyranny; that it was one Government that would always remain the refuge of the principles of right, and that when it was threatened or that when its representatives thought it was threatened, their answer could be but one thing—to give up all they had, even life, for this Government.

I had the privilege to serve my Government for about a year, or over a year, in a capacity that brought me quite in touch with what might be called the masses of the people of this country. Considering industrial disputes involving something over 3,000,000 people, I saw that that same spirit existed among the working people, what we are pleased to call the masses, the common people of this country, and that that same intelligent thought, even though perhaps they could not define a section of the Constitution, actuated them, that same spirit and genius, so that they were just like the soldier who went abroad. Therefore, when we threw the weight of our great resources and our man power into the conflict, we obtained the results we did. I use the words "man power" as I do, although I despise the words, because I know that man power is talked about by the Governments of Europe as meaning only the skull and the brains of such as my boy who sits yonder. It means the disemboweling of the human beings; it means throwing men and women to their death by the words usually of one or two men. But that was the name they gave to it, and so I use it. We threw into the conflict the man power of this country and the matchless resources that won this war. I say that, gentlemen of the committee, not because strategically our soldiers made a fight that kept the enemy from Paris, not because with a dash that at least was as great as that of the most seasoned soldiers, they won a battle at certain points and turned the tide. I do not mean that, but I mean that when we threw in our mighty resources that war was won. We have enough gained to pay off the war in one year's productivity. We have enough now, according to Government figures, to pay the whole cost of the war in the increased value of our productivity since 1914; so that if a country marches on its stomach and wins by the last pound of wheat or the last pound of meat, when we went in, we won this war.

In addition to being opposed to war—and I want to say that my opposition was strengthened by walking through those devastated fields in France—I want to add one other thought. No man could see the bleaching bones of his own kindred, no man could look at those rough brogans still with the flesh and blood in them of the living men who walked in them a few months ago, and not despise war with all his heart. I was a believer likewise in a league of nations. I profoundly believed in a league of nations. I took my conception of a league of nations from what our great President has said, and I want to say at this moment again, according him very great respect for his great ability and for the work that he has done for this country up until this time, that the best friend that he has in the United States is the man who will stand up and preserve him from the wreck of the great mistake that he seems about to make after coming from Paris.

I followed his concept, and I was and am in favor of that much-talked-of thing, a league of nations, a league of nations that will let every nation upon the earth take part in it, to begin with national disarmament, the absolute freedom of the seas, and the much-talked-of open covenants openly arrived at, and the abolition of secret treaties. It was not an ideal thing. I say that it was the whole basis of any league of nations that would prove effective. It was the parting of the ways between secret diplomacy, and open covenants that a free people could understand and act upon intelligently, as I know you are trying to act upon this question to-day. I believed that such a league of nations was possible, and I so

abhorred war that I gave what strength I had to the formation of such a league. Having been a humble member of the League to Enforce Peace, after the armistice was signed I accepted a position upon the executive committee of that body, and took part in the nation-wide tour for a league of nations.

Senator BORAH. Did you travel with Mr. Taft for a while?

Mr. WALSH. I did. I traveled as far as Chicago with him. From there I went to St. Louis and he went in another direction, and I will say that I was in accord with Mr. Taft and Dr. Lowell and others who spoke with him upon this general proposition, and I believe at heart if I understand them I am in accord with them to-day; and perhaps if I can get to it as I hurry through I may show the point of departure, and hope that the rest of them will depart at the same point. [Applause.]

It was thrown in my way to go to Paris. I might say here, although it is nothing to be proud of or to be ashamed of, that I have not given as much attention to the so-called Irish question that formerly existed as some of these gentlemen have who appear with me here to-day. I was not a member of any society that had for its object help to Ireland, but I was called into this by the gentlemen who organized the Irish race convention. My ancestry was Irish, every bit of it. This appeals to me as an American proposition. It occurred to me that if the case of Ireland so splendidly described by the President of the United States could be given to the world, if it could be understood that that was what we fought for, the greatest advance could be made by our country, and the greatest evidence could be given of our entire good faith in this enormous and awesome enterprise upon which we had entered, so that I went in as the representative and as the chairman of the committee of the American commission on Irish independence from the Irish race convention. We have here, gentlemen of the committee, and have given you a copy of, all the correspondence that we had with all persons while in Paris. We have given you a splendid copy of the report on conditions in Ireland. We have addressed a letter to your honorable chairman, a copy of which is on the first page of the brown-covered pamphlet in which we have embodied this correspondence. In addition to that we had interviews with every member of the American commission to negotiate peace. Some of them we believe to be very significant, and we wanted to give the full text of those interviews in an executive session of this committee, because I believed there were matters in it that ought not to be made public, that would be embarrassing to some gentlemen if they were made public, but we will offer them to an executive meeting of this committee or to the Senate of the United States, if called upon.

Senator MOSES. Mr. Chairman, I move that these communications be received and printed as a confidential committee document.

The CHAIRMAN. If there be no objection it will be so ordered.

Mr. WALSH. We were sent to Paris and we went there with the commission of the 5,132 men and women, with this idea.

Senator JOHNSON of California. Just a moment, Mr. Walsh.

The CHAIRMAN. The Senator from California.

Senator JOHNSON of California. I want to suggest to you, Mr. Chairman, that the hearings of this committee have all been open. We have endeavored to make a departure from the rules that have prevailed heretofore, and to act in the open; to observe one of the 14 points, that of open covenants of peace openly arrived at.

I think these communications, if printed, ought to be open to the public as well as to the United States Senate. [Applause.] I want to amend the motion made by the Senator from New Hampshire [Mr. MOSES] or to substitute for it the motion that the communications be received, be accepted, and be printed as a part of our record of the proceedings.

Senator MOSES. I accept that substitute, Mr. Chairman.

The CHAIRMAN. The question is on the substitute.

Senator BORAH. What are these communications?

Mr. WALSH. The communications are the interviews which we had with the members of the American Commission to Negotiate Peace, including the President.

Senator FALL. Mr. Chairman, this commission waited upon the President of the United States and there declined to receive from him any confidential information which they could not impart to the people of the United States. If the committee could not conscientiously receive information of that character from the President of the United States—and I was one who would not have attended the conference had it not been open, I must decline—and I had intended to so state later—to keep anything confidential from the people of the United States which it is their business to know.

Senator SWANSON. Mr. Chairman, I submit that this matter ought to come later, because it was understood that we would have nothing but hearings this morning.

Senator FALL. This is a part of the hearing, Mr. Chairman.

The CHAIRMAN. The question is on the motion for the printing of these documents.

Senator FALL. That will leave them at liberty to present them under those conditions, if they desire to do so.

The CHAIRMAN. If they are submitted, I think they ought to be published as a part of the record.

Senator FALL. I simply wanted to serve notice that I would not regard the information as confidential if it was submitted.

Senator KNOX. Put the question.

The CHAIRMAN. The question is, Shall these documents referred to by Mr. Walsh be printed as a part of the record, as submitted by him.

The question was taken, and the motion was agreed to.

(The documents referred to are as follows:)

CORRESPONDENCE IN CASE OF IRELAND'S CLAIM FOR INDEPENDENCE BETWEEN AMERICAN COMMISSION ON IRISH INDEPENDENCE, AMERICAN COMMISSION TO NEGOTIATE PEACE, AND REPRESENTATIVES OF OTHER GOVERNMENTS.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
OFFICE OF CHAIRMAN,
2142 Woolworth Building, August 26, 1919.

Hon. HENRY CABOT LODGE,
Chairman Committee on Foreign Relations,
United States Senate, Washington, D. C.

DEAR SIR: We beg to hand you herewith, for consideration of your honorable committee, copies of all correspondence between the American Commission on Irish Independence, the American Commission to Negotiate Peace, and the representatives of other Governments, at Paris, between the dates of April 16, 1919, and June 27, 1919, inclusive.

We likewise beg leave to inform your honorable body that, in addition to this correspondence, we had personal interviews with all of the members of the American Commission to Negotiate Peace.

Immediately at the close of such interviews, the substance of the same were dictated to stenographers, and full transcripts of the important ones preserved.

On account of the subject matter of certain of them, we do not consider it proper to offer the same at a public hearing. If your honorable body desires the information, however, we shall be glad to submit the full text of the interviews to you in executive session.

With assurance of our high respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman,*
MICHAEL J. RYAN,
EDWARD F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Hotel Grand, Paris, France, April 16, 1919.

The PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We beg to advise you that in pursuance of the commission given us by the Irish race convention held in the city of Philadelphia on February 22, 1919, we were, among other things, instructed to obtain, if possible, for the delegates selected by the people of Ireland, a hearing at the peace conference.

The delegates so selected are Messrs. Eamon de Valera, Arthur Griffith, and Count Plunkett.

If these gentlemen were furnished safe conduct to Paris so that they might present their case, we feel that our mission would be, in the main if not entirely, accomplished.

May we therefore ask you to obtain from Mr. Lloyd-George, or whomsoever may be intrusted with the specific details of such matters by the English Government, safe conduct for Messrs. de Valera, Griffith, and Plunkett from Dublin to Paris.

If you could see your way clear to do this, we feel sure that it would meet with the grateful appreciation of many millions of our fellow citizens, would certainly facilitate the object of our mission, and place us under additional great and lasting obligation to you.

It would afford us the utmost pleasure to call upon you in person in order that we might pay our respects as well as make a brief suggestion as to the subject matter of this letter, provided such course meets with your approval and convenience.

With assurances of our continued high consideration and esteem, as always,

Sincerely, yours,

FRANK P. WALSH, *Chairman.*
MICHAEL J. RYAN.
EDWARD F. DUNNE.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
Grand Hotel, Paris, April 17, 1919.

MY DEAR MR. WALSH: The President asks me to say, in reply to your recent letter that he would be very glad to see you at his residence, 11 Place des Etats Unis, at 5.30 o'clock this afternoon, Thursday.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 17, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner to Negotiate Peace.

SIR: On behalf of and representing the Irish race convention held in Philadelphia on February 22, 1919, we very respectfully request your good offices to procure from the British Government a safe conduct from Dublin to Paris and return for Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, the elected representatives of the people of Ireland, so that they may in person present the claims of Ireland for international recognition as a republic to the peace conference.

As you know, the British Government assented to our going to Ireland; we went there for the purpose of conferring with the representatives of the Irish people and ascertaining for ourselves at first hand the conditions prevailing in that country. We have returned therefrom and are now more desirous than ever that the authorized representatives of Ireland shall be given the opportunity to appear and present the case of that country to the representatives of the assembled nations.

Awaiting the favor of an early reply, we remain,

Very truly, yours,

FRANK P. WALSH, *Chairman.*
EDWARD F. DUNNE.
MICHAEL J. RYAN.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Suite 760, Grand Hotel, Paris, May 20, 1919.

DEAR MR. PRESIDENT: Following the interview courteously accorded by you to the chairman of our delegation on the 17th ultimo, Col. House made the following request of Mr. Lloyd-George:

"That safe conduct be given by the Government of Great Britain from Dublin to Paris and return for Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, the representatives selected by the people of Ireland to present its case to the peace conference."

Upon the day following Col. House conveyed the information to us that Mr. Lloyd-George was willing to comply with such request, but desired an interview with the American delegates before doing so, and that it was the desire of Mr. Lloyd-George that arrangements for the meeting with him be made through Mr. Philip Kerr, private secretary to Mr. Lloyd-George.

After two tentative dates had been set by Mr. Kerr for the meeting with Mr. Lloyd-George, and not yet having met him, we were advised by Col. House to repeat our original request in writing to the honorable Secretary of State, Mr. Robert Lansing, which we did upon the 17th instant.

At this moment we have been informed by the private secretary of Mr. Secretary Lansing that our request has been referred to you.

May we not therefore respectfully ask of you that the undersigned, our full delegation, be given an opportunity to present to you in person, in as brief manner as consistent with the importance of the case, suggestions which Messrs. de Valera, Griffith, and Plunkett, the representatives aforesaid, have asked us to convey to you, together with certain facts of grave import now in our possession?

May we also take the liberty of suggesting, in view of existing conditions in Ireland (which can not and will not be denied), that to foreclose its case by refusing a hearing to its representatives at this time would be disconsonant with the declared purpose for which the war was prosecuted and out of harmony with the common principles of democracy?

We would gratefully appreciate a response at your convenience, and with assurances of our continued high regard.

Sincerely,

FRANK P. WALSH, *Chairman.*
EDWARD F. DUNNE.
MICHAEL J. RYAN.

To the PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 21, 1919.

MY DEAR MR. WALSH: The President asks me to acknowledge the receipt of the letter of May 20 signed by yourself, Gov. Dunne, and Mr. Ryan and to say that he has taken the matter up with the Secretary of State, and that, by the President's direction, Mr. Lansing will reply to it.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Hon. FRANK P. WALSH,
Suite 760, Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 22, 1919.

The original of the following letter was to-day handed to M. Clemenceau's secretary at the foreign office, Quai d'Orsay, Paris, by Sean T. O'Ceallaigh, envoy of the Irish republican government at Paris, and copies were handed personally by Mr. Frank P. Walsh, chairman of the American Commission on Irish Independence, to President Wilson, Col. House, Secretary of State Lansing, Mr. White, and Gen. Bliss, the members of the American Commission to Negotiate Peace:

"MANSION HOUSE, *Dublin, May 17, 1919.*

"To M. CLEMENCEAU,
"*President of the Peace Conference of Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as of Great Britain.

"Therefore we must ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently that no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates deliberately chosen.

"We request you to notify the peace conference that we, the undersigned, have been appointed and authorized by the duly elected national government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our high esteem.

"EAMON DE VALERA.
"ARTHUR GRIFFITH.
"COUNT GEORGE NOBLE PLUNKETT."

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 22, 1919.

DEAR MR. PRESIDENT: The following communication has this day been transmitted to M. Clemenceau, president of the peace conference:

"MANSION HOUSE, *Dublin, May 17, 1919.*

"To M. CLEMENCEAU,
"*President of the Peace Conference of Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as of Great Britain.

"Therefore we must ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently that no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates deliberately chosen.

"We request you to notify the peace conference that we the undersigned have been appointed and authorized by the duly

elected national government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our high esteem.

"(Signed) EAMON DE VALERA,
"(Signed) ARTHUR GRIFFITH,
"(Signed) COUNT GEORGE NOBLE PLUNKETT."

At the suggestion of President de Valera, we desire to call the same to your attention. We trust that the justice of the demand from the standpoint of democracy as well as of fundamental human rights, may lead you to throw the weight of your influence in its favor.

Sincerely,

FRANK P. WALSH, *Chairman.*
EDWARD T. DUNNE,
MICHAEL T. RYAN.

To the PRESIDENT OF THE UNITED STATES.

—

COMMISSIONER PLENIPOTENTIARY OF THE
UNITED STATES OF AMERICA,
Paris, May 22, 1919.

DEAR MR. WALSH: I have duly received the letter dated the 22d which you have been so good as to write me.

Yours, sincerely,

(Signed) HENRY WHITE.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Hotel de Crillon, Paris, May 24, 1919.

SIR: I have received the letter which you and Messrs. Dunne and Ryan addressed to me on May 16 regarding the issuing of safe conducts by the British Government to Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, in order that they may proceed from Ireland to France and return, and I immediately took steps to acquaint myself with the facts of the case, which transpired before the matter was brought to my attention by your above-mentioned letter.

I am informed that when the question of approaching the British authorities with a view to procuring the safe conducts in question was first considered every effort was made, in an informal way, to bring you into friendly touch with the British representatives here, although owing to the nature of the case it was not possible to treat the matter officially. The British authorities having consented that you and your colleagues should visit England and Ireland, although your passports were only good for France, every facility was given to you to make the journey. Before your return to Paris, however, reports were received of certain utterances made by you and your colleagues during your visit to Ireland. These utterances, whatever they may have been, gave, as I am informed, the deepest offense to those persons with whom you were seeking to deal, and consequently it seemed useless to make any further effort in connection with the request which you desired to make. In view of the situation thus created, I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile and therefore unwise.

I am, sir,

Your obedient servant,

ROBERT LANSING.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

NOTE.—This letter was received subsequent to the dispatch of our letter of May 26, 1919.

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AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 26, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner
to Negotiate Peace, Paris.

SIR: Upon the 17th instant we had the honor to hand to your private secretary, for immediate transmission to you, a letter requesting your good offices to procure from the British Government safe conduct from Dublin to Paris and return for Hons. Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett, representatives of the people of Ireland, copy of which letter we inclose to you herewith.

Upon the day following we were advised by the American press representatives that you had communicated to them the fact that you had referred the letter to the President of the United States. Later in the day this statement was confirmed by your secretary in an interview with our chairman.

With this information, upon the 20th instant we addressed a letter of the same purport to the President of the United States, and requesting a hearing by him. We also inclose copy of this letter to you herewith.

Upon the 21st instant we were advised by Mr. Gilbert F. Close, confidential secretary to the President, that at the President's direction you would make reply to such letter. We have not been advised of further action, if any, either by yourself or the President, upon our request.

In view of the urgency and importance of the matter, the arrangements which must necessarily be made by President de Valera and his associates as an outcome of your reply, as well as the further steps which we may be called upon to take in an endeavor to accomplish the objects of our mission, may we not ask that you be good enough to give us an answer to our request.

With assurances of our high regard, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 27, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner
to Negotiate Peace, Paris.

SIR: Your letter of the 24th instant conveying the refusal of the American Commission to Negotiate Peace to our request that they should use their good offices to secure the issuance of safe conducts by the British Government to Hons. Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, was duly received.

Your letter states that you have been informed that every effort was made, unofficially, to bring us into friendly touch with the British representatives in Paris. It is also stated in your letter that you have information to the effect that certain utterances of ours made during our visit to Ireland "gave the deepest offense to certain persons with whom you (we) were seeking to deal."

We beg to advise you that no person was authorized by us to make any effort to bring us into friendly touch with any British representatives, here or elsewhere.

We also beg to further advise you that at no time, in Paris, or elsewhere, have we sought to deal, privately or unofficially, with any persons relative to the purposes of our mission.

In order to make the record perfectly clear, we submit the following:

On March 27, 1919, a letter in form following was delivered in person by the undersigned to the Acting Secretary of State, in your absence, at your office in Washington:

"PARIS, *March 27, 1919.*

"Hon. FRANK L. POLK,
"*Acting Secretary of State, Washington, D. C.*

"DEAR SIR: We respectfully request the issuance of passports to France to Frank P. Walsh, of New York, N. Y.; Michael J. Ryan, of Philadelphia, Pa.; and Edward F. Dunne, of Chicago, Ill., who have been appointed by the recent Irish race convention held in the city of Philadelphia, Pa., on February 22 and 23, 1919, and whose object in visiting France is to obtain for the delegates, selected by the people of Ireland, a hearing at the peace conference, and to place before the conference, if that hearing be not given, the case of Ireland; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people.

"Very respectfully,

"FRANK P. WALSH, *Chairman.*"

We were informed by Mr. Assistant Secretary Phillips that he was acting for you, in your absence, and that the request contained in the letter would receive careful consideration. After a lapse of two days Mr. Assistant Secretary Phillips informed Mr. Patrick Lee, our secretary, that the request contained in the letter had been granted, and that your office had ordered the passports issued, which was accordingly done.

Upon our arrival in Paris a communication was addressed to the President, signed by Messrs. Walsh, Dunne, and Ryan, the full commission, advising him that we were acting in pursuance of a commission given us by the Irish race convention held in Philadelphia on February 22, 1919, and that we were instructed by said convention to obtain, if possible, for the delegates selected by the people of Ireland a hearing at the peace conference, and containing the following specific request:

"May we, therefore, ask you to obtain from Mr. Lloyd-George, or whomsoever may be intrusted with the specific details of such matters by the English Government, safe conduct for Messrs. de Valera, Griffith, and Plunkett from Dublin to Paris."

Following an interview between the President and the chairman of our delegation, the matter was taken up with Col. E. M. House, and the identical request was made through him.

The implication of your letter that any person was acting unofficially, privately, or secretly is therefore erroneous.

Attempted negotiations on behalf of Ireland in such fashion would not only be violative of our instructions but obnoxious to the principle, to which we steadfastly adhere with multitudes of our fellow citizens, that a just and permanent peace can only be secured through open conventions openly arrived at.

For the verity of the record, which we are anxious to maintain upon this important matter, will you be good enough to give us the names of the persons to whom we gave deep offense by our utterances in Ireland, and with whom you have been informed we "were seeking to deal," as well as the name or names of any person or persons who assumed to negotiate or promote any such secret or unofficial dealings upon our behalf?

We likewise deem it proper to call your attention at this time to the fact that we scrupulously refrained from any public utterances in England, and that our statements to the people of Ireland as to the objects of our mission were in strict conformity with the purposes stated to you in our written application for passports and cherished and advocated by American citizens since the foundation of the American Republic. We are confident that, if your information is correct to the effect that our utterances gave deep offense, such offense was not given to the Irish people or to their duly elected representatives, in whose presence the utterances were made.

Awaiting your further advices, we are, sir,

Respectfully and sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

NOTE.—This letter was never answered.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 27, 1919.

The PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We inclose herewith copy of letter received last evening from Mr. Robert Lansing, Secretary of State, together with copy of reply thereto of even date. We submit this so that you may be fully advised pending one further effort to carry out the purposes of our mission.

With assurances of our high esteem and respect, we are,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

(Same letter sent to Messrs. White, Bliss, and House.)

COMMISSIONER PLENIPOTENTIARY
OF THE UNITED STATES OF AMERICA,
Paris, May 28, 1919.

DEAR SIR: I am in receipt of your letter of the 27th instant and hasten to inform you, in reply, that I have neither made nor associated myself in any way with efforts to bring you and your colleagues into touch with the representatives of the British Government in Paris or elsewhere, nor had I, until within the last few days, any knowledge of those efforts.

You, yourselves, have not at any time approached me in the matter, nor was I aware, until quite recently, of the informal action to which you refer.

I may add that I was equally unaware, until a few days ago, of the communication which you addressed to the President upon your arrival in Paris from the United States.

I must, therefore, both personally and as a member of the American Commission to Negotiate Peace with Germany and Austria, decline all responsibility in connection with the outcome of your mission.

Yours, sincerely,

HENRY WHITE.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 28, 1919.

Hon. HENRY WHITE,
Commissioner Plenipotentiary
of the United States of America, Paris.

DEAR SIR: Please accept our thanks for your prompt and courteous response to our letter of the 27th instant, just received.

With assurance of our appreciation and respect,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, May 28, 1919.

To the PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We have the honor to transmit to you herewith a large number of cablegrams from different parts of the United States, insisting upon the securing of opportunity to present Ireland's case to the peace conference, and protesting against article 10 of the covenant of the league of nations. We trust that you will find time, even with your multiplicity of duties, to give the same careful consideration.

May we also take the opportunity to suggest that the fears of these petitioners as to the effect of article 10, if adopted, seem to have a very substantial basis of fact and reason. It occurs to us, as it doubtless has to them, that the following evil effects might flow from the inclusion of article 10 in its present form:

1. That nations and peoples claiming age-old territorial integrities of their own would, ipso facto, be forced under the authority of other nations or even kingdoms, without a hearing.

2. That peoples, the vast majority of whom are devoted to the principles of free governments such as our own, could be forced under the rule of monarchies or military autocracies.

3. That the signatories, including our country, would be bound, after the adoption of article 10, to prevent the giving of aid by outside advocates of liberty to oppressed nations, which practice has obtained among civilized peoples from time immemorial.

4. That the powerful signatories, including our country, might eventually be compelled to wage war, for the preservation of "territorial integrity," no matter how unjust and oppressive in any part of the world.

In view of the refusal to give the representatives of the Irish people a hearing in Paris, and without consulting with them upon this particular subject, may we not offer the suggestions following, which might apply to the case of Ireland and other nations under like disabilities and similarly situated:

First. Before final adoption of article 10 that a full and open hearing before the committee of four of the great powers at the peace conference be accorded to any nation or people, in order that they may present any questions of fact which they may desire to submit to prove their own territorial integrity, or to dispute the claim of any nation claiming territory to which it is not entitled, or is, at the time of the signing thereof, attempting to acquire or hold by force of arms.

Second. That in any event article 10 of the covenant of the league of nations should be amended so as to read:

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled: *Provided, however*, That the territorial boundaries of no country at the signing of the covenant shall be deemed to include any other country or nation the boundaries of which are natural ones, or clearly defined, inhabited by a homogeneous people, a majority of whom by a vote of its electorate has determined the form of government under which they desire to live, and whose efforts to establish the same and function thereunder are at the time of the signing hereof prevented by an army of occupation or other form of forcible repression."

With assurances of our continued high regard, we remain,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

(Copies of the above letter and cablegrams sent to Messrs. House, White, Bliss, and Lansing.)

AMERICAN COMMISSION TO NEGOTIATE PEACE.
Paris, May 28, 1919.

MY DEAR MR. WALSH: I am writing on behalf of the President to acknowledge receipt of your letter of May 17 inclosing a copy of your letter to the Secretary of State of May 27.

Sincerely, yours,

GILBERT F. CLOSE.
Confidential Secretary to the President.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE.
Paris, May 29, 1919.

DEAR MR. WALSH: Thank you for your note of May 27 inclosing for my information a copy of your recent correspondence

with the Secretary of State regarding the issuance of safe conducts for Messrs. de Valera, Griffith, and Count Plunkett.

Cordially, yours,

E. M. HOUSE.

MR. FRANK P. WALSH,
Chairman American Commission on Irish Independence,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 29, 1919.

DEAR SIR: As representatives of the Irish race convention held in the city of Philadelphia on February 22, 1919, we respectfully request an opportunity of appearing before the members of the American Commission to Negotiate Peace at as early a moment as may be convenient and meet with the pleasure of the commissioners plenipotentiary.

With assurances of our respect and high regard, we are,

Sincerely,

FRANK P. WALSH.
E. F. DUNNE.

MR. J. C. GREW,
Secretary to the American
Commission to Negotiate Peace, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 29, 1919.

DEAR MR. PRESIDENT: We inclose you herewith copy of letter this day addressed to the secretary of the American Commission to Negotiate Peace.

We were informed by Col. House that daily meetings of the commissioners plenipotentiary are held at the Hotel Crillon, and he was good enough to say that he would be glad to attend at any time an opportunity was given us for a hearing.

We called at the headquarters of the commission at their regular meeting hour this morning, but their meeting had adjourned. Mr. Secretary of State Lansing therefore suggested to us, through his private secretary, that we make this request through the secretary of the commission.

We wish you to be assured that we will occupy but a brief space of time, and indulge the hope that you may accord us this hearing at as early a moment as will meet with your pleasure and convenience, considering your other important duties.

With assurances of our great respect, we are,

Sincerely,

FRANK P. WALSH.
E. F. DUNNE.

THE PRESIDENT OF THE UNITED STATES,
Paris.

(Letters of similar purport were sent to Messrs. Lansing, White, House, and Bliss.)

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 31, 1919.

DEAR MR. PRESIDENT: We beg to advise you that, in pursuance of the commission given us by the Irish race convention held in the city of Philadelphia on February 22, 1919, and following our letter to you of April 16, 1919, every effort has been made to obtain a hearing for the delegates selected by the people of Ireland to represent them at the peace conference. Our information is that the Government of Great Britain has definitely denied safe conducts to these representatives, and hence they can not appear before the peace conference or any committee thereof.

The resolutions and instructions under which we are acting provide that, if opportunity be not given the regularly chosen representatives of Ireland, we should ourselves present her case; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people.

We therefore petition you to use your good offices to secure a hearing for us before the special committee of the four great powers, so that we may discharge the duty imposed upon us by our convention.

In order to avoid misunderstanding, we desire to state, and would thank you to convey the information to the other members of your committee, that we do not hold, or claim to have, any commission or authority from the people of Ireland or their representatives, but desire solely and respectfully to present the resolutions of the American convention with a brief argument in support thereof.

May we also point out that while the convention which we represent was unofficial, and while we claim no official authority in the governmental sense, nevertheless it was a convention composed of 5,132 delegates, democratically selected, representing every State in the American Union; and the individuals who composed it may fairly be said to have been men and women of all shades of political opinion, of all religious sects, and of practically every trade, profession, and avocation which go to make up our national life.

We think it is likewise fair to state that this convention acted for many millions of our fellow citizens, who, in this representative way, respectfully urge you to give favorable response to the request of this petition.

We will deeply appreciate it if you will be good enough to give us an early reply to this letter, as the matter of our departure for home is pressing us.

With considerations of our continued great respect and esteem, we are,

Sincerely,

FRANK P. WALSH, *Chairman*,
E. F. DUNNE.

TO THE PRESIDENT OF THE UNITED STATES,
Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 31, 1919.

GENTLEMEN: I beg to acknowledge receipt of your letter of May 29, requesting, as representatives of the Irish race convention held in the city of Philadelphia on February 22, 1919, an opportunity of appearing before the members of the American Commission to Negotiate Peace at as early a moment as may be convenient and meet with the pleasure of the commissioners plenipotentiary.

The commission is led to believe that your object in requesting to be received is to ask its good offices to obtain a hearing before the peace conference of representatives of the so-called "Irish republic." On the basis of this understanding, I am instructed by the American commissioners to express to you their regrets that they are unable to comply with your request, for the reason that it is not within the province of the American delegation to request the peace conference to receive a delegation composed of citizens of a country other than our own, when that country is officially represented at the conference, in regard to a matter having no relation whatever to the making of peace with Germany and Austria.

With assurance of respect, I am, gentlemen,

Your obedient servant,

J. C. GREW, *Secretary General.*

Messrs FRANK P. WALSH and E. F. DUNNE,
Grand Hotel, Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 31, 1919.

MY DEAR MR. WALSH: I am writing on behalf of the President to acknowledge receipt of your letter of May 28, with the inclosed telegrams, and to say that I am bringing them to the President's attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

MR. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

MY DEAR MR. CLOSE: I am handing you herewith letter for delivery to the President, which is quite urgent as to time. Would appreciate it deeply if you would get it to his hand at the earliest opportunity.

Thanking you for all of your kindnesses, I am,

Sincerely,

FRANK P. WALSH.

MR. GILBERT F. CLOSE,
Confidential Secretary to the President, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

DEAR MR. PRESIDENT: Upon this morning Mr. J. C. Grew, secretary general to the American Commission to Negotiate Peace, handed Gov. Dunne and myself a letter, copy of which is inclosed to you herewith. He stated at the same time that you were willing to accord personal interviews to us.

I am deeply appreciative of the courtesy extended, and would be grateful if you will be good enough to indicate at as early a

moment as possible, consistent with your great press of affairs, when I might see you.

Always, sincerely,

FRANK P. WALSH.

The PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

MY DEAR SIR: We beg to acknowledge receipt of your letter of May 31 answering ours of the 29th ultimo, handed to us by you in person this morning.

We desire to state that our object in requesting an opportunity of appearing before the American Commission to Negotiate Peace was not to ask its good offices to obtain a hearing before the peace conference of representatives of the Irish republic, as you state in your letter the commission has been led to believe. In order to remove this misapprehension, we respectfully submit the following:

Our information is that the Government of Great Britain has definitely denied safe conducts to these representatives, and hence they can not appear before the peace conference or any committee thereof.

The resolutions and instructions of the Irish race convention, under which we are acting, provide that if opportunity be not given the regularly chosen representatives of Ireland, we should ourselves present her case, her insistence upon her right of self-determination, and to international recognition of the republican form of government established by her people.

We wish to advise the commission further that we do not hold, or claim to have, any commission or authority from the people of Ireland or their representatives; but desire in appearing before the commission solely and respectfully to present the resolution of the American convention with a brief argument in support thereof.

May we also point out that while we claim no official status in the governmental sense, nevertheless we are the representatives of a convention composed of 5,132 delegates, democratically selected, representing every State in the American Union; and the individuals who composed it may fairly be said to have been men and women of all shades of political opinion, of all religious sects, and of practically every trade, profession, and avocation which go to make up our national life.

We think it likewise fair to state that this convention acted for many millions of our fellow citizens, who in this representative way respectfully urge the commission to grant us a full hearing.

We therefore renew our request, and trust that the commission may see its way clear to fix a time, at its pleasure and convenience, when we may appear before it.

Awaiting the favor of an early reply, and with assurances of our great respect, we are,

Sincerely,

FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. J. C. GREW,
Secretary General American Commission to Negotiate Peace, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

DEAR MR. PRESIDENT: We have the honor to hand you herewith report on conditions in Ireland with demand for investigation by the peace conference.

On account of the serious and critical situation exposed by the report, we beg that you will be good enough to give this document your careful consideration, and also to present the same to the full peace conference or to the committee of the five great powers, whichever may be the proper course under the practice of the conference. With assurances of our great respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: Complying with your request of May 1, 1919, made through Sir William Wiseman and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representatives at Paris of the Irish republican government, that we visit every part of Ireland, and especially Belfast, to ascertain the actual conditions existing in that country.

We have the honor to inform you that we have, except where prevented by the use of military forces of the English army of occupation, visited the four Provinces of Ireland, including Belfast, as well as the other principal cities and towns.

We have prepared a report covering the facts, with certain recommendations.

In order that the Government of Great Britain may be informed, we herewith hand you copy of this report, which, in addition to the presentation of facts contains a demand for an investigation under the authority of the peace conference.

We also wish to advise your Government that the original of this document has this day been handed to the President of the United States and that copies have been transmitted to the House of Representatives and the Senate of the United States through the Secretary of State.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

HON. DAVID LLOYD-GEORGE,
Prime Minister of England, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: We have the honor to hand you three copies of document entitled "Report on conditions in Ireland with demand for investigation by the peace conference," which we have this day transmitted to the President, with copy to Hon. David Lloyd-George, prime minister of England.

In view of the fact that the Senate of the United States is now considering the subject of a new treaty or treaties with the Government of Great Britain, and on account of the further fact that the House of Representatives has heretofore passed a resolution in favor of Ireland's right of self-determination, which has not been acted upon by the peace conference, unless in secret session, of which we have had no advices, we respectfully request that you kindly transmit one copy of this document to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of the State Department. With assurances of our great respect and consideration, we are,

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

HON. ROBERT LANSING,
Secretary of State of the United States, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 7, 1919.

MY DEAR MR. WALSH: I beg to acknowledge receipt of your letter of June 6, inclosing the memorandum concerning conditions in Ireland and to say that I have brought it to the President's personal attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

DEAR MR. PRESIDENT: We inclose you herewith paragraph inadvertently omitted from our "Report on conditions in Ireland with demand for investigation by the peace conference," which we had the honor of sending you upon the 6th instant. The same should be inserted under the subtitle "The revolution," on page 13 of said report.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

(A similar letter and inclosure also was sent to David Lloyd-George, British Prime Minister.)

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

DEAR SIR: We inclose to you herewith two corrected copies of our "Report on conditions in Ireland, with demand for investigation by the peace conference." Will you be good enough to have these substituted for the ones heretofore transmitted, or have the necessary corrections made?

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

HON. ROBERT LANSING,
Secretary of State, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

Right Hon. LORD BIRKENHEAD,
Lord Chancellor of England,
House of Lords, London, England.

SIR: Upon the 22d ultimo, during the proceedings in the House of Lords on that date, as published in the London Times, you made a statement, in reply to a question of Viscount Midleton, as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith for presentation to the House of Lords this report, together with copies of letters addressed to Hon. David Lloyd George, prime minister.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

EDITOR LONDON TIMES,
London, England.

SIR: We have the honor to hand you herewith "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to the President of the United States, the American Secretary of State, and Hon. David Lloyd-George, British prime minister, upon the same subject.

As you are doubtless aware, charges have been made that matters deeply affecting the peace of the world, such as the condition of Ireland, are habitually suppressed by English newspapers. In order that your paper may be thoroughly advised, and that there should be no misunderstanding upon the subject later, we take this opportunity to submit the inclosed documents.

Respectfully, yours,
AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

(Similar letters and inclosures were sent to all leading English journals.)

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AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, June 8, 1919.

SIR: Upon the 14th ultimo, during the proceedings in the House of Commons on that date, as published in the London Times, you made an official statement as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for transmission to the cabinet, this report, together with copies of letters addressed to His Majesty, King George V, and Hon. David Lloyd-George, prime minister.

Respectfully.
AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. BONAR LAW,
Leader of the House of Commons, London, England.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

His Majesty GEORGE V,
King of Great Britain, London, England.

YOUR MAJESTY: We herewith transmit to you our "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to your prime minister, Mr. David Lloyd-George.

The original of this report has been delivered to the President of the United States for presentation to the peace conference, and copies have been forwarded to Hon. Robert Lansing, American Secretary of State, for transmission to the Congress of the United States.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 13, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: Following Mr. Lansing's letter of the 24th ultimo, conveying to us the opinion of the American Commission to Negotiate Peace that further effort to secure the issuance of safe-conducts by the British Government to Messrs. de Valera, Griffith, and Plunkett would be futile and unwise, we proceeded, as you have been individually informed, to ourselves secure a hearing before your full body upon the merits of the Irish case.

While making this effort we are informed that the United States Senate has passed a resolution requesting your honorable body to endeavor to secure a hearing for the same gentlemen before the peace conference, in order that they might present the case of Ireland, and expressing sympathy with the aspirations of the people of Ireland for a government of their own selection.

In this situation we feel that further effort upon our part should be suspended until the resolution is acted upon by your honorable body.

We most respectfully urge, both as American citizens and in our representative capacity, that early and favorable action be taken by your body upon the Senate resolution.

If your commission concludes to so act upon the Senate resolution, and a hearing is granted by the peace conference to the Irish representatives and international recognition is accorded to the republican government set up by the people of Ireland, there will be no necessity for further demand by us upon your valuable time.

Will you therefore be good enough to advise us of whatever action your honorable body may see fit to take at the earliest convenient moment?

With assurances of our appreciation for other courtesies, and indulging the hope of an early response to this communication, we are,

Very respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, July 13, 1919.

Mr. J. C. GREW,
Secretary General American Commission
to Negotiate Peace, Paris.

DEAR MR. SECRETARY GENERAL: We are taking the liberty of handing you herewith letter of even date addressed to the American commission to negotiate peace, which we request that you kindly hand to them at once.

Sincerely,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, July 13, 1919.

DEAR MR. PRESIDENT: We inclose you herewith copy of letter to-day addressed to the American Commission to Negotiate Peace, the original of which was forwarded through Secretary General Grew, and to which we respectfully request your early and kindly consideration.

Sincerely,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES,
Paris.

(Similar letters were sent to Messrs. Lansing, Bliss, House, and White.)

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 14, 1919.

GENTLEMEN: I beg to acknowledge receipt of your letter of June 13, together with the inclosed copy of letter to the American Commission to Negotiate Peace, and to say that your letter will receive my careful consideration.

Sincerely, yours,

TASKER H. BLISS.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE, *Paris.*

GENTLEMEN: Inasmuch as the peace terms are so close to signature, will you not be good enough to advise us at the earliest possible moment as to the disposition by the full peace conference of the Senate resolution as follows:

"*Resolved*, That the Senate of the United States earnestly requests the American Peace Commission at Versailles to endeavor to secure for Edward de Valera, Arthur Griffith, and Count George Noble Plunkett a hearing before said peace conference in order that they may present the cause of Ireland.

"*Resolved further*, That the Senate of the United States express its sympathy with the aspirations of the Irish people for a government of its own choice."

In addition to the fact that we are receiving constant and urgent inquiries in regard to the same, we wish to respectfully call to your attention that unless action is taken very shortly, the delay itself will amount to a denial of the request.

With assurances of our high regard and esteem,

Sincerely,

FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 17, 1919.

Mr. FRANK P. WALSH,
Chairman American Commission on Irish Independence, Paris.

SIR: The American Commission to Negotiate Peace has the honor to acknowledge the receipt of your letter dated June 17 and previous correspondence regarding the resolution of the Senate of the United States in connection with the appearance of Edward de Valera, Arthur Griffith, and Count George Noble Plunkett before the peace conference and to inform you that the commission will not fail to comply with the request stated in your above-mentioned letter.

I am, sir,

Your obedient servant, J. C. GREW,
Secretary General.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

DEAR MR. PRESIDENT: On the 6th day of June, 1919, we had the honor to forward you our "Report on conditions in Ireland with demand for investigation by peace conference," the investigation to be conducted by an impartial body appointed by the peace conference, and excluding from membership the interested countries; or a committee selected equally by the prime minister of England and the elected representatives of Ireland, the chairman to be agreed upon by parties, or, in case of failure to agree, by the Supreme Court of the United States.

We now beg leave to point out that in the report heretofore forwarded to you the most revolting acts committed against the people of Ireland were not included, for the reason that many of the details of evidence covering the same are in the exclusive possession of the chief secretary for Ireland, Mr. Ian MacPherson, and military and other officials under his authority.

The substantial accuracy of our report has been attested by some of the more progressive and independent newspapers of England; but in view of certain public statements by English officials and certain newspapers, we beg to make the following additions to our report:

(1) Since the submission thereof, through use of an army of spies and agents provocateurs, reprisals have begun against the persons and property of those who are to bear witness to the truth of many of the atrocities reported; and men and women are being arrested upon trumped-up charges and transported to places distant from their homes and friends, so as to be deprived of assistance or defense.

(2) The only charge in the report heretofore submitted to you which has, so far as we know, received specific denial at the hands of any English authority is the following:

"Police and soldiers are habitually permitted to enter the cells where political prisoners are confined and to beat them with their clubs."

We are ready to substantiate this charge before the commission of inquiry, (*a*) by the production of large numbers of witnesses who have been thus beaten; (*b*) by proof of witnesses of the highest standing, including American citizens, who examined the cells of the prisoners shortly after the beatings and found the fresh blood still covering the walls of the cells; (*c*) by the production of prisoners whose injuries did not prove fatal, but who have been maimed and disfigured for life by the beatings of the soldiers and police.

In view of the conditions in Ireland as herein and heretofore set forth, which we earnestly insist can not be ignored if the peace of the world is to be accomplished, as well as the fact that if prompt action is not taken many more innocent lives may be lost and further brutalities committed, with the apparent sanction of other nations; that evidence now in existence may be destroyed, and witnesses placed beyond the reach of the commission of inquiry, we respectfully request that you will be good enough to at once place these additional facts before the peace conference and urge upon it the necessity and justice of prompt acquiescence in the demand for a hearing before an impartial tribunal such as heretofore described.

With considerations of our continued esteem and great respect,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

Col. E. M. HOUSE,
Member of American Commission to Negotiate Peace, Paris.

DEAR COL. HOUSE: We inclose you herewith copy of letter which we are to-day sending to the President, in reference to conditions existing in Ireland.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

(Similar letters sent to Messrs. Bliss and White.)

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner to Negotiate Peace, Paris.

DEAR SIR: We inclose you herewith copies of letter which we are to-day sending to the President, in reference to conditions existing in Ireland.

We respectfully request that you transmit one copy of this letter to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of your department.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 18, 1919.

Right honorable LORD BIRKENHEAD,
Lord Chancellor of England,
House of Lords, London, England.

SIR: We hand you herewith copy of letter sent on the 17th instant to the President of the United States, containing additional atrocities being committed by the English Government in Ireland, so that you may be informed. Copies of this letter have also been sent to Mr. Lansing, Secretary of State, for transmission to the Congress of the United States.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Similar letters were also sent to Messrs. David Lloyd-George, Bonar Law, the London Times, the Daily Mail, the Daily Herald, Manchester Guardian, the Morning Post, and other widely-known English newspapers.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, 18, 1919.

GENTLEMEN: Gen. Bliss has received your letter of 17 June, 1919, inclosing copy of letter of even date to the President in reference to conditions existing in Ireland, and has asked me to acknowledge its receipt, with his thanks.

Sincerely, yours,

W. B. WALLACE, *Colonel, General Staff.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 19, 1919.

THE AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: We inclose to you herewith copy of letter this day forwarded to Hon. David Lloyd-George, British prime minister, relating to the case of Countess Markievicz.

If your honorable commission can officially or individually aid in securing the release of this worthy woman, we beg to assure you that the ends of justice will be served thereby, and that it will be an act of humanity for which you will receive the kindly gratitude of many millions of people.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 19, 1919.

HON. DAVID LLOYD-GEORGE,
British Prime Minister, Paris.

SIR: We desire to respectfully call your attention to the case of Countess Markievicz, and to enter our most solemn protest against the conduct of the British Government and its officials toward her.

On June 6, 1919, we had the honor to submit to you, for your official consideration and action as Prime Minister of Great Britain a report of certain atrocities and cruelties inflicted by the English army of occupation on the inhabitants of Ireland, with a demand for the appointment of a special committee of inquiry by the peace conference.

We have been advised that the Countess Markievicz, who is a member of the Irish parliament and minister of labor in the Irish republican cabinet, has been arrested and confined in jail upon an inconsequential charge; and that the punishment now being inflicted upon her is in the nature of a reprisal and in retaliation for giving information in regard to certain of the atrocities contained in our report.

We wish to point out that the Countess Markievicz is a woman of refinement, splendid intellectual gifts, courageous spirit, and of spotless character, and has a place deep in the affections of the people of Ireland as well as many millions in the United States.

During our interviews with the Countess Markievicz, in Dublin, a few weeks ago, we observed that while she is a woman of high spirit and strong will, her health is not robust, and we greatly fear that the harshness of jail life may result in her death.

Our reasons for making the charge that the cruelties now being inflicted upon the Countess Markievicz are in the nature of reprisals by the British Government are as follows:

(1) Much of the detailed evidence of atrocities committed against women prisoners in Ireland was furnished us by the Countess Markievicz.

(2) She has in her possession the evidence of certain unspeakable outrages, the details of which have not yet been published, but which we intend to submit to the commission of inquiry when selected by the peace conference.

(3) We have indubitable proof at hand that during the course of our investigation in Ireland the Countess Markievicz was shadowed by spies in the employ of the British Government, and direct threats were made against her during the progress of our inquiry.

(4) She was arrested on a frivolous charge after our report was sent to you, and while publication of it was absolutely forbidden in Ireland, where the facts were easily ascertainable, and during the time the same was being withheld from publication by the English press.

(5) The sentence imposed upon her is for a length of time which would keep her in jail during the inquiry that may be made by the peace conference.

(6) The alleged utterances for which she is now imprisoned were made a month or more before her arrest, and no action had been taken upon them, as we are informed, until after the receipt of our report on English atrocities by the chief secretary for Ireland, Mr. Ian MacPherson.

(7) That during our visit to Ireland we heard many public utterances of the same import as those for which the Countess Markievicz is in jail, delivered in and out of the Irish parliament, and upon which no action whatever was taken by the Government.

We sincerely hope that, animated by a decent regard for the opinion of mankind, which we know you cherish, and in view of the foregoing considerations, especially having in mind the danger to the life of the Countess Markievicz through continued suffering in jail, you will use your great powers and authority as prime minister of Great Britain to secure the immediate release of this worthy woman.

We have, moreover, reason to apprehend that arrests of other women who suffered atrocities on their own persons while in jail, or who were witnesses to them being practiced on others, are impending, and that it is the purpose of the English Government to imprison in Ireland or remove from that country men and women whose testimony may be indispensable to the proposed investigation.

We wish to assure you that we are not making this request at the instance of the Countess Markievicz, nor at the suggestion of the representatives of the republican government in Ireland, but on the grounds—

(*a*) Of our common humanity; and

(*b*) So that when the committee of inquiry is appointed those upon whom atrocities have been practiced, or who have witnessed the same, will not be dead, incarcerated in prison, or so broken in health as to be unable to attend the hearing.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman,*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 20, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: We beg to advise you that the American Federation of Labor at its national annual session now being held at Atlantic City, N. J., by unanimous vote adopted a resolution urging the international recognition of the republican form of government now existing in Ireland and urging the peace conference to give a hearing to Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett on the case of Ireland.

May we point out some of the reasons which we respectfully submit should move your honorable body to make every effort to have this resolution complied with:

(1) The American Federation of Labor has enrolled in its membership more than 3,000,000 men and women, with a sphere of legitimate influence embracing many millions more.

(2) The American Federation of Labor contributed a high percentage to the overseas army of the American Expeditionary Forces.

(3) The organization was the basis and strong bulwark of the division of industry behind the military forces of the United States, without which the war could not have been won.

(4) Mainly through the efforts of this great organization, its veteran leader, and other officials the productivity of our country during the great World War was maintained at the highest point, and not one day's delay was occasioned in the production of essential war materials by strikes or labor disputes.

(5) The American Federation of Labor, aside from its purely industrial activities, is, we believe, without exaggeration, the most powerful force existent in the world to-day for the maintenance of that democracy cherished and practiced by us, and for the universal establishment of which America entered the World War, and to which the world must look for safety amid the clash of conflicting governmental ideas, ranging from the reactionary ambitions of monarchies and autocracies to the extreme dangers of unrestraint and chaos.

We also take this occasion to point out that since we made our original request to your honorable body on behalf of the Irish race in America, urging you to endeavor to secure a hearing for the Irish case before the peace conference, the United States Senate, with practical unanimity, has made the same request; and we have transmitted to you from bodies representing vast numbers of American citizens of all shades of political belief, composing all groups which make up our national life, cablegrams to the same effect.

In view of the fact that the day is so close at hand upon which we all earnestly hope the terms of peace will be signed, with the greatest respect, but with all urgency, we would ask the favor of a reply to the following questions:

(a) Has the American Commission to Negotiate Peace, or any individual member thereof, made a request to the general peace conference for a hearing for Messrs. de Valera, Griffith, and Plunkett?

(b) Has your honorable body, or any individual member thereof, made a request to the peace conference for the international recognition of the Irish republic?

(c) Has your honorable body, or any individual member thereof, made request of the peace conference for any person or persons to present the case of Ireland and its right to self-determination to the peace conference?

(d) If all or any such requests have been made, have the same been considered by the peace conference; and, if so, has answer thereto been received from the peace conference or any official representative thereof?

(e) If such requests have not been made, will your honorable body be good enough, in view of the manifold petitions and appeals herein referred to, and in the cause of humanity and justice, to make such requests, or any thereof which you may deem proper; and, if so, promptly advise us as to the result or make the same public, so that all of your petitioners may be advised?

With considerations of our great respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

—

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 20, 1919.

DEAR MR. PRESIDENT: We inclose herewith, for your information, copy of letter addressed to the American Commission to Negotiate Peace, which was this day delivered to Mr. J. C. Grew, secretary general.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

THE PRESIDENT OF THE UNITED STATES, *Paris.*

(Similar letters were sent to Messrs. Lansing, House, Bliss, and White.)

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 21, 1919.

MY DEAR SIR: I beg to acknowledge the receipt of your letter of June 17, which arrived during the President's absence in Brussels, and to say that I am bringing it to his personal attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

MR. FRANK P. WALSH,
Grand Hotel, Paris.

—

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 21, 1919.

Mr. FRANK P. WALSH,
American Commission for Irish Independence,
Grand Hotel, Paris.

SIR: I beg to acknowledge, on behalf of the American Commission to Negotiate Peace, the receipt of your letter of June 20, in which you advise the commission of a resolution adopted by the American Federation of Labor at its annual session now being held at Atlantic City and ask certain questions with regard to the recent Senate resolution.

In reply to your letter I beg to inform you that, in accordance with advice which has already been given you, a copy of the said Senate resolution was forwarded to the president of the peace conference, Mr. Clemenceau. Mr. Clemenceau, alone, is competent to bring this whole question to the attention of the conference. Beyond this, of course—as you very readily will appreciate—neither the American commission as a whole nor any of its individual members can take any further steps in the premises.

I am, sir,

Your obedient servant,

J. C. GREW, *Secretary General.*

[Copy of telegram.]

PARIS, *June 25, 1919.*

IAN MACPHERSON,
Chief Secretary for Ireland,
Dublin Castle, Dublin, Ireland:

Proof has been submitted to us at Paris that you are using your official power as well as the forces of the English Army of Occupation in Ireland to suppress our full reply to your answer to our report on conditions in Ireland, which was made on the 21st instant. Your answer, published broadcast, made denials of certain portions of our report and serious personal accusations against us. We are also advised that through the same instrumentalities you are suppressing altogether or causing to be printed garbled accounts of statements and affidavits made by individuals and officials in Ireland supporting the report of our commission and challenging the accuracy of your answer. We most earnestly protest against this unfair procedure and arbitrary abuse of authority as repugnant to the modern conception of justice and fair play held by right thinking men and women, which we had hoped applied to the English officials in Ireland as well as to the rest of mankind.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

NOTE.—This telegram was never answered.

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AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, June 27, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference
and Premier of France, Paris.

Monsieur le PRESIDENT: We have received formal notification from the secretary general of the American Commission to Negotiate Peace that the whole Irish question is now referable to you alone.

We therefore beg leave, as the representatives of the Irish race in America, to submit to you copies of the following documents, i. e.:

(*a*) The repudiation by the representatives of the Irish republic of the usurped right of England to enter into obligations or agreements affecting Ireland.

(*b*) Official report of the American commission on Irish independence on conditions in Ireland with demand for investigation by the peace conference.

Pending action by the full peace conference upon the request already submitted to you by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the envoys of the Irish republic at Paris, for a full hearing before the peace conference, we desire to urge upon you the urgent necessity of the early creation of an impartial commission of inquiry to investigate and report upon the actual state of war now existing between the people of Ireland and the English army of occupation, with special reference to the atrocities and acts of barbarism still being perpetrated.

Since the filing of our original report with President Wilson and the American commission to negotiate peace, the following acts of savagery are being perpetrated by the English army of occupation on the Irish people, which we submit are in violation of the rules of civilized warfare, and which, if permitted to continue, will render impossible the just pacification of the world, for which its people are so earnestly striving:

(1) Lives are being taken or men and women are being maimed and wounded daily.

(2) An organized effort to destroy the homes of the peoples of Ireland is being waged.

(3) Orders of banishment are issued frequently against people, commanding them to leave their homes at the risk of death and under penalty of imprisonment.

(4) Raids are being made upon peaceful towns and villages by aeroplanes.

(5) The homes and places of business of the inhabitants are being invaded and ransacked; looting is being carried on in a most shameful manner.

(6) Property of great value is being confiscated, for which reparation will be impossible unless opportunity is quickly given to prove and inventory the losses.

(7) Barricades and emplacements for artillery and machine guns are being erected which menace the lives and property of the people.

(8) The meeting places of the workers of Ireland are surrounded by machine guns, so that the workers are in imminent peril of death while endeavoring to carry on the lawful and ordinary activities of their organizations.

(9) Reprisals of a cruel and unusual character are being practiced in retaliation for the efforts to present the case of Ireland to the peace conference.

(10) Delicate and aged men and women are being confined in noisome and insanitary jails solely on account of their political opinions.

As the president of the peace conference, to which the peoples of the world are looking for the establishment of peace and the adoption of instrumentalities which will put an end to existing wars and prevent future conflicts, we most earnestly urge upon you the immediate presentation of the accompanying documents to your honorable body, and the great necessity for early action thereon.

With considerations of our high esteem and respect, we are,

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

[Personal and urgent.]

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, July 22, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference and
Premier of France, Paris.

Monsieur le PRESIDENT: We are in receipt of information from sources of high authorities that, as president of the peace conference, you have notified American peace plenipotentiaries that, so far as further consideration of the Irish question is concerned, the matter is one in which you will take no action.

We understand this decision covers—

1. That the resolution of the American Senate, officially forwarded to you by the American Commission to Negotiate Peace, and the recommendations contained therein expressing sympathetic support to the people of Ireland in their efforts to obtain a government of their own choice, is, by this action, denied in a manner suggestive of your entire disregard of American public opinion as rendered in the deliberate resolution of our highest legislative body.

2. That the peace conference further ignores the request of the Hon. Messrs. Walsh and Dunne for the appointment of an international tribunal to investigate into the charges of barbarities and inhuman conduct, in violation of the rules of civilized warfare, perpetrated by the British Government through its military forces in occupation of Ireland, and upon its defenseless people.

The knowledge of your decision in these matters has been, up to now, withheld from the American public. The results of the publication of this information will doubtless have very material weight at this time while the attention of the United States Senate is occupied in matters of international importance, in which we feel France has a material interest. Arrangements have already been made for giving widespread publicity in America to this decision on your part. But before taking this step, we respectfully suggest that an audience may be granted by you to the undersigned to present the importance of the situation, particularly in this relation to the future interests of France, of America, and of Great Britain.

There are 20,000,000 citizens of Irish blood in the United States, and the effect of this information, when published there, needs no characterization by us to indicate how grave may be the danger to the continuance of those same relations of amity and esteem that have marked the friendships existing between the French, American, and Irish peoples.

Trusting that I may be accorded the honor of this audience with you at your earliest possible convenience, and, with assurances of high esteem and respect, we have the honor to remain,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
JOHN ARCHDEACON MURPHY,
Commissioner in Charge.

REPORT ON CONDITIONS IN IRELAND, WITH DEMAND FOR INVESTIGATION BY THE PEACE CONFERENCE.

The Irish race convention held in Philadelphia on the 22d and 23d of February, 1919, provided by resolution for the appointment of a committee of 25 by the chairman, and instructed it to use all honorable means to secure for Ireland her right of self-determination.

This general committee selected from its own body Frank P. Walsh, of New York; former Gov. Edward F. Dunne, of Illinois; and Michael J. Ryan, of Philadelphia, as a special commission to go to Paris. The instructions of this special committee were as follows:

"To obtain for the delegates selected by the people of Ireland a hearing at the peace conference, and to place before the conference, if that hearing be not given, the case of Ireland; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people."

Upon their arrival at Paris a letter signed by all the commissioners was addressed to President Wilson, asking him to obtain from the British Government safe-conducts for Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett, the representatives selected by the people of Ireland, from Dublin to Paris and return; and also asking him to accord an interview to the American commission.

In response to this letter the President wrote to Mr. Walsh, chairman of the commission, granting him an interview, and fixing the time.

The President gave an exhaustive hearing to the case as presented by Mr. Walsh, and referred him to Col. E. M. House, with instructions to say that he believed the request a proper one, and that it should be granted.

The entire commission waited upon Col. House, advised him of the suggestion of the President, and presented the request in writing for safe-conducts for Messrs. De Valera, Griffith, and Plunkett. Col. House promised to take the matter up with Mr. Lloyd-George immediately and to use every effort to have the safe-conducts granted.

Upon the following day Col. House announced to the commission, who again called upon him in a body, that he had communicated with the prime minister of England, and that in all likelihood the safe-conducts would be granted; but that Mr. Lloyd-George was very desirous of having an interview with the American commissioners personally and would be glad to have Chairman Walsh take up the matter of fixing the time and place for the meeting with Mr. Lloyd-George's confidential secretary, Mr. Philip Kerr.

The commission notified Col. House at once that they did not seek a conference with Mr. Lloyd-George; doubted very much the wisdom or propriety of meeting him; but finally agreed to do so as a matter of courtesy.

Later in the day the entire commission called upon Col. House and stated that under no circumstances did they wish to be relegated to Mr. Lloyd-George on the question of the issuance of the safe-conducts, but were relying upon him—Col. House—as one of the American commissioners, to secure compliance with the request, if possible. With this clear understanding they would meet the prime minister.

Mr. Lloyd-George, on the plea of being closely occupied with the preparation of the German peace terms, put off the proposed meeting with the delegates from time to time, covering a period of something like two weeks.

The American commission finally called upon Col. House, explained once more that no part of the duties of their mission called for a meeting with Mr. Lloyd-George, and asked him to address a formal request for the safe-conducts for Messrs. De Valera, Griffith, and Plunkett, to Mr. Lloyd-George, and secure, if possible, a prompt and direct answer to that request.

Upon the same day, and shortly before the visit of the commission to Col. House, Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representative of the Irish republic in Paris, conveyed an invitation from President de Valera to the commission to visit Dublin, and gave, among other reasons, the necessity for a conference upon matters of grave importance at the time transpiring in Ireland.

When we arrived at the office of Col. House in the Hotel Crillon that evening to receive an answer from Mr. Lloyd-George we found Sir William Wiseman, the liaison officer between the American and British embassies in Paris. He presented the apologies of Mr. Lloyd-George for the delay, and said that Mr. Lloyd-George would like to fix a time for the interview upon some day of the following week. Mr. Walsh, speaking for the commission, replied that if they were to remain another week in Paris before receiving an answer to their request for the safe-conducts, they wished to use the time in a visit to Ireland for the purpose of meeting the representatives of the Irish people and of making a first-hand investigation of conditions in Ireland.

As the passports of the members of the commission did not include England and Ireland, it was necessary to have them amended, which was expeditiously done, the amended passports reading that the members of the commission were going to Ireland on an "unofficial political mission," and the forms of the passports were made diplomatic, which greatly facilitated their movements.

It should be noted that after the visit to Ireland demands were made in the English Parliament for a full report from the prime minister as to whether or not it was true that he in-

tended issuing safe conducts to the Irish representatives, and also if it was his purpose to have an interview in Paris with the members of the American commission.

Mr. Bonar Law, leader of the House of Commons, made official answer for the prime minister and stated that Mr. Lloyd-George had not and never had the slightest intention of granting safe conducts to the Irish representatives. He said that Mr. Lloyd-George had agreed to the visit of the American commission to Ireland, hoping upon their return that he could press upon them the "English point of view," to be used as propaganda in America.

The lord chancellor, officially replying to the same questions in the House of Lords, likewise denied, on behalf of the prime minister, that there was ever any intention to grant safe conducts to Messrs de Valera, Griffith, and Plunkett, and declared it was the purpose of the prime minister to have present at his interview with the American commission upon their return from Ireland all of the American newspaper correspondents, so that he (the prime minister) might make a statement of England's attitude on the Irish problem which would tend to allay the growing prejudice against England in the United States.

When the passports were handed to the American commissioners on the morning of their departure for Ireland, Sir William Wiseman stated that Mr. Lloyd-George wished the commission to go to all parts of Ireland, if possible, and it was his especial request that they should visit Belfast.

Upon repeating Sir William Wiseman's request to Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the envoys of the Irish republican government at Paris, they joined in the request that we should make a close investigation of conditions in Ireland, and especially urged that we should visit the jails, particularly those in the larger cities, where, they asserted, hundreds of men and women were confined under circumstances of the most shocking nature.

Crossing the Irish Sea from Holyhead to Dunleary we came upon the first evidence of the military occupation of Ireland. The vessel and wharves swarmed with soldiers, fully equipped for the field, going to and coming from Ireland.

When we arrived in Ireland we found soldiers everywhere. A careful investigation made on the day before we left Ireland showed that the army of occupation numbers considerably over 100,000 men, to which accessions are being made daily. The troops are equipped with lorries, armored cars, tanks, machine guns, bombing planes, light and heavy artillery; and in fact all of the engines of war lately employed against the Central Powers.

In addition to this there are approximately 15,000 members of the Royal Irish Constabulary. The constabulary is a branch of the military forces. They are armed with rifles, as well as small side arms, engage in regular drill and field maneuvers. They are never residents of the districts which they occupy, and have quarters in regular Government barracks.

After our arrival in Ireland we conferred with President de Valera as to the prisons which we should visit, and Mountjoy Jail, in the city of Dublin, was selected, for the reason that it contained a large number of political prisoners, many of them men of the highest character and standing. Mountjoy, so far as physical equipment and brutality of conduct goes, is not as bad as many of the other jails in Ireland.

We made our demand for permission to visit this jail through the municipal authorities of the city of Dublin. The governor of the prison, a resident of England, who had been in office but a few weeks, refused us admission. It was then explained to Sir John Irwin, chairman of the visiting justices of Mountjoy prison, that the commission was traveling on diplomatic passports and was investigating conditions in Ireland, partly at the solicitation of the prime minister. With this explanation Sir John Irwin, who is in supreme authority of the jail, overruled the decision of the governor and we were admitted to Mountjoy.

When we appeared at the gate we were ushered into the office of the governor, where we found Sir John Irwin. The governor told us that we were to be admitted to the prison, but with the understanding that we should not speak to any prisoner nor seek to fix the identity of any prisoner exhibited.

Although Mountjoy is called a jail it is, as a matter of fact, a combination of jail and penitentiary. It is surrounded by a stone wall 20 feet in height, and is larger than any of the mid-western American penitentiaries, such as Jefferson City or Joliet, and almost as large as Sing Sing. It has immense cell houses, built to accommodate approximately 1,000 prisoners. It is equipped with workshops, where men convicted of serious crimes are confined at hard labor. It is also used for the confinement of persons awaiting trial, as well as misdemeanants serving sentences for petty offenses.

Exclusive of the political prisoners, there were but 12 persons in confinement, all of them undergoing sentence for petty infractions of law.

One of the men who accompanied us upon the visit was an official of the city of Dublin, well acquainted with all of the political prisoners, so that we had no difficulty in identifying them. They were confined for the most part in groups, the majority of them being locked up in steel cages built in the yards of the prison, entirely outside of the buildings proper. These cages are exact duplicates of those used for wild animals in the larger zoological gardens such as Lincoln Park and the Bronx in the United States.

Statements had been made that unspeakable outrages were being committed against the persons of these men and the most barbarous cruelties inflicted upon them—that they had been starved, beaten, confined in dark and noisome underground cells, otherwise maltreated, and kept for days with their hands handcuffed behind their backs.

We attempted to secure statements from the officers, either confirming or denying the charges. We were permitted to talk to no one inside the prison except the governor. He stated that no such barbarities had been committed since he had taken charge of the prison a week or two before. He refused to speak for any time prior to that. He at first denied that there were underground cells in the prison. We had been furnished, however, with a plan showing their location, and upon our insistence we were allowed entrance. We found a great number of cells underground too narrow for human occupation, without beds or covering for the prisoners, no ventilation, pitch dark, and extremely cold, although the weather at the time was not severe. The chief warden admitted that these cells were at times occupied by prisoners.

Our information, well authenticated, is to the effect that a large number of political prisoners were taken out of the underground cells after we had demanded admission the night previous.

We found one of the political prisoners still in solitary confinement. He presented a pitiable spectacle. The miserable cell was cold and badly ventilated. He was in an unkempt conditon, highly nervous, palpably undernourished, and had a wild glare in his eyes, indicating an extremely dangerous mental state. He tried to speak to us, but was quickly silenced by the warder.

The political prisoners in this jail, without exception, are men of the highest standing—journalists, lawyers, business men, skilled tradesmen, and laborers. Many of them, confined for months, have not been informed of the charge against them. All of them are denied the right of trial by jury. When charges are made—often of the most trivial character—bail is denied. They were all emaciated and appeared to be suffering from malnutrition. Of the thousands of German prisoners we have seen in France none of them showed such wretched physical condition or had countenances so marked with pain as the prisoners in Mountjoy.

As we were leaving the prison we were attracted by shouts in the rear of the main hall of the prison. Looking around we saw Pierce Beasley, one of the political prisoners, an Irish journalist of the highest standing, and one of the most beloved men in Ireland, being hustled through the back doorway by a burly prison guard.

Beasley cried out, "I want to call your attention to the fact that this brute who has me in charge is about to punish me for saying, 'Long live the republic.'" We immediately protested against the assault on Mr. Beasley. The governor of the prison hastened back to where the men were, and, after a hurried whispered conversation with the guard, returned and said that we could be assured that no punishment would be inflicted upon Mr. Beasley.

Upon our return from the prison we were furnished with detailed statements of others who had been confined in the prison, exposing the vilest atrocities committed against prisoners.

Having received information that there were a large number of prisoners confined in a smaller prison in the town of Westport, County Mayo, which place was invested by troops, we announced our intention after leaving Mountjoy jail, of visiting Westport. Shortly before the departure of our train upon the following evening two policemen appeared at our apartments, and handed us an unsigned typewritten letter, notifying us that we would not be permitted to enter the town of Westport, the only reason given being that it was "within a military area." We proceeded, nevertheless, to Westport.

As we approached the town a company of soldiers met us about 3 miles out, and the lieutenant announced, in a surly tone, that under no circumstances would we be permitted to enter. We demanded to see the colonel, to whom we showed

our passports, repeated the message of Mr. Lloyd-George delivered through Sir William Wiseman, to the effect that he wanted us to visit all of Ireland, explained that we were conducting an investigation under the authority of the Prime Minister. We advised him that we understood that revolting conditions existed in Westport. The colonel, however, declared that he would take the full responsibility of not complying with the request of even so high a personage as the Prime Minister of England, though he stated that he was acting on orders from the Government officials in Dublin.

Many of the persons we met in the vicinity corroborated the stories of brutal treatment to which prisoners in the Westport jail were being subjected, the details being horrible beyond belief.

During our visit to Ireland we witnessed numerous assaults in public streets and highways with bayonets and clubbed rifles upon men and women known to be republicans, or suspected of being in favor of a republican form of government. Many of the outraged persons were men and women of exemplary character and occupying high positions in the business and professional life of the country.

We took statements covering hundreds of cases of outrage and violence committed by the officers and representatives of the English Government in Ireland, the details of which we set forth herein.

The excesses and atrocities detailed are either being actually committed at the present time or have been committed within the recent past, as a part of a scheme and plan to crush out and repress the effort of the Irish people to establish a republican form of government in Ireland.

Upon the basis of what we witnessed ourselves, as well as statements of men and women of unimpeachable integrity, we make the following specific charges:

(1) Within the past few months at least 10 citizens have been killed by soldiers and constables under circumstances which in a majority of the cases coroners' juries found to be willful murder under the laws of England; the last man having been murdered in this way less than one month ago.

In all of these cases the perpetrators of the crimes have gone unpunished.

(2) Hundreds of men and women have been confined for months in the vilest prisons without any charges being preferred against them.

(3) At least five men have died as the result of atrocities perpetrated upon them while in prison, the post-mortem examination in some of the cases disclosing marks of violence upon the bodies of the victims.

(4) Prisoners are confined in narrow cells with hands handcuffed behind them day and night. In this condition they are fed by jail attendants. They are permitted no opportunity of answering calls of nature and are compelled to lie in their clothing, befouled by human excrement, for days at a time.

(5) Persons are confined in cells which are not large enough for one man. They are not provided with beds or bunks of any kind, but are compelled to sleep upon the bare floors. There are no toilet facilities or receptacles to contain the human offal, which necessarily accumulates upon the floors where men are compelled to sleep in the filth night after night.

(6) The food is insufficient and unwholesome. Prisoners, men and women, are compelled to live for days upon water and poorly baked, sour, and stale bread.

(7) Hundreds of men and women have been discharged from jail with impaired constitutions, and are in many cases incurable invalids as a result of their treatment.

(8) During the past winter and spring streams of ice-cold water were poured upon men confined in jail, and they were compelled to lie all night on cold floors in unheated cells in their wet clothing. Many of them were afterwards removed to outside hospitals suffering with pneumonia.

(9) Police and soldiers are habitually permitted to enter the cells where political prisoners are confined and to beat them with their clubs.

(10) Solitary confinement in most horrible form is generally practiced. Numbers of prisoners have been taken directly from the jails to insane asylums, rendered maniacs by their treatment.

(11) Large bodies of political prisoners, in certain jails, have been kept without any food whatever for days at a time.

(12) The right of privacy no longer exists in Ireland. The homes of the people are constantly being invaded by armed men, and the occupants, including delicate women and young children, cruelly beaten and otherwise maltreated.

(13) The children of suspected republicans, many of tender years, are kidnapped and their parents kept in ignorance of their whereabouts for weeks.

(14) Women and children of refinement and respectability are arrested without warrant and, in company of rough and brutal soldiers, transported to distant parts of Ireland and England, where they are confined in jail with the lowest prostitutes, some of whom are suffering from vile diseases, and are compelled to use the same toilet facilities and thus expose themselves to the danger of infection.

(15) The right of private property no longer exists in Ireland. Places of business of republicans are invaded by soldiers and constables, fixtures destroyed, and property confiscated without compensation. In many cases the owner of such businesses and property are utterly impoverished.

(16) Heads of hundreds of families have been jailed or deported, leaving dependent women and children without means of subsistence and rendered objects of public charity.

(17) Men and women on mere suspicion of having republican sympathies are being taken from their homes and arrested upon the streets and highways of Ireland, deported to England, or confined in jails in remote places, while their distracted families are kept sometimes for many months in ignorance of their whereabouts.

Among the leaders of the republican movement in Ireland, many of whom have had these atrocities practiced upon their persons, are lawyers, such as Edward Duggan, George Nichols, and John Hanrahan, who rank relatively with such men in the United States as Morgan J. O'Brien, John B. Stanchfield, Levi Mayer, or A. Mitchell Palmer.

Some of the men whom we actually saw in jail in a pitiable condition were newspaper men who rank with Henry Watterson or the late Col. William R. Nelson, of Kansas City. This comparison is made because two of the prisoners in Mountjoy, Messrs. Pierce Beasley and William Seares, are the owners or principal stockholders of papers which they edit themselves. Many others we actually saw in prison are working newspaper men and correspondents of high-class publications, such as Charles H. Grasty, Frank H. Simmonds, and Herbert Bayard Swope.

Among the men we saw in prison are stock raisers and farmers, business men of large affairs, and literary men of brilliant parts and of the highest character.

We witnessed while in Ireland a brutal and unprovoked assault by an English colonel and a crowd of soldiers upon the person of Prof. John Mac Neill. Prof. Mac Neill is a member of the faculty of the National University, is an educator and publicist of the highest type, a Member of Parliament, and occupies relatively the same position in Ireland that William Howard Taft or Nicholas Murray Butler does in the United States.

EDUCATION.

If England ever had an educational system in Ireland, it has completely broken down.

The Irish people are taxed more for the support of the police and constabulary, although the country is practically crimeless in the ordinary sense, than they are for the maintenance of the whole educational system of Ireland, including the upkeep of the National University, Trinity College, as well as all the primary and other schools in the land.

School teachers in the primary schools are paid as low as $4 per week.

No system of hygiene or sanitation has been installed. The teeth of practically all the children are in decay, and respiratory and throat troubles exist to an alarming degree.

Lack of decent clothing and undernourishment is keeping thousands of children out of school.

ANTISOCIAL CONDITIONS.

In the city of Dublin alone there are 20,000 families, on an average of five to each family, living in one-room tenements. Infant mortality is appalling. Destitution and hunger are rife.

Municipal bodies and private persons attempted to extend relief, but such activities must have the sanction of the English Government, which is difficult, if not impossible, to obtain.

LAND LAWS.

The much vaunted land laws have not appreciably aided in decreasing poverty in the agricultural districts.

Leaving out of the question the manifold defects and hardships in the operations of the law, all the farmer might gain by his ownership of the land is taken away from him by unjust taxes and monopolistic control of the necessaries of life.

When the first land law was passed in 1881 the direct per capita tax in Ireland was about $6 per head. At the present time the direct taxation imposed by British law amounts annually to the enormous sum of $45 per head.

Indirect taxation of the people can not be accurately estimated, but is higher proportionately than in any other country in the world.

The age-old curse of absentee landlordism still cuts deeply into the economic heart of Ireland. Hundreds of thousands of its most fertile acres are owned by foreigners. As quickly as the rich crops are garnered they are taken out of the country, and this immense food supply and almost infinite source of wealth is lost to her people forever.

England has cut off Ireland from the outside commerce of the world, allows no ship to come trans-Atlantic to her ports, and thus controls the prices of the necessaries of life for her inhabitants.

This combined system of taxation and monopoly automatically takes away the legitimate profit from the farmer, no matter how fertile the land, propitious the season, or energetic the individual, and sucks the lifeblood out of all industry.

LABOR.

Ireland has the best organized and most coherent labor movement in the world. It is being thwarted and suppressed by the army and constabulary. Wages of unskilled workers are below a line which means to them hunger, cold, and privation. The wage of skilled labor is far below the minimum for decent existence.

In many of the larger cities and towns the trade-unions have a 100 per cent organization. We met and interviewed almost all of the national leaders of labor. The heads of the National Irish Labor Party, which is in control of the situation, are, without exception, ardent republicans, fully alive to their rights and insisting on self-determination for Ireland. They have all been the innocent victims of atrocities against their own persons such as are enumerated herein in the jails of Ireland and England.

They work along traditional trade-union lines. If their country is not freed of foreign control and exploitation, and quickly, many of them declare that in sheer defense of their own lives they will be compelled to set up local Soviet governments and refuse longer to produce wealth for their oppressors.

THE REVOLUTION.

Ireland for the first time in more than 100 years is absolutely cut off from England, its regularly elected members of Parliament having with few exceptions refused to go to Westminster. They are attempting, under the guns of the English soldiers, to hold orderly sessions in the Mansion House in Dublin.

There is a military organization of approximately 200,000 republican volunteers of fighting age, poorly equipped as to arms and without artillery. They appear to be well officered, and seemingly maintain a perfect organization, engaging in daily drills and frequent maneuvers. Upon all sides may be heard declarations that they are ready to fight and die for the right of self-determination, no matter how great the odds against them may be.

Guerilla warfare of the character which usually precedes major conflicts is now going on in Ireland. Almost every day there are fights between small detachments of the army of occupation and groups of republican volunteers. One day the British soldiers prevail, with the result that citizens are killed. In another day or two perhaps the republican volunteers are successful, with the result that soldiers are killed. Frequently the British soldiery wound and capture the volunteers, and in turn the volunteers kill or wound the soldiers and retake the prisoners.

With a ferocity unparalleled even in the history of modern warfare, within the past few days men and women have been shot down in the streets of Dublin.

The killing by the British Government of these republican volunteers would not settle the Irish problem. Those below the fighting age, and even the children of Ireland, are singing The Soldiers' Song, shouting "Long live the republic," and trying to enlist in the revolutionary movement.

ENGLISH TESTIMONY.

Mr. Erskine Childers, an English writer of high repute, who served Great Britain throughout the war in the Royal Naval Flying Corps, coming out a major, made the following declaration in regard to the Irish situation in the London Daily Herald of May 26, 1919:

"I could bomb a crowd from an aeroplane with a better conscience (and more skill) than engage in this cold-blooded, systematic condemnation of respectable people to the rigors and ignominies of jail life—to loss of health, loss of business and career, too often to loss of life; not for breaking the moral law, but in very truth of obeying that universal law which impels men worthy of the name of men to become free."

Lord Cavendish Bentinck, a Unionist member of the House of Commons, within the last month declared upon the floor of that body that England was not governing Ireland, but was engaged in a mere scuffle with the Irish people.

The lord chancellor of England, in an official report to the House of Lords within the last fortnight, made the confession that the vast majority of the people of Ireland were now in open rebellion against the rule of the British Government.

Right Hon. Herbert H. Asquith, former prime minister of Great Britain, made the following statement upon June 2, 1919, which appeared in to-day's London Daily Mail:

"Lord French is at present viceroy of Ireland, which to-day is the darkest of the dark spots on the map, not of Great Britain, but of the world."

DEMAND FOR INVESTIGATION.

All of the charges herein made are based upon the actual observation of the signers while in Ireland, or upon the statements of men and women of unimpeachable character, who are prepared to make direct legal proof of every crime and atrocity set forth.

The Government of Great Britain, up to this time, has measurably succeeded in hiding the details of these atrocities from the peace conference and the people of the world. From time to time, when crimes and atrocities are forced into publicity, they are met in three ways.

(a) Some distinguished English statesman or high official, usually one without personal knowledge of the facts, solemnly denies the truth of the charges.

(b) The British press impressively and unanimously denounces the charges as false, and carries many communications from persons claiming to have knowledge of the facts, and bearing testimony to their falsity.

(c) Government investigations before partisan judges, where testimony is controlled by implicated officials, resort often being had to intimidation of witnesses and subornation of perjury.

In order that the peace conference may act in the light of knowledge of the conditions, and be fully advised as to the effort of England to keep the people of Ireland in subjection by military power and violence, in contravention of the principles for which the peace conference was convoked, we respectfully urge the appointment of a commission to ascertain the facts and report the same to the peace conference, and respectfully submit the following alternative suggestions as to its formation and appointment:

(a) That an impartial committee be appointed by the peace conference, authorized to sit in the cities of Dublin and London, to take testimony as to the alleged facts herein set forth.

None of the members of such committee to be residents or citizens of Great Britain, Ireland, or any of the countries under the domination of Great Britain, or over which that country claims to exercise a protectorate or control.

(b) That a committee of seven be selected immediately in the manner following:

The prime minister of England shall select three members; the elected representatives of Ireland, including Unionists, Nationalists, and Republicans, shall, by a majority vote, select three members of said committee; that the six members thus selected shall agree upon a chairman, who shall be a resident and citizen of the United States, France, or Italy. In case of inability or failure to agree upon a chairman, the selection shall be made by the Supreme Court of the United States. That the Government of Great Britain and the elected members of Parliament from Ireland, as aforesaid, shall each have the right to select its own counsel, to conduct the examination of witnesses and assist in the investigation, the only restriction being that counsel so selected shall be reputable members of the legal profession in good standing in the country of which he or they are citizens.

We sincerely urge that if the peace conference refuses a hearing to the people of Ireland in these circumstances, the guilt for the commission of these monstrous crimes and atrocities, as well as for the bloody revolution which may shortly come, must from this time forward be shared with Great Britain by the members of the peace conference, if not by the peoples whom they represent.

Respectfully submitted.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman*.
E. F. DUNNE.

PARIS, *June 3, 1919*.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

DEAR MR. PRESIDENT: We have the honor to hand you herewith report on conditions in Ireland with demand for investigation by the peace conference.

On account of the serious and critical situation exposed by the report we beg that you will be good enough to give this document your careful consideration, and also to present the same to the full peace conference or to the committee of the five great powers, whichever may be the proper course under the practice of the conference.

With assurances of our great respect and esteem, we are,

Sincerely,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

THE PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: We have the honor to hand you three copies of document entitled "Report on conditions in Ireland, with demand for investigation by the peace conference," which we have this day transmitted to the President, with copy to Hon. David Lloyd-George, prime minister of England.

In view of the fact that the Senate of the United States is now considering the subject of a new treaty or treaties with the Government of Great Britain, and on account of the further fact that the House of Representatives has heretofore passed a resolution in favor of Ireland's right of self-determination, which has not been acted upon by the peace conference, unless in secret session, of which we have had no advices, we respectfully request that you kindly transmit one copy of this document to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of the State Department.

With assurances of our great respect and consideration, we are,

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

HON. ROBERT LANSING,
Secretary of State of the United States, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: Complying with your request of May 1, 1919, made through Sir William Wiseman, and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representatives at Paris of the Irish republican government, that we visit every part of Ireland, and especially Belfast, to ascertain the actual conditions existing in that country.

We have the honor to inform you that we have, except where prevented by the use of the military forces of the English army of occupation, visited the four provinces of Ireland, including Belfast, as well as the other principal cities and towns.

We have prepared a report covering the facts, with certain recommendations.

In order that the Government of Great Britain may be informed, we herewith hand you copy of this report, which, in addition to the presentation of facts, contains a demand for an investigation under the authority of the peace conference.

We also wish to advise your Government that the original of this document has this day been handed to the President of the United States, and that copies have been transmitted to the House of Representatives and the Senate of the United States, through the Secretary of State.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

HON. DAVID LLOYD-GEORGE,
Prime Minister of England, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

YOUR MAJESTY: We herewith transmit to you our "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to your prime minister, Mr. David Lloyd-George.

The original of this report has been delivered to the President of the United States for presentation to the peace conference, and copies have been forwarded to Hon. Robert Lansing, American Secretary of State, for transmission to the Congress of the United States.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

His Majesty GEORGE V,
King of Great Britain, London, England.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 22d ultimo, during the proceedings in the House of Lords on that date, as published in the London Times, you made a statement, in reply to a question of Viscount Midleton, as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for presentation to the House of Lords, this report, together with copies of letter addressed to Hon. David Lloyd-George, Prime Minister.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Right. Hon. Lord BIRKENHEAD,
Lord Chancellor of England, House of Lords,
London, England.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 14th ultimo, during the proceedings in the House of Commons on that date, as published in the London Times, you made an official statement as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for transmission to the cabinet, this report, together with copies of letters addressed to His Majesty King George V and Hon. David Lloyd-George, prime minister.

Respectfully,
AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. BONAR LAW,
Leader of the House of Commons.
London, England.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: We have the honor to hand you herewith "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to the President of the United States, the American Secretary of State, and the Hon. David Lloyd-George, British prime minister, upon the same subject.

As you are doubtless aware, charges have been made that matters deeply affecting the peace of the world, such as the condition of Ireland, are habitually suppressed by English newspapers. In order that your paper may be thoroughly advised and that there should be no misunderstanding upon the subject later, we take this opportunity to submit the inclosed documents.

Respectfully, yours,
AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Editor LONDON TIMES,
London, England.

[This report was given publicity in Paris on the morning of June 3, 1919. Inasmuch as the report had the appearance of having been suppressed by all of the London papers except the Daily News and Herald, special copies were forwarded to the editors in London, accompanied by identical letters as above.]

REPLY TO THE STATEMENT OF THE HON. IAN MACPHERSON, CHIEF SECRETARY FOR IRELAND, BY FRANK P. WALSH, CHAIRMAN OF THE AMERICAN COMMISSION ON IRISH INDEPENDENCE.

At the request of the Hon. David Lloyd-George, prime minister of England, transmitted by Sir William Wiseman, secretary of the British embassy at Paris, and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, envoys of the

Irish republic at the peace conference, the American Commission on Irish Independence, represented by Hon. Edward F. Dunne, former governor of Illinois, Michael J. Ryan, of Philadelphia, and myself visited the four Provinces of Ireland, including Dublin, Cork, Belfast, and other large cities, for the purpose of ascertaining existing conditions.

Upon June 3, 1919, the American Commission transmitted its report to the peace conference, at the same moment handing copies to President Wilson, His Majesty King George V, the prime minister of England, and likewise forwarding copies to the Senate of the United States.

The report contained a list of hideous atrocities being practiced upon the people of Ireland by the English army of occupation in Ireland. The report was suppressed by the English censor in Ireland, and the English press initially printed incomplete and garbled accounts thereof.

After a silence of more than two weeks and upon the insistent demand of the English press, notably the London Times, Mr. Ian MacPherson, English Chief Secretary for Ireland, issued a categorical statement confessing many of the charges denying others and making explanations in the nature of avoidance covering many of them. The answer of Mr. MacPherson was editorially denounced by the London Times as halting and evasive; by the London News, Manchester Guardian, and London Herald as containing damaging and shameful admissions of misgovernment and violation of human rights in Ireland.

Upon the 27th of July there was released to the American papers and all of the news agencies an additional answer by Mr. MacPherson to the atrocity charges reported by the American Commission, making sweeping denial of the same.

An issue of fact is thus clearly raised. If the original charges are true, England should be execrated by the liberty-loving people of the world, and Mr. MacPherson must go down in history as not only the prime mover and defender of the unspeakable crimes and cruelties set forth in the report, but as a dishonest and untruthful person. If the charges are untrue, then the signers of the report should be exposed as malicious falsifiers.

The original reports of the American Commission contained the following:

In order that the peace conference may act in the light of knowledge of the conditions and be fully advised as to the effect of England to keep the people of Ireland in subjection by military power and violence in contravention of the principles for which the peace conference was convoked, we respectfully urge the appointment of a commission to ascertain the facts and report the same to the peace conference, and respectfully submit the following alternative suggestions as to its formation and appointment:

(*a*) That an impartial committee be appointed by the peace conference, authorized to sit in the cities of Dublin and London, to take testimony as to the alleged facts herein set forth.

None of the members of such committee to be residents or citizens of Great Britain, Ireland, or any of the countries under the domination of Great Britain, or over which that country claims to exercise a protectorate or control.

(*b*) That a committee of seven be selected immediately in the manner following:

The Prime Minister of England shall select three members; the elected representatives of Ireland, including Unionists, Nationalists, and Republicans, shall, by a majority vote, select three members of said committee; that the six members thus selected shall agree upon a chairman, who shall be a resident and citizen of the United States, France, or Italy. In case of inability or failure to agree upon a chairman, the selection shall be made by the Supreme Court of the United States. That the Government of Great Britain and the elected members of Parliament from Ireland, as aforesaid, shall each have the right to select its own counsel, to conduct the examination of witnesses selected, shall be reputable members of the legal profession in good standing in the country of which he or they are citizens.

The latest answer by Mr. MacPherson, published broadcast in America, consists mainly of bald denials, unsupported by any citation to [sic] the military authorities who have first-hand information as to the truth or falsity of the charges, and without informative detailed proof to substantiate the same.

Assuming that England must eventually agree to an impartial court of inquiry substantially along the lines suggested herein, we make offer to prove the following:

ASSAULT UPON PROF. MACNEILL.

In addition to the statements of the investigators who witnessed the assault, we will produce at least 20 impartial persons who saw the assault and who will testify to its brutal nature and the insults which accompanied it.

POLITICAL PRISONERS IN ANIMAL CAGES.

To prove that the prisoners in Mountjoy Prison were exhibited in cages ordinarily used for wild animals, we will produce photographs of the cages unless they have been removed, in which event we will produce at least 50 prisoners who occupied them and a countless number of impartial witnesses who saw them.

VICTIMS RENDERED INSANE.

We will produce the records of the jails and insane asylums, as well as the victims who have recovered, and the relatives of those who have not, to prove our charges that numbers of Irish republicans were rendered insane by their treatment.

PNEUMONIA VICTIMS.

We will produce hospital records, testimony of physicians of the highest standing, as well as intelligent and impartial witnesses who treated and saw the victims while suffering from pneumonia, caused by having cold water thrown upon them from a hose in different prisons, also names and death certificates of those who died from the treatment.

DEAD, WOUNDED, AND DISABLED.

We will produce a list of the dead, those who were permanently maimed and disfigured by the atrocities practiced upon them; also a list of those whose health has been shattered and who have been rendered incurable invalids by their treatment, all accompanied by names and dates.

VIOLENT SUPPRESSION OF LABOR.

We will produce proof that the leaders of the national labor movement have been arrested without being informed of any charge against them, confined in jail in many instances for weeks and months; that while so confined they were treated with extreme harshness and cruelty; that their activities are spied upon by an army of detectives and their meetings infested by agents provocative; that their orderly meetings have been dispersed by the military authorities and violent assaults committed upon the bodies of men and women seeking to carry on the orderly business of their organizations; that permanent machine-gun emplacements have been erected and guns mounted thereon by the military engineers of the Army of Occupation, so that Liberty Hall in Dublin, the headquarters of the Irish National Labor Union, may be subjected to destructive assaults at a moment's notice.

INDISPUTABLE PROOF OF OTHER CHARGES.

These, as well as the other charges in the original and supplemental report of the investigators, we are ready to substantiate not only by the testimony of the victims, but by hundreds of disinterested witnesses, including past and present members of the English Army and Royal Irish Constabulary, who, sickened at the atrocious acts they were called upon to perform and witness, either resigned their commissions or now stand ready to sacrifice their careers in the interest of humanity and justice.

The issue now has been clearly made and formally submitted to the people of the United States and the world by the official reports of the American commission on Irish independence and the formal reply of Hon. Ian MacPherson, chief secretary for Ireland, representing Great Britain in the controversy. We respectfully submit, not only in justice to the character of the signers of our original report, which we assert to have been unjustly and maliciously assailed, but to the cause of a righteous and enduring peace, that unless the English Government quickly agrees to the institution of an impartial court of inquiry by the peace conference its case should go by default and England must stand convicted by thinking mankind as a cruel marauder of human rights and the one remaining Government of the world imposing its rule upon others by force of arms and exploiting weaker peoples by ugly might alone.

FRANK P. WALSH,
Chairman American Commission on Irish Independence.

NEW YORK, *August 4, 1919.*

[Copy of cablegram.]

NEW YORK, *August 8, 1919.*

IAN MACPHERSON,
Chief Secretary for Ireland,
Dublin Castle, Dublin, Ireland:

Am forwarding you by mail to-day reply to your statement denying facts set forth in report of American commission on Irish independence, dated June 3, 1919, so that you may be advised. Meantime I can not overlook the issue of personal veracity and honor which you have injected into the controversy. This is to inform you that unless you immediately join in request for appointment of impartial committee of inquiry by the peace

conference I shall publicly stigmatize you as a falsifier and your answer to our report as a piece of willful mendacity on the part of a high official unparalleled in the field of crooked politics.

FRANK P. WALSH,
Chairman American Commission on Irish Independence.

Mr. WALSH. I want to say, of course, Mr. Chairman and Senator FALL, that we will be very glad to accede to whatever is the pleasure of this committee.

Senator JOHNSON of California. We want nothing secret, Mr. Walsh.

Mr. WALSH. I think it is a good idea. Neither do we want anything secret. At the same time, there were certain elements about it that we thought they would prefer to have held confidential.

Senator JOHNSON of California. They were our delegates, were they not?

Mr. WALSH. Yes; and we claim, and I presented a legal argument to Secretary Lansing on the position, that they had in no way divested themselves of their official character; that they were sent over there for this purpose; that they not only had the right to attend to the matter in hand, but that they had the right to hear any representative American citizen in any sort of representative capacity that had anything to present. We will be glad to submit these documents under whatever rules you may be pleased to make.

Now, when we went over there we expected to meet this situation: The President had said this fight was for the right of small nations to control their own lives and to govern themselves. He said that the issue was not made by men or women, but was made by events; that this principle was to apply to those whom we did not like as well as to those whom we did like; that there was to be a peace conference at the end of the war, and that that conference was to be composed not of diplomats, as such conferences had been before, not of statesmen, not of governments, but of peoples through their representatives; and so these people, meeting in race convention, a homogeneous people, with their boundaries fixed by God himself, by the sea, a people who had retained their culture through the centuries, a people who had maintained their social institutions in spite of all sorts of repression of armies of occupation—aye, may I say, a people who shed their most precious blood at least once every generation in an attempt to repel the invader who was occupying their country—these people met in race convention and sent us as their representatives to the peace conference, and we believed that when we got there we would find a conference of delegates. These people had held a plebescite in December under the forms of English law, under every disadvantage, so far as they were concerned, and by an overwhelming majority had agreed to come under these principles for which so many of our soldiers died. When they did it they separated from England. They refused to go to Westminster.

They set up their own congress, and I want to say to you gentlemen, because I speak here as an American of America, that I give the American thought when I say as an American of Irish blood that if the great test was put between America and any other nation upon this earth, including the one for which we have so deep a sentimental attachment, that we would see Ireland go to the fathomless depths of the sea and to disappear as compared to our own country; but I want to say to you that when these men separated from England, when this Irish people separated from England, they separated forever. [Applause.] They have a volunteer army of 200,000 trained men, not well equipped, of course, but none will say in this presence that they will not go out with their rude weapons and fight to the death, because men are doing it in India, where women and children are being bombed. They are doing it in Egypt, where villages are being ravaged and people are being killed on the street. They are doing it in 20 different countries, among 20 different groups, at the very time that peace was signed. So we believed that under the declaration of the President of the United States, when we would present our case, we would show that Ireland came strictly within the definition which he gave, and that automatically Ireland would have the right to self-determination. But we found no such body in Paris. We found that 70 men or more had assembled there; that immediately upon assembling they had abrogated all their rights.

They were like the minority stockholders in a corporation that appointed a board of directors, and they appointed a board of directors of 10. The main body had met only four times in session up to the time we left Paris. They appointed a board of directors of 10. That board of directors appointed a committee of four. One of them was found to have no influence and was set aside, so they got down to a committee of three. We found that there was no small nation given a hearing before that board. We found that there was no abstract right contended for by any small nation laid down as the principle of action by that committee of three. And from now on, for the purposes of this argument, we will call them the Big Three instead of the Big Four.

Senator JOHNSON of California. Were you present over there, Mr. Walsh?

Mr. WALSH. Senator, I hung around the Hotel Crillon until I wore out several pairs of shoes.

Senator JOHNSON of California. I want the record to show that you are speaking from personal knowledge.

Mr. WALSH. I am speaking from personal knowledge, and I am putting so much "I" in this case that I do not know whether I am a witness or an advocate or what I am here; but I was there, and the record shows at least the part that I took.

Senator BRANDEGEE. Will you be kind enough to let me ask you a question?

Mr. WALSH. Yes, indeed, Senator.

Senator BRANDEGEE. Of how many people did this board of directors, as you call it, consist at the time you were corresponding with them with a view of getting the case of Ireland laid before the peace conference?

Mr. WALSH. There were 10 of the board of directors, but it had vanished down to 3. I am just giving my view of it, of course, as I looked at it at first hand, in a sort of a way. We were Kansas City and Chicago diplomats, not Parisian diplomats. We had to take it as we glanced at it, and we found that committee of three. Of course, Japan could have sat in there, but it was the joke of Paris, "What are the Japs going to do?" The other members were wishing to the Almighty that they would do something besides just sit there and blink; but England had winked at Japan, of course. Japan went in there under that broad plan, the equality of nations, the equal recognition of all nationals; but Japan already had her secret treaty; she already had her understanding. She did not need to be there. What she wanted was to maintain her grasp on Korea and to get Shantung. Of course she dropped out. She was well attended to.

Now, instead of dealing with small nations over there they dealt with reparations; they dealt with indemnities; they divided up territories; they created new nationalities—some of them, I understand, by mistake. They drew lines and sometimes did not know what country some of these nationals were put into. Around that place were all of these peoples trying to get a voice. I believe that had we had a little more practical statesmanship we might have organized the small nations of the world on the principles of the 14 points and started out and won it for the world. I really do [applause]; because the Lithuanians were there, the Arabians were there, the Chinese were there, the Esthonians were there, the Georgia republicans were there, the East Indians were there, and all the others were there. They called at the headquarters of the American commission to find out from us what was the reason why the 14 points were not being applied. So after they finished this work as far as it could be finished—the departure of the President of the United States put an end to it—we applied to the "Big Three." I am not going into our correspondence, but I will say this, that they said that unofficially they loved us, but officially they were ready to jump out of the window when we came in. I do not know what they were afraid of. Surely they were not afraid of England. Let them look at Ireland. Nine hundred soldiers held off 40,000 for over a week. Let them look back to the history of our own country that fought so well against unequal odds. Surely it was not fear. But as I say, unofficially they loved us, but officially, I am sorry to say, I do not believe they liked to see us come into the Crillon Hotel.

In the interviews which we are now to submit under the request of this committee we will give the interviews that we had with all these gentlemen. Our correspondence will show—I want to speak plainly—how they dodged us. It would have been, I may say, more agreeable to us and would have called for our admiration to a greater extent if they had just said, "We don't want to have anything to do with you"; but they did not do that. They recognized us just as far as they could unofficially, and we claim, of course, officially. So when the thing broke up——

Senator BORAH. Mr. Walsh, I suppose there must have been some one, aside from the American delegation, that was objecting to your being heard, was there not?

Mr. WALSH. Oh, yes; let me tell you. Let me say this, Senator BORAH, as it will appear here, that we were prevented from being heard by the representative of George V directly, for this reason, because now as I study this covenant of the league I

see many angles that I did not see before, and I recall that when that committee of four went into session to settle the fate of the whole world they agreed that they would not hear anyone except by unanimous consent, and we were the people—that is, the representatives of the Irish race; when I say "we" I mean the representatives of these other races—that had the great concern.

Now, when that committee adjourned by the departure of the President, we for the first time got the league of nations. I say here now, and I want to put it in this record, that that league of nations was never assented to, even by the ones who signed it, in the sense that we understand it. Anyone who was present at the Quay d'Orsai when the covenant of the league of nations was so splendidly and dramatically read by our President, and has seen them jumping up all over the room, wanting to say a word—you could not tell who they were—but Clemenceau, the lion of France, blandly said, "There being no objection, the covenant of the league is agreed to." We used to have what we called mob primaries out in Missouri, and I guess some of you gentlemen had them, where the chair would recognize only one man to appoint a committee of 10 to bring in a list of delegates to attend the convention, and the committee of 10 always returned with a list containing their own names, and then the meeting adjourned. [Laughter.]

Senator BRANDEGEE. You speak of these interviews you had. Did you have a stenographer with you?

Mr. WALSH. No; we did not have a stenographer, but the minute we came away, every time, we dictated to a stenographer what had occurred in the conference; and in the last one, the one with the President, I had a gentleman present who, of course, could be a witness, and there were two of us, Gov. Dunne and myself, and we immediately dictated it, and I do not believe that there will be any dispute about the facts. If so, we would like to appear before this committee again, and perhaps point out logically other things that coincide exactly with what was said in that interview.

Now, as I say, I was for a league of nations such as I have tried to set out here, but I was willing to take a bad league of nations. I was willing to take one that was not a good league of nations. I had gotten the French thought—the thought of France—that this is a rotten covenant for a league of nations; but it is not possible to start unless you have some sort of a league, and you can not have a robust and a good league by strangling it to death in infancy. I had a good deal of that thought. I studied that league covenant coming back on the boat, and having studied that league covenant I say, so far as my limited capacity goes and my ability to understand it, it is not a league of nations to prevent war, but it is a league of nations to foment war; it is a league of nations to put the shackles of injustice on almost half the people of the world; to embroil us in wars and in contests such as our country has never known before.

In order to be plain—it is with regret that I will send my resignation to the League to Enforce Peace coincidentally with the little effort I am making to-day—I hate to say it, but I say that that whole covenant of the league is so shot through with injustice, that the subtle European minds have so covertly and successfully planted their ideals in it in contradiction to the ideals of the American people, that no interpretation and no amendment can make it an honest document. [Applause.]

Now, if I may be indulged for a moment about this league, we have a certain concept. We have been reproached for being a material people. Over there I saw a cartoon that hurt my feelings, portraying America something like Davenport's cartoons used to do, with dollar marks all over Uncle Sam's clothes. We have been criticized for being chasers of the almighty dollar and for not having the high spirit that ought to animate people.

Senator KNOX. That cartoon represented the dollars they wanted.

Mr. WALSH. It represented the dollars they wanted; very good. But that criticism, as I say, is being made, Mr. Senator. Now, we have certain ideals. This Government was founded upon them. We believe that they have not only been good for us, but they have been good for the world. The great contribution that President Wilson made to this war was in his declaration upon going into the war, in the addresses that he made to you gentlemen at different times, and in public; because, as I had the privilege of telling him, when he made those declarations of the right of every man and woman to control their own life destinies, he said what was in the hearts and in the brains of countless millions of people—all of them, practically, except the men who held mastery. He declared principles for which thousands have died what might otherwise have been ignominious deaths upon the scaffold, for which countless millions have served time in jails and penitentiaries; and are doing it, I may add, in Ireland to-day; and when he did it, he gave utterance to the idea that set the world free. By your action in the Senate of the United States you may cause the butchery of many more thousands, but that ideal will live. The people of the world have been made free, and they have been made free by us; and if our temporary servants—or representatives, to be more polite, because we have no rulers—forget those principles, then by the strength of our intellects and by the power given by the Constitution of the United States we will get new servants and other representatives who will carry those principles to their final consummation. [Applause.]

I will only try to urge the fundamentals of this plan.

Senator FALL. Mr. Chairman, I move that the time of the hearing be extended indefinitely, until it is concluded.

Senator NEW. I second that motion.

Senator FALL. It is the first chance that the American people have had for a hearing anywhere, as I understand, except in the Senate. [Applause.]

Mr. WALSH. I do not like to take the time.

Senator FALL. Go on.

Senator MOSES. Let us have the question, Mr. Chairman.

Senator BORAH. We have got 25 days.

Mr. WALSH. I have all the rest of my life.

Senator JOHNSON of California. And so have the rest of us, too.

Senator MOSES. May we have a vote on this motion, Mr. Chairman?

Senator FALL. I make that motion, that the time be extended three hours—extended more, if necessary.

The CHAIRMAN. The motion is that the time be extended three hours.

Senator BRANDEGEE. Before we vote on that let me ask——

The CHAIRMAN. I want to say to the committee that we arranged to hear the Greeks to-day and to give them an hour, and as they have come here from a long distance, I feel bound to give them that hearing.

Senator FALL. The three hours additional need not necessarily be consecutive. They may take their hour and then we may continue this hearing, which is very interesting to me.

The CHAIRMAN. Certainly. There is no need of a motion for that.

Senator BRANDEGEE. I simply wanted to ask Judge Cohalan if he wanted three hours more.

Judge COHALAN. We would like it very much. Mr. Ryan gave way, and he has first-hand information. Gov. Dunne gave way. We would like very much to give them an opportunity to be heard.

The CHAIRMAN. We can hear the Greeks this afternoon, but of course it would involve a break in your hearing. We can take it up later.

Mr. WALSH. I am going to close as quickly as I possibly can. There are a few things I would like to say yet.

The CHAIRMAN. Take your time, Mr. Walsh. The committee are ready to hear you. [Applause.]

Seantor FALL. Mr. Chairman, had we not better settle this by voting on my motion for three hours' additional hearing? Then we can take a recess and hear the Greeks later.

The CHAIRMAN. Certainly. I think we can give them all the time they want.

Senator FALL. I will move to extend the time again if they have not completed.

The CHAIRMAN. The committee can arrange that. We have other hearings, and of course we must maintain our engagements.

Senator JOHNSON of California. We can run these hearings into next week.

Senator BORAH. We can go ahead, and if nobody calls time on them, they will not need to stop.

Senator FALL. Nobody will call time on them.

The CHAIRMAN. I will try and make an arrangement with the Greeks for their hearing in the meantime.

Mr. WALSH. I will try as well as I can to address myself to what I call the fundamentals of this proposed covenant of the league of nations, to give you if I can what is in my mind and what is in my conscience, because I will say again what I feel impelled to say, that this whole covenant of the league of nations is a perversion of what the men who really favored a league of nations intended and wished for.

Senator HARDING. Before you get away from it, I would like to have you emphasize and give us a little more light on one thing: You expressed the surprise of the assembled commissioners over the league when it was presented.

Mr. WALSH. Yes.

Senator HARDING. Was that marked?

Mr. WALSH. Oh, it was very marked. They jumped up all over the place to make protests. Man after man got up. You know there was an awful censorship upon this whole business. We followed the publicity very closely, on account of our own little embassy over there. It was impossible at that time to get anything about Ireland in a French paper. I am very happy to say that since the Persian matter and since the developments at the White House conference and other places a very distinctly different reaction is going on in Paris. Our cable advisers tell us that the most reactionary papers in Paris are in favor of the absolute independence of Ireland and think that Ireland was badly treated at the peace conference, and looked to this Senate not to give any advice and never to consent to the covenant of the league of nations as it is at present.

Senator BRANDEGEE. Will you allow me to ask you a question?

Mr. WALSH. Yes.

Senator BRANDEGEE. At the time this covenant was accepted by the plenary conference was there any attempt to elucidate its provisions, to explain the various provisions in it, or any debate upon it, other than the formal set speeches of the heads of the nations which presented it to the conference?

Mr. WALSH. Not a particle. It had been presented before, and there were some objections made to certain parts of it, and it went back and this meeting was called, and I talked to one of the most powerful members of the conference outside of the Big Four. He is a lawyer of very fine ability. As we are going in to have everything open, I will say that it was Judge Doherty, of Canada, representing the Dominion of Canada, and the night before he did not know what was in it.

Senator MOSES. He was one of the signatories to the treaty, was he not?

Mr. WALSH. He was a signatory to the treaty.

Senator BRANDEGEE. I would like to have you or some other gentleman who speaks for your side of the question state why this covenant can not by amendment be made satisfactory. I understand you to say that it is such a dishonest document that it can not be made honest by amendment.

Mr. WALSH. Yes; I say that. I do not mean personal dishonesty.

Senator BRANDEGEE. I understand that.

Mr. WALSH. I mean intellectually dishonest.

Senator BRANDEGEE. Such an undesirable thing for the United States to agree to.

Mr. WALSH. Yes.

Senator BRANDEGEE. I want either you or some other gentleman who addresses us to explain, in view of article 26, which provides that amendments to this covenant shall take effect when ratified by the members of the league whose representatives compose the council, and by a majority of the members of the league whose representatives compose the assembly, why under that article it can not be amended satisfactorily. I ask you that question in view of the fact that one of the strongest arguments contained in the letters which I receive in favor of the covenant is that, although the covenant has its imperfections, no human document can be expected to be perfect when it originates, that the Constitution of the United States was not perfect, and that it was afterwards amended very quickly, and that therefore this league covenant can be amended satisfactorily if we will only go into it. I want you to give your reasons why you say it can not.

Mr. WALSH. Very good; I will try to answer that, Senator. First, I look upon this document in this way: It is either a thoroughgoing fraud from beginning to end, to which a respectable nation should not give its assent; it is either something gotten up intentionally and deliberately to deceive, or else it has either the direct power or the potential power to enforce every idea in it. That is my opinion of this document.

I believe, if we surrender to this proposed covenant of the league of nations, that in the very essentials of its structure, we can never escape.

I begin by my opposition to article 10, and, as I suggested, not limiting it as far as Ireland is concerned, but that it should apply to any country that had the fate of the people in its hands, and had determined the form of government under which it should live and which government was oppressed by an army of occupation. I think it could be amended. But as you go through this, as has been said, 11 is just as bad as 10, and 12 is just as bad as 11, and you go a little further and you will find that 13 is as bad as 11, because if a dispute arose, and believe me, gentlemen, a dispute is going to arise about Ireland mighty quickly, and a dispute is going to arise about other matters as far as France is concerned, and if this committee has the power—and this committee has the power if it is a fair document and not a false document—it has the authority to lay down the procedure from which we can never escape. And I took section 40 of the annex, because my first criticism was answered by a gentleman very high in authority who said that this vote had to be unanimous, the vote of the assembly, but I found under section 40 of the annex that a majority vote, a bare majority of the council, carries any proposition with it. And when it comes to arbitrament of these nations, they know exactly what they want under this treaty, and will never agree to arbitration, and it goes to this council stacked in advance. I want to speak plainly—why? Because they have secret agreements entered into and signed by the representatives of the United States dividing territory, and unless the chairman has received them since I heard the argument on the case of Egypt the other day, they are still undisclosed to the separate branch of the treaty-making power, the Senate of the United States, and certainly not to our knowledge.

The CHAIRMAN. Most things connected with this treaty are undisclosed.

Mr. WALSH. I would say now, if we are doing it all open, as soon as you get the agreement mentioned by Senator FALL, that you send it to us that we may find out if Ireland is in it.

Senator BORAH. You were speaking about article 40?

Mr. WALSH. Article 40 of the annex.

Senator BRANDEGEE. You have not the committee print?

Mr. WALSH. I think I can find it.

Senator BRANDEGEE. Did you mean a majority of the council or of the assembly?

Mr. WALSH. A majority vote of the council decides the whole thing.

Senator BRANDEGEE. I wish you would read that provision.

Mr. WALSH. All right. I think I can find it. It is in the annex. It is chapter 3, article 40.

Senator MOSES. That relates to the Saar Valley.

The CHAIRMAN. Top of page 93, article 40, section 4.

Senator SWANSON. That relates to the Saar Basin, section 4.

Mr. WALSH. I think not, as I read it. Let us consider it, because I tried to weigh it with great care, and I weighed this with reference to what this council might interpret it to mean. Now, the league contains a great many of the ideals expressed by the President, but still I will say that an analysis of that will show that in some place there is something that points out that this is not a covenant that is going to bring peace to the world.

I get this from the CONGRESSIONAL RECORD. We have the covenant and then we have the annex.

Senator BRANDEGEE. Just give the page and the date of the RECORD.

Mr. WALSH. Page 2344 of the CONGRESSIONAL RECORD of Thursday, July 10, 1919. That was my first notion when I read it, that it referred to the Saar Valley, but I do not believe that it does.

Senator BRANDEGEE. I want you to put it in the record of the hearing of this committee.

Mr. WALSH. I am going to put it in the record, and then try to give you what follows, that makes me say that the interpretation of this can be made to show that it refers to the whole annex.

Senator BRANDEGEE. Take your time and find it.

Senator BORAH. I suggest that the gentleman proceed and that when he has time to look this up he can add it to his remarks.

Mr. WALSH. Yes.

Senator MOSES. In other words, he will present a brief on it?

Senator BORAH. No; he can present his remarks. We will stay here until he gets through.

Mr. WALSH. Yes; I will find the clause in there, if that refers to the whole annex, and I think it does.

Senator SWANSON. If you will look at page 67 of the annex, it is named "Annex." Then it concludes.

On page 93, here is the way section 40 reads [reading]:

"In all matters dealt with in the present annex the decision of the council of the league of nations will be taken by a majority."

On page 67, if you will read through—it is named "Annex"—it shows that all that in the annex is limited to a majority.

Mr. WALSH. I did not so get it out of the CONGRESSIONAL RECORD. I will try to come back to it. I took this CONGRESSIONAL RECORD in my analysis and that is my conclusion. I will come back to that.

Now, then, to begin with, fundamentally I say that the setting up of this assembly and council absolutely pushes us away not only from the ideas of our Government, but surrenders us in this way to the conception of monarchy as opposed to a republican form of government.

We were present, as I say, in Paris. We were there at the time when all of the experts were resigning. We were there at the time when all of Paris understood that the ideals for which we entered the war had been circumvented. We were there and heard the secret treaties discussed. We were there and heard not only the facts, but the intelligent men and women from many of the struggling nationalities, and all of them drawing the point of departure from democracy to autocracy or monarchy just as I am going to try to draw it here.

We start with this council, which consists of the representative of the American Republic, the minister of the King of England, the minister of the King of Italy, the minister of the Emperor of Japan, the minister of the King of Belgium, the minister of the King of Spain, the minister of the King of the Helenes, and the representative of the Republic of France, essentially different in form, of course, from our own, and the representative from the Republic of Brazil. So we started out with a monarchical institution essentially to pass upon all questions the council of the proposed league of nations has the right to pass upon.

We find as we look through this treaty, first, that the nations are not disarmed. We find that we are entering into obligations ourselves to increase our armament. We find that we are under a practical obligation to increase our armament fivefold. We find that under the authority—and I am speaking of it now as absolute authority—that this is a virile living thing that is intended to effectuate its purpose, with all the influence and power that can be put behind it by all of the powerful nations of the earth, and it is that sort of institution.

Senator HARDING. You have noted that the President has said that we really have no obligation except to pass upon the orders of the council in accordance with the conception of justice.

Mr. WALSH. I have followed that, and in my slight study of metaphysics it is too deep for me. I read it over and over again and tried to put it in the blunt way I have by saying that this is a document of liberty and power or it is an essential fraud; that if we admit there is such a thing as international law, under international law it must have all the force that any other agreement has between nations or it has not any at all. That is my conception of it, and I give it for what it is worth.

Now as long as we are a powerful nation and as long as the signatories with us have work to do for their kind of an imperialistic character in the world so long will they carry America along with them. If we furnish the men, if we furnish the treasure, if we spill the blood—and it must be done at once, as I will try to show before I leave my remarks—then we go along with our fellow imperialists and we are full imperialist criminals with them. But if our one man on that league of nations decides that we will not go on, then it will be found that we did not need this large army, that we will drop under a pledge that we have made to allow the council to set the quantity of disarmament or armament that may be had. We will then drop down into a small armed country. Why? Because it is not necessary to police our country. Why? Because if we refuse as a matter of fact to join with them in their imperialistic aggressions, and they have the power under it to allow Germany—we conjure hatred with that name of old, and so I mention it—if we admit Germany afterwards into the league, then England could right away have a standing army or navy to conquer any country that they desired to keep under subjection or to place under subjection, while we would have a small army if they disarmed us on land and disarmed us on sea, and we might have a navy half as large as England's, and she could have a navy twice as large as she has at the present time.

And so I might go through this document. I will be glad to do it. It can be done. But I know you gentlemen have done it. I would do it if I had the power, which I doubt.

If this is not a covenant for a league of nations, what is it? Can there be any dispute about it? It is a so-called covenant of a league of nations proclaimed to the world, and honestly by its advocate—by its only advocate, who I believe has followed this thing through, because there is a propaganda going on in this country such as there never has been before. On Broadway, New York, I heard a Government official connected with the Educational Department in Washington. May I without offense to the gentleman say that he has never read this league of nations covenant. But he had a crowd around him and was speaking for it to the people of the United States. I saw another man speaking for it and asking his organization to indorse. I know this gentleman has not read it.

It is called a covenant of the league of nations. It is a catchword. It first caught my consciousness. It is a catchword, and that will bring behind it those who abhor war and those who believe that some start ought to be made with a league of nations. But the truth ought to be written that it is a league to effectuate and maintain permanently the divisions of territory, and the seizing of the lives of men and women as contained in secret treaties about which the President of the United States knew nothing when he made these utterances, about which he knew nothing when he went to Paris, and about which we knew nothing; and for the upholding and maintaining of the principles of which 300,000 of our men were killed, gassed, and wounded in foreign lands, which can not be denied here. I have read the questions asked by Senators BORAH and JOHNSON. It is in the minds of all of you that when that Big Three sat, there were three dominating thoughts. One was a man of ideals—of honest ideals. I say that I believe that if our President could have come back to this country with every one of them put in force, his heart's greatest desire would have been met. I believe that. But when he got there, as he expressed it, he had in mind all of the principles for which we had gone to war, an end of secret diplomacy, an end of back-door intrigue, an end of the power of one man to get into a squabble with another and call to arms millions of people, the young manhood of the country that he happens to represent, that there was to be an end to this thing of dividing territory regardless of the wishes of the people, that always and ever the rights of nationalities were to be considered, that always and ever no man hereafter should have a government imposed upon him that his conscience did not approve of, but he found that secret treaties had been made absolutely abrogating every one of his 14 points. What became of the freedom of the seas?

The recognition, if you give it—and I trust in God you will not—to England's protectorate over Egypt means that England takes Turkey's right to the Suez Canal; means, if I conjure the thought correctly, that it gives England a grip on every quart of salt water in the world; this country, attempting to enforce ideals, laying down what is contained in some parts of the present proposed league of peace, the present covenant. On the other hand, what do we have? I must state it plainly. I do not believe from my observation that the French people as a people have imperialistic aims. You can not get the thought or the reaction, I believe, that would convince you of that. At any rate, I believe that so intent were they particularly upon getting reparation for the devastation of their country, so anxious were they to have guaranties for their future protection, and so insistent was this demand, that it became, as the President said, a state of mind, and nothing else, so far as France was concerned, could be considered; and so all the press of France sounded that one note; and so everything was censored that might have anything to do with the enforcement of our ideals as expressed in the messages to Congress, in the writings and speeches of the President.

On the other hand was the representative of the King of Great Britain, Mr. Lloyd-George. He held his eyes to high heaven and said that England had no imperialistic aim in the war; that they did not propose to gain one yard of territory. And when they were urging us into the war, you remember how he denounced—how Mr. Asquith denounced—what they called the lie of the enemy, that they had any desire for any territorial aggrandizement. But Mr. Lloyd-George was there, and there for that purpose alone. He emerged with his mandatories or with his protectorates or whatever you call them; and I point to them and I point to Egypt and I point to Ireland, and I say, whatever they call them, they are always the same—and I say that at the very foundation of it, it is the desire and the purpose to economically subject the people of those countries; to keep them in practical slavery—the producing masses of those countries. The people who produce the cotton in Egypt are not allowed to manufacture the goods into textiles in their own country, but are compelled to send the raw material to England. If England did not get that economic advantage, as they have in Ireland and as they have in every country into which they have gone, she would have no concern in going in there.

I have no hatred of England. I am proud of her achievements where they have been good. But I say in the very genesis of the imperialist idea is corruption, the very thought of holding their people for economic advantage is, governmentally and internationally, if you enter into it, dishonesty.

Now, then, she emerged with an added control over something like 33,000,000 people, with an area in land, and valuable land, gold mines, diamond mines, the richest agricultural land existing in the world, in her own bag. Did she do it honestly and fairly? Can any league be a good league that has this honestly as its genesis? Was it fair, I ask—was it fair, gentlemen of this committee, let me ask—to take the lives of our

300,000 men or to cripple them; was it right to accept our aid under the declaration we made; was it right to accept our aid after Lloyd-George and Asquith had declared that they wanted no more territory, when they absolutely had the obligation so far as it could be international to hold that territory, and when they had in their minds that they would do exactly what they did do with the representative of the United States—that instead of following out the principles for which we entered the war they would get an agreement including among its signatories our powerful country, with its great resources, to effectuate and to keep forever what they had already gotten, a territory five times larger than the thirteen original States of the United States? As I say, I do not care what they call it, a mandatory or what not; they have it, and by force of arms and by the help that they think we can give them, they are going to keep it.

I would like at this point to try to direct a few observations, that may again be an answer to what Senator BRANDEGEE asked, as to the constitution, the constituent elements, of this league of nations, and the way it is being gotten up. Some place in the world there is a committee of seven men. I do not know whether there is a democrat upon it—I mean a democrat in its wide sense. I do not know whether there is a man on it that believes in the representative form of government. Has this committee been given a name—a committee to organize a league of nations? Very well, some place there is a committee sitting in the world. It may consist——

Senator JOHNSON of California. Did anybody on this committee know that that authority had been given?

Mr. WALSH. I think Senator FALL knew it.

Senator FALL. I knew it.

The CHAIRMAN. When I shook my head, I meant that I did not know the names. We know some of the people on it by reference to the newspapers.

Mr. WALSH. I have observed them. They all have been published.

The CHAIRMAN. Not to my knowledge.

Mr. WALSH. Some place sitting in the world there is a committee whose personnel is unkown in toto to the chairman of the Foreign Relations Committee. That committee has this important duty, if you do not know——

Senator FALL. Among its other duties, it has to control the agenda.

Mr. WALSH. They not only put down the primary organization, but they named the agenda for the first meeting.

The CHAIRMAN. And they also arranged the personnel and the officers of the league.

Mr. WALSH. They have gone even further than that, anticipating that the Senate would not perform its duty under the Constitution and advise against this if they thought that it was wrong. You will refuse to give your consent to it if you believe as I do about it. Anticipating that, Sir Eric Drummond was appointed first secretary general.

I want to say to you gentlemen who, I know, have had large experience in constituting boards and bodies, that a general secretary with the power that Sir Eric Drummond has, will have more influence upon the conduct of that board than will a majority of the members. I say that because he has the ability to and he will make the suggestions as to the agendum. He is the one who will receive the protests of people who claim they are being subjected or repressed. He is the one at first hand who passes primarily upon every act that that committee will be called upon to perform. So I say, knowing the little that I do about constituting boards, and in cases where they are brought from different parts of our own country that a general secretary of a board composed of different-speaking people from all over the world is the man who will control that body, practically, if not absolutely.

At the present time there are peoples subject to restrictions in all of the countries of the world. As I heard detailed to you the other day, the officers of the Government of Egypt have the right, so far as I can see, to be diplomatically represented in this or any other nation on earth. They showed me their papers, and they came from their own State Department, and they did not need to be viséed by Great Britain. They came to Paris. They were shocked when they came there to find that two days before they arrived the President of the United States had given out an interview in which he recognized the protectorate of England over Egypt, and adjured the people of Egypt not to commit any violence or do anything that would cause pain and suffering to the inhabitants. And these men, precluded from any effort to get into the conference, spent the balance of their time attempting to see the President of the United States, and before he left he advised Saad Pasha Zagloul that it would be impossible on account of lack of time to see him. This covenant is set up under the direction of Sir Eric Drummond in the United States. How is Saad Pasha Zagloul to come in? How is he to get in the building when he could not get in the country?

A BYSTANDER. How did the Irish get in?

Mr. WALSH. Because the Irish people had the spirit, because those Irishmen knew the genius of our country, knew that no mere prohibitory law with reference to criminals could keep a man out of there who was making a fight for liberty. That is how de Valera got in. That is the spirit that brought him in. The people of Ireland have representatives. They have sent their envoys, sent by the regular government of Ireland, to Paris. They have to go there on some specious plea or on disregard for some restrictive statute or ordinance or regulation. The Egyptians are a great people. There are many millions of people there crying out against the dominion which they despise, in order to come into the league of nations. How did they get into the building? The answer is how did they get into the country? I have said, and I say again, that there should be no pretense that we are going to hear anyone or that we are going to have any part in European affairs if the right of every decent man to come and go freely across the earth's surface is not accorded to him, holding him strictly amenable to the laws of every country in which he may be, whether those laws are to his liking, good or bad. But we can not talk about having an international body where we have restrictive laws that would keep the men that are trying to get a voice for their people from freely attending the place where the conference is to be held.

Mr. Chairman and Senators, this question, of course, to my mind, is not an Irish question. I want to say to you that the people of Ireland are better acquainted with our laws and our customs and the interpretation of our Constitution than any other people on earth, and I say that without boasting, and they are convinced that this league of nations would not only not furnish them any help, but would be absolutely destructive to their efforts for independence, and that they would not get their independence at all until the next war between half and half of the world was settled and democracy finally triumphs. That is the answer to the question.

What did we find there? We went through Ireland; we visited it. They have separated from England. They have set up a government of their own. There is an English censorship that does not allow news to get out. We got there, and what happened in Ireland? We have it in that blue book, Gov. Dunne and myself. It can be backed up by a wealth of evidence that will make every assertion so clear that even Mr. MacPherson, the chief secretary for Ireland, could not deny it. We challenged them to appoint a committee of their own to investigate conditions in Ireland. Why? Not that we would embroil the United States in any contest that Ireland is having, but in order that you may do nothing that will make the chains stronger upon Ireland.

Senator BRANDEGEE. Did you read the speech that Senator WALSH of Montana made in the Senate the other day, in which he claimed that the only hope for the Irish cause was in the league of nations.

Mr. WALSH. I did not have the pleasure of reading that. There is so much being published now that I can not read it all, but I say this: I respectfully differ from the conclusions arrived at by Senator WALSH. As I say, I just came from Ireland. Those are intelligent people over there. We have referred to the small nations, and I say that it warms my American heart to see the way those people clamored around our headquarters. It was a sort of headquarters for the oppressed people of the earth. They have an idea that the President's 14 points are absolutely in the hearts of our people. They have an idea, and have it very strongly, that in some way there is some power that is never going to allow this division of territory to be made. So we met these people; some of them splendid people. They are called backward and subject peoples, and small, and all those diminutive names. We found a state of war going on in Ireland. They have a volunteer army of 200,000. They have their officers. They drill daily, practically all of them are mobilized, and they have their maneuvers. The effort to repress them is an effort of force. We ought to understand this thing and look at it plainly. We heard about the so-called murders, and I shall try to classify them. Reference has been made to the constables. They are not constables such as we know. They are members of a standing army. They carry rifles, and they drill with rifles. They have machine guns. They live in barracks as soldiers do. They are never residents of the community in which they operate as constables.

So they are soldiers. They act under the direct command of the commander in chief of the English army of occupation in Ireland. They took prisoners; the prisoners they took are republican volunteer soldiers, and they were taken, not as assassins but in broad daylight, in the large cities of Ireland.

These men met them, and they met them in a way which, if war was declared and it was our country, because of the fight they made against unequal odds, they would be entitled to a medal from the Congress of the United States. They retake the prisoners of the English Army. In taking them, if they have to do it, they kill the soldiers of the army of occupation, of course, and the soldiers of the army of occupation try to kill them. Is it a state of war? There is the most crimeless country in the world. There is jail after jail, built to hold a thousand men, with 10 common-law prisoners in them, misdemeanants, or men charged with felony, and hundreds of men charged with nothing but being republicans. Are they criminals? These fights and flurries at arms take place in the large cities in Ireland. The Irish people retake their prisoners and take them away—in one case with 10,000 people looking on. These people are their soldiers and their heroes. They protect them and they fight for them, because they say that a battle is going on. The English Army is in Ireland to-day with every device of death immediately at command. I saw them build the emplacements upon which the machine guns are now firmly fixed, covering Liberty Hall in Dublin, so as to send a deathly fire into the headquarters of the national labor organization of Ireland. And why? Because, I say, those men, the most conservative labor organization in the world, going along lines approved of by all men, are likewise republicans, and instead of treating them as citizens they treat them as criminals. Those jails were created. We saw men confined in those jails that would compare with the gentlemen whom I have the honor to address this morning as lawyers.

We saw newspaper men there, Senator JOHNSON, who compare most favorably with any that you know in California or with the very best that I have known, who own and edit their own newspapers. We saw men who have devoted a lifetime to doing something for the people whom they represent—members of the Irish Parliament—in solitary confinement. We saw the cells in which they had been confined. They were taken out of them the night before, we were advised, but we saw the underground cells in which they were kept in solitary confinement, and when we asked the question of the governor of the jail, or made the assertion at Mountjoy, he did not deny it. We heard the story at first hand of the statement of the women, young and old, those whom I met, and from whose lips I heard the story which I would not undertake in this presence to detail because of its loathsomeness. I heard that story from the lips of women as refined, as virtuous, as intellectual as your wife and daughter and mine, and I can pay them no higher compliment; and what I say is going on all through Ireland to-day.

Talk about Bolshevists! Property is absolutely unsafe in Ireland. Raids are made on private residences, and thousands of dollars' worth of property are being taken, and not even what they call contraband. Every excess that applies to an army engaged especially in an unjust war is being practiced upon the Irish people. Thousands of dollars of ordinary mercantile establishments are taken away. Everything is done to break the spirit of those people. Yet we are asked to show that at a time a commission is undertaking to establish peace they are trying to pass this covenant, intended, as they claim, to prevent war, while a state of war actually exists in Ireland and in other countries, and at this very time they refuse to listen to the Irish people.

We are here to state to you, gentlemen, that if this league in its present form is consented to by the Senate, 200,000 men, according to their own statement—because I speak only by what they say—stand ready to-day before the world to bring America back to the ideals which it has always preserved.

Judge COHALAN. Mr. Chairman and gentlemen, I will now ask Mr. Michael J. Ryan, of Philadelphia, another one of the commissioners, to come forward and tell his experiences in Paris.

STATEMENT OF MR. MICHAEL J. RYAN.

Senator SWANSON. Mr. Ryan, before you begin, I think I should suggest to the other members of the committee that the Sergeant at Arms of the Senate has sent for us to come and make a quorum.

Senator BRANDEGEE. Why, we have the permission of the Senate to sit during the sessions of the Senate.

Senator SWANSON. Well, we can not break up a quorum.

Senator BRANDEGEE. We have permission to sit here.

Senator BORAH. Tell them to adjourn.

The CHAIRMAN. You may proceed, Mr. Ryan.

Mr. RYAN. Mr. Chairman, I have been asked by the chairman of our conference to participate in a departure from our program upon which we agreed this morning. It was then contemplated that Mr. Walsh should speak, and then that the governor of New Hampshire and the lieutenant governor of Montana should be heard, and that the closing argument upon the legal propositions advanced by the committee should be made by Mr. Bourke Cockran, to whom I am sure it will be a delight for all of us to listen. I am asked merely to rise for a moment and give an experience. I understand that some of you have asked that those who visited Paris should make a little statement.

We reached Paris—Mr. Walsh, Gov. Dunne, and myself—on the 12th or 13th of April. We immediately sought an interview with the President of the United States. We joined in a letter which appears as the first communication signed by the three of us, addressed to the President, asking for an interview. We set forth the purpose of our coming, to wit, that safe conduct should be granted to Eamon de Valera, the president of the Irish republic, Arthur Griffith, and George Noble Count Plunkett to Paris from Dublin, so that they might present the cause of Ireland. We have set it forth on page 2 of the document that is now filed with each of you. Some days afterwards the President, through his secretary, caused a communication to be sent to Mr. Walsh, asking Mr. Walsh alone to visit him, which he did. We were then referred to Col. House, and our communications during my entire stay in Paris were with Col. House. I left Paris on the 24th of May, and I left when we learned the attitude, as will be discerned from the communication printed in the pamphlet to which I have heretofore referred, signed by Robert Lansing, in which he says:

"I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile, and, therefore, unwise."

Col. House I had never seen, nor had I read much of him. I belong to the party, as Senator KNOX knows, of which President Wilson is the official head, and I confess that I was curious to meet the great Col. House. He undoubtedly treated us most splendidly, and he deserves all of the commendation given to him in respect to smoothness and velvetness of character, and I doubt whether we could at all find fault with the kindliness and courtesy extended to us by him.

I have listened to a summary of the proceedings of the peace conference, and I would confirm that from our knowledge of that which took place in Paris, with this detail. I think we were all three informed by the chairman of the subcommittee, to whom was theoretically allotted the preparation of the league of nations draft, that the perfected instrument was handed to him with instructions to present it within 10 minutes.

Senator FALL. Who was that?

Mr. RYAN. I would rather not now state. I shall probably inform you later on in the day after a conference with our people.

Senator FALL. We would like to know.

Mr. RYAN. I am sure you would. And the draft was read. There was no debate upon it. After its reading, the first man to interrupt was the representative from Japan, who stated that it had been his intention to present the question of race equality, but that he waived it for the time without withdrawing it, or without being misunderstood as asserting it. The representatives of Belgium arose and stated that they had hoped in view of Belgium's sufferings that Brussels would have been selected as the permanent place of meeting rather than Geneva. Some representatives of the South American Republics rose up, and then Chairman Clemenceau stated that there being no further objections, the league of nations was adopted. There was no roll call, and those of us who had heard of it, envied the skill with which it was handled and adopted, and we marveled at it all.

Senator BORAH. Is there any difference between the steam roller in Paris and in the United States?

Mr. RYAN. No; we regarded it with admiration. Some of us had had experience in Kansas City, in Chicago, and Philadelphia, and we thought that we had learned much in France which we might use profitably in America. At the last interview that I had together with my colleagues, with Col. House, the suggestion was made that we might present that which we had—our cause—to three of the American commissioners. We demurred. He then added that he would join in hearing us. We were jocular with him, and, as I say, everything was exceedingly pleasant. He was most courteous, and we suggested, and he joined in the suggestion, that it would be a great pleasure to listen to us upon the Irish question, that he could join three of his colleagues. There was a suggestion that we ought to have the President, and I am very positive that he said that the

five commissioners had never met, the five American representatives had never met to consider any question. I mention these things hesitatingly, but at the urging of Judge Cohalan, with the thought that they might be makeweights in the scale, to show to you men the direct absence of consideration of the peoples pressing for hearings, who sought to be resurrected into nations.

The interview which you have ordered to be printed, which took place with the President after I had gone, showed some of the reasons moving the President for his conduct, because he there asserts that it was agreed that no hearings should be given to any representatives of any small nations without the consent of the entire big four. Of course, unanimous consent could not be obtained. You Senators heard the cause of Egypt presented yesterday. It was to me a sad spectacle to see 20 men, magnificent in their manhood—for, being somewhat undersized myself, I look with admiration upon a 6-footer—treated in such fashion by the Paris conference. Of those 20 magnificent specimens of Egyptian manhood the chairman alone did not speak English. All of the others spoke many tongues, and it is curious that at least two of them—and I think, perhaps, three—spoke Gaelic, although neither Mr. Walsh, Mr. Dunne, nor Mr. Ryan speak a word of Gaelic. These men have been students at various universities, and those of whom I speak specifically had studied medicine in Dublin. They were at Paris, gentlemen, able men, asking for a hearing, and a hearing was denied them.

Senator BRANDEGEE. Do I understand you to say that you were informed by the President that no hearings could be had of the smaller nations except by the unanimous consent of the Big Four?

Mr. RYAN. I was not present, but I read the interview, which you have given permission to print, and that statement there appears.

Senator BRANDEGEE. What I want to get at is this: Does this interview show whether the President stated whether he had made the request for unanimous consent that hearings be accorded them?

Mr. RYAN. I do not think so. I do not think he had made that request. In fact, I think you can see that from Mr. Lansing's letter, and upon the receipt of that letter I came to this country, believing that our hope lay more in America than in Paris. He writes——

Senator BRANDEGEE. Who writes?

Mr. RYAN. Robert Lansing. This is a letter addressed to Hon. Frank P. Walsh, and it appears on page 10 of the pamphlet to which I have heretofore referred. We addressed a letter to the President on May 22, 1919, asking that the communication which we inclosed be transmitted to Monsieur Clemenceau, president of the peace conference, which letter will be found on page 8 of the pamphlet heretofore referred to. I wish now to read the reply to that letter which is signed by Robert Lansing, and which appears, as I say, on page 10 of the pamphlet heretofore referred to. The letter is as follows:

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Hotel de Crillon, Paris, May 24, 1919.

SIR: I have received the letter which you and Messrs. Dunne and Ryan addressed to me on May 16 regarding the issuing of safe conducts by the British Government to Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, in order that they may proceed from Ireland to France and return, and I immediately took steps to acquaint myself with the facts of the case, which transpired before the matter was brought to my attention by your above-mentioned letter.

I am informed that when the question of approaching the British authorities with a view to procuring the safe conducts in question was first considered, every effort was made in an informal way to bring you into friendly touch with the British representatives here, although owing to the nature of the case it was not possible to treat the matter officially. The British authorities having consented that you and your colleagues should visit England and Ireland although your passports were only good for France, every facility was given to you to make the journey. Before your return to Paris, however, reports were received of certain utterances made by you and your colleagues during your visit to Ireland. These utterances, whatever they may have been, gave, as I am informed, the deepest offense to those persons with whom you were seeking to deal and consequently it seemed useless to make any further effort in connection with the request which you desired to make. In view of the situation thus created, I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile and therefore unwise.

I am, sir,
Your obedient servant, ROBERT LANSING.

In this correspondence you will find that my colleagues challenge the point that we had given utterance to any thought which gave offense to anyone. We went to Ireland at the request of the representatives of the Irish people and with the consent of Mr. Lloyd-George. Our passports were amended, mine and Mr. Walsh's, upon the application of the President of the United States. Gov. Dunne had the additional distinction, appearing in the record, of his passport having been amended upon the application of the President and Mr. Lloyd-George. Why this signal honor was given to him I do not know. Probably the typewriter slipped up on the other two.

Senator KNOX. Amended in what respect?

Mr. RYAN. In this respect: We made application when we went to Europe for France alone, for Paris. We did not contemplate a visit to Ireland. When we reached there suggestions were made to us of meetings and time was being lost, and in the meantime we were invited to go to Ireland. We then sought to have our passports changed, and they were changed forthwith, although the State Office said that such a thing had never happened, that it would take at least three weeks by cable to effect the change. Nevertheless, they were changed within an hour and a half and delivered to us; changed after that message had been received from the State Department. We did go to Ireland, and we saw the conditions detailed there. We visited all parts of Ireland.

At the request of the representatives of Lloyd-George, Gov. Dunne and I visited Belfast at the request of Sir William Wiseman, the liaison officer between the two Governments. We visited all parts of Ireland, and the conditions portrayed by our chairman are exactly as portrayed. They present to different minds, of course, different phases, but you have a people there united to a degress unparalleled in their history. I have been connected with the Irish movement during all of my life. There has never been such unanimity among the Irish people, and there has never been such a unanimous desire upon the part of the people of Ireland for their recognition by the people in the United States. I do not care what official place men may hold through whose veins flows Irish blood, when they seek to uphold this tyrannous production, then I say they fly in the face of the desires and the hopes of the Irish people. We are one in this matter as never before in our history. I never saw Ireland until I saw it in May of this year. They are a wondrous people, a kindly people, yearning, yearning for betterment. By every test that the President meted out, they have met the requirements. Under the forms of British law, 79 representatives are hostile to English rule out of an elected 101—79 out of 101—73 of these 79 were elected as ultrarepublicans, saying they would not sit in the British House of Commons if chosen, and upon that platform they were chosen. There was division among the people, because large masses of them who are what are called nationalists still believed there was no hope for a republic. Therefore they divided their vote. Men there say that upon a plebescite, the nation, four to one at least, would vote for an Irish republic. All Provinces in Ireland are as one. For 30 years, may I call to the attention of Senators, every one of the four Provinces in Ireland has been a nationalist Province.

For 30 years 17 out of the 33 representatives from Ulster have been nationalists. When men speak of this Ulster question and say that it indicates hostility to the aspirations of the rest of Ireland, they speak in ignorance of the history of Ulster. The best blood of Ulster, the people of Ulster, have been the radical revolutionists of Ireland. The united Irishmen who first proclaimed and sought the establishment of a republic—that movement was originated by the Ulster men, not Catholics, in 1792. The greatest name in Irish history, the one most loved, the one to whom the hearts of the people go out in greatest enthusiasm, was the founder of that organization, Theobald Wolfe Tone, the man who died in the rebellion of 1798 with the Ulster Protestants. And need I say to you that Robert Emmet was also a Protestant, though not an Ulster man? Those of you who walk along lower Broadway in New York City will see as you come up to Cortland Street, at St. Paul's Church, two great monuments, higher than from floor to ceiling of this room, one telling of the life of the brother of Robert Emmet, the brother who, fleeing from imprisonment, sought refuge in New York and became its attorney general and one of the leaders of the American bar.

The other is a monument of like character to Dr. McNevin, who rose to the head of American physicians in the early days of the nineteenth century. These men are typical of the long roll of Ulster men who fought and died for Ireland. Why, Senator KNOX, your Pittsburgh district is filled with the names of the Pattons and men of that character whose ancestors died in Ireland battling against British tyranny. They gave to Pennsylvania so many of its names, Colerain, Donegal, Tyrone, and Duncannon, all resplendent in its history. Those men

brought these names to their new homes, and they helped to make that great American Commonwealth. They reached out away beyond the Alleghenies, and they peopled the West, and I doubt not the ancestors of many of you were of that glorious strain. There is no religious question in this Irish movement. Excepting O'Connell and Regnan, in the whole long line of Ireland's history, when we call the roll of her mighty men, there were only two or three Catholics. In the last 150 years, with Molineaux and Swift and Wood and Grattan and Emmet, and Archibald Hamilton, and Rowan and Curran, and John Mitchell and Parnell in our own day, the men who make up this splendid body of idealists, even though their writs run to no foot of land, these men have been animated by a holy hope for liberty. All three of us who went to Paris—Dunne, Ryan, and Walsh—were born in this country. All our interests are here. The dust of our fathers and the bones of our children are alike buried in America. We love America above all other nations; three of my household went into this war.

One of my kin is dead at Chateau-Thierry. I looked for his grave over there. The French Government conducted me and Gov. Dunne to find that grave. Our kin entered this war believing that the United States meant what it said, that the right of self-determination should be given to all peoples, and the Irish, no matter what their feelings were that no war should have been declared, when this Congress spoke they rallied to a man; they poured forth their blood and their treasure, whether from Massachusetts or Missouri or Pennsylvania or California. Wherever it might be, the Irish rallied to the cause of the Stars and Stripes; I beg of you Senators to exercise your rights and keep the pledged faith of America. Keep close to the living and to the dead, and save this Nation and save our sons from engaging in wars to which neither the conscience nor the Congress of the United States shall give its assent, by defeating this treaty. [Applause.]

Judge COHALAN. I have the pleasure of introducing Gov. Dunne, the third member of the commission that went to Paris, former governor of Illinois, former mayor of the city of Chicago.

STATEMENT OF HON. EDWARD F. DUNNE.

Mr. DUNNE. Senator LODGE and fellow Senators, I with my colleagues appreciate the great courtesy extended to ourselves and to those who will address you after I have concluded my brief statement, and I will not unduly trespass upon your most valuable time.

Permit me briefly to corroborate in general the statements made so eloquently, so forcefully, and so truthfully by Mr. Walsh and by Mr. Ryan. Let me tell you gentlemen why we went to Paris. We had read, as every American citizen has read, the aims and objects of the American Nation as expressed by its Chief Executive in entering this World War. We believed that the aims and objects so lucidly, so clearly, so forcefully stated by the President of the United States would, when that war was consummated, be carried out at the conference in Paris.

We, with millions of our fellow citizens in this country, expected that the Irish nation would not be made an exception among the weaker nations of the earth. We waited with patience and with confidence that at the conference in Paris the representatives selected by the American people would embody in the terms of the peace that was to be consummated there the aims and objects of the American people as expressed by its President. We waited until the 1st of February. We knew that in Paris the envoys of the Irish nation were knocking at the doors of the conference and asking a safe conduct for the duly elected representatives of the Irish people to Paris, so that they could present to this conference the claims of the Irish people to nationhood. So far as the papers of America were concerned, and so far as the papers of the world were concerned, the name of Ireland was not mentioned at that conference. We are citizens of America, who were born here, who love and admire this country, and believe in keeping its faith; we happen to have Irish blood in our veins, but all three of us, like Mr. Walsh, were born here, and we all feel alike about this country. Like Mr. Walsh, I was not identified in any way with Irish societies. For years and years before I was honored by that great convention with the appointment as one of its commissioners, I had devoted all my life to American citizenship solely, and had been honored by my fellow citizens as an American citizen. I love this country above all countries, as they do, and we would sink Ireland and every other country into the deep rather than sacrifice the interests of this country.

We met at that convention. I think it was the most extraordinary convention I ever attended. Over 5,000 people who felt as we did gathered from every State and Territory in the United States, and under the guidance and inspiration of that convention a committee of 25 were appointed for the purpose of assisting the Irish people before the American commission in Paris to obtain a hearing, and the right of Ireland, as determined by an election held in December, a month after the armistice was signed, under all the forms and securities of British law, in which it was determined by three-quarters of the Irish people, in round numbers, that an Irish republic was born, and a declaration of independence was issued such as the American people issued in 1776.

That committee of 25 honored Mr. Walsh, Mr. Ryan, and myself, asking us to become a commission of three to go to Paris, to appeal for what and to whom? To appeal to the representatives of the American Nation in Paris for the right of the Irish people to be heard in Paris along the lines enunciated by the President when he advised the American people to enter this world-wide war. Before we left Washington Mr. Walsh, in a letter to the Secretary of State, told the Secretary of State the object of our mission. It was avowedly political. It was avowedly for the purpose of enabling us to obtain a hearing for the Irish nation before the world peace conference. That letter is on file with the Secretary of State. After some delay passports were issued. I believe there was a protest from the British Government which delayed us 48 hours, but the Secretary of State granted the passports upon that letter.

The Secretary of State and the whole world knew, through the newspapers, the object of our mission, which was avowedly political.

We arrived at Paris. We were careful from the start to place the objects of our mission in writing and address it to the President first. The letter was addressed to the President and we were accorded a long interview, and I think I can characterize it as an unofficially sympathetic interview. The President referred us to Col. House. We had several interviews with Col. House, who treated us with extreme courtesy and acted with extreme diligence, but also unofficially.

I think Mr. Walsh interviewed every member of the American delegation. I personally interviewed every member but one, Secretary Lansing. We pointed out that we came as American citizens to address five American citizens in their official capacity as the representatives of the great American Republic, and all that we asked of the official representatives of the American Republic was to use their good offices officially to obtain for the duly elected representatives of the Irish people, elected under all the securities of British law, the right to plead their case before the tribunal in Paris. That was the sole object of our mission. Col. House acted with extreme diligence and courtesy, as my colleagues have told you. I think he interviewed Lloyd-George on the subject, and gave us to understand that he believed we were going to get for them that safe conduct.

The CHAIRMAN. Unofficially?

Mr. DUNNE. Unofficially, but told us that Lloyd-George—I suppose also unofficially—desired to meet the members of the delegation, and we believed that our cause was so impregnably just from the standpoint of American citizens that we could afford to meet and argue with Lloyd-George the justice of the Irish demand, and we consented to meet him at any day he might designate, and a day was designated to meet him. On the day designated it turned out, and I think truthfully, that owing to the exigencies of the situation in the preparation of the final draft of the peace conference and its presentation to the German representatives, Lloyd-George was unable to keep the appointment for the interview with us, and we were courteously so informed in the presence of Col. House, by Sir William Wiseman. It was then suggested, I do not know by whom, that as the safe conduct was not to be given promptly, and as the delegates of the Irish people were in Ireland and we were in Paris, it was impossible for us to confer with them, if they could not come to Paris, unless we could go to Ireland.

Thereupon, by prompt cooperation between the American officials, French officials, and British officials, we were given passports the next day which stated upon their face that our mission was diplomatic, and that we were going upon an unofficial political mission, and we avowedly stated that our desire was to communicate with the representatives of the Irish people and to become acquainted at first-hand with the situation in Ireland. There was no disguise about the object of our visit, and no restrictions or limitations of any character were imposed upon us either by the British premier or by the French authorities or by the American authorities, and we went to Ireland. And this is what we found there in Ireland, a component part of the British Empire, that the people of Ireland were without any of the British constitutional securities which are thrown around the citizens of those islands. We found that the habeas corpus was practically suspended, because of the restrictions thrown around it by the rulings of

British courts, which made it an idle formality. We found the right of trial by jury suspended. Any man charged with political crime in Ireland could be tried only before a British court-martial, military authorities, or before a removable magistrate without a jury, these removable magistrates being appointed by the Crown, many of them from the police force, sent from Dublin and different districts in Ireland, removable overnight, earning salaries of $4,000 a year and amenable to the recall of the Government at any time.

Senator BRANDEGEE. Is there any appeal from the decisions of those military magistrates?

Mr. DUNNE. None that I know of. Men were arrested without warrant. We found that houses were searched without warrant and men when arrested were imprisoned in British jails or deported to English jails, and not informed what charges were made against them.

Senator BRANDEGEE. The previous speaker, Mr. Walsh, spoke of men being taken prisoners in this fight between the populace and the British constabulary. What sort of a trial did they get?

Mr. DUNNE. My information is that they got a trial before a court-martial or a removable magistrate. If a man in Ireland makes a speech in which he advocates the republic, he is immediately brought up. If he advocates or argues in favor of the recognition of the Irish republic, they take that man up before a court-martial or before a removable magistrate, who is paid $4,000 a year.

Senator BRANDEGEE. Under the British law it is a crime to advocate that, is it not?

Mr. DUNNE. Yes; notwithstanding the fact that 75 per cent of the people have gone to the polls openly and voted for that. We found that men's houses are searched without warrant; that men, women, and children are arrested without warrant and confined, at the pleasure of the Government, either in an Irish jail or deported to an English jail. A boy 11 years of age was arrested there and kept in jail for two months. No one knew where he was. Finally he was released when there was a threat of an investigation. That is the situation we found in Ireland.

The leaders of the Irish people—the men who were elected by their constituents to the British Parliament—refused to attend the British Parliament, and organized the Irish Parliament, the Dail Eireann. Many of them were in jail, not being able to attend the meetings of the Parliament, with the result, of course, that the sentiment of the people being so overwhelmingly with them that when they get them in jail they can not keep them there.

Robert Barton, owner of a landed estate—1,200 acres of the most beautiful country ever seen, with a manorial residence—an officer of the British Government, was compelled by the British authorities to take charge of Irish prisoners, and saw such indecencies committed that he resigned his office as a protest, becoming a republican, and was elected to the Dail Eireann. He made a speech during the campaign. He was arrested and placed in Mountjoy, remained there a couple of weeks, and then managed to saw a bar, left a very polite and humorous note, addressed to the governor of the jail, saying that he did not like his bill of fare or his sleeping accommodations, and would the governor of the jail be kind enough to send his clothes to the address given in Dublin. He was a man of such prominence and his case excited so much interest that an official investigation was ordered; and while the investigation was going on in the jail the deputy warden rushed in and said, "My God, there are 23 more of those fellows gone over the wall." That is the situation in Ireland.

Let me tell you of two little incidents that I witnessed with my own eyes. Three or four hundred soldiers under the command of British officers surrounded the Mansion House in Dublin, and three or four hundred policemen under official direction surrounded the Mansion House at half past 5 in the afternoon, for the sole purpose of preventing the Lord Mayor of Dublin from extending an official reception to the delegates from America. While we were attempting to get in, some guns were fired. There were a crowd of 20,000 or 30,000 people around the house, brought there by the mere fact that the military, with armored guns, were around the Mansion House. People were laughing at them and guying that ridiculous display of military force made for the sole purpose of preventing a social function tendered by the chief executive of the great city of Dublin to the three gentlemen who had come there from America.

A few hours before that the bedroom of the chief lady of Ireland was desecrated by the police, seeking as they claimed, some escaped prisoners. That is the situation which we found in Ireland.

Now, it is my judgment that if this treaty be confirmed by this body—and you are charged with the responsibility of approving or disregarding this treaty—if section 11 be approved you gentlemen will be acting as partners in the enforcement of that kind of law upon an unwilling people. We ask you to reject this treaty as American citizens, not because we are Irishmen, but because the Government over there as it now exists is an outrage upon constitutional government, because there is a situation to-day that rivals, if it does not exceed, the situation that prevailed years ago under the most tyrannical conditions of that time.

The CHAIRMAN. The committee will take a recess now until 2 o'clock. We will hear the Greeks from 2 to 3, and then we will resume this hearing.

Whereupon, at 1 p. m. a recess was taken until 2 p. m.

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess, at 2 o'clock p. m., Senator HENRY CABOT LODGE presiding.

The CHAIRMAN. I have here a protest against the views expressed in the morning session, signed by David W. Irvine, Henry Stewart, John Kennedy, Lieut. Lewis H. Shaw, Albert E. Kelley, William H. Cheney, and William Balfour. I told these gentlemen that we could not give them a hearing to-day, but I would give them a hearing next week. The gentleman who represented them said he desired to file this brief and have it published in our hearings.

Senator KNOX. It is a brief against what?

The CHAIRMAN. It is in opposition to what has been said here this morning. It will be printed at the conclusion of this hearing.

Senator KNOX. Mr. Chairman, I see no objection to including within our hearings everything that we hear, but does the chairman think that we ought to open the door for people to file briefs?

The CHAIRMAN. That authority was given when we started the hearings—that they would have a right to file briefs.

Senator KNOX. The first thing we know they will be filing books after a while. I think anyone who has anything to say ought to be heard.

The CHAIRMAN. This relates to the hearing which we granted this morning. The other side has requested to be heard in this way.

Senator KNOX. I think we ought to hear them, if they are here.

The CHAIRMAN. We could not hear them to-day, and I thought it would save the time of the committee to permit them to put in a brief. We have done that on several occasions.

Senator NEW. The brief is in lieu of a hearing?

The CHAIRMAN. In lieu of a hearing; yes.

Senator KNOX. I do not want to insist, but it does seem to me that if they have anything to say that is worth hearing we would better hear them rather than give them an indefinite right to print, because that is what it amounts to.

The CHAIRMAN. I think we can control the right to print.

Senator KNOX. Perhaps we can.

The brief referred to will be found at the conclusion of to-day's proceedings.

The CHAIRMAN. Judge Cohalan, I will ask you to present your next speaker.

Judge COHALAN. Gentlemen, I have the pleasure now of presenting to you Lieut. Gov. W. W. McDowell, of Montana.

STATEMENT OF HON. W. W. M'DOWELL, LIEUTENANT GOVERNOR OF MONTANA.

Mr. MCDOWELL. Mr. Chairman and gentlemen, when I came to Washington from Montana on yesterday morning with the seven governors who were appointed to attend the governors' conference with the President and the Attorney General, I did not know I was to have the pleasure and the honor of appearing before this committee.

I have been told by the gentlemen having this movement in charge that I am expected to speak only a few minutes, and that they would like to have me refer to the reception given to President de Valera, president of the Irish Republic, when he came to Montana recently. As my time is very limited, I will devote it to that angle of the matter, as tending to show the sentiment of the people on the question now being considered by this committee.

I will state that as lieutenant governor of Montana my duty is to preside over the State senate, and as such presiding officer I am familiar with the action taken by the legislature in its last regular session held in January and February of this year, and also the action taken at the special session held a few weeks ago.

At the regular session of the legislature last winter a resolution was unanimously adopted, there being no dissenting vote

in either the senate or the house, asking the Senate and House of Representatives of the Congress of the United States to use their best endeavors to bring about the recognition of the independence of Ireland.

Before the special session of the Legislature of Montana met, President de Valera, of the Irish republic, came to Montana. I live in Butte, and as I was then acting governor it became my pleasure to welcome President de Valera to Montana and to extend to him the freedom of the State. The reception which he received there was the most enthusiastic and the most spontaneous reception that I have ever seen since I have lived in Montana during the past 24 years. Our little town has a population of only about 65,000 people, but there were at least 10,000 people at the depot to greet President de Valera when he got off the train. It was almost impossible for him to get through the crowd to get into the automobile which was waiting for him to go uptown. I had the pleasure and the honor of riding uptown with the president, and I noticed that there were more returned soldiers in uniform escorting that automobile uptown than I have ever seen in uniform in Butte before or since the war started. I saw a great many horny-handed sons of toil break through the line and rush up to the automobile to shake hands with the president of the Irish republic, and there were tears in their eyes. The procession that came up from the depot with him was at least a mile and a half long. Every musical organization that we could get together in the State was there, and the sentiment of the people of Butte and the people of Montana is undoubtedly very strong in favor of Irish independence.

At the special session of the legislature the matter of again passing a resolution came up a few weeks ago. This was after President de Valera had been invited by me as the president of the senate to make an address to a joint session of the legislature. He stayed over several days so as to make this address. Some little opposition developed among some people in the legislature against inviting him. However, he was unanimously invited to address the legislature, which he did. He was then introduced to the crowd that could not get into the legislative hall, waiting in front of the capitol, and he received the same kind of an ovation in Helena at two or three meetings that he had received in Butte.

Another resolution was introduced in the special session of the legislature asking the Senate of the United States and Congress to do what they could to bring about recognition of the Irish republic, and this matter was fought out on its merits, and finally passed both the house and the senate by a good majority. I mention this to show that, in my opinion, three-fourths of the people of Montana and of the States around Montana are thoroughly and heartily in sympathy with the movement for the freedom of Ireland.

Senator KNOX. May I ask you a question right here? It was represented to us this morning that the fate of the Irish republic depends upon whether or not we reject this proposed league of nations. Now, you say the sentiment in Montana is in favor of an Irish republic. How is the sentiment there on the question of the league of nations?

Mr. MCDOWELL. I believe the opinion in Montana and in the surrounding States is one of decided opposition to any clause in any treaty or in any league of nations that will in any way stand in the way of Ireland securing her freedom.

Senator KNOX. Then, if Mr. Walsh is correct in his statement this morning that to adopt this league at all would defeat the Irish republic, your judgment is that the sentiment of the people of Montana would be against the whole league?

Mr. MCDOWELL. I think I have expressed the opinion which I wish to express in what I said before.

Senator KNOX. All right; I will not press you further.

Senator FALL. Would you object to answering this question? Is it the opinion there that any article in this proposed league would possibly affect the freedom of Ireland?

Mr. MCDOWELL. I think that among practically all of the Irish in Montana they feel that it would. There are a great many other people in Montana and in the adjoining States who are not of Irish blood, who, I think, are in hearty sympathy with the aspirations of Ireland and would be opposed to any clause in any treaty that would stand in the way of Irish freedom.

Senator JOHNSON of California. One further question: Do you think guaranteeing the boundaries of the British Empire will affect the question concerning which you are speaking here and the question that we have before us to-day?

Mr. MCDOWELL. Senator, I have answered that question as far as I am prepared to answer it.

Senator JOHNSON of California. I wanted to be perfectly fair on the proposition and perfectly fair as to the position that you gentlemen take in respect to this matter.

Mr. MCDOWELL. I am approaching this matter from a somewhat different angle from that of a great many of the gentlemen who have spoken here this morning so eloquently on this matter. I am a Protestant. My ancestors came to this country 250 years ago, and I am thoroughly and heartily in favor of Irish freedom and in helping them to obtain it. I think the great majority of the people of Montana and the surrounding States feel the same way about it, regardless of whether they have any Irish blood or not, and they would be opposed to any clause in any treaty that would stand in the way of Ireland securing that independence.

Judge COHALAN. I wish next to present Mr. John A. Murphy, of Buffalo, N. Y., the fourth member of the American Commission on Irish Independence, who has recently come back from Paris.

STATEMENT OF MR. JOHN ARCHDEACON MURPHY.

Mr. MURPHY. Mr. Chairman and Senators, in accordance with the request of the committee having in charge the American Commission on Irish Independence, I left on the 21st of June and reached Paris on the 30th of June. During the week while I was sailing the peace treaty had been signed, and the President and the presidential party had returned to America. The colleagues with whom I expected to fall in in the carrying on of the work, Messrs. Walsh and Dunne, had also returned from Paris, and I did not meet them in France.

It is needless to say that for a while the situation in France, as a stranger might sense it, was one of relaxation after the strain of the peace conference. It was one of an intense amount of gossip and whispers and reactions from the results of the peace conference.

During the most of the time I was there I was busily engaged in presenting the case of Ireland to the editors of the French papers and in endeavoring to obtain a presentation of it before Mr. Clemenceau, to whom it was stated the question of Ireland was referred in his capacity as president of the peace conference.

After being in Paris for about two or three weeks I became advised that before the President and Mr. Lansing left France they had been informed by Mr. Clemenceau in his capacity as president of the peace conference that no action would be taken upon the question of Ireland. That was material news and in my judgment it foreclosed any possibility that Ireland may have or might expect to have of prosecuting her cause before the league of nations.

On June 22 I wrote a letter in the name of the American Commission on Irish Independence to Mr. Clemenceau, and if you will permit me I will read the letter, or if you desire I will insert it in the record. It is on page 65 of the brown pamphlet.

The CHAIRMAN. The letter will be inserted in the record.

The letter is as follows:

[Personal and urgent.]

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 22, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference and Premier of France, Paris.

Monsier le PRESIDENT: We are in receipt of information from sources of high authorities that, as president of the peace conference, you have notified American peace plenipotentiaries that, so far as further consideration of the Irish question is concerned, the matter is one in which you will take no action.

We understand this decision covers:

1. That the resolution of the American Senate, officially forwarded to you by the American commission to negotiate peace, and the recommendations contained therein expressing sympathetic support to the people of Ireland in their efforts to obtain a government of their own choice, is, by this action, denied in a manner suggestive of your entire disregard of American public opinion as rendered in the deliberate resolution of our highest legislative body.

2. That the peace conference further ignores the request of the honorable Messrs. Walsh and Dunne for the appointment of an international tribunal to investigate into the charges of barbarities and inhuman conduct, in violation of the rules of civilized warfare, perpetrated by the British Government through its military forces in occupation of Ireland, and upon its defenseless people.

The knowledge of your decision in these matters has been up to now withheld from the American public. The results of the publication of this information will doubtless have very material weight at this time while the attention of the United States Senate is occupied in matters of international importance, in which we feel France has a material interest. Arrangements have already been made for giving widespread publicity in

America to this decision on your part. But before taking this step, we respectfully suggest that an audience may be granted by you to the undersigned to present the importance of the situation, particularly in its relation to the future interests of France, of America, and of Great Britain.

There are 20,000,000 citizens of Irish blood in the United States, and the effect of this information when published there needs no characterization by us to indicate how grave may be the danger to the continuance of those same relations of amity and esteem that have marked the friendships existing between the French, American, and Irish peoples.

Trusting that I may be accorded the honor of this audience with you at your earliest possible convenience, and with assurance of high esteem and respect, we have the honor to remain,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
JOHN ARCHDEACON MURPHY,
Commissioner in Charge.

Mr. MURPHY. I was aware that the information I had received had not been made public in America, and that it was held under the veil of secrecy from publication by request of the American representatives. After the letter was delivered to Mr. Clemenceau, the information was conveyed back to me in circuitous fashion that if I were to make public the information that I had outlined in that letter to Mr. Clemenceau it would not be wise or judicious while I was a guest in Paris. Therefore I refrained from making it public until I returned to America; but it was known, not in one circle but in many, that there was an effort made to conceal from the American people and from the American Senate this action on the part of Clemenceau until they had, as it was hoped, passed favorably upon and ratified the league of nations.

Senator BRANDEGEE. You speak of this information as having been conveyed to you circuitously. Do you know from whom it originated?

Mr. MURPHY. You mean the information that it should not be published?

Senator BRANDEGEE. Yes.

Mr. MURPHY. No; I can not say that of my own knowledge, except to say that one of the most important men who are accredited to have the ear of the French Government, the foreign editor of Le Temps, advised an associate and friend of mine, Mr. Erskine Chillers, a former major in the British Army, a man who has espoused the cause of the Irish republic in a wholehearted and unadulterated manner, and one of the best known publicists in England. The foreign editor of Le Temps conveyed this information to him, and I have reason to believe that that was an inspired message. I did not say that that was a message brought from Mr. Clemenceau, but Mr. Clemenceau and Mr. Tardieu were the only two who had knowledge of it unless they conveyed that knowledge to some one else.

Senator BRANDEGEE. What I wanted to know was, in your judgment, did that information represent the French opinion, or did it represent the desire of the American commission?

Mr. MURPHY. I construed it as representing the French request, in accordance with the action of the American commission.

Senator BRANDEGEE. That is all I care to ask.

Mr. MURPHY. There is one more incident that I would like to present to you, and then I will give way to others. I am not going to occupy your time with the delivery of any argument on this question. There is a short presentation of one phase of the question that, with your permission, I will ask to insert in the record later.

At, or about this time, by reason of family connections and business interests, I desired to visit England and Ireland. I made my request before Consul Reed, in the ordinary manner, for an amendment to my passport. My passport did not give me permission to proceed anywhere except to France, as it stated, to attend the peace conference in the interest of self-government for Ireland. I was told my request would have to be sent to Washington. After waiting two weeks on the pleasure of Washington, as they explained to me, I had called three or four times to ascertain if there was any reply to my request to amend my passport, and on August 8 I received the following letter:

UNITED STATES PASSPORT BUREAU,
Paris, August 8, 1919.

JOHN A. MURPHY, Esq.,
Grand Hotel, Paris.

SIR: Referring to your recent call at the passport bureau, you are informed that a telegram has been received from Washington instructing the bureau to refuse to amend your passport for Ireland.

There is inclosed herewith the amount of 0.80 franc in stamps, which represents the balance due you after the cable charges have been deducted from the sum of 100 francs which you deposited.

I am, sir,

Respectfully, yours,

E. C. REED, *American Consul.*

I felt surprised, Mr. Chairman and Senators, that in pursuit of my private business as an American citizen my Government should deny me the right to proceed to the British Isles. My request for a passport was not to go to Ireland. My request for a passport was to proceed to the British Isles. I had personally said that my purpose was not political; that I desired no exemptions from the laws of the land. I had desired to proceed there for family and personal reasons. Now, Mr. Chairman and Senators, on the other matter which I wish to present to the committee I wish to say that during a stay of about two months in Paris, where I met many of the editors of the French press and many of the public men of France, I have had opportunity to get a vision of the proposed league of nations somewhat different from that which would naturally otherwise have been given to me.

From my training and environment I have naturally paid most attention to the economic and industrial aspect of the treaty. The trouble with the treaty is that it is neither a treaty of vengeance nor a treaty of justice; it is calculated to maintain forever a commercial supremacy to one or two of the high contracting parties. I regret to say that America does not seem to be included as one of those parties.

The condition of France at the present time, as admitted to me in private conference by their thinking minds, is one of gravest import. Its finances are in a depleted condition; it has exercised its power of taxation so far as it is believed the people of France will endure, and still the income is more than a billion dollars below the absolute requirements of its budget, even with its army demobilized.

I spent some days driving over the devastated regions of northern France, and the paralysis of the country is appalling. The difficulties of obtaining raw materials and coal are greater than I can describe.

There has been no outlet for commercial development accorded to it by this present proposed treaty. Even the commercial advantages which have accrued to France from its old protectorate of the Christian people of the Orient is being imperiled by the British control in Mesopotamia and the Near East. Fifty-five per cent of the German indemnity which is supposed to be obtained by France is incomplete and uncertain reparation. Many eventualities may occur which would defer or avoid the payment of these indemnities, and neither France nor the world at large could ever be called to arms for the purpose of enforcing at the point of the sword payment which may or may not be beyond the will or the possibilities of the Central Powers to pay.

On the other hand, the question of sovereignty over subject people is understood in a more material way abroad than we generally understand it in America. It is understood as the right of commercial exploitation, and whether it be in the guise of mandatories for itself or its colonies, the British Empire has most successfully obtained the control of countries and people which are more than a commercial compensation for the losses endured even by the British Empire in the prosecution of war. I refer to the control that England now possesses, under the terms proposed by this treaty, of almost one-third of the earth's surface. I am not discussing the freedom of the seas for the minute. Gibraltar, Malta, Suez, Aden, and all the other strategic points held by England are solid answers in denial of the assertion that the freedom of the seas now exists.

This present treaty proposes to subject forever the sovereignty of Egypt, to condemn the oldest nation in the world to serfdom and to commercial exploitation; Asia Minor, Arabia, Persia, Afghanistan, Thibet, Burmah, India, form an unbroken chain in the interest of England to meet and to connect its links with the sphere of influence claimed, and by this treaty yielded to the Imperial Government of Japan.

Japan, whose losses in this war were of a negligible quantity, is to be confirmed in its control of Korea with its 20,000,000 of people, and to be accorded the control of Shantung, with its iron, and coal, and mineral resources, and its many millions of Chinese inhabitants, and which must be regarded as the commercial jugular vein of China; by it, and through its waterways and railways of the interior of China, will be acquired commercial and treaty advantages.

It is not necessary to more than glance at the map of Africa to see that from Cairo to the Cape it is to be dominated in the British interest.

I point out these things to you gentlemen to call your attention to the undying antagonism that exists between the principles upon which a Government like ours is founded, of the people and for the people, and the principles upon which an imperial government is founded, where the Crown is, if not the right divine, at least it is the center around which rallies in support the commercial, the military, and selfish oligarchies of privilege. All of this, which I believe you will admit as self-evident, is to my mind trained and aimed more especially against America than any other country in the world; it is asserted that our factories produce in eight months our domestic requirements, so that for four months of the year we are forced either to seek foreign markets or to shut down our factories. England well knows that it can not stop the fertility of our fields from producing cotton and corn and the necessaries of life in bounteous plenty; nor our mines in their production of raw material in practically unlimited quantities; nor can it fetter the energy and the power of American industrial and commercial development. It therefore seeks, under the specious title of a league of nations, to draw a wall of iron around the markets of the world, where, by a preferential imperial tariff, the products of our factories will be handicapped in their efforts to obtain a foreign market; where from time to time a slight concession here and there on their part may be looked upon and exploited as an act of generosity on their part toward their American cousins, and so through the aid of finance and intrigue an invisible British Empire may be superimposed upon the destinies of America.

We are asked to abdicate our sovereignty in favor of a sovereignty of a composite body in which we have but one vote as against six votes of the British Empire, and the six votes of the British Empire are but a small portion of its influence. It will be in a position to offer to every country in the world—France, Italy, Greece—special concessions and considerations for their vote on every question that arises wherein American interests might be circumscribed and impeded, regardless of principle or regardless of the eternal right in the controversy involved.

I have not attempted in these few words to enter into any discussion of the question from the Irish point of view, because I wanted it plain that my objections against this are American in the most intense and vital things. But I respectfully submit for your consideration that the question of Ireland is interminably involved in this whole scheme of operation. America is at the present time engaged in the development of a mercantile marine to make it independent of either the good will or capacity of any other power in delivering to foreign markets the products of our factories, and especially for our trade with Europe. Her ships must have a point of debarkation as well as embarkation. In other words, a line of mercantile marine without harbors in Europe would be short lived and unprofitable. The harbors of England are and will be insufficient for the British commerce; the harbors of Europe will be dominated and controlled in the interest of their respective governments. Ireland alone offers to America friendly, sufficient, and secure harbors for the termini of its mercantile marine in the European carrying trade. From these harbors by packet steamships may be made the quickest, the cheapest, and the best distribution in Europe of American goods and merchandise.

What the attitude of England would be to bar the development of Irish harbors in this connection was illustrated in 1913, when Europe was at peace. The White Star Line, at the instance of the British Government, discontinued Queenstown as a port of call. The Hamburg-American Line announced that it would make Queenstown a port of call, but before even one ship of that line made a call at Queenstown, the British Government, in pursuance of its policy of commercial isolation with which it has surrounded Ireland, informed the Imperial Government of Germany that making Queenstown a port of call would be considered by the British Government unfriendly, and it was undesirable.

I therefore submit for your consideration that the recognition of the Irish republic, the de jure government of Ireland, is not only right and desirable as reasoned by every standard of justice and of American ideals, but that America has an enlightened self-interest in the doing of this commendable act.

The brevity of the space allotted to me compels me to deal in conclusions rather than in a presentation of the premises and the logic of the case. But we are asked by this treaty to subscribe our fortunes and the lives of our children and their children's children to continuation in serfdom of hundreds of millions of human beings whom God has created in freedom and equality; we are asked to lock the door against ourselves as an American nation in our own commercial development, and while reservations and amendments may draw many of the fangs from this thing serpentine of iniquity, the American answer should be to kill it and in its place erect a true league of nations imbued with American ideals of justice and equality of opportunity for all; to lay these foundations securely and broadly and deeply, and from here in America to bring about a league of nations that shall be of all things just to the world and all its peoples, and shall also kill this threatened encirclement of American commerce that lies hidden but real in the terms of the proposed treaty you are now asked to sanction.

Peace can only come and endure as a result of justice, and until the fabric of this treaty is reconstructed and until the thought that controls its reconstruction becomes American in its democracy we must cease to be a people following our traditions, if we support it, and will be dragged down to the lowest levels of commercial greed.

For these reasons I submit that the defeat of the entire treaty is the most American thing, is the most humanitarian thing, is the most just thing, that can now be done.

Judge COHALAN. The last speaker before Mr. Bourke Cockran will be Mr. Daniel C. O'Flaherty, of Richmond, Va.

STATEMENT OF MR. DANIEL C. O'FLAHERTY.

Mr. O'FLAHERTY. Mr. Chairman and gentlemen of the committee, in my opinion the matter which we are considering demonstrates the wisdom of the fathers when they created the Constitution of the United States. I do not believe in the history of our country a more momentous epoch has ever arisen than is now before you. It is the question of the ratification, by and with the advice and consent of the Senate, of a treaty that I think is more momentous in its consequences to the people of the world, and especially to the people of the United States, than anything that has ever come before the United States Senate. I speak to you, gentlemen, briefly, not as a politician but as a Democrat, as a Virginian, as a southerner, and, if I may say so, as a Protestant and a Mason. Some people have said to me, and I have been told, even out in the hall here to-day, that this is a religious question. I say to you that it is not a religious question, it is not a political question, but it is a question which every American citizen has a right to take into consideration. I repeat that since the day when the Liberty Bell rang in old Philadelphia, proclaiming the Declaration of Independence, no more important matter has even been considered by the people of this country. I have not time to go into it in the way of an argument, and after what has been said here to-day it is not necessary to argue it to such distinguished men, constitutional lawyers, but I believe that the ratification of this treaty, with articles 10 and 11 and with the other articles that follow along after them, would not make the world safe for democracy, but it would make it safe for hypocrisy. [Applause.]

What is a treaty? It is a contract between nations, and everything that is put in it is put in for somebody's benefit. What is article 10 put in there for? Is it for the benefit of the United States? We do not need it. For whose benefit is it to retain the integrity, for instance, of the British Empire? Somebody says, "Well, how does it do it?" Let us take an illustration. Suppose Canada or Ireland should desire to be free. Suppose Egypt should become free by the volition of England and England should try to help Canada or Ireland. With whom would we go? We should have to fight against Canada in favor of England. Is not that true? I say as a lawyer that in my humble opinion articles 10 and 11 of this treaty bind Ireland and every other nation that is under the hoof of England hand and foot to the cross.

Why should we not speak out? I say to you, gentlemen, in my opinion if we do not speak out at this awful moment the very stones in the street should cry out for us.

I do not claim to speak for all the people of Virginia. I am glad to say that you have on this committee one of our most distinguished sons, who has his own opinion on this subject and I may differ with him, but we have the right to come and be heard, and I come to you to-day as a Virginian, as a southerner, as an Irishman, as an Irish-American, as a descendant of Irish ancestors back for a thousand years. But I am first an American, and I believe that some of these articles are the greatest blow that has ever been aimed at the American Constitution. [Applause.]

Mr. Chairman, I come to you to bear to you a message from a mass meeting held in Richmond the other day, the capital of Virginia, the capital of the old Confederacy, if you please, the home State of our distinguished President. It passed this resolution unanimously.

Senator BRANDEGEE. Was it a large mass meeting?

Mr. O'FLAHERTY. Four thousand people, a large mass meeting for a city of our size, and not a dissenting voice. It unanimously adopted these resolutions:

"*Resolved*, That we declare ourselves unreservedly in favor of the independence of Ireland, and demand that our Government recognize the Irish republic; and

"*Resolved*, That we register our opposition to any proposed league of nations which does not protect all American rights and ideals and which binds us to guarantee the territorial integrity of the British and Japanese Empires."

This resolution was adopted at a meeting at which the mayor of the city presided, and to which his excellency the governor gave the honor of his presence. I believe that if a plebiscite of the people of Virginia were taken without a word of discussion to-day you would find that the majority of them would be in favor of the freedom of Ireland. [Applause.] And I am sure that if you were to go before them and tell them what is being done and tell the truth of the matter they would be still more greatly in favor of it.

Gentleman, I have been in a quandary. It is not my desire to embarrass the administration. I believe in that great Virginian who is the President of the United States, Mr. Wilson, but I believe that any league of nations which perpetuates the British Empire in its present condition, in which portions of that empire are in perpetual thraldom, is un-American, unfair, and will never be ratified by the will and the wishes of the American people. I believe I would be unfair to myself as an American, untrue to the teachings of the great Virginia patriots who did so much to establish this Republic, if I did not raise my voice at least against articles 10 and 11, especially, of the proposed league of nations, which, in my view, rivet the bands that bind Ireland to England, and would compel us to assist England in keeping Ireland in perpetual thraldom. I trust in the wisdom of this committee. I say reverently that I thank God that unto men like these was committed by the fathers the keeping of the ark of the covenant of this Constitution; that we may be saved—I hope I am not speaking like a school boy—that we may be saved from the rocks ahead of us; that we remember what George Washington said when he warned us to keep out of entangling alliances. Why, this is a cobweb of such a character that the mind of no human being can fathom where we will go under it. So I hope that this committee will safeguard the rights of Ireland, that ancient nation, so that she may take her place among the nations of the earth. She is a nation; she has been a nation; she has every element of a nation, the geography, the ethnology, the soil, the climate, everything that goes to make up a nation. Why under heaven should Ireland, the oldest of all the white nations on earth, be the only one that is denied her freedom? [Applause.]

A favorite objection of those who are opposed to the independence of Ireland is what they glibly call the "Ulster question." Along with this is also the other oft-repeated statement that Irishmen can't agree among themselves. The last and only election ever held in Ireland in which the question of self-determination was in issue was in December, 1918, in which outside of Ulster, which is only about one-fifth of Ireland, not a single constituency, except a gerrymandered one in Dublin, was carried by the Unionists. So you have the greatest unanimity in four-fifths of Ireland for a republic.

It is true that in Ulster the Irish do not agree on this political question, or rather those who claim not to be Irish do not agree. Without discussing the fact that we never agreed upon any political issue in our own country, and that at the time of the formation of our own Republic there were many Tories, none Irish, however, and we very often fail to agree and it is preferable that we should not always agree.

It is quite interesting to analyze the Ulster situation from an impartial standpoint, taking the vote of December, 1918, as a basis. I say an impartial standpoint, because the writer of this article belongs religiously to the faction that claims to be in the majority in Ulster and that is opposed to the independence of Ireland, but is one who does not share that view. I, as a Protestant, a Mason, and one with other than Irish blood in my veins, can not be accused of being partial to the Catholic Irish, and certainly can see the facts and analyze them freely from the point of the Ulster people, if it is a religious question.

The chief opponent, as is well known, of this Ulster bugaboo is Mr. Carson, who himself until recently has never represented a constituency in Ireland, but who attempts to speak for the Province of Ulster, and his ideas have been widely disseminated through the English press as those which should be accepted by the outside world.

Ulster consists of nine counties—Donegal, Londonderry, Antrim, Tyrone, Down, Fermanagh, Monaghan, Caven, and Armagh. These nine counties in the election which was held for Parliament in 1918 were entitled to 25 seats. Out of these the Sinn Feiners carried 10; the Irish party which was not with the Sinn Feiners but opposed to the Unionists carried 4; so that the Carsonites or Unionists only carried 11, or a minority in Ulster. Four of these 11 seats were accredited to Antrim, in which the city of Belfast is situated, and all of these representatives are Unionists. So that outside of the county in which Belfast is situated were only 8 Unionist representatives elected in the whole of Ireland, the 7 outside of Antrim and the 1 in the gerrymandered district near Dublin, as against 73 Sinn Feiners and 6 of the Irish Party and 6 Nationalists. Since that election, just about a month ago, one of the constituents in Antrim was captured by the Sinn Feiners in a by-election, showing the tremendous change in the sentiment in the only stronghold that the Unionists had, and this is the election at which Mr. Carson said that if he didn't carry he would resign, which, of course, was nothing but a bluff, for he is simply the agent of the English Government, and is not likely to resign his job so long as he can hold it. The majority for the Unionists in those constituencies last December averaged about 6,000.

These are the cold facts in the case, which are verified by the official reports which I have before me as to the election of 1918. We then have a minority of a small section of the country, less than one-fifth of it, asking that the will of the people of a great country in which a million votes were cast be heard as against the rights of the many.

Belfast in the last election cast about 79,000 votes for the union and 39,000 for the independence. By some sanctity unknown to Americans this 40,000 majority, who claim they are not Irish but Scotch-Irish, claim that they ought to rule over a million Irish who are not only not ashamed to be called Irish but glory in the distinction. When, therefore, you hear anyone repeat the statement that Ireland can not agree as to what she wants, simply recall these facts and ask yourself if such "twaddle" should receive any consideration at the hands of the Americans who believe in majority rule.

But rest assured that the epitaph of Robert Emmet, a Protestant Irishman, will be written some day, and monuments will be erected to others without regard to religion or creed, but simply because they were friends of Irish freedom; and, further, that if England's fleet was thrice as great and her gold as many times more potent in disseminating false propaganda, the Irish republic will live.

It is thus seen that the only people of Ireland who can not agree among themselves are the Irishmen of Ulster, and even here many have said that the will of the rest of Ireland should prevail.

The fact is that many of the people of Antrim, and especially Belfast, are not Irish, but are Scotch, or, as they are sometimes erroneously called, Scotch-Irish, whatever that means, for that term is a much-abused one and ignorantly used, for as a matter of fact there is no such race as Scotch-Irish.

The remedy would seem to be for these people as Scotch or English who feel that they do not want to be ruled by the majority of the people of the country to take a boat and sail across to Glasgow, which is just a few hours' ride, and let the great mass of people who dwell in Ireland conduct the affairs of the country to suit themselves. Belfast is nothing more than a mushroom manufacturing town, which might succeed as well in building ships and making linen in Glasgow as on the other side of the Irish Sea. As well might the cities of Norfolk, Portsmouth, and Newport News, which constitute about the same proportion to the State of Virginia, say that "we won't play with you at all because we don't like you in other respects and therefore we are not going to submit to the majority of the people of Virginia." In other words, if you should move the shipyards from Belfast, which 40 years ago had a population of less than 50,000, to the Clyde or the Firth, you would get rid of the Ulster question and remove the only argument that England has. But luckily this ancient nation has never recognized, and never will as long as the blood of the Gae flows through Irish veins, the government of England maintained at Dublin Castle by force of arms, fraud, and bribery.

Another argument which is highly esteemed by these self-styled "better-than-thou" Irishmen is that "while we have not the population we have the wealth and intelligence." The facts in the case as to this canard are even stronger than as to the question of the majority in Ulster.

Leinster, in which the city of Dublin is situated, is a much wealthier province than Ulster. The city of Dublin, with her population which is really about the same as Belfast, is assessed with property of the value of over £11,000,000, or Dublin

is assessed about twice as much as Belfast. Dublin pays an income tax of about £200,000. The whole of Leinster, taken together, is much wealthier than Ulster, whose wealth is the lowest, except Connaught, which is in the extreme western part of Ireland and much of its territory is a wild and rocky broken sea country, which is not susceptible of cultivation or development.

But, say these same objectors, Ulster is Protestant and the rest of Ireland is Catholic, and therefore the majority should not rule. That is democracy with a reservation which American people can not understand, for it announces that if the majority in Ulster are Protestants they should rule; if Catholic they should not. Quoting, however, from the religious census in the nine counties of Ulster, there are 690,134 Catholics, 451,566 Presbyterians, 48,490 Methodists, and other scattered religious denominations. The self-constituted guardians of this part of Ireland are always talking of taking care of these Presbyterians. This is wasted sympathy, for in the history of Ireland's fight for independence since the days of Hugh O'Neill down to the present time the majority of the men who have fought for Ireland's independence have been of these same Irish Presbyterians, or Protestant. Wolfe Tone, Lord Edward Fitzgerald O'Connor, and Emmet were all Irish Presbyterians. John Mitchel, John Philpot Curran, and many other leaders were Protestants.

The only leaders that Ireland has had for generations who were Catholics were Daniel O'Connell and Redmond, and it was O'Connell's fight that won for both the Catholics and Presbyterians the right of suffrage. The great emancipation bill which freed the Catholics freed the Presbyterians, for in the days of O'Connell no one but the Church of England could vote or hold office, and the so-called Irish Parliament, which voted to destroy Ireland and carried the Union, was a Church of England body, with not a single Catholic in it. What, then, becomes of the foolish statement by men who are otherwise usually intelligent that Ireland's fight for independence and throwing off of the British yoke has been a religious one? In the past 50 years and prior to the Easter rebellion many Irish Protestants, for political offenses, have been hanged, drawn and quartered, and dogs have lapped their blood in the streets of Dublin.

In Ireland's glorious future these names will not be forgotten; though they are not heroes in the sight of Sir Edward Carson or Bonar Law, they will in future generations be revered as men who would not hug the chains that bound them nor kiss the feet that trampled upon them, content to be slaves if they could but eat and drink, for such a condition is natural asphyxia, in which the breathing "of the great dumb, stupid animal alone gives evidence that it lives at all."

It was a religious question in a sense at one time, to give help to Protestants and Catholics alike, the right of suffrage, without which men are but slaves, and this was carried by Irish Catholics and Irish Presbyterians, and the fight is being fought out by the Irish, not only in Ireland but in America and in Canada and in Australia and in New Zealand and in South Africa, by the friends of Irish freedom, not as a religious question but as a question of right, and the tide of public opinion of the world is such that no man, no group of men, or no one nation can stop it.

As I have said on a former occasion, "Tell me what is the unseen and mystic law that claims the fidelity of the compass and keeps it ever pointing to the polar star. Tell me this, and I will tell you why Irishmen, whether they come from the golden vale of Tipperary or the picturesque hills of Connemara, whether smiling in the sunshine of prosperity or groaning under the load of adversity, are drawn to the Prince of Connla of the Golden Hair, to

"That sunny land
From druids and demons free,
The land of rest,
In the golden west,
On the verge of the azure sea."

Some ask me the question, "What can Ireland do?" I reply, "What can England do?" She has reached the point where she must respect the wishes of over 4,000,000 people in Ireland or shoot them down with machine guns or starve them in prison. Does she dare do it? Can there be any doubt of the outcome? Germany tried it on Belgium, and England will tread the same path as Germany if she persists in her course. Not only has England to respect the wishes of Ireland, but she now fully understands, I hope, what she did not in 1776, that a decent respect for the opinions of mankind bids her halt.

It is no longer a fight between Ireland and England, but a fight between England and the enlightened opinion of mankind, and she is fast learning that the world will no longer let her hide behind the false cry of protection for Ulster.

Senator MOSES. Mr. O'Flaherty, I want to ask you a question or two. You stated that in your opinion a plebiscite taken in Virginia would show a vote of 4 to 1 in favor of the freedom of Ireland.

Mr. O'FLAHERTY. No; I did not say that. I said a majority. Did I say 4 to 1?

Senator MOSES. I so understood you.

Mr. O'FLAHERTY. I did not mean to say that.

Senator MOSES. A majority of the people of Virginia would favor the freedom of Ireland and would so express themselves?

Mr. O'FLAHERTY. I said they would if there was a plebiscite. I believe they would so declare themselves. I have never seen a Virginian yet that was not in favor of freedom, and especially the freedom of Ireland.

Senator MOSES. What attitude do you think they would take in Virginia on a plebiscite on the league of nations?

Mr. O'FLAHERTY. I would not want to answer that. If you would come around and ask me as a lawyer, I would not want to answer that.

STATEMENT OF MR. W. BOURKE COCKRAN.

Judge DANIEL F. COHALAN. Mr. Chairman, I desire now to present the last speaker of the hearing. I want to say, first, a word of thanks, and to reserve the right for filing statements, which you gave some time ago, from a great many people from different parts of the country. I shall not take up further time now, except to present one of the foremost men of the country and of the Irish race, a scholar, a student of affairs, a statesman, and an orator, Hon. William Bourke Cockran, of New York.

Mr. COCKRAN. Mr. Chairman and Senators, I would like to begin by answering some questions that were propounded this morning to gentlemen who appeared here in opposition to this proposed league of nations. One of the most important was that of Senator BORAH, who asked if it were true, as some gentlemen have contended on the floor of the Senate, that if this league of nations be established it would prove a very effective agency through which Ireland could obtain her independence. I take it that Senator BRANDEGEE's question was put in amplification of Senator BORAH's inquiry, because he said Senator WALSH made practically the same statement in the course of debate.

Senator BRANDEGEE. I did ask such a question; but I did not know that Senator BORAH had previously asked it.

Mr. W. BOURKE COCKRAN. I shall, therefore, answer both Senators together. I think that Senator WALSH supplied the answer to his own contention most effectively. He said, as I recollect, that there were three means by which a subject nation could effect its independence. One was by consent of the governing nation, another was by revolt of the subject people themselves, the third was by outside intervention, and he claimed great credit for the proposed league of nations, because it prohibited but one of those methods of relief, leaving the other two open and available. The objection to this position is that no nation ever did achieve its independence by consent of the dominant power, or by naked action of its own people. Every successful revolution of which I have any knowledge was effected through outside support. The American Colonies would not have been free but for the intervention of France. Cuba would still be under the domination of Spain but for the intervention of this country, and Greece would still be languishing under the heel of the Turk if it had not been for the assistance of Christendom. So that when Senator WALSH says that by this treaty subject nations are deprived of but one avenue of escape from servitude, the answer is that they are deprived of the only one through which escape can be effected.

There is another question which Senator BRANDEGEE asked that I think ought to be answered. He inquired whether appeals are allowed from decisions by a single official committing Irish men and women to jail for long periods. At this time Ireland is practically under martial law—which means no law at all—or what is virtually its equivalent, "The defense of the realm" act. Everybody understands that martial law is suspension of law, substituting for law which is a regular fixed rule of conduct, the whim or judgment of a single official. In Ireland, under the present system, the people are governed by two whims, either one of which constitutes the rule of conduct for the population. One is the whim of the commanding military officer, and the other is the whim of an official called a resident magistrate, apparently for the reason that he is never a resident of the locality in which he officiates. The expression, "R. M.," officially intended to signify resident magistrate, will describe him much more correctly as "removable magistrate." He is the only magistrate under the whole British system who is

removable at the pleasure of the Crown. I need not remind the chairman of this body that the chief fruit gained by the revolution of 1688 was termination of the system under which judges were removable by the Crown, and under which they were, in the language of Lord Macaulay, not champions of truth and justice, but "greedy and ferocious butchers," eager to satisfy every demand of despotism.

The removable magistrate always dreads removal, and the only way to avoid it is by delivering the judgment which the prosecuting officers desire. The effect is that if a man makes a speech, as Mr. WALSH told you, advocating the Republic—nay, if he utter a word which the police dislike—he is promptly haled before either a drumhead court-martial or one of these resident magistrates and condemned without any chance of appeal to the hideous indignities which have been described so forcibly here to-day. Nothing could illustrate more strikingly the conditions against which Irishmen are in revolt than this deliberate establishment in Ireland by the English Government of a judicial system so fruitful of abuse that Englishmen themselves rose in revolution to drive it from their own country.

When conditions somewhat similar, though I do not think they were quite so onerous, existed in Cuba, the chairman of this committee, and I think many others of its members, were quick to insist that intervention to stop those outrages became a task imposed upon us by our primacy of civilization; that continuance of a government which had become perverted from its natural functions of defending peace and order to perpetrating the very outrages on justice which government is organized to prevent, was an injury to civilization which all the forces of civilization should combine to remove. And we, as chief among those forces, drew the sword and ended that abominable system in Cuba. A worse system exists to-day in Ireland. It can be terminated, as far as we can see now, by no means except the influence of this American Republic, and we are here to protest against any treaty, league of nations, or whatever it may be called, that will exclude consideration of the monstrous conditions that afflict Ireland from the jurisdicton of the conscience of civilization, of which the Senate of the United States has always been the foremost and best exponent.

I pause for a moment to say that if there be any other Senator who wishes to ask me about present conditions in Ireland I will be very glad to answer him. If nobody cares to put a question, I shall proceed to discuss the treaty now before you purely from an American standpoint.

Mr. Chairman, the gentlemen who preceded me have all said, with great force and feeling, that while they are of the Irish race they are of American birth, and that they love above all other things the country in which they were born. I am an Irishman by birth as well as by blood. And the reason I am here is that I do not want the Government whose shelter from my earliest youth I was resolved to seek, whose benefits I have enjoyed, to be emasculated, impaired, or destroyed, as I believe it will be, if this treaty is ratified. And in saying this I speak not alone for myself—my race is well-nigh run—but for my entire generation and the generations that are to follow. The light that inspired me and millions like me to cross the seas I hope the Senate will not suffer to be extinguished, but that through your action now it will be maintained strong and effulgent for all the children of men throughout the world.

Mr. Chairman, whether the right of this country to interfere—at least so far as to exert its moral influence—for deliverance of Ireland from conditions that are a scandal to civilization shall be preserved or whether it is to be renounced and destroyed by ratification of this treaty, is not an Irish question. It is not a question affecting solely England's domestic politics, as some gentlemen have contended. It is an international question, because it is a question affecting the peace, and, therefore, the welfare of the entire world. Judge Cohalan has told you there can be no peace throughout the world until Irish discontent is composed. This is not, as many might say, a mere expression of exaggerated rhetoric. It is the sober, accurate statement of a fact which all history attests.

It is certainly one fact of history which none can dispute that every great war which became general—every one became general by England's entrance into it—and which has scourged the world for the last four centuries—that is to say, since the emergence of modern civilization from the wreck of feudalism—has had its beginning in Ireland—every one, without exception.

This last war which has just closed we all know was caused by the German Emperor's belief that civil commotions in Ireland made 1914 the period when he could strike his long-meditated blow for world dominion with the strongest hope of success. The great wars of the French Revolution, which culminated in the Napoleonic wars, began with representations of the united Irishmen through Wolfe Tone to the revolutionary government in France that the conditions then prevailing in Ireland—brought about by the deliberate recall of Lord Fitzwilliam and the refusal of concessions which had been promised to the Irish people—had made the land ripe for rebellion. The hostile manifestations by the French people and their Government which these representations provoked, were the chief causes that led Pitt reluctantly to join the alliance against France. The attempt of Hoche's expedition to land in Ireland, which was frustrated when his ships were blown by a gale out of Bantry Bay in 1796, marked the real beginning of that desperate struggle between England and France, which after ravaging Europe for a generation ended at Waterloo. At the close of the seventeenth century it was the intervention of Louis XIV in aid of the Irish attempt to maintain James II in possession of his crown which brought about the Grand Alliance against him, that afterwards, as the War of the Spanish Succession, plunged Europe in the disastrous conflict that was settled by the peace of Utrecht. The great war between Elizabeth and Philip II of Spain for control of the seas began with a descent of Spanish and Portugese soldiers on the coast of Kerry, who were all killed to a man after they had surrendered to Sir Walter Raleigh, and whose massacre is the only cloud on the fame of that knightliest figure among Elizabethan warriors.

Why is it that every world war, if not actually caused by Irish discontent, has yet made Ireland the theater of its first beginnings? This can not be due to a mere fortuitous combination of circumstances. My purpose is to show that the condition of Ireland has been a constant invitation to every country with a grievance against England to strike her at that spot where she was believed to be vulnerable, and where she will continue to be vulnerable just so long as the oppressions against which the Irish people have struggled for eight centuries are suffered to exist. So that the Irish question is not a matter that affects England and Ireland alone, and one which therefore can be called domestic. It is one that has affected the peace of the world for four centuries and which will continue to affect it, in the very nature of things, so long as it is permitted to remain an open sore in the side of Christendom. To compose this difficulty and settle it is a task imposed upon the statesmanship of civilization, and, therefore, it rests peculiarly on your shoulders, Senators, charged as you are at this moment with responsibility for the conditions under which peace is to be reestablished throughout the civilized world.

Probably the greatest difficulty in dealing with the Irish question is to understand just what it is. It has been so misrepresented—and by the greatest masters of ingenuity in misrepresentation that the world has ever seen—that many men, ordinarily well informed, are in doubt as to just what it is that causes the Irish complaints. We are told that other countries have been conquered as Ireland has been, and yet they have long since ceased to complain of the conquest or even to think about it. We are told that Irish grievances are fanciful, not real; that they are not caused by injuries which are actual, but by recollection of ancient injuries springing from laws which have long since been repealed. We are told that Ulster is prosperous and contented while the rest of Ireland is discontented and poor because its people are improvident, shiftless, idle; and that this demand for Irish independence merely embodies, while it disguises, the desire of an improvident, shiftless, idle majority to obtain and abuse the power of taxation over a thrifty and prosperous Irish minority.

It is also said that there is a religious question involved; that Ireland's refusal to acknowledge the authority of England is but the intolerance entertained by one religious sect against another—the disposition of Catholics to oppress and drive Protestants from the country. These, I think, are all the grounds on which are based opposition to recognition of the Irish republic. They are set forth in a brief submitted to this committee by certain persons claiming to speak for Irish Unionists, which I have just been permitted to read. Now, if these statements are true, if Ireland has been reduced to its present condition by the faults or vices of her own people, sympathy for them would be useless. They are incapable of improvement. They must inevitably disappear from the earth which they encumber and discredit. But if the evils which afflict the Irish people be the direct result of laws which have produced intolerable conditions, that still exist, although the laws themselves have been repealed, and if it be true that England has shown she is incapable of doing justice in Ireland, even when a majority of the English people are really anxious that it should be done, and the English Parliament solemnly resolved to do it, then there can be but one outcome. Either English rule in Ireland must be ended or the Irish people must be exterminated. That is the alternative. I think it is entirely

capable of demonstration that the Irish people can not be exterminated, and extermination being impossible emancipation is imperative.

Let me explain to you why it is that although these oppressive laws have all been repealed the conditions they produced still continue. All the history of Ireland ever since the first Norman invasion has been an unbroken record of conquests and seizures of lands—first the devastation of land, always followed by confiscation. But neither conquests not confiscation sufficed to keep the country permanently impoverished. From the first landing of Strongbow, in 1172, down to the final overthrow of Irish independence by William III, the Irish people after each invasion and devastation restored prosperity with a celerity and completeness that have been marvels to all historians.

Mountjoy, under Elizabeth, reported to the Queen that everything capable of supporting life in Ireland had been burned to the roots, that the whole Irish population had been exterminated, except a few fugitives who had taken refuge in morasses where they could not be reached, but where, for lack of food, they must inevitably starve. And yet in the very next reign Ireland was blooming like a garden. In the time of Charles I the prosperity of Ireland had already awakened the envy and cupidity of Englishmen; but the Irish, with that peculiar sense of loyalty which is one of their characteristics—often misdirected because carried to excess—having embraced the side of the King, fell under the vengeance of Cromwell. Again the island was devastated with fire and sword. The whole of the land east of the Shannon was confiscated. The entire native population outside of many thousands who were slain, and other thousands sold into captivity, was transported west of the Shannon to a soil which was believed to be so sterile that it could not afford subsistence to human life. Cromwell's brief statement of his policy was that the Irish must go "to hell or to Connaught." Well, they went to Connaught, but they did not go to hell [laughter], because there was always one Irish champion whom, some way or other, the British arms could never overcome, and that was the Irish girl. Any Englishman who received land and settled upon it soon fell under her influence. That was already so clearly apparent in the time of Richard II that he passed the statute of Kilkenny forbidding any Englishman who had received land in Ireland from marrying an Irish woman. But the Irish girl was too strong for statutes. She continued to marry the English settler in the teeth of all prohibitions, and the offspring of those marriages were the strongest Irish patriots.

Although the land had been laid waste with a fury hardly ever paralleled in the annals of mankind by the English Parliamentary forces, first under Cromwell and after him under Ireton and Ludlow, yet when William III in the next generation faced a patriot Irish army, a large part of it was composed of the sons of those Ironsides to whom Cromwell granted land in Ireland. After that dreadful Cromwellian devastation the recovery of her prosperity by Ireland in the reign of Charles II is declared by Macaulay to be the marvel of all history. It is acknowledged even by Froude—who will not be suspected of any partiality toward Ireland—that in the reign of Charles II practically the entire transportation of goods by sea from the Old World to the New was carried on in Irish bottoms. Irish cattle and horses commanded the highest prices in English markets, and Irish woolen products were considered to be the very finest in the world.

Almost immediately after his accession this king for whose father Ireland had incurred the resentment and fury of Cromwell, yielding to representations by merchants of Bristol, excluded Ireland from the operation of the navigation act. The effect of this was a total destruction of the Irish shipping trade, from which it has never recovered. Next, in obedience to a demand of English agricultural interests, exportation of Irish cattle and horses to England was prohibited. That reduced property in live stock to one-tenth of its former value. But the woolen industry remained, and probably from the fact that the energies of the country were now mainly directed to it, and the whole capital of the nation largely absorbed in it, the manufacture of Irish cloth expanded to a degree unapproached in any other country of the world.

But when William III finally established his authority by the victories of Aughrim and the Boyne, and by his treason at Limerick, the surrender of which he accepted on terms that permitted the garrison to march out of the city and the country, while at the same time guaranteeing to the Irish people the right to practice their faith, prosecute their trade, and retain their property—a treaty that was violated the moment the Irish army had departed from Ireland—then the system was adopted which Edmund Burke has described in words probably familiar to every one of you. He said the Irish penal code was "as well fitted for the oppression, impoverishment, and degradation of a feeble people and the debasement in them of human nature as has ever proceeded from the perverted ingenuity of man." That system produced the conditions which to-day afflict and distress the Irish people and which can be ended only by ending the dominion of England over the country.

After all former confiscations and devastations the country recovered rapidly because the people were allowed to resume possession of the land. But the devilishly ingenious system adopted by William III and his immediate successors precluded any possibility of an Irishman being able to obtain any part of the land on which he lived.

A succession of statutes enacted during 50 years resulted in a body of laws under which no Catholic—that is to say, no native Irishman—could hold land. The whole surface of the island had been confiscated. The original owners of the soil were allowed to dwell upon it merely as tenants at will. The confiscated lands were not bestowed, as in former cases, upon English soldiers who settled in Ireland, but upon favorites of the English court in large areas of 5,000, 10,000, 15,000, and even 30,000 acres, who never lived in Ireland, who never intended to live in it, who seldom if ever visited it. Every Catholic was prohibited not merely from holding land but from leasing it for a period longer than five years. He could not own a horse worth over £5. If a Catholic appeared in a public place mounted on a horse any Protestant could take possession of the animal by tendering the rider a £5 note. Beyond impoverishing the Irish people it was sought to accomplish their degradation by forbidding the education of youth. The only element of the community capable at that time of imparting education was the clergy, and the priest who taught a school was declared guilty of a capital offense. The spectacle was common of a priest's dead body hanging in chains, executed for no other offense than that of having undertaken to instruct an Irish boy. Not content with seeking to accomplish the intellectual degradation of the people these stautes sought to corrupt their morals by undermining the foundations of the family. The son who accused the father of being a Catholic and proved it could at once take possession of the estate. The wife who informed on her husband was at once accorded a separate and independent interest in his property. So that wifely loyalty and filial piety—every emotion which in civilized countries is considered necessary to the well-being of a community, and therefore to be encouraged by government—was perverted in Ireland to the injury of morals and the disruption of society.

Under this system the people hardly ever came in contact with the owners of the soil. In almost every instance an agent represented the alien landlord. The value and efficiency of that agent were determined by the amount of rent which he could extort from the unfortunate occupants of the land. If a man by dint of arduous labor improved the soil he occupied and made it more valuable, the agent at once descended upon him and raised the rent. Not merely were all the fruits of his own labor confiscated but all his neighbors were promptly informed that unless they made their soil equally fruitful and raised the same amount of crops, that is to say, paid the same rent, they would be evicted. And eviction was death. Not merely was industry made unprofitable by this hellish system; it was made unpopular. The laborious man did not benefit himself, but he brought disaster upon his whole neighborhood. The unfortunates who were evicted were left to starve on the highways. There was no other occupation in which they could find a livelihood because, by a refinement or cruelty that is almost inconceivable, the only industry that survived the hostile legislation of Charles II—the woolen industry—was entirely destroyed by William III. It was not taxed out of existence. It was not made to bear burdens imposed avowedly for support of the State, which prevented it from being prosperous. It was prohibited absolutely and unconditionally. All existing factories were suppressed and the people were forbidden, under heavy penalties, from attempting to engage in the woolen trade. More than that, the Irish wool, at that time—the Australian wool not yet having become available for the world's necessities—was of a peculiarly valuable character. Not merely was the manufacture of woolen goods prohibited in Ireland, but exportation of Irish wool was prohibited to any place except six English cities, the idea being that the English manufacturers by these restraints would be enabled to obtain Irish wool on his own terms. But there was an extensive woolen industry in the low countries where a great demand arose for Irish wool as soon as its manufacture was suppressed in Ireland.

Wool that would bring 6 pence at Bristol commanded 1 shilling and 7 pence in Ypres and in other Flemish towns. Quite naturally smuggling of Irish wool to the Continent became one of the chief occupations of the Irish people. But the worst feature of this oppressive measure was not the loss of money or of property that it entailed. It was this: Wool being contra-

band, trade in it could not be prosecuted through bills of exchange and other devices of banking which govern commerce. It could only be bartered for some commodity not easily discovered, for everywhere the Irish coast was patrolled by British officers charged with the duty of preventing smuggling where they could and punishing the smugglers where prevention was impossible. Wool was exchanged mainly for Flemish wines. This extensive importation of wines was the cause and the beginning of that intemperance that has been the curse, Senator [turning to Senator PHELAN], of your country and of mine, of your race and mine, for 250 years. Before the beginning of the seventeenth century the Irish were a temperate race. But the example of the well-to-do consuming expensive wines soon caused a demand for coarser and cheaper intoxicants by the less prosperous. To meet this demand the manufacture of illicit whisky became extensive and the people gradually sank into that dreadful intemperance from which they have suffered both at home and abroad ever since. Mr. Chairman, the curse of this intemperance has been Ireland's, the shame of it is England's.

I am not saying this on my own authority. Here again, sir, I am quoting from James Anthony Froude—the apologist of English excesses in Ireland—who, indeed, seems to complain that if these enormities had gone further the race would have been exterminated and the Irish question settled finally and without appeal.

Now it is quite true that these proscriptive laws have all been repealed. They began to disappear in the latter half of the eighteenth century. And it is to the credit and glory of this country that their disappearance began when fugitive Irishmen—Presbyterians who fled from the enforcement of the test acts and settled in Pennsylvania, and Catholics who had fled from other parts of the Island—were found fighting side by side under the banner of Washington for freedom, justice, and right. Up to that time religious proscriptions were not confined to Ireland. They were universal. They were based on the assumption that anything like diversity of religious faith among the people of a State weakened it, and therefore, it should be prevented by the government. The Huguenots were placed under serious disabilities in France, so were the Catholics in England. But in Ireland it was the distinctive feature of these proscriptive measures that they were not intended to discourage Catholicism or encourage Protestantism, but to degrade the whole people by plunging them into ignorance, and by corrupting every avenue through which could be reinforced those virtues and qualities that are considered essential to the well-being of every State. In Ireland the faith professed by the people was proscribed with a violence which nowadays can hardly be understood. And this fact must be borne in mind when you consider the Irish question. It is the only country in the world where the people have remained steadfast to a faith that had been proscribed. In every other country the people adopted in a body the religion that its Government established. England became almost uniformly Protestant, or at least non-Catholic under Henry VIII; almost uniformly Catholic again under Queen Mary; Protestant once more under Queen Elizabeth; and it was ready for another change to Catholicism—according to the historians—if James II had but governed with a little more sense. And so the religious complexion of the French people was decided by the result of the religious wars.

But in Ireland the majority of the people remained immovably attached to the faith that was proscribed and prohibited under drastic penalties, though they had to sacrifice for it not merely every element of property they possessed but every hope of improving their condition. The extraordinary thing about their tenacity in this respect is that it was maintained, without those aids to fervor which the Catholic liturgy affords. Such a thing as a great religious ceremonial had not occurred in the country, at the time of which we are speaking, for 150 years. Their lands confiscated, their faith proscribed, they practiced the rites of their church crouching in garrets and hiding in outhouses. Driven from the towns and villages, they took refuge in some mountain glen, and there, under the broad canopy of heaven, the rains falling on them, oftentimes knee-deep in mud, with sentinels posted at each end of the glen watching for the priest hunter, who was an established feature of these conditions, all cotemporary writers agree in saying they worshipped with a fervor never shown in the stateliest cathedral ever raised by the hands of piety to the worship of God. Even after they had regained the right to practice their faith it has been remarked that they showed very little regard for its ceremonials. But nothing could swerve them from attachment to its tenets and teachings. And as they remained immovably attached to their faith, so also have they always been unswervingly steadfast in maintaining their national life. It is a peculiar feature of this determination to maintain their national existence that it does not seem to be based on any hope for the future. This is clearly reflected in their poetry, which is perhaps the most melancholy in the world, as it certainly is among the most beautiful. I am one of those who believe that sorrow has always been the source of exquisite poetry. I have never known a sublime note to be inspired by prosperity. Not merely is there a vein of profound melancholy through all Irish poetry, but it never expresses any hope for the future. Yet there is never a note of despair in it. Every line of it breathes the determination of Irishmen to love the old sod, maintain the old faith, preserve the old race, though they never again should see the light of freedom. Moore describing the Harp of Tara, silent, abandoned, the chord alone that breaks during the night, telling the tale of its ruin, concludes:

> Thus Freedom now so seldom speaks,
> The only throb she gives,
> Is when some heart indignant breaks,
> To show that still she lives.

Freedom has indeed lived in the hearts of Irishmen under all circumstances; under the darkest skies, without any hope of deliverance. Even when there was no chance for Irish arms to fight for it, there was always an Irish heart ready to break for it. Freedom, though denied them as a possession, has always remained an aspiration from which they could never be separated. Such a people can not be seduced from their ideals nor diverted from asserting their right to nationhood. Such a people can not be subdued, and, therefore, Senators, I submit to you with all frankness and perfect confidence that the only alternative which the Irish question presents is extermination or emancipation of the Irish people. You Senators, to whom is confided the treaty-making power of this Government, will not suffer the destruction of such a race as this, and if you will not suffer it to be destroyed, then you must insist that it be free. There is no alternative. [Applause.]

Now, with respect to the religious question: It can not be denied that Ireland has been torn by religious antagonism. But the cause of this is perfectly simple. And it should be remembered that whenever the Irish succeeded in establishing control over the government of their own country, as they did at intervals—in 1642 and again in 1688—the first act of the Catholics when they became dominant was to declare absolute religious freedom for all. The reason why religious antagonisms have divided the Irish people is because in that country religion was made the test of political rights and property rights. When a man could be ousted of his property because he was a Catholic (and that by a person bound to him by the closest ties of kinship); when a man could be deprived of the horse he rode by a total stranger on the tender of a 5-pound note because he was a Catholic; when he was excluded from every office under his government and denied the right even to educate his child because he did not profess the faith established by law, it was inevitable that the victims of such oppression and the beneficiaries of it would be influenced by hostility against each other.

I should add here, in order to explain why Ulster was prosperous while the rest of the country sank into misery growing ever deeper, that a totally different system of laws prevailed in the one place from that which governed the other. In Ulster, ever since its "plantation" by James I, there was in force what is called "Ulster tenant right." Under it the occupant of the soil could till it and improve it with a certainty that every improvement he made was his property, to enjoy it while he remained in occupation.

The landlords had no longer any inducement to remain in the country. Again they became absentees, and the remarkable prosperity produced by that short period of independence was changed to a long, unbroken period of progressive decay. Again the rack-renting agent drew from the soil everything which it yielded beyond what sufficed to afford its cultivators the barest subsistence. And for this chance to live there was the fiercest competition among the members of the wretched population, each one eagerly bidding against all others for the privilege of cultivating the land upon any terms whatever. Under this competition conditions of life sank so low that the Irish peasant never tasted meat from one year's end to the other. The potato became the sole support of his existence. And when in the years of '46 and '47 there was a general failure of the potato crops throughout Europe it was a source of loss to the people in other countries, but in Ireland it caused actual starvation. We often hear of the "famine" in Ireland. But strictly speaking there was no famine. While the people were dying by hundreds of thousands for lack of food, there passed before

their eyes along the highways droves of cattle, wagons laden with foodstuffs, all products of their own labor, sent out of the country to be sold and the proceeds paid to alien landlords.

In any other country in the world these abundant supplies would have been seized and the people would have used them to avert hunger. In Ireland an exaggerated sense of property led the people to perish of starvation rather than take what, according to law, belonged to the landlord. But it is said Ireland is governed by exactly the same law as England with respect to land. Quite true, but the conditions established under these laws in the two countries are widely different. The English landlord always lives upon his estate, the Irish landlord seldom, if ever. The English landlord has always held himself to be the chief of an industrial family, the head of a great industrial organization, dividing the whole product of the soil with those who have aided in cultivating it.

I know of nothing more impressive in civilized life than the manner in which these English lords of the soil exercise their ownership over it for the benefit of the people who cultivate it and for the glory of their country. The manor house which to many casual observers is a mere abode of elegant luxury is actually to the great agricultural organization of which its owner is the head, what the countinghouse is to a factory. From it the landlord directs all the energies of his tenants and dependents. This landlord is never "off his job" for a moment. Even in his amusements he is always discharging his duty, fulfilling his task.

We often hear of the claret-drinking, fox-hunting squire, as though his whole life were devoted to the consumption of wine and the hunting of foxes, and he does spend a good part of his time in these agreeable occupations. [Laughter.] But when he is hunting over his own fields and those of his neighbors he is scrutinizing his fences and the condition of his farmers' and laborers' cottages and comparing them with conditions existing on the estates of other landlords. When he is shooting he may be conscious of nothing except a desire to kill patrtridge or snipe, but to reach this game he must walk through the stubble in which the birds are concealed, and there he is necessarily informed of the manner in which the field is cultivated by his tenant. If the fences are broken, cultivation of the field inefficient, cottages dropping into decay, the tenant is required to explain. If that tenant can show that he is not responsible for these conditions and could not avoid them, the landlord himself always feels bound to repar them. If, for instance, the tenant by reason of a large and growing family finds himself unable to continue paying the rent he had previously paid, no English landlord would ever think of evicting him. The opinion of his own order would forbid it. To throw a deserving man out on the highway who for reasons beyond his control was no longer able to pay his rent would be an offense against his obligations as a gentleman, almost worse than cheating at cards. But while public opinion in England makes the landlord a trustee for the benefit of those who under his direction cultivate the soil, the Irish landlord, who seldom lived in the country or saw his property, was under no restraint whatever in dealing with his tenants. His sole object was to obtain and enjoy the uttermost penny that his agent could extort from them. And thus it came to pass that the very same man—and I am speaking now, Mr. Chairman, of matters within my own knowledge—who in England is the very embodiment of paternal care for his tenants, would suffer an estate owned by him in Ireland to be administered with a ruthless cruelty which produced conditions difficult for us to conceive in this country. The absentee Irish landlord, though he was oppressive, was not always consciously cruel in the treatment of his tenants. The system made him a tyrant or at least tempted him to tyranny even when he himself was naturally well disposed.

One man of my own acquaintance who is still living, and who occupies a very prominent position to-day in English public life, the younger son of a great noble, became a naval officer and received from his father when he came of age a property that yielded about £1,000 a year. This property which he had never seen was managed by an agent. He went on the turf and in the course of a few weeks the thousand pounds which constituted his annual income passed from his pockets into those of enterprising bookmakers. As was usual with Irish landlords living out of the country, he wrote a letter to his agent asking if he could not send him some more money. The agent answered that the income from his property might easily be doubled. "Why the mischief then don't you double it," he asked. "I want to be sure," the agent answered, "that I will be sustained." Now this man is quite an extraordinary person, gifted with a mind singularly effective in analysis. Concluding from the agent's statement that there was something about the matter which needed explanation, he resolved to visit the estate and ascertain for himself the real condition. The agent met him and escorted him over the property, showing him various farms for which the rentals paid, he said, were entirely inadequate, and finally reached one which seemed to be particularly well kept and prosperous. "There," said the agent, "is one of the best farms on the estate. It is easily worth 2 guineas an acre, and all that the tenant pays for it is 2 and 6 pence." When the landlord asked why the higher rental was not obtained for it, the agent answered that when rentals had been raised on Irish estates the agents always incurred bitter enmity. This they were prepared to face, but they had not always been sustained by their principals. And this particular agent before he took any steps to increase rentals wanted to be assured that he would be supported by the landlord in any trouble that might ensue.

Now, this particular landlord from his entrance into the naval service, had always made it a rule when anything under his authority went wrong to go and ascertain the cause of it for himself. Even after he rose to be an admiral—I may as well say that the man of whom I speak is Lord Charles Beresford—if an engine on any ship of his fleet was reported out of order he never contented himself with sending an engineer officer to find out what was the matter. He always ordered a boat lowered and went and ascertained it himself. And so when the agent made this statement about the farm renting at what appeared to be such an extraordinarily low rate, Lord Charles concluded that he would go and see the tenant personally and get his side of the matter. The following morning he appeared at the cottage door and was welcomed by the occupant, whose name, I think, was Monahan. To enter a house in Ireland, no introduction is necessary. Anyone who appears on the threshold is sure of a cordial reception. After exchanging a few pleasant words with Mr. Monahan, Lord Charles made some observations on the excellence of the farm. Now, an Irishman who receives congratulations on the farm he occupies always discerns in the compliment a potential, if not probable, rise of rental. And so, when Lord Charles asked him how it happened that he only paid 2 and 6 pence an acre for land easily worth 2 guineas, the tenant said, "And may I ask, sir, why you busy yourself about my farm, or the rent I pay?" Whereupon Lord Charles said, "I am your landlord." And then this man, well-nigh 80 years of age, broke down and wept like a child. The dread stroke, which every Irish tiller of the soil who has made it productive always apprehends, seemed to have fallen. In piteous accents he sobbed, "Oh, my lord, for the love of God, don't take the farm from me. It is true I am paying but 2 and 6 pence an acre for it, but when I came here that land was not worth 6 pence an acre. The value it has to-day is the result of work put into it by me and my boys during the last 50 years." Four sons, the oldest nearly 50, the youngest over 40 years of age, had all spent their lives in helping him to effect this improvement. "My lord," he said, "I will give you half of it, I will pay 1 guinea an acre, but let me keep the rest," and Lord Charles said, "No, Mr. Monahan, I am sorely in need of money, but I would have to be much harder up before I could take away from you the fruits of your life work and of your four sons. Keep your farm at 2 and 6 pence an acre as long as you live."

Now, suppose this particular landlord had not taken the trouble to ascertain for himself just how his agent could have increased the rentals of his property, that tenant and his four sons would have been evicted, turned out on the road to die, unless they could obtain enough money to buy a passage to this country. And in just that way and under just such conditions hundreds of thousands—aye, millions—of Irishmen, victims of this accursed system, have been driven from their own hearthstone to seek asylums in this country and other lands beyond the sea. But their love of Ireland instead of diminishing grew deeper by absence from the soil. That love they have transmitted to their children and to their children's children, many of whom have never seen the country which they love, with an ardor that is unquenchable. It is this greater Ireland beyond the seas which rises now to denounce that accursed system before the bar of public opinion throughout the world. The conscience of Christendom has already decreed that the system must end. And I pray, Senators, that you will not, by ratifying the treaty, prevent the United States from proving itself, through all the years to come, as it has been in the years that are past, the most effective agent in enforcing the decrees of civilization in favor of liberty and justice.

So you see the conditions produced by the abhorrent laws of the eighteenth century have continued down to the present day. The laws themselves have been repealed, but the conditions they produced remain. It is true that in law Irishmen can now purchase property and hold it without any disqualification on the ground of religion. But practically land in Ireland was, until very recent years, absolutely unattainable; first, because the

Irishmen, excluded from all avenues of productive industry for generations, had not the capital wherewith to purchase land, and if by any chance he became possessed of sufficient means to purchase land, it was a point of honor among the landlords not to sell. Thus conditions originally produced by law have been perpetuated through custom. They continued unbroken until the Wyndham Act of 1912 was passed.

The results produced by that measure before the war were amply sufficient to convince the most skeptical that the wonderful industrial efficiency which enabled the Irish, after every devastation of their country, to restore prosperity in an incredibly short space of time so long as they were allowed to regain access to their soil, had not deserted them or diminished in the slightest degree. Just consider for a moment the immediate effects of that legislation. Remember that by this measure the Irish land was not taken from the landlord and given to the tenants without compensation of any kind, as it had been originally taken from its occupiers. It was taken at a high valuation, and after this high valuation had been fixed by mutual consent 12 per cent in addition was given to the sellers as a bonus. That was all charged upon the land, the occupier of which was empowered to take possession and to become the absolute owner on paying the total amount of the purchase price in installments extending over 62 years—I think that was the number of years. Under that law one-half of the land of Ireland passed into ownership of its occupiers. The transfer involved some twelve hundred thousand transactions. And, what absolutely seems to transcend the possibilities of human capacity, there was not a single default, so far as I know, in fulfilling any of these agreements. Never in the history of man have transactions on a scale so stupendous occurred without a single breach of agreement.

Not merely was the letter of every agreement observed by the Irish but they cultivated the soil thus restored to them with such energy and efficiency that by 1914 they had already effected a wonderful revolution in their condition. The cabins—the hideous, noisome cabins which I myself remember, in which we would not suffer a pig to exist now, where human beings, 9 and 10 in number, and animals, if they were lucky enough to have a pig or two, dwelt together promiscuously under a few sods placed against an upright pole, an open space at the top allowing smoke from turf and such articles as they burned to escape—have all disappeared. Decent white-washed cottages have replaced them. Implements of industry are kept in excellent order. I never saw better horses anywhere than in Ireland while I motored through it in 1913. It seemed as if the Irish people were once more on the very threshold of a prosperity such as had blessed the land between 1782 and 1800—the monuments of which are those beautiful buildings that ornament the city of Dublin to the admiration of visitors from every part of the world.

At this time while prosperity was returning apace, and prospects brightening steadily, the British Government undertook to pass a measure of home rule, encouraged doubtless by the excellent use which the Irish people had been making of their land. This measure did not in fact provide for home rule at all. The body it proposed to create was not a parliament but a commission to propose measures for the English Parliament. Certain subjects were relegated to this new body, but the power of the English Parliament over it was supreme—so complete that not merely was the right reserved to set aside any act which the Irish Parliament might pass but where that parliament had acted on a subject entirely within its jurisdiction the British Parliament was free to pass a different act, and this act of the Imperial Body was to prevail as the supreme law of the land. Here surely was a measure which the most radical English opponent of Irish home rule could well have afforded to accept. Though it did not establish an Irish Government in any sense of the word, yet the Irish representatives who then appeared to speak for the majority of the people accepted it. And there was every reason to believe that its enactment might effect a complete settlement of this difficulty which for centuries had disturbed the peace of mankind. But a number of Ulsterites, encouraged by leading politicians of England—openly by all the Tories and secretly by many of the so-called Liberals—resolved to resist by arms the establishment of anything resembling a government in Ireland even though the limitations of its powers reduced it to little more than a shadow or simulacrum of government. These men were among the most prominent of the community. They organized regiments, paraded them in public reviews, and audaciously imported 100,000 stands of arms to be employed against the British Government if it undertook to enforce a home-rule act.

Mr. Carson, who had been a high official of the Crown, organized what he called a provisional government, and one F. E. Smith, who is not an Irishman, who has not a drop of Irish blood in his veins, who had no connection whatever by blood or property with the island, came over to Belfast, visited various places in Ulster and joined in arrangements to resist establishment of home rule. After this rebellion had been proclaimed and its forces actually organized, the Irish nationalists, who, mind you, were maintaining in office, the British Government then in power (it did not command a majority in parliament, except by the votes of Irish members) undertook to organize a volunteer force for the purpose of supporting enforcement of the home-rule measure. And then what happened? This Government, maintained in office by Irish votes, forbade by proclamation admission of arms into Ireland, after the Ulsterites had obtained arms sufficient to equip the regiments they had organized for rebellion but before the nationalists volunteers were able to obtain any military equipment whatever. But even this did not satisfy these audacious rebels. Disregarding the proclamation of the Government and flouting its authority they brought a cargo of arms into an Irish port and were suffered to land them without molestation or interference. Their defiance of authority was in fact treated as an execellent joke and became a subject of laughter. Gun running promised to become the favorite sport of these chartered rebels—chartered by the very Government they were defying. But when the nationalists undertook to bring in a cargo of arms the British soldiery appeared upon the spot and with bayonet and bullet prevented them from landing a single rifle, shooting down women and children who happened to be spectators. And so sedition was preached and practiced with impunity in Ulster while Irish nationalist volunteers when they attempted to sustain the Government were prosecuted and dispersed by order of the very men they kept in office. But even that was not all.

Under a new development of the British constitution a measure may become law notwithstanding its rejection by the House of Lords after it has been enacted three times in the House of Commons. This home-rule bill had been enacted once, and while the second enactment was in progress the military authorities—not the volunteers—but the regularly organized military forces of the Empire encamped at Kildare—were notified that possible violence in Ulster might require intervention by the soldiery to overcome it. And forthwith all the high officers, with the exception of Gen. Paget, resigned their commissions and announced they would not draw their swords to maintain the authority of their Government because it would be drawing them in behalf of a cause which the Irish people supported and against the Ulsterites who were their personal friends and with whose openly proclaimed intention to resist by arms the operation of a law enacted by the British Parliament they were in full sympathy. And these mutinous officers, instead of being court-martialed, degraded, discharged, and shot, were not even questioned. Not merely were they suffered to retain their commissions, but most of them were actually advanced to higher commands.

Can you wonder at what followed? The Great War came on. Mr. Redmond, acting for the nationalists, pledged the Irish people to support the British cause. I think he made a capital mistake when he said that the Irish people would be satisfied to wait for enforcement of the home-rule bill after the war was over. However this may be, certain it is that when the enlistments opened Irishmen went to the colors in great numbers. The nationalist leaders asked that these Irish soldiers be performed separately so that such deeds of valor as they accomplished would redound to the glory of their race. The request was denied. They were drafted into various regiments and companies. But wherever the fortunes of war were desparate and the casualties heaviest there Irishmen were found in numbers far in excess of the proportion they bore to the entire body of the British soldiery. And though they suffered heavier losses than any other men in the English service, their sacrifices were allowed to pass unrewarded and indeed unnoticed.

But worse was to follow. While Irish nationalists were dying by thousands under the British colors, repeating the sacrifices and services of their ancestors at Flanders a century earlier, it was resolved by the British Government to arrest the leaders of the nationalist volunteers and seize such arms as might be found in their possession. That purpose having become known it provoked immediate spontaneous resistance. Without preparation or opportunity to rally even the scanty force they could command these Irishmen arose in revolt. Numbering less than 2,000 they held two entire British divisions at bay for over a week. And when, after a display of gallantry at which the world has wondered, and without having committed any excesses as their bitterest enemies acknowledge they laid down their guns, the leaders (some 17 in number) were shot in cold blood. These men were the very flower of Irish life. The officials who took

the lead in butchering them or in directing their butchery were the very men who had themselves preached rebellion and resistance to the Government. Once more the very best in the land, men of resplendent genius, of virtue personal and civic, absolutely unspotted and untarnished, were slaughtered, and over their dead bodies the basest were rising to conspicuous positions. The same accursed system that raised Emmet to the scaffold and Norbury to the peerage has in these days sent the brightest ornaments of Irish life to stand before a firing squad, and raised to the English woolsack the man who had counseled the course these victims pursued.

Now, this simple narrative of facts which we all remember, demonstrates, it seems to me beyond a question, the absolute incapacity of England to do justice in Ireland. Everywhere else her rule may be beneficent. In her own country she maintains a government certainly better than any other in Europe. Many think it the best in the world. But in Ireland, by the confession of everyone, her own statesmen included, her attempt to govern the country has been the most wretched failure in the whole range of human annals. The reason for it is plain. It arises from a difficulty that is insuperable. For nearly 250 years all legislation in Ireland has proceeded on the assumption that the Ulsterite is a superior being, and that all other Irishmen are his inferiors. This, though fantastically absurd, is not to be wondered at. Because you can not very well rob a man and then admit that he is your equal or that he is possessed of any merit whatever. You must admit and declare him unfit to enjoy either liberty or property at the same time that you despoil him in order to justify the spoliation. English writers and politicians are driven in self-defense to contend that the Irish are a shiftless, worthless, thriftless race, the Ulsterites embodiments of industrial efficiency and frugality. In support of the misrepresentation they quote the prosperity of Ulster, always omitting to point out that it enjoyed the essential conditions of prosperous commerce while the rest of Ireland was excluded from them. The different treatment always extended by British Government (no matter what party controlled it) to the different parts of Ireland, can not be explained upon any other theory. Remember, it was not only English Tories who have discriminated against one set of Irishmen in favor of the other. Liberal Englishmen have done it in even a more marked degree. It was a so-called Liberal Government kept in office by Irish votes that persecuted and suppressed the Irish nationalist volunteers who sought to support the measure of the British Government and encouraged the Ulsterite recalcitrants who proclaimed their intention to rebel against a law which aimed to do a faint measure of justice in Ireland.

All of which shows conclusively that England can not do justice in Ireland. She is absolutely incapable of it. Even when she has tried to do it, she has failed signally and dismally. I believe that the majority of the English people were really anxious to establish home rule in Ireland before the war. They had voted in favor of it. Their representatives in Parliament enacted it, and yet when it came to putting it in operation forces too strong for the Government were able to prevent it.

And all of this, Senators, I believe, leads to one conclusion. Ireland must be released from this incubus. She must be delivered from this body of death, called English rule. She can not continue to exist under it. She will not. She would not deserve to exist if she accepted these conditions of degradation. She will never accept them. Her whole history shows that. There is no way in which her national spirit can be quenched. Efforts the most ruthless, backed by the utmost power of England continued through centuries, have failed to destroy Ireland's nationality. All the leagues of nations which might be formed on this earth could not keep Ireland submissive to this wrong. Thank God for it. In saying that for Ireland, I think I can say as much for America, too. [Applause.] I do not believe all the powers on earth, organized in a league of nations or otherwise, could keep America submissive under a wrong. [Applause.] I do not believe there is any chance that America will be reduced to a position where her people must revolt against her Government in order that justice may remain their birthright. And, therefore, I am as certain as I can be of anything that this treaty will be rejected, root and branch, as an abomination which the American people can not take to their bosoms. There is but one thing necessary now to effect the emancipation of Ireland and the regeneration of the world. It is that we acknowledge and recognize the simplicities of the situation which this war has created, as Senator Knox described them yesterday, and then govern our course by this infallible guide. What is it that the world needs? Everyone will answer, "Peace." Of course, it is. But what is peace?

Peace is not merely the removal of contending armies from the field of battle. It means deliverance of the nation from the preoccupation and obsession of wasteful preparations for war. For years before the late conflict began the world was practically in a state of war. It was paying the price of war. Notwithstanding a great increase in the production of commodities prices instead of falling were rising. This increase in the cost of living could be accounted for on no basis except the tremendous expense of supporting 5,000,000 of men in the very flower of their productive efficiency idle in barracks and equipping them with the weapons which would make them effective in battle. That was a terrible burden before the war. But now if that burden is to continue it must destroy or at least imperil the solvency of the entire world. And an insolvent world must necessarily be a starving world.

Remember that during the 100 years of peace which followed Waterloo there was an enormous growth of population. That growth was confined almost entirely to the cities; rural populations declined rather than increased. In all those cities there is not a single human being who produces the necessities of his own existence. Five or six millions of people have established themselves on the Hudson River and the East River in what is called the great city of New York. There they live on the contributions of workers from all over the world. Everything that enters into their industry must be contributed from outside the city. Anybody who has ever looked upon those great chimneys and seen the smoke of manufacture rising to the heavens—incense with industry burns before the throne of God—must realize the close interdependence between all human beings in the world to-day. Everything that enters into manufacture, the very stones of the structure in which industry operates, the very beams of the building in which it is sheltered, the raw materials of manufacture, the clothing of the worker, all come from outside. The dweller in the cities depends for his subsistence upon the labor of all the world.

Before the war 4,000,000 of these 5,000,000 people lived literally from hand to mouth. And the same is true of people in every other great city. But now $250,000,000 of the capital by which industry was formerly made effective has perished. Ten million human beings in the flower of their industrial efficiency are dead, maimed, and rendered inefficient. With this loss of capital and of productive energy how are these mighty populations to continue to be fed, clothed, and housed? There is but one way. The waste of war and of preparation for war must be ended. All over the world men must put away weapons of conflict and take into their hands implements of industry. If disarmament can be made universal, then this war will be converted from the greatest scourge ever laid upon the backs of the human race into the greatest blessing which a Merciful Providence has ever extended to them. It is the unbroken lesson of history that sacrifices imposed on one generation are the necessary price of every great advance, material and moral, accomplished by other generations. The French Revolution, which caused wars that devastated the Old World for over 20 years, resulted in uprooting survivals of feudalism which had seriously hampered industry, and it was followed by an improvement in human conditions so remarkable that when we contrast the conditions of the world during the last hundred years with its condition during any previous period, it seems as if we were considering two separate planets peopled by a wholly different species of animated beings.

And after our Civil War, notwithstanding its enormous waste, the substitution of free labor for slave labor opened a fountain of prosperity which more than repaired in five years the terrible destruction of battle. And now if we can absorb all the energies of mankind in production of commodities necessary to human subsistence, the ravages of this war will be repaired in five years, and the human family will reach a plane of prosperity higher than it has ever achieved. The world is at the parting of the ways. Either it must take, through disarmament, the path leading upward to prosperity that will be immeasurable, or else through efforts to maintain huge military establishments it must sink through confusion and disaster to ruin which will be irretrievable. Which path shall be chosen? Your action, Senators, on this treaty will decide. Mr. Chairman, if we follow the path marked out by this attempt through a new covenant to perpetuate the conditions from which we hoped that the war would deliver us, if we increase armaments instead of abolishing them, if, in a word, this proposed treaty is ratified, the league of nations, which it establishes, which is a league not to promote peace but to prohibit peace, as Senator Knox has well said, it will prove to be the greatest curse that has ever blighted the prospects of humanity. [Applause].

But I have not the slightest apprehension on this score. Thank God, a spirit of genuine Americanism survives in the Senate which will deliver this country from the peril that threatens it and dispel from our horizon the cloud that darkens it. I think

I may say with perfect confidence that since this treaty was laid upon the table of the Senate the discussion which its provisions have evoked has raised the standard of senatorial eloquence and senatorial statesmanship to a plane higher than ever before attained in its history. [Applause.] I can quote speeches delivered by men who sit around me that can not be paralleled by any delivered in the Senate since its organization, and I do not except even that much-lauded reply of Daniel Webster to Senator Haynes, of South Carolina. When we realize the wealth of information those speeches disclose, the high spirit of patriotic devotion they attest, the stern resolution in the teeth of misrepresentations, as ingenious as they are reckless, to maintain the integrity of our institutions, which they establish, nothing in the past history of Congress compares with them. But even if the Senate were indifferent or inefficient, there would remain the unerring judgment, the infallible wisdom, the sensitive conscience of the American people. America has accomplished the greatest things ever achieved in the history of mankind, things which have been so universally recognized as of transcendent value to civilization that even if they could be changed no human being would venture to disturb them. If anybody had the power to disturb them and should attempt it, the whole conscience of Christendom would rally to preserve them as priceless possessions of the whole human family. Yet these great achievements were attained not through politicians or statesmen but largely in spite of them. The people have always done better than the politicians or statesmen had advised.

This war which we can all now see was absolutely essential to preservation of our civilization was not a distinctive policy of the President who conducted it. He went into a campaign and sought reelection—with perfect sincerity, as I believe—upon a proposition that he had kept us out of war. He could not have intended to advise a declaration of war when he called the extra session, because he did that only after failure of a measure recommended by him which did not look toward war but merely to the arming of merchant ships. It was essentially the war of the American people, not of the American President.

The war with Spain was forced upon a reluctant Executive, as I think the chairman of this committee will admit, close as he was to the administration of the very distinguished President who caused its declaration. And the reconstruction of the Southern States after the Civil War was not what anybody had suggested. It is now clear that if either party had had its way the country would not yet have recovered from its ravages. I remember when Mr. Tilden was—as I believed at the time and have not wholly changed my opinion—cheated out of the office to which he had been elected, I thought it was the end of this Government. I thought that the South must remain indefinitely under the cruel heel of oppression, with rival governments in three different States, and that all possibility of reconstruction on the basis of reconciliation had faded away into limitless distance. Looking back now, I can see that it was the providence of God that put the task of withdrawing the Federal troops from South Carolina, Louisiana, and Florida into the hands of a Republican President, thus making it a common policy of the whole country, which Democrats were delighted to welcome and which Republicans were not in a position to criticize.

The War of 1812 was forced on President Madison. Senator KNOX, who has undoubtedly studied closely the archives of the State Department, knows that the purchase of Louisiana as we understand it was never contemplated by Thomas Jefferson. He sought only to acquire the Island of Orleans. The purchase of the great territory north of the present boundary of Louisiana was forced on him. It was accepted as a necessary condition by his supporters, and urged as a reason for rejecting the whole treaty by others, on the ground that these desert wilds could never be of any value to us. But the people builded wiser than the statesmen of those years.

And now, when the greatest emergency that has ever confronted the country is upon us, I believe that the people's conscience, the people's judgment, and the people's wisdom, will reinforce the determination of these Senators who have already checked, and who I believe will succeed in defeating the attempt by this treaty to betray the causes and purposes for which the war was fought. I do not charge deliberate treason against anyone, but I do say that betrayal of the causes for which this war was fought and won will be the net result, if the purposes of those who negotiated this treaty shall be accomplished. We are told that even an amendment of this treaty will lead to its rejection. Well, what of that? Suppose it is defeated, could we conceive anything more auspicious? The league of nations which it undertakes to establish is imperfect by the concession of everybody.

The Shantung provision is an abomination. Yet we are told that we must yield to that abomination and make ourselves parties to it. My God, Mr. Chairman, when did it come to pass that the word "must" can be addressed to the American Nation? [Applause.] When this Nation consisted of little more than a few villages straggling along the Atlantic coast, the suggestion was made that forbearance of the greatest military power in the world at that time could be secured by a substantial advance of money. The answer was given without an instant's hesitation: "Millions for defense; not one cent for tribute." [Applause.]

And, sir, are we now to pay not a tribute of money but a tribute of infamy, by the confession of everybody, in order to establish a league which has not and can not operate for peace, but in the very nature of things, as has been conclusively shown by Mr. KNOX and other Senators, must operate to make war frequent, if not perpetual? Is there in that treaty one single word of which any American should be proud? Does it liberate a single people who seek emancipation, except as an act of vengeance against the countries that were overthrown? Does it hold a word of hope to nations that are languishing in chains and determined to break them? Far from that, it creates new spoliations and makes us a party to them. Without our participation they could not become effective. [Applause.]

But we are told that we can ratify this treaty and pass a resolution declaring that we don't like these infamies at the very time that we are perpetrating them. Now, I can have some respect—at least I can understand the attitude of a man who perpetrates an infamy because he wants to—but I have no patience with a man who, after making himself a party to an infamy seeks to excuse himself by saying that he dislikes it. [Applause.] One man is formidable to justice, the other is contemptible in every sense. But thank God the Government of the United States is not going to be contemptible. [Applause.]

Now, in all this I do not intend the slightest reflection on the President of the United States. I think I ought to say that. [Laughter.] No, no; Senators, let me say this to you: I think the place of the President in history is a high one, and I think it is secure. I think it is so secure that it can not be overthrown by anything except ratification of this treaty, and against that the Senate is, I think, immovable. His definition of the cause which led us into this war has become one of the priceless possessions of humanity. The 14 points are not dead. They are alive; they are here. [Applause.] We are appealing to them now, and the appeal will not be in vain. They can never die.

I was one of those who sincerely deplored his going abroad. I did not believe then, and I do not believe now, that the President of the United States is ever justified in placing his person under the jurisdiction or in the power of a foreign Government, especially when he is engaged in a negotiation affecting the sovereignty of the United States. While his person is under foreign jurisdiction he can be coerced in many ways. I think he was coerced in one way which proved effective, and that was by threatening him covertly or openly with some manifestation of disapproval or by withholding from him the applause which they gave him in overflowing measure when he first appeared on the European Continent. It is impossible otherwise to account for his acceptance of provisions in this treaty which he himself declares to be objectionable. But I want to say this: The world which heard the words he uttered when urging Congress to declare war became that moment a different world from what it had ever been before. I wrote to Mr. Tumulty at that time, and I felt deeply in my soul that this address of the President would pass into history as the most momentous utterance that ever fell from human lips since Pope Eurban II preached the First Crusade at Clermont-Ferrand, over 800 years ago. When he said this war was waged to make the world safe for democracy, and men shed their blood to make his declaration effective, it became impossible for the earth which received that libation ever again to tolerate, in Ireland or anywhere else in the world, conditions those heroes died to overthrow. [Applause.]

After speaking these words it became as impossible for the President to come back and set up such a machinery of force to dominate the world, as is embodied in this treaty, as it would have been for Godfrey, of Bouillon, or any other leader of the Crusades to establish Mohammedanism in his own dominion after his return from attempting to overthrow it in the Holy Land. Even though the President has himself forsaken the 14 points, the principle embodied in them remains to render the dominion of brute force impossible anywhere within the limits of civilization.

How the reign of brute force will be abolished in Ireland I can not tell at this moment any more than anyone at the close of our Civil War could have foretold the splendidly successful reconstruction of the Southern States that followed it. I am

sure the chairman of this committee will recall that the leaders of the dominant party at that time, men like Charles Sumner and Thaddeus M. Stevens and Oliver P. Morton, patriots of the highest type, believed it would be necessary to take the most drastic precautions against a renewal of secession. On the other hand, the leaders of the Democratic Party in the South believed that they were entitled at once to unconditional restoration of their government and freedom to reestablish their social and economic life as they pleased. A golden mean was struck between the two. Their governments were given back to the southern people when it became clear that there would be no attempt to restore slavery or to fasten the Confederate debt on any part of this country. And then those States which had been ravaged as no other land had been ravaged before, whose industrial system had been subverted, whose cities had been burned, whose fields had been devastated, where the last dollar of capital had been expended, rose from the ashes of defeat almost in a night and marched forward to a prosperity greater than that which has blessed any other part of this country.

So I firmly believe that out of all this discussion, contention, and confusion of views the thing will emerge which the world needs. And that is disarmament. When disarmament becomes universal, then peace will be firmly established, for the very simple reason that when all nations are disarmed there will not be any means with which any of them can fight against another. Let us, then, insist that the outcome of this war shall be disarmament of all nations. We have the power to enforce this policy, and we need not lift a finger to do it. As Senator KNOX pointed out yesterday, the whole world is bankrupt. Many nations are still intent on maintaining great armaments, but they can not support them unless we give them the means. It is certainly impossible for any of them to reorganize its industry and at the same time maintain a great military establishment. The hope of each one is that we will advance it the capital essential to its industrial reorganization, and then it will use its own resources to maintain a great armament on land and sea.

I do not believe any American would object to aid the restoration of stricken Europe, but I do think it is our paramount duty to insist that before we extend the benefit of our resources to any other country all its own resources be devoted to restoring its industry. We should not aid it while it diverted one penny of its own possessions to military enterprises. To force universal disarmament, therefore, it is only necessary that this country resume the rôle which it has played since its organization.

For the first time in the history of the world a great war has ended leaving one power able to maintain the greatest armaments on land and sea and that power does not want to establish them. That power possesses the resources to resuscitate society, and it does not want to exercise the power thus given it for any other purpose than to benefit the whole human family. And now, while we are ready to expend our treasure for the welfare of all the world, what is it that by this treaty we are asked to do? As Senator KNOX well said yesterday, we are asked to use our resources for regeneration of the world, not according to our own idea of what would be most effective, but by submitting our judgment to that of other nations whose policies have led them to the pass out of which they are crying to us for deliverance. Now, if there be in all this world any force, country, government, or political system better qualified than America to employ enormous resources for the benefit of mankind by enforcing justice, I am ready, for my part, to see our resources turned over to that superior agency. But where it is? Where can it be found? Where is there in the universe any force comparable to the United States as an agency to use unlimited resources for the improvement of human conditions? Such a power or force can not be found. It does not exist. And yet we are asked to subordinate our control over our own resources to the judgment of nations which I think nobody here will dispute are inferior to us in intelligence and in love of justice. We are asked to give up the greater for the less, to abase ourselves from the lofty position to which Providence has assigned us and deliberately sink to a lower level. But it is said that if we maintain control over our own destiny we are in danger of isolation.

Well, Mr. Chairman, our isolation was decreed by Almighty God when He gave us the first place in civilization. Eminence is always isolation. But the eminence which we have always enjoyed is not an isolation which we want selfishly to retain. No; no; no; America invites all the world to end that isolation by coming up and sharing the eminence which she has occupied since the organization of this Republic. [Applause.] From the spirit that has been displayed in this gathering here to-day I have unbounded confidence that this country will not terminate that eminence by coming down from it and abasing itself to the prejudices and hostilities and cupidities of those European powers that have plunged the world into the welter of blood from which we have just delivered them, and from whose consequences we now hope to shield them.

Senator KNOX has stated, much better than I can state it, the true policy we should pursue. When disarmament is secured the nations can not fight. And then an unarmed world will naturally and inevitably produce a league of nations to adjust disputes. While unarmed nations can not fight without at least three years' preparation, there will be disputes as long as there are human beings on the earth. Now, there are but two things that men or nations can do when they engage in disputes—they can either fight about them or they can talk about them. If they have not the means to fight, then there is nothing left for them to do but talk about them. And when by disarmament they are placed in a position where all they can do is to talk, they will inevitably take measures to make that talk effective, which means they will establish tribunals or bodies of some description before which these disputes can be adjusted, if they are capable of adjustment. Leagues of nations can not produce peace. But peace can and will produce a league of nations—a true league of nations—a league capable of meeting the requirements of civilization. And with all the world disarmed no nation can be held in subjection against the will of its inhabitants to another. Ireland will be free, and every nation now denied the blessings of liberty will obtain them. That, Mr. Chairman, I believe will be the outcome of this situation. It may not come immediately. But come it must and come it will. Anything else spells not merely danger but ruin to civilization. Mr. Chairman, these are the conclusions which I submit respectfully but most hopefully to this committee. Peace—not merely cessation of war, but cessation of preparations for war—is absolutely essential to human existence under the conditions which now govern the world.

Peace must be established in Ireland before it can be made permanent throughout the world. Peace can not be established in Ireland by England. Eight centuries of history prove that. The Irish people who have resisted foreign domination for nine centuries will not submit to it, even though an attempt to force it upon them were made by a thousand leagues of nations. The league of nations here proposed is an abomination, an attempt to use the conscience of Christendom to sanction and perpetuate wrongs which morality and justice condemn. But although judgment and good sense may have departed from quarters where we have a right to expect that they would be found, yet we feel profoundly confident that here in this body the wisdom of the fathers will be vindicated by such a display of patriotism, such an exercise of vigilance, as will insure to this people the rights to which they were born, the rights which some of us who came here from other lands have acquired through the operation of our constitutional system; and by maintaining this Constitution intact you Senators will become the effective instruments ordained by Providence to keep trimmed and shining before the eyes of all men the lamp which will guide their footsteps, to freedom, to justice, and to unending prosperity.

Judge COHALAN. Gentlemen of the committee, we thank you on behalf of those who have come here and on behalf of those who have had the opportunity of addressing you.

BRIEF OF PROTEST.

The brief of protest heretofore referred to, filed in opposition to the arguments submitted at the morning session, is as follows:

The FOREIGN RELATIONS COMMITTEE,
SENATE OF THE UNITED STATES.

GENTLEMEN OF THE COMMITTEE: We beg to present a formal protest to the attempt of representatives of a faction in Ireland, known as the Sinn Fein party, or of kindred organizations favoring this movement in the United States, to have the so-called Irish question thrust into the discussion in the Senate of the peace treaty and the league of nations.

In presenting our brief of protest we do so as American citizens of Irish birth, and not as agents of a foreign Government nor as local political factionists with an ax to grind. We are just plain, hard-working American citizens, engaged in various commercial and professional callings, prompted by a legitimate sentiment for the land of our birth and by a whole-hearted devotion to the land of our adoption.

We are not here, sirs, to argue either for or against the peace treaty and the league of nations, but we are here through your gracious courtesy to declare ourselves opposed to the thrusting of a foreign political issue into the discussion of that great subject.

Our opposition, gentlemen, is based on the following arguments:

I. THE ARGUMENT OF RIGHT.

The league of nations is a proposal to unite the forces of the Allies who fought during the late war to preserve the future peace of the world. This faction in Ireland has no right to be considered in the discussion, for they failed to support the Allies in that war and failed to do their part in the struggle. We present two simple statements in our argument:

A. They failed to support by sentiment. Their propaganda during the war period was hurtful to the allied cause.

B. They failed to support by deed. They gave aid and comfort to the foe by creating strife and turmoil at home. The British Government, in order to quiet this faction, could not and did not enforce conscription in Ireland. Granted they had a real cause to present at the bar of American judgment, they have no more right to be heard at this time, when they failed to support the allied cause, than the foe has to be heard at this juncture.

II. THE ARGUMENT OF FACT.

It is stated by this element that Ireland has not self-government and is therefore entitled to be heard. We are prepared to testify by actual experience that Ireland has self-government on the following basis:

A. Ireland has the franchise—franchise in local as well as national government.

B. Ireland has representative government. It has representatives of the people, by the people, and for the people.

C. Laws are made by the Parliament in the same manner as for England, Scotland, or Wales—the procedure is the same in each case.

It is further stated by this element that Ireland is suppressed by Britain. We reply:

First. It is not suppressed religiously. Freedom of worship is granted to all and is enjoyed by all.

Second. It is not suppressed industrially. Ireland possesses some of the largest plants in various industries to be found in the world, for example, shipbuilding, linen, tobacco, rope, collar and shirt, distilling, etc. The lace industry of Ireland is proverbial. Ireland is enjoying prosperity now to a vast degree.

III. THE ARGUMENT OF HISTORY.

The claim is made that Ireland was and should be a nation. This claim is false, and the assumption is without historical grounds. Ireland neither during the Druidic nor the Christian periods has been one whole, undivided nation. The four Provinces represent the smallest areas of nationhood. Historically, Ireland has had many kings and rulers at the one time, but never one king or supreme chief. Only under British rule has Ireland ever approached unity in these historic divisions. The present political divisions in Ireland are religious and not racial.

IV. THE ARGUMENT OF PRINCIPLE.

We are opposed, gentlemen, to the Irish question being thrust into American politics for the following reasons:

A. It raises a racial question. American citizenship is built not on foreign nationality but by adoption of the principles of the Constitution of the United States of America. The United States exists not for the foreignizing of America but Americanizing the foreign who seeks to live in our land. Whatever arouses racial feeling in America is dangerous to our national consciousness. We are opposed to hyphenated Americanism.

B. It raises a religious question. This is foreign to the principles of American national life. The propaganda of this element is such as to arouse sectarian animosity, denominational bigotry, and injects religious controversy into American politics. We are opposed to the religious hyphenate as well as the racial, whether it be Jewish, Roman Catholic, Protestant, Christian Science, or otherwise. The Irish question at home is a matter largely of religious association, and this is its tendency abroad.

In conclusion, sirs, we feel that the Irish question should not have official recognition at this time, when in the interests of the democracy of the world there should be fostered a friendly feeling between the two great English-speaking democracies of the United States of America and the British Empire.

We desire to thank you in behalf of those who think and feel as we do on this question, not only of Irish birth but also as direct American citizens, as well as an appreciation of ourselves personally for your courteous treatment and patient hearing. With absolute confidence we leave the matter in your care.

DAVID D. IRVINE.
HENRY STEWART.
JOHN KENNEDY.
LT. LEWIS H. SHAW.
ALBERT E. KELLY.
WILLIAM B. CHINNY.
WILLIAM BALFOUR.

The following documents, numbered from 1 to 20, are printed as a part of the hearing by direction of the committee:

No. 1.

STATEMENT OF REV. JAMES GRATTAN MYTHEN, ASSISTANT MINISTER CHRIST CHURCH, NORFOLK, VA., AS MADE TO THE FOREIGN RELATIONS COMMITTEE SATURDAY, AUGUST 30, 1919.

Mr. Chairman and gentlemen of the committee, your committee has served notice that only American citizens shall appear before you in relation to the matters which you are discussing, and it is, therefore, my privilege to appeal to you primarily and, in fact, solely as an American citizen on the question to which you have given a hearing to-day, namely, the freedom of the Irish people in their motherland.

As you note, I am a clergyman of the Protestant Episcopal Church, and as a follower of the Nazarene my training has taught me to be a pacifist. I could in no other way in conscience follow the Prince of Peace, however, when in holy week the President of the United States, in an appeal made to the American people through his address to the Houses of Congress assembled in joint session, promulgated what to me seemed the most forceful Christian utterance since the days of Apostolic inspiration, whatever difficulties had previously been made manifest from the Christian ethical standpoint in regard to war were swept away. As a man, as an American, then Mr. Wilson convinced me as a Christian, it was my absolute and bounden duty to support the great crusade of which he seemed to be the modern Peter the Hermit.

On Easter Day I preached a sermon in favor of the war, and when the young men of my parish enlisted I felt that I, being unattached, economically responsible for no one, that it was unbecoming of me to be content merely to stand in the pulpit and urge other men to give their lives for the principles which I considered worthy of life giving. And so, with countless numbers of young men of the Nation, I enlisted voluntarily, although I was exempt from the draft on account of my clerical profession and also since I was beyond the draft age. I was content to serve in the ranks in the humblest capacity, feeling that the menial tasks which fell to my lot were noble because even in their small way they were aiding in achieving the high purport of the sacred mission to which our country had committed itself.

It was not that Belgium appealed to me so tremendously—I could sympathize with Belgium because I am of Irish extraction—but it was the statements of our President that the crusade which he had inaugurated meant enfranchisement of the world; that all peoples everywhere were to determine for themselves the sovereignty under which they might desire to live. When he specifically told us that it was not against the German people but against the imperial autocracy of Germany that we were to fight, I understood him as a clear, logical, and consequential thinker, and I knew that he did not mean alone the new-born imperialism of Germany, but also the age-long imperialisms of which no student of history could possibly be ignorant, especially the author of The New Freedom.

From the textbooks of Mr. Wilson I had learned much, and so I gladly followed him in the war in which we were to exemplify by the force of militant argument the principles which he had enunciated.

During my career in the Navy I was charged with helping along the work of morale. I addressed countless numbers of enlisted men; I wish to tell you that on one occasion I preached in St. John's Church, Hampton, Va., to a congregation composed almost entirely of men in uniform. I had to say in defense of the President, because he was then being attacked, that he did mean all that he had said, and that imperialism everywhere was to go. I distinctly mentioned Ireland, India, and Egypt in my sermon. A member of the President's wartime Cabinet was an auditor, and he sent for me—I mean Dr. Garfield, the Fuel Administrator—and he told me that I had echoed the thoughts of the President. I was glad to hear him say that, because in my sermon on that day I had said that if the thing that I was preaching were not true, I would gladly be taken out and put up against a wall and shot, because the uniform I was wearing under my priestly vestments would be a disgrace to the world.

Now, gentlemen of this committee, if a treaty of peace, so called, is ratified by you as the coordinate treaty-making power, and the so-called league of nations receives your sanction, I shall feel, first of all, as an American citizen, secondly as a minister of the Gospel, and, thirdly, as an enlisted man in the Navy, that I have been betrayed not only by the executive power who led us to a victorious war and brought us to defeat in peace but also betrayed by your honorable committee.

However, I do not fear such results. The principles enunciated in the 14 points are more than Mr. Wilson's theories. He wrote them first in black and white and we read them, but

since that time they have been written in red by my comrades, your sons, and your brothers in the fields of France, and though Mr. Wilson may wish to erase the things he wrote, he can not erase the indorsement of his principles which has been written in blood by the men who fell in Flanders and France.

The Irish issue might well be called the acid test of our international honesty. It is an acid which, if properly neutralized, will work well for the common weal, but if left in sullen despair will, without doubt, ally itself with every agency which makes for discontent and through which it may find a voice. Is it the will of this honorable committee to throw the twenty millions of our people into the already too large accumulation in the discard of discontent?

It is not necessary for me to attempt to convince your honorable body that there is no question of religion in the Irish situation as it is. The roster of Irish Protestants who might well be called the Protestant saints of Catholic Ireland answers that question for me: Grattan, Wolfe, Tono, Lord Edward Fitzgerald, John Mitchel—grandfather of the late mayor of New York City—Francis McKinley, hanged and quartered uncle of the late President of the United States; Robert Emmet, and Parnell. These Protestant leaders of Catholic Ireland need no apologists.

There is a religious question, however, which is international in scope when, for instance, from the interior of India, mercenary Gurkhas are imported to police Ireland. Those Gurkhas made themselves known in France when, stripped to nothing but a gee-string, with oiled bodies, with a knife in either hand and another in their mouths, disdaining the use of modern weapons, they leaped like tigers at the foe. This, gentlemen, is England's contribution from India to Ireland. And from Ireland the equally mercenary Sir Michael O'Dwyer, a man whom all Irishmen repudiate, was sent to rule over the Punjab, and whose rule has been exemplified in these last few months by suppressing particular demonstrations of unarmed Indians by the use of machine guns and bombs from the airplanes, killing thereby in cold blood hundreds of innocent men, women, and children.

These are the ways of English imperialism which manufacture religious animosities where none exist in reality. Thus, gentlemen, does England attempt to keep her belligerent subjects from realizing the unity of purpose which they should have in common in the destruction of her perfidious empire. She tries to make the Irish hate the Indians and make the Indians hate the Irish. So has she done in Ireland. She has created a fictitious animosity between Protestant and Catholic which exists only as political propaganda. She claims through Sir Edward Carson that the Protestant religion requires for its preservation the maintenance of British rule in Ireland. As a Protestant, sir, and a clergyman of the Protestant religion, I resent the implication that Protestantism requires the sustenance of British imperialism to maintain itself in Ireland or elsewhere. Were I convinced that this were a fact, that only through the power of British arms could my religion maintain itself in Ireland, then I would repudiate my religion at once. So, it is quite true that in this country we have heard the British propaganda that there is a religious difficulty in Ireland.

I want to say to you, sir, and gentlemen, that as a Protestant Irishman, whose family to-day in Ireland are representatives of the Protestant religion, that we would all gladly have Ireland free under any religious leadership rather than remain, as we are, the only white race still in slavery.

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No. 2.

STATEMENT BY FORMER CONGRESSMAN JOSEPH F. O'CONNELL, REPRESENTING A DELEGATION OF THE BENCH AND BAR OF MASSACHUSETTS, BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS.

AUGUST 30, 1919.

MR. CHAIRMAN: I have been authorized on behalf of the delegation of 25 lawyers sent here to-day by the bench and bar of Massachusetts to register our protest against the ratification of the peace treaty now under consideration in its present form, and to say to you that the proposed league of nations is in our judgment un-American, illegal, and contrary to the ideals of the American Republic.

It was my great honor and distinction to sit as a Member of Congress for four years in the great Chamber at the other end of the Capitol, and every time that I have viewed it in person or print my mind has traveled back to its beginning and history.

Sometimes, Senators, I am inclined to believe we forget the history of this very building in which you will assemble in deliberation on this treaty. Can you forget that in 1814 British troops marched from Annapolis on their errand of destruction and captured Washington, at that time an unfortified city! I will not detain you to narrate all the violations of so-called civilized warfare that were committed by the British officers and troops in that campaign, but I do make bold to recall to your attention the infamous conduct and unforgetable incident committed by the British troops in destroying the seat of our Government, because it carries with it the evil omen of what it will do again if it ever secures the chance.

The story of the exploit of Admiral Cockburn should be burned into the memory of this committee and every member of the Senate. Let me refresh your minds on a few of the details. After capturing the city, Cockburn marched with his soldiers into the Capitol building and, assembling them in the House Chamber, addressed them as follows, as we are told by English and American historians:

"We have met to-day in the building dedicated to the liberties of the American people—all in favor of burning this building to the ground, will say 'Aye'."

The vote was unanimous, and the orders were given "Burn it." And the original home of our Government, the emblem of our liberty and the original house of our Government in this city was destroyed by the ruthless devastating torch of the British soldier.

Let me warn you who are inclined to trust England that the same spirit of contempt for the American Republic still persists in the same quarters that inspired the orders to destroy our Capitol. If England ever secures the power of dominating American ideals, such as is contemplated in the proposed league of nations, is there any of you who can guarantee to the American people that England would again not do the same, if not worse, than Cockburn did in 1814?

This incident of American history is not recalled to you in any spirit of hatred against England, but only from the prudence of my American citizenship that can not still the fear that we will be taking a grave chance in entering into this proposed entangling alliance with monarchial powers, and as a lawyer representing a group of practicing lawyers I counsel and advise against taking any chances with our historical and traditional enemy. A small leak can lead to the destruction of the mightiest dam and your care should be to prevent anything that might lead to a leak of American and republican principles, for if the dam that has been built to protect the American people and the principles of liberty ever gives way the best minds of the world must agree that no man can foretell the awful destruction that will follow.

The President may cling to his ideals, but as an American lawyer and on behalf of this delegation of lawyers from New England we deliberately assert that the President has no right to entertain in his official capacity ideals that interfere or modify or control in the slightest degree the accepted and established ideals of American liberty as laid down in our Declaration of Independence and National Constitution. We in this delegation represent the traditions and teachings of James Otis, Samuel and John Adams, and Daniel Webster, and we fervidly and earnestly appeal to you, most of whom are lawyers, in their name not to forget the basic reasons that brought about the establishment of the United States of America as a Republic separate and distinct from all other races and governments.

We urge that if the principles of a Republican form of government were sufficient to justify the establishment of the American Republic in 1776 they are just as sound in 1919 to justify the establishment of an Irish republic in Ireland. This Republic was established on the doctrine of majority rule and all authorities agree that over 80 per cent of the Irish people have followed the course of the American Republic and have established for themselves an Irish republic, and hence we respectfully urge, that, having expressed to the Irish people the sympathy of the American people on the efforts of the Irish people to secure independence by a vote of 60 to 1, the consistent and proper thing to do now is to officially recognize Ireland as a republic. You have heard to-day from the lips of eminent Americans who have been in Ireland enough to justify you in acting immediately and stating to the world that you are satisfied that the Irish people have legally established themselves as a republic.

So much has been called to your attention to-day on this very important matter that I will not tire you by recurring to any of the various points dwelt upon by those who have already addressed you. But it does seem pertinent to lead your thoughts to that old bogey and masterpiece of British propaganda, the Ulster question, and, at the risk of taxing your patience, I ask your indulgence to read an authoritative statement from Ernest A. Boyd, one of the leading Protestant Irishmen of these days and an official of the British consular service: Ulster is a purely geographical term which describes the northern Province of Ireland containing the nine counties of Donegal, Cavan, Monaghan, Tyrone, Armagh, Fermanagh, Down, Antrim, and Derry.

This region is intimately and gloriously associated with the greatest traditions, literary, and historical, of the Irish nation from the earliest time, when it was the scene of the epic masterpiece of Celtic literature, down to the eve of the union, when Wolfe Tone conceived his dream of the United Irishmen in Belfast, and Grattan founded at Dunegannon the volunteers of prophetic significance. Evidently this Irish Ulster is not the "Ulster" which has called forth the rebellious enthusiasm of Sir Edward Carson and his English friends. The one is a national, the other a political phenomenon; yet, strange to say, owing to the absence of inverted commas, it is on behalf of the political "Ulster" that a plea of self-determination is often raised by those who argue that she can not deny to Ulster the right which she claims for herself. In other words, the demand of the Irish people for self-government presents itself as indistinguishable from the claim of "Ulster" to revolt against the laws of national and political unity. If the principle of national be the test to the right of self-determination, then it is important to distinguish between Ulster and "Ulster." The history of the Plantation of Ulster need not be recapitulated to-day. The facts are historical, and, whatever else may be said of them, they are hardly the best foundation to a claim to special consideration at the expense of the native population of the country upon which the settlers were thrust.

The present obstacles in the way of any acceptance of the theory that Ulster is a homogeneous entity are sufficient to dispense with a return to ancient history in the manner of which we Irish are accused of being over fond. In 1911 the total population of our northern Province was 1,581,696, of which 690,816 were Catholic Nationalists. Politically this division was emphasized by the return of 17 Nationalists as against 16 Unionist members of Parliament. Even since the last election, when a redistribution of seats and the split of the Nationalist vote between Nationalists and Sinn Feiners affected these figures to the advantage of the Unionist, there is still a majority in Ulster united with the majority elsewhere in Ireland so far as the demand for an Irish Parliament is concerned. Ulster is neither Unionist nor Protestant. Three counties, Donegal, Cavan, and Monaghan, are almost wholly Catholic. Catholics and Protestants are about equally divided in Armagh, Tyrone, and Fermanagh; and it is only in the three counties of Down, Antrim, and Derry that there is a strong Protestant Unionist majority. Even there Belfast has returned one Nationalist member representing the Home Rule Catholic minority. If the four counties known as Northeast Ulster are grouped together for electoral purposes, it is found that 5 Nationalists are elected as against 14 Unionists. The remaining five counties returned 12 Nationalists and only 2 Unionists. Clearly, it is impossible to consider Ulster as a political and religious unity. If the right of Ireland to self-determination be granted, not only will a minority of the whole country be coerced, but a minority in Ulster itself.

To do Ulster justice, those interested have rarely dared to base their demand for separate treatment on the ground of a majority right to self-determination. Carsonia is frankly antidemocratic and particularist, demanding special concessions for a majority on the sole ground of local advantage, and without any thought for the rights of the majority in Ulster or for the remaining Provinces of Ireland. It is alleged that Ulster has prospered since the union, that it is passionately devoted to England—not the Empire, for colonial home rule is abhorent—that its interests are opposed to those of the rest of Ireland, and that these would suffer at the hands of a legislature representing an agricultural community and dominated by Catholicism. The very arguments cited in favor of Ulster are a proof of the particularism and purely local selfishness of their champions. So far as the prosperity of Ulster is concerned it is limited to a few industries in a restricted area.

The Province shows the second highest total of emigration for all Ireland between 1851 and 1911—namely, 1,236,872—and between 1841 and 1911 the population of Ulster had declined by 805,177 persons. Three Ulster counties are on the list of Irish counties with the greatest number of emigrants, and two of them are in the superprosperous, supercontented "northeast corner"—namely, Antrim, with 297,605, and Down, with 162,571. And as showing that this decline of man power is not a heritage of papel superstition, these figures are higher than those of the third county, Tyrone, whose emigrants over the same period numbered 149,243.

As for the pretense that a poverty stricken agricultural population would victimize the "prosperous" industrial minority, it is worth noting that the taxable revenue per head is lower in Ulster than in Leinster, being £3 9s. 8d. in the former, £4 8s. 9d. in the latter, and that congested districts, with all the misery the words can note, are found in Ulster no less than in Connaught. On per capita valuation the highest northern country ranks only twelfth in Ireland. In fact, what Ulster fears even more than it fears democratic government is democratic taxation. Its claim to self-determination is a claim for capitalist determination alike for Ireland and Ulster.

Every Irishman knows how profound is the indifference of Ulster to English interests or English sentiment whenever these threatened to clash with the interests of Carsonism. The professions of undying affection for England no more corresponds to individual sentiment than do the boastings of economic independence to individual interests. Should northeast Ulster become Carsonshire under separate English administration, nobody would be more seriously disturbed than the Ulster bankers and the thousand and one business men who do not own the few favored industrial independent of Irish support. In other words, these purely selfish manifestations of loyalty to England and independence of Ireland made possible only by exploiting popular religious bigotry do not represent real political and social conditions. They are as remote from the facts of Ulster's life as are the panic fears of Catholicism which haunt the imagination of the Protestants where they are a dominating majority, but are proved groundless by their absence in the scattered Protestant minorities outside of northeast Ulster.

"Ulster" is not, as has been shown, a geographical entity; it is certainly not a national organism; it is not even a homogeneous in religion and politics. It is an integral part of the Province whose name it usurps, and its separatism flourishes solely because a small portion of the community, led by strangers, has not been exposed to the process of incorporation into the national and economic being, such as has everywhere resulted in political unity. We do not anticipate civil war, which has in most cases preceded the welding together of similarily divided communities, for we hold that the work of absorption will be painlessly effected by economic pressure. At the worst, a trial of strength in war, as between the Federal and Confederate States of North America, would lead to the definite establishment of a dominant majority. It is immaterial which side should win, provided one were irrevocably defeated. The consequences of an Irish civil war could not mean one-quarter of the misery, waste, and disruption which a continuance of this unsettled problem has brought upon Ireland. Fortunately, however, there are not even two parties of extremists who believe in the probability of civil war, and one set of extremists in a nation of essentially moderate and well-disposed people will have some difficulty in making Ireland follow the example of other countries faced with the same problem.

Irishmen plead that as the word "Ulster" is misused in this connection, so is the word "coercion." The coercion in question is the same as that to which all minorities have submitted. It does not stand for the forcible oppression of an independent people by an alien government, for, whatever their political origin, Ulstermen are self-confessedly and aggressively Irish. They are asked to rid themselves of their hallucinations fostered by those who exploit them brazenly. It is a peculiar fact that the people of "Ulster" have never yet been allowed to speak for themselves. The Catholic peasantry became articulate in the person of Michael Davitt, the Catholic worker in James Connolly, both notable spokesmen of the ideals of democracy, it is interesting to state. Orangeism relies upon lawyers and capitalists for the expression of its views, and these representatives have a consistent record of opposition to every progressive measure passed by the House of Commons and to every progressive idea which has captured the Irish people. To witness the savage carnivals, the "annual brain storm," as it has been termed, in which "Ulster" renews its barbarous hatred of the phantoms which blind the people to real issues, is to understand the imperative necessity of liberating the victims. They can be freed not by special recognition of their primitive tribalism, but by sharing the common duties and privileges of Irish self-government.

Senators, if there be a free Ireland, there will be a free "Ulster."

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No. 3.

STATEMENT SUBMITTED BY DISTRICT ATTORNEY JOSEPH C. PELLETIER, OF BOSTON, FOR THE BENCH AND BAR COMMITTEE OF THE IRISH VICTORY LEAGUE.

After hearing the wonderful presentation of the case against the proposed league of nations set forth in such logical, powerful, and truly American spirit, I feel the thrill of the schoolboy after first learning the story of Washington and the patriot fathers who won our independence and made possible this great Republic.

Every man of Irish blood or descent, every man from the country of oppressed peoples, felt that the 14 points laid down

by President Wilson justified the last sacrifice and the greatest conceivable loss. We entered the World War for humanity, for democracy, that men everywhere might be lifted from oppression and restored to their God-given right of self-determination. Which of all the subject peoples of the world so nearly fell within the limitations prescribed by our President, which of them all so clearly appealed to the American heart and head and hand as the republic of Ireland?

Always a nation, ever protesting foreign oppression, more recently adopting a free government by public vote, to-day as ever held in subjection by the armed forces of the dominant aggressor of 700 years, Ireland claims her right to recognition, her right to the fruits of this great world conflict, and the American people will not deny her rights. The league of nations as presented ignores the declaration of President Wilson, ignores the right of the subject people of Ireland, ignores the government of the republic of Ireland lawfully set up—to adopt it as written is to deny the principles upon which we entered the war and to say to subject peoples, unless the Big Four say so you shall not be recognized, you must invoke bloodshed and war to assert your rights, and we will use our joint united forces to keep you down.

Gentlemen, let there be no league based on fraud, on the rule of might! Unless the republic of Ireland is openly acknowledged, let us refuse to join in a conspiracy to cheat the downtrodden of the world! Let us insist that the 14 points be accepted as declared, not subject to hidden treaties and agreements making them null and void.

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No. 4.

STATEMENT OF REV. F. X. MCCABE, C. M., LL. D., PRESIDENT DEPAUL UNIVERSITY, CHICAGO, ILL.

I would like to present before your honorable body this short statement. The war was fought, according to the pledges made to the people of this country by the President of the United States, to put an end to all autocratic forms of government, and thus make the world safe for democracy; to liberate the nations held in bondage by stronger powers and give them the opportunity of selecting their own form of government. On the strength of these pledges American men fought and died, and their sacrifices and valor won the war. The time for making good the pledges has come. As American citizens we have done our part and more than our part. We have a right to demand that the pledges made be kept and can not tolerate post-armistice interpretations made by the Chief Executive for the purpose of evading the fulfillment of those pledges. We can not as American citizens tolerate a league of nations that impairs the sovereignty of these United States. We believe that your committee will stand firm and save our country from the catastrophe of being made the cat's-paw in European politics. We feel that you can see that both the treaty and the league of nations make the two greatest empires of the world stronger than ever, and place our country between them to be crushed by their combined force any time they see it to their interest. The giving of Shantung to Japan and the refusal to recognize the rights of the people of Ireland are crimes against the democratic ideals of our country, branding us before the world as absolutely faithless to the men that died, to the men that fought, to the American people, and to the oppressed nations of the world. In the name of justice and decency repudiate the league of nations and demand the fulfillment of America's word of honor.

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No. 5.

JOINT STATEMENT OF REV. JOHN J. MORAN, OF YOUNGSTOWN, OHIO, AND CHARLES P. MOONEY, OF CLEVELAND, OHIO, REPORTING IN BEHALF OF THE STATE CONVENTION OF THE ANCIENT ORDER OF HIBERNIANS OF OHIO.

GENTLEMEN OF THE FOREIGN RELATIONS COMMITTEE:

Ireland has, by its recent vote at the last parliamentary election held in that country, given expression to its demand for complete independence and voiced its opposition to a union with Great Britain by a vote of 1,516,779 in favor of an Irish republic as against 308,713 votes in favor of the union. As the men who advocated complete separation had been leaders of the revolution of 1916, and most of them had just been released from British prisons because of their part therein, they squarely raised the issue of complete separation in their campaign for election. There can be no question raised that the Irish people misunderstood the issue involved in that election. It was an overwhelming majority of the people of Ireland expressing the right of self-determination and expressing their desire to establish an Irish republic and govern themselves.

Since that election, the executive officers have been elected and are now in a position to take over the government of that country and perform all of the functions of government so that the question of separation of Ireland from England is not one that may become a serious problem in the future. It is the present existing condition—a condition which has resulted in the occupation of Ireland by a large military force with all the paraphernalia of war. Large districts throughout Ireland have been occupied and the free movement of the people has been repressed in the same manner as the movements of the Belgians were repressed during the invasion of that country by Germany; in other words, Ireland to-day is in a condition of insurrection and England is using the same methods that were used by Germany when they occupied Belgium. The right of self-government of Ireland and the expression of the people for separation was supported by the American people as enunciated by our President that small nations desiring self-government and giving expression to that desire would have the protection of this great Republic in establishing a government suitable to their desires and wishes. The effect of article 10 of the covenant of the league of nations is to completely withdraw that promise of protection and to declare instead that we will not permit small nations, excepting such as were in possession of the enemy, to establish and exercise the rights and functions of independent government.

The men who are fighting for the covenant of the league of nations as it now exists with article 10 included therein are as false to the principles under which we were asked to enter the war as a human being can be false to any principle, because in accepting article 10 we are doing the reverse of what we promised to do. You may ask what effect article 10 of the league of nations will have on Ireland? This question involves the present international status of Ireland as distinct from the wishes of the people as expressed in the last election. Under international law, Ireland is recognized as an integral part of the British Empire and I presume in considering article 10 you are bound to recognize her status as such. This being so, in adopting that part of article 10 which reads as follows:

"The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the executive council shall advise upon the means by which the obligation shall be fulfilled."

In other words, you are undertaking to pledge this great Republic to continue Ireland as a part of the British Empire, and under article 11 you are placing in the hands of the countries party to this treaty, namely, the United States, Great Britain, Japan, France, and Italy, and such other countries as may become a party to the league, the power of determining for this body the necessity of entering into a war with any country that should attempt to assist the Irish people in their struggle for independence. This is not a possibility, as it has arisen in the history of Ireland in the last three centuries. In 1601 Spain landed armed officers in Ireland for the purpose of assisting the Irish people in securing its independence. If there had been a league of nations at the time, the league under articles 10 and 11 would be obliged to come to the assistance of England, and we, when we obtained our independence, become a party to such league of nations, we would have been obliged to enter into war with France in 1798 when Napoleon sent Gen. Humbert with 6,000 men and landed in Killala Bay in Ireland for the purpose of assisting the Irish in securing independence. International conditions may bring about a similar situation at any time.

The effect of article 10 is to take out of the hands of the Congress of the United States the power to declare war and to place it in the hands of the high contracting parties to this covenant. In other words, the adoption of the covenant of the league of nations is a surrender or an attempt to surrender the power to declare war, which is vested in the Congress of the United States. To my mind the insuperable obstacle of articles 10 and 11 is that it takes away from Congress the power of making war and places it in the hands of a body other than the Congress of the United States. The granted power to Congress by the States to declare war is a delegated one and is limited to the power expressly granted for such powers as may be necessarily implied from the granted power. The declaration in article 1, section 7, of our Constitution is, "The Congress shall have power, among other things, to declare war."

This section does not say that this body shall have power to delegate the right to declare war to any other body. This can be done only by a constitutional amendment, an amendment transferring the power to declare war from Congress and give it to the high contracting parties in the league of nations.

I am here first as an American citizen to protest against the adoption of the league of nations; as an American citizen, a citi-

zen of the State of Ohio and an accredited representative of the Ancient Order of Hibernians of Ohio, not only on the ground that such action would be unconstitutional, but on the larger ground that it is wholly immoral for this country, the leading Republic in the world, to endeavor to enter into an agreement which has for its object the repression of the rights of a liberty-loving people to decide for themselves the form of government under which they desire to live.

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STATEMENT OF MRS. MARY F. MCWHORTER, NATIONAL PRESIDENT LADIES' AUXILIARY, ANCIENT ORDER OF HIBERNIANS IN AMERICA.

Mr. CHAIRMAN AND GENTLEMEN: When the President of the United States issued the call to American manhood to go to the battle fields of Europe to vindicate American ideals of democracy none answered the call more readily than did American boys of Irish blood.

During the time our country was engaged in winning the war the women of the organization which I represent rendered splendid service to the Nation in every line of war work. In order that the service rendered along this line might be of the very best, it was my duty to visit 33 States of the Union during that time. During these visits I addressed gatherings of the members of this organization in from two to eight towns in each one of those States. In this way I had the privilege of meeting many of the mothers of the American boys of Irish blood who were fighting in the trenches in Flanders. The sacrifices made by these mothers would wring tears from the eyes of the most hard-hearted. Many of them are widows who had worked hard to give their boys the necessary education to fill good positions. A soldier's pay was a very poor substitute for the salary these boys were earning. I know well that in many cases these widowed mothers had to go to work again in order to keep the little home intact. They never uttered a complaint, because they felt that their boys were given to a holy cause—that of freeing the enslaved peoples of the whole world, among which they surely thought were included the people of the land of their origin—Ireland. And so, as I have already said, they bore all their privations cheerfully and uncomplainingly, and, besides earning their daily bread by the sweat of their brow, they also gave splended service to Red Cross and other war-service societies.

During the war, while every member of my organization was actively engaged in war work, you may know very little was accomplished in the way of recruiting new members, hence since the signing of the armistice a period of reconstruction has set in. This, too, has kept me constantly traveling from one State to the other. I find a great change in the spirit of our members, in which keen disappointment is the dominant note. The glowing words of our great President, uttered on our entrance into the World War, have no longer the power to inspire and uplift, for the people have lost all faith in them. I find this feeling of discontent not only among the American people of Irish blood but among other Americans as well. The press of America, with but few exceptions, make it appear that the great mass of the American people favor the league of nations. Gentlemen of the committee, there is a growing spirit of opposition to this proposed league that it would be well for those who sincerely and honestly love America and who wish to safeguard America's real interests to heed. It is my honest opinion that if every American was made familiar with what this league really means to America there would arise such a storm of protest against it that it would be heard around the world. Liberty-loving Americans who have a just pride in our great Nation will never stand to have this Republic made the tail of the British kite.

Speaking for the people of Ireland who have aroused the admiration of all liberty-loving people the world over by their brave fight for their national rights, I have this to say:

The contemplation of what these people are suffering to-day is the cause of great agony of mind to those of their blood on this side of the Atlantic. The sanctity of the Irish home is violated night after night. I ask you, gentlemen of the committee, to picture the condition of the minds of the mothers in Ireland—they never know from one night to another when their homes are to be invaded and the children of their affection dragged out and thrown into prison. Have pity on these mothers and refrain from an act that will continue this suffering indefinitely, for the Irish will never give up their fight for freedom while a remnant of the race remains.

The Irish republic was established according to the expressed sentiments of our great President; "the right of self-determination for all peoples" echoed around the world at the time this now famous slogan was uttered; it even found its way into Ireland, despite the wall of silence England had built around that unhappy island. The young men of Ireland were inspired with a new courage, and when they had an opportunity last December at the general election they "self-determined" for an Irish republic, feeling sure they were carrying out the wishes of the President of the United States. They still have faith in our President, despite unfavorable appearances.

Eamonn de Valera, the President of the Irish republic, is in our midst to make an appeal to the American people. He has already won millions of Americans to his cause. He is a young man who has made untold sacrifices for the ideals which he represents. Life would be very easy and comfortable did he but choose to abandon those ideals, but he has taken up the harder but the nobler cause while his young wife and his six small children languish in Ireland and sigh for the absent husband and father. Eamonn de Valera is typical of the young men of Ireland to-day. Surely to the minds of all liberty-loving Americans their cause is a just cause, and surely this is the time for America to pay her long-standing debt of gratitude to Ireland. The millions of Americans of Irish blood expect this debt to be paid, and they have a right to expect it.

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No. 7.

STATEMENT BY JAMES E. DEERY, INDIANAPOLIS, NATIONAL PRESIDENT OF THE ANCIENT ORDER OF HIBERNIANS IN AMERICA.

To the FOREIGN RELATIONS COMMITTEE, UNITED STATES SENATE:

The Ancient Order of Hibernians, at their recent national convention held in San Francisco, Calif., last month, adopted a resolution insisting that in the event that a league of nations covenant was adopted that provision be made therein for the recognition of Ireland as a member thereof. The Hibernians feel that every nation in the world, and particularly America, was inspired to victory in the recent war by the thought that when the terms of peace were drawn up the world would be made safe for democracy and that all small nations would be given the right to determine the form of government under which they desired to live. The Hibernians are interested in this question now before the Senate committee solely as American citizens and lovers of liberty. The Hibernians are proud of the record for 100 per cent Americanism made by the Irish in this country from the days of the revolution to the present time.

When America was looking for outside help prior to the War of the Revolution, they sent Benjamin Franklin to Europe, and in no country did he receive more encouragement and support in behalf of the American cause than from Ireland. They not only held meetings throughout Ireland, but they raised funds with which to help finance the Colonies.

Recently the President of the United States, in asking the United States Senate to ratify a treaty with France regarding her boundaries, urged that we were but repaying our debt of the revolution. History records the fact that the first troops in France to petition permission to come to the assistance of America in the days of the Revolution were the members of the Irish Brigade, a part of the French Army, and the first French troops to land on our shores were 2,300 Irishmen under Count Dillion. Likewise, exiles from Ireland found their way to America and fought throughout the war in the continental forces. It is estimated that 50 per cent of Washington's army was made up of Irishmen. In an investigation made by the English Parliament at the time of the Revolution it was shown that in some parts of the American Army the Gaelic language was spoken more than the English. So that if we have any debts to pay for assistance rendered us in the War of the Revolution, Ireland's claim should come first.

As the league of nations now stands, we feel that article 10 prevents America repaying her debt to Ireland. The Hibernians sincerely trust that before the terms of peace are ratified by the United States Senate the Senate will officially recognize the republic of Ireland as a free and independent nation.

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No. 8.

STATEMENT PRESENTED BY THE ADVISORY COMMITTEE OF THE IRISH VICTORY FUND, BOSTON, MASS.

The delegates to this hearing from Massachusetts, representing an overwhelming majority of the 875,000 persons in the Irish racial group in Massachusetts, wish to add their protest against the approval in any form of the proposed league of nations.

The enactment of this proposed league will accomplish effectually what the British Government has in various ways been trying to bring about for more than a generation, to wit, the creation of a supertreaty body, which will nullify the power of the whole people, as represented in the United States Senate, to pass on and approve treaties with foreign governments.

We protest against this treaty because of its certainty of economic enslavement of the United States, with its inevitable consequence in unemployment and attending train of evils.

Because of its geographical isolation from the sources of raw material and the buying population of the United States, New England has a peculiar interest in the failure of the Paris conference to even mention, provide for, or to regulate the "freedom of the seas," and in thus doing has, as a result of the victory over the Central Powers, substituted the menace of British sea control, based on "navalism" for the "militarism" defeated through American intervention.

From the headquarters of Tory sentiment we appeal to the American spirit, which in the first part of the nineteenth century opposed a similar British attempt to control the seas and gave to the world the Monroe doctrine.

We appeal to the spirit which, in the forties, after the advent of the iron ship, met another English attempt to control the seas by building in 15 years the largest merchant marine up to that time ever produced in the world, and contrast this with this attempt in the proposed league of nations again to enslave the merchant marine of this country.

We appeal to the spirit which built the Panama Canal that our surplus products could have opened to them the market of the Orient, and contrast it with the action which in 1913 removed by law the preferences to American shipping then obtained, and to-day in the Shantung outrage has closed to the trade of the United States a market of a half billion souls.

We protest against British dominance over the cables and mail communications of the world, and refer the committee to the recent report of the United States Foreign Trade Council on this subject.

We refer the Senate committee to the report of the Senate investigation committee of 1913 on the operations of the alien shipping trust, the conditions then complained of and admitted to exist, which remain to-day to menace the commercial future and economic progress of the United States.

We respectfully suggest to your honorable committee that they investigate the stifling of American aspirations for freedom of the seas, through the influence in the various chambers of commerce and business organizations in the largest cities in the United States, of the paid agents of steamship companies, and others representing foreign shipping interests.

We respectfully suggest that before coming to a decision on this question your honorable committee make inquiry into the action during the war of the British Government, which, through "orders in council" not sanctioned by international law or the comity between friendly nations, committed numerous acts obviously designed to cripple our commerce and trade during the war, and especially with relation to the effect of these "orders in council" as obvious preparation for the proposed British league of nations now being considered.

We protest against any situation which permits British vessels to demand and to get free wharves in practically all the cities on the Atlantic seaboard, which represent approximately 5 per cent interest on an American investment of $200,000,000, and which puts it within the power of the alien shipping trust to deny American cities the right to do foreign business through these ports, except at its pleasure.

This we do in the name of justice, of honor, and in the American spirit of independence. While the United States remains on the seas by favor of any foreign Government, this country is in economic slavery.

This is an American question. If America settles this question right and the principles under which we entered the war are insisted on, Ireland, with the rest of the world, will share in the resulting benefits.

We are Americans first, last, and always.

We ask that the present proposal for the league of nations be opposed for the honor of our country.

BOSTON ADVISORY COMMITTEE
IRISH VICTORY FUND.
JOHN MORTON, *Chairman;*
EDWARD F. MCSWEENEY,
JOHN H. H. MCNAMEE,
EDWARD W. QUINN,
DANIEL FOLEY,
DANIEL T. O'CONNELL,
JAMES O'SULLIVAN,
Delegates.

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No. 9.

STATEMENT OF MATTHEW CUMMINGS, OF BOSTON, MASS., EX NATIONAL PRESIDENT OF THE ANCIENT ORDER OF HIBERNIANS.

Mr. Chairman and gentlemen of the Senate Foreign Relations Committee, I believe that it is admitted by fair-minded men everywhere that Ireland is entitled to her freedom. The Governments of Australia and Canada have passed resolutions repeatedly in favor of Irish freedom. The labor organizations of England have gone on record demanding that justice be done to Ireland and that she should be allowed to determine her own form of government. The legislatures of a majority of the States in the Union have passed resolutions advocating Irish independence. The House of Representatives of the United States Government and later on the Senate of the United States, by a vote of 67 to 1, advocated freedom for Ireland and asked our representatives in Paris to see to it that Ireland got a hearing at the peace conference. The Irish race convention, representing 20,000,000 in America of Irish blood, sent three commissioners to Paris for the purpose of having President Wilson and the American representatives at the peace conference place the Irish question before that body.

The President on this country entering the war stated repeatedly that all nations must be granted the right to determine their own form of government, and more than a million American boys of Irish blood fought under the Stars and Stripes convinced that American success in the war meant also the freedom of the land of their ancestors. If the pledges made by our Government during the war are not carried out, a stigma will rest upon the splendid traditions of this country. Therefore we appeal to you as the treaty-making power under the Constitution of our country to see to it that the pledges to small nations made by the Chief Executive in the dark hours of the war are fulfilled and that Ireland should be accorded the right of self-determination. We earnestly protest against the covenant of the league of nations and ask that it be rejected as a whole. We believe that it is impossible to amend it so as to protect American rights and sovereignty. We believe that if articles 10 and 11 of the covenant of the league of nations are adopted Ireland would be deprived of her liberty for all time and that the people of that long-suffering country should be given an opportunity to lead their own life in their own way and under their own form of government, at peace with the world and established as an independent nation.

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No. 10.

ADDRESS OF MR. SHAEMAS O'SHEEL, REPRESENTING THE WILLIAM PEARSE BRANCH OF THE FRIENDS OF IRISH FREEDOM AND THE WILLIAM ROONEY SOCIETY, BOTH OF NEW YORK.

Mr. Chairman and Senators of the committee, within recent months not only have I been made aware of the sentiments of the two societies which I have the honor to represent here, but, having addressed 46 audiences in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, and New Hampshire, I have felt the pulse of thousands of American citizens, and I am convinced that in the two thoughts which are all I shall try to present to you I correctly represent very widespread and deeply felt convictions.

In the first place, Americans of Irish blood oppose any such league of nations as here proposed far more vehemently from a purely American standpoint than from any thought for Ireland, a fact which is proved by the earnest and thoroughgoing approval which every audience I have addressed has expressed when I said that if Irish Americans were to be offered the bribe of immediate liberation of Ireland, with the repayment to Ireland of every penny ever drained out of her by England, as the price of their support of a league which would infringe American rights, there would not be a man or woman of all the millions of them who would consider the proposition for a minute.

The other thought is this: Two or three Senators have asserted that Ireland's real hope for liberation must be found in paragraph 2 of article 11 of the present league of nations covenant, which reads:

"It is also declared to be the fundamental right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends."

The idea advanced is that under this paragraph a member of the league might befriend Ireland by bringing its condition under military rule to the attention of the governing bodies of the league. That is undoubtedly true—so true that the English authors of the league covenant have guarded against it by a paragraph which, I think, has not yet been noticed to-day—paragraph 7 of article 15, as follows:

"If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement."

It has been proved here to-day beyond even the attempt to question that the case of Ireland is not a domestic matter, but under all international law an international matter; but that is not the point; the point is that the council shall decide whether they will consider and promulgate it as a domestic

or an international matter. If they decide that it is domestic, that is the end. If the people of Ireland were being slaughtered and the American people were aflame to help them, our Government could not even protest further after the council shall have decided that massacre of the Irish people is an English domestic concern. Surely it will be said the American members of council and assembly would never in such circumstances agree to such an interpretation, but if they did not and all others did, there being no unanimous decision, surely the majority decision would necessarily prevail to the extent of estopping all action by the league or its members.

And the final point to consider is that this paragraph was not in the original draft of the league made public in February, but added entirely anew in the revised draft—purposely, I believe, Mr. Chairman, purposely to further safeguard England against American sympathy for Ireland being expressed through the league. I thank you.

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No. 11.

LETTER OF THOMAS F. COONEY AND OTHERS.

WASHINGTON, D. C., *August 30, 1919.*

TO COMMITTEE ON FOREIGN RELATIONS,
United States Senate, Washington, D. C.

SIRS: The Irish race of Rhode Island, through its duly-accredited representatives, in attendance at a meeting of your committee, held on Saturday, August 30, 1919, to consider a proposed league of nations, hereby enters its protest against the adoption of the proposed league in its present form.

The reasons for our protest are: That it is un-American in that it means the abandonment of the traditions and ideals for which this country has always stood; that it creates an alliance with Europen powers and forces us to take part in the embroilments of those powers; that it means the enslavement of millions of people; and that it denies to those people the right to determine for themselves the form of government under which they want to live; and that it means the absolute surrender of the principles for which this country fought.

Further we protest against the ratification of the proposed league and peace treaty, because it fails to recognize the government of the republic of Ireland, a government that is the choice of 80 per cent of the people of Ireland, and which is prevented from functioning in every department because of the military power maintained by England in Ireland—a military that is brutal and savage in its treatment of the Irish people.

Further, it condones and perpetuates a flagrant breach of the promises made by the representatives of England in procuring the entrance of the United States into the war.

The representatives of the Irish race in Rhode Island urge upon your consideration, in support of this protest, the numberless and invaluable contributions of the Irish in establishing and maintaining the American form of government, to which they have looked throughout its history for encouragement and support of the inalienable right of freedom—"That government of the people, by the people, for the people shall not perish from the earth."

The protest herewith presented is submitted by us primarily as American citizens, mindful of the debt of gratitude owed by our country to Ireland, and desirous of preserving the fundamental principles of our Government in their pristine strength and purity.

THE IRISH RACE OF RHODE ISLAND,
By THOMAS F. COONEY.
CORNELIUS C. MOON.
PATRICK J. MURPHY.
DANIEL E. DOHERTY.

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No. 12.

TELEGRAM TO CONGRESSMAN NOLAN REPRESENTING THE UNANIMOUS SENTIMENT OF THE IRISH SOCIETIES OF CALIFORNIA AGAINST SECTION 10 OF THE LEAGUE OF NATIONS.

SAN FRANCISCO, CALIF., *August 29.*

Hon. JOHN I. NOLAN, *Washington, D. C.*

Please represent our San Francisco and northern California societies and Irish freedom fund committee of California at hearing before committee to-morrow morning.

ANDREW J. GALLAGHER.

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No. 13.

STATEMENT OF JUDGE O'NEILL RYAN, OF ST. LOUIS.

Senators, as I understand, you desire to hear our views on the league of nations in so far as we represent public sentiment in our respective communities, and also what is our special viewpoint as to the effect of the league on Ireland's right, which she has determined to be a republican form of government. Together with my colleagues from St. Louis, I represent many thousands of Americans of Irish birth or descent in various organizations; also we believe we speak the sentiments of many more thousands of the race who are not in any organized bodies, but who are profoundly interested in this question and who believe that Ireland should be recognized by this Government as a republic. We may safely say that all for whom we speak are confident that if this league is adopted in its present form and this Government becomes signatory, Ireland will continue as she has been for centuries, a subject country, and under a power that has never hesitated to drain her life's blood physically and economically. Personally, I am absolutely opposed to my country becoming a signatory to this league no matter what amendments or reservations thereto may be made. I believe in its essence it strikes at and is antagonistic to the Constitution of our country and the fundamental principles of human liberty upon which that Constitution is rested. We have guaranteed by our Federal Constitution a republican form of government to every State of the Union. By this instrument we would undertake to guarantee the perpetuation of forms of government which are hostile to our own both in their principles and in their practices. That the United States should undertake to guarantee with its blood and treasure the perpetuation of monarchies and empires should be unthinkable to any sound American mind. I believe this sentiment against any league of nations so far as our country is concerned is rapidly growing, and that the great debates which have been going on in the Senate Chamber are informing and convincing the American people, who have hitherto been kept in ignorance of the facts and have been deluded by the specious pretext that the league meant peace.

So far as its immediate effect upon Ireland is concerned, I recall the question of just this morning, that Senator BRANDEGEE addressed to Mr. Walsh, inquiring if he had read the address of Senator WALSH, and what he believed as to his argument that this league would protect Ireland. Mr. Walsh answered he had not read the speech. I read every word of it, as I have read perhaps every word of all the addresses upon this subject in the Senate, as they have appeared in the CONGRESSIONAL RECORD. The answer is that the argument of Senator WALSH is absolutely fallacious. By article 10, we undertake in substance to respect and guarantee the territorial integrity and political independence of the signatory powers, guaranteeing that territorial integrity against external aggression. No one but knows that Ireland unaided can not throw off by force the yoke of British tyranny. But in one of two ways can the Irish republic become de jure as it is now de facto. One is by its recognition by the United States and the effect of that being to compel its recognition by England, and the other is by a revolution aided by outside power. Ireland to-day is an armed camp. It is under a military despotism like unto that to which Belgium was subjected by Germany, and Egypt is now subjected by England and Korea by Japan. If this league were joined in by this Nation, and Ireland sought to overthrow that power which now dominates her by military force and there was interference on her behalf by any other country so that the words "external aggression" came into effect, if England needed or asked our aid it would become our duty at once to give to her our military power to destroy Ireland's efforts at freedom. In other words, it is absolutely impossible for Ireland unaided to successfully revolt against English power. We would guarantee by this covenant that no foreign power could interfere on her behalf without knowing that this Nation would, with her money and men, take England's side of the conflict. That is the plain reading of the covenant.

However, my own feeling—and, as I said before, I believe the feeling is growing enormously—is that in no circumstances and with no reservations or amendments should we become signatory to the league. Not even if Ireland were independent, if she were a republic, and her territorial integrity and form of government guaranteed by this Nation, would it still be either just or wise for this Nation to become party thereto. That I say in view of what we know to be the gross injustices and flagrant violation of the rights of subject peoples that have been perpetrated by at least two of the great signatory powers and that we would guarantee if we became party, and we know not what other secret arrangements have been made by which other peoples are plundered and their countries divided like the vultures plucked at the vitals of Prometheus, Ireland would not want her liberty at the expense of the liberties of other peoples. The Senate alone stands between the people of this country and the Constitution of our Government and those who would destroy the people and violate the Constitution. Many of you gentlemen have made a magnificent fight against this league, and once again it becomes manifest that the people of this country must turn to the Republicans to save it from desecration and division.

No. 14.

STATEMENT OF HUGH O'NEILL, OF CHICAGO, SPEAKING AS A REPRESENTATIVE OF THE COMMITTEE OF ONE HUNDRED FOR AN IRISH REPUBLIC.

Mr. Chairman and gentlemen of the committee, the Americans of the Irish race in the great Middle West, as in all other parts of America, urge the defeat of the proposed league of nations because it impairs the sovereignty of the United States, violates the principles for which we entered the war, creates an unholy alliance, nullifies the Declaration of Independence, creates a superstate, endangers the Constitution, destroys the Monroe doctrine, recognizes the breakdown of nationalism and the creation of an international power, gives to England the control of the seas, and guarantees to England the possession of Ireland against the wish of the Irish people.

The league of nations impairs the sovereignty of the United States because it places the United States Government under the control of a superstate operating through an assembly and a council, the United States in the assembly having only 1 vote in 45, and England having 6 and the practical control of the majority of the other votes, and in the council only 1 vote in 9 and no vote at all when her interests are at stake. Because it requires us to maintain permanent armies upon foreign soil to police the discontented subjects of bloated monarchies or crush the tumults of peoples indulging in the wild theories of socialism or anarchy.

Because it takes away from the United States Congress the right to declare war or conclude peace. Because it creates a supergovernment that would be an unrestrained and unlimited trust which would dominate our international and domestic affairs. The league of nations violates the principles for which America entered the war, and as the President, the spokesman of America, says, "We entered the war for the ultimate peace of the world and for the liberation of its people; for the rights of nations, great and small, and the privilege of men everywhere to choose their own way of life and obedience; for the reign of law based upon the consent of the governed; for the rights and liberties of small nations; for affording material guaranties of political and territorial independence for great and small nations alike.

"We are fighting for the liberty, the self-government, and vindicated development of all people." (May 26, 1917.) "And that the people of the world shall choose their own masters and govern their own destinies, not as we wish, but as they wish."

The league of nations creates an unholy alliance and violates the doctrine of George Washington as to no entangling alliances. Are we ready to admit that Washington was a dreamer, that nationalism has broken down, and that a Bolsheviki internationalism shall be the form of our new freedom? An alliance would be destructive of American liberty, and an alliance with England in a league of nations would be abhorrent to the great body of the American people.

The league of nations would nullify the Declaration of Independence because it ignores the fundamental truth declared as the basis of good government that all just governments derive their powers from the consent of the governed. It ignores the self-evident truth that all peoples are born free and equal, because it would leave the Irish in political servitude and seal their doom by article 10, which guarantees the territorial integrity of the signatory powers.

The league of nations endangers the Constitution because it suspends the guaranties of the United States and the State constitution. It limits the functions of the Congress, limits the jurisdiction of the Supreme Court of the United States, and dislodges the powers of both the legislative and judicial branches and either assumes them or places them under the control of the President, thereby making him a virtual dictator.

The league of nations destroys the Monroe doctrine, as it takes away from it the character of a national policy and reduces it to the level of a regional understudy.

For these reasons we are unalterably opposed to the league of nations.

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No. 15.

STATEMENT OF JOSEPH P. MAHONEY, CHICAGO, ILL., FORMER STATE SENATOR.

Mr. Chairman, a time has again arrived when the Senate of the United States must exercise the power imposed on it by the Constitution for the preservation of this great Nation. As president of the United Societies of Chicago, I am commissioned to attend the meeting of your committee to-day to inform your honorable body of the views of some 750,000 people of Irish blood who reside in Chicago upon the question of adopting or approving the league of nations pending before your committee. As American citizens we stand unalterably opposed to this measure, and we most earnestly call upon your committee to report it back to the Senate with the recommendation that the Senate refuse to concur in and approve of it. We believe that the country has greater cause to-day, in view of the intrigues, secret treaties, and deception on the part of the great nations who propose to be the signatories with us to this proposed league of nations, to refrain from entering into any entangling alliance with European nations than we did at the date of the warning in Washington's Farewell Address. For more than a hundred years we have prospered in attending to our own affairs; let us stick to the old plan. Gentlemen, in the name of freedom, let us return once more to that honorable and independent position among the nations under which we have made such remarkable progress, that to-day we are the foremost Nation of the world. Let us stand firmly for the struggling young Republics growing out of the recent war, and extend to them our early recognition and support. This is the wish of the people of Irish birth or descent in the United States and of all Americans who love their land.

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No. 16.

STATEMENT OF MR. PATRICK J. LYNCH, OF INDIANAPOLIS, IND., CLERK OF THE SUPREME AND APPELLATE COURTS OF INDIANA.

Mr. Chairman and gentlemen of the committee, citizens of Irish blood are appearing before your committee in the earnest hope that out of the great world conflict recently ended there may come, as a part of the fruits of victory, a fulfillment of the great principle of self-determination for all nations, weak and small, as laid down by President Wilson.

Throughout all the annals of civilization there is no parallel of the steadfast and continuous courage shown by the Irish people for more than 700 years, cherishing without intermission the hope and national aspiration of that freedom for which they have so often fought. Racially the Irish are a separate people; theirs is a national spirit; their country is their own, and has been wrested from them only by the power of might; not upon the great God-given principle of right.

At this time when the hopes and aspirations of all peoples, the world over, especially those long oppressed, is to gain their national freedom, and in the light of the charter enunciated by the President of the United States of the right of all nations, great and small alike, to live under that form of government which they themselves want, and such hopes are being realized by younger nations, surely Ireland may, in truth and justice, ask that the centuries-long struggle in this dawn of the new era of making the world safe for democracy be ended forever.

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No. 17.

STATEMENT OF RICHARD W. WOLFE, OF CHICAGO, FORMER PRESIDENT COOK COUNTY REAL ESTATE BOARD OF CHICAGO, IN BEHALF OF THE COMMITTEE OF 100 FOR AN IRISH REPUBLIC.

Mr. Chairman and gentlemen, I am opposed to the proposed league of nations because its provisions are in opposition to the great principles for which our country fought in the big war, to make the world safe for democracy and to secure the rights of small nations. This denial of the principles for which we fought has filled the hearts of American citizens with disappointment, dissatisfaction, and unrest.

I am further opposed to the proposed league of nations because it would doom Ireland to perpetual servitude to England. To do this would be a grave injustice not only to Ireland but also a grave wrong to America.

You, gentlemen, have red blood in your veins, and you resent an insult. You are human, and you resist and strike back at anybody or anything that robs you of your property, your rights, and opportunities.

It is because of these very human reasons that the Irish question is an American question. We of the Irish race in America resent insult and resist and strike back at the enemy who would rob us and assassinate our character. England, in order to maintain her hold upon Ireland, thinks it desirable to destroy the influence, assassinate the character, and injure in every conceivable way the Irish race in this country. So that it takes 10, 20, or 30 per cent more brain and more energy for a man of the Irish race than for a man of the English or Scotch races or other races to accomplish the same results in this country. Now, there can not be inflicted upon a part of the community or a part of the nation a loss or injury without corresponding loss and injury to the community or the nation as a whole.

The stage Irishman was manufactured in the London music halls and shipped to this country to aid the deadly work of the murderer of the Irish character by that deadliest of weapons, ridicule. Newspapers, books, periodicals, the lecture platform, and more recently the motion picture—every avenue of publicity—has been used to besmirch the Irish race in America. Provost Marshal Crowder has reported that the percentage of Irish who waived exemption was much higher than that of

English or Scotch or other races. But the English propagandists would have us believe differently. England has spent millions for propaganda, and the lies told about the Irish are enough to curse the world. It is, I submit, sound American policy to remove the cause of this friction, of this humiliation, insult, and injury to American citizens of the Irish race. The cause is the enslavement of Ireland by England. A free Ireland would remove the motive for English attack upon American citizens of the Irish race.

Besides, it would, more than anything else, help to bring about that which every good American citizen wants to see, that it is a harmonious American Nation, all of the races coming together in the melting pot, and commingling and uniting for the common good of the Republic. There should be no friction between the English race and the Irish race in this country, and there would be none if Ireland were free, because then the business of the propagandist was at an end. The paid lecturers spreading poison and hate against the Irish race in America would be out of a job. The Irish question is an American question, and we appeal to you to look upon it as such.

We went to war to right the wrongs of small nations, to make democracy safe for the world. Ireland by a plebiscite has declared for a republic. Indeed, Ireland is the only one of the small nations that has had a plebiscite and expressed its self-determination. How can any American consistently deny Ireland's right to a republican form of government? How can any American deny a republic in favor of an empire with a caste system which is mediocre, where the law of primogeniture and entail persists, where a state church takes part in government, where a house of lords rules with all its power of titles, wealth, and prestige?

Ireland's case furnishes the supreme example of merciless profiteering and exploitation. Let us take the figures on Irish population. I quote from a British publication, the Statesman's Year Book. It shows that in the year 1800 the population of Ireland was 6,000,000, while the population of England was 8,000,000. In 1850 the population of Ireland rose to nearly 9,000,000. The population of Ireland to-day is less than 4,500,000. The population of England is 36,000,000. John Stuart Mill, the English economist, has stated that Ireland can support a population of 25,000,000. And everyone who knows anything about it knows that Ireland can support a population of 25,000,000 to 30,000,000. Belgium has a population of 8,000,000 and is less than one-third the size of Ireland. Belgium and Holland combined are not so large as Ireland. The decline in population is an arrow sign as to Ireland's decay in other ways—industrially, socially, educationally. Before the war Ireland was doing less than one-third of 1 per cent of the export business of the United Kingdom.

The ruling class of England is blind, as privileged classes have always been blind. If it was not blind, this English ruling class would realize that Ireland fully populated and prosperous would be a better customer and certainly a better friend to England than Ireland depopulated and disaffected. Ireland would be a profitable customer of this country, far more so than countries far away whose trade we are eager to get. Ireland occupies a very advantageous position in the highway of commerce, a position similar to that of important business corners in the center of city life.

Ireland free would be a country of 25,000,000 to 30,000,000, prosperous and thriving, and of great potential value to America.

The question is asked, Would we go to war with England to free Ireland? That is not a fair or honest question. That question is not now before us. That question was settled when we went into the war for democracy and the rights of small nations, and when England accepted our aid with that declaration sent out to the world. To keep faith with our soldiers dead in France and Flanders and other parts of the world, to keep faith with the crippled and maimed, to keep faith with weeping mothers and sad firesides of America, that is the question now confronting us. We ask you to save American honor. It is not America, but England, that would go to war should you decide to preserve the faith. England will not dare do it.

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No. 18.

STATEMENT OF R. E. O'MALLEY, OF KANSAS CITY, MO.

Gentlemen, I am here as the authorized representative of the Irish-American societies, of Kansas City, Mo., having a membership of more than 5,000 persons. I know of no better method of expressing their opinion on this important question than to file with you a set of resolutions adopted at the thirty-second annual picnic of the Irish-American societies, of Kansas City, Mo., held in Fairmont Park on Sunday, August 17.

The majority of the people I represent are American born of Irish ancestry.

In addition to the sentiments expressed in the resolutions filed herewith, I think I can say without fear of truthful contradiction that a great majority of the people of my community are opposed to the document known as the league of nations and opposed to any document that might involve this Nation in entangling alliances.

The resolutions referred to follow:

Whereas there is now before the Senate of the United States for that body's ratification or rejection an instrument known as the league of nations covenant; and

Whereas article 3 of said covenant gives the British six votes in the league's assembly to America's one, even in passing on America's questions. We, with a hundred million population, are given only the same voting power as the Negro Republic of Liberia in Africa, the nondescript kingdom of Hejaz in Asia, and the semisavage island of Haiti in the Caribbean Sea; and

Whereas under article 8 the representatives of foreign nations advise us what size fleet and army America should have; and, once the size is agreed on, it can never be increased except by the unanimous consent of those foreign nations; and

Whereas article 10 binds us to make war for monarchies against smaller nations seeking freedom from imperialism, militarism and tyranny, should any one of said smaller nations in its struggle for freedom receive help from outside sources such as was given our own beloved country by France in the Revolutionary War, such as we gave the Republic of Cuba in its struggle for freedom from the horrible atrocities inflicted on it by the Spanish Kingdom. Under article 10 we are bound if China should ever attempt to recover Shantung, which is under the peace treaty given to Japan, to wage war against a friendly people, who have patterned their Government after our own, in the interest of a pagan monarchy. Likewise, should the recently formed Irish republic resist further misrule by Britain and outside aid is given her, we as Americans are compelled to send our boys across the seas to fight a people struggling for freedom from oppression, a people that in America's struggle against the same nation that is now the oppressor of the Irish race gave their encouragement, sympathy, men, and a sum of $300,000, a large sum indeed at that time, for the cause of American independence: Therefore, be it

Resolved, That the Irish-American societies of Kansas City, Mo., gathered at their thirty-first annual picnic, held at Fairmont Park, Sunday, August 17, 1919, gratefully acknowledge the patriotic service Senator JAMES A. REED is rendering our country in his able and courageous opposition in the Senate of the United States to this measure, and respectfully urge Senator SELDEN P. SPENCER to join with Senator REED in an unrelenting effort to prevent this shameful abdication of this Nation's sovereignty and this unwarranted attempt to make Great Britain a superstate with six votes, while our great Republic, which is and should remain the leading Nation of the world, is ranked alongside the petty kingdoms and barbaric nations of the world. Be it further

Resolved, That we most heartily approve the Mason resolution appropriating necessary funds for the establishment and maintenance of diplomatic representation to the republic of Ireland and that copies of these resolutions be forwarded by the chairman of this gathering to the distinguished Senators mentioned herein and to the Hon. WILLIAM T. BLAND, Representative in Congress from this district; also to the press of the State.

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No. 19.

UNANIMOUSLY ADOPTED BY THE DELEGATES TO THE CENTRAL LABOR UNION OF PHILADELPHIA, PA., JULY 13, 1919.

[Presented by William J. Boyle, of Philadelphia, Pa.]

Resolved, That this Central Labor Union, representing upward of 300,000 workmen, record its protest against the adoption by the United States of the league of nations as at present constituted. It has ever been the policy of America to encourage democracy everywhere, and it is unthinkable that we should now array ourselves on the side of autocracy by agreeing to article 10 of the covenant of the league of nations, which would compel us to aid in keeping millions of the people of the world in perpetual bondage. We abhor the thought that any group of men other than Americans be empowered to dictate our policies in peace or war. Our slogan is, "America first," and we especially approve that part of the resolution adopted by the delegates to the American Federation of Labor convention held in Atlantic City, N. J., June 9–30, 1919, which declares,

"That nothing in the league of nations can be construed as in any way interfering with the freedom of Ireland as recognized by the vote of this convention."

No. 20.

STATEMENT OF EDWARD F. McSWEENEY, OF BOSTON, MEMBER OF THE ADVISORY COMMITTEE OF THE IRISH VICTORY FUND AND NATIONAL OFFICER FRIENDS OF IRISH FREEDOM.

As I have stated in a series of articles published by the Boston American, the desperate need of civilization to-day is peace—from armed strife; from capitalistic oppression; from industrial terrorism; to get the world back to a semblance of brotherhood between men. Above all, the American people want peace with honor. Only two years ago a presidential election was won on the slogan that "He kept us out of war." At that time Belgium had been occupied for more than three years; the richest parts of France were in the hands of the Germans and the allied enemy was irresistibly pushing forward to control of the channel ports; England was threatened with invasion and starvation. For three years and three months the world was ringing with stories of atrocities, outrages, barbarism; yet the American people were so opposed to war that even with all the facts before them they decided the choice of the greatest officer in the world on the antiwar issue.

At this time the German plans for world control were substantially consummated, the Teutonic dream of centuries was about to come true. From Berlin to the Persian Gulf the Central Powers were practically in mastery, and with the ultimate victory which was admitted unless America intervened, Germany would retain its control over South Africa, which, with Siberia, will in another generation be the source of the world's food supply.

The imminent collapse of Russia assured German control of the wealth of food and minerals of Siberia and the other undeveloped parts of the former dominion of the Romanoffs.

GERMANS FOUGHT WITHOUT PRETENSE.

Moreover, there was no German pretense about the rights of small people, self-determination, freedom, or democracy.

German control was autocracy, based on the power of might over right.

When the presidential campaign was held in 1916 this was the exact situation in Europe, yet a majority of the voters in the United States voted to reelect the President who had asked for their support because "he kept us out of war."

When, in response to the urging of the Allies, the President, in 1917, announced that American intervention was necessary, he laid down, in language which seemed divinely inspired, a declaration of purposes which made participation seem a holy cause—another Crusade to save the world from sin; to repeat in our generation the story of the American Revolution. With purest altruism and without hope of reward, the United States entered the war to insure for the world forever the things for which Washington fought and secured by American independence.

The war was won by the intervention of the United States, and to-day, eight months after the signing of the armistice, the national delirium of joy shown at its ending has not been justified. The great, patient, loyal heart of America is uneasy. The end of the war has brought, not happiness and contentment, but doubt and apprehension.

At the root of the national distress is disappointment at the failure of the United States delegates to the peace conference to fulfill the solemn promises made to the nation when it entered and won the war; to the 4,000,000 young men called into armed service, 75,000 of whom were killed believing that they died for a high idea; and to the 250,000 more or less permanently maimed, each one a living demand for redemption of our pledges.

The altruistic and unselfish spirit which flamed into action with the President's declarations of the purposes for which he made the call for arms has not changed in the slightest. The United States asks for nothing, wants nothing, but it has awakened to the fact that after defeating German military despotism it is now asked to abandon American ideals and repudiate America. Having won the war, the United States is denied the right to dictate any vital part of the peace pledges to accept a monarchical dominance, based on "navalism." It welcomed eagerly the idea of a league of nations which was in line with the declaration which caused us to enter the war, but as the facts became known, the people are determined to repudiate the proposed "league of nations," written by Lord Cecil, which, in its lengthy preamble, does not even mention or hint at "liberty" or "self-determination," while confirming mastery of the world in the great powers. At its best, the proposed league of nations is a provocation to war, and at its worst a buttress of imperialism.

ENGLAND BLAMED FOR GREAT WAR.

The nation, willing to make full allowances for the necessary give and take of conflicting national interests to achieve the main end in view, has been reluctantly forced to believe that if the peace conference had insisted on a peace based on our declaration of purposes made before we entered the war the world would to-day be well on the road to peace, and that the seduction of American ideals and pledges by allied flattery, intrigue, and power of persuasion will, if confirmed by the Senate, establish with crushing force the secret treaty agreements, regarding which, on April 7, 1917, at Leeds, President Jowett, of the independent labor party of England, said: "The world war came as the result of England's secret treaties."

It will perpetuate the diplomatic intrigues and selfish balance-of-power agreements with their inevitable consequences of human, racial, and economic oppression, which it was the hope of the United States the war would remove forever.

The league of nations, in short, will undo the work of the American Revolution. It will make Great Britain supreme in the world. Under the pretense of friendship it is a carefully laid and skillfully worked out plan to retain, hamper, and dwarf the power of the United States to progress to its manifest destiny to be the leading commercial nation of the world, a consummation urgently to be desired in the interest of civilization, because the history of the United States has proved that its progress has ever been accompanied by a willingness to give equal freedom to all, as opposed to the repressive and arrogant overlordship which has been the distinguishing characteristic of British control, which for centuries has made it a definite policy to cripple or remove by whatever means at hand its business rivals.

It was British hatred of colonial progress and hope to destroy a potential commercial rival that caused the American Revolution.

It destroyed the commerce of Holland, Spain, and France.

It has repeatedly tried to control or destroy the commerce of the United States. Every time it has had opportunity it has shown its hatred of this country.

It has now destroyed Germany and would again control this country.

It went to war with China to force it to accept the opium trade, and then took Hongkong and $30,000,000 indemnity.

IRISH OPPOSITION TO PACT.

The Irish stock in America, whose forefathers had bitter experience for centuries of the economic, political, and religious degradation, due to English rule, has found here economic, religious, and political freedom. Their first allegiance is here. They are, above all, Americans.

Will the United States Senate, whose intimate knowledge of the various processes by which Great Britain reaches its goal, permit our best friend among the nations to be wronged; allow the principal commercial district to be stolen from China to be exploited by Britain's partner in the Orient, Japan, which did not send a soldier to Europe to aid the war?

While the nation abhors war, there is a price which is too high to be paid for a shameful peace. This is a strictly American question, yet the commonest defense of the league is that opposition to it is stirred up wholly by Irish hatred of England. That the American Irish are against the league proposed is true, but not for the reason given. The first object of every person of Irish blood in this country is the safety, prosperity, and happiness of the United States.

As they made the largest single racial contribution to the armed forces of the United States during the war, they are to-day the largest single racial force in the present struggle to save America from the consequences of the surrender of American liberty at the Paris conference.

APATHY ABROAD REGARDING LEAGUE.

This much may be said in addition—if the persons of Irish blood in the United States who accepted without reservation the President's promises and in every way met the call in men, money, and war service, not obtruding themselves, keeping quiet under a systematized campaign of falsehood and misrepresentation, would now consent to remain silent under the fact that they are under this proposed league marked to be the only subject white race on earth, they would in justice forfeit the respect of all men—worse than this, they would lose their self-respect, and thus prepare the way for an automatic discrimination against themselves in every field of human activities. As Americans first, however, they put the United States first. When its liberty and future are safeguarded, Ireland will incidentally be benefited, because there is no difference in the principle involved.

The astounding fact is that the United States is the only Nation where the league of nations is taken seriously. The

apathy concerning it among the allied nations is because it is known to be what it actually is: A British plan to get dominance over the United States, which the other nations are satisfied to let happen, while each (with the exception of Italy) shares in the division of loot parceled out in secret treaties made during the war and confirmed in Lord Cecil's league of nations.

As the creditor nation of the world, the only one with no ax to grind, the United States was in a position to command compliance in the peace negotiations with the ideal which forced it into the war. At the beginning every wish was complied with. When President Wilson proposed the ridiculous conference in the Sea of Marmora with the Russian Reds the conference smiled, shrugged its diplomatic shoulders, and consented, whereupon Mr. Wilson appointed as the representative of the United States the Rev. Herron, whose peculiar notions regarding marriage and other long-observed American ideals are, to say the least, liberal. Inasmuch as the Nation has since the war become familiar with the Herron type of internationalists, who have come into prominence and power, it loyally gagged hard and swallowed. The Princes Island conference, as the wise ones who voted for it expected, never was held.

EUROPEAN "GRATITUDE" PATHETIC.

The gratitude of the people of the European nations to the United States as represented in its Chief Executive was pathetic. They believed that he was the magic worker—they wanted and expected him to give to them peace, three meals a day, and a roof over their head, and got a Pandora's box, from which the colony of mischiefs is escaping despite the assurance that it would remain closed. The world, and the United States in particular, is beginning to realize what Wellington meant when he said after Waterloo: "There is only one thing worse than defeat—victory."

France has so little confidence in the league as a power to restrain war that it insisted on and obtained a separate defensive alliance with the United States.

In the Belgian Chamber of Deputies on August 8 the premier said that the league offered Belgium so little guaranty of peace that it forces that nation to look to its own defense. Italy, which alone has been denied its secret-treaty loot, is defiant and resentful.

When the league was presented to the British Parliament its reception, according to the London press, was derisive laughter, the joke being at the expense of the United States. It was naturally not opposed.

The King of England paid unprecedented honor to Lloyd-George on his home-coming from Paris because of his diplomatic victories for Britain, and well he might. While the power of every other monarchy has been lessened, where not abolished, Great Britain is in political control of every third human being on earth, and is absolute on the seas; its only formidable European rival is out of the way; it has only one real business competitor left—the United States, which it obviously proposes to subdue by the arts in which it has no peer—diplomatic finesse, flattery, deception, intrigue.

To accomplish this end a campaign of British misrepresentation has been permitted to be carried on in this country and in South America, in which country it is designed to stifle, obstruct, and control the competition of the United States. In the United States it has largely been directed to isolate the Irish question from the other questions of British imperial policy in their relation to American interests to force it forward as matter peculiar to the Irish and by invoking religious, racial, and personal passions, in the intensity of the controversy, to sidetrack discussion of matters of vital interest.

Decided on merit, there can be no permanent union between the government theories of Britain and the United States. It is the marriage of the serpent and the dove, doomed in advance to disaster.

"MILITARISM" AND "NAVALISM."

There is no difference to the future of liberty between "militarism," as represented by Germany, and "navalism," which is the power behing the Government whose policy is thus explained by Lord Thring:

"The means by which the possessions of Great Britain were acquired have been various as the possessions themselves. What is the link which fastens each of these possessions to the mother country? The inherent and indestructible right to exercise imperial powers; in other words, the supremacy of the Queen and the British Parliament. What, again, is the common bond of union between these vast colonial possessions, differing in laws, in religion, and in the character of the population? The same answer must be given, namely, the sovereignty of Great Britain. The mode in which the materials composing the British Empire have been cemented together is exactly the reverse of the manner of the construction of the American Union. In the case of the American Union independent States voluntarily relinquished a portion of their sovereignty to secure national unity, and intrusted the guardianship of that unity to a representative body chosen by themselves."

While Lord Thring is in error in his conception of the "guardianship" of American sovereignty, which reposes in the people alone, he draws a correct picture of the power of British sovereignty, the exact opposite of the purposes of which the United States entered the war. With "militarism" temporarily defeated, inevitably to grow again if the league of nations is approved by the United States, the present fight is on "navalism," the present and future menace of world peace.

HOW ENGLAND HAS DOMINATED THE WORLD.

With the exception of one decade in the nineteenth century, about the fifties, when the United States awakened and took the control of the seas, only to relinquish it again with the coming of the Civil War, England, by the power of her navy, has absolutely dominated the world.

When the armistice was signed in November, 1918, the United States had a quarter of a million more soldiers in France than Great Britain, the balance of British soldiers necessary to equalize the number of United States forces at the front having been diverted to police duty in Egypt, India, and Ireland.

The British Navy was strengthened constantly during the war. The United States was permitted to build a merchant marine, but without freedom of the seas, which was not even brought up for discussion at Paris. England retains the power over the United States that it has exercised for a generation to control rates, freights, sailings, and ports, which leaves this country in commercial bondage to it. As a result the workingmen of the United States are in imminent danger of being unemployed for four months of each year.

Secretary Lansing made two statements in his testimony before the Senate Committee on Foreign Relations, either of which is sufficient to justify the defeat of the league of nations as being inimical to the future of American commerce.

One was that the "freedom of the seas was not discussed." While it later appeared in President Wilson's belated submission of his draft that a weak and innocuous mention was made of this subject, it did not even skim the surface of "navalism," the real menace of world peace. And the other, that the secret treaty between England and Japan, by which England gave something she did not own to a nation which had no right to receive it, was known before the terms of the peace treaty were decided, and objection was made against it to Mr. Wilson, without effect, by himself and his colleagues.

When the nation contrasts the verbal chastisement which Mr. Wilson gave Italy over the Fiume claims, largely of academic interest to this country, with his concealment and final indorsement, against the advice of his colleagues, of the pro-English-anti-American antihonor and decency Shantung deal, it must be admitted that the American people have shown wonderful patience, although there is little doubt of their resentment and determined opposition, which will be shown in the final action of the United States Senate.

The President has decided, however, that the league must go through, whatever happens, and, with his marvelous skill in phrasing, dragged into his address to Congress on the "cost of living" an appeal to wage earners to come to his assistance. Before doing this workmen and manufacturers should consider the consequences to themselves, their families, and the Nation.

Sir Walter Raleigh said that the control of shipping meant control of world trade, and this meant control of the world.

For more than 20 years the need of a foreign market for the surplus products of the United States has been manifest. To facilitate access to the trade of the Orient and the Far East, which is thrown away by the Shantung steal, President Roosevelt built the Panama Canal to offset the advantages to British shipping of the Suez Canal. When it was completed an advantage to American ships using it was given by law. This displeased Great Britain, which protested without effect until the Democratic administration came into power in 1913, when, in violation of campaign promises, the law was repealed.

Britain was not only mistress of the seas, but could and did control adversely the internal policies of this country designed to encourage and extend our sea power.

Under improved methods of production, tremendously stimulated by the war, the workers of the United States can produce in eight months all that the country can consume in a year. The solution of unemployment and its accompanying evils is in disposing of our surplus products of manufacture in the open markets of the world. The neglect, as admitted by

Secretary Lansing, even to discuss at Paris the matter of the freedom of the seas is unexplainable, when we realize that in a United States Senate investigation held in 1913, recorded in several volumes of testimony, it was conclusively demonstrated, and admitted by the representatives of the Shipping Trust, that under trust methods it was impossible for the United States before the war to build or maintain a merchant marine.

HOW FOREIGNERS HIT BOSTON PORT.

A small body of foreigners sitting in an office in London could, and did, not only determine the price and character of American freight, but could determine and limit the ports in America from which freight and passengers could be sent. Means were provided where competition by independent American transportation companies was made impossible. Baltimore, Boston, and Philadelphia were forced to build and maintain expensive marine terminals, the use of which the Shipping Trust received free, while the alien ships received these favors had to pay for similar facilities in their home ports.

This was possible only because it was within the power of the Shipping Trust to close to foreign trade any one of these ports refusing to comply with its demands.

Neglect of the United States after the Civil War to maintain its sea strength left it at the beginning of the great war with its merchant marine only two-fifths what it was in 1855 and substantially the same tonnage as the United States had in 1810.

Under Shipping Trust control, exports of the United States were restricted largely to the food and raw materials which Europe could not get along without.

As a result of this control, the price of products, such as cotton, copper, potash, food, meat, and grains was in most cases dominated in England, and in some combinations by England and Germany together.

ENGLAND FLOUTS AMERICAN RIGHTS.

During the war England contemptuously disregarded and opposed our business rights. It held up our ships dealing with neutral nations, blacklisted and confiscated our products, and refused to permit our doing business with neutral countries, while it sold the same kind of goods to these neutrals. In its effort to get control of trade formerly done by Germany it shut us out of South Africa. When our progressive manufacturers attempted to build up the dye industry it put embargoes on exports to the United States of logwood and barks from Central America—all this through its control of the seas.

Cotton grown in the Southern States was sold by English middlemen to continental European manufacturers at a lower price than the same cotton could be bought by cotton manufacturers in New England. Of eighteen millions' worth of manufactured cottons imported into Argentina the year before the war, the United States, the greatest producer of raw cotton in the world, sold but $300,000 worth.

One can not read a daily paper without seeing various items which indicate that England has her finger in every business pie in all corners of the world.

Further, nothing in the league of nations prevents—in fact, it encourages—the right of England and Japan to prefer each other in their respective colonies and thus automatically to discriminate against the products of the United States.

Nothing in the league regulates or prevents shipping arrangements to be carried so far as to create lower rates for Japanese and British shipping than for United States commerce.

ANOTHER BLOW TO AMERICAN TRADE.

In June, 1916, there was held at Paris an "economic alliance" of the Entente Powers, which, while the purposes were disguised, was actually designed to substitute a system of trade preferences for the most-favored-nation relation upon which the commercial intercourse of Europe and America rested before the war.

It was openly stated at this Paris conference that this would operate against the competition of the United States, and carry its commerce below normal equity in world commerce.

The feeling of the British shipping interest toward the United States was expressed in the following quotation under date of August 10, 1916, from Fairplay, the leading journal devoted to shipping finance in England:

"America so far has evaded the fight, but she is bound to recognize two things (apart from the fact that we are not out to be beaten): Firstly, that the nations who win this war, whether they be the Allies or the Central Powers, will not be in a temper to stand any nonsense from any neutrals; that the winning combatant countries will represent the main armed forces of the world, and that no one else will be in the running. Secondly, America will appreciate that the Allies, pace Mr. Asquith, do intend, where it pays them to do so, to put up a tariff wall between themselves and neutrals. They mean to restore themselves and to become self-supporting—at some expense it may be while the operation lasts, but certainly not for the benefit of neutrals. And if this be so, then America has perhaps a somewhat awkwardly restricted market. She has already experienced the pleasure of a Chinese boycott, but at the close of the war she will be facing as a competitor a Japan which economically, financially, and by treaty is a vastly different proposition from the Nation which could be openly flouted over California issues a few years back."

WRITTEN AFTER SECRET PACT WITH JAPAN.

The fact that this friendly comment was written shortly after the secret treaty between Japan and England was made is so significant that comment is not necessary.

In January, 1917, at the very time when Balfour and Viviani were in the United States pleading with President Wilson for American intervention, a great convention was being held at Pittsburgh by the United States National Foreign Trade Council, at which 1,000 delegates from the largest business concerns in the United States were protesting against the action of the Paris alliance and devising methods to avert its threatened consequences.

It is believed by many that the growth in United States exports during the war is a healthy indication of progress and that we are on a firm foreign-trade basis. It is, in fact, quite the contrary, because this increase has been brought about almost wholly by the export of war needs, which substantially ceased with the war. Our trade balance during the war on a peace basis went steadily downward. We gained money during the last five years in our foreign trade, but not business.

Nothing practical has been done by the United States Government to stabilize our foreign commerce and the league of nations threatens it with paralysis.

A most important but little considered factor in British plans is its control of the mechanics of news distribution. Through this power it could and did during the war refuse to neutral nations the right to communicate with each other on their strictly neutral business and personal matters. Before the war merchants in the United States complained repeatedly of interference with their mail and cables.

SO-CALLED "LIBERTY" MEANINGLESS.

While the world is compelled to get the consent of any one nation to sail the seas or freely to communicate with each other, the liberty for which the war was won is a meaningless word. Under date of August 8, 1919, the United States Foreign Trade Council announces the appointment of a committee to take up the matter of American systems of cables and wireless. Present conditions are described as "intolerable."

Any nation that, in addition to control of the seas (which Great Britain has under the league) can dominate the world's food supply of the earth, is double master of the world's destiny. In 1912 James J. Hill called attention to the progressive diminution in food production of the United States, and looking ahead not for a year, but a generation, there is no question but that the United States and Canada are fast getting in a position where they will not be much more than able to feed themselves. The same conditions apply in South America and Australia. If the peace treaty and league are approved, England, which can not produce within its own island boundaries food enough to supply it for more than two months in the year, is in control of the future food supply of the world.

When the attempt was made by Cecil Rhodes to reduce the Boer Republic to vassalage to Great Britain, afterwards successful, after one of the most iniquitous wars in the world's history, he openly declared it his ultimate purpose to paint the map of the world red, and as the first step to run a railroad line from Cairo to the cape.

The treaty of peace has actually painted Africa red, and it is important for us in this country to know that in Africa there has been turned over to England one of the largest potential food areas left in the world, and American assistance is also being exerted to place Siberia, the second largest potential unused food-supply area in the world under the control of Great Britain.

WHEN BRITISH ATTITUDE WILL CHANGE.

A Great Britain freed from dependence on the food supply of the United States will be a vastly different nation to deal with than a Great Britain which would starve without us.

Since the war, the United States has become the creditor nation of the world. If we gauge correctly the sentiment of the people of this country we are safe in assuming that the tremendous debts due the United States by the rest of the world will not be used as a source of exploitation, coercion, or oppression, but since we are in the dominant financial position by virtue of our

national resources there is no reason why we shall permit injustice to be done the people of our country by allowing British financial manipulation to neutralize this situation adversely to our national interest.

England has a floating debt of twenty-seven billions, eight and a half of which comes due this year. There is a balance in favor of the United States of more than four billions. On the ordinary basis of business England is to-day bankrupt, with internal, economic conditions making it worse.

There are signs and portents of a secret campaign now beginning, which has for its object the purpose of repudiating not only the interest but the principal of the United States war loans. It may be that something of this nature must be agreed to by the United States to save the world, but whatever action is taken must not be to restore England's lost financial leadership but equally to sustain the credit and economic security of all nations alike. Only a rigid inquiry by the Congress into these questions, and especially as to the process by which the exchange value of the pound sterling is being maintained at what many believe to be an artificial ratio, at the expense of the United States, will enable the people to deal fairly with debtor nations, and in the real spirit of world peace determine the problems and responsibilities of the position of the United States as a creditor for the world.

MAY CLOSE FAR EASTERN "OPEN DOOR."

Aside from the humiliating betrayal of China, our best friend and most powerful potential partner among the nations, in its sacrifice to the commercial ambition of England's ally and secret partner, Japan, the people of the United States are vitally concerned in the control of the "Key to the Orient" by Japan and England. Hongkong, the other important entrance to China, is also in control of Great Britain, whose joint control with Japan of Kiaochow will mean the abandonment of the policy of the "open door" established as a result of American diplomacy. It will give monopoly to the two principal competitors of the United States to a market of a half billion people. While the principal opposition to the Shantung pact is based on our betrayal of a friend, the commercial consequences to America of approving any league which shuts it out of the "open door" to the Orient merits serious consideration.

Other items might be added to this protest. The tremendous expansion during the war of the United States merchant marine on an oil-burning basis frees this country from the dependence on English coaling bases throughout the world, which have been the principal sources of her sea strength. The change of motor power from coal to oil would have given opportunity, under real "freedom of the seas," for the United States to compete on a basis of equality. British control of the oil-fuel fields in Russia, China, and Mexico should be denied and these localities made free for themselves and the world.

These considerations are presented in the belief that they are American issues vitally connected with the discussion regarding the league of nations, which, as proposed, settles every one of them adversely to the United States.

If America is true to herself in this crisis, the decision of the United States Senate will transform and purify the politics, policies, and business practices of the whole world.

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STATEMENT OF DANIEL T. O'CONNELL, DIRECTOR OF THE IRISH NATIONAL BUREAU.

The wave of spontaneous support of the cause of Ireland that has swept America and finds voice at this hearing is convincing proof that the people of the United States demand that Ireland be free.

The teachings of Washington, Jefferson, Patrick Henry, John and Samuel Adams, John Hancock, James Otis, and the patriots who founded the United States have not been forgotten. America is aroused in defense of the liberties the Revolutionary patriots won for the colonists, their descendants, and the millions of immigrants and their descendants who found under the Stars and Stripes protection from oppression and all the privileges of human liberties.

The league of nations treaty now before the Senate must be rejected. It is the product of British scheming. If ratified, it will destroy our most cherished traditions, and Ireland will be more fettered by British chains than ever before.

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STATEMENT OF KATHERINE HUGHES, SECRETARY IRISH NATIONAL BUREAU.

Mr. Chairman and gentlemen of the committee, in 1916 hero hearts in Ireland again rose in armed rebellion and proclaimed, "in the name of God and of the dead generations from which she receives her old traditions of nationhood," that Ireland had a God-given right to freedom.

They fell—Ireland's latest of hero rebels—but in the travail of 1916 the Republic of Ireland was born. This Republic lives to-day, as truly a Republic as that of America in 1778, when its Congress, through its envoy, Franklin, pledged itself to aid in the liberation of Ireland if her oppression by England continued.

This Republic of Ireland has to-day the recognition of but one State—that of Russia—as the American Republic in its infancy had only the recognition of France.

America's recognition to-day would make Ireland an independent nation without a drop of bloodshed and only a passing protest from England, so lately America's ally in a war for democracy.

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JOINT STATEMENT OF MICHAEL L. FAHEY, PAUL F. SPAIN, AND JOSEPH T. BRENNAN IN BEHALF OF THE BENCH AND BAR COMMITTEE OF BOSTON, MASS.

Ireland's claim for independence was given a new birth upon the declaration of President Wilson when our Nation joined in the contest for the defeat of Germany. For centuries her patriots had waged the fight for freedom against a world tyrant, against a people who dominated through force, a people who ruled with an iron hand, whose hands were red with blood, and who were guilty of the most abominable crimes.

What country in all the world has suffered as Ireland in the contest to regain independence? The most outrageous crime, and the one to which little attention has been given, which England perpetrated upon the Irish people occurred during the nineteenth century, when, through its cruel laws the Irish people were scattered throughout the world. But that result, as shown to-day, strengthened her people, and to-day their power will be shown to be sufficiently strong to compel England to grant to Ireland the independence her people have long prayed for.

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THE CASE FOR THE GREEKS.

The CHAIRMAN. We will hear the Greeks at this time, whom we appointed to hear this morning. The hearing was unavoidably postponed and we will give them one hour, which is as much time as we can devote to their hearing, inasmuch as we have to finish this other hearing subsequently.

STATEMENT OF MR. WILLIAM S. FELTON.

The CHAIRMAN. Mr. Felton, you reside in Salem, Mass.?

Mr. FELTON. Yes.

Senator KNOX. Were you at the Paris conference?

Mr. FELTON. I appear as president of the National Congress of the Friends of Greece. Mr. Chairman and gentlemen of the committee, a convention was held last week in Washington comprising 350 delegates from all over the country, representing 75 cities and towns. They gathered in Washington to express their views, and to bring those views upon the question of the disposition of Thrace to the President and to the Senate of the United States. There are approximately 500,000 Americans of Greek origin and descent in this country, of whom 60 per cent are American citizens.

Interested in this convention and represented by what might be called non-Grecian delegates are a very large number of liberty-loving Americans, who sent delegates from their number to join with the Grecian-American delegates. This convention left behind, authorized to represent it upon this occasion, a committee of four gentlemen, of which the chairman is Prof. George M. Bolling, professor Greek language and literature at the State University of Ohio, at Columbus. Prof. Bolling has also been professor of comparative philology and Sanskrit, and has contributed upon these subjects a number of well-known technical articles and works. Mr. N. J. Cassavetes, director of the Pan Epirotic Union, organized by Americans of northern Epirotic origin, its purpose being to bring to the attention of the American people the desire of the Christian northern Epirotic populations for union with Greece. Mr. Cassavetes is the chairman of the advisory committee of the Massachusetts organization on Americanization. The third member of the committee is Mr. Constantine C. Moustakis, of Salem, Mass., chairman of the educational committee for Greek immigration in Massachusetts. The fourth member of the committee is Paul Demos, a lawyer of Chicago, a member of the faculty and board of administration of the Chicago Law School, president of the American Association of the Greek Community of Chicago, and now chairman of the Greek branch of the Americanization committee in Chicago, formerly secretary of the Chicago Liberty loan committee, foreign language division.

Before presenting Prof. Bolling, Mr. Chairman, I desire to read a brief letter, which I think will make its own appeal.

It is from a Greek girl in the city of New York and reads as follows:

AUGUST 24, 1919.

Hon. WILLIAM S. FELTON,
Chairman Delegation of the Committee of the Friends of Greece, Washington, D. C.

HONORABLE SIR: I am a poor little Greek girl, 16 years old. I have given to United States all I had.

My dear brother, Dannis Malfreda, before he volunteered in the Army, he was with me in New York. He went to France and he died there for liberty. He died in France; he never came back to me. He left me in New York all alone. He died for liberty, justice, and democracy.

Please tell the Americans, tell the American women, tell the American girls that lost their brothers like myself to help you, to speak to our President to give Greece her rights. Please tell them to help the Greek girls and women get their freedom from the Bulgarians and Turks.

I wish I was a man to come and speak to the President myself. The Greeks and the Greek women of Thrace they prefer to die but not to go under the Bulgarians.

From a little girl that lost her brother in the war for liberty.

EUGINIA MALFREDA.
New York, N. Y.

Mr. Chairman, I now have the pleasure of presenting Prof. Bolling, who will conduct the hearing from this point.

STATEMENT OF PROF. GEORGE M. BOLLING.

Prof. BOLLING. Mr. Chairman and gentlemen of the committee, Mr. Felton has just read to you a very touching appeal, and he has spoken of the congress that has sent us, and of what it represents directly. I should like to emphasize, first of all, that it represents also, among others, Americans. Their number it is impossible to compute, but I have in mind all those who recognize the indebtedness of the modern world to ancient Greece, who admire and love the heroic spirit of self-sacrifice with which the Greeks have thrown themselves into our great struggle for liberty and who believe that Greece, under the leadership of Eleutherios Venizelos, is pursuing a policy characterized by wisdom and moderation and conducive to the peace and happiness of the world.

But, Mr. Chairman, we are here above all as Americans. Our friendship for Greece has given us knowledge of certain facts, has enabled us to gain certain points of view which are not accessible to all of our fellow citizens. We desire now to serve America by presenting to you this knowledge and these points of view, believing that you will find them of value in the consideration you are about to give to our treaties with the allies of the Central Powers, Bulgaria and Turkey.

The question on which all hinges is the disposition to be made of Thrace, and, with your permission, we shall confine ourselves to that question.

To define sharply the conclusion at which we have arrived, I shall quote the pertinent paragraph in the resolution introduced by Senator KING on August 13 and referred to your committee:

"*Resolved*, That it is the sense of the Senate that in the treaties of peace with Bulgaria and with Turkey western or Bulgarian Thrace, including Adrianople, to the line from Enos, on the Ægean Sea, to Midia, on the Black Sea, should be awarded to Greece, proper facilities for Bulgarian commerce to be reserved at Saloniki, Ravalla, and Deleagatsh."

The solution there proposed is in substantial agreement with the request of Greece as presented by Mr. Venizelos. In the peace conference it is indorsed by the delegates of Great Britain, of France, of Italy, and of Japan. It had the support, we are told, of the first experts attached to our delegation in Paris. But the latest report is that our new experts have reached other conclusions, so that our delegates to the conference are now urging, in opposition to all of our Allies, a very different settlement of the question; and one, too, which is open to the gravest objections.

We ask, Mr. Chairman, that you, your committee, and the Senate use all the powers intrusted to you by the Constitution to secure such treaties with Bulgaria and Turkey as shall conform to the spirit and substance of Senator KING's resolution.

The CHAIRMAN. Do I understand you to say—and I know that you are informed on the subject—that our delegates array themselves as against giving Thrace to Greece?

Prof. BOLLING. That, we understand, is the only hitch to the solution of the question.

Senator KNOX. I think that is correct. That is the way I understood it.

The CHAIRMAN. I want to have it appear clearly in the record.

Senator BRANDEGEE. It was in the newspapers the other day that Assistant Secretary Polk had arrived at a compromise of the question. Do you know whether that is true or not?

Prof. BOLLING. Are you referring to the article published a week ago in the New York Times?

Senator BRANDEGEE. I think it was about that time, yes; in which compromise one-third of Thrace was to be given to Greece.

Prof. BOLLING. We have no direct information on the subject. We have no official connection with anybody. We have only the sources of information that are open to American citizens, but we do not believe that such a plan as outlined by Mr. Polk would ever gain the firm support of Venizelos.

The first question involved is a question of fact—the character of the population of Thrace. While we are not, of course, basing our request upon historical considerations, we nevertheless believe that an understanding of the way in which the present distribution of this population was brought about will help to carry conviction.

A little more than 1,000 years B. C. the inhabitants of the Balkans could have been classified on the basis of language into three well-defined groups. The trunk of the peninsula was divided between the Illyrians on the west and the Thracians on the east, while its southern extension was in the hands of the Greeks. All three were members of the Aryan family of languages and all were, relatively speaking, newcomers in this part of the world. Two of these languages have passed away without leaving any but the most insignificant traces; for of Illyrian and Thracian, practically nothing is left save a few names of persons and localities. The future was in the possession of the third group—of the Greeks. They were distinguished, among many other things, by a genius for colonization—for an ability to go among other peoples and not only govern but assimilate them—that is, make Greeks of them in language, ideals, and feelings. They flowed across the islands of the Ægean, first to the shores of Asia Minor.

Then the tide turned toward the northern coast of the Ægean through the Dardanelles, the Sea of Marmora into the Black Sea, reaching as far as Trebizond and the Crimea. The movement began in the eighth century B. C., lasted through the seventh, and on into the sixth century. The result, as far as it concerns us, is a fringe of Greek cities running around the coast from Saloniki to Constantinople and beyond. These cities were then the outposts of civilization, but by the middle of the fifth century they were equal to any part of Greece in art, science, or general cultivation. How rapidly their influence worked upon the natives of the hinterland is unknown in detail; but prominent Athenian families like those of Miltiades and Thucydides were soon intermarrying with the Thracians and proud of the connection. There is some reason for believing that the frontier of Greek influence reached at this time a line drawn west from Midia. A century later Philip of Macedon founded Philippollis and other cities in the interior of the country and fought his way to the Black Sea at Varna, spreading Greek civilization as he went. A few years later Alexander completed his father's work by carrying the frontier to the Danube. It is very significant that his fighting seems to have begun when he reached the Balkan range—the old boundary between Bulgaria proper and eastern Rumelia. Apparently that was then the limit of the Grecian influence.

Under the Romans, the land remained Greek in language and civilization. Thrace being the last Province (46) in this part of the world to be incorporated in their empire. The Latin language never gained south of the Danube a foothold comparable with that which it won beyond that river. That points to the presence in all Thrace of a more highly civilized people, of a Greek-speaking population.

Coming to the retrogression of Hellenism in this territory, I need not trouble you with the raids of the Celts, of the Goths, of the Huns, and of the Avars. These marauding peoples came and went without permanent results. But there was another great migration which I must mention—the coming of the Slav. Its effect is seen even to-day in the presence of the Slovenes, the Serbo-Croates, and the Bulgarians in the Balkan Peninsula. The movement began from the north bank of the Danube early in the sixth century of our era and lasted to the middle of the seventh century. It affected most of the Balkan Peninsula profoundly, but the remarkable thing is the extent to which Thrace (in the modern sense of the word) escaped. The situation may be seen at a glance on the ethnological map published by L. Niederle (Slovanske Starozitnosti ii, 2, 1910, p. 296), showing the status in the seventh and eighth centuries.

The red circles on this map represent the Bulgars proper. Like the Huns and the Turks, they were a Tartar people from Asia. The modern Bulgarian is a cross between them and the

Slav—a hybrid people with Tartar name, Slavic language, and mixed blood. Into the combination the Bulgar put what the Slav had lacked—initiative and organization. They established a kingdom in the region between the Danube and the Balkan Mountains—the territory that is Bulgarian in the strictest sense of the word and was known as such from 1878 to 1885. It was a State with a checkered career into which I shall not go. It dreamed fitfully of vast dominion. The dreams took shape at times and led the Bulgars to the walls of Constantinople and Saloniki. But these cities were never destined to be theirs. The dreams vanished—the Bulgar could never establish himself upon the shores of the Ægean. His subjection in 1393 to the Turk put an end to such efforts. Bulgars then disappear from history until the year 1877.

Senator BRANDEGEE. What is the title of the red-backed volume containing the map to which you have referred?

Prof. BOLLING. Slovanske Starozitnosci, by Dr. L. Niederle, professor of Ceske at the University of Praze.

I have told this story at some length to lead up to the question: Must we expect to find in Thrace a Bulgarian population or a population that is part Turkish, part Greek? On the answer to that question the whole issue depends. For, as Americans, we believe that the most fundamental of all rights is the right of a people not merely to good government but to self-government. That is something entitled to precedence over considerations of policy and over economic desires.

Who, then, make up the population of Thrace? The most reliable statistics available are those of the Turkish Government for 1912, which have been used both by Venizelos (Greece before the peace conference of 1919, appendix 2) and Prof. Sotariades (an ethnological map illustrating Hellenism in the Balkan Peninsula and Asia Minor, London, 1918). These figures come from an ally of Bulgaria, and yet they show that in the whole of Thrace there are 957,000 Turks, 730,000 Greeks, 112,000 Bulgarians, 183,000 Armenians, 65,000 Jews, and 151,000 inhabitants of other nationalities.

The Turks are thus the most numerous element in the population. But there is one thing on which all parties are agreed. Four and one-half centuries of misrule, tyranny, and oppression on the part of the Turks have rendered it impossible to plan for any continuance of Turkish Government in Europe. The Turks must either leave Thrace or accept the government of some other people. Their destiny is clear. Of the remaining element the Greeks have a large plurality, and in particular they outnumber the Bulgarians—the only others to be considered seriously—in the proportion of 7 to 1.

Now, Mr. Chairman, it is possible to bring an objection to the form of this presentation of the case. I wish to consider it in order to show that the vital issue remains unaffected. It may be said that Mr. Venizelos is asking only for a part of Thrace and that our statistics should refer only to that part. I recognize the force of such an objection and will attempt to present such statistics. They can not be given with absolute exactness, because the figures are based on the old administrative district and the new lines cut across them. The inexactness, however, shall not be permitted to work to our advantage. I subtract, therefore, the villayet of Constantinople and the Sandjaks of Rodosto and Gallipoli, which lie in the main beyond the Enos-Midia line, with a population of 489,000 Greeks and 9,000 Bulgars. I subtract also four northern Sandjaks—Achi-Tchelembi, Kirdjali, Mustapha-Pasha, Tyrnovo—not claimed by Mr. Venizelos, because they contain only 9,000 Greeks to 35,000 Bulgarians.

The result is 232,000 Greeks as against 68,000 Bulgarians, or a proportion of over 3 to 1—certainly a sufficient preponderance on which to base a valid claim. It is to be noted also that the other nationalities (except the Turks, 348,000) have practically disappeared, there being but 5,000 Armenians and 13,000 Jews. In the territory claimed the Greeks are thus much more than double the Bulgars, Armenians, and Jews taken together.

Senator KNOX. Do you mean to say that the Greeks are willing to give up the territory when the population is so disproportionate?

Prof. BOLLING. That is the offer, for the nationalization of everything beyond, and concessions so liberal surely entitle them to favorable consideration when they present other claims.

To attempt a similar calculation for the various divisions said to be proposed by Mr. Polk for the partition of Thrace is impossible. The details of his plan are reported too indefinitely and his lines seem to conflict more seriously with the administrative districts. You can form a better judgment by consulting an ethnological map.

In this connection, I wish to call your attention to the character of the authors of the maps which support our contention. I have already cited the map of Soteriades. He is a professor of history at the University of Athens. His map is based upon these figures and so adds nothing more to our claim. But there is the map published by Herman Hirt (Die Indo-Germanen, Strassburg, 1905-1907, map 2). It is on a small scale, but clearly corroborates our position. Prof. Hirt is the leading authority of the world upon the question of the original home of the Aryans and their dispersion through Europe and Asia. No scholar's opinion is entitled to greater weight. His work has been largely with the Slavic languages—that fact, his German nationality, the date of his book, all combine to free him from any suspicion of prejudice in the case. Then there is the map facing page 20 in the Balkans, Oxford, 1915, written by four English scholars, Nevill Forbes, Arnold T. Toynbee, D. Mitrany, D. G. Hogarth, at a time when it was hoped that Bulgaria could be won to the side of our allies. Of these Toynbee and Hogarth are eminent names in the field of classical scholarship. Another excellent map is to be found in the Rise of Nationality in the Balkans, by R. W. Seton-Watson, lecturer in East European history, King's College, University London, London, 1917.

The CHAIRMAN. Mr. Toynbee is one of the great classical scholars.

Prof. BOLLING. Yes; and Mr. Hogarth, as you will remember, is the great explorer at Ephesus.

Then we have a book with quite a remarkable map by Anadore-Vergilj, entitled La Questione Rumeliota e la Politica Italiana. The map is ethnological, but it shows the distribution of Greek and Bulgarian schools and churches. I would be glad if the Senators would look at it, because it proves not only the population but it shows also that the Greeks are better educated, more interested in education, as well as more numerous than the Bulgars.

Senator SWANSON, does that answer your question?

Permit me to call the attention of the committee to the character of the maps. We know that there are others that show a different result—a Bulgarian population where a Bulgarian corridor was wanted. Soteriades mentions one such "issued under the auspices of the Daily Telegraph by the firm of Geographia (Ltd.)." I have not been able to consult it. Another was published by Leon Dominian; a third appeared in the National Geographic Magazine for December, 1918. Of the last two, one was by a graduate, the other by a former professor of Roberts College. Is there any significance in this fact?

Senator BRANDEGEE. Can you state briefly what conclusions you draw from the study and consideration of the maps and the volumes upon which you rely, what deductions you draw?

Prof. BOLLING. That the population of the part of Thrace in question is overwhelmingly Greek as compared with Bulgarian.

Senator SWANSON. How is it as compared to the aggregate population?

Prof. BOLLING. The Turks, as I said a few moments ago, have a plurality over the Greeks, a substantial plurality.

Senator SWANSON. What is that substantial plurality?

Prof. BOLLING. In the whole of Thrace there are 957,000 Turks and 730,000 Greeks. In this particular part of Thrace there are 232,000 Greeks. I do not recall at the moment, but I think it is 348,000 Turks.

Senator MOSES. When you say Turks, you mean Mohammedans?

Prof. BOLLING. Very largely. I mean people who feel that their national consciousness is Turkish.

Senator MOSES. Many of them are not of Ottoman blood?

Prof. BOLLING. Many of them are not of Ottoman blood.

I will not trouble you with the citation of authorities, nor with the statement of what we could prove by the testimony of American citizens familiar with Thrace and with the nationality and sentiments of its population. Our opponents seem, indeed, to be inclined to shift their position. Our statistics, they say, are right for 1912, and our maps also. But the Bulgars have held the country since 1913—their troops have been there during the war—and the ethnology of the country, they tell us, has changed. We should, they urge, recognize the changed condition. In plain language, Mr. Chairman, that means we should reward murder and frightfulness. Such an argument needs no answer.

To sum up, Mr. Chairman, our view of the situation is based upon the principle of a people's right to self-determination.

In the part of Thrace asked for by Mr. Venizelos there are more than three Greeks to every Bulgar. They represent a population which has held to this land for over 2,500 years in spite of indescribable cruelty and oppression. They desire ardently to govern themselves by uniting again with the land

from which their fathers came. It seems to us, as Americans, a plain duty to place no obstacle in the way of this desire.

Mr. Cassavetes will now explain to you the plans suggested for the thwarting of this desire, the reasons urged in their support, and our reasons for finding them unsatisfactory.

I thank you most sincerely for your attention.

Senator BRANDEGEE. Before you leave the stand, will you allow me to ask one question? You alluded in one portion of your remarks to the books published by a professor—one by a professor, and the other by a graduate of Roberts College, and made some suggestions about that college. That college comes out in a good many of our hearings on these matters. What is its position there? Does it wield any influence in its vicinity on political questions, or the determination of any such matters as we have been discussing?

Prof. BOLLING. Senator, if you will recall in the article in the New York Times to which you allude, it was claimed there that it was Roberts College that was responsible for this new plan, and at the same time it reminded us that it was Roberts College that kept us out of the war with Bulgaria, and with Turkey. I have no personal information with regard to Roberts College. Some of the members of the committee may be able to inform you more definitely.

Senator BRANDEGEE. I remember at the time the committee was considering the wisdom of the declaration of war against Turkey and Bulgaria, that several clergymen appeared before the committee protesting against it, and that they were interested in Roberts College. That was one of the reasons I asked the question.

Prof. BOLLING. We see statements such as were made in the New York Times, which I have quoted, and I ask you gentlemen whether it is not a strange coincidence that two maps giving a pro-Bulgarian view of the situation should be that connected with Roberts College?

Senator MOSES. Did you at any time in the course of your statement, before I came in, discuss the commercial question to show that the outlets of the Ægean, which the Bulgars desire, are not necessary to their development?

Prof. BOLLING. No; I have left that to the others who will follow.

Senator BRANDEGEE. I do not know that it is germane to the subject, but for my own information, which is meager on this subject, you spoke of the Bulgarians as being a cross between two nations?

Prof. BOLLING. Slavs and Bulgars.

Senator BRANDEGEE. What is the origin of the Slavs?

Prof. BOLLING. The Slavs are one of the Indo-European people.

Senator BRANDEGEE. Are the Slavs Tartars?

Prof. BOLLING. No, sir. The earlier homes of the Slavs would be along the middle and the upper courses of the Dnieper, and going back joining with the Lithuanians, and then closely with the Germans.

Senator BRANDEGEE. Are the Tartars Mongolians?

Prof. BOLLING. That is not an anthropological but a linguistic term, but I believe that is correct.

I thank you for your attention.

STATEMENT OF MR. N. J. CASSAVETES.

Mr. CASSAVETES. Mr. Chairman and gentlemen of the committee, I have the honor, together with my distinguished colleague, Prof. Bolling, to present to you the sentiments of half a million Americans of Greek descent. As an American of Greek descent, I desire to emphasize the fact that we have come before the Senate Foreign Relations Committee only as American citizens to plead the case of an allied and friendly nation which looks for justice at the hands of America. Whatever the decision of our Government in the case of Thrace, we wish to assure you, Mr. Chairman, that it will in no way affect the loyalty of the American citizens of Greek descent to this country, nor in any way interfere with the faithful discharge of their duties to their adopted country.

My distinguished colleague has, I believe, established beyond doubt the fact that the numerical, cultural, and economic superiority of the Greeks in Thrace is in the proportion of 7 to 1 in favor of the Greek element. This fact alone should be sufficient to induce our country to decide in favor of Greece in the question of Thrace. Unfortunately, we understand from the reports which come to us from Paris that our American delegation, while admitting the numerical superiority of the Greek element in Thrace, is not prepared to allow Thrace to be united with the mother country Greece. What imperative reasons are forcing themselves upon our delegates at Paris to disregard the principle of nationality in favor of the ally of our enemies and at the expense of one of our faithful Allies? Mr. Chairman, permit me to trace on the map the latest plan submitted by our American delegation at Paris in connection with the solution of the question of Thrace. According to this plan, the entire Province of Thrace is divided into two parts, eastern and western Thrace, separated by the river Hebrus or Maritza. Eastern Thrace is further divided into two parts by a line running from the Gulf of Saros to the town of Midia on the Black Sea.

That portion lying to the east of this line is to become international with Constantinople; the other part is to be given to Greece. Western Thrace is divided into three parts, as follows: The territory included between the old Greek frontier on the Ægean Sea and the town of Maronia between a line running north of this town to a distance halfway between the sea and the old Bulgarian frontier and between a line from this central point to the old Greek frontier is given to Greece. The portion included between the Maritza River and the Greek portion of Western Thrace is internationalized and the rest of Western Thrace is given to Bulgaria. The most important objection to this plan is, of course, the violation of the principle of nationality and that of the economic unity of the Province of Thrace. No less serious an objection is the fact that the portion of Eastern Thrace given to Greece is absolutely disconnected from Greece proper, remains suspended in the air, without harbors on the Black Sea or on the Ægean, a temptation, inviting Bulgarian aggression, with Greece absolutely incapable of rendering military assistance in case Bulgaria should decide to invade the territory. What are the reasons adduced by the American delegation at Paris in justification of this plan? In the first place, it is contended that Bulgaria needs an economic outlet on the Ægean. Secondly, it is argued that unless Bulgaria has a guaranty of a free access to the Ægean Sea, she will not cease from plotting and preparing for a Balkan war. Thirdly, it is argued that the American delegation is forced to oppose Greek claims to Thrace, in order to discourage the desire of the Great Powers for splitting Bulgaria between Roumania and Serbia. We shall take up these arguments one by one.

Bulgaria has no economic need of an outlet to the Ægean. Bulgaria, a nation of four million and a half, has two excellent ports on the Black Sea—Varna and Bourgas. Roumania, a nation of 15,000,000, has only one port on the same sea—Constanza. With the internationalization of Constantinople and the Dardanelles, Bulgaria can not be said to be barred from an access to the Ægean. The only port included in the international strip of Thrace is the port of the De-de Agach. This port is absolutely unavailable for commercial purposes. The De-de Agach is only an open roadstead, which will take millions of dollars to render available for commercial purposes. Bulgaria has held that port since 1913, and she not only has not seriously attempted to use this port for commercial purposes, but she has not passed any legislation providing for future improvement of this port for commercial purposes. She has, however, provided the De-de Agach with a very small railroad line, which was meant to feed the submarines. Nor is it possible to believe that with the internationalization of this port Bulgaria will avail itself of it. No Bulgarian Government would be willing to make financial appropriations for the improvement of this port, which will not be in the possession of Bulgaria. The eastern portion of Bulgaria, in which the two great ports, Varna and Bourgas, lie, is the commercial and industrial part of Bulgaria, and it so happens that it wields a preponderant influence in the politics of the country. It is impossible to believe that this preponderant influence will permit an appropriation in favor of improving the port of the De-de Agach, which is not Bulgarian and which will mean the death of the ports of Varna and Bourgas and the transference of the commercial and industrial center of Bulgaria from that portion of the country to the internationalized strip of Thrace. It becomes evident, then, that by internationalizing a portion of western Thrace, Bulgaria's economic necessity, if there be any, can not be satisfied.

We now come to the second argument, namely, the fear that unless we give a guaranty to Bulgaria of a free access to the Ægean Sea she will agitate for war in the Balkans. This argument may be considered from two points of view. It is either an American concession to a threat on the part of Bulgaria, or a fear on the part of the American delegates and an attempt to placate Bulgaria. If it is an admission of threat on the part of Bulgaria, the American delegation by yielding to this threat is clearly admitting that there is no moral force behind the forces of the Allies to enforce justice. If it is merely a fear and an attempt to placate the Bulgarians, the American delegation shows that it ignores the lessons of the events which have transpired since 1913, and also, it seems to ignore

the dreams and ambitions of Bulgaria. In 1912 Mr. Venizelos, in the hopes of establishing the Balkan league, and in full realization of the fact that Bulgaria would not consent to become a member of that league without serious concessions on the part of Greece, offered Bulgaria not only the whole of western Thrace and a very large portion of eastern Thrace, but also the largest portion of eastern Macedonia at a small distance from Salonica. Was Bulgaria satisfied? In the summer of 1913 she treacherously attacked both Greece and Serbia, in the hopes of seizing Salonica and Monastir, and in the hopes of reaching the Adriatic Sea. The Bulgarian armies were completely crushed. At the treaty of Bucharest Mr. Venizelos was disillusioned as to the possibility of pacifying Bulgaria with any concessions lesser than the entire Balkan peninsula. This time he refused to repeat the error of 1912, and insisted upon occupying Thrace, but Russia and Austria-Hungary, each vieing with the other for the friendship of Bulgaria as a military power in the Balkans, imposed upon Mr. Venizelos the necessity of yielding Thrace to Bulgaria. Was Bulgaria placated? Immediately upon the occupation of Thrace the Bulgarian authorities initiated the most cruel persecutions against the Greek element, and in 1914 Bulgaria concluded a treaty of alliance with Austria-Hungary, Germany, and Turkey.

In 1915 France and England insisted that Mr. Venizelos should make concessions to Bulgaria in eastern Macedonia, in order that she might be detached from the Central Powers. Mr. Venizelos, while completely convinced that Bulgaria was already determined to throw her weight on the side of the Central Powers in the expectation of annihilating Serbia, of crushing Roumania, and of driving Greece to the old boundaries of 1912, yielded to the demands of the allied powers and offered Bulgaria the port of Kavala. We read in the Echo de Bulgaria of January 1, 1916, the following editorial, republished in the Berlin Tageblatt January 3, 1916:

These three instances in the course of six years show beyond doubt the ambitions of Bulgaria in the Balkans; that infinitely greater concessions have been made to Bulgaria by Mr. Venizelos and have proved futile, and that the thought of the American delegates that Bulgaria would be satisfied and placated with the internationalization of a strip of Thracian territory is undeniably erroneous.

In closing the reply to the second contention of our delegates we should not fail to understand that an international strip of territory, far from succeeding in placating Bulgaria, will only expose the eastern Thracian portion which will be given to Greece to constant dangers from Bulgaria and will encourage Bulgaria to watch for an opportune moment to invade this international strip. The unfortunate events that took place between 1900 and 1906 in Macedonia under the very eyes of the European commission of control will inevitably be repeated in this international strip of Thrace.

The Bulgarians will subsidize immigration into western Thrace, and the Greeks, in order to counteract this movement for the alteration of a national character, will do the same in their turn. Friction will be inevitable; revolutionary and guerilla warfare will take place in the international territory, in which the Greek element will side with the Greek revolutionists and the imported Bulgarians with the Bulgarian comitadgis. War will thus be inevitable. We have so far proved that the plan of internationalizing a part of western Thrace, far from creating conditions which will foster permanent peace, creates the causes for inevitable wars. Bulgaria will not be satisfied, no matter what concessions the peace conference is disposed to make. The only plan which can be a guaranty of a permanent peace in the Balkans is the plan originally suggested by Mr. Venizelos and subscribed to at first by the American delegation at Paris. That plan is, as indicated on this map, that Greece should occupy those portions of Thrace west of the Saros-Midia line to such points in the north as are preponderantly Greek, leaving the district of Moustapha-Pacha and of Tirlove to Bulgaria, because here the Bulgarian element is numerically superior to the Greek. This plan is a guaranty for peace in the Balkans, because, in the first place, it is based on absolute justice. The Greek Nation will be completely satisfied, and the better elements of the Bulgarian Nation, which are not poisoned with imperialistic ideas, will be satisfied with this solution of the Thracian question.

In case Bulgaria should think of disturbing the peace of the Balkans, a strong Greece, with a united Thracian front, allied to Serbia and to Roumania, will be a convincing argument to the practical Bulgarians that it will not pay them to launch again upon the adventures of 1913 and 1915.

Finally, we come to the last argument, that the American delegation is forced to oppose the claims of Greece in order to discourage the desires of the allied powers of Europe for the complete extinction of Bulgaria. We believe that American diplomacy can protect Bulgarian integrity by other means more just and honorable. It is not necessary to do injustice to Greece in order to defend Bulgaria from foreign aggression. But if it is necessary that Greece should give the first example of self-sacrifice and self-denial to the other allied Balkan States, we may respectfully indicate that Mr. Venizelos has already gone to the limit of such sacrifices. The Greek people have dreamed for centuries for the reestablishment of Hellenism in Constantinople. That portion of Thrace which is to be internationalized and is to include Constantinople as its capital is Greek in history, in population, in commerce, and in culture, and yet the Greek people resign themselves to the abandonment of their claims upon the most cherished portion of the Thracian Province in order to satisfy the rivalries of the great powers and to contribute as much as is within their power to the establishment of a permanent peace. But Greece not only has made concessions in Thrace, but also has offered willingly half a million Greeks on the Black Sea to make possible the creation of an Armenian State. In view of such sacrifices we hardly believe justifiable the insistence of our delegates to force upon Greece the necessity of greater sacrifice, which may exasperate the Grecian people and alienate their friendship for America and for the allied powers.

In concluding, we wish to repeat that Bulgaria has no need of economic access to the Aegean; that the internationalization of a strip of Thrace is not only contrary to the principle of nationality, but will also create causes for future wars in the Balkans; it fails to placate Bulgaria and is certain to alienate the friendship of Greece, it encourages Bulgaria to hope for a possibility of invading eastern Thrace and the internationalized strip, and renders Greece absolutely incapable of meeting a Bulgarian aggression. In other words, it strengthens the enemy of yesterday, and the certain enemy of to-morrow by weakening our ally of yesterday, who of necessity must be our ally of to-morrow. Justice and sane policy dictate that Greece should have those portions of Thrace which are claimed by Mr. Venizelos. With Venizelos at the head of a strong Greece, we may be certain that Bulgaria can be persuaded to throw off her imperialistic dreams and to recognize the community of interests between the Bulgarian and the Greek nations, the one being an agricultural country, the other a commercial and industrial one.

Prof. BOLLING. Mr. Cassavetes has finished his argument unless there is some question, which we will try to answer.

We feel that this is a simple matter of justice and have full confidence in the action that the Government will take.

The CHAIRMAN. The committee will stand adjourned until Tuesday morning at 10 o'clock.

(Whereupon, at 5.35 o'clock p. m., the committee adjourned until Tuesday, September 2, 1919, at 10 o'clock a. m.)

ARTICLE BY HON. HANNIS TAYLOR.

Mr. POINDEXTER. I ask unanimous consent to have printed in the RECORD a brief article by Hon. Hannis Taylor on the peace conference and league of nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE PENDING APPEAL TO THE AMERICAN PEOPLE TO SIGN THEIR OWN DEATH WARRANT.

(Why the Senate of the United States should indignantly reject the "Unholy League and Covenant," which proposes (1) to extinguish the independence of the American Commonwealth; (2) to abolish the existing system of international law; (3) to vest the overlordship of the world in a foreign conclave based on brute force to be applied to every liberty-loving nation, including the Irish, through the vast and rapidly growing sea power of the British Empire, backed by that of her allies, France, Italy, and Japan.)

[Humbly submitted to the American people by Hannis Taylor, author of International Public Law.]

"The modern international system arose out of the peace of Westphalia (1648), whose treaty settlement broke the old Germanic Empire into bits in order to secure to France autocratic domination. In 1815 a second peace was made at Vienna, whose treaty settlement was based on what is generally known as the balance of power. In 1919 a third peace was made at Versailles, whose treaty settlement has broken the German and Austrian Empires into bits in order that their vengeful commercial rival, Great Britain, supported by her allies, France, Italy, and Japan, may become the autocrat not only of Europe but of the world. As this Republic is the only great power, outside of that combination, capable of resisting its selfish and deadly designs, a European conspiracy for our enslavement has been organized, which is now being actively promoted in our midst by a plutocratic foreign propaganda, whose purpose is to threaten and cajole the American people into signing their own death warrant, now generally known as the league of nations.

THE ORIGIN AND REAL PURPOSE OF THE SO-CALLED LEAGUE OF NATIONS.

"The widely scattered and incoherent mass known as the British Empire, made up largely of oppressed peoples ripe for revolt, has for a long time been threatened with disintegration. As the very life of the fabric depends upon the control of foreign trade, the startling inroads made by German competition in that field, prior to the present war, had become more than alarming. In order to meet such conditions, as early as 1911, Dr. Timothy Ricards, a distinguished Englishman, outlined this scheme of a 'league of nations to enforce peace with arms' as follows: 'We are living in the days of anarchy. Unite the 10 leading nations, let all their armaments be united into one to enforce the decrees of a superior court of the world. And since it will then be the refusal of recalcitrant nations to accept arbitration that will make necessary the maintenance of any very large armaments by these united nations, let them protect themselves by levying discriminating tariff duties against the country that would perpetuate present conditions.' On that purely British foundation Viscount Grey, the famous English diplomatist, built the more elaborate plan published on May 11, 1918, in a pamphlet entitled 'The League of Nations,' in which the pending scheme was fully set forth in a tentative form. After that cunning device to hold together the British Empire and to promote its trade, through the agency of other nations, whose tariff systems were to be manipulated in its interest, had received its finishing touches from Lord Robert Cecil, it took its place in the pending peace treaty with a pompous preamble called a 'covenant.'

"The false and absurd declaration in that covenant that this purely British device was constructed 'in order to promote international cooperation and secure international peace and security by the acceptance of obligations not to resort to war' should deceive no one. Col. Watterson expressed the whole truth briefly when he said in substance that the so-called league of nations is simply a 'trap,' designed exclusively by British statesmen and baited with the word 'peace' in order to ensnare the American people. What makes that trap the more dangerous is the fact that some brilliant but illusive rhetorician has covered it all over with a veil into which he has 'intertwined' all kinds of false and fantastic idealisms. So completely has the unsuspecting soul of President Wilson been deceived by that veil that he has gone so far as to say that the making of the trap may be traced to a heavenly source. His recent address in the Senate concluded with this remarkable declaration: 'It has come about by no plan of our conceiving but by the hand of God who led us into this way.'

PRESIDENT WILSON INNOCENT OF ALL CONNECTION WITH THE DRAFTING OF THE LEAGUE.

"One thing we know for certain, and that is that to this British device, constructed by British statesmen exclusively in their own interest, President Wilson made no material contribution whatever. The famous newspaper correspondent, Mr. Frank H. Simons, who watched the entire proceeding at Paris, in declaring that the league is purely a British invention, has said to all the world:

"'It is essential to face the fact that, so far as President Wilson and his European expedition are concerned, the President came here with no definite or clear or coherent program for a league of nations. In a very marked degree the President came empty handed. In point of fact, he had no scheme, and a situation approaching paralysis resulted during a certain period of time.

"'Thus the President's position in course of time developed rather into an inactive attitude. So far from proposing, he remained silent. His real contributions, it would seem, was to veto at various points where suggestions conflicted overnight with his principles as proclaimed in America.

"'After a certain length of time, however, it became clear that if real progress was to be made it would be necessary to cease discussion of abstract principles and get down to actual construction of machinery, and at this point the President was helpless and his associates in the American commission were useless, and it fell to the British, logically and inevitably, to begin the task of constructing some framework, and this is what has been going on for the last three weeks.'

"The British went to Paris with everything ready made. The original draft of a 'League of Nations to Enforce Peace with Arms,' devised by Dr. Timothy Richards in 1911 and elaborated by Viscount Grey in 1918, was completed in the form in which we now have it by Lord Robert Cecil in 1919. How can any man of ordinary insight fail to perceive the real character and purpose of this British design, constructed exclusively by British statesmen to consolidate and perpetuate the world power of the British Empire at the expense of our own? How can anyone believe that such a fabric, in which international law in time of war is to be superseded by brute force, is likely to preserve the peace of the world? What has become of our national pride and patriotism? What would Lincoln, Seward, and Sumner, who braved the power of the British Empire even in the midst of civil war, have thought of such a cowardly and un-American surrender as we are now urged to make?

PRESIDENT WILSON ONLY THE PROMOTER OF THE BRITISH DEVICE KNOWN AS THE LEAGUE OF NATIONS.

"The able and experienced British diplomatists at Paris, who played with President Wilson and his pale associates as if they were children, showed consummate art when they resolved to put him forward as the apparent force moving everything. In that way they undertook to chloroform the American people while their vital interests were being sacrificed by their own chief; in that way they hoped to make it appear to the world that their scheme to hold together their tottering Empire is really an American invention. They did not underestimate President Wilson's inordinate vanity and self-assumption; they did not forget his intense British sympathies and close British connections; they did not forget that when his very able lieutenants, Senator HOKE SMITH, of Georgia, and Senator WALSH, of Montana, were bitterly denouncing his grossly unneutral conduct in permitting the British Navy to seize unlawfully on the high seas southern cotton and Montana copper he treated their protests with contempt. The British made no mistake in their man; President Wilson, while posing at Paris as the Deus ex machina, did just what he was told to do by Mr. Lloyd-George. He did not falter even when he was thus commanded to sacrifice the neutrality laws of the world (really an American creation) in order to make Great Britain the absolute mistress of the seas; he did not falter when he was thus commanded, as he now admits, to cut the very heart out of China and to hand it to Great Britain's indispensable ally, Japan, who will continue to hold it, just as Great Britain has continued to hold Egypt. He never acted on his own initiative but once, and that was when he undertook to insult the sovereignty of Italy, whose indignant protest was applauded by the whole world, including the American people.

WHAT A LOOK BEHIND THE "STAGE SCENERY" AT PARIS WILL SOON DISCLOSE.

"M. Lenôtre has said: 'History as it has too long been written is similar to stage scenery when seen from the body of a theater. Everything is in perfect order, everything is logical and in its place, everything appears to be solid and real, provided you do not go behind the scenes; that is to say, provided you do not study the facts in the heaps of authentic documents stored in the record office. For if you investigate you will discover that the building has only a front and that it is kept upright only by the aid of cords and pegs.' So soon as the historians have time to go behind the scenes at Paris the 'documents in the record office' will more than prove all that has been said as to President Wilson's utter lack of real influence on what actually occurred. He simply put on the 'tragic buskin' and strutted before the audience while the representatives of Great Britain, France, Italy, and Japan carried out their selfish designs behind the scenery 'kept upright only by the aid of cords and pegs.' When all was completed our President was told to 'sign here.'

"So soon as the politicians have time to go behind the scenes at Paris they will find out that the real motive of President Wilson's grossly unlawful removal of the capital of this Nation to that city was purely personal and political and not diplomatic. It could not have been otherwise, because the functions he there performed were not such diplomatic functions as a President has the right to perform. The conduct of President Poincaire, much more deeply interested in the event, puts that fact beyond all question. He sent his diplomatic representatives to act for him, just as President Wilson would have done had he not been obsessed with the idea that the stage at Paris was the preordained place from which he could launch his candidacy for a third time to the greatest advantage. The brilliant and versatile Senator Lewis has let the cat out of the bag at last. During his recent visit to Washington he disclosed it all to the American people on July 13. The edict has gone forth; he says that the President's message 'creates a new alignment of politics in the United States. * * * The dividing line will be the Wilson foreign policy. * * * The people will not regard him as a third-term candidate, but a first-term candidate on the new issue for America.' If the Senator had followed the wise rule of Mr. Chucks in Peter Simple—'Spin your yarn in plain English'—he would have said, 'President Wilson has returned resolved to run for a third term on this platform—European internationalism against your old and obsolete Americanism.' As that mighty issue has been thus precipitated upon us, the American people should understand what European internationalism really means.

INTERNATIONALISM A DEADLY MENACE TO PATRIOTISM AND RELIGION.

"The revolutionists who are now striving to turn the world upside down hope to abolish all existing conceptions of patriotism and religion through the substitution of a new cult whose god is to be humanity and whose creed is to be internationalism, a vague formula that is to wipe from every heart that sacred something we have known heretofore as patriotism. As a typical exponent of the new cult stands M. Viviani, ex-premier of France, who, as minister of labor, gained great control over the laboring masses in that country. He was the leading member of the recent French mission to this country. It is quite probable that he may be the successor of Mr. Clemenceau; it is quite possible that he may be the next President of France. When he was here not long ago a fête was given at Chicago to the mission by a distinguished and very patriotic American statesman who, of course, was not responsible in any way for what his guests said on that occasion. The following account of what occurred is taken from America, one of the leading Catholic journals of the United States:

"'But there was one speech of M. Viviani which was not so blatantly reported; indeed, it was most carefully suppressed, though several thousand people were aware of it and many thousands of soldiers heard of it after they had arrived in France. Mr. MEDILL MCCORMICK, at present a member of the United States Senate and son of Robert McCormick, sometime ambassador to France, gave a fête for the French mission during the progress of which the former premier of the French Republic was asked to address the guests. M. Viviani was moved to reminiscence and his vein of satire led to the masterful way in which France had driven God from the State; how, after a tremendous struggle, she had driven God from the schools, and "Now," he concluded, impressively, "we shall drive God from the churches." To their credit, it can be recorded, many protested to Mr. MCCORMICK that they considered such expressions blasphemous, and they declined to remain and be presented to the representative of Gallic civilization and progress.'

THE GROWING SEA POWER OF THE BRITISH EMPIRE.

"Let us not deceive ourselves as to what is ahead of us. Collier's Weekly says: 'That August day in 1914, when the war broke out, the British Navy had a tonnage of 2,500,000 and a personnel of 145,000 officers and men. To-day it has a tonnage (including the auxiliary fleet) of 8,000,000, and a personnel of almost 500,000. This does not include the mercantile marine or patrol vessels, mine sweepers, etc., in the auxiliary fleet. There are 50,000 men serving in these.' In addition, the British Empire holds in its hands the surrendered German colonies, and the long-coveted Dardanelles, besides the Suez Canal, and a kind of over-lordship over our own Panama Canal, which can be defended only by sea power. When to all that is added the combined sea power of her allies, France, Italy, and Japan, she is not only the mistress of the seas but the empress of the world in a way in which no world power has ever been since the fall of the Roman Empire. The newspapers report that the building of British dreadnaughts is now progressing more rapidly than ever before. With her hated commercial rival prostrated in the dust, with its great warships at the bottom of the sea, Great Britain has now no one in her way but ourselves. Our day will surely come the moment that our growing merchant marine dares to conflict with her commercial interests on the high seas. After the first gun fires, southern cotton, Montana copper, and western food supplies will appeal in vain to neutrality laws which President Wilson has agreed to abolish absolutely. With starvation blockades in full force Britannia will rule the waves, if the league of nations is adopted, entirely unmolested for the first time by neutrality laws. Cicero made no mistake when he said 'that he who gains the command of the sea must obtain supreme power.'

THREE REASONS WHY THE GREAT BRITISH WAR TRUST SHOULD BE REJECTED AS A WHOLE.

"1. Because our sense of 'constitutional morality' demands that we should entirely ignore an unprecedented proceeding carried on by the President of the United States, through the unconstitutional removal of the Capital of this Nation for a long period of time, and without the authority of Congress, to a foreign country to which the great seal could not be removed. If the Senate should suddenly resolve to hold its sessions in Peking during the great debate, only the implied prohibitions of the Constitution would forbid such a course. It is beyond all cavil or question that the same implied prohibitions deprived Mr. Wilson of his constitutional status as President the moment he passed beyond the territorial limits of the United States. The admirable Campbell bill is simply declaratory of existing law. If President Wilson is not to be otherwise punished for his grave breach of the Constitution in removing the Capital of this Nation to Paris, the Senate should administer such a rebuke as will deter his successors from imitating his lawless example.

"2. Because, apart from the foregoing, the Senate should rebuke President Wilson's violation of all the rules of diplomatic propriety by taking his place as a mere delegate in a congress in which every other chief of state, including the President of France, appeared by representatives. No American President should be permitted, through motives of abnormal personal ambition, so to degrade the dignity of the great office confided to him by the American people. The recent announcement by his inspired spokesman that he is to seek a third term in order to ingraft upon American politics schemes and policies formulated in that way only adds to the gravity of his offense. Before he begins a campaign for a third term he should remember that during his absolute sway the annual expenses of this Government have been increased from $1,000,000,000 to $6,000,000,000; that a clean Treasury has been clouded by a debt of approximately $30,000,000,000, a crushing burden 'whose elongated fingers will reach down into the pockets of posterity and rob the babe unborn of his birthright.'

"3. Because the acceptance of the so-called league in any form, no matter how attenuated, will involve the making of such an 'entangling European alliance' as will ipso facto abrogate the Monroe doctrine, whose life depends upon the existence of a single fact—an absolute abstinence from the making of all such alliances. No American statesman should be so stupid as to believe that the unique creation called the Monroe doctrine, which rests upon a single fact, can be perpetuated by contract after the fact has ceased to exist. If we fall into the trap European diplomatists have set for us in this regard, we will lose our primacy in this hemisphere and at the same time become the laughingstock of all the world.

PRESIDENTIAL GIFT-TAKING STERNLY FORBIDDEN BY CONSTITUTION AND STATUTE—FIRST FRUITS OF LEAGUE.

"In the Federal convention of 1787 Mr. Madison said: 'Limited as the powers of the Executive are, it will be an object of great moment with the rival powers of Europe who have American possessions to have at the head of our Government a man attached to their respective politics and interests.' At a later day, 'Mr. Pinckney urged the necessity of preserving foreign ministers and other officers of the United States independent of external influence and moved to insert—after Article VII, section 7, the clause following: "No person holding any office of profit or trust under the United States shall, without the consent of the Legislature, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign State," which passed nem. con.' Such is the genesis of Article II, section 9 of the Constitution. In order to make that prohibition more severe, it was expressly provided by statute (August 18, 1856) that 'No diplomatic or consular officer shall * * * ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such [foreign] government.' If President Wilson sat as a "diplomatic" representative of the United States at Paris, as he said he did, he is amenable of course not only to the Constitution, but also to section 1751 of the Revised Statutes, which does not permit Congress to dispense with any of its provisions. The following appeared as a news item in the Washington Times of April 18, 1919:

"'PRESIDENT'S GIFTS HERE FROM EUROPE.

"'A carload of European gifts to President and Mrs. Wilson has been received at the White House. The shipment is in about 40 large boxes, and will not be unpacked until the Wilsons return.'

"What a princely fortune must be represented by that mountain of gifts, if their value is equal to their bulk. That phase of this astounding and lamentable transaction will be disclosed by the appraisements at the custom house in which the duties were paid. The curtain must be lifted; the people must be fully informed because their dignity and honor are deeply involved. The President can not lift himself above all the laws.

"Certainly the President is entitled to no kind of rewards from the American people. (1) Because he subscribed at Paris to a British device constructing a superstate to which the American Commonwealth is to surrender its sovereignty and independence; (2) because, in order to make the sea power of the British Empire absolute, he agreed to eliminate the neutrality laws of the world largely of our making; (3) because he there subscribed to the mutilation of our friend, helpless China, to the greed of Japan. Senator NORRIS has well said: 'In all the annals of history I do not believe there is recorded an instance of a more disgraceful and dishonorable agreement to carve up the territory, not of an enemy, but of an allied friend'; (4) be-

cause his removal of the capital of this Nation to Paris for nearly seven months, in violation of the Constitution and of all diplomatic propriety and usage, in order to promote his personal ambitions, reduced this Government almost to chaos, to the serious detriment and loss of the American people; (5) because his aggressive intermeddling at Paris with certain European affairs has made for us bitter enemies where we had friends before. Who can doubt that this pitiful episode will prove to be the most disastrous and humiliating in our history."

In an article which appeared on the editorial page of the New York American of August 25, 1919, Mr. Taylor restated his views upon the subject of presidential gift taking as follows:

[By Hannis Taylor.]

THOSE GIFTS TO MR. WILSON.

WASHINGTON, *August 23.*

"In the hope of breaking down and discrediting that band of patriots in the United States Senate, composed in the main of Republicans, who are striving to safeguard the American people against the most deadly menace that has ever threatened them the political managers of the Wilson administration have inaugurated a campaign of personal vilification almost unparalleled in our history. As the most potent and aggressive of the administration organs, the New York Times began the attack with great bitterness in its leader of August 22, entitled 'Unyielding Obstruction,' in which it went so far as to say:

"'The conclusion is irresistible that they are no longer concerned about the treaty; they are apprehensive only about the chances of their party in the next presidential election. They feel that they must defeat the President now, or he may defeat them next year, and to accomplish that purpose they are willing to kill the treaty.'

"On the same day, evidently through a concert of action, Homer S. Cummings, chairman of the Democratic National Committee, delivered himself in this wise at Rye, N. Y.:

"'Referring to the opposition Senators as "Senatorial imbeciles" and "wretched creatures of the Senate," Mr. Cummings declared that some of these men were "so low they would need a stepladder, to climb to the top of it, and then perhaps they could look into the subcellar of President Wilson's mind."'

"Instead of speculating as to what may possibly be found in 'the subcellar of President Wilson's mind,' his campaign manager had better come to Washington at once in order to ascertain what may certainly be found in the subcellar of the White House.

"The following appeared as a news item in the Washington Times of April 18, 1919:

"'PRESIDENT'S GIFTS HERE FROM EUROPE.

"'A carload of European gifts to President and Mrs. Wilson has been received at the White House. The shipment is in about 40 large boxes.'

"The impression here is that this mountain of gifts from kings, princes, potentates, paladins, foreign States, and municipalities must represent hundreds of thousands of dollars in value. The details, however, are shrouded in silence and mystery, as nobody here seems to know through what customhouse these priceless gifts were brought in; whether they have ever been inventoried or appraised anywhere; or what duties, if any, have ever been paid on the same.

"In the Federal convention of 1787 Mr. Madison said:

"'Limited as the powers of the Executive are, it will be an object of great moment with the rival powers of Europe who have American possessions to have at the head of our Government a man attached to their respective politics and interests.'

"At a later day Mr. Pinckney, after urging 'the necessity of preserving foreign ministers and other officers of the United States independent of external influence,' proposed that clause of the Constitution which provides that 'no person, holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.'

"In order to make the taking of presents by Federal officials impossible, even with the consent of Congress, it was provided by statute in 1856 (1751 Revised Statutes) that 'No diplomatic or consular officer shall ask or accept for himself or any other person any present, emolument, pecuniary favor, office, or title of any kind from any such (foreign) Government.'

"If President Wilson sat as a 'diplomatic' representative of the United States at Paris, as he said he did, he is subject to the penalties imposed both by the Constitution and statute, in the event he has received the presents attributed to him without denial by the public press.

"The question of questions which must be answered before the present treaty is ratified is this: Must the President of the United States always receive a carload of European gifts, representing a princely fortune and passed through the customshouse without duty, every time he is called upon to function under the terms of the league of nations? That grave matter must be explained to the entire satisfaction of the American people before they take the final step.

"Mr. Cummings, who knows even what is in the subcellar of President Wilson's mind, should come at once to Washington and inform the 'Senatorial imbeciles,' who are now obstructing the treaty, on this point. If he does not, I can inform him that such a proceeding is soon to be begun in the House of Representatives as will clear up the whole matter in the manner the Constitution provides."

HIGH COST OF LIVING.

Mr. PHELAN. Mr. President, I ask unanimous consent to have printed in the RECORD a communication from the Retail Grocers' Association of San Francisco, Calif., upon the subject of the high cost of living, and also one from the University Branch of the National Association of Letter Carriers of Berkeley, Calif., on the same subject—the high cost of living compared with the low compensation of their services. They request this.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *August 28, 1919.*

Hon. JAS. D. PHELAN,
United States Senate, Washington, D. C.:

Four hundred retail grocers in mass meeting here, Native Sons Hall, Monday night, strongly protested against President Wilson's charge that retailers are largely responsible for exorbitant prices; also statement Attorney General Palmer to Agriculture Committee that retailers are the worst profiteers. United States Food Administration's records prove these statements not justified by facts. Our margins on 40 per cent of sales, the staples, are made at less than our operating expense. We strongly protest against exemption of farmers from new amendment to food-control act, because while retailers are blamed producers are getting the money. We demand full investigation from producers to consumer. California Raisin Growers' Association, controlling 90 per cent of crop, last week fixed this year's price 100 per cent over last year. They exact this extra $20,000,000 from the consumers. California Prune Growers' Association named opening prices three weeks ago 80 per cent higher than last year. Consumers must pay this extra $25,000,000. The Rice Growers' Association here will announce opening prices soon 40 per cent higher than last year. All three crops are greatest in history. Retailers' margins remain the same as the past five years in spite of increased expense. These concrete instances demonstrate the producer is responsible, not the retailer. Request you kindly ask this be printed in the RECORD.

RETAIL GROCERS' ASSOCIATION OF SAN FRANCISCO,
E. BRODERICK, *President.*
FRANK B. CONNELLY, *Secretary.*

—

UNIVERSITY BRANCH, No. 863,
NATIONAL ASSOCIATION OF LETTER CARRIERS,
Berkeley, Calif., August 23, 1919.

Hon. JAMES D. PHELAN,
Washington, D. C.

DEAR SIR: On behalf of the postal employees of this office I am asking that you use your efforts to secure for us an adequate salary increase at an early date. A joint resolution, Senate joint resolution 84, intended to grant temporary relief until such time as the Joint Postal Commission completes its investigation and submits its report and recommendations to Congress, has been referred to the Committee on Post Offices and Post Roads.

This resolution, if adopted, will grant immediate necessary relief, and living conditions for the families of our men will be made bearable. It is impossible to live decently on the present salary of $125 per month when there are five or six mouths to feed.

It is generally conceded living costs have advanced over 80 per cent in the past four years, but we have been allowed only 25 per cent since 1907, and that is only temporary.

In other lines present costs are recognized and salaries fixed accordingly; we can not keep pace with the progressive prices on our backward salaries.

Hoping you will give to our case favorable consideration. I am,

Respectfully, yours,

E. J. CURRAN,
Recording Secretary.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2236) relating to the affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war."

HOUSE BILLS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Finance:

H. R. 6238. An act to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States; and

H. R. 7705. An act to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of shell and pearl.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, the action of the Committee on Foreign Relations upon the pending peace treaty has been foreshadowed by the progress of that treaty through the committee, so that we may now clearly see what issue it is which is to be presented by that committee to the Senate of the United States. By a vote of 9 to 8 the committee has formally decided to adopt amendments to the treaty which are absolutely destructive of America's participation in it. By this vote the committee has raised the issue squarely if indirectly whether this Nation is to participate in the treaty which has been negotiated after such a long struggle at Paris and Versailles, or whether it is to discard all the provisions in that treaty that are for the benefit of the United States, whether this Government is to desert at this juncture the nations with which we have been associated during the war and stand before the world unwilling to carry to their whole limit the steps necessary to perpetuate the victory which our arms in connection with those of the other nations achieved. The committee does not do this by a direct and specific proposal to reject the treaty. Although a majority of the committee is in favor of that action, they seem to hesitate at taking it. They prefer by indirection to accomplish the same thing; that is, by adopting amendments which make the treaty impossible.

Mr. President, I shall not discuss the merit of any of the amendments. It is utterly unimportant to consider whether they are good, bad, or indifferent. The Senator from Arkansas [Mr. ROBINSON] has discussed the Shantung amendment, which is said to have the strongest sentiment back of it. The Senator from North Dakota [Mr. MCCUMBER] has made an absolutely unanswerable argument to demonstrate that the adoption of the so-called amendment relating to Shantung can not by any possibility benefit China, in whose interest it is assumed to be proposed.

I repeat that I am not going to discuss the nature of the amendments; but I lay down this proposition, and I challenge anybody to meet it, that the adoption of any amendment to this treaty—and the committee proposes many—means its defeat so far as we are concerned.

Fortunately neither this committee nor the Senate possesses the power to defeat the treaty. It will go on; it will go into effect; it will be in effect in a few weeks; for its provisions are that when three of the great powers in addition to Germany have ratified it, it goes into operation. Great Britain as well as Belgium has done so; France will do so within a very short time; Italy and Japan will undoubtedly follow in rapid succession; and the treaty, so far as those nations are concerned, will be in effect.

How about the United States? We shall be in the attitude, if we follow the policy of folly which the committee is pursuing, of proposing amendments which are certain to be rejected. Does anybody suppose that if the Senate adopts the so-called Shantung amendment, and if the President, in the exercise of his power, sends it to Great Britain, France, Italy, and Japan for concurrence, that any one of them will concur in it? Such action is impossible and unthinkable. Great Britain has ratified the treaty, and she will stand by that ratification; France will ratify it, and so will Japan and Italy. Japan certainly would never consent to have herself humiliated in the eyes of the world and be compelled to have the provisions changed as the committee proposes. Great Britain, France, and Italy are under a treaty obligation with Japan to stand by her in the disposition of the German interests in the Shantung. How absurd, then, to suppose that those nations will violate their contract, will repudiate their obligation to Japan, even if Japan's consent could be secured.

But, moreover, be it remembered that France, Great Britain, and Italy have enormous benefits in this treaty. They can not afford to endanger it, even if they would be willing to affront Japan. They know, if the members of the Senate Committee on Foreign Relations do not know, that these nations possess no further power to compel Germany to make any concessions. Gathered in council at Versailles, they said to Germany, "Sign; sign within so many days; sign here; and ratify within such a time." Germany did it. When Germany did that thing she ended compulsion. Any change in the treaty, any new treaty made with Germany, can not be made under compulsion; it can only be made by negotiation. Does anybody suppose that Germany is in any frame of mind at the present time to negotiate?

So I say, Mr. President, that any proposed amendment to this treaty, whether it is the dotting of an "i" or the crossing of a "t," whether it is good, bad, or indifferent, means that the United States retires from the treaty. We might as well meet that issue here and now. It would be a great deal better faith if the Senators who propose to advocate these amendments did so frankly and declared that they were in favor of rejecting the treaty.

Mr. WILLIAMS. As the Senator from Pennsylvania [Mr. KNOX] has done.

Mr. HITCHCOCK. Yes, Mr. President, as the Senator from Mississippi says, the Senator from Pennsylvania [Mr. KNOX] has done so. Much as I condemn the attitude that the Senator from Pennsylvania took here a few days ago, it must be admitted that he is at least entitled to the credit of candor and courage in taking it. He seems to have wearied of voting for amendments to kill the treaty; he seems to have realized that he would ultimately be forced into the open; that he would have to admit that the amendments would kill it, and that a virtue might as well be made of necessity at once.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I will yield for a question, but not for delay.

Mr. POINDEXTER. It is only a question which I desire to ask.

Mr. HITCHCOCK. Make it very short, if the Senator please.

Mr. POINDEXTER. I understand the Senator's attitude to be that——

Mr. HITCHCOCK. If the Senator will permit me, I will state my attitude, but if he will ask any question, I shall be very glad to answer it.

Mr. POINDEXTER. Does the Senator advocate the ratification of this treaty by the United States without the crossing of a "t" or the dotting of an "i," regardless of the character of the treaty or the effect it will have upon the vital interests of the United States?

Mr. HITCHCOCK. I favor the unqualified ratification of this treaty at the earliest possible date, regardless of any arguments that Senators may make as to the interests of the United States. My investigation shows me that if we do not ratify it our material interests will suffer tremendously; and I shall undertake to show that before I get through.

Senators here have denounced and condemned the league of nations as altruistic, as an attempt upon the part of the United States to benefit the whole world, sacrificing somewhat, as they claim, the material interests of the United States. Those same Senators come here now and defend a destruction of the very important material interests and national interests which this treaty, secured from Germany at the point of the cannon, provides for the United States.

Suppose we fail to ratify this treaty. Suppose we adopt an amendment which defeats the treaty. Where will the United States stand? It will stand as a deserter, in the first place, in the great cause in which we enlisted when we entered this war; it will stand as a deserter, leaving the nations associated with us to enforce, as they must, the terms of this treaty against Germany; it will stand as a poltroon amongst the nations of the world, begging Germany for terms of peace.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HITCHCOCK. Very briefly, if it is a question simply, but not for delay.

Mr. FRANCE. Is the Senator aware of the fact that the British Labor Party, representing 20,000,000 of the British workingmen, have condemned this treaty in unequivocal terms?

Mr. HITCHCOCK. No, I am not; and I do not care what they have done.

Mr. President, if the United States takes the position to which I have referred it is then reduced to one of two alternatives: Either it must go hat in hand to Germany and ask Germany to enter into negotiations for a peace settlement, or it must, as some Senators have recommended, pass a resolution in Congress declaring that we have reached an unconditional peace with Germany.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Maryland?

Mr. HITCHCOCK. Under the same conditions, I yield.

Mr. FRANCE. I did not understand the Senator's reply. Does he deny that the great British Labor Party, which will undoubtedly control the destiny of Great Britain after the next election, is unequivocally opposed to the league of nations?

Mr. HITCHCOCK. I deny it because I do not know it, and I do not care if it is so.

Mr. FRANCE. Mr. President——

Mr. HITCHCOCK. I ask the Senator not to interrupt me further; it does not comport with what I am saying, and I do not want to have the continuity of my remarks destroyed.

Unquestionably, Mr. President, the treaty is going to be in operation very soon and the United States will be out in the cold.

I have said that we will be confronted with two alternatives: Either we will have to go to Germany and ask Germany to negotiate a treaty of peace settlement with us, or we will have to adopt a resolution—a concurrent resolution, as the Senator from Pennsylvania and the Senator from New Mexico have advocated—declaring a state of unconditional peace with Germany.

Where, then, are the issues of the war with Germany? We leave Germany angry and resentful toward the United States because we, the great democracy on the Western Hemisphere, threw our weight into the conflict and defeated her. We lose all the benefits and provisions of this treaty, and Germany will be free to assert against the United States enormous claims, which she undoubtedly will make, for indemnity. Germany declared no war against us; she will be in a position to say to us, "You declared war against Germany; we did not want war with the United States. You seized the property of thousands of German nationals in the United States contrary to the treaties of 1799 and 1828; you liquidated that property in violation of international law; your Congress has taken possession of it; we want an indemnity." We would have with Germany on that account alone, for years to come, a controversy which would inevitably in time run into the dangers of war.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HITCHCOCK. I yield.

Mr. PITTMAN. The Senator is referring to the contention that Germany would undoubtedly make. He does not, of course, adopt that contention himself.

Mr. HITCHCOCK. No; I am adopting the contention which Germany would make and which Germany has made since this treaty was signed. Since Germany has realized what we have done in this country—and rightfully done, as I believe—her papers have been aflame with indignation that we have done it. Under the treaty Germany validates the acts of Congress, she validates the acts of the Alien Property Custodian under which we have seized from $750,000,000 to $1,000,000,000 worth of property belonging to German nationals and hold it. Under this treaty we can hold the proceeds of the sale of that property not only to indemnify ourselves for prewar losses, not only to indemnify ourselves for losses similar to those occasioned by the sinking of the *Lusitania*, but also to indemnify and pay the claims of Americans against Germany and against German nationals. What becomes of that? Who is to look out for the payment of claims which German nationals owe to American nationals, if we lose this protection? What is going to become of this $700,000,000 or $800,000,000 of property in the United States which, in the eyes of Germany, if this treaty is not signed, still belong to German nationals? Senators who are so fond of measuring the material interests of the United States and the nationalism of our country against great world benefit had better think before they reject this treaty and throw the United States into a controversy with Germany which may last for years and may lead to war.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. Under the same conditions, yes.

Mr. POINDEXTER. Does the Senator mean to say that he would sacrifice the national interests of the United States of America, one of the Commonwealths of which he, in part, represents here in the Senate, for the sake of what he calls world benefits?

Mr. HITCHCOCK. I mean to say that the Senators who undertake to advise the United States to play the part of a poltroon and deserter and get out of this treaty would not only put themselves in a bad moral attitude but they would sacrifice these enormous material interests as well.

Mr. POINDEXTER. Does the Senator agree with the President of the United States, who denominates this treaty as a supreme sacrifice by the people of the United States?

Mr. HITCHCOCK. Mr. President, it is a great act, an altruistic act, for the United States to throw its strength into the society of nations and propose to steady the world in this hour of danger. Undoubtedly the United States is able to confer upon the world at this time a benefit greater than any other country can confer. The United States is young; the United States is strong; the United States is rich. It alone of all the nations of the world is able at the present moment to confer upon the world, the distressed and despairing world, benefits such as no other nation can confer. It is an act of altruism; but I am pointing out to Senators that what they propose is going to sacrifice some of the precious material interests about which they are talking all the time.

Mr. POINDEXTER. Mr. President, I assume from what the Senator says that he cares nothing whatever, since he speaks of them rather contemptuously, for the material interests of the United States.

Mr. HITCHCOCK. I am attempting to show the Senator that he and his associates are attempting to sacrifice, and propose to sacrifice, the very material interests for which they assume to stand.

Mr. POINDEXTER. I say to the Senator that he is here as a Senator sworn to protect and guard the material interests of the people of the United States.

Mr. HITCHCOCK. I have submitted to all the interruptions I propose to; but I will say to the Senator also that I propose to stand by that oath; and I am standing by it when I insist upon the ratification of this treaty.

Mr. POINDEXTER. I should like to ask the Senator one other question.

Mr. HITCHCOCK. I can not submit to any further questions. I decline to yield further at the present time.

Mr. President, one of the declarations made in this treaty by Germany is that she assumes full responsibility for this war. If we retire from the treaty she will not assume toward us full responsibility for this war. She will seek to hold us to that responsibility, and in German eyes and in German minds she will have considerable warrant for that claim.

In this treaty Germany agrees to pay damages. Now, it is up to Congress when the time comes to decide whether or not we will insist upon what we are entitled to under this treaty; but certainly we should not release Germany from that promise.

The Senator from Pennsylvania [Mr. KNOX] comes boldly before the Senate and before the country and pleads the German cause. He makes very much the same arguments that the German peace commission made in its communications to the peace conference representing the nations of the world. He makes practically the same arguments against indemnities, the same arguments against excesses, which they made and which the peace conference representing the other nations answered. It is only necessary to read those communications to see where the Senator from Pennsylvania derived his thoughts.

Mr. President, there are many other benefits which the United States derives under this treaty, and which the majority of the Committee on Foreign Relations proposes to sacrifice.

The treaty provides that for six months after its ratification Germany will impose no higher customs duties upon imports, as against the nations which sign this treaty, than the customs duties which prevailed for the first six months of 1914. As against the United States, if we failed to join in executing the treaty, she could put in any tariff she pleased.

She promises that she will not prohibit or restrict the importation of goods from any of the countries signing this treaty, but there will be no such promises in regard to the United States.

She promises that there will be no discrimination, direct or indirect, against any of the nations signing this treaty, but she would not make that promise to us if we did not enter into the treaty.

She promises that there shall be no discrimination in shipping, based on the flag of any country signing this treaty, in

any of the German ports. There are no such promises to us if we fail to sign the treaty.

In this treaty Germany agrees that the nations which sign it can revive, in their own discretion, such former treaties as existed with Germany, but that promise will not exist, so far as we are concerned, if we fail to enter this treaty.

In this treaty Germany promises to restore the property of our citizens seized in Germany or to compensate the owners. No such promise would exist if we failed to ratify the treaty. All American property in Germany would be subject to confiscation.

Many other promises of that sort are made. I shall not here catalogue them all. Some of them are less important than those I have cited and some of them are fully as important.

I desire, however, to mention another thing of tremendous value in the United States which is provided for in this treaty, and which we will lose if we amend it, because if we amend it we kill it as far as we are concerned. We lose our membership on the great commission of reparation. Do Senators realize what that commission is to be? Each of the nations—the United States, Great Britain, France, Italy, Japan, the Jugo-Slovene State—is to have membership on that commission. Only five nations, however, are to participate in any of its decisions. The United States will always participate. Sometimes Japan will, sometimes the Jugo-Slovene State will, sometimes Belgium will, but always the United States will participate in every one of its decisions. Do Senators realize the tremendous power of this commission? Do they know that it holds the power over Germany to compel her to use all her economic resources to the very limit for carrying out the promises of this treaty? Do they realize that that commission receives from Germany all of the reparation which Germany pays, and distributes it to the various countries? Do they realize that that commission has the power to say to Germany how much she shall pay out in gold, what she shall pay out in other forms of property, and how the bonds that she is compelled to execute shall be deposited and distributed? Do they realize, moreover, that this commission has the power to say to Germany: "You are importing too much. You have got to economize. You can not pay your debts, you can not comply with the terms of this treaty, unless you cut down your imports"? Do Senators realize what that means? It means that the reparation commission can say to Germany: "Cut down your imports of cotton, cut down your imports of wheat, cut down your imports of copper and other mining products, cut down your imports of agricultural and manufactured goods." Do Senators think that the United States can afford not to have representation on that powerful commission? How else are you going to protect the exports of the United States in cotton, copper, wheat, cattle, and all the other products which we hope to sell to Germany, in common with the rest of the world? How are we to protect ourselves against discrimination, as against the rest of the world, if we have no membership upon that commission?

Mr. President, to my mind it is unthinkable for the United States not to be represented on this great, powerful, international body, holding the control of the economic resources of Germany and having the power, until she makes a final settlement, to dictate to her what shall be done with her products, where they shall be sent, and what she shall import. We can not afford not to be represented on that commission, and we can not be represented on it if we retire from this treaty.

I am talking material things; I am talking national interests now, that Senators have been disposed to bring into the foreground as the only things to be considered. What do they propose? How do they propose to protect American exports—wheat, cotton, cattle, mining products? How do they propose to see that America gets her share?

The commission is going to be in operation, and it is going to be in operation very soon, and it is going to use its powers, and the United States is going to be in competition with Great Britain and France and Japan and other countries; and we can not afford not to be represented on that powerful committee, possessing these enormous powers. The disasters to be contemplated by our retirement from this commission are, to my mind, appalling disasters to our commerce, disasters to our banking interests, disasters to us politically in the larger sense, because it means the isolation of the United States in the world. It means that we affront Japan; it means that we lose our control over the benefits that Germany must pay out in settlement of this war; it means that we leave Great Britain, France, Italy, Japan, and the other twenty-odd nations that sign this treaty in a combination, and we, having secured the hatred of Germany and of Japan, will also earn and merit the contempt of the nations that we desert at this time. Political isolation for the United States—that is what retirement from this treaty means, and it means nothing less.

Mr. President, that is the program of the majority of the Foreign Relations Committee. The majority of the Foreign Relations Committee does not represent the dominant majority of this Chamber. It is a committee organized for the very purpose of seizing this treaty and impounding it, holding it there in cold storage, as it has done now for weeks, since the 10th of July, as I recall, because it went to the Foreign Relations Committee within two weeks after it was signed, and there it remains practically in cold storage. That committee does not represent the dominant element of the Senate. The majority of the Senate wants that treaty ratified. The overwhelming majority of the American people want it ratified. I have shown here by incontrovertible evidence from time to time that almost invariably, when a test of public opinion has been made in Republican or Democratic communities, the overwhelming sentiment has been shown to be in favor of the ratification of this treaty. Yet that committee, formed and stacked for the purpose, has locked up this great treaty while the whole world is on fire. While our industrial and commercial and financial conditions are imperiled, that committee holds the treaty locked up there, conducting useless hearings about impossible features of the treaty.

But finally the Senator from Pennsylvania [Mr. KNOX] comes frankly into the open and, in his speech of Friday last, takes a position which, as I have said, at least possesses the merit of candor. Some time last October the Senator from Pennsylvania [Mr. KNOX], in a speech in this Chamber, stated that the war could only be brought to a conclusion by a treaty, and that the Senate had to participate in the making of the treaty. Now he takes a different position. Now he comes before the Senate and states:

> On the other hand, Congress, while it can not negotiate a peace with the enemy, can nevertheless end hostilities with him by declaring as no longer existant the status of war with him, which the Congress created by its own act.
>
> Thus so soon as the first procès-verbal is drawn under this treaty, Congress may with all propriety, and should to insure full legality to the act of the Executive in negotiating this particular treaty provision, pass a resolution—concurrent, because the Executive having already committed himself to the substance thereof, his approval would be superfluous—which shall declare that the status of war created by its resolution of April 6, 1917, no longer exists, and that a status of peace from that moment obtains. Thus we shall put the country immediately upon a complete peace basis and may at once resume all our normal commercial and other relations with Germany, unhampered by any restrictions. So much for that part of the treaty which ends the war.

The Senator from Pennsylvania takes the preposterous position that because France, Great Britain, Japan, Italy, and the other belligerents in the war have made a peace settlement with Germany therefore we are at peace with Germany. It is an absolutely unthinkable condition. What are the terms of the peace? What have become of our former treaties with Germany? Who is to pay the damages of the war with Germany? What are our rights in German ports? Can our shipping be discriminated against? Can Germany make tariffs adverse to us? All those questions remain unsettled, and they were considered important enough in the peace conference in Paris to take up the time of the negotiators for months. And yet the Senator from Pennsylvania blandly says we can now have an unconditional peace with Germany.

There has been a most tremendous change since October, 1918. What was then the position of the Senator from Pennsylvania? What was then the position of the Senator from Washington [Mr. POINDEXTER], and the Senator from Massachusetts [Mr. LODGE], and the Senator from Connecticut [Mr. BRANDEGEE], and all these other Senators who are now so anxious to make an unconditional peace with Germany? Mr. President, even when the President of the United States had simply answered a diplomatic note from Germany asking for terms of armistice, this Chamber rang with denunciations by Republican Senators, who said nothing but an unconditional surrender of Germany. They shouted until the rafters rang with the statement that we could not possibly have a negotiated peace with Germany. "Unconditional surrender!" And now they come here and blandly propose an unconditional peace. Then they protested that it would be an outrage for the United States to act independently of the nations associated with us in the war, and now they come and denounce the President because in association with those nations he has made a peace with Germany and imposed the terms of unconditional surrender on Germany.

Mr. President, why this change? What has happened? Has the President done anything more or different from what he had been required to do? Did any Senator rise here in his

place before the pace conference met in Paris and insist that the United States should make a separate peace with Germany? I do not remember any. There were none until the present time, when there is a fond hope to discredit the President of the United States now just as they attempted to discredit him then because they thought he might make a separate peace with Germany.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. Under the same condition as before.

Mr. POINDEXTER. The Senator mentioned my name. I do not care to ask a question. I was just going to make a brief statement.

Mr. HITCHCOCK. I will ask the Senator to postpone that brief statement.

I will read first from some things said by the Senator from Pennsylvania [Mr. KNOX]. This was October 28, 1918. He said:

It was always true and was early recognized by all that the object of this war was and is the permanent removal of the German menace.

Not the temporary, but "the permanent."

In the formula "restitution, reparation, and guaranties," the word guaranty is not to mean written guaranties, such as we have seen treated as scraps of paper in the cases of Belgium's neutrality, of accepted international law, of Hague conventions, of the rules of civilized warfare on land and seas. We shall have the guaranties we seek only when we know as a fact, irrespective of the solemnities of diplomatic promises, that the German menace is at an end once for all.

How can it be at an end once for all if a treaty does not go into effect? Can it be put into effect by an unconditional deed, by a concurrent resolution of the Senate and House of Representatives that peace has arrived because we have quit fighting?

Even "restitution and reparation"; even the return of Alsace-Lorraine to France; even just frontiers for Italy and Roumania and the rescue and restoration of Russia and independence for Jugo-Slavs, Czecho-Slovaks, and Poles, and for the nationalities oppressed by Turkey; even the liberation of Africans and others from German colonial oppression—all these matters—however absolute their intrinsic importance—for the prime purpose of the war, which is, I say again, for our guaranty against the German menace—are of chief interest because they subserve that guaranty.

Yet now the Senator from Pennsylvania proposes to scuttle and run and leave the other nations that were associated with us in the war to make good those guarantees.

We shall require also evidence that the German grip upon Russia, the Balkans, and Turkey has been loosed. We must never allow to be obscured the prime purpose of the war. From that purpose flows as a corollary the purpose to strive to make the menace of unjust war from any quarter as improbable as we can.

What are we going to do with Russia? What is to achieve this purpose if we make an unconditional peace with Germany by a joint or concurrent resolution?

From that, again, and from the chivalrous spirit of the entente allies flows the demands for restitution and reparation and for all the complicated territorial and racial readjustments, to some of which I have referred.

And now the Senator from Pennsylvania stands upon the floor and denounces the treaty because it gives to the nations of the world reparation and restitution and he proposes that the United States shall waive any claim that it has against Germany, the thing which is provided for in the treaty, and he says with a most naive humor that when the United States waives its claim against Germany it should see to it that the other nations give Germany credit for what we release. How are we going to do that if we are not a party to the treaty? What right have we to say to Great Britain and France and the other nations that get restitution, "You ought not to press Germany so far if we are not a party to the treaty"? Does the Senator from Pennsylvania think that we can desert our associates and leave them to enforce the terms of this treaty alone and then see that they give Germany credit for what we have sacrified?

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. HITCHCOCK. Such a policy of folly and poltroonery was never proposed on the floor of the Senate before.

I yield to the Senator from Illinois for a brief question.

Mr. McCORMICK. I only wish to ask if in that connection it would be consistent for us to interfere with Greece obtaining Thrace or Italy obtaining Fiume?

Mr. HITCHCOCK. The Senator is very desirous on all occasions of bringing in some other subject. I am confining myself to this treaty and the effect which will be produced if we adopt amendments and therefore destroy our participation in the treaty. I do not propose on this occasion to discuss either the labor situation in Great Britain or any of the remote diplomatic questions of the East.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. WADSWORTH. The Senator was speaking a moment ago, as I understood him, about claims of the United States exercised under this treaty.

Mr. HITCHCOCK. Yes.

Mr. WADSWORTH. Will the Senator recite what claims the United States is pressing under the treaty? I thought the United States was not to get anything.

Mr. HITCHCOCK. The United States can hardly be said to be in the attitude of pressing claims, but under the terms of the treaty it is entitled to all the claims that any other participant in the treaty is entitled to, equally situated. I do not suppose that the Congress of the United States would care to compel Germany to pay the cost of American intervention. Other nations may do so; I do not know whether they will or not; but whatever the United States shall do is at least reserved for the Government of the United States to decide after the treaty is ratified. Then will be the time if Senators are anxious to sacrifice American claims for the benefit of Germany to do so, but we can not do that unless we are a party to this treaty.

Mr. WADSWORTH. I understand that the President has already stated officially, or in such way as to have it understood, that the United States does not intend to collect anything from Germany.

Mr. HITCHCOCK. There has been no statement of that sort made to Germany.

Mr. WADSWORTH. He made it to the people of the United States.

Mr. HITCHCOCK. The President has perhaps made it in his discussions, and possibly in association with the representatives of other nations in Europe echoed the sentiment, which I believe is general in this country, that this country does not propose to exact a pound of flesh from Germany, that this country is going to hold to a high altrustic position, but that is no reason why we should not sign the treaty. If we want to collect an indemnity from Germany in any form under the terms of the treaty, we can if desired be generous and give it back to her, provided we sign the treaty.

Mr. WILLIAMS. As we did in the Boxer case.

Mr. HITCHCOCK. Yes; as the Senator from Mississippi suggests, as we did in the Boxer case.

Mr. McCUMBER. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from North Dakota.

Mr. McCUMBER. As a matter of fact, whatever right we obtain under the treaty is a right obtained in favor of the United States, and neither the President nor anyone else but Congress can renounce those rights. Is not that correct?

Mr. HITCHCOCK. That is correct; Congress, with the approval of the President. It requires the whole Government of the United States, as I understand it.

Mr. McCUMBER. It is the Government which must renounce and not the President.

Mr. HITCHCOCK. In his speech the other day the Senator from Pennsylvania [Mr. KNOX] made this declaration:

And this thought brings me to speak again of what I have said heretofore, that this treaty, stripped of its meaningless beatific provisions—

Whatever they are—

provides merely and simply for an alliance between the five great powers in a coalition against the balance of the world. And again I ask, has history ever answered this save in one way—by destroying the coalition and at times all or some of its constituent members?

Aside from the inaccuracies of this statement, which implies that only five great powers are in the treaty, whereas there are 27 signers, as I recall it, embracing a very wide scope of nations all over the world—aside from the inaccuracies of the statement made by the Senator from Pennsylvania last Friday, contrast it with the statements he made a year ago upon the floor of the Senate on the 28th day of October, when he said:

The league of nations that now challenges our solicitude is the league of nations of which we are now a member—the glorious present alliance of the many powers with whom we are now fighting as a league to enforce and to maintain peace from disturbance by the German menace.

Not merely to fight the war, but to establish and maintain peace. The Senator from Pennsylvania last October denominated as a glorious league of nations that which he now condemns as an alliance inimical to the world. He called it a "glorious alliance."

He continues:

If we should allow that league to fall apart or to be pried apart by German machinations, who can say when this world will ever again be so near to having a general league to enforce peace as it is to-day?

And yet the Senator from Pennsylvania and his associates upon the Committee on Foreign Relations now deliberately propose to pry apart this glorious alliance of which he sounded the praises only last October when he thought he could bring by his declaration condemnation upon the President of the United States. I do not assert that it is being pried apart by German machinations, but I heard in the Senator's speech a very distinct appeal to German sentiment, and I would suggest to the Senator from Pennsylvania, if he really desires to plead German sentiment to the logical conclusion, German sentiment in Europe or in America, that he suggest that the United States make reparation to Germany for the damage she suffered by our entry into the war. That would be logical.

The Senator from Pennsylvania then proceeded last October:

> Out of the present alliance to-day, and quite irrespective of any discussions with the enemy, it would seem possible to perpetuate the league we have, already embracing the majority of the population of the globe, as a league for one single purpose of enforcing peace.

Perpetuate, he said, the league we have. Now he proposes to disrupt it and break it up when the President of the United States has done the very thing the Senator then declared should be done.

> The function of such a league, I take it, would be to examine any controversy that threatened war and then to throw its weight to the side of such controversy where justice and equity lay, and also to suppress with its overwhelming power any war that might break out and to indicate the just solution of the contention. Such a league, like any league, will demand some encroachment upon the conception of complete and independent sovereignty.

But the Senator from Pennsylvania advocated it only last October and now he denounces it and attempts to do the very thing that he then condemned, namely, to pry apart what he then denominated as a "glorious league" or a "glorious alliance."

But enough of the Senator from Pennsylvania, and yet not enough. I forgot one thing concerning the Senator from Pennsylvania which I want to include.

On the 17th of July the Senate had under consideration a resolution presented by the Senator from Pennsylvania, which had for its purpose to tear out of this treaty the league of nations. I am not going to discuss the league of nations. The Senator from Pennsylvania is on both sides of the fence, just as is the Senator from Massachusetts [Mr. LODGE], and many other Senators who now oppose it, but I want to read what the Senator from Pennsylvania said on July 17 of this year. He said:

> The resolution before us does not call for a vote for or against the league of nations; it does not call for even an expression of an opinion either for or against the league. On these points this resolution is wholly colorless. This resolution asks merely and solely that the treaty embodying the league shall be in words so framed that the Senate may advise and consent to that part of it—

That is, that part of the treaty—

> which shall bring us peace, and that it may reserve for further consideration that part of it by which it is proposed to make us a part of a projected league of nations.

What has come over the spirit of the dreams of the Senator from Pennsylvania that has brought about this change since July 17? Then he wanted to tear the league of nations out of the treaty and ratify the rest of it. Now he proposes that we withdraw from the treaty absolutely. I suspect this has come to his attention, that he could not eliminate the league of nations from the treaty. A majority of the Senate is determined to see the league of nations remain in the treaty. Having reached that conclusion he now takes the position that the only hope is to defeat the whole treaty. I suppose that is the explanation of the otherwise inexplicable change made by the Senator from Pennsylvania.

I said that this Chamber rang last October with declarations of Senators that the United States must be a party to a treaty, that this treaty must be imposed on Germany by force, and that the United States must unite with the allied nations in imposing the treaty, and they must not on any account negotiate a treaty separately with Germany. I will just state haphazard a few statements made by Senators on that subject.

On October 14, 1918, the Senator from Indiana [Mr. NEW] said:

> I am against a negotiated peace now, as I have been from the moment the United States entered the war. Nothing short of absolute, complete, and unconditional surrender, carrying with it full reparation for the damage wrought, will be accepted or tolerated, and it is my belief that anything that has even the appearance of willingness to accept anything less will be taken as a failure to carry out the purposes for which we entered this war and will be resented with a unanimity and an emphasis that will permit of no misunderstanding.
>
> We have neither hope or desire to regain the fabulous sums of money we have spent and may yet spend before the end is reached. But, sir, while all this is true, I do not believe that the American people will wittingly or complacently submit to seeing themselves placed at a permanent and irremediable commercial disadvantage through the medium of the terms of peace, whenever or wherever they may be submitted.

And yet the Senator from Indiana now proposes by the action he takes in the Committee on Foreign Relations to commit the United States to a separate peace with Germany, unconditional if need be. He undertakes by his vote to deprive the United States of the great benefits which that treaty secured at the cannon's mouth and leave the United States helpless, burdened with a controversy with Germany, which may last for years and may lead to war. There is a wonderful change there in attitude.

Mr. WALSH of Montana. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Montana.

Mr. WALSH of Montana. I desire to know if the position of the Senator, as to any treaty that shall be hereafter made with Germany, if this is rejected, is that it must be a negotiated and not a dictated treaty? Why could we not dictate another treaty with Germany as this has been dictated? Does the military situation render that impracticable?

Mr. HITCHCOCK. I, perhaps, have not been specific enough on that point, and I thank the Senator from Montana for calling it to my attention.

I have stated that compulsion was exhausted when we laid down in the treaty which our representatives signed the terms with Germany. When Germany signed, and certainly when the German assembly ratified it, Germany accepted the stipulations, and it is too late for us to go to Germany, it is too late to reassemble the council in Paris and have the council undertake to say to Germany, "You must accept this change." Our allies' armies have been demobilized, our Army has been brought home, and, even if that were not the case, diplomatic usage and international law will excuse Germany from further concessions.

Germany would have a right to say if we asked new conditions, "We accepted this treaty; we have signed this treaty; we have ratified the treaty; and any further changes you want in the treaty you have got to secure from us, and we will impose the terms." Germany can take that position; and because Germany can take that position, none of the other nations—Great Britain, France, or Japan—will take any chances in encouraging us to make impossible amendments; they will not risk their hold on Germany by any such act; and I can not think that the Senate of the United States will be guilty of that ridiculous folly.

Mr. WILLIAMS. If the Senator will pardon me one question, even if we could resummon the council that made this treaty, and even if we could make Germany by compulsion accept a virtually new treaty or amended treaty, what reason could there be why the council could not meet once a month or once a week and still compel Germany once a month or once a week to accept a new treaty?

Mr. HITCHCOCK. Certainly.

Mr. WILLIAMS. Would there ever be any finality about it at all?

Mr. HITCHCOCK. There never would be any finality. That shows the preposterous nature of the suggestion, if there be such a suggestion; and I have not heard any deliberate suggestion from Senators who advocate an unconditional peace. They have simply come down from unconditional surrender to unconditional peace, and they give no reasons.

The Senator from Massachusetts [Mr. LODGE], on October 10 of last year, used this language:

> Mr. President, in the principles, with many of which I find no fault—in the principles laid down of the 14 points or 4 points I find nothing that is satisfactory to me at least about reparation.

The Senato. from Massachusetts was then criticizing and condemning the President of the United States because he did not demand reparation, but now he is supporting and backing up the Senator from Pennsylvania [Mr. KNOX] who denounces reparation. Later in the same speech the Senator from Massachusetts said:

> Though I think we ought to have a large reparation for some of our merchant ships and for our passengers who went down on the *Lusitania*, the world ought to have, must have, large reparation. There is such a thing as retributive justice; there is such a thing as punitive justice.

Now, the Senator from Massachusetts, the chairman of the Committee on Foreign Relations, is cooperating with Senators constituting a majority of that committee who propose that the United States shall back out of and run away from the only possible means by which we can enforce reparation and justice, and he is willing absolutely to deprive us of membership upon the commission which is to make permanent the achievements of this war.

Later on, the Senator from Massachusetts said:

> Mr. President, the best diplomatists in Europe at this moment are the armies of France and Italy, of England, and of the United States. The best men to carry on discussion with Germany are Haig and Pershing and Diaz and, over all, the great commander, Marshal Foch. Those are the negotiators with whom I would leave the question of

peace. They will win it. They will win it on German soil. They will bring back the peace which the whole American people desire, for they desire, I believe, unconditional surrender; and unconditional surrenders are not obtained by clever discussion and exchange of notes. They are won by armies in the field.

Now the Senator from Massachusetts and his associates upon the committee propose to repudiate those negotiators, those military forces that negotiated this peace and secured these concessions; they propose to repudiate those negotiators they then glorified and come down to an exchange of notes with Germany. Later on in the same speech the Senator from Massachusetts said:

The way to compel the peace of the world is to break Germany down and make her accept our terms.

He did not want the President of the United States to do anything which would impair that great purpose. He continues:

The Republican—

Here we get a little partisanship—

The Republican—

That is, as distinguished from the Democratic President—

The Republican stands for unconditional surrender and complete victory, just as Grant stood. My own belief is that the American people mean to have an unconditional surrender. They mean to have a dictated peace and not a negotiated peace. That is my own belief here deeper in my heart than any belief I have ever had.

What is the reason for the change? Now that we have secured a dictated peace, do we propose to abandon it at the suggestion of the majority of the Committee on Foreign Relations and enter upon negotiations to secure a peace? It is because the President of the United States has secured the benefits of a dictated peace and they want to discredit him.

Again, on another day in the Senate, October 7, 1918, the Senator from Massachusetts used this language:

Mr. President, the mischief is in any discussion of the principles upon which peace should be debated. When Germany has surrendered, when she holds up her hands and says, "We are beaten; what terms will you impose?" then the Allies and the United States can tell her what terms they will impose. There is, there must be, no other end, no other solution.

And yet the Senator from Massachusetts at the present time is cooperating with the Senators who are attempting to bring about directly the opposite solution of that question.

The Senator from Washington [Mr. POINDEXTER] on October 10 of last year said:

The German chancellor can well answer each one of the inquiries of the President in such way as will be most calculated to accomplish his object. He can say that he represents both the Government and the people of Germany, and who can dispute his statement? In this he undoubtedly would be correct, as, for the purposes of this war, there is no difference between the German people and the German Government.

I read that, Mr. President, lest some one may arise here and say that the attitude of the majority of the Committee on Foreign Relations is based upon the fact that we are now dealing with representatives of the German people instead of representatives of the German Empire.

Again, on the 10th of October, 1918, the Senator from Washington [Mr. POINDEXTER] used this language:

We have just heard the views of the Senator from Massachusetts as to the way the war with Germany should end. He is in favor of an unqualified victory; he is in favor of subduing the military power of Germany and of imposing upon her a peace and a restablishment of conditions after the war to be dictated by the allies.

That is what the Senator from Washington wanted last October. Yet now the Senator is cooperating with those who seek to destroy the dictated peace and relegate the United States to the uncertainties of a negotiated peace.

I could cite the statements of other Senators and will cite something by one of the Senators now determined on destroying this treaty. On October 14 last the Senator from Missouri [Mr. REED] used this language:

An unfortunate impression is, I fear, being made upon the country. Nothing in the Senate does ought to add thereto. It seems to me that the country is getting the notion that the President of the United States intends to enter upon a system of parleying and negotiations with Germany, and that at the end of the negotiations Germany is to come off unscathed.

I tell you, sirs, when the conditions of peace are written the name of Woodrow Wilson will not be, it can not be, subscribed to any treaty that does not compel Germany to tread the wine press of repentance—to pay back, to pay back to the world, as far as she can, in her own suffering for the agonies that she has wrought, for the desolation she has brought upon the earth.

Yet it is now proposed to destroy this treaty—the only one that can be exacted from Germany by force, the only one that can be imposed upon her—and relegate the United States to a negotiated treaty.

I shall close my references to the speeches of Senators by reading some remarks by the Senator from Iowa [Mr. CUMMINS], who, I have no doubt, stands by those remarks to-day. I read them merely because they express what I believe represents the overwhelming sentiment of the majority of the Senate, including Senators on both sides of the Chamber. The Senator from Iowa, on October 14, 1918, said:

My concern relates mainly to our attitude toward Germany after the victory has been won and after her surrender is complete, for it will be just as fatal to impose inadequate terms through negotiation.

There is but one answer that will meet the demands of justice and satisfy the claims of an outraged world. There must be reparation for the past and security for the future.

First, Germany must pay, pay to the last farthing of her capacity to pay, pay until the generations yet to come will remember and curse the insane ambition which well nigh destroyed civilization itself, and so she will repair in some small measure the destruction she has wrought.

Second, Germany is a menace to mankind, because she has a cruel, wicked, malicious intent toward the remainder of the world, and because she has a powerful Army and Navy to execute her murderous designs. We can not change her intent, for it is the result of years and years of training and teaching in a false and selfish philosophy, but we can disarm her and leave her helpless and harmless.

Viewed from the ordinary standpoint, these terms are severe beyond precedent, but the situation itself has no parallel in history. I understand perfectly that these conditions mean the degradation, possibly the disintegration, of a once mighty nation; but if we are to be safe, if the world is to be secure, they must be imposed.

It will be gratifying to see Germany supplant her existing Government with a better and freer one; but that will not suffice, for republics are as strong in their purposes as autocracies. Oftentimes they are as ambitious as the most absolute of monarchies, and we are now witnessing the ease with which they mobilize and the success with which they fight.

Mr. President, that was the situation a year ago; it was the situation last October. The statements made by those Senators represent not only the overwhelming public opinion of the United States, but they represent practically the unanimous opinion of the Senate of the United States. Many of those remarks were made in criticism of the President because it was thought or assumed that he was going to enter into negotiations with Germany and permit her to escape from the decision of a great military victory; but they were statements just the same, and they are binding upon the Senators who made them. I should like to have those Senators rise upon the floor of the Senate and explain what has caused their change of front and why when they condemned the President of the United States because they thought he proposed to make a separate peace with Germany then, they now condemn him because he has united with the Allies in making peace. I should like to have them rise in their places and explain why they have come down from the heights of unconditional surrender to the depths of unconditional peace. I should like to have them explain why they called loudly for reparation to the uttermost farthing last October and now boldly come here and advocate abandoning all American claims for restitution. I should like to have them explain to the people of the United States how they are going to protect the material interests of the United States if they abdicate and give away the protection of the provisions of this treaty to which I have specifically referred. It can not be done.

The Senators who are taking the course of destroying this treaty by amendments are in a position absolutely inconsistent with that which they held a year ago. They dare not go before the American people and advocate a negotiated peace with Germany. They dare not go before the American people and say: "We are going to waive all the benefits the United States secures from Germany under this treaty—the reparations, the repayment of the loss of the *Lusitania* and other horrors, the payment of American nationals who have claims against German nationals, the disposition of the German property in this country which the Congress of the United States declared shall be liquidated and wiped out." They dare not go before the people of the United States and say: "We are not going to provide for the protection of American exports, which are going to be largely under the control of the reparations commission of Europe."

Mr. President, I had expected to say something on the league of nations, but I have talked too long already, and I shall postpone that for a future time. I have sought in this address to meet upon their own ground Senators who glorify nationalism and constantly shout for material interests, when other Senators stand here advocating that the United States shall take its great part in reorganizing the world for peace. I have met them upon their own ground to-day, and I should like to have them answer how they can excuse the poltroonery of the United States if it deserts its associates in this war at the very hour when it is necessary to make permanent the achievements of the war.

On some future occasion I shall hope to discuss the league of nations.

LEASING OF OIL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I have sent a page for the Senator from Wisconsin [Mr. LA FOLLETTE], and told him that the Senator from Nebraska was about to conclude his speech. I expect him here in a moment.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, line 25, after the word "cents," strike out "nor more than," and on page 5, line 1, strike out the words "20 cents," so that it will read:

That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall be not less than 5 cents per ton of 2,000 pounds.

Mr. LA FOLLETTE. Mr. President, I understand that an amendment similar to that, and perhaps almost identical with it in terms, was offered by the Senator from Massachusetts [Mr. WALSH] and voted upon. I recall now that he had such an amendment, and that he sought to get a roll call upon it, and that he failed. I should like to have a roll call upon that amendment, but I am perfectly willing to wait for that until the bill gets into the Senate. We could, of course, at this time move to reconsider; but if the Senator in charge of the bill prefers that we should wait until it gets into the Senate, I shall ask to have that amendment returned to me. I give notice now that I reserve the right to offer this amendment in the Senate, as I understand that an amendment practically the same and perhaps identical in terms with it has been voted upon in Committee of the Whole.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws the amendment which he proposed. The Chair suggests that in his opinion the Senator from Wisconsin would have the right to offer the amendment in the Senate without reserving it at this time.

Mr. LA FOLLETTE. That may be so, but I will make doubly sure by reserving that right.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I do; yes.

Mr. WALSH of Montana. I should like to call attention to an error made in an amendment offered by me, and ask that it be corrected. It was the amendment which went in at the close of section 19; and I ask a reconsideration of the vote by which the amendment was adopted, for the purpose of proposing the amendment in corrected form.

The PRESIDENT pro tempore. The Senator from Montana moves a reconsideration of the vote by which the amendment which will be stated by the Secretary was adopted.

The SECRETARY. In section 19, page 18, line 22, after the word "section," the remainder of the section was stricken out, and a new section was added, to be known as section 20, and to read as follows:

SEC. 20. In the case of lands bona fide entered as agricultural, but not including lands claimed under any railroad grant, and not withdrawn or classified as mineral at the time of entry, the entryman shall be entitled to a preference right to a permit and to a lease as herein provided in case of discovery; and within an area not greater than a township, entrymen may combine their holdings not to exceed 2,560 acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 7½ per cent as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof.

The PRESIDENT pro tempore. The question is on the motion to reconsider the vote whereby the amendment was agreed to.

The motion to reconsider was agreed to.

Mr. WALSH of Montana. The language in the amendment "and not withdrawn or classified as mineral at the time of entry" was inserted, after the amendment was drawn, after the word "grant." Grammatically and structurally, it should go in after the word "agricultural." I move to strike out that language where it occurs in the amendment, and to insert it after the word "agricultural."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to insert the words "and not withdrawn or classified as mineral at the time of entry" after the word "agricultural" and the comma.

Mr. WALSH of Montana. And to strike it out where it occurs at present.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. In the same connection, the same conditions which exist with reference to entrymen exist in the case of patentees with restricted patents; and I offer the following amendment, to be inserted after the word "entryman":

Or patentee, if the entry has been patented with the mineral right reserved.

The PRESIDING OFFICER. Will the Senator state where he desires to insert it?

Mr. WALSH of Montana. After the word "entryman."

The PRESIDING OFFICER. Where?

Mr. WALSH of Montana. Where it first occurs in the amendment.

The SECRETARY. It reads "the entryman shall be entitled to a preference right."

Mr. WALSH of Montana. After the word "entryman" insert "or patentee, if the entry has been patented with the mineral right reserved."

Mr. SMOOT. Mr. President, as I understand, that proposed amendment means that if an entryman has entered upon agricultural lands with a reservation of minerals to the Government of the United States, and he receives a patent for the land with that reservation in it, then, in case of exploration for oil or coal or these other minerals, he shall have the preference right to a permit or a lease.

Mr. WALSH of Montana. Yes, sir.

Mr. LENROOT. Mr. President, will the Senator yield? I had no understanding that it was to be that broad. In my conversation with the Senator, I understood that he only asked that it be applied where it had been withdrawn subsequent to the entry, and before patent.

Mr. WALSH of Montana. That is the case.

Mr. LENROOT. But, as I read it, this would give the preference right to any patentee upon withdrawn lands where he took a surface entry.

Mr. WALSH of Montana. No.

Mr. SMOOT. Then I misunderstood the amendment, and I will ask the Senator to read it again.

Mr. WALSH of Montana. If the Senator will attend, the patented lands are qualified in exactly the same way as the lands entered but not passed to patent. In each case and in both cases it must be of lands which had not been classified or withdrawn at the time the entry was made. The amendment as thus amended, if it is amended, would read then as follows:

In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right—

And so forth.

Mr. LENROOT. That is all right.

Mr. SMOOT. I have no objection to that.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Montana to the amendment, which will be stated.

The SECRETARY. After the word "entryman," where it first appears, insert the words "or patentee, if the entry has been patented with the mineral right reserved."

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Montana to the amendment.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. Then, in order to complete it, after the word "entrymen" where it next occurs, "and within an area not greater than a township, entrymen may combine their holdings," I ask to amend by inserting "and patentees holding restricted patents," so that it will read:

And within an area not greater than a township, entrymen and patentees holding restricted patents may combine.

Mr. LENROOT. Mr. President, will the Senator yield? To limit it to that class of entrymen, should not the word "such" be inserted before "entrymen"?

Mr. WALSH of Montana. "Such patentees"?

Mr. LENROOT. And "such entrymen."

Mr. WALSH of Montana. I ask, then, to insert, after the word "township" and before the word "entrymen" referred to, the word "such," so that it will read:

And within an area not greater than a township, such entrymen.

And then I move to insert after "entrymen" the words "and patentees holding restricted patents," so that the amendment will read:

And within an area not greater than a township, such entrymen and patentees holding restricted rights may combine.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Montana to the amendment.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. Mr. President, there is one other amendment that I should like to tender at this time, and invite to it the attention of the Senators who have followed the bill. It seems to have been mislaid, however, and I will ask the attention of the Senate to it later on.

Mr. LA FOLLETTE. Mr. President, I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 7, after the word "thereof," insert the following additional proviso:

And provided further, That the Government hereby reserves the right at all times, under rules and regulations to be prescribed by the President, to determine, fix, and control the selling price of all products derived from lands leased hereunder, whether in the crude or natural condition, or in other merchantable form, which shall be a reasonable price both as to the producer and the consumer, and the reservation of such right shall be expressly stated in each lease.

Mr. LA FOLLETTE. Mr. President, I think what I have had to say generally upon the bill presents perhaps the argument that I would make for this amendment if I were taking up the subject originally at this time. Therefore I do not now propose to say anything further than I have already said as to the importance of regulating prices under the provisions of the bill as provided in this amendment, but I do ask for a roll call upon the amendment.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate, and of the Senator from Wisconsin particularly, to the condition that would arise if this proposed amendment were adopted. The Senator must know that the Standard Oil Co. would not to any extent be affected by this provision. It would leave the production of oil of the great combinations, particularly the Standard Oil Co., unhampered in any way as to price fixing, either in the crude oil or oil in merchantable form, whereas anyone who took a lease on Government land under the provisions of the bill would be under control by the provisions of the proposed amendment. I think it would be very unfair indeed.

I am also of the opinion that if the prices at which the products under this bill are to be sold are to be regulated and prescribed by the President, not only in their natural condition and in their crude form but in their merchantable form, it would be almost impossible of accomplishment, particularly as to the latter. When we take into consideration the coal, oil, phosphate, and sodium that may be mined and produced under the provisions of the bill, and allowing the President to prescribe the rules and prices at which it shall be sold in any merchantable form to be followed through every conceivable step of manufacture from the crude material taken from the earth to the most finished product that could be made, we must see its impracticability. It seems to me if there were some way of regulating the price of the product itself there would be some wisdom in such a movement, but I say to the Senator from Wisconsin, not in a spirit of captious criticism, that to me it seems that it would be impossible to administer it.

The PRESIDENT pro tempore. The Senator from Wisconsin has asked for the yeas and nays on agreeing to the amendment. Is the request seconded?

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, I wish to say just a word upon the amendment before the vote is taken.

This question of regulating the price or reserving the right to regulate the price is a question that has been considered a great many times, and a great many attempts were made by the House Committee on the Public Lands when I was a member of it to provide some measure that would look toward the regulation of the prices of oil by the Government; but every time we have attempted to make such a provision the result has always been and the result in this case would be, if the amendment should be adopted, however good the intention would be, to further perpetuate the control of the Standard Oil Co. That would be true, in my judgment, in this case, because to regulate the price of the crude oil would be merely to say that the Standard Oil Co. can receive the crude oil at a less price than it would otherwise pay, but no regulation shall apply to the consumer of the refined product, because it will be impossible, so far as the Standard Oil Co. is concerned, to follow the refined product into the markets of distribution made by the Standard Oil Co. It would be impossible for the Government to follow that product into the Standard Oil Co., because in not one case in a thousand would it be able to prove that the particular product that it attempted to control came from one of these leased wells.

Provision is made in the bill, and it runs all through the bill, for competition with the Standard Oil Co. One provision in the bill permits combination of producers solely for the purpose of erecting refineries, so that they may market the oil they produce from these leased lands, and as to such a refinery we could regulate the price to the consumer, because as to such a refinery their oil would come from Government land. It is not so with the Standard Oil Co. So the result would be that we would reserve the right, in effect, to fix the price of oil refined by the little fellow attempting to build up competition against the Standard, but we would let the Standard go free, because we could not follow it. That, in my judgment, would be the inevitable result, and no refinery in competition with the Standard Oil Co. is going to be erected if the product of that refinery is to be controlled by the President, or the right reserved to control, while the product of the Standard Oil Co. goes free.

For this reason I am opposed to the amendment.

Mr. LA FOLLETTE. Mr. President, we are now about to turn over by this so-called leasing bill large areas of oil lands to be taken up and operated. I do not know just how largely the Standard Oil will be benefited by the passage of this bill, but I do know, from such examination as I have been able to make, that Standard Oil will get large areas of these very oil lands which are to be disposed of under this leasing bill.

One of the greatest oil fields in this country, as I understand it, is the Salt Creek oil field in Wyoming. It contains the largest producing wells known in the history of oil production. I am informed that the whole area has recently been gathered under the control of two great oil organizations. One of them is the Wyoming Oil Fields Co. Under the terms of the amendment proposed here last evening by the chairman of the committee, that oil company, which is largely owned in France, will secure control of 3,200 acres of that rich field. The other is the Salt Creek Producing Co., which controls practically all the remaining rich oil-producing territory in this field aside from that which is controlled by the French company. They will take another 3,200 acres of the richest oil-producing land. That company is controlled in part, if not wholly, by companies controlled by the Standard Oil Co. The same is true, or would be true, of the rich oil fields elsewhere.

If the amendment which I have offered is adopted, it would apply to oil leases that will be made under the bill that are already in the control of the Standard Oil. Therefore, to a certain extent, the Government regulation of prices would extend to oil derived from lands controlled and operated by the Standard Oil Co.

Now, Mr. President, my colleague, the Senator from Wisconsin [Mr. LENROOT], and the Senator from Utah [Mr. SMOOT] oppose this amendment because, they say, it would regulate the prices of oil of other producing companies and would leave Standard Oil unregulated, as I understand them.

Mr. LENROOT. All of its production, so far as refined oil is concerned, would be unregulated.

Mr. LA FOLLETTE. I do not see how the Senator can say that, because by the terms of the proposed amendment the Government reserves the right to regulate the price of oil in any form which comes from these leased lands. The Senator will not deny, I take it, that some of this oil, and I say a large proportion of it, is already under the control of the Standard Oil Co. My colleague may say that the Government can not control the market price because it will pass into and mingle with other oils which are not regulated. Mr. President, that is begging the whole question. The terms of my amendment provide that, under such rules and regulations as the President shall prescribe, the price of oil in any form extracted from Government land so leased shall be regulated through its various processes until it passes into the hands of the consumer. I undertake to say that it is feasible, through the Internal-Revenue Department, to follow this oil from the well to the consumer or by requiring the oil to be refined separately from other oil of the Standard Oil Co. that would not be subject to regulation under my amendment; it could be regulated through its various processes of refinement and its price to the consumer controlled.

Mr. President, I am sorry to see Senators interpose an objection to the regulation of the price of this product as it goes into the market. There is much talk over the country about regulating the prices of the necessaries of life. The President is offering suggestions, and congressional committees are investigating almost every line of production with a view of endeavoring to protect the consumer against extortionate prices. Here is an opportunity for an entering wedge, but because it does not cover the entire field Senators raise a technical objection to it which, in my opinion, does not represent the public interest.

Mr. President, if we can make this beginning toward effective regulation, it will lead the producers who are regulated to come to Congress and demand that their competitors of like products

be brought under Government control. Then, Mr. President, I venture to predict there will be more than one Senator standing on the floor arguing for protection to the public.

I appeal here—it may be to indifferent ears—but I make my appeal here, and, if I fail, to the country, for support for this contention which I am making for the protection of the public interest.

Why, sir, even if this amendment should fail utterly, when any President seeks to apply its provisions to existing conditions would we not have better served the public in having made an attempt to meet this problem?

Mr. President, in the Salt Creek oil field these big companies have frozen out every single independent operator but one. Standard Oil will have the control in that section ultimately. You talk about competitors, when you know perfectly well that the producer that controls a large share of the total production is able to control the price.

Mr. President, let me suggest that my statement that the Internal Revenue Department would be able to enforce price regulation is just as good as is my colleague's statement that it would not. If you are simply waiting here as servants of the people for an opportunity to find an open door to protect them, then adopt this amendment, hand it on to the President, and let us see if something can not be worked out, instead of standing up here and protesting against an attempt to relieve the public.

Come back a moment now. Assume that I am right about it; assume that it will be possible for the President, through rules and regulations, to control and fix a reasonable price upon the oil produced from the leased lands, a part of which goes, as surely as God is over us, to Standard Oil. Standard Oil has large interests in these fields; it is struggling to secure title, and if this bill passes will secure a priority of right and get title to 1,600 acres of land, entered by dummy entrymen, who thought they were signing some paper with regard to elections. Standard Oil will have large holdings under this bill. I say to you, if it is possible, that you ought in the discharge of a duty to the public to give this proposition a trial. It can do no harm if it fails, and if it succeeds what will be accomplished? We will have under the rules and regulations prescribed by the President a certain quantity of the product of oil going on the market at a reasonable price. I submit, Mr. President, that that would tend to bring down the prices of the balance of Standard Oil products which are not regulated.

There have been two or three experiments made in other countries to protect the public against extortionate prices occasioned by cornered production. There have been Government operations to test the cost of production in order to fix standards of fair prices. Students of economic advancement have looked hopefully upon these experiments trusting that they might serve in time as a means of checking exorbitant and extortionate prices. War interrupted these experiments. Here is an opportunity for a Government experiment in regulating the price of products—not Government operation; not Government production.

Mark that my amendment simply provides that under rules and regulations prescribed by the President the products derived from these leased lands shall be sold at prices that are reasonable to the producer and reasonable to the consumers. It robs nobody; it does justice, or attempts to do justice, to everyone. I say, Mr. President, that the amendment offers an opportunity at least to try the experiment. It is not a radical proposition; it is not a proposition such as has been worked out successfully in some foreign countries in testing the cost of production by Government operation, for I know that many Senators here are sensitive as to Government ownership and operation along any line; they think that it is the wrong road to travel. Let me say to you, fellow Senators, you may go so far in the other direction that you will produce conditions in this country that will force, all unprepared, upon us the consideration of these problems. This is a reasonable, conservative proposition to regulate prices of products which the public owns, and which are to be passed over to private interests to make money out of—"private interests," I repeat, because some Senators have come in here since I said it. These lands have already been gathered into the hands of the great monopolies; and if you pass this bill as it is brought in here by the committee you will open the way to fix the title to all of those lands in just two or three great monster monopolies.

It will not make any difference—and I am going to argue that question a little later—whether there is the taint of fraud on the original entries or not, although there is a provision in section 18 that nobody shall be able to take any benefit under that section who is guilty of any fraud. I propose to show to the Senate, however, and to the country, why the provision, as is shown by what has already transpired, will not be any protection.

So, Mr. President, I say that the amendment which I have offered here should, in my opinion, be accepted. It is a beginning; it is an attempt to solve this problem. If it is found that it is not feasible, as suggested by Senators who opposed it, then, of course, the effort will have been in vain, but if it is effective it will tend to bring prices to a reasonable level.

The argument which has been made against the amendment on the ground that it would regulate the companies which get their product from leased lands and would not regulate other producers or manufacturers who get their product from other lands indicates, I think, a keen interest in the protection of a small number of people who will be producing under regulated prices and not a very great consideration for the public who would get a benefit from the reduction in price. Enter this wedge, Mr. President, and any man who has not become blind must see the possibility. If we make a beginning somewhere there is a possibility that we may save this country from the thing that is threatening all Europe.

Mr. President, I ask for a roll call upon this amendment. I only regret, sir, that I could not have said what I have said here in the presence of a larger body of the Senate. I may be constrained if there is further debate upon this question to repeat and to go more fully into the question, because I believe that here, right now, at this moment we are standing at the parting of the ways, that we are either going to begin to try to do something to relieve the public or that we are going to settle back and let things drift and drift until we find ourselves in the whirlpool and the rapids out of which it may be impossible for any statesmanship to pilot us to safety.

Mr. LENROOT. Mr. President, as I stated before, I do not for a moment question the good faith or the intentions of my colleague in offering this amendment, and I do not doubt that he believes that it would, if adopted, accomplish something for the public good; but I do not think he can understand the situation that does exist with reference to the Standard Oil Co. and independent producers. I do not believe that many Senators, perhaps, are aware that in the case of the California field, for instance, there is not a single refinery, Standard or otherwise, within 200 miles of that field, and the oil is gathered from all of the wells in the case of the Standard pipe line which it owns upon private lands and upon public lands which it purchases from others and goes in a great big pipe line, and there it is mingled together and then it is transported more than 200 miles to a refinery. To attempt to regulate the price of the Standard oil coming from these wells is absolutely humanly impossible, because the Government can not follow that oil, and, when it gets to a tank wagon or a gasoline station, be able to prove that that oil came from one of these leased properties.

But how would it be in the case of a struggling independent refinery? This bill provides that these independent producers may combine for the purpose of erecting refineries themselves to compete with Standard Oil, because Standard Oil is always interested in giving these producers the very lowest sum, and then charging to the public the very highest sum for its refined product. The Senator says, "Well, we can regulate the product of these independent refineries, and that will help so much." But my objection is that there will not be any independent refineries. If the Government is to undertake to reserve to itself the power to regulate the price of the struggling independent refinery, and let the Standard Oil Co. go, there will not be any independent refineries. That is my objection to it.

I want to say that if any Senator upon the floor here will offer an amendment to this bill giving to the President the right to fix the price of all oil, whether produced from public lands or otherwise, I will vote for it, and let the courts settle our constitutional power to do so. This bill, however, is built upon the theory of competition from beginning to end, in the area that it permits, in providing for independent refineries, in providing that if the Government itself does not use the royalty oil it must be sold to the highest bidder. It is built upon the theory of competition; and yet this amendment would strangle the competition that is provided for in the bill. That is the trouble with the amendment. Instead of accomplishing what the Senator hopes to accomplish, it would have directly the opposite effect; and if there is one provision in this bill that, in my judgment, the Standard Oil Co. would welcome, it is this provision.

There is only one way in which we can reach the Standard Oil Co., and that is to put our hands upon it, either in attempting to remedy the crime that was perpetrated—and I call it such—in the reorganization of the Standard Oil Co. after the decision of the United States Supreme Court, or in fixing the prices directly. I have no brief for the Standard Oil Co. I will go as far as any Senator upon this floor in depriving it of its monopoly and bringing down the price of its products; but I am not willing to help build it up by an amendment of this kind.

My colleague and I disagree as to the result of it. He has his opinion. He is entitled to it. I have mine. I am just as conscientious in believing that the result of the adoption of this amendment would be in the interest of the Standard Oil Co. as he is in believing that it would be in the interest of the public.

Mr. LA FOLLETTE. Just a word, Mr. President.

If the Government puts into every lease granted under the provisions of this bill, oil and coal, the conditions which are provided in my amendment, worked out, it can compel those companies, under the leases they take, to segregate the oil. It can impose any conditions it pleases. If need be, it could require the Standard Oil Co. to set up refineries right on the ground and refine this oil. Whoever takes from this Government the rich lands that are proposed to be leased here takes under any conditions which the Government sees fit to put into the law and to write into the leases; and when any Senator on this floor raises the question of the impossibility of making this amendment effective against Standard Oil, it seems to me he is pretty short in his vision.

Why, sir, this oil belongs to whom? It belongs to the public, not to the States, not to some administration, not to some committee of Congress. It belongs to the people. You have here, and have had around the doors of Congress, and thronging the rooms of the committees that deal with these subjects, the representatives of the greatest monopolies in the world, seeking to get this legislation through according to terms agreeable to them; but, sir, when they take under legislation which we pass, we can impose any conditions we please. We can require that the oil taken from these wells, or the coal mined on the Government land leased under the terms of this legislation, shall be prepared for the market on the ground, if need be; and my amendment gives the President the widest authority, and says that he is empowered, under rules and regulations, to determine how the products derived from these leased lands shall be handled, to the end that the price of them, reasonable to the producer and reasonable to the consumer, shall be determined by the Government. I say that there rest within the terms of that amendment the full power and authority of this Government, up to its constitutional limits, to control this product. It can say to Standard Oil, "If you take a barrel of oil out of this land, you shall keep it separated from the oil taken from other lands or assembled by you from other sources," and it can compel that to be done. It can make rules and regulations that will follow this oil out of the natural reservoirs where it rests, the property of the United States, the property of the people of this country, on until it reaches the consumers in every conceivable form at a reasonable price.

I say again that you will then have a standard, a fair price on a portion of Standard Oil production, and that will tend to compel Standard Oil, by the force of public opinion to begin with, and ultimately by legislation, because these regulated producers will demand it, to sell at a fair price.

My colleague urges that my amendment would be very fatal to the independents. Mr. President, the independents are only a vanishing, a rapidly vanishing, name in this business. As I said a moment ago, the richest field in all this country has been gathered together so that just two companies control it. That is affected by this legislation; and an amendment introduced last evening by the chairman of the committee permits holdings by each of these companies that aggregate 3,200 acres. That is something like 5 miles square, I think.

Now, Mr. President, I renew my demand for a roll call on this amendment.

The PRESIDING OFFICER (Mr. NEWBERRY in the chair). The yeas and nays have been ordered. The Secretary will call the roll.

Mr. LA FOLLETTE. I will first ask for a quorum, because when the roll call starts I want to have this amendment read to the Senators who are going to vote upon it, instead of having them come in here as the vote is being taken and be told by Senators how they ought to vote, without knowing anything about the question that is pending. It is not fair to those Senators who are to be called in here to vote; and so, for the first time, I ask for a quorum. The roll call has not started. No one has responded to his name.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Elkins	Harrison	King
Borah	Fall	Henderson	La Follette
Brandegee	France	Jones, N. Mex.	Lenroot
Chamberlain	Gay	Jones, Wash.	Lodge
Colt	Gronna	Kendrick	McCumber
Cummins	Hale	Kenyon	McKellar
Edge	Harris	Keyes	McNary
Moses	Phelan	Smoot	Warren
Myers	Poindexter	Sterling	Watson
Nelson	Sheppard	Sutherland	Williams
New	Shields	Swanson	Wolcott
Newberry	Smith, Ga.	Thomas	
Norris	Smith, Md.	Wadsworth	
Nugent	Smith, S. C.	Walsh, Mass.	

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The Secretary will report the amendment.

The SECRETARY. On page 2, line 7, after the word "thereof," insert the following additional proviso:

And provided further, That the Government hereby reserves the right at all times, under rules and regulations to be prescribed by the President, to determine, fix, and control the selling price of all products derived from lands leased hereunder, whether in the crude or natural condition, or in other merchantable form, which shall be a reasonable price both as to the producer and the consumer, and the reservation of such right shall be expressly stated in each lease.

Mr. LA FOLLETTE. On that, Mr. President, I have asked for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays have been ordered.

Mr. PITTMAN. Mr. President, while I should be very glad to see the President given power to fix the price through proper means on all oil production in the country, I can not vote for an amendment that would grant a bureau power to fix the price of possibly one-tenth of the oil of the country and allow the price of the other nine-tenths to be ungoverned. In other words, in my opinion, if the Government is to fix the price of oil under these leases that must come in competition with the tremendous production of the Standard Oil Co. and other companies which have patents to their lands, there will be no leases taken.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. If permitted to vote, I would vote "nay."

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER]. If I were not paired, I would vote "yea."

Mr. MYERS (when his name was called). Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDENT pro tempore. The Senator from Connecticut has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN], and being unable to obtain a transfer at present I will withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. WALSH of Montana (when his name was called). I have a pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] which I transfer to the Senator from Missouri [Mr. REED], and I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my standing pair with the Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JOHNSON of South Dakota. I have a general pair with the Senator from Maine [Mr. FERNALD]. Not knowing how he would vote, I withhold my vote.

Mr. McKELLAR. The Senator from Nebraska [Mr. HITCHCOCK], the Senator from Alabama [Mr. BANKHEAD], the Senator from South Carolina [Mr. DIAL], the Senator from Oklahoma [Mr. GORE], and the Senator from Arkansas [Mr. KIRBY] are necessarily detained on official business.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kentucky [Mr. STANLEY];

The Senator from Missouri [Mr. SPENCER] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

Mr. CHAMBERLAIN. I have a general pair with the Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH] is unavoidably detained on important public business, and if present would vote "nay."

Mr. SMOOT. I desire to announce the absence of the Senator from Kansas [Mr. CURTIS] on official business.

Mr. HARRIS. I transfer my pair with the Senator from New York [Mr. CALDER] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

The result was announced—yeas 10, nays 48, as follows:

YEAS—10.

Cummins	Kenyon	Nugent	Walsh, Mass.
Gronna	La Follette	Sheppard	
Harris	Norris	Trammell	

NAYS—48.

Ashurst	Jones, N. Mex.	Nelson	Smith, S. C.
Borah	Jones, Wash.	New	Smoot
Brandegee	Kendrick	Newberry	Sterling
Chamberlain	Keyes	Overman	Sutherland
Colt	King	Page	Swanson
Elkins	Lenroot	Phelan	Thomas
Fall	Lodge	Pittman	Underwood
France	McCormick	Poindexter	Walsh, Mont.
Gay	McKellar	Pomerene	Warren
Hale	McNary	Ransdell	Watson
Harding	Moses	Shields	Williams
Henderson	Myers	Smith, Ga.	Wolcott

NOT VOTING—38.

Ball	Fernald	Kirby	Sherman
Bankhead	Fletcher	Knox	Simmons
Beckham	Frelinghuysen	McCumber	Smith, Ariz.
Calder	Gerry	McLean	Smith, Md.
Capper	Gore	Martin	Spencer
Culberson	Harrison	Owen	Stanley
Curtis	Hitchcock	Penrose	Townsend
Dial	Johnson, Calif.	Phipps	Wadsworth
Dillingham	Johnson, S. Dak.	Reed	
Edge	Kellogg	Robinson	

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. On page 27, line 9, after the word "*Provided*," insert:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner, part owner, or operator of any pipe line operating reasonably accessible to the oil derived from lands under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company operating a lease hereunder and not the owner of, or interested in the operation of, any pipe line.

Mr. SMOOT. Mr. President, I merely wish to say one word. Pipe lines are common carriers, and so declared, I think, by every State in the Union. They are under the regulation of the States. This question was before the committee, and Mr. Swartz, representing the independent oil refiners of Wyoming and other sections of the country, stated that they looked up the question very carefully and that there was no necessity for putting the provision in the bill. I will say to the Senator from Wisconsin that that is what was reported to our committee.

Mr. BORAH and Mr. LA FOLLETTE addressed the Chair.

Mr. BORAH. I ask the Senator to permit the amendment to be read again.

Mr. LA FOLLETTE. If the Senator will permit me, following the statement made by the Senator from Utah, before the amendment is read again, I should like to say that the amendment which I have offered is offered because Mr. Swartz came to my committee room this morning and made the suggestion that there was one independent left in that territory, together with the Government, which needed this protection. I remember now that I received the intimation somewhat in confidence, and I am rather sorry I mentioned his name.

Mr. LENROOT. I suggest that the amendment can do no possible harm.

Mr. LA FOLLETTE. I do not see how the amendment can do any more harm than the other. As we had 10 votes for the other, I think I shall ask for a vote on this amendment, notwithstanding the statement of the Senator from Utah.

Mr. SMOOT. I asked Mr. Swartz if in Wyoming the pipe line was not a common carrier, and whether the regulation was not in the control of the State. He told me that it was, and that is the reason why I referred as I did to Mr. Swartz.

Mr. LA FOLLETTE. Probably that is true. If the Senator states that that intimation was given to him, I have no doubt it is the fact, but it is true that many of the States that have commissions for the regulation of public utilities do not regulate them, that they do not protect the public in the regulation. I know in my own State a new commission has transplanted the old commission, and the public is suffering to-day because the law on the statute books of the State is not administered in the public interest. So, because there is a statute providing for regulation, and the common carriers within the State and the local pipe lines would be under the regulations of one of those commissions, it does not always follow that it would be subject to regulation. It does not always follow that that regulation would protect these interests.

Here, again, I say that we are leasing this land. The Government takes a royalty in oil. It has to get that royalty somewhere after the oil comes out of the ground. It has either got to provide its own means of transportation or be at the mercy of those who have transportation, and so will any independent that may be left in this territory. I have been informed that there is only one independent left in all the Salt Creek country, that all the balance of the oil holdings have passed into the hands of the two great corporations, and that that independent, together with the Government, in any oil that it has to transport out of that territory, will be at the mercy of the owners of private pipe lines, subject to such regulation as the States may impose; but if the State neglects to protect the Government or to protect the lone independent as long as it may survive, they will be at the mercy of the owners of private pipe lines.

I do not see that this amendment can work any very considerable harm, and I ask for a vote upon it.

Mr. SMOOT. If the wording of the amendment will conform to just what the Senator from Wisconsin really has in mind I have not any objection to putting it in. The only reason why it was not put in the bill, as I said before, was because it was thought that there was no necessity for it. It can not do any harm, as the Senator from Wisconsin says, but I should like to have it reported again.

The PRESIDENT pro tempore. The Secretary will read the amendment as requested by the Senator from Idaho [Mr. BORAH] and passed by for the moment.

The Secretary again read Mr. LA FOLLETTE's amendment.

Mr. WALSH of Montana. Mr. President, I rise to say that I do not see how anyone can find any fault with the principle of this amendment, and I am very glad to hear the chairman of the committee say that he has no objection to it; but I submit that the language ought to be changed somewhat. A lease will be denied to one who is a part owner in the adjacent pipe line unless he will agree that the pipe line shall transfer the oil at reasonable charges. Of course, if he is a minority holder he will have no control over the matter whatever. So that the effect would be to deny a lease to one who is a part owner if that part owner is unable to induce his associates, the owners of the majority interest, to establish reasonable rates.

Mr. LA FOLLETTE. Mr. President, if the Senator will permit me, I should be very glad to broaden the amendment by striking out the qualification to which the Senator calls attention. My only reason for putting it in was to try to enlist votes enough to get it through. If I can get it through in stronger form I shall be very glad indeed. So I will exercise the right which I believe I have to modify the amendment as I offered it by striking out the words in the last line, "or interested in the operation of." I will also strike out—I am encouraged to do that by the attitude of Senators toward the amendment—the word "reasonably," so that the amendment as I have now changed it would read as follows:

Provided, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner, part owner, or operator of any pipe line operating accessible to the oil derived from lands under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company operating a lease hereunder and not the owner of any pipe line operating a lease under the provisions of this act.

Mr. WALSH of Montana. Mr. President, the amendment as now modified by the Senator from Wisconsin does not reach the point to which I had addressed my remarks. I addressed my remarks to that portion of the amendment which denies a lease to a part owner.

Mr. LA FOLLETTE. I neglected to make one other change in the amendment. I will strike out the words "part owner," in order to meet the suggestion of the Senator. I am very thankful to him for his liberality.

Mr. WALSH of Montana. I was going to offer the suggestion to the Senator that he need not strike out that language if he will put in the words "controlling interest."

Mr. LA FOLLETTE. I do not understand the Senator.

Mr. WALSH of Montana. If the Senator will insert the words "controlling interest" or "majority interest" he need not even strike out the language and the amendment would still have my approval; that is to say, if the applicant for the lease has actual control of a pipe line——

Mr. LA FOLLETTE. I think that is covered by the phraseology as it now stands. I will send it to the desk of the Senator for any suggestion he may be pleased to make.

Mr. WALSH of Montana. I offer the following amendment to the amendment tendered by the Senator from Wisconsin: After the word "operator," in the third line of the proposed amendment, I move to insert "or owner of a controlling interest in any pipe line or of any company operating the same which may be," so that the amendment, if amended, will read:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner or operator or the owner of a controlling interest in any pipe line or of any company operating the same which may be operating accessible to the oil derived from lands under such lease—

And so forth.

So that the restriction will extend not only to the owner and operator of the pipe line, but to any person who owns a controlling interest in the pipe line or the operating company.

Mr. LA FOLLETTE. Let me ask the Senator if he has made any change in the remainder of the amendment? I had marked some changes to be made.

Mr. WALSH of Montana. I tender my amendment to the amendment as it has been modified by the Senator from Wisconsin.

Mr. LA FOLLETTE. I accept the amendment proposed by the Senator. I think it makes clearer the purpose I intended to accomplish by the amendment as drafted. I drafted it hurriedly after having my attention called to the need for it.

The PRESIDENT pro tempore. Does the Senator from Montana offer the amendment to the amendment of the Senator from Wisconsin? We must keep the record straight.

Mr. WALSH of Montana. I understood the Senator from Wisconsin accepted the amendment.

Mr. LA FOLLETTE. I accept the amendment of the Senator from Montana and modify my amendment in that respect. I offer the amendment in the form in which it now stands.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from Wisconsin as now modified.

Mr. LA FOLLETTE. I should like to have it read to be sure that it contains the other changes which I myself have made in it.

The PRESIDENT pro tempore. The Secretary will read the amendment as now modified.

The SECRETARY. On page 27, line 9, after the word "Provided" it is proposed to insert:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated of any pipe line operating accessible to the oil derived from the land under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line operating a lease under the provisions of this act.

Mr. WALSH of Montana. The Secretary has read the amendment correctly, but it should be accompanied with a suggestion that the words in the amendment as proposed by the Senator from Wisconsin "of any pipe line operating" be stricken out, for they are incorporated in the remainder of the amendment.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. One moment, Mr. President. I am endeavoring to perfect the phraseology of the amendment.

Mr. WALSH of Montana. May I suggest to the Senator from Wisconsin that perhaps it will read better with the change I have suggested?

Mr. LA FOLLETTE. I ask that the amendment may be again read.

The SECRETARY. As modified the amendment now reads:

That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, if owner or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall, at reasonable rates and without discrimination, accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line operating a lease under the provisions of this act.

Mr. LA FOLLETTE. I think that is all right, and I offer the amendment in that form.

Mr. POINDEXTER. Mr. President, as nearly as I can understand the amendment in its present form it would seem to restrict the obligations of the owner of a pipe line who is one of the lessees under this act to a lesser duty than he owes at present under the general law, making pipe lines common carriers. I do not think that is the purpose of the Senator from Wisconsin, but the amendment provides that the pipe-line company shall be required to accept reasonable rates for the transportation of oil——

Mr. LA FOLLETTE. And without discrimination.

Mr. POINDEXTER. And without discrimination—if oil of the Government or other producers not owning a pipe line. The law as it is at present requires pipe-line companies as common carriers to accept at reasonable rates oil from anybody who offers it in accordance with the regulations governing common carriers.

Mr. LA FOLLETTE. If the Senator desires to offer an amendment to strike out the words "not the owner of any pipe line," very well. I included these words because I thought they would strengthen the amendment a little. That language would not compel pipe lines to receive the products of a competing company having a pipe line, but I should be very glad to have the amendment adopted in its strongest form, and, if the Senator will suggest that amendment, I will not object to letting the vote be taken upon it.

Mr. SMOOT. Mr. President, as I understand the law now, no matter whether a company has a pipe line or not, if it desires its oil carried in any particular pipe line, under the law the oil is required to be carried at a reasonable price.

Mr. LA FOLLETTE. The law is broad and is enforced.

Mr. SMOOT. I am perfectly willing to let the amendment come to a vote.

Mr. LENROOT. Mr. President, certainly it can not be necessary to adopt the amendment suggested by the Senator from Washington, because the proposed reservation can not change the obligations of a common carrier pipe line. It merely adds to it by reservation, if the obligation does not otherwise exist; that is all.

Mr. LA FOLLETTE. If the common carrier pipe line is a lessee, it would change his obligation.

Mr. LENROOT. Not as between the carrier and the citizen.

Mr. LA FOLLETTE. No; but it can as between the carrier and the Government of course.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin as modified.

The amendment as modified was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. LA FOLLETTE. I have another amendment which I will propose.

Mr. WALSH of Montana. If the Senator from Wisconsin is not ready, I will tender the amendment I referred to a while ago.

Mr. LA FOLLETTE. I will be very glad to have the Senator do that.

Mr. WALSH of Montana. Mr. President, it is the purpose of this act to limit the holdings of any one person to 2,560 acres; but under the provisions of section 26 no one can hold more than one lease on land containing coal, phosphate, or sodium, even though that lease be for less than 2,560 acres. Of course it may often happen that in a certain locality the land available would be much less than that, and I think it would be entirely within the spirit of the bill if one were permitted to take any number of leases, but not covering an aggregate of more than 2,560 acres.

Mr. SMOOT. Does the Senator mean of the different minerals?

Mr. WALSH of Montana. No.

Mr. SMOOT. As to the different minerals that is provided for by the bill.

Mr. WALSH of Montana. Oh, yes; but take coal, for instance. A person is unable to get in a certain place more than 640 acres because the remainder is all patented. A mile away, however, there is another tract which is open to entry. I have particularly in mind the case of phosphates. Deposits of phosphates, as Senators who are familiar with certain sections of the country well know, are often cut by erosion, so that, as I recall, in one place in my State the bed crops out on one side of a gulch and then the gulch cuts it, but it is perfectly apparent on the other side of the gulch possibly a mile and a half or two miles away. I presume probably that a man may run his lines, if he applies for 2,560 acres, over patented ground that would be included within his exterior limits, of course

his lease extending only to the unpatented ground within the area as is done in patenting quartz mining claims and placer mining claims; but in any case the area which will be available to him will be reduced. My idea is that he ought to be permitted to take leases of coal lands no matter how many the number up to an aggregate of 2,560 acres.

Mr. LENROOT. Mr. President, I should like to ask the Senator whether he has considered, especially with reference to coal, that if we permit a number of leases up to an aggregate of 2,560 acres it might result, at the entrance of a canyon, for instance, in bottling up the entire field or deposit and prevent any real working of a very large area?

Mr. WALSH of Montana. I do not think there is any very just ground for apprehending such a situation——

Mr. LENROOT. I think there is.

Mr. WALSH of Montana. Because, let me say to the Senator, that a man would have the right if the deposit lies in an entire body even across a canyon to take it up——

Mr. LENROOT. That is true.

Mr. WALSH of Montana. And thus under the bill, as it stands now, the condition to which the Senator refers may arise.

Mr. LENROOT. But 320 acres might lie across one canyon and if one person is permitted to take a number of leases up to 2,560 acres he might tie up a half dozen canyons.

Mr. WALSH of Montana. That could be easily remedied by a provision similar to another one in the bill limiting the area within which the leases could be taken. I think that on reflection Senators will not find any serious objection to that arrangement. That is really the plan we have in mind—to give a man an opportunity to take up 2,560 acres of coal.

Mr. JONES of New Mexico. Mr. President, I should like to call the Senator's attention to the provisions of section 2, on page 2 of the bill, which provides that the Secretary of the Interior is authorized to classify the lands—

into leasing tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts.

I think probably that would cover the objections raised by the Senator from Wisconsin. It would, I think, enable the Secretary of the Interior to prevent the condition referred to by the Senator from Wisconsin.

Mr. SMOOT. Section 26 of the bill specifically states, however, that as to coal, phosphate, and sodium there shall be only one lease within the State, and that is the provision the Senator from Montana has reference to; and really, I want to say to the Senator from Montana, I think it is a very wise provision. I do not believe that any corporation or any individual ought to be allowed within a State to have leases covering four sections altogether. I think it would work a great deal more hardship than it would possibly do any good, and I hope, therefore, the Senator will not press his amendment.

Mr. WALSH of Montana. Mr. President, I really can not anticipate any situation in which any possible harm could result. It is not at all unlikely that it will be construed by the department that these tracts must be contiguous; and you can very readily understand that there might be a tract of coal of 160 acres only and then adjacent to that, and, indeed, surrounding it, patented lands, and then at some distance farther, a mile away, there would be other coal lands. Now, it is not impossible that they would all remain entirely idle, because they could not be included in one lease, and the company would be unable to get the two leases, and the result would be that that land which would otherwise be developed would not be developed at all.

Mr. LENROOT. Oh, there are provisions in the bill that would take care of that when one became worked out.

Mr. WALSH of Montana. I did not understand the Senator's statement.

Mr. SMOOT. There is a provision in the bill that wherever there is a lease, and the coal has been worked out, there can be an extension of the lease to other tracts of land.

Mr. WALSH of Montana. That does not help the situation.

Mr. SMOOT. No; that does not meet the situation.

Mr. WALSH of Montana. That does not help the situation at all. That would result in this way: The man would be forced to take the lease on the 160 acres, if he took any lease at all, having no right whatever to the other. By the time he got his 160 acres worked out the other might be appropriated.

Mr. SMOOT. I will say to the Senator that the theory of this bill, as of course he knows, is that it is not profitable to take a smaller tract of coal land than 2,560 acres, and certainly not with phophate and sodium. In other words, if it is a smaller tract than that, particularly with coal, the expense of maintaining and operating it, putting in the necessary tipples, and arranging for the sidetracks and everything connected with it, would hardly justify doing so unless they had that quantity of coal.

Mr. WALSH of Montana. Mr. President, that is just exactly the point that I am endeavoring to impress upon the Senator. Take the case of a man operating a coal property. The vein is exposed upon both sides of a wide gulf, and under this language he can get only what is on either side. We will say there is 640 acres upon either side of this gulf. He could get only the 640 acres.

Mr. LENROOT. Not if that is all public land. If there are private lands about it, has the Senator considered section 6, which expressly provides for the case the Senator now speaks of?—

That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit.

Mr. WALSH of Montana. I am very glad the Senator called my attention to that. It had escaped my notice. What is the section to which the Senator refers?

Mr. SMOOT. Section 6.

Mr. LENROOT. But it must be operated as a single mine or unit.

Mr. WALSH of Montana. Of course. That is what I have in mind.

Mr. SMOOT. That is what the Senator desires, as I understand.

Mr. LENROOT. It is fully taken care of.

Mr. WALSH of Montana. But that applies only to coal lands. The same situation, however, exists with respect to phosphate and sodium, particularly with respect to phosphate. If a provision like section 6 were put in with relation to phosphate it would meet all my desires.

Mr. SMOOT. Then why not amend section 6 by inserting, after the word "coal," on line 14, the words "and phosphate," so that it would read:

That where coal and phosphate lands, aggregating, respectively, 2,560 acres.

Mr. WALSH of Montana. I offer that, Mr. President, as my amendment, leaving it to the Secretary of the Interior under the conditions I have in mind.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Montana.

Mr. SMOOT. It would be better to put in, after the word "coal," the words "or phosphate," on line 14, page 4.

The SECRETARY. On page 4, line 14, in section 6, after the word "coal," it is proposed to insert the words "or phosphate," so that if amended it would read:

That where coal or phosphate lands aggregating 2,560 acres—

And so forth.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Montana.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair suggests to the Senator from Utah that in the case of section 20, the vote upon which was reconsidered and an amendment adopted to it, the section has not yet been agreed to as modified. The Chair is so informed. Without objection, the section as modified or amended is agreed to.

The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. LA FOLLETTE. Mr. President, I move the adoption of the amendment, which I now send to the desk.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. On page 15, beginning with line 11, it is proposed to strike out all of section 18, or all down to and including line 24 on page 17.

Mr. LA FOLLETTE. Mr. President, I ask to have the Secretary read that portion of the bill which the amendment proposes to strike out.

The PRESIDENT pro tempore. The Secretary will read the section proposed to be stricken out.

The SECRETARY. The Senator from Wisconsin proposes to strike out all of section 18, which begins on line 11 of page 15, and reads as follows:

SEC. 18. That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this act, of all right, title, and interest claimed and possessed since prior to July 3, 1910, by the claimant or his predecessor in interest under the pre-existing placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced and saved from such land, the claimant, or his successor, if in possession of such land, undisputed by

any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years, at a royalty of not less than 12½ per cent nor more than 25 per cent of all the oil or gas produced and saved: *Provided*, That not more than one-half of the area, but in no case to exceed 3,200 acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provisions of this section when the area of such geologic oil structure exceeds 640 acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced and saved after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of 660 feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith, and all moneys impounded in such suits or under the act of August 25, 1914 (38 S. L., p. 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant, and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear.

Mr. LA FOLLETTE. Mr. President, I have had printed some amendments that I desire to offer before the bill is reported to the Senate; and before submitting the amendments to the consideration of the Senate I desire to make some general observations upon the bill as a whole and upon the entire subject with which this measure deals.

There are two interests affected by this bill in which I feel a considerable concern. One is the public, the American citizen, the consumer. The second is the interest of the Government and the effect of this legislation upon the destiny of that Government and its place as a sea power.

First, Mr. President, from the standpoint of the public interest. The bill deals with the vital question of fuel, and how vital that question is was very profoundly impressed upon us when the war came and the shortage of coal that resulted from war conditions followed. We had not in the years gone by been so greatly impressed with the advancing price of coal for general consumption over the country. It is true that within a few years we had seen the price of coal advance very rapidly. I am speaking now of the conditions that prevailed before the war came upon us. We had seen the price of coal for warming the homes of the people of the country climbing higher and higher and higher. We have only need to go back a few years in the history of the country to realize what it means to have the coal that goes in the homes of the people of the United States pass under a single control. Mr. President, there was a time when individuals owned the anthracite coal of the United States. There was a time when that coal sold under competitive conditions at $2.50 a ton at the seaboard. The fields that supplied that coal are a very limited area—three little deposits of anthracite coal which if you could bring them together into one body would make only a limited area 8 miles by 60 miles. That is the distinctly anthracite-coal supply of the United States. We will be told that there is anthracite coal in Alaska; that there is a quality of bituminous coal in Colorado and in other places that approaches somewhat the quality of anthracite. I give it to you as a result of my investigation, based upon the report of the Geological Survey, that the purely anthracite coal of the United States is in three small areas.

Now, allow me step by step and rapidly to trace the history of the consolidation of the anthracite coal supply of the United States into the hands of one monopoly. It is a matter that I think we ought specially to consider with regard to this bill—the question of monopoly control—not ownership, because it is a leasing proposition, but it approaches, as I view it, very nearly under its provisions to a monopoly control of title by the provision with respect to perpetuating leases. I will come to that a little later in my discussion.

The three coal fields of which I have been speaking were located in Pennsylvania. Eight railroads ran into those three coal fields. The railroads saw the anthracite supply of coal was limited and that there was an opportunity to secure a monopoly of a product vital to the fuel supply of the people of the United States. I am giving you a history that can not be disputed when I say those railroads entered into a conspiracy to increase the freight rates upon the individual owners of the anthracite coal lands. They carried it to such a point as to compel the owners to part with the title to those coal lands to the railroads, the same railroads that furnished the only means of shipping coal out of these three anthracite coal fields of the United States.

Mr. SHEPPARD. Will the Senator from Wisconsin give us the names of those roads?

Mr. LA FOLLETTE. I am not able to do so offhand.

Mr. SHEPPARD. Will the Senator put them in the RECORD?

Mr. LA FOLLETTE. I will refer the Senator to the data from which he may secure all this information. This has all been developed by congressional investigation. Everything that I say here has back of it the report of a congressional committee or of a legislative committee upon this subject.

The eight railroads advanced the freight rate upon the individual owners of the anthracite coal lands until they could not afford to ship a single pound of coal to market. Mr. President and Senators, that impressed itself as a matter of deep concern upon the people of the State in which those three coal fields were situated—the State of Pennsylvania. What did they do? They called a constitutional convention with a view of prohibiting the railroads from carrying out their plan of securing the ownership of those coal lands. That constitutional convention was held in 1874 in the State of Pennsylvania. It adopted an amendment that wrote into the constitution of the State of Pennsylvania a provision that no railroad company should own a foot of land for mining purposes.

The legislation which now engages the attention of the Senate of the United States is the culmination of a struggle of private interests to control coal and the other natural resources of the country as against the interests of the people of the United States and the United States Government. I am giving you here a little of the preliminary history that may indicate to you the size and the vital importance of the fight you have upon your hands.

Mr. President, after the constitutional provision was adopted the representatives of the people of Pennsylvania went home from the convention with the belief that having written that amendment into the fundamental law of Pennsylvania they had secured emancipation for the individual owners of coal lands from the terrorism, the conspiracy, and the tyranny of the eight railroad lines that entered those coal fields. They were certain that the railroads would thereafter be barred from engaging in coal mining, and therefore there would be taken from them the incentive to increase freight rates upon the individual owners of coal mines and coal lands in order to force them to part with their property to the railroads.

Mark the next step in the history of this business. Do you think the railroad companies that entered these coal fields had any regard for the action of the State of Pennsylvania or for its citizens in writing that provision into their constitution? No. If you entertain such a belief, you do not know the power and the audacity of the interests that set out to control the natural resources of this country. It required an enacting clause by the Pennsylvania Legislature to enforce the constitutional provision. What did these railroad companies do? They went to Harrisburg and they bribed the legislature. Everybody knows it now. They prevented the passage and the adoption of the enforcing statute, and they went on putting up the freight rates on the individual owners of anthracite coal property until one after another they were obliged to take not what the property was worth but just what the agents of the railroad companies chose to pay.

It is a story of tragedy. It would deeply interest any Senator to read the history of that transaction, but it has only been written by a few men who have had the courage to write the history of that event.

I have been a student of this question and of other questions kindred to it. I do not think that it is any wonder that there are people in this country who are disturbed about this legislation. They may not understand its provisions, but I have been in receipt of telegrams here for two or three days from the West. No; they are not from farmers. They do not become active, perhaps, until they begin to pay the advanced prices for the oil. Perhaps the telegrams are from parties interested in some way adversely to the parties who are to be benefited by this legislation. I do not vouch for these telegrams, but I will put them in the RECORD, because it is my belief that every one by petition—and these telegrams are in the nature of petitions—has a right to be heard here. It is a poor right, Mr. President; it does not result in very much to the people who petition us. We receive their petitions, we send them to a committee, and they find their way into a waste-paper basket in a little while; but the

Constitution—so much of it as we have left—says that the right of petition shall not be denied. So, viewing the telegrams that have come to me in that light, I am going to put them into the CONGRESSIONAL RECORD and give to these people an opportunity to have their voice heard here.

[Telegram.]

LOS ANGELES, CALIF., *August 22, 1919.*

Senator ROBERT M. LA FOLLETTE,
United States Senate, Washington:

The entire West is getting aflame with rage against the pending infamous land and mineral leasing bill. Protests are being signed by bankers, manufacturers, merchants, professional men, supreme court and superior court judges, ex-governors, miners, and laborers by the thousands throughout the West, to be submitted to Congress. Mass meetings are being arranged, and every western Senator and Congressman supporting the bill will face this fury. The West has been lied to and betrayed and is now being sold out to England, for whom this bill is intended, to confirm their oil and mineral world monopoly. We beg you to oppose and kill the bill. Read the Husting report to the Senate; also this telegram.

D. J. GRAUMAN,
E. N. ROUTHE,
EDGAR TEMPLE,
GEORGE LEPAGE,
BEN MCLENDON,
Committee on Legislation.

From some of the same people who signed that telegram I received, two days later, the following:

[Telegram.]

LOS ANGELES, CALIF., *August 24, 1919.*

Senator ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Thanks for your distinguished courtesy. We are committee on legislation for thousands organizing in West against damnable leasing measure, making peons and tenants of westerners for English Government, now establishing commercial empire in United States soil. Senate seemingly acquiesces in having English Empire purchase all producing American oil properties in Western States. We demand that publicity be given to all public officials who held or now hold stock in properties recently bought by English Government in California and Mexico. We demand that investigation be made of the $150,000 alleged to have been paid to have Interior Department clear-list for patent millions of dollars of oil land not subject to patent which has recently become the property of the English Government. We demand to know who maintained great lobby in Washington for this leasing bill, $225,000 of which can be shown. We want to be shown why out of 13,000,000 acres of oil land withdrawn by presidential proclamation from entry, excluding American citizens, only 160 acres affected English holdings in California. We want to know why American newspapers refuse to publish any protests by American citizens against this leasing bill. We want to know what relationship this bill bears to the acknowledged world monopoly of the English Government. We want to know why Congressmen and Senators have not read telegrams and letters and memorials on the open floors of the Congress Halls, sent by reputable citizens and organizations, who want to know why congressional committees have only sounded the opinions of oil men who had properties to sell to the English Government when seeking public sentiment on this leasing measure. We want to know why Interior Department drove American locators off potash lands on technicalities and patented 40,000 acres to an English corporation. We want to know what powerful influence is behind this leasing measure, so often repudiated. Great mass meetings being arranged all over West. Gov. Meikeljohn, of Nebraska, and Hon. Ben McLendon, of California, open western campaign this week. Speakers and meetings being arranged in all States. Railway strike impedes this work. A national issue being made. We trust you as a defender of American rights. Long lists of signers to protest will be mailed you.

D. J. GRAUMAN,
EDGAR E. TEMPLE,
P. M. GREENLEE,
E. R. CLARK,
E. N. ROUTHE,
GEORGE LEPAGE,
Committee on Legislation.

Mr. JONES of New Mexico. Mr. President, will the Senator yield for a question?

Mr. LA FOLLETTE. I will.

Mr. JONES of New Mexico. I understood that the telegram which the Senator has just read was signed by certain parties designated as a "committee on legislation."

Mr. LA FOLLETTE. I read just what is in the telegram. The Senate can judge about that itself.

Mr. JONES of New Mexico. I should like to know, if the Senator has the information, as to who has appointed the committee?

Mr. LA FOLLETTE. When I have read these telegrams, the Senate will have the information that I have about them. I want that understood. I do not feel at liberty to suppress them because they came to me. I want the Senate to have the same information with regard to these matters that I have, and so I present them.

[Telegram.]

DENVER, COLO., *August 24, 1919.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate Office Building,
Washington, D. C.:

On behalf of claimants whose rights are attempted to be taken away in the pending oil-leasing bill, and who have not had an opportunity to urge their rights before Congress, as the large oil interests have, I desire to enlist your opposition in Senate to the pending bill. Section 18 of bill is unjust in many ways, and particularly in attempting to adjudicate rights of rival claimants as between themselves by providing that the claimant in possession (even though his possession may not be legal or right) where possession has not been disputed prior to July 1, 1919, should secure lease from Government. This provision thereby attempts to give lease to even those who have no legal or equitable rights. If rival claimants have for any reason been unable to dispute said possession prior to July 1, there should be an amendment changing the date July 1, 1919, to a reasonable time after passage of the bill, so that rival claimants could adjudicate their rights in court, and successful claimant could then, if he desired, surrender his claim to Government, and secure lease. I can not believe majority of the Senate desire to destroy the rights of poor claimants who have been unable to dispute possession of large interests prior to July 1 by court proceedings. If you can secure this amendment you will be protecting hundreds of poor claimants against an attempted destruction of even their legal remedies.

M. A. HERSHEY.

Mr. KING. Mr. President, will my friend yield for one observation? It is not really a question.

In the first telegram which the Senator read, as I remember, the statement was made that it was reputed that the Interior Department had received $150,000 for clear-listing certain claims which it passed to the English Government or to Englishmen. I want to protest against any such slander as that contained in that telegram. I have not agreed with Secretary Lane and with many of the administrative acts of the Interior Department. I think the Interior Department has been arbitrary in many ways in the interpretation of the law and has not been liberal enough in behalf of the claimants for mineral as well as for agricultural lands, but I venture to state that no more honest official than Secretary Lane can be found in this or any other country, and I make the same statement with respect to all of the officials of the Interior Department. They are men of ability and of the highest integrity, and, in my opinion, all the money in the world would not swerve them a hair's breadth from their duty as they conceive it to be.

Mr. LA FOLLETTE. Well, Mr. President, I will proceed. The junior Senator from Utah may have occasion, before I finish, to revert to this subject again. I have in my possession the report made by my late deceased colleague, Senator Husting, of Wisconsin. I purpose to present such portions of that report as are material to the consideration of this legislation. It may raise, if not with respect to the Secretary of the Interior, with respect to some of the employees of the department the question to which the Senator from Utah addressed himself, and I might say to him that if I present all of that report it will interest him, and may call upon him for something more than a personal expression of confidence in the integrity of the whole department.

I read another telegram, Mr. President:

[Telegram.]

DENVER, COLO., *August 24, 1919.*

Senator LA FOLLETTE,
United States Senate, Washington, D. C.:

Oil-leasing bill a Standard Oil measure, and menaces western oil interests. Standard Oil, New Jersey, owns 80 per cent stock Imperial Oil Canada, which controls Midwest Refining, and it controls Merritt Oil Corporation, Grass Creek Petroleum, Western States, Utah Oil & Refining, Mountain & Gulf, Boston, Wyoming, with long contract for entire production of Midwest Oil Co. and its subsidiaries and many others operating in all Wyoming districts. Passage means Standard Oil control of western oil production. Honest investigation under Phipps resolutions will tell story. Time permitting could furnish petition against passage with thousands of signers. Standard Oil legislation as popular in Colorado and West as smallpox.

FRED W. PARKS.

I do not know Mr. Parks.

Mr. THOMAS. Mr. President, Mr. Parks is a member of the Colorado bar.

Mr. WALSH of Montana. Mr. President, is the Senator able to tell us whether Mr. Parks appeared before the Public Lands Committee to express the views shown in the telegram or to explain to the committee how it is that this is a Standard Oil bill?

Mr. LA FOLLETTE. Why, Mr. President, I am not a member of that committee.

Mr. WALSH of Montana. Neither am I. I thought possibly the Senator might know.

Mr. LA FOLLETTE. I do not know whether or not Mr. Parks was advised that he might appear. I am just presenting to the Senate, without explanation or addition or subtraction, telegrams which have come into my hands, in order that the Senate may have as much information about those telegrams and about the senders as I have. I know none of them. They are strangers to me, as I stated a while go. I do not know whether they had an opportunity to appear before the Public Lands Committee or not. I do know that very early in this session a desire was manifested to hurry this legislation along.

Mr. WALSH of Montana. The Senator may recall that I asked several times, at least twice, when we might expect the report of the committee on it.

Mr. LA FOLLETTE. I do not remember that. I may not have heard that.

Mr. WALSH of Montana. I will advise the Senator that I did so; but I was particularly concerned to learn, if the view was not expressed by Mr. Parks, if the view was expressed

before the committee by any other witness in elucidation of the charge that this is a Standard Oil bill.

Mr. LA FOLLETTE. Mr. President, I think the members of the committee would be more competent to answer that question than I. They conducted whatever hearings were had, if any were had. I only know this: I know that this bill came in without any report at all from the committee—quite an unusual proceeding with a measure as important as this—a bill that proposes to dispose by lease, which can be renewed every 10 years, unless legislation can be secured to stop it, for all time to come.

Mr. WALSH of Montana. I did not intend to draw out any argument from the Senator upon the general merits of the bill, but I am particularly concerned, because I have been urging the legislation, to learn from some source how this comes to be a Standard Oil bill.

Mr. LA FOLLETTE. I do not know whether it will be within my power to contribute anything to the discussion here which will tend in the slightest degree to enlighten the Senator from Montana. I just propose, as best I can, with such facts and arguments as my humble ability and means will permit me to lay before the Senate, to discharge my duty as a Senator here upon this floor regarding this legislation.

Mr. WALSH of Montana. Mr. President, I desire to say in this connection that no Senator upon the floor that I know anything about is more competent to do so than the Senator from Wisconsin. I do not find any fault with him at all. I am particularly concerned with the charge made in this telegram—that is all—because it was suggested early in the debate that some people were apprehensive that that was the case; and I have waited with some degree of patience, I think, to learn just how we have been so hoodwinked.

Mr. LA FOLLETTE. Mr. President, I should be glad to have any Senator here stand up on the floor and say whether any of the numerous representatives of Standard Oil who are about the Senate Chamber and in the galleries have solicited the opposition of any Senator to the passage of this bill. I think that might shed a little light on it. They are here. There is not any doubt about that.

Mr. SMOOT. Mr. President, as chairman of the Public Lands Committee, I will say that as far as I know no person interested in the Standard Oil Co. in any way has either asked for the legislation or protested against it. I will say that they have never done it, as far as I personally am concerned.

I do not understand that the Senator from Wisconsin is reading these telegrams because he approves them. I know the Senator from Wisconsin knows there are not 13,000,000 acres of oil lands withdrawn in the United States. I know the Senator from Wisconsin knows there are not more than 6,500,000 acres, and that land, it is understood by the Geological Survey, is only land that perhaps may contain oil. Yet the sender of the telegram makes it appear that there are 13,000,000 acres of oil land withdrawn in the United States.

Mr. LA FOLLETTE. I did not assume to correct anything in the telegrams. I presented the telegrams just as other Senators here present letters and telegrams and memorials every morning from people all over the country, which are noted in the CONGRESSIONAL RECORD.

Mr. PHELAN and Mr. WALSH of Montana addressed the Chair.

Mr. LA FOLLETTE. Just a word more, and then I will yield. In the first place, there can not be any legislation before the Senate of the United States dealing in a broad way with oil interests without the representatives of these big oil companies being present. That I think would be accepted by everyone.

Mr. SMOOT. In all fairness, and I know the Senator from Wisconsin wants to be perfectly fair, it is true there was no report made upon this bill, but as I said in my opening statement the legislation has been before Congress for 10 years. I can take the Senator from Wisconsin or any other Senator over to the committee room of the Committee on Public Lands, where there is not, I will say to the Senator, a ton of hearings, but there are tons of hearings. We have had hearings upon this legislation year after year. The Senator knows, because I think he has read the hearings, that there is repetition after repetition, the same testimony given each time a hearing is had. The Committee on Public Lands thought that it was perfectly useless to have any more hearings upon this line of legislation.

As the Senator from Wisconsin knows, in the past I have been opposed to a leasing system; but the resources of the West have been held up. Nearly 100,000,000 acres, besides the forest withdrawals, in the West are lying undeveloped, and no power on earth can develop those lands until some legislation is passed, because that has been the policy not only of this administration but of former administrations.

So I admit to the Senator that, as far as I am concerned, I decided that I did not want a bill, as was suggested here at the last session, where there was a foot of land taken out of the ownership of the Government of the United States. It ought to be a leasing proposition entirely. I also decided, as far as I was concerned, that I wanted that leasing bill to be the very best bill that could possibly be made. I say now, without fear of contradiction, that if this bill becomes a law neither the Standard Oil Co. nor any combination of men on earth can control the development of the natural resources of the country.

I wanted to say that much to the Senator, because I know he is interested in this class of legislation and has been from the beginning as deeply interested as any man in the United States.

Mr. WALSH of Montana. May I interrupt the Senator from Wisconsin now?

Mr. LA FOLLETTE. I should like to add just a few words further before I yield.

I had started to say in reply to the first interruption of the Senator from Utah [Mr. SMOOT] that the fact that legislation involving the disposition, even though it be by lease, of all the remaining oil lands of the United States could not well be pending before the Senate of the United States or the Congress without the representatives of Standard Oil, and other big concerns that have sought to acquire a monopoly control over that important product to the life of the American people, being present and having an eye upon it. There is not a word or syllable in the bill that they do not know just as well as any Member of the Senate, and it may be a good deal better. They know the scope and purpose and effect of it; they know the effect of the decisions which have been made in cases; they know its relation to the holdings of the Interior Department; they know its relation to the rulings of every authority in the United States that would have anything to do with its administration. In short, they know all about it. The fact that they have been on the ground and have not made any protest against this legislation leads one to wonder. I said a moment ago I would like to have any Senator rise in his place on this floor and say that he had been called upon by a representative of one of the big oil companies protesting against the passage of the bill. If they are here in opposition to the bill, I should like to know it. If it suits them so perfectly that they are not raising any question about any provision in it, I should like to know that fact also.

Mr. JONES of New Mexico. Mr. President, I should like to ask if it would not be a fairer inference for us to assume that such representatives would feel that a petition of that kind would be wholly useless, that they could not expect the Senate to enact legislation which would produce the ill effects of a monopoly such as the Senator has described as having been instituted by the Standard Oil Co., and would not those representatives feel a delicacy in coming to Senators with a proposition looking to that end? Would it not be useless for them to come to Senators with any such proposition and might not that explain their absence?

Mr. LA FOLLETTE. It is possible, Mr. President, that the Standard Oil Co. and its lobbyists have a new view of things and that they are supersensitive about saying anything to anybody about legislation, but that hardly comports with their history down through the years. Standard Oil has been the most brazen, the boldest, the most aggressive violator of the law that legislative bodies in any country ever had to contend with. It has driven people all over this country out of business, crushed competition, and driven competitors to suicide. It has had in its employ the employees of competitors who have sold to it the secrets of those competitors. There is nothing that is reprehensible that the Standard Oil Co. has not done. There is not anything that requires boldness and craft and brazenness that they have not acquired. I do not know why they might not have called out some Senators and said, "This measure is not just fair."

Mr. JONES of New Mexico. I have been connected for about six years with this question, of course not all that time as a Member of this body; and I think I can safely state to the Senator that the only purpose which anybody has ever had in framing this legislation is so to devise a plan that these public resources may be developed and that there shall be no monopoly. That has been the purpose of everybody connected with it, so far as I have been advised, and if we have failed in the bill to so provide it is simply because we have not the intellectual capacity so to do.

Mr. LA FOLLETTE. I am coming to that question a little later in my discussion.

I want to say, and I might as well say it right now, that I realize and sympathize with the views of western Senators who have had such large areas of land withdrawn from development

in their respective States. I know it throws a very heavy burden upon the taxable lands of the States, and I know, too, that they are looking after the interests of their constituents as consumers of these products. They hope to see by the development which will take place under these measures larger production and competition, a lowering of prices, and a supply to consumers on better conditions. I can sympathize with that, because as a younger man than I am now I lived through exactly that sort of condition in the State of Wisconsin. We had vast natural resources——

Mr. WALSH of Montana rose.

Mr. LA FOLLETTE. Will the Senator pardon me if I yield a moment later? Will the Senator interrupt me again?

Mr. WALSH of Montana. Very well.

Mr. LA FOLLETTE. Wisconsin was one of the finest timber States in the United States. We went through a similar struggle in Wisconsin in regard to our vast timber resources. We had the same argument made to us there that you hear day by day from the western Senators here. It is all an old chapter to us. We did with our timber what you propose to do here. They swept it off; they organized their lumber trust; they exploited the people of Wisconsin. We got very little benefit from their "development." They devastated the northern half of the State by leaving conditions there which produced annual fires that swept over it and made a large portion of it a charred and blackened waste year after year.

These great lumber organizations, enriched by the despoliation of our natural resources in Wisconsin, became the dictators of the public policy of the State. They took charge of legislation and exempted themselves from taxation up in their timberlands. They were not content with that. They became interested, of course, in the transportation problem. They went in with the railroads of Wisconsin, and became a great force, a great corrupting force, in that State. I undertake to say that Senators from the West fully realize how the Amalgamated Copper Co., a great mining organization, has gone into your western country and under the name of development acquired control by corporations and by syndicates of your great natural resources, amassed great wealth, dominated your politics, elected your governors, controlled your State legislatures, and entered contests for United States Senatorships.

These high-handed methods finally resulted in the education of the public until out of it there grew a widespread demand for the conservation of these natural resources. It had its beginning along about 1906.

What took place with regard to timber in Wisconsin, Michigan, and Minnesota has taken place with regard to coal and iron and copper and other mineral resources throughout the country. We have looked on quiescently while these great natural products have been absorbed and have passed under the control of the great monopolies, and then we marvel, Mr. President, at the cost of living climbing higher and higher year by year. What idiocy that is! What stupidity! What can be expected if the iron, coal, copper, and timber, which control the cost of everything else, are in the hands of monopolies, with the result that they fix the price?

Mr. President, this bill comes before the Senate as a leasing bill, and, therefore, disarms much criticism that was leveled at the conference report of last session.

Mr. WALSH of Montana rose.

Mr. LA FOLLETTE. I beg pardon; I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I thank the Senator very much, but the matter to which I desired to direct attention was discussed by the Senator some time ago. I was simply concerned in the statement of the telegram that this was a Standard Oil bill, and I felt that the Senator would probably indulge me at this time to say just a word about the genesis of this bill. It is easily traceable, because in every essential respect——

Mr. LA FOLLETTE. I would not like to yield for any lengthy statement by the Senator.

Mr. WALSH of Montana. Oh, no; I shall not take 60 seconds.

Mr. LA FOLLETTE. Very well. I yield, with pleasure.

Mr. WALSH of Montana. The genesis of this bill goes back to a bill which was introduced in 1913 or 1914, it being in all essential particulars like this, although, of course, differing somewhat in details. That bill was introduced by myself, having been prepared by a committee called together by Secretary Lane, consisting of the chairmen of the Committees on Public Lands, the chairmen of the Committees on Mines and Mining, and the chairmen of the Committees on Agriculture, if my recollection is correct, of the Senate and House of Representatives. They, in conjunction with Secretary Lane and his assistants, prepared the bill. That is all I care to say about this being a Standard Oil bill.

As the Senator from Wisconsin has very justly and very fairly stated, it would be impossible to frame a bill dealing with the great subject of oil that would not invoke the interest of the Standard Oil Co., and I dare say, in the absence of any further information about the matter, that that is the entire foundation of the statement in the telegram that this is a Standard Oil bill.

I shall gladly join with the Senator from Wisconsin in any amendment that he may have to proffer to insure, what was the purpose of the framers of the bill originally, that no advantage could be taken of it by the Standard Oil Co. to increase its monopoly upon the American people.

I want to take this occasion to say also, as the Senator said something about the matter, that this bill affects 10,000,000 acres of land in my State, most of it being coal land; some 8,000,000 acres, as my recollection is, being coal lands, the remainder being oil and phosphate lands. I will put into the RECORD the correct amount. That comprises nearly one-eighth of the great State that I have the honor in part to represent here. That land, as the Senator has indicated, has been tied up for years. Now, I should like to ask the Senator from Wisconsin to imagine that one-eighth of the total area of the land in his State were held in one ownership and that the owner of that land declined to convey it at all to anybody or to lease it to anybody for development or use or operation. I undertake to say that it would raise a revolution in the State of Wisconsin. If, in addition to that, that owner, who would be regarded as a public enemy by reason of the holding of the land of that area, had in some way or other secured exemptions from taxation for State, county, or local purposes, it would raise a protest.

I feel like expressing to the junior Senator from Wisconsin [Mr. LENROOT] the appreciation of the people of my State of his interest in this measure and of the help he has afforded toward bringing it to a culmination. I am very glad that the Senator from Wisconsin has tendered a number of amendments, to which my attention has been called and to some of which I can give my hearty concurrence. I trust, however, that he will appreciate that it is easy to stimulate undeserved opposition to this bill by merely characterizing it, even by indirection, as a Standard Oil bill.

Mr. LA FOLLETTE. Well, Mr. President, as I suggested a moment ago, I can understand the attitude of western Senators toward this legislation. I know, in a way, what it means to have large areas of a State segregated and placed apart so that they can not be settled and disposed of. The northern area of Wisconsin, embracing what are known as cut-over lands, which have been subject to annual fires, could not by reservation by public authority have been taken much more effectually out of sale or occupation. That area has been an eyesore in the State for a good many years. Now, we have overcome the prejudice that resulted from that sort of thing. We have at State expense patrolled that area and reduced the damage by fire, so that those lands are now coming into cultivation and are coming to be regarded as a very productive accession to our agricultural lands. That section in time will be one of the best parts of the State. We have, however, suffered in a way in the State, not in all respects as the Senator's State has suffered, but in a way we have had an opportunity to know something of the feeling. For that reason I have had a great deal of sympathy with the western view upon this question. It must be recognized, Mr. President, that the exploitation of the natural resources of our country has made this question a vital matter, a burning question in every home not only to the people of the State who would like to see development, but to the people in every section of the country who have an interest in the coal and the oil and the other natural resources that are in the Government holdings in the respective States. So we have come, Mr. President, to have some estimate of the national value of these products and of the national interest in them.

Our coal supply will last for a long period of time; but the monopoly of that coal supply amounts to almost a denial of its use to the poor people of this country. As to our oil, so far as we know the quantity is limited, and with the present consumption of oil in a few years the known supply will be exhausted. As to phosphates, the situation is somewhat problematical. We are hopeful that we are going to develop large resources in that direction, but we do know that a very large area of our country has become almost totally unproductive for the lack of phosphates and other fertilizer. We know that even in the fertile Middle West the yield of the wheat fields, which have been harvested again and again for the last 20 years, is falling off every year, which makes proper solution of this problem a vital thing to the life of the Nation and the position it will hold among the nations of the world. So, while granting your deep interest in it, your home interest, your local interest, we can not altogether forget that the question of the control of these great

national resources affects most intimately every home, the feeding of every family, and everything that goes to take care of life and makes it possible.

Mr. WALSH of Montana. Mr. President, I am indebted to the Senator for his courtesy in the matter; but, speaking of phosphates, I am reminded that the matter is by no means one of local concern. The Senator is quite right that the productiveness of our wheat fields, as shown by the records, is diminishing; and it is a part of the plan of the utilization of these phosphate deposits in the West, which are of great extent and area, to inaugurate a campaign to educate the people of the Central West and Northwest, who have never been accustomed to use commercial fertilizers at all, to the benefits that would accrue to them by the use of phosphates and nitrogenous fertilizer. Even now our agricultural resources could be vastly increased by the application of such fertilizers. That is a part of the plan that is in mind, but, of course, so long as the insoluble rock lies out there in my State and in the States of Idaho and Wyoming it is not doing anybody any good.

Mr. LA FOLLETTE. Well, Mr. President, all of this general discussion, of cource, bears upon the bill that is before us. It seems to me that any such bill, in view of the experience that we have had in this country, ought to be carefully considered and analyzed. The most important question, from my point of view, is whether this bill makes for the emancipation of the people of this country from monopoly control of these products or whether it will result in a still further extension of the monopoly control of these products.

I think there is a wide difference between the bill that is pending here and the bill that was presented in the conference report at the close of the last session of Congress. I have noted some of the differences, thinking that I would call the attention of the Senate to them.

It will be remembered that the coal and oil bill presented in the form of a conference report failed of passage in the closing hours of the last Congress.

The passage of that bill was urged as the best thought of the committees of both Houses upon the subject with which it dealt.

Its passage in this body was opposed, and it was defeated.

Contrast the conference bill of last session with this bill, which deals with the same subjects.

1. The conference bill, masquerading as a leasing bill, was in fact a patenting measure, and except for its defeat the remaining resources of coal, oil, phosphate, and sodium would have passed from public ownership to private control.

2. The conference bill would have wiped out the Alaska coal-leasing act and would have thrown open to private exploitation the great coal fields of Alaska, over which the Ballinger controversy raged.

3. The conference bill would have allowed collusion in the bidding of any coal or oil lessees who availed themselves of its provisions. Manifestly this would have defeated leasing, and in any event would have given a preference to monopoly interests.

4. The conference bill would have allowed the transcontinental railroads to secure 2,560 acres of coal land for any use under lease for every 200 miles in actual operation.

5. The conference bill would have allowed the Grand Canyon National Park to be despoiled by private interests.

6. The conference bill "hamstrung" municipal operation of coal mines by allowing only 160 acres to be secured.

7. The conference bill allowed through its "competitive-bidding features" small opportunity for an executive official of the Government to protect the public interest.

8. The conference bill allowed claimants upon the naval oil reserves whether cases were pending in courts or were before the department to be compromised by Executive action.

9. The conference bill allowed claimants within the naval oil reserves to secure rights which the courts denied and gave them generous settlement both as to receipts empounded in escrow and a royalty of not less than one-eighth.

10. The conference bill allowed the validation of claims of those who had purchased the same from another who had fraudulently entered the land if such purchaser was without notice of fraud.

11. The conference bill contained all through liberal clauses in favor of "relief claimants" and at the same time allowed them to secure rights which the courts and present law denied to them.

12. The conference bill gave no authority to the Secretary of Agriculture to contest the lands under his jurisdiction which would come within that measure.

I do not like the provisions of this bill as to the railroads, and for that reason I have drawn amendments to it; but I dislike it very much less than the provisions of the bill that was presented in the conference report.

Mr. SMOOT. Mr. President, in that connection I wish to say to the Senator that this bill—not the conference-report bill, for that was defeated—affects only one railroad in the United States, and that is the Milwaukee Railroad. I want to say to the Senator also, and I do not think it is out of place to say, that in this bill as I first reported it the provision as to the railroads was exactly the same as it was in the conference report; but Hon. Gifford Pinchot not only called my attention in person to that provision but I now have his letter in which he asks that that original proposition be amended and that the provision we have in this bill be incorporated. I do not want to take the time of the Senator now to tell Mr. Gifford Pinchot's reasons for it, but I have it right before me; and I thought, and so did your committee think, that the reasons were of a protective nature rather than anything else. There is not any other railroad affected by this provision than the Milwaukee Railroad, and I believe that the Senator really understands the situation of the Milwaukee Railroad as to why this legislation would seem to be absolutely fair and just to that corporation.

Mr. LA FOLLETTE. Under the bill as presented in the conference report in March a very large area of the coal lands of the country would have passed into the control of the railroads and would have been tied up by the provisions of that bill.

Mr. SMOOT. Not only the railroads, but any common carrier.

Mr. LA FOLLETTE. Yes, that is true; it was broader than the railroads.

Mr. SMOOT. Yes.

Mr. LA FOLLETTE. But as I remember it, as it applied to the railroads, something over 125,000 acres would have been controlled in that way by the St. Paul road, and I think nearly a million acres by less than a dozen railroads running west from the Mississippi River. That is a very liberal policy in these times, when anthracite coal is selling at $12 a ton here in Washington, to pass into the control of railroad companies in this country west of the Mississippi River upward of a million acres of coal lands belonging to the people.

Let me refer to another thing that that bill did that was presented here last March; I feel a bit justified in referring to that bill, and referring to it in a spirit of criticism and condemnation. I think it warrants us in scanning this bill with great care.

Mr. SMOOT. I would not even sign the report.

Mr. LA FOLLETTE. I remember that the Senator from Utah refused to sign the conference report; but that bill, I think, was—I am just trying to keep within parliamentary phraseology—I think it was a very bad bill, and a bill that is repudiated by the bill which is presented here by this committee. Yet, Mr. President, as I remember it, all but four members of the Senate Committee on Public Lands who approved this bill were on the committee, except, as I remember, the Senator from Utah, who was on the conference committee and refused to sign the report. I do not remember that the conference-report bill was opposed by the Senate Committee on Public Lands.

Mr. SMOOT. In justice to the members of the committee I wish to say to the Senator that there were other members of the committee who were opposed to it. They were not members of the conference committee, however.

Mr. LA FOLLETTE. Well, I combed this floor for support in opposing that bill, and I had to take the onus and the criticism of beating that conference report by a four or five hour filibuster on this floor; and I am gratified that that legislation stands condemned by the committee in bringing in this bill, which is very different from it and is an improvement upon it.

Mr. President, after all, there is just one big issue involved, and that is to release the people of this country from the monopoly control of their natural resources. I think the experience of this country with regard to its natural resources admonishes us that our first duty is to the American people, and in the light of that experience I believe we ought to scan this bill from its first to its last line. It should contain every safeguard that can be written into law to assure to the people of this country these important essentials of life at a reasonable price. If it does not contain these safeguards, we are remiss in our duty as representatives of the people if we do not amend it so as to insure them that result.

I do not think you can escape from the charge that you are aiding a monopoly control of these natural resources by converting it from a patenting bill into a leasing bill. I have heard Senators on the floor while this bill has been pending say, "Well, I suppose this bill is all right. It does not give title to the land. It is a leasing bill." But I believe this leasing bill is so framed that the renewal of the leases which it provides will result in substantially the same monopoly control

that we would have under a patenting measure. And so I say, Mr. President, that the past experiences of the public with the monopoly control of its natural resources should admonish us to consider this bill line by line, since it involves practically all that remains of our great natural resources.

Mr. President, I believe we should also consider the effect of this legislation upon the position of the Government, and that brings me to say a word about the effect of certain sections of this bill upon the controverted question of naval reserves.

This morning I came across a very interesting dispatch from London, dated August 24, a United News dispatch. It is a quotation from an article that appeared in the Weekly Observer, of London, by Sir Lee Chiozza Money, a prominent financier and economist:

LONDON, *August 24.*

America's lead in world trade has become so great that it will take Great Britain a "long, long" time to overtake the United States, Sir Lee Chiozza Money, prominent financier, economist, and member of Parliament, wrote to-day in the Weekly Observer.

According to Money, who has made a close analysis and comparison of the position occupied by the two countries, it is almost impossible for Great Britain to regain her world supremacy, owing to the vast American natural resources, the unprecedented growth of the American mercantile marine, and the expansion of American industry before her entrance into the war, when Europe was dissipating her strength and vitality in battle.

He calls attention, however, to the possibility of American natural resources being exhausted during the next generation because of unregulated exploitation and tremendous waste. I quote further from Sir Lee:

"Before the war it was German competition that was feared by the British exporters," Money writes. "To-day the talk is all about the American competition. We hear of contracts being lost to America at home and abroad. Pictures are drawn of America becoming the workshop of the entire world. The industrial leadership which she held before the war has become more pronounced. We need not be surprised if these facts fill many observers with alarm. Certainly it is not within the power of Britain to win back the industrial supremacy which departed before the war so long as America's natural resources remain incomparably greater than ours."

Money produces figures to show that in 1912 the United States produced nearly twice as much coal and six times as much iron as Great Britain did.

"But in America the greatest producer is also the greatest waster," he continues. "The virgin fertility of the soil, the timber, coal, iron, and other wealth is wasted with such prodigality that if stern measures are not taken to check this irresponsible exploitation the United States will quickly level herself with many less favored countries."

Mr. JONES of New Mexico. Mr. President, will the Senator yield? Do I infer from this article that the writer of it intends to suggest that the resources of this country should not be used—that we are wasting them because we are using these natural resources—or does he suggest that we are using them in a way which does not derive the greatest benefit from them? I assume that the Senator from Wisconsin knows that these resources are absolutely worthless if they remain unused.

Mr. LA FOLLETTE. If they remain unused, they are not wasted, and they may be exploited in a very wasteful way. I suppose the Senator knows that we are wasting, beyond hope of recovery, fully 40 per cent of the coal that is being mined under existing conditions. That is the report of the geological department of this Government.

Mr. JONES of New Mexico. I realize that we are improving the methods for the use of these commodities right along. Our scientists are doing the best they can to minimize the waste. There is a vast waste in the use of coal by any process which is known at the present time. That is, we do not get out of it the heat units which are in the coal, or, rather, we do not utilize the heat units which are in the coal; but we can not stop the development of the country.

Mr. LA FOLLETTE. The Senator quite misunderstood my statement. I thought I made it plain that I referred to the mining of the coal. We are leaving in the ground under conditions that do not permit of recovery by any possibility, according to the views of the experts of the geological department of the Government, 40 per cent of the coal in the fields that are being operated and mined at the present time, a policy of wastefulness that is little less than criminal. I care not whether the coal lands belong to private individuals. The question of the supply of material to turn the wheels of industry and to warm the homes of the American people is a question that goes beyond the consideration of private ownership and the rights of private owners.

Mr. WALSH of Montana. Will the Senator pardon an interruption in this connection?

Mr. LA FOLLETTE. Certainly.

Mr. WALSH of Montana. I think the estimate the Senator has given of the waste in the ordinary way of mining coal is easily within the facts and the reports. There is an enormous waste. The matter was called very forcibly to my attention some time ago. Both the Geological Survey and the Bureau of Mines have been calling persistently the attention of the country to that fact. It appears, however, that the only remedy for the situation is to drive the workings clear through to the remote end of the bed and commence to mine at the extremity and then allow it to cave as you come forward. If you begin to mine at the face of the tunnel and go in, you are obliged to leave a support of some kind. So it becomes a matter of the very highest economy. One of the largest coal operators in the country, if not the largest, is personally very strongly in favor of legislation which would compel a system of mining that would thus conserve the coal. But I am told that that would be a burden which the small operator could not possibly sustain, and that the result would be to give to the great monopolies of the country a still more certain monopoly over the production. That is an aspect of it which I thought the Senator ought to have in mind.

Mr. LA FOLLETTE. The Senator has simply confirmed my own recollection upon the subject. Some 12 years ago, I think, I made as thorough an investigation as I was able of mining operations in various countries of the world under the most enlightened and advanced regulation that had been applied. I know at that time Great Britain, France, and Germany, by laws and supervision, had the right to enter even mines privately owned and to impose upon the owners certain conditions with a view of preventing waste in mining.

Every bill that I have offered—and I have offered a number of bills on this subject since I have been a Member of the Senate—has provided for Government control of all mining operations, with a view to preventing waste, including a provision in the bill, incorporated in the lease, to terminate the lease whenever it is ascertained that wasteful mining is being prosecuted.

In answer to the suggestion made by the Senator from Montana that the enforcement of a rule which would prevent waste would tend to put some of the small operators out of business, and therefore result in a still larger control of the coal market and the coal production by the large operators, I think, if the Senator will pardon me, that his suggestion overlooked an important consideration in the whole matter, not only with regard to coal but everything else. The price of all the great products that control the cost of maintaining existence in this country to-day lies in the hands of comparatively few. The big operators control the price. The fact that you have a few small operators here and there over the country does not affect the price at all. The production of coal in a large way and the control of the price of coal are in the hands of the great companies, just as the control of the prices of iron is in the hands of the United States Steel Co. I think any concern that can control 40 or 45 per cent at most of a given product can fix the market price of that commodity. I think if the promoters of legislation upon this subject expect by bringing more territory into production to affect the price they are doomed to disappointment. You simply pass more of the oil lands and the coal lands into the hands of the operators, who in turn will either be forced to trail along behind the big companies, who fix the prices, or will by tacit arrangements with them agree upon prices. The price of oil, coal, iron, steel, and copper will continue to be excessive until the Government lays its hands upon the monopolies that control those basic factors in production and destroys them. Committees may be organized to conduct investigations and fill the columns of the newspapers with talk about lowering the cost of living, a few retail dealers may be arrested and punished, but these devious methods will not affect by a sou marquee the burdens imposed upon the people by abnormally high prices of products until the Government brings the great monopolies to the bar of justice.

I will have amendments to present from time to time as we take up the different provisions of the bill, but I want to spend a little time this afternoon on the phase of this question that affects the standing of our Government among the nations of the world.

Mr. KING. Before the Senator leaves the other question may I make one suggestion?

Mr. LA FOLLETTE. Certainly.

Mr. KING. I have been very much interested in the observations made by the Senator and concur in some of the positions which he has taken. I venture to suggest, however, that, generally speaking, I have not discovered that there has been a monopoly in the bituminous coal of our country. I am not sufficiently familiar with anthracite to hazard an opinion, but I have made some investigation in regard to the output of bituminous coal in the United States. I have instituted comparisons between the price of coal at various points in the United States before the war and the price of coal in New Foundland, Canada, Australia, New Zealand, England, and in many other countries of the world. Broadly speaking, I think it may be said that the coal was sold at the mouth of the

tunnels or at the mouth of the pits in the bituminous fields of the United States cheaper than in almost any other place in the world. Coal has been sold as low as 80 cents per ton at the mouth of the tunnel, and the corresponding quality of coal at that time in the English Provinces to which I have alluded, and, as I recall, in England, was considerably higher than that—as much as $2 or 8 shillings and sixpence per ton. From 80 cents to $1.10 or $1.125 were prices frequently charged, and perhaps almost universally obtained for a considerable period of time, at the mouth of the pits in the United States.

Mr. LA FOLLETTE. May I inquire of the Senator if he prosecuted his investigation to the point of a comparison of the prices at which the coal reached the consumer in those several countries?

Mr. KING. I did not make as full an investigation as I should have liked, and I would not undertake now, because my memory fails me, to state the relative prices to the ultimate consumer in the countries to which I have referred.

I crave the Senator's pardon—may I allude to the question of copper? Those of us who have come from the West and have frequently taken fliers, as we say in the West, in mining operations, with a view to discovering mines, are of the opinion—at least, I speak for myself, and I think I express the opinion of others—that the price generally obtained by the miner for his copper has not been too high. By that I mean that he has made very little, and in many instances has lost money. Some of the great copper properties that have been fortunately situated, and by the development of metallurgical processes or new mechanical processes, or after great expenditure in the building of railroads, and so on, have been enabled to cheapen the production and have made considerable money; but I venture the assertion that, high as copper is, two-thirds or three-fourths of the copper properties in my State are closed down and can not make money. Many of them are in the hands of men of comparative means, others are in the hands of corporations that have considerable property, but, high as copper is now, there are many of the copper properties of the United States that can not be worked.

Mr. LA FOLLETTE. I think it is true in almost every industry that unfavorable conditions may make it impossible to operate successfully certain properties. I accumulated data with respect to the profits of the great copper companies and their control of that product and their excessive dividends, which the Senate escaped from having presented to it because the bill was quite summarily passed one evening when I expected it to go over until the next day. I shall be interested in resuming my study of that question and bringing it down to date and, on a proper occasion, presenting them here.

Mr. President, I wish now to invite the attention of the Senate to the provisions of the bill, particularly sections 18 and 19, which have to do with the naval reserves, and the "relief" that those who went upon the naval reserves in violation of the President's order are to have extended to them under the bill.

I knew that there had been a long controversy between the Interior Department and the Department of Justice and also the Navy Department, and therefore, when my attention was first directed to the bill, I called up the Department of Justice and the Navy Department to ascertain if they approved of the bill in its present form in so far as it dealt with the naval reserves. I have a letter from Mr. Roosevelt, Assistant Secretary of the Navy, upon that subject. I will have an opportunity to present it to the Senate.

I think that this phase of the question is of such magnitude and is so vital to the position that the Government will occupy as a sea power of the world that we ought to give special attention to those sections. I am going to ask the Senators present to follow me as I take up the subject.

The bill, as drawn, will, I believe, destroy the naval reserves set aside for the Navy. This is done by provisions contained in the second paragraph of section 18, aided by succeeding paragraphs of that section. Out of the lands originally withdrawn on or before September 27, 1909, certain areas were set apart to furnish a future supply of oil for the Navy. The reports of the naval experts of the highest authority, as well as the experience of our own Navy and of the navies of the foreign powers, had established the fact beyond question that naval efficiency and, therefore, national safety were dependent upon the increasing use of oil-burning ships. It is therefore evident that, after a brief moment of time, as the lives of nations are counted, there will not be a sufficient supply of oil in the ground necessary to insure our safety from attack, if the existing deposits are to be thrown open to private exploitation without maintaining any reserves for our future naval use. This was the purpose for which the naval oil reserves were set aside. The needs of the Navy require that the oil should be kept in reserve in the ground until future naval necessities require its extraction and use.

What are the needs of the Navy? Upon this question there is a difference of opinion between the Department of the Interior and the Navy Department. I submit that the statement of the Navy Department must be accepted as our guide in this matter.

The opinion of the Secretary of the Interior as to the efficiency of the naval reserves for supplying the needs of the Navy is expressed in a letter to the chairman of the Senate Committee on Public Lands dated April 18, 1916, and published at page 498 of the hearings before that committee on House bill 406, Sixty-fourth Congress, first session. I quote from page 498 of those hearings:

> The outstanding petroleum reserves in the public-land States contain those lands which the survey believes, from a careful consideration of all factors involved, are valuable for deposits of oil and gas. These areas may be divided into two classes, according as they embrace (1) territory already proved by the drill or territory including geologic formations that elsewhere carry oil or possessing known or inferred geologic structures favorable for the accumulation of oil and gas and (2) unproved territory which because of favorable geologic conditions observed at the surface is prospectively valuable for petroleum deposits. Within the first class fall certain lands in California, Louisiana, Wyoming; within the second class fall the remaining lands in these States and all the reserved lands in other States. It is believed that only gas will be produced from the withdrawn land in North Dakota, while both oil and gas will be produced from reserves in other States.
>
> Of the lands which may be considered proved, though undrilled, two areas deserve especial mention. These areas are (1) the Elk Hills, of California, included in naval petroleum reserve No. 1, embracing approximately 38,000 acres, and the Teapot Dome, Wyo., included in naval petroleum reserve No. 3, covering 9,481 acres. The Elk Hills, in the west-side fields of California, are structurally favorable for the accumulation of oil and gas, and they were considered as prospective oil lands by the survey when it first examined them. Since that time a few wells have been drilled here and have proved that oil is present in considerable quantity. The amount of oil available has been estimated roughly by comparing the area with other productive areas that have similar geologic features, and is placed at approximately 100,000,000 barrels. In Wyoming the Teapot Dome adjoins the productive Salt Creek dome on the south, and is shown, together with this dome, on one of the accompanying maps. On the basis of production obtained in the Salt Creek dome it is possible to estimate with some confidence the prospective production of the Teapot Dome, and this estimated production is placed at about 30,000,000 barrels.
>
> An estimate of the possible production from public lands included in outstanding petroleum reserves involves the use of a number of doubtful factors, and the result obtained must therefore not be regarded as in any wise exact, but merely as representing the best approximation that can now be made.

The opinion of the Secretary of the Navy is expressed in a letter to the Senate Committee on Naval Affairs, dated February 17, 1916. (Senate Public Lands Committee hearings, supplement, on H. R. 406, 64th Cong., 1st sess., pp. 454–458.) That letter reads as follows:

> NAVY DEPARTMENT,
> *Washington, February 17, 1916.*
>
> Hon. B. R. TILLMAN,
> *United States Senate, Washington, D. C.*
>
> MY DEAR SENATOR: I desire to bring to your attention House of Representatives bill 406, which passed the House on January 15, 1916, and which is now being considered by the Senate Committee on Public Lands.
>
> This bill provides for the disposition of deposits of nonmetallic minerals in the public lands of the United States and, if this were its sole purpose, I would not address you on this subject, but as this bill passed the House it contained on page 1, lines 7 to 9, a provision excluding those deposits "in lands withdrawn or reserved for military or naval uses or purposes," and this provision would probably protect the naval petroleum reserves were it not for the provision of section 12, beginning on line 24, page 12, with the words "*Provided further,*" and for the provision of section 30, beginning on line 15, page 24, with the word "*Provided.*"
>
> I fear that the provision in section 12, pages 12 and 13, will take from the Navy whatever right it possesses to certain lands within the naval petroleum reserves and lease these lands to claimants whose rights thereto are not established by law, but whose sole claim to the land is based on asserted equities arising from the claim that they have, by the expenditure of much labor and money, increased the value of these lands and rendered a public service by discovering oil on the public domain.
>
> If the amendment submitted by Senator PHELAN on February 3, 1916, is adopted, all the productive land in naval petroleum reserve No. 2 will certainly, and all the proven land in naval petroleum reserve No. 1 will probably, pass into private ownership by patents or leases.
>
> Prior to September 27, 1909, any citizen of the United States might enter upon public lands and prospect for oil under the placer-mining laws. He might claim 20 acres, or an association of eight individuals might claim 160 acres, and as long as he prosecuted work looking to a discovery of oil his claim was valid against any other subsequent claimant, but he secured no title as against the United States until he had made a discovery of oil or gas.
>
> The placer-mining laws were a misfit, because they were drawn to cover the exploration, discovery, and production of precious metals which were discovered practically on the surface without the expenditure of much money, whereas to discover oil it was necessary to drill a well which would take many months and probably cost many thousand dollars.
>
> The inapplicability of the placer-mining laws, the fact that much oil land was being claimed illegally by homesteaders, scrippers, and others, and the fact that the needs of the Navy for fuel oil were realized, caused the President, through the Interior Department (acting on the recommendation of the Geological Survey and the Interior Department), to

withdraw from entry, on September 27, 1909, large areas of public land classified as oil land.

This order of withdrawal stated that "all locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination," but did not specifically mention the needs of the Navy, although the correspondence leading up to the withdrawal and the President's statement clearly show that the need of the Navy for oil was considered. The Director of the Geological Survey, in the hearings on the Pickett Act before the House Committee on the Public Lands in May, 1910, stated: "The question has been raised by the chairman and others as to what was the purpose of withdrawing these lands from disposal under the existing law. The first point which is raised is that of the present and future requirements of the American Navy."

On December 6, 1910, the President, in his annual message, made the following statements:

"In September, 1909, I directed that all public oil lands, whether then withdrawn or not, should be withheld from disposition pending congressional action, for the reason that the existing placer-mining law, although made applicable to deposits of this character, is not suitable to such lands, and for the further reason that it seemed desirable to reserve certain fuel-oil deposits for the use of the American Navy. * * * As not only the largest owner of oil lands, but as a prospective large consumer of oil by reason of the increasing use of fuel oil by the Navy, the Federal Government is directly concerned both in encouraging rational development and at the same time insuring the longest possible life to the oil supply."

When this withdrawal order was issued there were many claimants to oil-bearing public lands in all stages of initiating and perfecting their claims, and many others who were planning to occupy the public domain and prospect for oil under the placer mining laws, and nearly all of the withdrawn land was covered by numerous paper locations of no value. The Government did not at that time have notice of all the claims that were in existence and valid, because the placer mining law did not require the claimant to give such notice to the Federal Government until he applied for a patent, which could not be done until a discovery was made.

There was a difference of opinion among lawyers as to whether the President had a right to make this withdrawal. It is asserted by the claimants that the lawyers consulted by them advised that, in their opinion, the President had not the authority to issue the order, and therefore they continued their work, and others who had not actually started drilling occupied the land and began drilling. Some actually ejected the bona fide claimant and began drilling, while some prudent prospectors, believing the order valid, refrained from carrying out their plans to occupy the land.

On June 25, 1910, a law (the Pickett Act) was enacted authorizing the President to make withdrawals of public lands and reserve them for certain specified purposes "or other public purposes." This act did not specifically mention the needs of the Navy, but it did provide that it should affect in no way any asserted right or claim initiated upon oil land after any withdrawal heretofore made, and that the right of any person who was a bona fide occupant or claimant of any oil or gas bearing land in diligent prosecution of work leading to discovery at the date of any withdrawal heretofore or hereafter made should not be affected or impaired by the withdrawal so long as such occupant or claimant continued in diligent prosecution of such work.

On July 2, 1910, the President, by Executive order, under the authority of this act (36 Stat., 847), rewithdrew the lands withdrawn on September 27, 1909.

The Navy Department repeatedly requested the cooperation of the Interior Department in the effort to secure a definite reservation by Executive order of oil-bearing public lands in California, but the Interior Department replied that, "pending other and adverse action by the Executive or legislation by Congress, the existing withdrawals are as effective in preventing the initiation of private claims as any more specific reservation."

Finally, in 1912, the Interior Department did cooperate with the Navy Department, and two naval petroleum reserves were created, by Excutive order, from a portion of the original withdrawal, No. 1 on September 2, 1912, and No. 2 on December 13, 1912.

There are now on the withdrawn oil lands in California, including the naval petroleum reserves, many claimants that may be generally divided into the following classes:

1. The man who went upon the lands prior to September 27, 1909, fully complied with the law, and was in diligent prosecution of work leading to discovery at that date, but who at some time since that date has failed to diligently prosecute work leading to discovery, although he may now have producing wells.

2. The man who went upon the lands prior to September 27, 1909, fully complied with the law, but had not been, and was not at that date, in diligent prosecution of work leading to discovery, but after that date started drilling for oil and effected a discovery either as a result of continuous or intermittent prosecution of work.

3. The man who went upon the land subsequent to September 27, 1909, but prior to July 2, 1910, and complied with the placer-mining laws, and has effected discovery as a result of continuous or intermittent prosecution of work or is still drilling.

In addition to those three classes there are claimants who come under all the above classes except that they or their predecessors in interest did not comply with the placer mining law in that the original location was made by the use of dummies.

The claimants under class 1 who were at work upon the land at the date of the withdrawal and have complied with the law except as to continuous prosecution of work may deserve some consideration, but the men who started work after the withdrawal or went upon the land in defiance of the withdrawal do not deserve any consideration.

But if the Phelan amendment is adopted and the bill enacted the claimants under classes 1 and 2 will secure a patent and those in class 3 will receive a lease to the land claimed.

When this bill, known then as H. R. 16136, was being considered by the last Congress, those same claimants were asking for relief by congressional action and they claimed that their case was strengthened by the fact that the lower courts had decided that the presidential order of withdrawal of September 27, 1909, was "invalid and without effect," but on February 23, 1915, the Supreme Court handed down a decision reversing the decision of the district court.

Last year Congress appropriated $50,000 "to enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands," and many suits affecting these lands are now in progress. If this bill (H. R. 406) is enacted, the defendants in these suits will secure by legislation the lands in suit and it is believed by the Navy Department that Congress, in its efforts to preserve the real equities of claimants who have been unable to secure patents due to some technicality of the law, will have rewarded men who have little or no equities and who have violated a valid order of the President and, by careless operations, done immense damage to the oil-bearing strata; furthermore, practically all of naval petroleum reserve No. 2 will pass into private ownership or be leased to claimants, and the Navy will lose this valuable reserve of oil.

The following table shows the status of the withdrawn oil land and the naval petroleum reserves in California, the reserves being only a part of all the withdrawn lands and the unpatented land being the only land subject to the provisions of House bill 406.

	California.	Naval petroleum reserves.
Total acreage withdrawn	1,507,878	68,242
Patented to railroads	308,075	26,153
Patented on mineral application	38,668	1,601
Patented on agricultural application	708,441	3,252
Total patented	1,055,184	31,006
Total unpatented	452,694	37,236
Unpatented within proven fields	[1] 37,452	7,476
Unpatented outside proven fields	415,242	29,760

[1] Estimated.

The unpatented proven land is subject to disposition under the provisions of section 12 of this bill, and of this land there are 37,452 acres in California, only 7,476 of which is in naval petroleum reserve No. 2, so that if the naval petroleum reserves were excluded from the operations of all the provisions of this act there would remain 29,976 acres in California alone that might be disposed of under the provisions of section 12, and 385,482 acres of withdrawn oil land in California outside of these reserves which might be disposed of under the general provisions of the act.

The plea has been made that the provisions of section 12, page 13, are for the relief of the small operators who have spent millions of dollars upon this land and will be ruined if some relief is not granted, yet these operators have produced from the unpatented land in the naval petroleum reserves 19,646,000 barrels of oil and over 12,000,000,000 cubic feet of gas, and now have 85 producing oil wells and 17 producing gas wells. No statement is available as to the production from the unpatented lands in California outside of the naval petroleum reserves, but attached hereto are certain statements from reliable sources regarding the equities of the claimants.

The following are the companies operating in the naval petroleum reserves who will be benefited by this act:

	Capital stock.
Associated Oil Co	$40,000,000
Boston Pacific Oil Co	1,000,000
California Amalgamated Oil Co	5,000,000
Caribou Oil Co	1,000,000
General Petroleum Co	50,000,000
Honolulu Consolidated Oil Co	5,000,000
North American Consolidated Oil Co	5,000,000
Northern Exploration Co	----------
Record Oil Co	----------
St. Helens Oil Co. (pounds sterling)	597,192
Standard Oil Co	100,000,000
Union Oil Co	50,000,000
United Oil Co	2,800,000

Of this number, only one, the Boston Pacific, is a member of the Independent Oil Producers' Agency, which is supposed to be an association of small companies, and one is an English company, whose capital stock is quoted in pounds sterling.

The Navy Department is vitally interested in protecting these reserves, because they were relied upon when the policy of building oil-burning ships was adopted, and now that we have a large and increasing number of ships that depend solely upon oil for fuel, it is of the utmost importance that the rights and the needs of the Navy be not overlooked in the effort to relieve claimants to oil lands.

It is probable that the cost of fuel oil will steadily increase, for that is the opinion of many men who are intimately acquainted with the petroleum industry in the United States, and that is the opinion of the Department of the Interior, as expressed in the following excerpt of a letter from that department:

"No relief can be expected in the price of fuel oil at Atlantic ports for commercial uses. These prices will probably tend upward hereafter, although, of course, there may be brief periods during which lower prices will rule, as a result of the development of new fields. For example, those of eastern Mexico. Relief to the Navy from increasing commercial prices can probably be secured only by the development of its own reserves, where it should be possible to produce oils at approximately the present cost of production—50 cents or less per barrel, plus transportation to the point of use."

In addition to the certainty of high prices there is the graver danger of an uncertain supply if the Navy is forced to depend entirely upon a commercial supply of fuel oil. This condition was approached in 1913 when the Texas company, the only company making a satisfactory bid on the Navy's fuel-oil requirements for the year 1914, declined to guarantee more than 500,000 barrels.

The consumption of fuel oil by the Navy has been as follows:

Year.	Barrels.
1911	137,587
1912	336,826
1913	361,783
1914	488,539
1915	521,382
1916 (estimated)	600,000

This amount has been used when not one oil-burning battleship was in commission, yet during the present year three oil-burning battleships will be commissioned and six others will be building, in addition to any increase that may be provided for by this Congress.

Every battleship added to the fleet will increase the yearly peace consumption by about 90,000 barrels, and every destroyer will increase

the peace consumption by about 20,000 barrels, so that when the 9 battleships and 17 destroyers now authorized are added to the fleet, the annual peace consumption of fuel will be about 1,750,000 barrels, without counting the oil used by the 37 submarines and 6 auxiliaries authorized.

It is estimated that the consumption in the event of war would be three times this amount, or 5,250,000 barrels.

In order to fully profit by the use of oil for fuel, ships are so constructed that the space which would be utilized for coal in coal burners is used for other purposes, so that when a ship is once built to use oil she can not be converted to use coal, without practically rebuilding her, which would result in a reduction in the speed and the distance she could steam on her full supply of fuel.

The Navy Department does not desire to produce oil from the naval petroleum reserves at the present time and does not want the oil converted into money at any time, but does want the oil conserved underground where it may be stored without cost and free from loss by fire or evaporation until the decreased production and increased market price render its production and use desirable. This was the purpose in creating this reserve and it is still the desire of the department to utilize these deposits as a reserve to be depended upon when an adequate supply of fuel oil is not available at a reasonable cost.

In my hearings before the Senate Committee on Public Lands I requested that the naval petroleum reserves be excepted from the operations of all of the provisions of this bill, and to effect this suggested the following amendments:

1. Page 13, line 20, after the word "Interior," insert "*Provided further*, That the lands and the deposits of oil or gas within the naval petroleum reserves shall be excepted from the operation of all of the provisions of this act."

2. Page 24, lines 7 to 11, strike out all after "direct," line 7.

The Navy Department desires that the naval petroleum reserves be excepted from the provisions of this act because—

1. No part of the program of preparedness is of more importance than the providing of an adequate reserve supply of fuel oil for the Navy.

2. A naval vessel built to burn oil can not be converted to a coal burner without practically rebuilding her.

3. The Navy relied upon this reserve of oil when the policy of oil-burning battleships was adopted.

4. If the Navy is forced to depend entirely upon a commercial supply of oil, the fuel cost of the fleet is certain to be very great, and it is possible that in time of great danger the efficiency of the Navy may be impaired by an inadequate supply of fuel oil.

5. The suits now in progress and contemplated will decide the equities of the claimants and it would appear that where the Navy's interests are concerned it would be better for Congress to base the relief granted upon the result of a judicial investigation of the claimants.

While the pending legislation is not before the Naval Affairs Committee, I deem it my duty to acquaint the Naval Affairs Committee with the consequences to the naval petroleum reserves if it should be enacted into law. This is made the more necessary because the last Congress embodied in the naval appropriation act a provision making an appropriation for "the custody and care of naval petroleum reserves." In accordance with that direction, the Secretary of the Navy has acted in cooperation with the Attorney General and the Secretary of the Interior, and suits are pending which, if won by the Government, will insure a large reserve of fuel oil for the ships that are being constructed and which will be authorized. The passage of the bill and the amendment now before the Public Lands Committee would deprive the Navy of a supply of oil upon which it had depended when the plan of constructing oil-burning ships was adopted.

Sincerely, yours,

JOSEPHUS DANIELS.

Mr. President, I am going into the history of this matter because I think the sections of this bill to which I have referred, known as the relief sections, ought not to be in the bill at all. I do not believe that the great interests that are afforded relief are entitled to so much special consideration at the hands of this Government. I do not see how the Senate is to pass upon the question of bestowing favors upon these trespassers without having a pretty definite and clear recollection of the facts which led up to the controversy which now is summed up in sections 18 and 19 of this bill.

Mr. KING. Mr. President, will the Senator yield.

Mr. LA FOLLETTE. Yes.

Mr. KING. As I understand the Senator, he would, of course, recognize, confirm, and legalize any entries that were made upon the public domain, subsequently withdrawn, before the President's proclamation of withdrawal, if the locators complied with the terms of the statute; but, as I understand the Senator, he would not give those who made locations upon lands after the Executive proclamation of withdrawal any preferential right, nor recognize, indeed, any rights which they may assert to the claims.

I wish to invite the Senator's attention to this proposition to see whether or not it has sufficient moral strength to modify the views expressed by the Senator. When President Taft issued his proclamation, he said, either then or subsequently, that he doubted whether or not it was constitutional. Many of the leading lawyers of the United States strongly contended that there was no authority in the executive department to withdraw public lands from entry. I know that the leading lawyers not only of the West but of the East took the view that the power to dispose of the public lands rested in Congress and not in the President, and that it was a quasi disposition at least of the public lands when the Executive attempted to withdraw them from entry, though the laws of the United States opened them to entry; and, therefore, there was a practical unanimity of opinion that the Executive proclamation was a nullity.

In know of individuals—I do not know that there were in California—who went upon lands which were withdrawn, acting upon advice of lawyers of recognized standing and ability, and sincerely believing that the Executive proclamation was a nullity. They expended their money in good faith, discovered oil or other minerals, and made the properties of some value. In view of that fact, assuming what I have stated to be the fact, does not the Senator think that some provision ought to be made giving them some special preferential right?

Mr. LA FOLLETTE. Well, if one were to assume the statement of the Senator to be in accordance with the facts, there might be predicated upon it possibly such a position as the Senator indicates. I do not understand those to be the facts at all in this matter, and I believe——

Mr. SMOOT. Does the Senator have reference to President Taft's statement?

Mr. LA FOLLETTE. Oh, I do not care anything about his statement. Taft's opinion upon constitutional matters does not appeal to me and would not have any weight with me and ought not to have any weight with anybody else. I know that under the Roosevelt administration in 1907—not later than 1908, at any rate—Attorney General Moody, as I remember, who afterwards went on the Supreme Bench, advised President Roosevelt that such an order could be issued and would be valid.

I brought the matter, I think, to the attention of President Roosevelt, as I remember now, in 1907 and suggested the issuing of such an order with regard to coal lands particularly. He referred the matter to the Attorney General, and within two or three weeks after that—I think I referred to this once before on the floor of the Senate—I picked up a morning paper on one of the western trains and found that the President had withdrawn a considerable acreage of coal lands in one of the Western States. It was followed by many other withdrawals within the next few months, and I never had any doubt as to the validity of that action. I know that there was precedent for it, which I called to President Roosevelt's attention when I took up the matter with him in 1907, and the decision of the Supreme Court following in the suits that were brought did not surprise me at all. I did not expect any other decision.

I do not want to take time unnecessarily here, but I do want to impress upon the Senate and at least put upon the record here the vital importance of an adequate oil supply to the standing of this Government as a sea power and to the position that our Navy must take among the navies of the world. We are dealing in certain sections of this bill with reservations which have been made, upon the opinion of those who have thoroughly investigated this subject, of the only areas that remain, so far as is known, to supply our Navy. They have estimated that at the present rate of consumption the oil supply can last but a comparatively short time. We surely ought to protect to the very last technical limit the legal rights of this Government to the possession and continued control of these naval reserves. This question involves the source of our power among the great nations of the world, and as trustees of this great interest of our Government we should not be velvet-handed with the great oil companies that went on these reserves in defiance of Executive order, upon the mere assurance of lawyers that they could fight it through and win. They were badly advised, I do not care who the lawyers were. They were trespassers. They knew it. They were taking their chances. They knew that. If they had been small stealers, nobody would have apologized for them or offered any legislation to "relieve" them. It would seem that all that is necessary is that an organization or a group of corporations shall steal extensively enough from the United States that a great power can be brought to bear to obtain for them immunity.

Mr. President, I have here a report, prepared in connection with legislation upon this subject by my deceased colleague, Senator Husting, who was a member of the Committee on Public Lands of the Senate, and who spent much time in investigating this matter. Shortly before a bill was reported which dealt with this question—not in exactly the same way; I do not contend that—he prepared the report which I hold in my hand here. I am not going to take the time of the Senate to put it all into the RECORD, but I am going to quote from it pretty liberally.

This report was prepared, ready for presentation to the Senate, just a few days before Senator Husting left the city of Washington at the close of the session, and probably not more than a week or 10 days before his death this report was finished, and I know that it was in the hands of members of the Cabinet, and I am informed that it was presented to the President. I am advised that it made a very strong impression upon him, and that for the time being, at least, as to the particular matter upon

which I wish to quote it, it was controlling with the President, because he had such confidence in the investigative work and the judgment and the opinion of Senator Husting.

Senator Husting says, with reference to the naval reserves, or the provisions of the bill that he was considering which dealt especially with naval reserves, the following, which is pertinent to the consideration of the bill before us, as I shall show:

> The matter of greatest consequence involved in this bill is the sacrifice of naval petroleum reserve No. 2 in California, proposed by section 16.
>
> * * * * * * *
>
> It should be remembered that these lands were withdrawn from private appropriation by order of the President, dated September 27, 1909, upon recommendation of the Geological Survey, which was moved thereto by the necessity of securing oil supplies for the Navy. * * *
>
> Further and more detailed information as to the needs of the Navy and the oil contents of the withdrawn lands resulted in the setting aside out of this large area, of three small areas for the specific use of the Navy. * * * Nos. 1 and 2 are in California, and No. 3 in Wyoming. No. 2 is the only one of proved, substantial, and present value for a naval oil supply. * * *
>
> Lieut. Commander Landis stated to the committee: "This reserve (No. 2) is the only one on which the Navy must depend for its oil reserve." (Hearings on H. R. 406, 64th Cong., 1st sess., p. 227.) On the same occasion, he further said:
>
> "This land constitutes an ideal naval reserve and is the only one known oil field in the United States to-day that does. It is sufficiently far from the coast to be free from the danger of attack. It is a proven field and that is essential, for in time of emergency the Navy would not have time to develop the field and find out whether it had a field or not. Wells can be quickly drilled and in six weeks it is possible to get a well down to the oil sand."

Mr. THOMAS. Does not the Senator know that the Government has lost a very considerable portion of reserve No. 2?

Mr. LA FOLLETTE. The Senator refers to some of the decisions, I presume?

Mr. THOMAS. My information is that many of the locations to which former Senator Husting probably referred have been sustained by the courts, and that as to the disputed titles and a part of the remainder being within the Southern Pacific land grant it has also been decided adverse to the Government. I speak of this because there was a time when earnest proposals were made to the Government, but turned down by the Navy Department, whereby exchanges of these lands could have been effected and the right of the Government in the reserve thus secured; but they were disdained largely because the applicants were assumed to have been fraudulent locators and their locations invalid. As a consequence the reserve has been very greatly depleted by this disposition of the title asserted by the Government. That is my information.

Mr. LA FOLLETTE. I believe it is the fact, is it not, that the decision of the Supreme Court which validated the withdrawal order of the Executive was a reversal of the lower court on that subject, and the decisions to which the Senator from Colorado alludes are not the decisions of the Supreme Court, as I understand it?

Mr. THOMAS. No; I think not.

Mr. LA FOLLETTE. They will meet a like fate when they reach the Supreme Court.

Mr. THOMAS. That is possible, and it is equally possible that they will be sustained.

Mr. LA FOLLETTE. Granting all that the Senator suggests as being disastrous to the Government in this matter, it simply makes more and more for our holding onto everything that we have a technical right to hold onto in naval reserve No. 2, according to my view of it.

Mr. THOMAS. I interrupted the Senator because I assumed that he was reading this report chiefly in connection with his amendment to strike out section 18, thus denying to certain locators or alleged locators any power under this bill to secure leases. If the Government desires, of course, it could withhold all the lands which have not been properly located under the laws and subject to the reservations, but if the Government proposes to pursue the same course which it unfortunately followed in regard to naval reserve No. 2, I am afraid that instead of conserving oil it will at the end of the controversy find itself less protected by its oil reserves than it is at present.

I do not know much about the character of these oil reserves beyond the testimony that was offered before the Committee on Public Lands when I was a member of it. I do recall that the estimate of the probable contents of that reserve was somewhere about 30,000,000 or 40,000,000 barrels. It turns out according to later reports and due to more recent developments that the amount will exceed 100,000,000 barrels.

Mr. LENROOT. The Senator is now referring to reserve No. 1 and not No. 2?

Mr. THOMAS. The Senator from Wisconsin was reading of reserve No. 2, and hence my interruption. I do not question the power of the Government to reserve all these lands it pleases, but I differ from the Senator as to the expediency of that policy. My own judgment is that we will have very much more oil as these lands are opened for development and discovery. Such has been the history of the oil industry. Since the lamented Senator's report was made, the Senator knows that bodies of oil have been discovered in other parts of the country, and most notably in northwestern Texas. My own belief is that other bodies of oil will be discovered, notwithstanding the learned theses and opinions of the Geological Survey, because generally speaking the old Cornwall miner's remark about gold is true of other mineral deposits. He said gold is where you find it; I think oil is where you find it; and we shall in the future find it in larger quantities, provided the enterprise of individuals, backed as it always is by the desire of gain, is given fair opportunity on the public domain as in the past it has been in the field of metalliferous mines.

Mr. LA FOLLETTE. I am trying to get before the Senate from various sources everything that I can that would impress the thought upon the Senate, as I believe it ought to be impressed and emphasized, that the Government should protect itself and insure to itself future ample reserves of oil for its Navy. That is the point I am making just at this moment. I am aware of the fact that new oil fields have been discovered. We hear of that from time to time, but we know, too, that the consumption of oil is rapidly increasing. I was startled to pick up a paper from home the other day and note in a table printed on the front page the number of automobiles that were registered for use in the State of Wisconsin—1 automobile for every 11, as I remember the figures, of our total population—and in the State of Nebraska, as I happen to recall the figures for that State, though a number of States were given, the number of automobiles was increasing so rapidly that they have an automobile for every seven people in the State of Nebraska.

Mr. THOMAS. Notwithstanding the high cost of living, people seem to have plenty of money to invest in automobiles.

Mr. LA FOLLETTE. Yes; and it is true that the automobile is rapidly becoming not a luxury but a necessity and an adjunct to every sort of business.

The consumption of oil is rapidly increasing. All through the Middle West and the far West, as the Senators from that section know better than I do, the great draft horses that were employed to plow and move the big, heavy machinery and to do the heavy work upon the farm are displaced by tractors, which can be operated day and night.

There are sections of the country that, according to geological opinion, offer no promise or hope of containing oil, and there must be a limit to the supply.

Mr. THOMAS. I think there is.

Mr. LA FOLLETTE. Does it not behoove us now to mark out here an area, in so far as we can judge, that will protect the Government in its oil supply for oil burners, for they are to take the place of coal burners in all the improved and advanced navies of the world? We know, if we can believe what we see from day to day in the news dispatches and what we gathered from such information as leaked out from the conference at Versailles, that Great Britain is particularly active in reaching out here and there over the world to secure a large supply of oil for her navy.

Mr. THOMAS. I certainly believe in conserving certain areas for naval reserves, but I do not believe in taking them at the expense of good citizens who have acquired rights under the law to certain parts of them. With reference to the continuing increase of the demand and the consequent increase in consumption I am confident that Yankee genius will sooner or later supply any threatened deficiency by the discovery or the synthetic constitution of some other fuel which may and in all probability will supplant the present use of oil.

Mr. LA FOLLETTE. The Senator would not consider it prudent, however, for the Government to rest for its motive power in naval operations upon the possibilities of such a discovery?

Mr. THOMAS. Not at all. I have never objected to reserves. My criticism of the reserves has been the ruthless manner in which they have been made, with a sheer disregard of rights that have been acquired, not by great corporations but by citizens of the United States, a policy which the courts have not always approved. I would cheerfully cooperate with the Senator in carving out such reserves as men whose judgment is entitled to respect will designate, and to which the titles can be properly safeguarded, as is the case always when individual rights are invaded for governmental purposes.

Mr. SMOOT. I think it is only fair to say in this connection that section 18 of the bill only applies to oil-producing land and nothing else.

Mr. LA FOLLETTE. I understand that. I will deal with that in the course of my discussion.

Mr. SMOOT. I merely wish to call the attention of the Senator at this point to a statement sent to me this morning by

Mr. J. A. Stephens, oil examiner of the United States Shipping Board, Emergency Fleet Corporation. It contains a statement that really I never heard before. It is this:

Not a single oil structure or oil well has been developed on information furnished by the United States Geological Survey.

I was surprised when I received that letter from Mr. Stephens.

Mr. LA FOLLETTE. I will discuss that subject further before the bill is finally disposed of.

Thursday, August 28, (legislative day of Saturday, August 23), 1919.

Mr. LA FOLLETTE. Mr. President, I am quite aware that the Senator's interest in this legislation has assured his attendance most of the time during which the bill has been before the Senate. I think I have also been reasonably attentive to the proceedings of the Senate while this bill has been pending and have absented myself from it not for a single moment except to do work upon the measure itself.

I am not a member of the committee. I saw this bill for the first time when it was presented here. It was not presented as bills of such importance usually are, with a printed report informing Senators of the changes it proposes to make in existing law, and stating the reasons why the various provisions of the bill should be enacted. During its consideration before the committee, as we have heard stated here upon the floor, the bill was not proceeded with in the usual way great measures are in Congress, by giving notice to the public and to interested parties to be present and to be heard upon the measure.

No hearings were had upon it, because, as we have been informed during the discussion, the subject has been before Congress for a good many years; but, Mr. President, this is the first time that a bill has been reported from any committee, so far as I know, which was purely a leasing bill. This bill is not a second cousin to the bill that was reported by the conference committee and attempted to be passed in the closing hours of the last session. That was a bill which would have conferred title by patent to every foot of the public domain covering coal and oil, taking it ultimately out of the control of the Government and depriving the people through their Government of any possible exercise of authority over the products taken out of those lands. This bill is radically different upon its face. It is a leasing bill, and one would think naturally that that raised some question, being a new form of legislation never before reported, according to my recollection, by a committee of either branch of Congress.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I yield to be corrected if I am in error.

Mr. THOMAS. The Senator is, of course, familiar with the provisions of the other bill and of this bill. He knows, therefore, that the leasing provisions of the previous bill are largely duplicated in the provisions of this bill, based upon hearings that were almost interminable in their character, running over a very great portion of the Sixty-fourth and Sixty-fifth Congresses. Of course, the provision of the previous bill permitting patent has been eliminated, I regret to say, from the provisions of this bill; but so far as its leasing features are concerned they are much more than first cousins to the same provisions of the other bill.

Mr. LA FOLLETTE. Well, Mr. President, just in the proportion in which they are more nearly related to the other bill it is more objectionable, for there was never before the Senate a bill that was justly subject to severer condemnation than the bill that was attempted to be passed in the closing hours of the life of the Sixty-fifth Congress.

Mr. THOMAS. Mr. President, it may be that in proportion as it resembles the other bill it is subject to greater criticism, but certainly the hearings upon which the bill was founded have been as exhaustive as the hearings on any bill that has been introduced since I have been a member of this body. Of course the Senator and I radically differ with regard to the policy of the Government.

Mr. LA FOLLETTE. We do, indeed.

Mr. THOMAS. The necessity, however, for further hearings seems to me to be on the face of things nonexistent, because if there is any viewpoint which can be presented for the consideration of the committee about which they have not already been given enormous and copious information I am at a loss to know what it is.

Mr. LA FOLLETTE. Mr. President, the leasing features of this bill are not the same as the leasing features of the bill which was presented in the conference report.

Mr. THOMAS. Not identical; no.

Mr. LA FOLLETTE. Furthermore, a very vital feature of this bill that certain Members of this body from the West have persistently shut their eyes and their minds to is the rights of the Government in the naval reserves. This bill is not identical with the bill that was before the Senate in the conference report in that particular. For that reason it seems to me the Navy Department and the Department of Justice might well have been heard by the committee upon those provisions of the bill.

Mr. THOMAS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. THOMAS. My understanding of this bill is that the naval reserves are exempted from its operations. If that is not so, no one will be more greatly surprised than myself. The other bill also exempted the naval reserves from its operations by clauses that were inserted at the request of the then chairman of the Committee on Naval Affairs [Mr. SWANSON], and which were prepared in the interest of the Navy Department. Now, if it be true that this bill is so drawn that it affects the naval reserves, then, of course, under the understanding that existed with regard to the old bill, they should be eliminated from this one. The Senator having charge of the bill is not at this moment present, but the colleague of the Senator from Wisconsin [Mr. LENROOT] is upon the floor and is very familiar with the subject and will correct me if I am mistaken.

Mr. LA FOLLETTE. I will correct the Senator. With the Senator's permission——

Mr. THOMAS. My permission has nothing to do with it; the Senator has the floor. I referred to his colleague because he is very familiar with the subject.

Mr. LA FOLLETTE. The Senator is replying to my observation which instituted a comparison between the conference-report measure, which was attempted to be passed in the closing hours of last session, and the pending bill.

Mr. THOMAS. So far as its leasing features are concerned.

Mr. LA FOLLETTE. So far as it affects naval reserves.

Mr. THOMAS. Yes; and that also.

Mr. LA FOLLETTE. And the Senator, as I understand him, thinks that the bills are practically alike in that respect.

Mr. THOMAS. In the sense that neither of them affected the naval reserves.

Mr. LA FOLLETTE. And that therefore there was no reason for giving the Navy Department or the Department of Justice, which has charge of numerous cases it has brought against trespassers upon those reserves, an opportunity to be heard.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I yield.

Mr. THOMAS. That is substantially my position. The Department of Justice and the Department of the Navy have been heard upon this question ad nauseam. They have been given every consideration, and the naval features of the bill have been eliminated as they appeared in the original draft because those departments insisted upon it, one of them going so far as to authorize the chairman of the Committee on Naval Affairs, or the acting chairman at that time, to say that if the amendments which he then offered were accepted they would be satisfactory to that department; but instead of being satisfactory the department became more perniciously active than ever, and had much to do with the defeat of that bill.

Mr. LA FOLLETTE. Mr. President, from the statement of the Senator from Colorado itself it becomes perfectly apparent that the Navy Department is not in accord with this proposed legislation. My statement was that the bill which we were considering in the closing days of the last session did not have the approval of the Navy Department; that it was opposed to it.

Mr. THOMAS. Mr. President——

Mr. LA FOLLETTE. I beg the Senator's pardon; permit me. And, Mr. President, I understood the Senator from Colorado to say—and I think the RECORD will show that he did say—that the department was satisfied with the provisions of the conference bill as it affected naval reserves, and therefore there was no occasion to give them a hearing on this bill, because this bill in its provisions as it relates to that subject is substantially in accord with the bill which may be described as the conference report.

Mr. SMOOT. Mr. President, will the Senator allow me to interrupt him?

Mr. LA FOLLETTE. No, no; just one at a time. I am stating not what the fact is but what the Senator from Colorado stated.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. Just permit me. I am prepared to show that the Navy Department was not satisfied with the bill as it was presented in the conference report. I hold in my hand, and I took it out of my papers because of the statement of the Senator from Colorado, a letter from the Secretary of the Navy, showing plainly he did not approve of that bill. I do not say that the present bill is identical in all of its terms,

in section 18, with the provisions which affected naval reserves in the conference report of last session, but I do say that it goes a long way in that direction, and it goes away beyond what would meet with the approval of those who are safeguarding the supplies of oil for the Navy of the United States for the future.

Mr. President, I now read the letter of Secretary Daniels.

Mr. THOMAS. Mr. President, may I interrupt the Senator?

Mr. LA FOLLETTE. I should like to read the letter in this connection, if the Senator will pardon me for a moment.

I want to show in connection with the statements that have been made in this colloquy that the Navy Department disapproved emphatically the conference report, which would have passed the Senate excepting for a filibuster that drew upon the Senator who conducted it, the Senator who has the floor now, the criticism of many of the Senators upon this floor, not only then but subsequently, when the temper that is elicited by clashes in debate had an opportunity to cool; not only that, but denunciation that was nation wide, Mr. President. That bill, with features that no man can defend, would have passed the Senate excepting for a filibuster conducted to a large extent by me. I had to take the criticism and the punishment of conducting that filibuster. I say that the CONGRESSIONAL RECORD and the record and history of this legislation will forever justify the course that I pursued at that time. Otherwise you would have had legislation which no committee now dares report favorably. You would have had it enacted into law.

Mr. President, I do not say that section 18 of this bill agrees in toto with the provisions of that bill that affected naval reserves, but I do say, and I think I shall be able to show before the debate concludes, that it is an encroachment upon the only reserves that are left which will safeguard the power of the American Navy in fuel oil for all time to come.

Mr. President, it was stated on this floor in the debate in the closing hours of the last session that the Navy Department and the Department of Justice were satisfied with the bill embodied in the conference report, and that statement was repeated here many times by those who were in charge of that conference report, not only here but like statements were made on the floor of the House of Representatives to advance to successful consideration the conference report in that body. Those statements were repeated so many times that finally they drew from the Department of Justice and the Navy Department denials from the heads of those departments that they approved any such legislation.

Attorney General Gregory said what I am about to read in a telegram which he sent, during the consideration of the conference report late in February of this year, to Mr. Gifford Pinchot. He, I presume, had seen the repeated statements in the reports of congressional debates that the Department of Justice was satisfied with the bill embodied in the conference report, that the Government was properly safeguarded in the oil reserves, and that there was nothing to complain of on the part of the Department of Justice or the Navy Department.

I now read what Attorney General Gregory thought about it, and to give to such Senators as would consider his views of the legislation then in the pending conference report, many features of which are repeated essentially in sections 18 and 19 of this bill:

Mr. GIFFORD PINCHOT,
1218 Real Estate Trust Building, Philadelphia, Pa.:

In reply to your Western Union wire of the 26th of February, 1919, no one can truthfully say that I have favored the conference report on the so-called coal and oil leasing bill. Members of both Houses of Congress are aware of the fact that I have declined to advocate its passage.

THOMAS W. GREGORY.

The controversy raised by the statement upon the floor of the Senate and the statement upon the floor of the House while that conference report was pending, that it was satisfactory to the Department of Justice and satisfactory to the Navy Department, elicited not only that statement from the Department of Justice but elicited a statement from Secretary Daniels, which I will also read:

THE SECRETARY OF THE NAVY,
Washington, February 27, 1919.

MY DEAR MR. CHAIRMAN: I understand that a statement has been made by some Member of Congress that the Attorney General and the Secretary of the Navy favor the land legislation reported by the conference committee on public lands of the two Houses. You know my position all the time has been that while not opposing the leasing bill, which I favor, I have opposed incorporating any provision with reference to the naval reserves in such legislation. I do not favor the bill that has been agreed upon; I do not think it is just to the Government; and while it is better, so far as the naval reserves are concerned, than the original bill, my attitude is that the naval reserves ought not to be touched by legislation, but ought to be settled by the courts.

I did agree with the Attorney General and the Secretary of the Interior upon a provision some time ago that would protect the naval reserves and would confer upon the President power to operate the going wells. I did this because I did not wish to assume to be standing in the way of the passage of legislation of importance which I favored, and I write you because I hope you will correct the impression that I have changed in my attitude. I believe that the naval interests require that whatever in the naval reserves belongs to the Navy by law should go to the Navy, though the final matter should be settled by the courts, unless the provision referred to, which the Attorney General and myself agreed to some time ago, is incorporated. I think it would be a great mistake to go further than that. I will be glad if you will make my position known.

Sincerely, yours, JOSEPHUS DANIELS.

Hon. CLAUDE SWANSON,
United States Senate, Washington, D. C.

Mr. President, I digress to speak of the record made by Secretary Daniels, because it is one of the important considerations in connection with the recommendations of a Cabinet officer, one that Senators, I think, ought to weigh with some care. The Secretary of the Navy, in so far as I have been able to study his career, has devoted himself fearlessly to the public interest.

Mr. President, let it be said to the credit of this man that he has driven straight ahead regardless of the storm of criticism, for when early in his official career he made recommendations to protect the Navy against pillage the interest-controlled press of the country assailed him. Have you forgotten it? Have you forgotten the organized abuse that was levelled against that man? Few men in public life have ever endured the brutal assaults that he suffered at the hands of the great newspapers of the country published in the interest of private greed and at the hands of leading magazines of the country that were equally subservient. Secretary Daniels was under fire. Review the literature of that time, and it will be difficult for you to find nationally anything like it. Yet there was not anything in that man's record to justify it.

I do not hold any brief for Josephus Daniels. I have met him only a few times, but I have followed his public career as an official. He came out of private life; he did not have much training that would have fitted him for this position, and he was charged with the conduct of the Navy Department under the greatest strain and ordeal that it was ever subjected to. Is it not fair to say that?

I undertake to say that when your Democratic administration comes to pass in review in history Secretary Daniels will stand out for ability and integrity.

Mr. THOMAS. Mr. President, may I interrupt the Senator for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. THOMAS. During the period of the Secretary's career to which the Senator is referring I think I was the only man in this body who took up the cudgels for him and defended him upon this floor in a speech, perhaps too long for the comfort of the Senate, but one which reviewed as well as I could Mr. Daniels's services to the country and the motives which were behind the cruel attacks upon him both as a man and as an official.

Mr. LA FOLLETTE. Mr. President, I am glad the Senator interrupted me to make that statement; and perhaps it makes it rather incumbent upon me to explain why I am so late in speaking about the good record of Secretary Daniels.

Mr. THOMAS. Oh, Mr. President, I meant no reflection in making that statement. I did not mean in the slightest degree to charge the Senator with being somewhat tardy in his appreciation—not by any means.

Mr. LA FOLLETTE. No, no; I did not so understand it.

Mr. THOMAS. I merely wanted to call attention to the fact that at that time I was defending him because I had made some criticisms of the Secretary of other matters. It was entirely in explanation of my own attitude and not that of the Senator having the floor.

Mr. LA FOLLETTE. I knew perfectly well that my friend from Colorado did not intend to reflect upon me.

Mr. THOMAS. Not in the slightest.

Mr. LA FOLLETTE. But I thought perhaps anybody reading the RECORD might wonder that it was 1919. But, Mr. President, I have dwelt a little bit upon Secretary Daniels, because, in this connection, I do hope that Senators here will give due weight to his recommendations; that they will give to them that weight which, I think, ought to be given to his recommendations in view of the record that he has made in the public interest; and I repeat this phrase from his letter, because I see a Senator or two in the Chamber who were not here when I read it before:

My attitude is that the naval reserves ought not to be touched by legislation, but ought to be settled by the courts.

So, Mr. President, I come back to put into the possession of the Senate and place upon the RECORD some of the views of my deceased colleague, the late Senator Husting. I had read briefly

from a report which he prepared to submit to the Senate at the close of the session of 1917, the extra session, all of which had been put into typewriting and left ready to be presented at the opening of the regular session in December. It will be remembered that we adjourned in October, and this document which I hold in my hand was prepared just before he left the city of Washington for the brief vacation between October and December. He went to his home, and it was his tragic misfortune to lose his life by accident only a few days after this document was prepared.

I ought to say, I think, that Senator Husting had always taken an exceptional interest in legislation of this character. It was a field in which he especially excelled. It was a subject upon which he had spent a great deal of time, and so I feel a sort of responsibility to let his opinion be known to Senators here who were acquainted with him, but who might not be aware of the fact that he had given practically all of his public life to the question of the preservation of the national resources for the public.

In Wisconsin, as a member of the State senate, he earned a State-wide reputation because of his devotion to the conservation of our State's water powers, especially; and during the time that he was a senator in that State's service, and while the committee of which he was a member was working upon the legislation under the instruction of the legislature, that committee, with Senator Husting at its head, came to Washington to advise with experts here upon that subject of legislation. I mention it to show the ardor and the interest and the faithfulness with which he prosecuted any investigation of any subject of legislation, and especially when it pertained to saving these great elemental and fundamental and natural resources for the public.

I quote further from this report:

We have entered upon the policy of substituting oil-burning for coal-burning ships—

Inevitably there will be some little repetition in what I have tried to put before the Senate, because the views of Senator Husting are so much in accord with the views of Secretary Daniels and of other advocates of that policy; so I do it for emphasis, and to give to the subject that importance which I think it merits—

We have entered upon the policy of substituting oil-burning for coal-burning ships, believing it to be essential for the national safety. Other great naval powers have adopted the same policy. It is probable that it will take about 15 years to work out this policy fully, at which time the Navy's need for oil will reach its maximum. But if we abandon the reserve policy we have only 15 years' supply in sight. The most recent estimates put the total oil reserves of the United States in known fields at 7,629,000,000 barrels, and forecast an increase in consumption of 5 per cent per year. At this rate our total oil resources would be exhausted in 16 years but for importations from abroad.

Of course the situation, since that was written, has undergone modifications. New fields have been discovered, but likewise new uses for oil are devised almost daily, and the demands of consumption keep close step with the increasing supply.

What could be more absurd than to be building oil-burning ships for 15 years with one hand, while with the other we are using up our oil deposits so that at the end of that time there will be no oil for the ships to burn but for importations from foreign countries? Yet that is the precise effect of section 16. Either that section should not be enacted or we should stop building ships to burn oil and go back to the inferior coal-burning type, for a coal-burning ship with full bunkers is better than an oil-burning ship with empty tanks.

That reasoning, while it was applied to section 16 of the bill that was then about to be reported from the Senate committee, applies to any provision in any bill that makes any encroachment upon the naval reserves.

How much oil does the Navy need?

A memorandum prepared in the Navy Department and printed in the hearings of the committee on Senate bill 45, this section stated, at page 229 of the hearings:

"Due to the war, the increase in the number of oil-burning destroyers and the acceleration of the building program, previously made, estimates of the Navy's oil needs must be revised. It is now estimated that the fuel and oil requirements of the Navy will be as follows:

"Fiscal year ending June 30, 1918, 5,000,000 barrels, if at war.
"Fiscal year ending June 30, 1919, 8,635,000 barrels, if at war.
"Fiscal year ending June 30, 1920, 16,635,000 barrels, if at war.
"Fiscal year ending June 30, 1921, 5,854,000 barrels, if at peace.
"Fiscal year ending June 30, 1922, 6,574,000 barrels, if at peace."

In view of the imminent exhaustion of all oil fields in the United States open to commercial exploitation, and in view of the rapid increase in the amount of oil necessary to supply the Navy, it is clear that the public safety requires that naval petroleum reserve No. 2 should not be given over to commercial exploitation but should be devoted to the national defense. It should be noted that in urging this conclusion no account has been taken of the needs of the Army and other auxiliaries in the present war, though a statement of them would greatly strengthen the conclusion that I have reached.

It should also be noted that it is essential that the Navy should have at all times a two-years' supply in the ground and readily accessible. (Proceedings of joint conference, p. 8.)

This alone amounts to 32,000,000 barrels.

The original oil content of reserve No. 2 is estimated by the Interior Department at 330,000,000 barrels, of which 80,000,000 barrels have already been taken out. (Proceedings of the joint conference, p. 69.) What now remains in the ground there is less by 50,000,000 barrels than the estimated total consumption of oil in the United States during this year. (Hearings of S. 45, this session, pp. 32, 75.) The total estimated deposits in known fields in the United States above given are twenty-five times the present contents of this reserve. To open it will not greatly affect the general supply.

Such is the necessity of maintaining this reserve as an essential means of national defense. Who, then, are the claimants that demand its abandonment in their interests?

Mr. E. J. Justice, special assistant to the Attorney General, whose inflexible devotion to the public interests up to the moment of his sudden and lamented death, did so much to protect the rights of the people in the oil lands, said in a memorandum dated April 18, 1916, and addressed to the Attorney General (Senate hearings on H. R. 406, 64th Cong., 1st sess, p. 457):

"The following are the companies operating in the naval petroleum reserves who will be benefited by this act:

And I think it is fair to say that they are the companies who will be benefited by the passage of this bill if it is passed just as it stands before the Senate.

	Capital stock.
Associated Oil Co	$40,000,000
Boston Pacific Oil Co	1,000,000
California Amalgamated Oil Co	5,000,000
Caribou Oil Co	1,000,000
General Petroleum Co	50,000,000
Honolulu Consolidated Oil Co	5,000,000
North American Consolidated Oil Co	5,000,000

Northern Exploration Co., the amount for which it is capitalized is not stated in this quotation.

Record Oil Co., amount of capitalization not stated.

St. Helena Oil Co	£597,192
Standard Oil Co	100,000,000
Union Oil Co	50,000,000
United Oil Co	2,800,000

Senator Husting now proceeds to comment upon that statement quoted from Mr. Justice's report.

The claimants, then, are not poor, weak, or ignorant men. They are entitled to justice from us and nothing more. That they have received under the orders of the President and the legislation heretofore enacted. Their rights before the original withdrawal order have been well stated by the Attorney General in his letter to the Secretary of the Interior, dated April 16, 1916 (hearings before Naval Affairs Committee of the Senate, 64th Cong., 2d sess., on so-called relief provision of the oil-leasing bill, p. 39):

I quote from the Attorney General's letter the following sentence, which is emphasized in Senator Husting's report:

These persons, under the existing law, were entitled to enter upon public lands, to survey and mark the portions desired, to explore for oil and gas, and, upon discovery, to take title, ultimately by patent. So long as they were diligently and in good faith engaged in prosecuting the work of discovery they were entitled by possession and to protection against clandestine and hostile entrance by others.

Senator Husting proceeds to say:

The original withdrawal order of September 27, 1909, excepted then existing valid claims by the following language.

Mr. SHEPPARD. Will the Senator permit a question right there?

Mr. LA FOLLETTE. Certainly.

Mr. SHEPPARD. Were the companies the Senator mentioned awhile ago among those who entered land after this order?

Mr. LA FOLLETTE. Oh, no; that is, not by name. Just the chronology of the appearance of these different companies in the RECORD is not in my mind. Before I get through it will appear from the records of investigators that large numbers of locations were made there upon dummy entries by one individual, and that there have been transfers of lands covered by entries clearly fraudulent to some of the great corporations whose titles I have read here.

I continue the quotation from former Senator Husting's report:

The original withdrawal order of September 27, 1909, excepted then existing valid claims by the following language: "All locations on claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination." Now no claim against the United States can exist or be valid under the mining law before discovery; and those claimants who have been caught by the withdrawal order after the expenditure of large sums of money in exploration work or before discovery came to Congress for relief, which was granted them by the Pickett Withdrawal Act of June 25, 1910, in the following words:

"*Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, as a bona fide occupant or claimant of oil or gas-bearing lands and who at such date is in diligent prosecution of work leading to the discovery of oil or gas shall not be affected or impaired by such order as long as such occupant or claimant shall continue in diligent prosecution of such work: *Provided further*, That this act shall not be construed as a recognized abridgment of any asserted rights or claims initiated upon any oil or gas-bearing lands for any withdrawal of such lands made prior to June 25, 1910."

Mr. NUGENT. Will the Senator permit me to ask when was that act passed?

Mr. LA FOLLETTE. It was passed on the 25th of June, 1910.

I think Senator Husting makes it pretty plain that everybody who has any just claim or any possible equity had been already cared for by legislation, and that when you go one step beyond that you are compromising with those who have sought unlawfully and wrongfully to trespass upon and pillage the public domain; and that, too, upon a reserve set apart for the benefit of the Navy, which, if we may believe the judgment and opinion of those who have studied this subject with some care, is quite essential to the rank our Navy shall hold in the future. Senator Husting explains further:

As a matter of fact, all, or nearly all, of the present claimants, seeking to justify their defiance of withdrawals by dating back their claims to an earlier day, rest upon frauds against the mining laws either by way of asserting a claim before discovery—

That is, so-called paper claims—

or by way of using "dummy locators" to expand their claims from 20 to 160 acres and taking assignments from the dummies before the discovery of oil.

Mr. President, I am going to read a part of the testimony of Assistant Attorney General E. J. Justice quoted in Senator Husting's unpublished report.

Before quoting from Mr. Justice I want to say just a word about him. He was a prominent citizen of North Carolina. I met him in 1915 at the home of Chief Justice Clark, of the State of North Carolina, at a little reception that was held there during my visit to Raleigh. I learned that he had been one of the candidates in a contest for United States Senator that had shortly before that time taken place in the State. I beg Senators to remember that this man, standing so well in his State that he had sufficient following to be recognized as a fit man to represent North Carolina in the United States Senate, was thereafter chosen by the Attorney General, and appointed by the President, to conduct one of the most important investigations that could possibly be carried on by the Department of Justice—an investigation in which the title of property running into the hundreds of millions of dollars was involved; an investigation in which were involved great and powerful monopolies reaching out for the remaining oil found in the public lands to complete their control.

When Mr. Justice came into public service here he called upon me, and I had the opportunity from time to time of a somewhat intimate acquaintance with him. All that I had heard about him in his State was confirmed in the favorable impression I then formed. He was a man of the highest qualities of character. He was not an emotional man; he was a man of calm, well-poised judgment. I never knew a man, upon such limited acquaintance, in the results of whose deliberate and ample investigation of any matter I would have more confidence. When I learned that he had died, I felt that one of the best men of our time had been taken away in the very fullness of his power and at a time when it was possible for him to have rendered to the people of this country the highest possible service. The fact that he was selected, through the Department of Justice, for this important service is in itself a commendation of his rare qualities as a man and as an investigator.

I now quote from Mr. Justice's testimony. An example of these frauds against the mining law is the claims located by L. B. McMurty, totaling over 30,000 acres. (Hearings Naval Affairs Committee 64th Cong., 2d sess., p. 43):

Mr. JUSTICE. A man by the name of L. B. McMurty, who lives in San Francisco, prior to the order of withdrawal had been doing what people generally did—posting notices on quarter sections, on the 1st day of January, as the custom was, getting there as near midnight so as to get ahead of anybody else. They had a piece of paper tacked on a board and nailed on a stick and drove the stick into the ground. On the paper there was a statement. The land was located for oil.

* * * * * * *

Now, this man McMurty in this way "located" lands—"claims"—but of course the mining law was passed to guard against monopoly. This kind of fraud was intended to evade it. The law was at one time that no man could have more than one claim of 20 acres upon one discovery, and he had to make discovery on that claim before he could acquire any vested right.

These lands are taken up under the act of February 11, 1897, which was passed to allow oil land to be located under the placer-mining law. It was provided that the maximum amount that could be embraced in one location by an association of eight people and upon which one discovery would suffice was 160 acres, so that the interest of each of the eight would be equal to 20 acres. I found, in my investigation out there, that in the early days of oil development the trick of using dummies was seldom resorted to, but in later years, when it was known by the use of the drill there was much oil around about there seven of the eight names used on the location were often mere dummies.

I put this into the RECORD and lay it before Senators for their consideration, because it bears upon the bill under consideration here. We have, in sections 18 and 19, recognitions of rights derived from entries as spurious as Mr. Justice is now describing:

This man McMurty went in, as a great many others did in California, on a large scale, posting notices on and claiming these lands. When the developer would come along he would hold him up, but when this order of withdrawal intervened it was water on his wheel, because the developer could not go back and locate because the land had been withdrawn. Therefore they began to buy out men like McMurty, who had prior notices posted.

We were struggling along trying to find out whether McMurty's arrangement with the locators was fraudulent or not. It developed he sent to Chicago and borrowed the names of 32 men employed around the stockyards whom he had never seen before or heard of and secured powers of attorney from them. Eight of them were used by him to get the northeast quarters of many sections, eight of them as northwest quarter locators, eight of them as southwest locators, and eight of them as southeast locators. He divided them up that way so it would be simple for his agents to go into the field and post the notices. He located over 164 quarter-sections with those dummies. He did not get advice from his lawyers he thought he needed, and became doubtful about the sufficiency of this plan. Of course, there was no valid location until there was a discovery.

That is the climax of the thing, as I see it.

So when he thought he might get into trouble about these Chicago locators, for some reason known to him and his attorney, he sent to New York and got some locators—the same number—and "located" them on the same sections, and he made some contracts with purchasers—this man McLeod, under whom the Standard claims, was one of them—under the Chicago locators, and when he dropped them and picked up the New York locators and "located" them he never changed his contract with McLeod, but moved on under the New York locators just as if he had continued under the Chicago crowd.

Now, when we sent to Chicago the men said—at the time the special agents first went to them—they did not remember giving McMurty any power of attorney.

Some of these men who signed these powers of attorney, when we saw them, said, "We did not do it." When reminded of the circumstances, they recalled it and said they thought they were signing some sort of an election petition, or something of that sort.

The matter began to look so fraudulent that we concluded we would just subpœna McMurty and bring him up the next morning before he had time to talk with anyone and put him on the stand as a witness. His testimony is set out in the record. It fairly shows the fraud. It is not full, as many things he did not remember. His answers were mostly in monosyllables, as one might expect in these circumstances.

All these sections I have mentioned here were "located" by McMurty at the same time and in the same township and in the same way as section 28, which has been investigated and tried.

Senator LODGE propounds a question to Mr. Justice:

Senator LODGE. Were those included in the 1,600 acres of the Standard Oil Co.?

Mr. JUSTICE. Every acre of the Standard's 1,600 acres came through that source.

That excited some interest on the part of Senator SWANSON, who was present at this hearing, and he said:

Senator SWANSON. That would be 1,600 acres?

Mr. JUSTICE. Yes.

Senator SWANSON. What would that be worth?

Mr. JUSTICE. I do not know. Mr. Richardson says that a man from the Bureau of Mines said $7,500 an acre.

Senator BRYAN. Every acre you say the Standard Oil Co. got was located by McMurty?

Mr. JUSTICE. Yes, sir; of those 1,600 acres claimed by it in naval reserve No. 2.

Senator BRYAN. Did he locate for anybody except the Standard Oil?

Mr. JUSTICE. Yes, sir; he located for himself.

Senator BRYAN. I understand. The 1,600 acres that the Standard Oil claim were located in the manner as you described by McMurty?

Mr. JUSTICE. Yes, sir.

Senator BRYAN. I ask, furthermore, how much more of these reserves, in addition to the 1,600 acres, were located by him in the same manner?

Mr. JUSTICE. Excuse me a minute until I make a calculation.

Senator BRYAN. How much of the 5,600 acres were located by him?

Mr. JUSTICE. Six hundred and forty multiplied by five—3,200 acres out of the 5,600 acres.

Senator SWANSON. Please explain the contracts and methods by which the Standard Oil got its interest in these lands.

Mr. JUSTICE. McMurty, of course, having these locations—that is, the paper notices posted and this order of withdrawal intervening—he commanded the field to a very large extent, because the men who got in had to have some sort of connection with somebody that antedated the withdrawal order. So McMurty went to the Associated Oil Co. and sold them a part of section 28 for over a half a million dollars, I think it was. I do not remember just how much he received, but a large sum; but he was required to go back and get the New York fellows to ratify his transaction as their attorney in fact. They wanted a little money, and he gave them the equivalent of about 4 per cent, and he kept the other 96 per cent.

On the witness stand he attempted to justify that by saying that he spent years in working on the matter, and they had spent only about 15 minutes.

Senator PITTMAN. But was there any question as to whether or not these men were in conspiracy with McMurty to deliver him their interest?

Mr. JUSTICE. No; I think the conspiracy and fraud of the men consisted in selling their names. The point that you have in mind, I take it, was made in the trial. The defendant said: "Suppose McMurty is in fact the principal for these men, so far as anything was said, and so far as anything in the record shows, why, then, if he has committed a breach of trust in not giving them their eighth, that gives them a cause of action against him for breach of trust."

"Yes," said Judge Bean from the bench, "if he located it for them, but he merely got their names to use for fraud, and used them for frauds, and they did nothing except permit the use of their names, that does not make the location honest and doesn't support that contention."

McMurty went around selling these claims to anybody that would buy them from him at his price. The Standard Oil bought these 1,600 acres through a man named McLeod, who was pretty close to McMurty. The circumstances tend to show that McLeod and McMurty were handling these things together through McLeod's wife's name and through him. McMurty and McLeod turned these claims in to the Standard Oil Co. under a contract that the Standard Oil Co. would go on these lands and develop, and if it discovered oil—then McLeod

would go to the land office and make application for patent, and they would then, if they could get the patent, divide up between them according to the terms of the contract, McLeod getting little and the Standard Oil getting more. That is the way the Standard Oil came in.

The Senators who were present when I read the list of the companies operating in the naval petroleum reserve will remember that in addition to the Standard Oil the Associated Oil Co. was likewise one of them. It is a subsidiary of the Southern Pacific Railway.

Mr. Justice says with respect to this company:

The Associated Oil Co. came in in the same way, except that McLeod did not intervene, and so on, with all these claims, just as if he had a basket of eggs to sell, just peddling them around. Of course, the Standard Oil Co. and the Associated Oil Co. did not take his word for the fact there was oil there. They made up their own minds after a careful investigation of the matter. I say there are some circumstances which lead me to believe that the Standard Oil Co. and the Associated Oil Co. and others knew about these frauds. Now, for instance, one of the things that made me think that was that the Associated Oil Co. when it paid McMurty this money took more care in drawing this contract than seems necessary if there was nothing the matter with the title. In reciting a thing that was not borne out by the papers or the facts. McMurty did not use his own name in making the locations. He only acted as the attorney in fact. When he came to make the contract——

Senator SWANSON. Let me ask you this: Did they know who he was attorney in fact for—did they show all the data on the papers?

Mr. JUSTICE. Yes, sir; he showed all his papers. Then the contract recited that McMurty was personally interested in those locations. His papers did not indicate that he was. We called McMurty to the witness stand. We thought we would surprise him, but it turned out afterwards that they got hold of him the night before, so he says. That is another story, though. When they introduced this contract, under which the Associated Oil Co. claimed, there was this recital that he was personally interested. On the stand we asked him: "You say in this contract you were personally interested—how?" He said that one of the locators died, and there was an administrator's sale. "Is this the only way you got the interest?" "Yes, sir." "But," we said to him, "that man died after you sold." That false recital was put in that contract. He could not explain how it was, but it indicated they were simply fixing up the gaps.

That is the statement of Mr. Justice, appointed by the President, through the Department of Justice, to make a special investigation in this naval-reserve field, and it is quoted by former Senator Husting in the report which I am reading.

I have finished the quotation from Special Attorney General Justice. What I now read is from the pen of Senator Husting. He says, after quoting from Mr. Justice's testimony:

I submit that proceedings of this character are tainted with conscious fraud, and that neither those guilty of the frauds nor those claiming under them have any equities that justify us in jeopardizing our naval security. Yet section 16 of this bill, as recommended by a majority of the committee proposed to give up this naval reserve to all claimants who "asserted a mineral claim"—thus dispensing with the requirement of discovery—and had up to the time of the passage of this bill drilled a producing oil or gas well—thus condoning defiance of the withdrawal order and withdrawal act—if the present holder can show that he purchased the claim in good faith, which means with intent to drill for oil in defiance of the withdrawal order, for a valuable consideration, which means nothing substantial, and without actual knowledge of his predecessor's fraud—thus repealing for the benefit of defiant trespassers who endanger the public safety the wholesome rule of law which puts the purchaser of property upon inquiry as to the validity of the seller's title.

It will be worth while, I think, for Senators to compare the provisions of that section which Senator Husting there quotes with the provisions for relief incorporated within the pending bill.

Senator Husting further said in his report:

The beneficiary of this extraordinary legislation would pay the Government as royalty one-eighth of what the Government owns in full, after deducting the oil used in development and wasted by his own greed and negligence. The majority attempts to justify this proposal by calling it a compromise, but in fact it is not a compromise at all, for no claimant is required to abandon his contests in order to get the benefit of it; on the contrary, he may pursue his contest to final defeat on the chance of getting absolute title, and then, after defeat, take the benefit of this so-called compromise. This proposal, therefore, in substance excludes the Government from the benefit of proceedings in the courts and before the Land Department; insures that benefit to defiant trespassers who rest their rights on fraud and guarantees the wrongdoers against any possible loss in any event.

I find also in Senator Husting's report some quotations from the Attorney General and from the Secretary of the Navy that emphasize the importance of protecting to the very last measure the legal rights which the Government has in the oil lands within the reserved territory.

Secretary Daniels, in one communication presented to the Senate Committee on Public Lands when this legislation was pending at a previous session, which I find quoted in Senator Husting's report, said:

I wish to as earnestly as possible impress upon you our conviction, in which not only the Navy Department joins, but the Department of Justice, that this oil land, having been set apart for the Navy, belongs to the Navy; that this leasing bill would take away from the Government that which in time of peril might change the tide of war; that these gentlemen who have equitable or legal rights should be remanded to the courts or to the regular departments of the Government to have their rights tested.

They would then be tested under circumstances where both sides could be heard, not upon ex parte statements made here and there to the membership of a committee or to the membership of a body of Congress.

Again, the Secretary of the Navy says, as quoted here in Senator Husting's report:

The Navy Department is vitally interested in protecting these reserves, because they were relied upon when the policy of building oil-burning ships was adopted, and now that we have a large and increasing number of ships that depend solely upon oil for fuel it is of the utmost importance that the rights and needs of the Navy be not overlooked in the effort to relieve claimants to oil lands.

As bearing upon the situation with regard to pending litigation at the time this report was prepared, I have, I think, a little later data which I shall present further along in my remarks, but I quote this from Attorney General Gregory:

It (the bill)—

Referring to a pending bill which proposed to confirm the claims of trespassers, as the Government regards them, in the oil reserves and give them priority of right, as this pending bill does, the Attorney General says:

It (the bill) is apparently intended to apply to the oil and gas deposits in the naval petroleum reserves, for there is a proviso in the thirtieth section that any moneys accruing to the United States from lands of those reserves shall be deposited in a specified way. It applies generally to all the withdrawn oil lands. The result will be to destroy the value of those naval reserves as depositories of fuel oil in the ground and convert them into sources of pecuniary income.

I wish Senators would hold that fact in mind. This proposed legislation recognizes the right to continue the operation of certain wells in naval-reserve territory.

The point made in this case, while it is made with reference to another bill, has its direct application here. The only way the naval-reserve area can be preserved, as all other Governments are preserving their naval reserves from encroachment, is to prevent as much as possible the boring or pumping of wells located here and there throughout that territory. If you do not do that, you are sure to have the oil to a certain degree exhausted for a considerable area about every one of the producing wells located. Recognizing, as does the pending measure, what are claimed to be the equitable rights of these trespassers to continue on the reserves, and to operate those wells under leases that shall be executed under the terms of this bill, I submit is to do just exactly what is suggested here, namely—

to destroy the value of those naval reserves as depositories of fuel oil in the ground and convert them into sources of pecuniary income. The Department of Justice is doing its utmost to protect the reserved areas, including the naval reserves. Over 20 suits are pending in California and Wyoming. These include but a few of the cases which have been investigated. Many powerful oil companies are interested in a multitude of claims set up to the withdrawn land. Practically all of the known oil areas in California have been covered by paper locations. Those whom we have sued and contemplate suing are those who appear to have no right or equity either under the mining law or the Pickett Act of June 25, 1910, but who have entered on the withdrawn land in spite of the withdrawal and in spite of the known purpose of the Government to enforce it, and who in many instances have taken enormous quantities of oil and appropriated the proceeds—millions of dollars—without making any provision to indemnify the Government, besides inflicting gross damage to oil deposits through hasty and negligent operation. * * * In some (cases) the claims are now sought to be supported by fraudulent dummy locations and fraudulent locations of gypsum. The recognition of any considerable portion of (these claims) could not fail to have a serious effect upon the oil reserves in general and the naval reserves in particular. Whether such a recognition will result from the proviso I can not undertake to say definitely, but, as now advised, I incline very strongly to the opinion that it would.

Mr. President, with that I conclude for the present presenting further extracts from the report of Senator Husting. I next come to quote just a paragraph from the debate in the Senate on December 17, 1917. When this bill was engaging the attention of the Senate for a brief time, some reference was made to this subject and to the history of these intrusions upon the naval reserves.

The Senator from Virginia [Mr. SWANSON] made on that occasion in the course of the debate a statement referring to the people who were seeking relief and many of whom are to be afforded relief in sections 18 and 19 of the pending bill, as follows:

Mr. SWANSON. * * * These very men in this naval reserve came to Congress and got through what is known as the Pickett Act. They say that all they ask is to be allowed to take care of their cases under existing law. They are not satisfied with existing law, however. They come here and want the law changed so as to give about $100,000,000, the value of this property, to whom? The Standard Oil Co., the Honolulu Co. They want to change existing law. The Navy Department has not asked to have the law changed; the Navy Department has not asked them to do anything but go into the law courts and contend for what is right and just.

I say that is what Congress should do now. It should keep its hands off; it should send these trespassers upon the naval re-

serves into the courts of justice to get their relief. I continue the quotation from Senator SWANSON'S remarks on that occasion:

> This bill comes in here and changes the law, and gives these people rights to which they are not entitled under existing law; and they try to connect what they want with the general policy, hoping to put it through by attaching it to a bill for general relief outside of that.
>
> We are not afraid of any discussion of this measure, in Congress or elsewhere. We are willing to have it investigated. It was heard by the Naval Affairs Committee. All we ask is that these people may have the rights to which they are entitled under existing law. Do not change the law. Let them go to the courts and contend for their rights. This bill comes in here and changes the law, and I will tell you how in one case it will change it. It is in evidence here before the Naval Affairs Committee that a prospector or prospectors from San Francisco, Calif., went to the stockyards in Chicago, and got 39 men, I believe, to file claims under the law as it then stood—all fraudulent claims, mere dummies. After that title was obtained it was sold to these people. The title to nearly two or three thousand acres of land under this reserve is in fraudulent dummies, entered by men in the stockyards, who came and testified that they thought they were signing an election petition.

The Senator repeats:

> The Navy Department does not ask any relief. It says, "Let these people have what they are entitled to under the law when it was settled years ago." Finding that they can not get what they claim to be their rights under the law they come in here and want the law changed so as to turn over rights worth about $100,000,000 to a few private individuals that we say under the law in justice and equity are not entitled to it.

Much more of that debate respecting the views of Senators who at that time were present and who were in close contact with the Secretary of the Navy, who was then in the city of Washington, might be read as showing the opposition of several Senators here, from one of whom I have quoted and others of whom I may quote later. As a result of that debate the naval reserve provision was struck out of the bill then pending before the Senate.

(At this point Mr. LA FOLLETTE yielded the floor for the day.)

Friday, August 29 (legislative day of Saturday, August 23).

Mr. LA FOLLETTE. Mr. President, yesterday I spoke upon certain phases of the problem raised by the pending legislation, and about the time that I yielded the floor the Senator from Montana [Mr. WALSH] presented a letter signed by one Joseph A. Phelan, oil examiner. The letter is written upon the stationery of the United States Shipping Board, Emergency Fleet Corporation. It raises the question as to whether it is possible for the Navy Department and the Government to save anything from the clutches of the Standard Oil on the naval reserves. It not only raises that point but, if the letter is to be accepted as an authority, it settles it. It seems to be written with a view of impressing the Senator to whom it was addressed, and the Senate, if it happened to come to its attention, with the idea that it is utterly futile to attempt any longer to resist the encroachments of Standard Oil on the naval reserves; because they have already gotten such a hold there that we might as well surrender to them. The writer of this letter expresses his opinion, after making statements with respect to the holdings of the Standard Oil, that he has "no hesitancy in saying that the delay in the passage of a general leasing bill has enriched the Standard Oil Co. millions of dollars, and any continued delay will work to the sole advantage of that company."

I have not had much opportunity since this letter was presented to look up Mr. Phelan, but I called up the Shipping Board to learn about him, and I found out that he is employed there, but has only been employed for the brief space of two or two and a half months; that he had left a memorandum that he was in the "Democratic gallery" of the Senate. He is here watching the progress of legislation either because he is a very patriotic citizen or because he has some underground connection. At any rate, he is very much interested in being on the ground while this legislation is under consideration, and he is not serving the Shipping Board in being here.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Did I understand the Senator from Wisconsin to say "the Democratic gallery"?

Mr. LA FOLLETTE. That is the memorandum he left.

Mr. SHEPPARD. There is really no such gallery.

Mr. LA FOLLETTE. No; there is no such gallery. I suppose he is probably in the gallery on the Democratic side; I do not know just where he is; but I venture the opinion that if you can find out where the Standard Oil lobby is, there you will locate Phelan.

I find that a Phelan of the same initials was formerly a representative of private oil corporations in their efforts to secure leases on Indian oil lands for the Foster and the Doherty interests. I find that he was recently employed by the Empire Gas & Fuel Co., of Bartlesville, Okla.; that he was an employee at one time of the City Service Co. of New York, a subsidiary of the Doherty company, one of the great monopolies of light in the United States. I find that he was at one time an employee of the Indian (T) Illuminating Oil Co. of Oklahoma.

Mr. President, I do not believe that there are many Senators on this floor who will be inclined to follow the suggestions of this gentleman as to whether the United States Government can secure and preserve its naval reserve in the contest against the trespasser. I do not know what assurances concerning the antecedents of this gentleman the Senator from Montana had when he presented his letter upon this floor, carrying with it the positive statement that any delay in the passage of this bill would be hostile to the public interest and would serve the Standard Oil interests. His letter is in the RECORD; it is offered here on the floor, and for the present I let it stand just there, with this addition, that the writer of it does not take the same view of the public interest, the vital interests of the Navy Department in the naval reserves, that Secretary Daniels does.

It is true, Mr. President, that I have one other word from the Secretary of the Navy later and more directly applicable to the specific terms of this bill than what I am now about to present to the Senate. I will lay that before the Senate, or, still better, put it in the RECORD, where it can reach the Senate if they are interested in finding his views.

Mr. OWEN. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator.

Mr. OWEN. I should like to ask the Senator how the bill fails to protect the Government's interests in those naval reserves. I do not clearly understand the point.

Mr. LA FOLLETTE. To answer the Senator's question in just a brief way, it gives trespassers who have gone upon these lands, and against whom suits are pending, priority rights under the terms of this bill against anybody else, even in the naval reserves; and, of course, as to the naval reserves, if the reservation provision were protected, the public would not have any rights outside of these sections in this bill. So that it rewards these trespassers; it relieves them of defending their rights in the courts and taking the judgment of the courts as to whether they have any equity even in this territory; and it gives them out of hand rights in the naval reserves that they would not have except for this legislation. That is what it does. That is one thing it does.

But, now, in opposition to Phelan's views, I want to read something from Secretary Daniels. It is not written at this hour. I will read later a letter that has been written within two or three weeks, and that does apply directly to the very terms of this bill; but what I am going to read now is a general statement that has application to the issue that is involved in this contest.

Mr. President, the supporters of this legislation ought to be able to summon here some better authority than this man Phelan. I make my appeal here, Mr. President, in support of the effort of the Secretary of the Navy and of the Department of Justice, to save to this Government and to our country these oil lands in the naval reserves. I am not a member of this committee. I was blamed yesterday, in a speech made by the Senator from Colorado [Mr. THOMAS] in criticism of my course here, because I had not appeared before the Committee on Public Lands and suggested to that committee my ideas and these amendments which I have offered here. Mr. President, this original bill was introduced only on the 2d day of June, a little over two months ago. It went to the Committee on Public Lands, but that is not the identical bill we are now considering. That was the first bill that was introduced. That is not this bill.

The bill that we are considering, which the Senator from Colorado [Mr. THOMAS] criticizes me because I did not appear before the committee to seek amendments to, such as I have presented here in the Senate, was only introduced on the 15th of August, and it was reported right back to the Senate on the same day. I want to say to the Senator from Colorado that I do not think he had a really good case against me on laches. I do not think I am fairly chargeable with negligence for not appearing before this committee to propose my amendments or the amendments which I have offered here to this bill. It was introduced on the 15th of August and reported to the Senate on the 15th of August.

Mr. LENROOT. Mr. President, will my colleague yield?

Mr. LA FOLLETTE. Surely.

Mr. LENROOT. I am sure my colleague will welcome an explanation of how that came about.

Mr. LA FOLLETTE. Oh, I think I understand how it came about. I was about to make a statement in regard to it.

Mr. LENROOT. The original bill was considered in committee in full and many amendments adopted.

Mr. LA FOLLETTE. Yes.

Mr. LENROOT. Then the committee instructed the chairman of the committee to introduce the amended bill as a new bill.

Mr. LA FOLLETTE. Yes; I so understood. I understood that; and the most important amendments that were adopted were proposed by the conservation association, of which Gifford Pinchot is the head. I happen to be informed that when this Smoot bill was first introduced it was a pretty faithful copy, I think, of the conference bill; am I wrong about that?

Mr. LENROOT. Partly, because the Smoot bill as originally introduced was a straight leasing bill.

Mr. LA FOLLETTE. Yes; but so far as other features of the bill were concerned it was a pretty faithful copy of the conference bill which came in here at the close of the last Congress and which was defeated here by a filibuster. I am going to have a bit to say again about that filibuster, because the Senator from Colorado has arraigned me here on the floor of the Senate as largely responsible for that filibuster.

I come back now, Mr. President, to present to the Senate the views of Secretary Daniels as bearing upon the point covered by the letter offered by the junior Senator from Montana [Mr. WALSH] written by this man Phelan.

On February 15, 1916, Secretary Daniels in a letter to Mr. E. B. Latham, one of the best oil experts in the United States, thoroughly familiar with this field, having been water commissioner and chief geologist for the Oil Protective Association of Kern County and a graduated geologist of Harvard and Columbia, asked him his opinion. I quote from Secretary Daniels:

6. Suitability of naval petroleum reserves Nos. 1 and 2 for reserve sources of fuel oil for the Navy?

In a very long opinion, Mr. Latham replied in part to the above inquiry. Answering inquiry No. 6, "Suitability of naval petroleum reserves Nos. 1 and 2?" as per Secretary Daniels's inquiry—

Now, I quote from this expert authority:

It was contended at the hearing that there are over 3,000,000 acres in the public domain from which the Navy may be provided with petroleum, and that reserve No. 1, Elk Hill, may be kept for the Navy's use; but No. 1 should be subjected to the preferential leases asked for. Based on results and procedures adopted by the best-informed companies, I calculate that the possible depletion from all causes and under the most severe conditions would not exceed 25 per cent. In reserve No. 2 it will probably never reach 20 per cent; and, furthermore, since reserve No. 2 was set aside, a new and deeper oil sand has been discovered underlying it. This second producing measure is now virgin, and may be so maintained. It is as prolific as the original or top sand, its oil content and gas pressure as great. It has been drilled into enough to prove its continuity, but not enough to drain it, and may be preserved unimpaired for a thousand years.

Now, there may be Senators who prefer to accept the opinion of Mr. Phelan, oil expert of the Shipping Board, former employee of various private monopoly oil-lighting and oil-grabbing interests. I assume that the Senator from Montana knew nothing about the antecedents back of the letter.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. Certainly.

Mr. WALSH of Montana. The Senator is quite right. I know nothing about his antecedents nor about the facts he states in the letter. I give the letter for whatever it may be worth.

Mr. LA FOLLETTE. That is what I assumed.

But here is the opinion of Secretary Daniels, whose antecedents are better than this fellow's. Here is the opinion of a man of authority who says that not in a thousand years can this situation change on the oil reserve. It may be we will have some testimony presented before we get through with this argument that these expert opinions are all wrong, but I venture to say that it will be somewhat superficial if it is.

Mr. Latham says—and there is nothing to color his opinion in the way of prejudice or self-interest, there is no taint of Standard Oil on him. He never has been connected with any grabbing proposition. He never sought to pillage upon the great national petroleum reserves of this Government. Here is his opinion, that the drilling indicates very conclusively conditions there that a thousand years will not change or jeopardize the oil reserve that this great Government through Secretary Daniels is seeking to preserve if we will just keep these trespassing thieves out of the territory.

Are you going to follow Mr. Latham, are you going to follow Secretary Daniels and his impartial experts, and are you going to take care of the interests of the Government in the matter of these naval reserves, or are you going to support the Standard and allied oil interests? It is up to you. Make your record and abide by it.

I do not think that this administration in dealing with the situation took the aggressive steps that it ought to have taken. When these naval reserves were made, had there been a man in the White House seeking only to protect the interests of the public a policy would have been inaugurated that the Standard Oil and these other organizations would have been bound to respect. But there has been the same policy pursued here with reference to protecting the reserves covered by Executive orders that there has been in dealing with these great interests out in the general commercial field.

I have said, and I will say again, that we have not had a President in the White House in a quarter of a century who has dared to vigorously oppose the trusts and combinations—not one! There never has been one moment in all that period of time when one strong, resolute, courageous man in the White House could not have broken the strangle hold of these corporate monsters by a strict enforcement of laws already on the statute books.

There never has been a minute in all these years when if the power of the law that was given in one single act had been honestly enforced the Government could not have destroyed the power of these great interests, one of which is so vitally concerned in this legislation.

We are temporizing, we are simply camouflaging and fooling the American people. We know that we are leaving to another generation this problem which will have to be settled.

Mr. President, does any man on this floor dare to say that the statesmanship that produced the Sherman antitrust legislation was of a lower order than the statesmanship of to-day? I think that generation of men marked the high tide of statesmanship, at least for a considerable period, in the United States Senate. They wrote into the statute books, long before it was necessary to apply it, the Sherman antitrust law.

I see men about me at the present moment of the second generation since that statute was written. I see some of the direct lineal descendants of the men who had to do with the writing of that great statute on the floor of the Senate now. It was my privilege to serve in the House of Representatives when that law was written on the statute books. It was my privilege to know as a young lad in the House of Representatives the Nestor among the lawyers of that body, the father of the Senator from Texas [Mr. CULBERSON], one of the ablest lawyers who ever served in either body of the United States Congress. And there were other men, John Randolph Tucker and others of his type; Ezra B. Taylor, of Ohio; and in the Senate were men who had none to excel them in statesmanship or in legal ability in the history of the Government.

At that time, piloted by prophetic statesmen, men who had vision, seeing what might come to this country and what has come to it, they wrote upon the statute books the antitrust law. It gave to the executive department all the power that the Constitution can give to the executive arm of the Government. It said all that was to be said. It was made possible because, even though we had not more than three or four organizations in this country at that time that suggested the possibility of trusts or combinations, those men had vision enough to see that there might come in the future an organized power that would attempt to dominate the commercial and industrial life of the American people in contravention of the fundamental principles of the common law with respect to markets and prices and the products of labor.

Ah, Mr. President, let me say here in this connection that there has, in my opinion, been only one great issue in all the history of the world. That issue has been between labor and those who would control, through slavery in one form or another, the laborers. That is history. Read it. Study it. Nations have gone down in ruin from the first dawn of history that have sought to make slaves of the great masses of men. That is the destiny of nations, for the God of justice and humanity is over all, and when one privileged powerful class of the human race seek to benefit themselves unjustly from the great masses of people, they run counter and bring down upon themselves ultimately the judgment, the justice, of God Almighty. We are on the road, I fear, that other nations have traveled. I do not know that it is possible, sir, to arrest that progress. It may be that it is a disease that must afflict all nations and all peoples. It may be that it is an inexorable law of evolution.

Here in this country we have been led to hope for something better than that. I have inherited, as it were, the belief and the hope that this was the place for the consummation and the working out of the most perfect Government on earth, the most perfect Government attainable.

We had in this country a splendid opportunity, better, I think, than any other nation in the world. If the human race is gradually to be lifted to higher and higher levels, if civilization is to be truly democratic and progressive, and if we are ultimately to come to as high a degree of perfection in government in this world as finite human beings can attain, it ought to be here in America, above all other places in the world, for we had here the best opportunity. We had virgin soil in which to lay our foundations. We had the new material that came from the Old World. Every immigrant wanted more liberty and democ-

racy, wanted freedom, and hoped to realize the ideals to which the human heart aspires. It is the only place, as I see it, for the human race to attain it.

I see forces carrying us in the other direction. The Standard Oil, the Copper Trust, the Beef Trust, and all the great organizations of power and capital that have been builded up here in violation of the law of the land, that have thriven and controlled and defied the Government—these trespassers upon the naval reserves are following exactly the same lines which all the others have.

Why, Senators, are you not able to see? Is there nothing that can arouse the statesmanship of this day from its lethargy? Can you not interpret this wonderful movement that is sweeping over the Middle West and going on to the Pacific and throwing out its feelers even into the New England territory—the movement of the Farmers' National Nonpartisan League? What is its cause? It is organized because there is a belief among the people that there is a power that puts them at a disadvantage by controlling the market price of what they produce and the market price of everything they buy. They have appealed to the Democratic Party and they have appealed to the Republican Party, and they have appealed in vain, for relief, for legislation to break the power that took out of their toil just what tribute it pleased; a power that forced them when they marketed their grain to take a low price, and then took that grain into the great storage elevators and sold it to the consumer at a high price.

The great body of the agriculturists of this country decided that they had stood that thing long enough. They have protested; they have appealed to the various parties; they have gone before the various national committeemen; they have asked for this plank and that plank in the national platforms, but they have obtained no relief. Decade after decade has passed. They sweated to produce the crop; they sent it to market; they have taken out of it not enough to pay for the production and to carry the interest charges upon the capital invested in the farms. They have bought the supplies controlled by the Harvester Trust, the Beef Trust, the Fertilizer Trust, the Woolen Trust, and the Cotton Trust. The price of everything they had to buy has been controlled arbitrarily by selfish interests and no longer controlled by competition.

Do you not understand that from the beginning of organized society down to 20 years ago the price of every manufactured commodity that anybody in organized society bought gradually declined? Why? Because methods of production were improved and there was competition between the producers that kept profits at a reasonable level. About 1897 they began to combine to suppress competition and to control the markets, and from that hour, if you will consult the statistics for 20 years, you will find that the price of everything you have had to buy has increased in this country. Why? Because combinations and trusts were formed to control the prices, to take the benefits of the improvements for those who owned the factories and parasitical middlemen, and to give none to the laborers and to give none to the consumers.

That is what this thing means; that is the meaning of this great struggle. That is the biggest problem that confronts you. It is not Shantung; it is not the league of nations; it is not the treaty made at Versailles; but it is whether you can save democracy in the United States. That is the fundamental problem of the American people. The power that is trying to take the naval reserves is only one of the many that are encroaching upon the rights of the American people and upon their democracy.

Mr. President, I say that it lies with the people of this country to settle this great problem and to settle it under the Constitution without violence. I think they can accomplish its solution. It must be settled, for it is possible to carry this thing too far; they may rob the public and the public's domain once too often.

We have strikes on every hand. Senators have attempted here by resolutions and by speeches on the floor to intimidate and to restrain labor and to restrict free speech in this country not only in time of war but after. The American people are a patient people, but it is possible to push things too far. Is it not worth while for enlightened, conservative statesmanship to stop and consider this situation so that effective steps can be taken to meet these issues? We must curb this mighty monopoly power and give to the people of this country a free, open, competitive market, and free, open, competitive conditions under which they may buy the products of all manufacturing and producing organizations in this country at reasonable prices regulated by competition.

Perhaps this is an old-fashioned view, Mr. President, and yet we hear talk on this floor about price fixing. Price fixing will not give substantial relief. Think of the problem involved in fixing the prices in just one branch of industry—steel, for example, from pig iron to cambric needles! The Government would break down. We have been unable to regulate even railway transportation. It has failed after over 30 years of trial. It has been found so intricate a problem that a commission could not be organized that could take care of its details. Then, in God's name, tell me how can it be hoped to regulate prices in all the branches of industry in this vast country of ours?

Why, price fixing can not begin under the Constitution of the United States until the valuation is made of every plant, of all its holdings of natural resources, of all its raw materials, and of all the processes of production. The history of railroad-rate regulation ought to be a lesson to the statesmen who argue on this floor about protecting under this bill, for instance, the use of coal or the use of oil by price fixing.

We have had a great commission at work ever since 1913 to ascertain the value of the railroads of this country. This is 1919, and they have not reported. You are going to fix the price. A generation will pass before there can be effective price fixing that will save the people from extortionate profits levied by these buccaneers who have been given their opportunity through the cowardice of Presidents and Cabinets and Attorneys General who did not dare to prosecute them for violation of laws. A law might be passed to-morrow in Congress, and have the sanction of a unanimous vote in both Houses, and the approval of the President, fixing the price for everything the American consumer must buy. But it would not bring relief.

The Constitution prevents the taking of property without due process of law, and the packers and all of the combinations affected by such legislation would immediately go into court. They would invoke the power of injunction to restrain the enforcement of that statute until it could be determined whether fixed price would confiscate the property. Senators know that perfectly well.

The course I am pursuing is my duty, according to my view, and I shall follow that course. Every Senator has to do just what he thinks is right, and I am not impeaching any other Senator who pursues another course. I am not questioning the validity of his judgment or the integrity of his thinking; but, for my part, so long as I can, so long as I am in public life, when I meet the issue raised by the encroachment of these organizations upon the free markets of the country, and exaction, through the power of combination, of undue profits from the American people, I shall do everything I can to break their power. I may stand alone. I will not mind that. I have become used to that in the past 25 or 30 years.

Mr. President, it is true that when trust organization began 30 years ago it soon became apparent that it could not accomplish its purpose unless it controlled the press of the country. So by purchase and indirect control, that is, by owning bank and other stock that could be brought to bear upon the advertising, which is the chief source of revenue of the press, it was largely brought under their control.

Great daily after great daily succumbed to these influences. People who are here this afternoon may think that the press of the country can not fool them. They may read what they know is a lie to-night in the papers. They read it repeated to-morrow and the next day and the next day, and they say to their families that there is nothing in it. That thing is repeated time after time, day after day, it may be when they see it in some special article elaborately set up and illustrated, but finally it steals in upon the judgment of the people.

If you will study the editorial pages of newspapers through the years, beginning a little more than 20 years ago, you will find the trail of the serpent that has control of the great newspapers of the country.

Then what happened? Enterprising young men saw that so far as publicity was concerned the great newspapers of the country had become the tools of this new industrial power, this new political power. So these keen, intelligent young men, who had had a training for journalism, realized the control of the trusts over the newspapers and established weekly and monthly magazines to represent the public interest. They assailed these trusts and combinations as unlawful organizations, as undemocratic, un-American, and dangerous not only to the industrial freedom of the people but to their political liberty as well.

The start was made in McClure's. Ida Tarbell, Lincoln Steffens, Ray Stannard Baker, John S. Phillips, and others got control of that magazine, and they pushed out into the field, and what happened then?

The American public, stifled because it had no voice, the press and the great papers being controlled in the country by the trusts, supported that magazine, and its subscriptions mounted by thousands. Then there came magazines one after another, the American, Hampton's, Everybody's. Why, Everybody's employed Lawson to write "Frenzied Finance" to attack the Beef Trust. So we had a long list of magazines. Even the Saturday Evening Post, seeking to ride the wave of popular favor for a time and to increase its circulation, ran articles of a radical nature. They enjoyed great success, grew in circulation, and became a tremendous power. One after another of them reached up to the half million mark in circulation. I knew most of the men who were interested in that class of publications. I saw them week after week, month after month, as they came to Washington to survey the situation here in national legislation. It was an interesting phase in the journalistic history of the American Government. They rendered a most remarkable service.

Then what happened? I spoke over at Philadelphia in 1912, and I warned these magazine publishers that the day was at hand when they, one after another, would be confronted with the necessity of yielding to this mighty power and ceasing the publication of articles of criticism against the great industrial and commercal organizations in this country or they would be denied advertising and forced to the wall.

Mr. President, I stand here this afternoon to say that one after another of those magazines has succumbed to that influence. I stand here to say that it is impossible to secure the publication in those magazines to-day of articles denouncing this violation of law, this encroachment upon the liberties of the people, this overlordship that controls the industrial and commercial life. I say there is not one of those great periodicals, excepting four or five that I could number on one hand, left to-day the control of which has not been acquired by the special interests, the Standard Oil or like organizations. One after another of these magazines, periodicals, and publications has surrendered to that mighty power. There are only a few publications that reach, in all probability, more than 150,000 to 200,000 subscribers—which means probably not more than a million readers in the United States—that absolutely are free to publish criticism. That is the truth, and it is a terrible commentary on our Government. The failure of our Government to grapple with the trust problem and the control of the press causes me to hesitate when I say that we ought to be able to work out peaceably with the ballot all the problems of government.

The man who is now in the White House was elected solely upon the issue that he would free the American people from the domination of this insidious power. The most important pledge in the platform upon which he was elected, the promise made in nearly all the speeches that he delivered in the campaign of 1912, was that he would break the power of monopoly, would free the Government of the United States from the control and dictation of the special interests. If you need any proof of that assertion, I have it right on my desk. He charged that the Republican administration had not prosecuted the officials of these criminal combinations, and that was the truth, sir. They had not. The Republican administrations had not dared to do so; Roosevelt had not dared to do so; Taft had not dared to do so.

Wilson says in his New Freedom, in which are gathered all the essential portions of his speeches delivered in the campaign of 1912, that this Government is controlled by a handful of men; that he will not live under a Government controlled in that way; that if he is elected he will free the Government.

The Democratic platform promised three specific things: To prosecute the officials of the criminal organizations, to free the country from monopoly, and that criminal commercial combinations should be destroyed.

Ah, but some Democrat may arise and say: "Wilson did not have a fair chance; he had this war on his hands." Mr. President, years went by after his election before we were inducted into this war by Wilson, and yet the President never lifted a hand to redeem one of those pledges; he never criminally prosecuted a trust official. Private monopoly is riding upon the necks of the American people, charging what it pleases for the necessaries of life. Every criminal commercial organization that was in the saddle and controlling in its field in 1912 is stronger to-day than ever.

I do not arraign Woodrow Wilson more than I do William Howard Taft or Theodore Roosevelt.

Mr. President and Senators, responsibility rested upon each one of these men. I do not say it was any more binding upon one of them than another, but I do say that conditions had reached a crisis at the time Woodrow Wilson was elected which made that one issue paramount. It was an issue in 1908; it was a more prominent issue in 1910 in the congressional elections, and on that issue, because the Republican Party had failed, we lost the House of Representatives by 40 majority. By 1912 the increased cost of living, due to the control of the trusts and combinations, had become the one issue. He was elected to solve this problem, and I think he intended to do it. I think for the first three months he was in dead earnest, and then he was confronted with the proposition that if he did not let up a panic would sweep over this country, and there would not be any second term. I heard Republicans representing the big interests say that if there was not a let-up the factories would shut down, the banks would pinch on credit, and the American people would be glad to dig up CANNON and Aldrich inside of four years and have them take charge again.

Mr. President, I think I know the time when it was decided by this administration that they had to let up and go easy.

True, they were investigated a little, speeches were delivered now and then against the high cost of living, a few of the retail dealers were prosecuted; but the President kept his hands off the United States Steel Co. and the other big fellows who threatened his administration. I tell you it is an awful situation for any President to confront. I realize that. I think the man who does this service for the people will have to go into the White House contented with one four-year term and then go down to defeat. He will, unless the American people can be enlightened. If the American people could be fully enlightened, they would know that they must pass through a very trying period to get back to the normal, natural conditions of trade and commerce; that they have got to destroy this great monster which has been artificially created in the last 20 years; and that in doing so they must suffer pain and anguish; that they who are not to blame must pay for the sins of their fathers in high places here and at the other end of the Capitol, and particularly in the White House, for Congress, it should be said, has furnished laws under which the industrial life of the American people could have been made free and kept free. No people are ever industrially enslaved who do not shortly thereafter lose their political freedom as well.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I yield.

Mr. KING. I was very much interested in the statement of the Senator. As I understand him—and I do not want to misinterpret him—he believes that the proper natural play of the law of supply and demand and proper competitive forces in the United States would give us that industrial and economic freedom essential to the growth of civilization and the perpetuity of our form of Government. I understood the position of the Senator to be that he is not in favor of turning over to the Government the private business of the people—the farms, the fields, the factories, the sources of production. He did not say it in those words, but that is the impression that I obtained from the Senator's statement. If that is the Senator's position, I think it is a very sound one economically. I was glad to hear the Senator say—and I wish to see if I understand his position in that respect—that the Government can not by attempting to fix prices effectuate the object so many people are seeking now to bring about; that if we would enforce the laws against trusts and monopolies and allow the free play of the law of supply and demand and the economic forces of the country, we should have nothing to fear with respect to the industrial freedom of the American people or the progress and growth and development of our country. Have I interpreted generally the attitude of the Senator?

Mr. LA FOLLETTE. Mr. President, of course, right out of hand on the moment one would hardly be expected, I suppose, to more than suggest remedies to restore to our people their industrial freedom.

I want to see broken, first of all, this artificial power which controls prices and production by agreement and which, in violation of law, is able to dictate the market prices of the raw materials and finished products for practically all of the products of this country. I would break that power.

I would enforce the law firmly and relentlessly as to the wrongdoers.

I would press for the freedom of all business from unlawful control as rapidly as the business of the country could be readjusted to the natural laws of trade.

I do not underestimate the magnitude of the task. The failure of every President to keep faith with the people and enforce the law has aided to intrench lawless monopoly in business throughout the land.

It has so long ruled in business and government that it scoffs at authority.

It has had its way alike with Republican and Democratic administrations.

It has its "rough-neck" daily press to manhandle any troublesome public official. It has its "high-brow" weekly and monthly publications which criticize in choice diction any suggestion of curing existing evils by "putting a few gentlemen in jail" and then vaguely prescribes "a better adjustment of distribution."

But it is high time for us to realize that the public will submit to be no longer juggled with. The Government must soon make its choice. It must destroy private monopoly wherever it exists in this country or monopoly will destroy government.

It will not be possible to restore industrial and commercial freedom at once.

Unrestrained lawless wealth in combination has run amuck for a score of years, until it has so involved our entire industrial and commercial structure that to attempt to effect a radical and immediate cure would endanger the whole structure.

But we must make a beginning. We must make that beginning at once if we would avert disaster.

If I had the power, I would start with the United States Steel Corporation. I would begin there, because iron is the basis of everything in the industrial life of any people on the face of the earth.

It is really staggering to think what iron means. There is not a great architectural structure in the world that would be standing to-morrow morning if iron turned to dust overnight, if iron in all its forms were destroyed between now and sunrise. There would not be a railroad line anywhere, there would not be a wheel turning, there would not be a blacksmith shop standing, there would not be an agricultural implement in existence, if iron in all forms were destroyed. Did you ever stop to think of the extent to which the price of iron and its products controls the price of everything?

So I would begin with iron. I would take the actual valuation of all of the property of the United States Steel Trust. I would ascertain the actual investment in the business. I would not give them credit for a dollar of value which is the result of their monopoly control, but only that which they had actually invested in the business, together with a fair return upon the investment.

Then, Mr. President, taking their actual investment in their manufacturing plant and allowing them a reasonable return on the investment, I would make public a fair and reasonable price list on their manufactures—pig iron, billets, merchantable bars, steel rails, structural shapes—all their manufactures of iron and steel, and would allow a reasonable measure of time for public opinion to enforce an observance of such fair and reasonable price list.

Their failure to adjust the selling prices of their manufactures of steel and iron to the fair-price list published by the Government would invite to more drastic action by the Government in dealing with them.

But, sir, I would proceed in a much more radical way as to their raw material.

I would condemn and take away from them such of their holdings as would be called raw material or natural resources. I would have the Government take back the title to its iron ore and coal and copper and timber and the other natural products. Then I would maintain such an absolute control of the production and the prices of those basic products, either by a strict leasing system or by actual Government operation, or both, that every manufacturer, small as well as large, should have an equal opportunity to get the raw material at the same price. I would do that for the purpose of restoring competitive conditions at the very foundation of all manufactured production.

I would apply the same method to all others who own the great primary products that may be called, in a general way, the resources of nature. I would have the Government hold the title to and maintain the absolute control of all these primary products. I would try, perhaps, operating them under a strong leasing system, under which the Government should control prices.

But I would introduce a limited amount of Government operation in various lines of production, to the end that we might have a measure, a standard, of fair production cost and fair selling price. I would try that as an initial proceeding for the ultimate achievement of industrial freedom.

That may be temporizing, but I would try that to give the old theory of individual initiative its fair chance, and if that experiment failed, then I would go after Government operation of all those basic essentials absolutely; and in the meantime I would not hesitate at all about Government control and ownership of all transportation and all lines of communication—everything of that character.

I expect to stand here and make a fight alone for Government ownership and control of the railroads. I am for Government ownership of railroads and every other public utility—every one—and I propose to show on this floor that where it has ever been given a fair chance in any part of the world it has been successful. I am going to show that the cards were stacked on Government operation here in this country during the war period by those who were interested and that it was not possible for Government operation to make a fair showing.

I do not know whether I have answered the question of the Senator from Utah [Mr. KING] or not, but I have at least tried to do so frankly.

When you go back to talk to the people in your various States about having turned all the remaining coal and oil and all the phosphate lands over to somebody else under leases and under a system of leases that is not for 99 years, but, I think, when you read the bill, practically in perpetuity—of course, there is a provision here that says that it is for 20 years, with a right of renewal at a reasonable price by the Secretary every 10 years. That right of renewal is absolute unless Congress shall pass some law to stop it, if I understand the terms of the bill, is it not?

Mr. SMOOT. No.

Mr. LA FOLLETTE. I should like to be corrected right now if it is not.

Mr. SMOOT. It is entirely in the hands of the Secretary of the Interior as to whether he shall grant the lease or not.

Mr. LA FOLLETTE. I do not think it is. Well, read it; read it, and let us see. Let us get that settled right here.

Mr. LENROOT. It is.

Mr. LA FOLLETTE. It is what?

Mr. LENROOT. It is subject to the right to have renewal upon such terms as the Secretary of the Interior may prescribe or the law may prescribe at that time.

Mr. LA FOLLETTE. That is just as I stated, and the chairman of the committee said it was not.

Mr. SMOOT. I say it is in the hands of the Secretary of the Interior.

Mr. LA FOLLETTE. I say it is not in the hands of the Secretary of the Interior at all. He can prescribe a reasonable rate, and when he prescribes what he says is a reasonable rate—and that is not much protection; the Secretaries of the Interior from the beginning down to the man who is there now have not been overzealous in protecting the public interests against private interests——

Mr. SMOOT. Well, of course, if the Senator takes that ground——

Mr. LA FOLLETTE. I do take that ground, and I take that ground on the history of the matter.

Mr. SMOOT. Then, of course, I have not anything more to say as to the position the Senator takes; but I do say that the Secretary of the Interior has the power under the bill to fix the rates.

Mr. LA FOLLETTE. I said so myself. I said the Secretary of the Interior could fix the rates. That is the only way the Secretary of the Interior can stop the man who has had a lease from getting his lease for all time.

Mr. SMOOT. Well——

Mr. LA FOLLETTE. Well, that is just what I said, and it was not subject to anybody's correction.

Mr. SMOOT. I would not have interrupted the Senator if he had not asked it.

Mr. LA FOLLETTE. I asked the Senator if it was not so, and not if it was not.

Mr. SMOOT. But the Senator did not make the statement the first time as he made it the second time.

Mr. LA FOLLETTE. I did; I made it exactly the same.

Mr. SMOOT. Well, I will show the Senator——

Mr. LA FOLLETTE. I will put it in the RECORD exactly as I said it. I will not change it, but will let it stand. See if I did not.

Now then, I say that this bill that you have before you, while it is called a leasing bill, is a bill that will enable a lessee or his successors or assigns to go on forever leasing that property. The only way it may be prevented is for the Secretary to make the rate prohibitive.

Mr. LENROOT. Mr. President, will my colleague yield?

Mr. LA FOLLETTE. Yes.

Mr. LENROOT. Congress itself may cut it off.

Mr. LA FOLLETTE. Oh, yes; I have stated that before, and I was going to state that now. You could come to Congress and get a bill through to stop this business. Have you ever tried to do it? How successful do you think you would be in anything

of that kind after you once let these people in? You know. The expression on your faces is answer enough, Senators. Let them in once, and it is gone.

As I see it, first, we ought to strike out of the bill the part that applies to the naval reserves and the so-called relief provisions. On that point will the Senate heed the Department of Justice and the Secretary of the Navy or listen to one Phelan, oil examiner, who has heretofore held positions with those who speculate in oil and who build up monopolies to control the prices for oil and light for the American people? This may says that we are lost if we do not pass this bill and confirm all the rights and priorities to the Standard Oil and the other big fellows which these provisions give them.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Will the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. Certainly.

Mr. WALSH of Montana. I do not understand Mr. Phelan's letter in that sense. Mr. Phelan's letter is to the effect, as I understand it, that the Government ought itself to drill wells and extract oil from the reserves or that it will be lost by reason of the openings already existing on the naval reserves. That is as I apprehend the letter. I certainly would not have introduced the letter if it had been to the effect that the Senator now states.

Mr. LA FOLLETTE. That depends a good deal on how we interpret the bill. This gentleman says:

> I have no hesitancy in saying that the delay in the passage of a general leasing bill has enriched the Standard Oil Co. millions of dollars, and any continued delay will work to the sole advantage of that company.

And he urges that we pass the bill. The Secretary of the Navy does not think we should pass the bill. I should like to know by whom we had better be advised—by Phelan, of the Doherty Co., or the men who are considering the public interest above all things?

I say again, Mr. President, there are the Standard Oil and the Midwest, which runs into Standard Oil, as I am told, and all the other oil representatives who are here now and have been and have maintained for months elaborate offices in this city, rich and powerful above all calculation, and no man can stand up on this floor and suggest any opposition that has been indicated anywhere at any time by those interests to this legislation. It has been seen heretofore. When anything was pending that did not conform to and adjust itself and accord with the interests of these great oil monopolies, particularly the Standard Oil, everybody knew it; it was manifest. Everywhere in the committee rooms and at every stage along the legislative career of a measure it was to be found. It has not been shown here any place. They seem to be heartily in accord with it, perfectly satisfied.

What is it? I have wondered, Mr. President, whether they have not such great interests in these oil reserves and such paper coverings of all the known oil lands that while this is called an oil-leasing bill and the country is led to believe that it is going to open up and allow an opportunity for capital here and there, small as well as large, to go in, it is going to be fooled on it and it is going to find that provisions in the bill, tucked away in two or three different sections, provide such protection to the people who have these paper coverings that all the known oil fields will be covered by it; that the priority rights will shut out anybody else; that the men who are in there are either dummies or the successors of dummies; and that they all pass by in quick succession, one after another, finally to the Standard Oil or to the great company that Great Britain has here in this country seeking to get control of a part of our oil.

This letter from Phelan, presented by the junior Senator from Montana [Mr. WALSH], warns the Senate that this oil will all be pumped out by the Standard Oil, and that the only way the Government can protect itself is to pass this leasing bill and get in there and do something on its own account. Is that correct?

Mr. WALSH of Montana. No; not quite. I take it that the letter is a suggestion that we ought to amend the bill.

Mr. LA FOLLETTE. He says:

> Unless some legislation is enacted giving the Government the right to secure some royalty oil in these reserves, or unless the Navy itself drills in the territory to which it has a clear title, the Standard Oil Co. and the Southern Pacific Railroad Co., by reason of their widely scattered acreage, and the fact that they have the best selections, means that the reserves will, if not entirely depleted of oil, have the available oil reduced to a minimum.

That makes the suggestion that——

Mr. WALSH of Montana. Mr. President——

Mr. LA FOLLETTE. Just a moment, please. That makes the suggestion that there are certain alternatives presented to the Senate, but, of course, there will not anything of that kind be done.

That pushes this particular measure along by suggestion.

I wish to read, in contrast with that, the late letter from the Secretary of the Navy. When this bill came up here, as it did two or three days after it was reported, I called up the Navy Department on the telephone to know if the bill was satisfactory. I had confidence enough to believe that if it was satisfactory, since it was a general leasing bill, probably it was all right; and at least I wanted to know their views upon it. I was informed that Secretary Daniels was in Honolulu on that day, that he would only be there for a day, and that it would not be possible to reach him personally by cable.

But I was informed by Secretary Roosevelt, acting in his place, that he knew the situation, and I was told that he would transmit to me a letter stating the position of the Navy Department upon this legislation; that while the letter had been addressed to the chairman of the committee having charge of this legislation in the House of Representatives, it would be applicable to the bill which had been reported from the Senate Committee on Public Lands, which was then pending before the Senate, and about which I was inquiring at that moment over the telephone. I received this letter from Franklin Roosevelt, Assistant Secretary of the Navy:

AUGUST 22, 1919.

> MY DEAR SENATOR: In reply to your telephone inquiry of yesterday relative to the Navy Department's attitude toward the present oil-land leasing bill, I am inclosing a letter that was sent to the chairman of the House Committee on Public Lands outlining the department's view on similar legislation now pending before that committee.
>
> Sincerely, yours,
>
> FRANKLIN D. ROOSEVELT.

The letter which he inclosed is unsigned, but I understood over the telephone that it was a letter from the Secretary of the Navy addressed to Chairman SINNOTT, of the Public Lands Committee of the House of Representatives. It is as follows:

> MY DEAR MR. CHAIRMAN: In response to your inquiry with reference to pending bills relating to the leasing of public lands, I have the honor to state that I do not feel warranted in making any comment or recommendation except with reference to lands set aside as naval reserves. I have heretofore expressed to the Committee on Public Lands my conviction that all naval-reserve lands should be omitted from lensing legislation. I still entertain that opinion, and trust that the committee and Congress will except such lands from any legislation enacted.
>
> However, if Congress sees fit to legislate in the leasing measure on the naval reserves, I beg to call your attention to the following, known as the Swanson amendment, which the Navy Department is willing to accept in order not to stand in the way of lensing legislation.

Now, mark you, this is not what the Navy Department thinks is for the best interests of the Navy Department and the Government, but, as a compromise, they offer this suggestion:

> That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, and prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas and thereupon commenced discovery work thereon and thereafter prosecuted such work to a discovery of oil or gas—

That is the law—

> shall be entitled to lease from the United States any producing oil or gas well resulting from such work at a royalty of not less than one-eighth, with an area of land sufficient for the operation thereof, but without the right to drill any other or additional well: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United Sttaes all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations.

The Secretary of the Navy says in this letter—I read it with emphasis:

> I have heretofore expressed to the Committee on Public Lands my conviction that all naval reserves should be omitted from lensing legislation. I still entertain that opinion and trust that the committee and Congress will except such lands from any legislation enacted.

Mr. President, that is what the Secretary of the Navy thinks is for the best interests of this Government; that is what he thinks is just to the Government. Why should we not exact justice for the Government? What will we say to the people who sent us here if we have listened to the appeals of these trespassers as against the needs of the Navy?

I put into the RECORD on yesterday a history of at least 1,600 acres of land obtained by the Standard Oil, which relied for its equities and any right that might possibly be claimed upon fraudulent dummy locators who had been paid a paltry $250 each for the use of their names to enable one McMurty to get in and use people in the stockyards of Chicago and in the city of New York, who never heard of the lands and signed the power of attorney under the impression, as some of them stated

to the investigator, that they were signing petitions relating to elections. Is the Senate prepared, Mr. President, to go on record here to surrender anything which is of value to our Government in the interest of a great organization that derives its title from frauds of that sort? I hope not.

The Senator from Colorado in his remarks of yesterday dwelt upon the controversy between the Navy Department and the Department of Justice on one side and the Interior Department on the other regarding this oil-land leasing legislation. May I venture the assertion in this respect that when the history of this unusual public-land controversy is written the facts will show that public service of a high character has been rendered by Secretary of the Navy Daniels, and Assistant Secretary Roosevelt, Commanders Landis, Richardson, and Wright, Mr. Payne, Mr. Latham, and others in the Navy Department, and Attorney General Gregory, and the late Assistant Attorney General E. J. Justice, former Assistant Attorneys General Ernest Knaebel, Francis J. Kearful, and other officials of the Department of Justice.

I regret to say that in my opinion the facts will warrant no such encomiums as to certain officials of the Interior Department.

FILIBUSTER A CONSTITUTIONAL RIGHT.

Now, Mr. President, the Senator from Colorado [Mr. THOMAS] took me severely to task because I participated in a filibuster for the defeat of this legislation and of other legislation in the closing days of the last Congress. In the course of his comments he said:

I affirm that no filibuster ever carried on within these walls was justified or productive of any beneficial result.

Mr. President, I say in answer that a man is as much within his constitutional rights and it is as incumbent upon him to exercise those rights in the conduct of a filibuster to prevent the passage of measures harmful to the public interest as it is for him to exercise any other right accorded to him under the Constitution, which he is sworn to support when he enters the Senate. The Constitution, I believe, plainly recognized the exercise of the right of the minority to prevent the aggressions of the majority when that majority might work harm to the country. I want to put into the CONGRESSIONAL RECORD in this connection some reflections of mine upon this subject.

What is a congressional filibuster? It is an attempt on the part of a minority to prevent the majority from executing its will. It is resorted to by a minority, sometimes a very small minority, to delay or defeat a majority of the House or Senate from voting upon and passing a bill, or perhaps a number of bills, which the minority can not otherwise defeat at the time should such measure come to final vote. Upon its face it appears to be an unjust and unwarranted interference with the rule of the majority in legislation. It is often denounced as undemocratic and revolutionary and a reprehensible interference with the right of a majority to exercise its constitutional power; but in the view of the framers of the Constitution the majority may at times abuse its power. It may become arrogant, tyrannical, reckless, wantonly extravagant, and wasteful of the public revenues; and a majority may even become corrupt in the conduct of the public business. It was, therefore, deemed wise by the framers of the Constitution to provide in that instrument the means by which the majority might be restrained or defeated in its undertakings, at least for the time being. To that end they made it possible for one man to defeat the action of the majority of Congress.

They gave the President the power of the veto. That seems quite an undemocratic thing to do. That was written into the Constitution as a safeguard against the abuse of majority power.

The makers of the Constitution did not stop with that check upon the will of the majority. They provided that one-fifth of those present could at any time—at any time—and as often as they deemed it necessary demand the calling of the roll upon any pending question. That is a powerful weapon for delaying the action of the majority. It can be so used as to defeat the passage of any measure in the closing hours of a session when the time for final adjournment is fixed and certain. That power is given to the minority, written into the Constitution.

The fathers thus deliberately, by constitutional provision, armed a small minority with the power to filibuster. They gave this power the sanction of constitutional authority. These wise men well understood that majorities are not infallible, that they are sometimes misled, that they are sometimes driven by passion to unreasonable extremes, that under the stress of great excitement the very power which a majority possesses might intoxicate and carry it beyond rational limits.

There are times in legislative proceedings, especially near the final adjournment of a session, when something akin to the mob spirit takes possession of the majority, and bills of all kinds—bad bills and good bills and bills partly bad and partly good—are railroaded through without a semblance of intelligent consideration or legislative deliberation, and whoever dares to interpose to prevent a private steal is certain to be denounced for obstructing the public business.

I want now to say just a few words about the filibuster of last March, concerning which I have been criticized by the Senator from Colorado [Mr. THOMAS]. He says:

I affirm that no filibuster ever carried on within these walls was justified or productive of any beneficial result.

Of course I know that that is his honest opinion. There are people in this country who do not take that view. There are a considerable number of people in this country who have been in favor of what is known as conservation, who have been willing sometimes that legislation that was to dispose of all of the public domain and make it possible for private interests to secure control of it might be defeated even by a filibuster, and a public service rendered thereby. I have had differences of a political nature with Mr. Gifford Pinchot. I have had no communication with him since 1912.

I have publicly and in permanent form denounced certain things that he did that concerned me personally that I thought were reprehensible. But when that 4th of March had passed by I received this communication from him with regard to the very subject which I am now criticized for—that is, defeating the bill that would have made it possible for all the coal and oil lands to have passed by patent into private hands; a bill that opened the Grand Canyon of the Colorado to coal and oil exploiters. Had the bill passed, railroad lines could have been projected through the Grand Canyon, prospectors could have blasted down the cliffs, reared their dumps, and smeared the face of that great natural monument with the sordid greed that goes with speculative development of that sort. I thank the Lord that it was put within my humble means to be able to defeat by filibuster the legislation that carried those provisions; and Mr. Pinchot, who I know is not popular in sections of the West, because he has pushed this question of conservation, reserving public lands, timber, oil, coal, phosphate, and the like, as an idealist possibly further than practicable limits would warrant, has nevertheless rendered great service—he and those associated with him in the time when he took hold of this great subject, checked for some little time at least the grasping and the greed to these great organizations that years ago would have swept all of this great domain belonging to the people into their treasuries for all time.

PHILADELPHIA, *March 12, 1919.*

HON. ROBERT M. LA FOLLETTE,
United States Senate.

MY DEAR SENATOR: Your action in defeating in the Senate the coal and oil land bill reported from conference in the last days of the session just closed deserves, and doubtless will receive, the grateful acknowledgment of all friends of conservation.

As president of the National Conservation Association, I desire to assure you of our high appreciation of the service thereby rendered to the whole people of the United States.

In the name of the association, therefore, I take pleasure in thanking you for your courageous and successful fight against this bill when it had progressed so far that to defeat it seemed almost impossible, as well as for your readiness to defeat the water-power bill after the changes made in it, especially by the conference committee, had converted it from a good into an indefensible measure. In this expression of thanks I am sure all those who recognize the magnitude of the public resources at issue, as well as the exceptional difficulty of defending them in this case, will gladly join.

Very respectfully,

GIFFORD PINCHOT.

I want to say just a word about the filibuster that was conducted at that time as it related to other measures. A round billion of dollars was saved to the American people by the filibuster that defeated the appropriation bills at the close of the session that ended March 4 last. That, in a sentence, is what this special session of Congress has developed thus far. That fact alone is ample justification for the course taken by the Senators who would not permit the appropriation bills to be jammed through without proper consideration, debate, and amendment at the session which ended March 4. These men, especially the Senator from Maryland [Mr. FRANCE], the Senator from Illinois [Mr. SHERMAN], and myself, were denounced by friends of the administration as a handful of willful obstructors who, to force the President to call an extra session, would not permit the great majority to railroad the bills through Congress. These men insisted that the Congress should be called in special session and meet immediately after March 4. They said if that were done, there would then be time to properly consider the supply bills and that a great saving would result to the taxpayers of the United States.

Now that the appropriation bills have been passed, these Senators can point to the record as a complete justification of their

course. That record is summarized in the following table, which shows the amount of the bills as it was proposed to rush them through by March 4 as compared with the amount appropriated for the same purposes at the present extra session. Mr. President, I will insert, without reading, in my remarks when printed, a comparative table showing the amount of the appropriations in the bills which were pending and which were defeated by the filibuster that I helped to conduct, and in another column the amount appropriated for the same purposes in the same bills at this session of Congress which were passed in substitution for the bills which were defeated by the filibuster, together with the totals.

The VICE PRESIDENT. Without objection, that will be done.

The table referred to is as follows:

Appropriation bills.	Amount as of March 4.	Amounts as passed in Sixty-sixth Congress.
Third deficiency	$842,096,813	$24,305,929
Deficiency for Federal Railroad Administration		750,000,000
Indian	15,430,000	11,131,397
Agricultural	31,673,022	33,899,761
Naval	824,709,521	616,096,838
Army	1,238,282,000	72,324,877
Sundry civil	850,513,210	605,160,207
District of Columbia	14,446,364	15,364,421
	3,817,151,030	2,824,283,432
	2,824,283,432	
Saving to people	992,867,598	

Mr. LA FOLLETTE. It will be shown by the table that a total saving of $1,000,000,000 in round numbers was made possible by defeating the bills which were presented at that time, which forced them to go over to the extra session and receive careful consideration from the committees, come before the House and the Senate for ample discussion and considered amendments.

The greatest reductions were made in the appropriations for the Army and the Navy. Upon these two items there was a saving of $571,902,521. Also it is worthy of notice that the big Navy program was cut down, and the Army will be 225,000 in round numbers instead of 500,000 that was proposed by the Army bill in March. The sundry civil bill as it became a law carried $245,513,210 less than did the same measure as it was pending when the gavel fell on March 4. This is the bill that carries the supplies for all the great departments of the Government.

Great as have been the reductions made in these bills, there is no doubt that further savings could have been made had the extra session been called immediately after March 4. The responsibility for not doing so rests upon the President, and upon him alone. He alone had the power to call the Congress together.

The Congress was convened to meet May 19. From that time until July 1, the beginning of the fiscal year, the committees having charge of the appropriation bills worked day and night. Those committees within that time examined as best they could the estimates furnished by the departments. It was not possible to make a thorough inquiry into the estimates such as would have been made if the President had called the extra session early in March. However, though it was hasty and incomplete, this investigation convinced the committees that these big supply bills could be cut without injury to the public service and with a great saving to the taxpayers. Because it was necessary to pass the bills before July 1, some reductions were doubtless larger than should have been made in some instances, and other estimates carried in the bills could have been wholly eliminated or the amount appropriated cut far below the sums carried in the bills. However, from the standpoint of saving money to the taxpayers, this special session has served its purpose. If the President had called the Congress to meet earlier, a greater saving could have been made, and made with a wiser and more discriminating judgment. But it was a serviceable and effective filibuster. A billion dollars was saved.

The Senator from Colorado [Mr. THOMAS] said some things in his criticism of me yesterday in connection with the filibuster to which I do not care to pay attention. He said one thing which I might mention in passing. He said it on his feet, and, I suppose, without any reflection, as many things are said by all of us here in debate. He said that not one of the men who had participated in the filibuster and participated in the prevention of the passage of those bills was present, according to his recollection, and participated in the discussion on those bills when they were reconsidered and came before the Senate at the extra session. Of course, even if that were true, it would not be any justification for criticism, because the bills were wholly different. They eliminated a billion dollars. There would have been a lot of time taken up in debate if the debate had been possible in the closing days of the last session, if we had taken up the Army bill or the Navy bill or the big appropriation bills for the purpose of expanding the Navy upon the plan of giving us the biggest Navy in the world and imposing a standing Army of 500,000 men upon the people of this country. There would have been some debate, and justifiedly. There was not the reason for that in the bills as they were presented at the extra session. I know that the other Senators participated in the defeat of those bills because they were brought in here at an hour when they could not be considered justly and fairly. There was no excuse or justification for their being brought in as they were, and it is time for the great Appropriations Committees to understand that they can not report legislation involving billions of dollars, changing in some respects the whole policy of government, and expect to put them through without debate, and to justify driving them because there is no time, and arraigning the patriotism and loyalty of Senators here because they will not sit quietly in their seats and see such legislation passed in a few minutes.

If committees expect to find an easy road for legislation of that great importance in the closing hours of a congressional session or of the life of a Congress, they are liable to meet with discourtesy and they ought to meet with discourtesy. There is no justification for it. It is not democracy. This procedure does not give anybody a chance to be heard or represented. It denies to every State that does not happen to be represented on the conference or on the committee that reports the legislation any chance to speak or to be heard or to be represented.

I for one shall exercise my constitutional rights and demand a hearing as long as I am here.

The VICE PRESIDENT. Is the request seconded?

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, I had not intended to speak at any length upon this bill; but I feel that it is my duty to devote some time to it, in view of some of the things that have been said during the course of the debate.

First, I wish to refer to a statement made in the opening of the debate by the Senator from Arizona [Mr. ASHURST], whom I, with every other Senator, respect and esteem. I was amazed at the statement he made, charging conservationists and Gifford Pinchot and others with tying up the mineral resources of the West, to the very great detriment of the people of the West.

Mr. President, if it had not been for Gifford Pinchot and Theodore Roosevelt, if it had not been for these conservationists, who are sneered at by some of the people of the West, these very lands that are now the subject matter of this bill would have been in private ownership and under the control of monopoly.

If it had not been for these men, Mr. President, the forests of the West would have gone into private ownership and private monopoly as the forests of the East and the Middle West went into private ownership and private monopoly. In time to come, Mr. President, monuments will be erected in the West by future generations to men like Pinchot, when those who are so severely criticizing them will be forgotten. So much for that.

Although I am as anxious as anyone can be to conclude the consideration of this bill as early as possible, I think it entirely proper to go into a little of the history of this bill.

It will be remembered that on September 27, 1909, something over 3,000,000 acres of public land containing oil, or supposed to contain oil, were withdrawn from all forms of entry. It was recognized by every official of the Government that that withdrawal would work a very great hardship upon many innocent people; but, notwithstanding that hardship, the public interest being paramount, they proceeded and did withdraw, under the order of President Taft, this large amount of land.

With reference to that withdrawal I want to quote now from Dr. George Otis Smith. No one will say that he has not at all times been alive to the public interest, and in all legislation that has been proposed he has had in mind only the public welfare.

First, let me call attention to what the withdrawal really was. It was designated—

TEMPORARY PETROLEUM WITHDRAWAL NO. 5.

In aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, all public lands in the accompanying lists are hereby temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public-land laws. All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination.

Speaking of this withdrawal, the Geological Survey states:

That this was a severe measure no one will attempt to deny. Without forewarning and without precedent, it knocked the breath for the moment from the California oil industry. Some of the orders promulgated since have been almost as severe although not so widespread in their effect. These things the officers responsible for them realize. The geologists who recommend or prepare withdrawal orders are not ignorant or careless of the hardships which they may cause. Many of them western men, personally familiar with the field under consideration, knowing its people, knowing the sacrifices they may have made, the risks they may have incurred, the hopes they may entertain of striking oil, these geologists regret keenly that the development of the West may by their action be in some measure retarded. Yet without hesitation or exception they recommend that the interests of the public be made paramount.

The temporary character of the withdrawals can not be too strongly emphasized. There is no thought of tying up permanently the oil deposits on the public domain. As soon as there are satisfactory laws for the development of these deposits the withdrawals should be revoked, but in the meantime it seems certain that withdrawals will continue to be made, not as permanent institutions but as temporary expedients, to meet an abnormal condition, during a period when the needs of the situation have far outrun the adequacy of the law.

Mr. President, following this withdrawal there was, as has been developed in all of the hearings that have been had—and they have been many—consternation upon the part of all who were upon the public domain affected by this withdrawal, and that, too, irrespective of whether or not they had fully complied with the law up to the point of withdawal. Those who had complied in every particular with the placer-mining law on September 27, 1909, were all in doubt as to what their rights were and whether or not the withdrawal order had deprived them of the rights that existed up to that time, that doubt arising over the language of the exception to the withdrawal order, which reads:

All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination.

At that time, Mr. President, the decisions of the courts and the decisions of the Department of the Interior had been that there could be no valid locations or claims unless there had been a discovery; and if that was to be the law applied to this withdrawal order every one of these claimants, although fully complying with the law up to the 27th of September, 1909, was deprived of any rights of any kind if discovery was necessary in order to get the benefit of the exception; and it was very clear that if discovery was necessary there were no benefits to the claimants by the exception, because, under the laws of the United States, if discovery had been made the withdrawal could not affect them, because upon discovery the claimants had secured a vested right.

That, however, was the situation. Many of the claimants, believing that they had not been protected at all, ceased work for a time upon their claims, and finally, in 1910, in the following spring, large delegations came to Washington and asked for protection, which resulted in the passage of what is known as the Pickett Act, expressly authorizing withdrawals and expressly saving the rights of bona fide occupants upon lands at the time of withdrawal who thereafter with due diligence pursued work to the discovery of oil.

It is true that between the time of September 27, 1909, and this legislative withdrawal of June, 1910, put into effect by President Taft on July 2, 1910, there were many eminent lawyers who advised that the withdrawal was invalid, among them Judge Lindsay, one of the leading mining authorities in the country. The district court of California held that the order was invalid, but the Department of Justice and the Interior Department insisted that it was within the province of the President to withdraw these lands; and, as has been stated, a decision was finally rendered by the Supreme Court of the United States sustaining that withdrawal. But, Mr. President, those who were upon the lands on September 27, 1909, diligently prosecuting work under the law and continued upon them, were not fraudulent claimants because they continued after September 27, 1909, because, in 1915, six years after the withdrawal, against the contention of the Department of Justice, the circuit court of appeals held—and I read into the RECORD the other day an excerpt from it—that the exception in the Taft withdrawal of September 27, 1909, fully protected every claimant who was a bona fide occupant on his claim on September 27, 1909, diligently at work seeking discovery of oil, and since that time the Department of Justice has accepted that construction of the Taft withdrawal, and I have their acceptance here upon the table. So that in that instance the Department of Justice, upon a very important feature of the law with respect to this matter, has reversed itself or, rather, has accepted the decision of the circuit court of appeals.

Now, as to the character of many of these men—and I am not speaking now of anyone who went upon these lands fraudulently or dishonestly or attempted in any way to secure a title from the Government through fraud.

What have the courts said about this class of claimants?

I hold in my hand the case of United States against Midway Northern Oil Co. et al., volume 232, Federal Reporter. I read from page 632. The decision was rendered by Judge Bean, sitting in the district court of California. Judge Bean is from Oregon, judge of the district court there, and one of the ablest and most honorable lawyers in the West.

The opinion states:

Now, in four of the cases—

And I will say preliminarily that the parties in this case were upon the land September 27, 1909, but had done nothing other than to make a paper location. They were not on September 27, 1909, diligently prosecuting the work looking to discovery, and of course for that reason the court very properly held that they were not entitled to patent, because at the time of the withdrawal they were not complying with the law.

The opinion goes on to say:

Now, in four of the cases the parties under whom the operating companies entered claimed a right to the possession of the property involved and to extract the oil therefrom because of attempted locations made prior to the withdrawal order or under contracts with such locators. In case No. A–30 the land in controversy was—

And I will say this is not upon the naval reserves, but entirely outside—

at the date of the first withdrawal order, covered by a homestead entry, but as the adjoining lands were rapidly being developed as mineral the entryman concluded that he could not sustain his title and therefore permitted the operating defendants to enter into possession and prospect for oil. At the time of the withdrawal order, or soon thereafter, the area in the immediate vicinity of the properties in controversy was being rapidly developed as oil-producing property. It was therefore necessary for the claimants, if they were to protect their rights, if they had any, to take immediate steps to develop the property claimed by them in order to prevent its occupation by others or the oil under it from being drawn off and exhausted by wells on adjoining land.

They thereupon, acting as prudent and careful men, consulted counsel learned in the law and were advised that since Congress is vested by the Constitution with power to dispose of the public land (art. 4, sec. 3), and since it had declared by statute that valuable mineral deposits, including petroleum, in land belonging to the United States are free and open to exploration and purchase, and the land in which they are situate to occupation and purchase (R. S., secs. 2319–2329; act Feb. 11, 1897, c. 216, 29 Stat. 526; Comp. St. 1913, sec. 4635), the Executive was without authority to suspend the acts of Congress, or withdraw the lands from the operative effect thereof, and therefore the withdrawal order was invalid, and if they proceeded to a discovery of oil they would acquire a right to the property and its contents.

Remember, Mr. President, here is one of the claimants who would be entitled to a preferential lease under this bill.

Acting on this advice, honestly and in good faith, without any intention of wronging the Government, they developed the properties, expending large sums of money in so doing, the aggregate in the six cases in question amounting to more than $1,000,000. By their labor and expenditures they have demonstrated the mineral character of the lands and increased their market value from $2 or $3 an acre to $2,000 or $2,500 an acre. What was before a barren, arid waste is now demonstrated valuable mining properties, with numerous oil-producing wells thereon, and that through the efforts and expenditures of the defendants. The Government agents and officers charged with the disposition of the public lands knew of the possession and development of the properties and made no objection thereto, and while this does not stop the Government from now asserting title or right to the possession (Pine River Logging Co. *v.* U. S., 186 U. S. 279, 22 Sup. Ct. 920, 46 L. Ed. 1164), it should not be overlooked by a court of equity in considering the character of the defendants' possession, or the damages which they should be required to pay.

It is true the defendants, as laymen, are presumed to have known the law, and that the withdrawal order was valid, although many of the leading members of the California bar and 5 of the 10 Federal judges called upon to consider the question judicially apparently did not, and even the Executive himself was in doubt as to his authority to make the order. The maxim that every man knows the law applies to defendants, but there is a marked difference between those who recklessly, or with actual intent to rob others, trespass upon their property, and those who, acting on the advice of counsel, trespass by mistake, with no evil purpose but with an honest belief that they have a right to do so. "One who acts in good faith, upon the erroneous advice of reputable counsel upon questions of legal right concerning which a layman could hardly have actual knowledge, is not chargeable with bad faith, or with a willful intent to commit a wrongful act because his counsel was mistaken in his view of the law." (U. S. *v.* Homestake Mining Co., 117 Fed. 481, 54 C. C. A. 303; U. S. *v.* St. Anthony R. R. Co., 192 U. S. 524, 24 Sup. Ct. 333, 48 L. Ed. 548; U. S. *v.* Mullan Fuel Co. (D. C.) 118 Fed. 663.) The defendants were not willful looters of the public domain, nor reckless trespassers thereon. They acted on the advice of reputable counsel, expended their money and labor in good faith, relying upon a law of the United States and in the honest belief that they were within their rights.

Mr. NELSON. May I ask from what case the Senator is reading?

Mr. LENROOT. I am reading from the case of United States *v.* Midway Northern Oil Co. (232 Fed., 619).

Mr. NELSON. Will the Senator yield to me?

Mr. LENROOT. Certainly.

Mr. NELSON. I want to call the Senator's attention to the fact that the question of withdrawal was up before the Committee on Public Lands when I was chairman of that committee. I prepared a report on it, holding that the Government had the right, and had always had it from the inception of our

public-land system, to withdraw lands from sale and entry. The Supreme Court in that very case cited my report and decided it according to the principles laid down in my report. So these men were not in entire ignorance. They may have considered my report as that of a hayseed lawyer, but it was there and it was indorsed by the Supreme Court of the United States.

Mr. LENROOT. I have already stated that was the decision of the Supreme Court of the United States, and this very decision excludes them and denies them any title because of that very contention. I stated that. There is no doubt about it.

I am only quoting what I have read from this decision, so as to get before the Senate the opinion of the court that these men were not fraudulent claimants, but nevertheless, although they had expended $1,000,000 in good faith, as the court said, under the amendment that is now proposed and upon which the Senate is called to vote, the Government will take their wells upon which they have expended $1,000,000 and advertise for sale and sell or lease those wells to the highest bidder. Under the provisions of section 18, which are sought to be stricken out, these men will simply get a preference right to lease this property if they have not been guilty of any fraud or had knowledge of any fraud, and they will be permitted to secure a lease of the property at a royalty of not less than one-eighth nor more than 25 per cent.

Another case I have here—but I am not going to take the time to run through many of them—is that of the Obispo Mining Co., where both the court and the Secretary of the Interior rejected their application for patent. It was a case where Gov. Thorne, of Kentucky, with some associates, expended some $20,000 fruitlessly before the withdrawal upon 40 acres of land that were afterwards included within the withdrawal. They put down one hole 500 feet, and it went crooked and they abandoned it. They put down another, and that went crooked and they abandoned it. By that time their money had run out. They stopped work on August 5, 1909. The withdrawal came in less than 30 days. They had no money. No one was disputing their possession. They had carried on the work in the utmost good faith. Finally they got an opportunity to make an arrangement with another company, I believe upon a leasing proposition, and that company went on to discovery and discovered oil, but there having been a cessation of work between August 5, 1909, and September 27, 1909, the Secretary held, and very properly held, that they were not diligent in the prosecution of seeking discovery on the date of withdrawal and rejected their application for patent. The court confirmed the opinion of the Secretary of the Interior. In that case, on 40 acres of land where they had expended $20,000 before there was any withdrawal, by the amendment, if adopted, we will take the expenditure of those men, made in the utmost good faith, and lease these wells, upon which the Government has not expended a penny, to some one else, while under our section 18 those men will be entitled, if they have not been guilty of any fraud, and there is not a word in any of the opinions suggesting it, to a preferential lease upon that 40 acres of land at a royalty of not less than one-eighth nor more than 25 per cent. That is the class of cases generally that come within section 18 that it is sought to have stricken out.

To go back a little, in 1914, early in the year, a bill was prepared, upon which all subsequent bills have been modeled, for the leasing of withdrawn oil lands. The first bill that was prepared was a leasing bill without reference to any equity that any of these claimants might have. At that time I was a Member of the House and a member of the Committee on the Public Lands of that body. It is true that we were besieged by men from California, and from Wyoming as well, insisting that if we should pass the bill in that form, in view of the doubts concerning the withdrawal order, in view of the uncertain state of the law as to what constituted diligent work seeking discovery, the Government would take all of the property, regardless of any equity, and lease it to some one else. It is true that many of those men asked the House Committee on the Public Lands to so modify the placer-mining law as to give them title to a large portion of those lands; but I wish to say at this point that at that time I, and the then chairman of the committee, Mr. FERRIS, took the position we have ever since maintained, that we would not, if we could prevent, permit any amendment of the mining laws that would give a patent to a single one of those claimants if he was not entitled to it under the law as it then existed; but we said we were perfectly willing, in so far as these claimants have acted honestly and in good faith and without fraud, to give them a preference right to secure a lease for these lands that the bill says shall be leased to somebody anyway. That position I have ever since maintained and I maintain to-day.

It is true that the Senate did, time after time, pass bills denominated "leasing bills," but which did let down the bars for these claimants and permit them to secure patent for many of these claims. The House has consistently and always declined to consider any modification whatever in the present placer-mining law, and has maintained its position that whatever relief is to be given to these claimants shall be given only through preferential leases. I may be permitted to say that I never observed that there was any great contest in the Senate except on the last bill over the passage of these bills.

Mr. President, criticism has been made of this bill. I wish some Senator would take the time at his convenience to compare the bill that is before the Senate now with any other bill that has ever been before the Senate on this subject.

I said that these claimants came before us, and they did, in large numbers. It has been stated that there has never been a hearing upon this bill. There has not. I joined with other members of the committee in the opinion that there was no necessity for additional hearings upon the bill. I have sat for weeks, and it will total into months, hearing testimony in the other body upon this very subject. Those hearings comprise volumes upon volumes of testimony. Last year—only last year—the House Committee on Public Lands held additional hearings. I hold the volume in my hand. It comprises 1,292 pages, and much of that testimony was not upon the question of any relief to claimants to oil land but was upon the charge that the bill then pending was in the interest of the Standard Oil Co.

Senators may remember that in December of 1917 and January of last year whole pages of advertising were to be found in the Washington papers here charging that those leasing bills were in the interest of the Standard Oil Co. When we came to the question of the consideration of that bill, although there were many members of the House committee who felt that there was no occasion for further hearings, I insisted that we should hold hearings and demand that the men who were making those charges should come before the committee and, if they were able, prove that any portion of the bill at that time pending was designedly or otherwise in the interest of the Standard Oil Co.; and if so, that it was our duty as a committee to correct it. We did that. There were two gentlemen—a Mr. Rice and a Mr. Ball—who acknowledged themselves responsible for those advertisements and acknowledged that those advertisements charging that those bills were in the interest of the Standard Oil Co. were paid for with the money of the Roxanna Oil Co., which was a corporation owned by the Royal Dutch Shell Co., the same English and Dutch interests that now own the Shell Co. of California and that are still operating the Roxanna Oil Co.

The chairman of that committee with my assistance prepared a letter to the Secretary of the Interior asking for the most thorough investigation and report on every large company operating in every field in the United States, and, so far as they could secure it, of the affiliations any company might have with the Standard Oil Co. That report was made to us. I shall not take the time to go into it at length. It may be found in the hearings before the Committee on Public Lands in 1918, volume 214.

It was charged that the Midwest Oil Co., concerning which we have heard much here during this debate, was a Standard Oil Co. subsidiary. The committee determined to ascertain the facts to the fullest extent possible concerning that matter. We had before us one of the directors of that company, Mr. Karl C. Schuyler, of Denver, Colo. I want to read what he said, or a portion of it:

> I appear here for the presentation of matters that are of interest in connection with this bill in behalf of the Midwest Oil Co., an Arizona company, of which I am a director but not an attorney; the other directors are Mr. L. L. Aitken, president; Mr. W. F. Schuyler, Mr. T. S. Dines, and Mr. Orville L. Dines. That is a company which under the provisions of section 16 of the Senate bill should be entitled to relief to the extent of 970 acres, approximately, in the Salt Creek oil field, Wyoming. That company has instructed me to read the following telegram, which is signed by its president, Mr. L. L. Aitken, and its secretary, Mr. J. L. Warren:
>
> DENVER, COLO., *February 16, 1918.*
>
> KARL C. SCHUYLER,
> *New Willard Hotel, Washington, D. C.:*
>
> In order to correct any possible misunderstanding as to the Midwest Oil Co. will you please advise the Public Lands Committee of the House that the company is owned by 3,800 shareholders. That so far as officers of the corporation know none of its capital stock is owned by any Standard Oil Co., subsidiary, or officer of any such companies. Midwest Oil Co. was pioneer of oil development in the State of Wyoming, building the first successful pipe line and refinery in that State. The point we would like to have you make clear to the committee is that the Midwest Oil Co. is a publicly owned company that is operating patented lands and is a claimant to other lands now in process of adjudication in Salt Creek field, and that it is not any part of any combination to control production, output, or prices.
>
> L. L. AITKEN,
> *President Midwest Oil Co.*
> J. L. WARREN, *Secretary.*

There was a Midwest Refining Co. as well as a Midwest Oil Co., and the committee went into an investigation of that question. It is all found in the hearings. Finally the committee found that there was a man by the name of William John Hanna, of Toronto, Canada, who had an interest, a small interest, in this company. At that time Hanna was also a director of the Imperial Oil Co. (Ltd.), which we understood was a Standard Oil Co.

This affidavit was finally furnished us:

FEBRUARY 9, 1918.

STATE OF NEW YORK,
County of New York, ss:

I, William John Hanna, of the city of Toronto, in the Province of Ontario, in the Dominion of Canada, barrister at law, being first duly sworn, say:

1. I am a director of and counsel for the Imperial Oil Co. (Ltd.), a company incorporated under the laws of the Dominion of Canada, and am now and for many years past have been thoroughly familiar with its financial affairs and property holdings.

2. That the said company does not now own and never has owned, nor has any person or persons or company owned, acquired, or held, or now own or hold for said company as trustee or otherwise, directly or indirectly, any stock whatever in or of the Midwest Refining Co.

3. That the investment made by certain Canadians in a relatively minor portion of the total capital stock of the said Midwest Refining Co. was to my certain knowledge a strictly personal investment of said gentlemen for their own personal account and not for the benefit of any corporation whatsoever, directly or indirectly.

W. J. HANNA.

Sworn to before me this 9th day of February, 1918.

CHARLES L. FROST,
Notary Public.

We shall find pages and pages of testimony, Mr. President, where the House Committee on Public Lands sought to get all of the facts with reference to the ownership or control upon the part of the Standard Oil Co. regarding these oil fields. In oil fields in the State of California the Secretary of the Interior reported that out of a production of 75,000,000 barrels of oil in 1917 the Sandard Oil Co. produced 18,000,000 of those 75,000,000.

Before concluding the matter, Mr. President, we were anxious to learn what was the motive of this English company in making the charge that the bills were in the interest of the Standard Oil Co., and when we finally got down to bedrock they said that these bills were in the interest of the Standard Oil Co. because the acreage permitted by the bill to a single corporation was so small that no competitor of the Standard Oil Co. could come in and get a sufficient acreage. Their entire objection to the bill was that the leases were all far too small an acreage. They urged our committee to permit the lease of 2,560 acres in proven fields and 4,000 outside. It developed that it was an effort upon the part of this English company to secure control of vast areas of these oil lands. The committee in the other House in every bill that was passed provided for a leasing system with a patent to one-fourth of the prospecting permit as a reward to the prospector. Every one of their bills also contained what was known as a relief section, giving to claimants who were bona fide, in good faith, free from fraud, a preferential right to lease their claims.

The Senate had always been insisting on letting down the bars further than the House was willing to go. So in 1915, 1916, 1917, and 1918 there was no legislation upon this subject, because the House believed and the Committee on Public Lands of the House believed that the public interest was not sufficiently protected by the bills the Senate was willing to accept.

I desire, however, to say right here, Mr. President, that the bill now pending before the Senate, and which is being so much criticized, goes further in the protection of the public interest than has any bill that has ever been proposed upon this subject in either the House or the Senate. I wish now to take just a little time in demonstrating that. In the first place, every bill up to this one permitted two modes of acquiring coal lands—one through purchase and the other through lease. For the first time, this bill repeals the coal-land law permitting purchase. The other bills permitted patents to one-fourth of the area of the prospecting permit for oil; this bill does not. It is a straight leasing bill.

For a long time I have been in favor of a straight leasing bill and of excluding patents, for two reasons: One, whenever the Government parts with title through patent the Government loses all control over the property; the Government's power with reference to monopoly or competition then must be exercised not as a proprietor but through its sovereignty. Under our dual form of government, as we all realize, there are many things we can not do under our sovereign power because of the limitations of the Constitution. We can, however, make conditions in a lease that will bind the lessee, which if he were a patentee we could not control. So this being a leasing bill for all of the oil lands, the provisions we have in the bill against monopoly and looking toward competition remain so long as there is a barrel of oil left in the land.

Then, there is another economic reason why there should be only one system. With a leasing bill the Government can control the operation of the wells; it can provide and will provide that an oil well shall be protected from water. A single well in a field if it is not properly protected against water coming in from the water levels can practically destroy 100 other wells; but by a leasing system the whole field can be protected, where otherwise it could not be.

Then, every one of the other bills which we have had have provided for prospecting permits within producing fields as well as outside of them. For the first time in a leasing bill we do not permit any prospecting permits within a producing field anywhere. We permit prospecting permits only in what is known in the parlance of the oil men as "wildcat territory"; and there, instead of giving the discoverer a patent, we give him, first, a lease under a 5 per cent royalty to one-fourth of the area of his prospecting permit. The remainder, or the three-fourths, we give him a preferential right to lease at a minimum royalty of one-eighth and a maximum of 25 per cent. The moment, however, that a man makes a discovery of oil in new territory no other prospecting permit can be issued in that field or territory; the leases must be put up to the highest bidder. Those are some of the main distinctions and main improvements in this bill over other bills which have been proposed.

Now, a word, again coming back to the subject, with reference to any interest that the Standard Oil Co. might have in the provisions of this bill. It is true that under the relief section the Standard Oil Co. may get a preferential lease for some of its holdings; but it may not. That will depend entirely upon whether the Standard Oil Co. believes that it can sustain its right to a patent. If it does not believe that, and is in good faith, it would have a preferential right to a lease as provided by the bill. But let us see whether this bill in the form in which it is reported is or is not in the interests of the Standard Oil Co.

In the first place, 640 acres is the largest area that is permitted to be leased in a proven field, except under the relief sections, which allow the leasing of 3,200 acres. Under a prospecting permit in wildcat territory the largest area that can be leased is 2,560 acres. Provision is made that no more than one lease can be issued to a claimant within the same geologic structure, and not more than three leases within a single State. Provision is also made that if a man is interested as a stockholder or otherwise in any leases under this proposed act the aggregate of which would exceed the amount permitted in the bill, that interest shall be forfeited to the United States by appropriate action in the Federal courts. If anyone can suggest a provision that will limit holdings any more than the provisions of this bill do in that respect, so as to prevent the Standard Oil Co. or any other corporation from getting large areas, I shall be very glad to vote for it; but I wish to call attention, Mr. President, to the fact that there has been no such amendment proposed thus far, from which I gather that all Senators are convinced that the committee, in its efforts to limit these holdings, has done the very best that can be done.

We next come to the provision allowing producers of oil to combine their interests for the purpose of building refineries. Will anyone maintain that that is a provision in the interest of the Standard Oil Co.? Independent producers of oil appeared before our committee last year and asked for that provision, and stated that if they could make such combinations they could build refineries of their own, and that they would be afforded an opportunity to exist, instead of being at the mercy of the Standard Oil Co.—which is represented by the Ohio Oil Co. in Wyoming—or the Midwest Co., the only two companies that had refineries in Wyoming at that time. They said that if the independent producers were permitted to combine their holdings for the purpose of raising money to build refineries they could enter into competition with those two great corporations, and that they would not be at their mercy in the price paid for crude oil. That was the reason that provision was put in the bill, so that there might be opportunity for competition with the Standard Oil Co. in the refining of oil.

Then, we come to another provision suggested by Mr. Shwartz, who represents the independent producers in Wyoming. I refer to that portion of the bill which provides that unless the Government desires the royalty oil for its own use it shall be sold to the highest bidder. The independent producers say that these two great companies engage in the practice of making contracts depriving the independent refineries of any opportunity to get a supply of oil. This provision was put in in the interest of the independent refineries, so that they have a chance to bid for royalty oil in competition with the Standard Oil Co. and the Midwest Refining Co. So much for the provisions of the bill as favoring the Standard Oil Co.

Mr. President, I wish to hurry on and get through as quickly as possible, but I desire to come to a very brief discussion of the naval reserves. I doubt whether there are many Senators who understand the situation with reference to the naval reserves. There were 30,000 acres withdrawn in naval reserve No. 2. The very natural supposition upon the part of anyone when he hears about a naval reserve is that it is made up of a compact body of Government land constituting a naval reserve. That is not true. Out of this 30,000 acres of land within the outer boundaries of this reserve 15,000 acres have been patented to the Southern Pacific Railroad. The last patent was issued to the Southern Pacific some seven years before the first discovery of oil on naval reserve No. 2.

Actions were commenced against the Southern Pacific to cancel all the patents in all of the oil territory on the ground of fraud, the Government charging that at the time the Southern Pacific made its selection they knew, or should have known, that the land was mineral in character. I may say in passing that their right to the selection came through a land grant under which they were entitled to every odd-numbered section within the primary limits and entitled to make selection within the indemnity limit for all lands that they may have lost in the primary limits. The first case tried had reference to reserve No. 1, where the patents of the Southern Pacific had been issued only a short time before the discovery of oil in the vicinity of the reserve. The lower court held in favor of the Government; it held that in making that selection the agents of the Southern Pacific knew or had reason to know that these lands were of mineral character, and, therefore, were not subject to selection.

The fact was that at that time the Associated Oil Co., which is connected with the Southern Pacific Railroad Co., had drilled one or two wells in naval reserve No. 1, and it was shown upon the trial that discovery of oil had actually been made; but one of the badges of fraud that was relied upon was that they capped those wells and concealed the discovery.

As I said, the lower court held in favor of the Government. The circuit court of appeals reversed the lower court, and confirmed title to these lands in naval reserve No. 1 in the Southern Pacific Co. The Government appealed to the Supreme Court of the United States. The case was argued last winter, and I was very sorry indeed that the court took its summer recess before handing down a decision in that very important case, because upon the result of that case will depend very largely whether we will have an adequate naval reserve in naval reserve No. 1, because it so happens that in naval reserve No. 1 the Standard Oil Co. has under private ownership acquired through State land titles something like a section and a half, and upon one of those sections within the last six months the Standard Oil Co. has drilled wells and discovered oil, and the best estimate upon that one section in the heart of naval reserve No. 1 is that that section alone will produce 20,000,000 barrels of oil; and if the balance of the reserve shall hold out as indicated by this one section, naval reserve No. 1, including the Southern Pacific land, has about 400,000,000 barrels of oil.

I say I am very sorry that we did not have the decision of the Supreme Court in that case, because if the Government should win that case it is my intention to introduce a bill for the condemnation of this section and a half of the Standard Oil Co.'s property, so that the Standard Oil Co. will not be permitted to drain the oil of the Government in that naval reserve by reason of its own wells upon the boundaries of its properties; but according to the last decision the Government has lost that case.

With reference to the Southern Pacific lands in naval reserve No. 2, the chances, as stated to me by officers of the Department of Justice with whom I have discussed it many times, were much less favorable to the Government than in naval reserve No. 1; but last week the district court sitting at Los Angeles rendered a decision against the Government in regard to the Southern Pacific lands in No. 2, and the Government's chances of ever recovering any of the lands in naval reserve No. 2 are very small indeed.

That becomes important in this respect, Mr. President: In the case of these lands in naval reserve No. 2, as in No. 1, the Southern Pacific having every odd-numbered section, the Southern Pacific lands and the unpatented lands form a checkerboard. You might illustrate the Southern Pacific lands with the red on the checkerboard and the unpatented and private lands as the black.

Now, with reference to the possibility of maintaining a naval reserve in No. 2, where there are only about 7,000 acres out of the 30,000 that could in any possible way be affected by this bill, what would be the result if we should attempt to shut down the wells that are now producing on naval reserve No. 2? I will tell you, Mr. President. We will be making a gift to the Southern Pacific Railroad Co. of the oil that is now being produced from many of the wells upon those unpatented lands.

On these lands, very naturally, the Southern Pacific Co. have put down oil wells at the outer boundaries of their lands. The claimant of public lands puts in his wells at the outer boundary of his claim for two reasons—first, to prevent the other fellow from draining his oil; second, if the other fellow is not active, he will get a little of the oil of the other fellow. So that in visiting any of these oil fields you can look down a lane for a long distance and see derricks on either side, with 300 feet between them, upon the boundaries, with the wells of one owner upon the one side and the wells of the other owner upon the other side. Shutting down the wells of either one does not conserve for the owner, whoever it may be, whether it is the Government or the private individual. If you shut down the wells upon one side of a line, you are giving the oil to the man who has the wells upon the other side of the line. The testimony before both committees has been that this oil will drain as much as 500 feet. In 640 acres that would leave conserved in the ground about 420 acres. In 160 acres, with oil draining 500 feet, with wells surrounding the 160 acres, you could save the oil in the ground for about 60 acres and no more.

That is the situation with reference to these naval reserves. I am very frank to say that I do not believe it is possible for the Government, irrespective of any questions which are pending here, ever to maintain naval reserve No. 2 as a naval reserve. If we get these claims, the only way to save the oil for the Government is to take it out of the ground from the wells that are now existing there.

So much for that; but the provisions of the bill, so far as naval reserves are concerned, are very different than are the provisions with reference to claims outside of naval reserves, because, as the Senate is aware, the bill provides that only existing wells can be leased by the Secretary of the Interior within the naval reserves, and provision is made that no other well can be put down within 660 feet of the existing wells. Provision is made, however, that the President may have a right to lease—a very proper and a very necessary provision, as it seems to me, in view of what I have said concerning the situation with reference to conserving the oil in the ground.

Let me say, in passing, that there are over 300 wells upon this reserve. Not one-half of them—no; not one-third of them; I have not the exact number—will be affected by this bill at all, because they are either upon Southern Pacific lands or upon patented lands. But suppose it becomes apparent that the Southern Pacific or some other owner is putting his new wells slam up to the line, draining these lands that are not drained now by existing wells. Is it not necessary that the President shall have the power in such case to lease an offset well, rather than to give this oil to the owner of the other property without giving any royalty to the Government? That is the only purpose of granting to the President the power to lease this additional property, and, if he does lease, the claimants shall have a preferential right to lease.

With reference to that, Mr. President, why should they not have a preferential right to lease? We are going to lease to somebody; and if they have expended money honestly and in good faith, why should they not have a preferential right to lease? Should we punish them if we are going to lease the property in any event? Should we take their money, expended in the utmost good faith, and hand it over to somebody else? Is there any rule of equity that would call for such a line of conduct?

But it is said repeatedly that if these men have any equities the courts can take care of them. Mr. President, that is not true. The courts can take care of no equities in these cases. The courts must follow the law as laid down by Congress and construed by the courts. Why, I read you a decision here in the Midway case where the court gives to the claimants the highest stamp of its approval so far as honesty, good faith, and making valuable discoveries are concerned; but under the law the court very properly held that no relief could be granted to them. If a claimant has suspended work for as much as 60 days, although he may have spent $100,000 before doing so, although he has suspended work through failure to secure money because his capital was gone, and he had to rustle new capital, no court can protect that man, Mr. President. The Government takes his wells, and under this bill if section 18 is stricken out it will lease them to somebody else.

Mr. President, it is not the big corporation that will take the benefits of section 18. It is not the Honolulu Oil Co. that will

avail itself of the benefits of section 18. My colleague has read the decision of the commissioner in that case, and I am not going into the details of the case. The Secretary of the Interior has twice clear listed those cases. The district court had appointed a receiver. Although fraud was charged, they made no findings of fraud; and if the Secretary of the Interior shall confirm the findings of the commissioner in those cases, that ends them, both as to courts and Secretary, because the court has jurisdiction in any of these cases only pending a final determination of the Secretary, and the moment the Secretary renders his final decision the court is without further jurisdiction, except that if a denial of a patent is made by the Secretary these claimants then will still have their day in court in an action to remove them or for trespass. But so far as granting a patent is concerned, when the Secretary acts it is the action of the court of last resort; and so I say, so far as these large corporations are concerned, they are not going to avail themselves of the privilege of this bill. The big corporations that have plenty of capital could comply with the law both as decided by the Secretary of the Interior and as decided by the courts of California.

Let me say in passing that I am informed that there have been four cases in these naval reserves that have gone into the courts, and final decisions have been rendered, and the Government has not won one of those cases. It has won a number of other cases. I have read some of them here this evening, where they won on the law; and yet is there anyone who will say that in the facts of these cases that I have read there are no equities; that upon the facts in those cases, if we are going to lease this property, those men are not entitled to some consideration as long as we are going to lease the property in any event?

With reference to the position of the Department of Justice, let me say that the Department of Justice is acting throughout this matter, as it is its duty to act, as a prosecuting attorney would act. No one should assume for a moment that the views of the Department of Justice upon the various phases of this controversy are necessarily law or justice. The Department of Justice is fighting these cases to win them, just as a prosecuting attorney fights to win a case. The Department of Justice urged before the courts in the Consolidated Mutual case that the exception to President Taft's withdrawal order gave no man any rights unless he had made a discovery on the 27th day of September, 1909. The Department of Justice urged before the circuit court of appeals that although a man had complied with the law in every respect up to the 27th day of September, 1909, although he had spent the last dollar of his fortune in full compliance with law, that man had no rights whatever under the withdrawal order.

The Department of Justice has taken another position, and I want to call the attention of the Senate to Mr. Kearful's idea of fraud. Mr. Kearful before the House committee was examined at great length as to the theory of the Department of Justice and his own theory with reference to what constituted a fraud upon the Government in these cases. This question was asked him among others:

> Now, in any oil territory where, we will say, it costs a minimum of $10,000 to drill a well, under your theory of the law any man who did not have sufficient capital to drill that well would be committing a fraud upon the Government if he made a location. Is that true?
>
> Mr. KEARFUL. The question is not susceptible of answer in the manner in which it is put, because no man could make a location——
>
> Mr. LENROOT. I say initiate a claim.
>
> Mr. KEARFUL. If he did it with the intention of excluding other prospectors, without the intention manifested by the ability to do discovery work, I should say yes.
>
> Mr. LENROOT. Then let me put this other question. If a month afterwards he was successful in finding a man with capital, and he leases that claim to that man, and that man develops it, do you still believe he is guilty of fraud?
>
> Mr. KEARFUL. You are speaking now of the single claim of 20 acres?
>
> Mr. LENROOT. I am taking a group.
>
> Mr. KEARFUL. The group of claims is leased to a single operator?
>
> Mr. LENROOT. A drilling contract, the compensation to be a portion of the proceeds if discovery is made.
>
> Mr. KEARFUL. I think that is fraud under the law.

Let me just analyze that for a moment and see what this representative of the Department of Justice would urge before a court was a fraudulent claim. A man with a pack upon his back goes out into territory unknown to anyone as having the slightest indications of oil. He discovers a gas blowout or oil seepage. He makes a location upon the ground. He goes to the nearest city and tells some one about it and makes a contract with a man to drill that location for a percentage of the proceeds of whatever he finds. Mr. Kearful says that is a fraudulent claimant. Mr. Kearful's position is that no one but rich corporations like the Standard Oil Co., like the Honolulu Co., should be permitted to go upon the public lands at all. As he says in his testimony, it is not a poor man's game, and if a man of moderate means does put his all into an oil well and after he has spent his last dollar and does not find oil stops work for a few weeks in order to find more money, the Department of Justice says that man is guilty of fraud, that he is not entitled to any consideration at the hands of the Government.

In conclusion, Mr. President, because while there is much I should like to say further upon this bill I am not going to occupy the time of the Senate, I wish to call attention to the fact that no man or corporation will secure or is entitled to secure any relief of any kind under this bill if he has been guilty of any fraud himself or has knowledge or reasonable grounds to know of any fraud or who has not acted honestly and in good faith. All such men are excluded entirely from the bill. To say that the bill if enacted into law will give these lands to thieves and to robbers is to indict the integrity of the Secretary of the Interior, Franklin K. Lane. He needs no defense from me. I am willing upon that issue to let the Senate render its verdict without argument, except to add that upon these questions Secretary Lane gives them his personal attention, and if this bill should become a law and if any man secures a leasing permit who has been guilty of fraud, it will be because Secretary Lane knowingly, deliberately violates the laws of Congress and is in collusion with a fraudulent claimant.

Mr. PHELAN. May I ask the Senator a question before he sits down?

Mr. LENROOT. Certainly.

Mr. PHELAN. The Senator has just quoted Mr. Kearful of the Department of Justice. Is he the same Mr. Kearful who made a criticism upon the administration of the Department of the Interior?

Mr. LENROOT. He is.

Mr. PHELAN. I also understood the Senator to say that in all cases brought into court the decision has been against the Government.

Mr. LENROOT. Oh, no. I said it had been my understanding that there had been four decisions rendered on the merits in naval reserve No. 2 and in those four cases the decision had been against the Government, and there have been any number of other cases where the decision was against the claimant and in favor of the Government.

Mr. PHELAN. But in all cases involving naval reserve No. 2 the decision sustained the action of the Department of the Interior.

Mr. LENROOT. Not all the decisions. I wish the Senator would bear in mind this distinction. Receivers have been appointed I think in every claim in naval reserve No. 2, but in all claims in naval reserve No. 2 no temporary permits were granted, so that the court in every case has granted a receivership, not usually for operation, but merely a receiver to take the money and keep it in escrow. However, I understand there have been four decisions, not final decisions by the Supreme Court, but by the district courts, upon the merits and that in those four cases the claimants have been sustained.

Mr. PHELAN. The Senator quoted a decision just handed down by the Federal district court of California—Judge Bledsoe. It is the same decision, I believe, reported in the press August 29. I quote a dispatch dated Los Angeles, August 28, as follows:

> LOS ANGELES, CALIF., *August 28.*
>
> Holding that the evidence of fraud was inconclusive, Judge Benjamin F. Bledsoe, in the United States district court, dismissed to-day six consolidated suits filed by the Government against the Southern Pacific Co. and 221 other companies and individuals.
>
> The Government sought to have set aside patents to valuable oil lands in the San Joaquin Valley.

I have here a statement that in petroleum reserve No. 2, created December 13, 1912, out of 30,080 acres 15,360 had been patented to the Southern Pacific Railway for nearly 25 years. Do I understand that, in the judgment of the Senator, the full decision not having come to hand, one-half of that naval reserve is confirmed to the Southern Pacific Co. by that decision where it speaks of six consolidated cases and 221 other companies? If that be true and the Southern Pacific interest is one-half, what is the interest of the 221 other companies?

Mr. LENROOT. I will say that my best recollection is that there are unpatented lands within the naval reserve of between 7,000 and 8,000 acres. All the balance of the reserve is either in the Southern Pacific or in private hands, and there is some small portion of it that is vacant and has never been entered, as not believed to contain oil.

Mr. SMOOT. In order that the Senator may know just what the decision of Judge Bledsoe was, I have a telegraphic copy of the decision in full. I am not going to take the time of the Senate to read it, but ask that it may be printed in the RECORD. The suits involve 234 defendants, and the litigation directly challenges title to approximately 165,000 acres. That is an answer

to the question asked by the Senator from California. If there is no objection, I should like to have the decision printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The decision referred to is as follows:

"BLEDSOE, *District Judge*.

"This is final hearing of the litigation considered on motion to dismiss in Two hundred and twenty-fifth Federal, page 197. The actions, six in number, consolidated upon the trial, will be considered together, as the questions presented in their substantial aspect are unitary.

"The suits seek to cancel, as for fraud, certain patents issued by the Government to the Southern Pacific Railroad Co. in pursuance of the act of Congress approved July 27, 1866, 'Granting land to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast' (14 Stat., 292), as modified by the joint resolution of Congress of June 28, 1870 (16 Stat., 382, No. 87). The litigation in its general aspect is the parallel of that considered by the court of appeals for this circuit in United States *v.* Southern Pacific Co. (249 Fed., 785), commonly referred to as the Elk Hills case, in the course of which opinion may be found a recital of some of the general and controlling features of the situation.

"The suits herein name no less than 234 defendants, and it is asserted by defendants that 111 other persons claim interests in the lands involved and are 'necessary parties' in consequence. The litigation directly challenges the title to approximately 165,000 acres of land in the 'oil territory' of the west side of the San Joaquin Valley extending from above Coalinga on the north to below Sunset on the south. The value of the land actually involved is alleged by the Government in its complaints to be in excess of $421,000,000. The patents in issue aggregate 16. The first, No. 20, covering some 4,000 acres, was applied for by the railroad company in 1883, and was finally issued in 1892. Suit was brought upon it in January, 1915. Patent No. 22, covering over 60,000 acres, was applied for in May, 1892, issued July 10, 1894, and suit was brought, the earliest one filed December 20, 1912. The other patents involved were applied for at various times between 1882 and 1900, and were issued at various dates between 1894 and 1902. It might be said, in passing, that the patent applied for in 1900, and the only one herein involved applied for after 1897, was issued in 1902, and covers three sections of land in the Elk Hills region, none of which as yet are shown to be oil bearing.

"During the course of the protracted hearings many hundreds of witnesses were examined in open court, and nearly 15,000 pages of testimony thus taken. The importance and magnitude of the property rights involved have at no time been lost sight of by the court. A careful consideration of the evidence and of the various contentions of the principal parties to the litigation has, of course, been given, due regard for economy both of time and of space, however, demanded that the conclusions of the court be stated with brevity.

"As is set forth in the Elk Hills decision, supra, pursuant to the terms of the railroad grant, and in consequence of certain regulations promulgated by the Department of the Interior having charge of the disposition of public lands, it was required that the railroad company in making application for the issuance of patent to its granted lands should cause its land agent, duly authorized in such behalf, to make affidavit that he had caused the lands applied for 'to be carefully examined by the agents and employees of the company as to their mineral or agricultural character, and that to the best of his knowledge and belief none of the lands returned in the list are mineral lands.' (19 L. D., 21) Jerome Madden during all of the time mentioned herein was the land agent of defendant company, the predecessor of C. W. Eberlein referred to in the Elk Hills decision, supra. It is alleged in the bills of complaint, as set out more fully in the opinion on the motion to dismiss, 225 Fed. 197, supra, that Madden made and transmitted the requisite affidavit, containing the positive statement that the lands applied for were 'no interdicted mineral or reserved lands, and are of the character contemplated by the grant.' It is then averred, at some length, that the lands now are and all times mentioned were mineral lands, without the terms of the grant; that they were so known to be by the railroad company and by Madden in particular 'long prior' to the making of the affidavit referred to; that nevertheless, in ignorance of the truth and in complete reliance upon the false representations sworn to by Madden in his affidavit, etc., the Secretary of the Interior was led to and did cause to be issued the patent, etc. It is also alleged, it may be added, that the fraud thus perpetrated was not only 'naturally self-concealing' but was in fact, through the machinations of the railroad company and its agents, actually concealed from the Government and all of its responsible officers until 1910, when certain suits were brought in this court, etc., referring, inter alia, to Burke *v.* Southern Pacific Company, 234 U. S., 669.

"The defendant railroad company denies with positiveness and unequivocation the intention to commit or the actual commission, or the subsequent concealment, naturally or otherwise, of any fraud in the premises in additional and specially, laches and the bar of statutes of limitations (act of Mar. 3, 1891, 26 Stat., 1093, and act of Mar. 2, 1896, 29 Stat., 42) are set up as defense.

"Stripped to the core, the claim of the Government is that the defendant company, knowing the lands were mineral and that therefore it was not entitled to them, nevertheless deliberately conceived and put into successful operation the fraudulent plan of acquiring such lands to its own use and benefit and in complete disregard of the Government's rights. The case as developed by the Government on the hearing and through the contentions of its counsel is to the effect that the "big four" of the Central and Southern Pacific companies, the original initial owners of that great unified enterprise, Stanford, Crocker, Huntington, and Hopkins, together with several lesser lights, occupying positions of responsibility and prominence, however (Towne, general manager; Madden, land agent; Kruttschnitt, vice president; etc.), were all parties to a deliberate, long-enduring, and wide-embracing scheme to acquire from the Government wrongfully vast areas lying on the west side of the San Joaquin Valley involving some of the richest oil lands that the world has ever known. That this scheme was conceived sometime in the seventies or, possibly, early eighties, and continued to flourish uninterruptedly, but all the time concealed, either naturally or through the artifices of its instigators, until its accidental discovery by the Government through the filing of the Burke suit in 1910. In other words, that, through a period of, say, 30 years, some of the most prominent, most forceful, most far-seeing men that our State has produced, were engaged in the diabolical plan of consummating one of the greatest frauds of the age, and not only that, but that during the course of the perpetration of that fraud and previous to the realization of any appreciable profit or substantial reward from its attempted consummation, practically all the original parties to the gigantic conspiracy had gone to their graves. It seems hardly within the realms of possibility that such could be the case, and I feel sure that the required proof of such an enormity by that class of evidence which commands respect and that amount of it which produces conviction (Diamond Coal & Coke Co. *v.* U. S., 233 U. S., 236, 239) has not been adduced herein. It is to be observed at the outset, for I conceive it to be a matter of primal importance, that the defendant railroad company was in no sense a mere self-seeking applicant for the lands in question. It occupied a status much higher than that of a mere homesteader or preemptioner. Pursuant to acceptance of a definite and far-reaching offer on the part of the Government for the construction of the railroad, it became entitled as a matter of right and not of grace to the ownership, possession, and employment of every odd section, 'not mineral' or not otherwise appropriated, on either side of its line of road, within certain stated primary and indemnity limits (Burke *v.* S. H. Co., 234 U. S., 669, 680). The defendant company is not therefore to be considered an object of suspicion because it applied for these particular lands. In due course it was its duty to apply for them unless they are 'mineral' or appropriated. It could not be deprived of them unless they were mineral or otherwise appropriated. Seemingly, in so far as I can determine from the record, all lands involved herein were returned by the Government surveyed as agricultural, i. e., 'nonmineral,' and in consequence there was a prima facie showing, sufficient at least to cast the burden of proof upon a possible objector, to the effect that the lands were of the sort and kind contemplated by the grant. (Tulare Oil Co. *v.* S. P. Co., 29 L. D., 269.)

"I advert to this situation because I think it distinguishes this case, on the facts, from many other fraud cases, and particularly from the Diamond Coal & Coke case, supra. Presumptively, all the railroad company was intending to do in making application for the lands was to become possessed of its own. No ulterior motive may be inferred from the making application or subsequent claim of the lands. The Government has relied (1) upon certain information said to have been conveyed to the parties mentioned hereinabove, or to others acting for them, to the effect that the lands were mineral lands, and (2) upon the presence of certain natural phenomena (live oil seepages, shale and oil sand outcrops, and the like), the observation of which, it strenuously asserted, could have had no other effect than to cause defendants' agents and officers to be of 'the belief that the land contained mineral de-

posits of such quality and in such quantity as would render their extraction profitable and justify expenditures to that end' (Diamond Coal & Coke Co., supra); that is, that the lands were 'mineral lands' as that term was known to the law.

"With respect to the information said to have been conveyed to various railroad officials regarding the mineral character of the land, without specifying the particular witnesses testifying thereto, it may be said without exception or qualification that every statement relied upon by the Government in that particular behalf is shown to have been made to an individual deceased at the time of the trial. It is as obvious as it is long established that the weakest evidence that can be offered in a court of justice is evidence of an asserted conversation had with one no longer living. The lips of the unreplying dead are unavailable for rebuttal. No skill in cross-examination can adequately serve to dissect out the true from false. The statement must perforce rest upon the bare word of the party testifying to it. And a due regard for the rights of property and value of reputation would seem inexorably to demand that before a judgment should issue upon such skeleton of fact it should be supported in corroborative circumstance by such proof at least as to make its acceptance conscionable. Such corroborative proof is not only wanting in these cases, but, on the other hand, patent and irrefutable facts point to a contrary conclusion. In the first place, circumstantial verity is lacking in some of the narratives themselves. Improbability of some occurrences as asservated confronts even the credulous mind. Inconsistency of utterance and conduct induces a rational disbelief. And on more than one occasion a positive contradiction, coming from unimpeached and apparently unimpeachable sources, serves completely to annihilate the seeming truth of the assertion. When all of the foregoing is said in this behalf, however, there still remains that which, to my mind, constitutes incontrovertible refutation of the claim that the officials and agents of the railroad company knew, at all times involved, that the lands in question were 'mineral lands'; that is, 'more valuable' for their mineral content than for their agricultural possibilities. (Barden *v.* Northern Pacific Railway, 154 U. S., 288, 328; Davis *v.* Weibbold, 139 U. S., 507, 523.) I refer to the conduct of the officials and agents themselves respecting such lands.

"If the officials of the railroad company knew that these lands were more valuable for their mineral than for their agricultural possibilities when they acquired them, as is charged by the Government, and as its evidence undoubtedly tends to show, then they were guilty of a colossal fraud, of course, and they and their successors should now be mulcted of their ill-gotten gains. To hold them possessed of such knowledge, however, and therefore guilty of such fraud, it must be found or inferred that they intended to advantage or benefit themselves. The conception and perpetration of a fraud inevitably involves an intent unlawfully to benefit from the fraud until transaction. The same self-interest which would inspire the fraud would seek material satisfaction in appropriation of its fruits. And if men handle valuable property as if it had no or but little value, it is almost proof positive that they are unacquainted with and have no suspicion of its real value.

"Both prior and subsequent to the actual acquisition of some of the most valuable of the lands patented to the railroad company in the oil belt in suit and otherwise the company in due course, with insistent effort and patient forbearance, made contracts for the sale of, and actually sold, these lands at mere grazing or cheap agricultural prices, from $2.50 in most instances to $10 an acre. One section, 17, situate above Coalinga, and containing probably the then most persuasive geological and physical indications of any lands in that neighborhood, an unusually 'stiff price' was put on the lands because the land grader's 'summer vacation was spoiled' in consequence of his having to appraise the land right after the application to purchase, and it was sold for $3.50 and $5 per acre. The witness Hart testified that he assured C. P. Huntington in New York in 1893 that 'the railroad oil lands were worth more than his entire railroad.' Yet sedulously and persistently, after it is claimed such a startling statement was made to its president, the railroad company continued to offer and sell its lands to whomsoever would buy at a mere grazing and agricultural price. Lands in the Kreyenhagen Hills, Lost Hills, and Kellmans Hills, all promising oil territory according to the geologists, were sold and held for sale without reserve.

"During all these years and to and until the great discoveries of oil in the Kern River field and in the McKittrick field in 1899, and thereafter while the railroad company was indulging in strenuous efforts to provide itself with the necessary futures—engines first with coal and the latter, beginning about 1897, with oil—the fact is that it was either disposing of, or offering to dispose of, at the merest fractional part of their value, lands actually containing the very fuel of which it was then so industriously in search. In addition, the men at the head of the Southern Pacific and its subsidiary corporations at that time, admittedly possessed of unusual business acumen, failed in a single instance, to which the court's attention has been directed, to become individually possessed of a single foot of producing or probable oil territory within the area in suit. Some of them, at least, charged with either participation in or knowledge of the conspiracy, did purchase granted lands; and it is inconceivable that if they had known or even suspected the truth with respect to the oil content of the west side lands they would not have secured some of them for their personal possession.

"Again I repeat, as demonstrative of the unsoundness of the Government's claim in this particular behalf, self-interest alone, thievish self-interest, would have prompted the perpetration of the fraud alleged. The same or a continuing self-interest would have prompted the retention of at least some substantial portion of the real estate of the thing acquired, having sold or offered generally to sell all these lands for a mere pittance, considering their 'mineral value.' It is inconceivable that the same men should have perjured themselves originally in order to accomplish their acquisition. Their conduct is more consistent with honesty of purpose and bona fides of belief than with fraud and chicanery. The whole state of the record, viewed with unprejudiced eye, fails, in my judgment, to induce the conclusion that the proof of the fraud associated is 'clear, convincing, and unambiguous.' (Colorado Coal Co. *v.* United States, 123 U. S., 307.) In the absence of such degree of proof, 'by that class of evidence which commands respect,' the plain and instant duty of the court is to deny the relief requested.

"At this point attention should be called to the fact that it is not the actual presence or subsequent discovery of oil in the lands in question which gives the Government the right to recover herein. Pursuant to apparently due and regular proceedings in accordance with law, the Government has heretofore granted these lands to defendant company. Though company was not entitled to receive 'mineral lands,' yet it is definitely established that a discovery of mineral in the lands after patent will not suffice even protanto to divest the railroad title. It is only when 'fraud' has been perpetrated in the acquisition of the lands that the patent may be set aside. 'When legal title did pass—and it passed unquestionably by the patent—it passed free from the contingency of future discovery of minerals' (Burke *v.* Southern Pacific Co., supra) 'if at that time (time of proceedings taken to secure patent) the land was not thus known to be valuable for mineral subsequent discoveries will not affect the patent.' (Diamond Coal & Coke Co., supra.)

"The Government, however, insists that the fraud complained of may arise from the assertion of that as a fact which the party did not know to be true (Pomeroy Eq. Jur., sec. 885) when he 'ought to have known' of its falsity (Bigelow on Fraud, vol. 1, p. 8) or had 'no reasonable grounds' for believing it to be true. (Southern Development Co. *v.* Silva, 125 U. S., 247.) It then contends that the proper study and investigation of the physical aspects of the lands in question, required in order that the affidavit of 'nonmineral' character might be made and presented, would indubitably (and therefore must) have caused the company, through its agents and investigators, to become apprised of the mineral character—'oil content'—of such lands.

"It is sufficient, with respect to what the railroad actually did learn and believe as to the mineral value of the land, to refer to what has already been said concerning its conduct. From its long-continued handling of these lands it must be held that it did not know their actual or potential value as oil lands, irrespective of the sources from which information is said to have come. But may we assert now that it 'should have known' and that because of its negligence or incredulity in this behalf the lands now may be taken from it in virtue of the established 'mineral value' of at least a part of them?

"The keystone of the entire arch of the Government's syllogistic structure is the holding of the Supreme Court of the United States in the Diamond Coal & Coke Co. case, pages 239–240, supra, to the effect that in a suit to cancel an agricultural patent for fraud it will suffice if it be made to appear 'at the time of the proceedings which resulted in the patent the land was known to be valuable for mineral; that is to say, it must appear that the known conditions at the time of those proceed-

ings were plainly such as to engender the belief that the land contained mineral deposits of such quality and in such quantity as would render their extraction profitable and justify expenditures to that end.' The case concerned the attempt of a coal company, long engaged in the business of coal mining in the particular neighborhood in question, to acquire unlawfully and fraudulently under agricultural entries certain lands known and believed by it to be coal lands. The difference in 'mode of deposition' between coal (especially adverted to in the Diamond Coal case, p. 249, supra) and oil is not only apparent to those learned in the science of geology but has received express consideration in the Elk Hills decision, page 799, supra, in connection with that court's analysis of the Diamond Coal Co. case. In addition to what is quoted therein from the testimony of Dr. Branner, he testified in the present case that: 'We know that coal when it forms stays right where it is placed. But in the case of petroleum, no matter where it originates, it is always trying to get away from there and go somewhere else.'

"Too little attention has been paid to the important word 'plainly,' found in the declaration of the law quoted from the Diamond Coal Co. In my judgment, it is only by giving that word its appropriate emphasis and consideration that the decision does not constitute a radical departure from previous conclusions announced by the same court and referred to and relied upon therein. (Diamond Coal case, supra, p. 240.)

"If, then, we assume the true rule to be that the 'known conditions' must be such as 'plainly' to engender the 'belief' that the land contained mineral deposits of such quality and in such quantity as would render their extraction profitable and 'justify' expenditures to that end, my conclusion is that not only did the railroad officials fail to have the requisite 'belief,' but that the then 'known conditions' were not calculated and did not serve 'plainly' to engender such belief.

"It must be remembered, as already adverted to, that all these lands, except three sections lying on the flank of the Elk Hills, were acquired by patents issued in the period between July 10, 1894, and December 2, 1897. Though there was some oil produced in and about Coalinga in 1896, the real 'boom' in the fields occurred after the Kern River discovery in 1899. That discovery, marvelous in its nature, attracted great numbers of people to all 'possible oil territory,' and every 'indication,' insignificant or otherwise, as well as countless acres of outlying and 'wildcat' territory, became the subject of consideration and 'location'; i. e., the posting thereon of 'mineral location notices,' but with no precedent or concomitant 'discovery.' (See United States v. McCutcheon, 238 Fed., 575.) All this, however, it must be remembered, occurred after all the patents, except No. 111, the subject of suit A-24, had been issued by the Government.

"The truth is that, though on the west side of the San Joaquin Valley, even from the sixties, there had been occasional, sporadic, and almost without exception commercially unsuccessful efforts to secure oil, maltha, and asphaltum, yet it remained for the Kern River excitement and the consequent McKittrick discoveries in 1899 and 1900 to put the oil industry of that region upon the solid footing that it possesses to-day. Early oil men, lacking greatly in experience, in initiative, in willingness to assume unwarranted risks, clung to the outcrops and territory more or less immediately adjacent and did not go down into the 'plains,' where most of the lands involved herein and nearly all of the really 'rich oil territory' are situated. Under such circumstances, in my judgment, the action of the railroad company in making application for the legal title to lands which, in a sense at least, it was then equitably entitled to, is not to be considered as violative, consciously or unconsciously, of the law as laid down in the Diamond Coal Co. case.

"It should be observed again, for emphasis, that the railroad company was entitled, in virtue of a 'contractual' obligation (Burke v. Southern Pacific Co., supra), wholly performed as to it, to the receipt of the legal title to these lands, except such of them as might be 'mineral' or 'otherwise appropriated.' They had been returned by Government surveyors as 'nonmineral.' All proceedings taken looking to their formal acquisition by the railroad company were had and taken in due course and in accordance with the existing requirements of law as laid down by the Interior Department, and the usual publicity, by publication in newspapers and otherwise, was accorded.

"No objection to the patenting of any of these lands on the score of their mineral content was made by anybody, in so far as I can determine, save a 'blanket objection' made by one Benjamin, and passed upon, in due course, adversely to his contention by the Department of the Interior, and an objection made by the Tulare Land & Oil Co., carefully considered and allowed in part and denied in part (Tulare Oil Co. v. A. P. Co., supra). None of the lands covered by the Tulare decision, it may be said, are involved herein. It thus appears that though, with respect to the lands applied for, and awarded to the railroad company, and in suit here, the 'oil people' had notice of what was going on, yet no showing was made at the time by anybody to the effect that the lands were oil lands and not patentable. This, to my mind, is demonstrative that at the time of their acquisition the 'known conditions' were not such as 'plainly' to 'engender' the 'belief' that expenditures in search of oil therein would be 'justified.'

"It must be remembered that the controlling test is not that incautious and irresponsible individuals would be 'willing' to take a chance and explore for oil, but that the conditions 'should be such as would justify a man of ordinary prudence, not necessarily a skilled miner, in the expenditure of his time and money.' (Chrisman v. Miller, 197 U. S., 311-322.) If there were such men on the west side of the San Joaquin Valley at the time proceedings for patent were pending, so disposed with respect to lands involved in these suits, why did they not then, as they have been in great numbers since 1899-1900, actually engaged in giving practical expression to their 'belief' engendered by an observance of the 'known conditons' there is a homely proverb to the effect that 'the proof of the pudding is in the eating.' It may lack authoritativeness, but it is surely not without appositeness.

"I am not inadvertent to the fact, of course, that the mere absence either of explorative efforts at the time, or asserted objection before the Interior Department, is not conclusive herein. It is peculiarly persuasive, however; neither do I overlook the Government's repeated contention that such explorative efforts, actually being carried on, within regional or even in some cases contiguous properties, taken in connection with observable physical and geological conditions, should have sufficed to 'engender the belief' required. In the then state of the art of oil seeking, oil drilling, and oil finding, however, I am constrained to conclude that this is a fallacious assumption. We must test men's minds as to being 'justified' in the entertaining of 'beliefs' from 'known conditions' by a reference to the state of the art and the state of knowledge and experience and ability to drill for oil as the same existed prior to patent, previous to 1899, and not as these factors or any of them exist to-day.

"It is very easy, of course, for an eminent and scholarly geologist, like Dr. Branner, of Stanford University, a man of unusual ripeness and maturity in science, to say that if he had been asked in 1892, he would then have said that he felt it 'his professional duty' to his client to include as 'probable oil lands' 'warranting the expenditure of money necessary to develop them with the reasonable expectation of their yielding oil,' all lands, among others, involved herein. It is a very different matter, however, for this court now to say that such expression of opinion, coming even from such an acknowledged scientific authority, would in the then practical state of the art have 'justified'—not merely made 'willing'—men 'of ordinary prudence' in the 'expenditure of their time and money' (Chrisman v. Miller, supra) in the drilling of any particular section or tract of this land, or even at all. And yet that is what the court would have to say with respect to each and every individual Government subdivision before it could righteously and justly award the Government a decree covering such subdivision.

"The lands above referred to, lying in the Elk Hills, are subject, in the main, to the observations just indulged in. They were patented after the Kern River and McKittrick discoveries, but lie in such relation to them, and their succeeding history has been such as to justify the general conclusion reached and detailed herein above.

"Many matters of assorted moment looking to the question of the existence of actual fraud but occurring subsequent to the issuance of patent have been introduced in evidence, as, for instance, the testimony in the Elk Hills case, supra, etc. Having concluded that no fraud was committed by the railroad company in its acquisition of these lands originally, it is irrelevant now to enter into a close analysis of the conduct of some of its employees subsequent to that time. It might be suggested that the most serious challenge with respect to its good faith centers about the conduct of its land agent, Eberlein, in 1903 and 1904, and as to that the decision in the Elk Hills case, supra, seems to be opposed to any conscious wrongdoing on his part.

"Judge Van Fleet, now of this circuit and formerly of the Supreme Court of California, when upon the bench, said, in Truett v. Onderdonk (120 Calif., 581, 588):

"'The presumption is always against fraud, a presumption approximating in strength to that of innocence of crime.'

"It is my deliberate and carefully formulated opinion that such presumption has in nowise been met or overcome in these cases.

"Counsel for defendants will present and the court will sign appropriate decrees of dismissal."

Mr. PHELAN. The courts will dispose of naval reserve No. 2 and, if that judgment is affirmed by the Supreme Court, there will be no naval reserve to dispute over.

Mr. SMOOT. There are other acreages in No. 2. I have a complete statement of the acreage and how it is held, but I shall not at this time put it in the RECORD.

Mr. WALSH of Montana. Mr. President, the section of the bill to which the motion now pending is directed contains a provision with relation to the naval reserve. It is my recollection that that is the only part of the bill which does refer to it.

Some days ago the Senator from Wisconsin [Mr. LA FOLLETTE], having discussed in a general way that feature of the bill, I submitted a letter which was written to me by Mr. Phelan, the oil expert of the Shipping Board. I ought to say in this connection that a day or two theretofore I had tendered some amendments to the last section of the bill or the last section but one. While the amendments were pending Mr. Phelan called me from the Chamber and expressed some solicitude about the provision for oil for the merchant marine. Upon a suggestion from him I proposed a further amendment, which will authorize the sale of royalty oil to the Shipping Board without first offering it to competitive bids. That was the first time I had ever met Mr. Phelan and, so far as I know, the first time I ever heard of him. I suppose it was because of the brief conversation that we had upon the subject that the next day or the day after he sent me the letter which was transmitted. The Senator from Wisconsin [Mr. LA FOLLETTE] exhibited considerable solicitude about the naval reserve, and I offered it just in the line of the suggestion concerning that matter. In the letter Mr. Phelan advanced the idea that the naval reserve would be depleted to a very large extent and, to a great extent, lost or destroyed to the Government unless leases within the naval reserve were authorized or the Government itself should undertake to drain the oil from the oil reserves, advancing the idea that has now been elaborately presented to the Senate by the junior Senator from Wisconsin [Mr. LENROOT].

I regret that the senior Senator from Wisconsin [Mr. LA FOLLETTE] has left the Chamber. The letter was made the subject of very severe animadversion by the senior Senator from Wisconsin. Apparently he thought that it was not worthy of very serious consideration, if, indeed, it did not suggest that the integrity of the writer of the letter was open to question. His reason for the criticisms indulged in seemed to be that the writer of the letter had in the course of his career, a reasonably young man, been employed by some of the companies which had sought to secure oil lands from the Government. That fact seemed to be sufficient justification for a very severe castigation of Mr. Phelan at the hands of the Senator from Wisconsin.

I do not recall the particular companies by whom he was employed, but however that may be regarded by the Senator from Wisconsin I should dislike to condemn a man as being either wanting in integrity or credibility because he had been employed by the Standard Oil Co. or by the Southern Pacific Railroad Co. The Senator from Wisconsin submitted in that connection a letter written by Mr. Latham, of southern California, and appearing in the record, the letter being written some time in the year 1916, in which Mr. Latham took a view antagonistic to that expressed by Mr. Phelan in his letter. Mr. Latham not only wrote the letter to which the Senator invited our attention, but he testified in the hearings, and I read from his testimony at page 239 of the hearings on H. R. 406 before the Senate committee, taken in the year 1916, as follows:

Senator THOMAS. What is your profession, Mr. Latham?

Mr. LATHAM. I am a petroleum engineer and geologist.

Senator THOMAS. You have followed that profession how long?

Mr. LATHAM. I have been following it off and on for 20 years. The only thing that I can give this committee is my opinion, and you can attach as much weight to that as you wish.

The CHAIRMAN. I merely wanted to define your experience, Mr. Latham.

Senator NORRIS. That is the reason we would like to know what your experience has been.

Mr. LATHAM. I will state in so far as it is germane here that I have been for the last six years interested in these particular oil fields in California in one capacity or another along these lines.

I was originally resident geologist in the Midway Field with the Southern Pacific and the Kern Trading and Oil Co. That was at the inception of the work in this district. I have been consulting geologist for the Santa Fe Railroad for several years and until very recently I have had charge of the geological work for the Kern County Oil Protective Association, a cooperative scheme, which was originated in the oil field for the purpose of preventing damage to the oil measures by the infiltration of water. I have been, practically, in daily contact with these fields for the last six years.

So it will be observed that Mr. Latham, so highly extolled, was at one time, according to his own testimony, in the employ of the Southern Pacific Railroad Co., which from all the testimony is the leviathan among the land grabbers of the West and particularly of the oil lands of the West, as appears from abundant testimony.

So I submit to the Senator from Wisconsin that perhaps he ought to revise his views concerning the reliability of the testimony of Mr. Latham if he finds any cause for doubting the integrity or the credibility of Mr. Phelan by reason of the fact that he was employed by any of these companies. But those of us who have had some experience with mining geologists are sufficiently charitable at least to believe that the bare fact that they were employed by some of the great big mining companies is no particular reason for regarding them as anything but gentlemen. Their credibility is to be determined just as is the credibility of any other witness.

Mr. President, I offered the letter of Mr. Phelan because it came to my hand at the time, particularly to call the attenton of the Senator from Wisconsin and the Senate generally to the important fact to which he alludes, namely, that the State of California, whose title is not subject to question at all, owns school sections within these naval reserves, the title dating, of course, from the time of the admission of California into the Union, or at least from the time the lands were surveyed, so that the title of the State of California is unexceptional and these have passed by conveyance to the Southern Pacific Railroad Co. The letter of Mr. Phelan calls attention to the fact that upon those school sections oil wells are being sunk by the Standard Oil Co. and through them the field is being drained and the gas pressure is being reduced. That is only important as it calls attention to facts that have recently occurred, because, as my recollection is, there was very little testimony, if any, before the committee supporting the view expressed by Mr. Latham, formerly of the Southern Pacific Railroad Co. On the contrary, Mr. Naramore, of the Bureau of Mines, and the expert of the Geological Survey concur in the view taken that the reserve is endangered, to say the least, by these oil wells within it, the operation of which goes on continuously.

But I do not rely entirely, in respect to my judgment of the matter, upon these experts. However it may be regarded by anyone else, I attach very great importance to the testimony of Mr. A. L. Doheny to the same effect. It is well known that Mr. Doheny is one of the most extensive and one of the most successful oil prospectors and operators in the world. It appears that he has no interest whatever in any of the property within the naval reserve or in any of the withdrawal areas, and that he has no interest in any of the lands that would be patented. He does, however, own profitable and producing oil wells throughout the State of California. If he has any interest in the bill at all of an individual or personal character it would be to see the bill killed, because thus the volume of oil would be restricted and limited, if not reduced, and the value of his product would be proportionately increased. I can not believe, however, that he is influenced either one way or the other by that consideration; but he tells us, after his long experience as an oil prospector and an operator in oil, the fact is that the wells which now exist upon the reserves are continually draining the supply of oil and reducing the oil pressure, and he ventured the opinion that in 10 years the gas pressure would be so far reduced as to make it next to impossible to extract any further oil from the reserves.

In that situation of affairs, Mr. President, it occurs to me that the committee have acted wisely in providing that the wells already upon the reserves should be leased and that the President should have the authority to direct the drilling of other wells whenever, in his judgment, it became necessary to subserve the public interest. I do not believe, therefore, that those provisions of the bill are open to any serious objection.

Mr. LA FOLLETTE. Mr. President, just a word with reference to the observations of my colleague [Mr. LENROOT] in criticism of the attitude of Mr. Kearful, the Assistant Attorney General, who has had charge of a large number of the cases which have been brought by the Department of Justice and who is the writer of the brief that I hold in my hand and from which I read when I addressed the Senate during the afternoon—the brief in the Honolulu Oil case. I do not believe, notwithstanding the excerpt from the testimony of Judge Kearful, that his opinion or that of the Department of Justice has ever been that unless oil had been discovered upon an entry the claimant or the entryman had no rights. From all that I have been able to gather as to the attitude of the Department of Justice—and that is assuredly the ground taken in this brief—it is that an entryman or one who claims any oil or mineral rights because he has filed upon a claim, must show due diligence in the prosecution of the

discovery of the mineral product. If he has been able to show due diligence, I do not believe that the Department of Justice or any representative of the Department of Justice can be quoted here in any way that fairly represents their view to any other effect than that if the entryman has diligently prosecuted his investigation for the mineral products covered by his claim, he has complied with the law, whether he has discovered the mineral or not. But, Mr. President, the man who enters land and makes no improvement, conducts no operation with a view of discovering the oil or other mineral products of that land, does not comply with the law; and if he seeks to hold it by any cover of effort, such as placing material upon the land or going in search of capital to develop it, he is resorting to practices to keep others off the land without complying with the requirements the law imposes upon him. To that extent he does commit a violation of the law and is guilty of seeking to mislead others who might desire to file upon the land and diligently prosecute his investigations for oil or other mineral products.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Wisconsin yield to me to ask a question of the Senator from Utah [Mr. SMOOT], in charge of the bill?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. WALSH of Massachusetts. I should like to ask the Senator from Utah if he purposes having the Senate take a recess this evening?

Mr. SMOOT. I will say to the Senator that I have no intention of asking the Senate to take a recess.

Mr. WALSH of Massachusetts. Will the Senator from Wisconsin yield for a motion?

Mr. LA FOLLETTE. Well, I should like first to conclude what I have to say, and I am going to be as brief as possible. I merely want to read from one or two decisions of the courts upon this subject. I believe they sustain the position which I think Judge Kearful has taken, both in his testimony, when it is fairly considered, and in all of the briefs and arguments which he has made in conducting the cases that the Department of Justice has instituted to protect the public rights. The court said, for instance, in the case of the Union Oil Co. against Smith, Two hundred and forty-ninth United States:

> Whatever the nature and extent of a possessory right before discovery, all authorities agree that such possession may be maintained only by continued actual occupancy by a qualified locator or his representatives engaged in persistent and diligent prosecution of work looking to the discovery of mineral.
>
> In the Smith case the court referred to the decisions of the California courts as the most liberal in their recognition of the extent of this inchoate right, and cited McLemore v. Express Oil Co. (158 Calif., 559), where the court said, page 563:
>
> "What the attempting locator has is the right to continue in possession, undisturbed by any form of hostile or clandestine entry, while he is diligently prosecuting his work to a discovery. This diligent prosecution of the work of discovery does not mean the doing of assessment work. It does not mean the pursuit of capital to prosecute the work. It does not mean any attempted holding by cabin, lumber pile, or unused derrick. It means the diligent, continuous prosecution of the work, with the expenditure of whatever money may be necessary to the end in view. Of such work defendant's grantors were not in the prosecution up to April 12, 1907. They were not only not in the actual possession of the land, as the court finds, but the evidence discloses that what they had done was no more than to attempt to hold the land under the theory that assessment work was adequate for that purpose. It is shown by the evidence that they were not only not engaged in the diligent prosecution of the work, but that they were not financially able so to prosecute it, and were either in search of capital to enable them to do so or in search of a purchaser to buy out such interest as it might be thought that they had."

From the limited examination that I could make of the antecedent claimants to these great oil companies that are the real interests given priority of rights under section 18, many of these antecedent claimants have located upon these lands not with any view of actual prosecution for oil; that they had not complied with the requirements of the law and resorted to all manner of subterfuges to keep others off; that, in fact, those entries, handled as they were by those who had filed upon the land, were fraudulent; and that they were simply holding them until they could realize, in a speculative way, out of their possessory rights by turning them over to large corporations.

Mr. President, we have not here, according to all the facts as I have been able to gather them together in the limited time that I have had since this bill has been before the Senate, a case of protecting the poor entrymen who did not have capital. Practically all of the first entrymen have sold out to great corporations. In the Salt Creek field I am informed that there is only one independent operator left; and I am advised that on Reserve No. 2 those who are there and in control at this time, and who are operating the producing wells covered by section 18, are the Standard Oil itself or affiliated with the Standard Oil, or the Dutch Shell Co., or one of the other large companies that represent French capital. These powerful monopolies can not be hidden in this discussion behind honest, worthy prospectors.

The decision which has been referred to here affecting the Southern Pacific lands is a decision of one of the inferior courts. Those cases have not been passed upon by the supreme court. I do not pretend to say what the result will be when they reach that court; but I do say that, as in many of these cases—as, for example, the case cited by my colleague, the Midway case—in connection with which he read from a decision by a lower court, which was especially tender and considerate of the original locators, when that case reached the Supreme Court of the United States the dicision of that judge, who was known in some quarters as very friendly, at least, to the oil companies, was reversed.

Mr. LENROOT. Will my colleague yield?

Mr. LA FOLLETTE. Am I in error about that?

Mr. LENROOT. The decision in the case originally was in favor of the Government, and it has not been appealed, as I understand.

Mr. LA FOLLETTE. I thought the Senator was reading from the Midway case.

Mr. LENROOT. One was the Midway case, but the other was the Mid-West case.

Mr. LA FOLLETTE. Then I was in error.

Mr. President, I am not going to take issue with anybody who claims that this bill is an improvement upon any bill of the same character that has been heretofore presented; but I do say that it is not a just bill to the Government; that it is not a just bill to the public; and while I have not been able to offer amendments to cure it in all respects, according to my standards, I have offered some amendments which would impair the power of the great corporations which are, as I believe, going to receive large benefits under it. I regret to say that when an amendment was pending here that would deprive the Standard Oil and the other companies which will derive large benefits under this bill of their power to charge unreasonable prices for the products derived from these leased lands, I could not secure the support of more than 10 of the Senators upon this floor for such amendment.

I do not expect that the pending amendment offered by me or that any amendment that can be offered here to curtail the rights and powers that will be conferred upon these monopolies under this bill will meet with the approval of the Senate and will be incorporated as a part of the measure; but, nevertheless, I have offered the amendments because I believe it to be the duty of any Senator, according to his convictions, to use his best efforts to perfect the measures pending before the Senate.

I believe that section 18 should be stricken from this bill. I believe that all of the issues that are involved in section 18 should be considered, if they are to be disposed of by Congress at all, in a separate bill. I believe that the legal questions as to the trespass committed upon those public lands should go, first of all, to a court of justice; and if there are any equities to be adjusted after that which can not be reached by a court of justice, then let them come here and present their appeal to Congress for relief in a separate bill, and not seek to have it dragged through by a leasing measure or any other bill which deals with other problems.

I ask, Mr. President, for a roll call upon my amendment.

The VICE PRESIDENT. That has already been ordered. Is the discussion over? If so, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. MCCUMBER] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. WALSH of Montana (when his name was called). I am paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. In his absence I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Virginia [Mr. MARTIN], I vote "nay."

Mr. WOLCOTT (when his name was called). I transfer my general pair with the senior Senator from Indiana [Mr. WATSON] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

The roll call was concluded.

Mr. LODGE. I have a general pair with the senior Senator from Georgia [Mr. SMITH], but I am released from that pair on all votes on this bill. I vote "nay."

Mr. HARRIS. I am paired with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the junior Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Missouri [Mr. SPENCER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kentucky [Mr. STANLEY];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The roll call resulted—yeas 8, nays 30, as follows:

YEAS—8.

Gronna	Kenyon	La Follette	Sheppard
Harris	Kirby	Nugent	Walsh, Mass.

NAYS—30.

Brandegee	Keyes	Norris	Thomas
Chamberlain	King	Overman	Wadsworth
Curtis	Lenroot	Phelan	Walsh, Mont.
Fall	Lodge	Pomerene	Warren
France	McKellar	Shields	Williams
Gay	McNary	Smith, S. C.	Wolcott
Jones, N. Mex.	Moses	Smoot	
Jones, Wash.	Myers	Sterling	

NOT VOTING—58.

Ashurst	Fletcher	McCumber	Sherman
Ball	Frelinghuysen	McLean	Simmons
Bankhead	Gerry	Martin	Smith, Ariz.
Beckham	Gore	Nelson	Smith, Ga.
Borah	Hale	New	Smith, Md.
Calder	Harding	Newberry	Spencer
Capper	Harrison	Owen	Stanley
Colt	Henderson	Page	Sutherland
Culberson	Hitchcock	Penrose	Swanson
Cummins	Johnson, Calif.	Phipps	Townsend
Dial	Johnson, S. Dak.	Pittman	Trammell
Dillingham	Kellogg	Poindexter	Underwood
Edge	Kendrick	Ransdell	Watson
Elkins	Knox	Reed	
Fernald	McCormick	Robinson	

The VICE PRESIDENT. On the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] the yeas are 8 and the nays are 30. The roll call does not develop the presence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Kenyon	Myers	Sterling
Chamberlain	Keyes	Norris	Sutherland
Curtis	King	Nugent	Thomas
Fall	Kirby	Phelan	Wadsworth
France	La Follette	Pomerene	Walsh, Mass.
Gay	Lenroot	Sheppard	Walsh, Mont.
Harris	Lodge	Shields	Warren
Jones, N. Mex.	McKellar	Smith, S. C.	Williams
Jones, Wash.	McNary	Smoot	Wolcott

Mr. WADSWORTH. I desire to state that my colleague [Mr. CALDER] is detained away from Washington on account of illness. I ask to have this announcement stand for all roll calls and quorum calls for the day.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. MOSES, Mr. OVERMAN, and Mr. SMITH of Georgia answered to their names when called.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

After some delay, Mr. KNOX, Mr. NELSON, Mr. KENDRICK, Mr. HARRISON, Mr. TRAMMELL, and Mr. ELKINS entered the Chamber and answered to their names.

After a little further delay, Mr. WATSON, Mr. PAGE, Mr. CUMMINS, and Mr. GRONNA entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LA FOLLETTE. The roll call that was had upon the pending amendment, which developed the fact that there was no quorum present, lacked, as I remember the numbers voting upon either side, but 2 or 3 votes of a quorum. As I recollect the roll call, it stood 8 for the amendment and 39 against it. Am I right as to the figures?

The PRESIDING OFFICER. The Chair is informed that there were 30 votes against the amendment.

Mr. LA FOLLETTE. I think that shows, Mr. President, that a new roll call would not develop any possibility of my securing the adoption of this amendment, and I think it probably shows the sentiment of the Senate with regard to it; and as it probably would be impossible upon a roll call repeated upon that amendment to develop a quorum at this hour of the day, I will, if permitted to do so under the rules, withdraw my demand for a roll call, and let the vote as made already in the record stand as the sentiment of the Senate.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that the demand by which the yeas and nays were ordered be withdrawn. Is there objection? The Chair hears none; the demand is withdrawn, and there will be no roll call.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I yield. I have some further amendments to offer, but I do not expect to demand roll calls upon those amendments.

Mr. SMOOT. Would it not be the proper thing now to have the Senate act upon the Senator's amendment? There has been no final decision. If the Chair will put the question now upon the Senator's amendment, the Senate can vote upon it.

The PRESIDING OFFICER. That will be the regular order, unless the Senator from Wisconsin yields to the Senator from Georgia.

Mr. LA FOLLETTE. I ask for a vote upon the pending amendment, Mr. President.

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin proposes to strike out section 18 of the bill. The question is on agreeing to that amendment.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I have some other amendments which I wish to present and have a viva voce vote upon completing the record, but I have agreed to yield the floor to offer an opportunity for the junior Senator from Georgia [Mr HARRIS] to present one or two amendments which he has to present and upon which he desires a vote at this time.

Mr. HARRIS. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The SECRETARY. On page 33 add the following section:

SEC. 39. That section 7 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is hereby amended by adding thereto the following paragraph:

"No stockholder of any corporation or any association engaged in commerce and producing or refining petroleum, or any of the by-products thereof, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws."

Any person who shall violate this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months.

Mr. HARRIS. Mr. President, a few years ago, when I was a member of the Federal Trade Commission, complaints were made all over the country about discriminations in the price of gasoline. In the Indiana territory, which is controlled by the Standard Oil Co. of Indiana, they were selling gasoline at 5 cents a gallon less than in other States near by. The reason for this was that there were independents in that territory who were competing with them, and the Standard wanted to destroy them. There are about a dozen Standard Oil companies, and it was found that there was no law to prevent this discrimination. The Standard of Indiana, or any of the other Standard companies,

could lower the price in their territory, and all the other Standard companies in the other sections of the country would raise the price so as to make up the loss. The Federal Trade Commission could do nothing to protect the people, because 70 per cent of the stock of all the dozen Standard companies is owned by the same people. There is no competition among the dozen Standard Oil companies. They all work as one. That is what the investigation disclosed. There is 52 per cent of the stock of all the Standard companies owned by about 16 people.

The purpose of the proposed amendment is to prevent the stockholders who own these different companies from selling their stock to the other stockholders of the Standard companies and to make the 12 companies independent as the present stockholders dispose of their stock.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 33 add the following section:

SEC. 40. That section 2 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is hereby amended by adding thereto the following paragraph:

"It shall be unlawful for any corporation or association engaged in commerce and producing or refining petroleum or any of the by-products thereof, either directly or indirectly, to sell or offer for sale any petroleum or by-product thereof, within the United States or any Territory thereof, or the District of Columbia, or any insular possession or other place under the jurisdiction of the United States, at a different price than that at which the same grade or quality of petroleum or by-product thereof is sold or offered for sale by any other corporation or association so engaged when the stockholders of such corporation or association own or control 25 per cent or more of the stock or share capital of such other corporation or association, nor shall any such corporation or association discriminate in price in the same of different communities: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation: *And provided further*, That nothing herein contained shall prevent corporations or associations engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade."

Any person who shall violate this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months.

Mr. HARRIS. Mr. President, this amendment is to prevent the Standard Oil Co. from getting around the provisions of the Clayton Act. The Clayton Act, in the way it is drawn, really protects the monopoly, the Standard Oil Co., the way the subsidiary companies are divided. This will require all the companies to sell at the same price, so that if there is an independent in one territory the Standard can not lower the price and put him out of business, and thereby eliminate competition. It is to require all the Standard companies to have the same price all over the country.

Mr. GORE. I should like to ask the Senator if the amendment is confined to petroleum and its products passing in interstate commerce?

Mr. HARRIS. Yes; it is an amendment applying to interstate commerce.

Mr. LENROOT. The language of the amendment is "engaged in commerce."

Mr. HARRIS. But in the Clayton Act the term "commerce" is described and defined to mean interstate commerce.

Mr. GORE. Does it say petroleum of the same grade and quality?

Mr. HARRIS. Yes; and its by-products.

Mr. GORE. It seems to me that petroleum of various qualities could be sold at various prices.

Mr. HARRIS. No; it says that it must be of the same grade and quality; be sold at the same price.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have one amendment to perfect the bill. I send the amendment to the desk. It is to conform to the amendment on page 16, line 4, adopted the other day.

The PRESIDING OFFICER. The Secretary will state the proposed amendment.

The SECRETARY. After the word "structure," in line 12, on page 16, the last word in the line, insert "but not more than 3,200 acres."

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 18, beginning with line 1, strike out all of section 19, including lines 1 to 7, inclusive, on page 19.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, in line 16, at the end of the line insert the following proviso:

And provided further, That licensees must at all times furnish their products to the United States and to the public at reasonable prices.

Mr. SMOOT. If the Senator will just change one word in the amendment, I see no reason why it should not be adopted. Instead of "licensees" insert the word "lessees," because there are no licensees.

Mr. LA FOLLETTE. I think that is a misprint. Of course, it should be "lessees."

The VICE PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 29, line 16, at the end of the line insert the following proviso:

And provided further, That lessees must at all times furnish their products to the United States and to the public at reasonable prices.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 19, after the word "reserve," insert the following:

Which claimant would be entitled to a patent except for said withdrawal.

The amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be reported.

The SECRETARY. On page 16, line 17, strike out after the word "however" all of line 17 down to and including line 8, on page 18, and insert:

That none of the provisions of this section or of this act shall be applicable to or affect the lands or minerals included within the limits of any naval petroleum reserve.

The amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, line 21, after the period strike out the balance of that line down to and including line 24.

The amendment was rejected.

Mr. LA FOLLETTE. I move the adoption of the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, line 3, after the word "saved," strike out all of line 3 and down to and including line 12, inclusive, the balance of the paragraph.

The amendment was rejected.

Mr. LA FOLLETTE. I now offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, beginning with line 17, strike out all of section 30, including lines 1 and 2, on page 30, and insert in lieu thereof the following section:

SEC. 30. That any breach of the provisions of this act, or of the lawful rules and regulations issued under authority of this act, or of the terms and conditions of the lease, shall, if established and declared by a court decree and if not cured in obedience to such decree, work a forfeiture to the United States as follows:

(a) Such breach of the prohibition hereof that no alien may own any interest in a lease hereunder shall work a forfeiture only of such interest thus owned by an alien.

(b) Such breach of the prohibition of section 26 hereof against holding leases, or interests in leases acquired hereunder, so that the aggregate combined holding of such leases or interests in leases of the respective kinds of mineral shall exceed in the aggregate an amount equivalent to the maximum number of acres allowed to any one lessee under this act shall work a forfeiture only of the interest or interests in leases acquired hereunder thus held in such violation of the conditions of said section 26.

(c) Any other such breach shall, unless cured, work a forfeiture of the lease and leasehold involved and also of the fixed improvements of the lessee thereon and directly connected therewith.

If the Secretary of the Interior shall notify the lessee or the holder of a prohibited interest in any lease that he considers there has been such a breach, and if the lessee or holder of the prohibited interest shall not cure such alleged breach within a reasonable time specified in such notice, not less than 10 days after the service thereof, the Attorney General shall, upon request of the Secretary of the Interior, bring proceedings against the lessee in the name of the United States, by bill in equity, for forfeiture of the forbidden interest or interests, or of the lease and leasehold and fixed improvements of the lessee directly connected therewith, as the case may be, and for such other relief as may be appropriate; and if the court shall find that such breach has been committed and has not been cured, it shall decree (1) the interest thus illegally owned by an alien, or (2) the ownership interest in a lease

acquired hereunder, which, combined with ownership interest in another lease or other leases acquired hereunder, creates for one party an aggregate interest in more than the maximum number of acres allowed hereby, or (3) the lease and the leasehold, together with the fixed improvements thereof (each case as it corresponds, respectively, to cases (a), (b), and (c), identified above in this section), forfeited to the United States, unless on or before a date stated in any such decree the breach be cured by action, payment, and cessation of action, as required by the decree; and failing such action, payment, and cessation of action within the time specified in the decree, the Secretary of the Interior shall forthwith, in cases (1) and (2) provided directly above in this section, take possession in the name of the United States of the interest or interests declared forfeit by the decree and dispose of it or them to a qualified party or parties, and in case (3) enter upon and assume full control of said leasehold and said fixed improvements, and in case (3) he shall lease said forfeited leasehold to another qualified lessee by advertisement and bidding on the basis of a bonus to be paid above the same royalty, rentals, terms, and conditions provided for in the forfeited lease, securing through such new leasing as high a cash bonus representing the value of the leasehold, including the fixed improvements thereof, as practicable: *Provided*, That the Secretary of the Interior, upon disposal, or lease, to a qualified party as above required shall, after deducting the costs of suit and sale, pay over the balance of the sales price in cases (1) and (2) and the balance of the bonus in case (3): *And provided further*, That nothing herein shall be construed to preclude the United States or any lessee or owner of an interest in a lease hereunder from instituting and prosecuting to a conclusion any other court action otherwise lawfully permissible, or taking any other lawful course or steps to enforce and protect their respective interests and rights with respect to any lease issued hereunder.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I have two or three short amendments upon which votes have been had in the Committee of the Whole, I understand, and I shall offer them when the bill is in the Senate.

Mr. KING. Mr. President, I offer the amendment which I send to the desk as a substitute for the pending bill.

The VICE PRESIDENT. The amendment proposed by the junior Senator from Utah will be stated.

The SECRETARY. It is proposed to insert as a substitute for the bill the following:

That the public lands, property of the United States, within the several States, which have not been acquired or reserved for the public or special uses of the Government of the United States, together with all rights, jurisdiction, privileges, and sovereignty appertaining thereto, or heretofore exercised or enjoyed by the Government of the United States with respect thereto, are hereby ceded, granted, and confirmed severally to the particular States within the territorial boundaries of which such unreserved public lands may severally lie and be situated, upon the condition, however, that no State shall grant any of said land to corporations or grant to exceed 2,500 acres to any one person: *Provided*, That if any State shall make any grant prohibited by this act, or if any corporation, association, person, or combination of persons shall come into possession of to exceed 2,500 acres of said lands in contravention of this act, such lands acquired shall revert to the United States.

SEC. 2. That there is excepted from this grant all particular tracts of land which have been entered pursuant to law and for which the rights of entrymen or claimants may have been initiated, vested, or accrued. Upon the relinquishment, however, of the right of the claimant or entryman to any such lands, the same shall be subject to the operation of the grant made by this act.

SEC. 3. That the grant made by this act shall take effect as to the lands within any particular State when the legislature of such State shall by resolution accept the grant made by this act and shall deposit such resolution with the Secretary of the Interior. Resolutions of acceptance shall be made within four years after the date of the approval of this act.

Upon the receipt of a resolution of acceptance from a particular State the Secretary of the Interior shall deliver to such State such maps, records, books, and documents, or certified copies thereof, as may be necessary or convenient for the enjoyment, control, use, administration, or disposition of such lands.

SEC. 4. That the grant hereby made shall be subject to the right of holders of outstanding land script, heretofore issued by the United States, to locate such lands in satisfaction of such script; but such locations shall be made before the lands herein granted shall pass to private proprietors.

SEC. 5. That the provisions of this act shall not apply to Alaska or to the Hawaiian or Philippine Islands.

Mr. KING. Mr. President, I can not bring myself to support the pending measure. I believe the time has come to settle the public-land question and to settle it in an effective and rational manner. The substitute which I have offered will accomplish, if it becomes a law, this greatly to be desired result. The cession by the Federal Government to the States of the land of the public domain within their borders as provided in the substitute which I have offered will settle this question which has proven so vexatious for many years. The lateness of the hour precludes that full and complete discussion of the bill now before us which fastens the leasing system upon the Nation which its importance demands, nor will time permit me to analyze the substitute which I have offered and to point out in detail the benefits which I insist will be derived if it shall be enacted into law.

Senators who have spoken upon the pending measure, as well as those who discussed the bill containing substantially the same provisions at the last session of Congress, have presented widely divergent views. I remember that when this leasing system was under discussion during the preceding session of Congress a number of Senators who announced their purpose to support it expressed their disapproval of any Federal leasing policy. I think a number of Senators who have announced their purpose to support the pending bill are dissatisfied with its provisions but feel impelled to support it because of their inability to secure, as they believe, wiser and saner and better legislation. There has been some opposition to the bill based upon entirely different grounds. It has been contended vigorously by some that this measure is too liberal to the general public and does not reserve sufficient power in the General Government to deal with the lands which are to be leased. It would seem, therefore, that the bill, which has occupied the Senate for some time, suits but few and is unsatisfactory to many. Doubtless it will pass the Senate and possibly receive the approval of the House, and yet I am constrained to believe that it will prove to be imperfect, unwise, and injurious legislation.

Mr. President, the pending measure is the apotheosis of iconoclasm. It exhibits no respect for past legislation or the well-conceived and highly beneficial mining system under which we have operated for more than half a century. It is doubtful whether the American people appreciate the provisions of this bill or the radical departure which it announces from existing policies. It can not be successfully maintained that a hateful landlordism exercised by a government is without precedent; therefore opponents of this bill do not justify their opposition to it upon the ground that legislation of this character is an untried experiment. If time permitted, it could be demonstrated that governmental control not only of mines and mining properties, but of other matters relating to the activities and relations of the people, was common in nations of antiquity as well as in medieval and modern times. But I respectfully submit that such control, whether exercised with strong hand or by an oppressive bureaucracy or in a generous and benevolent way, was productive of evil to the state and was a disadvantage to the people. There has been in all governments and in all ages a struggle between the forces that sought for social justice, individual growth and progress, and emancipation from tyrannous forms of government—whether they found expression in unlimited monarchies, in oligarchies, or in despotic, paternalistic, and bureaucratic systems—and the crystallized and reactionary forms of human creation. Perhaps no forms of government have been more hateful, more oppressive, more benumbing in their effects than those in which bureaus and officialdom and myriads of governmental parasites and functionaries swarmed throughout the land to harass and oppress the people and to eat up their substance. Certainly no more wasteful or costly form of government has ever been devised than one which is dominated by bureaucrats.

The governing forces of the world have often adopted various methods of maintaining authority and subjecting the masses to their selfish and oppressive policies. As indicated, a favorite form of government has involved the ownership or the control of property by the government, and has rested upon the concept that the people were blind instruments to be used and fashioned as rulers and leaders willed. History furnishes examples of governments adopting paternalistic policies and treating the people as tenants. It is an unnatural relation to superimpose upon a people where the government becomes a landlord and the people become tenants. The legitimate functions of government do not lead it into the fields of landlordism. The progressive forces of democracy which have upon a hundred battle fields fought for liberty look with disfavor upon bureaucracy and governmental landlordism in republics as well as in other forms of government. It is an axiom now, as it has been in the past, that that government is best which governs least. There is a fallacious belief in the land to-day that the form of government is determined by the label which it wears, and that the pronouncement that a nation is a democracy—a government of the people—is a sufficient assurance that it performs that sacred task in the world. These generalizations may be deemed irrelevant to the discussion of the pending bill, and yet an analysis of the measure and a consideration of the vital change which it makes in existing law have led me to submit these observations. There is a persistent movement in our country to-day to strengthen the hands of the Federal Government and to vest in it the ownership not only of public utilities but substantially all forms of property, and commit to it the control of economic and industrial forces which, in my opinion, if liberty and progress are to be realized, must be within the hands of the people themselves. It has been paradoxical to me that, with the open pages of the past and the knowledge that liberty and political and economic freedom have been realized only through the development of a strong individualism and a rational competitive system, there should be those who would reverse the ship of progress and turn it back upon a dark and

perilous course. There can be dangers in democracies as well as in monarchies. A tyrannous paternalism, a hateful landlordism, a baneful bureaucracy may lift their heads in a representative democracy and undermine the foundations upon which the most enlightened governments rest.

This Republic suffers from bureaucratic influences. The States themselves are creating thousands of unnecessary offices and taxing the people to support an army of unnecessary employees. The hand of the county, the municipality, the State, and the National Government is encountered everywhere. Conflicts in jurisdictions bring discord and contention. Commissions, agencies, governmental instrumentalities, departments, bureaus, so numerous as to be unnamed, jostle one another in every corner of our land. Ordinances, regulations, statutes, executive proclamations and decrees fill uncounted and almost uncountable volumes. They are as unknown to the people in many instances as the decrees of the Roman Emperor, which were posted so secretly and in such inconspicuous places as to be beyond the power of the people to ascertain. Every local evil or supposed evil calls for regulations and rules and orders and ordinances and statutes and an army of new officials. Bureaus and agencies and departments and commissions and legislative and executive instrumentalities are provided to promulgate more orders and more regulations and to bring confusion and discord to communities and a despotic paternalism to individuals and to States. Many assume that the day has dawned in which functionaries and bureaus and executive flunkies and functionaries rule and govern the land. One of the great Commonwealths of this Nation, as I am advised, has organized more than a hundred and fifty commissions and State agencies for the administration of the laws of the State, and the Federal Government is fast surpassing the record of the State referred to. We are creating Federal organizations and agencies and bureaus and executive instrumentalities not by the scores but, indeed, by the hundreds. We are creating Federal positions, to be filled by people drawn from useful and gainful employment, not by the thousands but by the tens of thousands. And as this vast army of employees is strengthened in its numbers its voice becomes more powerful in making demands upon the Federal Government. This bill which we are now considering augments the authority and power of executive agencies, and will call for the organization of more bureaus or instrumentalities and, of course, demand the creation of hundreds, if not thousands, of additional positions to be filled by the constantly growing army that seeks life positions in the service of the Government. The machinery which this bill, if enacted into law, will require can not fully be apprehended, but I venture the prediction that there will be provided numerous agencies and departmental machinery of immense proportions and additional employees who will be numbered by the thousands.

Let me say, in passing, that there must be retrenchment in the Government and determined efforts made to practice economies in the administration of the forces of the Government. We have become drunken as the result of the war with the expenditures made by our Government. We have, during the past two years, been so occupied in building governmental machinery and creating Federal agencies and providing for the demands of the war that we have not been able as yet to withdraw our eyes from the picture which is passing and to visualize the conditions of the present. There must be economy, and still more economy. The insidious efforts so constantly made to project the Government into fields of activity not within its legitimate sphere of influence should be opposed with vigor and with patriotic service. Frenzied and hysterical pleas are being made and will doubtless be continued for Federal intervention within the States and to secure Federal aid in matters of a purely domestic and private character. Persistent efforts are being made to pervert the functions of the Government and to constitute it an overlord with respect to matters and concerns that have no relation whatever to the functions and powers of the Federal Government. We marshaled our armies to defeat an autocratic power that had been builded upon the ruins of individualism. The German Government had become a militaristic power and a paternalistic government under which the lives and the services of the people contributed to the power of the State. An efficient government undoubtedly was developed, but the individual was submerged and his efforts ministered only to the aggrandizement of the power of the State. There are those in our midst who seek the development of an omnipotent bureaucracy and paternalistic government whose eyes would peer into every home and whose powerful hands would clutch each individual.

This bill increases the power of the Federal Government. It constitutes it a landlord in dealing with the public domain. It increases the governmental machinery and, as stated, will add thousands to the numberless employees of the Government. It denies the right of American citizens to ever acquire title to any of the deposits of coal, phosphate, sodium, oil, oil shale, or gas lands found upon the public domain of the United States. It places these mineral deposits in the hands of a department and provides for machinery, agencies, and employees to control such deposits and determine the manner of their development. Discretion, which has no limits, and which may be exercised in an arbitrary and tyrannous way, is given to the Secretary of the Interior—which means, of course, that it is conferred upon the satellites and officials and employees and agents and inspectors who will constitute a part of this vast Federal machine. Not only the lands of the character referred to which have been withdrawn from public entry, but all lands containing deposits of the minerals mentioned, are to be forever withdrawn from entry or sale by the Government. The Federal Government is to retain title to millions and tens of millions of acres of land within a few States of the Union—States lying west of the Mississippi River and known as the public-land States. Fifty to eighty per cent of the lands within these States are still owned by the Federal Government, and the efforts of individuals who in good faith have sought to acquire title have been futile in consequence of Executive orders and the interposition of obstacles by executive branches of the Government. These public-land States have been impoverished and their development retarded by the unjust and indeed tyrannous policy pursued by the Government. A campaign covering years has been prosecuted with the utmost vigor by those who sought to prevent the development of the West and to establish an obnoxious system of landlordism with respect to the public lands of the United States. Falsehoods and misrepresentations of the most glaring character have been resorted to in order to inflame the public mind against the West and to create a sentiment in favor of the indefensible bureaucratic system which it is now sought to impose upon the West.

Under the guise of conservation a most vicious and mendacious propaganda has been carried on. Representations have been made that the remaining public lands within the States referred to contain inexhaustible resources, the conservation of which is indispensable to national progress and the perpetuity of the Government. The press and magazines have been filled with the most lurid and fantastic tales respecting the gold and silver and other precious-metal deposits within the public-land States, as well as deposits of coal, phosphate, sodium, oil, and other nonmetalliferous minerals. The most vivid imaginations have been drawn upon to furnish stories of the manner in which the people of the West have robbed the Government and despoiled it of its enormous treasures.

This propaganda has been highly successful and has resulted in the dissemination of the view that the public lands must no longer be free for development, and that the laws under which title in the past had been obtained must be modified or repealed and a system of leasing undertaken by the Federal Government. Any propaganda calculated to present the truth with respect to economic, industrial, political, or governmental problems should be welcomed by the American people; but efforts made, no matter by whom, which conceal the truth or reveal only a portion of the truth, and particularly where they are directed by mischievous charletans or political demagogues, call for condemnation. But the campaign referred to, it is said by some who formerly opposed the leasing system but who are now constrained to support this bill, has so influenced the public mind that legislation of the character embraced in this bill becomes necessary, because no other is possible. I am not persuaded that this view is correct. I believe that ultimately the American people would see the justice and wisdom of a policy transferring to the States the public lands within their borders and would ask for legislation to accomplish that result; but, of course, if this bill shall pass, the National Government is thrust into the States and becomes and assumes the duties of a landed proprietor. The plan which I insist is a wise one may not be carried into effect for many years and until the folly and injustice of the leasing system has become apparent to the people.

One of the visible manifestations of the propaganda to prevent the development of the West was the withdrawal by Executive order of millions of acres of lands containing deposits of coal, phosphate, sodium, oil, oil shale, and gas. For years these lands have been locked up by Executive orders, and legislation for their repeal has not been enacted. The contention is further made that no legislation is possible that will open to entry the mineral deposits embraced within the Executive withdrawal orders. In my opinion, the Executive orders were improvidently issued; indeed in common with practically all law-

yers I regarded the acts of withdrawal as arbitrary and in contravention of law.

Mr. President, I assert with the utmost confidence that an examination of the legislation enacted by Congress following the discovery of gold in California, and culminating in the act of 1872, furnishes convincing proof that it was the intention of Congress to throw open to private entry the mineral lands belonging to the United States. The debates attending the passage of the act of 1866 and the act of 1872 establish beyond controversy that Congress believed the welfare of the country would be best served by the development of the public lands of the United States and the opening of the same freely to those who in good faith entered thereon. It is equally clear that the best thought of the Nation approved of a liberal and generous policy in dealing with the nonmineral lands the legal title to which was in the United States. The able statesmen who dealt with the public lands of the United States from an early period in our history to the time of the passage of the homestead, preemption, desert, and enlarged homestead acts had before them the records and experiences of governments where illiberal and restrictive policies had been pursued in the granting of title to individuals, and particularly where a system involving leasing and landlordism had been employed.

With the experiences of the past before them they deliberately enacted laws under which American citizens could obtain title to agricultural and grazing lands without difficulty and at a price that the poorest individual could meet. So also laws were enacted which provided an easy method of obtaining title to the mineral lands of the United States. Not only local courts but Federal courts, including the Supreme Court of the United States, have over and over again spoken in the highest terms of praise concerning the wise and liberal legislation enacted by Congress, and have pointed out the beneficent results that have attended the same. There were some statesmen who advocated a policy in disposing of the public lands that would yield a revenue to the Government. Senator Ewing, of Ohio, proposed a system of seigniorage, the product of the mines going to the Government, from which a portion would then be returned to the miner. But as stated, after full examination of the entire subject and with the history of the past before them, a plan was devised dealing with the mineral lands which I submit was wise and has been of the utmost importance and advantage to the entire people.

Senator Benton, as early as the Thirty-first Congress, as I recall, contended that the Government ought not to undertake to make a revenue out of the mines. He further stated—

> That the United States ought to content herself with getting the wealth out of the bowels of the earth itself, which is now lying so useless; that she ought to content herself with receiving what will pay the expenses of the administration of such a system, and that system ought to be just as simple as it can be made and at the same time preserve order among the miners.

He asserted that he did not believe in the Nation working mines and then added:

> I believe in individuals managing things of this kind, but not nations. I believe the true treasure of every government is the affections of the people, and that the true riches of every nation is the people first and the wealth afterwards that flows from that industry. * * * I therefore wholly object to the whole idea of deriving revenue from these mines. I am in favor of getting what revenue we do get from the gold mines through the secretions of commerce, with no superintendence over the man as to what he digs and no accountability of the digger for what he gets; with nobody to stand over him and say how much he gets and no one to call him to account and tell him what he gets.

The Senator then referred to the experience that our Government had passed through in its attempts to lease mines and then added:

> Have we forgotten the lead mines and salt springs we reserved in Missouri and Illinois? And have we forgotten that when we acquired these countries and heard of the salt springs and lead mines there we were inflamed with the idea of the United States deriving revenue from boiling salt water and digging lead mines? Under that excitement these salt springs and these lead mines were reserved to be leased. What was the result of it? It turned out that the Federal Government was never made for the purpose of boiling salt water or digging lead.

Let me add, Mr. President, that the Federal Government has not changed in its functions or powers since then. If it was not its function or its duty to engage in mining operations then, manifestly it is not its duty now; and if paternalism was obnoxious to our form of government then, it is equally obnoxious now.

Senator Benton proceeds and describes his first legislative work as an endeavor to free Missouri from the incumbrance of the "landlordship" of the United States over the lead mines and salt springs which was harassing the people. He further states:

> I was then joined by some of the fathers of the Republic—by such men as Macon—went against the whole idea of the Government working the mines and making money out of it. We succeeded. The system was broken down in Missouri. The salt springs were given to the State. The lead mines, which had been reserved for lease, were thrown into market and sold, as other public lands, at $1.25 per acre.

He then refers to the discovery of lead mines in the upper Mississippi and continues:

> Our imaginations were inflamed again with the belief that we were to make a great deal of money by leasing out these lead mines. This scheme was adopted. I voted against it. * * * I told the Senate then, as it happened to lead mines of the State of Missouri, so it would happen to the lead mines of upper Mississippi; that this system would be harassing to the people and cramping industry would end with bringing the United States in debt. That turned out to be the fact, for one of the last messages sent to us by President Polk was to recommend the breaking of this system. He showed the amounts requisite to keep up the system, which were enormous, and he recommended the abolition of the system.

Senator Seward, during the discussion, stated that he had voted against a former proposition of Senator Ewing which contemplated seigniorage and revenue to the Government from the operation of the mines, and then said, in substance, that in his view in order to bring to the general public the largest possible acquisition of national wealth from the mineral lands of the United States a liberal policy of obtaining title was necessary.

Mr. President, if time permitted, I should like to read from a message of President Polk, in which he reviews the mineral leasing system and points out its failures and the unwisdom of perpetuating it. He strongly recommended its repeal, and Congress responded to his recommendations. I have also before me the message of President Fillmore, in which he treats of the question of leasing certain of the mineral lands of the United States. He states that after investigation he reached the conclusion that such a policy was unwise and improper. I shall not take the time of the Senate to further call its attention to the strong statements made by two of the Executives of our Government. Let me, however, urge that their experiences and their observations and their final recommendations should receive the most serious attention of the Senate when it is called upon to deal with a similar question at this time. If the leasing system proved so unfortunate and its unwisdom was so emphatically established as to call for the condemnation of Presidents who were familiar with the subject, we ought to hesitate to again fasten upon the Nation a policy which was discredited and which they condemned.

Senator Felch, of Michigan, discussed the question with great ability, and I desire to read a few paragraphs from his able address:

> In the first place, we reserved the lands which had been sold by prior governments, but we have since abolished that system, because it was found impossible to manage these mines. We have lead mines in Missouri and Wisconsin and Illinois, and we commenced upon a system * * * first by granting permits to work these mines and then by reserving to the Government the right of mining where the title to the land was sold.

Senators will recall that the present bill provides a system of permits. The mineral lands covered by this bill may be worked only by making application to the Secretary of the Interior and obtaining a permit for such purpose. It is a revival of a system discredited by experience and condemned by publicists and statesmen in many lands. In each of these instances we have found it necessary to abolish this system, because it has been found impracticable to carry it out and unprofitable to the Government.

When the discovery of the copper mines was made on Lake Superior we reserved to ourselves the right of working them, and that right was afterwards abandoned, because it was supposed to be a right held in derogation of the right of the State and also because it was building up a leasing system and placing a tenantry upon these lands and holding them from local taxation, compelling the authorities of the State to preserve order among these tenants, while not an acre of these lands was taxed to pay for the expenses incurred by the State. In the year 1845 the matter underwent an investigation in the Land Office and in Congress.

Senators in recent years have repeatedly denounced the policy under which millions of acres of public domain were withdrawn from entry. It not only prevents settlement and the legitimate and natural growth of the public-land States, but it subjected the States to unnatural and extraordinary burdens. They had to police the public domain and discharge the responsibilities devolving upon them as sovereign States, while denied the benefits of these unoccupied lands. They were forced to assume the burdens resulting from protecting and policing them. And it must not be forgotten that these lands could not be taxed and the burdens resting upon the inhabitants of the States were and still are, of course, greatly augmented. Those were some of the reasons which appealed to the statesmen in the period when Senator Felch was in the Senate, and led to their repudiation of the principle and policy of Federal leasing and Federal landlordism; they deemed such a policy repugnant

to our form of government and in contravention of the rights and the powers of the States.

Senator Felch proceeds:

The agents were all dismissed except one, and a recommendation has been made that he should be dismissed also. In all these cases everything shows that we have never made anything under the mining system and that it is one which must be abandoned.

Senator Felch further contended with great ability for the freedom of entry upon the mineral lands of the Government, and opposed the leasing or any other system which would create additional governmental machinery for the purpose of enforcing the same.

Senator Sherman of Ohio, during the discussion of the mining law of 1866 (Cong. Globe, 39th Cong., p. 3236), stated that it was in the interest of the United States—

to get rid of the mineral lands of the United States, to give them into the hands of private individuals, to give them the title by patents in the ordinary way, so that the United States will be divested of all proprietary right over the mines.

He further declared that Benton, Clay, and many of the most eminent statesmen of America held that the title to mineral lands "is of no benefit to the United States. From time to time the principle of disposing of mineral lands, salt mines, iron mines, etc., has been adopted."

He argued that this policy was best for the Nation and tended to the development of the country and to the establishment of fixed and permanent settlements.

A proposition was submitted to the Senate on July 14, 1866, by which the Secretary of the Interior was to be authorized to lease certain saline lands containing mineral springs. The scheme was promptly condemned by Senators and the evils which would result from a leasing policy clearly pointed out. Senator Grimes in discussing the matter (Cong. Globe, 39th Cong., p. 3805) says:

This Government never has and it never ought to become the landlord of a portion of the people of this country. That is not the relation that is encouraged by any of the laws of our States to any considerable extent, and it should not be encouraged by the Government of the United States.

The true liberty, understand, in a republican government is that, so far as possible, every man shall be the owner of his own soil, the owner of his own tools, the owner of his own labor and his own machinery. * * * But so long as you undertake to maintain the relation of landlord and tenant to the persons who are going to carry on these salting works, so long they will remain in an undeveloped state, and the country will never realize a tenth part of the advantage from the salt springs that we would realize if they were conducted by private enterprise alone. That is the experience of this Government; it has been from its foundation; it is the experience of every Government on the face of the earth. All such enterprises as these should be carried on by private energy and by private means, and so long as you allow the man who conducts it to be the owner of the property, so long he will be willing to invest more and more means in the appliances that may be necessary to conduct his business to a successful result.

Senator Conness in opposing the proposition to lease stated that the leasing system was founded upon the monarchical idea and that the "most valuable things belong to the sovereign." He declared that the highest character of ownership resulted when title was in an American citizen. He further says:

The whole system seems to me to be wrong. You are going to institute in one of your departments a power to lease and let a part of the public property to your own citizens, and no such lease, the bill provides, shall be for a longer period than 25 years, and then during the 25 years the lease is to be subjected to readjustment every 5 years by "disinterested referees."

The Interior Department or the Land Office is to appoint referees every five years. Where shall they go? Shall they act in regard to a piece of property that they know nothing about except as they get information from the Land Office, the information coming through a bureau that perhaps knows nothing about it? It appears to me to be very small business for this Government to engage in. It is especially provided, it will be observed, that this bill shall not apply to the section of the country from which I came. We are not to be made tenants. For one, I am very much obliged to the committee for releasing us from such a vassalage.

I wish the committee would release from the vassalage of this bill the State which I have the honor, in part, to represent.

If the saline lands and the mineral springs belonging to the Government are to be leased, why not lease the gold and silver mines? They are of infinitely greater value; they attract the attention of mankind to a greater extent and concentrate the effort of man and the capital that man can bring to the development of natural resources to a greater extent than these more ordinary classes of property.

Following the settlement of California, as I have indicated, the question of dealing with the mineral lands of the United States again challenged the attention of Congress. However, for a number of years there was no legislation, and those who went upon the public domain, in the main, adopted rules and regulations for their protection, and the local courts recognized their validity. Under these regulations property rights were protected, and a system was developed which became the basis of legislative enactment by Western States and Territories and ultimately by the Congress of the United States. Senator Stewart, speaking of these rules and regulations, states that they "challenge the admiration of all who investigate them." These regulations were thoroughly democratic in their character, guarding against every effort of monopoly, and requiring continued work and occupation in good faith to constitute a valid possession. There were no royalties to be paid the Government, no Federal officials, agents, inspectors, no bureaus and offensive espionage by the Government.

The Supreme Court of the United States in the case of Jennison *v.* Kirk (98 U. S., 456), speaking of this situation, said:

In every district which they occupied they framed certain rules for their government. * * * They all recognized discovery followed by possession as the foundation of the possessor's title, and development by working as the condition of its retention. And they were so framed as to secure to all comers within practicable limits absolute equality of rights and privilege of working the mines. Nothing but such equality would have been tolerated by the miners, who were emphatically the lawmakers as respects mining upon the public lands. * * * During the 18 years from 1848 to 1866 the regulations and customs of miners as enforced and molded by the courts and sanctioned by the legislature of the State, constituted the law governing property in mines and in water on the public mineral lands.

I referred a few moments ago to the law of Congress enacted in 1866. This act provides:

That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, subject to such regulations as may be prescribed by law, and subject to the local customs and rules of miners in the several mining districts so far as the same may not be in conflict with the laws of the United States.

The Supreme Court in the case of Atchison *v.* Peterson (20 Wall., 512) refers to the occupation of the public lands, and states that "the Government assented thereto and encouraged their free and unrestricted use."

The court further declares in the case of Erhardt *v.* Boaro (113 U. S., 535) that:

In all the legislation, whether of Congress or of State or Territory, and by all mining regulations and rules, discovery and appropriation are recognized as the sources of title to mining claims, and development by working as the continued ownership until patent is obtained.

Hon. Caleb B. Smith, Secretary of the Interior, in his annual report for 1861, referred to the valuable mineral lands of the United States and combated the view that the occupants thereof should have the free development of their claims. He contended that the lands belonged to the whole people and that the occupants "should pay a reasonable amount as a consideration for the advantages enjoyed."

In 1865, in his report to Congress, the Secretary stated:

Individual proprietorship, it is conceded, would stimulate the development of coal fields, petroleum, deposits of iron, lead, and of other gross metals, and mineral formations. There can therefore be no sufficient reason for withholding such mineral lands from market. Congress has not legislated with a view to securing an income from the product of the precious metals from the public domain. It is estimated that two or three hundred thousand able-bodied men are engaged in such mining operations on the public lands, without authority of law, who pay nothing to the Government for the privilege or for the permanent possession of property worth, in many instances, millions to the claimant.

The existing financial condition of the Nation obviously requires that all our national resources and the product of every industrial pursuit should contribute to the payment of the public debt. The wisdom of Congress must decide whether the public interest would be better promoted by a sale in fee of these mineral lands or by raising a revenue from their annual product.

It will be seen that Secretary Smith desired to obtain revenue from the mineral lands of the United States in order to meet the obligations of the Government incurred as the result of the Civil War, but notwithstanding his appeals as well as the appeals of others that a leasing system or a royalty system should be adopted, Congress refused to depart from the established policy of dealing with the public mineral lands.

The Supreme Court of the United States in the case of Ivanhoe Mining Co. *v.* Consolidated Mining Co. (102 U. S., 167) declared that under the law of 1866 title to mineral lands might be acquired from the Government at nominal prices, and that under such law "the idea of a royalty in the product of the mines was forever relinquished."

The bill now before us for consideration is a repudiation of the utterances of the Supreme Court in the case just referred to.

I have referred to the statements made by Benton and others concerning the leasing measures enacted by Congress at an early day, dealing with the lead deposits and other mineral lands of the United States. The enforcement of these leasing statutes was attended with unsatisfactory results. The people were averse to the supervision provided in the leases and controversies frequently arose, and to execute the laws and the regulations promulgated pursuant thereto a multitude of employees and Federal officials was required. This provoked criticism and of course resulted in great expense. Lessees hesitated to make the improvements that were necessary to properly develop the demised premises. The tenure was insecure and pre-

carious and contingent upon the observance of terms imposed by the Government and enforced by inspectors and officials whose sympathies were with the Government as against the lessees. This situation retarded the development of the lands held by the lessees and culminated in the forfeiture of many leases. It was demonstrated then as it has been wherever a governmental leasing system with respect to mineral lands has been adopted that production entirely ceased or was greatly diminished to the disadvantage of the lessee and the public.

It is possible that a policy looking to the administration of the public lands for the purpose of producing a revenue might be more successful in a highly centralized or despotic government, although, as I have stated, the results from the adoption of a leasing system by the Government or attempts upon the part of the Government to handle its agricultural or mineral lands by means of a tenant system has proven unsuccessful. It has not only failed to return revenues commensurate with the cost but led to conflicts between the Government and its agents and the people directly and indirectly connected with the leases.

Let me submit in passing that such a policy is not suited to our form of government and never can be successful. No State, Mr. President, attempted to assert because of its sovereign powers the doctrine of jura regalia which was a part of the common law. The States entertained the view that the mineral lands should pass into the hands of private individuals under a system that would lead to their development and which did not impose obstacles and impediments thereto. The accepted view was that the products of the mines would make for the benefit of all. The Committee on the Public Lands of the House in January, 1828, pursuant to a resolution calling for an inquiry "into the expedience of repealing such laws of Congress which prohibit the sale of lands in Missouri which contained or are supposed to contain lead mines," reported in effect that the leasing policy or a policy in which the title was retained in the Government had not increased the output, and that veins which had been worked were abandoned by those who were seeking their development. The committee further stated that—

> so long as those who work the mines have only a limited and temporary interest in them and are under the necessity of receiving an immediate remuneration from the capital vested in and the labor bestowed upon their mining operations the ore will remain in its natural bed and never be drawn forth to mingle with and increase the aggregate mass of national wealth until subjected to the unimpeded action of exclusive individual interest.
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> There is another view of the subject which the committee believe is entitled to great consideration. If all these (mining lands) are to be occupied by tenants of the Government, there would be created a numerous band of dependents, who, however they may affect the General Government, can not but be viewed by the local authorities with distrust and jealousy. A population thus dependent upon the Federal Government and its officers for the continuance of their vocations must of necessity be unsettled and fluctuating, and the product of their temporary and irregular labors will afford a limited compensation for the exclusion from so large a portion of the States of a more settled, permanent, and useful class of citizens. Believing that the laws prohibiting the sale of public lands in Missouri which contain lead mines should be repealed, the committee report a bill.

Following the discovery of America, the Spanish monarchs believed that through the administration by the Government of the mineral lands in America the Spanish treasury would be replenished and a golden stream would flow to Spain to compensate her for her expenditures in the New World. Mr. Fremont has stated that with all the machinery of the Spanish monarchy Spain never received in any one year to exceed $60,000 in royalties. Concessions were made containing the minutest reservations, and documents were signed by representatives of the Crown which were the equivalent of leases, containing provisions with respect to the obligations upon the lessee and the supervisory power of the Crown; yet with these clear and definite provisions no benefits came to Spain. It must not be forgotten that Spain, a despotic nation, with her mighty military forces, was in a position to enforce the terms of the concessions and leases given by her.

Gamboa, the Spanish historian, points out the imperfections of the leasing and royalty system as well as the injustices and wrongs which resulted therefrom. So oppressive had become the system that Mexico, when she emancipated herself from Spain, had practically ceased mineral production. In order to revive the industry, Mexico promptly abolished all taxes and royalties provided by the Spanish law, and miners were relieved from personal contributions as well as from military service, and a reward of $25,000 was decreed to be paid to each of the first four operators who would produce a given amount of quicksilver.

The leasing system, in which the Government was the lessor, has always proven odious. We tolerate individuals as landlords but resent governmental landlordism. Let me say in passing that the efforts by the States to lease mineral lands owned by them have not been attended with unqualified success. But it must be conceded that the States could more readily and perhaps in a more satisfactory manner enforce a leasing system. There is a wide difference between a local State landlord and a national authority 3,000 miles distant.

In Senate Document No. 482, published during the Sixty-third Congress, may be found an article by Mr. Thomas P. McDonald on the leasing of coal mines. He concedes that the leasing system is a radical departure from the past policy of our Government. Drawing attention to the leases of school lands in the State of Colorado, he states that during a period of 12 years only 13 coal mines were under lease. That the average production of the leased properties for the year 1912 was 485,971 tons, while the total production of the State for the same year was 10,157,383 tons. In conclusion he says that—

> After 12 years' experience in leasing coal lands Colorado has just one coal mine of commercial importance under operation under lease from the State.

He further states that Montana has a law authorizing the leasing of State lands with a royalty of only 10 cents per ton, and that only eight leases have been given, and that in 1912 the total production from these leased properties was 26,668 tons. The same year, however, Montana produced more than 3,000,000 tons of coal.

In the year 1909 there were mined by the owners of coal lands within the United States 334,669,298 tons. The owners also leased adjoining lands from which were produced the same year 42,929,197 tons. During the same year, though there were numerous lessees throughout the United States, the total output from properties operated by them was only 82,943,651 tons. This would seem to indicate that even where there is no supervision by the Government, where the leases are between individuals, the production from leased properties is unsatisfactory. And the reason of this must be obvious to all thinking people. The highest results are found when the mines and genius and enterprise of the individuals find a free field for their activities. The great achievements in our country in every branch of industry and commerce have resulted from the opportunities given for individual initiative and development. The worker of to-day becomes the proprietor of the morrow.

Senators will remember that ingenious and eloquent pleas were made in support of a proposition to lease the coal lands of Alaska. The demands of the Pacific coast as well as of the Orient for coal were well known, and it was earnestly contended that the Executive order of 1906 which locked up the coal and oil lands of Alaska should be modified. As stated, a leasing bill was passed under which those who have insisted that the Government should adopt this system of landlordism promised a demonstration of the wisdom and benefits of the leasing policy. The result has been very disappointing to the advocates of such system. The report of the Secretary of the Interior for the year ending June 30, 1917, establishes the infirmities of the plan as it was administered in Alaska. The part referred to is as follows:

> The statement that the people of Alaska have borne more handicaps than any other people who have pioneered new, undeveloped territory, at least on the North American Continent, has been so often made that it has become trite. Nevertheless it is true. If the best portions of the far West had been reserved, if the pioneers had been forbidden to make use of those natural resources which they found at hand, and penalized if they attempted to use them, is it reasonable to suppose that the Middle West and the far West would have produced many great Commonwealths within a comparatively short time?
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> Conservation, which is defined as the act of preserving, maintaining, supporting, or protecting, is, no doubt, sound in principle; but conservation as applied to Alaska, while it has preserved coal, oil, and timber, has largely estopped development along these lines. The coal lands of Alaska were reserved by Executive order in 1906, and the oil lands some years later, and there has been no general development of either coal or oil resources. Coal is mined to-day only on a small scale and oil development is at a standstill. The need of coal such as is found in Alaska is apparent all over the Pacific coast, yet the production is limited and confined to but one section of the Territory. The same is true of oil. There is no doubt that the coal areas of Alaska are capable of supplying sufficient quantities of coal for all domestic and industrial purposes of the Pacific coast regions were they developed commercially, and if the oil lands of the Territory could be properly developed they would largely add to the supply of gasoline.

This system of landlordism—of bureaucracy—as I have stated, was urged by some at the time the law of 1866 was enacted. As I remember, there was no advocacy of it when the law of May, 1872, was passed. The act last referred to declared "that all mineral deposits in land belonging to the United States are hereby open to exploration and purchase, and the lands in which they are found to occupation and purchase."

I need only point to the West in demonstration of the truth of the statement that the liberal policy adopted by our Government with respect to its agricultural and mineral lands has been of immeasurable advantage to this Nation. The greater portion of the territory acquired under the Louisiana Purchase, and that which was subsequently ceded to the United States

by the treaty of Guadaloupe Hidalgo, was regarded as of but little value. Webster and other great statesmen characterized this great domain as worthless deserts and alkali plains and forbidding mountains. But virile, courageous men and women from the East struck boldly into these deserts and waste places and mountain fastnesses, and with the intrepid spirit which has guided the Anglo-Saxon race they laid the foundations of cities and Commonwealths.

The homestead, desert, and preemption acts enabled them to acquire agricultural lands. They constructed dams and built canals and turned the streams from canyons and mountain sides upon the baked and parched earth and into the sterile and desert valleys. Fruits and all kinds of agricultural crops were produced and towns and cities were builded and community life established. These brave and courageous pioneers carried with them the laws and customs and civilization of the States from which they came; they established law and order and the American system of jurisprudence and prepared peoples for the responsibilities of statehood. They located upon mineral lands and poured into the channels of trade gold and silver, copper and lead, and the other metals and minerals found therein. They opened up coal mines from which their local and domestic needs were supplied. The chapter of our Nation's history devoted to the West and to its achievements is a glorious one and will ever be read with pride and satisfaction by patriotic Americans.

Who can successfully challenge the wisdom of the legislation enacted by the Congress of the United States which dealt with the public lands, agricultural and mineral? And yet there are some who seek to create the impression that the policy was wrong and was dictated by those who sought monopoly and to serve selfish ends. There is no monopoly of land in these great States of which I speak. The people own the lands—the farms, the ranches, and many of the mines.

In later years some copper properties and other mineral grounds have passed into the hands of large corporations. This was brought about principally because of the great cost incident to the development of the properties. Unproductive properties and mines which not only paid no dividends but resulted in enormous losses to their owners became profitable only when millions were expended to construct railroads, to improve mills and other reduction works, and to operate them upon a scale which permitted improved economies. This required large capital and called for the investment of millions. However, there is competition among the various mining properties of the character referred to, and for years lead was sold upon the market for prices that resulted in closing down many mines. The same is true of copper, silver, and many other properties in the West.

I think, generally speaking, it may be said that there is less of monopoly or of great holdings in agricultural and mineral lands in the West than in other parts of our country.

I believe that a repressive policy, a hateful leasing, bureaucratic policy, would have still found the West in solitude and sterility. It is a fallacy to suppose that the products of the mines are monopolized or held or enjoyed only by a few. Like the blood that circulates freely throughout the system, so the mineral wealth that comes from mountain and valley, fructifies the entire Nation and benefits the entire world. The copper and the lead, the iron and the coal, all these minerals dug from the earth, can not be monopolized; they must go out into the world and add to the common stock of the people's possessions.

The Senator from Wisconsin has repeatedly stated in the address which he has just concluded that the coal lands of the United States are controlled by monopolies, and he expressed opposition to the pending measure upon the ground that it will be favorable to a monopoly of the minerals referred to therein. I am inclined to agree with the Senator that there is a monopoly of the anthracite coal mines in the United States. The area in which anthracite coal is found is so restricted that its acquisition by a few individuals or corporations was a comparatively easy task. I am advised, however, that these lands lying in Pennsylvania were acquired many years ago for agricultural purposes, and the anthracite deposits were not known and their value not appreciated when the title to the lands passed to private individuals. The bituminous coal deposits of the United States, however, are very extensive and are found in many States of the Union. A monopoly of this character of coal has been impossible. My opinion is that bituminous coal has been sold at prices much less in the United States than any other country in the world. For instance, in 1911 New Zealand produced 2,066,073 tons of coal. This was sold at the mines for more than $2 per ton. The output of coal in Nova Scotia in 1910 was 6,208,244 tons, and the price at the mines was $2.01 per ton. In Illinois, in 1911, there were mined 53,679,118 tons, which were sold at the mine for $1.11 per ton. The output of coal mined in Indiana for the same year sold at the mine at $1.08 per ton, and Pennsylvania production was sold at $1.01 per ton. The output of the Ohio mines brought $1.03 at the mine; and West Virginia's output was sold for 90 cents at the mine.

Mr. McDonald states that in Australia, New Zealand, and Nova Scotia "the price of coal at the pit mouth during the past 20 years has ranged from $1.75 to $2.25 per ton, while in our great bituminous coal districts the price of coal at pit mouth has ranged from 90 cents to $1.11 per ton." From these figures it is apparent that notwithstanding the higher costs of labor in the United States, coal was sold much cheaper than in any other coal-producing countries of the world. The fact is that there was the most active competition between the coal operators, and the price of coal was such that in many instances but little, if any, profits were made.

Mr. President, monopolies and trusts and conspiracies in restraint of trade are hateful to the American people, and if the statutes of the States and the Federal Government are insufficient to deal with these evils, additional measures should speedily be enacted. Most of the States have broad, comprehensive antitrust statutes, and if enforced would prove effectual against the rapacities of some of the monopolistic corporations operating in this country. Unfortunately, these statutes have not always been invoked against trusts and illegal combinations. A few States have vigorously enforced their laws against monopolies and trusts, and the results have been most salutary. The Sherman antitrust law has proven a powerful weapon against monopolies, and the Federal Trade Commission possesses power to point out monopolistic evils and to correct the same.

Mr. President, it is unfortunately true that there are monopolies and combinations in restraint of trade existing in the United States. Some of them secretly and in devious ways attempt to evade the law, while others defy its provisions. Our economic theory rests upon the proposition that there shall be competition. When manufacturers combine to increase prices or when monopolies are formed to interrupt the natural and normal processes of business and trade and commerce, the criminal statutes of the land should be invoked and the offenders should receive condign punishment.

There is no question but what during the war there were unpatriotic people who sought to make profit out of the situation. They robbed and plundered our Allies and they robbed and plundered their own Government. In my opinion, the high prices in some commodities are in part attributable to the selfish, callous, and wicked course followed by some of the producers and manufacturers and organizations in our country. I believe that there are some corporations and individuals who are profiting now by raising the prices of food products to heights that are wholly unjustifiable. They are taking advantage of conditions and are despoiling the people.

It is to be hoped that those who administer the revenue laws of the States and of the Nation will lay their hands upon these individuals and corporations and see that they pay the taxes demanded by the law. I am convinced that efforts are made by some corporations to escape excess-profits taxes and legitimate burdens placed upon them by the Government. The profiteer and monopolist, the man or the corporation that seeks to impose upon the people, should be haled into the courts and dealt with in a stern and relentless manner.

I have stated that the wise and liberal policy adopted by the Government in dealing with its agricultural and mineral lands has not produced the evils of which complaint is made. The agricultural lands that have been acquired since the homestead and preemption and desert entry acts were enacted are in the hands of the people. Monopolies and trusts do not own them. Farmers and stock growers possess these lands and have their homes thereon. Those who acquired the lands were pioneers or the children of the sturdy and courageous Americans who sought fortune in the wild and unpropitious surroundings of the West. The history of the development of the mineral lands upon the public domain is full of dramatic interest. Thousands of brave adventuresome men went into the mountain ravines and the desert wastes and searched for the mineral wealth hidden from mortal ken. Many of them gave their lives in the quest for wealth, and their bodies sleep in forgotten spots or their bleached bones are found upon the mountain sides or in the parched valleys that know no life. The men of the West believed that the public lands should be free to those who were willing to enter thereon and develop them. A leasing system would have rested upon the West like the hand of death. A leasing system controlled by a bureaucracy 3,000 miles away would have killed the initiative, the fighting, sporting spirit of the American peo-

ple who went into the West, and it would have condemned to solitude the great empire within which are what is known as the public-land States. There are some who oppose this bill because they deem it too favorable to lessees. There are others who under the banner of conservation would have locked up all public lands and over the door placed a legend forbidding entrance therein.

Mr. President, the title to the public lands is held by the Federal Government in trust for the people. The Government's title is that of a trustee only, and the lands should go to the people and should be placed within the reach of the people. It was never the intention of the fathers of this Republic that the Federal Government should be a vast proprietor and that the people should be its servants and tenants.

It was stated in the Supreme Court, in the case of Pollard's Lessee *v.* Hogan (13 How., 212), that—

> The United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana. * * *
>
> When Alabama was admitted into the Union on an equal footing with the original States she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative act connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

In the case of Kansas *v.* Colorado (206 U. S., 46) the court states that—

> the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of powers granted is to be found in the Constitution of the United States and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those waters is vested in the State.

I respectfully submit that it was not contemplated by the founders of this Government that the Federal Government should exercise proprietary rights and control over lands within the States except such as were needed for governmental purposes. As stated in the Pollard's lessee case just referred to, the United States never held "municipal sovereignty, jurisdiction, or right of soil except for temporary purposes and to execute a trust." It is true Alabama was organized from territory ceded by the State of Georgia, but the Supreme Court states that even if there had been stipulations in the grant under which the municipal right of sovereignty and eminent domain were conferred upon the United States, such stipulation would have been "void and inoperative."

Under our form of government the United States has no municipal jurisdiction or sovereignty within the limits of a State. It was not designed that the Federal Government should hold lands for an indefinite period or in perpetuity as a proprietor and lease them at will and pleasure to those who were willing to enter thereon as tenants, and such a policy, I submit, is at variance with the spirit and genius of our institutions and of our form of government. There was no attempt when the Constitution was formed to deprive the States of jurisdiction or control over the lands within their borders. It is true that a number of the States by various grants conveyed large areas of territory out of which other States were carved by the revolutionary government, but such was done in trust for the inhabitants of the ceded territory and with the understanding that the States formed should be admitted into the Union on the same footing as the 13 original States. Those who lived within the thirteen original States were unwilling to convey to the Federal Government the territory within the boundaries which they fixed and prescribed for their respective States. They reserved to the States themselves the right to control and dispose of the unoccupied and public lands found therein. They were unwilling that the Federal Government should come into the States and exercise municipal and sovereign authority and power with respect to the public lands or the domestic affairs of the people. They believed that to have two sovereignties operating within the States in the manner proposed by the bill now before us would cause friction and tend to alienate the affections of the people from the parent Government as well as establish a system that would be hostile to the best interests of the States and the welfare and development of the people therein. They appreciated that if the Federal Government owned as a proprietor unoccupied lands within the States it would feel constrained to enact criminal statutes for the purpose of protecting the lands and would set up a system of government which might come in conflict with the government of the States or at least result in controversies and be provocative of ill feeling and resentments. They were unwilling that the United States should have proprietary interest within the States and be empowered to dispose of such lands in any manner that it saw fit. And there is no question but what they understood that the States that were to be constructed from the lands ceded or from lands that might subsequently be acquired should possess the same authority, control, and ownership over the public lands found therein when admitted into the Union. They did not understand that the Federal Government, being a Government of enumerated and limited power, should exercise municipal authority or sovereignty over the lands within the States.

President Jackson, in a message to Congress, December 4, 1833, uses this language:

> By the facts here collected from the early history of our Republic it appears that the subject of the public lands entered into the elements of its institutions. It was only upon condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations.
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> The Constitution did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that "nothing in it shall be so construed as to prejudice any claims of the United States or of any particular State," it virtually provides that these compacts and the rights they secure shall remain untouched by the legislative power, which shall only make all needful rules and regulations for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

Section 3, Article IV, of the Constitution of the United States contains this language:

> Nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

I submit that this language means that the obligation rested upon the Federal Government to enforce the conditions contained in the grants made by the various States and that the territory within such grants was to be disposed of in the organization of new States, which should have the same rights and the same sovereignty as the original 13 States. This view is supported by the statement of John Randolph, who said:

> Congress has pledged the public faith to new States that they would be admitted on equal terms. They never would or ought to accede on any other.

The Federal Government's duties are primarily with respect to the external affairs of the Nation. I repeat, it was not contemplated that they should within the States assume the municipal sovereignty of the State or the proprietary interest of a landlord. In the famous Gibbons-Ogden case Chief Justice Marshall expresses this view in the following language:

> The genius and character of the whole Government seems to be that its action is to be applied to all external concerns of the Nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of government.

The same view, I think, is expressed by Mr. Madison in No. 18 of the Federalist. His language is as follows:

> The local or municipal authorities form distinct and independent portions of the supremacy, no more subject within their respective spheres to the general authority than the general authority is subject to them within its own sphere. In this relation, then, the proposed government can not be deemed a national one, since its jurisdiction extends to certain enumerated objects only and leaves to the several States a residuary and inviolable sovereignty over all other objects.

And in his paper No. 45 he states his views as follows:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce, with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberties, and properties of the people and the internal order, improvement, and prosperity of the State.

I contend that the Constitution limits the exercise of the power of the Federal Government with respect to lands within the States to those tracts which are used exclusively for governmental purposes.

Justice Brewer in the case of Kansas against Colorado seems to approve this view in the following language:

> While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same, no greater and no less, than those within the limits of the original 13.

If that language means anything it means that when new States were formed, when they were carved out of lands acquired by treaty or otherwise and admitted into the Union, they were to enjoy the same privileges and immunities and rights of sovereignty as were enjoyed by the original 13 States. This bill denies the application of that principle and is a repudiation of a doctrine sanctified by usage and having the approval of the fathers, as well as of the Supreme Court and other judicial tribunals of the United States.

It is conceded that Congress has "power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." Under this grant of power, contained in section 3 of article 4 of the Constitution, the Federal Government has the power to organize Territories and to make all needful rules and regulations respecting the public domain therein. I contend, however, that the language of this grant contemplates a disposition of the property—that is, a grant or sale—so that legal title to the same shall pass from the United States. A proper interpretation of this constitutional provision, I respectfully insist, does not warrant the retention in perpetuity by the Federal Government of the public domain. As the Supreme Court states in the Pollard's lessee case, to which I have referred, that the United States held the naked legal title in trust for the inhabitants of the State of Alabama, so I insist that the United States now holds the legal title to the public domain in trust for the people of the United States. The power to dispose of or make all needful rules and regulations respecting the territory of the United States contemplates that it shall be disposed of to American citizens, in order that they may establish homes thereon or utilize the same for their good and for the welfare of all the people. The Supreme Court in the case of Martin *v.* Waddell (41 U. S., 410) indirectly supports this view: This language is employed by the court:

> For when the revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

It is indicated in the case of Hardin *v.* Jordan (140 U. S., 381) that the Federal Government's authority within the States is limited; that its jurisdiction does not extend to municipal and sovereign control or the control of the domestic and internal affairs of the States. Notwithstanding the power of Congress over interstate commerce, the title to the beds of the streams is in the States, and such lands are subject to State regulation and control, though in the exercise thereof there must not be interference with public navigation and commerce. The title and dominion in tide waters rests in the States, and as stated by the Supreme Court in Shively *v.* Bowlby (152 U. S., 1):

> Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution in the United States.

The States have the right to determine, notwithstanding the common law with reference to the rights of the lower riparian proprietors, that a different rule or doctrine shall prevail. Accordingly legislation has been upheld which recognized appropriation as the source of title to waters; and the Supreme Court stated, in the case of Kansas *v.* Colorado (206 U. S., 46), that while—

> Congress has joint legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to repair and improve the navigability of the stream; that the full control over those waters is subject to the exception named, vested in the State.

My contention is that if the Federal Government has no control over the streams except as it relates to their navigability, and holds them, together with the beds of the streams, in trust until States are formed, then when States are formed its power and duties with respect to the lands are limited to making regulations for the disposition of the lands to private persons.

In other words, it must fulfill the trust and pass the naked legal title to American citizens, to be devoted by them to private ends and for the general welfare of the country. And new States upon their admission into the Union are endowed with streams and the control of the same as the older ones. That doctrine has been announced very forcefully by the Supreme Court in the case of Scott *v.* Lattig (227 U. S., 229).

I wish to emphasize the proposition that—

> In interpreting the Constitution it must never be forgotten that the Nation is made up of States, to which are intrusted the powers of local government. And to them and to the people the powers not expressly delegated to the National Government are reserved. * * * The power of the State to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. (Hammer *v.* Dagenhart, 247 U. S., 251.)

Mr. President, it is purely an internal affair to provide for the control and government of the territory within the boundaries of States. It would seem to be an abridgement of the rights of the States for the Federal Government to hold as a proprietor millions of acres of mineral and agricultural lands and to prevent their alienation. The irregularity and injustice of such a course is more strongly emphasized when the United States announces that such lands shall not be alienated but held by the Government for an indefinite period notwithstanding the needs of the people, and treats the matter as though not only the legal but the equitable title was in the Federal Government, and that its authority should extend to the establishment of a leasing system and to the enactment of administrative laws and criminal regulations and statutes under which the Federal Government would thrust into the States, there to assert municipal and sovereign powers. A policy of this kind, I insist, is repugnant to our theory of government and in contravention of the spirit if not the letter of the Constitution, and will tend to confusion and discord and will increase the irritation and resentment between the officials of the State and the Federal Government and between the residents of the States and the United States. It seems to me that upon the admission of a new State into the Union ipso facto it has such jurisdiction and interest over all territory within its borders as is essential to the exercise of its sovereign powers and its proper governmental functions, upon an equal footing with the original States. As I have indicated, when the Federal Government was formed, the unoccupied public lands within the 13 States were not conveyed to the United States. An examination of the records of that period indicates that the iden prevailed that it was not the function of the Federal Government to become a proprietor or to hold in perpetuity large areas of land which were available for use and occupation by the citizens of the United States.

The view was universally held that the control of the lands within the States was within the functions and powers of the States, that such control was a domestic affair and was within the police powers of the States. Concerning national matters the Federal Government was supreme. In dealing with the internal affairs of the States they were supreme. And so, the 13 original States disposed of the unoccupied lands within their respective boundaries under laws and rules and regulations emanating from the people. Can there be any question as to the wisdom of this policy? Who is bold enough to challenge the policy so adopted? Under it the States grew and prospered. The unoccupied lands were disposed of to the children of the founders of the Republic and to the millions of persons who left the shores of Europe to seek homes and liberty under the flag and the Government of this Nation. Upon the sale of the lands by the States, they passed into the hands of individuals. Homes were built thereon, improvements were made, and taxable property came into existence. The property which the States sold was not lost. Soon the State was receiving in the form of annual revenues more than the property was formerly worth. New communities sprang into life, manufacturing centers were developed, railroads were constructed, and the States grew rich and powerful, and prosperity came to the people and the welfare of all was promoted. It may be true that some of the States did not exercise the highest wisdom in parting with the lands, and yet their policy encouraged the settlement and development of the States, and has been, in my opinion, justified and vindicated. I think it can be said, however, that they exercised greater wisdom and made a more provident disposition of their lands than did the Federal Government.

At various times during the early part of the last century, politicians and statesmen sought to fasten upon the United States a policy in dealing with the public lands under which it was insisted enormous revenues would be realized. During the days when Henry Clay was a powerful figure in the Republic, the platform of a political party contained as its principal pronouncement a declaration that the public lands should be sold and the proceeds divided among the States. For two or more decades there were political controversies as to the manner in which the public lands of the United States should be held and disposed of.

The minds of many were inflamed with the thought that the hundreds of millions of acres of public domain would be a perennial fountain of revenue for the Federal Government and a great source of wealth to the States then constituting the Union. There were some statesmen of note who advocated a course that they conceived would bring profit to the Govern-

ment in the handling of the public lands. There were other statesmen who believed that the wisest policy and the one sanctioned by the letter and spirit of the Constitution consisted in disposing of the lands to the people under the most liberal and generous terms. Doubtless the policy of the National Government was in part influenced by the policy pursued by the various States who owned unoccupied lands within their borders. As stated, the Government claimed no ownership of the lands within the 13 original States, or did it claim any public lands in Vermont, Kentucky, Maine, West Virginia, Tennessee, or Texas. These States disposed of the mineral lands in the main in the same manner as agricultural lands were disposed of. New York and Texas enacted mining codes, under which the mineral lands therein were disposed of, and some of the States enacted police regulations with respect to coal mining. Alabama, Kansas, Michigan, Minnesota, Missouri, and Wisconsin under various acts of Congress were exempted from the operation of Federal mining statutes, and Illinois, Indiana, and Ohio were not subject to the general mineral statutes of the United States, for the reason that substantially all of the lands within their borders owned by the Government had been disposed of before the enactment of the mining laws of the United States.

Mr. President, if this measure shall be enacted into law I am constrained to think that it will inflame the appetites of the school of conservatists who have wrought such incalculable harm to the West, as well as to the country, to demand legislation withdrawing the metalliferous mines from public entry. Indeed, I have heard suggestions made that the Government should hold in perpetuity not only the nonmetalliferous but the metalliferous deposits and repeal all laws permitting the acquisition of title by individuals.

The most extravagant and unfounded statements are made relative to the inexhaustible mineral wealth supposed to exist in the public lands of the Government. I have had letters written by individuals who were brought within the influence of the propaganda of these frenzied conservatists, in which it was demanded that the Federal Government repeal all laws permitting the alienation of the public domain, and that it engage in mining operations and produce sufficient wealth to pay the national debt and to meet the current expenses of the Government. The absurdity of this proposition is apparent to any person who knows the West and has had experience in mining activities. I venture the assertion that if the Government should attempt mining operations, millions of dollars would be required from the Public Treasury to meet the annual deficits. These persons who are making these demands utterly misconceive the functions of the Government and are woefully ignorant of or utterly indifferent to the failures attendant upon governmental operation of undertakings or enterprises which come within the purview of private endeavor. It may be surprising to some of these persons to know that in some of the Western States, notwithstanding millions of dollars have been expended in attempts to discover oil, no producing well has been found. In my own State, for at least 30 years, efforts have been made to find oil fields, but notwithstanding tens of thousands of claims were located and perhaps millions of dollars expended, no producing oil well has been found.

Mineral deposits are found by prospectors, and where one successful mine is developed a thousand prove failures. It has been stated repeatedly that more money has been expended in mining operations upon the public domain or land acquired from the United States than has been taken from all of the mines discovered.

This bill, if it becomes a law, will discourage prospecting, and to that extent discourage the production of the minerals named in the bill. There can be no question but that if the law permitting the exploration of the public domain for metalliferous minerals were repealed and a leasing system substituted it would result in a complete cessation of mining operations except as to those properties already being worked.

I sincerely believe that the best way of dealing with the public lands now remaining is to cede them to the States. I have called attention to the manner in which Texas and other States handled the public lands within their borders. In my opinion, the States are far more competent to control and make disposition of the public domain than is the Federal Government. The various statutes enacted by Congress, liberal as they have been, have not always proved satisfactory either to the Government or to the people. Conditions have arisen in some sections that were not paralleled in other public-land States. The result, therefore, has been that injustices have occurred because of the attempt by uniform legislation to deal with the public lands.

As I recall, the area of continental United States, excluding Alaska, is about 2,000,000,000 acres of land. This vast area has been disposed of except, approximately, 400,000,000 acres. On July 1, 1917, there were, exclusive of Alaska, 225,000,000 acres of remaining unappropriated and unreserved public lands. There were on the same date 151 national forests, embracing 175,951,266 acres. The withdrawals, as nearly as I can ascertain, are as follows:

	Acres.
Oil	6,500,000
Phosphate	2,700,000
Oil shale	3,500,000
Coal	43,700,000

The lands withdrawn by the Government in some States amount to from 50 to 80 per cent of the entire area. The policy of the Government in preventing the sale of these withdrawn lands is disastrous to the States. In those States in which the Federal Government owns no lands, substantially all of the land is subject to taxation. The burden resting upon the taxpayer is therefore made lighter; but where the great bulk of the land within a State is owned by the Federal Government, the burdens resulting from the maintenance of the State government are very onerous. I submit that the policy now being pursued under which these vast areas are withheld from private entry is a selfish and unwise as well as an un-American policy. It is at variance with the history of the past and in contravention of the liberal and enlightened views which have guided the Federal Government in dealing with the public-land question.

The progress and the devolpment of the West are hindered by this unwise and destructive course. I can appreciate the reason why western Senators, as well as many of the people living in the public-land States, have been brought to the support of this bill. It does not meet their views nor appeal to their judgment. They are giving a reluctant assent to its passage because they regard it as preferable to the continuance of this intolerable policy which locks up the West and dooms public-land States to a condition which interferes with material growth and development. They appreciate the evils of a Federal leasing system, and some, I have no doubt, are convinced that the leasing policy will soon demonstrate its unsuitableness, furnish convincing proof that it is not compatible with our form of government. In the report of the Commissioner of the General Land Office to which I have just referred the commissioner refers to the erroneous notions as to the character of the public lands. He states:

> Many people seem to believe that great areas of these lands are virgin prairie grass lands like Kansas, Nebraska, or the Dakotas, all ready for the plow and the immediate production of wheat for our allies and ourselves, or, if situated in the arid regions, that water is readily available for reclamation. The fact is that with some exceptions hereinafter referred to the great bulk of this 225,000,000 acres is essentially a grazing proposition. Speaking generally, the crop lands are gone into private ownership. Increased land values and the constant demand for more lands, coupled with liberal laws, have resulted in the absorption of practically the entire remaining farm lands suitable for crop production. Of course there are exceptions to this. This is a big country; not infrequently we have been restoring limited areas of ceded Indian lands or areas that have been withheld from entry in aid of irrigation projects or something of that sort which are quite desirable. But the general situation is what must be kept in mind. During recent years we have patented from 10,000,000 to 14,000,000 acres a year. As long ago as 1909 Congress recognized that the "dry farming" period had come and provided for 320-acre homestead entries; most of the homestead business since that time has been under that act. It has accomplished wonders in some sections. Great areas in Montana, Wyoming, Colorado, and Idaho, which only a few years ago were open cattle range, now support prosperous farming communities. They are producing much grain, and as a rule more meat than when these sections were open cattle range. This activity has resulted in the taking up of practically all the good crop lands. Congress recognized this when it passed the grazing homestead act allowing 640-acre entries of grazing lands, and the homestead business from now on will be about nine-tenths grazing homesteads.
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> Under the enlarged homestead (320-acre) act, a reduction of area of cultivation is allowable under certain rules and regulations where cultivation is impracticable; the law requires the cultivation of only one-eighth of the area, yet hundreds of such applications have been allowed after careful examination of the lands by special agents so that there could be no question as to the facts. Would these men and women undergo the necessary hardships to secure a home on lands so rough, mountainous, or arid that cultivation of an eighth is impossible or impracticable if there were plenty of level, fertile farm lands available? The question answers itself. The point we desire to make clear, and which the public should understand, is that, generally speaking, the remaining public lands are not farm lands in the ordinary sense of crop production at all. This does not mean that these lands are not useful, for they support a great portion of the meat and wool production of the country and are carrying their full capacity of cattle and sheep. There are large areas of privately owned dry farm lands and considerable areas of irrigable lands in the western States that are not being cultivated up to the limit.

I will not read further from this report, Mr. President. It is very illuminating and is a complete condemnation of the leasing system. The commissioner, however, makes one observation to which I wish to call attention. He says:

> Nevada has more public lands than any other State; yet we venture the statement that one can find more waste land—land not being put to its best use—within 50 miles of Washington than could be found in the whole State of Nevada.

Instead of all these millions of acres of land being of great value, the report of the Commissioner of the General Land Office indicates that a considerable portion of the same has but little value.

Mr. SHEPPARD. Where are the lands we hear so much about as being available for the soldiers? Are they on the public domain?

Mr. KING. Answering the Senator from Texas, I wish to say that within some of the valleys of the West and upon some of the sagebrush plains and in some of the so-called deserts can be found very rich land. It requires irrigation in order to reclaim the land and make it productive. To irrigate the land necessitates the construction of large irrigation systems, some of which cost from $5,000,000 to $25,000,000. But, Mr. President, I wish to say that there are millions of acres of land within the public domain which can be reclaimed and made highly productive. When reclaimed they will sustain hundreds of thousands of people.

Mr. SHEPPARD. Lands that are still part of the public domain?

Mr. KING. Yes, Mr. President; these lands are still a part of the public domain. There is still water available for storage, and if impounded and taken into these lands homes will be found for tens of thousands of families. While the lands are of but little value now, when redeemed and reclaimed they become of great value and produce better agricultural crops than much of the fertile land of the Ohio and Mississippi Valleys.

This report of the commissioner confirms my statements as to the character of the agricultural lands owned by the Government. It will cost the United States very much more to administer these lands and to dispose of them than will ever be realized. The receipts of the General Land Office for the fiscal year 1918 derived from all sources amounted to $5,431,827.66 and the expenditures for the same period aggregated $5,611,611.42. The receipts derived from the national forests for the same fiscal year were $3,574,930.07, and the cost of operating the Forest Service was over $4,000,000.

Notwithstanding the fact that the area of the public domain is diminished, the costs of administering the departments and agencies which have the control of the same are increasing. I have seen some figures indicating it has cost the United States a million and a half dollars per annum since the founding of the Government to meet the expenses incident to handling the public lands of the United States. The proceeds derived from the sale of the public lands have been considerably less than the receipts. Additional agencies and bureaus are being created to deal with the remaining lands owned by the Government. I make the prediction that if this bill shall pass, hundreds and, indeed, thousands of employees will be added to the Government rolls and hundreds of thousands of dollars and perhaps millions will be called for to be met by burdensome taxes laid upon the backs of the people.

I have received numerous complaints as to the increase in the number of employees of the Federal Government and the rapidly increasing expenditures of the various governmental departments. The Bureau of Mines, which was a modest organization a few years ago, spent $1,201,897 during the fiscal year ending June 30, 1918. There is a mania in the executive departments of the Government to multiply positions and to increase the officials and agents of the Government.

I have made a somewhat careful study of the expenses resulting from the normal operations of our Government, and I do not hesitate to state that extravagance even to the extent of profligacy characterizes many of the departments, bureaus, and executive agencies of the Government. Inefficiency exists upon the part of the personnel in some executive agencies and incompetency is found in some of the bureaus and departments. There is not that keen and conscientious regard for the public weal that should exist upon the part of public servants. There is too much of a disposition to regard the Government as a generous and careless father whose duty it is to give employment to all and to secure but little, if any, returns for the compensation paid. There should be an awakening in the departments and governmental agencies and a higher regard for the duties and obligations resting upon those holding public positions.

Mr. President, there is the same misapprehension as to the value of the mineral lands of the United States as exists with respect to the nonmineral lands within the public domain. Millions of acres of nonmineral lands in the State of Nevada are practically valueless. The same can be said of tens of millions of acres of nonmineral lands in other States of the West. It is true there are coal lands containing billions of tons of bituminous coal. There are limited fields in which oil may be found. The phosphate and sodium lands are not extensive. The public would reap far greater results from the development of these lands than would the locators. Notwithstanding the extensive coal measures there has been no coal monopoly in the West, and the opening of the coal lands to private entry under the prices fixed for their sale would result in the purchase of but a limited number of acres and would in no wise conduce to the creation of a monopoly.

Mr. President, in my opinion the best interests of the West as well as the entire Nation would be served by a cession of the 400,000,000 acres of land now owned by the Government within the public-land States to the States in which they are found. Many statesmen have favored this view. Mr. Calhoun not only favored but prepared a plan for the cession of all public lands to the States.

The States are in a condition to administer this trust, and they can do so, in my opinion, in a far more satisfactory manner than can the Federal Government. A Federal landlordism is obnoxious in the extreme. The States, being nearer the people, can lease lands, if the leasing system is found imperative, with far less expense and with more satisfactory results than can the Federal Government under a bureaucracy that is situated 3,000 miles away. The States understand the problems therein better than officials in Washington can possibly understand them. They can meet local conditions in a manner far more satisfactory to the people than can bureaus and officials who occupy the "seats of the mighty" in Washington. They can administer the public lands at an expense far less than will be incurred in this work by the Federal Government, and the expenses that will result will be met by the people of the States and not become a charge upon the Treasury of the United States. Mr. President, we should now deal with the public lands of the United States in a rational and in a final effective manner.

When I had the honor to serve in the House of Representatives a number of years ago, I introduced a bill providing for a cession of the public lands to the States. I had much encouragement and leaders of both political parties expressed themselves in hearty sympathy with the measure. I offered a similar bill during the last Congress and introduced it again at the beginning of the present session of Congress. With a few modifications I am proposing it as a substitute for the pending bill. Mr. President, under my substitute all of the public lands which have not been acquired or reserved for the public or special uses of the Government of the United States are granted to the particular States within the territorial boundaries of which they are situated. It leaves to the States to whom the cession is made the power and authority to make disposition of the same. I have, however, in deference to the opinions of some who favor the general principle of granting the public lands to the States, added a condition to the grant. This condition is to the effect that the States shall not dispose of the lands so granted to corporations, nor shall they grant to any one person more than 2,500 acres. A violation of these conditions results in a reversion of the land so granted by the States to the individual or the corporation to the Federal Government. Personally I would be willing to leave the entire matter of disposing of the lands ceded to the States. I have confidence in the people, and in their honesty, and in their ability to handle all property owned by the States.

As I have heretofore observed, the States have handled the public lands owned by them in as provident and wise a manner as has the Federal Government. The people within the States will be interested in the public lands owned by the States. They will regard such lands as a part of their own inheritance and patrimony and will exercise a supervisory care over their officials to the end that the land may be properly protected and the interests of the public guarded. The States can control the mineral lands, if the leasing system shall be deemed proper, far better than can the Federal Government. If grants or sales of lands so granted to them are made, the legislatures of the various States and the people thereof can provide such safeguards as may be regarded for the interest of all. This plan, Mr. President, is not an experiment—it is not a new policy, and many of the States have owned all of the lands within their borders and then disposed of them, and their administration of the public lands has in the main been satisfactory. It has the approval of the people of the West and in my opinion will find support among the thinking people throughout the land. On the 19th of last month there was a conference of the governors of the States held in Salt Lake City, Utah. The question of ceding the public lands to the States was there discussed and considered at great length. At the conclusion of the discussion the following resolution was unanimously adopted:

Whereas the Government records show that the public-land States contain 225,000,000 acres of unreserved and unappropriated public lands; and

Whereas the reservations and exemptions from taxation of such large bodies of land in the respective States by the Federal Government severely cripples the said States in their efforts toward such development of the natural resources and internal improvements; and

Whereas the public-land States are now facing more important reconstruction and development than ever in their history, and believing that the individual States can more economically handle the public lands within their respective boundaries to the greater beneficial advantage to the people: We, therefore,

Resolve, That it is the sense of this convention that Congress be respectfully urged and requested to cede all unsurveyed public lands without any mineral or other reservation to the States wherein the same are, respectively, situated.

Let us make this cession to the States. It will relieve the Federal Government of burdens and cares and responsibilities. It will make for the development and progress of the West and promote the general welfare of all the people of our land. Mr. President, it would be a gracious act and at the same time a wise and statesmanlike policy if the General Government should now withdraw its proprietary interests in the public domain and execute the trust which has devolved upon it and transfer the legal title to the public lands to the States within which the same are situate.

The PRESIDENT pro tempore. The question is upon the amendment, in the nature of a substitute, offered by the junior Senator from Utah [Mr. KING].

The amendment, in the nature of a substitute, was rejected.

Mr. SMOOT. Mr. President, on account of certain changes made in section 17, I desire to offer several amendments to conform to the changes made in that section.

On page 31, line 2, after the word "sales," I move to insert the word "bonuses."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 31, line 2, after the word "sales," it is proposed to insert the word "bonuses" with a comma.

The amendment was agreed to.

Mr. SMOOT. On line 6 of the same page, before the word "royalties," I move to insert "bonuses."

The amendment was agreed to.

Mr. SMOOT. On line 10, after the word "such," I move to insert the word "bonuses."

The amendment was agreed to.

Mr. JOHNSON of South Dakota. Mr. President, I do not expect to take up more than a moment. I move to amend the bill by striking out the word "twenty," in line 23 of page 14, and substituting therefor the word "ten."

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from South Dakota.

The SECRETARY. On page 4, line 23, it is proposed to strike out the word "twenty," before the word "years," and to insert in lieu thereof the word "ten," so as to read:

Leases shall be for a period of 10 years—

And so forth.

The amendment was rejected.

Mr. JOHNSON of South Dakota. I move to strike out, then, all of lines 24 and 25 on page 14, and lines 1, 2, and 3 on page 15.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from South Dakota.

The SECRETARY. In section 17, after the word "years" at the end of line 23, it is proposed to strike out the remainder of the section, in the following words, "with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods."

The amendment was rejected.

Mr. WALSH of Montana. Mr. President, before the bill is reported to the Senate, I desire to submit for the RECORD a statement furnished by the Geological Survey showing the acreage of lands subject to disposition under the bill, so far as they have been withdrawn. The table shows the aggregate acreage withdrawn and which will be subject to disposition under the bill to be about 50,000,000. Of that 50,000,000 acres, about 40,426,000 are coal lands, 6,758,000 oil lands, and 2,724,000 phosphate lands. Of these, there are in the State of Montana 10,610,126 acres of coal lands, 1,351,891 acres of oil lands, and 287,883 acres of phosphate lands.

These facts, considering that these lands have been withdrawn from all sorts of entry for years, will in a measure explain the interest which I have exhibited in this bill.

I ask that this statement be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Summary of outstanding withdrawals.

State.	Coal.	Oil.	Oil shale.	Phosphate.	Potash.	Mineral.	Water power.	Reservoirs.	Public water.	Total.[1]
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama							120			120
Alaska							81,015			81,015
Arizona	141,945	230,400				8,507	295,848		13,826	690,525
Arkansas							22,354	21,040		45,394
California	17,643	1,257,229			90,607		288,894		57,629	1,712,092
Colorado	4,500,511	222,977	41,560				270,091	1,728	1,900	5,038,767
Florida				119,737						119,737
Louisiana		467,030								467,030
Idaho	4,761			1,015,717			258,794		7,415	1,286,687
Michigan							1,240			1,240
Minnesota							12,309			12,309
Montana	10,610,126	1,351,891		287,883			155,972	9,080	7,284	12,422,236
Nebraska							761			761
Nevada	83,833		123		39,422		27,543		4,833	155,754
New Mexico	5,585,208						62,602		5,881	5,653,691
North Dakota	10,902,615	84,894						1,569		10,589,078
Oregon	4,361						422,704	10,619	11,744	449,428
Utah	5,313,836	1,962,787	86,584	302,465			448,698	35,943	34,867	8,185,183
Washington	824,074						113,248		800	938,122
Wyoming	2,437,723	1,181,626		998,592			88,311		83,752	4,790,004
South Dakota									240	240
Total	40,426,636	6,758,834	128,267	2,724,394	130,029	8,507	2,550,504	81,979	230,171	53,039,321

[1] The same land may be included in more than one type of withdrawal, so that some of these totals are greater than the area in fact withdrawn from entry.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, line 25, after the word "cents," it is proposed to strike out the words "nor more than"; and on page 5, line 1, it is proposed to strike out the first two words, "20 cents," or to strike out the words "nor more than 20 cents."

Mr. LA FOLLETTE. Mr. President, I do not desire at this time to discuss the amendment. It has been somewhat debated while the bill was in Committee of the Whole, but I desire to have a vote on it in the Senate.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the further amendment which I now send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, line 25, after the word "lease," it is proposed to strike out the word "thereon"; and on the same page, line 25, after the word "States," it is proposed to

insert "of one-fourth thereof, to be selected by legal subdivisions."

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer another amendment and move its adoption. I send a copy of it to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16, line 2, after the words "per centum," it is proposed to strike out "nor more than 25 per centum."

The amendment was rejected.

Mr. LA FOLLETTE. I now offer another amendment and move its adoption. I send a copy of it to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 20, lines 4 and 5, after the words "per centum," it is proposed to strike out the words "nor more than 25 per centum."

The amendment was rejected.

Mr. PHELAN. Mr. President, I have an amendment on the desk which I ask to have stated.

The PRESIDENT pro tempore. The Secretary will state the amendment of the Senator from California.

The SECRETARY. On page 2, at the end of line 7, it is proposed to insert:

The President is hereby authorized, in his discretion, to place an embargo against the exportation of oil, whether produced under the provisions of this act or otherwise.

Mr. PHELAN. Mr. President, the condition which suggests the necessity of an amendment of that kind grows out of the fact that the United States is consuming more oil than it produces. I have here a letter from an authoritative source, Mr. E. L. Doheny, who writes on another subject, but includes this information in his letter:

We now produce nearly 70 per cent of the world's production of petroleum and consume more than 75 per cent. Our oil fields are nearly all discovered, those discovered are practically all well developed, and many of them are nearly exhausted. A study of the oil geology of the world brings the conviction that the United States will depend, within 10 years, upon foreign-produced petroleum for more than 50 per cent of its consumption; also a study of the increase of petroleum consumption, through the development of its use for motor engines and in other ways, also causes the belief that the United States will double its requirements within the same period and that it will require more than 50 per cent of its supply from foreign sources.

The other day the Senator from Oklahoma [Mr. OWEN] introduced in the RECORD—August 25—a statement by Mr. E. Mackay Edgar, of a distinguished London mercantile house, and among other things he says, after visiting this country and with the trained mind of a business man making careful observations:

Again, America is reaching the end of some of her most valuable raw materials and natural resources. Already she is importing oil for her own consumption; she will soon be importing copper—perhaps even wheat. Her "magnates" are rightly and shrewdly looking ahead and scouring the world for reserves of basic metals and minerals that will make good their own dwindling supplies; but wherever they turn they find that British enterprise has been before them. We hold many of these essential key positions in our own hands. Even if they do not lie inside the British Empire, they are controlled by British capital. America one of these days—and not very distant days, either—will have to come to us for the oil, copper, and, perhaps, the iron ore she needs, just as she has come to us for wool. That is why I, for one, am not greatly disturbed by America's competition.

That is the opinion of a keen observer, but it is borne out by the report of the Bureau of Mines of the Government of the United States that there is a drain already upon our natural resources, and we have already consumed 40 per cent of all our oil, whereas we have consumed only 1 per cent of our coal. Under the existing law, which is the act of May 10, 1872, no foreigner, nor anyone except a citizen of the United States, or one who has declared his intention to become a citizen, has a right to locate on a mineral claim upon the public domain. When the pending bill was reported from the committee it contained substantially the same provision which is now in the existing law, namely, that no foreigner could under this act own any stock under any lease or participate in the location of any claim upon the public domain, but in Committee of the Whole that was amended to permit a foreigner, under this act, to go upon the public domain just like a citizen and acquire certain rights to our mineral resources, with this addition, which was added in Committee of the Whole, that it was subject to the power of the President to take over the plant, and of the Secretary of the Interior to take over the oil, in the discretion of the President or the Secretary of the Interior, as the case might be. But it is a departure from the established law and should have some justification. The established and existing law to-day does not permit a foreigner to go upon the public domain, whereas the law which has just come out of the Committee of the Whole into the Senate permits him, conditional, however, upon the President and Secretary of the Interior having the right in one case to take the plant and in the other to take the oil.

Mr. LENROOT. Will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PHELAN. Certainly.

Mr. LENROOT. I do not think the Senator stated that quite correctly. An alien can not acquire a lease under the law. The provision the Senator refers to relates only to stock ownership, but the lessee must be a citizen of the United States.

Mr. PHELAN. The exact language of the amendment as it stands now in the perfected bill is that:

No alien shall by stock ownership or otherwise own any interest in a lease acquired under the provisions of this act except with the specific provision in such lease authorizing the President—

And so forth. That is correct.

Mr. LENROOT. But the lessee can not be an alien.

Mr. PHELAN. I do not understand the distinction.

Mr. PITTMAN. I call attention to the fact that section 1 contains this provision:

Except as herein provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States.

That is in the first section of the bill.

Mr. PHELAN. The Senator contends that foreigners are barred under the perfected bill from acquiring any interest in any lease.

Mr. PITTMAN. I interpret it that way.

Mr. PHELAN. I do not think that is the interpretation of the Senator from Wisconsin [Mr. LENROOT].

Mr. LENROOT. No; no alien can become a lessee, but an alien may own stock in a corporation that is a citizen of the United States under the provisions the Senator refers to.

Mr. PHELAN. It is substantially the same thing. The foreigner in his proper person can not become the owner of a lease, but he can incorporate himself and become the owner of the lease. That is tweedledum and tweedledee, and it is the same vice that exists in many States. In the State of California no alien ineligible to citizenship can own agricultural land, but he organizes a corporation and enjoys full possession of the land, which, of course, is an error on the part of the lawmakers. They should have barred them also from participating as owner through the medium of a corporation.

I am not commenting upon what has already been done in perfecting that particular section giving the President power to take over the property and the Secretary to take over the oil in their discretion, but I want it to apply to the oil wells owned now in the United States of America in order to deter foreigners from seeking to acquire oil property. My proposed amendment, which has just been read by the Secretary, provides in this language:

The President is hereby authorized, in his discretion, to place an embargo against the exportation of oil, whether produced under the provisions of this act or otherwise.

What would be the effect of that? It would have the effect of deterring foreigners, or, as the case may be, provided the State laws are effective, foreign corporations from acquiring existing wells.

I have shown you that we have consumed 40 per cent of our oil resources, and that we are consuming more now than we produce, and I will show you, from the record if necessary, that particularly a British corporation, the Royal Dutch Shell, is acquiring existing wells throughout the country in Oklahoma and Texas, and I have more particular knowledge of California; and there is nothing to prevent them, except a lack of money, from acquiring all our oil properties; and the matter of money is of small importance to Great Britain at this time.

Mr. THOMAS. Mr. President, is not that what prevents all of us from getting them—lack of money?

Mr. PHELAN. But the Senator is not in the unique and unusual position in which I find Great Britain. Great Britain now owes the United States, at the last report which I observed, something like $4,000,000,000, and I think we are generously extending credit from time to time. I find in the RECORD of October 21 the following:

One of the leading New York papers has drawn attention to the fact that, whereas England is borrowing immense amounts of money in the United States, their money market is easy as compared with money conditions in this country. In this way England is able to build up its industries in preparation for the severe competition which is bound to follow after the war.

An example of this is that the English Parliament recently voted £2,000,000 in advance to dyestuff makers in England, while England is borrowing money here.

While England is borrowing money here, the very thing we are doing, trying to encourage by tariff, special levy, and otherwise, our dyestuffs, England is using the money that we loan for the purpose of throttling that industry so far as we are concerned and establishing independent and competitive plants in London.

Another is the fact that the London Water Co. notes, which sold here—

That is, in the United States—

on about a 7 per cent basis, and are now maturing, have been replaced in London on a 3½ per cent basis, due to the easy money market in England as compared with the high rates which United States industries must pay in this country.

In other words, England has taken our money, and that liberated hers, and with hers she is investing in these corporations which will be in competition with ours, and she has had the indecent enterprise, I might say—I rather commend her financial prowess and foresight—of taking our own money and buying our own oil wells and putting us in the position of a nation having an insufficient supply, because that oil is exported for English uses, industrial, naval, and martitime, throughout the world. It reminds me very much of Byron's lines:

So the struck eagle, stretch'd upon the plain,
No more through rolling clouds to soar again,
View'd his own feather on the fatal dart,
And wing'd the shaft that quiver'd in his heart,
Keen were his pangs, but keener far to feel,
He nursed the pinion that impelled the steel.

We are contributing to our own undoing, and that which appealed to our generosity after the war is used for the purpose of diminishing our own natural resources.

Therefore there should be no objection, since we have given the President power in the case of these leased lands to protect the country against the exportation of it, because it means nothing else; at the same time give the President the power to forbid in emergencies or in his discretion, let us say, to foreigners to export the natural resources of our country so necessary for its industrial life, so necessary for the maintenance of its merchant marine and its Navy.

I can not see where the objection lies, and certainly it will not stir any retaliation anywhere, because Mexico is the only oil land which we look upon for an auxiliary supply, and there is there a vast production, and there the logic of the situation and the economic necessity will never lead that Government to put a ban upon exports. It is the life of the country to sell its oil, and no matter what action we may take which in no way interferes in practice with Mexico's nationals, that supply shall be utilized for foreign consumption. But here is a surprising development.

Mr. Doheny, who is an American, as well as a Mexican, oil producer, recently went to London and organized a marketing company with these same Englishmen who are buying, let us say, the California and the Texas wells, so that not only will they own our supply but they will control the Mexican supply owned by American citizens, as in the great Tampico district, owned very largely by Mr. Doheny, who, I believe, is the president of the Mexican Petroleum, which, among other property, owns the great gusher giving out 300,000 barrels a day, and which is about the total output of all California. There they have one well with a capacity of 300,000 barrels a day! But Mr. Doheny, not finding any encouragement in this country, has gone to England, and now has half the supply, because the company is organized on the basis of equal distribution and equal profit, and has given to England that supply which we have looked upon with covetous eye. Mr. Doheny has not tied up all his property in Mexico in this matter, but the danger is none the less real.

So, as the gentleman quoted said in his interview, wherever we go we find that Great Britain is just ahead of us! If I thought for a moment that such a provision as I offer would in any way lead to retaliation, which I can not conceive, I would not for a moment propose it; but I think by adopting the amendment we will deter or discourage the foreign companies—you see it is not a prohibition; it discourages them—from acquiring American properties, because no foreign company, certainly no nation dealing in the oil supply as Great Britain, as a nation, is doing, would acquire wells where she would not have the power in case of necessity to export it for her own uses.

This marketing company was organized by the Englishmen and Mr. Doheny; and I ask permission that the account of it be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

TO MARKET OIL ABROAD—PAPERS FOR BRITISH MEXICAN PETROLEUM CO. FILED.

Following the receipt of cable messages from London, it was announced in the financial district yesterday that articles of incorporation of the British Mexican Petroleum Co., which came into being following a prolonged visit of E. L. Doheny, head of the Pan-American Petroleum Co. in England recently, were filed July 15. The new company will have an initial paid-up capital of £2,000,000 and will function as the marketing company for Mexican petroleum products in the Eastern Hemisphere.

It is planned for the new company to own a fleet of tank steamers and to have large tank farms at the important European shipping ports for the bunkering of vessels with fuel oil. It is also planned to construct refineries for the handling of crude oil from the Mexican Petroleum Co. Half of the capital has been subscribed by British interests and the remainder by the Pan American Petroleum Co. The contract with the Mexican Petroleum Co. runs for a period of 20 years and requires an annual purchase from the Mexican company of several millions of barrels of oil and gasoline.

Organizers and directors of the new company are Lord Pirrie, William Weir, Sir Thomas Royden, Sir Peter McClelland, Sir James T. Currie, J. R. Morton, E. L. Doheny, H. G. Wylie, E. L. Doheny, jr., J. M. Danziger, Elisha Walker, and L. P. Sheldon. Sir Alexander McGuire and W. A. White will act as alternates for the American directors residing away from Great Britain.

Lord Pierre, who is chairman of the new company, is the head of the shipbuilding firm of Harland & Wolff and a director of the International Mercantile Marine Co. William Weir is head of the firm of Andrew Weir & Co., and is a large owner and operator of ships. E. L. Doheny is president and H. G. Wylie a vice president of the Mexican oil supplying companies. The former is vice chairman and the latter managing director of the British-Mexican Petroleum Co. Sir Thomas Royden is deputy chairman of the Cunard Steamship Co. Sir Peter McClelland is the senior partner of Duncan, Fox & Co. Sir James Currie is a director of the United Baltic Corporation, and will be executive director of the new company. Elisha Walker is a partner of William Salomon & Co., New York, and L. P. Sheldon is a partner of Salomon & Co., London, which firms have acted as bankers for both the Mexican Petroleum and Pan American companies.

Mr. PHELAN. If there is any objection on the score of retaliation I should like to hear it; but I warn the Senators that this is an opportunity to take advantage through the arm of the Federal Government—the only weapon we have—to impose an embargo. We can not deny a foreigner to acquire property such as oil wells in this country by an act of Congress. There is no such power in Congress. The States may within their jurisdiction control the ownership of land and the minerals on private property by corporations, but not the Federal Government. So our only power is by such an amendment as I propose—to discourage foreigners by forbidding them the full, complete, and exclusive ownership of their property, because we would give to the President the right to impose an embargo. We are warned of this, with which I shall close, by the pious sentiment in the parable:

"Then shall the kingdom of heaven be likened unto ten virgins, which took their lamps, and went forth to meet the bridegroom.

"And five of them were wise, and five were foolish.

"They that were foolish took their lamps, and took no oil with them:

"But the wise took oil in their vessels with their lamps.

"While the bridegroom tarried, they all slumbered and slept.

"And at midnight there was a cry made, Behold, the bridegroom cometh; go ye out to meet him.

"Then all those virgins arose, and trimmed their lamps.

"And the foolish said unto the wise, Give us of your oil; for our lamps are gone out.

"But the wise answered, saying, Not so; lest there be not enough for us and you: but go ye rather to them that sell, and buy for yourselves.

"And while they went to buy, the bridegroom came; and they that were ready went in with him to the marriage; and the door was shut."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from California [Mr. PHELAN].

On a division the amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be reported.

The SECRETARY. On page 25, line 5, insert the following:

And provided further, That every permit and lease shall reserve to the Secretary of the Interior the right to limit the original issue of capital stock by the permittee to an amount corresponding at par value to the cash actually subscribed and paid therefor, computing as such cash a reasonable compensation for labor and money expended and risk incurred in prospecting and development work by the permittee and others associated with him, and shall also reserve to the Secretary the right to limit subsequent issues of capital stock to such amounts as he may deem compatible with the interests of the public.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

[Putting the question.] The noes seem to have it. The noes have it.

Mr. WALSH of Massachusetts. I ask for a division.

On a division the amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that this amendment proposes to protect the people of the country against stock-watering, and unscrupulous permittees, and licensees using the authority of the Government to expand capitalization, I feel it my duty to ask for a roll call.

Mr. SMOOT. Mr. President, it is too late now for the Senator to ask for a roll call. The amendment was first rejected on a viva voce vote. Then the Senator arose and asked for a division. That was granted, and the amendment was again rejected. It is now too late to have a yea and nay vote.

Mr. WALSH of Massachusetts. Then, Mr. President, if the chairman of the committee raises that objection, I shall not press the request, but I am sure it will be an added reason why some Members of the Senate should vote against this bill.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. KIRBY. I offer the amendment which I sent to the desk as a substitute for the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

The President of the United States is hereby authorized to mine and develop coal, oil, and gas in any lands belonging to the United States, and to operate the mines and wells under the direction and supervision of the Secretary of the Interior when in his discretion the public exigency may require that it shall be done.

Mr. KIRBY. Mr. President, the lands involved in this legislation have long been reserved from exploitation by individuals and by corporations, and the need is now greater for the reservation and conservation of oil and coal for the use of the Government than it has been in our history heretofore. We have already exhausted over 40 per cent of our indicated oil resources. We must always have enough coal and enough oil with which to operate our Navy. We believe we ought to establish a merchant marine that will take care of the commerce of the United States, and we know that we must have coal and oil in order to do that.

I believe the merchant marine ought to be operated by the United States Government. We have builded ships, and we are building them now. The ocean is there, and it never needs repair. We have fought this war for the freedom of the seas, and, whether it has been guaranteed or not, the fact remains that the United States of America has said that the submarine can not be used against the shipping of neutral nations; that has been the demand by this Government of ours, and it has been determined by a victorious war. That settles the question of international law. We are entitled to the freedom of the seas. We need this coal and we need this oil to take care of the conditions that will develop, and I say now is the time to preserve them. This is all that is left.

The question is becoming more and more acute. The oil interests are behind the insistent and persistent propaganda for a war with Mexico; that is the motive which is at the bottom of it all. There is an organized and persistent propaganda and demand for war with Mexico. It has grown largely out of the oil interests down there. I do not think we should have a war with Mexico. There is less excuse for it now than there has been heretofore; but the propaganda is being urged all the time. I think it is time we should consider the Government's interests. Let us save and preserve these lands and until the time comes when it will be necessary to use them. My amendment merely proposes to give the President the authority to mine and to use the coal and oil when the emergency arises therefor.

Mr. LA FOLLETTE. Mr. President, I am going to read just two or three paragraphs from the September issue of a magazine which is called Reconstruction.

WHAT IT COSTS US TO LET OIL BUSINESS BE PRIVATELY OWNED.

Nearly every great fortune in the United States is based upon private ownership and development of some natural resources of the country. In five years after the dissolution of the Standard Oil Co., the companies included in the Standard Oil combination, distributed in cash $407,491,626; in stock at par value $207,200,000; and subscription rights at par to the value of $40,900,000; a total of $655,000,000, while the total capitalization of these companies on April 15, 1912, was only $276,916,754.

The Commissioner of Internal Revenue gives some interesting information as to the profits made by oil companies for 1916, which are the last figures of the bureau available. This was before profiteering in the name of patriotism became quite the most profitable profession in America for a little group of undemocratic Americans. In that year, corporations developing oil, gas, and salt wells had a net income of $236,795,209; during the same year, corporations extracting coal had a net income of $121,082,830; those extracting copper had a net income of $271,087,120. During the same year, corporations extracting gold, silver and other precious metals had a net income of only $14,907,086.

The Commissioner of Internal Revenue also reports in 1916 the average net income of 2,554 mine owners and operators was $45,140. Eleven mine owners and operators had a net income in 1916 of over $1,000,000; 10 had a net income of over $1,500,000; and several a net income of over $6,000,000. The total net income of corporations extracting minerals was in 1916, $798,883,349.

These figures show clearly why American financiers are so anxious to be allowed to grab the people's natural resources. They show equally clearly why Congress should refuse to turn over the people's resources for the enrichment of the few and the impoverishment of the many.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas.

Mr. KIRBY. I ask for a division.

The question being put, on a division the amendment was rejected.

Mr. PHELAN. Mr. President, I had expected to address the Senate on the bill, but on account of the lateness of the hour and because of the fact that the Senator from Wisconsin [Mr. LENROOT] has covered the ground, I shall merely ask permission to insert in the record a statement by Mark L. Requa, former oil director of the Fuel Administration, and a statement by James N. Gillett, former governor of California, explaining very tersely the condition existing in naval reserve No. 2.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statements referred to are as follows:

NEW YORK CITY, *July 30, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have noted with interest and considerable satisfaction the resolution introduced by Senator POINDEXTER on the subject of prices of oil in California. May I ask if you will send me a copy of the resolution as passed?

From the statement published in the New York papers this morning I quote as follows:

"Inasmuch as the Pacific coast, through its California oil fields, produces more oil than it consumes, there is no excuse for the coast prices exceeding Atlantic or Gulf prices."

This is presumed to be quoting Senator POINDEXTER. Nothing could more clearly prove the desirability for an unbiased statement of the truth than this quotation, if correct. As a matter of fact, during the war the California prices for oil were the lowest in the United States, and storage was being drawn upon to an alarming degree and is still below a reasonable reserve.

The reason that oil can be sold at New Orleans for 80 cents is because of the Mexican oil fields, with which the United States producers can not compete in the matter of cheap costs. The average production per well per day in the United States is about 4¼ barrels; 5,000, 10,000, 50,000, and 100,000 barrels per well per day is possible in Mexico. There is no well in the United States upon a par with the great well of the Mexican Petroleum, which is analogous to a water pipe with the faucet on the end of it—you open the faucet a little farther as you want more fluid. This one well has produced over 100,000,000 barrels, and is still going, apparently, as strong as ever.

The oil producers upon the Atlantic seaboard must make their money out of some other part of the barrel than the fuel oil, because of this competition from Mexico. In California a very large percentage of the oil is sold direct for fuel without any refining. If Mexico was as close to California as it is to New Orleans the same prices for oil would prevail, but, incidentally, the oil producers of California would be facing bankruptcy.

The statement that the oil consumers of the coast are required to pay $1.85 per barrel is true if the point of delivery is Puget Sound. Assuming a heating value of 3½ barrels of oil equivalent to a ton of coal would bring the price of the coal to $6.47. If Senator POINDEXTER's Washington coal mines can produce and market coal at a price sufficiently attractive they will take the business as against fuel oil, of course; but that they are not doing this is evidenced by the fact that fuel oil still commands the market.

It is also entirely easy to demonstrate that the producers of fuel oil in years past in California have not made a profit commensurate with their risk and over many years made absolutely no profit at all.

I am writing this letter for your own information, although I have no objection to your making any use of it you may desire. I am interested only in seeing the whole truth stated; and in order to do this, the Federal Trade Commission must do something more than make a mere accounting investigation into the situation. It requires a review of the entire oil problem of

the Pacific coast and a determination of some of the fundamentals that go beyond the mere question of figures, although even these in themselves will if intelligently presented show the problem in a satisfactory light.

Very truly, yours, M. L. REQUA.

FACTS CONCERNING NAVAL PETROLEUM RESERVE NO. 2.

Naval petroleum reserve No. 2 was created December 13, 1912. It contains 30,080 acres—15,360 of which have been patented to the Southern Pacific Railroad for nearly 25 years, 3,520 acres have been patented to others, 7,040 acres were located or filed on under the placer mining laws prior to January 1, 1909, and the rest is vacant land.

In the spring and summer of 1909 a number of oil companies were in possession of said mineral locations and were busily engaged in doing necessary work leading to the discovery of oil. Some were building roads, some were building cabins and derricks and doing such work as was necessary to prepare the land for drilling, and on one or two of the claims drilling was in actual progress.

While this work was being done, the President of the United States, on September 27, 1909, withdrew from entry 3,040,000 acres of supposed petroleum lands in California and Wyoming, which included the above-mentioned lands. This order stated that it was made "in aid of future legislation," and it contained the following provision: "All locations or claims existing and valid on this date may proceed to entry in the usual manner."

There were then about 20 companies and individuals operating on the lands within naval reserve No. 2. A statement filed by Commander Wright, of the Navy, and published in the hearings on S. 3521 before the Naval Affairs Committee of the Senate, shows that prior to the date of the withdrawal order the oil claimants on lands which had been located in naval reserve No. 2 had spent $100,000 in development work in the discovery of oil, and had spent $160,000 in work where no oil had been discovered.

Mr. Louis Titus, who is largely interested in the reserve, and who knows what work was being done before the land was withdrawn from entry and where it was performed, filed a statement with the Naval Affairs Committee giving an estimate of the amount expended in different sections prior to the withdrawal order, which is as follows:

Section 20	$46,000
Section 22	4,000
Section 26	11,000
Section 28	22,000
Section 34	6,000
Section 2	8,800
Section 12	2,000
Section 18	27,000
Section 32	3,000
	129,800

This does not include work done on lands claimed by the Honolulu Consolidated Oil Co., which, according to Commissioner Talman of the General Land Office in a letter to Secretary Lane bearing date April 12, 1916, amounted to more than $100,000 prior to the withdrawal order.

About 13 companies have continued their work and are now in possession of their claims, while others, who were on barren lands, after spending large sums of money, have abandoned theirs. No objection whatever was made by the Government to these companies holding their claims, and they were permitted to continue with their work and develop a very fine and well-equipped oil field.

On December 13, 1912, the date of the creation of naval reserve No. 2, they had expended about $10,000,000 in development work alone, to say nothing of the large sums paid for their lands. The Associated Oil Co. paid for its land $1,770,000. Following is a list of expenditures prepared by Commander Wright, of the Navy, showing expenditures made by the several companies therein mentioned up to December 13, 1912, the date on which naval reserve No. 2 was created, which statement was submitted to the Naval Committee of the Senate when S. 3521 was pending before it:

Honolulu Consolidated	$1,310,000
Standard Oil Co	1,300,000
Associated Oil Co	1,320,000
Union Oil Co	400,000
General Petroleum	350,000
St. Helen's	210,000
Boston Pacific	225,000
North American	750,000
Consolidated Mutual	450,000
California Amalgamated	125,000
Caribou Oil Co	150,000
Record Oil Co	200,000
United Oil Co	210,000
Midland Oil Co	70,000
	7,070,000

This is nearly $3,000,000 short of what was actually expended, but we will, for the sake of this statement, assume that it is correct.

Now, after the reserve was created, December 13, 1912, nothing was done by the Government to prevent these companies from drilling more wells, expending more money, and extracting the oil and selling it until October 25, 1915, when an action was commenced against the North American Co. Before the end of the year five more suits were started. One suit was commenced in September, 1916, against the Pioneer Midway Oil Co., and in 1917, over five years after the reserve was created, 23 more were commenced, so that to-day every company operating within the reserve has been sued. Four decisions have been rendered in the district court so far, and all have been in favor of the claimants. The decision in favor of the North American Oil Co. has been sustained by the United States circuit court of appeals.

All the suits have been based on the following allegations, to wit: "No discovery prior to withdrawal, hence no valid location. Not a bona fide occupant, and not in diligent prosecution of work at date of withdrawal. No discovery work initiated prior to withdrawal." In some of the cases, those based on what are known as the McMurtry locations, a charge of dummy entrymen is made.

The order creating naval reserve No. 2 contained the following provision: "Subject to valid existing rights." The circuit court of appeals and the district courts hold that it was not necessary that a discovery of oil or gas should have been made prior to September 27, 1909, the date of the withdrawal order, in order to constitute a valid claim, and this is now conceded by the Government. So the first ground set forth by the Government fails.

The other ground, that "no discovery work was initiated prior to withdrawal," must also fail. Commander Wright, in the statement above referred to, admitted that these companies had expended $260,000 prior to the withdrawal order. If that money was not spent in initiating "discovery work," then what was it spent for?

As to the claim that diligent work was not done, it is only necessary to call attention to the fact that in the three years preceding the creation of the naval reserve the claimants operating therein expended $7,070,000 in the development of their claims, as appears by Commander Wright's statement, whereas, as a matter of fact, they spent about $10,000,000.

The charge of dummy entrymen is based upon the locations made by one McMurtry, acting as the attorney in fact for some New York locators. The United States district court, Judge Bean sitting, a few weeks ago rendered a most carefully considered decision, in which he holds that the McMurtry locations are valid locations; that the locators were not dummy locators; and that the defendants who succeeded to their interests are bona fide claimants. He thereupon dismissed the action.

THE RESERVE CAN NOT BE MADE A PERMANENT ONE.

There are between 330 and 350 producing oil and gas wells in the reserve. Nearly one-third of the oil has already been extracted. These wells can not be plugged and abandoned, but must continue to flow.

The oil sands having been tapped, the only safe and sensible thing to do is to extract the oil expeditiously and under the best methods known to the business while the gas pressure continues. Every geologist and every oil man of experience who is acquainted with and personally knows the conditions now existing in the reserve says that the reserve can not be made a future reserve for the use of the Navy, and that it is only valuable for present use. This opinion was given by Mr. Doheny, one of the most experienced oil producers in the world, and by Mr. Williams and Mr. Naramore, geologists in the Bureau of Mines, and by Mr. Wolfe, a geologist, who has been employed by the Navy Department to examine and make a report on the reserve. These opinions were given to the Committee on Public Lands, and all of these gentlemen are personally familiar with conditions existing in the reserve.

In a report concerning the reserve filed with the committee of the House at the request of Mr. FERRIS, Mr. Wolfe says: "If only the present well openings continued to produce and no more wells were drilled in the future, it is probable these present wells would in their life extract 30 per cent of the original oil content; and if this course of action or policy were adopted, it is also certain that all of the 70 per cent remaining would not, because of the depletion of the gas reserves needed to expel the oil, be extractable in the future."

If the reserve can not be made a permanent one, then it is evident that the only thing to do is to extract the oil to the best advantage so as to save the most of it.

The oil companies are in possession; were there before the land was withdrawn and had expended, according to the Navy's own statement, $7,070,000 before the naval reserve was created. They have all the equipment and facilities necessary to carry on the work of getting all of the oil in their respective claims. They are not going to surrender their claims and lose the millions they have invested without appealing to the highest court in the land, and to do this it will take a number of years.

If a lease to the land is given to them, upon their paying a fair back royalty for oil already produced and a reasonable royalty for future production, they can then go forward with their work, save their investments, extract the oil, and in this way the Navy can get its share and probably as much as it would receive if it was to take over the properties and operate them.

These companies all have acted in the very best of faith. They are free from any fraud or wrongdoing, and if they lose all they have expended it will be upon a mere technicality of the law and not because they knowingly sought to evade any law. They went upon the land prior to any withdrawal thereof and were unmolested in their holdings for six years or more, during which time, with the full knowledge of the Government, they expended millions of dollars in developing the property now claimed by the Navy and which it is now asserted they are holding as willful trespassers.

If any oil claimants on withdrawn lands are entitled to relief, those operating in naval reserve No. 2 certainly are, and the relief granted should be equal to that given to claimants who are upon lands without the reserve.

JAMES N. GILLETT.

Mr. LENROOT. Mr. President, just one sentence with regard to a matter which I do not think has been referred to in the debate. There is nothing in this bill to prevent the President from creating as many naval reserves as he sees fit out of the 3,000,000 acres that will be subject to disposition under this bill, the only condition being that existing wells within any naval reserve he may create may, under certain conditions, be leased.

Mr. WALSH of Massachusetts. I should like to ask the Senator who has just addressed the Senate if there is any provision in this bill that restricts a permittee or a licensee from getting a license or a lease or a permit from the Government, capitalizing it for millions and billions of dollars and fleecing the general public?

Mr. LENROOT. There is no such provision in the bill.

Mr. PITTMAN. And, Mr. President, there is no Federal law covering the oil wells in Texas or in Pennsylvania, or in any other State, where the land is in private ownership. It seems to me that some of the gentlemen who have suddenly become so much interested in wildcat schemes would spend their time to better advantage looking after the 99 per cent who are fleecing the public and who live in their own neighborhoods, rather than the possible 1 per cent who are actual miners.

Mr. WALSH of Massachusetts. Mr. President, I do not know to whom the Senator refers, but lest his remarks might by implication be construed to mean that I have neglected my public duty, I desire to say that this is the first bill of this character upon which I have been called to vote in the Senate. I am not concerned about whether we have erred in the past, but I do not propose to vote to give the sanction of the United States Government to permittees and licensees to use the authority and name of this Government to fleece the people of the United States.

Whatever justification a private individual may have, there can not be any justification for the use of the name of the United States Government. Furthermore, every private individual who gets a permit has got to be honest, or no bank and no individual will loan him money, but without a restriction upon capitalization men can incorporate and be absolutely dishonest and fleece the general public. The partnership that secures a permit and the individual who secures a permit have got to deal honestly with the Government and honestly with the people, but to a group of men the door is thrown wide open to incorporate for any amount of money they desire without any restriction or limitation. I for one think that the general public, regardless of those who reap the benefit under this bill, are entitled to be protected. When the United States Government grants a permit or a license it has a right to say, "We insist upon your being honest in your capitalization and being honest in your dealings with the general public."

Mr. PITTMAN. Mr. President, all of the inspiration to honesty has apparently been aroused in an effort to defeat this bill. It has all been aroused apparently in an effort to prevent the prospectors out upon the desert from pursuing their ordinary vocation. The odium that it is being attempted to heap upon this bill has that purpose. The effort is being made to prevent the lands from being leased and developed. As a matter of fact, wildcat companies that are dealing in oil are organized and exist in the East. The Senator's State is full of them, although the blue-sky laws of Massachusetts could stop it, as they could have stopped it when he was governor of that State. It is the same way with the other eastern States. If Senators are anxious to stop speculation in wildcat stocks, go to the source of the evil, but do not attempt to stop production in this country under the guise and excuse of attempting to stop speculation in stocks.

SEVERAL SENATORS. Vote!

Mr. SMOOT. Mr. President, I must insist upon the rule that a Senator can not speak more than twice upon any one question in debate on the same day. I have not even suggested the application of the rule in the past; but it is now 25 minutes of 11 o'clock; we have been here nearly 12 hours, and really I feel obliged to ask the Senator from Massachusetts to desist from saying anything further.

Mr. WALSH of Massachusetts. I shall cheerfully comply with the request, simply commenting upon the fact that the request is in keeping with some of the general conduct which has characterized the treatment and handling of the bill in the Senate.

Mr. SMOOT. Mr. President, that is casting an aspersion on the Senator from Utah having the bill in charge. I will withdraw the request, and the Senator may speak as long and as many times as he desires.

Mr. WALSH of Massachusetts. It is too late to withdraw it. The Senator made his attempt to restrict me, and it is not necessary for him to withdraw it.

Mr. THOMAS. Mr. President, I will assume the responsibility of asking for the enforcement of the rule.

The PRESIDENT pro tempore. The question is, Shall the bill be engrossed and read the third time?

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. KENYON. On that question I ask for a division.

On a division the bill was passed.

ENFORCEMENT OF PROHIBITION.

Mr. STERLING. I move that the Senate proceed to the consideration of House bill 6810, being calendar No. 129, known as the prohibition bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, which had been reported from the Committee on the Judiciary with amendments.

Mr. STERLING. Mr. President, I do not care to proceed further with the bill to-night, it being understood that it will be the unfinished business.

Mr. SHEPPARD. Has the Chair laid the bill before the Senate?

The PRESIDENT pro tempore. Yes; the Chair has laid the bill before the Senate, and it is now the unfinished business.

ADJOURNMENT.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 4, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 3, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, delivered the following prayer:

Our Father in heaven, like one who offers grace before meat, we give Thee our praise this morning as once more we awaken to view the richness of life. For the beauty of the earth and its seasons; for the lessons of the past and the thoughts of great and noble men; for books, music, and art; for human kindness, charity, and fellowship; for our country, our friends, our homes, our loves, our laughter, and the innocence of little children; for consolation for sorrow, courage in defeat, regret for mistakes, the moving power of high ideal, and the spurring of conscience; for the means of grace and the hope of glory; and for to-day's work and responsibilities and opportunities—we thank Thee, O Wonderful Giver. Help us to accept all in such

a spirit of love and sacrifice, joy, and service united, as did Jesus, Thy best gift of all and our Redeemer, whose life comes to us through the changing centuries and above the world's confusions and janglings like low but persistent and ever audible harmony swept on celestial harp strings. May we become attuned to unison with Him in thanksgiving and faithfulness: and so win our triumph and rest and eternal peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. ALMON, by unanimous consent, was granted leave of absence for five days on account of important business matters.

AMENDMENT TO FEDERAL RESERVE ACT.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

Mr. PLATT (when the Committee on Banking and Currency was called). Mr. Speaker, I call up the bill S. 2395.

The SPEAKER. The gentleman from New York, the chairman of the Committee on Banking and Currency, calls up a bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 2395) amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916.

Be it enacted, etc., That section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916, be further amended by striking out the period at the end of the third paragraph thereof and adding in lieu thereof the following: ", or until January 1, 1921, without regard to the amount of its capital and surplus, to invest an amount not exceeding in the aggregate 5 per cent of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States, or of any State thereof, and regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: *Provided, however*, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per cent of its capital and surplus."

Also the following committee amendment was read:

Strike out all after the enacting clause on page 1, down to and including line 10 on page 2, and insert in lieu thereof the following:

"That section 25 of the act approved December 23, 1913, known as the Federal-reserve act, as amended by the act approved September 7, 1916, be further amended by the addition of the following paragraph at the end of subparagraph 2 of the first paragraph, after the word 'possessions':

"'Until January 1, 1921, any national banking association, without regard to the amount of its capital and surplus, may file application with the Federal Reserve Board for permission, upon such conditions and under such regulations as may be prescribed by said board, to invest an amount not exceeding in the aggregate 5 per cent of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States or of any State thereof and, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: *Provided, however*, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per cent of its capital and surplus.'

"SEC. 2. That paragraph 2 of said section be amended by adding after the word 'banking,' in line 3, the words 'or financial,' so that the sentence will read: 'Such application shall specify the name and capital of the banking association filing it, the powers applied for, and the place or places where the banking or financial operations proposed are to be carried on.'

"SEC. 3. That paragraph 3 of said section be amended by striking out the words 'subparagraph 2 of the first paragraph of this section' and inserting in lieu thereof the word 'above,' so that the paragraph will read:

"'Every national banking association operating foreign branches shall be required to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and every member bank investing in the capital stock of banks or corporations described above shall be required to furnish information concerning the condition of such banks or corporations to the Federal Reserve Board upon demand, and the Federal Reserve Board may order special examinations of the said branches, banks, or corporations at such time or times as it may deem best.'"

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Should not this bill be on the Union Calendar?

The SPEAKER. Will the gentleman point out the reason why?

Mr. CLARK of Missouri. It provides for the examination of these banks, and that certainly would cost some money, according to the usual order of things, and if it does require money then it should go on the Union Calendar.

The SPEAKER. Does it require additional examination to what is now made?

Mr. CLARK of Missouri. That is what it says, I think, in the last section.

Mr. PLATT. Mr. Speaker, I do not think the bill involves any expenditure of Federal money in any way. At the time the bill was introduced it was on the Union Calendar and it was decided to put it on the House Calendar.

Mr. DOWELL. The last clause of the bill provides for a special examination.

Mr. CLARK of Missouri. Does the gentleman know of any case where anything was ever done by anybody for the United States Government that did not take money and a good deal of it?

Mr. DOWELL. I am just calling attention to the fact that the gentleman is correct in his statement that it does call for a special examination.

Mr. CLARK of Missouri. I do not think there is any question about it.

Mr. PHELAN. Mr. Speaker, I would like to ask the chairman if it is not in the present law?

The SPEAKER. Is that in the law now?

Mr. PLATT. It is in the law now. This bill permits the national banking associations to subscribe to the stock of certain financial corporations which are rather more than banks; that is, to extend long-time credit instead of short-time credit, like the peoples' savings banks. They are to be examined, but that is in the law now in regard to all similar institutions.

Mr. WINGO. If the Chair will permit, I do not think the gentleman from New York [Mr. PLATT] understood the question of the Chair. The present law does not provide that, because this is a new situation. The bill simply authorizes national banks to subscribe to the stock of corporations that are to be authorized to take care of our foreign trade; to take care of the rehabilitation of Europe. Those corporations must submit to the regulations of the Federal Reserve Board, and the last paragraph provides authority for the board to make special examinations of those branches, banks, and corporations. So it is no new provision. I have no interest in it one way or the other.

The SPEAKER. The Chair is disposed to think that it does require a charge, although it may not be large. The Chair will order it changed from the House Calendar to the Union Calendar.

Mr. PLATT. The national banks pay for those examinations. It makes no charge on the Federal Treasury one way or the other. The expenses of the comptroller's office are assessed on the banks themselves.

Mr. WINGO. Will the gentleman permit a question?

Mr. PLATT. I will.

Mr. WINGO. There is no law, though, requiring these new corporations to be examined. It says "branches, banks, or corporations." I see what is in the mind of the Chair. I am inclined to think that this cost would not come out of the Federal Treasury, because the National Reserve Board issues semiannually an estimate budget of expenses and assesses upon the Federal reserve banks the expenses of the board. I do not recall who pays the expenses of examiners. Possibly the gentleman from New York may suggest. I am inclined to think the banks pay the expense of that.

Mr. PLATT. The banks do, Mr. Speaker.

Mr. WINGO. I am inclined to think that even if these corporations were not required to pay the cost of these examiners themselves, the cost of examinations would come within the class of expenditures for which the Federal Reserve Board may make an assessment on the banks.

Mr. PHELAN. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. PHELAN. There is a question whether the Federal Reserve Board or the Comptroller of the Currency or the Secretary of the Treasury would pay any of the expense incurred under this provision, or the national banks, because the examination is not of the national banks but the examination is of the corporations to be formed under this provision, and I doubt very much whether there is any authority under these circumstances for anybody to assess an assessment for such an examination on the national banks. If there is any assessment, it will probably be on the corporations, and it is a very serious question whether or not there is any power to do that.

Mr. PLATT. May I call the gentleman's attention to the fact that this is an amendment to section 25 of the Federal reserve act, which provides for the establishment of branch banks in foreign countries, and also provides, where a bank is not large enough to have a foreign branch bank of its own, that several banks may group together and take stock in a foreign bank, and those banks all come under the regular banking clause, so that the examinations are paid for by themselves. No charge is made on the Federal Treasury for it, and these corporations are of the same kind and subject to the same laws and subject to

section 25 of the Federal reserve act, so that I can not see how any charge may be made on the Federal Treasury for the examinations. They are really banking corporations, except that a longer term of credit is extended to them.

The SPEAKER. The Chair thinks that it does not make any particular difference which way the Chair decides; and, as the Chair is in doubt as to the question of fact, the Chair will decide that it does involve a charge on the National Treasury, and therefore the House will automatically resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill, with Mr. TILSON in the chair.

Mr. PHELAN. I would like to know, Mr. Speaker, if there is to be any time for general debate?

The SPEAKER. The rule provides that there shall be two hours of general debate.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 2395, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2395, which the Clerk will report.

The Clerk read as follows:

A bill (S. 2395) amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916.

The CHAIRMAN. Under the rule there are two hours of general debate, one hour for those in favor of the bill and one hour for those opposed to the bill. The Chair will recognize the gentleman from New York [Mr. PLATT] for one hour.

Mr. DYER. Mr. Chairman, I suggest to the gentleman from New York that he ask unanimous consent that the first reading of the bill be dispensed with.

Mr. PLATT. Yes; Mr. Chairman, I make that request.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, if those Members who are interested in this bill will get House Report No. 109, the report of the Committee on Banking and Currency of the House, instead of the Senate report, they will find the bill fully explained. The bill had been previously reported to the House as H. R. 6806, but it was afterwards passed in the Senate in somewhat different form.

The purpose of this bill is to finance foreign trade. As everybody knows, we have been sending great quantities of foodstuffs, agricultural machinery, and so forth, to foreign countries, and at the present time we are engaged in foreign trade of that kind and in shipping also machinery, so that foreign factories may be recquipped, those which were destroyed or used for war purposes, for manufacturing munitions, so that they can get on their feet and get ready to resume their normal trade, and be able to trade with us in such a way that we can get back some of the money that they owe us. Unless these foreign countries are put on their feet, so that they can go on with the manufacturing, the farming, and the industries generally which they carried on before the war, we can never hope to recover, it seems to me, the great sums of money that we have loaned them during the war.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Iowa?

Mr. PLATT. Certainly.

Mr. GREEN of Iowa. Was this a unanimous report by the committee?

Mr. PLATT. My recollection is that it was.

Mr. GREEN of Iowa. Did the committee have any hearings on those points in this bill with reference to the financial condition of these parties that were expected to get these loans?

Mr. PLATT. We have had members of the Federal Reserve Board before us advocating and explaining the bill, but we had no hearings calling in any outsiders. The conditions are known to everybody, and it was not necessary to go into any elaborate hearings to know the condition in which Europe is. The people have not the money to pay for what we want to sell them and what they must have.

Mr. GREEN of Iowa. Perhaps there might be a difference of opinion as to the conditions. Of course, there is no question about the difficulty of European nations making payment.

Mr. PLATT. That is the point.

Mr. GREEN of Iowa. When I was abroad I was very forcibly impressed with the idea that those nations were for the most part practically bankrupt, possibly with the exception of England, and I see where one very prominent Englishman has asserted that England is bankrupt, and it occurs to me that there might be a very grave question about our ever getting back anything that we have loaned to those countries or getting payment for those things that we sold to them on credit. Were those questions considered by the committee?

Mr. PLATT. Those questions were considered; and the purpose of this bill is to provide for the formation of institutions which can take long-time credits, take bonds or mortgages, for instance, on the factories to which machinery is to be sold. Our foreign trade at the present time is being financed on short-time credits, on bills of exchange, which ought not to be renewable, and which can not safely be renewed after the goods pledged for their security are sold. The time must come when they must be converted into longer-time credits.

Mr. ANDERSON. Will the gentleman yield?

Mr. PLATT. I will.

Mr. ANDERSON. There is nothing in this bill, is there, which restricts investments in commercial corporations as distinguished from financial and banking corporations?

Mr. PLATT. I do not know that I understand the gentleman.

Mr. ANDERSON. Is there anything in this bill which restricts the investments provided for to the purchase of capital stock in financial corporations as distinguished from commercial corporations?

Mr. PLATT. Oh, yes; these corporations must come under all the restrictions of section 25 of the Federal reserve act. They are strictly financial corporations, banking corporations practically, excepting that they can extend longer-time credit than the ordinary banks or foreign branch banks can extend.

Mr. ANDERSON. The bill itself does not make that clear. Perhaps it should be read in connection with the section to which the gentleman refers.

Mr. PLATT. It should be read in connection with section 25 of the Federal reserve act.

Mr. TREADWAY. Will the gentleman yield?

Mr. PLATT. Certainly.

Mr. TREADWAY. At the bottom of page 2 I find this provision:

And, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country.

May I ask if that is all new law, if there is anything in the Federal reserve act similar to this, or does it supplement the Federal reserve act? My inquiry is directed to this thought: You are providing funds with which to allow goods, wares, and merchandise to be exported from the United States to foreign countries and paid for through this loan. I am wondering if we have not about reached the limit of sending money abroad, if it is not about time to use our capital here at home, and in that way have sufficient capital for carrying on the affairs of this Nation without the continued inflation of the currency. It looks to me that just such movements as this one have a tendency toward currency inflation, which is certainly one of the things that we are contending against at the present time.

Mr. PLATT. This is a question whether we shall continue to sell goods abroad. It does not inflate the currency to sell our surplus goods abroad. It is a question whether we shall provide a long enough time credit so that the goods can be paid for. If we do not do that, we have got to stop sending goods abroad to a considerable extent. If the gentleman will permit me, large corporations like the United States Steel Corporation or the Baldwin Locomotive Works are able to extend their own credits. I have an article here stating that the Baldwin Locomotive Works have recently sold a number of locomotives to Roumania, I believe, on credits extending through several years. They are able to do that. They have the capital and the credit at home to take care of those things so that they can do it, but smaller institutions are not able to extend such long-time credits. They must borrow from the banks on short-time paper, and unless that paper can be renewed and extended over a term of years they will be thrown out and only the larger concerns will be able to sell goods abroad at all.

Mr. TREADWAY. I sympathize with the desire to care for the smaller manufacturer, but nevertheless is it not a fact that in the extension of credit into a long time for payment we are acknowledging the inability of dealers in foreign countries to make such payments as would be required of purchasers right here at home? In other words, we recognize that the business people in those countries are naturally very hard pressed for money, but we are going through this method to extend to them more credits than good business would warrant extending to our own people here. That is my criticism of legislation of this kind. We have had it before. We have had it from the commit-

tee of which I am a member—the Committee on Ways and Means—and probably we will continue to have it; but is it not a tendency toward giving to foreign customers loans and credits that are not good business and would not be granted to our customers in our own country?

Mr. PLATT. The corporations which it is contemplated to form under this act are to be under strict control of the Federal Reserve Board. There will not be any credit extended that is not good credit, and the same kind of credit that would be extended in this country. We have cooperative investment associations in this country. They have them in the gentleman's State of Massachusetts. They are called savings banks. They take mortgages and extend credits over terms of years. That is not a perfect illustration, but is somewhat the sort of a corporation that this act contemplates.

Now, I want to say, too, that these corporations might be formed without the passage of this act. Manufacturers and merchants and exporters might find the capital without it, but this act gives national banks the right to subscribe a limited amount, and thereby puts the corporation under the control of the Federal Reserve Board, under the restrictions of section 25 of the Federal reserve act.

Mr. HUSTED. Will the gentleman yield?

Mr. PLATT. Certainly.

Mr. HUSTED. What is the reason for securing this capital from the national banks instead of having it supplied by the Government through a corporation similar to the War Finance Corporation?

Mr. PLATT. The War Finance Corporation is not expected to last forever, and ought not to go much further, and the national banks are already under the control of the Federal Reserve Board.

Mr. HUSTED. We have always protected the investments of national banks very carefully and have prohibited national banks investing in stocks. It seems to me very unwise, unless some excellent reason is given, to permit our national bank securities, which we have so carefully safeguarded, to be invested in the stocks of corporations that are going to make loans in European countries.

Mr. PLATT. The gentleman knows that the original Federal reserve act allows banks having a capital of $1,000,000 or more to establish branches. There were only two or three banks large enough to establish foreign branches, the chief one being the National City Bank of New York, which has now many foreign branches. These branches are a branch of the National City Bank and no other bank has any interest in them. Finding that no other banks could do very much in this line, we amended the law in 1916 by the act of September 7, allowing cooperation between smaller national banks in establishing branches or banks engaged in foreign banking. That is to say, several banks were allowed to get together and subscribe for stock in foreign banks but incorporated in America. They were not allowed to subscribe more than 10 per cent of their capital and surplus. Now, we are proposing to enlarge the system a little bit further by allowing them to subscribe to the stock of corporations which are not limited to short-time paper. They are still practically banking corporations but somewhat in the line of savings banks or farm-loan banks. They are to take longer-time paper than the branch national bank can ordinarily take. It is an extension of the authority given in the act by the amendment to section 25, passed in 1916.

These corporations are brought under all the restrictions of section 25, which provide, for instance:

> Before any national bank shall be permitted to purchase stock in any such corporation the said corporation shall enter into an agreement or undertaking with the Federal Reserve Board to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said board may prescribe for the place or places wherein such business is to be conducted. If at any time the Federal Reserve Board shall ascertain that the regulations prescribed by it are not being complied with, said board is hereby authorized and empowered to institute an investigation of the matter and to send for persons and papers, subpœna witnesses, and administer oaths in order to satisfy itself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the national bank or banks which may be stockholders therein, to comply with the regulations laid down by the said Federal Reserve Board, such national banks may be required to dispose of stock holdings in the said corporation upon reasonable notice.

These corporations are brought under complete regulation by the Federal Reserve Board through the fact that the national banks are allowed to subscribe. But if a national bank has subscribed 10 per cent already of its capital and surplus to a banking corporation in a foreign country, it can not subscribe any more. This bill does not increase the limit. It allows them to subscribe 5 per cent out of the previous limit of 10 per cent, and if some bank has already subscribed 5 per cent to a stock of a foreign bank under section 25, it can not subscribe for another 10 per cent; it can only subscribe to the extent of 5 per cent to the corporations contemplated in this bill.

Mr. KINKAID. Will the gentleman yield?

Mr. PLATT. Yes; I yield to the gentleman from Nebraska.

Mr. KINKAID. Is there any limitation as to how long a time these loans can be made for?

Mr. PLATT. Not under the act itself; that is left to the discretion of the corporations making the loans or the Federal Reserve Board.

Mr. KINKAID. Is there not a limitation on how long a time our national banks may loan on real estate mortgages here in the United States?

Mr. PLATT. They are not allowed to loan money on real estate mortgages at all.

Mr. KINKAID. Yes, they are on farming land.

Mr. PLATT. Yes, on farms.

Mr. KINKAID. They are not allowed to take a mortgage on city property at all, but here in Europe these corporations would be allowed to loan on what—manufactories, or what is it?

Mr. PLATT. I do not know that I can describe exactly what they expect to do, but they expect to take bonds of manufacturing and railroad corporations.

Mr. KINKAID. Bonds?

Mr. PLATT. Or mortgages. The securities would have to be approved by the Federal Reserve Board, and knowing the board as I do, I think there is no question but that the security which would be taken would be ample.

Mr. KINKAID. I too have great respect for the Federal Reserve Board.

Mr. PHELAN. Will the gentleman from New York yield for a suggestion?

Mr. PLATT. I will.

Mr. PHELAN. Will the gentleman point out the fact that the national banks are not loaning any money under the provisions of this bill? They are taking a certain amount of money if they wish to do it and investing it in stock of a corporation, and the corporation in which they invest the money does the loaning.

Mr. KINKAID. I think that is very plain. I so understand it.

Mr. WINGO. Will the gentleman permit another suggestion?

Mr. PLATT. Certainly.

Mr. WINGO. If the gentleman will turn to the top of page 3 he will see that these concerns are to be principally engaged in such trade or international financial operations as may be necessary to facilitate the export of goods, wares, and merchandise from the United States.

Mr. ANDERSON. That is not a limitation. It is in addition to the usual function.

Mr. WINGO. I did not say it was a limitation. The gentleman is talking about taking mortgages on lands in Europe. That is not the object of the creation of these corporations.

Mr. PLATT. It is to facilitate or finance foreign trade—export trade, primarily, but also, indirectly, import trade.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. HUSTED. I think the Government ought to assist these nations of Great Britain, France, and Italy to get on their feet, and the Government ought to do it on humanitarian grounds.

Mr. PLATT. This is not a Government proposition. This is to get away from having the Government do it.

Mr. HUSTED. I know, but I think the Government should do it, should extend them credit, and should do it on humanitarian grounds and on business grounds, in order to secure the payment of the obligations that we hold of those countries; but what I object to is having the national banks of the United States interested, directly or indirectly, in loans, whether made directly or by a corporation in which they hold stock, that an individual would not want to make. These are not first-class loans.

Mr. PLATT. Oh, yes; they are. We can trust these bankers to look out for themselves. They are just exactly such loans as the Baldwin Locomotive Works is making now.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. ELSTON. Do I understand that the main purpose and benefit of this act is to facilitate, as stated on page 3, the export of goods, wares, and merchandise from the United States?

Mr. PLATT. From the United States.

Mr. ELSTON. I think the gentleman himself and others in this Chamber have emphasized the fact that there is too much of that kind of thing now, that the debt of foreign countries to this country is increasing by leaps and bounds, and that some method must be found to reduce the tremendous debts accruing

to us by reason of an overplus of exports, and that we must find some method to encourage the importations into this country of foreign products to pay that debt, which can not be paid in money. Another alternative would be to encourage the investment in other countries of American capital.

Mr. PLATT. That is exactly what this bill does.

Mr. ELSTON. How does it do it, when it facilitates the greater export of goods from this country, and in that way increases the debt of the foreign countries to this country, making it still more impossible for them to liquidate the debts?

Mr. PLATT. Locomotives and machinery, and so forth, are being sold to Europe to enable their railroads, farms, and factories to get started, so that they can produce something to sell to us. By taking the securities of their industries as collateral we shall be investing American capital in foreign countries.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. GREEN of Iowa. The gentleman stated in reply to the gentleman from New York [Mr. HUSTED] that the War Finance Corporation had no such powers as were given by this bill for the purpose of financing European credits. That is true with reference to the War Finance Corporation as it was originally created, but if the gentleman will refresh his recollection he will remember that late in the last session we enlarged the powers of the War Finance Corporation so that it could finance these transactions and could use hundreds of millions, I have forgotten the exact amount, for that purpose. Does the gentleman know whether that credit has been exhausted?

Mr. PLATT. What I said in answer to the gentleman from New York [Mr. HUSTED] was that the War Finance Corporation was not expected to last forever. It is expected to wind up its affairs as rapidly as it can, not to extend new credits.

Mr. GREEN of Iowa. Why would it not be better for the War Finance Corporation to keep on than to use this plan?

Mr. PLATT. I do not think so. It is not under the same restrictions that this is.

Mr. PHELAN. And the Government is interested in the War Finance Corporation, and there is a good reason why the Government ought to keep out of this business. We are forming ways and means whereby private capital can take care of the situation.

Mr. GREEN of Iowa. I am inclined to think that there is good reason for both the public and individuals getting out of this.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. WHITE of Maine. Will the gentleman indicate to me how it is determined and by whom it is decided whether a foreign financial operation is necessary or is not necessary to facilitate the export of goods?

Mr. PLATT. I think that is a matter that could be easily determined.

Mr. WHITE of Maine. By whom?

Mr. PLATT. Suppose a foreign railroad needs a lot of locomotives, and has not the money to pay for them, but we can take the bonds of those railroads and put them into this foreign corporation and actually become the owners of the mortgage on the railroad. The directors of the new corporation, or Federal Reserve Board, can readily determine whether that is a legitimate paying operation or not.

Mr. WHITE of Maine. Then I understand the Federal Reserve Board passes on the question of whether the particular financial operation is or is not necessary to facilitate export trade?

Mr. PLATT. Oh, I think they would do that by general regulation, not by passing on each particular transaction.

Mr. WHITE of Maine. It is a different question in each case, is it not?

Mr. PLATT. These corporations will be conducted by business men as branch banking corporations are, or any other banking corporation, and they will not extend credit where there is not good security or where they are not reasonably sure to get their money back with interest. I expect they will be well managed.

Mr. DUNBAR. Will the gentleman yield?

Mr. PLATT. I do.

Mr. DUNBAR. Primarily from what source comes the request for the introduction of this bill? Who is interested?

Mr. PLATT. The suggestion comes from many business interests and directly from the Federal Reserve Board and the advisory committee of bankers.

Mr. DUNBAR. And the purpose is to finance export trade?

Mr. PLATT. That is one of the chief purposes.

Mr. DUNBAR. Now, if this is such good business why are the country national banks to be solicited to subscribe 5 or 10 per cent of their capital stock and surplus in such an adventure? If it is a good business proposition why should not financiers throughout the country become interested and finance our foreign trade? It does not seem to me that the directors of small national banks throughout our country should be solicited, and by reason of the position occupied by directors in the Federal reserve banks why should such moral pressure be brought upon them, as in all probability will be, to subscribe for funds to finance foreign trade?

Mr. PLATT. Well, the average bank director knows pretty well how to take care of himself and of his bank and how to invest his money and the bank's money so as to bring in the largest return. So I do not think that there is the slightest danger in that matter. I may say I do not think it is expected that national banks will furnish the chief part of this capital. I think it is expected that manufacturers and financiers will subscribe more than banks do, and I believe that some movement has been made already toward establishing such corporations as these, but by allowing national banks to subscribe what is really a small amount for the average bank, not above 5 per cent of its capital and surplus, you bring the whole thing under control, so that it can be carefully scrutinized and regulated in a conservative business way by the Federal Reserve Board.

Mr. ROSE. Will the gentleman yield?

Mr. PLATT. Certainly.

Mr. ROSE. The fear of the gentleman from Indiana who preceded me seems to be that these different banks will be solicited to subscribe money. Now, I think this bill carefully provides for that situation, because it leaves it open to them of their own free will to make the obligation, and therefore there is nothing in this bill that indicates the small bank of the country will be solicited to subscribe its money for the extension of foreign trade.

Mr. PLATT. I do not think there is. They have to ask permission to subscribe.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. PLATT. I do.

Mr. SUMNERS of Texas. I understood the gentleman to state that this bill is intended to enable the banks to finance these corporations. It looks to me like a proposition to have the banks become owners, not advancers of credit but owners, of corporations engaged in the export business. Now, if that be true, does not the gentleman think that violates our general notion about the business that banks ought to be engaged in? I would like to have the gentleman's opinion on that point.

Mr. PLATT. These are corporations which are to loan money, but they are not industrial but financial or banking corporations designed to loan money for longer terms and on a different class of security than national banks are allowed to loan on, or branches of national banks.

Mr. JUUL. Will the gentleman yield?

Mr. PLATT. I will.

Mr. JUUL. I do not care to discuss that phase, but I wanted to say that the unfortunate part of legislating in this way is that here we are asked to add to other pieces of legislation that are not before us. We start, in line 15, by saying, after the word "possessions," there shall be added so and so. Now, the members of the Committee on Banking and Currency have had that preceding piece of legislation before them and know exactly what that provides. Now, we are to put an appendix on the legislation, and we have not the former legislation before us; we are putting the story on the house; we see the former story, but we do not see the house.

Mr. PLATT. I shall be glad to explain again just what the section means.

Mr. JUUL. But out in my State we used to have set forth in any new legislation we wanted to enact the legislation that we sought to amend. Now, here you come with a few lines, and those few lines practically opening up the entire matter of national banking and granting vast addditional powers, and the legislation sought to be amended is not before us at all.

Mr. PLATT. It does not strike out anything from the present law. It simply adds a paragraph.

Mr. JUUL. It adds a paragraph permitting national banks to loan to the extent of 5 or 10 per cent, according to this legislation.

Mr. PLATT. Not to loan, but to subscribe to the stock.

Mr. JUUL. To subscribe to the stock of corporations——

Mr. PLATT. Engaging in the financing of foreign trade.

Mr. JUUL. The exportation principle?

Mr. PLATT. Yes.

Mr. JUUL. It would have been a much more intelligent bill to vote for if the foundation we are adding this to showed in the bill.

Mr. PLATT. There is something in the contention of my friend from Illinois, but to have repeated all of section 25 would have involved the printing of several pages of a law to which this simply adds a paragraph. I have already explained the section amended and have read the essential part of it. This bill does not strike out anything except what is clearly shown in sections 2 and 3. It says there what words are stricken out and what are added.

Mr. JUUL. If I understand the bill correctly, it is not the aim of the bill that each item of loan should be submitted to the Federal Board. The idea is that the Federal Board should create a set of rules under which subscriptions may be made? Is that correct?

Mr. PLATT. General regulations under which these financing corporations are to do their business.

Mr. JUUL. And after the rules have been made each bank would be permitted, after it had made its application, after 1921, to negotiate individually for anything it wanted to negotiate for?

Mr. PLATT. Each one of these corporations, within the regulations?

Mr. JUUL. Yes.

Mr. KINKAID. Will the gentleman from New York yield?

Mr. PLATT. I will yield.

Mr. KINKAID. Assuming that the rates of interest to be paid by the European borrowers must necessarily be lower than the interest rates in the United States which these national banks would impose, then what is the business inducement to our national banks in the United States to invest in these corporations to do business in Europe and receive interest at a lower rate than they can secure here in the United States?

Mr. PLATT. Well, I do not believe the gentleman can assume that would necessarily be the case. Interest rates in England, in spite of war and everything else, I think, are lower than they are here at the present time, but I do not believe that is true of the rest of Europe.

Mr. BRAND. Will the gentleman yield for a moment?

Mr. PLATT. Certainly.

Mr. BRAND. Among other things, this bill will enable the business concerns and institutions in this country to sell to the people in Europe products raised and manufactured by our people who at present have no market for the same here.

Mr. KINKAID. And must the national banks pay for that?

Mr. BRAND. The national banks are not going to make a loan directly.

Mr. PLATT. They are permitted to subscribe to the stock of a corporation which engages in a banking business, but extending longer credit than ordinary banks can.

Mr. KINKAID. Is not their compensation the interest they receive?

Mr. PLATT. The interest they receive on the stock. These corporations may pay 10 per cent or 20 per cent, for all we know. I presume they will all be conducted in such a way as to earn money as our other institutions do.

Mr. KINKAID. They are not the kind of concerns to take deposits; they would not be permitted to accept them. How will they make anything except by straight interest on the loan?

Mr. PLATT. They will use their capital and sell securities.

Mr. KINKAID. They can not accept deposits and thus become enabled to loan several times the amount of their capital stock. If they could have five times as many deposits as capital invested they might double or quadruple their interest.

Mr. BROOKS of Pennsylvania. Will the gentleman from New York yield?

Mr. PLATT. I will yield to the gentleman from Pennsylvania, a member of the committee.

Mr. BROOKS of Pennsylvania. The national banks of this country are allowed at the present time to invest certain amounts of their money in securities which they carry.

Mr. PLATT. Bonds.

Mr. BROOKS of Pennsylvania. Bonds of all kinds. This bill is to allow them to also invest a certain amount of their money in this particular corporation. It is to give the banks the privilege of investing here.

Mr. PLATT. These corporations are to make long-time loans on the same class of securities, I presume, as banks now ordinarily make demand loans on.

Mr. SMITH of Michigan. Will the gentleman allow me to make an inquiry there? He stated that our present national banks were allowed under the law to make certain investments of so much of their bank assets and securities. I would like to inquire of the gentleman whether a national bank is authorized to invest any more in securities than it is in notes of their customers? Can it not invest in those to just as large an extent as it can in securities?

Mr. PLATT. Yes; or more.

Mr. BROOKS of Pennsylvania. They invest more in notes.

Mr. SMITH of Michigan. A man can invest as much in notes as in securities.

Mr. BROOKS of Pennsylvania. This is a bank. The banks are allowed to invest a certain amount of money in bonds.

Mr. SMITH of Michigan. And as much in notes.

Mr. BROOKS of Pennsylvania. And this permits them to invest in these corporations.

Mr. SMITH of Michigan. It establishes a branch bank in a foreign country. Is not that branch bank subject to the banking laws of that country where it is established, and must it not be governed by such banking laws as that government provides, irrespective of what our laws provide?

Mr. PLATT. I can not fully answer that question. It must be incorporated in America. I presume that when a branch bank is established in a foreign country it must come under the laws of that country.

Mr. SMITH of Michigan. Thank you. I wanted to bring that out.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. RICKETTS. I understand the gentleman to say that the national banks now are allowed to invest their assets in securities and railroad bonds?

Mr. PLATT. Yes; in bonds.

Mr. RICKETTS. Under the Federal banking law?

Mr. PLATT. Yes.

Mr. RICKETTS. But they are prevented under the Federal law from investing in stock?

Mr. PLATT. Yes. That is the reason why this legislation is necessary.

Mr. RICKETTS. If this bill should become a law, would it not tie this country up with Europe to that extent?

Mr. PLATT. Up to 5 per cent of capital and surplus of subscribing banks, a small amount in most cases.

Mr. RICKETTS. Would it not tie up our banks with the credit of Europe?

Mr. PLATT. It would associate them to that extent.

Mr. RICKETTS. And the only income they could receive from that would be a straight income at 6 per cent?

Mr. PLATT. I do not know what the income would be. I do not think that has been discussed. I understand that the War Finance Corporation has made money.

Mr. RICKETTS. In the event these corporations should not be successful and should not turn out to be profitable enterprises, then the banks of this country would lose the 5 per cent, what they would subscribe for this stock; and do not the banking institutions of this country take that risk when we authorize them to subscribe for this stock under this legislation?

Mr. PLATT. It would authorize them to take a risk. But if we are to continue to sell goods to Europe we must take some risk. There is some risk in all trade.

Mr. PHELAN. Mr. Chairman, if the gentleman will permit an interruption——

Mr. PLATT. Yes; I yield to my friend from Massachusetts, former chairman of the committee.

Mr. PHELAN. We are permitting the national banks to take a risk which they ought not to take to-day. This trade has got to be financed. It has got to be done. The way it is done now is by the banks loaning on what appears on the face to be short-time credits and renewing them from time to time without any assurance that they can renew them unless there is agreement to that effect, so that the banks to-day have many obligations of foreign countries in the wrong kind of form. The purpose of this legislation is to have a fixed investment and to raise money in this country from men who want to invest their money and take those investments, and thus help those people across the water who want to trade with us.

Mr. PLATT. That is exactly it.

Mr. RICKETTS. Why not have these private corporations make these advances of money without involving the banks?

Mr. PHELAN. It is hard to get individuals started on this kind of thing on a large scale. The big financiers of the country have realized that they need it, and they do not seem to be able to get the money from private individuals. They can get it from banks because banks are great aggregations of capital. The banks realize that this is essential, and that is the reason why we are permitting them to do it under this act.

Mr. RICKETTS. I understand the gentleman means to convey the idea that when the banks subscribe for this stock, that subscription would induce the private people of this country who have money to subscribe for the stock.

Mr. PHELAN. I did not mean to say that, but I think undoubtedly that is so. But individuals have not done it. It is doubtful whether they will do it to the extent necessary, and therefore we are giving the banks the power to do it.

Mr. PLATT. I do not know whether that is true, that the individuals have not done it.

Mr. PHELAN. I say to the extent that it is necessary.

Mr. PLATT. I think it has been started, and the money is ready to come forward as soon as this kind of business is given the proper status with the proper authority. Even if the banks do not subscribe for this stock to any large extent, it will put these organizations engaged in financing our export trade under supervision of the Federal Reserve Board.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. CHINDBLOM. I understood the gentleman from New York to say, in answer to the question of the gentleman from Ohio [Mr. RICKETTS], that in some way the money of the banks of this country would be tied up with European credits. How can that occur under this bill, which provides that the money of American banks may be invested in the stock of one or more corporations chartered under the laws of the United States or any State thereof? They are not permitted to invest their assets in any foreign corporation.

Mr. PLATT. No. That is true.

Mr. CHINDBLOM. How, then, would their money be tied up with foreign interests?

Mr. PLATT. Of course, they are to make loans on foreign securities. That is all that I meant by that. They are to take foreign securities, perhaps railroad stocks and bonds, or industrial bonds, or securities of one kind or another that will originate with foreign countries. The corporations contemplated in this bill are to be incorporated in this country.

Mr. CHINDBLOM. But the corporations themselves might have foreign assets. Is not that the idea?

Mr. PLATT. Yes; that is what they are for.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. DOWELL. Will the gentleman explain to the committee how this corporation is to be financed, aside from this investment? It must be incorporated in the United States, and it must be either by money of citizens of the United States or of foreigners, but it must be a corporation under the control of the United States?

Mr. PLATT. Exactly.

Mr. DOWELL. Now, who is to invest the money in this, aside from the 5 per cent that is authorized of the national banks?

Mr. PLATT. Oh, I think there are a considerable number of manufacturers and exporters who themselves would take stock in such a corporation for the purpose of having it formed and being able to obtain good credits on which to sell their goods. They can not take the risk of selling their goods on short-term credits which they may not be able to renew more than once or twice.

Mr. DOWELL. Is it the purpose of foreign citizens to incorporate under the laws of the United States in order to get this investment of the national banks?

Mr. PLATT. Oh, no; not of foreign citizens; American citizens.

Mr. DOWELL. This does not provide who it may be.

Mr. PLATT. No. I suppose anybody's money is good, but they are American institutions, not foreign institutions.

Mr. DOWELL. But it may be the money of foreign banks or foreign citizens, except the 5 per cent provided in this bill?

Mr. PLATT. I suppose that is a remote possibility. The main point is that the foreign people have not any capital, and we are trying to make it a little easier for them to purchase our goods and give us good security, so that our manufacturers and farmers will not lose their money when they sell goods for export.

Mr. DOWELL. But if it is the purpose of foreigners to get money, this will be an inducement for them to incorporate in a State in the United States, and therefore they will be able to secure this investment of the national banks. Is not that true?

Mr. PLATT. I would not put it that way. It is very unlikely that any foreign money would be invested in these corporations. Does the gentleman mean the money of foreigners living in this country?

Mr. DOWELL. No. As I understood the gentleman, this is to assist the business men of foreign countries to secure money with which to purchase goods.

Mr. PLATT. You can put it that way—to secure credit on which to purchase goods.

Mr. DOWELL. They are interested in securing the credit.

Mr. PLATT. Yes.

Mr. DOWELL. I take it they are sufficiently interested to incorporate in the United States or in a State in the United States in order to secure the benefits under this bill of the assistance of the national banks. Is that true?

Mr. PLATT. I can think of the possibility that some of them might invest in these securities; but if they get the credit which this corporation is expected to extend to them, they can use their money to much better advantage in manufacturing in their own country than they could in investing in this corporation, which probably will not give as large returns as they could get at home by engaging in the business of manufacturing.

Mr. DOWELL. Then your position is that it will be American citizens who will incorporate?

Mr. PLATT. I think it will be chiefly a matter of cooperation between American financiers, bankers, and manufacturers to furnish the capital which can be used to make loans on long-time foreign purchases.

Mr. STRONG of Kansas. If the gentleman will yield, the purpose of this bill is not to furnish capital for foreigners, but to encourage our own trade with foreign countries.

Mr. PLATT. That is true.

Mr. STRONG of Kansas. And it was stated before our committee that in getting up local organizations in this country for the purpose of assisting in the encouragement of our foreign trade, when they would go into a community to sell stock in such an organization, the bank in that community could not under the law take any of the stock, and people would ask, "If this is a good thing why does not the bank take stock in it?" The reply would be, "The Government will not permit the bank to do so." Then the most natural question would be, "Why will not the Government permit the bank to take stock?" That being the situation, they ask that the law be amended so that national banks may be permitted to invest in the stock of these organizations to the amount of 5 per cent of their capital, in order to encourage the people to organize these corporations to promote our foreign trade. Now, the Federal Reserve Board proposed this bill and it has their approval. It simply allows our banks, if they want to, under restrictions provided by the Federal Reserve Board, for a certain set period, to subscribe up to 5 per cent of their capital to encourage the formation of corporations to finance foreign trade, to increase our foreign trade, now that the war is over, in flour, grain, beef, and all farm products; and it certainly ought to be done.

Mr. PLATT. I think that is a good statement of it.

Mr. SMITH of Illinois. Does this mean that the banks will loan money, or that they will buy stock?

Mr. STRONG of Kansas. They may buy stock in such corporations.

Mr. SMITH of Illinois. Do you think that buying stock in a commercial corporation is a good business proposition for a bank?

Mr. STRONG of Kansas. This is not a commercial corporation; it is a financial corporation.

Mr. SMITH of Illinois. But it is to extend our commercial relations in foreign countries.

Mr. PLATT. It is to finance a corporation that is to make loans to promote our trade in foreign countries.

Mr. SMITH of Illinois. The object of this bill is to permit banks to purchase stock in the corporation, is it not?

Mr. STRONG of Kansas. As the chairman of the committee [Mr. PLATT] has explained, large corporations like the Baldwin Locomotive Works have the capital and the credit which enables them to finance their own sales in foreign countries, but smaller corporations can not do that. Now, if they want to organize a financial corporation for the purpose of facilitating and assisting their foreign trade, and want to sell stock in a corporation for that purpose, this bill permits banks to take stock in that corporation to the amount of 5 per cent of their capital.

Mr. SMITH of Illinois. There is nothing in the law now that prevents a bank making a direct loan to the corporation, is there, to the amount of 5 per cent of its capital stock?

Mr. STRONG of Kansas. No; but this is to facilitate the organization of companies to encourage foreign trade.

Mr. SMITH of Illinois. To encourage banks to engage in commercial lines of business.

Mr. STRONG of Kansas. No; but to invest not to exceed 5 per cent of their capital stock upon such conditions and under such regulations as may be prescribed by the Federal Reserve Board to corporations organized under our laws for the purpose of engaging in financial operations necessary to facilitate the exportation of our goods and merchandise, our cattle and grain, and all our farm products.

Mr. DOWELL. What is the difference now, in so far as credit is concerned, whether a national bank loans 5 per cent of its capital stock or whether it invests 5 per cent of its capital stock?

Mr. STRONG of Kansas. The only difference is that they get the stock of a corporation which is under the control of the Federal Reserve Board.

Mr. SMITH of Illinois. In the one case they make a loan and can get their money back, and in the other case they can not.

Mr. DOWELL. Yes; in one instance the bank owns stock in a corporation and in the other instance it loans money which must be returned to it.

Mr. STRONG of Kansas. It encourages the sale of stock in all communities by allowing a limited amount of it to be sold to banks, which is prohibited now.

Mr. DOWELL. I understand that; but what is the difference, so far as the credit is concerned, whether they extend a credit of 5 per cent of their capital stock or buy stock in this corporation to the extent of 5 per cent of their capital stock?

Mr. PLATT. I will tell the gentleman what the difference is: A national bank can not, as a rule, make long-time loans. It must make short loans. If it buys stock, it has an investment which extends over a term of years. This bill provides for cooperating in such investments.

Mr. DOWELL. In a bill of this character you can permit them to make a long-term loan under certain prescribed conditions, and it will then provide for a loan instead of for the purchase of stock.

Mr. PHELAN. If the gentleman will yield.

Mr. PLATT. I will yield.

Mr. PHELAN. I will tell the gentleman the difference. The gentleman wants to form a corporation. He wants me to buy stock in that corporation. I say no, I will loan him the same amount of money. If he is going to run the corporation, which does he want—does he want me to buy the stock, so that whatever money I have put in there will stay there, or does he want me to make a loan in such a way that I can call it at just the time he does not want me to call it?

Now, that is precisely the way of these corporations. If they are going to be formed and be substantial, solid, and stable, they must sell their stock. They are not going to borrow money, which may be called at any stage of the game. They want a fixed investment, so that the money will stay there. From the point of view of the bank, it is unnecessary to discuss it, because if the bank does not invest in the stock of corporations it is not interested in what the corporations do. This is to give the corporations stability and permanency, which they would not have on a borrowed capital.

Mr. DUNBAR. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. DUNBAR. As I understand the situation, it is this: Financial corporations will be organized to extend credit to business men in Europe. National banks are to be permitted by this bill to subscribe an amount not exceeding 10 per cent of their capital stock and surplus?

Mr. PLATT. Five per cent.

Mr. DUNBAR. I understood it was 10 per cent.

Mr. PLATT. Ten per cent is the total subscription to foreign banking institutions and to these corporations.

Mr. DUNBAR. My impression was that national banks were permitted to invest to an amount of 10 per cent of the capital stock and surplus, in compliance with the conditions that the gentleman has just explained.

Mr. PLATT. Not in the corporations contemplated in this bill. They are permitted to invest an amount equal to 10 per cent of capital and surplus in three different kinds of corporations—branch banks or banks principally engaged in international or foreign banking, which they may combine to invest in, or in these corporations. If they have invested already 10 per cent in one or more of the institutions already authorized, they may not invest any more. If they have already invested 5 per cent, they can invest 5 per cent more in these corporations, or if they have invested 8 per cent they can invest 2 per cent more in the corporations.

Mr. DUNBAR. The bill limits the investment that any national bank shall make in a corporation in Europe to 5 per cent; is that correct?

Mr. PLATT. Yes; a corporation chartered in this country, however.

Mr. DUNBAR. The purpose of the bill is to permit a national bank to subscribe an amount not to exceed 5 per cent of its capital and surplus in financial corporations organized to extend credit to purchasers in Europe, and so our national-bank stockholders will be interested in financial institutions that finance Europe and the citizens of Europe. Thus our local national-bank stockholders will be liable for losses that may occur by reason of foreign financial operations of these corporations which in this bill enables them to become stock owners.

It seems to me the question is, Should our national bank stockholders be protected so their directors will not be permitted to invest in financial corporations which operate abroad among people and among nations whose stability to-day is not assured?

Mr. PLATT. The gentleman might almost say that the manufacturers and farmers should not be allowed to sell anything in Europe; that they should raise only as much wheat as we could eat. That would be the reductio ad absurdum argument, that we should not raise or produce anything beyond what we could eat or consume ourselves.

Mr. DUNBAR. Manufacturing concerns that are organized for the purpose of making money and selling goods in Europe should be first assured that their operations are going to be financially successful, and they will be to the full extent of their business ability. But having sold their wares to Europe and received commercial paper in payment, that commercial paper which they received in return for their wares could be put up by them as collateral security with financial institutions, and if they are responsible they, in turn, can renew from time to time paper received from foreign merchants as well as from their own credits. It does not seem to me that a national bank in a country town should at any time be permitted to subscribe for stock in financial institutions to operate in countries where to save credit now due we are told we must extend more.

Mr. PLATT. As I have said, the large, responsible concern can sell goods on credit to any amount. The United States Steel Co. can sell all the steel it wants to and take its pay when it pleases or take bonds. Smaller concerns must cooperate.

The CHAIRMAN. The time of the gentleman from New York has expired. The Chair will recognize the gentleman from Massachusetts [Mr. PHELAN] if no one else wants the floor under the rule. Is the gentleman opposed to the bill?

Mr. PHELAN. There was no opposition in the committee, but I am the ranking member of the committee.

Mr. WINGO. The gentleman from Massachusetts is the ranking member, and I think he ought to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts for one hour.

Mr. PHELAN. Mr. Chairman, I think a very much better understanding of this bill can be had if we find out what the present law is and if we find out what this amendment proposes to do. While the question of foreign finance is more or less complex, the question involved here in this amendment is in its essentials very simple. At the present time a bank having the capital and surplus of $1,000,000 or over can establish branches in foreign countries to do foreign banking. That was incorporated in the original Federal reserve act under section 25. Subsequently we amended section 25 by providing that banks having a capital and surplus of $1,000,000 might contribute an amount equal, at the maximum, to 10 per cent of their capital and surplus for the purchase of stock in corporations engaged in foreign banking. I may not be using the exact words, but I am using them substantially. Remember that. Banks of that size could purchase shares of stock in corporations engaged principally in foreign banking.

Mr. HERSMAN. Domestic corporations?

Mr. PHELAN. Yes; domestic corporations. All that we intend to add by this is this provision, that all banks, whether they have a million capitalization or not, may have the authority, under permission of the Federal Reserve Board, to invest an amount not exceeding 5 per cent of the particular bank capital and surplus in the stock of corporations designed to do foreign financing in connection with export trade. The difference between what is proposed to be permitted under the amendment and what is permitted under the present law is this: We permit any national banks which see fit to do it to buy shares of stock in corporations doing foreign financing in connection with export trade, whereas under existing law only larger banks can so buy stock, and then only in respect to foreign banking. First of all, some question might be raised whether or not it would not be possible under existing law for banks having a

capitalization of $1,000,000 or over to do the very thing that is contemplated in this amendment for all banks. It is simply a question of what the word "banking" means. I suppose nobody is qualified to give an exact definition of what "banking" means, but the reason we are putting in the phrase "international or foreign financial operations," or whatever the term is, in the amendment is that we want to make it absolutely certain that a certain kind of financing can be done by these corporations in whose stock we permit national banks to invest their money. And the thing we are looking for is this: We want to see corporations formed in this country, either under the authority of the United States or of any one of the States, which can loan funds or extend credit to the people in foreign countries for a long period of time.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. HUSTED. Will the gentleman tell me whether these corporations which are to be organized for the purposes stated in the bill are to do a general banking business or simply to make long-term loans?

They can not take deposits, as I understand it. They are organized simply for the purpose of making loans, and, therefore, their total revenue will be the interest upon the loans they make, and that will simply be the interest on the capital they have.

Mr. PHELAN. No; that is not the situation. In the first place, the corporations existing to-day are incorporated under State laws, and some of them have very extensive powers. The limitation we are putting upon them is that the Federal Reserve Board shall have the right to limit what kind of business they shall do, so that it is not contemplated originally that these corporations shall accept deposits and use deposits in the ordinary sense, but that will be a matter to be decided by the Federal Reserve Board. To come to the second part of the gentleman's question, it is not contemplated, as I understand the proposition, that these corporations are going to be limited to the amount of money they raise by the sale of their stock, as to the funds they shall loan. Far from that. In all probability these corporations will put out their own obligations. They may put out a note, they may put out a debenture, they may put out a bond, they may resell the foreign securities. I do not know what they will put out, but they will endeavor to get funds from investors all over the country far in addition to the amount of their capital stock, so that the funds can be loaned abroad.

Mr. SMITH of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. In just a moment. This is the situation and this is what we want to do. To-day foreign countries are tremendously indebted to the United States. How are they going to pay their indebtedness? They have not the funds. They can not obtain the funds. If they can get simply credit, that is only robbing Peter to pay Paul. There is only one way in this world that these foreign countries can meet their indebtedness and obligations, and that is by production, and incidentally by saving; but production is at the basis of it. How are they going to produce?

Men in Poland, men in Belgium, men in France, men in England, men in Italy, in any of these countries, want to get raw material from this country, and they want to get machinery and other things with which to do business—locomotives, as was stated by the gentleman from New York [Mr. PLATT]. How are they going to get them? They have not the money; they can not get the credit. Something has to be done to provide them with the means of producing things, producing wealth. They have got to get funds or credit some place, and we have got to give it to them in some shape or manner. The purpose of this bill is to provide the means whereby we can extend them credit, extend them not only the kind of credit they want but the kind of credit that is absolutely essential for them to have, and give them credit under the safest conditions. Let me explain. To-day there is being extended credit to these foreigners. It is being extended in this way: Banks will loan them money with which to do business. What do they pay? They do not pay cash; they do not pay money; they have not got it; but they give an obligation, a note, or an acceptance, or something of that sort. On its face it is a short-time obligation. It obliges the maker or the acceptor to pay his obligation within 90 days, or three months, but when that obligation is made it is never intended to be paid within 90 days, because both the lender and the borrower, the obligor and the obligee, know that the man borrowing never in the world can get funds in 90 days.

The man who borrows the money, or the corporation or the company which borrows the money, has got to be given time to produce wealth, to produce the means, to produce the products until finally it is on its feet in a stable financial condition able to meet its obligations. That is what this bill is intended to do. The banks of this country necessarily and probably in a limited degree have been obliged to take these obligations, have been obliged to take what, on the face, are short-time obligations but what, in fact, generally through agreement to renew, are long-time obligations. Now, when the national banks or the State banks or the trust companies of this country are investing their money in that way, in most cases they are investing your money and my money and their depositors' money subject to call, investing that money subject to demand in long-time investments. That is a poor, indefensible practice of banking.

I am not finding any fault with the banks for doing it. They are doing it because they have got to do something to bridge over this situation. What we are trying to do by this bill is to provide corporations which will finance these people, who are now being financed by an unscientific banking method, in some degree to finance them soundly, to enable them in a far greater degree to meet their necessities. The way we are doing it is by permitting a national bank to invest money in a corporation which shall engage in this line of business. Now, this is the kind of business in which these corporations, roughly speaking, are going to engage. A corporation, we will say, incorporated under the laws of the State of New York for a certain amount of capital will look into these investments abroad to see what is necessary. Take the case of a foreign textile manufacturer. Some manufacturer over there wants to produce clothes, so that the people may have something to wear. He has not got the money; he has not got the funds nor the credit. He arranges with this corporation whereby this corporation will give him credit, not for 3 months, not on what appears to be short-time obligations but is not at all, but for 18 months or 2 years, by an obligation which on the face of it shows that it is a long-time obligation. This corporation in New York will say then, "We will give you time on this transaction. Of course, you have got to have time. It is foolish to think you can start your business on obligations for three months; we will give you two years." So they will make some arrangement with the corporation. They will get security. What kind of security they get will depend upon the kind of business instinct and business experience and business capacity the corporation has; but where the banks are interested and the banks are going to put up their money, they presume that the men running this corporation are going to know their business; but at any rate they are going to make these long-time loans, and they are going to get the very best security they can; in most cases, we presume, good security.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. PHELAN. In just a minute. But then, after this New York corporation has done that, or while doing it, it needs in some way to get money to carry on its business. This corporation in New York has got to start with the amount invested in their capital stock. They can use that, but they probably will need very much more. If they do, there are several ways in which they can get the money. They can use their own obligations in one form or the other, whether it is debentures or bonds is not material. They can put out some kind of security, backed by this capital and any surplus they can accumulate, backed by the foreign securities held and by other assets, backed by their business integrity and standing in the community, and those obligations can be sold in this country. The people who invest their money in these securities are not people who are simply putting deposits temporarily in some banking institution, but people who keep their eyes open and, knowing what is being done, are putting their money into investments which they expect will be long-time investments.

It is precisely like people buying bonds of any kind. They do it because they want the money in there; they do not want their money coming out in a month or two months or three months. They want it to stay in there. But I am perhaps taking up too much time. Let me conclude by saying the very purpose of this bill is to enable us to do what we are obliged to do, not for the benefit of financing the business or commerce of foreign countries but for our own benefit, for our own protection, and for our own security. Therefore I say the purpose of this bill is to permit that kind of business to be done in the manner which I have briefly and only roughly tried to explain.

Mr. HUSTED. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. HUSTED. I would like to ask the gentleman this question: I understand it has always been the policy of the Government to keep the assets of national banks as liquid as possible, so that they can always meet their obligations on demand; and does it not militate against that policy to permit national banks to invest a portion of their capital in the stock of any corporation whose very purpose is to make long-time loans? Does it

not tie up 5 per cent of the capital in stock which they may not be able to sell for 50 cents on the dollar, and which undoubtedly they could not sell readily? The very purpose of enacting this legislation is to encourage people to buy the stock so that the stock would not sell freely in the open market, and you are tying up the capital of national banks in the stock of corporations which are going to be slow assets. You are going to get the national-bank system out of the very splendid condition in which it is in and which inspires general public confidence at the present time.

Mr. PHELAN. I will answer the gentleman briefly. Let me say simply for the sake of the RECORD. He asks whether or not it has not always been the policy of the Government to require our national banks to keep their money in liquid assets.

Mr. HUSTED. As liquid as possible.

Mr. PHELAN. I will say in answer to that it has not always been the strict policy, because under the present national banking act national banks can invest their money in bonds, long-time bonds; they can invest their money under certain conditions in real estate mortgages. I am not quibbling, but I want the RECORD to have the answer straight.

Now, I will say to the gentleman that as a matter of banking principle it certainly is good banking principle to have commercial deposits, to have deposits subject to demand invested in the most liquid assets you can find. Yes; that is true. But I will point out to the gentleman relative to this provision, first of all, what I have already pointed out, namely, that we have given that very authority under the original provisions of the national banking act.

We gave authority in the provision—section 25 of the Federal reserve act—which permits banks having a capitalization of a million dollars or over to engage in foreign banking. That is the first proposition. We have permitted it again by amendment to section 25, which passed through Congress providing that banks of a certain size may contribute an amount equal to 10 per cent of their capital surplus in banks principally engaged in foreign banking. So that we are simply extending the authority for investment in another kind of corporation, or a corporation designed to do a little different kind of business similarly to what we are already permitting under existing law.

To go further, I will say more than that, the amount is small. The amount permitted under this section is only 5 per cent; that it does not in a sense increase the amount which the bank can extend, because that still remains for this kind of an investment under the present law, section 25, 10 per cent in the aggregate. And I will say, furthermore, that the 5 per cent of the capital of the banks is, when you consider the way banks do business and the resources they have beyond the capital and surplus, not a very large sum of money proportionally.

I will say in conclusion that it is manifestly better for the banking interests of the country that these corporations should be formed, and the national banks should be permitted to invest their funds in such corporations than to have the business done as it is necessarily done to-day by banks taking long-time obligations, which on their face are only short-time obligations.

Mr. SMITH of Illinois. The amount of money to be obtained by this law, to directly or indirectly finance a corporation doing business in the United States, is too small for the institution to make a success. The danger in this bill lies in the fact that it is intended to stabilize the stock of the commercial corporation asking for credit, who to procure enough money to successfully do business must sell their stock to the public and in doing so use the fact that the bank is, if not in fact, indirectly a stockholder. To divert the funds of an institution that is simply the clearing house of the local public to finance industries doing a foreign business is not the function of a national bank but the privilege of private capital.

Mr. PHELAN. I want to say that what the gentleman says is certainly not complimentary to the banks of this country, when he thinks the banks of this country would invest their stockholders' money and risk their stockholders' money in a corporation when they are going to lose it. I have more confidence in the business capacity and business integrity of the directors of these banks than that, and I am satisfied that the banks of the country, by and at large, are not going to make unwise investments.

Mr. SMITH of Illinois. They are not buying at large, but in individual cases.

Mr. HERSMAN. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. HERSMAN. I want to ask this: If the object of this corporation is to build up the industries of Europe, would not the best way be to extend credit through Government agencies, and then the United States Government could collect this money if anything happened?

Mr. PHELAN. It would not be a good thing for the Government to get into this. But I think if the gentleman had had an opportunity to go all through this he would see it would not, because the money or credit that is going to be loaned is not going to be loaned—it may be in some cases—but it is not going to be loaned to foreign Governments; it is going to be loaned to individuals and companies and corporations doing business in foreign countries; and certainly the United States Government ought not as a business proposition and as a permanent matter engage in the loaning of money in that way to people in foreign countries.

Mr. HERSMAN. That is very true, but by loaning it to the various foreign Governments they could extend the credit to the corporations and individuals.

Mr. PHELAN. I think this Government has already incurred as much indebtedness as it ought to do, and it ought not, for the sake of loaning to foreign companies, extend this indebtedness.

Mr. HERSMAN. Then it does not seem that a domestic corporation should further extend credit in those foreign countries if it is unsafe for the Government to do so.

Mr. PHELAN. That has got to be done if we are going to have any business at all.

Mr. TREADWAY. I would like to ask the gentleman a question. You are asking to put an official stamp of approval, by this enactment, upon private transactions. In other words, you are willing that the national banks should invest in private corporations purely for commercial purposes. Why should you go through the intermediary of voting this Federal authority to national banks? If the people of our country want to make the kind of investments that the gentleman refers to, as incorporated in the bill here, why give the authority to the national banks? Why should not the corporation itself go out to the public and ask for subscriptions to its stock, rather than putting the stamp of approval by doing it as a national-bank depositor?

Mr. PHELAN. I do not agree with the gentleman's premises.

Mr. TREADWAY. I am asking a question.

Mr. PHELAN. I am going to answer it.

Mr. TREADWAY. It is not involved in any theory.

Mr. PHELAN. I do not agree with the gentleman's premises in any particular. His is rather an involved question. There is nothing to prevent a corporation now from being formed in New York, Massachusetts, Connecticut, or any other State, and putting its stock on the market and getting subscriptions and doing business in this way.

Mr. TREADWAY. I presume not.

Mr. PHELAN. But the extent to which that has been done is so small that it does not take care of the situation. It is like so many other things—there has got to be something put behind the thing to give it a push.

Mr. TREADWAY. Yes. That is the very point I am making.

Mr. PHELAN. Yes; that is the point; and you have got to get the National or the State banks or some other large financial institution behind this thing, or you will not make a success of it.

Mr. TREADWAY. In other words, through this bill you want to put the push into this kind of finance, having Government approval, that could not be secured through private capital?

Mr. PHELAN. That is not the situation at all.

Mr. TREADWAY. That is what it develops into.

Mr. PHELAN. No; that is not what it develops into at all. If the gentleman from Massachusetts [Mr. TREADWAY] had been here when I was speaking before, he would have heard me say that we permit exactly the same kind of thing to be done under existing law in the case of corporations whose principal business is foreign banking. One reason why we are doing this is because we can not be certain what interpretation will be put on the word "banking."

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PHELAN. I will proceed for five minutes more. If "banking" means commercial banking in the sense of short-time obligations, then the present law does not cover the present situation. If it embraces long-time investments, then it would cover the kind of transactions which are intended here. What we are trying to do is to permit banks to take stock in corporations whose purpose it is to loan money in foreign countries where it is necessary for our good. Do not forget that—for our own good; to permit these foreign corporations to finance propositions in connection with our export trade.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. In just a minute. And this is the thing that you must keep in mind always, just as we had to keep it in mind to a much greater degree during the war, that when you are confronted with a situation, of necessity you have got to

meet it. You can not pick up a financial paper without reading about the situation in Europe as to their financial condition. They need credit. They have got to have credit, and if we do not extend it to them in some shape, way, or manner, nobody knows what is going to happen to them, and nobody knows what is going to happen to the obligations which they owe us.

Do not forget this fact, that this whole proposition is not an altruistic proposition, to finance our good friends across the water, much as we would like to do it. It is a measure to finance our own trade, to provide a practical way by which we can sell our own exports and receive pay for them, and it is a means whereby these countries can rehabilitate themselves and when the time comes meet the obligations which they owe to our Government.

Mr. TREADWAY. May I not ask if it does not resolve itself into this, that it is a form of securing credit to that foreign trade, to which the gentleman refers, which otherwise would not appeal to the private investors in this country?

Mr. PHELAN. Not for one second. If the gentleman contends that, then the gentleman will say that the matter of buying railroad bonds, the matter of buying industrial bonds, the matter, perhaps, of buying farm-loan bonds does not appeal to the people of this country. But here is where the difference is: We will say that the gentleman has capital to invest, he has funds which he wants to put into good security, but he is not going to take any bond or obligation of any kind whatsoever of a manufacturer over in Poland. He does not know anything about the manufacturing business over there, however much he may know about Poland. He has no means of getting the information except at great expense to himself. He never in the world would invest his money in a bond or note or acceptance issued by that manufacturer or corporation over there, although it might be the safest kind of an investment. But if there is a corporation formed whose business it is to know about that business and about credits of that kind in those countries——

Mr. TREADWAY. It is a private corporation, is it not?

Mr. PHELAN. It is a corporation incorporated under the laws of the United States or of any of the States. It is a corporation, but it is a corporation whereby its stockholders risk their own money and try to make money out of the proposition, and are interested financially in the project, so as to see that their investments abroad are good investments. So I can say to my colleague from Massachusetts, "You can invest your money safely in that $5,000,000 corporation or its securities." It is like the farm-loan system. A farmer out in Nebraska, or a banker in behalf of a farmer in Nebraska, could not come to me in Massachusetts and get a loan, because I do not know the first thing about Nebraska or about his farm or about the conditions; but when something is put between us in the way of an organization formed under the Federal farm-loan act, then I can invest my money in the bonds of those banks and those banks can loan him the money. This is the same sort of proposition.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PHELAN. I reserve the balance of my time, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts reserves the remainder of his time. The gentleman from New York [Mr. PLATT] has half a minute remaining.

Mr. BLANTON. Mr. Chairman, I think we ought to have a quorum. I will make the point of order that there is no quorum present.

Mr. PHELAN. Mr. Chairman, I want to yield 20 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count.

Mr. PLATT. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. The gentleman from New York moves that the committee rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. PLATT. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. PLATT and Mr. LONERGAN to act as tellers.

The committee divided; and the tellers reported—ayes 1, noes 104.

The CHAIRMAN. A quorum is present, and the committee votes not to rise.

Mr. STEVENSON. Mr. Chairman, the gentleman from Massachusetts [Mr. PHELAN] yielded to me 20 minutes.

The CHAIRMAN. The gentleman from South Carolina is recognized for 20 minutes.

Mr. STEVENSON. Mr. Chairman and gentlemen, this measure seems to have created quite a considerable amount of uneasiness as to the situation regarding our banking interests. I want you to remember, in the first place, that the national banks own their own money. They are by this bill permitted to invest 5 per cent of it in the stock of banks that are dealing in foreign exchange. That is all. They are permitted, not required, to do so. They may or they may not do so.

Now, the question arises as to why we are doing this at the present time. If any of you keep up with the swing of foreign exchange you will see the necessity for the maintenance of credits in the countries to which we are selling an enormous amount of our products. Our agricultural products are going abroad by the billion, and it is necessary that there be some means by which that business can be carried on.

Under the law as it stood up to a few weeks ago every national bank had the right to buy foreign exchange to the extent of its capital stock. That is, a man sold a consignment of cotton in Savannah or New York to a purchaser in Liverpool. The purchaser accepted a draft at 90 days for the price of the cotton. That draft would be immediately sold. The bank with which the cotton man does business would get the draft and indorse it and sell it to a dealer in foreign exchange in New York. If that keeps piling up, it will take but a very short time until the bank has absolutely all its stock invested in that kind of security, directly or by indorsement. You talk about the danger of investing 5 per cent of the bank's capital in a corporation handling foreign exchange! Why, before we passed the act increasing that limit, they could put the whole of their capital into transactions of that kind, and when the goods are sold and shipped from this country it is necessary for somebody to put up the money. The goods are purchased over on the other side at 90 days, and in a great many instances where they are just recuperating and reestablishing their manufacturing industries, they have got to buy these raw materials on such terms that they can renew their credit for 90 days more, and then perhaps 90 days more, and frequently the credit has to be carried for a year. Now, that is the situation. Is it an alarming thing then that we allow them to invest 5 per cent of the capital of a bank for the purpose of creating great banking institutions to handle this line of foreign credits, and thereby relieve the commercial banks? The ink is hardly dry on the act which we passed the other day taking off the limit, so that national banks to-day can put every dollar they have got and every dollar they can borrow and every dollar of their deposits and everything else into foreign exchange. What is the result? It is all they can do to keep everything moving now. Do we propose to sit down and build a wall around the United States so that we can not sell our products abroad? What will become of the men who raise wheat in the West and cotton in the South, and what will become of the man who manufactures goods in New England or Pennsylvania if you stop the exportation of that which they produce? As I have said, we passed a bill the other day increasing the limit of the amount of foreign exchange that a national bank can buy.

Mr. REAVIS. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. REAVIS. I know very little about this bill, and I am asking for information. I realize, of course, the necessity for having foreign credit if we are going to be paid for our products.

Mr. STEVENSON. Yes.

Mr. REAVIS. I take it that is the purpose of this measure.

Mr. STEVENSON. Yes.

Mr. REAVIS. Now, if we have passed a bill that puts no limit on the investments of national banks in foreign exchange, and if we now pass this bill which limits them to 5 per cent, will not the passage of this bill restrict rather than enlarge the foreign credits which they can extend?

Mr. STEVENSON. No, sir; for this reason: The act which we passed the other day allowed national banks to buy as much foreign exchange as they can buy regardless of the amount of their capital stock and surplus, and they can still do that; but it is not healthy that that should be done, because a great deal of that foreign exchange will have to be carried 12 months and some of it 18 months.

Now, what is this proposition? It is, as far as possible, to enable the financiers of this country to get together and to organize corporations that will handle that whole situation and relieve the ordinary mercantile banks from carrying these heavy loads of foreign exchange that they are having to carry to-day

in order that our trade may continue to go forward. Gentlemen talk about restrictions on long-time credits and say we ought not to allow them to invest in long-time paper. I think it is going to be a good deal safer to allow the foreign-exchange banks to have paper running for a long time, because the fluctuations at present, and probably for months to come, are very great in foreign exchange. If you have noticed it, I think you have seen that the pound sterling has fallen from $4.85, which it used to be, to about $4.15 in the past week, or about 70 cents below what it used to be. If a small bank has all of its capital stock tied up in foreign exchange, fluctuating as it does, there is danger of its being caught in a tight time and wiped out of existence; but if all the banks get together and risk only 5 per cent of their capital stock in foreign-exchange banks, you will have an institution that will have sufficient backing to carry this foreign exchange and it will be able to hold it until the purchaser of the goods is able to pay for them, and the condition which confronts us to-day where foreign exchange fluctuates to such a degree as to be a menace to all banks that are holding foreign drafts or bills of lading will be remedied; and this will benefit not only the banks but the people who are shipping cotton and flour and wheat and other manufactured articles to Europe.

Mr. TREADWAY. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. TREADWAY. May I ask the gentleman why he advocates that the national banking system should be an agency for securing this credit?

Mr. STEVENSON. I do not advocate that. We advocate their being allowed to become a part of the great interlocking system that will create it. There is nothing to prevent the State banks or private capitalists going into it, and we say to the great institutions that we have created by legislation: "You can enter in and be one of the units, you can be one of the bricks in the wall which is to be erected, which will come if you shut off the exportation of goods of this country."

Mr. TREADWAY. Does the gentleman claim that using the banking system of the country is a benefit to the banks or to the foreign private companies?

Mr. STEVENSON. It is for the benefit primarily of the whole country, because it enables it to market its products in the markets of the world and not have to burden the small banks that have to handle these bills of exchange. It is for the benefit of the institution that is going to have the stockholders and going to handle the exchange, because we assume that it will be handled in such a way as to be of benefit to the public and a benefit to themselves. If it is a benefit to them, it is a benefit to the banks that put money in the stock. The general benefit is what is looked to, and the feeling that in this country every financial institution that is able to do it should have a right to become one of the great financial powers that will enable the United States to maintain its enormous foreign trade and maintain itself in the markets of the country and not surrender them, as a good deal has been said is going to be done, to somebody else who can finance them and who will finance them if we do not.

Mr. TREADWAY. Have not the individuals of the country been generous in that line, in buying Liberty bonds of which we have allowed a credit of ten billions to other countries?

Mr. STEVENSON. That is a credit given to the foreign countries. This is a credit for the purpose of handling the goods of our people which they have to sell and whose market is restricted, whose financial returns are depleted because of the want of sufficient financial ability to handle them.

Mr. TREADWAY. May I be allowed to say that that is the very argument made by the Treasury Department for extending such enormous credit that they would buy manufactures in this country and the subscription to bonds of ten billions was coming directly back into our pockets? But to-day the gentleman from Massachusetts, my colleague, says that the Government as such has extended all the foreign credit it should.

Mr. PHELAN. Will the gentleman yield? I do not know that I said exactly that, but what I meant was——

Mr. TREADWAY. I did not quote the gentleman verbatim, but that was the thought.

Mr. PHELAN. What I meant was that they should not extend any more of that kind of credit when it could be done better in this way.

Mr. TREADWAY. It is taking the money of this country for foreign trade, and it makes no difference whether it is bonds or stocks.

Mr. STEVENSON. Now, I can not yield any further. The people who subscribed for Liberty bonds did so when the cannons roared, when the fight was on, and when everybody had to stand it, and when we had to resort to extreme measures such as would not be resorted to in a time of peace. Now that peace has come we say that the ordinary financial processes of this country should handle the trade of this country with foreign countries, and we want to give the banks, the national banking systems, the same opportunity to become interested in this patriotic work that banks organized by the States, the trust companies organized by the States, and private individuals have for participating in the carrying on of the trade.

Mr. REAVIS. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. REAVIS. The position of the gentleman, I take it, is that with Europe in its present condition it would be impossible for them to buy and pay for our products.

Mr. STEVENSON. That is the situation. I will give the gentleman an example. Take a cotton mill in Belgium just rehabilitated. That great corporation was eminently successful before the war devastated the country. It took all of their resources absolutely to the limit to get ready to begin and erect a splendid plant, which has a potential future, but it has been unable to buy the cotton. What will it do? It can issue bonds to the bank in Savannah that handles the bills of exchange for cotton, but for the men handling these bonds it is too big a proposition. But if you have bills of exchange, corporations that can give credit for that purpose, with an agency over there to finance it and carry it on, they can investigate it and find out whether the bonds are all right. They can finance it and pay for the cotton, and immediately the returns will begin to come to this country, and there will be very little loss, if any, and an immense amount of trade which is exceedingly valuable will come to this country.

Mr. REAVIS. The question was asked whether this was for the general welfare and benefit of the banks. The great agricultural sections in this country produce an enormous surplus, and if they can not dispose of it over the seas will not that affect the banks?

Mr. STEVENSON. It will destroy them, and I say it is for the general welfare—for the good of the live stock of the West, the cotton of the South, the manufacturers of the North and the Northeast.

Mr. REAVIS. And incidentally to the banks?

Mr. STEVENSON. It will relieve the banks that have to carry these people and which will be ruined unless they can sell their product and ship it abroad. It will not be likely to be a losing venture, for the gentlemen who manage these things, who have the finances to back it up, are usually able to take care of themselves in any financial deal, and the corporation will not be likely to lose anything. If the bank has a surplus and capital of $100,000 it could not lose over $5,000 under this bill.

It is an infinitesimal amount in comparison with the enormous banking facilities of this country, and if you put all of those 5 per cents together you will have a corporation that can deal and deal extensively with the foreign exchange that arises out of these transactions and preserve us from financial and commercial disaster, which will come as sure as day follows night if you do not fix it so that the great crops of this country can go abroad and be marketed and be marketed at a fair price, be marketed so that the money can be promptly realized out of them.

Mr. Chairman, I expected to speak along another line, but there seems to have been considerable doubt as to what the bill means. I have undertaken to tell what I think it means. I think it means, in the place of the haphazard method of handling the foreign exchange of this country, the getting together of the financial interests of the whole country and the pooling in a few great corporations of their tremendous assets, a little from each one, building a powerful organization which will always be able to handle our foreign exchange in such a way that the fluctuations up and down will cut very little ice when it comes to the final result, and we will be protected and our crops and manufactures will continue to move into world commerce as they should do in the reconstruction period which is about to come.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members present, a quorum. The gentleman from New York has one-half minute left, the gentleman from Massachusetts 13 minutes.

Mr. PHELAN. Mr. Chairman, all I want to say in conclusion is that this is not primarily a proposition to help somebody abroad. If the men raising wheat want to export it to these countries those in foreign countries buying the wheat have to have some funds with which to pay for it. The same applies to the men who want to export cotton and to the corporations

that want to export agricultural machinery or any other industrial product—shoes, as some one suggests, or anything manufactured in this country. In other words, if we are going to export goods which we must export if our people are going to be prosperous we have got to give some means to the people abroad to get funds with which to buy those things. That is essentially necessary for the progress of agriculture and manufacture and commerce in this country.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. ANDERSON. What reason can the gentleman give for reducing the capital and surplus of national banks in the United States, paid in for the protection of the depositors, while allowing that capital stock to be invested in purely speculative enterprises of this kind?

Mr. PHELAN. In the first place, the gentleman is not accurate when he says that we are reducing the capital stock of national banks.

Mr. ANDERSON. You divert it from the object for which it was originally intended.

Mr. PHELAN. I want the record straight. No national bank is obliged to do this. If it does it, it does it of its own free will, and the national banks which will do it in most cases will probably be the soundest kind of institutions that we have. They will do it because they will find it is a good investment. We have all kinds of fixed investments in which banks invest. They invest it in their own bank buildings, for example, and they invest it in buildings which they offer for rent, but the primary purpose of this proposition is to finance our foreign trade. This is the best way to do it, and at the present time it seems to be the only way that we can get the thing started, and that is why we are doing it.

Mr. ANDERSON. Does the gentleman mean to say that these corporations can not be organized and financed without the assistance of national banks to the extent of taking 5 per cent of their capital stock for the organization of these corporations?

Mr. PHELAN. No; I do not say that, but I say that these corporations have not been organized to meet the situation at the present time, and the men who understand most about our financial operations have come to the conclusion that unless at least some banks invest their money along this line we will not get funds in sufficient amount to meet the great need for this kind of a corporation doing this kind of business. It is essential and necessary.

Mr. KINKAID. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. KINKAID. Is it expected that the exporters of these products and manufactures would invest largely in the stock of those banks that we will establish?

Mr. PHELAN. I think it is not unlikely that they will.

Mr. KINKAID. Would not they be the natural and proper ones to do that? They ought to encourage it.

Mr. PHELAN. Yes; except that this must be remembered, that the average man who is manufacturing goods needs a good deal of his capital in liquid shape so that he can turn it and turn it again, and the best evidence of that is that no matter how large the individual, the partnership, or the corporation, it will be found in most cases that the individual, the partnership, or the corporation is going to the banks and borrowing money with which to do business. As a rule they need the most of the money they have to keep producing, and it is the constant turnover of the capital and other funds that they have that makes production in this country so great as it is.

Mr. PLATT. Mr. Chairman, in the time left I simply want to say that the gentleman from South Carolina [Mr. STEVENSON] called attention to the fact that when this bill is put into effect it will relieve the national banks of a large amount of obligations which they now have, and to that extent will greatly help them.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916, be further amended by striking out the period at the end of the third paragraph thereof, and adding in lieu thereof the following: ", or until January 1, 1921, without regard to the amount of its capital and surplus, to invest an amount not exceeding in the aggregate 5 per cent of its paid in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States, or of any State thereof, and regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: *Provided, however*, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per cent of its capital and surplus."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916, be further amended by the addition of the following paragraph at the end of subparagraph 2 of the first paragraph, after the word 'possessions':

"'Until January 1, 1921, any national banking association, without regard to the amount of its capital and surplus, may file application with the Federal Reserve Board for permission, upon such conditions and under such regulations as may be prescribed by said board, to invest an amount not exceeding in the aggregate 5 per cent of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States or of any State thereof and, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: *Provided, however*, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per cent of its capital and surplus.'"

Mr. FESS. Mr. Chairman——

The CHAIRMAN. Before the gentleman proceeds, the committee amendment is in a number of sections, although it is only one amendment. If there is no objection, the amendment can be considered by sections.

Mr. PLATT. I do not know that I have any objection, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio.

Mr. FESS. Mr. Chairman and gentlemen of the committee, this proposal is intended to relieve a situation, and I confess that I am not entirely satisfied with what it promises. I have understood from the members of the Committee on Banking and Currency that it meets the sound business sense of the banking judgment of the country as represented by our banking agency in the Government, and probably it is justified; but there is a situation just now confronting the country that makes it seem to be somewhat antagonistic to the best interests of the Government, in that the bill is intended to enhance the export business. There never was a time in the history of the world when we had such an export business as now. Our exports for the fiscal year ending June 30 this year amounted to the enormous sum of $7,225,000,000, and the balance of trade in our favor, which measured the amount we sold above what we purchased, amounts to the enormous sum of $4,129,000,000. That means that we sold $2 and more for every dollar that we purchased. No such business transaction measured in foreign transactions has ever approached such a figure as that before.

Mr. STEVENSON. Will the gentleman yield?

Mr. FESS. I will yield to my friend.

Mr. STEVENSON. However, the last month of which we have a report—I believe it was June—they just about balance, do they not?

Mr. FESS. No; the last month, which was June, was $918,000,000, which was $200,000,000 above any month prior. That was, it seems to me, a marvelous figure.

Mr. STEVENSON. But were not the exports and imports within $20,000,000 or $30,000,000 of each other the last month—I believe July? In other words, have they not come back practically to a balance?

Mr. FESS. I have not the report since June, and it was not up to June.

Mr. STEVENSON. The last month I have a report for just lacks a few million dollars of balancing, and it would seem it was swinging back.

Mr. FESS. However, that swinging back is not going to be very permanent for some time to come. I think without doubt that statement is correct.

Mr. PHELAN. Will the gentleman yield for just a second?

Mr. FESS. I will yield to my friend.

Mr. PHELAN. If the exports continue at the same rate, I would like to have the gentleman point out how these foreigners are going to pay us.

Mr. FESS. I will say to my friend that he is now suggesting the most delicate feature of the legislation. In other words, we are constantly putting Europe in debt to us, and this is a proposal to lend them credit to increase their indebtedness to us; and if you are proposing to lend them more credit in order to buy what will add to the indebtedness already incurred, the pay day must come some time. Does the gentleman propose to continue to kite these checks by paying off one credit by another credit from the Government?

Mr. PHELAN. If the gentleman will yield, except we are now providing a means of extending credit to them whereby they can produce something with which to pay us in some shape or manner.

Mr. FESS. That is begging the question. If you extend the credit to them in any form, with that credit they can buy the raw material out of which they can produce. The gentleman brings out the very delicacy of the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Will the gentleman yield?

Mr. FESS. I will yield to my friend, the chairman of the committee.

Mr. PLATT. I think the gentleman from Massachusetts hits on what is really the very important point. We are selling to Europe locomotives, machinery, implements, and so forth, to produce with, as well as raw materials with which, when they get to work, they will be able greatly to increase their exports or our imports. They are increasing them now, as has been stated.

Mr. FESS. I know the position of these gentlemen favoring this legislation, and in a sense it is rational. You are proposing to facilitate exports. The truth about the matter is that our exports have reached a plane now where the high cost of living, as the gentleman knows, is a delicate problem, and with the facilities of export it will still continue to increase in the high level. On the other hand, the gentleman wants to maintain our business ability here, which, in a sense, is justifiable; but my question is this: Are you going to continue indefinitely to extend credit to Europe without any regard as to when it is to be paid? This, however, if the gentleman will permit, is of some relief. You do not propose that the Government is going to do it, but you would allow a Government agency to do it. This is not as bad——

Mr. PLATT. Hardly.

Mr. FESS. Well, national banks, in a sense, would be governmental.

Mr. PLATT. Let me say this to the gentleman, that in a large measure this provides for funding debts already incurred. Foreign exchange already has all it can do to pay for our exports, and the foreign exchange lately is so tremendous that something has got to be done to fund some of these bills.

Mr. FESS. I will say to my friend this is a matter of relief; but I think this, that the remedy is just about as bad as the disease, and I think the country is in a status, due to the war, that piecemeal legislation can not very much help; and while I know that this is intended to correct, it is a delicate feature of it, which does not appeal to me strongly enough to win my support.

Mr. PHELAN. Mr. Chairman, unless the gentleman from New York [Mr. PLATT] wants to answer the gentleman——

Mr. PLATT. If the gentleman from Massachusetts desires to answer him, all right.

Mr. PHELAN. I want to take a minute.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. PHELAN. There is a statement which has been made more than once which I think indicates a failure to see the real purpose of this bill. Now, the gentleman from Ohio, who makes a study of all these bills and who follows them very closely, and has done so in this Congress and other Congresses, refers to the enhancing of our export trade. He speaks as if the primary purpose of this bill was to increase and ever increase our exports. That may or may not be a good purpose. I am not prepared to say now whether it is or not, but it is not the primary purpose of this bill, to keep increasing our exports. The purpose is to take care of what we do export and what it is essential we should export. There has got to be some way whereby these foreigners can pay for the wheat and cotton and locomotives and other commodities they get from this country, whether those exports are large or small, and this is a means designed to give it to them.

Let me point out that England has been the great creditor nation of the whole world; that every civilized nation and, I think, uncivilized as well, has paid annually millions of dollars into the coffers of English people, because they have securities secured from all over the world. How those people abroad are going to pay us, I am not ready to say. I do not know how we are going to get the payment. If we get it in goods, we must be prepared perhaps to have those goods coming into our markets and competing with American-made goods. But I can see the possibility of America becoming the great financial center of the whole world to-day and occupying the position that has hitherto been occupied by England alone, and I can see an opportunity by the proper expansion of our foreign trade and proper financing of our foreign trade, whereby the people of this country will hold securities, and good, safe, sound securities, from the peoples of the other countries of Europe.

Mr. HUDDLESTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUDDLESTON. To debate this question.

Mr. FESS. I would like to ask the gentleman from Massachusetts [Mr. PHELAN] a question. As I understood, the gentleman said that the primary purpose is not to facilitate exports.

Mr. PHELAN. I did not say that. The gentleman used the word "enhanced."

Mr. FESS. In the same sense as "facilitate."

Mr. PHELAN. But that is not the purpose. The purpose is to take care of and finance the export trade.

Mr. FESS. Let me ask my friend this: Is it good governmental policy for us, in order to sell our goods, to extend credit in order to have them paid for?

Mr. PHELAN. It is a thing that is done every day in this country.

Mr. FESS. Is it a good thing, with the status existing between us and Europe to-day, with $10,000,000,000 of credit already in our possession with the peoples of Europe?

Mr. PHELAN. When the gentleman speaks about ten billions——

Mr. FESS. I mean——

Mr. PHELAN. I suppose the gentleman refers to governmental securities?

Mr. FESS. Yes.

Mr. PHELAN. He and others must keep in mind that this is not a governmental proposition.

Mr. FESS. Well, it is quasi governmental.

Mr. PHELAN. It has nothing quasi about it. It is a question of a private corporation, a corporation no different, except as its purposes may be different, in its organization and in its theory or principle from the United States Steel Corporation or the General Electric Co., owned by private individuals.

Mr. FESS. It is governmental in that it is giving national banking institutions the privilege to do this.

Mr. PHELAN. But just like any other privilege you give to national banking institutions. You give them a privilege to loan money to you or to me, but those loans to you and me are not necessarily quasi public. This is a private proposition, and the Government's money is not going to be involved in it. That ought to be made as clear as possible.

Mr. FESS. Is my friend at the point now where he wants to discontinue loans by the Government to Europe?

Mr. PHELAN. I rather hope that this Government will not be obliged to put out any more bonds to its own people, and I rather hope that this Government will not be obliged to extend further credit to foreign nations.

Mr. FESS. Are we ever obliged to do it to foreign countries?

Mr. PHELAN. It depends on what you mean by the word "oblige." We were obliged to do it during the war.

Mr. HUDDLESTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUDDLESTON. I would like to express an opinion.

The CHAIRMAN. There is nothing before the committee.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HUSTED. I rise for the purpose of asking the chairman of the committee why all this matter in the present law was stricken out of the first section of this bill?

Mr. PLATT. I will say to my colleague from New York that the Senate bill, I suspect, was written by some one who handed it in. At any rate, it contains very awkward phrasing, and it simply adds to an already long and involved paragraph language which seems to me not quite clear. The House bill adds a new paragraph, making it a good deal easier to understand. The paragraph or subparagraph before it refers to a bank with a capital of a million dollars, and this paragraph has not any such limitation. You will notice the Senate bill says "or until January 1, 1921, without regard to the amount of its capital and surplus," added right on to another paragraph which ends up with the words "or any of its dependencies or insular possessions to any foreign country."

I will not go into it more elaborately, but I think that the gentleman will admit, when he looks it over, that the House bill is a much crisper way of putting it. In section 3 we adopted some changes which make it more certain that these later paragraphs of section 25 apply.

Mr. HUDDLESTON. Mr. Chairman, I rise to oppose the motion.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. HUDDLESTON. Of course it is an economic truism that every dollar's worth of commodities that we export to a foreign country for which we do not receive a dollar's worth of commodities in return leaves us just that much poorer, so that the observations of the gentleman from Ohio [Mr. FESS] are exceedingly well founded.

There would be a much greater occasion for the enactment of this bill if the trade balance were against us instead of in our favor. Now of all times, when we have had for several years a tremendous trade balance in our favor, is presented the least occasion for a bill of this kind designed for the purpose of lending credit to foreign countries.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Massachusetts?

Mr. HUDDLESTON. Not yet. I have not got to what I wanted to say. But the reason that I have stated is not the reason why I am not willing to vote for this bill. It is perhaps a good reason, but I have other reasons that are more obvious. My time is insufficient for me to dwell on my objections to the bill. I merely want to mention two or three of them.

This bill enables national banks to own stock in other corporations. I regard that as bad in principle, and I am not willing to approve it.

The bill authorizes national banks to divert their capital to purposes wholly different from the purposes for which the banks were created. It authorizes a misuse—a perversion—of their assets such as I must oppose.

It enables banks to divert their assets from domestic uses to use in foreign countries, and I would not be able to vote for a bill of that kind.

But there is another ground, Mr. Chairman, which, it seems to me, is still more important than any of these. This bill enables national banks, in substance and effect, to form a combine. That is to say, they may go in together, each one subscribing for a certain amount of the stock of a corporation, owning an equal amount in it, and being practically equal partners in that corporation, so that under this bill they may be able to form a sort of financial trust which will enable them to dominate any industry they choose. For illustration, the national banks of the South would be permitted under this bill to finance an immense cotton-exporting corporation, a concern of such a vast strength of capital that there would be no hope of anybody competing with it in foreign markets. They would be able to finance——

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Kansas?

Mr. HUDDLESTON. Not for just a moment. They would be able to finance their corporation in such a way as that there could be no other competitor in the business, and in that way it could monopolize the cotton-exporting business and control the export of cotton, juggle the price at will, sell cotton at whatever price it chose to fix to the people in foreign countries, and pay whatever it pleased to the producers in this country.

The same argument may be applied to the wheat produced in the district of the gentleman from Kansas [Mr. STRONG], who sought to interrupt me a moment ago. It may also be applied to the manufactures of the district represented by the gentleman from Massachusetts [Mr. PHELAN]. It may be applied to any industry which depends upon export trade or the prices in which are affected by export prices.

Here we are, as it seems to me, going on with very little thought—for it seems that this particular crotchet in my mind, if it be a mere crotchet, has not been in anybody else's mind—it seems to me we are going on with very little consideration in the House, busily creating a vast financial machine which may have such immense powers that it will be able to crush any industry that comes within the scope of its operations.

The capital of the banks is not merely their private concern. It belongs to the people, and the banks simply hold it in trust for the public benefit. I am not willing, Mr. Chairman, that the resources of banks built up by them out of the people's confidence, out of the money that the people have loaned them or that the Government itself has loaned them, should be used as an engine of oppression, as a means of fostering monopoly, or in erecting a vast trust to sap the strength of American production.

I opposed the measure passed by the last Congress which permitted American manufacturers to organize a trust for the purpose of selling their goods in foreign markets. I opposed it for the same reason that I am going to vote against this bill. If it was wrong that we have a combination or trust of automobile manufacturers or of wheat or cotton producers or of others directly engaged in a business for the purpose of controlling the foreign trade connected with that particular business——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. I ask unanimous consent, Mr. Chairman, to proceed for one minute more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. HUDDLESTON. Still more wrong is it, still more does it address itself to our doubts and fears, that it should be proposed to create a purely financial institution having itself no proper interest in an industry which may have it in its power to dominate that industry, to dominate that product, or to dominate any line of American trade that it may choose to project its activities into. I am unable, with the light before me, to give my adherence to this measure. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Chairman, I did not have opportunity to be present during much of the discussion of the bill now under consideration. I was elsewhere engaged on official duty. But I have listened with great interest to the remarks of the gentleman from Ohio [Mr. FESS]. We all understand that we have been financing the world, not only with the credit of the Government, but with our individual credit. We took foreign securities from Great Britain—I do not know how much; but through Morgan & Co. and others there were absorbed in this country, by banks, by capitalists, by individuals, very large amounts of securities that were in existence when this war commenced. Then came the loaning to various Governments. I do not know to what amount, but I suppose it was $10,000,000,000 plus.

Now, the gentleman from Ohio speaks of the extraordinary exports. Of what? Of wheat, the crop just completed, which I suppose is going abroad; cotton, and various other kinds of products that were produced in the country. In the meantime we have a great hurrah about the high cost of living in this country.

Well, inflation of the currency and of the credit. So far we have been able to keep the credit of the Government at a parity with gold. The Federal reserve bank has been a very convenient help in that matter. All the banks, taking securities here and there, some short and some long, have directly or indirectly helped, by financing our own people and in some instances people abroad, and where we have financed our own people they, in turn, have financed abroad as well as at home.

Now, we talk about the high cost of living. What makes it? Oh, you say, the price of wheat is guaranteed at $2.26, and that does it. Not at all, as I understand it. It is what we export of something to eat, and of cotton, of something wherewith to be clothed, and so on.

The people abroad can not pay for what we export, and the argument is made, and truly made, that we have got to finance the world or the world will not buy our goods. Well, we have been doing that. What is the result? Inflation here. Now, we have got to decrease the inflation or the price of living will continue to go up undoubtedly. I do not know of any way to stop the inflation. We keep on selling products that command such an extraordinary price in the United States that from the President down everybody is agonizing about the high cost of living, the newspapers are full of it, and wages and everything else are asked to be increased and have been increased—I will say doubled, but perhaps not as much as that. Now, do not let anybody say I am in favor of it, but we might by law impose an embargo on the cotton going abroad that sells for, I will say, 30 cents a pound.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I would like five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CRISP. Will my distinguished friend allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. CRISP. I always listen with great attention to what the gentleman says. I wish to ask him how do prices now compare with prices during the Civil War?

Mr. CANNON. Oh, prices now are much higher than they were during the Civil War. I will just side-step for a second and say that at the close of the Civil War we had an era of prosperity that wound up in 1873 with the worst panic, I think, that this country ever suffered; and we did not get through with unscrambling the eggs and get back to the normal until McKinley was elected President. You understand about that. But that is not very relevant to what I desire to say now. We could place an embargo on exports of foodstuffs. Well, if you should stop the exports of foodstuffs and the exports of cotton, we would not have so much trouble about the increase of wages and the increase of everything else. I am not proposing those remedies, but I do not see how promoting larger exports to feed the world on credit, we furnishing the money to the world on credit to enable the world to buy of us, is going to reduce the high cost of living in the United States. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I move to strike out the requisite number of words, merely for the purpose of asking the chairman of the committee a question. As I understand it, the main trouble in financing our foreign trade to-day is the short-time credits, not exceeding six months, that usually prevail.

Mr. PLATT. Yes; or even shorter.

Mr. LONGWORTH. That being so, I do not quite see just what effect this provision will have on the length of the credits extended.

Mr. PLATT. This corporation to which the banks are to be allowed to subscribe a small sum, not to exceed 5 per cent of their capital and surplus, is expected to take long-term foreign securities—bonds, for instance, of a manufacturing corporation or a railroad or something of that sort. The thing has been pretty thoroughly investigated, and it has been found that Europe has perfectly good securities, but some means must be found of enabling Europe to realize on those securities. Now, this corporation can investigate those securities thoroughly, take them as a basis, make loans on them, and perhaps issue its own securities based on them.

Mr. LONGWORTH. Has the gentleman any particular corporation in mind when he says "this corporation"?

Mr. PLATT. No particular corporation, although steps have been taken to organize such a corporation, and I am not sure but some small corporations have already been organized.

Mr. McFADDEN. I have in my hand the Ackerman bill, introduced by the gentleman from New Jersey [Mr. ACKERMAN], which is the same as the Edge bill, introduced in the Senate. That is for the purpose of organizing one of these companies to which the banks shall be permitted to subscribe. That is almost a duplicate, I should say, of what the War Finance Corporation was that we organized here a few years ago.

Mr. LONGWORTH. But it is to be entirely a corporation subscribed for by private capital?

Mr. McFADDEN. By private capital and subscriptions by national banks, and there is nothing to prevent foreign capital being invested.

Mr. PHELAN. I should like to suggest one thing which is essential to an understanding of the proposition. This corporation intends to loan money to foreigners engaged in trade or commerce and to make the loans for a long period of time. Now, the way to procure the funds for long-time loans is by raising money from people who want to invest it for a long time. To-day we have not in sufficient number organizations to get the money from people who want to invest it for a long time and loan it in this way. These organizations when formed can loan to people in foreign lands who want to borrow for a long time. The way it is being done now, in so far as it is being done, is by having loans made by our national and State banks on short-time obligations, as they appear on their face, but in reality long-time obligations. The point is that the sums that are being loaned in this way by banks are funds which in most cases are subject to demand by depositors.

Mr. LONGWORTH. Under this bill the banks themselves do not make the loans; they simply acquire the stock in these particular corporations.

Mr. PHELAN. That is true; and I should have said it is to enable corporations to be formed which can obtain money from some sources upon long-time investment which they can loan on long-time terms to somebody else. This bill permits the banks to take stock in such corporations.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LUCE. Mr. Chairman, as a member of this committee I confess that when the topic was under discussion the considerations that have been submitted by the respected Member from Illinois [Mr. CANNON] appealed to me so strongly that I hesitated to vote for a favorable report. Other considerations that have been presented also added to my difficulty. But it turned out to be a balance between advantages and losses, and after careful consideration the committee unanimously, as I recall it, decided that on the whole the arguments favored this proposal.

The world moves very rapidly these days. I sought the attention of the gentleman from Alabama only that I might point out to him how swiftly the world had moved since he had acquainted himself with the facts; for had he examined the recent figures of the Treasury Department he would have found that most ominous changes in the figures of the exports and imports were presented by the report of the month of July, giving us new problems and new uncertainties to add to the volume that now confronts us.

As a permanent program of investment by our banking institutions, for one I should join with gentlemen who object. Almost have I reached the point where I will join with any other Member in pledging myself to vote for no other proposal at this session that shall in any way add to the miseries of the world by expanding credit and inflating the currency. Almost am I determined that I will vote for no more expenditure of Government money immediately for new enterprises. But, sir, it is a condition that confronts us. The countries of the Old World are nearly bankrupt—perhaps bankrupt beyond salvation. Our duty did not end with the armistice. Our duty was not alone to preserve democracy but to sustain and continue democracy, and our duty will not end until we have given the last ounce of our power to put the world back on a normal basis. [Applause.] Here is one proposal to help mankind carry to completion the purposes of the war. [Applause.]

Mr. WINGO. Mr. Chairman, I had not intended to say anything on this measure, but I want to discuss briefly the reasons for my supporting it. There is no altruism in this bill as far as I am concerned. I am not going to support it because it helps the people of Europe. I am for it as a practical business man, because I think it is necessary to check, first, the already inflation of credit, and, second, the wildcat speculation in foreign trade. If you do these two things you will be stabilizing the exports and restoring as nearly as possible normal credit conditions for export trade.

This bill is all the more necessary after the House passed the bill it did the other day over my protest, and I am sure it will go through the Senate unanimously, because I have not found anybody over there who really knows what it does. You passed a bill the other day that did this—it was an amendment to the banking and currency law: Under the present existing law national banking corporations could not purchase foreign bills of exchange in an amount exceeding the capital stock, but there are some banks in the country which are greatly interested in foreign bills of exchange. They came down and asked us to take off the limit. I was not given an opportunity to touch that feature of the bill, but I protested, but could not get rid of it. The House passed the bill, absolutely taking off the limit as to the amount that might be used to purchase foreign bills of exchange. It made an exception of foreign bills of exchange, so that any bank can invest all of its surplus capital and deposits in foreign exchange.

They are taking these foreign bills of exchange, they are taking this foreign export business, and they are deliberately covering most of the transactions into short-term commercial paper, and they know that when that short-term commercial paper becomes due they are going to renew it, and what has happened? You are filling the commercial banking system of this country with what pretends to be upon its face liquid assets, when, as a matter of fact, everyone knows and they admit that they are long-term assets, and you are absorbing the credits of this country for the purpose of financing these foreign operations. I am for this bill because it will call a halt. I am for this bill because it will say to the national banks of this country, "You stop buying that class of paper, you let these private corporations be organized for the purpose of handling this export business, and you let them handle it, and you can invest only to the amount of 5 per cent of your capital stock and surplus in the stock of those corporations." That will stop this wildcat speculation.

All men know that in the foreign trade for the next two years there are going to be millions of dollars made. There will be some parts of the country where money will be anxious to go into an enterprise of that kind, and in other parts of the country it will be hard to raise the money. One group says "We have to get the banks into this in order to get investments at all," and the other says, "No; that is not necessary; and the only reason we do that is to give a standing to it." The only practical reason for letting the banks have 5 per cent of the capital stock is this: One of these promoters will come to your town and he will want to sell you stock in one of these corporations engaged in foreign business, and all this discussion about

lands has nothing to do with it, because this bill restricts it to export trade, as will be seen by the language of the bill itself, at the bottom of page 2 and at the top of page 3. The man who is approached naturally says, "I will go to my banker"; and the banker will say, "Have you filed your agreement with the Federal Reserve Board agreeing to conduct that business in accordance with the rules and regulations of the Federal Reserve Board?" He will say "No," and the banker will say "Then I will not advise you to go into it." That is the only practical effect. I am for the bill, because I think it will steady our foreign trade and check possible inflation of credits covering that trade.

Mr. OSBORNE. Mr. Chairman, I move to strike out the last two words.

Mr. PLATT. Mr. Chairman, before gentlemen proceed I ask unanimous consent that at the conclusion of five minutes debate upon this section and all amendments thereto close.

The CHAIRMAN. The gentleman from New York asks unanimous consent that at the conclusion of five minutes debate upon this section and all amendments thereto close.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to have a few minutes.

Mr. PLATT. We have two more sections to read.

Mr. GRAHAM of Pennsylvania. Very well; I will get in on one of the others.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OSBORNE. Mr. Chairman, I approach this subject not from the standpoint of a lawyer, because I am not a lawyer, or from that of a financier, but it seems to me it may be argued out on plain business considerations greatly in favor of the passage of this bill. The United States produces a great deal more than it can possibly consume. For a great many years we have been endeavoring to build up a larger foreign trade, especially with the Orient and with South America. One of the great difficulties in building up such a trade has been the absence of American banks and American banking money in those countries. This bill would remedy that shortcoming. The present unsettled condition following and the result of the war may well be regarded as temporary. Not always are we going to be in the straits we are in now.

The European countries are not always going to be in the distressed condition that they are now. The United States is like a business man who has a lot of customers who are temporarily in bad circumstances and weak financially. They now are, however, consumers of our goods, the same as they always have been. In that state of affairs should we, as has been suggested here by some gentlemen, shut down on sales of our products, keep our goods here, and hoard stuff that we can not consume? Should we let our foodstuffs mold and decay because the credit of our customers is at a low ebb? Is that the idea?

Reference has been made to the enormous margin of our exports over our imports as a subject for alarm. It has generally been regarded as an evidence of prosperity in a nation when this condition exists—when the "balance of trade" is in our favor. Even though we may have to expand our credit in order to maintain the trade, if as a Nation we have the capital to warrant it, that is certainly better than to lock up and hold foodstuffs and cotton and refrain from employing our workingmen in manufactures.

It appears to me that it is the part of good sense to ease up the situation for our customers, to make it possible for them to go on and get the food and the supplies that they require. In that way we will accomplish not only a practical result but an ethical result as well. We ease up on these foreign consumers so that they can go ahead with their own business and put themselves in a way that they can pay up the debts that they owe us, which some gentlemen here are so fearful we may not collect entirely. This depressed state of affairs is not going to last always. Great Britain, France, Italy, and most of the countries to whom we have loaned money, will pay us back. Probably we will not get our money back from Russia for a good while, but from most of these countries we will receive the amount due us. It appears to me that this measure, which is one to tide over the immediate situation and to build upon a sound foundation for the future, is a sound one, and I shall take pleasure in voting for the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That paragraph 2 of said section be amended by adding after the word "banking," in line 3, the words "or financial," so that the sentence will read: "Such application shall specify the name and capital of the banking association filing it, the powers applied for, and the place or places where the banking or financial operations proposed are to be carried on."

Mr. PLATT. Mr. Chairman, I move to strike out the last word for the purpose of saying a few words in reply to what the gentleman from Alabama [Mr. HUDDLESTON] said when he spoke about the possibility of a great financial corporation which could dominate our export trade through the instrumentalities provided for in this bill. The United States Steel Corporation, which is the dominating force in the home city of the gentleman from Alabama, can sell its steel rails to a company in South America or in Europe and take the bonds of that company. It has sufficient financial resources to be able to do that—to be able to extend credit over a long time. The General Electric Co. can sell its electrical equipment to Europe or South America and take bonds of the company to which it sells it, and the Standard Oil Co. can do the same. The Baldwin Locomotive Co. not only can do it but is doing it; but smaller concerns can not take these long-time securities and secure with them the capital they have to have on hand to pay the wages of their men and to buy the raw material, and this is for the purpose of enabling the smaller manufacturing concerns and the exporters of cotton and grain, and so forth, not to inflate business but to continue the business we are doing, to get the foreign trade that we are entitled to and must have to enable our demands to be met.

Mr. FESS. Will the gentleman yield?

Mr. PLATT. I will yield; certainly.

Mr. FESS. Have we suffered any in our foreign trade because we have not had this sort of legislation?

Mr. PLATT. I will say to the gentleman that within the past week or two there has been a tremendous fall in foreign exchange, which means that our people are not going to get the money they thought they were, because the medium of exchange in which they were to be paid has gone down in value. Now, something like this has got to be done in order to stabilize foreign exchange. The English pound sterling, which ought to be worth $4.86, is worth now something like $4.25 or $4.30.

Mr. FESS. The gentleman means that we are legislating here to stabilize the British consol?

Mr. PLATT. South American or any other exchange.

Mr. FESS. Well, it is the British consol——

Mr. PLATT. Oh, no; the British consol is not money. It is in order to enable us to get back the money for which we supposed we sold our goods.

Mr. FESS. We are extending more credit to insure that we will get as much as we have already expended?

Mr. PLATT. Well, that is one way of putting it.

Mr. FESS. Well, have these institutions that the gentleman intends to help, or that the gentleman intends to assist, ever applied to the Finance Corporation?

Mr. PLATT. The War Finance Corporation is a concern that uses Government money. These are private institutions. We want to get out of the business of the United States loaning its money as fast as we can.

Mr. FESS. I congratulate the gentleman on that, and I think that is a complete answer. If the Finance Corporation is not being appealed to because the gentleman wants to get away from Government activities, I think that is a very wise thing to do.

Mr. PLATT. That is exactly what we want to do.

Mr. McFADDEN. Will the gentleman yield?

Mr. PLATT. I will.

Mr. McFADDEN. It is a fact, however, that Congress recently authorized the War Finance Corporation to carry on this export business?

Mr. PLATT. I do not remember the terms of that act.

Mr. McFADDEN. At least they permitted them to invest their funds in this class of paper?

Mr. PLATT. To a certain extent, but they are supposed to be winding up their business and not supposed to be taking on any new business that can be avoided.

Mr. BEGG. Mr. Chairman, I rise in opposition to the pro forma amendment. I only want a minute or so to call attention to one fact: When stock is subscribed in a national bank it is not subscribed to be converted later on into any stock issue in any corporation or company but for the purpose of carrying on a banking business. While it is true that this Congress can pass a law that will legalize that kind of transaction, it does seem to me that we have not the moral right to invest the other man's money contrary to his wishes, desires, and purposes, but that when we loan or invest this money subscribed for bank stock we should at least consult the subscriber's wishes in that regard. Now, these corporations might start in business and in six months or a year's time the value of that stock might be anything from $100 a share down to $10 a share, and the question is, Whose money is being risked?

Mr. PHELAN. Will the gentleman yield for just a moment?

Mr. BEGG. In just one moment I will. I maintain that every man has the right to invest his money as he wishes and where he wishes, but when he puts his money in the custody of another man for a specific purpose I question whether this body is morally fair with him, if legally so, when it makes it possible for the custodian to divert that money for purposes other than for which it was given to him.

Mr. PHELAN. The gentleman understands that no bank is obliged to invest any money whatsoever in one of these corporations unless it desires to do so, does he not?

Mr. BEGG. I do; yes, sir. Now, just one minute. I appreciate fully that a national bank is not obligated to do this, but even if they are not obligated, it is at least a temptation to a great many small banks to follow the lead and the advice of the big bankers. With the control of banks as they are to-day, the pressure that could be brought, if they want to from the top, could be pretty strong if it was so desired. Anyway I think it decidedly dangerous for this body to recommend to the national banks that they gamble with even 5 per cent of their stock, for that is what it amounts to in the end.

Mr. WINGO. Will the gentleman yield?

Mr. BEGG. I will.

Mr. WINGO. Under the present existing law the bank with a capital stock of $100,000 can invest $100,000 in foreign bills. If this law passes, they can only invest $5,000 in the capital stock in a corporation that is buying these foreign bills. What is the distinction? Do we not protect the stockholder better than under the present law?

Mr. BEGG. In reply to the gentleman on that proposition let me say this: When I give my bank official my money to invest in the banking business I can see a decided difference in trusting his judgment as to the value of the security he purchases with it as against his taking a gambler's chance in a stock company.

Mr. WINGO. Well, but he is permitted under the law to take 100 per cent chances, and this law is going to limit him to 5 per cent; certainly that protects the stockholder.

Mr. BEGG. I question that seriously. He can not do it in Ohio. I do not know what can be done in the gentleman's State.

Mr. WINGO. The same law applies in Ohio with reference to national banks as it does in Arkansas. Section 5202 of the Statutes, if the gentleman will read it, permits 100 per cent investment in these foreign bills. This act will take that away and limit him to investing 5 per cent in the stock of a private corporation that deals in these foreign bills. In other words, we are going to take this class of paper out of the banks, and they are going to organize private corporations for that purpose.

Mr. BEGG. I will not attempt to deny the gentleman's statement, but I would like——

Mr. RICKETTS. Will the gentleman yield?

Mr. BEGG. In a moment. I would like to call attention to this question that seems to me to be a forceful phase of the subject, and that is this: The proponents of this bill admit and state that the credit of Europe is practically at the lowest ebb to-day. Are we not inducing and encouraging reckless expenditure and useless and needless buying by people who can ill afford to buy and who should not make such investment to-day?

Mr. PHELAN. Will the gentleman yield right there?

Mr. BEGG. I can not yield just at this minute.

My theories and my training on finance may be old-fashioned and wrong, but I was taught not to buy if there was not some chance some time in the future to pay for a thing which I was buying. I believe that is mighty good doctrine to apply to Europe to-day. Let them pay for some of the things they have bought from us, and then if they show good faith and ability to pay, and quit their scrapping and quarreling and fighting, and get down to business and produce with what they have now, then when they have shown that good faith on their part I think the American public will be willing to extend them more credit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GRAHAM of Pennsylvania. I move to strike out the last word. I do not desire to occupy the attention of the House very long upon this question, but there are one or two practical thoughts that have occurred to me. I am not on the committee; I am only giving the bill consideration as it is now read to us. It does seem to me that this is not an occasion for the exercise of charity or benevolence. This is not an occasion for the extending of good feeling, even towards needy foreign nations. This is not a question, either, of helping to feed those on the other side of the sea. It is a practical question to us, as Congressmen and legislators, touching the welfare of the national banking system, pure and simple, and on that basis alone this bill ought to be considered. Of course, the power of Congress to deal with this subject is unquestioned. Congress has the power to deal with this matter, but are we dealing wisely with it when we take away from the board of directors and officers of the bank that responsibility which ought to attach to them and make them careful in handling deposits that are already in the bank—handling the capital that is back of those deposits—and in exercising their duty of preserving the integrity of their financial institution? For it is part of that system which is the backbone of business at home. The question, it appears to me, is this: Is it right to grant this power to the national banks? We are authorizing the national banks to invest in a certain kind of stock. We permit it. It may be good or it may be utterly worthless. You take the responsibility from the director, and the director can subscribe to that stock without having any legal obligation. His duty now, under the responsibility of his office, is to invest legally and properly and wisely. But here you say to him, "There is a stock. You may subscribe for that stock and you will incur no financial responsibility in making that investment, for, forsooth, the Congress of the United States has said that they permit you to do so to promote this foreign trade. In order to do it, thinking one can not raise capital in a legitimate way by the business men of the country subscribing, Congress is going to let the banks put this money into these corporations to promote trade with foreigners, and are going to relieve the bank directors from legal responsibility in making such an investment."

The argument of the gentleman from Arkansas [Mr. WINGO] is not pertinent. He said: "The other day we permitted them—the banks—to invest without limit in foreign exchange." Now he says that he is going to vote for this bill in order that at least 5 per cent of the banks' capital may be taken away from the temptation to invest in foreign exchange.

Mr. WINGO. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I quote almost verbatim the language of the gentleman when he referred to this subject.

Mr. WINGO. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes; I will yield to the gentleman.

Mr. WINGO. I am sorry the gentleman misunderstood me. It was just the opposite. The point I was making is that now they can invest 100 per cent in foreign bills under the law. Under the bill we passed the other day we removed that limit. Under this bill they can only invest 5 per cent of their capital stock in the capital stock of the corporation dealing in foreign bills. They may do it if they want to.

Mr. GRAHAM of Pennsylvania. The gentleman's statements are usually, as in this instance, very clear and easily understood. He said he was not in favor of this kind of legislation, but that because we passed a bill the other day he was going to vote for the present measure, inasmuch as it took 5 per cent of the capital of the bank out of the range of temptation to make the investment we the other day authorized and permitted.

Mr. McFADDEN. Will the gentleman from Pennsylvania yield? This bill provides for the capital stock of these companies which are to be organized. When they are organized, is it not a fact that those companies will create commercial paper and sell it to the very same banks?

Mr. GRAHAM of Pennsylvania. Why should the avenue and the approach to the use of credit be altered because these corporations are going to engage in foreign trade? Why should they not come to the banks, like every other business and commercial institution, and get their discounts and make their loans? Why should national banks take a part of their capital, which is pledged as a protection to the depositors and those dealing with the banks, and probably invest it in a stock which would not be worth a farthing when the time came to account and settle for it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. Mr. Chairman, while my friend from Pennsylvania [Mr. GRAHAM] is one of the ablest debaters in this House, he misunderstands somewhat the purposes of this bill. If anybody will read it he will see that it says that any national banking association "may file an application with the Federal Reserve Board for permission, upon such conditions and under such regulations as may be prescribed by such board," to invest in any amount not to exceed 5 per cent, and so forth. All that the banks are given is authorization to ask permission of the Federal Reserve Board to make this investment if they want to do so. If that board is not satisfied with the investment; thinks that it is financing foolish things; if it thinks they are taking securities that are not good—and everybody knows that

Europe could give ample assets if you give them time to realize on them—or, if it is not satisfied with its business in other respects, the board can refuse permission. It brings it under the restriction of section 25, applying to branch banks, and so forth.

Mr. HUSTED. Will the gentleman yield?

Mr. PLATT. I will.

Mr. HUSTED. Is it not true that even if this legislation is passed, national banks can still buy all the foreign exchange they want to buy; in other words, is not this in addition to authority already granted? They can buy just as much foreign exchange if this bill is passed as they can now, and in addition they can invest 5 per cent of their capital stock in the capital stock of a corporation organized to make these foreign loans.

Mr. PLATT. This is a cooperative proposition, to enable the capital of the country to cooperate in taking care of foreign exchange. Yet they can buy foreign exchange now and some of them are doing so.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. PHELAN. The point that the gentleman from New York [Mr. HUSTED] must not forget is that the moment these corporations are formed they are going to relieve the banks of a kind of security which the national banks are now carrying, and which they ought not to carry, according to the best principles of banking. These banks are now taking short-time credits and renewing them.

Mr. PLATT. Yes. They are renewing them from time to time.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I regret to differ with my friend from New York [Mr. PLATT] about these matters, and therefore I want to ask him some questions to clarify this situation.

Mr. PLATT. Very well.

Mr. GRAHAM of Pennsylvania. Are not these stocks to be subscribed for by the national banks under the terms of this bill? Permission is to be given to the national banks to subscribe for this stock?

Mr. PLATT. Yes. The national banks are to ask permission of the Federal Reserve Board to subscribe for this stock.

Mr. GRAHAM of Pennsylvania. Then it does not represent the case of stock which has assets behind it being offered to the bank, but it presents an instance of an entirely new venture being presented to the bank directors for an investment of 5 per cent of their capital, does it not?

Mr. PLATT. Yes; very much as the Federal reserve bank did.

Mr. GRAHAM of Pennsylvania. Therefore to that extent it is permission to speculate in a stock that is purely speculative?

Mr. PLATT. Well, it is an operation where, if we did not have this sort of restriction, any bank would be allowed to act. Foreign banks are generally allowed to do it—to cooperate with corporations in their own interest.

Mr. GRAHAM of Pennsylvania. According to your experience with national bank examiners and their work, if a national bank examiner came to your bank or to mine and saw in our possession a stock that had no quotable value and that perhaps could not be sold on the market, would he not say, if that were paid for out of the capital of the bank, that the capital had been impaired to that extent? Surely he would. Now, if that be true, are we not giving them permission here to impair their capital to the extent of 5 per cent?

Mr. PLATT. No; not any more than when we allowed them to subscribe to the stock of the Federal reserve bank. I know of one bank in my district that charged off its purchase of stock in the Federal reserve bank to profit and loss, but that bank thinks better of Federal reserve stock to-day.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. FORDNEY. Mr. Chairman and gentlemen, I have given but little time to this matter, and I am going to be very brief in my remarks. But to me it seems that by this legislation we are putting more power in the Government to direct the national banks in the use of the people's money deposited there. Under the law a stockholder in a national bank is liable to the depositors for double the amount of his stock. That is to say, if a national bank fails, the capital stock of the bank must go to liquidate the debts, and then the stockholder is called upon for another like amount to make good the credit to the creditors of the bank. This is a heavy penalty upon the stockholder. This legislation opens the door to the investment, as it seems to me—and if I am not right, I want to be set right by some man who is more familiar with the details of the bill than I am—it opens the door for wider opportunity for loss of money by the national banks.

One gentleman in discussing this bill stated that these bills were to be taken for 90 days, and renewed and renewed, for 18 months in some instances. I submit that if a bill for the sale of goods to a foreigner is renewed for 18 months, your collateral security gets away from you.

Mr. PLATT. That is the point exactly.

Mr. PHELAN. It is just to get rid of that unscientific way of doing business that this bill is designed, so that a corporation can safely own from that foreigner a bill for 18 months, and know that he has that bill for 18 months, and get good security.

Mr. FORDNEY. Yes; but how does this bill strengthen the security by renewing the loan? And if a bank invests in the stock of another bank and the value of that stock is poor, the value of the bank's stock is gone.

Mr. PHELAN. It is no different from buying railroad stocks or bonds.

Mr. FORDNEY. Yes; but the man who buys railroad stock now is a fool. [Laughter and applause.]

Mr. PHELAN. They have always been permitted to invest in those bonds. It is simply a matter of business judgment.

Mr. FORDNEY. No sensible man, with the valuable securities in this country for sale, drawing good rates of interest, will buy even good railroad stocks or bonds under the chaotic conditions that exist to-day relative to railroads. There is not a railroad in this country that knows whether its stock is worth a penny.

Mr. PHELAN. I did not say "stock." I said "bonds."

Mr. FORDNEY. Well, say it is bonds. Another thing: We have been shouting our heads off in the last 30 days about lowering the cost of living in this country. We want to bring down the prices to the consumer. That is right, is it not? And the administration is advertising through the papers and to the galleries that it is going to do it, while Mr. Hoover sends word from abroad that unless we loan to foreign countries $4,000,000,000 to buy our products that we are going to send abroad there will be the greatest slump in prices that ever came to the people of the United States. What do you think of that? [Applause on the Republican side.]

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. In a moment. Think of it! One branch of the Government, of which Mr. Hoover is a part, advocating boosting prices by the loan of $4,000,000,000 to foreign countries in order that they may buy American products and keep up prices in this country, and the President, at the head of the Government, shouting for lower prices! Ah, the essence of inconsistency! [Applause on the Republican side.] Now I yield to the gentleman.

Mr. JUUL. I wanted to know from the gentleman if that is not what we have been sitting here these three months in the hot summer time for—to have a decided slump in the prices of necessaries?

Mr. FORDNEY. Yes. The President went on a junketing trip abroad for eight months, and when he came home he called Congress together because of the serious conditions existing in the country. And when we talked about recessing here for four or five weeks he sent word to Congress that not under any circumstances should Congress adjourn, because of the serious condition existing in the country. Now he proposes himself to go away on a political tour of 30 days, beginning to-day, and asks the schoolboys—Congress—to stay at home and attend to business. That is his idea of consistency. [Applause.]

The Clerk read as follows:

SEC. 3. That paragraph 3 of said section be amended by striking out the words "subparagraph 2 of the first paragraph of this section" and inserting in lieu thereof the word "above," so that the paragraph will read:

"Every national banking association operating foreign branches shall be required to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and every member bank investing in the capital stock of banks or corporations described above shall be required to furnish information concerning the condition of such banks or corporations to the Federal Reserve Board upon demand, and the Federal Reserve Board may order special examinations of the said branches, banks, or corporations at such time or times as it may deem best."

Mr. FESS. Mr. Chairman and gentlemen of the committee, I am not entirely happy in finding myself in opposition to the chairman of the Banking and Currency Committee and the members of that committee. I think the committee have been very careful in presenting legislation that is generally sound. I think we all will agree, however, that there have been some proposals during the war that were not entirely sound, but they were excused because it was war time, and both sides of the aisle supported the proposals.

Mr. PHELAN. If the gentleman will yield, so that the record will be correct, there was only one piece of legislation that I recollect about which the committee had any hesitancy, and we were obliged to submit that because of the pressing emergency abroad.

Mr. FESS. I wanted to state that I believed there was some legislation that in my opinion was not entirely sound. I do not mean to say that the committee itself announced that it was unsound, but I felt then and feel now that some legislation was proposed that the Committee themselves were not entirely in accord with, and that they would not have reported except because of the existing emergency.

This measure surely invites speculation; and if there ever was a time when we ought to discourage speculation, it is this hour. For since the war began the circulating medium of the world, not including Russia, has increased from $15,000,000,000 to $45,000,000,000. Russia has $80,000,000,000 of circulation, which renders her purchasing power valueless and her price level for necessities out of sight.

Mr. BLACK. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Texas.

Mr. BLACK. It is my understanding that the purpose of this bill is to stabilize the foreign-exchange situation. Does not the gentleman think that an unstable foreign-exchange situation does more to encourage and bring about speculation than any other one thing that could happen?

Mr. FESS. I do not think a bad condition of foreign exchange enhances speculation. It disturbs business, but high prices always enhance speculation. When we are on a high-price level people seem to think they are doing well. If a man is getting $6 to-day and has to pay $6 for what $3 would have purchased before the war he makes himself believe that he is doing well, because the $6 passed through his hands instead of $3. This is fundamental, gentlemen of the committee, that high prices always breed speculation. High prices just now, as everybody must admit, are due to the conditions of the war, and they naturally invite inflation the like of which we have never seen in the world.

The speculative spirit is not only here, but it is everywhere.

Now, if the gentlemen of the committee will bear with me a little while, as a student of our own history, I wish to remind them of certain events in our own country which mark great speculatory periods.

The first financial crisis of our history of any significance was immediately after the Revolutionary War. The common expression to describe the valuelessness of money at that time was that it was "not worth a continental." Without a basis of redemption, when money has no value, and prices range high, speculation throughout the country reaches such a plane that great confusion must follow. That was what occurred when we ultimately went into the famous crisis that followed the Revolution. Speculation was induced specifically by conditions of the Revolutionary War.

In 1819 the second financial crisis broke upon the country. There has been a good deal of dispute as to just what produced it. The truth about the matter is that the War of 1812 was really the distinctive cause of a speculative spirit that carried people into the making of wild purchases, and the crisis broke in 1819.

The next great crisis that came to our country, as I recall it, was in 1837. A good many people say that crisis was precipitated by President Jackson's specie circular, wherein instead of the Government taking State-bank funds in payment for public lands he required that those payments should be made in specie. I think that was the occasion for that crisis, but it was not the cause of it. The cause of the crisis of 1837 was a speculative period in our history induced by wild speculation in public lands throughout the Middle and Far West. It was in 1831 that Chicago was established. It was in the thirties that there was a great exodus from the East to the West in the settlement of the new country, and we were in a period of wild speculation, and the crisis came inevitably.

In 1857, prior to the Civil War, when things seemed to be pretty stable, we went into another financial crisis, and people have questioned as to whether that had any connection at all with the Mexican War. Probably it had not, because it came 10 years after that war; but when President Buchanan vetoed the homestead act in 1857 there had been an effort again to move westward, to expand the country, and the Nation was in a more or less speculative period. Then note, members of the committee, that it was in 1853 to 1856 that the Crimean War broke. Never up to that time was there such a demand in Europe for the products of America. Here was the beginning of our great export trade. At the same time the famine broke out in China, and that enhanced the tremendous export trade of America to the Far East, and again a speculative spirit caught up our people.

Another crisis came in 1873, and a good many of our friends thought that was due to the demonitization of silver at about that time. I do not think so, but you and I may differ as to whether it had anything to do with it or not. But 1873 was after the period following the Civil War, which was followed immediately by the completion of the Pacific railroads, where we voted 130,000,000 acres of land as an inducement to build the roads, and a subsidy of $60,000,000 out of the Treasury for the purpose of building the roads. While I indorse what was done to build the great West, nevertheless it induced a wild speculative spirit among our people, and the crisis followed as an inevitable effect follows a cause.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. JUUL. Mr. Chairman, the gentleman is making a very interesting statement, and I want to hear the rest of it. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PLATT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph in the bill be closed in 15 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the paragraph close in 15 minutes. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I thank the committee for the additional time. I wanted to make these observations with reference to the period of speculation in the country. A crisis came to us in 1907. There has been also upon that question a great variety of opinion as to the real cause, but all will admit that in the years preceding 1907 we never had a greater era of industrial activity than at that time. Everywhere the steel business was at its very climax and the business of the country generally was on the acme, and the panic came at the very moment when the people were talking about the great prosperity of the country.

Mr. RICKETTS. Will the gentleman yield?

Mr. FESS. Certainly.

Mr. RICKETTS. Can the gentleman tell us about the crisis of 1893?

Mr. FESS. There has been a great variety of opinion as to the cause of the crisis of 1893. The Republicans claim that it was the passage of a certain bill—the Wilson tariff measure—which went into effect in 1894; a bill which so disturbed enterprise that there was produced such a state of uncertainty that it brought on that panic. But whatever may have been the cause of that panic or crisis, all will admit that there was a period of speculation preceding it.

Mr. PLATT. Will the gentleman yield?

Mr. FESS. I will.

Mr. PLATT. Is not this what happens in panics: The country has ample resources, people have long-time securities on which they can not borrow and can not realize?

Mr. FESS. No; that it not the fact, I think.

Mr. PLATT. This bill will prevent just that thing.

Mr. FESS. No; panics come when we are doing business on an unsound business basis and not because there is any difficulty in making exchange. I want to bring this statement to a conclusion and make it applicable to the present hour. The crisis following the Revolutionary War was induced by excesses that precipitated a speculative era. The same thing occurred in 1819, 1837, 1857, 1873, 1893, and 1907; and if ever there was a time when the world was wild with speculation, it is this minute, right now. [Applause.] I say to you gentlemen that instead of our passing laws inviting speculation, enhancing the speculative spirit, we ought to be passing laws to relieve the period of speculation. [Applause.] If we do not get back to a sound business basis, where business is done on rational grounds, this country will see, as surely as we are here, a crisis that will come suddenly and swiftly. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, like the gentleman from Ohio [Mr. FESS] who has just spoken, I regret very much to differ from the able chairman of the Banking and Currency Committee and his able associates. I would like to inquire of this House how much longer and to what extent is this question of legislation to be continually enacted in this House. Gentlemen who were present at the last session will remember that during the closing hours we extended the powers of the War Finance Corporation, authorizing it to use the enormous sum of a billion dollars for this very purpose, for the purpose of

financing foreign trade and extending credit to the extreme limit of five years. And, further, that it might go on with that kind of power for one year after the time when President Wilson should by proclamation declare that peace had come.

Now, then, what has become of this money that the War Finance Corporation was authorized to use? Has the War Finance Corporation concluded that it ought not to advance any more, or has it exhausted this billion dollars in addition to the other credits we have given Europe? No gentleman on the committee seems to be able to answer that question. Perhaps they have not investigated it. Possibly they did not think it was necessary.

Mr. PLATT. I did not hear the gentleman's question.

Mr. GREEN of Iowa. My question was, What has been done with the money given to the War Finance Corporation for this same purpose?

Mr. PLATT. The gentleman can easily ascertain that by asking the War Finance Corporation, or by examining its reports. That is a Government institution, and we are trying to kill it and get it out of business.

Mr. GREEN of Iowa. The gentleman will not kill it by this bill; it will continue for one year after the declaration of peace by President Wilson. It will still have all its powers. The gentleman simply declines to consider the real question, which is, Are we going to extend an indefinite credit to Europe?

As the gentleman from Ohio [Mr. FESS] said, it is the great expansion of credit which leads to inflation and speculation. Inflation to the man who has already received too much credit leads to more speculation. I think Europe has already received too much credit. [Applause.] Inflation to a man who has already received too much credit is like giving a man who has imbibed too much another drink. As soon as you give him that he wants another, and another, and still another, only to make his condition worse.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. WINGO. Is the gentleman in favor of an embargo on further exports to Europe?

Mr. GREEN of Iowa. I am in favor of only letting Europe have as much goods as she can reasonably hope to pay for. Mr. Hoover has just stated that a great period of speculation in goods sent to Europe had sprung up, and the ports of Europe are clogged with supplies and material for which Europe can not pay.

Mr. WINGO. That is true, but which does the gentleman prefer—the plan of the committee, that says that we are going to leave all this to private financiering, or the plan proposed by Mr. Hoover, that the Government undertake to guarantee these credits? That is the choice that you have got to make, and the committee brings the bill to allow private financing.

Mr. GREEN of Iowa. Oh, I have not got to assume either horn of the dilemma, and do not propose to do so.

Mr. RICKETTS. Is it not the law now and do not our statutes prohibit banks from purchasing the stock of any corporation?

Mr. PLATT. Oh, no; the law does not. The law allows banks to purchase stock in foreign banking corporations.

Mr. GREEN of Iowa. I will say to the gentleman from Ohio that that is my understanding of the law.

Mr. RICKETTS. They are allowed to purchase bonds.

Mr. PLATT. Our banks are required to purchase stock in the Federal reserve banks.

Mr. GREEN of Iowa. That has no bearing on the question before us. As I have stated, any inflation of our credit is almost as bad or quite as bad as an inflation of currency, because it has nearly the same effect. It increases the normal amount of bank deposits by reason of the credit caused by the negotiation of such bills as this measure is intended to promote. It permits speculation which raises prices unduly and enhances credit to those who ought not to receive credit, and in my opinion this bill ought not to be approved.

Mr. STEVENSON. Mr. Chairman, I want to acknowledge, of course, my indebtedness to the gentleman from Ohio [Mr. FESS] for the very comprehensive review of our financial troubles during our history as a Nation, and to call his attention to one error which he commits in making his first speech. He says that this was designed to enhance credits, to enhance the amount of money that was to be invested in this class of securities. He has not yet comprehended the intention of this bill. The proposition is not to increase, but it is to mobilize a small per cent of all of the bank investments of the whole United States into one great whole; that is, able to finance the carrying on of our foreign trade, not only with Europe but with China, Japan, and South America.

Everybody seems to have forgotten that a great amount of our goods go elsewhere than to Europe. The gentleman says that this is going to enhance the price of living, that it is going to help transport foodstuffs from this country, and in this he is joined by the gentleman from Michigan [Mr. FORDNEY]. There is a great deal more wheat grown in this country than we will consume. Does the gentleman advocate the prevention of the shipping of that abroad; and if he does, what is he going to say to the farmer of the West, who made a noise last year because we fixed the price of his wheat at $2.26? There are to-day in the ports of this country cargoes of wheat that we do not need in this country, that are waiting right now until sufficient finances can be raised to finance the foreign exchange and to pay for it before it goes abroad, and the farmer at home is waiting for his money that he is to get for his wheat; and the man that buys it from him is waiting for his money in order that he may go and buy more wheat. If you want to go back to your constituents and say that you legislated for the purpose of putting down the price of the wheat and that your great congressional leader advocated defeating legislation which would enable the farmer to get $2.26 or $2.50 a bushel, then you will have to answer to the farmer.

The gentleman who has just spoken [Mr. GREEN of Iowa] has said that we constituted the War Finance Corporation to finance these things. We propose by this bill, and it does not come from the Democratic side of the House, to get the Government out of that and mobilize the wonderful resources of the banking institutions of this country and to make a financial institution that can handle the foreign trade. I have heard a heap of talk about the laboring man. Where is he? The laboring man who is organized, that you are all more or less afraid of, is the fellow who is in the factories of this land. He is making goods for foreign export, and whenever you restrict, according to the ideas of the gentleman who has spoken that way, the power of this country to finance its shipments to China, Korea, and Japan, and South America because they are on long-time credits, and begin to restrict the markets of their goods, you restrict the price that the manufacturer gets for them and you restrict the amount that the laborer will get; and whenever you break the foreign market of the manufacturers of this country you are breaking the market for the laborer and you are going to have to answer to him.

Where is the other laborer? He is in the wheat fields and the cotton fields and the grain fields, and whenever you take a course here that avowedly is taken for the purpose of preventing the fruits of his labor from having an open market throughout all of the world and a proper financial return for that, you have taken from him part of that which he had won in the cold and the heat, in the sun and the rain, of the western plains and of the South, and you are going to have to answer to him.

The gentleman from Michigan [Mr. FORDNEY] was very solicitous about this bill, which helps to market wheat, corn, and cotton and manufactured goods, lest it cause the price of living to advance by raising the price of such articles owing to free markets for them. He shows no such solicitude when he, as chairman of the Ways and Means Committee, reports bills to this House. He has reported and passed through this House four bills, to wit, one to increase the price of surgical instruments and glass for certain eyeglasses. So that there is an extra charge coming to the man who loses his appendix to a doctor, or the child who has defective eyes and must wear glasses. He got the lame, the halt, and the near blind there. Second, bill to add $2,000 a ton to the tax on tungsten used to harden steel for tools, making the tariff about $2,150 a ton on that, increasing thus the cost of the tools of the mechanic who builds your house and makes and repairs your machinery. Third, bill to increase the tariff on buttons, raising the price of buttons on the clothes of the boys and girls, the men, and the women of every walk in life. Fourth, a bill to increase the price of zinc. This gets everybody who has a galvanized roof or bucket or cup or anything else galvanized. It specially raises the price of many necessary household articles for the poor. So after putting up the price of these necessary things for the benefit of manufacturers, he proposes to salve his conscience by trying to defeat this bill and beat down the price of the farmer's surplus, which he must sell in the markets of the world and in competition with the world, and of which there is a surplus in this country, which would cause ruin to the agricultural sections if it could not be sold abroad.

In this purpose the gentleman from Ohio [Mr. FESS], chairman of the Republican congressional committee, is an able aid. He voted for the tariff bills to raise the price of the products so protected and refuses to vote for this bill for fear it will maintain the present prices of farm products. A noble pair of

brothers, with bowels of compassion for the protected manufacturer, but with a marble heart for the farmer who produces more than this country can use.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. PLATT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2395, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. PLATT. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The SPEAKER. The gentleman from New York moves the previous question on the bill and amendment to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. ANDERSON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present, which, of course, is privileged. No quorum is present. The vote is automatic. The Doorkeeper will close the doors, the Sergeant at Arms will summon absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 161, nays 85, answered "present" 2, not voting 182, as follows:

YEAS—161.

Ackerman	Elston	Luce	Romjue
Alexander	Ferris	McClintic	Rose
Andrews, Nebr.	Fisher	McDuffie	Rowe
Aswell	Gallagher	McKeown	Rubey
Ayres	Gard	McLaughlin, Nebr.	Sanders, La.
Bee	Garner	MacGregor	Sells
Bell	Garrett	Major	Slemp
Black	Goodwin, Ark.	Mansfield	Smith, Idaho
Bland, Mo.	Greene, Vt.	Mapes	Smithwick
Bland, Va.	Hardy, Colo.	Martin	Steagall
Blanton	Hardy, Tex.	Mays	Stedman
Booher	Harrison	Miller	Stevenson
Box	Hastings	Minahan, N. J.	Strong, Kans.
Brand	Hayden	Mondell	Sumners, Tex.
Briggs	Hernandez	Montague	Sweet
Brinson	Hersman	Moon	Taylor, Colo.
Brooks, Pa.	Hoch	Morgan	Taylor, Tenn.
Buchanan	Holland	Nelson, Mo.	Temple
Burroughs	Houghton	Nelson, Wis.	Thompson, Okla.
Byrns, Tenn.	Howard	Nolan	Tillman
Campbell, Pa.	Hudspeth	O'Connell	Tilson
Caraway	Hull, Iowa	O'Connor	Timberlake
Clark, Mo.	Hull, Tenn.	Oldfield	Tincher
Cleary	Humphreys	Oliver	Towner
Coady	Igoe	Osborne	Upshaw
Collier	Ireland	Overstreet	Venable
Connally	Johnson, Ky.	Padgett	Vinson
Crisp	Johnson, Miss.	Park	Watkins
Cullen	Jones, Tex.	Parrish	Watson, Va.
Curry, Calif.	Kitchin	Pell	Weaver
Dale	Kleczka	Peters	Webb
Dallinger	Lanham	Phelan	Whaley
Darrow	Lankford	Platt	White, Kans.
Davey	Larsen	Pou	Wilson, La.
Davis, Tenn.	Lazaro	Quin	Wingo
Dent	Lee, Ga.	Raker	Woods, Va.
Dewalt	Lelbach	Randall, Wis.	Wright
Dickinson, Mo.	Lesher	Rayburn	Young, Tex.
Dickinson, Iowa	Little	Reavis	
Doremus	Lonergan	Reber	
Dupré	Longworth	Rodenberg	

NAYS—85.

Anderson	Cole	Fordney	Huddleston
Baer	Copley	French	Husted
Barbour	Crago	Good	Hutchinson
Begg	Currie, Mich.	Goodall	James
Benham	Davis, Minn.	Goodykoontz	Jefferis
Boies	Dowell	Graham, Pa.	Jones, Pa.
Bowers	Dunbar	Graham, Ill.	Juul
Brooks, Ill.	Dyer	Green, Iowa	Kearns
Browning	Evans, Nev.	Hawley	Kendall
Cannon	Fairfield	Hays	King
Chindblom	Fess	Hersey	Knutson
Christopherson	Focht	Hickey	Kraus
Lampert	Radcliffe	Smith, Ill.	Wheeler
Luhring	Ramseyer	Smith, Mich.	White, Me.
McFadden	Rhodes	Steenerson	Williams
McLaughlin, Mich.	Ricketts	Summers, Wash.	Wilson, Ill.
Mason	Riddick	Swope	Woodyard
Michener	Rogers	Thomas	Young, N. Dak.
Monahan, Wis.	Scott	Treadway	Zihlman
Mudd	Shreve	Vaile	
Newton, Minn.	Sinclair	Vestal	
Purnell	Sinnott	Volstead	

ANSWERED "PRESENT"—2.

Echols Schall

NOT VOTING—182.

Almon	Esch	LaGuardia	Robinson, N. C.
Andrews, Md.	Evans, Mont.	Langley	Robsion, Ky.
Anthony	Evans, Nebr.	Layton	Rouse
Ashbrook	Fields	Lea, Calif.	Rowan
Babka	Fitzgerald	Linthicum	Rucker
Bacharach	Flood	Lufkin	Sabath
Bankhead	Foster	McAndrews	Sanders, Ind.
Barkley	Frear	McArthur	Sanders, N. Y.
Benson	Freeman	McCulloch	Sanford
Blackmon	Fuller, Ill.	McGlennon	Saunders, Va.
Bland, Ind.	Fuller, Mass.	McKenzie	Scully
Britten	Gallivan	McKiniry	Sears
Browne	Gandy	McKinley	Sherwood
Brumbaugh	Ganly	McLane	Siegel
Burdick	Garland	McPherson	Sims
Burke	Glynn	MacCrate	Sisson
Butler	Godwin, N. C.	Madden	Small
Byrnes, S. C.	Goldfogle	Magee	Smith, N. Y.
Caldwell	Gould	Maher	Snell
Campbell, Kans.	Greene, Mass.	Mann	Snyder
Candler	Griest	Mead	Steele
Cantrill	Griffin	Merritt	Stephens, Miss.
Carew	Hadley	Mooney	Stephens, Ohio
Carss	Hamill	Moore, Ohio	Stiness
Carter	Hamilton	Moore, Pa.	Strong, Pa.
Casey	Haskell	Moore, Va.	Sullivan
Clark, Fla.	Haugen	Moores, Ind.	Taylor, Ark.
Classon	Heflin	Morin	Thompson, Ohio
Cooper	Hicks	Mott	Tinkham
Costello	Hill	Murphy	Vare
Cramton	Hulings	Neely	Volgt
Crowther	Jacoway	Newton, Mo.	Walsh
Dempsey	Johnson, S. Dak.	Nichols, S. C.	Walters
Denison	Johnson, Wash.	Nichols, Mich.	Ward
Dominick	Johnston, N. Y.	Ogden	Wason
Donovan	Kahn	Olney	Watson, Pa.
Dooling	Keller	Paige	Webster
Doughton	Kelley, Mich.	Parker	Welling
Drane	Kelly, Pa.	Porter	Welty
Dunn	Kennedy, Iowa	Rainey, H. T.	Wilson, Pa.
Eagan	Kennedy, R. I.	Rainey, J. W.	Winslow
Eagle	Kettner	Ramsey	Wise
Edmonds	Kiess	Randall, Calif.	Wood, Ind.
Elliott	Kincheloe	Reed, N. Y.	Yates
Ellsworth	Kinkaid	Reed, W. Va.	
Emerson	Kreider	Riordan	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KINKAID with Mr. ALMON.

Mr. BLAND of Indiana with Mr. SMALL.

Mr. EMERSON with Mr. MOONEY.

Mr. EVANS of Nebraska with Mr. SISSON.

Mr. FOSTER with Mr. BABKA.

Mr. FREAR with Mr. WILSON of Pennsylvania.

Mr. FULLER of Illinois with Mr. ASHBROOK.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. KELLER with Mr. ROBINSON of North Carolina.

Mr. LAYTON with Mr. MCLANE.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MANN with Mr. BLACKMON.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. STEPHENS of Ohio with Mr. CALDWELL.

Mr. WASON with Mr. RUCKER.

Mr. WALSH with Mr. CARTER.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. ANTHONY with Mr. WELTY.

Mr. BACHARACH with Mr. WELLING.

Mr. BROWNE with Mr. TAYLOR of Arkansas.

Mr. BURKE with Mr. SULLIVAN.

Mr. BUTLER with Mr. STEELE.

Mr. CAMPBELL of Kansas with Mr. STEPHENS of Mississippi.

Mr. COSTELLO with Mr. SMITH of New York.

Mr. CRAMTON with Mr. SEARS.

Mr. CROWTHER with Mr. SCULLY.

Mr. DEMPSEY with Mr. SAUNDERS of Virginia.

Mr. DENISON with Mr. SABATH.

Mr. DUNN with Mr. ROWAN.

Mr. EDMONDS with Mr. RIORDAN.

Mr. ELLIOTT with Mr. RANDALL of California.

Mr. ELLSWORTH with Mr. RAKER.

Mr. ESCH with Mr. SIMS.

Mr. FULLER of Massachusetts with Mr. JOHN W. RAINEY.

Mr. GARLAND with Mr. HENRY T. RAINEY.

Mr. GLYNN with Mr. OLNEY.

Mr. GOULD with Mr. NICHOLLS of South Carolina.
Mr. GREENE of Massachusetts with Mr. MCGLENNON.
Mr. GRIEST with Mr. MCANDREWS.
Mr. HADLEY with Mr. LEA of California.
Mr. HAMILTON with Mr. KINCHELOE.
Mr. HASKELL with Mr. KETTNER.
Mr. HAUGEN with Mr. JOHNSTON of New York.
Mr. HICKS with Mr. JACOWAY.
Mr. HULINGS with Mr. HEFLIN.
Mr. JOHNSON of Washington with Mr. HAMILL.
Mr. KAHN with Mr. GRIFFIN.
Mr. KENNEDY of Iowa with Mr. GOLDFOGLE.
Mr. KENNEDY of Rhode Island with Mr. GODWIN of North Carolina.
Mr. KIESS with Mr. GANLY.
Mr. KREIDER with Mr. GANDY.
Mr. LANGLEY with Mr. GALLIVAN.
Mr. LUFKIN with Mr. FITZGERALD.
Mr. MCARTHUR with Mr. FIELDS.
Mr. MCCULLOCH with Mr. EVANS of Montana.
Mr. MCKENZIE with Mr. EAGLE.
Mr. MCKINLEY with Mr. EAGAN.
Mr. MCPHERSON with Mr. DRANE.
Mr. MADDEN with Mr. CASEY.
Mr. MOORES of Indiana with Mr. CARSS.
Mr. MURPHY with Mr. CAREW.
Mr. NEWTON of Missouri with Mr. CANTRILL.
Mr. NICHOLS of Michigan with Mr. CANDLER.
Mr. OGDEN with Mr. BYRNS of South Carolina.
Mr. PAIGE with Mr. BRUMBAUGH.
Mr. PORTER with Mr. BENSON.
Mr. SANFORD with Mr. BANKHEAD.
Mr. SNYDER with Mr. NEELY.
Mr. STINESS with Mr. MOORE of Virginia.
Mr. STRONG of Pennsylvania with Mr. MEAD.
Mr. THOMPSON of Ohio with Mr. MAHER.
Mr. MCKINLEY with Mr. TINKHAM.
Mr. WALTERS with Mr. DOUGHTON.
Mr. WARD with Mr. DOOLING.
Mr. WATSON of Pennsylvania with Mr. DONOVAN.
Mr. WINSLOW with Mr. DOMINICK.
Mr. YATES with Mr. CLARK of Florida.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. PLATT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PLATT. Mr. Speaker, I ask unanimous consent that all who spoke on the bill just passed may have the privilege of revising and extending their remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

NATIONAL BANK SUBSCRIPTION TO UNITED WAR WORK CAMPAIGN.

Mr. PLATT. Mr. Speaker, I call up House joint resolution 87, and, pending going into Committee of the Whole——

Mr. GARRETT. Just a moment. Mr. Speaker, I raise the question of consideration of the resolution.

The SPEAKER. The gentleman from New York calls up House joint resolution 87, on which the gentleman from Tennessee raises the question of consideration. The question is, Shall the House now consider the resolution?

Mr. DYER. Mr. Speaker, I ask to have the resolution reported, so that we may know what it is.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 87.

Authorizing national banks to subscribe to the United War Work Campaign.

Resolved, etc., That it shall be lawful for any national banking association to contribute to the United War Work campaign in the same manner and under the same conditions as they are authorized to contribute to the American National Red Cross by section 1 of the act entitled "An act authorizing national banks to subscribe to the American National Red Cross," approved May 22, 1918.

Also the following committee amendments were read:

Strike out, in lines 4 and 5, the words "in the same manner."
In line 5 strike out the word "as" and insert the words "and limitations under which."

The SPEAKER. The attention of the Chair has been called to a precedent which decides that on Calendar Wednesday when the House automatically resolves itself into committee on a bill the question of consideration must be raised in the committee. So the gentleman from Tennessee [Mr. GARRETT] can raise the question of consideration as soon as the House resolves itself into the Committee of the Whole. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Connecticut will take the chair.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry. Is this such a bill as requires consideration in committee?

The SPEAKER. It is on the Union Calendar.

Mr. PHELAN. Mr. Speaker——

The SPEAKER. The Chair thinks it is too late.

Mr. TILSON assumed the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the House joint resolution No. 87, which the Clerk will report.

The Clerk read as follows:

House joint resolution 87, authorizing national banks to subscribe to the united war-work campaign.

Mr. GARRETT. Mr. Chairman, a partliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. The title having been read, is it now in order to raise the question of consideration?

The CHAIRMAN. It is.

Mr. GARRETT. Then I raise the question of consideration.

The CHAIRMAN. The question is, Shall the committee consider the resolution?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GARRETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 83, noes 48.

So the committee decided to consider the resolution.

The CHAIRMAN. The gentleman from New York [Mr. PLATT] is recognized.

Mr. PLATT. Mr. Chairman, I ask unanimous consent that all debate on this resolution be limited to 30 minutes.

Mr. CANNON. Oh, it is not in order now anyway, and will not be until after there is general debate, to make the request.

Mr. PLATT. It is a very short resolution, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York make a unanimous-consent request?

Mr. PLATT. I ask unanimous consent that general debate on this resolution be limited to 30 minutes.

Mr. CANNON. I object.

The CHAIRMAN. The gentleman from New York is recognized for one hour. The gentleman can reserve his time if he wishes to do so.

Mr. PLATT. Mr. Chairman, this is a very simple proposition. Everybody remembers how in the middle of the war last fall the united war workers' organization was formed, combining the Salvation Army, the Young Men's Christian Association, the Knights of Columbus, the Jewish Welfare Board, the Library Service, the War Camp Community Service, with the indorsement of the President of the United States and the Secretary of the Treasury, and how everybody was appealed to to contribute to the support of all of them, with funds allocated so that each one was to have a certain share. That campaign was carried on successfully, and I am informed that the Comptroller of the Currency, who has charge of the banks, gave to them tentative permission to subscribe to that fund as banks, with the statement that he would recommend ratification by Congress, which he did. Under the circumstances, I think he was right, and I believe that Congress should authorize the payment of the subscriptions. The banks had a prosperous year and the subscriptions made are a trifling part of their earnings. They have subscribed and are holding, I understand, something like $3,000,000, which the war workers practically have spent, borrowing as they needed the money. I can see no very good reason why, inasmuch as we gave the banks the authority to subscribe to Red Cross funds, we should not give them the right also to subscribe to this fund. It is the last time. It is one subscription. That is all. It seems to me it is rather a narrow idea to entertain that we should not grant this dispensation at this time.

Mr. CURRY of California. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes; I yield.

Mr. CURRY of California. Then this bill is an attempt to validate an illegal act that was authorized by the Comptroller of the Currency?

Mr. PLATT. I will not say it was authorized. They asked him if they could subscribe, and the comptroller, as I understand it, gave them some kind of a warrant for thinking they could. He stated that their subscriptions must be tentative, subject to the authorization by Congress.

Mr. CURRY of California. I think it is time to stop that.

Mr. PLATT. Some bankers can probably tell you more clearly what was said. We had his letter before us when the bill was reported last winter.

Mr. CURRY of California. But this is to validate an illegal act.

Mr. PLATT. No. We gave the banks the right to subscribe for the Red Cross.

Mr. CURRY of California. Yes. But we did not give them the right to subscribe for this organization.

Mr. PLATT. This bill was pending at the time the subscriptions were made. The United War Work Campaign was being carried on, and the banks were led to believe that the legislation would be passed.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. ROGERS. The United War Work Campaign, as I understand it, is not a corporation. It is simply an informal working group of several big philanthropies that were active during the war.

Mr. PLATT. I think it was incorporated.

Mr. ROGERS. It occurred to me that as this bill was drawn——

Mr. PLATT. I think it was incorporated.

Mr. ROGERS. Then it should be named in capitals. The United War Work Campaign in the bill is made up of small letters. It does not seem even to have the title of any particular institution.

Mr. PLATT. They associated together for a specific purpose.

Mr. ROGERS. It occurred to me that there was a practical danger in this bill as it stands. The gentleman has explained that it is intended to be retroactive only in effect. Why can not any organization, by calling itself "The United War Work Campaign," be permitted under this language as it stands to receive a gift from any national bank? It seems to me this should be safeguarded in some way, even if it is basically a proper provision.

Mr. ANDERSON. Does the gentleman say this language is retroactive?

Mr. PLATT. It is intended to be, in a sense.

Mr. ANDERSON. I do not think it validates anything that has been done heretofore. It merely authorizes contributions to be made hereafter.

Mr. ROGERS. It would not tie up a particular kind of recipient even for the future. Anybody can call himself "The United War Work Campaign" and take money under this language.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes; I yield to the former chairman.

Mr. PHELAN. I think anybody can not call himself "The United War Work Campaign," because I am informed that is incorporated.

Mr. ROGERS. It was not incorporated by act of Congress, and certainly from the way this thing looks, just as a matter of cold type, if you like, there is no evidence of incorporation.

Mr. PHELAN. I was not in the committee at the time this resolution was taken up, but I think I can explain the situation. Last year, when this resolution was introduced, The United War Work Campaign was not a corporation. Therefore small letters were used. But before we attempted to bring up the resolution at this session it was incorporated.

Mr. ROGERS. Where?

Mr. PHELAN. In some State.

Mr. ROGERS. Certainly not by act of Congress?

Mr. PHELAN. Oh, no. But it has been incorporated, and it is a definite corporation. We have used the words in small letters because, I suppose, the resolution was copied from last year's resolution.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. GARRETT. That would not cure the objection to it, I will say to the gentleman from Massachusetts [Mr. PHELAN]. The fact that it has been incorporated under the laws of a State makes it possible that that charter might be amended under the same law and granted to a new organization, so that that would not meet the objection urged by the gentleman from Massachusetts [Mr. ROGERS].

Mr. PHELAN. It is a definite proposition.

Mr. PLATT. Gentlemen can quibble as they please over this, but this money was contributed. The war is now over. The money is being held. The question is whether we shall release to the treasury of this organization the moneys that the banks are holding for them and are willing to give them. The bill limits contributions to the present war under the terms of the Red Cross act, to which reference is made in the bill.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes; I yield.

Mr. RAKER. Under the present law it would be illegal and a crime for a national bank to contribute money to this organization?

Mr. PLATT. I do not remember how the law reads. It would be illegal.

Mr. RAKER. There is a penalty for disposing of the funds of a bank for any purpose other than that for which the bank was organized, and if they spend any of the bank's money by contributing to such an organization they are violating the charter under which they are acting, and the charter could be taken from them. Is not that right?

Mr. PLATT. I do not know what the penalty is, but I understand they are not permitted to subscribe to charitable or any other objects.

Mr. RAKER. Does the gentleman mean that these banks have actually contributed the money now?

Mr. PLATT. They have agreed tentatively to contribute, upon the passage of the act, and the money is being held for the war workers.

Mr. RAKER. Have they actually disposed of it to the organization named?

Mr. PLATT. I have not heard of such a case.

Mr. RAKER. The report accompanying the resolution says the contributions by the banks have been made tentatively, upon the statement made by the Comptroller of the Currency, subject to the ratification by Congress. What right has the Comptroller of the Currency to allow any bank to violate the law and misappropriate the trust funds that it has in its possession?

Mr. PLATT. The gentleman knows that last year we were at war; that all of us were interested; that we all contributed all we could and tried in every way to obtain contributions.

Mr. RAKER. Surely.

Mr. PLATT. And we did a good many things then that we would not do in peace times. These banks have made these subscriptions with the understanding that Congress would validate their act.

Mr. RAKER. Did not the Comptroller of the Currency send out letters to the effect that the banks could contribute to the Red Cross, but to no other organization, subject to certain penalties?

Mr. PLATT. I think the Treasury did send out a letter saying that they could contribute to the Red Cross. Whether the comptroller sent out such a letter as the gentleman describes I am not sure. I have never seen it. But the case, as I have said, is very simple. During the height of the war every effort was made to collect this money, and it was a large sum. It was very difficult to raise it. Everybody knows that individual directors and stockholders of banks could have contributed, and doubtless many of them did contribute, but some of them were rather tightwads perhaps. The amount of the contribution made from each bank was a trivial matter, nothing affecting the solvency of the bank or its ability to earn dividends or anything of the kind. The amount of each contribution must be reported to the comptroller and also the earnings from which made. There is involved, I understand, about $3,000,000, which spread over the total of 7,700 national banks, with a capitalization of billions of dollars, is not a matter of very serious import. It will subject these war-work organizations, which have already used the money in large part, if not wholly, to pretty serious inconvenience if we force them to go out and find these contributions from some other source.

Mr. JUUL. Will the gentleman yield for a moment?

Mr. PLATT. I yield to the gentleman from Illinois.

Mr. JUUL. I want to state that I am for this resolution. It seems to me that the only thing we can do is to ratify what these banks have already done. They subscribed to organizations that were doing a wonderful work for our soldiers, and it seems to me that we to-day are in the same position that the druggist was when his clerk called up to him through the speaking tube, "Is Clancy good for a drink?" "Has he had it?" "He has." "He is." [Laughter.]

These people subscribed this money in good faith. They were told by authorities that they believed to be good that they might go ahead and do it; and for us to sit here and say that the organization that has used these subscriptions must go somewhere and try to find the money to reimburse the banks would be entirely out of the question. It is as legitimate a proposition as the one that we passed here reimbursing manufacturers who had incomplete contracts. I think, gentlemen, that we ought in decency to help out the committee and pass this bill. I was not with the committee on the former proposition that they had up to-day, but I am with them on this one. It seems to me an honest thing to do to help these banks out and to help the organizations that have benefited by the subscriptions. Everybody

thought we were doing right when we contributed to organizations of this kind. [Applause.]

I want to ask pardon of the chairman of the committee for talking in his time; but it would be the only chance I would get. [Laughter and applause.]

Mr. PLATT. I am very glad to yield to the gentleman for his beautiful little speech. It could not have been said better. Now, I want to read just a few lines from a letter from Mr. John H. Crawford, who has been greatly interested in this work. He says:

These funds have already been tentatively contributed by the banks who only await the sanction of Congress to make payment. The welfare organizations had calculated on securing this money last fall and had arranged for its expenditure. The bill did pass the Senate.

You will remember that the bill did pass the Senate and was on the Unanimous Consent Calendar of the House, and would doubtless have passed if the session had lasted a little longer. Naturally it could not be passed by unanimous consent.

Mr. VESTAL. Will the gentleman yield?

Mr. PLATT. Not at present. Mr. Crawford says further:

But owing to the rush of business at the close of the session, it was not reached in the House. Consequently the work of these organizations has been sadly handicapped by this unexpected shortage of funds which they had not anticipated.

Now that states the situation in a nutshell, Mr. Chairman.

Mr. BEGG. Will the gentleman yield for a moment?

Mr. PLATT. I yield to the gentleman from Ohio.

Mr. BEGG. I want to say to the gentleman that I am in entire sympathy with this bill, and hope it will be passed, and I would like to read to him an amendment that I would like to offer at the proper time if he thinks it will do the thing that I want to do.

Mr. PLATT. I shall be glad to hear it.

Mr. BEGG. In line 4, strike out the word "contribute" and insert the words "pay a contribution," and following the word "campaign," in line 4, insert the words "of 1918," so that it will read:

That it shall be lawful for any national banking association to pay a contribution to The United War Work Campaign of 1918.

I would like to inquire when will be the proper time to introduce that amendment, if the committee thinks it all right?

Mr. PLATT. Personally I should be entirely willing to accept such an amendment. If anybody thinks there is any possibility of this being a continuing proposition, I am entirely against any such continuing proposition. This is merely to make good what was expected to be done.

Mr. ANDERSON. I think it is in the mind of the gentleman from Ohio and in my mind that the language of the resolution does not validate contributions heretofore made.

Mr. PLATT. If the contributions had been made in the sense of having been paid over, it would not, but these contributions have been held up pending action by Congress.

Mr. ANDERSON. Held up by whom?

Mr. PLATT. By the banks. They have been subscribed but not paid, to the great embarrassment of the organization.

Mr. ANDERSON. The subscriptions were as invalid as the payment would have been. As this act is now drawn, it would not validate the subscriptions or prevent a prosecution for making the subscriptions if they were illegal.

Mr. PLATT. I think the amendment which is proposed to be offered by the gentleman from Ohio would perhaps be an added safeguard, though I believe the Red Cross act safeguards the matter.

Mr. PHELAN. If the gentleman will yield, the purpose is to permit the banks to contribute what they agreed to do.

Mr. CANNON. Will the gentleman from New York allow the bill to be read?

Mr. PLATT. It has been read twice—once to the House and once to the committee.

Mr. CANNON. I wish the gentleman would let me read it again; it is short.

Mr. PLATT. Very well.

Mr. CANNON (reading)—

Resolved, etc., That it shall be lawful for any national banking association to contribute to The United War Work Campaign, under the same conditions and limitations under which they are authorized to contribute to the American National Red Cross by section 1 of the act entitled "An act authorizing national banks to subscribe to the American National Red Cross," approved May 22, 1918.

Now, that does not validate what was done during 1918. It authorizes, if I understand the English language, subscriptions to be made now, after the passage of the act.

Mr. PLATT. They can make them now; that is all they want.

Mr. CANNON. They might go on and take in other united war-workers' organizations, and they could get another drive on.

Mr. PLATT. No; there is only one.

Mr. CANNON. It does not validate what they attempted to do, but it authorizes them to do this in the future.

Mr. MASON. Does not the amendment offered by the gentleman from Ohio [Mr. BEGG], which authorizes them to pay the subscriptions, cure it?

Mr. GARRETT. Will the gentleman yield for a suggestion?

Mr. PLATT. Yes; the whole matter is thoroughly restricted in the Red Cross act, and this is under the same conditions of limitation.

Mr. GARRETT. If I get the time I shall undertake to point out reasons that apply to this that do not apply to the Red Cross. If the gentleman will yield in connection with what was said by the gentleman from Minnesota——

Mr. PLATT. I will.

Mr. GARRETT. I take it that technically the contributions have not been made; they have been promised but not made. They are still in the coffers of the several banks who have promised them.

Mr. PLATT. I think that is a fair statement.

Mr. GARRETT. Perhaps on that ground it will be construed that if they should make the contributions under this bill, which I do not think they ought to make——

Mr. ROGERS. Does the gentleman know that fact; does the gentleman in charge of the bill know?

Mr. GARRETT. If it is not a fact, every bank that has paid out money has violated the law of the land.

Mr. ROGERS. Apparently, as the chairman has said, acting in pursuance of the general permission of the Comptroller of the Currency——

Mr. GARRETT. I do not think so; I do not think the Comptroller of the Currency had any authority to grant permission.

Mr. PHELAN. I am certain that the Comptroller of the Currency never gave them any authority to contribute.

Mr. ROGERS. I only read the language of the report:

The contributions from the banks have been made tentatively by permission of the Comptroller of the Currency subject to ratification by the Congress.

Mr. PHELAN. I am sure the Comptroller of the Currency never authorized them to contribute.

Mr. ROGERS. What does the statement in the report mean?

Mr. PHELAN. I did not write the report.

Mr. RAKER. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. RAKER. I think the gentleman will find that the controller never did authorize it. I saw the letter from the controller issued some time last October, in which he said that the national banks could not contribute to any fund save and except the Red Cross, and he set out the act at large in the letter. It was a full-page letter, fully warning all banks that they had no right to contribute anything except to the Red Cross, because there was an effort to get the directors who had a little money to use the bank's fund instead of using their own money. That was the reason the letter was sent out.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Mr. Chairman, I reserve the balance of my time, and the gentleman may speak in his own time.

Mr. STEVENSON. I was just going to correct a statement made. The comptroller's letter which was exhibited last fall to the Banking and Currency Committee stated that they had no legal authority to make the contribution, but that he would recommend that this act be passed, and that they could make them tentatively until the act was passed, and then they could be paid, if Congress ratified.

Mr. PLATT. That is what the report means. My friend from Massachusetts [Mr. ROGERS] is a little hypercritical.

Mr. ROGERS. Mr. Chairman, I would like to ask the intent of the law—whether it is to authorize future payments of past pledges or to validate past payments?

Mr. PLATT. As far as the chairman of the committee knows, no payments have been actually made up to this time, and I think the gentleman from California is right, that the comptroller did send out a letter warning banks against making any actual payments, but did say that he would advocate the passage of this bill, and he did advocate it.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. FESS. I have just talked with the Y. M. C. A., and while they could not give me the exact facts as to whether it had been incorporated as a united war workers' association, they had been doing business with the Government, the Government had approved their budget, and they had received Government bonds, and the Government has recognized it as an entity for doing business.

The CHAIRMAN. Under the rule there is one hour of general debate in control of those in favor of the bill and one hour in control of those in opposition. Does the ranking member of the Committee on Banking and Currency desire recognition?

Mr. PHELAN. Mr. Chairman, the gentleman from South Carolina [Mr. STEVENSON] is opposed to the bill, and he is a member of the committee.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina.

Mr. STEVENSON. Mr. Chairman, I expect only to use two or three minutes of the time and then to yield the balance of it to gentlemen who desire to speak. I do not want to make any captious opposition to this bill, but I have been opposed to it all of the time. I did not file a minority report. I merely want to state the reasons why I am opposed to it. I have been opposed to all of these contributions by banks because the funds of the banks are trust funds in the hands of the directors and I do not think it is a good thing to allow them to give them away. We may regulate the manner of their investment and we may widen the door so that they can make different investments, but when it comes to contributing them to charity I think it is opening a door that is unwise and, therefore, I have been opposed to all propositions of this kind.

I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, the gentleman from South Carolina [Mr. STEVENSON] has stated very succinctly the principle upon which I am opposed to this legislation. I do not think that it is consistent with sound banking principles for the banks to contribute to organizations even of the worthy character of those embraced in this organization known as the United War Workers, and certainly I think it is extremely unwise for the legislative body to open the door to enable those who hold these funds in trust to contribute them without even consulting those whose funds they thus hold.

There is a distinction between the organizations represented in this United War Workers' association and the Red Cross. The American National Red Cross is incorporated by act of Congress. It is a Federal incorporation. Its purposes are clearly defined in the charter granted it by Congress. Therefore we know what it is. Any change in its purposes or in its attitude can only be had through the action of the Congress which created it by changing its charter. The United War Workers' organization is composed of a number of organizations, all of them voluntary in character, and, so far as I know, none of the individual organizations have been incorporated. So they are not subject to any regulation of law whatever by either the Federal Government or by any of the States. The gentleman from Massachusetts [Mr. PHELAN] stated that the several organizations had been consolidated for the purposes of that campaign, if I understood him correctly, and the consolidated organization incorporated.

Mr. PHELAN. I was so informed when the matter came up in the last Congress by a man very closely identified with this campaign.

Mr. GARRETT. Does the gentleman remember in what State it was incorporated?

Mr. PHELAN. I do not think he told me.

Mr. GARRETT. It seems to me that would be information which this Committee of the Whole ought to have before passing upon the proposition.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. ALEXANDER. I would state to the gentleman that I do not think there was any incorporation or any consolidation in any legal sense, but the representatives of the Y. M. C. A., the Knights of Columbus, and other organizations formed an association and apportioned the funds to be contributed under the head of war work funds, and the contributions were made with the understanding that they might be apportioned as agreed to by this organization, but that was not arbitrary. Individuals might contribute to any one of the organizations.

Mr. GARRETT. I understand that. But I was speaking of the legal condition of this organization. I was just saying that the gentleman from Massachusetts stated to the committee a few minutes ago that it was his understanding that this United War Workers' organization was incorporated under the laws of some State.

Mr. ALEXANDER. I do not think it was.

Mr. GARRETT. Well, I do not know how that is, and I would like to know; but even if that be true, and accepting that as a fact, it remains that that is not a Federal organization. It is an organization created under the laws of a State. We know these various elements that enter into it, but we have no knowledge of what new entities may be admitted to it, and, of course, the authority of this act continues until peace is declared. It seems to me, therefore, by reason of the fact that it is proposed here to authorize the trustees of an express trust to take funds belonging to individuals without consulting those individuals and contributing them even for these worthy purposes is indefensible, and I fear the precedent that will be fixed, and particularly is that true when they are authorized to contribute to an organization with which the Federal Government had absolutely nothing to do, in whose organization the Federal Government had no part, and which, if incorporated at all, was incorporated under the laws of a State with a charter subject to be amended under the laws of that State at any time, or, if not incorporated, is but a mere voluntary organization.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. LONGWORTH. Has the gentleman any knowledge as to the total amount of contributions that this bill would validate?

Mr. GARRETT. I have no knowledge. But the gentleman from New York [Mr. PLATT], if I understood him correctly—there was much confusion at the time—stated that it was about $3,000,000.

Mr. LONGWORTH. About $3,000,000?

Mr. GARRETT. That is my recollection; that is the way I understood the gentleman.

Mr. LONGWORTH. In the gentleman's judgment, what would be the effect of the failure to pass this bill? Would there be any obligation on the directors of these banks, for instance?

Mr. GARRETT. Oh, I do not think so.

Mr. LONGWORTH. That is, to make these contributions?

Mr. GARRETT. I do not think so.

Mr. LONGWORTH. It would be simply the loss to the associations?

Mr. GARRETT. It would be a loss of the contributions to the associations to whom they had been promised; but I assume, of course, that the directors in making the promises to those who called explained to them at the time that it was necessarily dependent upon the ratification by Congress.

Mr. LONGWORTH. The gentleman does not know that to be the fact?

Mr. GARRETT. Of course not; but I would naturally assume that would be so stated. Now, there is a question I desire to ask the gentleman from New York——

Mr. McKEOWN. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. McKEOWN. Is there any report of any kind showing what was done with the money collected that was legally contributed over the country as to whether they need the balance of this $3,000,000?

Mr. GARRETT. I know of none. Of course, that would not be a matter with which Congress would have anything to do. The gentleman means as to whether this money is actually needed. I do not know about that. Perhaps some gentlemen who are members of the committee can tell something in reference to it. I would like to ask some member of the committee, if I may, in reference to this language:

That it shall be lawful for any national banking association to contribute.

May I ask if the whole body of directors must pass upon it, or if the president alone or some official of the bank is authorized without a full directors' meeting to make the contribution?

Mr. PLATT. Does the gentleman ask me?

Mr. GARRETT. I ask the question of some member of the committee. This says:

That it shall be lawful for any national banking association to contribute—

And so forth.

Does that mean that the board of directors must meet and make a contribution, or what is the practice about that, if the gentleman knows?

Mr. PLATT. I think that is the practice. I want to call the attention of the gentleman to this fact—that each association is required to report to the Comptroller of the Currency within 10 days after the making of any such contribution the amount of such contribution and the amount of net earnings in excess of such contribution.

Mr. GARRETT. That is in the Red Cross provision. This says it is subject to the same terms——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I yield the gentleman five minutes more.

Mr. PHELAN. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. PHELAN. I will call the gentleman's attention to the act permitting contributions to the Red Cross where it says:

Such sum or sums as the directors of said association shall deem expedient.

And inasmuch as the contributions made under this act are under the same conditions and limitations, I think that answers the gentleman's question.

Mr. GARRETT. I think that answers the question. But it does not answer the objection which I think is fundamental on this proposition. And at the proper time I shall propose an amendment which, if the resolution is to pass, I hope will surely be adopted.

I yield back the remainder of the time.

Mr. MORGAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MORGAN. I make the point of no quorum.

Mr. MONDELL. I hope the gentleman will withdraw it.

Mr. MORGAN. I withdraw the point of no quorum.

Mr. STEVENSON. Now I yield 10 minutes to the gentleman from Illinois [Mr. CANNON] if he desires it.

Mr. CANNON. Mr. Chairman, I only desire half of the time granted to me.

I have listened to what the gentleman in charge of the bill has had to say, and I think if this bill passes at all it ought to be amended as was proposed by my colleague from Illinois. Then it would mean what the gentleman in charge of the bill says it does mean. As I read it, it does not legalize anything that has been done, but authorizes, after this act is passed, these various war-work organizations to receive contributions from the national banks.

We did lots of things during the war that we would not think of doing now that the war is over and the armistice has been signed. I did not favor this proposition in my heart, and I rather guess I did not vote for it. I either held my peace or voted nay on it when it was up in 1918. Why, think of it! Here is a bank with 5 or 7 or 10 or 40 directors, as the case may be—although I think none of them has as many as 40. These directors are created by the stockholders. In the great majority of our country banks—and it is even more true as to the city banks, I guess—there are small stockholders, widows, people with fixed incomes, many of them poor, who think all right and are willing to help along, and were willing to help along, although perhaps here and there was one who could not well afford it; and it was a proposition to take property of the orphan and the widow, in many instances many with a small fixed income, without their assent. Then, again, there were many stockholders who contributed individually all they felt they could afford to contribute while carrying other burdens. I do not believe, especially inasmuch as the armistice has been signed and peace has practically come, however long technically the war may last, that this legislation should be had for the future. If contributions were promised contrary to law or without authorization of law, that promise ought not to bind, by the action of a board of directors, the stockholders who, perchance, in most instances, as doubtless was the case, made individual contributions. And whether they did or not, this proposed action ought not to be validated.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. [The Chair proceeded to count.]

Mr. MONDELL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration House joint resolution 87, authorizing national banks to subscribe to the United War Work Campaign, had come to no resolution thereon.

COMMISSIONED PERSONNEL FOR THE ARMY—CONFERENCE REPORT.

Mr. KAHN, from the Committee on Military Affairs, submitted a conference report on the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, which was ordered printed under the rules.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed by the House, insert the following:

"That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to the officers of the Permanent Establishment and to retain at their temporary grades such officers of the Regular Army as in his judgment may be necessary for the proper performance of the functions of the Military Establishment: *Provided*, That additional officers so maintained shall be selected, so far as practicable, from officers and enlisted men who served during the emergency and are applicants for appointments in the Permanent Establishment: *Provided further*, That after October 31, 1919, the total number of commissioned officers, exclusive of retired officers and disabled emergency officers awaiting discharge upon completion of treatment for physical reconstruction, shall at no time exceed 18,000: *Provided further*, That no officer on the active list shall be detailed for recruiting service or for duty at schools and colleges, not including schools of the service, where officers on the retired list can be secured who are competent for such duty: *And provided further*, That hereafter officers retired for physical disability shall not form part of the limited retired list: *And provided further*, That 1,200 emergency officers shall be assigned to the Air Service, of whom not less than 85 per cent shall be duly qualified fliers."

And the House agree to the same.

JULIUS KAHN,
FRANK L. GREENE,
S. H. DENT, Jr.,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, submit the following written statement explaining the effect of the action agreed on:

The Senate receded from its disagreement to the amendment of the House with changes, the effect of which are as follows:

The first change enables officers of the Regular Army who at the present time are at the head of the construction, transportation, and other divisions of the Army to retain their present assignments at the head of those divisions, otherwise they would be demoted to their regular grades in the Army, and the temporary emergency officers who now are serving under them would outrank them and succeed to the command of the divisions.

By the second change, the date, October 30, is changed to October 31. This change is deemed desirable, as it was originally intended to have the date fixed as the last day of the calendar month.

The third change is intended to help retired officers and disabled emergency officers who may be in Army hospitals under treatment.

JULIUS KAHN,
FRANK L. GREENE,
S. H. DENT, Jr.,
Managers on the part of the House.

Mr. GARRETT. Mr. Speaker, I reserve all points of order.

TROOPS IN SIBERIA.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of War on House joint resolution 258, being a resolution of inquiry by Mr. RHODES, of Missouri, respecting certain troops in Siberia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the resolution, with the reply of the Secretary of War to the same:

House resolution 25.

Resolved, (1) That the Secretary of War be, and he is hereby, requested, immediately, to inform the House of Representatives, for the information of the House, the reasons for keeping United States soldiers in Siberia and how long such soldiers are to be kept there.

(2) The number of Japanese and Italian soldiers now in Siberia.

(3) Whether Great Britain and France have soldiers in Siberia; if not, why not?

(4) Has the Japanese Government defined its Siberian policy, according to the agreement with the United States, as announced by the State Department under date of August 5, 1918; and if so, what is that policy?

—

WAR DEPARTMENT,
Washington, August 27, 1919.

The COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

GENTLEMEN: House resolution 258, by Mr. RHODES, referred to the Committee on Military Affairs to be printed, has been referred to me for comment. The resolution is in four sections, to which I reply as follows:

Section 1 requests that the Secretary of War immediately inform the House of Representatives the reasons for keeping United States soldiers in Siberia, and how long such soldiers are to be kept there. In reply I attach hereto a copy of a statement transmitted to the Senate of the United States by the President, under date of July 22, authoritatively covering the matter in question.

Section 2 of the resolution requests to be informed of the number of Japanese and Italian soldiers now in Siberia. The best information this department has as to the present size of the Japanese forces in Siberia is a deduction on the basis of organizations known to be stationed there. This gives a total of 46,000 men. Whether or not this number is larger or smaller than the actual number of Japanese soldiers in Siberia, this department has not the means of knowing.

The Italians have two infantry battalions, two sections of machine guns, one section of mounted artillery, and one section of military police, aggregating a total of about 1,450 men, stationed at Krasnoyarsk, and 20 staff officers at Vladivostok.

Section 3 of the resolution desires information as to whether Great Britain and France have soldiers in Siberia; and if not, why not. Great Britain has one battalion of about 1,050 men in the active Ural front district, 36 men at Omsk, 455 at Vladivostok; a total of 1,541 men.

The French have 119 men at Vladivostok, 324 at Omsk, and 1,045 in the active Ural front district; a total of 1,488.

Section 4 of the resolution asks whether the Japanese Government has defined its Siberian policy according to the agreement with the United States, as announced by the State Department under date of August 5, 1918. This department has no information on that subject.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

—

AMERICAN TROOPS IN SIBERIA (S. DOC. 607).

The Vice President laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, ordered to lie on the table and to be printed.

THE WHITE HOUSE,
Washington, July 22, 1919.

The PRESIDENT OF THE SENATE.

SIR: For the information of the Senate, and in response to the resolution adopted June 23, 1919, requesting the President to inform the Senate, if not incompatible with the public interest, of the reasons for sending United States soldiers to Siberia, the duties that are to be performed by these soldiers, how long they are to remain, and generally to advise the Senate of the policy of the United States Government in respect to Siberia and the maintenance of United States soldiers there, I have the honor to say that the decision to send American troops to Siberia was announced to the press on August 5, 1918, in a statement from the Acting Secretary of State, of which a copy is inclosed.

This measure was taken in conjunction with Japan and in concert of purpose with the other allied powers, first of all to save the Czechoslovak armies, which were threatened with destruction by hostile armies apparently organized by and often largely composed of enemy prisoners of war. The second purpose in view was to steady any efforts of the Russians at self-defense or the establishment of law and order in which they might be willing to accept assistance.

Two regiments of Infantry, with auxiliary troops—about 8,000 effectives—comprising a total of approximately 10,000 men, were sent under the command of Maj. Gen. William S. Graves. The troops began to arrive at Vladivostok in September, 1918. Considerably larger forces were dispatched by Japan at about the same time, and much smaller forces by others of the allied powers. The net result was the successful reunion of the separated Czechoslovak armies and the substantial elimination in eastern Siberia of the active efforts of enemy prisoners of war. A period of relative quiet then ensued.

In February, 1919, as a conclusion of negotiations begun early in the summer of 1918, the United States accepted a plan proposed by Japan for the supervision of the Siberian railways by an international committee, under which committee Mr. John F. Stevens would assume the operation of the Russian Railway Service Corps. In this connection it is to be recalled that Mr. John F. Stevens, in response to a request of the provisional government of Russia, went to Russia in the spring of 1917. A few months later he was made official adviser to the minister of ways of communication at Petrograd under the provisional government. At the request of the provisional government, and with the support of Mr. John F. Stevens, there was organized the so-called Russian Railway Service Corps, composed of American engineers. As originally organized, the personnel of this corps constituted 14 skeleton division units as known in this country, the idea being that these skeleton units would serve as practical advisers and assistants on 14 different sections of the Siberian Railway and assist the Russians by their knowledge of long-haul problems as known in this country, and which are the rule and not the exception in Siberia.

Owing to the Bolshevik uprising and the general chaotic conditions, neither Mr. Stevens nor the Russian Railway Service Corps was able to begin work in Siberia until March, 1918. They have been able to operate effectively only since the railway plan was adopted in February, 1919.

The most recent report from Mr. Stevens shows that on parts of the Chinese-Eastern & Trans-Baikal Railway he is now running six trains a day each way, while only a little while ago they were only able to run that many trains a week.

In accepting the railway plan it was provided that some protection should be given by the allied forces. Mr. Stevens stated frankly that he would not undertake the arduous task before him unless he could rely upon support from American troops in an emergency. Accordingly, as provided in the railway plan and with the approval of the interallied committee, the military commanders in Siberia have established troops where it is necessary to maintain order at different parts of the line. The American forces under Gen. Graves are understood to be protecting parts of the line near Vladivostok, and also on the section around Verchne Udinsk. There is also understood to be a small body of American troops at Harbin. The exact location from time to time of American troops is, however, subject to change by the direction of Gen. Graves.

The instructions to Gen. Graves direct him not to interfere in Russian affairs, but to support Mr. Stevens wherever necessary. The Siberian Railway is not only the main artery for transportation in Siberia, but is the only open access to European Russia to-day. The population of Siberia, whose resources have been almost exhausted by the long years of war and the chaotic conditions which have existed there, can be protected from a further period of chaos and anarchy only by the restoration and maintenance of traffic on the Siberian Railway.

Partisan bands under leaders having no settled connection with any organized government, and bands under leaders whose allegiance to any settled authority is apparently temporary and transitory, are constantly menacing the operation of the railway and the safety of its permanent structures.

The situation of the people of Siberia meantime is that they have no shoes or warm clothing; they are pleading for agricultural machinery and for many of the simpler articles of commerce upon which their own domestic economy depends and which are necessary to fruitful and productive industry among them. Having contributed their quota to the Russian armies which fought the Central Empires for three and one-half years, they now look to the Allies and the United States for economic assistance.

The population of western Siberia and the forces of Admiral Kolchak are entirely dependent upon these railways.

The Russian authorities in this country have succeeded in shipping large quantities of Russian supplies to Siberia, and the Secretary of War is now contracting with the great cooperative societies which operate throughout European and Asiatic Russia to ship further supplies to meet the needs of the civilian population. The Kolchak Government is also endeavoring to arrange for the purchase of medical and other Red Cross supplies from the War Department, and the American Red Cross is itself attempting the forms of relief for which it is organized. All elements of the population in Siberia look to the United States for assistance. This assistance can not be given to the population of Siberia, and ultimately to Russia, if the purpose entertained for two years to restore railway traffic is abandoned. The presence of American troops is a vital element in this effort. The services of Mr. Stevens depend upon it, and, a point of serious moment, the plan proposed by Japan expressly provides that Mr. Stevens and all foreign railway experts shall be withdrawn when the troops are withdrawn.

From these observations it will be seen that the purpose of the continuance of American troops in Siberia is that we, with the concurrence of the great allied powers, may keep open a necessary artery of trade and extend to the vast population of Siberia the economic aid essential to it in peace time, but indispensable under the conditions which have followed the prolonged and exhausting participation by Russia in the war against the Central Powers. This participation was obviously of incalculable value to the allied cause, and in a very particular way commends the exhausted people who suffered from it to such assistance as we can render to bring about their industrial and economic rehabilitation.

Very respectfully, yours,

WOODROW WILSON.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1362. An act to authorize Hiram I. Sage, a citizen of Baldwin County, Ala., to construct and maintain a bridge across the Perdido River at or near Nunez Ferry.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported on September 2, 1919, that they had presented to the President for his approval the following bill:

An act (H. R. 7594) providing for the appointment of one general for the Armies of the United States.

ADJOURNMENT.

Mr. PLATT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until Thursday, September 4, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the secretary of the Territory of Hawaii, transmitting a copy each of the laws and journal of the House of Representatives of the Legislature of the Territory of Hawaii, regular session of 1919 (H. Doc. No. 237), was taken from the Speaker's table, referred to the Committee on the Territories, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the bill (S. 552) to reimburse W. B. Graham, late postmaster of Ely, Nev., for

money expended for clerical assistance, reported the same without amendment, accompanied by a report (No. 282), which said bill and report were referred to the Private Calendar.

Mr. MacGREGOR, from the Committee on Claims, to which was referred the bill (H. R. 6407) for the relief of Michael MacGarvey, reported the same without amendment, accompanied by a report (No. 283), which said bill and report were referred to the Private Calendar.

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 1796) for the relief of William Holsten, reported the same with amendment, accompanied by a report (No. 284), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6697) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance; Committee on Claims discharged, and referred to the Committee on the Post Office and Post Roads.

A bill (S. 552) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance; Committee on Claims discharged, and referred to the Committee on the Post Office and Post Roads.

A bill (H. R. 6942) granting a pension to Louis H. Trayser; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7866) granting a pension to Charles L. C. Sherwin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8548) granting a pension to Clarance E. West; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 8986) granting the consent of Congress to Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River near Arthur City, Lamar County, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: A bill (H. R. 8987) to repeal an act entitled "An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of, improved or unimproved land, houses, buildings, and for other purposes," and to provide for the sale of such property, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNELL (by request): A bill (H. R. 8988) to incorporate the United States Platinum Corporation and to aid in the development of the mineral resources of Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. FOCHT: A bill (H. R. 8989) authorizing the Secretary of War to donate to the county of Snyder, State of Pennsylvania, to be placed in the public square in the city of Beaver Springs, one German cannon or fieldpiece, with carriage and suitable number of shells; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 8990) providing a four-year course at the United States Military Academy; to the Committee on Military Affairs.

Also, a bill (H. R. 8991) for the retirement of certain enlisted men who served as temporary officers during war between the United States and Germany; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 8992) for the construction of a bridge across the Susquehanna River at Laceyville, Wyoming County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUSTED: Resolution (H. Res. 278) to provide for a special committee to inquire into plans for stabilizing the purchasing power of the American gold dollar and to report such measures as it may deem advisable to effect such stabilization; to the Committee on Rules.

By Mr. KAHN: Resolution (H. Res. 279) providing for the payment of expenses of the subcommittee of the Committee on Military Affairs appointed to visit and inspect designated camps, cantonments, and aviation fields; to the Committee on Accounts.

By Mr. NEWTON of Missouri: Joint resolution (H. J. Res. 188) to provide funds to defray expenses of Senators of the United States who oppose the covenant of the league of nations while such Senators are traveling and appearing before the American people to discuss said covenant and to point out objections thereto and dangers contained therein; to the Committee on Appropriations.

By Mr. ESCH: Joint resolution (H. J. Res. 189) to equalize the pay and allowances of warrant officers and enlisted men of the Coast Guard with those of the Navy; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: Joint resolution (H. J. Res. 190) to readmit Frances Scoville-Munn to the character and privileges of a citizen of the United States; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 8993) granting an increase of pension to Martha Garrett; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 8994) granting an increase of pension to Robert B. Griggs; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 8995) granting an increase of pension to Adam Kern; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 8996) granting an increase of pension to George C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8997) granting an increase of pension to Samuel Godsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8998) granting an increase of pension to Edmond R. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8999) granting a pension to Pharach Pack; to the Committee on Pensions.

Also, a bill (H. R. 9000) granting a pension to Alice Williams; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9001) granting an increase of pension to Jacob Olinger; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 9002) granting a pension to Jessie A. Haynes; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 9003) for the relief of Fred Magilner; to the Committee on Claims.

Also, a bill (H. R. 9004) granting a pension to Minnie M. Weeks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9005) for the relief of Earl D. Barkly; to the Committee on Claims.

By Mr. McPHERSON: A bill (H. R. 9006) granting a pension to Lydia M. Smith; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 9007) for the relief of George Deitz; to the Committee on Military Affairs.

By Mr. MAJOR: A bill (H. R. 9008) granting an increase of pension to James D. Ginger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9009) for the relief of the heir of Daniel Haynes; to the Committee on War Claims.

Also, a bill (H. R. 9010) to carry out the findings of the Court of Claims in the case of the city of Glasgow, Mo.; to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9011) to correct the military record of Christopher P. Rhodes; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 9012) granting a pension to Fanny Weill; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 9013) granting an increase of pension to Martin Quinn; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 9014) for the relief of the estate of George B. Chase, deceased; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 9015) granting a pension to Thomas Mattes; to the Committee on Pensions.

By Mr. STEDMAN: A bill (H. R. 9016) granting an increase of pension to Lemuel G. Cherry; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9017) granting an increase of pension to Helen A. Brown; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 9018) awarding a medal of honor to Albert S. Denning; to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 9019) granting a pension to Jesse Cunningham; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 9020) granting a pension to Catherine Duncan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEE: Petition of sundry citizens of San Antonio, Tex., in favor of the Plumb railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New Braunfels, Cibolo, and Marian, Tex., in opposition to the Smith-Towner bill; to the Committee on Education.

Also, petition of sundry citizens of San Antonio, Tex., in opposition to the Smith-Towner bill; to the Committee on Education.

Also, petition of sundry citizens of Violet, Tex., in opposition to the Smith-Towner bill; to the Committee on Education.

By Mr. CRAGO: Resolutions adopted by representatives of the workmen of Midvale Steel & Ordnance Co., the Cambria Steel Co., and subsidiary companies, relative to means of abating the present high cost of living; to the Committee on the Judiciary.

By Mr. CULLEN: Petition of Methodist Episcopal Church South, of Junaluska, N. C., favoring the Army reorganization bill, which provides for the promotion of chaplains upon the same terms that other officers are promoted; to the Committee on Military Affairs.

Also, petition of W. A. Brown, of Kansas City, Mo., favoring an increase in salaries of the railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of Associated Manufacturers and Merchants of New York State through its board of directors protesting against Government control of railroads, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Gear Manufacturers' Association, of Philadelphia, Pa., opposed to Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of 450 postal employees of Spokane, Wash., favoring Zihlman bill; to the Committee on the Post Office and Post Roads.

Also, petition of 150 railway mail clerks of Seattle, Wash., favoring the Zihlman bill; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of A. F. Long and others, of Baltimore, Md., favoring a bill to grant extra war bonus of $360 to ex-service men; to the Committee on Military Affairs.

Also, petition of George L. Stickney, of Baltimore, Md., favoring the passage of House bill 8068; to the Committee on Military Affairs.

Also, petition of sundry citizens of Baltimore, Md., for the repeal of sections 800, 906, and 1001 (sub. 5) of revenue bill of 1918; to the Committee on Ways and Means.

Also, petition of sundry citizens of Baltimore, Md., favoring a bill granting one year's pay to the discharged oversea soldiers; to the Committee on Military Affairs.

By Mr. McKEOWN: Resolutons adopted by Roscoe Frye Post of American Legion, of Sapulpa, Okla.; to the Committee on the Public Lands.

By Mr. NOLAN: Petition of the National Federation of Construction Industries, Philadelphia, Pa., favoring the passage of House bill 7597, known as the Federal building loan bank bill; to the Committee on Banking and Currency.

Also, petition of the Cuyahoga County Building and Loan Association League, of Cleveland, Ohio, favoring the passage of House bill 7597, known as the Federal building loan bank bill; to the Committee on Banking and Currency.

By Mr. SMITH of Michigan: Petition of Rotary Club of Battle Creek, on universal military training and Camp Custer; to the Committee on Military Affairs.

Also, petition of postal employees of Hillsdale, Mich., in favor of House bill 8376, for increased wages; to the Committee on the Post Office and Post Roads.

Also, petition of Amalgamated Association of Street and Electric Railway Employees of America, relative to deportation of Miss Lillian Scott Troy; to the Committee on Immigration and Naturalization.

By Mr. SUMMERS of Washington: Petition of clerks and carriers of the Walla Walla, Wash., post office, urging immediate action on pending salary legislation making it possible for men to remain in the Postal Service and increasing the efficiency thereof; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of sundry citizens of Lucas County, Iowa, for the immediate return of the soldiers from Russia and Siberia; to the Committee on Military Affairs.

By Mr. VARE: Petition of American Gear Manufacturers' Association, of Philadelphia, Pa., against Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES: Petition of R. K. Kennedy, Yorkville, Ill., urging passage of the Gronna-Baer bill; to the Committee on Military Affairs.

Also, petition of Charles B. Headly, Chicago, Ill., urging the passage of the Gronna-Baer bill; to the Committee on Military Affairs.

Also, petition of Carl Milde, St. Louis, Mo., urging the passage of bill introduced by Congressman BACHARACH, of New Jersey, for a bonus of $360 for honorably discharged soldiers, sailors, and marines; to the Committee on Military Affairs.

Also, petition of William H. Crawford, Washington, D. C., urging the passage of bill authorizing Federal banks to contribute to the united war work campaign; to the Committee on Banking and Currency.

Also, petition of James M. Dean, Xenia, Ill., urging the early passage of House bill 435, bearing an increase in pensions to certain soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

Also, petition of Washburn-Crosby Co., Minneapolis, Minn., containing protest against House bill 7482, changing the standard of weights on flour, meal, and corn products for human foods and commercial feeding stuffs, and for other purposes; to the Committee on Coinage, Weights, and Measures.

Also, petition of St. Josephs Benevolent Society, Chicago, containing protest against the passage of the proposed Federal department of education bill; to the Committee on Education.

Also, petition of S. E. Bradt, Springfield, Ill., favoring Congressman KAHN'S measures relating to continuance of transfer of surplus war materials for use of States in road building, especially features covering parts for motor vehicles; to the Committee on Military Affairs.

Also, petition of the Bulletin Co., Cairo, Ill., urging the defeat of the efforts to repeal the zone system of charging for second-class postage; to the Committee on the Post Office and Post Roads.

Also, petition of C. F. Baum Co., Chicago, Ill., protesting against House joint resolution 121; to the Committee on Labor.

Also, petition of St. Ferdinand (Czech) Society, C. W., Chicago, protesting against the so-called Smith-Towner bill; to the Committee on Education.

Also, petition of Senator M. R. Carlson, urging passage of House bill 7705, dealing with the tariff on buttons of shell and pearl; to the Committee on Ways and Means.

SENATE.

THURSDAY, *September 4, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy guidance and blessing for the duties of this day. We bless Thee for the assurance that in the upper and real realm of life there is no conflict of interest, that there are no clashing of duties. We pray Thee to give to us that clear vision of life and responsibility and privilege and glory that we may work together for the uplift of humanity and the glory of Thy name. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, August 23, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting a list of useless papers on the files of the Department of Labor devoid of historic interest or value and requesting action looking to their disposition. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Montana [Mr. WALSH] and the Senator from Maryland [Mr. FRANCE] as the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

IRRIGATION PROJECTS ON INDIAN LANDS (S. DOC. NO. 84).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of July 8, 1919, certain information relative to the various irrigation projects or settlements on Indian reservations or tracts of land allotted to Indians, which, on motion of Mr. CURTIS, was, with the accompanying papers, referred to the Committee on Indian Affairs and ordered to be printed.

LAWS OF HAWAII.

The VICE PRESIDENT laid before the Senate a communication from the secretary of the Territory of Hawaii, transmitting, pursuant to law, a copy each of the laws and journal of the House of Representatives of the Legislature of the Territory of Hawaii, regular session of 1919, which, with the accompanying documents, was referred to the Committee on Pacific Islands and Porto Rico.

WOMAN SUFFRAGE.

The VICE PRESIDENT presented a joint resolution passed by the Legislative Assembly of the State of Montana ratifying the proposed amendment to the Constitution of the United States extending the right of suffrage to women, which was ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2395) amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1362) to authorize Hiram I. Sage, a citizen of Baldwin County, Ala., to construct and maintain a bridge across the Perdido River at or near Nunez Ferry, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the General Conference of the Missionary Church Association, remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a memorial of sundry citizens of Moundridge, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

He also presented a petition of Victor Post No. 293, Grand Army of the Republic, Department of Kansas, of Fort Dodge, Kans., praying that a pension of $50 be granted to veterans of the Civil War and $30 to the widows of deceased veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Local Grange, Patrons of Husbandry, of Holton, Kans., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Chanute, Belleville, Newton, Topeka, Junction City, Abilene, and Holton, all in the State of Kansas, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Harris, Kans., praying for the repeal of the so-called "luxury" tax, which was referred to the Committee on Finance.

Mr. JOHNSON of California. I present a memorial of certain ex-soldiers and sailors, veterans of American wars, remonstrating against the ratification of the treaty with France and the league of nations. I ask that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

Petition of veterans of American wars to United States Senate.

Whereas a treaty with the Republic of France has been submitted to the United States Senate for its ratification wherein it is provided that in case of any unprovoked movement of aggression against France the United States of America pledges itself to come, with military assistance, immediately to the aid of France;

Whereas France is not a State of the Union nor a territorial possession of the United States of America;

Whereas such debt as the United States of America may have owed to the Republic of France has been fully paid by the life blood of the American youths who now sleep the last sleep in French soil;

Whereas the American blood of youths of the United States of America, the land of freedom, is never to be shed except to provide protection for American homes, American freedom, and American liberties;

Whereas the conscripting of American youths to be sent to die for France would be the destruction of American freedom and American liberty, and in fact would be the creation of military slavery in America: Now, therefore,

We, the undersigned who have served our country in the time of war in its Army, Navy, and marines, now petition the United States Senate not to ratify said treaty with France, but ask that said treaty, together with the covenant of the league of nations, be both rejected by the United States Senate, as both of them are destructive of the rights, liberties, and freedom of the American people as guaranteed to them by the Constitution of the United States.

Case Bradford, second lieutenant, Headquarters Company, Three hundred and sixty-fourth Infantry, World War; Earle Stuart Rhode, corporal, Company L, Fourth Illinois Volunteer Infantry, Spanish-American War; Emile S. Labaig, corporal, Battery A, One hundred and forty-fourth Field Artillery, World War; John G. Fagg, sergeant, Company H, United States Signal Corps, Philippine Insurrection; John Murray, private, Company E, Twenty-first Infantry, Spanish-American War; J. Harry Smith, corporal, Company A, Casual Reserve Officers Battalion, World War; J. Wiley Wallace, battalion sergeant-major, Company A, Headquarters Battalion, General Headquarters, American Expeditionary Forces; O. Bischoff, private, Company A, One hundred and twenty-first Infantry, World War; M. H. Tippinger, private first class, Repair Unit 303, Motor Transport Corps, World War; R. V. Ortman, private, Fifteenth Service Company, Signal Corps, World War; Paul W. Bradford, quartermaster, Navy, World War; Robert Hine, private, Infantry, World War.

Mr. McKELLAR presented petitions of sundry business men of Chattanooga, Dayton, Whitwell, Rockwood, Soddy, Spring City, Oneida, Wartburg, and Oakdale, all in the State of Tennessee, praying for the enactment of legislation providing for Federal control of the meat-packing industry, which were referred to the Committee on Agriculture and Forestry.

Mr. NEWBERRY presented petitions of sundry citizens of Grand Rapids, Ludington, Clare, Almont, Kalkaska, and Petoskey, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Rotary Club of Battle Creek, Mich., praying for universal military training, which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Pontiac, Mich., praying for the return to private owners of the railroads of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry postal clerks of Lansing, Mich., and a petition of sundry letter carriers of Detroit, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. ELKINS presented a petition of sundry citizens of Clarksburg, W. Va., and a petition of sundry citizens of Sistersville, W. Va., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of New Martinsville, W. Va., and a memorial of sundry citizens of Petroleum, W. Va., remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Lodge No. 104, International Association of Machinists, of Huntington, W. Va., praying for the passage of the so-called Sterling civil-service retirement bill, which was ordered to lie on the table.

JAPANESE INTERESTS IN CHINA.

Mr. BORAH. I have a letter from the American Chamber of Commerce of China, dated Shanghai, August 7, 1919, upon the Shantung matter. I ask that it may be inserted in the RECORD without reading.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SHANGHAI, *August 7, 1919.*

Mr. PHILIP MANSON,
New York, N. Y., United States of America.

DEAR SIR: It is very gratifying indeed to the American business man in China to learn that China and the great problems involved in America's relations with the Pacific are now receiving such close attention on the part of the Government, press, and people of the United States.

Potentially the United States now stands in the best position to take a predominating position in the foreign trade of China, providing the great problems that have handicapped us in the past are now settled—settled in accordance with the best interests of China and America and of the entire world.

You are, of course, aware of the decision of the Paris peace conference in awarding to Japan the former German port of Tsingtao and all former German interests in the Chinese Province of Shantung. The announcement of this decision has precipitated a turmoil in China that is quite likely to develop serious consequences. The Chinese have launched a boycott against all Japanese goods sold in China, and the latest available figures indicate that Japan's great trade in China of more than $400,000,000 in 1918 has been reduced at least 50 per cent in the short space of three months. Shantung Province, besides being one of the most important seacoast States of China, is the birthplace of Confucius, the Chinese saint, and for this reason is more or less "holy ground" to the Chinese people.

It is difficult for the American people to realize the feeling that this decision has provoked in the minds of the Chinese people. It has had about the same effect that the giving of the State of California or of

New York State to a foreign power would provoke among the people of the United States. Germany's control in Shantung Province, while irksome, had nothing of the present effect, because Germany was on the other side of the world and the weight of the iron hand in China was light.

Japan is an Asiatic power, and with her control established in Shantung Province on the China mainland, the Chinese people see the fate of Korea, Formosa, and Manchuria before them. When Japan first intervened in Korea she announced that it was for the purpose of establishing the independence of the country. Now, after 20 years, the Korean people are engaged in a life-and-death struggle to gain their liberty from Japan.

China changed from an absolute monarchial form of government to that of a republic about seven years ago. The country is going through much the same difficulties in organizing a new government that America experienced and that all countries have experienced in past history. We have no special brief to offer for China in this connection for the country has been hopelessly exploited by its own "tuchuns" or officials of the older class. The development of a stable government has been delayed and handicapped because of the incessant meddling of the Japanese who lend money to both sides and whose intrigues have served to keep the country in an eternal mess since the revolution.

Our main reason for bringing these matters to your attention is to show you and the members of your organization that America has a very deep and vital interest in the development of China. About 20 years ago Japan, from the standpoint of foreign trade and internal development, was approximately in the same condition that China is to-day. From the standpoint of rapid development, Japan had a great advantages over China, since she possessed a strong central government and a strong feeling of nationalism. Commissioners which Japan sent abroad to study conditions in other countries, fixed upon the German system as a model, and the general plan of governmental, educational, police, and military reorganizations finally decided upon was the German system and was directly dictated by Bismarck.

The adoption of the efficient German system in Japan had its advantages in the past, but now in the light of a new understanding it has its distinct disadvantages. Japan is now dominated by a militarism that is potentially just as dangerous as was the German militarism that America helped to crush. Japan is now working to fix her control on the Asiatic mainland. The Korean peninsula furnished the first stepping stone and then followed Manchuria. Shantung Province and Fukien Province of China are now to follow unless something is done by America to prevent it. With China's unlimited resources of minerals, foodstuffs, and man power under the control of the Japanese militarists, the next war is bound to be in the Pacific and America is certain to be drawn into it. With the great distance involved and with the almost certain racial element involved, it doesn't require much imagination to foresee the future.

There is a small liberal democratic element in Japan that has potentialities for the future if America will but take a decided stand for right and justice at the present time. With a decided stand on the part of the American Government the forces of democracy in both Japan and China will be strengthened and the people themselves will solve the problem.

In the archives of the State Department at Washington is to be found a complete record of Japanese underhand intrigue in China since the beginning of the war. In the correspondence of the American legation at Peking and the American consulate at Tsingtao is all the information that America needs for "proof" as to Japan's real purposes in China. It is to the future vital interests of the American people that these matters be made public.

America has always stood for the open door in Asia. America's millions have been dumped into China for years for the education of the thousands of Chinese young men and women. All these efforts will be wasted unless America takes a very definite stand for justice in the Pacific. China, with her great territory in excess of that of the United States, may become America's greatest market in a space of 10 years. Or it may be completely closed to us if we fail to pursue the right policy.

As representative American merchants actually in the field, we appeal to you to bring this vital matter to the immediate attention of your congressional representative in order that he may call for the records and get them before Congress where they may be read into the minutes.

Very truly, yours,

AMERICAN CHAMBER OF COMMERCE OF CHINA.
By J. B. POWELL, *Secretary.*

DEFLATION OF CURRENCY.

Mr. GRONNA. I have here an article printed in the Manufacturers' Record entitled "There can be no deflation of currency without disaster." I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THERE CAN BE NO DEFLATION OF CURRENCY WITHOUT DISASTER.

[From the Manufacturers' Record, Baltimore, Md.]

Prof. Thomas Nixon Carver, a widely known political economist and former president of the American Economic Association and professor of economics at Harvard, through a large number of daily papers has recently discussed the danger in any attempt to force down high prices very much along the line of what the Manufacturers' Record has been saying since the armistice was signed. We have insisted that any serious attempt to deflate the world's currency for some years to come for the purpose of breaking down high prices and high wages would bring on a chaos worse than that from which Russia is suffering.

Prof. Carver, in closing his review of the situation, takes exactly the same ground, and warns the country of the necessity of keeping level headed and doing the best we possibly can to adjust ourselves to the situation, and that only in this way can business and civilization itself be saved. In his statement he said:

"Individuals throughout history have found two methods of prospering, the one by terrorism and sabotage, the other by making themselves so useful that others could not get along without them. The one method was the favorite of the former German Kaiser, and is used every day by the holdup man in our streets. It brings permanent prosperity to nobody. But if we adopt the second method, everybody prospers.

"We are now at the parting of the ways, but unfortunately there are tendencies in this age of violence which may lead us along the wrong path, not only toward a financial panic, but toward the destruction of civilization itself.

"If, however, we can keep level heads, accept the economy situation, and jack up salaries and prices where necessary to the price level already reached by most commodities and wages, it is probable that we can save the day and that business and civilization can forge confidently ahead without the fear of suffering from too abrupt deflation or a serious panic."

Every man who advocates the lowering of prices by the deflation of the currency for several years to come, or who continually drives against high wages or the high prices for foodstuffs paid to farmers, is definitely doing his utmost to bring on a Bolshevistic chaos which would engulf the world, whether he realizes it or not. We might just as well undertake to say that there was no European war as to undertake to ignore the result of that war in the world-wide conditions which demand high wages and high prices.

It is entirely true that there has been much profiteering, and in many cases prices have been entirely too high, but the hysteria which is sweeping over the country is endangering our civilization, for it is creating an intense spirit of bitterness and causing people everywhere to believe that all business of all kinds is a species of thievery.

The great majority of American business men are honest and are doing an honest, legitimate business. There are conditions prevailing in many industries where high prices are fully justified, and certainly the decreasing volume of food production of this country in comparison with population, taken in connection with the world's tremendous demand for foodstuffs, justifies the farmer in getting a high price for his product. This is especially true in view of the high wages that are being paid to farm hands. Heretofore farm hands were not paid nearly one-half as much as they should have received. Henceforth they will rightly demand high wages, and this will demand a higher cost of farm products on the farm, without regard to the profit that may be added by the handlers of food between the producer and the consumer. An attempt to drive prices below a very profitable figure for the farmers, based on high wages for farm labor, would merely serve to decrease the food production of the country and bring us within the next year or two squarely up to a food famine, which would be infinitely worse than present conditions and which might in itself lead to chaos beyond anything we can now imagine.

The politicians in Washington and elsewhere are, to a large extent, playing a political game pure and simple. Each one is trying to outdo the other in order to make political capital for himself or his party at a time when honest sincerity, based on intelligence, should prevail if men want to save this Nation.

FARMERS' UNIONS.

Mr. GRONNA. On the opposite page of the Manufacturers' Record there is an article entitled "When the labor unions have taught the farmers to follow their example chaos will be here." I ask to have it printed in the RECORD also.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WHEN THE LABOR UNIONS HAVE TAUGHT THE FARMER TO FOLLOW THEIR EXAMPLE CHAOS WILL BE HERE.

[From the Manufacturers' Record, Baltimore, Md.]

No man is entitled to success except through work.

Inefficiency and laziness have no claim upon mankind for maintenance.

The world owes no man a living unless he is willing to work to get it.

The farmer and his wife and his hired hand must work from daybreak to long after dark. The writer of this knows from experience the meaning of farm work. He was a farm boy, and at 13 the feeding and milking of half a dozen cows, often dragging the fodder from under heavy snow and ice; the feeding and the currying of two horses; and the feeding of a dozen hogs and the cutting up of a fair supply of wood for the day was part of his regular morning job before breakfast, and he thanks God for the experience thus gained, which is not unlike the experience of a vast majority of American farmers from boys to old men; and the women on the farm, as a general proposition, have a harder job than the men.

It was the writer's good fortune—or bad fortune, as some may count it—to spend a couple of nights and a day some time ago on a dairy farm 20 miles from Baltimore in midwinter, and, desiring to keep along with the family life, instructions were given to be awakened in time for the family breakfast. The call came at 4 o'clock in the morning on a bitter winter day. There was no fire in the room, nor in the house, except in the kitchen or dining room. Crawling down to the dining room, half frozen, the family had gathered for breakfast. When that was over it was still dark, but the farmer and his hands went out to do the milking, which was done by the light of lanterns. The milking finished, the horses were hitched to a big wagon and a load of milk was taken some 3 or 4 miles to the nearest depot to catch the early morning train.

The writer accompanied the driver on the trip, spent a few moments thawing out at the depot stove, then rode back and was at the farmhouse again before the first rays of the sun commenced to illuminate the earth.

The next night the same routine, and what this farmer was doing—and he was a man considered fairly well to do for the farmers of his section—was only an illustration of what all the neighboring farmers were doing and what a large proportion of the farmers of the entire country are doing 12 months of the year, with the exception of a comparatively few who may be called gentlemen farmers, whose land is of sufficient area or whose wealth is sufficiently great to justify an easier life. The farm hands are doing this all the time, and the farmers' wives are likewise doing it a greater part of the time.

Does anyone for a moment imagine that the farmer is going to keep on doing this kind of work when he is being taught by the labor unions of the country and by the Government that all that a man has to do to live in ease and get high wages is to put his demands before the Government and insist that he will bring on a nation-wide strike if his wishes are not instantly complied with? It is a very well-to-do farmer indeed whose income is equal to that of the bricklayer, the carpenter, the railroad mechanic, or the railroad conductor. They have no such income as these men, though they work from 50 per cent to 75 per cent longer hours. Their labor is under greater difficulties, for much of it has to be done amid snow and ice, and regardless of weather conditions, while the mechanic and the railroad men are to a very large extent indoors and free from the hardships of weather.

The labor unions of the country are, by their example, teaching the farmers that they, too, should cut their hours of labor to eight per

day or less, and while reducing their working hours and the volume of their product should steadily increase their income. It matters not that there is a spirit of dishonesty in a system such as this. What care these laboring men, misled by demagogues who value nothing except their individual wealth, based on robbing others, about a matter of honesty of effort!

The farmer has long borne the burden of the world's tasks. He has been the real burden bearer. In greater numbers than any other class in the country, he has in wealth less to show for his long hours and his hard labor. His rebellion against these conditions, which is inevitable unless the Government takes the lead in compelling a change from present methods of labor-union work and labor-union demands, will mean an enormous decrease in the food production of the country and an increase in prices which will be startling.

Imagine for one moment what would happen if the farmers of the country should go on a strike and permit the loss of one wheat crop or one corn crop. There would follow such financial and industrial panic as the world never saw and civilization would stand face to face with absolute starvation. All the blatant outcry of politicians, all the wild theories put forth in Washington and by demagogues everywhere, all the wild denunciation by newspapers and by the pulpit would be without avail; the farmer would simply have accepted the lesson which this Nation is industriously teaching its people through its forbearance with union-labor leaders. The union-labor leaders are bringing about a situation which threatens the ability of their people to buy a single pound of foodstuffs except at a price many times as high as that which now prevails, and even then starvation would rule everywhere, for the supply would be wholly inadequate to save millions of people from death by starvation.

This is the road to which the labor unions, heartily supported by the Federal Government ever since the war began, are heading the Nation.

RAILWAY MAIL SERVICE.

Mr. GRONNA. I present a memorial from the Amalgamated Federation of Railway Mail Clerks, which I wish to have printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

KEOKUK, IOWA, *August 20, 1919.*

Hon. ASLE J. GRONNA,
Washington, D. C.

DEAR MR. GRONNA: We wish to call your attention to the present condition of the Railway Mail Service and to request an early and earnest effort on your part to alleviate these conditions.

As you perhaps know, our railway service is the most important service of our Government and a service on which every business of the country depends. It is the chief fundamental on which every business is built and without which no industry could operate. It differs in every respect from every other class of labor, and differs in every way from any other position under the jurisdiction of the Post Office Department on account of the study, scope, and the grilling, hard work in the car. This service has been made the target of every cruel fling of the Post Office Department, and we have had enough study and grief heaped upon us to discourage the most courageous of men. It is impossible to state all these abuses, as it would require a letter of extraordinary length, but we will endeavor to give you a general outline of the situation as it at present exists.

The salary paid clerks in the Railway Mail Service is and always has been the lowest salary paid for the same amount of mental and physical effort. We are required to do more memorizing and to have more concrete knowledge of our studies than anyone in the world; yet we do not receive as much salary as an ordinary laborer. The salaries of railroad men running in the same trains will show how we are underpaid, and a table of salaries paid these men is given below:

Freight brakemen, about $150 to $190 per month.
Passenger brakemen, about $170 to $210 per month.
Conductors, about $210 to $300 per month.
Engineers, about $260 to $350 per month.
Firemen, about $180 to $200 per month.

In addition to this, these men were granted a bonus as back pay from the time their controversy with the Government began. They receive time and one-half for overtime. Can secure a pass over their line or other lines by making application. These men have again asked for an additional increase of 85 per cent, claiming it was impossible to live on their present wage as stated above. How do you expect the railway mail clerk, who has the same expense as these railroad men, to exist on his meager salary?

Not any of these men do one-half the work we do, and they get about one-half time off, with nothing to do but rest. The railway mail clerks put in long, strenuous hours on the road and then during the time off duty study as much as some lawyer prior to trying some big case. But very few of these railroad men are educated men, and they are in no more danger than the clerks. People who know claim that it requires more knowledge to run an automobile than a locomotive. Clerks who have fired some of the largest locomotives in the past claim that the work in a railway post office is much more strenuous. The only knowledge required of a conductor is to read a few simple train orders and his book of rules. Passenger brakemen, riding the cushions, with no more knowledge required than to call stations and to sell and resell newspapers, on which they make a big additional profit. Then compare the foregoing with the salary of a railway mail clerk, who must memorize more than a college professor drawing a salary of $5,000 to $15,000 a year and work at high speed under severe nervous tension, distributing mail matter while the train is in motion.

Then, considering other classes of labor, we find hod carriers drawing 70 to 75 cents per hour and carpenters with a wage scale of 80 cents to $1 per hour; plumbers, $1 per hour; and other classes of labor in proportion; and these jobs could be considered as child's play in comparison with the study and service required of a railway mail clerk.

The most severe study is required of railway mail clerks than any other class of labor. For example, the writer has been examined on the following territory, which is only an ordinary case. Committed to memory the exact location of every post office, every railroad and junction point in the following States: North Dakota, South Dakota, Nebraska, Iowa, Illinois, and the north one-half of Missouri. These States have about 7,400 offices. The time of all trains and mail connections were memorized. All changes in the supplies of post offices and change in train schedules were committed to memory. In addition to this we are examined on the postal laws and regulations and must keep memorized all the changes in law and regulations. In the past we have been examined on the postal laws and regulations once a year, and on other subjects every six months, and the examination requirements have been as follows: Give the connections of all trains and the best connection for all post offices. Take space basis and give all the rules and regulations governing space. Take examination on circular and parcel post massing scheme, giving the correct terminal for every State in the Union. Postal laws and regulations we read the question and write the answer. We have about 600 questions on this subject.

We presume you will say as others have said, that no human being could memorize so much, but we do it and must make a grade of at least 98 per cent or be demerited and required to appear for a reexamination. In all case examinations we must case at least 25 cards per minute or receive minus points for any average less than this. A total of 700 minus points subjects the clerk to removal from the service, and we receive minus points for every error, either in examinations or at work in the car or for any deviation from orders or regulations.

At work in the car it is not unusual for a clerk to distribute 60 to 70 letters per minute or 40 to 50 papers or packages, and nearly all this work is done while the train is in motion. Oftentimes we must handle and be responsible for as much money as a bank during the course of a day's business, and this in addition to our regular work of distributing mail matter. Records are kept of all service performed and daily and monthly reports made. We must maintain a regular office and study in our homes or elsewhere for the purpose of handling work in connection with the service. There is no difference between the main lines and the branch lines as far as the work is concerned. The heavy lines have more mail and more men to handle it, and the study requirements are about the same; therefore a change must be made in the classification of railway post offices so as to place the clerks on more of an equable basis. The lines are at present divided into three classes, with a different salary for each, although the work is the same. This classification was drawn up this way with the idea of making as many low-salaried clerks as possible.

When clerks in the higher grades lay off the clerk in the next lower grade takes his place, but does not receive any more salary. Railroad men, when they run for another in a higher-salaried position, receive the same pay as the man for whom they are running. Clerks running extra during the heavy holiday season do not receive any pay therefor, but must perform this service gratis. This condition should be immediately remedied.

Although the best men are selected by a physical and mental test for this work, it usually greatly affects the health in about six years. The fast and heavy work with the irregularity and nervous strain soon make a telling effect on the clerk's health.

The Post Office Department has fought substantial increases in salary, and when Congress allowed us an increase over their protest it was but a mere trifle. Then in 1918 the Postmaster General eliminated all meritorious promotions, and this beat all clerks out of $100 who were due for this promotion. This year he issued the same orders. Promotions have been held up in order to prevent the clerk from advancing another grade and receiving more salary. It is almost unbelievable the number of schemes that have been practiced on the clerks, and it is remarkable that we have any service at all. The Postmaster General says it will be impossible for a clerk to receive more than $100 increase during the year 1919.

In 1918 Congress allowed us $200 increase and the Postmaster General issued orders that no clerk would receive his meritorious promotion of $100 this year, so with the small increase of $300 during the past seven years, the Postmaster General has prevented all meritorious clerks from receiving but $100 more than they were receiving with the classification regulations of 1912. Since Congress has allowed us $100 increase this year, the Postmaster General has not only eliminated all meritorious promotions, but he has issued orders bringing up technical points to prevent a clerk from receiving this amount. He brings up other unnecessary requirements and his order reads in part, as follows: "Clerks whose records are otherwise satisfactory and who have not passed satisfactory examinations to the extent indicated within the three-year period shall be promoted conditionally, and it will be necessary for them to meet these requirements on or before December 31, 1919, or they will be reduced to the former grade or the maximum successive grade." A great many clerks will be unable to meet these new and unnecessary requirements prescribed by the Postmaster General and will therefore lose this year's increase also. This is but one of the numerous tricks played on the clerks to prevent them from receiving any increase in salary and to forestall any move made by Congress in this direction. Every time an increase has been allowed the Postmaster General has endeavored to evade the law and prevent us receiving the same. The clerk who was due for his meritorious promotion during the years of 1918 and 1919 will not receive the same, and if he fails to meet the new requirements as stated above he will be receiving exactly the same salary as prescribed in the regulations of 1912, namely, Congress has granted us an increase of $300 since 1912 and the Postmaster General has sought to prevent us receiving this amount. Do you wonder that the clerks are stirred to the limit and have been forced to take immediate steps to protect themselves.

According to law we are not permitted to strike to remedy our conditions as other Americans; therefore, with our hands tied we must take such punishment as is inflicted. Some clerks are even afraid to make a protest or to even criticize for fear of being dismissed from the service, yet we call this the land of freedom. This strike law should be repealed or Congress should take a hand in obtaining immediate justice for us. We brag of our big, rich Government. Why not pay a decent salary to those who perform a service on which all business depends. We can raise money for anything and everything else, why not be interested in the affairs of our own Government and pay at least a living wage. The railway mail clerks should be the highest paid men in a train and among the highest paid men in the United States. As it is, we receive about one-half the amount received by some of the trainmen. What a shame this is to have Government men who have studied sufficiently to have received several degrees, drawing less salary than ordinary unskilled labor. We should take more pride in our Government than this, and we are confident had you known of these conditions you would not have tolerated the same.

The tenure in office of the present Postmaster General and Second Assistant Postmaster General has been autocratic to say the least. The clerks are disgusted with such work, and ask that an immediate change be made. Just lately the Second Assistant Postmaster General issued an order forbidding clerks warming their food over kerosene or alcohol stoves. As far as it is known, no fire has ever resulted in such a case.

The baggage man cooks his meal in these cars, the lamps burn close to the ceiling in these cars, and the stove at times is fired to a tremendous heat, and yet we must not light anything therein that would make it possible for us to have a warm meal.

The writer has pursued sufficient studies during the nine years in the Railway Mail Service to have studied four courses in medicine and five courses in law, yet our study is without end, and we are almost without pay in comparison with a doctor or lawyer. Our salary has always been held down by a few aspiring politicians and always will be unless we can induce our Congress to put a stop to it and pass such laws as will hold these fellows in check

We request an immediate salary increase, as follows: $1,000 as a minimum flat increase effective July 1, 1919; $500 as a bonus for each of the years 1916, 1917, and 1918. This bonus is only part of our living expenses over and above our salary for these years and does not include the meritorious promotion money the Postmaster General withheld.

It has been difficult to keep new men in the service, and the regular men have had to bear the brunt of it. We have had a string of new men coming into the service but leaving on account of hard work, severe study, and low wages.

Every newspaper and every publisher and all business is vitally interested in this issue, for it is on account of our services that the prompt dispatch of mail matter to destination is made possible. Almost every letter you write is routed by the railway mail clerk. Every newspaper and parcel-post package is routed by these same clerks. Mail is not routed in a post office, as is the general supposition, but is routed by the railway mail clerk in the car. Mailing clerks in the first and second class post offices are required to study some territory, but the study scope is not great.

Clerks have had to deny themselves of food and clothing, and the last few years the situation has grown continually worse. They have had to take on any additional work they could, although this is forbidden, in order to subsist. In many cases the little children have been sent to find work or the wife of the family has had to take up other work. In fact, the Railway Mail Service is and always has been just an existence where it should have been a paying occupation. A man must have sufficient food and clothing and his mind free from worry over financial matters to perform such gigantic tasks.

The Postmaster General says there has been no deficit in connection with the service, but a large surplus fund accumulated. How was this large surplus accumulated? You will know after reading this letter. The public would rather pay more postage and have decent salaries and conditions provided for their employees.

The clerks, after following a watchful-waiting policy for several years, expecting that Congress would grant us a substantial increase in salary and would pass remedial legislation curbing the authority and abuses of the Post Office Department, are reaching a state of desperation. Never have we seen so much unrest in any organization. Their living expenses have far exceeded their salaries and back debts have mounted up, with no money to pay. These debts must be met, and we ask immediate action, as we have reached the last lap of endurance. If we do not receive an immediate increase in salary and better treatment, we will be forced to seek other occupations. We believe that in bringing this appeal to you that you will hurry to aid us in getting immediate action in Congress. The railway mail clerks of the United States, 18,000 strong, call on you for immediate action. The backbone of the Postal Service and the backbone of every business that uses the mails, is calling on you for immediate action. We are depending on your aid in preventing chaos in the service. The business of the country is depending on your aid. We have told you of the conditions in the service that require immediate action. We have done our duty. Will you aid us? Hoping to hear from you soon, and thanking you in advance for your efforts in our behalf, we are,

Very respectfully,

AMALGAMATED FEDERATION OF RAILWAY MAIL CLERKS.

Approved.

UNIVERSAL MILITARY TRAINING.

Mr. WADSWORTH. I have here a copy of a resolution adopted by the National Tuberculosis Association, which I should like to have printed in the RECORD and referred to the Committee on Military Affairs. It is very brief.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Resolution adopted by National Tuberculosis Association at their annual meeting, Atlantic City, in regard to universal military training.

Be it resolved, That the National Tuberculosis Association, through its executive officers, take immediate steps to secure the cooperation of all other great health organizations, especially the American Medical Association and State and Territorial health officers in placing before the American people a united demand for the adoption of universal military service as a public-health measure.

THE IRISH QUESTION.

Mr. ASHURST. I present resolutions adopted at a meeting of the Robert Emmet Branch of the Friends of Irish Freedom, held at Lowell, Ariz., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

BISBEE, ARIZ., *August 13, 1919.*

Hon. HENRY F. ASHURST,
Senate Chamber, Washington, D. C.

DEAR SIR: At a meeting of the Robert Emmet Branch of the Friends of Irish Freedom, held at Brophy Hall, Lowell, Ariz., on August 10, 1919, the following resolutions were unanimously adopted:

Whereas President Wilson, in his famous 14 points, has stated that all peoples shall have the right of self-determination; and

Whereas the United States of America and her associates fought and won the war in order that this ideal might be realized and put in practice; and

Whereas Ireland, by an overwhelming majority, has voted in favor of and is now struggling to establish a free republican government: Be it

Resolved, That the Congress of the United States be petitioned to recognize the republic of Ireland and thereby materially assist her in taking her place among the nations of the earth as a free, self-determined people; be it further

Resolved, That we are unalterably opposed to the covenant of the league of nations as it now stands, especially article 10, which we believe should be eliminated; be it further

Resolved, That a copy of these resolutions be forwarded to the State of Arizona's Representatives in Washington.

Respectfully submitted.

P. M. KELLEY,
J. E. GRADY,
THOMAS FEENEY,
MAURICE MCKENNA,
JAMES M. RYAN,
Committee.

REPORTS OF COMMITTEES.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 2811) for the relief of the York County Savings Bank, of Biddeford, Me., reported it without amendment and submitted a report (No. 165) thereon.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 2875) to amend section 7 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919, reported it without amendment and submitted a report (No. 166) thereon.

Mr. WALSH of Massachusetts, from the Committee on Education and Labor, to which was referred the bill (S. 2457) to provide for a library information service in the Bureau of Education, reported it with an amendment and submitted a report (No. 167) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, reported it without amendment and submitted a report (No. 168) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 1473) granting pensions to certain members of the former Life-Saving Service, reported it with amendments and submitted a report (No. 169) thereon.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. EDGE. Mr. President, I simply wish to give notice at this time that on the conclusion of the consideration of the so-called prohibition bill I shall move to take up for consideration Senate bill 2472, proposing an amendment to the Federal reserve act—the export finance measure—which I introduced, and which was reported from the Committee on Banking and Currency, and has been on the calendar for a number of weeks.

I may say that the Senator from North Dakota [Mr. GRONNA] has introduced several amendments to the bill which I presume represent his objections to the measure. I have not had an opportunity to go over them in detail, but I am rather inclined to think that we can get together on most of them.

I have had so many urgent requests from manufacturers and producers throughout the country that there should be consideration given to this important measure, and from the Secretary of the Treasury and the governor of the Federal Reserve Board, to whom I think some courtesy is due, that I sincerely trust that at the conclusion of the consideration of the prohibition bill we may at least be enabled to bring this bill before the Senate for such discussion as it may inspire. I will not take the time to discuss the measure at this time, but simply wanted to give the notice so that any Senators particularly interested in the measure may in the meantime prepare any thoughts in concrete form which they may desire to present.

Mr. SMITH of Georgia. Mr. President, I desire to say that while I am very anxious to see the bill passed to which the Senator from New Jersey has called attention, and just as soon as possible, there is also on the calendar House bill 7478, with reference to banking, that I trust we may be able to get up. I hope it will not take a great length of time to dispose of it.

Mr. EDGE. Mr. President, I simply want to say in reply to the Senator from Georgia that inasmuch as we seem to be in accord on the general thought connected with both measures, I am quite sure there will be no difficulty whatever in getting together for their consideration.

Mr. McLEAN. Mr. President, I wish to refer to the notice which has just been given by the Senator from New Jersey [Mr. EDGE] to the effect that he will move to have the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, considered by the Senate after the unfinished business shall have been disposed of. I simply want to say that every member of this body is familiar with the abnormal and almost demoralized condition of foreign ex-

change. It is the duty of Congress to do anything that can be done wisely and safely to restore and stabilize exchange. This bill, in the opinion of your committee and in the opinion of the Federal Reserve Board and others who have given it consideration, is a step in the right direction; and I sincerely hope that the Senator from New Jersey will be able to get the bill considered by the Senate in the immediate future.

There is another bill, which has been reported from the Committee on Banking and Currency, which has been referred to by the Senator from Georgia [Mr. SMITH], being House bill 7478, which should receive early consideration by the Senate. It has already passed the other House. It proposes to extend the limit of credit to an individual or to a corporation from 10 to 25 per cent of the capital and surplus of the loaning bank, if my recollection is correct, in the sale and distribution of basic and staple commodities.

Mr. SMITH of Georgia. It proposes to extend the limit of credit as to those secured by warehouse certificates to 25 per cent.

Mr. McLEAN. Such bills are, of course, secured by warehouse receipts or bills of lading. It merely gives to the seller of the product the best possible means of distributing his goods and permits the use of the best possible form of credit.

It seems to me that there should be no objection to favorable action on both of these pending measures, and I hope that the Senate will give them consideration soon.

Mr. ASHURST. Mr. President——

Mr. SMITH of Georgia. Mr. President, if the Senator from Arizona will permit me to supplement what the Senator from Connecticut [Mr. McLEAN] has said, I desire to say that the bill to which he has just referred and which has passed the other House unanimously——

Mr. ASHURST. Mr. President, I must insist on the regular order, if the Senator will pardon me. We ought not to consume the morning hour in these discussions. I regret to make this objection, but we must have the morning hour.

The VICE PRESIDENT. Reports of committees are still in order.

AMERICAN LEGION.

Mr. NELSON. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 6808) to incorporate the American Legion, and I ask unanimous consent for its present consideration. I do not think it will lead to any extended debate.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the following persons, to wit: William S. Beam, of North Carolina; Charles H. Brent, of New York; William H. Brown, of Connecticut; G. Edward Buxton, jr., of Rhode Island; Bennett C. Clark, of Missouri; Richard Derby, of New York; L. H. Evridge, of Texas; Milton J. Foreman, of Illinois; Ruby D. Garrett, of Missouri; Fred J. Griffith, of Oklahoma; Roy C. Haines, of Maine; John F. J. Herbert, of Massachusetts; Roy Hoffman, of Oklahoma; Fred B. Humphreys, of New Mexico; John W. Inzer, of Alabama; Stuart S. Janney, of Maryland; Luke Lea, of Tennessee; Henry Leonard, of Colorado; Henry D. Lindsley, of Texas; Ogden L. Mills, of New York; Thomas W. Miller, of Delaware; Edward Myers, of Pennsylvania; Franklin D'Olier, of Pennsylvania; W. G. Price, jr., of Pennsylvania; S. A. Ritchie, of New York; Theodore Roosevelt, jr., of New York; Albert A. Sprague, of Illinois; John J. Sullivan, of Washington; Dale Shaw, of Iowa; Daniel G. Stivers, of Montana; H. J. Turney, of Ohio; George A. White, of Oregon; Eric Fisher Wood, of Pennsylvania; George H. Wood, of Ohio; Mathew H. Murphy, of Alabama; Andrew P. Martin, of Arizona; J. J. Harrison, of Arkansas; Henry G. Mathewson, of California; H. A. Saidy, of Colorado; Alfred M. Phillips, jr., of Connecticut; George N. Davis, of Delaware; A. H. Blanding, of Florida; Walter Harris, of Georgia; E. C. Boom, of Idaho; George G. Seaman, of Illinois; Raymond S. Springer, of Indiana; Mathew T. Tinley, of Iowa; W. A. Phares, of Kansas; Henry De Haven Moorman, of Kentucky; T. Semmes Walmsley, of Louisiana; A. L. Robinson, of Maine; James A. Gary, jr., of Maryland; George C. Waldo, of Michigan; Harrison Fuller, of Minnesota; Alexander Fitzhugh, of Mississippi; H. C. Clark, of Missouri; Charles E. Pew, of Montana; John G. Maher, of Nebraska; J. G. Scrugham, of Nevada; Frank Knox, of New Hampshire; Hobart Brown, of New Jersey; Charles M. De Bremon, of New Mexico; C. K. Burgess, of North Carolina; Julius Baker, of North Dakota; F. C. Galbraith, of Ohio; Ross N. Lillard, of Oklahoma; E. J. Eivers, of Oregon; George F. Tyler, of Pennsylvania; Alexander H. Johnson, of Rhode Island; Julius H. Walker, of South Carolina; M. L. Shade, of South Dakota; Roane Waring, of Tennessee; Claude V. Birkhead, of Texas; Wesley E. King, of Utah; Charles Francis Cocke, of Virginia; H. Nelson Jackson, of Vermont; Harvey I. Moss, of Washington; Jackson Arnold, of West Virginia; John C. Davis, of Wisconsin; A. H. Beach, of Wyoming; E. Lester Jones, of the District of Columbia; Lawrence Judd, of Hawaii; Robert R. Landon, of the Philippine Islands; and such persons as may be chosen who are members of the "American Legion," an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War, 1917-1918, known as the "American Legion," and their successors, are hereby created and declared to be a body corporate. The name of this corporation shall be "The American Legion."

SEC. 2. That said persons named in section 1 and such other persons as may be selected from among the membership of the American Legion, an unincorporated society of the soldiers, sailors, and marines of the Great War of 1917-1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this act, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as the "American Legion" shall be permitted to participate in the proceedings thereof.

SEC. 3. That the purpose of this corporation shall be: To promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the Great War of 1917-1918; to cement the ties of love and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country.

SEC. 4. That the corporation created by this act shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

SEC. 5. That no person shall be a member of this corporation unless he served in the naval or military service of the United States at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, or who, being citizens of the United States at the time of enlistment, served in the military or naval services of any of the Governments associated with the United States during the Great War.

SEC. 6. That the organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

SEC. 7. That said corporation may acquire any or all the assets of the existing unincorporated national organization known as the "American Legion" upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

SEC. 8. That said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The American Legion."

SEC. 9. That the said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however,* That said report shall not be printed as public documents.

SEC. 9½. That as a condition precedent to the exercise of any power or privilege herein granted or conferred the American Legion shall file in the office of the secretary of state of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the American Legion may be served.

SEC. 10. That the right to repeal, alter, or amend this act at any time is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURT OFFICERS IN LOUISIANA.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 597) providing for an increase of salary for the United States marshal and district attorney for the western district and for the United States district attorney for the eastern district of Louisiana. I call the attention of the Senator from Louisiana [Mr. RANSDELL] to the bill.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the bill.

Mr. KING. Mr. President, I should like——

Mr. BORAH. Mr. President, has the Senator from Louisiana requested unanimous consent for the consideration of the bill at this time?

Mr. RANSDELL. Yes, sir.

Mr. BORAH. I object.

The VICE PRESIDENT. Objection being made, the bill goes to the calendar.

CONFERENCE OF LABOR AND CAPITAL.

Mr. KENYON. I report from the Committee on Education and Labor a concurrent resolution which I ask to have read, and then I shall ask unanimous consent for its present consideration. I think there will be no objection to its consideration.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 9) was read, considered by unanimous consent, and agreed to, as follows:

Whereas the President of the United States has called or is about to call a conference of the representatives of labor, capital, and agriculture for the purpose of discussing questions relating to these great interests as affecting each other and the public,

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States indorses the action of the President in calling such conference, and pledges to him its earnest support and cooperation for the success thereof.

Resolved further, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States.

Mr. KENYON. Mr. President, in connection with the resolution which was reported by me and agreed to, I ask to have printed in the RECORD the resolution adopted by the joint com-

mittee on labor of the Senate and the House of Representatives with reference to the matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Whereas a number of bills are pending before the Senate and House Committees on Labor looking to the calling of a conference between the representatives of labor and capital; and

Whereas this joint meeting of the two committees was called to consider said bills; and

Whereas since the arrangements for this meeting have been made the President of the United States has given notice that he will call a conference of the representatives of labor, capital, and agriculture relating to said interests: Therefore, be it

Resolved by the Senate and House Committees on Labor, meeting in joint assembly, That we heartily indorse the action of the President in calling such conference, and pledge to him our earnest support and cooperation for the success thereof.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. LA FOLLETTE:

A bill (S. 2921) for the relief of the Milwaukee Bridge Co.; to the Committee on Claims.

By Mr. HENDERSON:

A bill (S. 2922) granting a pension to Maude Gillock; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2923) to provide funds for the care and maintenance of the graves on foreign soil of members of the military forces of the United States; and

A bill (S. 2924) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 2925) for the relief of the estate of John Stewart, deceased;

A bill (S. 2926) for the relief of Capt. Frank B. Watson, United States Army;

A bill (S. 2927) for the relief of Capt. James Ronayne, United States Army;

A bill (S. 2928) for the relief of Capt. Frederick G. Lawton, United States Army;

A bill (S. 2929) for the relief of Capt. Edward T. Hartmann, United States Army; and

A bill (S. 2930) for the relief of the heirs of Lieut. R. B. Calvert, deceased; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 2931) conferring jurisdiction on the Court of Claims to hear and determine the claim of C. H. Wright; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 2933) for the relief of the Boyle Co., of Wichita, Kans.; to the Committee on Claims.

A bill (S. 2934) for the relief of the Leavenworth Bridge Co., of Leavenworth, Kans. (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2935) granting an increase of pension to George W. Bean (with accompanying papers);

A bill (S. 2936) granting a pension to Amanda Lucas (with accompanying papers);

A bill (S. 2937) granting an increase of pension to Ella Bailey (with accompanying papers); and

A bill (S. 2938) granting an increase of pension to John W. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 2939) to prevent hoarding of necessaries by officers of the United States; to the Committee on the Judiciary.

A bill (S. 2940) granting a pension to Sally Goins; to the Committee on Pensions.

A bill (S. 2941) for the relief of Mrs. D. C. Kurner; to the Committee on Claims.

By Mr. HARDING:

A bill (S. 2942) granting a pension to Adelphia L. Weaver;

A bill (S. 2943) granting a pension to Elias Wallace; and

A bill (S. 2944) granting a pension to John C. Pierce; to the Committee on Pensions.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 99) amending the joint resolution extending the time for payments of purchase money on homestead entries in the former Colville Indian Reservation, Wash.; to the Committee on Public Lands.

FEDERAL AID FOR ROADS.

Mr. SHEPPARD. I introduce a bill and ask that it may be referred to the Committee on Post Offices and Post Roads.

The bill (S. 2932) making additional appropriations for the purpose of carrying out the Federal road-aid act approved July 11, 1917, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD. I ask that the communication accompanying and supporting the bill be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

To the honorable the Congress of the United States:

Representatives of the State highway department of the following States, Kansas, Nebraska, Iowa, Missouri, Oklahoma, Arkansas, and Texas, met in conference in Kansas City, Mo., on July 30, 1919, to discuss highway problems. It developed that the Federal aid allotted to the States for highway construction is insufficient to meet the call of the people.

We therefore urgently request the extension and continuation of Federal aid to the States in the construction of highways as now obtains in the appropriations already made, and believe that further appropriations as the policy of the Government will ultimately give to the entire country a complete system of national highways without further legislation.

Each State has laid out a complete system of roads connecting all main market centers and adjoining a like system with the adjacent States.

The immediate call for additional appropriations is due to the fact that many States have already obligated themselves to the several counties for the entire amount of Federal aid allotted to them by the appropriation passed in February, 1919, and have on hand, in some cases, petitions and bond issues for additional roads equal to the amounts already set aside.

Before July 1, 1920, all of the present Federal appropriation will have been obligated by the several highway departments, and without additional appropriations definitely made the incentive for the people to continue road building is gone.

In most States bond issues by the several counties have been carried entirely upon the promise of Federal aid, and in the States where highway departments have already been compelled to give public announcement that all the Federal aid is exhausted further bond issues can not be voted, and continued road petitions will be stopped, unless further assistance by Congress is assured.

The appropriations already made by Congress to spur on road building and give employment to many classes of labor have been most enthusiastically met by the people, and often to such an extent that many petitions are now on file with State highway departments which can not be given consideration.

One of the great incentives in State road building with Federal aid has been the assurance of Federal supervision in construction, and if additional aid is not given many projects can not have this supervision, which is so much desired.

Feeling that Congress is fully alive to the necessity of substantial road building as one of the great requirements of the time to facilitate transportation for the marketing of crops and to intensify all kinds of rural development, we would most respectfully request that an additional appropriation for Federal aid in highway construction be made immediately, said appropriation to be as follows:

The sum of $100,000,000 for the fiscal year ending June 30, 1921.
The sum of $100,000,000 for the fiscal year ending June 30, 1922.
The sum of $100,000,000 for the fiscal year ending June 30, 1923.
The sum of $100,000,000 for the fiscal year ending June 30, 1924.

All sums to be apportioned and extended in accordance with the provisions of the Federal-aid act approved July 11, 1916, as amended by the Post Office appropriation bill passed in February, 1919, and that each State shall be entitled to its full apportionment until one year after the expiration of the last appropriation allotted to that State; i. e., until June 30, 1925.

Respectfully submitted.

HENRY J. ALLEN, *Chairman.*

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. PHELAN. I introduce a bill to regulate the height of buildings that may be erected on land confronting Meridian Park on the south in the city of Washington.

The bill (S. 2945) regulating the height of buildings that may be erected on land confronting Meridian Hill Park on the south was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PHELAN. I ask to have printed in the RECORD the papers accompanying the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE COMMISSION OF FINE ARTS.
Washington, D. C., September 4, 1919.

Hon. JAMES D. PHELAN,
United States Senate.

MY DEAR SENATOR PHELAN: An apartment house is about to be constructed on W and Sixteenth Streets, opposite Meridian Hill Park. The height of the building will be at elevation 209. The elevation of the terrace wall of Meridian Hill, over which the view of the city is obtained, is 198. The apartment house would rise 11 feet higher than the highest point in the park. Add the necessary ventilator and elevator shafts, which are always ugly, and there is another 12 or 15 feet.

Congress purchased Meridian Hill largely because it commanded a view over the city. That was and should be its chief attraction. The land cost $490,000. The expenditures for im-

provements to June 30, 1918, were $105,000. The contemplated expenditures are equal to the value of the land. This money will be largely thrown away if the park is dominated by an apartment house and the view of the Capitol, the Monument, the river, and the Virginia hills is cut off.

The building laws of the District of Columbia should be changed to protect all the parks from the domination of private structures. The laws now aim to protect public buildings and the Union Station Plaza. There is no reason why the laws should not protect the parks as well.

Sincerely yours, CHARLES MOORE.

—

BAR HARBOR, *August 26, 1919.*

MY DEAR COL. RIDLEY: I am much distressed about that sky scraper of an apartment building which they have started to build fronting the Meridian Hill Park, which will practically cut off the superb city view, and the only city park in town that commands a city view.

A bill was introduced in Congress some three years ago to regulate the height of apartment buildings on certain residence streets.

I think it would have passed last session had it not been for a new bill that was introduced—a better, as for that, but what a dawdling!

It seems to me that if you and others would stir up a certain amount of dynamo you could stop this building, or, if not, see that the height is not over 70 feet. If this apartment is built up to the old regulation of 85 feet, then practically add another story in the way of balcony, chimneys, roofing for gardens, etc., to the stone-wall obstruction of view.

It is surely a national loss to ruin that little Meridian Hill Park in its finest feature—the superb city view. Do stir up the town and stop it.

Most sincerely, yours, MARY F. HENDERSON.

—

ENGINEER COMMISSIONER
OF THE DISTRICT OF COLUMBIA,
Washington, June 9, 1919.

Col. C. S. RIDLEY,
1729 New York Avenue, Washington, D. C.

MY DEAR COLONEL: Referring to your letter of June 3 concerning roof elevation of projected apartment house south of Meridian Hill Park, I beg to advise you that the elevation at the southeast corner of Sixteenth and W Streets is 124 feet, while the allowable height under present regulations for an apartment building on Sixteenth Street is 85 feet to the highest part of the roof, thus making a roof elevation of 209 feet.

Yours, very truly,

C. W. KUTZ,
Lieut. Col., Corps of Engineers, U. S. Army,
Engineer Commissioner, District of Columbia.

—

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
June 3, 1919.

Gen. CHARLES W. KUTZ,
Engineer Commissioner, District of Columbia,
District Building, Washington, D. C.

DEAR GENERAL: Referring to the apartment house which is to be built south of Meridian Hill Park on Sixteenth Street, I find that the elevation of the terrace wall over which the view to the south is given is 198. It has been my impression that the apartment house would be high enough to stop the view from the terraces, but I am uncertain as to the exact elevation of the top of the apartment house. It will certainly be very desirable to keep it below the elevation given above.

Very truly, yours,

C. S. RIDLEY,
Colonel, United States Army.

—

ENGINEER COMMISSIONER
OF THE DISTRICT OF COLUMBIA,
Washington, March 10, 1919.

Mr. CHARLES MOORE,
Chairman the Commission of Fine Arts,
1729 New York Avenue NW., Washington, D. C.

MY DEAR MR. MOORE: I have your letter of March 8 concerning a proposed apartment house at the foot of Meridian Hill Park.

No request for authority to build such a structure has yet been submitted, but if it is submitted the commissioners will be obliged to approve the plans, provided they conform to existing law and regulations, which, as you know, authorize a maximum height of 85 feet above the sidewalk in a residence district such as this.

My objection to special legislation for Sixteenth Street is that it will retard rather than assist in the establishment of zoning regulations. In other words, the need for regulation on Sixteenth Street is a lever which will help us to secure the more comprehensive authority which we desire.

As to the suggestion that a tentative zoning map be prepared, I beg to advise that a commission of five members is now studying the question as to the form which a zoning law should take. To determine the adequacy of any proposed law, the commission will tentatively apply it to various sections of the District, but until an enabling act is passed, vesting in the commissioners or in some independent commission the power to promulgate zoning regulations, it seems most unwise to make public tentative plans, as every property owner dissatisfied with the proposed lines of demarcation would use his influence to defeat the legislation.

Very truly, yours,

C. W. KUTZ,
Lieut. Col., Corps of Engineers, U. S. Army,
Engineer Commissioner, District of Columbia.

SEPTEMBER 16, 1919, A LEGAL HOLIDAY.

Mr. McCUMBER. I introduce a joint resolution making Tuesday, September 16, 1919, a legal holiday in the District of Columbia. I will state that the object of the joint resolution is to allow the banks to close on that day. Under the present law banks in the District of Columbia can not close on any day except a legal holiday, and this is to make that one day a legal holiday, inasmuch as the President has already made it a legal holiday for the departments and the business establishments of the District will be closed for that particular occasion. Such a thing has been done several times before, I understand, and I ask unanimous consent for the present consideration of the joint resolution.

The joint resolution (S. J. Res. 100) making Tuesday, September 16, 1919, a legal holiday in the District of Columbia was read the first time by its title and the second time at length, as follows:

Whereas arrangements have been made for a grand review of the First Division of the American Expeditionary Forces in the District of Columbia on Tuesday, September 16, 1919; and

Whereas the President by proclamation has declared that day a legal holiday in so far as the governmental departments are concerned; and

Whereas the various business houses and other institutions in the District of Columbia have made arrangements to close in order that their employees and others may participate in the celebration; and

Whereas under the laws governing the banking business in the District of Columbia it will be impossible for any of the banks to close on that day without action of Congress declaring the day a legal holiday: Therefore be it

Resolved, etc., That Tuesday, September 16, 1919, being the day of the grand review of the First Division of the American Expeditionary Forces, is hereby made a legal public holiday in the District of Columbia to all intents and purposes in the same manner as is Christmas, the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, and the first Monday in September, as are now by law public holidays.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

WITHDRAWAL OF PAPERS—PAUL HUBNER.

On motion of Mr. NEW, it was

Ordered, That the papers accompanying the bill (S. 2694) for the relief of Paul Hubner, Sixty-sixth Congress, first session, be withdrawn from the files of the Senate, there having been no adverse report thereon.

SALE AND DISTRIBUTION OF SUGAR.

Mr. NORRIS. Mr. President, there seems to be a shortage of sugar, not only in Washington but all over the country. I have received a letter which throws some light on the subject from a well-known citizen of my State, a writer of recognized ability and known all over the State. It is self-explanatory and bears directly on the question; at least, it gives one very important viewpoint. I ask that it may be read by the Secretary.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

LINCOLN, NEBR., *August 30, 1919.*

United States Senator G. W. NORRIS,
Washington, D. C.

DEAR SENATOR: In relation to the alleged shortage of sugar in Nebraska I want to remind you that there are four large beet-sugar factories operating in Nebraska. One of them has been in operation 30 years.

During all these years, with the exception of a short time in 1918, not a pound of Nebraska sugar was ever offered for sale in Nebraska. It is notorious that Nebraska sugar has always been sent east, generally to New York, while Nebraska dealers have been compelled to buy sugar from San Francisco and pay freight to the Missouri River. This was, of course, to "equalize prices" by adding freight charges to all sugar put on the market. It could be done only by a conspiracy between the

factories, the railroads, and the jobbers, and the outrage applied to all parts of the United States.

In past years I have visited at Belize, British Honduras, and at Pearl City and Bluefields, Nicaragua, and there personally inspected invoices of beet sugar bought by the Central American dealers in which the New York price was shown as $2.90 and $3 per 100 pounds. At that same time Nebraska people, in a beet-sugar State, were compelled to pay from 7 to 10 cents per pound for beet sugar.

On August 7 of this year I attended a reception and dinner tendered to 125 newspaper men and women by the managers of the beet-sugar factory at Gering, Nebr. The dinner was served in the warehouse of the sugar factory. The sugar for the coffee was on the table in the original cartons, which showed that it came from New Orleans.

I asked the management what had become of their own sugar and was told that the supply manufactured last fall and winter had been shipped to Michigan, Ohio, and States farther east.

It would be interesting in connection with this to learn what became of the beet sugar manufactured in Michigan. And, above all, it would be interesting to learn if the sugar manufactured in Nebraska is actually shipped away, or if it is instead kept in the warehouses of the factories and the big wholesalers at Omaha and Lincoln, to be finally distributed to the smaller jobbers and local dealers under fictitious San Francisco freight bills. An inquiry might even show that some of this sugar is now concealed in storage in Nebraska.

Please consider these facts and suggestions in connection with the telegrams you are now receiving from the wholesalers claiming a sugar shortage in our State.

Yours, respectfully, FRANK A. HARRISON.

Mr. SMOOT. Mr. President, I can not state what the Food Administration has done in relation to the distribution of sugar from Nebraska the last year. The Food Administration may have ordered every pound of the sugar that was manufactured in Nebraska to be shipped out of Nebraska to some other point and New Orleans sugar shipped into Nebraska, but I do not believe it.

I wish to say to the Senator that the Food Administration has had and has the distribution of every pound of sugar manufactured in the United States for the years 1918 and 1919. The administration has purchased it, paid for it, and the sugar manufacturers have nothing whatever to do with the distribution of it nor with the price which it is sold for.

Mr. NORRIS. If the Senator will allow me, I wish to say that a careful reading of this letter will disclose the fact that much of it refers to a time when the Food Administration was not in existence.

Mr. SMOOT. I was about to refer to that part of the letter.

Mr. NORRIS. It likewise gives an exception during the years when sugar made in Nebraska was consumed in Nebraska, and that was when the Food Administration was in control for a short time, it being a time when it did not make any difference whether the sugar was shipped or not, because the price was definitely fixed. There was, therefore, no reason why they should ship sugar produced in Nebraska into Michigan and ship sugar from San Francisco into Nebraska, even if that were actually carried out. The writer of the letter intimates that it might not have been always carried out, but it was pretended to have been done in order to add the freight. There was a time, as the writer of the letter says, when the Food Administration had control, when there was some Nebraska sugar consumed in Nebraska. I think that is explained by the fact that the price was definitely fixed. Of course, there were other times, one of which he mentions particularly, when the Food Administration did have control and when they were having a dinner right in the factory, and the sugar they used in their coffee came from New Orleans—at least, it was so marked.

It seems to me that that condition only demonstrates economically in that line, and I presume it is true of others, there is something absolutely wrong in the method of handling a product of consumption which all people must have.

Mr. SMOOT. I was coming to the question of the distribution of sugar before the Food Administration took it up. I can not conceive why the sugar manufacturers of Nebraska should want to ship their sugar to Chicago and lose the freight charges from Nebraska to Chicago, and in such a case that is exactly what they would do. Take the sugar that is manufactured in Utah. The price there is the same as the price at Omaha. In order that the manufacturers may find a market for their surplus sugar they must find an eastern market, and to do so they must meet the eastern price, and in doing so they must pay the freight between Salt Lake City and Chicago; and the Nebraska manufacturers of sugar would have to lose the freight from wherever the manufactory was located to Chicago if it was shipped there.

Mr. NORRIS. That may be what they actually do, but why should they say to the consumer, for instance, "This sugar has come from San Francisco, or from New Orleans," when, as a matter of fact, it was made right in the place where they were using it?

Mr. SMOOT. There is no manufacturer of sugar in the United States who would not prefer to sell his sugar locally. The only sugar that the manufacturer gets full market price for is the sugar sold in his local market. I do not know why this statement was made as to the years past. I believe the sugar manufacturers of Nebraska want to make every dollar out of sugar that they can.

Mr. NORRIS. There is not any doubt of that.

Mr. SMOOT. They would not ship it to Chicago if there was a local demand for it, for if they did they would lose the amount of freight paid.

Mr. NORRIS. But the writer of this letter says that they have shipped it and are continuing to ship it.

Mr. ASHURST. Mr. President, I call for the regular order.

Mr. SMOOT. I know that business men will not rob themselves of a profit, and the writer of the letter virtually says that that is what they are doing in Nebraska.

The VICE PRESIDENT. The Senator from Arizona calls for the regular order.

LEAGUE OF NATIONS.

Mr. POINDEXTER. Mr. President, I send to the desk a letter which I have just received from Rev. Carl Reed Longbrake, pastor of the First Presbyterian Church of the town of Renton, in the State of Washington. It contains, I believe, some valuable and very sound and sensible suggestions with regard to an important matter that is now pending before the Senate, and I ask unanimous consent that the Secretary may read it.

There being no objection, the letter was read, as follows:

RENTON, WASH., *August 23, 1919.*

Senator MILES POINDEXTER,
Washington, D. C.

DEAR SIR: I have been following very closely the arguments in the Senate for and against the proposed league of nations covenant. A very careful reading of the covenant when first published convinced me that the Senate would do wrong to ratify it. A few months ago a great majority of the people were undoubtedly in favor of the league as outlined in that document, but they were ignorant of what it contained. Propaganda had prejudiced them in favor of the league as the attainment of a great ideal, and when the league covenant was published even men of a high grade of intelligence proclaimed themselves in favor of it at every opportunity, when they had not even taken the trouble to read it carefully, some of them not at all. Here is an instance. I was a commissioner to the general assembly of the Presbyterian Church, United States of America, which met in St. Louis last May and passed a resolution favoring the proposed league. I personally questioned a large number of men as to their attitude, and almost universally found that though they were by a large majority enthusiastically in favor of the proposed covenant, only a few claimed to have given it a careful reading, and a number of its adherents had not read it at all, while nearly all who had read it carefully were opposed to its adoption. All opposition to it was considered by its adherents to be due to party politics.

But now, thanks to the courageous stand of yourself and others of the Senate who refuse to abdicate their high office and become rubber stamps, the public is becoming informed, and sentiment has swung the other way, so far as I can see.

Though I have read the accounts of the Senate debate on the question, what seems to me one of the strongest arguments against the proposed league I have not seen mentioned. As you know, our American melting pot has not been melting any too well. Even under present conditions, or rather those preceding the war, we have found it difficult to train our foreign born and many of the children of foreign born in real Americanism. If we should join this league, requiring that our Government have a hand in the settlement of every European dispute, will it not result in the people of the several nationalities represented here banding themselves together for the purpose of wielding political power here for the benefit of their mother country? Will they not be inclined to bring political pressure to bear upon our Government in the interests of the country from which they came? Will they not vote at presidential elections for the candidate who seems most to favor the cause of their fatherland in some international dispute? Will not this be a strong incentive to keep alive the old-country interests and traditions, grouping our people according to national origin, and thus greatly hindering their Americanization?

I believe 40 per cent of our population are foreign born or children of foreign-born parents. You will know if these figures are correct. I contend that any policy tending to make these people more conscious of their origin and more loyal to their mother country will be disastrous to America. We don't want the De Valeras from every country in Europe over here appealing to their own race to stand by the mother country, regardless of America's interests, and advising the rest of us what we ought to do. England, France, Italy, Japan, etc., are racially united, and have nothing to fear along this line. But America, a new Nation, made up of many nations, has reason to continue to follow Washington's advice, to keep aloof as much as possible from European politics. If we don't, we may find that instead of a country we have an international boarding house.

I wonder that I have seen no account of this argument being used in the Senate. It may not be good politics to use it, but I have tried it on several persons and found it convincing, and pass it to you for what it may be worth.

Success to you in your fight for an undivided America, free from disgraceful entangling alliances.

Sincerely,

C. R. LONGBRAKE.

Mr. JONES of Washington. Mr. President, I simply wish to say in line with the suggestion made in the letter that I received a telegram this morning representing a certain organization of a certain race in Europe denouncing in unmeasured terms the action of the President in directing our peace commission to take certain action in Paris, and stating that they have 4,000 votes in the State.

Mr. NELSON. Mr. President, I crave the indulgence of the Senate for a moment to say to the writer of the letter which has just been read at the desk that evidently he is not informed. Some of the foreigners of which the writer of the letter complains are the most efficient and insistent elements in asking us to reject totally the treaty, and they appear to be cooperating with him. I call the attention of the Senator from Washington to that fact.

Mr. POINDEXTER. Mr. President, the Senator from Minnesota evidently misapprehends the letter. There is nothing whatever in conflict with the letter in the statement which has just been made by the Senator from Minnesota; on the contrary, the very situation concerning which the Senator from Minnesota exhibits so much impatience is what is condemned by the Rev. Mr. Longbrake in writing the letter. What he says is that a ratification of the league covenant will align the various elements of foreign blood composing a part of the population of the United States on the one side or on the other side of every act the United States may be called upon to perform in the various and multifarious duties which will devolve upon it under the league of nations. Every time that the United States is called upon to perform an act in connection with the government of the Saar Valley or in the determination of the boundaries of the Jugo-Slavs or in the mandatory guardianship of the Armenians the people who are interested in those countries will line up at the doors of Congress and at the White House in the interest of the mother country. That is what he complains of, and it is the very condition which the Senator from Minnesota describes.

Mr. NELSON. Mr. President, I wish to call the Senator's attention to the CONGRESSIONAL RECORD on our desks this morning. Over one-half of it is devoted to matter that was presented to the Committee on Foreign Relations representing a foreign interest in no way connected with the treaty.

Mr. POINDEXTER. That shows, Mr. President, how much trouble the league of nations has got the United States into already. It is just an omen of the difficulties that are in store for us in the future if we do not get out of it as soon as possible.

Mr. NELSON. I would say rather that this RECORD shows into how much trouble the Committee on Foreign Relations are getting us.

NATIONAL ECONOMIC LEAGUE.

Mr. HITCHCOCK. Mr. President, I ask to have printed in the RECORD the vote of the national council of the National Economic League, taken on the peace treaty on the resolution which follows:

Resolved, That the United States should ratify the treaty with Germany, including the league of nations covenant, without complicating, delaying, or invalidating reservations.

This is not to be construed as excluding such interpretations of the treaty and covenant as may be thought necessary to clarify the American position, provided no danger is thereby created of delay or of furnishing ground for Germany or other signatory to declare that the ratification by the United States is not complete and binding.

Total vote	685
Yes	519
No	166
Votes by percentage:	Per cent.
Yes	75
No	25

Under that, Mr. President, I should like to have appear the following:

OFFICERS AND EXECUTIVE COUNCIL OF THE NATIONAL ECONOMIC LEAGUE.

President: William H. Taft, former President of the United States.

Vice presidents: Charles E. Hughes, former Associate Justice of the Supreme Court of the United States; Frank A. Vanderlip, former president of the National City Bank of New York; Lindley M. Garrison, former Secretary of War; and David Starr Jordan, chairman emeritus Leland Stanford, Jr., University; Jacob Gould Schurman, president of Cornell University; Roscoe Pound, dean of Harvard Law School; Franklin K. Lane, Secretary of the Interior; Edward A. Filene, merchant; John Mitchell, former president United Mine Workers of America; John Hays Hammond, mining engineer.

Treasurer: Harvey S. Chase, certified public accountant.

Secretary: J. W. Beatson, 6 Beacon Street, Boston.

The purpose of the National Economic League is to create an informed and disinterested leadership for public opinion—a leadership that is free from any possible partisan bias or class interest and that will be accepted as representing simply the best thought of this country—and to provide the educational means of developing a public opinion that will respond to such leadership.

The National Council of the League contains in its membership (at present about 2,500) presidents and professors of universities, judges, lawyers, bankers, merchants, manufacturers, farmers, labor leaders, etc. The aim, however, has not been so much to make it inclusive of classes and interests as representative of the informed and unbiased opinion of the country.

Any question or requests for further information regarding the league may be addressed to J. W. Beatson, secretary, 6 Beacon Street, Boston, Mass.

I ask to have that appear in the RECORD as it is printed in the document I hold in my hand, and I ask also to have, following that, the vote classified by States, the number of yeas and the number of nays from each State.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

VOTE OF THE NATIONAL COUNCIL OF THE NATIONAL ECONOMIC LEAGUE ON THE PEACE TREATY.

**Resolved*, That the United States should ratify the treaty with Germany, including the league of nations covenant, without complicating, delaying, or invalidating reservations.

(*This is not to be construed as excluding such interpretations of the treaty and covenant as may be thought necessary to clarify the American position, provided no danger is thereby created of delay or of furnishing ground for Germany or other signatory to declare that the ratification by the United States is not complete and binding.)

Total vote—685. Yes, 519. No, 166.

Votes by percentage:

Yes, 75. No, 25.

OFFICERS AND EXECUTIVE COUNCIL OF THE NATIONAL ECONOMIC LEAGUE.

President: William H. Taft, former President of the United States.

Vice presidents: Charles E. Hughes, former Associate Justice of the Supreme Court of the United States; Frank A. Vanderlip, former president of the National City Bank of New York; Lindley M. Garrison, former Secretary of War; and David Starr Jordan, chancellor emeritus Leland Stanford, Jr., University; Jacob Gould Schurman, president of Cornell University; Roscoe Pound, dean of Harvard Law School; Franklin K. Lane, Secretary of the Interior; Edward A. Filene, merchant; John Mitchell, former president United Mine Workers of America; John Hays Hammond, mining engineer.

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Any question or requests for further information regarding the league may be addressed to J. W. Beatson, secretary, 6 Beacon Street, Boston, Mass.

Vote of the national council of the National Economic League on the peace treaty.

CLASSIFIED BY STATES.

	Yes.	No.
Alabama	4	0
Arizona	5	2
Arkansas	6	0
California	16	3
Colorado	11	6
Connecticut	9	6
Delaware	7	1
District of Columbia	2	0
Florida	6	3
Georgia	10	1
Idaho	4	2
Illinois	32	7
Indiana	8	8
Iowa	9	3
Kansas	6	2
Kentucky	6	1
Louisiana	19	1
Maine	9	2
Maryland	15	4
Massachusetts	37	11
Michigan	9	3
Minnesota	8	2
Mississippi	5	0
Missouri	7	1
Montana	6	4
Nebraska	5	3
Nevada	1	0
New Hampshire	6	1
New Jersey	8	7

	Yes.	No.
New Mexico	7	4
New York	61	19
North Carolina	5	1
North Dakota	8	4
Ohio	14	4
Oklahoma	10	3
Oregon	9	2
Pennsylvania	17	8
Rhode Island	6	1
South Carolina	7	0
South Dakota	4	2
Tennessee	9	3
Texas	16	7
Utah	11	1
Vermont	6	3
Virginia	16	0
Washington	10	6
West Virginia	9	5
Wisconsin	13	4
Wyoming	5	5
Total vote	519	166

CONFIRMATION OF GEN. JOHN J. PERSHING.

Mr. WADSWORTH. Mr. President, I am informed that the President of the United States has sent to the Senate the nomination of John J. Pershing to be a general of the Army. I ask unanimous consent, sir, that the Senate proceed to the consideration of that nomination as in open executive session.

The VICE PRESIDENT. Is there any objection?

Mr. BORAH. Mr. President, of course I do not object to the consideration of the nomination in open executive session; but I desire to ask the Senator why the consideration of this matter should be had in open executive session when the Senate has been so strenuously rejecting such a course of procedure with reference to all other nominations?

Mr. WADSWORTH. Mr. President, the purpose of my request is to develop the fact—and I think it is a fact—that the Senate is unanimously in favor of the confirmation of this nomination. I took the pains of polling the Committee on Military Affairs, which, the Senator from Idaho will remember, had already reported unanimously the bill which made it possible for the President to make this nomination, and to inquire from what Senators I could encounter yesterday afternoon and yesterday evening whether it would not be a fitting tribute for the Senate to confer upon Gen. Pershing in thus confirming his nomination in open executive session.

Mr. BORAH. I think it is a splendid idea; and every argument in favor of considering this nomination in open session is equally potent for having open sessions in confirmation of all appointees to the Government service. There is no possible argument in favor of considering nominations for important offices with closed doors; and I trust that Gen. Pershing, having served his country so well abroad, has assisted us in establishing a precedent which will not hereafter be broken.

The VICE PRESIDENT. Is there any objection to the request of the Senator from New York? The Chair hears none. The Chair lays before the Senate the following message from the President of the United States, which will be read.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, September 3, 1919.

To the SENATE OF THE UNITED STATES:

Under the provisions of an act of Congress approved September 3, 1919, I nominate the officer herein named for appointment in the Regular Army of the United States.

GENERAL OFFICER.

Gen. John J. Pershing, United States Army (emergency), to be general, with rank from September 3, 1919.

WOODROW WILSON.

The VICE PRESIDENT. The nomination will be referred to the Committee on Military Affairs.

Mr. WADSWORTH. Mr. President, I shall not detain the Senate at any length in discussing the propriety of this nomination and the propriety of its confirmation by the Senate. Nothing that I could say would add to the knowledge that the Senate already possesses of the great achievements of Gen. Pershing. Suffice it to say that he was the captain of the greatest expeditionary force known in history; that that force, measured in the number of men and in the distance over which it was transported, surpasses anything of its kind in the way of a military effort. Gen. Pershing was its responsible commander. Upon him rested the entire burden of the successful management of that tremendous undertaking. He so managed that undertaking, he so commanded that force, and brought it in contact with the enemy in such a decisive manner as to bring the war to a successful conclusion, and I doubt not that the Senate, as well as the people of the country generally, rejoice in honoring him for having performed such a tremendous task at such a crucial moment in the history of the world.

From the Committee on Military Affairs I now report back favorably the nomination and request its confirmation.

The VICE PRESIDENT. Is there any objection to the present consideration of the nomination?

Mr. THOMAS. Mr. President, I ask that the Senate, in acting upon this nomination, do so by a rising vote.

The VICE PRESIDENT. Is there any objection to its present consideration? The Chair hears none. The question is, Will the Senate advise and consent to the nomination, the request being for a rising vote? All in favor will rise. [A pause.] The nomination is unanimously concurred in by the Senate of the United States. [Applause on the floor and in the galleries.] The President of the United States will be notified of the action of the Senate, and the Senate resumes its legislative session.

RELATION OF LABOR AND CAPITAL.

Mr. UNDERWOOD. Mr. President, a bill has been introduced and referred to the Committee on Interstate Commerce relating to the control and regulation of wages and the prohibition of strikes on railroads engaged in interstate commerce. Pertinent to that matter, which will be considered now by the full Committee on Interstate Commerce, I desire to address a few remarks to the Senate.

Industrial wars between labor and capital must ultimately find a solution that will stand for industrial peace without resort to force to settle the matters in dispute or we must admit that the advance of civilization has come to a halt.

The great difficulty that confronts the country in the settlement of its labor disputes is the fact that up to the present time we have found no sound basis on which to rest the settlement.

At times, particularly in the distant past, capital has contended that labor had no right to advise capital how to run its business. On the other hand, labor has contended that it was fighting its way from industrial slavery to industrial independence and that it must have a free hand with which to work out its destiny; and labor to-day contends that there must be no restraint placed on the right of collective bargaining with the employers of labor, even though the result of the system in some cases will lead inevitably to industrial war.

In an effort to respond to this sentiment, the Congress of the United States has gone so far as to enact into the law of the land the statement that "the labor of a human being is not a commodity or an article of commerce." This declaration has been regarded by some leaders of labor as the Magna Charta of the wage earners. Yet, so far as I have been able to ascertain, no court in this land has ever held that the labor of a human being is a commodity or article of commerce.

But it can not be denied, notwithstanding the express declaration of the Congress, that labor is a thing of value and is both bought and sold. Being a thing of value, not unlike property of value, it is entitled to its rights, and these rights in the last analysis should be recognized and protected by the law, just as property has been recognized and protected by the law for centuries past.

We regard ourselves as the product of a highly enlightened age, and yet we accept complacently and almost as a matter of course many relics of barbarism. We have not abandoned wars or the preparation for war, although we talk of a league to keep the peace and of a court composed of the great nations of the world to maintain peace for the future.

Ten centuries ago our ancestors on the Continent of Europe indulged in private war for the settlement of individual wrongs. We have only moved by slow degrees from the place where force and violence were the determining factors in the control of property to where law was substituted to protect the rights of man.

It has been true in the advance of all civilization. It was as much true in the ancient Grecian and Roman civilization as it was true in the dawn of civilization among the tribes and nations of northern Europe.

It may be worth while to consider the evolution from the day when the rights of man were maintained by the sword to the day when their determination was prescribed in judicial tribunals established by governments.

In the analysis of the process that led to the protection of property by law instead of by force we may find the light that will show us the way to the correct determination of the harassing questions that are now disturbing the industrial world.

A thousand years ago our ancestors in England lived mostly without law. The blood feud gave protection to the clan by

insuring speedy vengeance on those who violated the rights of its members, and not until the days of Alfred the Great was the right to pay the price of peace established as an amende to take the place of force and violence.

Finally the Norman civilization wiped out private vengeance and reprisals which the Saxon kings had tolerated and established in their places a public administration of justice, even though the law was crude and force was not entirely abandoned.

For centuries after the Norman era in England, although murder and theft were declared to be crimes and justice administered in the courts, the landowner possessed the right to dispossess his tenant by force or personally take possession of his property and sell it to pay the rent. To-day we would regard such a procedure by a landowner as unwarranted, and the courts of the land would restrain him from taking such a radical and forceful step.

We have at least reached an era so far as the protection of property is concerned where there is no property right that is not recognized and where the courts provide a remedy to protect every such right.

Yet in this age of advanced civilization we hesitate to protect with the law the right—the principal right—of man—the right that must always go hand in hand with liberty of person and freedom of action—the right of a free man to earn a living wage. Without this right labor must always occupy a servile position or must maintain the right itself by force.

We must recognize that labor and capital are still largely left to settle their controversies by the primitive methods of strikes, boycotts, and lockouts, merely restrained in a slight degree by the law that is intended to protect property and not intended to protect the right of labor.

These remedies have been difficult to control in the past, and often have resulted in the attempt to reach a determination by brute force on one side or the other instead of an appeal to reason.

The toilers of America have been left to a large extent to extort economic justice by refusing to work, and have often carried their appeal to force so far as to destroy both life and property when other laborers were willing to take the places they had left vacant. In the past decade this condition has prevailed in many parts of our country, and it seems to prevail without the desire either on the part of labor or on the part of capital to accept a more civilized method of settling their disputes.

If only the employer or the employee were involved in the controversy, the Government might continue to blind its eyes to the rights involved in the disputes, the justice that should prevail, and allow force on one side or force on the other side to prevail in the final settlement, but each day combined capital broadens its field of action and each day union labor extends its field of control.

The labor battle of the past involved a narrow field. To-day it is threatening to become nation wide in its scope, and a controversy that had a limited effect on those not actually involved in the past to-day seriously threatens the happiness and prosperity of all the people of the Nation.

Must the Government continue to view this question from the standpoint of the contending parties or has the time come when the rights and the happiness of all the people demand that primitive force must give way to the law of civilization and permanent courts must determine the rights of labor as well as the rights of property?

It must be admitted candidly that when courts were established to protect life and property the blood feud passed away from civilized communities; the clan was no longer necessary for the protection of the rights of individuals and a forward step to freedom was achieved. The same will be true when tribunals are established to determine disputes between labor and capital. Competitive bargaining will no longer exist. Wages that increased or diminished by force will be a thing of the past. Labor values will be recognized and protected by law. I do not wish to be understood to assert that labor has not been recognized by law in the past. We have employers' liability acts, restriction of hours of labor, and laws providing for conditions of work, all passed in the recognition of the right of labor to be protected in its efforts to secure a daily wage. We have had laws passed appointing boards of conciliation and arbitration and some have gone so far as to advocate the compelling of labor to work pending the settlement of labor controversies, but nowhere and at no time have we had a recognition of the fact that labor is a thing of value, and that as a thing of value it should have its rights under the law and should be protected when its rights are assailed or jeopardized; that it should not be allowed to invade the rights of others in protecting its own position.

I recognize that self-preservation is the first impulse of human life; that when a workingman is oppressed, that when his legal and economic rights are denied he is face to face with the question as to whether he shall endure the wrong, whether he shall let his rights be trampled underfoot, or whether he shall struggle and force better living conditions for himself and family. Until the law itself provides a way out, violence will be the last resort of the workingman when he is compelled to suffer gross inequalities.

Mankind almost universally approves of violence which is used to avenge or beat off injustice when there is no other remedy. Without public justice, superior in power and force to that of all offenders, there can be no peace, no safety, no mutual intercourse.

To establish justice, to secure individuals and society in the enjoyment of their rights, is the great duty of governments and the principal reason why they are instituted among men. The ultimate goal of civilization will not be reached until a remedy is given by law for the violation of every right, and every injury can find a place for redress within the courts of our land.

In one of his opinions a great English justice once said:

> It were a vain thing to imagine that there should be a right without a remedy, for want of right and want of remedy are convertibles.

Our own Chief Justice Marshall declared—

> The very essence of civil liberty consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection.

Can we in this enlightened age fail to recognize a new province for law in the substitution of peaceful methods for the settlement of labor disputes in place of violent redress for economic injuries?

I do not contend that we can arrive at the ultimate goal of our desire immediately. I do not favor laws that will compel labor to work by compulsion; nor do I believe that strikes will be immediately done away with and become a thing of the past, no matter what laws we place on the statute books. The Norman law, establishing a court to protect life, did not in the next hour end the blood feud, but ultimately law triumphed and force was abandoned.

In the measurement of any scheme to fairly settle disputes between labor and capital we have to consider its operation from a threefold point of view, namely, the elevation of labor, the orderly development of industry, and the peace of society.

Some contend that through the gates of collective bargaining labor and capital can walk hand in hand to a solution of the wage problems for their mutual benefit, but this is a mere theory that has failed to work many times in the past.

The theory overlooks the fact that the fixed policy of capital is to pay out in wages exactly what is required to maintain production at a given rate, and that labor's unappeased desire is to collect the greatest wage obtainable for the service rendered. Because of the conflict that arises at this point of difference labor organizes in order that it may accomplish collectively what it can not accomplish individually. Capital, responding to its own selfish desires, meets organization with organization, force with force. The rule of reason is not part of the final settlement, and right and justice cease to be factors worthy of consideration.

From the very nature of things collective bargaining can not be a very satisfactory solution to work out the differences that arise between capital and labor, especially in railroad disputes, when prompt and adequate service is of first importance to all the people.

When collective bargaining fails to solve the problems in dispute, strikes and lockouts are the next steps ahead.

Surely with the people or their representatives in the legislative bodies of the land must rest a wiser and better solution of our industrial problems, looking to the elevation of labor, the promotion of commercial progress, and the establishment of industrial peace.

In a published article Mr. A. B. Garretson, president of the Order of Railway Conductors of America, has said:

> The real difficulty in the solution of these questions lies in the fact that nearly every remedy that is offered deals only with the effect of conditions. In the treatment of industrial strife it would be well to follow the general trend of medical schools for the past century. Formerly the mission of the doctor was only to cure. In later years greater effort is given to the prevention of ills, and until this course is pursued and the cause of industrial unrest is removed it will be found that the effort to abolish the diseases is without result.

Mr. Garretson is clearly right. We will accomplish but little in our efforts to mend an industrial dispute after issues are joined. We should establish permanently the rights and duties of labor and capital each one to the other, and both to the public, and then we will have established a situation that can be worked out at all times without a resort to force as the final arbiter.

The problem that is now before the Senate for consideration is one not only involving the general rights of labor but also the industrial peace of the Nation.

Under our dual form of government the Congress can only act within the scope of its delegated power, and there is a definite limitation on our power to act in reference to the general problems we have under discussion. Most of these problems fall within the jurisdiction of the States and must be worked out by State legislation.

The problem before us relates to the rates of wages and hours of labor of men engaged in interstate railway transportation.

The Constitution of the United States gives the power to the Congress to regulate commerce among the several States, and by a long line of decisions the Supreme Court of the United States has held that the power to regulate commerce carries with it the power to regulate the instrument of commerce.

Under these decisions an Interstate Commerce Commission has been established by the Federal Government and granted power to fix reasonable rates for the transportation of commodities among the several States. Our jurisdiction to control the matter now before the Senate rests on the determination of the question as to whether the men employed in the movement of interstate railway trains are an instrument necessary to the movement of commerce among the States. If so, the Congress has jurisdiction of the matter, and to my mind the man is as much the instrument of commerce as the train itself, which the courts in numerous cases have held that the Congress has the power to regulate.

If under the commerce clause of the Constitution we have the power to fix the rate of transportation of commodities from one State to another, to prescribe the manner in which the locomotives and cars shall be constructed and operated, surely we have the right to prescribe what shall be reasonable hours for the men employed in this line of industry to work and what is a reasonable compensation in the way of wage for the service rendered.

The avoidance of railway strikes and lockouts in the future is of far greater importance to the Nation than the settlement of ordinary industrial disputes. In the latter case the issues involved are largely confined to the two contending sides—the employer and the employee—and the public at large, as a rule, has only a remote interest in the controversy, but in disputes between labor and capital engaged in transporting the commerce of the country, the public's interest is vastly greater than that of the owners of the property or of the wage earners in their employ.

The steam railroads of the United States on June 30, 1916, had in their employ approximately 1,700,000 persons, and paid out in wages $1,500,000,000. Since that time the employees of the railroad systems of the United States have increased to over 2,000,000 men, and the compensation paid in wages has increased a billion dollars.

At the time mentioned a general railroad strike throughout the United States was impending. The President of the United States called on the Congress to avoid the strike by affirmative legislation, fixing the rate of wages on the interstate railroads of the country. This legislation was advocated and approved by the representatives of the railroad employees. Legislation was passed, its constitutionality was tested in the Supreme Court of the United States, and the court has affirmed the validity of the act. So that there can be no doubt that a precedent has been established for the Congress to regulate the wages on the interstate railroads of the country.

Mr. BORAH. Mr. President, will the Senator permit an interruption at this point?

Mr. UNDERWOOD. I would really prefer to finish my speech. When I am through I shall be very glad indeed to yield to the Senator for a question.

It has long been recognized that Congress has the power to regulate the rates for the transportation of persons and commodities on the railroads, and it is also recognized beyond cavil that the Congress has the power to delegate the regulation of these rates to a commission after prescribing the conditions on which the regulation shall be based. If we can delegate the power to regulate the rates, it must be true that we can delegate the power to regulate the wage scale and establish a court, a board, or a commission for that purpose. We prescribe that the railroads of the country shall collect only reasonable rates for the transportation of freight. It seems to me that it is clear that the Congress has the power to require that the railroad systems of America shall pay to their employees fair, reasonable, and just compensation, to be prescribed by a commission.

Having the power to act, the question confronts us as to whether the time has come when the Congress should exercise this power and appoint a commission to determine this grave and pressing question. The successful solution of the wage problem on the interstate railroads of the country is most essential to the Nation's economic life and of vital importance to every citizen of the land. The solution of the problem directly reflects itself into the productive business of the entire Nation, for it must be borne in mind that an increase of the rate of pay to men employed in transportation is almost sure in the end to translate itself into increased freight and passenger rates that must be paid by the public and borne by the commerce of the country.

No greater disaster could come to the homes of the people of America than a general continental railroad strike. Had the contending parties to the controversy in the threatened strike of 1916 insisted on strike conditions as the final and only solution of their differences it would have meant the absolute and complete paralysis of the commerce and industry throughout the United States, with all the attendant loss of property and personal suffering that such conditions must inevitably produce. The blood feud of the Saxon era stared us in the face. The Congress of the United States, to avoid disaster, compelled the railroad companies to pay the price of temporary peace. The gravity of the situation for the moment passed away and industrial peace was maintained in the land, but there has been no final solution of the problem. The difficulties and the dangers of the past have not been remedied. The parties to the controversy have reached no final settlement, and the Congress of the United States is considering to-day the problems involved in an effort to place on the statute books remedies that will prevent industrial disaster for the future.

Much might be said in reference to the rights of labor and the burdens of commerce on each side of the controversy that confronts us, but I think it is idle for us to discuss those phases of the question at this time. I take it that all will concede that it is impossible for the Congress itself to work out a fair solution of these problems, and it is only by the establishment of certain fixed principles that may act as a compass to guide the way in the future and by the establishment of tribunals to represent the Government in solving these problems that we can find the real way out.

To enact a law for compulsory arbitration at this time appears to be both impracticable and undesirable. In New Zealand, where the law for compulsory arbitration had its birth, it is generally admitted to have proven a failure. In line with this view of the subject we find that before the beginning of the Great War there were more than 300 boards of conciliation in existence in Great Britain, and yet British official reports show that despite the efforts of these many conciliation agencies there were in the year 1913, 1,497 strikes or lockouts in Great Britain, with attendant time losses of nearly 12,000,000 working days. On the other hand, it must be admitted that conciliation and arbitration acts have mitigated the evils that grow out of labor disputes, but it is clear that they have only scratched the surface, and that beneath the surface the controlling factors of force and violence are found in control of the labor situation. The industrial equation is as far from solution to-day as it was in the beginning. Was not Mr. Garretson right when he said:

> Modern methods should be directed to preventing the disease, not primarily to curing the patient.

Then how can the problem be solved fairly to all concerned—labor, capital, and the public?

There is but one way out, in my judgment, and that is to appoint a tribunal with the power to adjust these matters, which has the time to consider and the opportunity to know the facts. Such a tribunal must not only have the power and be prepared to do what is right and just by the labor employed on the railroads but must have authority and power to see that property is not confiscated by its decisions. For, should you confiscate the property of the transportation companies of America, you would break down the channels of transportation as effectively as you would break them down in a strike, with the resultant injury to the people of the United States. A tribunal of this kind must also have the authority and opportunity to consider the rights of the shippers and travelers of America, who in the last analysis will bear any increased burden that falls on the carriage of property or persons over the transportation lines. This tribunal must have authority and power to protect the rights of the whole people of the United States against the recurrence of lockouts and strikes.

What body, then, is most capable of determining all these questions and fairly adjusting them to the interests of all parties concerned? A board of arbitration to be appointed by

the employers and employees of the railroad companies of the United States will only look to the matters in dispute between the contending parties, and will not have in mind the ultimate rights of the people. The general courts of the land are not equipped either with the knowledge or the power to obtain information in reference to the cardinal facts that must decide the controversy. If you want a final and just solution of such a controversy, you are practically driven to leaving the decision to a governmental commission that has full and ample opportunity to investigate the rates of wage, the earning power of the transportation companies, the cost of living, the burden that rests on the shipping public, and after a fair and full investigation, to determine what is a fair, just, and living wage for the men and to how great an extent a fair, just, and living wage may be increased to enable the toilers to secure the higher ideals of life and living; second, how far this charge can be placed on the capital of the corporation without breaking it down, destroying the value of its securities, bankrupting its property, and taking away from the investing public a fair return for capital invested; third, how far an increased charge for labor, interest, or supplies can be handed down to the public without doing injustice to the shipper and traveler and without becoming a menace to the development of the industry of the country. All of these questions must be determined by a court or an independent commission, but their findings, except so far as they may determine the rate for transportation that must be paid by the railroad companies and the rate of wage that must be received by the men if they continue their employment, will be academic, because they will have no power to operate on the side of the problem in which the general public is interested. The power to determine what are just and reasonable rates of transportation of persons and property over the interstate railroads of this country is fixed by law, and any increase or decrease of these rates must be made under the law of the land. Therefore it is essential that the board or commission that is given the power to adjust the wage scale of the men must also have the power to reflect its findings into the rates charged for the transportation of persons and property over the railroads. The board or commission that is created for the determination of these grave questions must determine whether the rates for transportation shall be increased and whether a charge made against the railroads for increased wages shall remain a charge on its capital, or whether, in justice and fair dealing, it shall be handed on to the shipper and the traveling public. It is therefore clear to me that the same power that has the right to fix the rates of transportation should have the right to fix the rates of wage and the hours of labor on the great transportation companies of the United States, and that this power and this duty should be given irrevocably to a governmental commission or board in order that it may do justice between employer and employee. The granting to a governmental commission or board of the power to determine the hours of labor and the rate of wage will solve the problem for the future. Men will not strike against the just decisions of the Government. After a fair determination of the controversy by an impartial tribunal, public opinion will force the contending parties to accept the verdict rendered as final. It must be done in the interest of the men involved, the industry of the people, and the peace of the Nation.

Now I yield to the Senator from Idaho, if he desires to ask me a question.

Mr. BORAH. I rather think the Senator has answered the question which was in my mind when I attempted to interrupt him. I understand the Senator is not advocating compulsory arbitration?

Mr. UNDERWOOD. Not at all. I think the policy of arbitration has failed; but I do think that in governmental matters, in matters that the Government controls, the time has come when the Government should fix a just and fair wage and make strikes impossible.

Mr. BORAH. Of course, the Government can establish a wage; but, as I understand, the Senator relies entirely upon the power of public opinion to enforce the wage.

Mr. UNDERWOOD. No; I said public opinion would enforce it and it will do so; but I think, to be perfectly candid with the Senator, that a universal strike on the great interstate commerce carriers of America is unthinkable, and that it should be prohibited by law just as you prohibit a man from burning his house for fear he may set fire to his neighbor's house.

Mr. WILLIAMS. Or committing treason.

Mr. UNDERWOOD. Or any act that has a tendency to destroy the peace or the happiness or the lives of the whole American people. I think the time has come when the Congress, if it does its full duty to the American people, should not hesitate or equivocate on this question. My contention is that if Congress proposes to say that men engaged in interstate commerce shall not have the power of collective bargaining or to go out on strike and use force against force, then it is the duty of the Government to establish a fair, just, and independent governmental tribunal that will fix a just, fair, and living wage, and not only a living wage, but a wage that reflects the position in society of the men who are involved in the controversy.

Mr. BORAH. But how would the Senator compel the men to accept the wage which was fixed, in case it was unsatisfactory?

Mr. UNDERWOOD. I would not attempt to do that. The Committee on Interstate Commerce has reported a bill which makes it a misdemeanor for two or more men to enter into a conspiracy for the purpose of interfering with a transshipment of interstate commerce in the United States. I think it is just as legitimate to pass a law to say that men shall not conspire to stop the food trains, the bread trains, the milk trains in America as it is to say that a man commits a crime against the United States Government if he burns a bridge across a stream that connects two States.

Mr. BORAH. Of course, Mr. President, if it is a conspiracy and is of the nature of an act which can be by law made a conspiracy and a criminal offense, I can follow the Senator's argument; but can we say to two men that they shall not have an understanding between themselves as to what wage they shall demand and in case it is not satisfactory they together shall not quit?

Mr. UNDERWOOD. No; and I would not have that done. I would not for one moment think of telling a man that he could not quit his work or 100 men that they could not quit their employment; but I am not in favor of allowing any man or men to interfere with the orderly movement of passengers and commodities among the States.

Mr. ROBINSON. Mr. President, will the Senator from Alabama yield to me for a brief statement in that connection?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. The provision to which the Senator has referred contained in the bill reported by the subcommittee of the Committee on Interstate Commerce to the full committee and introduced a day or two ago by the chairman of the committee, the Senator from Iowa [Mr. CUMMINS], recognizes and expressly preserves the right of employees to quit at will; that is, employees as individuals may quit at will for any reason; but it penalizes combinations or agreements among them to restrain, hinder, or prevent the movement of commodities or persons in interstate commerce. The provision is directed against the combination, but that provision does not seek to prevent a laborer from quitting work whenever he wants to.

Mr. BORAH. May I ask the Senator from Arkansas before he leaves the subject, Do I understand that the provision to which the Senator has reference in his bill would cover a case where 50 men or 100 men in the employ of a railroad company agree among themselves that they would not work for a certain wage?

Mr. ROBINSON. No; the provision of the bill is that the conspiracy must be for the purpose of preventing the movement of persons or commodities in interstate commerce, or must have that effect. Strikes which would not go to the extent of preventing the movement of persons or commodities in interstate commerce would not be penalized under the bill, nor would agreements which would not accomplish that purpose.

Mr. BORAH. In other words, then, the crime which the Senator has provided against in the bill would consist of a combination with intent to interfere with interstate commerce?

Mr. ROBINSON. Yes; or a combination which has that effect.

Mr. BORAH. If you go that far, it occurs to me that then you have reached the other dangerous point—that is, of saying that 100 men shall not agree amongst themselves that they will not remain in the employ of the railroad for a certain wage, because for them to quit would be to affect interstate commerce. You remove all question of intent, which would practically deny them the right to quit work.

Mr. ROBINSON. The right of the individual to quit at any time for any reason that he chooses is recognized and preserved. The right of two or more persons to combine together for the purpose of tying up commerce is penalized, and I think of necessity should be, for the reason stated by the Senator from Alabama. The regulation of commerce is a Government function; it is the duty of the Government of the United States to keep the channels of commerce open, and if it fails to do that the Nation can not live. This Nation can not live without commerce. The paramount right of the people to live must be recognized in our laws. At the same time there is no purpose on the part of anyone that I am familiar with to deny to a laborer the right to quit work if he thinks the wage is

not sufficient; but in our view of the matter he has no right to combine with other laborers to prevent commerce, and thus force the people of the country to recognize a demand which the Government or the people may regard as unjust.

Mr. BORAH. Mr. President, as I construe the Senator's position, it amounts to this, that if a certain number of men who had had their wages fixed by a tribunal should nevertheless, acting together, jointly quit work it would then be proper for a court, for instance, to enjoin them from ceasing work, and compel them to go ahead under the wage.

Mr. ROBINSON. No; there is no provision in the proposed law that would authorize any proceeding of that nature. The combination is defined as a conspiracy, and it must be either for the purpose of tying up commerce, preventing, hindering, or restraining the movement of persons or property in interstate commerce, or have that effect. Any combination among the employees for the purpose, for instance, of compelling Congress to legislate, which would have the effect of preventing the movement of trains in interstate commerce, would be a conspiracy as defined by this act, even though it did not relate to the subject of wages.

Mr. UNDERWOOD. I do not think there is any difficulty about the question. Of course, I take it that there is no man who stands on the floor of the Senate who would be in favor of any law that would compel any citizen of the United States, whether identified with capital or with labor, to work unwillingly at a task. That is not the purpose here. There is no law proposed that would prevent any number of men engaged in interstate commerce from quitting their employment if it was not satisfactory to them; but that is a very different question from a conspiracy to tie up commerce for the purpose of continuing employment, and working out by force their personal desires, instead of having a determination in the courts of the land. That is the view I am trying to express.

Mr. BORAH. I think I understand the Senator's position; but when you come to effectuate the Senator's proposition and the proposition to which I have just been referring as a practical proposition in the courts you will arrive at the same destination. For instance, suppose the brotherhoods are dissatisfied with the wages which have been fixed, and that under an order issuing from headquarters they cease work; you must in some way or other, if you are going to arrive at any result at all, have some method by which to enforce this wage which you have fixed.

Mr. UNDERWOOD. Oh, no. Here is the result as it will work out: If there are no forceful strikes, if the hand of violence is not engaged, and men quit work and refuse a wage that a governmental tribunal has fixed as just, reasonable, and fair, there will be no doubt that other men will seek that employment. Inconvenience may arise, but the hour need not be far off when the trains will move again. The difficulty that arises from these great strikes and lockouts is that violence stands behind the quitting of the men, and no other man who desires to work is allowed to take the place of the man who quits work, and you have the same Saxon blood feud in the labor situation that you had in reference to property rights a thousand years ago. That is all I am trying to point out.

Now, as to the solution of the problem, as I said, a thousand years ago when we adopted a court of law instead of a court of force it did not work out at once. Force continued to be used for a century or two in different ways. It took time to solve the problem; but when you once establish in this Nation the principle that the Government intends to act, that the Government intends to protect the right of labor, and then see that labor keeps within the law, the question will solve itself. Men will not strike against a just wage fixed by the Government, and if they did the public sentiment of the people in the communities in which they live would make their condition so intolerable that they could not afford to do it. Public sentiment would drive them to accept the just decision of a Government tribunal. What I am contending for here is that the Congress must meet, either to-day or in the years to come, the issue that stared us in the face in 1916, and that has continued to stare us in the face every day since—that labor, in order to get what it believes to be its just rights, is going to use force if necessary, because it has said so, and that force means the destruction not alone of the business of the country but of the lives, the peace, and the happiness of the people of the United States; and I say the Congress that is passive and has not the courage or the ability or the initiative to meet this situation and establish by law a way to solve this question as against the archaic method of force is neglecting its duty.

Mr. BORAH. Mr. President, I have no doubt at all as to the authority of the United States Government to punish violence, with respect to interstate commerce and anything else over which the United States Government has jurisdiction; but what I am trying to find out is whether or not you are also going further and proposing that the mere quitting of work, whether it is by one man or by a thousand, will constitute an offense which may be punished or such an act as the courts will enjoin?

Mr. SMITH of Georgia. Mr. President, will the Senator permit me to interrupt him?

Mr. UNDERWOOD. Certainly.

Mr. SMITH of Georgia. Does the Senator from Idaho doubt the power of Congress to make it a crime, after the Interstate Commerce Commission has fixed a wage, for two or more men to conspire together to stop the interstate commerce of the country unless that wage is increased?

Mr. BORAH. The Senator says "for two or more men to conspire."

Mr. SMITH of Georgia. Well, for two or more men to arrange or plan or agree.

Mr. WILLIAMS. Or combine.

Mr. SMITH of Georgia. Or agree or combine to induce a large number to quit and to stop the interstate commerce of the country unless that wage is raised. Does the Senator doubt the power of Congress to pass legislation of that kind?

Mr. BORAH. I will state it in my language, and then state my doubt. I do not know that I exactly agree with the Senator, but I am not sure that I followed his language exactly. I do doubt the power of Congress, as a matter of law, and doubt the wisdom as a matter of policy, to say to a hundred men or a thousand men: "You shall not quit work," even though they quit work with an understanding provided the quitting is because they are not satisfied with the wage. I do not think you can say to one man or a thousand men, if they are dissatisfied with the wage, that they shall nevertheless continue at their task.

Mr. SMITH of Georgia. No.

Mr. BORAH. You can say to those same men when they do quit work that they shall not by force of violence interfere with anybody else who wants to go to work; but you can not say to the individual, whether he acts by himself or is accompanied by a thousand, that he shall not himself quit work.

Mr. SMITH of Georgia. But does the Senator doubt the right of Congress by law to make criminal an arrangement or agreement between a large number of men to quit at the same time with a view of stopping interstate commerce?

Mr. BORAH. The Senator puts in there the proposition "with the view or intent of interfering with interstate commerce"; but suppose these men say, "We are not concerned with interstate commerce one way or another. We are simply concerned with a sufficient wage to take care of ourselves and our families. We will not work at this wage. You can go ahead with your interstate commerce if you can find other men to run the trains, but we ourselves are dissatisfied, and will quit." Can you prohibit their quitting?

Mr. SMITH of Georgia. No; but can you not forbid them by law to make an arrangement or an agreement collectively to quit?

Mr. BORAH. I doubt it, sir, unless you put in that the additional proposition that it is done with the intent and the purpose of interfering with interstate commerce. You must have there the intent to accomplish that illegal and unlawful end; but it is not illegal and it is not unlawful for men to quit work, whether they quit singly or whether they quit collectively.

Mr. SMITH of Georgia. Does not the Senator believe that the legislation would be fully effective if it expressed a provision that the agreement was with intent to interfere with interstate commerce, because does not the Senator know that the movement is within and has been avowedly within the purpose of interfering with interstate commerce?

Mr. BORAH. I can conceive, Mr. President, of men quitting work, both individually and collectively, without the intent to interfere with interstate commerce being the impelling or compelling motive. They would have no other object than to secure their wages. They would have no other intent than to secure their wages.

Mr. SMITH of Georgia. Could there not be another purpose—to stop interstate commerce and thereby force the raise of their wages?

Mr. BORAH. Of course, there could be that; and if you should demonstrate to the satisfaction of a court that they had quit with the intent of interfering with interstate commerce, they would undoubtedly come within the jurisdiction of our legislative power and of the court. But suppose the men are simply dissatisfied with their wages. They put it upon that basis, and they quit. Suppose that a thousand of them quit at the same time. Can you drive a thousand men back to work any more than you can a single individual?

Mr. SMITH of Georgia. Suppose they undertook from one end of the country to the other, simultaneously, to call all the men off and to stop every train in the country?

Mr. WILLIAMS. In order to force legislation.

Mr. SMITH of Georgia. In order to force a raise of wages. Could there be any doubt about the purpose to stop interstate commerce to force up the wage?

Mr. BORAH. The Senator is now speaking of a case which he makes out himself. That is to say, you have satisfied the court with evidence that these men quit not only for the purpose of securing wages but for the purpose of interfering with interstate commerce.

Mr. SMITH of Georgia. For the purpose of securing the increased wage.

Mr. BORAH. Now, if you are able to satisfy the court that the men have quit work for the purpose of interfering with interstate commerce, I would concede your proposition; but that will be a difficult thing to prove, and your law will be very ineffective, because the men will say, "We are not desirous of interfering with interstate commerce. We simply say that your wages are too low. We can not live at those wages. We are going to seek work somewhere else." You can not compel them to go to work.

Mr. UNDERWOOD. Mr. President, let me ask the Senator one question. The Senator's argument is, I take it, that this can not be done because it can not be effectively done. I do not understand the Senator's argument to mean that he is opposing a Government tribunal to solve this problem, instead of having it solved by force, if such a tribunal could be satisfactorily worked out.

Mr. BORAH. No; I should favor a governmental tribunal to adjust the question of wages, to call the employer and the employee together, and to avoid strikes and force just as often as possible, and I agree with the Senator; but what I am saying is that I do not believe it is wise, and I do not believe we have the power to go so far as to say that if they are not satisfied with the judgment of that tribunal we shall punish them through the criminal processes of the law.

Mr. UNDERWOOD. I will say this to the Senator: I think that the Government should be a just government, it should be a fair government, but it must be a strong government, or it is no government at all; and where the Government fixes the conditions and principles under which its citizens shall live as a governmental right, then it is a very weak government if it does not use its strong arm to see that all men live within those principles and those conditions; and so that does not bother me. I would not have any law on the statute books that forced a man to work at any time, at any place, if he wanted to quit as a man; but that is a very different thing from a set of men conspiring for a purpose of their own to accomplish that purpose regardless of the mandate of the law, and I would prohibit such a conspiracy by law. But what I say is this: Aside from the penal provisions of the law, I say that the Committee on Interstate Commerce has adopted the right plan, of a resort to law instead of a resort to force. Why? I assume that any wage scale that is reflected into the lives of these men, coming from the Government, will be a just and reasonable wage. If it is not in the beginning, public sentiment will make it so in the end.

Mr. BORAH. The elections will, if public sentiment does not.

Mr. UNDERWOOD. Surely; so that there is more danger, when you establish a governmental board, of its running away on the high scale than of its being too small on the low scale. But if you establish this board, and fix the wage by the Government, and the men attempt to strike, who are they going to strike against? Against the Government. They can not strike against the railroads.

Mr. BORAH. They do not strike against anybody. They simply quit work.

Mr. UNDERWOOD. If that is all they have done, that is their right; nobody can complain of that, and another man will take their place. If the wage is adequate, then a man will be found to take their place, and that will end the controversy, perhaps with some inconvenience, but ultimately end it.

Mr. BORAH. In the common, ordinary employments of life somebody else might take their place, but when you come to running a railroad, engineers and brakemen, and so forth, and the men quit to-day there is no engineer, there is no brakeman standing around who can run that train to-morrow.

Mr. UNDERWOOD. I will say to the Senator that I have a great deal more confidence in the loyalty, the patriotism, and the character of the men engaged in railroading and in interstate commerce as the employees of the railroads than he seems to have, because, while they may have advocates that want to go to extremes, I believe that among the mass of these men their only desire is for justice and fair play, and sometimes they are led into strike conditions and disastrous conditions, because it is the only way they see out. But I believe that the hour that the Government establishes a fair and just tribunal where these men may have their day in court 90 per cent of them will be willing to accept the findings of the court, and that will end all controversy, and if the other 10 per cent want to quit the opportunity will be given to them and other men will take their places.

Mr. BORAH. Of course I have not said anything, nor have I inended to say anything to reflect upon the loyalty of the employees of this country.

Mr. UNDERWOOD. I did not mean that the Senator had done so.

Mr. BORAH. I do not conceive that that is involved in the controversy. If the men are satisfied with the wage which is fixed, of course the matter is easily settled, because they will accept it and go ahead. But I have assumed that a situation might arise where the men would not be satisfied, and the question in which I was interested was to know what the Government was going to do when it found that kind of a situation at hand.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him, I think that is a very far-flung assumption. Some conditions in recent events have shown dissatisfaction with the wage scale, and why? Because the cost of living has risen under that wage scale and made it ineffective when it was effective in the beginning when established by the Government. The Government for 125 years fixed a wage scale for a vast number of employees. During that time men have quit because they did not think they received an adequate wage and have gone into other lines of industry or other business and other men have taken their places. We have had no organization for strikes, no organization to try to prevent the Government from functioning, and when we follow this program and establish tribunals of law, not the employer's tribunal that is interested in the earnings of the company, not the tribunal of labor that would be holding the balance in the scale itself, but a disinterested tribunal that stands in the place of a court and administers exact and even-handed justice, I say the great body of the American people will always be ready to accept the decision of that court cheerfully and abide by its decision, and if they do not it will not be a question of a conspiracy to interfere with the transportation of commerce, but it will be a question of each individual trying to find better employment for himself.

Mr. BORAH. Mr. President——

NATIONAL PROHIBITION.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 6810.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, which had been reported from the Committee on the Judiciary with amendments.

Mr. STERLING. I ask that the formal reading of the bill be dispensed with, and that the bill be read for action on the committee amendments.

The VICE PRESIDENT. The Senator from South Dakota asks that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered. Is there any objection? The Chair hears none.

Mr. STERLING. I now yield to the Senator from Idaho [Mr. BORAH].

RELATION OF LABOR AND CAPITAL.

Mr. BORAH. Mr. President, I do not desire, in view of the fact that the unfinished business is before the Senate, to continue the discussion further than to say that of course I have no objection to the establishment of tribunals which will have for their object and purpose the adjustment of wages, and I am going to hope with the Senator from Alabama that those wages will always be so adjusted and fixed that they will be satisfactory to both the employees and the employers.

But I have been interested in the proposition that in case conditions should continue as they have existed in this country in past years and there should be dissatisfaction upon the part of the employees, as to whether or not the Government is going

to undertake to go further and say that men through some process shall be compelled to remain at their work under some form of compulsory arbitration or arbitrary action, direct or indirect. I do not think we have any such power, and I do not think we should undertake to use any such power.

Now, Mr. President, just a word further. So long as the labor question remains a wage question we shall always have difficulty, and there will always be force entering into the settlement of these propositions. If it is simply a question of fixing wages and the laboring men of the country are excluded from participating in the business or cooperating in the building up of business and enjoying its prosperity in case it is prosperous, we shall always have force. If we are to settle the labor question, we must get back of a tribunal and far back of the question of adjusting wages, and determine to what extent and how far we can go in bringing labor and capital together by giving labor an actual interest in the business in which it may be engaged.

Mr. WILLIAMS. Mr. President, I ask the Senator from South Dakota if he will temporarily yield to me?

Mr. STERLING. I would not like to yield for any prolonged discussion. I desire to proceed with the bill.

Mr. WILLIAMS. I do not know how long it will be prolonged by somebody else, but it will not be very long prolonged by me. I wish to make a few remarks apropos of what has just been said.

Mr. STERLING. If the Senator will occupy but a few minutes, I will yield for that purpose.

Mr. WILLIAMS. Mr. President, Shakespeare is authority for the statement that "there are dogs and dogs." There are also strikes and strikes. When a lot of men strike because their living conditions are intolerable or because their wages are not sufficient, that is a thing with which we are approvingly acquainted, and with which we must continue to be acquainted in the future as long as the conditions arise which bring the strike into operation, but we are beginning lately to learn a European habit, and it is chiefly against that European habit that the provisions of the bill reported from the subcommittee of the Interstate Commerce Committee would operate.

Men are no longer striking simply because they are not getting enough to give them a good standard of living, a wage sufficient. They are striking out of "sympathy" with one another, making "sympathetic strikes" to enforce general propositions that have nothing to do with their individual conditions, and they are also beginning to threaten to strike in order to force the Congress of the United States to do things that they are afraid the Congress does not want to do. Quitting work is one thing and all right. Attempting to coerce the Congress and the public by closing up the avenues of consumption, and interstate commerce, and cynically suggesting "starvation or surrender" is another thing and all wrong and intolerable. In other words, we are faced with the situation of a class undertaking to usurp the place of the elected representatives of the people who were sent here by the people to legislation for the people.

There was the other day a threatened strike unless Congress adopted the Plumb plan in connection with the running of the railroads. I also saw, which was still more ominous, a publication of a resolution passed by some "Private Soldiers' Legion," which I am sure did not really represent one soldier in a thousand—unanimously adopted "resolutions" indorsing the Plumb plan and demanding that the Congress should adopt it—"a union of working men and soldiers," literally an imitation of a Russian soviet repeated in America.

Mr. President, it goes without saying that no man can be held to work in America unless he wants to work. The thirteenth amendment settles that question forever. No man can be held to "involuntary servitude except for crime." No court would uphold any act that undertook to do that, a constitutional menace. But the public has its rights, and I for one am tired of these combined insolences of capital on the one hand, threatening the public now and then and menace to its life and its happiness with lockouts, and the equally insolent combinations and instruments of labor upon the other side, threatening the same thing with strikes, neither considering the great public—res publica—constituting nine-tenths of the people.

The Senator from Idaho [Mr. BORAH] says that provided a man does not announce it as his purpose that he is going to interfere with interstate commerce, he has a right to quit, no matter what the conditions are; in other words, he can just say, "My purpose is so and so, and darn the consequences. I choose to ignore the consequences." Everybody knows as a matter of practical common sense that if the railroad labor of this country struck in order to enforce legislation it would starve half the babies in New York and Chicago, but the response would be made, "I have nothing to do with that; that is a mere consequence; it is an incident. I am just seeking a higher wage." That even might be right if it were true, but not when we know that that is not what is being sought. When we know that men are merely using this cloak of a higher wage as a means whereby to enforce an end, and that that end is to legislate for these United States—to usurp the place of the elected representatives of the people, to coerce legislation—a profoundly startling theory—startling in America at any rate, though no longer startling in Russia—that one has a right to use any power or might that one has to overturn the institutions of the country.

We happen to have a Government under which it has been decreed, at any rate, whether we can make good or not, that the Senate, elected by the States, and the House of Representatives, elected by the people, shall legislate, and we have retained to the public the right to replace them with other men if they do not legislate according to the will of the people.

Now, I say that to come forward at any time and propose a law to the people of the United States and then to say, covertly or openly, or at any rate to say really, no matter how, "If you do not pass this or that law we are going to starve the babies in Chicago and New York and Baltimore and New Orleans; we are going to cut off interstate commerce; we are going to put an end to communication and transportation," is treason against the people and the institutions of these United States—aye, worst of all, treason against humanity. I say that when this committee brings in a proposition to make a commission which shall represent not capital alone, not labor alone in any given industry, but all the capital and all the labor of the United States, spelling the people of the United States, spelling "the public," this much-despised essential thing between these constantly antagonized forces, and when it invites them both to come forward to that sort of a tribunal and lay their claims before it, we are undertaking an imitation of the league of nations to keep the peace of the world, to wit, a league of industries and classes to keep industrial peace in the world. What could be more sacred? What could better represent what St. John called "reasoning together in brotherly love"?

I say there can be no fair objection to it. A man has a right to quit work, yes, with a reason—bad reason, good reason, no reason—but he has not a right, by combination or class conspiracy, to tie up the industries, the mails, the commerce, the bread and the meat, and the baby food of the United States in order to reach some ulterior legislative purpose.

You might just as well face it and not camouflage it. You have got to fight this thing some day, and, as far as I am concerned, I would rather fight it while I am alive than to leave my children to fight it when I am dead. God knows I have always stood with "the under dog" since I was a child. Talking in the cloakroom the other day somebody spoke about having no discrimination on the ground that a man was poor against the man who was rich. I said, "I will make those discriminations every day; I make them in private life, and I will make them in my public life, whether in income-tax laws or elsewhere, because equal and fair justice requires that you shall make a greater allowance for the man who needs than for the man who has enough." But that is a different proposition from having somebody usurp the governmental functions of the people of the United States. If any man is dissatisfied with the acts of the representatives of the people here in Washington or in the States, he can go before the people, not only his class, whether capitalistic or proletariat, but before all the people, and reargue his case.

Mr. President, I say that the school-teacher, the preacher, the lawyer, the doctor, the country blacksmith, the country carpenter, the one-mule farmer, all these people which, taken together, constitute some 80 or 90 per cent of the population of the United States, though unorganized and unthreatening, have some rights, and that combined capital and combined labor have no right to "grind them to pieces between the upper and the nether millstones."

I, moreover, do not believe that the labor of the United States wants to do it where it is fairly represented. I believe that certain extreme men, getting temporarily in control by accidental position, have lately misvoiced the sentiments of labor in the threats to which I have referred. I said threats. I mean threats. They were threats; they were meant to be taken as threats; and they meant that you and I should cow like an humble dog in our place in the Senate and House of the United States, whine like a whipped cur and say, "Of course, if you demand it I shall forget that my fathers and my forefathers were gentlemen and independent thinkers, and I will do what you say."

If anybody tries that game in America, he is going to make a mistake. We have got something that Russia did not have. We have a middle class of self-respecting citizens who upon

occasion and due provocation will fight and can fight and know how to fight. They are not to be bullied and are not to be cowed, whether by the trusts upon the one extreme or by socialistic Russian sovietic misrepresentatives of labor upon the other. Any man has a right to quit work. I have a right to quit this seat right now and go to the cloakroom and probably would be performing more of a public service if I did. I could not be made to come back and sit here either. But everybody knows that what we are hitting at here is not to prevent a man from quitting work for a real good reason, or for no reason at all, even just simply because he feels like quitting—but we are aiming at preventing gigantic conspiracies for the purpose of coercing legislation and usurping the place of the duly elected representatives of the people, the temporary rulers of this country—temporary because they can be replaced at the next election.

The difference between a good representative and a bad representative is that a bad representative wants to stay here forever and is willing to pay any price to stay, while the good representative wants to do what is right and trusts that the people will have sense enough to understand it if he has sense enough to explain it, and, if they do not, then is willing to suffer the fortunes of war and go by the board. If he is a good sport, he goes smilingly, but at any rate he is not going to be a craven and a coward and a poltroon. I will do like old Nick Cox did once when some fellow came to him and told him he "had to do" a thing that he already wanted to do. He said, "If you had let me alone, I believe I would have done it; but if you come and threaten me, maybe I will and maybe I won't, but I will not do it now." That is my feeling about it. Whenever any man comes to me and tells me I have to do a thing, my reply is, "Well, maybe I will, maybe I will not; but I will not do it now, after you have told me that I have to do it."

Then we hear talk about "a general strike." That is a totally different thing from a legitimate strike. I am working, let us say, in a machine shop; I am not getting enough and I want to strike. Here is a man working in some other business who acknowledges that he is getting a very high wage and is living under very good conditions; and, yet, making an idol and fetish of the class feeling, the man in the other place and men in 20 other places, too, all otherwise satisfied with their conditions, say that they are going to strike to help the first one out, regardless of the public.

That is not all, Mr. President. It is coming to this: The policemen, the very guardians of the law, the conservators of the peace, whose business it is to put down riot and outlawry wherever they present themselves, are forming gigantic unions for the purpose of striking against the law and joining other unions, so as to satisfy the members of these other unions that there will be no police interference if they violate the law.

That is not all. The Senator from Alabama [Mr. UNDERWOOD] a few minutes ago said that the Government has on its rolls three-fourths of a million of public employees of one sort or another, and when any one of them is dissatisfid with his wage he can quit and somebody else will come in and take his place. That is the universal observation and the experience of all of us; our constituents are haunting us every day to get these places; and yet we are told to-day that we are to have unions among the employees of the Government to strike against the Government, with 100,000, aye, with 750,000 men and women outside of Government employment seeking that employment all the time if they can get it. Quit work! Of course, anybody has a right to quit work. Any 20 men have the right to quit work, any 100 men or any 10,000 men have the right to quit work; but when they conspire together to use their right to quit work as a means to the accomplishment of an unjust and treasonable end it is a different proposition, whether the end be to stop the functioning of the Government or whether the end be to stop interstate commerce or whether the incident to the end be the starvation of the babies who can not get their daily supply of milk in the great cities.

I do not believe for one minute that that sort of spirit is going to spread in America. I do not believe it for two reasons: First, because I do not believe that 3 per cent of the laboring men in this country would intelligently, wittingly, and knowingly tolerate it; and, second, because I do not believe that the other 97 per cent of the people of these United States are cravens and cowards enough to endure it, even if organized labor wanted to inflict it upon the country. Nor do I believe that organized labor does want it, and I know something about organized labor. I know it in a better way than you people in the North do, because I have never been interested in it politically; it does not cut any figure with me in that sense one way or the other. So I have had them talk to me fully. I stood in the other House for 20 years bearing their standard and fighting their battles, and every leader of them will say so to-day who was then a leader and knew anything about it.

I believe with all my soul that this world has got to come to some sort of new arrangement in industrial affairs, I do not know what. I have been for a long time of the opinion that the present arrangement could not be satisfactory for the advancement of civilization throughout the ages. I am willing to cooperate in every way in the world—shorter hours, larger pay whenever just and right; and whenever there is any doubt about it, I am willing to solve it in favor of labor.

But, Mr. President, I want to sound the alarm to-day. I want to sound it in the name of the middle class—the so-called despised "bourgeoise," as the half-educated, half-insane Russian fools delight to call it. I want to sound it in the name of the traditions of the American Republic and of its ideals; I want to sound it in the name of the courage of our forefathers. That alarm is this: That there is real danger that a lot of people may be misled by the passivity of the indifferent public into the idea that they can by mere threats of sympathetic or general strikes, with legislative purposes in view, whip, scourge, and control the representatives of the people. There are some of them that they can whip, scourge, and control—miserable cowards—and whose places have always been filled here. Anybody could bulldoze them any day in the morning who would make them think that they would lose 300 votes; but they do not represent the House, they do not represent the Senate, and, above all things, they do not represent the great middle class of America, who elect the Members of the House and the Senate.

It is to the middle class that civilization's progress has been due. The two other extremes have always been sources of danger to progress. Anglo-Saxony and its civilization here and in Great Britain, Canada, New Zealand, South Africa, and Australia owes its being in the very forefront "of the files of time" to the fact that its middle class, in one way or another, has always governed it and that they have stood like an impartial arbiter between the two extremes; one seeking profit at the price of blood, if necessary, and the other seeking class rule at the price of blood, if necessary.

Mr. President, it is not without reason that the history of England and the history of the United States display the fact that the main rulers, sages, thinkers, governors, and popular favorites of those countries have been country gentlemen, beginning with George Washington and coming all the way down, and where they have not been country gentlemen some other sort of gentlemen; at any rate, members of the middle classes, and always men who wanted the United States and England to be governed in the interest of the public and not in the interest of any particular class. Even in Great Britain the time passed 50 years ago when a class could govern the country. That time never existed in the United States, whether in colonial days or after we attained our independence. We have never tolerated it in the past, we shall not tolerate it now, and we shall not tolerate it in the future.

I said I wanted to sound an alarm. Let it be rather a warning. Oh, somebody may say, "Well, what right have you to speak for them? You are assuming it." Yes; I am. I am assuming it because I am one of them and because I know them historically and at this time; and I shall continue to assume the spokesmanship of the great unselfish, arbitral middle class of this civilized country. The very difference between a civilized country and one that is yet semibarbarous is that the semibarbarous country has no middle class which is capable of self-assertion and the civilized country has. Self-asserting means fighting if absolutely necessary and unavoidable in order to preserve liberty, limb, life, or even property from violence, theft, robbery, or confiscation. But in this country, thank God, even school-teachers, although they are paid less than janitors, even preachers, paid less than porters, even lawyers, even doctors, even the little retail merchants in the cities, even the clerks who sell goods have a voice in this Government and, thank God, furthermore, they are men, as they have proven upon the battle field and will if necessary prove in the clash of civil life.

Mr. President, there is one thing the Senator from Idaho said which I desire to notice. He said that it is true "when any other class of people go out on a strike and quit work you can go get other men to take their places, but you can not do that in the case of railroad labor." That, Mr. President, is just where these labor agitators are making their mistake. Thirty years ago that was true; but that is not true now. There is hardly a farmer's lad who does not know how to run an engine. It may have been a traction engine that he practiced on, but the same principle applies to the locomotive. There is hardly a

little gamin de pavé in any of our cities that does not know how to run an automobile of some sort. The old tyranny that the expert laborer held over the world has gone glimmering.

All that this committee provision would really accomplish is this: It would provide a fair, impartial arbitral tribunal to settle industrial disputes peaceably rather than by force. It would call upon both sides of the dispute to submit to the result of the arbitration, and it would call upon them in the name of the public and in the name of civilization and human progress and human love, as against human hate and human retrogression. The man who is not willing to leave a quarrel between himself and another man to a fair arbitration is seeking some selfish, illegitimate purpose. I will leave any quarrel between you and me to fair arbitration, unless it has ceased to be a quarrel and has become an insult to my wife, my family, or my country. No man can object to any mere matter of money being settled by arbitration.

And what have the workingmen got to fear from it? Anything? Ah, the other fellow has got something to fear perhaps, but they have not. Can you imagine a public tribunal created by a political administration that will not solve every doubt between capital and labor in favor of labor? Honestly, really, can you imagine that sort of a tribunal existing? Where there is no doubt it might decide in favor of capital or in favor of the employer, but where there is the slightest doubt they would always decide in favor of the employee. What has Congress itself done in the last several years? What have the great boards done that have been settling all such questions? So far as I now remember, every single dispute decided by a public functionary except one has been decided in favor of the contention of labor.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. WILLIAMS. Am I not right about it? Does the Senator from Colorado remember of but one contention that was decided against labor?

Mr. THOMAS. I do not even remember that.

Mr. WILLIAMS. I remember the last one a few days ago, decided bravely by Woodrow Wilson.

Mr. THOMAS. What I wanted to suggest to the Senator was that he also remembers that in the passage of the Clayton bill Congress exempted agriculturists and laborers or workmen and wage earners from the operation of that law.

Mr. WILLIAMS. Yes; I remember that, and I voted for it.

Mr. THOMAS. I did not.

Mr. WILLIAMS. And I voted for it at the time under the idea that I was helping the under dog, who needed help and who otherwise would not get it; but things had not assumed, then, the position they have now assumed of having men threaten us that unless we enacted certain legislation they would enact it by force of nonintercourse and starvation of women and babies. I was right then under the conditions then confronting me, and I am right now under the conditions now confronting me.

As I was saying, I do not remember but one case—and that took the courage of a statesman—where a public body called upon to decide questions between employer and employee did not decide in favor of the employee, and that was here the other day when President Wilson made his address to Congress and told the railway employees substantially that they could not have in detail what they demanded with threats. They were so perfectly astonished at the idea that a man who was supposed to be a politician, because he was an officeholder, told them they could not have what they wanted that they went into a state of paralysis for two or three days. They will not be hurt by a public arbitral tribunal. If anybody will be hurt it will be the other side, and the other side can better afford to be hurt than they can, and, therefore, I am in favor of the tribunal.

Mr. President, when Jefferson Davis was living, slave owner though he was, he made it a rule upon his plantation that no slave should ever be punished unless he was convicted by a jury of six of his fellow slaves. In a condition of slavery he carried through that rule of justice, and a better-managed plantation never existed than Brier Field under the two brothers—old Joe Davis and Jeff Davis. I mention that because it is rather an extreme illustration of the fact that if you obey the old Latin maxim, "fiat justitia, ruat coelum"—"do justice though the heavens fall"—then everything else will come out right. Nothing can come out wrong so long as men seek to be just to one another. If all men sought justice we would have the millennium upon earth in less than a week after men found out that that was the rule. All of our misfortunes and unhappiness grow out of our sins or our follies or our greed or our injustices. What is the goal humanity is seeking in this midway light of semicivilization toward a final enlightenment? What is it? Why, Mr. President, it is simply to substitute justice for force. And what is the voice of justice? Common sense and impartiality. Some voice somewhere that shall at least have common sense and that shall also have impartiality with just a little bit of sympathy with the under dog—always that sympathy—because that is necessary to complete justice, as God's mercy does, and to fulfill human love.

NATIONAL PROHIBITION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

Mr. STERLING. Mr. President, anxious as I have been to bring this bill on for consideration by the Senate, I do not think I regret for a moment having yielded to the Senator from Mississippi, nor do I think the Senate regrets that I yielded for the purpose of hearing the splendid, true American speech that he has just made.

Mr. President, this bill has three different subjects, covered by what are known as Titles I, II, and III of the bill.

Title I deals with the enforcement of war prohibition, as it is called.

Title II deals with the enforcement of prohibition under the constitutional amendment.

Title III relates to industrial alcohol.

It perhaps may be of interest just to sketch briefly the legislation and the proceedings, administrative and otherwise, leading up to the fact which we term the war prohibition act.

As is known by all, there was first the food-control act of August 10, 1917. In that act there was an authorization to the President to regulate or prohibit the production of malt or vinous liquors. In pursuance of that act there were several proclamations by the President, one of December 8, 1917, forbidding the production of malt liquor, except ale and porter, containing more than 2.75 per cent of alcohol. Then a proclamation of September 16, 1918, prohibiting after December 1 of that year the production of malt liquors for beverage purposes, including "near beer," whether or not such liquors contained alcohol. Third, a proclamation by the President of January 30, 1919, permitting the use of grain in the manufacture of beverages which are not intoxicating; then another proclamation of March 4, 1919, which prohibited the production only of intoxicating malt liquors for beverage purposes. Before that, however, there was the act of November 21, 1918, passed and approved 10 days before the signing of the armistice; and I want to call attention to the provisions of that act, because they are material in the consideration of Title I of the pending bill.

The act of November 21, 1918, provides as follows:

> After May 1, 1919, until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no grains, cereals, fruit, or other food product shall be used in the manufacture or production of beer, wine, or other intoxicating malt or vinous liquor for beverage purposes. After June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no beer, wine, or other intoxicating malt or vinous liquor shall be sold for beverage purposes except for export.

The following is the penalty provided for the violation of the law:

> Any person who violates any of the foregoing provisions shall be punished by imprisonment not exceeding one year or by fine not exceeding $1,000, or by both such imprisonment and fine.

Mr. President, this is material in view of the definition contained in the bill for wine and beer, the sale of which is prohibited by Title I. The bill provides as follows:

> The words "beer, wine, or other intoxicating malt or vinous liquors" in the war prohibition act shall be hereafter construed to mean any such beverages which contain one-half of 1 per cent or more of alcohol by volume.

As I recall, the proclamation of the President prohibiting the manufacture of beer containing more than 2.75 per cent of alcohol was interpreted to mean 2.75 per cent of alcohol not by volume but by weight. I think it has been ascertained that beer containing 2.75 per cent of alcohol by weight means about 3½ per cent of alcohol by volume.

The law of 1918 has been decided to be constitutional by many courts—first, by the District Court for the Southern District of New York, before which cases were brought against brewing companies. It has been so decided by each of the judges of the circuit court of appeals to whom the cases before the district

judge were taken on writs of error, but in their decisions reference is made to the quantity of alcohol to be found in beer, and I want to call attention, first, to two or three statements made by Judge Hand. He says:

In respect to the question of constitutionality the only matter before me is whether prohibition of the liquor traffic, including suspension of all brewing, bears any substantial relation to the conduct of the war, either in contributing to the support of armies or to their safe or efficient demobilization. With the wisdom of the measure I have nothing to do. Everything that could be argued in this case was present even to a stronger degree in the case of Purity Extract Co. *v.* Lynch, supra.

A case that he had theretofore cited in the course of his decision, decided by the Supreme Court of the United States and found in Two hundred and twenty-sixth United States Statutes, where it was held that the sale of a malt liquor containing no alcohol whatever might be prohibited by the terms of an act aimed at the prevention of the traffic in intoxicating liquors, and that the act was constitutional.

Further, he says:

It is widely believed that prohibition makes for health, strength, and efficiency, physical, mental, and moral. It is also widely believed that prohibition of all malt liquors, regardless of alcoholic content, is necessary for the adequate enforcement of a prohibition law and for suppressing various evils that accompany the saloon. Whether or not this idea is a mistaken one, it would be going much too far to say that there was no substantial or rational relation between these means and the conduct of the war or the return and demobilization of our armies. I can have no doubt that the construction of the act contended for by the Government, if in fact correct, would be within the power of Congress.

The case thus decided by Judge Hand in the district court, from whose opinion I have read this extract, went to the circuit court of appeals, and I call attention to some expressions bearing upon this point by one of the judges of the circuit court of appeals. It may be said that each of the three judges of the circuit court of appeals sustained the constitutionality of the act of September 21, 1918.

Judge Rogers says in his opinion:

The acts of Congress now under consideration contain no definition of what per cent of alcohol makes liquor intoxicating. In a number of the States the statutes prohibit the use of all "alcoholic" liquors for beverage purposes. In a large number the standard of intoxicating beverage is fixed at one-half of 1 per cent.

My recollection may be at fault, but I think there are now about 14 States that have passed prohibition laws making one-half of 1 per cent of alcoholic content the standard. Any liquor exceeding that is to be deemed an intoxicating liquor within the meaning of the act.

And for nearly 20 years the Bureau of Internal Revenue has treated beer containing one-half of 1 per cent or more of alcohol as a malt liquor, and the brewers of the country have acquiesced in this definition of beer. And it is reasonable to expect that the present Congress in enacting a prohibition enforcement bill under the eighteenth amendment will define what is intoxicating liquor, and, if it does, it may fix the standard at one-half of 1 per cent in accordance with the rule established for so many years in the Bureau of Internal Revenue.

So what I say and what I quote here refers not only to war prohibition, covered by Title I of the bill, but it refers also to prohibition under the constitutional amendment.

The court continues:

But in the absence of some definitive legislation the meaning of the term "intoxicating liquors" must be a question of fact and not of law, and the court can not undertake to say, as matter of law, that liquor which contains 2.75 per cent of alcohol by weight is not intoxicating. And neither the opinion of my associates nor the opinion of the district judge contains anything to the contrary—

And so forth.

Mr. President, we have in the law of 1918 simply an act prohibiting, as it were, the sale of intoxicating beverages. That is all—no definition whatever as to what constitutes an intoxicating beverage; no words in the act construing the term "liquor" or the term "intoxicating liquor." So that the law has been rendered most difficult of enforcement by reason of the fact that there is no definition of intoxicating liquor.

It has been contended, of course, that beer containing 2.75 per cent of alcohol is not intoxicating; but, Mr. President, the subcommittee of the Judiciary Committee, having under consideration this bill, had before it the sworn affidavits of some of the most eminent physicians in the United States, among them Dr. Kelley, of Johns Hopkins University, of Baltimore, to the effect that beer containing 2.75 per cent or even a much less per cent of alcohol was intoxicating; and Dr. Kelley further states that the only safe course is to provide that beer or any liquid containing to exceed one-half of 1 per cent of alcohol should not be permitted to be sold as a beverage.

So we have defined these terms in order that we might have an enforceable law on the statute books. Being enforceable and being enforced it will have the effect of creating a wholesome respect for law as such. The inevitable result of a law standing on the statute books unenforced is, of course, to create disregard for and disrespect of the law.

The law of November 21, 1918, was lacking in other respects. In addition to not having provided a definition for intoxicating liquor there were no means for its enforcement except by criminal action in all instances. I think it has been found by experience throughout the several States that the remedy by injunction is one of the most effectual methods of enforcing any prohibition law. I think it has been adopted really in nearly all the States of the Union, and so in this bill under title 1 we have provided one additional remedy, the remedy by injunction, authorizing the Commissioner of Internal Revenue and his agents and assistants to report violations of the law to the district attorney of the district in which the violation occurs, and if it is found that there is a manufacture or sale of beer, which by the act is declared to be a common and a public nuisance, if it is found that such nuisance exists, then the prosecuting attorney is authorized to proceed by injunction to enjoin and abate that nuisance.

As to title 2, covering war-time prohibition, we have practically reenacted, or restated rather, the provisions in regard to the authority and power of the Commissioner of Internal Revenue, the same as in title 1 of the bill. We have also given in that title the remedy by injunction and then we have provided the distinctive prohibitions against the manufacture, the sale, the bartering away, the furnishing, the receiving, the possession of intoxicating liquors as defined in the act.

The enforcement is aided by a system of permits to be issued by the Commissioner of Internal Revenue, who has the general supervision of the enforcement of the law, permits for the manufacture for the purpose allowed by the bill, permits for the sale and purchase for the purpose allowed by the bill, permits for the physician to prescribe as allowed by the bill; no permit being required of the person who purchases on a prescription given by a physician.

I think perhaps it may be said of the work of the Committee on the Judiciary that we have in a sense liberalized the bill as passed by the House. We have stricken out what the committee regarded as some unduly unnecessary restrictive provisions. We have meanwhile, too, preserved, as we think, all the essential features of the bill as passed by the House. I call attention briefly to a few of the amendments suggested by the committee—some of the more important, at least from the quantitative standpoint—from the standpoint of the number of lines or words stricken out.

One important amendment is the striking out of one entire section, called section 7½, relating to the place where a physician must keep his office, and so forth; and, if I may, I will call attention a little more specifically to that section:

SEC. 7½. No physician authorized to issue any prescription for liquor under this act shall have or shall keep his office, or shall examine any person with the purpose in view of prescribing liquor or issue any such prescription, in any drug store, pharmacy, or place where liquor is sold under authority of this act, or in any room, apartment, booth, or place immediately connected therewith, except that such physician shall have had his office in such drug store, pharmacy, or place for a period of at least one year immediately preceding and prior to the going into effect of this act.

It will be seen, I think, on a reading of the section that it is considerably involved, that it seems to be somewhat contradictory in its terms. Then we thought that, in addition to that, it was unnecessarily restrictive and that no real useful purpose would be accomplished by it.

Another proposed amendment strikes out in section 10 the requirement that a record of the manufacture, purchase for sale, sale, or transport of any liquor shall be kept, showing the facts, and so forth. This is related to another section, which requires the Commissioner of Internal Revenue to keep a record in his office of all the statements, the records of permits issued, the records made by a carrier, the records made by a manufacturer, the records made by a seller of the liquor, the records made by a pharmacist. It was proposed by the House that the Commissioner of Internal Revenue shall keep a copy of these in his office. We thought there was no necessity for that. These records must be kept and the bill so provides, but we further provide that they shall, any or all of them, be open to inspection at any reasonable hour.

We provide further that certified copies of any records required to be kept under the law shall be admissible in evidence in any cases where they are appropriate or needed.

Another provision stricken out is in section 13, requiring an affidavit that the liquor obtained of a carrier shall not be used in violation of the law. A person seeking to get liquor of a carrier who is ready to deliver it must first have with him a verified permit to purchase, to get the liquor. We thought it was an unnecessary burden to require of the person getting the liquor to have in addition to his verified permit, which had been issued by the Commissioner of Internal Revenue, an affi-

davit showing that the liquor would not be used in violation of law. He could only get it in the first instance under a permit which would allow him to use it in accordance with the law.

We have stricken out a part of section 17 in regard to advertising as contained in the bill as passed by the House. It was a very long section and there were a great many words employed in defining and describing the different kinds of advertising. The committee thought that unnecessary and that we could use a few comprehensive words at the beginning of the section by way of amendment that would include every possible kind of advertising. This is what we said:

SEC. 17. It shall be unlawful to advertise anywhere, or by any means or method, liquor, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained.

Another amendment is in section 19. Let me call attention to that section. It reads as passed by the House:

SEC. 19. That it shall be unlawful for any person knowingly to permit his employee to procure liquor for or give direction or information by which liquor can be unlawfully secured by any person, and no person shall solicit or receive from any person any order for liquor or give any information of how liquor may be obtained in violation of this act.

Your committee considered that section quite fully and thoroughly and thought that the first part of the section prohibiting any person from knowingly permitting his employee to procure liquor for or give direction, information, and so forth, might lead to a system of personal surveillance and espionage that would be extremely annoying without accomplishing any corresponding good.

We leave in the latter part of the section, which provides that—

No person shall solicit or receive from any person any order for liquor or give any information of how liquor may be obtained in violation of this act.

We strike out section 20 relating to drinking liquors on trains, boats, and other public vehicles. Why did we do that? The prohibition amendment to the Constitution, of course, authorizes legislation prohibiting the manufacture and sale, the transportation, the importation or exportation of intoxicating liquors. But section 20 provided—

That it shall be unlawful for any person to drink liquor as a beverage in or to be intoxicated upon any car, train, automobile, boat, or other public conveyance. Any conductor or person in charge of any car, train, automobile, boat, or other public conveyance may upon view of the offense arrest any person therefor who is being conveyed in or by such car, train, automobile, boat, or other public conveyance, and turn him over to the proper officer, to be proceeded against according to law.

Mr. President, the committee doubted whether an authority to prohibit the manufacture, sale, or transportation of intoxicating liquor would confer upon us the power to prohibit a person from drinking liquor on a train or from being intoxicated upon a train. Furthermore, even if we had such authority, we thought that it was a matter that would be taken care of to great extent by State legislation. I am not certain as to that, but I think any conductor of a railroad train has himself authority to arrest any disorderly person upon the train. If there is any disorder arising out of drinking upon a train, he would have authority to arrest the offender and turn him over to the authorities at the nearest town reached by the train.

We strike out section 23½, having reference to having in possession, traveling to solicit orders, and so forth, guilty of a nuisance, and providing the remedy by injunction in such case. That is, we strike out all of section 23½ which relates to that. We strike that out for the reason that each and every offense named in section 23½ is an offense subject to criminal prosecution. We believed that the provisions of the bill authorizing prosecution for the manufacture, for the sale, for having in possession, for furnishing to anyone whatever, would be ample, and that it would be of no great benefit in the enforcement of the prohibition law to add a provision enjoining the particular individual from doing the acts named. Of course if he maintains a business of manufacturing, maintains a business of selling, he is subject to other provisions of the bill which allow an injunction against maintaining the business of manufacturing or of selling.

We have stricken out a good part of section 23, as follows:

That when it appears in any criminal proceeding that any common nuisance as defined herein exists it shall be the duty of any officer authorized to enforce this act to proceed promptly in a court of equity to abate such nuisance, and the final conviction of the defendant in such trial shall be conclusive evidence against such defendant of the facts adjudged therein as to the existence of the nuisance.

The objection the committee had to that provision is simply that the proceeding by injunction is made mandatory under the terms of the bill. We believe in any given case upon a conviction of a person charged with the unlawful use of intoxicating liquor it should be left discretionary with the officials to proceed by injunction or not as they choose.

It might be very palpable in any given case that criminal prosecution was sufficient, that the individual forever afterwards would be deterred from violating the law and there would be no need of an injunction, and yet the bill says that proceeding by injunction must be begun. Furthermore, I think it ought to be left discretionary in such a case, because of the possible situation in regard to property involved and other business connected with the property, and it should not be made the duty of the officer in each and every case to institute proceeding by injunction.

I think that covers for the most part the principal amendments that have been made by the committee.

I am satisfied, Mr. President, after a careful study of the bill, and after working over it along with faithful members of the subcommittee day after day, that we have presented to the Senate a reasonable bill, one that will be in pursuance of the mandate of the people of the country in their ratification of the eighteenth amendment to the Constitution.

The last title of the bill relating to industrial alcohol, it may be said, speaks for itself. The idea is to conserve alcohol for industrial purposes, to encourage the manufacture of it for such purposes under proper restrictions, and to prevent the diversion of the alcohol which may be used for such purposes to uses for intoxicating beverage purposes.

I think that is all I care to say, and I will ask that the bill be now read for action on the committee amendments.

Mr. SHEPPARD. Mr. President, the very comprehensive explanation of the measure by the Senator from South Dakota leaves little to be said. On the whole the bill represents the best that can be obtained in this body at this time, and I trust that it may be speedily passed.

I take this opportunity to congratulate the Senator from South Dakota [Mr. STERLING], the Senator from Minnesota [Mr. NELSON], and the other members of the Judiciary Committee who have been active in the promotion of this bill. The mind of the American people is made up, so far as prohibition is concerned, and I think it will be universally conceded that they are entitled to an effective and reasonable enforcement law.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from South Dakota one or two questions. I have had but little opportunity to examine the bill since I returned to the city. I have been absent a few days.

I notice that physicians are permitted to prescribe as much as a pint to one person in 10 days.

Mr. STERLING. That is the provision in the bill, as I recall it, I will say to the Senator.

Mr. SIMMONS. Does the Senator think it is quite wise to limit it to a pint? Does he not think there may be cases in which a physician would feel warranted in prescribing bona fide a larger amount within that period of time?

Mr. STERLING. Opinions may differ in regard to that, I will say to the Senator from North Carolina. The committee discussed that to some extent. That is the provision as it appeared in the bill as it passed the House, and after some discussion we concluded to leave it as it was.

Mr. SIMMONS. I am asking the opinion of the Senator about it.

Mr. STERLING. It is confined to spirituous liquors—1 pint of spirituous liquors.

Mr. SIMMONS. I understand.

Mr. STERLING. It does not limit the sale of other liquors.

Mr. SIMMONS. It is confined to liquors that are used or could be used as a beverage prescribed by a physician to a sick patient, and he is not permitted to prescribe, whatever may be the requirements of the patient, more than 1 pint in 10 days. I asked the Senator if he did not think it rather unwise to limit it to such a small quantity?

Mr. STERLING. As I said to the Senator, opinions may differ in that regard. I do not think it is too small a quantity, and I have in mind the testimony of medical experts along these lines. I have in mind, I will say to the Senator from North Carolina, the opinion of the American Medical Association as expressed at two annual conventions recently held. I do not know whether at the last convention they gave expression to any view or not, but they did at two annual conventions before that, in which, of course, they expressed a belief in the prohibition of intoxicating liquors for beverage purposes, and then they proceeded to say that it is not much used for medicinal purposes.

Mr. SIMMONS. But where it is used purely for medicinal purposes you propose to safeguard the law by not permitting anybody to prescribe it except a physician and not permitting the physician to prescribe it except after he has made an examination of the person.

Mr. STERLING. No; we do not provide for that; we struck that out. As the bill originally read it required personal examination by the physician of the person seeking the prescription for liquor, but we struck that out.

Mr. SIMMONS. If the Senator thinks that the quantity is not too small, I rather disagree with him about that; I think in the average case probably it would be sufficient, but where a patient is thought by a physician really to require a stimulant of this character it seems to me that the amount allowed would be very meager for the length of time stipulated in the bill. I am merely bringing the matter to the attention of the Senator with a view to suggesting that there might be some additional clause by virtue of which under extraordinary circumstances a physician might increase the quantity. I am merely making the suggestion; I am not proposing to make any motion myself with regard to the matter.

Mr. STERLING. I thank the Senator for his suggestion. I will have it under consideration, and I hope other Senators will.

Mr. SIMMONS. There is a question, though, concerning which I should like very much to have some information. It is a custom, as I understand, in all of the hospitals of the country to keep on hand a certain limited supply of spirituous liquors for use in the treatment of patients. Of course there are physicians in all hospitals, and the physician of a hospital can prescribe liquor. The question I want to ask the Senator is whether under the bill if the physician of a hospital prescribes liquor for medicinal purposes can that hospital fill the prescription or must the prescription be filled by an outside pharmacist? I am myself inclined to think, from reading the bill rather hurriedly, I admit, that only a pharmacist could fill the prescription.

Mr. STERLING. I think the Senator is right in that construction, and I think that that was the view of the committee, that it is left to the pharmacist and to the pharmacist alone to fill such a prescription.

Mr. SIMMONS. Does not the Senator think that probably that is a little too restrictive? Does he not think that it might be proper, and without any possible injury resulting so far as the application of this law is concerned, in a case of that sort that the institution where the patient is being treated might be permitted, under the supervision of the physicians of that institution, to fill the prescription out of their own supplies?

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield.

Mr. NELSON. I think all such hospitals, or the large hospitals at any rate, invariably have a pharmacist. Of necessity, they must have one in the administration of drugs. They deal in all kinds of medicines and remedies, and they do not want to go to an outside drug store. They keep a supply of drugs on hand and, as a rule, they have a trained pharmacist in the institution. So I think this provision would work no difficulty. The Senator from North Carolina [Mr. SIMMONS] can readily see, if he stops to reflect, how inconvenient it would be in a hospital of any size in every case to have to send out to get a prescription for medicine filled.

Mr. SIMMONS. That is the very point I have in mind.

Mr. NELSON. And for that reason such institutions have a competent man to fill prescriptions right there in the institution.

Mr. SIMMONS. I would agree that the Senator was probably right about that as to the large hospitals of the country. For instance, I suppose Johns Hopkins University Hospital has a pharmacist; I suppose, probably, the Mayo brothers, at their great institution, have a pharmacist; but there are in this country, in the small towns, a great many hospitals; in fact, nearly every town of two or three thousand people now maintains a hospital of some kind, though it is generally small; and it would be a very great burden to require those small hospitals to employ a pharmacist simply for the purpose of filling such prescriptions.

Mr. STERLING. The question occurs to me, I will say to the Senator from North Carolina, Is there likely to be found any large supply of intoxicants in the small hospitals? Do they not rely for the filling of such prescriptions upon the pharmacist in the town where the small hospital is situated rather than to keep a supply of liquor themselves?

Mr. SIMMONS. On the contrary, I think it almost a universal practice of even the smaller hospitals to keep in the institution a reasonable supply of spirituous liquor for the purpose of prescribing it for patients.

The Senator from Minnesota [Mr. NELSON] is no doubt right that the large hospitals keep pharmacists; but a pharmacist is a man who in this day and time commands a very considerable salary, and to keep pharmacists in these small hospitals with only 15 or 20 rooms—and that is the size of them in the smaller towns of this country—would be very expensive.

I have in mind another institution in my State. I do not know whether or not it could be called a hospital, though we use the word "hospital" in connection with it; but it is known as the Keeley Institute and is located at Greensboro, N. C. It has treated thousands and tens of thousands of drunkards and has cured a large percentage of them. It has done a wonderful work in my State and in the adjacent States.

Mr. STERLING. Does not that institution have its pharmacist?

Mr. SIMMONS. Notwithstanding the existence of prohibition, I am told that institution is now doing a great work, probably having about as many patients as it had before prohibition went into effect. It is well known that the method of treating and curing inebriates from the beginning of the Keeley system has been by allowing them to "taper off," as it is called, administering a small quantity of the spirits to them day after day until finally they have been broken of the habit. It is the custom among such institutions to keep a very considerable supply of liquor on hand for that purpose.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. I yield.

Mr. NELSON. I desire to explain the matter to the Senator. I think he has not correctly diagnosed the situation.

Mr. SIMMONS. Probably I do not know so much about it as does the Senator from Minnesota.

Mr. NELSON. I want to state what my understanding of the Keeley system is. In those institutions they give the patients a small quantity of whisky together with castor oil or some emetic. That makes the whisky unpalatable to the patients; that is the way they cure them. They either administer the whisky, as I have stated, with castor oil or some emetic, so that when the patient takes a drink of whisky he is bound to throw it up immediately, and as a result whisky becomes repulsive to him. That is the way drunkards are cured by the Keeley system, as I understand. However, I can not speak from experience. [Laughter.]

Mr. SIMMONS. I do not know how the cure is administered, but I am told——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. STERLING. I yield.

Mr. THOMAS. I desire to suggest that the remedy as described by the Senator from Minnesota [Mr. NELSON] would be likely to make castor oil very popular in the United States. [Laughter.]

Mr. SIMMONS. I do not know how the cure is administered, but I am told—and I think there is no question about it—that in this treatment considerable quantities of spirits are used and have to be used. It is stated that the whole system would be ineffectual unless that were so; in fact, in the first stages of the treatment it is said that serious harm might come to patients if they were suddenly cut off from their usual supply of intoxicants. Under the bill as amended by the Judiciary Committee, as I understand, although the physician in charge might prescribe liquor, that institution could not carry a stock of spirits for the use of its own patients as required by the prescriptions of the physicians of the institution.

Mr. STERLING. Mr. President, I simply wish to say that about every other interest nearly was represented in the hearings before either the House or the Senate committee, or both, but there was no complaint whatever of the terms of this bill in any respect by the people for whom the Senator from North Carolina now speaks. There was no representation made by the hospitals that they were not provided for by the bill or that they would suffer by any of the provisions of the bill. There was no representation made by anybody in behalf of the Keeley Institute or any similar institution, and I can not think that they feel that there is any danger from the bill. They either have their pharmacists in the hospitals or sanitariums or they rely on the local pharmacists to fill prescriptions. So they will suffer no inconvenience at all from anything contained in this bill.

Mr. SIMMONS. I will say frankly to the Senator that I have myself had, so far as I now recall, no protest from any hospital—the question as it relates to hospitals merely occurred to me—but I have had most vigorous protests from the institution to which I have just referred, located at Greensboro, in my State. It is a very large institution; it has, I think, patients from nearly all of the Southern States. The owner of the institution has been to see me about it, and I have had quite a correspond-

ence with him, in which he protests most vigorously against the provisions of the bill and contended that it will seriously handicap the great work in which he is engaged, a work which, I think, has the approval of the prohibitionists of the country at large. Its object is to cure intemperance——

Mr. STERLING. I understand.

Mr. SIMMONS. And make good, sober citizens out of confirmed inebriates. He says that the course of treatment to which I have referred has been followed ever since the institution has been established, and he does not see how he can very well conduct it if he can not continue to keep large supplies on hand. Sometimes, I presume, they have several hundred patients there at a time. I have never been in the institution, so far as I now recall, but I know it is a very large institution. and I know from representations made to me that they have to carry considerable supplies of whisky and have to use large quantities of it. If they are compelled every time they have a patient to confine themselves to a prescription and are not allowed to use more than 1 pint in 10 days, I think the bill will destroy, if I am correctly advised, that method of treatment, and will destroy very largely that system of curing drunkenness in this country.

Mr. STERLING. May I suggest to the Senator from North Carolina that he prepare an amendment and submit it which will protect the particular institution to which he refers. I am sure it will be given careful consideration.

Mr. SIMMONS. I shall probably do that.

Mr. NELSON. Mr. President, will the Senator from North Carolina allow me to interrupt him?

Mr. SIMMONS. Certainly.

Mr. NELSON. Before the Senator takes his seat I should like to call his attention to an amendment which the committee has made to the bill in reference to the restriction that "not more than a pint of spirituous liquors shall be prescribed for use by the same person within any period of 10 days." The committee have put in an amendment qualifying that provision so that it will read "not more than a pint of spirituous liquor to be taken internally."

Mr. SIMMONS. That is the way they use it in this institution; the patients take it internally.

Mr. NELSON. I was going to point out that the provision is not a limitation upon the quantity of liquor for external use.

Mr. SIMMONS. I was not speaking of its use for external purposes.

Mr. NELSON. It is used to a considerable extent for external purposes.

Mr. SIMMONS. Oh, yes; it is used for external purposes; but I was speaking of the use of it by the Keeley Institute and institutions of similar character in connection with the cure of intemperance. They administer it internally, of course.

Mr. NELSON. I wish to suggest to the Senator further, if he will allow me, that if this institution is of the size the Senator indicates—and I do not doubt his word at all——

Mr. SIMMONS. Probably I have overestimated the number of patients somewhat.

Mr. NELSON. They would in the very nature of the case have a pharmacist in the institution, and that pharmacist could keep a supply of liquor like any other pharmacist.

Mr. SIMMONS. Oh, yes; if they set up a regular pharmaceutical establishment in the institution.

Mr. NELSON. No; I mean an ordinary pharmacist. They have probably such a man in connection with the institution. I do not see why they should not have. I imagine that they need such a man.

Mr. SIMMONS. Suppose they have such a man, I will ask the Senator from Minnesota, and suppose he could supply the liquor for the treatment of the inebriate patients, does the Senator believe, where it is absolutely necessary to use liquor in the cure of drunkenness, that a pint in 10 days would be sufficient?

Mr. NELSON. I think so. I want to say one word more to the Senator. We have such an institution at Minneapolis; it has been in existence there for a long time, but that institution has made no complaint to me. I have not heard from it, and I do not think that the chairman of the subcommittee has.

Mr. STERLING. In all the correspondence that I have had—and I have had volumes of it, I may say—I have not heard one word of complaint from hospitals or from the institution of which the Senator speaks.

Mr. SIMMONS. I will say frankly to the Senator that I have heard none except from this institution, but that has been a very vigorous protest. The owner of that institution is a man of great prominence in this country; he has recently held high office in the city of Washington, and I take it that he would not exaggerate the situation. He has told me very frankly that he did not see how he could possibly carry on his course of treatment there if he was circumscribed as provided in this bill.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Judiciary was, on page 1, line 3, after the enacting clause, to insert "That the short title of this act shall be the 'National prohibition act.'"

The amendment was agreed to.

The next amendment was, under Title I, headline, "To provide for the enforcement of war prohibition"; on page 1, line 7, before the word "term," to strike out "That the" and insert "The"; and on page 2, line 6, before the word "beverages," to insert "such," so as to make the clause read:

The term "war prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the war prohibition act shall be hereafter construed to mean any such beverages which contain one-half of 1 per cent or more of alcohol by volume.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 8, before the word "Commissioner," to strike out "That the" and insert "The," so as to make the section read:

SEC. 2. The Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of the war prohibition act to the United States attorney for the district in which committed, who shall be charged with the duty of prosecuting, subject to the direction of the Attorney General, the offenders as in the case of other offenses against laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers of courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 23, before the word "room," to strike out "That any" and insert "Any"; and on page 3, line 9, after the word "knowledge," to strike out "or reason to believe," so as to make the clause read:

SEC. 3. Any room, house, building, boat, vehicle, structure, or place of any kind where intoxicating liquor is sold, manufactured, kept for sale, or bartered in violation of the war prohibition act, and all intoxicating liquor and all property kept and used in maintaining such a place is hereby declared to be a public and common nuisance, and any person who maintains or assists in maintaining such public and common nuisance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $1,000, or be imprisoned for not less than 30 days or more than 1 year, or both. If a person has knowledge that his property is occupied or used in violation of the provisions of the war prohibition act and suffers the same to be so used, such property shall be subject to a lien for and may be sold to pay all fines and costs assessed against the occupant of such building or property for any violation of the war prohibition act occurring after the passage hereof, which said lien shall attach from the time of the filing of notice of the commencement of the suit in the office where the records of the transfer of real estate is kept; and any such lien may be established and enforced by legal action instituted for that purpose in any court having jurisdiction. Any violation of this title upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 24, before the words "United States," to strike out "That the" and insert "The," so as to make the clause read:

SEC. 4. The United States attorney for the district where such nuisance as is defined in this act exists, or any officer designated by him or the Attorney General of the United States, may prosecute a suit in equity in the name of the United States to abate and enjoin the same. Actions in equity to enjoin and abate such nuisances may be brought in any court having jurisdiction to hear and determine equity causes. The jurisdiction of the courts of the United States under this section shall be concurrent with that of the courts of the several States.

The amendment was agreed to.

The next amendment was, on page 5, line 8, after the words "in the," to strike out "full value of the property" and insert "liquidated sum of not less than $500 nor more than $1,000," so as to make the clause read:

If it be made to appear by affidavit, or other evidence under oath, to the satisfaction of the court, or judge in vacation, that the nuisance complained of exists, a temporary writ of injunction shall forthwith issue restraining the defendant or defendants from conducting or permitting the continuance of such nuisance until the conclusion of the trial. Where a temporary injunction is prayed for, the court may issue an order restraining the defendants and all other persons from removing or in any way interfering with the liquor or fixtures, or other thing used in connection with the violation constituting the nuisance. No bond shall be required as a condition for making any order or issuing any writ of injunction under this act. If the court shall find the property involved was being unlawfully used as aforesaid at or about the time alleged in the petition, the court shall order that no liquors shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or places of any kind, for a period of not exceeding one year, or during the war and the period of demobilization.

Whenever an action to enjoin a nuisance shall have been brought pursuant to the provisions of this act, if the owner, lessee, tenant, or occupant appears and pays all costs of the proceedings and files a bond, with sureties to be approved by the clerk of the court in which the action is brought, in the liquidated sum of not less than $500 nor more than $1,000, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein a period of one year thereafter, or during the war and period of demobilization, the court, or in vacation the judge, may, if satisfied of his good faith, direct by appropriate order that the property, if already closed or held under the order of abatement, be delivered to said owner, and said order of abatement canceled, so far as the same may relate to said property; or if said bond be given and costs therein paid before judgment on an order of abatement, the action shall be thereby abated as to said room, house, building, boat, vehicle, structure, or places only. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 15, before the word "Commissioner," to strike out "That the" and insert "The," so as to make the clause read:

SEC. 5. The Commissioner of Internal Revenue, his assistants, agents, and inspectors, and all other officers of the United States whose duty it is to enforce criminal laws, shall have all the power for the enforcement of the war-prohibition act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the laws of the United States.

The amendment was agreed to.

The next amendment was, in section 6, page 6, line 23, before the word "any," to strike out "That if" and insert "If," so as to make the clause read:

SEC. 6. If any section or provision of this act shall be held to be invalid, it is hereby provided that all other provisions of this act which are not expressly held to be invalid shall continue in full force and effect.

The amendment was agreed to.

The next amendment was, in section 7, page 7, line 3, before the words "of the," to strike out "That none" and insert "None"; and, in line 4, after the word "construed," to insert "to repeal any of the provisions of the war prohibition act, or," so as to make the clause read:

SEC. 7. None of the provisions of this act shall be construed to repeal any of the provisions of the war prohibition act, or to limit or annul any order or regulation prohibiting the manufacture, sale, or disposition of intoxicating liquors within certain prescribed zones or districts, nor shall the provisions of this act be construed to prohibit the use of the power of the military or naval authorities to enforce the regulations of the President or Secretary of War or Navy issued in pursuance to law, prohibiting the manufacture, use, possession, sale, or other disposition of intoxicating liquors during the period of the war and demobilization thereafter.

The amendment was agreed to.

The next amendment was, under title 2, headline "Prohibition of Intoxicating Beverages," in section 1, page 7, line 17, before the word "used," to strike out "That when" and insert "When"; in line 21, after the word "any," to insert "other"; in line 25, after the word "are," to strike out "potable or capable of being used" and insert "fit for use," and on page 8, after the word "purposes," to insert "*Provided, however,* That the foregoing definition shall not extend to dealcoholized wine nor to any liquor or liquid produced by the process by which beer, ale, or porter is manufactured, but containing not more than one-half of 1 per cent of alcohol if such liquor or liquid shall be otherwise denominated than as beer, ale, or porter," so as to make the clause read:

SEC. 1. When used in Title II and Title III of this act (1) the word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any other spirituous, vinous, malt, or fermented liquor liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever named called, containing one-half of 1 per cent or more of alcohol by volume which are fit for use for beverage purposes: *Provided, however,* That the foregoing definition shall not extend to dealcoholized wine nor to any liquor or liquid produced by the process by which beer, ale, or porter is manufactured but containing not more than one-half of 1 per cent of alcohol if such liquor or liquid shall be otherwise denominated than as beer, ale, or porter.

Mr. McNARY. Mr. President, I have offered an amendment to the committee amendment. On page 8, line 2, after the word "wine," I move to insert "or sweet cider." This is done to preserve the cider made from the nonsalable apples, which is a great proportion of the crop. I hope the chairman of the subcommittee will accept it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 8, line 2, after the word "wine," it is proposed to insert "or sweet cider."

Mr. STERLING. Mr. President, so far as I am able to do so, I accept that amendment.

Mr. THOMAS. Mr President, I did not understand the amendment.

The PRESIDING OFFICER. The Secretary will again state it.

The SECRETARY. In the committee amendment on page 8, line 2, after the word "wine," it is proposed to insert the words "or sweet cider," so that, if amended, it will read:

That the foregoing definition shall not extend to dealcoholized wine or sweet cider, etc.

The amendment to the amendment was agreed to.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator a question. I want to ask him if he does not think the words "not more than," in line 4, should be changed to read "but containing less"?

Mr. STERLING. I will say that I have that in mind as an amendment to be offered.

Mr. JONES of Washington. This is a committee amendment, so I suggest that the committee amendment ought to be amended before it is adopted.

Mr. STERLING. Yes; it ought to be amended so as to correspond to the definition.

Mr. JONES of Washington. Yes.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On line 4, it proposed to strike out "not more" and insert "less," so that it will read, "containing less than one-half of 1 per centum."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 8, line 16, after the word "specifically," to insert "therein," so as to make the clause read:

(5) The term "permit" shall mean a formal written authorization by the commissioner setting forth specifically therein the things that are authorized.

The amendment was agreed to.

The next amendment was, on page 8, line 18, before the word "required," to insert "that may be," so as to make the clause read:

(6) The term "bond" shall mean an obligation authorized or that may be required by or under this act or any regulation executed in such form and for such a penal sum as may be required by a court, the commissioner, or prescribed by regulation.

The amendment was agreed to.

The next amendment was, on page 8, line 22, to change the number of the paragraph from "8" to "7"; in the same line, after the word "mean," to strike out "all" and insert "any;" in line 23 before the word "prescribed," to strike out "regulations" and insert "regulation," and in line 25, after the word "act," to strike out "so as to afford safety to the revenues and edequate protection against diversion of liquor for illegal uses, and the commissioner is authorized to make such regulations," so as to make the clause read:

(7) The term "regulation" shall mean any regulation prescribed by the commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 9, line 7, after the word "commissioner," to strike out "shall" and insert "may," so as to make the clause read:

Any act authorized to be done by the commissioner may be performed by any assistant or agent designated by him for that purpose. Records required to be filed with the commissioner may be filed with an assistant commissioner or other preson designated by the commissioner to receive such records.

The amendment was agreed to.

The next amendment was, in section 2, line 10, before the word "commissioner," to strike out "That the" and insert "The," and on page 10, line 1, after the word "act," to insert: "Officers authorized to issue warrants or cause arrests to be made under said section 1014 of the Revised Statutes of the United States, are authorized to issue search warrants under the limitations provided in Title XI of the act approved June 15, 1917, Fortieth Statutes at Large, page 217, et seq," so as to make the clause read:

SEC. 2. The Commissioner of Internal Revenue, his assistants, agents, and inspectors shall investigate and report violations of this act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury. Section 1014 of the Revised Statutes of the United States is hereby made applicable in the enforcement of this act. Officers authorized to issue warrants or cause arrests to be made under said section 1014 of the Revised Statutes of the United States, are authorized to issue search warrants under the limitations provided in Title XI of the act approved June 15, 1917, Fortieth Statutes at Large, page 217, et seq.

Mr. THOMAS. Mr. President, I should like to ask the Senator having the bill in charge whether the act of June 15, 1917, is a permanent act. Is not that a statute which was passed to meet the exigencies of the war? It was a part of the espionage act.

Mr. STERLING. Section 7 of that act, I think, is permanent legislation.

Mr. THOMAS. It may be.

Mr. STERLING. Yes; I think it is.

Mr. THOMAS. My recollection of the espionage law is that it is only designed for the exigencies of the war.

Mr. STERLING. No; that relates wholly to search warrants, and I think it is permanent.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I do.

Mr. NELSON. I want to say to the Senators that I was on the Committee on the Judiciary when the bill to which the Senator from Colorado refers was before that committee. The provision relative to search warrants was practically prepared by the Senator from Montana [Mr. WALSH] and a member of the House committee, and it was copied from the New York search law and is a permanent provision that does not die with the war. It is a very guarded provision that has been approved and has been worked under in the State of New York.

Mr. THOMAS. I remember the provision very well, because I took some part in the discussion of it when it was enacted. I wanted to ascertain, however, whether it was a permanent provision.

Mr. STERLING. I will say to the Senator from Colorado that I think there is no doubt about that. I remember the discussion of that act before the Judiciary Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, in section 3, page 10, line 1, before the word "person," to strike out "That no" and insert "No"; and in line 8, after the word "barter," to strike out "give away," so as to read:

SEC. 3. No person shall on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, manufacture, sell, barter, etc.

Mr. REED. Mr. President, do I understand—and I am inquiring of the Senator in charge of the bill—that it is proposed to punish somebody for giving away a drink in his own house?

Mr. STERLING. We have stricken out those words.

Mr. REED. Oh, you are striking them out?

Mr. STERLING. Yes; they are stricken out by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 10, line 9, after the word "deliver," to strike out "furnish, receive" and insert "furnish"; and in line 12, after the word "construed," to strike out "to the end that the manufacture, sale, transportation, exportation, and importation of intoxicating liquor for use for beverage purposes may be prohibited. Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, given away, transported, imported, exported, delivered, furnished, received, possessed, and used but only as herein provided, and permits may be issued therefor"; and insert: "*Provided*, That nothing in this act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in general or distillery bonded warehouses and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts," so as to make the section read:

SEC. 3. No person shall on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, manufacture, sell, barter, transport, import, export, deliver, furnish, or possess any intoxicating liquor, except as authorized in this act, and all the provisions of this act shall be liberally construed: *Provided*, That nothing in this act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in general or distillery bonded warehouses, and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts.

The amendment was agreed to.

The next amendment was, in section 4, page 10, line 25, before the word "articles" to strike out "That the" and insert "The," so as to make the clause read:

SEC. 4. The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this act if they correspond with the following descriptions and limitations, namely:

The amendment was agreed to.

The next amendment was, on page 11, line 10, after the word "Pharmacopœia," to strike out "or"; in the same line, after the word "Formulary," to strike out "of" and insert "or," and in line 11, before the word "unfit," to strike out "nonpotable and," so as to make the clause read:

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopœia, National Formulary, or the American Institute of Homeopathy that are unfit for use for beverage purposes.

The amendment was agreed to.

The next amendment was, on page 11, line 14, before the word "unfit," to strike out "nonpotable and," so as to make the clause read:

(c) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

The amendment was agreed to.

The next amendment was, on page 11, line 16, before the word "unfit," to strike out "nonpotable and", and in line 17, after the word "purposes," to strike out "contained in bottles or packages, upon which are printed conspicuously and legibly in English the exact quantity by volume of alcohol in such preparation," so as to make the clause read:

(d) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

The amendment was agreed to.

The next amendment was, on page 11, line 21, after the words "unfit for," to strike out "intoxicating beverage purposes" and insert "use as a beverage," so as to make the clause read:

(e) Flavoring extracts and sirups that are unfit for use as a beverage.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to insert:

(f) Vinegar and fruit juices for the production of vinegar.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the word "article," to strike out "capable of being" and insert "which may be," so as to make the clause read:

A person who manufactures any of the articles mentioned in this section may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records, and make the reports specified in this act and as directed by the commissioner. No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any extract, sirup, or other article which may be used for beverage purposes than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article.

The amendment was agreed to.

The next amendment was, on page 12, line 14, before the letter "d," to strike out "and"; in the same line, before the words "of this," to insert "and f"; in line 16, after the word "sell," to insert "any of the"; on page 13, line 1, after the word "person," to strike out "for" and insert "to," and in line 8, after the word "and," to insert "in addition the commissioner," so as to make the clause read:

Any person who shall knowingly sell any of the articles mentioned in paragraphs a, b, c, d, and f of this section for beverage purpose, or any extract or sirup for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes, or shall sell any beverage containing one-half of 1 per cent or more of alcohol by volume in which any extract, sirup, or other article is used as an ingredient, shall be subject to the penalties provided in section 30 of this title. If the commissioner shall find, after notice and hearing as provided for in section 5 of this title, that any person has sold any flavoring extract, sirup, or beverage in violation of this paragraph, he shall notify such person, and the person to whom the sale was made, if any, to desist from selling such article; and it shall thereupon be unlawful for a period of one year thereafter for any person so notified to sell any such extract, sirup, or beverage without making an application for, giving a bond, and obtaining a permit so to do, which permit may be issued upon such conditions as the commissioner may deem necessary to prevent such illegal sales, and in addition the commissioner shall require a record and report of sales.

The amendment was agreed to.

The next amendment was, in section 5, page 13, line 10, before the word "the," to strike out "That whenever" and insert "Whenever," so as to make the clause read:

SEC. 5. Whenever the commissioner has reason to believe that any article mentioned in section 4 does not correspond with the descriptions and limitations therein provided, he shall cause an analysis of said article to be made, and if, upon such analysis, the commissioner shall find that said article does not so correspond, he shall give not less than 15 days' notice in writing to the person who is the manufacturer thereof to show cause why said article should not be dealt with as an intoxicating liquor, such notice to be served personally or by registered mail, as the commissioner may determine, and shall specify the time when, the place where, and the name of the agent or official before whom such person is required to appear.

The amendment was agreed to.

The next amendment was, on page 14, line 1, after the word "title," to strike out "it shall be treated as intoxicating liquor"

and insert "his permit to manufacture and sell such article shall be revoked," and in line 3, before the word "manufacturer," to strike out "As defined in this title the" and insert "The," so as to make the clause read:

If the manufacturer of said article fails to show to the satisfaction of the commissioner that the article corresponds to the descriptions and limitations provided in section 4 of this title, his permit to manufacture and sell such article shall be revoked. The manufacturer may by appropriate proceeding in a court of equity have the action of the commissioner reviewed, and the court may affirm, modify, or reverse the findings of the commissioner as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale, and other disposition of such article.

The amendment was agreed to.

The next amendment was, in section 6, page 14, line 10, before the word "one," to strike out "That no" and insert "No"; and in line 15, after the word "provided," to insert: "The manufacture, sale, transportation, importation, exportation, delivery, furnishing, receiving and possession of intoxicating liquor for all nonbeverage purposes is hereby authorized, and the commissioner shall, upon application as herein provided, issue permits therefor," so as to make the section read:

SEC. 6. No one shall manufacture, sell, purchase, transport, or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase and use liquor for medicinal purposes when prescribed by a physician as herein provided. The manufacture, sale, transportation, importation, exportation, delivery, furnishing, receiving and possession of intoxicating liquor for all nonbeverage purposes is hereby authorized, and the commissioner shall, upon application as herein provided, issue permits therefor.

Mr. SIMMONS. I ask the Senator from South Dakota to permit this amendment to go over for the present.

Mr. STERLING. I consent that it may go over for the present, if the Senator wishes it.

The VICE PRESIDENT. The amendment will be passed over for the present.

The next amendment was, on page 14, line 20, after the word "or," to strike out "transport liquor" and insert "to purchase liquor for the purpose of manufacturing, prescribing, or selling as authorized in this act, or to transport liquor, may be issued for one year, and"; in line 25, after the word "thereof," to insert "*Provided*, That the commissioner may automatically extend any permits granted under this act or laws now in force after August 31 in any year to December 31 of the succeeding year"; on page 15, line 3, after the word "liquor," to insert "except as herein provided"; in line 4, after the word "shall," to strike out "among other things"; in line 7, after the word "than" to strike out "10" and insert "90"; in line 10, after the word "violated," to insert "the terms of"; in line 13, after the word "retail," to strike out "unless such sale is made by a pharmacist designated in the permit who is" and insert "except to a pharmacist"; in line 20, after the word "Every," to insert "such"; in line 22, after the word "shall," to strike out "among other things"; in line 23, after the word "issued," to strike out "and of those who are permitted to do the authorized acts. It" and insert "and"; in line 25, after the word "time," to insert "when"; in line 26, after the word "place," to strike out "when and"; and on page 16, line 4, after the word "used," to strike out "together with such other facts as shall show that the permit may properly be granted," so as to make the clause read:

All permits to manufacture, prescribe, sell, or to purchase liquor for the purpose of manufacturing, prescribing or selling as authorized in this act, or to transport liquor, may be issued for one year, and shall expire on the 31st day of December next succeeding the issuance thereof: *Provided*, That the commissioner may automatically extend any permits granted under this act or laws now in force after August 31 in any year to December 31 of the succeeding year. Every permit to purchase liquor, except as herein provided shall specify the quantity and kind to be purchased and the purpose for which it is to be used, and shall not be in force more than 90 days from the day of its issuance. No permit shall be issued to any person who within one year prior to the application therefor or issuance thereof shall have violated the terms of any permit issued under this title or any law of the United States or of any State regulating traffic in liquor. No permit shall be issued to anyone to sell liquor at retail except to a pharmacist duly licensed under the laws of his State to compound and dispense medicine prescribed by a duly licensed physician. No one shall be given a permit to prescribe liquor unless he is a physician duly licensed to practice medicine and actively engaged in the practice of such profession. Every such permit shall be in writing, dated when issued, and signed by the commissioner or his authorized agent. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed. No permit shall be issued until a verified, written application shall have been made therefor, setting forth the qualification of the applicant and the purpose for which the liquor is to be used.

The amendment was agreed to.

The next amendment was, on page 16, line 7, after the word "applications" to strike out "and the facts to be set forth therein," and in line 11, after the word "title" to insert: "In the event of the refusal by the commissioner of any application for a permit, the applicant may have a review of his decision before a court of equity in the manner provided in section 5 hereof," so as to make the clause read:

The commissioner may prescribe the form of all permits and applications. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the terms of the permit and the provisions of this title. In the event of the refusal by the commissioner of any application for a permit, the applicant may have a review of his decision before a court of equity in the manner provided in section 5 hereof.

The amendment was agreed to.

The next amendment was on page 16, after line 14, to insert:

Nothing in this title shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rite, except section 6 (save as the same requires a permit to purchase) and section 10 hereof, and the provisions of this act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or give any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application shall be filed and presented by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated shall be entitled to a permit, to be issued by the commissioner authorizing him so to supervise such manufacture.

The amendment was agreed to.

The next amendment was, in section 17, line 7, before the word "one," to strike out "That no" and insert "No"; in the same line, after the word "physician," to strike out "duly licensed to practice medicine and actively engaged in the practice of such profession," and insert "holding a permit to prescribe liquor"; in line 13, after the word "for," to strike out "liquor" with a period and insert "liquor"; in the same line, before the word "physician," to strike out "Such" and insert "and no"; in line 14, after the word "physician," to strike out "shall at the time of prescribing personally make a careful physical examination of the person for whom the liquor is prescribed and"; in line 16, after the word "shall," to strike out "only"; in the same line, after the word "liquor," to strike out "when" and insert "unless he"; in line 17, before the word "believes," to strike out "he"; in line 19, after the word "ailment," to strike out "specified in the prescription"; and in line 20, after the word "liquor," to insert "to be taken internally," so as to read:

SEC. 7. No one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor and no physician shall prescribe liquor unless he in good faith believes that its use as a medicine by the one for whom he prescribes is necessary and will afford relief to him from some ailment. Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of 10 days and no prescription shall be filled more than once. Any pharmacist filling a prescription shall at the time indorse upon it over his own signature the word "canceled," together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep as herein provided.

The amendment was agreed to.

The next amendment was, on page 18, line 6, after the word "shall," to strike out "show among other things, date, amount" and insert "show the date of issue, amount"; in line 9, after the words "frequency of," to strike out "dose" and insert "the dose," and in the same line, after the word "dose," to strike out "and the druggist to whom addressed," so as to make the clause read:

Every physician who issues a prescription for liquor shall keep a record, alphabetically arranged, in a book prescribed by the commissioner, which shall show the date of issue, amount prescribed, to whom issued, and directions for use, stating the amount and frequency of the dose.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to strike out:

SEC. 7½. No physician authorized to issue any prescription for liquor under this act shall have or shall keep his office, or shall examine any person with the purpose in view of prescribing liquor or issue any such prescription, in any drug store, pharmacy, or place where liquor is sold under authority of this act, or in any room, apartment, booth, or place immediately connected therewith, except that such physician shall have had his office in such drug store, pharmacy, or place for a period of at least one year immediately preceding and prior to the going into effect of this act.

The amendment was agreed to.

The next amendment was, in section 8, page 18, line 21, before the word "commissioner," to strike out "that the" and insert "the"; in line 22, after the word "printed," to strike out "forms" and insert "blanks"; in line 23, after the words "furnish the," to strike out "same free of cost" and insert "same"; in line 24, after the word "physicians," to strike out "who have obtained permits to issue prescriptions" and insert "at cost"; in line 25, after the word "prescription," to strike out

"forms" and insert "blanks"; on page 19, line 1, after the word "numbered," to strike out "with consecutive serial numbers" and insert "consecutively"; in line 3, before the word "stubs," to insert "the"; in line 6, after the words "when the," to strike out "prescription forms are" and insert "prescriptions have been used"; in line 8, after the word "defaced," to strike out "forms" and insert "blanks"; in line 10, before the word "fill," to insert "shall," and in the same line, after the word "on," to strike out "forms" and insert "blanks," so as to make the clause read:

SEC. 8. The commissioner shall cause to be printed blanks for the prescriptions herein required, and he shall furnish the same to physicians at cost. The prescription blanks shall be printed in book form and shall be numbered consecutively from 1 to 100, and each book shall be given a number, and the stubs in each book shall carry the same numbers as and be copies of the prescriptions. The books containing such stubs shall be returned to the commissioner when the prescriptions have been used, or sooner, if directed by the commissioner. All unused, mutilated, or defaced blanks shall be returned with the book. No physician shall prescribe and no pharmacist shall fill any prescription for liquor except on blanks so provided.

Mr. THOMAS. Mr. President, I desire to inquire of the Senator having charge of the bill whether the provisions of sections 7 and 8 as drawn do not prohibit a physician from using or prescribing liquor in a quantity which may be necessary in cases of exigency? The Senator knows, of course, that liquor in some of its forms is a potent remedy in emergent cases. If it be the purpose of the proposed law to prohibit such a prescription except by filling out a blank and then having the prescription filled by a druggist, the emergency might result fatally before the liquor could be supplied. There are such things as bites of poisonous serpents, accidents, heart difficulties, that come on suddenly, which require stimulants and which have heretofore been relieved and sometimes cured by a prompt use of stimulants.

It seems to me, from the very drastic provisions of these two sections, if such an emergency were facing a physician he would have to choose between letting his patient die or going to jail and serving a sentence.

Mr. STERLING. I admit that the provision seems quite drastic. The case supposed by the Senator from Colorado might be reached——

Mr. THOMAS. We had a similar experience some years ago in preparing and passing the narcotic bill. That matter was brought to the attention of the subcommittee, of which I was a member at that time, and we made some provision, the phraseology of which I do not recall. This presents a situation which might result very seriously if the law were so rigid in its phraseology as to deprive the physician of all discretion. I suggest that the Senator look into the matter and reserve these sections for further consideration.

Mr. STERLING. I shall be glad to do so. In the meantime perhaps the Senator may suggest some amendment.

Mr. THOMAS. I shall be very glad to do that if I can get the time.

Mr. NELSON. Mr. President, I would suggest to the Senator that at the end of line 11 these words be added: "Except in cases of emergency when no blank can be obtained."

Mr. THOMAS. That expresses the idea I had in mind.

Mr. NELSON. Add those words at the end of line 11.

Mr. THOMAS. They might have the blanks and yet the emergency would be too great to justify their use.

Mr. NELSON. You might stop with the words "except in cases of emergency."

Mr. THOMAS. I think that would be better. Of course before the bill is finally passed, if that is too broad we can remedy it.

Mr. NELSON. If it meets with the approval of the Senator in charge of the bill, I would suggest as an amendment to insert the words "except in cases of emergency."

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed by the Senator from Minnesota, on page 19, line 11, after the word "provided," to insert the words "except in cases of emergency."

Mr. STERLING. I accept the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 9, page 19, line 12, before the word "at," to strike out "That if" and insert "If"; in line 21, after the words "of the," to strike out "citation and of" and insert "citation, which citation shall be accompanied by a copy of such complaint, or in the event that the proceedings be initiated by the commissioner with a statement of the facts constituting"; on page 20, line 1, after the word "within," to insert "the judicial district and within"; and in line 7, after the word "year," to strike out "thereafter: *Provided*, Such person may by appropriate proceeding in a court of equity have the action of the commissioner reviewed, and the court may affirm, modify, or reverse the action of the commissioner in revoking such permit" and insert "thereafter. Should the permit be revoked by the commissioner, the permittee may have a review of his decision before a court of equity in the manner provided in section 5 hereof," so as to make the section read:

SEC. 9. If at any time there shall be filed with the commissioner a complaint under oath setting forth facts showing, or if the commissioner has reason to believe, that any person who has a permit is not in good faith conforming to the provisions of this act, or has violated the laws of any State relating to intoxicating liquor, the commissioner or his agent shall immediately issue an order citing such person to appear before him on a day named not more than 30 and not less than 15 days from the date of service upon such permittee of a copy of the citation, which citation shall be accompanied by a copy of such complaint, or in the event that the proceedings be initiated by the commissioner with a statement of the facts constituting the violation charged, at which time a hearing shall be had unless continued for cause. Such hearings shall be held within the judicial district and within 50 miles of the place where the offense is alleged to have occurred. If it be found that such person has been guilty of willfully violating any such laws, as charged, or has not in good faith conformed to the provisions of this act, such permit shall be revoked, and no permit shall be granted to such person within one year thereafter. Should the permit be revoked by the commissioner the permittee may have a review of his decision before a court of equity in the manner provided in section 5 hereof. During the pendency of such action such permit shall be temporarily revoked.

The amendment was agreed to.

The next amendment was, in section 10, page 20, line 17, before the word "person," to strike out "That no" and insert "No"; in line 19, before the word "detail," to strike out "such"; in the same line, after the word "detail," to strike out "as may be required by regulation"; in line 21, before the word "transported," to insert "or"; in the same line, after the word "transported," to strike out "used, or otherwise handled"; in line 22, after the word "addresses," to strike out "of persons connected with each transaction and the time and place thereof" and insert "of the persons to whom sold, in case of sale, and the consignor and consignee in case of transportation, and the time and place of such manufacture, sale, or transportation"; on page 21, line 1, after the word "transportation," to strike out "A verified report of facts required to be recorded shall be made to the commissioner for and at the end of every 3 months or within 10 days thereafter"; in line 5, after the word "record," to strike out "and report and designate where such record is to be kept and when and where the reports are to be filed" and insert "which shall at all times be open to inspection by the commissioner, or his agents," so as to read:

SEC. 10. No person shall manufacture, purchase for sale, sell, or transport any liquor without making at the time a permanent record thereof showing in detail the amount and kind of liquor manufactured, purchased, sold, or transported, together with the names and addresses of the persons to whom sold, in case of sale, and the consignor and consignee in case of transportation, and the time and place of such manufacture, sale, or transportation. The commissioner may prescribe the form of such record, which shall at all times be open to inspection by the commissioner, or his agents.

The amendment was agreed to.

The next amendment was, in section 11, page 21, line 9, before the word "manufacturers," to strike out "That all" and insert "All," so as to make the section read:

SEC. 11. All manufacturers and wholesale or retail druggists shall keep as a part of the records required of them a copy of all permits to purchase on which a sale of any liquor is made, and no manufacturer or wholesale druggist shall sell or otherwise dispose of any liquor except at wholesale and only to persons having permits to purchase in such quantities.

The amendment was agreed to.

The next amendment was, in section 12, page 21, line 16, before the word "persons," to strike out "That all" and insert "All"; in line 21, after the word "with," to strike out "a copy" and insert "the number"; and on page 22, line 1, after the word "kind," to insert "and quantity," so as to make the section read:

SEC. 12. All persons manufacturing liquor for sale under the provisions of this title shall securely and permanently attach to every container thereof, as the same is manufactured, a label stating name of manufacturer, kind and quantity of liquor contained therein, and the date of its manufacture, together with the number of the permit authorizing the manufacture thereof; and all persons possessing such liquor in wholesale quantities shall securely keep and maintain such label thereon; and all persons selling at wholesale shall attach to every package of liquor, when sold, a label setting forth the kind and quantity of liquor contained therein, by whom manufactured, the date of sale, and the person to whom sold; which label shall likewise be kept and maintained thereon until the liquor is used for the purpose for which such sale was authorized.

The amendment was agreed to.

The next amendment was, in section 13, page 22, line 6, before the word "shall," to strike out "That it" and insert "It"; in line 7, after the word "carrier," to strike out "that transports liquor to secure a permit therefor and" and insert "to"; in

line 9, before the word "transported," to insert "to be"; in the same line, after the word "shall," to strike out "only"; in the same line, after the word "liquor," to insert "only"; in line 10, after the word "present," to insert "to the carrier"; in line 11, after the word "purchase," to strike out "and an affidavit to the carrier that such liquor will not be used in violation of law. The form of the affidavit shall be prescribed by the commissioner and shall contain such information as he deems necessary for the enforcement of this act. The copy of such permit and the affidavit presented to the carrier to obtain such delivery," and insert "which"; and in line 18, before the word "made," to strike out "is" and insert "was," so as to make the clause read:

SEC. 13. It shall be the duty of every carrier to make a record at the place of shipment of the receipt of any liquor to be transported, and he shall deliver liquor only to persons who present to the carrier a verified copy of a permit to purchase, which shall be made a part of the carrier's permanent record at the office from which delivery was made.

The amendment was agreed to.

The next amendment was, on page 22, line 20, after the word "consignee," to insert "in verification of the copy of the permit presented," and in line 22, after the word "shall," to strike out "first," so as to make the clause read:

The agent of the common carrier is hereby authorized to administer the oath to the consignee in verification of the copy of the permit presented, who, if not personally known to the agent, shall be identified before the delivery of the liquor to him. The name and address of the person identifying the consignee shall be included in the record.

The amendment was agreed to.

The next amendment was, in section 14, page 23, line 1, before the word "shall," to strike out "That it" and insert "It"; in line 7, after the word "such," to strike out "liquor" and insert "liquor, if the shipment be made by the manufacturer, a label such as is required by section 12, if by any other person"; in line 12, after the word "consignee," to strike out "or persons receiving the liquor"; in line 14, before the word "permit," to insert "the," and in the same line, after the word "permit," to strike out "and name and address of person using the same" and insert "under which the shipment is made," so as to make the section read:

SEC. 14. It shall be unlawful for a person to use or induce any carrier, or any agent or employee thereof, to carry or ship any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport nor shall any person receive liquor from a carrier unless there appears on the outside of the package containing such liquor, if the shipment be made by the manufacturer, a label such as is required by section 12, if by any other person the following information:

Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit under which the shipment is made.

The amendment was agreed to.

The next amendment was, in section 15, page 23, line 16, before the word "shall," to strike out "That it" and insert "It," so as to make the section read:

SEC. 15. It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport, or deliver any such package, knowing such statement to be false.

The amendment was agreed to.

The next amendment was, in section 16, page 23, line 21, before the word "shall," to strike out "That it" and insert "It"; in line 24, after the word "liquor," to strike out "consigned to, or purporting or claimed to be consigned to a person"; and on page 24, line 2, after the word "liquor," to insert "except for delivery to the consignee," so as to make the section read:

SEC. 16. It shall be unlawful to give to any carrier or any officer, agent, or person acting or assuming to act for such carrier an order requiring the delivery to any person of any liquor or package containing liquor when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor except for delivery to the consignee.

The amendment was agreed to.

The next amendment was, in section 17, page 24, line 4, before the word "shall," to strike out "That it" and insert "It"; in the same line, after the word "advertise," to insert "anywhere, or by any means or method"; in line 8, after the word "obtained," to strike out "No one shall permit any sign or billboard containing such advertisement to remain upon one's premises or circulate any price list, order blank, or other matter designed to induce or secure orders for intoxicating liquors"; in line 15, after the word "to," to strike out "sell liquor. The commissioner and other officers charged with the enforcement of this title are authorized to remove, paint over, or otherwise obliterate any such advertisement from any sign, billboard, or other place, and shall do so upon the demand of any citizen who has first requested the person in charge of such advertisements, or the owner of the property on which it is located, to remove the same," and insert "purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medicinal preparations, and like articles," so as to make the clause read:

SEC. 17. It shall be unlawful to advertise anywhere, or by any means or method, liquor, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor from furnishing price lists, with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medicinal preparations, and like articles.

The amendment was agreed to.

The next amendment was, at the top of page 25, to strike out:

That any advertisement or notice containing the picture of a brewery, distillery, bottle, keg, barrel, or box, or other receptacle represented as containing liquor, and designed to serve as an advertisement thereof, shall be within the inhibition of this section.

The amendment was agreed to.

The next amendment was, in section 18, page 25, line 6, before the word "shall," to strike out "That it" and insert "It"; and in line 7, after the word "any," to insert "utensil, contrivance, machine," so as to make the section read:

SEC. 18. It shall be unlawful to advertise, manufacture, sell, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, substance, formula direction, or recipe advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor.

The amendment was agreed to.

The next amendment was, in section 19, page 25, line 14, before the word "person," to strike out: "That it shall be unlawful for any person knowingly to permit his employee to procure liquor for or give direction or information by which liquor can be unlawfully secured by any person, and no," and insert "No," so as to make the section read:

SEC. 19. No person shall solicit or receive from any person any order for liquor or give any information of how liquor may be obtained in violation of this act.

The amendment was agreed to.

The next amendment was, on page 25, after line 17, to strike out:

SEC. 20. That it shall be unlawful for any person to drink liquor as a beverage in or to be intoxicated upon any car, train, automobile, boat, or other public conveyance. Any conductor or person in charge of any car, train, automobile, boat, or other public conveyance may, upon view of the offense, arrest any person therefor who is being conveyed in or by such car, train, automobile, boat, or other public conveyance, and turn him over to the proper officer to be proceeded against according to law.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, a few moments ago I requested the Senator from South Dakota [Mr. STERLING] to allow to be passed over for the time being an amendment reported by the committee in Title II, section 6, page 14. I desire to leave the Chamber for some little time, and should be glad if the Senator from South Dakota would take that amendment up now. It would accommodate me somewhat, for my colleague [Mr. OVERMAN] has an amendment which he desires to offer in lieu of the committee amendment. I have no objection to the committee amendment, but merely desire that my colleague may have an opportunity to offer this amendment, to come in immediately after the committee amendment in section 6, page 14, line 15, after the word "provided."

Mr. OVERMAN. Mr. President, I desire to say to the Senator from South Dakota that I am on the subcommittee which considered this matter. I think the amendment I am about to propose is well safeguarded and will cover the condition in reference to the Keeley institution. I desire to offer the amendment and hope that he will let it go to conference, for I think it is all right.

Mr. STERLING. Very well. Let the amendment be stated.

Mr. OVERMAN. I ask unanimous consent that we return to that point in the bill and that I may now offer my amendment.

The VICE PRESIDENT. In the absence of objection, it is so ordered. The amendment proposed by the Senator from North Carolina [Mr. OVERMAN] will be stated.

The SECRETARY. In Title II, section 6, page 14, line 15, after the word "provided," it is proposed to insert:

and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism may, under such rules, regulations, and conditions as the commissioner prescribes, purchase and use, in accordance with the methods heretofore in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution.

Mr. STERLING. I accept the amendment, with the understanding, of course, that it will go to conference to be determined by the conference.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 26, line 3, to change the number of the section from 21 to 20; in the same line, before the word "person," to strike out "That any" and insert "Any"; in line 5, after the word "intoxicated," to strike out "person" and insert "person, or by reason of the intoxication of any person, whether resulting in his death or not"; in line 7, after the word "have," to strike out "in addition to the right of action against the intoxicated person"; in line 9, before the word "assisting," to insert "unlawfully"; and in line 14, before the word "against," to strike out "and" and insert "or," so as to make the section read:

SEC. 20. Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication, and in any such action such person shall have a right to recover actual and exemplary damages. In case of the death of either party, the action or right of action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either wife or child shall be his or her sole and separate property. Such action may be brought in any court of competent jurisdiction. In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefor, but recovery by one of such parties shall be a bar to suit brought by the other.

The amendment was agreed to.

The next amendment was, on page 26, line 22, to change the number of the section from 22 to 21; and in the same line, before the word "room," to strike out "That any" and insert "Any," so as to read:

SEC. 21. Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of this title, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or be imprisoned for not more than one year, or both.

The amendment was agreed to.

The next amendment was, on page 27, line 15, to change the number of the title from 23 to 22; in the same line, before the word "action," to strike out "That an" and insert "An"; on page 28, line 3, before the words "a temporary," to strike out "Where" and insert "If"; and in line 18, after the word "year," to insert "thereafter," so as to make the section read:

SEC. 22. An action to enjoin any nuisance defined in this title may be brought in the name of the United States by the Attorney General of the United States or by any United States attorney or any prosecuting attorney of any State or any subdivision thereof or by the commissioner or his deputies or assistants. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true the court shall order that no liquors shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or place, or any part thereof. And upon judgment of the court ordering such nuisance to be abated, the court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than $500 nor more than $1,000, payable to the United States, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, kept, or otherwise disposed of therein or thereon, and that he will pay all fines, costs, and damages that may be assessed for any violation of this title upon said property.

The amendment was agreed to.

The next amendment was, on page 29, after line 3, to strike out:

SEC. 23½. That any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things.

In such proceedings it shall not be necessary to show any intention, on the part of the accused, to continue such violations if the action is brought within 60 days following any such violation of the law.

The amendment was agreed to.

The next amendment was, on page 29, line 18, to change the number of the section from 24 to 23; in the same line, after the number 23, to strike out "That when it appears in any criminal proceeding that any common nuisance as defined herein exists it shall be the duty of any officer authorized to enforce this act to proceed promptly in a court of equity to abate such nuisance, and the final conviction of the defendant in such trial shall be conclusive evidence against such defendant of the facts adjudged therein as to the existence of the nuisance"; in line 25, after the word "selling," to insert "the"; and on page 30, line 3, before the word "execution," to strike out "on" and insert "under," so as to make the clause read:

SEC. 23. For removing and selling property in enforcing this act the officer shall be entitled to charge and receive the same fee as the sheriff of the county would receive for levying upon and selling property under execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

The amendment was agreed to.

The next amendment was, on page 30, line 9, to change the number of the section from 25 to 24; in the same line, after the number 24, to strike out "That any person violating the terms of the injunction as provided for in this title shall be punished for contempt by a fine of not more than $1,000, and by imprisonment of not less than 30 days nor more than one year; and the court shall have the power to enforce such injunction," and insert "In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this title, the court, or in vacation a judge thereof, may summarily try and punish the defendant. The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court or judge shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not less than $500 nor more than $1,000, or by imprisonment of not less than 30 days nor more than 12 months, or by both fine and imprisonment."

The amendment was agreed to.

The next amendment was, on page 31, line 5, to change the number of the section from 26 to 25; in the same line, before the word "shall," to strike out "That it" and insert "It"; in line 12, after the word "liquor," to strike out "the containers thereof"; in line 15, after the word "used," to strike out "the liquor and all property designed for the unlawful manufacture of liquor"; in line 17, before the word "shall," to insert "it"; in the same line, after the words "shall be" to strike out "destroyed" and insert "destroyed, unless the court shall otherwise order as to the property other than the liquor as provided in the next succeeding section"; in line 23, after the word "house" to strike out "The property seized on any warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process" and insert "; *Provided*, That the term private dwelling shall be construed to include the room or rooms used and occupied solely as a residence in an apartment house, hotel, or boarding house," so as to make the section read:

SEC. 25. It shall be unlawful to have or possess any liquor or property designed for the manufacture of liquor intended for use in violating this title or which has been so used, and no property rights shall exist in any such liquor or property. A search warrant may issue as provided in Title XI of public law No. 24 of the Sixty-fifth Congress, approved June 15, 1917, and such liquor and other property seized shall be subject to such disposition as the court may make thereof. If it is found that such liquor or property was so unlawfully held or possessed, or had been so unlawfully used, it shall be destroyed, unless the court shall otherwise order as to the property other than the liquor as provided in the next succeeding section. No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house: *Provided*, That the term private dwelling shall be construed to include the room or rooms used and occupied solely as a residence in an apartment house, hotel, or boarding house.

Mr. PHELAN. Mr. President, I should like to ask the Senator in charge of the bill concerning the section which has just been read, whether the right to have wines in one's own house is recognized by the bill as a personal right?

Mr. STERLING. I think the bill takes care of that, I will say to the Senator. It provides that no search warrant shall issue for the search of any private dwelling.

Mr. PHELAN. Then, it is a personal right of the dweller in a house to have in his possession the prohibited wine and liquor?

Mr. STERLING. I think so.

Mr. PHELAN. Then, being a personal right, the right follows the person, so that if he moves to another house he can take with him the wine and liquor.

Mr. STERLING. I am inclined to think he can. I have been asked that question more than once; and that is my opinion.

Mr. PHELAN. Whether or not the dwelling to which he moves is outside of the State or district in which he formerly lived.

Mr. STERLING. I am inclined to think so.

Mr. THOMAS. The Senator can do it if he drinks it before he starts. [Laughter.]

Mr. PHELAN. That is not the answer, Mr. President, that I elicited. That involves the question of capacity. [Laughter.]

Mr. STERLING. The provision is as follows:

But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only and such liquor need not be reported.

Mr. PHELAN. Then, as I understand, Senators on returning to their several homes in due course, may take with them the remnants of their cellars without providing also the "senatorial container."

Mr. STERLING. The Senator will have to put his own interpretation on the bill in that respect.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 32, line 4, to change the number of the section from 27 to 26; in the same line, before the words "the commissioner," to strike out "That when" and insert "When"; in line 14, after the word "Such," to strike out "officers" and insert "officer"; in line 18, after the word "with," to strike out "two or more" and insert "sufficient"; in line 21, before the word "conditioned," to insert "shall be"; in line 23, after the word "conviction," to insert "of the person so arrested"; in line 25, after the word "owner," to strike out "such as ignorance of the purpose for which his team, vehicle, water or air craft, or automobile was being used" and insert "shall"; on page 33, line 8, before the word "having," to strike out "leinor" and insert "lienor"; in line 12, before the word "liens," to strike out "It being provided that all" and insert "All"; in line 17, before the words "a description," to strike out "giving" and insert "with"; in line 18, after the word "or," to strike out "county" and insert "county where taken"; in line 21, after the word "weeks," to insert "a copy of said advertisement to be mailed to the manufacturer of said vehicle, if known"; in line 23, before the word "posted," to strike out "notices" and insert "handbills"; and on page 34, line 1, after the word "costs," to strike out "and advertising," so as to make the section read:

SEC. 26. When the commissioner, his assistants, inspectors, or any officer of the law shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law. Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this title in any court having competent jurisdiction; but the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the Treasury of the United States as miscellaneous receipts. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken, or if there be no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for two weeks, a copy of said advertisement to be mailed to the manufacturer of said vehicle, if known, and by handbills posted in three public places near the place of seizure, and if no claimant shall appear within 10 days after the last publication of the advertisement the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the United States as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 34, line 4, to change the number of the section from "28" to "27"; in the same line, before the word "all," to strike out "That in" and insert "In"; in line 11, after the word "purchase," to strike out "liquor" with a comma and insert "liquor" without a comma; in line 14, after the word "seized," to insert "and condemned"; and in the same line, after the word "proceeding," to insert "brought for violation of law," so as to make the section read:

SEC. 27. In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this act the court shall have jurisdiction upon the application of the United States attorney to order them delivered to any department or agency of the United States Government for medicinal, mechanical, or scientific uses, or to order the same sold at private sale for such purposes to any person having a permit to purchase liquor the proceeds to be covered into the Treasury of the United States to the credit of miscellaneous receipts, and all liquor heretofore seized and condemned in any suit or proceeding brought for violation of law may likewise be so disposed of.

The amendment was agreed to.

The next amendment was, on page 34, line 16, to change the number of the section from "29" to "28," and in the same line, before the word "commissioner," to strike out "That the" and insert "The," so as to make the section read:

SEC. 28. The commissioner, his assistants, agents, and inspectors, and all other officers of the United States, whose duty it is to enforce criminal laws, shall have all the power and protection in the enforcement of this act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the law of the United States.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I call the chairman's attention to line 22 on page 12, to the figures "30." The reference there is to section 30 of this title.

Mr. STERLING. I will say to the Senator that that is a mistake.

Mr. THOMAS. Should not that be changed to "29"?

Mr. STERLING. Yes. I am glad the Senator spoke of that. I offer that as a committee amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 22, after the word "section," it is proposed to strike out the numerals "30" and insert "29."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 34, line 24, to change the number of the section from 30 to 29; in the same line, before the word "person", to strike out "That any" and insert "Any," and in the same line, after the word "manufactures", to strike out "intoxicating liquor, or any wholesale or retail druggist or pharmacist who" and insert "or," so as to make the clause read:

SEC. 29. Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years.

The amendment was agreed to.

The next amendment was, on page 35, line 7, after the word "violating", to strike out "any of the provisions of this title, or"; in line 8, before the word "any" where it occurs the second time, to strike out "making" and insert "who makes"; in line 9, after the word "affidavit", to insert "required by this title, or violates any of the provisions of this title"; in line 10, after the word "which," to insert "offense"; and in line 19, after the word "indictment," to insert "the penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home," so as to make the clause read:

Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than $500; for a second offense not less than $100 nor more than $1,000, or be imprisoned not more than 90 days; for any subsequent offense he shall be fined not less than $500 and be imprisoned not less than three months nor more than two years. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment. The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, in line 19, page 35, in the copy of the bill I have, the word "indictment" is misspelled.

The VICE PRESIDENT. The Chair has heretofore ruled on all bills that the clerks will act as proof readers, and spell the words in the English language.

Mr. PHELAN. Mr. President, referring to the amendment which was just agreed to, I should like to learn from the chairman of the committee the exact significance of the amendment, which reads as follows:

The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home.

It is the practice of certain of our citizens—our Italian-American citizens and our Greek-American citizens—to make a small quantity of wine for domestic consumption in their own homes. Now, of course, wine is a fruit juice, and I suppose it is embraced within the meaning of the amendment.

Mr. STERLING. The Senator will notice that the amendment does not permit the manufacture of intoxicating wines and fruit juices. Under the constitutional amendment we could not authorize the manufacture of wines or fruit juices which would be intoxicating.

Mr. PHELAN. Do I understand that the definition of intoxicating liquors in this bill applies to this particular paragraph as defining what intoxicating beverages shall be?

Mr. STERLING. I will say to the Senator from California that there may be some question about that, but I think what is meant here is as to whether or not it is intoxicating in fact.

Mr. PHELAN. Then that has to be determined, possibly, by a court in adjudicating the matter?

Mr. STERLING. It might be determined by a court in any given case. If the case arises under this provision, it would be determined by the court.

Mr. CURTIS. Mr. President——

Mr. PHELAN. I yield to the Senator from Kansas.

Mr. CURTIS. Would it not be a question of fact for the jury to pass on in trying the case?

Mr. STERLING. Why, certainly. If there is a case, it will be a question of fact for a jury.

Mr. PHELAN. I did not hear what the Senator from Kansas said.

Mr. STERLING. The Senator from Kansas suggests that it will be a question of fact for a jury to determine in any given case. I agree with him in that.

Mr. PHELAN. I think that is more satisfactory than an arbitrary definition.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 35, line 24, to change the number of the section from 31 to 30; and, in the same line, before the word "person," to strike out "That no" and insert "No," so as to make the section read:

SEC. 30. No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpœna of any court in any suit or proceeding based upon or growing out of any alleged violation of this act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

The amendment was agreed to.

The next amendment was, on page 36, line 11, to change the number of the section from 32 to 31; in the same line, before the word "case," to strike out "That in" and insert "In"; and in line 16, after the word "from," to strike out "or through," so as to make the section read:

SEC. 31. In case of a sale of liquor where the delivery thereof was made by a common or other carrier the sale and delivery shall be deemed to be made in the county or district wherein the delivery was made by such carrier to the consignee, his agent or employee, or in the county or district wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county or district.

The amendment was agreed to.

The next amendment was, on page 36, line 20, to change the number of the section from 33 to 32; and in the same line, before the word "any," to strike out "That in" and insert "In," so as to make the clause read:

SEC. 32. In any affidavit, information, or indictment for the violation of this act, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful, but this provision shall not be construed to preclude the trial court from directing the furnishing the defendant a bill of particulars when it deems it proper to do so.

The amendment was agreed to.

The next amendment was, on page 37, line 7, to change the number of the section from 34 to 33; in the same line, before "February," to strike out "That after" and insert "After"; and in line 12, after the word "title," to insert "In any proceeding brought for a violation of section 3 of this title, the burden of proof shall be on the defendant to establish that the liquor in question does not contain more than one-half of 1 per cent by volume of alcohol," so as to read:

SEC. 33. After February 1, 1920, the possession of liquors by any person not legally permitted under this title to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this title. In any proceeding brought for a violation of section 3 of this title, the burden of proof shall be on the defendant to establish that the liquor in question does not contain more than one-half of 1 per cent by volume of alcohol.

Mr. THOMAS. Mr. President, I think the words "section 3" as used in that amendment really refers to section 4. I rose, however, to submit one or two remarks concerning this amendment:

In any proceeding brought for a violation of section 3 of this title, the burden of proof shall be on the defendant to establish that the liquor in question does not contain more than one-half of 1 per cent by volume of alcohol.

Section 4 of the bill, if I mistake not—I think that is the section——

Mr. STERLING. I think section 3 is the section referred to, and that that is a proper reference.

Mr. THOMAS. In any event, previous sections of the bill prescribe offenses and penalties therefor, and prosecutions under them which shall, upon conviction, subject the defendant to punishment by way of fine or imprisonment, or both. Now, it is an accepted principle of the common law, as applicable to the administration of criminal justice in the Federal courts as in the State courts, that the burden of proof is never upon the defendant, and can not be in any part without violating that presumption of innocence to which he is entitled by centuries of adjudications which are practically without exception in the administration of justice in English-speaking countries. It would seem, therefore, upon the face of the matter, that this amendment, by shifting the burden of proof concerning the alcoholic contents of the liquor, violates a well-known principle of criminal jurisprudence, and one which experience has demonstrated to be necessary to the protection of the innocent.

This is a very drastic bill, one whose provisions in the course of a few years in all probability will be violated with impunity, because the proceedings under it will not have the sanction of public opinion; but the first few years during which this law is in operation will be marked by a very vigorous attempt at enforcement, and the sentiment of the public being decidedly in favor of the principles of the bill, the tendency to prosecution will be more marked, in all probability, than later on. I very much question either our power to shift the burden of proof by requiring the defendant to establish this condition, or, even if we could do so, that it is just and proper.

The liquor itself, I suppose, in the great majority of cases, will be seized or secured, and its contents will be then the subject of chemical analysis. It is a comparatively easy thing for the prosecution to establish if the fact be as alleged in the complaint against the defendant. Moreover, this amendment requires the defendant to prove the existence of a negative. Some writers upon the subject of evidence, considered to be fairly standard authorities in the days when I was at the bar, lay down as a general principle the impossibility of proving a negative. I suppose it can be done; in some instances it has been done; but certainly it is more in accord with our conceptions of judicial procedure in this country to require the prosecution to prove an affirmative than to require the defendant to establish a negative, when both affirmative and negative relate to the same subject.

I therefore shall submit a motion to strike out that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee. [Putting the question.] By the sound the noes seem to have it.

Mr. KIRBY. I ask for a roll call on that amendment, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. NELSON. Mr. President, in order to save the trouble of a roll call I ask unanimous consent that the roll call be suspended, and that the provision to which the Senator from Colorado objects be stricken out of the bill; in other words, that his motion prevail.

Mr. KIRBY. I object to that.

The VICE PRESIDENT. There is an objection. The Secretary will proceed with the roll call.

The Secretary resumed the calling of the roll.

Mr. SHERMAN (when his name was called). I am paired with the junior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. THOMAS (when his name was called). I transfer my general pair with the Senator from North Dakota [Mr. MCCUMBER] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a pair with the junior Senator from Ohio [Mr. HARDING]. He is absent from the Chamber, and I withhold my vote.

The roll call was concluded.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is detained from the Senate on important public business, and if present he would vote "yea."

Mr. SIMMONS. I wish to inquire whether the Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator, which I transfer to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. BALL. I have a pair with the senior Senator from Florida [Mr. FLETCHER], which I am unable to transfer. I do not know how he would vote. So I withhold my vote.

Mr. SUTHERLAND. I am paired with the senior Senator from Kentucky [Mr. BECKHAM]. In his absence I withhold my vote. If he were present, I would vote "yea."

Mr. HARRIS. I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. TRAMMELL. I desire to announce the absence of my colleague [Mr. FLETCHER] on account of illness. His pair with the junior Senator from Delaware [Mr. BALL] has been announced.

Mr. JOHNSON of South Dakota. I have a pair with the Senator from Maine [Mr. FERNALD], which I transfer to the Senator from Arizona [Mr. SMITH] and vote. I vote "yea."

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Kentucky [Mr. BECKHAM] to the Senator from Indiana [Mr. NEW] and vote "yea."

Mr. SHEPPARD. The Senator from Virginia [Mr. SWANSON], the Senator from Tennessee [Mr. SHIELDS], the Senator from Montana [Mr. WALSH], the Senator from Ohio [Mr. POMERENE], and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

Mr. KING. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], the Senator from Rhode Island [Mr. GERRY], and the Senator from Louisiana [Mr. GAY] are absent on public business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming Mr. KENDRICK];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Missouri [Mr. SPENCER] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON].

The result was announced—yeas 23, nays 26, as follows:

YEAS—23.

Ashurst	Harris	Nelson	Sherman
Capper	Harrison	Newberry	Smoot
Curtis	Johnson, S. Dak.	Nugent	Sterling
Dial	Jones, Wash.	Page	Sutherland
Gronna	Kirby	Poindexter	Trammell
Hale	McKellar	Sheppard	

NAYS—26.

Borah	Keyes	Owen	Wadsworth
Brandegee	King	Phelan	Walsh, Mass.
Chamberlain	La Follette	Ransdell	Warren
Colt	Lenroot	Simmons	Watson
Edge	McNary	Smith, Ga.	Wolcott
France	Norris	Smith, S. C.	
Kenyon	Overman	Thomas	

NOT VOTING—47.

Ball	Elkins	Gore	Kendrick
Bankhead	Fall	Harding	Knox
Beckham	Fernald	Henderson	Lodge
Calder	Fletcher	Hitchcock	McCormick
Culberson	Frelinghuysen	Johnson, Cal.	McCumber
Cummins	Gay	Jones, N. Mex.	McLean
Dillingham	Gerry	Kellogg	Martin
Moses	Pittman	Smith, Ariz.	Townsend
Myers	Pomerene	Smith, Md.	Underwood
New	Reed	Spencer	Walsh, Mont.
Penrose	Robinson	Stanley	Williams
Phipps	Shields	Swanson	

So the amendment was rejected.

The next amendment was, on page 37, in line 18, after the word "after," to strike out "January 16, 1920," and insert "the date when the eighteenth amendment of the Constitution of the United States goes into effect"; in line 24, after the words "not be," to strike out "reported; but" and insert "reported; provided"; in line 25, after the word "liquors," to strike out "must be used" and insert "are for use only"; and on page 38, line 4, after the word "possessor," to insert "in any action concerning the same," so as to read:

SEC. 33. Every person legally permitted under this title to have liquor shall report to the commissioner within 10 days after the date when the eighteenth amendment of the Constitution of the United States goes into effect, the kind and amount of intoxicating liquors in his possession. But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only, and such liquor need not be reported; provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him therein; and the burden of proof shall be upon the possessor in any action concerning the same to prove that such liquor was lawfully acquired, possessed, and used.

Mr. THOMAS. In behalf of the Senator from California [Mr. PHELAN], myself, and others similarly situated, I should like to inquire from the Senator having charge of the bill whether under this amendment on page 37, line 18, we are to be required to report the kind and amount of intoxicating liquors which we may have in our closets and under our beds at home?

Mr. STERLING. I can only answer it by referring to the language of the section, as follows:

But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only, and such liquor need not be reported, provided such liquors are for use only for the personal consumption of the owner thereof—

And so forth.

Mr. THOMAS. I noticed that the section continues with the sentence:

But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him—

And so forth.

Of course that means the owner of a private dwelling is legally permitted to have liquor; but I think if such individual is required to make reports within 10 days after the eighteenth amendment to the Constitution goes into effect the commissioner will have to hire some extra help to keep track of the reports. Moreover, I do not think it is a just requirement.

Mr. STERLING. He is not required to report at all.

Mr. THOMAS. If that is the proper conclusion with reference to the phraseology used, I have no objection to it; but the two sentences together would on the face of them imply a different construction to my mind.

Mr. President, for the reason which I assigned against the amendment which was rejected, if it is the proper formula, I move to strike out, on page 38, everything after the word "therein," in line 3, down to and including line 6.

Mr. STERLING. Will not the Senator wait until we have disposed of the committee amendments?

The VICE PRESIDENT. The agreement was to first consider the committee amendments.

Mr. THOMAS. Very well; I will wait.

The amendment was agreed to.

The next amendment was, on page 38, line 7, to change the number of the section from 35 to 34; in the same line, after the number "34," to strike out "That it shall be the duty of the commissioner to file the reports, statements, and information required by this title as a part of the files of his office in a permanent record alphabetically arranged and indorse on each the date when filed, and to permit any person desiring to do so to inspect the said reports, statements, and information at any time during office hours. It shall be the further duty of said commissioner to furnish certified copies of such reports, statements, information, and of his indorsement thereon of the date when filed, to any person requesting the same, upon payment of the reasonable fees therefor, and such certified copy shall be competent evidence in any suit or proceeding in which said original report, statement, information, or indorsement would be competent"; in line 21, after the word "records," to strike out "'required by this act to be kept by any manufacturer, wholesale or retail druggist, physician, or carrier" and insert "and reports kept or filed under the provisions of this act"; in line 24, after the word "reasonable," to strike out "hours" and insert "hour"; and

in the same line, after the word "by," to strike out "any of the officers authorized to enforce this title, including the peace officers in the State where the record is kept" and insert "the commissioner or any of his agents or by any public prosecutor or by any person designated by him, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof," so as to make the section read:

SEC. 34. All records and reports kept or filed under the provisions of this act shall be subject to inspection at any reasonable hour by the commissioner or any of his agents or by any public prosecutor or by any person designated by him, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof.

The amendment was agreed to.

The next amendment was, on page 39, line 6, to change the number of the section from 36 to 35; in the same line, before the word "provisions," to strike out "That all" and insert "All"; in line 7, before the word "repealed," to strike out "only"; in the same line, after the word "repealed," to insert "only"; in line 15, after the word "sale," to strike out "such" and insert "a"; in the same line, after the word "tax," to strike out "shall be assessed"; and in line 16, after the word "law," to insert "shall be collected," so as to read:

SEC. 35. All provisions of law that are inconsistent with this act are repealed only to the extent of such inconsistency and the regulations herein provided for the manufacture or traffic in intoxicating liquor shall be construed as in addition to existing laws. This act shall not relieve anyone from paying any taxes or other charges imposed upon the manufacture or traffic in such liquor. No liquor revenue stamps or tax receipts for any illegal manufacture or sale shall be issued in advance, but upon evidence of such illegal manufacture or sale a tax in double the amount now provided by law shall be collected, with an additional penalty of $500 on retail dealers and $1,000 on manufacturers. The payment of such tax or penalty shall give no right to engage in the manufacture or sale of such liquor, or relieve anyone from criminal liability, nor shall this act relieve any person from any liability, civil or criminal, heretofore or hereafter incurred under existing laws.

The amendment was agreed to.

The next amendment was, on page 40, line 4, to change the number of the section from 37 to 36, and in the same line, before the word "any," to strike out "That if" and insert "If," so as to make the section read:

SEC. 36. If any provision of this act shall be held invalid it shall not be construed to invalidate other provisions of the act.

The amendment was agreed to.

The next amendment was, on page 40, line 7, to change the number of the section from 38 to 37, and in the same line, before the word "herein," to strike out "That nothing" and insert "Nothing," so as to read:

SEC. 37. Nothing herein shall prevent the storage in United States bonded warehouses of all liquor manufactured prior to the taking effect of this act, or prevent the transportation of such liquor to such warehouses or to any wholesale druggist for sale to such druggist for purposes not prohibited when the tax is paid, and permits may be issued therefor.

The amendment was agreed to.

The next amendment was, on page 40, line 18, after the word "thereof," to insert "by the usual methods of fermentation and fortification or otherwise"; in line 25, after the words "per centum of," to strike out "alcohol" and insert: "alcohol: *Provided*, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom"; on page 41, line 7, after the word "liquors," to strike out the words "beer," "ale," "porter," or "wine," mentioned in section 1 of this title shall not be construed as included in the word "liquor" or the phrase "intoxicating liquor" where they contain less than one-half of 1 per cent of alcohol by volume, but none of the liquors mentioned in section 1 shall be sold for beverage purposes under the names therein mentioned, and the burden of proof shall be upon the one selling such beverage to show that the same contains less than one-half of 1 per cent of alcohol by volume" and insert "Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon alcohol used in the fortification of the liquor from which the same is saved," so as to read:

A manufacturer of any beverage containing less than one-half of 1 per cent of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter, or wine, containing more than one-half of 1 per cent of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall under such rules and regulations as the commissioner may prescribe be reduced below such one-half of 1 per cent of alcohol: *Provided*, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. The alcohol removed from such liquid, if evaporated and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors. Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon alcohol used in the fortification of the liquor from which the same is saved.

The amendment was agreed to.

The next amendment was, on page 41, line 20, to change the number of the section from 39 to 38; and on page 42, line 2, after the word "employees," to insert "except persons authorized to issue permits and agents and inspectors in the field service," so as to read:

SEC. 38. The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this act, but such clerks and other employees, except persons authorized to issue permits and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by the civil-service act.

Mr. STERLING. I ask that the amendment just read be rejected. I do this on the representation made by each of the three Civil Service Commissioners, two of whom visited me and one of whom wrote me, and who stated that there is no need to extend the terms of the civil-service act to inspectors in the field service. If there is need to have such appointments made under the civil-service act, the civil-service act itself would apply according to the terms of it, and I do not like to have an apparent infringement of the civil-service act and the rules under it when there is no necessity for it.

Mr. OVERMAN. Mr. President, this was discussed thoroughly by the committee when one of the Members of the House was present. It was put in here for the reason that it was believed the civil-service law would not be enforced. The men who are to enforce the law are not school-teachers or professors or men who can stand a civil-service examination, but they are like sheriffs, deputy sheriffs, and that character of men, who have grit about them, and who will go into any place to arrest a man. It is better to appoint brave, courageous men, who probably could not stand a civil-service examination. Thousands of deputy sheriffs are men who could not pass a civil-service examination. It would probably be like an examination held in my State for a deputy clerk, where the man who made the best examination was a school-teacher who had just come off the chain gang. These men are to enforce the prohibition law, and they ought to be men who have the capacity for field service, not for clerkships. It is not the desire to have men who can do office work, such as issuing permits by the clerk of the court or a deputy, who issue them generally.

Why should these courageous men who go out into the field to enforce the revenue laws stand a civil-service examination? They ought not to be under the civil service, because the character of men you will get in that way will not be men who will enforce the law. The character of men you will get if you have to appoint them through the civil service will be men who could probably stand an examination in geography or arithmetic, but what we want are brave, courageous men, who can go out to enforce the law like the deputy sheriffs act in the enforcement of the law. That was the reason for the amendment.

Mr. STERLING. The Senator is right in saying that was the reason for the amendment. It is the very reason he has stated, but the reason for it is all done away with in the statement of the Civil Service Commissioners themselves, who say that without this provision they can appoint the men mentioned by the Senator from North Carolina to fill the places; that they have the power to do it under the civil-service act and under the rules and regulations made by the President in regard to it.

Mr. OVERMAN. Yes; but they would have to hold a civil-service examination, and the man who can spell and who knows geography and arithmetic will pass the examination and be first on the list, but he is no man to enforce such a criminal law as it ought to be enforced, if it is to be carried out.

Mr. STERLING. If the Senator will pardon me, that is just what I am trying to say to him. A man will not have to take a civil-service examination to perform those peculiar duties. He can be appointed without taking the civil-service examination.

Mr. OVERMAN. How can he be appointed under the civil-service law in any other way than under the law? The Civil Service Commissioners may state privately that they will do so and so, but I take it that the Civil Service Commission have to follow the law, and if they follow the law they will have to appoint men who stand such an examination and the men who are eligible on their list.

Mr. STERLING. I call the Senator's attention to the civil-service law itself.

Mr. OVERMAN. I think the Senator had better let it go to conference. It was unanimously adopted by the committee.

Mr. STERLING. I am aware of that, and I was as heartily in favor of it at the time as was the Senator.

Mr. OVERMAN. I know the Senator was.

Mr. STERLING. But if there is no necessity for appearing to set aside the civil-service law, let us not do it. That is the simple proposition involved here. Because a man is fitted especially for these duties, he may be appointed without having to take a civil-service examination or may be selected——

Mr. OVERMAN. How selected? By the Civil Service Commission?

Mr. STERLING. By the Internal Revenue Commissioner.

Mr. OVERMAN. He can not select them except under the civil-service law.

Mr. STERLING. Here is a little paragraph from the civil-service law itself. I read from section 2 of the law:

And among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

Then follow some interpretations of the law and of that section of the law.

Mr. OVERMAN. Whose interpretation?

Mr. STERLING. To continue the quotation—

Section 2 of the civil-service law merely directs what the rules to be promulgated by the President shall contain. They are not mandatory or absolute, for the statutory directions are only to be followed "as nearly as the conditions of good administration will warrant." A large discretion is, therefore, left to the President to modify the statutory directions if in his judgment such action should be required for the purpose of good administration.

Mr. OVERMAN. I know that many have been appointed under that regulation who should not have been appointed. I know how such appointments have been made. Why not provide in the law that the commissioner shall appoint? He will select the right sort of men, and is the proper man to judge of their qualifications.

Mr. NORRIS. Mr. President, I agree with the Senator from South Dakota [Mr. STERLING] that in view of the statement of the Civil Service Commission this amendment ought to be rejected. It is true that at the meeting of the subcommittee this provision was inserted for the particular reasons which the Senator from North Carolina has outlined, that in some of these cases, involving the investigation of various infractions of the law, it would be necessary to select men who would not be able to pass any civil-service examination; but it would be better even if those men were appointed by the Civil Service Commission and thus be taken out of any possibility of political control and manipulation; and there would be great opportunity for that to occur probably in a great many cases.

In addition to that, there is another reason that applies to a portion of this amendment only. I desire to call the Senator's attention to it. The exception reads as follows:

Except persons authorized to issue permits and agents and inspectors in the field service.

I confess when I saw the amendment printed in the bill I did not understand, and I do not now understand, why the subcommittee included in that exception persons authorized to issue permits. Such persons can pass the civil-service examination; at least they ought not to be taken out from under the control of the civil service. There is no reason for that.

Mr. OVERMAN. The argument was made before the Senate committee that in the counties probably the clerk of the court or the register of deeds or some one else who held public office would always be selected to issue such permits. Such a person should not be required to take a civil-service examination, for all he would have to do would be to issue a permit. If such authority were given to a clerk of a court, a register of deeds, a notary public, or some one who held public office, there would be no reason why such a person should be under the civil service. That consideration controlled the matter with the committee.

Mr. SMITH of Georgia. Mr. President, where matters of character are involved rather than mere knowledge the Civil Service Commission sends out clerks to look into the question of a man's character and force. That is about what is now done under the President's post-office arrangement. I am glad to get rid of being responsible for post offices; but I am obliged to admit that I do not think such employees of the commission really have the judgment which in all cases enables them to select the best men who are presented. I had myself rather risk the judgment of a collector in a State who is interested in the administration of the law than that of a couple of deputies in the Civil Service Commission to pass on matters of character.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The question is on agreeing to the amendment reported by the committee.

Mr. FRANCE. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

Mr. KING. Mr. President——

Mr. OVERMAN. Let us get through with these amendments.

Mr. KING. Mr. President, the latitude of debate which is permitted in this august body prompts me at this time to invite attention for just a moment or two to a matter that was presented to the Senate a few days ago by the distinguished Senator from Connecticut [Mr. BRANDEGEE]. As I remember, he caused to be——

Mr. STERLING. Mr. President, let me ask the Senator from Utah if he will not defer his remarks until we reach Title III, which is the next title of the pending bill. I think it will take but a short time to dispose of the bill up to that point, and then I shall make a motion with reference to a recess until to-morrow.

Mr. KING. I shall not be here to-morrow and what I desire to say will not consume much time.

Mr. STERLING. Very well, but if the Senator will only wait a few moments we shall reach Title III, and then I shall agree to suspend for the day the further consideration of the bill at that time.

Mr. KING. Can the Senator from South Dakota assure the Senator from Utah that the consideration of the matter which he is now pressing with so much urgency will consume only a few moments? Of course, I can appreciate the fact that a bill that involves matters of such great importance as does this ought not to require any attention at the hands of the Senate. We pass legislation so hurriedly that it is wholly unimportant whether we consider it or not. So I can understand the anxiety of the distinguished Senator from South Dakota to pass this bill through without any delay. However, in deference to my friend from South Dakota I will suspend for a moment.

The reading of the bill was resumed.

The next amendment was, on page 42, in line 8, after the word "hereby," to strike out "authorized to be"; in line 10, after the word "appropriated," to insert "the sum of $3,500,000 or so much thereof"; in line 11, before the words "as may," to strike out "such sum"; and in the same line, after the words "may be," to strike out "required" and insert "necessary," so as to make the proviso read:

Provided, That the commissioner and Attorney General in making such appointments shall give preference to those who have served in the military or naval service in the recent war, if otherwise qualified, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,500,000 or so much thereof as may be necessary for the enforcement of this act.

The amendment was agreed to.

The next amendment was, on page 42, line 13, to change the number of the section from 40 to 39; and in the same line, before the word "all," to strike out "That in" and insert "In," so as to make the section read:

SEC. 39. In all cases wherein the property of any citizen is proceeded against or wherein a judgment affecting it might be rendered, and the citizen is not the one who in person violated the provisions of the law, summons must be issued in due form and served personally, if said person is to be found within the jurisdiction of the court.

The amendment was agreed to.

The next amendment was, on page 42, after line 18, to strike out:

SEC. 41. Nothing in this title shall be held to apply to the manufacture, sale, importation, possession, or distribution of wine for sacramental purposes, except sections 6 and 10 hereof, and the sections of this act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, import, or sell wines for sacramental purposes shall sell, barter, exchange, or give any such to any person not a rabbi, minister of the gospel, or priest, nor to any such except upon an application duly subscribed by him and indorsed by an official specially designated for such purpose by the head of the conference or diocese or other ecclesiastical jurisdiction in which he is officiating, which application shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for sacramental purposes, and the person so designated shall be entitled to a permit, to be issued by the commissioner, authorizing him so to supervise such manufacture: *Provided, however*, That the foregoing provisions of this section shall not apply to any officer, minister, priest, or rabbi of any church or religious organization who is unwilling or unable to comply with the same, but such officer, minister, priest, or rabbi may manufacture, purchase, possess, and use wine for sacramental purposes under permits issued under and subject to the provisions of this title.

The amendment was agreed to.

Mr. KING. Mr. President, as I was saying when I yielded to the Senator from South Dakota [Mr. STERLING]——

Mr. NELSON. Mr. President, I ask that the bill be temporarily laid aside in order that the Senator from Utah may make his speech.

Mr. KING. If the Senator will permit me, I was speaking to the bill.

Mr. NELSON. If the Senator is going to speak to the bill, very well.

Mr. KING. However, I have no objection to the bill being temporarily laid aside.

The PRESIDING OFFICER. Without objection, the bill will be temporarily laid aside, and the Senator from Utah is recognized.

DISPOSITION OF THRACE.

Mr. KING. I was calling attention, Mr. President, to some observations which were submitted by the Senator from Connecticut [Mr. BRANDEGEE] a few days ago, at which time he had read from the desk an article which had been written by Mr. Simonds. As I remember the article, it stated that Mr. Veniselos, the great statesman of Greece, had repudiated the league of nations and had announced that he would no longer give it his support. My information was entirely different from that contained in the article, and I am glad to learn that Mr. Simonds was incorrect and that the league covenant still has the support of one of the greatest statesmen of the world. I noticed in last evening's Star an article which I think places the matter in the correct light. The article reads as follows:

DENIES HE HAS LOST FAITH IN LEAGUE—PREMIER OF GREECE CONTRADICTS REPORTS MADE PUBLIC IN AMERICA.

Premier Veniselos, of Greece, in a letter to the American ambassador at Paris made public to-day by the State Department, denied reports published in America that he had publicly stated his loss of confidence in the league of nations because of the American attitude with regard to Thrace. He asked that President Wilson be advised that he had undergone no change of sentiment with regard to the proposed world society.

QUOTES AMERICAN PRESS.

After quoting from American press reports as to his attitude, and recalling that "the question went so far even as to occupy the Senate," Premier Veniselos wrote:

"I desire, therefore, in view of the importance attached to the above news, to state categorically that I have not made the above statement, and it really grieves me to know that I could have been thought capable of it.

VIEW OF LEAGUE UNCHANGED.

"Notwithstanding the disappointment I may feel because of the Thracian question—a very vital one for Greece—my views regarding the league of nations—a world-wide structure to which I have also contributed in the measure of my ability—have not and could not change."

I wanted, Mr. President, to present to the Senate the facts with respect to the present attitude of this great representative of the Hellenic people, and to invite attention to a resolution which I offered some time ago, and which is now before the Foreign Relations Committee, relating to the subject of Greece and the Thracian question. The resolution reads, in part, as follows:

Resolved, That it is the sense of the Senate that, in the treaties of peace with Bulgaria and with Turkey, western or Bulgarian Thrace to the line of the Arda River and eastern or Turkish Thrace, including Adrianople, to the line from Enos on the Ægean Sea to Midia on the Black Sea, should be awarded to Greece, proper facilities for Bulgarian commerce to be reserved at Saloniki, Kavalla, and Dedeagatch.

Mr. President, it has repeatedly been stated that the representatives of our Government recently at the Paris conference have determined to dismember Thrace, internationalizing the central portion of it, giving a portion to Bulgaria and the extreme eastern and western strips to Greece. I can not believe that the American representatives at the peace conference have resolved upon such a policy. It is manifestly so unwise, it is so against the geographic and the ethnographic situation as, in my opinion, to be the basis of great controversies in the future if it should be carried into effect.

Thrace is a part of Greece; it belongs to Greece; and in the treaty which is now being prepared in Paris it ought to be awarded to Greece. If I had time I should be glad to put into the RECORD representations made by Americans, by those who are familiar with the situation in Greece as well as by the inhabitants of this land which is about to be dismembered, with a view to showing the serious mistake which would be made by dividing Thrace, as some of the dispatches indicate the present purpose to be.

I am afraid, Mr. President, that there has been a propaganda carried on in the United States and elsewere by some of the representatives of Roberts College, as well as by other agencies, to influence this country as well as its representatives in Paris against Greece and for the purpose of giving to Bulgaria territory to which she is not entitled. It is well known that some of those who are interested in Roberts College were the stanch defenders of Bulgaria during the past war. When she cast her fortunes with the Central Powers these same representatives justified her course; when the evidences of the atrocities of Bulgaria were presented in indisputable form to the world prominent Americans, some of whom were connected with this college, were quick to apologize for Bulgaria.

There seems to be a disposition upon the part of some to treat Bulgaria, which was our enemy, the enemy of civilization, and the enemy of the Allies during the war, with greater consideration than Greece, who was the friend of the allied Governments, is to be treated.

Thrace is largely inhabited by Greeks. More than 768,000 Greeks reside in Thrace, while only 112,000 Bulgarians are residents of Thrace. I can not conceive of any reason why Thrace should be dismembered, why Greece should be affronted, and why Bulgaria should receive as the spoils of war a portion of the territory that naturally belongs to Greece. It looks as though the policy is to punish our friend and our ally and to reward the enemy of our allies, if not our own enemy.

Mr. President, I sincerely hope that the Committee on Foreign Relations will promptly report the part of the resolution which I have read with a favorable recommendation. I should like to see it passed by the Senate. It may be too late to influence our representatives at the peace conference. I sincerely hope, however, that they will go no further in the reported plan to dismember Thrace and to award a portion of it to Bulgaria, which has been the enemy of the Allies during the Great War.

Mr. WILLIAMS. Mr. President, I suppose that no man living has a higher degree of sympathy with Greece and with the Greeks than I have. Their past history, their literature, the "fierce Athenian democracy," the sturdy Spartan phalanxes, the Theban legion, and all that sort of thing remain with me as sort of hero dream put into my mind very early in my life. I am especially sympathetic with the idea of giving Greece all of the Greek population upon the Thracian and Macedonian coasts. There are, however, some very deep-fraught questions connected with the disposal of the territory along the Ægean Sea. In the first place, we meet there with a seething caldron of mixed races unexampled anywhere else in the world, and unprecedented at any other time in the history of the world—Bulgars, Serbians, Greeks, Turks, all mixed up—and if anybody undertook to make an ethnological division of territories in accordance with the races or branches of the white race peopling those territories he would find himself totally unable to do it except right along the seacoast itself. It has been a characteristic of the Greek from the times of the "fierce Athenian democracies," to which I referred a moment ago, to take possession of the seacoasts nearly everywhere, occupy them, and colonize them; and it never was a part of the genius of the nation to go far into the "hinterland." As a consequence, you find all along the Thracian coast and the coasts of the Ægean Sea generally, and even in Asia Minor, Greeks for a quarter of a mile or half a mile or two miles, and back of that, pretty nearly everybody else in the world except Greeks.

In addition to the difficulty of making a division of territory according to ethnological lines of demarcation, there is also the difficulty of giving to each country some access to the sea. I have no sort of sympathy with Bulgaria as a country and none with the Bulgars as a people. They are neither fish, flesh, nor fowl. They are neither Teutons, Slavs, nor Latins. They are an accidental, insulated race of barbarians who were dropped down in that part of Europe long ago, a little bit like the old Borussians, the ancestors of the modern Prussians, who seem to have been left over and insulated by the civilized peoples surrounding them in the early days, until the Teutonic knights came in and propagated a race the substratum of which was Borussian and barbaric and the upper stratum of which was German and cruel. The so-called Prussian spirit finally infected all the country along the Baltic in Pomerania and Prussia and late all of Germany subject to Prussia.

The Bulgars are a good deal the same sort of people. I beg Senators to remember that there were at Paris not only Greeks and not only Bulgars and not only Italians and not only Americans, but everybody interested in the solution of these questions; and it is absolutely impossible to decide that a given 10 acres square, or 40 acres square, or that many square miles either, shall be dedicated to the government of one race because it occupies the seacoast.

The Greek is so far superior to the Bulgar in my opinion—in native ability, in amiability, in adaptability, in ideal, and in tradition—that there is no comparison between them; and, as the Senator has just said, the Greek has been our friend just as soon as he could get rid of King Constantine and his Prussian wife, and the Bulgar has been our enemy, and not only our enemy but a treacherous enemy, negotiating with us until the night before he betrayed us to Germany. But, all the same, the object of this treaty is to leave things in such a status as that there may be as little cause for war as possible in the future, and we have got to give some degree of justice even to those that we despise—I will not say "hate," because the Bulgar is not worthy of hatred. We must give some degree of justice even to them,

especially when we know that they are habitual peace breakers and innately feel that we do not want to be reduced to the necessity of butchering them if they dare break out again.

I beg Senators to remember that the commissioners of the United States at Paris have a hundred points of information where I have one, or where any other Senator has one. In fact, we have no information except that which is furnished us by somebody in America seeking some purpose in Europe for his own selfish benefit or for the selfish benefit of his own race or nation. I was reading just yesterday and last night a couple of books, one from the Polish standpoint and one from the Lithuanian standpoint, and one or the other of them was written by the biggest liar that ever existed since the world began, and I frankly confess that I do not know which. I have been a tolerably diligent student of history of even the minor races of the world, and thought I knew something about the ethnological geography of Central Europe, but if one side of these peoples is telling the truth the other side of this story is written by the biggest liar that ever was born, and if the other side is telling the truth that side's story is written by the biggest liar ever born. That is the sort of information we get here. Those people representing America in Paris get information from every side, not only from the parties interested, but from all the other Governments and functionaries and voluntary witnesses representing various races and hereditary stocks that have been able to appear before them. If I had my own way right now, offhand, I would give to Greece all of Thrace and the entire Dalmatian coast from about one-third up into Albania down; but I confess that I never have been able to put my intellect as an absentee, not acquainted with all the information, against an equally good intellect present and considering things, and presumably acquainted more or less with all of the information.

So, if there should be anything coming out of the conference at Paris and the treaty with Austria and Hungary and Turkey which would disappoint us with regard to the Greeks, let us all make up our minds that there are various things in connection with the league of nations that give a chance later to amend errors made now—amongst other things the power granted to the league to sit in judgment upon "interpretations of treaties" and the power granted to consider any complaint that any given situation in the world is a menace to or "threatens the world's peace." If later on it should turn out that such mistakes have been made with regard to Poland or Lithuania or Greece or Bulgaria or Roumania as might menace the world's peace, those questions will be brought before the league of nations, where we will be represented, and perhaps the afterthought of the league may be better than the forethought of the council.

So I beg Senators to hold their souls in patience and to hope for the best; about the sole hope of the world right now is this league of nations, and, whatever these people do in Paris, we must expect errors and look forward to amending errors later.

When the Constitution of the United States was first offered, Mr. President, it hurt the feelings of Thomas Jefferson, amongst other men, very much. Old George Mason and Patrick Henry and a lot of others went in to oppose it—Samuel Adams, too, amongst the most thorough patriots of the American Revolution. Thomas Jefferson did not like a lot of things about it, but he, in substance, said: "It is the right step to be taken now. Accept it, and, under the power of amendment provided for in it, amend it. I suggest that there should be a bill of rights accompanying it." And he really suggested, in letters from Paris to America, substantially the first 10 amendments that were passed; and they were almost unanimously—I believe literally unanimously—I do not remember whether any State voted against them or not—adopted and became parts of the Constitution of the United States.

Now, wherever we can make an amendment for the good after we go into this—this is an experimental map to a certain extent, as well as an experimental world peace constitution—after we go into it there will present themselves from time to time errors so plain and palpable and obvious that they will be corrected unanimously, just as the Constitution was amended in the first 10 amendments.

Mr. ASHURST. Mr. President, allow me to interrupt the Senator right there. Not only were the first 10 amendments ratified promptly, but when we reflect upon how poor the means of communication were—only by little packet boats and buckboards——

Mr. WILLIAMS. Stagecoach and horseback.

Mr. ASHURST. Stagecoach and horseback—the entire 10 that were ratified were ratified in two years and three months, exactly. The whole 10 were ratified in two years and three months.

Mr. WILLIAMS. And most of them were adopted by resolutions of the legislatures of the States, before they went in, asking Congress to submit, after ratification and not as a part of the ratification, such-and-such resolutions.

Thomas Jefferson displayed his wisdom. The difference between a statesman and a mere politician, Mr. President, is this: A statesman looks to the future, and he looks to the entire world environment. A politician looks to his "deestrict" and to the immediate future. These gentlemen who have been opposing this treaty and the league of nations are, with all of their other virtues, men of narrow vision, who do not look much beyond their "deestricts" or their party, or much beyond the immediate visible horizon.

I am particularly interested when a man like the Senator from Utah, who I know is a good friend of the peace of the world, and who wants to do all he can for it, insists upon a matter that I regard as minor, though it may be major for the particular people interested. As a friend of mine once said to me, "It is a very immaterial matter to the world whether I collect the thousand dollars that Jim Smith owes me or not, but it means my bankruptcy if I do not." [Laughter.] I am always, as an American and a world citizen, interested, then, to sound the call for patience, and for long sight instead of short sight, and broad sight instead of narrow sight, and impartial envisionment instead of being guided by the interested motives of any particular race.

Of course, Mr. President, the world is a pretty small thing, and Greece is a small part of the world. Greece's business is, perhaps for her, of more importance to Greece than all the balance of the world or the balance of the universe. When I think about living on this earth, one of the minor planets in one of the minor solar systems, and think about how many other planets there are in it, and how many more suns there are outside of the planets which are in their systems revolving around them, I sometimes feel that we ought not to take any interest in anything; that we just ought to quit and wait until we die, and then trust to God to give us a still broader vision; but I do not mean to make a speech in that spirit.

Mr. KING. Mr. President, just a word, but not in reply to the distinguished Senator from Mississippi. Of course, we all yield to him in his historical knowledge and in his broad statesmanship, and I say that in the most sincere fashion.

I am glad to know that he sympathizes so much with the aspirations of Greece. The Senator, though, in my opinion, while pleading for a broad and comprehensive policy and for vision in advocating a policy in opposition to the desires of Greece, is not building for the future peace of the Balkans.

Mr. WILLIAMS. I beg the Senator's pardon; I am not advocating it. I do not know what they are going to do in Paris, but I want to hold myself ready to support it as a part of a major proposition.

Mr. KING. Mr. President, with my present views I shall support what has been done at Paris, and what may be done at Paris; but, nevertheless, I am constrained to believe that the action of our delegates in Paris, if the reports in the newspapers are accurate that they have adopted a plan to dismember Thrace, is unwise, and will not conduce to the future peace of the section of the world in which Greece is situate.

Mr. WILLIAMS. Mr. President, in that connection I want to say frankly that I agree with the Senator. If they have taken the action which the newspapers report, I think they have made a mistake.

Mr. KING. The English representatives at the peace conference and the French representatives at the peace conference, according to the newspapers, favored giving all of Thrace to Greece. That was the wise and the proper and the honest thing to do. It is reported that the American representatives dissented from that view. The first advisers that we had in Paris with respect to the Grecian question recommended, as I am informed, and I think credibly informed, that all of Thrace should go to Greece. Those advisors have come home. Others have taken their place. It may be that the two who have succeeded them have been converted to the Bulgarian view. Bulgaria already has two seaports upon the Black Sea. She can have a commercial port through Grecian territory upon the Ægan Sea; but to dismember Thrace, and to award any part of it to Bulgaria, is a great wrong, and one that ultimately will lead to trouble.

I sincerely hope that our representatives in Paris will not be misled by any Bulgarian propaganda, that they will remember their friends, not their enemies, and that they will do justice and not injustice.

ADJOURNMENT.

Mr. STERLING. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 5, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 4, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

Almighty Spirit of power and grace, ofttimes in the thick of horrid conflict we prayed for our men who were carrying on both by land and sea. Yet we were never unmindful of those who were engaged in the pursuits that were brought over from peace times into war times, since those labors are always necessary. Now that the Great War has ended, we express in words our prayer that all who labor in life's necessary tasks may have Thy blessing. Grant Thy favor to farmer, mechanic, artisan; to those who toil in such industries as mining or transportation, and to all women who work or wait or weep. In the restlessness of these times may we find and follow worthy leadership. In the many conflicting claims may we heed no voice that demands less than full justice for all. And in our daily round may we often catch glimpses of Him who walks amongst us with the wounds of love upon His body. May we hear His call and answer the appeal of His eyes, that out of ignoble striving we may together follow in His steps along the pilgrim road; rough, perhaps, to the feet of the selfish, but leading at length to the city of God, the life of patience, brotherhood, and cooperation on earth. In His Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE OF TAGUE AGAINST FITZGERALD.

Mr. GOODALL. Mr. Speaker, I offer a resolution from the Committee on Elections No. 2, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Maine asks unanimous consent for the immediate consideration of a resolution from the Committee on Elections No. 2, which the Clerk will report.

The Clerk read as follows:

The Committee on Elections No. 2, to which was referred the contested-election case of Peter F. Tague, contestant, against John F. Fitzgerald, contestee, from the tenth congressional district of Massachusetts, respectfully reports to the House the following resolution approved by said committee, for approval and adoption by the House, with the recommendation that it do pass:

Resolved, That M. W. Burlen, Edward P. Murphy, Frederick J. Finnegan, and Jacob Wasserman, the members of the board of election commissioners of the city of Boston, or any successor of them in said office, be, and they are hereby, ordered to be and appear before Elections Committee No. 2 of the House of Representatives forthwith, then and there to testify before said committee or such commission as shall be appointed touching such matters then to be inquired of by said committee in the contested-election case of Peter F. Tague against John F. Fitzgerald, now before said committee for investigation and report; and that the members of the board of election commissioners of the city of Boston bring with them all such ballots and packages of ballots cast in every precinct in the said tenth congressional district of Massachusetts at the general election held in said district on the 5th day of November, 1918, as were described as challenged, disputed, or contested ballots, either at the recount of the ballots cast at said general election conducted by said board of election commissioners of the city of Boston, or at the taking of depositions before notaries public in this case; that said ballots be examined and counted by or under the authority of such Committee on Elections in said case; and to that end, that proper subpœnas be issued to the Sergeant at Arms of this House, commanding him to summons said members of the board of election commissioners of the city of Boston, or any successor in office of either of them, to appear with such ballots as witnesses in said case; that service of said subpœnas shall be deemed sufficient, if made by registered letter, and such service shall be so made unless otherwise directed by said Committee on Elections No. 2; and that the expenses of said witnesses and all other expenses under this resolution be paid out of the contingent fund of the House; and that said committee be, and hereby is, empowered to send for all other persons and papers as it may find necessary for the proper determination of said controversy; and also be, and it is, empowered to select a subcommittee to take the evidence and count said ballots or votes, and report same to the Committee on Elections No. 2 under such regulations as shall be prescribed for that purpose; and that the aforesaid expenses be paid on the requisition of the chairman of said committee after the auditing and allowance thereof by said Elections Committee No. 2.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Maine a few questions. Did both parties to this contest agree to this arrangement?

Mr. GOODALL. Oh, yes; both parties to the contest have agreed to have the ballots come here.

Mr. CLARK of Missouri. Now, another question. This is a very peculiar resolution. The House itself orders these people peremptorily to come here. Is there any precedent for that kind of a thing?

Mr. GOODALL. I have a little statement here which I will read, which will clear up the whole matter.

Mr. GARNER. Let us have it loud enough to hear it.

Mr. GOODALL. I read:

The form of resolution offered in this case is the same as was used in the case of Kahn *v.* Livernash, fourth California district, in the Fifty-eighth Congress. The purpose of bringing the ballots before the committee is as follows: One of the issues in the case is whether ballots marked in a certain way should be counted or not. The description and number of such ballots is not fully disclosed in the record, hence the inspection is necessary to determine this question. The committee is unanimous in deeming the inspection of the ballots necessary, and both parties to the contest have expressed their willingness to have them produced. The passage of this resolution is merely a formal proceeding necessitated by the practice in such cases.

Mr. CLARK of Missouri. Now, is it not unusual to have such a proposition in a resolution, for the House itself to order witnesses to come before a committee? What is the reason why you could not summon these Boston "bigwigs" just as well by subpœna as in any other case?

Mr. GOODALL. All I know about it is that I have been informed this is the proper way to do it. As I am not a lawyer, I have to take their advice.

Mr. LEHLBACH. If the gentleman from Maine will yield——

Mr. GOODALL. Yes; I yield.

Mr. LEHLBACH. It was decided that the Committees on Elections are without authority to summon witnesses or to take testimony, their jurisdiction being limited to a determination on the record. That is provided for by statute in contested-election cases. If it becomes necessary to take testimony or examine evidence that is not contained in the record produced, the authority of the House is necessary.

Mr. CLARK of Missouri. I know that; but what I am asking about is this peculiar feature of this resolution, that the House itself commands the members of the common council of Boston—if that is what they call it up there—to come before the committee.

Mr. LEHLBACH. The House directs that a subpœna be issued for the purpose. The Speaker has no authority on his own motion to issue a subpœna, nor has the Committee on Elections the right to order the subpœna issued, but the House in this resolution authorizes the issue of a subpœna.

Mr. CLARK of Missouri. I understand that; but the first part of this resolution is that these members of the common council of Boston are commanded by the House of Representatives to appear before this committee.

Mr. LEHLBACH. This is a resolution for a subpœna duces tecum. The real purpose is to get the ballots here. In order to get them here the form of process is to summon the custodians of the ballots to appear as witnesses, and then the subpœna continues that they are also ordered to bring with them these ballots. There is no intention to examine these gentlemen as witnesses other than to ask them, "Are these the ballots referred to? Have they been in your custody?" That is really the form under a subpœna duces tecum.

Mr. CLARK of Missouri. Did the gentleman ever hear of the House itself peremptorily commanding Tom, Dick, or Harry to appear before a committee of the House?

Mr. LEHLBACH. Yes. At the request of the chairman of the committee I examined the precedents, and the only precedent absolutely in point was in the Fifty-eighth Congress. That was in the case of Julius Kahn against Livernash, in the fourth congressional district of the State of California.

Mr. GOLDFOGLE. Did the gentleman examine the resolution that passed the House in the case of Higgins, of Connecticut?

Mr. LEHLBACH. I did, but in view of the fact that in the Kahn against Livernash case the purpose was to examine the ballots to ascertain the character of the marks that they contained, and as that is exactly the point in this case, I followed word for word the resolution adopted at that time by the House in the case of Kahn against Livernash. In that case the report was made by Mr. JAMES R. MANN, and presumably the resolution had his sanction, as apparently he had charge of the case.

Mr. GOLDFOGLE. Will the gentleman yield to me for a moment?

Mr. LEHLBACH. Yes.

Mr. GOLDFOGLE. A later case than the one the gentleman refers to is the Higgins case; that arose, I think, in the fifth district of Connecticut. In that case it was desirable, not only because the parties had practically consented to the arrangement but because the committee thought they would like to look at the ballots, to send for the ballots themselves. Thereupon the committee reported a resolution which passed the House that merely provided power to send for those ballots, to have them brought safely to the House of Representatives to be transmitted to the Committee on Elections, and the expenses to be paid out of the contingent fund of the House, certified by the chairman of the committee. That was all, and that served the purpose, because after all the only thing required was the au-

of the House empowering the committee to send for those thority and thereupon in that case the chairman, acting upon ball resolution, issued what was styled a warrant directing the one to go down to the State of Connecticut, take possession of the ballots, and bring them to the House, and that course was pursued. There was no direction in any resolution to summon men, to bring them down here to be examined. It sufficed to provide the power to the committee to send for those ballots and bring them safely to the House. If the gentleman will examine that resolution, which was brief and yet all potent, it seems to me he will find there a precedent that will serve the purposes indicated by the gentleman from Maine [Mr. GOODALL].

Mr. LEHLBACH. Will the gentleman from New York yield for a question?

Mr. GOLDFOGLE. Certainly.

Mr. LEHLBACH. Of course, the gentleman from Maine [Mr. GOODALL] has the floor. Did not the Higgins resolution provide, however, for the issuance of process for that purpose by the Speaker of the House, who alone is authorized under the rules to issue the process of the House?

Mr. GOLDFOGLE. No, sir; it did not, as I recall it, and as I was chairman of the committee I have a quite clear recollection.

Mr. LEHLBACH. Under the statute of the State of Massachusetts the board of election commissioners of the city of Boston are charged with the duty of keeping these ballots in their custody. A mere request, which is not a formal process, to take those ballots from the place where the law provides that they shall be safely kept would create a doubt as to whether the officials having them in their custody were justified in removing them and bringing them to the city of Washington. Furthermore, a process which did not provide that the custodians themselves were to bring the ballots to the city of Washington might be questioned, because it would provide that they should actually leave their custody. In order that there might be no embarrassment for the local authorities in Boston, in order that there might be no excuse—although no excuse is expected to be offered—for disobeying the order that these ballots be brought here, this form has been used. The form that the gentleman refers to asked the State authorities to produce material in their custody without the issuance of a formal process under the seal of the House.

Mr. GOLDFOGLE. That was the process.

Mr. LEHLBACH. It need not have been obeyed.

Mr. GOLDFOGLE. The House of Representatives is supreme over matters concerning the election of a Representative in Congress, and the resolution to which I referred conveyed the authority of this House, and that authority had to be obeyed by the State officers.

Mr. LEHLBACH. I think the gentleman will find that the authority of the House in that case was expressed by a process signed by the Speaker and attested by the Clerk of the House. That is the only process that is authorized to embody the authority of the House.

Mr. GARNER. Mr. Speaker, it seems to me this academic discussion is out of place. This is unanimous-consent day, and if anybody wants to object I ask for the regular order.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Maine?

Mr. IRELAND. Mr. Speaker, reserving the right to object, a parliamentary inquiry.

Mr. GARNER. Mr. Speaker, I must insist on the regular order. If the gentleman wants to object, he can do so.

Mr. BLANTON. Unless we can ask a question or two of the chairman of the committee, I shall object for the present. I desire to ask him a question or two.

The SPEAKER. The gentleman from Texas objects.

Mr. LEHLBACH. Mr. Speaker, I make the point of order that unanimous consent is not necessary for the consideration of this resolution, which is privileged.

The SPEAKER. The Chair overrules the point of order.

Mr. LEHLBACH. I should like to be heard on that.

The SPEAKER. The Chair overrules the point of order for two reasons. In the first place, there is a special order this morning that the gentleman from Kansas [Mr. AYRES] be heard for 15 minutes by unanimous consent. That therefore takes precedence of everything except unanimous-consent requests. So the gentleman's motion is out of order now at any rate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, in which the concurrence of the House of Representatives was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below.

S. 2775. An act to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain; to the Committee on the Public Lands.

LEAVE TO ADDRESS THE HOUSE.

The SPEAKER. Under the previous order of the House, the gentleman from Kansas [Mr. AYRES] is recognized to address the House for 15 minutes. [Applause.]

Mr. AYRES. Mr. Speaker, about six or seven weeks ago my colleague [Mr. CAMPBELL of Kansas] introduced a bill calculated to absolutely and forever prohibit the President from leaving the confines of the United States while in office.

It is needless to say the gentleman did not expect any action on his bill, but it served its purpose, no doubt, as intended—that is, furnish a basis or excuse for an interview in which the gentleman bemoaned the fact that the President had been so entertained and beguiled by artful European diplomats as to cause him to neglect and fail to represent the interests of this Nation, to its detriment and the benefit of other nations, and no President in the future would be guilty of such high-handed conduct.

This bill, of course, was not introduced until after the President had done all in his power to bring about a condition among nations to prevent, if possible, another world war and engage in the shameful slaughter of mankind; it was after he had placed the treaty before the Senate for its ratification or rejection.

In view of the many misstatements made concerning this treaty by those opposed to it, the President has found it necessary to go before the country, as has Ex-President Taft, and tell the people the truth.

And now another one of my colleagues from Kansas [Mr. STRONG] feels it incumbent upon him to see that the President should not be guilty of any further indiscretion, but should remain here in the Capital under the watchful eye of Congress. So he introduces a resolution in which he says, among other things, "that the absence of the Chief Executive from the National Capital is fraught with very grave danger to the welfare of the country during these troublesome times of high cost of living, profiteering, the welfare of the former service men," and so forth. Does my colleague feel it is best for the President to stay here in the Capital to guide the befuddled leader of his party who is charged with the responsibility of such legislation as would result in lowering the high cost of living, or does he feel that there is danger of the repeal of the act passed a few days ago, at the request of the President by a veto, to increase the appropriations for the purpose of rehabilitating the crippled service men? The gentleman need have no fears at all about this matter, because if it should occur the President will again very promptly veto it.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. AYRES. Yes; for a brief question.

Mr. STRONG of Kansas. The President will not veto a bill complying with his request for $800,000 to help pay the expenses of the peace conference, will he?

Mr. AYRES. He will not veto any bill which has for its purpose the assisting of the former service men. [Applause on the Democratic side.]

It may be in speaking of the service men that my colleague has in mind the so-called soldiers' land bill, the Mondell bill, but I should think from all reports of the caucus of the gentleman's party held a few nights ago the President can not help this any.

I probably should not use the word "caucus," as I do not wish to do my colleague an injury. You gentlemen may not know it, but it is a fact that all candidates nominated for Congress in my colleague's party in Kansas have to stand squarely on a platform in which there is a strong plank which promises that under no circumstances will the candidate, if elected, be guilty of attending a party caucus. Their constituents, you know, are afraid if they do they will become contaminated if compelled to caucus with the New England standpatters, who now, by the way, as of yore, are in the saddle driving with a tight and strong rein, and with a whip in hand that has a crack to it that would make the stand-pat leaders of olden times turn green with envy; so I say they must not caucus with such; therefore they tell their constituents they do not, but simply hold party conferences—however, they do not say behind closed doors.

I am assuming the gentleman from Kansas [Mr. STRONG], being a good party man, attended his party caucus—I mean conference—a few nights ago. If so, I now know why he is

calling upon the President to remain with us and tell them what to do, and how to do it, in the way of reconstructive legislation. I believe I will send to the Clerk's desk a report of this caucus and have it read in my time.

The Clerk read as follows:

HOUSE REPUBLICANS IN PARTY WRANGLE—HOLD UP CONSIDERATION OF MONDELL'S BILL TO GIVE LAND TO SOLDIERS—FORDNEY ATTACKS WILSON—MR. ESCH ASSURES MEETING PLUMB PLAN WILL NOT BE RECOMMENDED.

WASHINGTON, *August 26.*

At a conference to-night behind closed doors House Republicans decided by a large majority not to allow further consideration of the bill introduced by their floor leader, Mr. MONDELL, sending former soldiers "back to the land," until another conference had been held upon the measure. The move came as a complete surprise to Mr. MONDELL, and it was only on his earnest plea that the action was subsequently rescinded. He argued that it would damage the Republicans in the eyes of the Nation if it were known that the Republican House had postponed action upon the only piece of legislation introduced at this session to benefit the discharged soldiers.

"Uncle Joe" CANNON was one of the first who mentioned the bill, and he declared that he was opposed to its being considered as a Republican measure. Then, without any warning whatever, Representative NICHOLS of Michigan, a member of the Public Land Committee, which considered the bill, and one of the signers of the minority report which characterized the measure as "reclamation scheme," suddenly put in a resolution demanding that consideration of the bill be deferred until after the meeting of the American Legion in Minneapolis.

There was a long wrangle, in which Mr. MONDELL shared, and finally, on motion of MARTIN B. MADDEN, of Illinois, the Republicans passed a resolution declaring that the bill should not be taken up again until after another Republican conference had considered it. There were some bitter passages during this discussion.

Later Mr. MONDELL arose and earnestly pleaded with the caucus to reconsider its action requiring another party conference on the bill.

"From a party standpoint," he said, "it would be most unfortunate to have word go forth to the country that the Republicans in Congress had decided to postpone, at least for the present, any further action on the only bill that has been introduced this session in behalf of the discharged soldiers of the Army."

Mr. NICHOLS of Michigan said he was willing to withdraw his motion provided that it was understood as a gentleman's agreement that the bill would not be taken up unless another conference had been held upon it. To this Mr. MONDELL pledged his word. "Uncle Joe" CANNON, however, declared that the Public Lands Committee had promised not to report out the bill until after a party conference, but had broken that promise.

Chairman GOOD, of the Appropriations Committee, made the point that as a general proposition no bill should be taken up involving an additional levy on the Treasury of more than $500,000, except after conference. He said Senator SMOOT had informed him several days ago that besides the soldier's settlement bill and the civil service retirement bill, and without repealing any of the present taxes, the Government this fiscal year would have to borrow $6,500,000,000.

The conference then agreed to reconsider its vote. The situation now is that, without a formal vote, the Republicans have decided to bar the bill from consideration until a conference is held. This conference, it is understood, on motion of Mr. FESS, of Ohio, chairman of the Republican congressional campaign committee, will be held next week to reorganize that organization.

During the meeting to-night a fiery speech was made by Representative REAVIS, of Kansas, reflecting the bitter disappointment he incurred some weeks ago when 30 Republicans voted for the Kelly amendment, allowing Secretary Baker to use the parcel post in sending out Army food which Representative REAVIS's subcommittee had declared the Secretary had withheld from the American people.

"Do you suppose Newton Baker never heard of the parcel post?" queried Mr. REAVIS. "The subcommittee had discussed this and decided against such an amendment for two reasons. In the first place we did not wish to aid the Secretary in shouldering off responsibility he had incurred for nine months. In the second place, we did not think the parcel post feasible. We came in here and the Kelly amendment was fastened on. Now, the Democratic national committee sends out patent insides to newspapers, saying the Secretary was only waiting for Congress to suggest some plan to him.

"If we make other recommendations, we do not want to come in here and be crucified by our own party. For God's sake stand by us."

The chairman of the Ways and Means Committee, Mr. FORDNEY, of Michigan, said he saw no need of Republicans remaining here and passing measures suggested by a Democratic President.

"We should go away in 30 days and remain until Christmas," said he. "Woodrow Wilson will never send any legislation to a Republican Congress that does not bear a Democratic stamp. He is not built that way. He is a political trickster."

[Laughter and applause on Democratic side.]

Mr. AYRES. Now, in view of what the chairman of this great committee said at this meeting it would do no good whatever for the President to stay. If he is such a horrible trickster, my dear colleague, pray tell us why you call upon him to remain with us. Are you sure you have set forth your real reason why he should stay in the Capital, or are you, like many others, afraid he will tell the people of Kansas the real truth concerning the treaty and the league of nations?

I want to have read a further report of that party caucus. I beg pardon, I mean conference; this is from that busy, busy gentleman from Minnesota, the Republican whip:

The Clerk read as follows:

HAROLD KNUTSON, the Republican whip, electrified his fellow party members by announcing that he was about to institute a call-boy system so he could summon Republicans quickly from their offices to the floor.

[Laughter on the Democratic side.]

"STAND BY PARTY."

"There is a Republican majority of 47 in the House," he said, "but to-day 31 Republicans were absent. No one knew where they were. There was no trace of them. There should be a Republican majority of 15 to 20 on the floor every minute. Every hour or so I go to the Democratic cloakroom and see how many Democrats are on the floor, and, if necessary, I send a call to the Republicans by telephone."

[Laughter and applause on the Democratic side.]

Speaking of Republican mistakes, KNUTSON said the other day I saw something never witnessed before in his career in the House—a "Democratic motion to adjourn carried by a Republican vote."

[Laughter and applause on the Democratic side.]

"Stand by the chairman of your party," he cried. "Stand by your party! The measures we have are carefully thought out and will help us in 1920. It is honest-to-God Republican legislation, and you should support it, I care not what the proposition is.

"There is one man on the Republican side who has not been here since June, and he is not sick, either. You must watch the Democrats or they will put over an amendment on us. They are working at it all the time. They have got the greatest outfit of big burglars and hot-air artists on that side imaginable."

[Laughter and applause on the Democratic side.]

Mr. AYRES. In view of all the unkind things said about the President at that party conference, surely my colleague can not be serious in calling on him by resolution or otherwise to remain in the Capital, when he must know he is the leader of this gang of burglars and hot-air artists. I would suggest to him that before he asks for the consideration of his resolution by the House he would submit it to his party cau—con-fer-ence—which will be held some night this week. Certainly they ought to be able to agree on such a momentous question as this.

In view of what has happened by my two colleagues from Kansas endeavoring to keep the President from being such a wanderer and so negligent of his duties as President, I am wondering if, when he returns from this trip through the Nation, some other gentleman from Kansas will not introduce a bill or a resolution absolutely compelling him to be constantly confined by lock and key to the White House. [Applause on the Democratic side.]

CONFERENCE OF CAPITAL AND LABOR.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for five minutes. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, and I shall not object, I ask unanimous consent that each of our Republican colleagues be given 10 minutes in which to answer the communications which have just been placed in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent that each Republican be allowed 10 minutes. Is there objection?

Mr. ANDERSON. Mr. Speaker, I object.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that he be permitted to address the House for five minutes?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker and gentlemen of the House, we have recently successfully waged a world war, in which nearly all of the industries of the country were changed over into munition plants. During that time labor gave the country loyal and unanimous support in winning the war. On the 3d day of June Senator EDGE, of New Jersey, introduced a resolution, similar to one introduced by Senator POINDEXTER on the 17th of June, calling a conference to consider questions between capital and labor. On the 4th of June the gentleman from New York [Mr. GOULD] introduced a similar resolution, and on the 17th of June the gentleman from Pennsylvania [Mr. KELLY] introduced a similar resolution, and upon the 19th of July the gentleman from Illinois [Mr. BRITTEN] introduced a similar resolution. All of these resolutions directed and authorized the President of the United States to call a conference or appoint a commission to consider questions arising between capital and labor and were referred to the Committee on Labor of the House and the Committee on Education and Labor of the Senate. These committees met this morning in joint meeting, and I was directed to present and have read a resolution passed by that joint meeting in reference to the proposed conference which has been called by the President.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. BEE. Was that resolution passed this morning?

Mr. SMITH of Michigan. The resolution that I am asking the Clerk to read was passed this morning by the joint committee.

Mr. BEE. After the President had called the conference for October?

Mr. SMITH of Michigan. After the President had called this conference. But the President's call for the conference appeared in the press after notice of the joint hearings of the Senate and

House committees on these resolutions had been given, and the date had been fixed for several days for a hearing.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Whereas a number of bills are pending before the Senate and House Committees on Labor looking to the calling of a conference between the representatives of labor and capital; and

Whereas this joint meeting of the two committees was called to consider said bills; and

Whereas since the arrangements for this meeting have been made the President of the United States has given notice that he will call a conference of the representatives of labor, capital, and agriculture relating to said interests: Therefore be it

Resolved by the Senate and House Committees on Labor, meeting in joint assembly, That we heartily indorse the action of the President in calling such conference, and pledge to him our earnest support and cooperation for the success thereof.

Mr. SMITH of Michigan. Mr. Speaker, I was also authorized or instructed to present the following House joint resolution, which I will ask to have read in my time.

The Clerk read as follows:

House joint resolution 193.

Whereas the President of the United States has called, or is about to call, a conference of the representatives of labor, capital, and agriculture for the purpose of discussing questions relating to these great interests as affecting each other and the public: Therefore be it

Resolved, etc., That the Congress of the United States indorses the action of the President in calling such conference, and pledges to him its earnest support and cooperation for the success thereof.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution which has just been read.

Mr. LONGWORTH. Oh, I think that resolution ought to be referred to a committee.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. LONGWORTH. I object.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day has been set aside for the consideration of business on the Calendar for Unanimous Consent.

Mr. STRONG of Kansas rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. STRONG of Kansas. Mr. Speaker, I understood that unanimous consent has been given to Members on the Republican side of the House to each have 10 minutes.

The SPEAKER. The gentleman is mistaken. Objection was made to the request.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Eagan	Kennedy, Iowa	Parker
Andrews, Md.	Eagle	Kennedy, R. I.	Platt
Anthony	Ellsworth	Kettner	Porter
Ashbrook	Emerson	Kiess	Rainey, H. T.
Bankhead	Evans, Nebr.	Kincheloe	Rainey, J. W.
Barkley	Ferris	Kreider	Ramsey
Blackmon	Fields	LaGuardia	Ramseyer
Bland, Ind.	Fisher	Lampert	Reber
Brinson	Flood	Layton	Reed, N. Y.
Britten	Foster	Lea, Calif.	Reed, W. Va.
Browne	Frear	Linthicum	Robinson, N. C.
Brumbaugh	Freeman	Lufkin	Robsion, Ky.
Burke	Fuller, Ill.	Luhring	Rodenberg
Butler	Fuller, Mass.	McArthur	Rouse
Byrnes, S. C.	Gallivan	McGlennon	Rowan
Campbell, Kans.	Garland	McKiniry	Rucker
Cantrill	Godwin, N. C.	McKinley	Sabath
Caraway	Goodwin, Ark.	McLane	Sanders, Ind.
Carew	Gould	McPherson	Sanders, N. Y.
Carter	Graham, Pa.	MacCrate	Sanford
Casey	Graham, Ill.	Magee	Saunders, Va.
Clark, Fla.	Griest	Mann	Scully
Classon	Griffin	Martin	Sears
Cooper	Hadley	Mead	Sherwood
Costello	Hamill	Moore, Pa.	Siegel
Cramton	Haskell	Moores, Ind.	Sisson
Crowther	Heflin	Morin	Slemp
Davey	Hill	Mott	Small
Dempsey	Hulings	Murphy	Smith, N. Y.
Donovan	Jacoway	Neely	Snell
Dooling	James	Newton, Mo.	Snyder
Doughton	Jefferis	Nichols, Mich.	Stephens, Miss.
Drane	Johnson, S. Dak.	Ogden	Stephens, Ohio
Dunn	Johnson, Wash.	Olney	Stiness
Dupré	Kelley, Mich.	Paige	Strong, Pa.
Sullivan	Venable	Wason	Wise
Taylor, Ark.	Walsh	Weaver	Wood, Ind.
Thompson, Ohio	Walters	Wilson, Pa.	Yates
Vare	Ward	Winslow	

The SPEAKER. Two hundred and seventy-four Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

PERSONAL EXPLANATION.

Mr. CALDWELL. Mr. Speaker, I desire to ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MONDELL. Mr. Speaker, I object.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. Under the special rule to-day the Unanimous Consent Calendar is in order, and the Clerk will report the first bill.

Mr. DENISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENISON. Is it too late for me to request that the words of the gentleman from New York be taken down in order that they may be stricken from the RECORD?

The SPEAKER. It is too late; other business has intervened. The Clerk will report the first bill.

LAND FOR USE OF BUREAU OF ENTOMOLOGY.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 446) authorizing the Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oregon to whom does this land belong now?

Mr. HAWLEY. It is owned by the Department of the Interior on behalf of the Government. It is under the control of the Commissioner of Indian Affairs. They have no use for it, and have had no use for it for many years. It is an encumbrance upon their hands and they would like to get rid of it, and the Bureau of Entomology has use for it. They have an entomological station at Forest Grove and this tract of land adjoins their offices. It will be useful in the performance of their duties and in the consummation of their work.

Mr. CLARK of Missouri. Do the Indians have any title to it?

Mr. HAWLEY. No.

Mr. CLARK of Missouri. It is just a transfer from one place to another?

Mr. HAWLEY. From a bureau that has no use for it to one that has.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. HAWLEY. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to transfer all right, title, and interest in fractional block 6 of Naylor's addition to the city of Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENTRIES UNDER THE HOMESTEAD LAWS.

The next business in order on the Calendar for Unanimous Consent was H. J. Res. 167, a joint resolution making the provisions of section 2296 of the Revised Statutes applicable to all

entries made under the homestead laws and laws supplemental and amendatory thereof.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the immediate consideration?

Mr. STRONG of Kansas. Mr. Speaker, reserving the right to object, my colleague from the eighth district of Kansas, who addressed the House previous to the last roll call, when securing his election in Kansas makes the plea that he is a nonpartisan——

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Under the reservation of a point of order on consideration of bills on the Unanimous Consent Calendar is debate extraneous to the bill in order?

The SPEAKER. It is not.

Mr. GARD. Then I ask for the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. STRONG of Kansas. Mr. Speaker, I object to the joint resolution.

The SPEAKER. Objection is heard.

Mr. SINNOTT. Mr. Speaker, I hope the gentleman will withdraw his objection. This bill has been considered for some time in the committee, and it ought to be considered by the House.

Mr. STRONG of Kansas. The objection will have to stand.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have two minutes to ask the gentleman a question.

Mr. STRONG of Kansas. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the joint resolution may remain on the calendar.

Mr. CLARK of Missouri. And go to the foot.

The SPEAKER. The gentleman asks unanimous consent that the joint resolution remain on the calendar and go to the foot. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I ask unanimous consent that I may proceed for five minutes.

Mr. STRONG of Kansas rose.

Mr. RAKER. Just a moment. There is no need to break up the calendar this morning.

Mr. STRONG of Kansas. Mr. Speaker, I object.

The SPEAKER. The Clerk will report the next bill.

NATIONAL FORESTS IN IDAHO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 1429) adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object——

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. GARD. Mr. Speaker, reserving the right to object, I will ask the gentleman to explain the bill as introduced by him, and I also particularly desire to call the attention of the gentleman from Idaho to this proposed amendment. Is it not advisable, in the opinion of the gentleman, to have the bill amended on line 6, after the word "forests" as it appears in line 5, by striking out the words "are hereby" and inserting the words "may with the approval of the Secretary of the Interior"?

I make that suggestion because this is the exact language that has been used in the bill immediately following this and which has the approval of the Secretary of the Interior.

Mr. FRENCH. This bill, as I understand it, has been amended so far as that is concerned. Any language that would obtain the result would be agreeable to me.

Mr. TAYLOR of Colorado. Will the gentleman permit an interruption?

Mr. FRENCH. I will.

Mr. TAYLOR of Colorado. My understanding is that that language was to go in the bill. I will ask the gentleman from Idaho [Mr. SMITH] if it was not to go in?

Mr. FRENCH. I was given the option as to whether it was to go in or not.

Mr. TAYLOR of Colorado. My understanding was that we were to put it in.

Mr. GARD. I will say to the gentleman that I think it ought to go in, and unless the gentleman will say he will incorporate it as an amendment I will object.

Mr. FRENCH. Mr. Speaker, I am perfectly agreeable to that language, but I think it ought to be changed a little from the words the gentleman suggested. But so far as the meaning is concerned, I have no objection to it. As I understand, the department has passed upon and has O. K'd the bill, and it is agreeable, in fact, to both departments. The reason that the language requiring the Interior Department to approve is included in the one bill and not the other is that the one bill refers to a tract of land that is entirely surrounded by a forest reserve. Every side of it is bounded by a forest reserve. The bill that follows it refers to land a part of which has been entered upon, and, while the matter is not a complicated one, we thought we ought to submit the question to the department that has the issuing of patents. This is so clear-cut we did not think it necessary. But I am very agreeable to such a reference anyway, and I am very glad to have the amendment as suggested, namely, "with the approval of the Secretary of the Interior." The bill is on the Union Calendar, and I ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. GARD. Reserving the right to object, if the gentleman will agree to incorporate the amendment I have suggested I will make no objection.

Mr. FRENCH. I agree to that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Is there objection to the bill being considered in the House as in the Committee of the Whole? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1429) adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho.

Be it enacted, etc., That all public lands in central Idaho within the tract commonly known as the Thunder Mountain region, bounded by the Idaho, Salmon, Challis, and Payette National Forests, are hereby reserved and set apart as national-forest lands, as follows, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests: That part of the said tract lying north of the fourth standard parallel north, Boise meridian and base, is hereby added to and made a part of the Idaho National Forest; and that part of the said tract lying south of the said fourth standard parallel is hereby added to and made a part of the Payette National Forest.

Mr. GARD. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On line 3, page 1 of the bill, after the word "That," insert the words "subject to the approval of the Secretary of Interior."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FRENCH. Mr. Speaker, in conection with this bill I would ask unanimous consent to insert a few statements, including a recital of the facts by the Legislature of the State of Idaho in a memorial, and letters from the Secretary of the Interior and the Secretary of Agriculture.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The following are the statements referred to:

A joint memorial to the honorable the Senate and the House of Representatives of the United States of America, in Congress assembled.

Your memorialists, the House of Representatives and Senate of the State of Idaho, respectfully represent that—

Whereas the area within the county of Valley, State of Idaho, commonly known as the "Thunder Mountain Country," consisting of approximately 1,120,000 acres of unreserved and unappropriated public land of which not to exceed 1 per cent is agricultural in character, the balance being rich in natural resources consisting of extensive bodies of commercial timber, ore deposits, water power possibilities, wild game, and grasses and other forage suited to the growing of livestock, and

Whereas nearly 350,000 acres of this area have been swept by forest fires during the past 14 years, destroying approximately 700,000,000 feet of timber; the mineral and water power possibilities of the region are lying dormant and unproductive through lack of transportation facilities and means of communication; the wild life is being exterminated; grazing lands devastated by nomadic herds to the detriment of the property owners and residents of this State, and the area is contributing little or nothing to the support of the county or State government or to the wealth of the surrounding communities, and

Whereas the inclusion of the said area within a national forest would eliminate the annual destruction of timber by forest fire; make it possible for homestead settlers to secure title to their lands under the forest homestead act of June 11, 1906, without expense to them other than entry and final proof fees and without the necessity of awaiting public wagon roads, trails, bridges, and telephone lines; give adequate system of regulated range use, thus conserving and perpetuating the forage resources for the benefit of the local residents and taxpayers; make it possible for the State to realize upon its equity in the lands by relinquishing the unsurveyed school lands (sections 16 and 36) and selecting more valuable lands elsewhere; increase the revenues of the county and State through the receipt of 25 per cent of the gross receipts collected by the Forest Service; enlarge the power of the State to share in the benefits of the Federal aid road act, and otherwise assist in opening to development and use the vast natural resources of the "Thunder Mountain" region; now, therefore, be it

Resolved, That we, your memorialists, earnestly request and recommend that action be initiated by your honorable body to create a national forest from the following described area within the county of Valley, State of Idaho, commonly known as the "Thunder Mountain" region: Beginning at a point where the Middle Fork of the Salmon River crosses the south line of section No. 29, T. 14 N., R. 10 E., B. M., unsurveyed, and extending thence west to the southeast corner of section 28, T. 14 N., R. 8 E., B. M., unsurveyed; thence south 1 mile; thence west on the third standard parallel north, unsurveyed, to the southeast corner of section 33, T. 14 N., R. 7 E., B. M., unsurveyed; thence north to the township line between Ts. 18 and 19 N.; thence west 3 miles; thence north 6 miles; thence west 3 miles; thence north 12 miles to the fifth standard parallel north; thence east on said parallel to the Middle Fork of Salmon River; thence up the Midde Fork of Salmon River to the place of beginning.

The secretary of state of the State of Idaho is hereby instructed to forward a copy of this memorial to each of the members of the congressional delegation from the State of Idaho to the Congress of the United States.

This house joint memorial passed the house on the 8th day of February, 1919.

M. A. KIGER,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 14th day of February, 1919.

C. C. MOORE,
President of the Senate.

This house joint memorial received by the governor on the 18th day of February, 1919, at 10 o'clock a. m., and approved by him on the 18th day of February, 1919.

D. W. DAVIS, *Governor.*

I hereby certify that the within house joint memorial No. 6 originated in the house of representatives during the fifteenth session of the Legislature of the State of Idaho.

DAVID BURRELL,
Chief Clerk of the House of Representatives.

(Indorsed:)
Received and filed February 18, 1919. ROBERT O. JONES,
Secretary of State.

DEPARTMENT OF THE INTERIOR,
Washington, June 23, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I am in receipt of your request for report on H. R. 1429, which proposes to add the public lands within a thereindescribed area in central Idaho to the Idaho and Payette National Forests.

The area described in the bill is chiefly unsurveyed, and contains approximately 1,137,500 acres. This area is entirely surrounded by national forests, and the middle fork of the Salmon River forms its eastern boundary. The records of the General Land Office show that about 27 per cent, or 319,653.14 acres, therein have been surveyed. Such surveys are for the most part recent, and the field notes thereof report the lands as generally mountainous and timbered, with heavy undergrowth and abundant grasses throughout, affording excellent grazing, and that the area is well watered, with some agricultural lands along the streams and on the adjacent benches. The lands are now unwithdrawn. The entire area was, however, temporarily withdrawn for forestry purposes by this department on November 14, 1902, upon recommendation of the Geological Survey, and the greater portion was released from such withdrawal November 17, 1904, and the remainder September 30, 1907, such action having been recommended by the Department of Agriculture. The 1904 recommendation of that department stated, however, that while then-existing conditions did not justify reservation at that time, the area was natural forest-reserve land, and should at some later date be reserved for such purpose, and that there was very little probability of the title to any considerable amount of the land passing out of the Government.

The appropriations of record within this area aggregate 20,554.28 acres, and are scattered and of the following classes: Surveyed school sections, 16,520 acres; mineral entries, 561.38 acres; final homestead entries, 1,989.41 acres; imperfected homestead entries, 1,483.49 acres; and there is a pending desert application covering 67 acres. No applications for entry under the enlarged or grazing homestead laws are of record for any lands within the area involved, and none of the lands therein have been designated under either of such acts.

I am not advised as to the necessity for the proposed legislation, and am not sufficiently informed concerning the advisability of reserving the lands for forest purposes to make a specific recommendation. I would suggest a reference of the bill to the Secretary of Agriculture in view of its purpose, who has probably some data regarding the area, as it adjoins national forests under his administration.

Cordially, yours, ALEXANDER T. VOGELSANG,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, June 5, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: Receipt is acknowledged of a copy of the bill (H. R. 1429) adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho, with the request that your committee be furnished a report thereon, together with such suggestions and recommendations as this department may desire to make.

The bill proposes to add approximately 1,100,000 acres of public lands in central Idaho to two existing national forests, the lands thereafter to be subject to all laws affecting national forests. This area has been examined by forest officers and the following facts are compiled from their reports:

The center of a compact tract of mountainous public lands, mostly unsurveyed, known as the Thunder Mountain region, lies 100 miles northeast of Boise—south of Salmon River and west of the Middle Fork of Salmon River. The area is surrounded by the following national forests: On the north and west, the Idaho; on the west and south, the Payette; on the east, the Challis and the Salmon. It has never been improved or protected under the national forest laws and regulations. When the surrounding national forests were created it is understood that prominent residents of Idaho strongly objected to its inclusion on account of the fact that a notable mining boom was then in progress at Dewey and Roosevelt and it was feared that the application of Government control would restrict mining operations in such a way that desirable mineral development in the region would be prevented. In 1902 this section was the scene of great activity and thousands of miners and prospectors were living in the northeastern part. The boom collapsed several years ago and the population of the entire area of more than 1,000,000 acres does not now exceed 100 people.

The Thunder Mountain region is a high, rough mountain region dissected by deep canyons. The extremes of elevation run from 3,000 to 9,400 feet. Of the entire area, 90 per cent consists of rocky peaks, ridges, and slopes, and approximately 85 per cent sustains a forest cover of mature timber or reproduction, the remaining 15 per cent being barren rock.

The approximate total area is 1,116,500 acres, of which only about 16,500 acres have been alienated, leaving a net area of 1,100,000 acres of public land.

The region is distinctly rough and mountainous, with a large majority of slopes in excess of 45 per cent and many of 90 per cent or more. The precipitation varies with the elevation from 15 to 25 inches annually. Above 5,500 feet altitude killing frosts occur throughout the growing season. Approximately 400 acres are under cultivation at the present time. Not to exceed 5,000 acres, or less than one-half of 1 per cent, have soil or topography suitable for agriculture. Practically the only opportunities for agriculture exist on the benches and bars along the Middle and South Forks of Salmon River, where alluvial soils are found at comparatively low altitudes.

At present there are no settlements. The log buildings of the first settlement, known as Thunder Mountain and located on Monumental Creek just below the mouth of the West Fork, are still standing for the most part, but have not been occupied for years. The post office at Yellow Pine consists of a miner's cabin, with no settlers or miners nearer than 3 miles. The post office at Edwardsburg was conducted by an unsuccessful miner who finally turned his attention to ranching. During boom days Edwardsburg was locally surveyed for a town site but no action was ever taken. The town of Roosevelt was established in 1901 and soon became quite a settlement. Many of the buildings were of sawed timber and substantial in character. It was located on Monumental Creek just above the mouth of Mule Creek. In 1907, however, a landslide down Mule Creek dammed the waters of Monumental Creek and the town is now covered by a lake. The more substantial buildings were caught by the water and are now floating about the lake.

The area is entirely surrounded by national forests, and for this reason, as well as on account of the topography, it is an integral part of the Payette and the Idaho Forests and is necessary to their satisfactory administration and protection from fire. The three areas are so interlocked that an intelligent and comprehensive plan for the administration, protection, and improvement of the Idaho and Payette Forests demands also the extension of road, trail, and telephone systems through a large part of the Thunder Mountain region.

Conservative estimators state that the region contains fully 3,000,000,000 feet b. m. of such commercial timber as yellow pine, Douglas fir, Englemann spruce, and lodge-pole pine. The best of the commercial timber lies in the northwestern portion; and, while at the present time it is quite inaccessible, it is nevertheless a forest property of high value. The extensive areas which have been swept clean by repeated forest fires are reproducing well in lodge pole and red fir. Lumbering is an unknown industry in the region. No commercial mill has ever been run. One man has a small mill on Big Creek, where he saws lumber for his own use, and small mills were at one time operated at the Century mine on Monumental Creek and at Eagle mines on Big Creek.

It is estimated that a total area of approximately 300,000 acres of timber, having a value of at least $1,000,000, has been destroyed by fires. Protection is necessary both for the timber and the watershed. As the result of the destruction of timber along Marble Creek, the high-water period is now at least a month earlier than in earlier days when the watershed was timbered. The fires are reported to have been set at the time of the mining boom, probably in order to clear mountain sides. At present they result largely from lightning and from careless methods of unregulated sheep grazers. Since there is no organization for combating such fires, they constitute a great menace to the valuable timber of the national forests on the west, which are extremely difficult to protect from their most remote and unprotected side.

A large and important watershed is involved, as the Thunder Mountain region supplies at least 1,000 second-feet of water to the Columbia River at low-water period. Reservoir sites are numerous. It is roughly estimated that more than 100,000 horsepower could be generated from the waters arising in the area.

The region includes no natural wonders, large lakes, or features of special scenic interest. Deer and trout are plentiful and there are said to be a few sheep and goats.

The mineral resources have been exploited for 25 years and the assessment work is still being performed on a large number of claims, but the hundreds of claims which were located during the boom of 1901 have since been abandoned. Some high-grade ore has been found and the general belief is that the region contains an abundance of low-grade ore, the exploitation of which awaits large-scale operations and good facilities for transportation, which do not exist at the present time. The Dewey mines, west of Thunder Mountain, are still worked spasmodically. Several miners make a precarious living, but most of them depend upon earnings from other sources to secure their supplies. Quite recently there has been development of the cinnabar properties on Fern and Cinnabar Creek and antimony properties near Yellow Pine Basin. One mining company, it was stated, was producing one tank per day of cinnabar worth $105. The antimony mines are also produc-

ing a limited amount of metal. In July, 1918, the State mine inspector called particular attention to the deposits of these metals in a special bulletin. In his report for 1912 he deplored the inaccessible condition of the country and states that proper transportation facilities would result in "a most valuable asset to the State in the creation of new business, as the resources of this section of the State are of such a definite nature in both timber and mineral as to warrant the prospect of building up a labor market worth $10,000,000 a year."

The nearest railway points are McCall and Cascade. The former is about 75 miles distant from the area by wagon road and the latter about 40 miles. There is an automobile stage from McCall to Warren, and powerful machines can get as far as the South Fork. At the time of the boom and for several years later there was a fairly comprehensive road system connecting the different points of interest to mining men. At present this system is deteriorated, grades destroyed, and bridges rotted out, until it is practically impossible to travel the country by other means than a saddle horse. Stretches of the old roads remain, but in order to put the transportation facilities of the country on a proper modern basis heavy expenditures would be necessary in reducing grades, restoring bridges, and fixing the remaining stretches of the old miners' roads. The examiner estimates that approximately $400,000 would be needed to open up the country well to modern travel. Furthermore, for suitable protection from fire, trails would have to be restored, and about 75 miles of telephone would have to be built at an early date. The estimated cost of the trails would be $50,000 and of the telephone about $13,000. While these figures seem large, it must be remembered that at one time there was a system of roads and trails which was fairly adequate and that the suggested improvements represent, in part, the depreciation which has occurred through lack of care of the public facilities which then existed. The longer the region goes without attention to improvements the greater will be the eventual expenditure necessary to open it up to human use and occupation.

Sheep to the number of nearly 300,000 head have grazed on the area without restriction or regulation during the past year, with the result that the watershed is being seriously affected. A fair estimate of the carrying capacity of the entire country has been placed from 75,000 to 100,000 head of sheep. The highest estimate was placed by a sheepman at 150,000 head. As the slopes are steep, overgrazing invariably results in serious erosion.

Officers of the Payette National Forest issued more than 75 crossing permits to sheepmen who desired to enter the Thunder Mountain region in 1918. The country is of such a character that close supervision is absolutely necessary to avoid disastrous overgrazing. The number of sheep going into the country is increasing each year, and already the south end of the area is not much better than a dust bed.

The increasing number of sheep grazed each year has alarmed the settlers and the miners, and they realize that their surest protection is through regulation of grazing. They are also very favorably disposed toward the possibilities for better transportation and communication which might result if the area were protected like the national forests.

In 1909 a petition was presented asking for the transfer of approximately 161,000 acres of this area to the Idaho National Forest. Legislation to accomplish this, however, was not enacted. In 1917 the fourteenth session of the State Legislature of Idaho, by a vote of 64 to 1 in the house, and 34 to 1 in the senate, passed a joint memorial addressed to Congress praying for the establishment of a national forest upon the entire area for reasons set forth in the memorial. During the fifteenth session of the Idaho Legislature a similar memorial was adopted by unanimous vote.

The lands within this region are exactly the type which the law contemplates should be included in national forests. With the exception of a very small percentage of agricultural lands, practically all of which already has been claimed by settlements which would not be adversely affected by this measure, this area is essentially national-forest land. At the present time the timber, watershed values, range, and transportation facilities are being ruined by the lack of protection and proper management. This condition is gradually growing worse as time goes on. Under proper national-forest management these areas could be utilized by stockmen to the limit of the range capacity and overgrazing would be prevented. No doubt this would result in increasing the number of live stock which the range, in its impoverished condition, can now properly support. Mining operations can be pursued as fully and freely under national-forest management as upon the public domain. Any unoccupied tracts of land chiefly valuable for agriculture could be applied for by prospective settlers, and listed for homestead entry under the act of June 11, 1906 (34 Stat., 233). At the same time settlers upon unsurveyed lands could secure, without expense, the advantage of early surveys, enabling them to submit final proof and secure patent to their homesteads. Protection from fire and the construction of suitable roads and trails to help develop these natural resources would develop this land into a real national asset where it is now a menace to the surrounding timber on adjoining national forests.

For these reasons this department approves the passage of the bill.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

ADDITION OF LANDS TO WEISER NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1430) to authorize the addition of certain lands to the Weiser National Forest, Idaho.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. GARD. Reserving the right to object, I desire to have an explanation from some one in charge of the bill as to the merits and necessity therefor, especially in regard to the statement of the gentleman from Idaho [Mr. FRENCH], made a moment ago, that this is a bill so complicated in its territorial aspects that it is different from the bill considered immediately prior to this.

Mr. FRENCH. Mr. Speaker, the amount of land embraced in this bill aggregates, as I recall, some 13,000 to 15,000 acres. It is adjacent to the Weiser National Forest. It is chiefly valuable for the production of timber and for the protection of the headwaters of certain streams. It is rugged in character and for the most part it is not available for agricultural entry or acquisition by home builders in any great degree. However, scattered along certain streams and lower parts of the area, entries have been made. The number of entries is small, but it seemed altogether desirable, in view of the fact that probably several hundred acres have been entered upon, that we ought to give the Secretary of the Interior something of a discretionary power as to seeing whether or not lands adjacent should be included in the reserve. So far as I am aware, there is no objection to it. I have not heard one word of opposition. The legislature memorialized Congress, asking that the measure be passed. It will be in the interest of conserving the water supply for irrigation and other uses, and I suppose that practically every acre that can well be entered under the homestead law has already been acquired. It seems to be the unanimous desire that the land be included in a national forest.

Mr. GARD. Does not the gentleman think that a field examination or a complete map showing the territory to be taken should be made before this bill is passed by the House?

Mr. FRENCH. Why, I think not; no. This is a very customary form for the passage of a bill. The gentleman will remember that prior to a few years ago no necessity existed for going to Congress in the matter of including any public land in a forest reserve. The entire authority at that time rested with the administration. Finally Congress passed a law requiring from that time forward Congress should grant its authority before any land could be included within the forest reserve.

This bill confers a very limited authority, to the extent of a very small number of thousands of acres, upon the President, and action must meet with the approval also of the Secretary of the Interior. The lands in the area are lands that will be found by the Secretary of Agriculture to be valuable for the production of timber and the protection of stream flow. The legislation is so desirable that it ought to pass in the present form without delay.

Mr. GARD. I observe from the letter of the Secretary of Agriculture, under date of June 3, 1919, that he states the subject of the bill is that it proposes that an examination be made by the Secretary of Agriculture of certain described lands, and provides that the areas found by him to be chiefly valuable for the production of timber and the protection of stream flow may be included within and made a part of the Weiser National Forest by proclamation of the President. Possibly I did not read all the inclusive language, which the gentleman understands better than I do, but there is nothing in the bill as I read it that provides for an examination by the Secretary of Agriculture.

Mr. FRENCH. The first couple of lines will, I think, disclose the authority "that any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable," and so forth.

Mr. GARD. Would the gentleman have any objection to inserting the words "after examination."

Mr. FRENCH. Well, the only possible objection that it seems to me could be made would be the adding of a little expense to the Government. The fact of the business is, if you knew the people out there and knew how strenuously they oppose putting any land in forest reserves; and when you consider that all of them say this may go in as far as they are concerned it is almost conclusive in itself that that land should be included in the forest reserves; and when the people are in that frame of mind with respect to this rugged piece of land and are willing to say it shall go in, subject to the approval of both of these departments, it seems almost like carrying coals to New Castle to require an examination to be made. But I am perfectly willing that that should be done.

Mr. GARD. It is not a matter of what these people want. It is to be passed by Congress, and it is supposed to be beneficial to the entire country, although we realize that it is of main benefit to the territory included in the bill.

Mr. FRENCH. It is vastly more important to the territory not included in the bill. But I do not object to that language. It would be a little expense, but probably they have some forest rangers who could furnish a report without any great expense. I have no objection to that language.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. McLAUGHLIN of Michigan. I think under the laws now on the statute books relating to forest lands the Secretary of Agriculture would be authorized, if not directed, to make an examination at any time of these lands, and if the result of that examination should be that the land would be found more suitable for agriculture than for forestry he would be authorized and directed to have it eliminated from forest control and made subject to entry.

Mr. FRENCH. May I just modify that suggestion? He would not be directed to, but upon the entryman making the application he would then have authority to approve its passing to the homesteader under the homestead application.

Mr. McLAUGHLIN of Michigan. As to what the gentleman says about the feeling out there on the part of the people wishing to have this land put into national forests, it seems evident to me from the facts that anything the people out there can not make use of and that is of no value to them they want to turn over to the Federal Government.

Mr. FRENCH. It is already in the hands of the Government. It is simply a question of placing its administration under a department where there is machinery for administering the fire-protection laws and protecting stream flow instead of leaving the lands in the hands of a department that has not sought to build up any machinery along that line.

Mr. GARD. I think there should be an examination made of this by the Secretary of Agriculture.

Mr. FRENCH. Does the gentleman suggest the words "upon examination"?

Mr. GARD. "After examination."

Mr. FRENCH. I am agreeable to that.

Mr. GARD. After that examination I suspect that the Secretary of Agriculture under existing law would be authorized, and certainly it would be within the proper province of his duty, to have prepared a map showing the territory to go in, because, as the gentleman from Michigan [Mr. McLAUGHLIN] has very well asserted, it should not be the purpose of anyone in any part of the United States to place under governmental control for private reasons tracts of land which are so undesirable that no one will take hold of them and attempt to build them up themselves; in other words, transfer useless lands to the Government and expect to have some governmental control of them and expect to derive some benefit after that control has been completed.

Mr. FRENCH. If the gentleman will permit another statement, I will say that the origin of this bill, so far as I am aware, was in the very department that he suggests now should make an examination. As I understand it, the very idea came from the Forest Office in the first place. It is simply a tract of rugged land for the most part that is a menace to the forest lands around it, because it is now public domain under the Interior Department, and it has no systematic fire control. There is no machinery for the protection of stream flow or protecting the land in any way. It belongs as much to the Government, whether we pass the bill or do not pass it, and the department suggests that in the ordinary administration of this rugged strip of land adjacent to the forest reserve, if it could be included as part of the reserve it would be very desirable to do it.

Mr. GARD. What is the amount of the territory?

Mr. FRENCH. Something like 13,000 acres.

Mr. GARD. Can the gentleman tell whether or not there is any settlement thereon; and if so, the character of the settlement?

Mr. FRENCH. The report indicates that there is some little land that has been acquired. I do not know the total number of acres entered, but there have been some homesteaders and probably some stock-raising homesteaders who have acquired some land that lies up the valleys in that region.

Mr. GARD. What effect will this bill have upon the men who have acquired lands in that territory?

Mr. FRENCH. Their rights will exist and be protected.

Mr. TAYLOR of Colorado. If I may be permitted, the gentleman is not a member of the committee of which I am a member, but the report and the investigation of the committee shows that the Agriculture Department has made very exhaustive investigation of this matter, and this is really a departmental bill that has come here in the administration of that public domain, and both the Interior Department and the Agriculture Department seem to be in harmony as to the advisability of having it put into the forest reserve.

Generally speaking, I am not in favor of increasing the forest reserves, but the people out there and the departments and even the State legislature seem to all be in favor of it, so out of deference to their judgment and wishes I hope the bill will pass.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FRENCH. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Weiser National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

Sections 6, 7, 18, 30, and 31, township 14 north, range 4 west; sections 1, 12, 13, 23, 24, 25, 26 (the south half and the northeast quarter of section 27), sections 34 and 35, township 14 north, range 5 west; sections 1 to 12, inclusive, township 13 north, range 5 west; sections 1 and 2, township 13 north, range 6 west; all of the Boise meridian and base, Idaho.

With the following committee amendment:

On page 1, line 6, insert the words "with the approval of the Secretary of the Interior."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GARD. Mr. Speaker, in line 3, page 1, after the word "found," I move to insert the words "after examination."

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 3, after the word "found," insert the words "after examination."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CERTAIN CAREY ACT ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2950) to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, I will ask the gentleman in charge of the bill, or those who have reported it, to advise the membership of the House concerning the necessity for the passage of the bill, and also whether they will accept such amendments as the Secretary of the Interior or the Acting Secretary of the Interior has indicated should be made thereto?

Mr. SINNOTT. Will the gentleman yield?

Mr. GARD. Yes.

Mr. SINNOTT. I think inadvertently the committee failed to strike out the word "to" at the end of line 11, on page 1. I have that amendment prepared, to offer. With that exception, I think all the amendments have been adopted by the committee.

Mr. TAYLOR of Colorado. Mr. Speaker, my recollection is that we have adopted all of the amendments proposed by the Interior Department. The bill as amended reads as follows:

Be it enacted, etc., That the Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the act of August 18, 1894, and the acts and resolutions amendaory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion and under such rules and regulations as he may establish to allow for not exceeding 90 days to any Carey Act entryman a preference right of entry under applicable land laws of any of such lands to which such person had entered under and pursuant to the State laws providing for the administration of the grant under the Carey Act and upon which such person had established actual bona fide residence or had made substantial and permanent improvements: *Provided*, That each entryman shall be entitled to a credit as residence upon his new homestead entry allowed hereunder of the time that he has actually lived upon the claim as a bona fide resident thereof.

In my report on this bill I have answered many of these questions, as follows:

It will be observed that the committee adopted the two recommendations made by the Interior Department and added the proviso at the end of the bill which was not considered by the department. This bill passed the House of Representatives on March 23, 1918, pages 3983–3987 of the CONGRESSIONAL RECORD of that date; and it passed the Senate on February 28, 1919, page 4765 of the CONGRESSIONAL RECORD of that date.

At that time the bill was H. R. 5559, by Mr. TAYLOR of Colorado. In the language of the gentleman from Wyoming [Mr. MONDELL], at the time the bill was passed by the House, "No bill was ever presented to Congress more thoroughly justified than this."

The Carey Act is a law under which the State enters into an agreement with the Federal Government to reclaim certain desert lands. After they are thoroughly reclaimed and the State had made proof of that fact to the Federal Government, the Federal Government transfers the lands to the State, then the State transfers them to the persons who reclaim them. But there have been cases where the projects of reclaiming desert lands have failed—where the project was of such magnitude and the difficulties so great that the State has been unable to make proof of the reclamation—and in the meantime the settlers have gone onto the land under an agreement with the State for this water and made settlement and put in improvements upon the land, in some cases amounting to several thousand dollars, and have lived on

the land for several years. Now, when the project fails and the State is unable to reclaim it, it becomes the duty of the Secretary of the Interior to forfeit the Carey Act project and restore the lands thereunder to public entry. Now, the purpose of this bill is to give those settlers under the project, who are living upon or have improved their claims, a preference right of 90 days' time, as against strangers, within which to go to the land office and file upon their claims, either under the homestead law or the desert-land law, and possibly in a very few cases the preemption or some other law might be available, but, generally speaking, it will be only a homestead claim for dry farming that the entryman can avail himself of, and that claim will be limited to 160 acres, because that is the extent of the Carey Act claim.

In the report No. 259 filed upon this bill in the second session of the Sixty-fifth Congress the following statement was made, which is now equally applicable to this bill, namely:

"There have been started in former years a very large number of Carey Act projects throughout the Western States. Some of them have been successful, others have been partially successful, and a number of them have already been forfeited, and many others undoubtedly ought to be and will be forfeited because of their utter failure. These failures have very few been fraudulent, or through bad faith, or bad management. Many of them have been startled through a misunderstanding of the quantity of water available, and through incompetency in engineering, and failure to properly estimate the necessary expense of construction of reservoirs and dams and canals, etc., and some have failed through the inability of the parties to properly finance their enterprise. In many cases large numbers of innocent home-seeking and poor people have been induced to go upon these projects and locate upon 160 acres of land and commence improving it. Many of them have built houses and lived there in good faith for years, claiming the land and improving it as best they could without any water to irrigate with, waiting and hoping that the irrigation works would be constructed. And after spending years of time and labor and money the projects have proven a failure and been abandoned and forfeited and thrown open to settlement by the Secretary of the Interior. At the present time there is no law that in any way protects the prior rights of the settlers upon those projects to the lands they actually occupy. When the lands are thrown open to entry any person who can beat them to the land office can file and get a first right to the land upon which these settlers have spent many years of hard labor and time and all of their money toward improving and making a home.

"This bill merely protects them to the extent of giving them a 90 days' preference or prior right after the land is forfeited and thrown open to entry by the Secretary of the Interior in which they may go to the land office and file upon the lands themselves under the homestead law or the desert-land law, or the preemption law in some cases. That is, they can file under whatever law that is applicable to the character of land that is thrown open to entry. No one could take more than 160 acres, because that is all he can take under the Carey Act, and that would be the extent of the amount of land that he is living upon or improving. It is a humane measure in the interest of protecting the homes and improvements and property rights of these pioneer settlers who have in good faith been trying under the Carey Act projects to acquire a home. The Government loses nothing under this proposed act, and certainly the people who are living upon and who have improved the land are more entitled to a first claim to the land and a preference right to enter it than a mere stranger who has done nothing toward living upon or improving it. For the above reasons the committee is heartily in favor of expeditiously passing this bill, because several of those projects will probably be forfeited and opened to entry in the near future."

Mr. ANDERSON. And you have adopted some amendments that were not proposed by the Interior Department, have you not?

Mr. TAYLOR of Colorado. We adopted one that was not proposed by the Interior Department, and we adopted the two that they proposed.

The SPEAKER. First, is there objection to the consideration of the bill?

Mr. GARD. I reserved the right to object.

Mr. TAYLOR of Colorado. The gentleman from Ohio has reserved the right to object, and I am attempting to make a little explanatory statement.

The SPEAKER. The gentleman will proceed.

Mr. TAYLOR of Colorado. In many cases the Carey Act has been very beneficial, but there are also cases where the States have attempted to reclaim certain lands and have failed to do so for various reasons, because of the expense of reclaiming, the failure of the water supply, inability to finance the project, and various reasons, as shown by the report upon this bill. Now, where a tract is set aside under the Carey Act and people are induced and encouraged in every way to go upon the land and settle and improve it, and where thereafter at some time in the future, after many of them have lived there for years and spent possibly several thousand dollars on their claims, and the water is not obtained, and the project fails, and the Interior Department declares it forfeited, then it leaves these people, so to speak, high and dry. At the present time there is no law that allows these settlers upon those projects any preference right to go to the Land Office and file upon the land on which they live or have improved. The object of this bill is first to allow them a preference right of 90 days within which to go and file upon the land under whatever law is applicable, homestead or desert-land law. We adopted the Department of the Interior amendments to the bill, but instead of putting in the words "qualified person" we put in the words "Carey Act entryman." We did that for the reason that there might be some people who had taken up homesteads, and while they would be qualified entrymen in good faith under the Carey Act, yet they might not have any homestead right under the homestead law. As I understand, there are a few of those people in Idaho. It was felt that if we were to give these people a preference right to the land, which they certainly deserve, we ought not to shut them out because of any technicality like that.

Mr. MONDELL. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. MONDELL. I suppose every Representative from any Western State where the Carey Act is operative has had his attention called to very meritorious cases which will be benefited by this act. It will not benefit a very great number of people; I do not know how many hundreds or thousands of people—possibly a few hundred—but their cases are exceedingly meritorious. There are cases where men have lived and labored for years, and have gotten absolutely nothing for their work, and can get nothing unless we now give them the poor privilege of homesteading the land they settled upon and attempted to improve, which they were not able to reclaim fully, because water was not furnished. I know of no more meritorious classes of claims than those that will be provided for by this act, and it seems to me that the act is exceedingly well guarded. It can not help any except those cases that are truly meritorious.

Mr. TAYLOR of Colorado. Let me say in further explanation to the gentleman from Minnesota [Mr. ANDERSON] that we have several bills pending before Congress now, providing that where people have in good faith complied with the requirements of residence on land, and for some reason or other their rights are interfered with, they may by remedial legislation be given the benefit of their residence and have it counted on the three-year homestead residence period.

There are several laws and some bills of that kind pending, and I anticipate if we complete this calendar, as I hope we will, that we will pass a couple of them to-day. The committee thought that where a man having lived—many of them for two years, three years, and four years, or five or more years, they ought to be given credit for that bona fide residence period. No good purpose could be conserved by compelling a man to go and live three years more, holding him down to double the homestead requirements. So, obeying the humane instinct, the committee added the last amendment to the bill which is with no more merit recommended in other measures by the Interior Department.

Mr. ANDERSON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. ANDERSON. Is anything required except residence, any improvements?

Mr. TAYLOR of Colorado. Yes.

Mr. SINNOTT. Under the original Carey Act they have to reclaim 20 acres.

Mr. TAYLOR of Colorado. They have to make the improvements required under the three-year homestead law. They would have to have the necessary improvements on the land before they would be permitted to prove up.

Mr. SINNOTT. They have to cultivate one-eighth of it by the third year.

Mr. ANDERSON. The proviso exempts the entryman from the necessary residence, but it does not exempt him from any improvements.

Mr. TAYLOR of Colorado. No. This bill passed the House unanimously in the last session of Congress and went to the Senate and was passed by the Senate, got into conference, but owing to the filibuster in the Senate during the closing days of the last Congress we did not get the conference committee together on this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, I call the attention of gentlemen who have spoken, to the last report which seems to throw any light upon it, and that is that of Mr. Vogelsang of August 20, 1917, two years ago, in which he suggests that in drafting the bill it provide that the Secretary of the Interior be authorized in his discretion and under such rules and regulations as he may establish to allow for not exceeding 60 days, and so forth. But instead of following the suggestion of Mr. Vogelsang as to preferential rights allowed for 60 days, the committee has inserted 90 days and has also inserted a proviso as to the credit for residence which the Secretary of the Interior has not passed upon; nor have we any evidence that such is desirable. Unless these propositions will be eliminated by amendment to correspond to the report of the Acting Secretary of the Interior and which report the committee has followed in great part, I shall feel constrained to object to the consideration of the bill.

Mr. TAYLOR of Colorado. Let me say this to the gentleman from Ohio: In regard to the 60 days originally recommended

by the Interior Department, the committee and all the western Members, every man from the public-lands States, knows that 60 days' time is not long enough. There may be a forfeiture under the Carey Act, and the information may not reach them within 60 days, so that they may not know anything about it at all, and when we give them a prior right to take the land they are living upon, we felt that there could be no objection to it. I may say that this bill went through the House before with the 90 days in it, and no objection was made to that provision at that time. The bill is only in the interest of fairness and justice to the deserving settler on the public land, and I do not think that the gentleman ought to insist upon his objection in that particular.

Mr. GARD. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. GARD. I think that which the gentleman tries to cover is fully cared for under the language "rules and regulations to be established by the Secretary of the Interior," regarding notice, because clearly notice should be given to all persons interested in this act, but I think after notice is given 60 days is ample time for a person having notice to avail himself of what is merely a technical compliance with the law.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. GARD. I have not the floor.

Mr. SMITH of Idaho. The importance of extending 90 days' preference right of entry arises from the fact that a great many settlers, because of the lack of water for irrigation or domestic purposes, have gone to other localities and, perhaps, to other States. The failure of the project prevented them from securing water to irrigate the land and they could not live on their entry, and it will be necessary to give them at least 90 days in order that they may be advised of the opportunity of entering the land under the homestead act. Thirty days additional would not in any way injure the Government. I can not understand why the gentleman from Ohio should insist on such a small concession to these worthy entrymen.

Mr. GARD. Because it has been acted upon by the Secretary of the Interior.

Mr. SMITH of Idaho. Does the gentleman think that Members of Congress from the Western States are not as well advised upon these matters as the Secretary of the Interior?

Mr. GARD. The gentleman thinks that the Secretary of the Interior is able to present the facts and information with less prejudice to the case than Members from the public-land States.

Mr. SMITH of Idaho. The committee is desirous of making it as easy for the settlers to reinstate themselves on these lands as possible, and I am sure that no injury could come to the Government by giving them the additional 30 days.

Mr. SINNOTT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. SINNOTT. The gentleman from Ohio has called attention to the letter of August 30, 1917, but the letter of June 8, 1919, printed on the first page of the report, shows that the Acting Secretary, Mr. Vogelsang, the same person who wrote the other letter, had in mind the 90-day period, because he sets out a copy of the Senate bill and recommends its passage with the amendments that the committee had made, with the exception of one, which was omitted by inadvertence. That shows, at the top of page 2 of the printed report, that the Acting Secretary had well in mind the 90-day period instead of the 60-day period.

Mr. TAYLOR of Colorado. That shows that the Department of the Interior approved of and recommended the 90 days time. I do not recollect where the 60-day proposition comes from.

Mr. SMITH of Idaho. That suggestion was in a former report.

Mr. TAYLOR of Colorado. Ninety days was the way it passed the Senate and the way it was recommended by the Interior Department.

Mr. GARD. There is no reference to any action by the Interior Department except the reference by Mr. Vogelsang to 60 days. The gentleman can save time by either agreeing or not agreeing to what I have suggested by way of amendment.

Mr. TAYLOR of Colorado. If the gentleman from Ohio is going to persist in an objection, I would rather submit to the amendment than to see the bill killed.

Mr. RAKER. Mr. Speaker, the committee acted upon this matter, and does the gentleman from Colorado mean to say that, without further consideration by the committee, he is going to accept an amendment from the floor of the House?

Mr. TAYLOR of Colorado. As a matter of fact, this bill is the same that was passed during the last Congress, and nobody ever objected to it before, and the 90 days was in it at that time.

Mr. RAKER. The committee went into the matter thoroughly and agreed it should be 90 days, and I do not think the gentleman ought to consent to change the committee's action.

Mr. TAYLOR of Colorado. Does the gentleman want me to allow the gentleman from Ohio to kill the bill simply on account of 30 days' time?

Mr. RAKER. If the gentleman concedes the amendment, somebody else may object.

Mr. TAYLOR of Colorado. I am trying to get along with a very just and important bill.

Mr. GARD. I want the last proviso stricken out.

Mr. TAYLOR of Colorado. The last proviso is a matter that the Interior Department has recommended on other bills where the settlers are acting in good faith and are justly entitled to credit on residence, as they are in this case.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. MONDELL. Let me suggest to the gentleman that 90 days is a rather brief period to allow in a case of this kind. I have in mind one case, not in my own State, but in a neighboring State, of a Carey Act project, where the people have been compelled this last summer to leave in order to find employment, and it will take them at least 90 days to get back.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, still further reserving the right to object, in the absence of the demand for the regular order I am disposed to take counsel with gentlemen who represent the public-land States and who know the necessities of the people there and the public interest far better than I, as we have no public lands in my State; and, therefore, I shall withdraw my suggestion in respect to the change of 60 days to 90 days and insist upon the elimination of the last proviso in the bill.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman withhold his objection for a moment? We have not discussed that provision.

Mr. GARD. I am having a reservation of the objection.

Mr. SMITH of Idaho. Mr. Speaker, with reference to the amendment in the last part of the bill, I shall make a very brief statement. These entrymen who are to be relieved have already established their residence on the land and many have built homes and some of them barns and other farm buildings. On two projects in my own State they have been cultivating their lands for several years, but because of the scarcity of water to supply all of the land within the project, it has been necessary to contract the area to such an extent that a great many of the entrymen now find themselves outside of the project, and that it is impossible to get water to their lands.

Mr. RAKER. Just what is the proposition of the gentleman?

Mr. SMITH of Idaho. This proviso simply provides that if these entrymen have lived on the land under the Carey Act for three years they shall then be permitted to offer final proof, and if they have lived there less than three years, they shall be given credit for the length of time they have been there. It would work a great injustice, and practically defeat the object sought to be attained by this legislation if that provision is not in the bill.

Mr. RAKER. Is not that the crux of this legislation, that those who have a prior right by virtue of their filing on the land and their improvement, should have the benefit of the right to a residence on the land?

Mr. SMITH of Idaho. Yes. They should be given 90 days within which to determine whether they want to enter the land under the homestead law.

Mr. RAKER. If you strike that out, you practically strike out the crux of the bill.

Mr. SMITH of Idaho. It would simply require these people who have lived on this land for 10 years or less to live three years additional without any water for their crops, or for domestic purposes.

Mr. GARD. In that event they would not live there anyway. If there is no water, the land is useless.

Mr. SMITH of Idaho. Yes; that may be true, but if this provision be not adopted a stranger wandering through the country could enter this land and go into the home of a man who has lived there for years, and occupy it, provided he is a qualified entryman. The object of the bill is to preserve the title in the entryman who has complied with the State law and who is willing to comply with the Federal law as to cultivation and residence, so that in the event that the project should ever be renewed or extended, or water found by artesian wells, or in some other way, those entrymen who have established their residence there would be secure in their title.

Mr. GARD. This provides for a new homestead entry. Under the law as it is proposed in this bill, if a man wishes, he

may at his option, some 90 days after he has had notice, declare his intention under the new homestead entry.

Mr. SMITH of Idaho. Mr. Speaker, I think the gentleman has the Carey Act and the homestead law confused. The Carey Act provides for patent under a State law. The Federal law, of course, is the law passed by the Congress, and the "new homestead entry" simply means that he will reenter the same land under the Federal statute instead of under the State law. That is what is meant by the term "new homestead entry." The entryman goes to the Federal land office and initiates an entry under this proposed legislation.

Mr. GARD. All those things can be taken care of, can they not, under the rules and regulations of the department?

Mr. SMITH of Idaho. Oh, no. It is necessary to have specific legislation in order to protect these settlers. There are probably several hundred entrymen in my State who will lose their homes if this legislation is not passed.

Mr. GARD. Is there any report from any authorized department which has investigated this last language as to whether or not it should apply?

Mr. SMITH of Idaho. There is no report. We know just as much about the laws affecting the public lands as the clerks who write the reports down in the Interior Department, but I am sure there is no valid objection to this amendment.

Mr. GARD. There is no question of the wisdom of the gentleman and other gentlemen who speak on behalf of public-land bills, but I am simply asking whether a report has been made by a department authorized to make investigation of these matters and reports.

Mr. SMITH of Idaho. The gentleman from Ohio knows that it is not the custom of committees to submit to the department requests for information in regard to every amendment that is offered to a bill in a committee.

Mr. TAYLOR of Colorado. Let me say to the gentleman from Ohio this: There is another bill coming on—I have been trying to find the number—a little later on this calendar where the Interior Department recognizes that when a person has been residing upon the land in good faith he should be given credit for the entire residence period. That is coming up, and it is a principle that is recognized by the department.

Mr. SMITH of Idaho. It always has been the policy of the department to give full credit for actual residence on the land.

Mr. GARD. What is the language in the general law?

Mr. TAYLOR of Colorado. The provision I refer to is in several laws, and is also in one or two of the bills on the calendar now.

Mr. GARD. The one the gentleman refers to now.

Mr. TAYLOR of Colorado. The gentleman will find it in a bill here that I reported, S. 277, on the next page of this calendar, concerning absence of homestead settlers, and I think one also under the stock-raising homestead act. That principle will come up here within a few minutes in these other bills, where the department has recommended this principle of a recognition of the justice of granting constructive residence in certain cases.

Mr. SMITH of Idaho. It has always been the policy of the Interior Department not to require double residences on the same piece of land.

Mr. FRENCH. If the gentleman will permit me in that connection, I will say this: On all unsurveyed lands when a man establishes a home, looking some time toward the land being surveyed and his making entry under the homestead law, the department, under the general law, allows him credit for one year, two years, or three years, whatever it may be, that he has lived on the land before it is surveyed. Now, restoring land from the Carey Act to homestead entry amounts practically to the same thing. Under the Carey Act homestead entry may not be made, yet the settler has lived on the land for one, two, or three years or more in many cases. This proposition merely aids him to continue under the homestead law in lieu of the Carey Act, equivalent to residence required under the homestead law.

Mr. GARD. Mr. Speaker, I withdraw my reservation of the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the act of August 18, 1894, and the acts and resolutions amendatory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion and under such rules and regulations as he may establish, to allow for not exceeding 90 days to any qualified person a preference right of entry under applicable land laws of any of such lands to which such person had initiated a claim under the State laws and upon which such person had established actual bona fide residence or had made substantial and permanent improvements.

The committee amendments were read, as follows:

Page 1, line 10, strike out the words "qualified person" and insert in lieu thereof the words "Carey Act entryman."

Page 2, line 1, strike out the words "initiated a claim under the State laws" and insert in lieu thereof the words "entered under and pursuant to the State laws providing for the administration of the grant under the Carey Act."

Page 2, line 6, after the word "improvements" insert:

"*Provided*, That each entryman shall be entitled to a credit as residence upon his new homestead entry allowed hereunder of the time that he has actually lived upon the claim as a bona fide resident thereof."

Mr. TAYLOR of Colorado. I ask for the adoption of the amendments.

The question was taken, and the amendments were agreed to.

Mr. SINNOTT. Mr. Speaker, I desire to offer an amendment. On page 1, line 11, strike out the last word, "to." That is merely surplusage.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 11, strike out the last word in the line, "to."

Mr. SINNOTT. This is recommended by the Secretary, and the committee inadvertently overlooked it.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

INVESTIGATION OF SUGAR PRICES, ETC.

The next business in order on the Calendar for Unanimous Consent was House resolution 150, directing the Federal Trade Commission to investigate and report to the House certain information regarding sugar.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

Mr. ANDERSON. Mr. Speaker, reserving the right to object——

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I would like to have an explanation of the resolution.

Mr. TINKHAM. The resolution reads as follows:

Resolved, That the Federal Trade Commission is hereby directed to make an immediate investigation and report to the House of Representatives its findings on the subject of sugar used for domestic and manufacturing purposes, both as to its market price, wholesale and retail, and whether these prices are reasonable; and the amount of sugar now in the United States, both raw and refined, in the possession of sugar refiners, wholesale dealers, or in storage; said investigation to involve a report of supplies in the possessions of the United States, raw and refined, and the causes of the present sugar scarcity.

The report of the committee is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the resolution (H. Res. 150) directing the Federal Trade Commission immediately to make certain investigations in relation to the reasonableness of the present market prices of sugar and the causes of the present scarcity of that article, and to report the result of such investigation to the House of Representatives, having considered the same, report the resolution without amendment with a recommendation that it pass.

The purpose of the resolution is to ascertain the reasonableness of the present wholesale and retail market prices of sugar, used for domestic or manufacturing purposes; the amount of sugar, both raw and refined, now in the United States, whether in possession of refiners, or wholesale dealers, or in storage; the surplus supply of raw and refined sugar now in possession of the United States; and the causes of the present sugar scarcity.

It developed during the hearings held by the committee that there was an unexplained shortage or scarcity of sugar in many sections of the country, notably in New England, New York, and the District of Columbia; that in these and other localities merchants have scarcely any supply of sugar on hand, claiming that they are unable to get their orders filled by the refiners; that families were unable to obtain sugar for domestic use, much less for canning and preserving purposes; that fruit and berries in these localities were spoiling because sugar could not be obtained for use in preserving these food supplies.

Since serious injury is being suffered by the public because of a shortage of sugar, or because of inefficient or inadequate means for the just and equitable distribution of this household necessity, and also since the present high prices of sugar are such as to warrant investigation in the interest of the consumer, the committee is of the opinion that the Federal Trade Commission should make an investigation along the lines pointed out by the resolution and to report its findings to the Congress, thereby furnishing the Congress enlightening and valuable information which will constitute the basis for remedial legislation in the event enactment of such legislation is considered to be wise.

Mr. ANDERSON. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. ANDERSON. I gather from this report that the Committee on Interstate and Foreign Commerce had some hearings on this resolution.

Mr. TINKHAM. It had one hearing.

Mr. ANDERSON. Did anyone appear at that hearing?
Mr. TINKHAM. I did.
Mr. ANDERSON. Anybody else?
Mr. TINKHAM. No one.
Mr. ANDERSON. Was there any effort made by the gentleman or by the Committee on Interstate and Foreign Commerce to get this information?
Mr. TINKHAM. I communicated with the Food Administration, and they sent me their unprinted report, containing, I should say, three or four pages in relation to sugar, but it was not a complete report. It was not a complete or very satisfactory one for answering the purpose of the resolution that is now before the House.
Mr. ANDERSON. This resolution was introduced, as the gentleman says, on June 30. That is only two months ago.
Mr. TINKHAM. That is true.
Mr. ANDERSON. And do the same conditions exist now as existed then?
Mr. TINKHAM. If anything, in my opinion, they are more acute.
Mr. ANDERSON. Has the gentleman made any effort to get information in regard to this matter from the sugar board—the Sugar Equalization Board?
Mr. TINKHAM. I have not.
Mr. ANDERSON. Does the gentleman know if the Sugar Equalization Board is still doing business?
Mr. TINKHAM. It is.
Mr. ANDERSON. Then the gentleman's proposition, apparently, is to have the Federal Trade Commission investigate the Sugar Equalization Board?
Mr. TINKHAM. The purpose of the resolution is to have a comprehensive, scientific Government report of the knowledge in possession of bureaus and boards that have to do with the sugar problem of the United States.
The SPEAKER. Is there objection to the present consideration of the resolution?
Mr. ANDERSON. Mr. Speaker, I reserve the right to object.
Mr. GARD. I reserve the right to object, Mr. Speaker.
Mr. ANDERSON. I did not hear the last statement of the gentleman from Massachusetts, inasmuch as I was interrupted by the Chair.
Mr. TINKHAM. I said that the purpose of the resolution was to have a general assembly of all of the scientific knowledge and data in the possession of the different boards or organizations which have jurisdiction of the sugar situation or the regulation of sugar in the United States.
Mr. ANDERSON. Is it the expectation that the Federal Trade Commission will go into a general investigation as to the cost of manufacturing sugar and the reasonableness of the prices all over the country, and matters of that sort?
Mr. TINKHAM. If the honorable Representative from Minnesota wants me to interpret what the intention of the resolution is, I will do it so far as his question lays. I assume the Federal Trade Commission would communicate with the Sugar Equalization Board and with the Food Commission, and, having obtained the information that those two organizations possessed, and perhaps some information from other sources, would then make the report. I did not expect it would have hearings, appoint investigators, or have any general and long-continued formal investigation.
Mr. MARTIN. Will the gentleman yield?
Mr. TINKHAM. I will.
Mr. MARTIN. The gentleman knows that the price of sugar to the producer in this country has been fixed by the Food Administration?
Mr. TINKHAM. I understand that that is the situation.
Mr. MARTIN. That being the situation, does not the answer follow that any profiteering that may have taken place in the sugar may have been by the wholesalers and retailers and not by the producers?
Mr. TINKHAM. I would think that very likely that might be so.
The SPEAKER. Is there objection to the consideration of the resolution?
Mr. GARD. Mr. Speaker, further reserving the right to object, it seems to me that the information of the gentleman who has proposed House resolution 150 can, to a very large extent, be given additional strength by a careful reading of the excellent speech delivered in this House by the gentleman from Louisiana [Mr. MARTIN] on the subject of sugar and its primary relation with respect to the production of sugar and its first shipment to wholesalers and retailers.
The resolution which the gentleman has in mind is so comprehensive that I fear it would defeat its own purpose, since it provides an immediate investigation and report from the time he introduced it on June 30, 1919, and not reported out to the House until August 5, 1919; and an immediate investigation and report on the subject of sugar used for domestic and manufacturing purposes, both as to its market price, wholesale and retail, and whether these prices are unreasonable, would involve an immediate investigation from the Atlantic to the Pacific and from the Lakes to the Gulf, in all sorts of conditions and all sorts of times.
Information received to-day in so far as to what conditions might be in Massachusetts would be totally worthless to-morrow or a week from now. So that the purpose of the investigation, laudable though it may be, is exceedingly difficult of accomplishment.
I refer also to another matter in the proposed bill, which indicates that the investigation would involve a report of supplies in the possessions of the United States, raw and refined, and causes of the present sugar scarcity. In the report I find that this involves the surplus of supply of refined sugar now in the "possession" of the United States. The question of what is in the possession of the United States in the matter of food supply is under investigation by other committees appointed for the purpose by this House, and which committees are now meeting.
Mr. MARTIN. Will the gentleman yield?
Mr. GARD. Yes; I yield.
Mr. MARTIN. I wish to state that in the speech to which the gentleman has just referred I stated the amount of raw sugar the United States now own. This information came from the Equalization Board, and they stated that on the 1st of July we had 1,000,000 tons of raw sugar in Cuba belonging to this Government.
Mr. GARD. The language of the resolution is peculiar when construed with the report. On that I will ask for information in a moment, after he understands my question.
Mr. ANDERSON. Will the gentleman yield?
Mr. GARD. After I have asked this question. The resolution provides for an investigation to ascertain a report of "supplies" in the "possessions" of the United States, raw and refined. I presume by the word "supplies" the gentleman had in mind the sugar supply, although the use of the word "supplies" as it is in the bill, unqualified and unexplained, might be held to mean many things besides sugar, since they could be equally as well characterized as supplies. I call the gentleman's attention to that for the purpose of amendment in the event the bill is considered, and also for the purpose of having his explanation as to whether it means supplies in the "possessions" of the United States, meaning the territorial possessions of the United States, or whether he follows the language of the report, which means the surplus of raw and refined sugar now in the "possession" of the United States. In other words, does he mean the sugar is in the possession of the United States or does he refer to supplies in the possessions of the United States, such as the resolution calls for? After the gentleman explains that, I will be glad to yield to the gentleman from Minnesota [Mr. ANDERSON.]
Mr. TINKHAM. I drew the resolution, and I intended that that should be the "possessions of the United States"; that is, referring to the Philippines and Hawaii.
Mr. GARD. The territorial possessions?
Mr. TINKHAM. Yes. However, in the report it is referred to as "possession" instead of "possessions."
Mr. ANDERSON. On that point, does the gentleman think the word "possessions" would include the Territory of Hawaii?
Mr. TINKHAM. I should think so.
Mr. MARTIN. It would not include Cuba, however.
Mr. TINKHAM. No.
Mr. MARTIN. And that is where all the sugar is.
Mr. TINKHAM. I did not want to send them to Cuba.
Mr. ANDERSON. A gentleman here tells me it would not include the Territory of Hawaii. I just wanted to call the attention of the gentleman from Ohio, who is a distinguished lawyer, and for whose opinion I have great respect, to the fact that this is a House resolution. It is a question whether, in the form of a House resolution, we have the right to ask the Federal Trade Commission for information of this character, and a question whether the Federal Trade Commission has authority to get it.
Mr. GARD. I think under the language of the Federal Trade Commission act either House may ask for information.
Mr. ANDERSON. That is true as to violations of the antitrust law, but general investigations outside of violations of the antitrust law can only be required by both Houses by the passage of a joint resolution by both Houses of Congress.
Mr. GARD. I am in sympathy with the purpose of the gentleman from Massachusetts [Mr. TINKHAM] in wishing to accord

to all the people sugar to be bought by them at fair and reasonable prices, but I do not believe that that result which he hopes for can be accomplished by the resolution as it is worded at this time, and therefore, under the rule regarding the Calendar for Unanimous Consent, I object to the further consideration of the resolution.

The SPEAKER pro tempore. The gentleman from Ohio objects, and the resolution goes off the calendar. The Clerk will report the next one.

SUPPLY OF RAILROAD TIE TIMBER.

The next business on the Calendar for Unanimous Consent was the resolution (H. Res. 186) requesting the Interstate Commerce Commission to make certain investigations regarding the present and future supply of tie timber.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GARD. Reserving the right to object, I desire to call to the attention of the membership of the House what seems to me to be a very unusual procedure, something that I confess I have not seen, at least during the time of my stay here, where by House resolution the Interstate Commerce Commission is requested to make an investigation of matters relating to the present and future supply of tie timber. I would be glad to have the gentleman inform me what authority the House has over the Interstate Commerce Commission for the purpose of asking an investigation of this kind?

Mr. WATSON of Pennsylvania. Mr. Speaker, the object of this resolution is, of course, to authorize the Interstate Commerce Commission to make this investigation.

Mr. GARD. Did the gentleman intend to have this done by the Federal Trade Commission or the Interstate Commerce Commission?

Mr. WATSON of Pennsylvania. By the Interstate Commerce Commission, because it has directly charge of the railroads, and would naturally have charge of this resolution——

Mr. GARD. I will state to the gentleman that I am not familiar with the authority under which investigation might be made. Will the gentleman inform me as to that?

Mr. WATSON of Pennsylvania. All the railroads come under the control of the Interstate Commerce Commission, so that a resolution to investigate tie timber would also come under the same commission.

Mr. GARD. What I want to know is what authority the House of Representatives has by an independent resolution to call upon the Interstate Commerce Commission to make an investigation as to certain things relating to ties and tie timber and report to the House the facts, with its findings and recommendations?

Mr. WATSON of Pennsylvania. I do not know why it should not have the right to do so.

Mr. GARD. I suspect that as a matter of its own work the Interstate Commerce Commission might make this investigation, but I doubt it. I say I am ignorant of the matter, and I would be glad if the gentleman would explain to me whether there is any authority on the part of the House of Representatives to ask the Interstate Commerce Commission to make this investigation and report to the House?

Mr. WATSON of Pennsylvania. I do not know of any other authority than I have stated.

Mr. GARD. I object to the consideration of the resolution.

Mr. SMITH of Idaho. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. GARD] a question.

The SPEAKER pro tempore. Objection has been heard. The Clerk will report the next one.

SALE OF MACHINE TOOLS TO TECHNICAL SCHOOLS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3143) to provide for further educational facilities by requiring the War Department to loan certain machine tools and scientific instruments not in use for Government purposes to trade and technical schools and universities, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CALDWELL. Mr. Speaker, this bill is on the Union Calendar, and therefore I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War shall lend to trade and technical schools and universities and other recognized educational institutions which in the discretion of the Secretary of War should have such equipment the machine tools and scientific instruments suitable for their use which are owned by the United States of America, which are under the control of the War Department, and which are not being used for Government purposes: *Provided, however*, That each institution so equipped shall be responsible to the United States of America, under regulations to be prescribed by the Secretary of War, for the proper care and safe return of such equipment when demanded, ordinary wear and tear excepted.

With committee amendments as follows:

Strike out all after the enacting clause down to and including line 5, on page 2, and insert in lieu thereof the following: "That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at 10 per cent of their cost to trade, technical, and public schools and universities and other recognized educational institutions such machine tools as are suitable for their use which are now owned by the United States of America and are under the control of the War Department and are not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses incident to distribution, and the balance shall be turned into the Treasury of the United States: *Provided*, That in the event any such material is offered for sale by said institutions without the consent in writing of the Secretary of War, title thereto shall revert to the United States.

"Amend the title so as to read: 'A bill to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes.'"

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. ANDERSON. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. It is too late.

Mr. ANDERSON. I did not hear the Chair put the question.

The SPEAKER pro tempore. The Chair put the question, and no objection was heard, and the Chair ordered the bill to be reported. The question is on agreeing to the committee amendments.

Mr. ANDERSON. I desire to be recognized on the amendments.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for five minutes.

Mr. ANDERSON. Mr. Speaker, I asked to be recognized in order to ask the gentleman in charge of the bill a question or two. The object of the bill, no doubt, is laudable; but I was attracted by one paragraph in the report, in view of the peculiar situation that seems to exist in the country. That paragraph is this:

There is a very large quantity of the material. Its public sale would result in low prices; it would flood the market, disorganize the industry, and in many cases close down the factories—

And so forth.

I had supposed that the Attorney General was now engaged in a campaign to reduce prices, not only of food but machine tools and everything else, and I was wondering whether the gentleman from New York was interested in keeping up the prices of these articles.

Mr. CALDWELL. Not to the extent that the gentleman's question would indicate, but certainly to the extent of preventing a loss to our Government. The circumstances are these: The Government has stimulated the production of machine tools in order that it might take care of its own requirements, and in order that it might take care of the requirements of our Allies in the late war, and they accumulated an enormous amount of material. While they were doing that they built up in this country something that we never had before, and that was a skilled trade sufficient to take care of our requirements, able to do this kind of work.

Now, if we absolutely kill the business, if we shut down all the factories producing these tools, and the men who have learned the art go into other arts, we will lose one of the great benefits that has come from the war, and that is the development of that industry in this country.

Now, this bill, further answering the gentleman's question, not only tends to keep alive the art in a commercial way but it tends to establish schools all over the country from which we could draw skilled artisans in the event we need them in the future.

Our greatest weakness when we entered the war was that we did not have the material to make war with, nor did we have the machinery to make the material. We did not have the tools with which to make the machinery to make the material, and we did not have the men to run the machines with which to make the tools that made the machinery for the war. It was a good deal like the house that Jack built, when you get clear back to the question. We were apparently in a hopeless condition, but we

have educated these men, and I think that if we do this we will probably be able to keep the art in commercial activity, and give some employment to a certain class of these men who have learned this trade and in that way benefit our country all around. That was my idea. The report was written by myself.

Mr. ANDERSON. The gentleman is making a very good speech on the theory of protection of home industries, but the kind of protection that he proposes is somewhat camouflaged when compared with what this side ordinarily proposes. What the gentleman says simply illustrates the impossibility of getting results in the way of lowering the high cost of living by a campaign of psychology and bluffing, such as has been inaugurated by the Attorney General in the face of positive efforts to keep articles off the market, such as this report discloses.

Mr. TOWNER. Mr. Chairman, I would like to ask the gentleman from New York [Mr. CALDWELL] a question. As I understand the bill, it does not propose to put these machines on the market to be sold generally in the trade?

Mr. CALDWELL. No.

Mr. TOWNER. It is merely for the purpose of selling them at reduced rates to these schools.

Mr. CALDWELL. That is it.

Mr. TOWNER. So that it would not have the effect suggested by the gentleman from Minnesota of breaking up the market or destroying those who are engaged in this business.

Mr. CALDWELL. That is correct.

Mr. GARD. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FESS). The gentleman will state it.

Mr. GARD. At what time is it proper to offer an amendment to the committee amendment which is now proposed?

The SPEAKER pro tempore. An amendment to the amendment is now in order.

Mr. KAHN. Mr. Speaker, I just want to say that the committee considered this legislation very carefully. There is a great quantity of this machinery on hand. It was thought at first that it might be a good thing to present it to the schools, but the War Department showed that if that course were pursued they would have to send officers to the various schools to inspect the machinery to see that it is kept in good repair and in proper use. They suggested the amendment so that we would be permitted to sell the machinery for a nominal sum to the educational institutions. The Government can not use it. It will probably serve a beneficial purpose in the schools, and I hope the bill will pass.

Mr. HASTINGS. Mr. Speaker, will the gentleman from New York yield?

Mr. CALDWELL. Yes.

Mr. HASTINGS. Will the gentleman please advise the Members of the House as to the character of this machinery? I have not had an opportunity to read the report.

Mr. CALDWELL. A machine tool, as I understand it, and there are some people here who have operated them, is a piece of machinery that is used in the construction of other machinery. It is movable, like a lathe or a shaver, or a hundred such things that I might name—drills and all that sort of thing. In the trade schools and in the scientific schools all over the country, such as the Polytechnic School at Boston, Columbia University, the University of Texas, the University of California, the Northwestern University—practically all of the great schools throughout the country that have scientific branches—they need this sort of material in order that their students may learn the things they teach there. Besides that, in a great many high schools throughout the country they have manual training courses, in which they need machine tools to teach the young men how to handle the machinery and how to make it, in order that they might go into the trades rather than into commerce.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. KAHN] has expired.

Mr. GARD. Mr. Speaker, I offer the following amendment: To strike out all of line 14, after the word "sale," on page 2, and the first six words of line 15.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 14 and 15, after the word "sale," strike out the words "may be used by the Secretary of War to defray expenses incident to distribution, and the balance."

Mr. GARD. Mr. Speaker, I offer this amendment in this light. The committee amendment provides that this machinery is to be sold at 10 per cent "of their cost to trade." What that means is rather indefinite—"10 per cent of their cost to trade."

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. GARD. Not now. Then the bill further provides that the money—this 10 per cent—is to be used for the purpose of defraying the expenses.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. KAHN. I think the gentleman misunderstands the language on line 8. That reads—

Ten per cent of their cost to trade, technical, and public schools, and universities—

And so forth. That is what the language means.

Mr. GARD. I suspect the gentleman is correct in that, but the same question arises to be determined. The matter of cost, I presume, is determined by the books of the War Department, but in this sale of machinery to trade and technical public schools, and so forth, the 10 per cent is supposed to be the selling cost, which, of course, is a very low price, and can only be justified by the benefit it would return in education to people in these technical schools.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. GARD. In just a moment. Some of these schools and colleges are able to buy their own supplies, but in addition to selling the machinery at such low cost I do not think the Government should defray the expenses incident to distribution. In other words, if the school comes in and pays 10 per cent of the cost of certain machine tools used in this technical department, I think that is affording the school and the students of that school a great opportunity for vocational training and education, and it is very proper. But I do not believe that the Government should pay the expense of sending that machinery out to California or Arizona or Washington, or wherever it may be, because the expenses of distribution may be greater or fully as great in very many cases as the 10 per cent of the cost which the Government gets for the material. It is in that light that I have offered this amendment.

The SPEAKER pro tempore. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. GARD) there were—ayes 26, noes 13.

Accordingly the amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question is on the amendment as amended.

Mr. CALDWELL. Mr. Speaker, I have an amendment which I wish to offer.

Mr. BEE. Mr. Speaker, a parliamentary inquiry. I understood the Chair was just going to put the question on the amendment as amended.

The SPEAKER pro tempore. The Chair was, but the gentleman from New York [Mr. CALDWELL], a member of the committee, desires to offer an amendment.

Mr. CALDWELL. The committee amendment is still subject to amendment, is it not?

The SPEAKER pro tempore. It is.

Mr. CALDWELL. I offer this, not as a committee amendment, but because my attention has been called to the matter. I move to amend, in line 8, by striking out the word "cost" and inserting in lieu thereof the word "value."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 2, line 8, strike out the word "cost" and insert in lieu thereof the word "value."

Mr. CALDWELL. Mr. Speaker, the reason I offer this amendment is that my attention has been called to the fact that a great deal of this machinery has been used in factories and is in a pretty bad state of repair, and in some instances perhaps 10 per cent of the cost would not be a fair value for it.

Mr. HICKS. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. HICKS. I should like to ask the gentleman how he would have the value determined? There would have to be a commission or somebody appointed to go around and determine the value, would there not?

Mr. CALDWELL. These things will be distributed under the direction of the Secretary of War, and undoubtedly a board will pass on each instrument that is given away or sold.

Mr. HICKS. That would be a very cumbersome procedure.

Mr. CALDWELL. Anyway, every one of them will have to be surveyed before it is distributed, because the Government would not be justified in selling at this low price any machinery that it would want to keep, and the only thing that will be distributed to schools will necessarily be material that a board has passed on as being surplus.

Mr. HICKS. Will my colleague yield?

Mr. CALDWELL. Certainly.

Mr. HICKS. Does not the gentleman think that if we sell this material at a 10 per cent reduction it should be 10 per cent of the cost and not 10 per cent of the value at the time of sale?

Mr. CALDWELL. Ordinarily the gentleman would be right, but there will be some of this material that will not be of any use any place else except in just the kind of school that would get it, and I believe the intention of the War Department would be to distribute the stuff that would be unlikely to be needed by the Government at any time in the future, and it would be natural that it would distribute the stuff that had been badly used. In that case, 10 per cent in some instances might be too much. Of course, this is not a committee amendment. It is only my own idea which I have offered for the consideration of the House.

Mr. HICKS. If the gentleman will permit, if his amendment carries it will necessitate a board of appraisers to value every article sold, and this would involve a great deal of clerical help and much expense, whereas, basing the sale on cost, a reference to the books would be all that was necessary—a saving both of time and money.

Mr. KAHN. Will the gentleman yield for a question?

Mr. CALDWELL. Yes.

Mr. KAHN. Will they not have to appraise the value of every separate machine if the gentleman's amendment carries?

Mr. CALDWELL. Undoubtedly so.

Mr. KAHN. And will not that destroy the usefulness of the legislation?

Mr. CALDWELL. I do not think it will destroy it; but I am willing to accept the judgment of the House about it.

Mr. GARD. Mr. Speaker, I desire to be heard in opposition to the amendment.

Mr. CLARK of Missouri. I should like to ask the gentleman from California [Mr. KAHN] and the gentleman from New York [Mr. HICKS] a question.

Mr. GARD. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Is it not easy enough to ascertain what these things cost by the bills that come with them?

Mr. KAHN. That is why we are opposed to the amendment.

Mr. HICKS. That is the very point I am making. The amendment, as I understand it, does not base the 10 per cent on the cost but on the present value after the article or articles have been used. The original cost has nothing to do with it, according to the amendment proposed; that is why I oppose it, for I claim the original cost is the best standard to go by, and the schools which purchase this material will be obtaining a great reduction by a price 10 per cent of the original cost. They are not compelled to buy, it is optional with them, and I hardly think it fair to the Government to sell at such a reduction as would be given by 10 per cent of the valuation.

Mr. CALDWELL. Mr. Speaker, I ask leave to withdraw the amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. CALDWELL. I withdraw the amendment.

Mr. GARD. The gentleman having withdrawn his amendment, there is no occasion to speak in opposition thereto.

Mr. BEE. Mr. Speaker, I desire to offer an amendment by inserting after the word "institutions," in line 10, on page 2, the following:

Upon their application in writing.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEE: Page 2, line 10, after the word "institutions," insert "upon their application in writing."

Mr. BEE. Mr. Speaker, I think the purpose of this bill is very good. The Government ought to dispose of its surplus of instruments of this character to these institutions that need them, but I do not believe they ought to be distributed to institutions that do not need them. A great many institutions are amply able to pay for them. Then, if you make them apply, the applications will come from those institutions that are in need of them and not able to spend the money.

Mr. CALDWELL. I think the gentleman is entirely right about it.

Mr. BEE. I ask for the adoption of the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas [Mr. BEE].

The amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. CALDWELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CONTESTED-ELECTION CASE TAGUE AGAINST FITZGERALD.

Mr. LEHLBACH. Mr. Speaker, on behalf of Elections Committee No. 2, I renew the request for unanimous consent for immediate consideration of the resolution which has already been read.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of the resolution in the contested-election case reported this morning. Is there objection?

Mr. BLANTON. Reserving the right to object, will the gentleman answer a question?

Mr. LEHLBACH. Surely.

Mr. BLANTON. If the House of Representatives is so absolutely without power and so impotent that it is not possible to get information from the Secretary of Labor, how on God's earth do they expect to force men from Boston to do anything?

Mr. LEHLBACH. Because the law provides that we can issue process in the manner provided for in the resolution. In regard to getting information from the Secretary of Labor, that is another matter.

Mr. BLANTON. Suppose they refuse; do you expect to make the mandate good? We have not been enforcing the mandates of the House thus far.

The SPEAKER. Is there objection?

Mr. HARRISON. Reserving the right to object, I want to understand what the resolution is.

Mr. LEHLBACH. I will ask the Clerk to report the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

The Committee on Elections No. 2, to which was referred the contested-election case of Peter F. Tague, contestant, against John F. Fitzgerald, contestee, from the tenth congressional district of Massachusetts, respectfully reports to the House the following resolution, approved by said committee, for approval and adoption by the House, with the recommendation that it do pass:

"*Resolved*, That M. W. Burlen, Edward P. Murphy, Frederick J. Finnegan, and Jacob Wasserman, the members of the board of election commissioners of the city of Boston, or any successor of them in said office, be, and they are hereby, ordered to be and appear before Elections Committee No. 2 of the House of Representatives forthwith, then and there to testify before said committee or such commission as shall be appointed touching such matters then to be inquired of by said committee in the contested-election case of Peter F. Tague against John F. Fitzgerald, now before said committee for investigation and report; and that the members of the board of election commissioners of the city of Boston bring with them all such ballots and packages of ballots cast in every precinct in the said tenth congressional district of Massachusetts at the general election held in said district on the 5th day of November, 1919, as were described as challenged, disputed, or contested ballots, either at the recount of the ballots cast at said general election conducted by said board of election commissioners of the city of Boston, or at the taking of depositions before notaries public in this case; also, all ballots received from absent soldiers and sailors and not counted; that said ballots be examined and counted by or under the authority of such committee on elections in said case; and to that end that proper subpœnas be issued to the Sergeant at Arms of this House, commanding him to summon said members of the board of election commissioners of the city of Boston, or any successor in office of either of them, to appear with such ballots as witnesses in said case; that service of said subpœnas shall be deemed sufficient if made by registered letter, and such service shall be so made unless otherwise directed by said Committee on Elections No. 2; and that the expenses of said witnesses and all other expenses under this resolution be paid out of the contingent fund of the House; and that said committee be, and hereby is, empowered to send for all other persons and papers as it may find necessary for the proper determination of said controversy; and also be, and it is, empowered to select a subcommittee to take the evidence and count said ballots or votes, and report same to the Committee on Elections No. 2 under such regulations as shall be prescribed for that purpose; and that the aforesaid expenses be paid on the requisition of the chairman of said committee after the auditing and allowance thereof by said Elections Committee No. 2, and when approved by the Committee on Accounts."

Mr. LEHLBACH. Mr. Speaker, in regard to the form of this resolution it follows verbatim the form set forth in Hinds' Precedents as a form of resolution authorizing an election committee to procure ballots and other evidence. It follows the exact form used in the Fifty-eighth Congress in the case of Kahn against Livernash.

Mr. HARRISON. Mr. Speaker, I would like to know whether the resolution will take up any time in the discussion.

Mr. LEHLBACH. No; I think it will pass without discussion.

Mr. HARRISON. In that case I have no objection.

Mr. LEHLBACH. The committee is unanimous on wanting to examine these ballots; the contestant and the contestee both want them examined and the board of election commissioners is desirous of producing them.

Mr. GARD. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. GARD. I understand both parties want it done and the committee is unanimous in making the request.

Mr. LEHLBACH. Yes.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

THE WAR AND ITS CAUSE.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the war, the cause thereof, and the incidents thereto.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the cause of the war, and so forth. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks made this morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that on next Tuesday morning after the reading of the Journal and the disposition of matters on the Speaker's table I may be permitted to address the House for 40 minutes on a report recently filed by the Secretary of Labor.

The SPEAKER. The gentleman from Texas asks unanimous consent that next Tuesday morning after the reading of the Journal and disposition of matters on the Speaker's table he be allowed to address the House for 40 minutes on a report recently filed by the Secretary of Labor. Is there objection?

Mr. MONAHAN of Wisconsin. Reserving the right to object, I would like to inquire whether the gentleman's remarks will be before or after the prayer. [Laughter.]

Mr. BLANTON. After the prayer if I can get enough Republicans here to hear the prayer.

Mr. FOCHT. Mr. Speaker, I object.

Mr. BLANTON. I want to say that there will be no more unanimous-consent requests granted hereafter.

COMMISSIONED PERSONNEL FOR THE ARMY UNTIL JUNE 30, 1920—CONFERENCE REPORT.

Mr. KAHN. Mr. Speaker, I call up the conference report on the bill S. 2622.

The SPEAKER. The gentleman from California calls up the conference report on the bill S. 2622.

Mr. GARD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARD. Are we to longer continue the work on the Unanimoust Consent Calendar?

The SPEAKER. The conference report is of the highest privilege and can be called up at any time.

Mr. GARD. The question I put is whether after the conference report is disposed of we will revert to the Calendar for Unanimous Consent.

The SPEAKER. The Chair intends to recognize some gentleman for unanimous consent for suspension of the rules, and after that if there is any time we will take up the Unanimous Consent Calendar again.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from California asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed by the House, insert the following:

"That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to the officers of the Permanent Establishment and to retain at their temporary grades such officers of the Regular Army as in his judgment may be necessary for the proper performance of the functions of the Military Establishment: *Provided*, That additional officers so maintained shall be selected, so far as practicable, from officers and enlisted men who served during the emergency and are applicants for appointments in the Permanent Establishment: *Provided further*, That after October 31, 1919, the total number of commissioned officers, exclusive of retired officers and disabled emergency officers awaiting discharge upon completion of treatment for physical reconstruction, shall at no time exceed 18,000: *Provided further*, That no officer on the active list shall be detailed for recruiting service or for duty at schools and colleges, not including schools of the service, where officers on the retired list can be secured who are competent for such duty: *And provided further*, That hereafter officers retired for physical disability shall not form part of the limited retired list: *And provided further*, That 1,200 emergency officers shall be assigned to the Air Service, of whom not less than 85 per cent shall be duly qualified fliers."

And the House agree to the same.

JULIUS KAHN,
FRANK L. GREENE,
S. H. DENT, Jr.,
Managers on the part of the House.
J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, submit the following written statement explaining the effect of the action agreed on:

The Senate receded from its disagreement to the amendment of the House with changes, the effects of which are as follows:

The first change enables officers of the Regular Army who at the present time are at the head of the construction, transportation, and other divisions of the Army to retain their present assignments at the head of those divisions; otherwise they would be demoted to their regular grades in the Army and the temporary emergency officers who now are serving with them would outrank them and succeed to the command of the divisions.

By the second change, the date, October 30, is changed to October 31. This change is deemed desirable, as it was originally intended to have the date fixed as the last day of the calendar month.

The third change is intended to help retired officers and disabled emergency officers who may be in the Army hospitals under treatment.

JULIUS KAHN,
FRANK L. GREENE,
S. H. DENT, Jr.,
Managers on the part of the House.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KAHN. Mr. Speaker, upon that I move the previous question on the conference report.

Mr. BLANTON. Mr. Speaker, a point of order——

The SPEAKER. After the point of no quorum is made no business can be transacted. The Chair will count. [After counting.] The Chair is satisfied that no quorum is present.

Mr. KAHN. Mr. Speaker, I move a call of the House.

Mr. MADDEN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Dempsey	Graham, Ill.	LaGuardia
Almon	Denison	Greene, Mass.	Layton
Anderson	Dent	Griest	Lea, Calif.
Andrews, Md.	Donovan	Griffin	Linthicum
Anthony	Doughton	Hadley	Lufkin
Ashbrook	Drane	Hamill	McArthur
Bankhead	Dunn	Hamilton	McDuffie
Barkley	Eagan	Haskell	McGlennon
Benson	Eagle	Haugen	McKinley
Bland, Ind.	Edmonds	Heflin	McKinley
Britten	Ellsworth	Hill	McLane
Browne	Emerson	Hudspeth	McPherson
Brumbaugh	Esch	Hulings	MacGregor
Burke	Evans, Nebr.	Hutchinson	Magee
Butler	Ferris	Jacoway	Mann
Byrnes, S. C.	Fields	James	Mead
Campbell, Kans.	Fisher	Jefferis	Merritt
Cantrill	Flood	Johnson, S. Dak.	Moore, Pa.
Carter	Foster	Johnson, Wash.	Moores, Ind.
Casey	Frear	Jones, Tex.	Morin
Clark, Fla.	Freeman	Kelley, Mich.	Mott
Classon	Fuller, Ill.	Kendall	Mudd
Cooper	Fuller, Mass.	Kennedy, Iowa	Murphy
Copley	Gallivan	Kennedy, R. I.	Neely
Costello	Garland	Kettner	Nicholls, S. C.
Crago	Garrett	Kiess	Nichols, Mich.
Cramton	Godwin, N. C.	Kincheloe	Nolan
Crowther	Graham, Pa.	Kreider	Ogden

Olney	Rouse	Small	Voigt
Paige	Rowan	Smith, N. Y.	Walsh
Parker	Rucker	Snell	Walters
Porter	Sabath	Snyder	Ward
Rainey, H. T.	Sanders, Ind.	Steele	Wason
Rainey, J. W.	Sanders, N. Y.	Stephens, Miss.	Watson, Pa.
Ramsey	Sanford	Stephens, Ohio	Webster
Rayburn	Saunders, Va.	Stiness	Welty
Reavis	Scully	Strong, Pa.	Wilson, Pa.
Reed, N. Y.	Sears	Sullivan	Winslow
Reed, W. Va.	Sherwood	Taylor, Ark.	Wise
Robinson, N. C.	Siegel	Taylor, Tenn.	Yates
Robsion, Ky.	Sims	Thompson, Ohio	
Rodenberg	Sisson	Vare	

The SPEAKER pro tempore (Mr. TILSON). Two hundred and fifty-one gentlemen have answered to their names; a quorum is present.

Mr. KAHN. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. KAHN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. KAHN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

INCREASED COMPENSATION TO POSTAL EMPLOYEES.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 151, with an amendment, which I send to the Clerk's desk to be read.

The SPEAKER pro tempore. The gentleman from Minnesota moves to suspend the rules and pass House joint resolution 151, with an amendment——

Mr. MOON. Mr. Speaker, I demand a second.

Mr. GOLDFOGLE. Mr. Speaker, I demand——

The SPEAKER pro tempore. The gentleman from Tennessee demands a second.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. GOLDFOGLE. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. GOLDFOGLE. The point of order is that the Unanimous Consent Calendar has not been disposed of, and under the rules of the House the cases on the Unanimous Consent Calendar must first be disposed of before motions are in order to suspend the rule.

Mr. DYER. The gentleman is mistaken.

The SPEAKER pro tempore. The Chair overrules the point of order of the gentleman from New York. It has been repeatedly held by ex-Speaker CLARK and others that the Unanimous Consent Calendar can be suspended at any time and gentlemen recognized for suspension of the rules. The Chair, therefore, overrules the point of order.

Mr. GOLDFOGLE. Will the Chair hear me for a moment?

The SPEAKER pro tempore. The Chair has made the decision in accordance with the rules and precedents. If the gentleman desires to ask unanimous consent to be heard, the Chair will submit the request.

Mr. GOLDFOGLE. I ask unanimous consent——

Mr. DYER. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois——

Mr. GOLDFOGLE. What is the request?

The SPEAKER pro tempore. The question is the request of the gentleman from Minnesota that a second be considered as ordered.

Mr. MADDEN. I object.

The SPEAKER pro tempore. To which request does the gentleman object?

Mr. MADDEN. I object to the request of the gentleman from New York.

Mr. STEENERSON. The gentleman does not object to a second being considered as ordered?

Mr. MADDEN. No.

Mr. STEENERSON. The gentleman says that he does not object to a second being considered as ordered.

Mr. MADDEN. But I do object to the request of the gentleman from New York.

Mr. DYER. That has already been disposed of.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. The gentleman from Illinois said that he objected to some request of mine. I do not know to what he refers.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MADDEN] mistook the gentleman's request. He thought the gentleman made a unanimous-consent request, which he did not.

The SPEAKER pro tempore. Is there objection?

Mr. GOLDFOGLE. One moment. I reserve the right to object——

The SPEAKER pro tempore. The gentleman reserves the right to object——

Mr. DYER. I ask for the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection to the request of the gentleman from Minnesota? Does the gentleman from New York object?

Mr. GOLDFOGLE. What is the request of the gentleman from Minnesota?

The SPEAKER pro tempore. That a second be considered as ordered. Does the gentleman from New York object?

Mr. GOLDFOGLE. Reserving the right to object——

Mr. MADDEN. Reserving the right to object——

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. The regular order is demanded. Does anyone object to the request of the gentleman from Minnesota? [After a pause.] The Chair hears no objection. The gentleman from Minnesota is recognized for 20 minutes.

Mr. STEENERSON. I ask that the motion be read.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. STEENERSON moves to suspend the rules and pass House joint resolution 151, with the following amendment:

Strike out all after the resolving clause and insert the following:

"That because of the unusual conditions which now exist the compensation provided for in the act entitled 'An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, for assistant postmasters at first and second class post offices, inspectors, supervisory officials, clerks at division headquarters, special clerks, clerks at first and second class post offices, and letters carriers in the City Delivery Service, printers, mechanics, and skilled laborers, watchmen, messengers, requisition fillers, packers, and laborers, railway postal clerks, rural letter carriers, carriers in the Village Delivery Service, and postmasters of the third class shall be increased $150 per annum, except that no third-class postmaster shall receive more than $2,000 per annum, and that the compensation of fourth-class postmasters shall be increased 10 per cent of the amount now authorized by law. That the above-mentioned increases shall be effective from July 1, 1919, and that substitute, temporary, and auxiliary clerks at first and second class post offices, and substitutes, temporary, and auxiliary letter carriers in the City Delivery Service shall be paid during the remainder of the fiscal year ending June 30, 1920, at the rate of 60 cents per hour for each hour of service performed.

"SEC. 2. That in order to provide for the increased compensation herein authorized, so much as is necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supplement the amounts authorized for such employees in the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes,' approved February 28, 1919."

Mr. GOLDFOGLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GOLDFOGLE. This bill is now moved under suspension of the rules, and I desire to ask the Chair whether a motion may be made to amend or to offer a substitute for the amendment proposed in the committee report? The committee reports the bill with an amendment thereto, and I ask the Chair whether it will be in order to offer an amendment to the amendment reported by the committee, or a substitute in lieu of the amendment offered by the committee? And to make it perfectly plain I will say that the amendment that I propose to offer, if it is in order, is to provide a percentage increase of the salaries of the postal employees as provided by the House joint resolution 181.

Mr. CHINDBLOM. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The Chair will say to the gentleman from New York that the gist of his question can be answered in one sentence, namely, that it is not in order to amend the motion to suspend the rules and pass a bill.

Mr. GOLDFOGLE. In other words, do I understand the Chair to say that under the motion made by the gentleman from Minnesota to suspend the rules there can not be at any stage an amendment to the bill as proposed by the committee?

The SPEAKER pro tempore. The gentleman from New York has been a Member of this House for many years, and knows the rules well.

Mr. GOLDFOGLE. I am directing a parliamentary inquiry to the Chair.

The SPEAKER pro tempore. The gentleman knows quite well that under supension of the rules no amendment is in order. The Chair is bound to uphold the rules of the House whatever may be the personal opinion of the occupant of the chair as to the merits of the proposition.

Mr. GOLDFOGLE. There is this distinction, Mr. Speaker——

The SPEAKER pro tempore. Under the rules of the House and the universal practice no amendment is in order.

Mr. GOLDFOGLE. If the Chair will allow me to call attention to the distinction——

The SPEAKER pro tempore. The Chair has fuliy answered the gentleman's parliamentary inquiry. The gentleman from Minnesota [Mr. STEENERSON] is recognized.

Mr. KELLER. Mr. Speaker, I would like to ask the Chair a question for information.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KELLER. Will we have time to speak against the resolution of the committee?

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. STEENERSON] is recognized for 20 minutes in favor of the resolution; the gentleman from Tennessee [Mr. MOON] will be recognized for 20 minutes in opposition. Any time desired must be secured from one of these gentlemen.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. GOLDFOGLE. I ask unanimous consent, inasmuch as I filed minority views on this bill, that I may have 15 minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that in addition to the time provided by the rules he be permitted to use 15 minutes. Is there objection?

Mr. MADDEN. I object.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CANNON. The gentleman from New York is the only one who makes a minority report. He is on the committee, and I suppose he would be entitled to the 20 minutes, would he not?

Mr. MADDEN. The other man has received it.

The SPEAKER pro tempore. The usual practice of the House is that the gentleman who demands a second shall control the time in opposition.

Mr. GOLDFOGLE. I rose at the same time that the gentleman from Tennessee [Mr. MOON] did. The Chair did not recognize me, although I was the only member of the committee who made the minority report. The Chair recognized the gentleman from Tennessee [Mr. MOON].

The SPEAKER pro tempore. The gentleman from Tennessee is the ranking member on the minority side of the committee, and it is the universal practice that such member shall be recognized. This was the only reason why the Chair recognized him in preference to the gentleman from New York [Mr. GOLDFOGLE]. The Chair assumed that the gentleman who demanded a second was opposed to the bill, but has no knowledge on that subject.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry. Is the gentleman from Tennessee [Mr. MOON] opposed to this motion?

Mr. MOON. I do not know if the gentleman from Illinois has the right to ask the question.

Mr. CANNON. I wanted to find out whether this was a conspiracy or not.

The SPEAKER pro tempore. The Chair thinks that is hardly a parliamentary inquiry. At any rate, the present occupant of the chair is not a party to it. The gentleman from Minnesota [Mr. STEENERSON] will proceed.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. CLARK of Missouri. Whatever went with the request that the gentleman from New York made that he have 15 minutes?

The SPEAKER pro tempore. It was objected to.

Mr. CANNON. May I be indulged for a single sentence? You should not rush this thing through by such a conspiracy.

Mr. STEENERSON. Mr. Speaker, the proposition offered by the Committee on the Post Office and Post Roads is to grant temporary relief to the postal employees. A year ago they were given an increase of $200, and in the present current Post Office appropriation bill, under which we are now operating, there were additional increases. We granted those increases after conferring with the representatives of the employees, or many of them. On the suggestion and recommendation of the Post Office Department there was a joint commission created to revise the postal salaries upon an equitable basis. That commission was appointed, consisting of five Senators and five Representatives, and they have commenced work. I am one of the members of that commission and am on the subcommittee which has the work in charge of investigating the whole question. It developed, however, as the work of that commission went on, that it was difficult to adjust the salaries on an equitable basis in a short time. There are nearly 300,000 employees, and it was necessary, in the judgment of that commission, to send out questionnaires to all of them. They have got to be digested and arranged. And so we concluded we probably could not get a recommendation to the Congress for legislative action until this fiscal year was just about near to an end.

For this reason the postal employees have asked for temporary relief. Now, it is impossible to revise all these salaries blindly. If you did that you would commit an injustice to many. There are many propositions to increase salaries on a percentage basis. The gentleman from New York [Mr. GOLDFOGLE], for example, would increase them from 30 to 40 per cent. That would give a $3,000 man $1,000, without our knowing whether you could afford to do that, and it would not increase the lower-paid employees commensurately. So in view of the fact that we wanted to do something to relieve the situation on account of the high cost of living, it became the general opinion that we had better make a flat increase to all employees, unless we were ready to leave it to the Post Office Department and let the Postmaster General distribute the increases as he saw fit.

This resolution as drawn met with the approval of the Post Office Department, and I think it was originally suggested by them; that is, they asked for a blanket authority to increase salaries all along the line at 35 per cent, in their discretion. But if you will read the report on this bill you will notice that they reserve the right to construe that to mean that they might increase the salaries in those places where the exigencies were extraordinary and unusual. Now, then, from the inquiries that the members of the committee made, it was found that these exigencies would be in those places where private employment was so profitable as to make postal employees resign by the wholesale, and in order to keep up the service they wanted to pay employees in those places a higher salary, notwithstanding the fact that the cost of living was not any higher in those places than in many other places.

Mr. LAZARO. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. LAZARO. The gentleman said they had sent out a questionnaire to about 300,000 employees?

Mr. STEENERSON. Yes; to between 250,000 and 300,000.

Mr. LAZARO. Does your committee intend to go over those replies?

Mr. STEENERSON. We employ clerks for that purpose, so as to digest them and get a bird's-eye view of them, and we propose to hold hearings in New York, Boston, Chicago, St. Paul or Minneapolis, and St. Louis and Kansas City, and so on, during the next month, so that we are prosecuting that work as rapidly as we can.

I mention that to show you that this is simply a temporary measure to grant relief because the cost of living has risen and is unusually high throughout the whole country.

Mr. DYER. Mr. Speaker, will the gentleman yield for a question?

Mr. STEENERSON. For a brief question.

Mr. DYER. Will the gentleman tell us why his committee made the increase so small—not as large as that given to other employees of the Government?

Mr. STEENERSON. By adding this proposed increase to the increases already made, you get just as large an increase as other Government employees have received. In fact, I think it exceeds the increase given to others.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Minnesota yield to the gentleman from Washington?

Mr. STEENERSON. Yes.

Mr. MILLER. I would like to ask the gentleman along that line if it is the purpose of the committee to hold any meetings west of St. Paul or Kansas City?

Mr. STEENERSON. We will hold a meeting in Kansas City. I believe that is as far west as we shall go.

Mr. MILLER. You will not go to the Pacific coast?

Mr. STEENERSON. We will not hold meetings on the Pacific coast.

Mr. MILLER. Has the commission considered the advisability of doing that?

Mr. STEENERSON. The commission has considered the advisability of holding meetings at the places mentioned, and the employees will be represented at the nearest point.

Now, Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has remaining 13 minutes.

Mr. STEENERSON. We found upon inquiry, especially by the report of the Secretary of Labor, that the increase in the cost of living in some of these towns where the resignations of postal employees were the most numerous was not as high as in places where the resignations were fewer. The cost of living is the highest in certain seaboard towns, where shipbuilding has been in progress.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. STEENERSON. I will yield for a question, but I will say to the gentleman that the cost of living, according to the Department of Labor, in New York has increased, since 1914, 79 per cent, but in Norfolk, Va., it has increased 87 per cent.

Mr. GOLDFOGLE. I wanted to ask the gentleman from Minnesota whether it is not a fact that the average increase throughout the country has been about 87 per cent?

Mr. STEENERSON. I will answer that it has not.

Mr. GOLDFOGLE. It has not?

Mr. STEENERSON. It has not. The Department of Labor's report as to 18 cities in the United States shows 76.1 per cent as the average of those 18 cities throughout the country. If you will take that report of the 18 cities and divide the total of the percentages by 18 you will get that figure which I have stated. New York is not the highest.

Mr. GOLDFOGLE. Does the gentleman think that the increase proposed, namely, $150, will suffice to cover the needs and the wants of the men in the Postal Service in the cities?

Mr. STEENERSON. It will cover the needs of those who are paid the least. It will cover the needs of those who are paid $900 or $1,000, and there are many of those in the Postal Service. We are increasing the wage of the laborer, who formerly got only 40 cents an hour, 50 per cent, to 60 cents an hour, which is more than the gentleman from New York [Mr. GOLDFOGLE] proposes. We are looking after the small man, while he is looking after the aristocrats in the employment, who get $3,000 a year.

Mr. GOLDFOGLE. I am proposing to increase every man in the Postal Service.

Mr. STEENERSON. The gentleman is proposing to increase the salary of the man who receives $3,000 a year. As a temporary measure, we are giving to the small man an increase of $150, just the same as to the man in the service who receives high salary.

Mr. RUBEY and Mr. ROGERS rose.

The SPEAKER pro tempore. Does the gentleman yield; and if so, to whom?

Mr. STEENERSON. I will yield first to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Will the gentleman tell the House, in general terms, when this committee of investigation is likely to report?

Mr. STEENERSON. It expects to report at the first regular session and submit it to the different committees, and the committees, I think, will try to get a provision into the next annual appropriation bill, which has to be passed before the beginning of the next fiscal year.

I will say to gentlemen here who are friends of the Postal Service that after having served on the committee for 16 or 17 years with these gentlemen here, who have been devoting the best of their lives to work in connection with the Postal Service, men like Judge MOON and Mr. BELL and others, I will say that we naturally have a very tender feeling for the postal employees, and we do know that there is a lot of injustice in the present adjustment of salaries.

Mr. RUBEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Minnesota yield to the gentleman from Missouri?

Mr. STEENERSON. And we want to revise those salaries so as to do justice all around, and we can only do that if we are given time enough to do the work thoroughly and fairly and intelligently. In order to do that we have got to pass this bill to satisfy the employees temporarily, and it is to help the small man rather than the big man. Now I yield to the gentleman from Missouri.

Mr. RUBEY. The gentleman stated a moment ago that he was attempting to take care of those who receive the smallest salaries.

Mr. STEENERSON. Yes.

Mr. RUBEY. Does the gentleman think a 10 per cent increase for fourth-class postmasters, the smallest-paid employees of the Government, is a sufficient increase?

Mr. STEENERSON. I think it is the best increase in the bill. They are getting more than 10 per cent. They will, with the present allowance, receive 25 per cent increase.

Mr. RUBEY. Not under this proposition.

Mr. STEENERSON. They are getting a 25 per cent increase. And why should the gentleman think we ought to revise all these salaries now, when we do not know anything about it, rather than wait until we get the information and do it intelligently? We want to give the $150 increase simply as a temporary relief.

Mr. HASTINGS. Did the committee consider giving a minimum amount to fourth-class postmasters rather than increasing their salaries 10 per cent?

Mr. STEENERSON. Yes; we did consider that most thoroughly.

Mr. HASTINGS. Suppose a fourth-class postmaster gets only $25 a year in cancellations, does the gentleman think and does the committee think a 10 per cent increase, which would be only $2.50, would be adequate?

Mr. STEENERSON. I think we have done very well by the fourth-class postmasters and all of the employees.

Mr. HASTINGS. I think the fourth-class postmasters are the poorest-paid servants of this Government.

Mr. STEENERSON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. STEENERSON. I reserve the balance of my time. I will insert in the RECORD part of the report on the bill:

"The committee recommends that the bill as amended do pass.

"The original resolution authorized the Postmaster General, where extraordinary and unusual conditions exist, to pay during the fiscal year 1920 postal employees an amount not exceeding 35 per cent per annum of their basic salary in addition to the compensation now paid. In his letter recommending its passage, a copy of which is hereto attached, the Postmaster General says:

"It should be understood, however, that the department does not construe this resolution as intending that flat increases of not exceeding 35 per cent shall be granted all employees in the Postal Service, but are to be paid only where extraordinary and unusual conditions prevail. It is believed that such conditions prevail in only a few instances.

"The committee does not share this belief. So far as postal employees are concerned, the unusual conditions consist in the great increase in the cost of living, and this is general throughout the country. The general authority asked for, while enabling the department to retain in the service employees in certain industrial centers, where wages in private industry are unusually high, by increasing salaries, such action would be an unjust discrimination against employees in other localities where the cost of living is equally high, and would result in general dissatisfaction and demoralization. The committee, therefore, concluded that pending a complete revision and readjustment of postal salaries now under consideration by the joint commission the best thing to do was to make the specific and uniform increases herein recommended. The department estimates the cost of the proposed increases at $40,000,000, while the committee believes they will not exceed $35,000,000; but however that may be, the increases are absolutely necessary now, and further and greater increases will have to be made in order that the service may reach and maintain that degree of efficiency which the public imperatively demands, and postal revenues, if insufficient, will have to be so readjusted as to meet the increased expense.

"The maximum asked for by the Postmaster General would authorize him to expend in his discretion as to persons and places a great deal more than $40,000,000. To grant his request would be to offer a premium on political favoritism and encourage waste and extravagance.

"The report of the Postmaster General on H. J. Res. 151, above referred to, follows:

"OFFICE OF THE POSTMASTER GENERAL,
"*Washington, D. C., July 25, 1919.*

"Hon. HALVOR STEENERSON,
"*Chairman Committee on the Post Office and Post Roads,*
"*House of Representatives.*

"MY DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter of the 21st instant, with which you inclosed a copy of H. J. Res. 151, introduced by Mr. MADDEN, to provide additional compensation for employees of the Postal Service for extraordinary and unusual condi-

tions prevailing, and in reply I beg to state that it would be advantageous at the present time if the department were granted the authority covered by this resolution. It should be understood, however, that the department does not construe this resolution as intending that flat increases of not exceeding 35 per cent shall be granted all employees in the Postal Service, but are to be paid only where extraordinary and unusual conditions prevail. It is believed that such conditions prevail in only a few instances.

"The resolution, therefore, has my approval, and I recommend its passage.

"Very sincerely,

"A. S. BURLESON,
"Postmaster General.

"The departmental report on the Zihlman bill (H. R. 8537) and the flat increases of $150 proposed in this bill follows:

"OFFICE OF THE POSTMASTER GENERAL,
"Washington, D. C., August 27, 1919.

"Hon. HALVOR STEENERSON,
"Chairman Committee on the Post Office and Post Roads,
"House of Representatives.

"MY DEAR MR. CHAIRMAN: With reference to your request for the department's views with regard to the bill (H. R. 8537) introduced by Mr. ZIHLMAN to provide additional compensation for certain employees in the Postal Service, also the proposed amendment to provide a flat increase of $150 per annum for these employees, I wish to state that the proposed legislation does not have the approval of this department.

"The employees of the Postal Service were granted temporary increases in salaries because of war conditions during the fiscal year 1918 of approximately $32,000,000, the increases in most cases being $200 each. These temporary increases have been continued during the current fiscal year and other additional increases granted in most instances of $100.

"These increases had the approval of this department and were thoroughly satisfactory to the employees of the Postal Service when the act was approved February 28, 1919. In addition to these increases in compensation, the act also provided for the appointment of a congressional commission to make an investigation for the purpose of reclassifying the salaries in the Postal Service. This commission is now prosecuting its labors and will no doubt make a report early in December when the next regular session of Congress convenes.

"The bill introduced by Mr. ZIHLMAN, if enacted into law, would grant the employees in addition to what has already been granted, approximately $100,000,000 in increased compensation. If a flat increase of $150 for each employee is made, it would amount to approximately $40,000,000 for the current fiscal year.

"Because of the increases already granted the revenues are insufficient to meet the expenditures in the Postal Service, and to grant the increases above would involve a deficit of approximately $100,000,000 during the current fiscal year, or, if the flat increase of $150 is made, a deficit of $40,000,000, and would place an additional burden upon the public of that amount, which would have to be borne by taxation or otherwise.

"In determining whether these increases should be granted, a peculiar responsibility rests upon the Postmaster General. It is his duty to be fair to the postal employees and to the public as well. The Postal Service should not be conducted for profit, and the employees should be paid fair wages; but to grant these unreasonable increases would place upon the public an unjust burden.

"The salaries in the Postal Service, like those of any other service where the salaries are standardized, may be inadequate in certain localities because of the extraordinary and unusual industrial conditions. The department recognizes this fact, and for that reason gave its approval to H. J. Res. 151, introduced by Mr. MADDEN, and which, if enacted into law, would enable the department to provide for the needs of the service. It would give the department authority to increase the salaries of the postal employees temporarily where it should be done. A few million dollars properly spent under this resolution would amply care for the needs of the service and enable the department to pay a just and fair wage. There is no exigency in the Postal Service which would justify the proposed increases in salaries, and, therefore, they do not have the approval of this department.

"Very sincerely,

"J. C. KOONS,
"Acting Postmaster General."

Increase of all items of cost of living from Dec., 1914, to June, 1919.

[Compiled from the report, United States Department of Labor.]

	Per cent.
Norfolk, Va	87
Baltimore, Md	84
Detroit, Mich	84
Buffalo, N. Y	84
Savannah, Ga	80
Houston, Tex	80
New York, N. Y	79
Jacksonville, Fla	77
Mobile, Ala	77
Cleveland, Ohio	77
Philadelphia, Pa	76
Seattle, Wash	74
Portland, Me	74
Chicago, Ill	74
Boston, Mass	73
Portland, Oreg	69
San Francisco, Calif	66
Los Angeles, Calif	65

Average increase, 76.1 per cent.

Mr. STEENERSON. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I reserve my time.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] is recognized for 20 minutes.

Mr. MOON. Mr. Speaker, I am afraid that the House does not apprehend the purpose of this bill. This is not intended as a permanent measure at all. It is only to grant temporary relief to these officials pending the investigation of postal salaries. The commission appointed for that purpose is required to report in December, only three months away. It was impossible for the Committee on the Post Office and Post Roads to make a full investigation as to the claims of all these classes of postal employees at this time. If the House acts on the matter without any knowledge of the subject except that which we all have in a general way, the work of this postal commission will be utterly useless.

This bill is not intended as a permanent settlement of this matter at all. It is, as I remarked, purely a matter of temporary relief. The committee has made the bill retroactive, so as to cover the present fiscal year, and in the judgment of the committee $150 added to the salary of each employee is sufficient to meet temporary demands.

Mr. LANHAM. Will the gentleman yield a moment?

Mr. MOON. Yes; I will yield.

Mr. LANHAM. Does the gentleman think that even as a temporary measure the increases here allowed will prevent the resignations which are occurring in the Postal Service, especially among those in the more poorly paid grades, when unskilled laborers are making much more money than these trained employees are making to-day? In other words, this proposition may be all right in the long run, but pretty bad for the short-winded man.

Mr. MOON. The gentleman has made a remark which shows that he has a kindly feeling for the postal clerks, as I am sure we all have. Of course this relief is only temporary and may not be adequate in all cases. The report of the commission is to be made in December, when full justice, we hope, will be done. The question is whether you are going to give this temporary relief or not. To be frank, this bill has been brought up under a motion to suspend the rules and pass it, because of the disposition in this House to run away with expenses on questions of this sort. It was brought before you in this method in order to prevent you from amending it. So you have to take this or you have to take nothing, and final settlement will be made under the commission report. That is the proposition before you. [Laughter.] None of you are likely to vote against——

Mr. KELLER. Will the gentleman yield?

Mr. MOON. No; I can not yield.

Mr. KELLER. The trouble is that the House is asked to act on this matter when it knows very little about it.

Mr. MOON. I can not yield. I am not going into a discussion of the adequacy of the amount. As stated by the chairman of the committee, Mr. STEENERSON, the $150 will be a very great help to the low-salaried men who are getting $1,000, $1,100, or $1,200. It will be a proper addition, perhaps, to the salaries of those who are getting more. We hope soon to adjust them all on a basis of equality, so that there may be reasonably just compensation to all of the employees. Perhaps some of them are getting too much now. Some are getting too little. I want to say that, as a class, as a whole, they are perhaps the best-paid employees of the Government of the United States; but still they are close to the people, and the people's money will have to be used to give greater compensation in these times when the cost of living is so much higher. But you must remember that these times will not always last, and when you get back to normal conditions, if you put up the salaries to the highest figures to meet the present conditions, you can not get the salaries back to save your souls from perdition. It has never been done. You have to move carefully in matters of this kind and be sure that you grant full compensation to all employees. The public rights must be protected also.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MOON. I can not yield now. You have to move carefully in matters of this kind, and if you want to give this temporary relief to these employees the way to give it is to vote to suspend the rules and pass the bill. If you do not want to do that, you had better wait until you get the report of this commission. The gentleman from New York [Mr. GOLDFOGLE], who sought to obtain control of the time, with the assistance of my friend from Illinois [Mr. CANNON], is not against this bill in the sense that he opposes the increase of the salaries. He is against it because he wants higher and larger salaries paid. In order that he may express his opinion on the question, I yield to the gentleman 10 minutes; or, if there is anybody who wants to speak against the whole bill, I would like to yield to him first and then to the gentleman from New York.

Mr. CANNON. Mr. Speaker, I would like two minutes.

Mr. MOON. I will yield to the gentleman from Illinois two minutes right now. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Tennessee has used eight minutes.

Mr. CANNON. Mr. Speaker, my duties as a member of the Committee on Appropriations have required my constant attention since the commencement of this session. I did not know that such a bill had been reported from the Committee on the Post Office and Post Roads, and when the motion came to suspend the rules, with 20 minutes' debate on a side, I was of the opinion that it would bear debate and consideration, and I think the House by a majority would pass a just and proper bill upon such consideration. Certainly the bill does not do complete justice. It gives too much in some places and too little in others. I think the House is competent to pass upon that matter, and we are not so pressed for pending legislation that we can not consider this bill in that way.

I have great confidence in the gentleman from Tennessee [Mr. MOON]. We have had a long service together in the House. I acknowledge his ability and his knowledge, especially touching matters of compensation in the post-office service and other postal matters. I did not intend by anything I have said to reflect upon him. I was only protesting that I thought the bill ought to be considered by the House under the rules in Committee of the Whole House rather than under a motion to suspend the rules without amendment.

Mr. MOON. Mr. Speaker, I yield 10 minutes to the gentleman from New York who made the minority report.

Mr. GOLDFOGLE. Mr. Speaker, if this bill had been brought up in the regular way there would have been an opportunity to fully debate and vote on an amendment which would have given to the postal employees in this country a fair and just increase of their salary. The gentleman from Minnesota, ably supported by the gentleman from Illinois [Mr. MADDEN], saw fit, however, to bring this bill up, within a few days after it was reported to the House, under a motion to suspend the rules. I want the House and the postal men of the country, and the men of America whose hearts beat in sympathy with the cause of the postal men, to understand that through the legislative device adroitly planned by both the gentleman from Minnesota [Mr. STEENERSON] and the gentleman from Illinois [Mr. MADDEN] every chance to have consideration for the provisions contained in House joint resolution 181 is throttled. Opportunity to amend this bill so as to give the postal employees the salaries they deserve is cut off by means of the parliamentary procedure now pursued. Such a course merits condemnation. [Applause.] On the one hand the gentleman from Minnesota professes friendship and sympathy for the men who are underpaid, and on the other hand he resorts to tactics which prevent Members of the House introducing amendments to the bill.

The rate of increase in cost of living averages 87 or 88 per cent. The men, especially in cities, and I take it it is so in towns, too, are unable, with the salaries they are now receiving, the minimum as well as the maximum grade, to properly maintain themselves and their families, and keep their homes provided in accordance with the American standard of living, and meet the occasional expense of sickness and other misfortunes, and pay the ever-increasing high rents. By reason of the inadequacy of pay men are resigning in greater numbers than ever before, and it is difficult now to get men to enter the service. We have even had to lower the standard of examination to get a sufficient supply of men.

It is a grievous injustice and great unfairness to these men to give them only this proposed pittance of $150. Do not attempt, gentlemen, to go back to the letter carriers and the postal clerks and others affected by this bill, pat them on the shoulder, as you have for years, and tell them you are friends of the men employed in the Postal Service. If you were friends of these men, who are the poorest-paid men in the Government service, who are rendering faithful, laborious, intelligent, and efficient service, you would have given them at least an opportunity in this House at an early day to get a full and free expression from the membership of this House, and not resort to this adroit method of cutting off all amendments except the amendment of the committee, which gives the men merely a flat $150.

The gentleman from Illinois [Mr. CANNON] was right in the criticism he made, for the Chair erroneously ruled that I was not entitled to recognition. I rose to demand a second, that I might be in control of the time on my side. I have served in this House for many years, and I have never known an instance where one making a minority report, if he was the only member of the committee making the minority report, was not given the preference. I have never known it until now, when this method of using the steam roller is employed in order that the postal men may not receive a just increase.

What harm would it have been, I ask the gentleman from Minnesota and the gentleman from Illinois [Mr. MADDEN], if a chance had been given in the usual and ordinary way to have this House vote on the bill (H. R. 181) introduced by me giving them 35 per cent increase in their salary? I intended to offer the substance of that bill as an amendment to the committee bill—at least in modified form, so as to give to the employees at least a 25 per cent increase and to substitute employees pay at the rate of 75 cents per hour. Even with the proposed increase of $150 the employees would be really paid less than the unskilled and common labor throughout the country is now receiving. If you will read my minority views you will find that with the $150 the men would still be getting a cent per hour less than is paid to the kind of unskilled labor of whom no mental effort is required at all. We are told it is unwise now to provide a larger increase than $150, as the Postal Commission is about to hold its sessions. I know what commissions amount to. I know what investigations mean. They are long-drawn-out affairs. The members go on junkets from one city to another and the expense piles up, and then they come back, bring in lengthy reports at pretty nearly the close of the Congress, and usually that is the end of it.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. DYER. The gentleman knows, of course, that the Democratic Postmaster General is opposed even to this small increase, does he not?

Mr. GOLDFOGLE. I do not care whether it is a Democratic Postmaster General or a Republican Postmaster General. That does not concern the issue involved. Those who professed so frequently their friendship for the laboring men, and particularly for the clerks and carriers, ought not seek out legislative methods to impede an honest effort to secure a living, decent wage to men whose service has been rendered with fidelity, intelligence, and efficiency. It is purely a nonpartisan proposition; politics ought not to enter into it.

Mr. UPSHAW. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. UPSHAW. Will the gentleman state, because many of us would like to know, why in making this increase of $150 it was not, at least, made $240—as much as the bonus given to many other employees?

Mr. GOLDFOGLE. It was because the committee was determined not to give these men the increase that they merit and deserve. Otherwise, would the gentleman from Minnesota have been so warmly worked up against allowing an amendment to be considered by the House? I begged the gentleman from Minnesota, and I have implored every man who had a hand in bringing on this motion to suspend the rules, to refrain from such procedure at this time or else to allow the proposition for the percentage increase to come up. They refused to do it.

Mr. BLANTON. Mr. Chairman, as a matter of fact, the Postmaster General recommended this bill, did he not?

Mr. GOLDFOGLE. The Postmaster General recommended the discretionary bill, originally introduced by the gentleman from Illinois [Mr. MADDEN], which is inexpedient and which every Member of the Post Office Committee, including the introducer, admits ought not to pass. Hence the committee amended it by providing this paltry increase of $150.

Mr. PELL. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. PELL. This bill increases the pay $150, and it will make a very small increase to the city carrier, will it not?

Mr. GOLDFOGLE. It will be absolutely inadequate. It will not satisfy the just demands of the men. Aside from this, the American public recognize that the Government is not treating the men fairly and favor a liberal increase. I think the people all recognize that $150 is entirely too small.

Mr. PELL. It will raise the men only from $1,500 to $1,650.

Mr. GOLDFOGLE. That is all; and they can not live on that in a way becoming an American wage earner under existing conditions and the high cost of living.

Mr. PELL. It seems to me to be clearly inadequate.

Mr. DYER. It ought to be $500.

Mr. GOLDFOGLE. In my limited time I can not discuss the matter further or in a way its importance demands. To make clearer my views, under leave to extend my remarks, I append my minority report on the bill.

The minority report is as follows:

INCREASED SALARIES OF POSTAL EMPLOYEES.

Mr. GOLDFOGLE, from the Committee on the Post Office and Post Roads, submitted the following as the views of the minority:

I emphatically dissent from the conclusion of the majority of the Post Office Committee to provide an increase temporarily in the pay of the postal employees mentioned in the committee amendment to House joint resolution 151 of only $150 per annum. Such an increase will be grossly inadequate in amount and unscientific and unmethodical in its allotment and distribution. It utterly fails to meet the situation which in the light of the high and increased cost of living requires, as a matter of fairness and common justice to the postal workers, a higher increase and better wages, so that under present conditions they may

be enabled to properly, comportable with American living standards, maintain themselves and their dependent families.

House joint resolution 151, as originally introduced by Mr. MADDEN, is conceded by the latter and every one of the committee to be wholly inexpedient. The author of it, therefore, now proposes a substitute, with which the majority of the committte agree, to provide this temporary flat increase of $150, except that certain auxiliary clerks and substitute carriers shall have 60 cents per hour. House joint resolution No. 181, introduced by me, provides for the fiscal year beginning July 1, 1919, an increase of 35 per cent of the salary or compensation of each employee (except substitutes, who are to receive at the rate of 80 cents per hour).

Had the committee allowed hearings on these measures, which are not merely important to employees but seriously affect the efficiency and morale of the service itself, the general membership of the House doubtless would have been furnished with ample data necessitating as well as justifying the percentage increase provided by House joint resolution 181. The committee saw fit to deny hearings, and thus to some extent placed the men so seriously affected by the question involved at more or less disadvantage in presenting by way of hearings to the individual membership of the House figures which demonstrate the immediate necessity for a real, substantial percentage increase of pay.

However, this much is clear. Skilled labor, mechanics, artisans, etc., are getting an average hourly compensation of over 81 cents; trained and expert employees in banking, commercial, insurance, railroad, steamship, and other industrial concerns an average hourly compensation of over 80 cents; common and unskilled labor (of whom no mental effort is required) average an hourly compensation of 55 cents, while post-office clerks and letter carriers receive an average hourly compensation of but 48½ cents.

To give employees such as the clerks and carriers mentioned in the committee report the meager and temporary increase of $150 means they will receive an hourly compensation of a little less than 54 cents, or, in other words, 1 cent less per hour than is paid to the unskilled and common labor in the land.

Again, the man long in service whose excellent record has brought him to the present maximum of pay will under the plan proposed by the committee receive no more than an employee greatly junior in time of service and receiving minimum pay.

Surely the comparison of the figures is odious. It does no credit to our Government, which ought to be foremost in paying decent and sufficient wages to those in a service requiring fidelity, competency, intelligence, efficiency, and hard work.

Labor statistics show the almost universal custom in the varied industries and occupations of paying for all time in excess of eight hours daily at the rate of time plus one-half of the regular rate of pay and double time for all service on Sundays, holidays, and Saturday afternoons. This is not so in the Postal Service. Here again exists an inequality.

Even with the $150 increase proposed, the postal employee, such as regular clerk or carrier, would, in so far as compensation is concerned, be given less consideration by his Government than is given by private employers to the unskilled and common laborer. Such a condition is abhorrent to every sense of justice. It is violative of those rules of business which to promote efficiency and square dealing guide men in the administration of their business affairs.

Reference has been made to the increased cost of living. The larger number of men affected by the measure reside in the cities where cost of living is ever on the increase, and somehow keeps soaring higher. Rents there have become excessive. In many places in the large cities the rental price has to these men of small salaries become almost prohibitive. Despite legislative and administrative devices proposed the profiteer is still plying his game, and men of small means and meager earnings are unfortunately the surest victims. But without considering that condition at all, the fact remains that everywhere—whether in city, town, or village—cost of living has vastly increased. The percentage of increases in the commodities of life are staggering. Food over 85 per cent, clothing about 100 per cent and threatening to go higher, fuel, heat, and light about 57 per cent, and so on with all other necessities. In fact, a conservative estimate is that cost of living approximates over 87 per cent above that in prewar times. Yet the postal men's pay has not by any means kept pace.

For purposes of this minority report it is unnecessary to go into further or more extended details of the cost increases of the necessities of life. With the present pay, even plus the small increase the committee proposes, the problem of how the postal workers can provide for themselves and families according to the standard of an American wage earner's living, rear children, meet occasionally expense incident to sickness or other misfortune, and get even a small modicum of comfort out of life must, indeed, be vexed and difficult of solution.

There is another highly important problem involved in this matter of salaries. It gravely concerns the efficiency of the service. Never before were there so many resignations and withdrawals from the Postal Service as now, and this is due to inadequacy of pay. Time was when in New York and other large cities, from 1,000 to 1,500 and more were found on the list of applicants for clerks and carriers anxious for appointment. Now the number has fallen into insignificant figures.

The standard of civil-service examinations has been lowered so that a sufficient supply of persons can be obtained to enter the service. In New York and other cities men can do better with such qualifications as really fit them for clerks or carriers than enter a service that gives them an inadequate wage, and then leaves them nothing in sight for the day when sickness or infirmities of age may overtake them. Such a condition tends to lower the standard of efficiency which is absolutely necessary for the proper handling, transmission, and delivery of mail, in which the whole people, individually as well as collectively, are and ought to be concerned.

It has been urged in opposition to granting a substantial percentage increase—even a 25 per cent for regular employees and 75 cents per hour for substitutes—that it would take too great a sum from the Treasury. Such an answer by those who give it assumes a small conception of the views of the American people on this subject of pay to the mail men. They do not and will not begrudge giving a well-deserved increase.

The people generally recognize the fact that the postal employees are the poorest paid men in the Government service and desire to have this unfair condition remedied by a substantial increase. To fail to give the relief the men so sorely need at this time to supply their real needs is unbecoming a great Nation and merits condemnation. The pittance of $150 per annum proposed by the committee is in the light of living requirements a mere sop which can not serve to satisfy the just demands of the service.

The American people as a whole are not so narrow or ungracious as to deny to those who served them so well as the postal men a decent living wage sufficient to provide them with what the necessities of life in their situation at present requires.

It is respectfully submitted that the increase should be as provided in H. J. Res. 181.

HENRY M. GOLDFOGLE.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, in reply to a statement that the gentleman from New York [Mr. GOLDFOGLE] made in reply to a question asked by the gentleman from Georgia [Mr. UPSHAW], I want to say this about the increase in the salaries to the postal employees as compared to other Government workers. The gentleman from Georgia, as indicated by his question, seemed to be under the impression that the other Government employees had received a $240 bonus and the postal employees had not received any increase at all. Those of us who recall the Post Office appropriation bill for 1919, which became operative July 1, 1918, recall that it increased all of the salaries of postal clerks, letter carriers, and railway mail clerks $200 a year, and that we suspended for that year what is known as the automatic promotion law in order to avoid making a $300 increase, which would have been out of proportion to the $120 increase that was given to the other Government employees for that year. This bill also increased the compensation of rural carriers, assistant postmasters, and other postal employees.

For the fiscal year 1920 other Government employees, outside of the Postal Service, were given $240, but this was not in addition to the $120 increase which was given the year before. It simply included the $120 and gave $120 more increase. The postal employees were still kept on at the $200 increase that we had given them the year before, and we restored the automatic promotion of $100. Therefore all of the postal clerks and letter carriers during this fiscal year will receive $100 in addition to $200, which they received last year, making a total increase of $300, and this $150 which I expect to vote for and help secure its passage will make the increase $450, which by a right smart exceeds the increase that has been given to most other employees of the Government. If there is any gentleman who cares to contradict that, I will yield to him. I am not complaining that it is too much. I think the postal employees, as a rule, have amply earned the increases which they have received, but let us be perfectly frank in a recital of the facts.

Mr. FITZGERALD. I would like to ask the gentleman from Texas if it is not a fact that the Nolan bill, when it becomes a law, will make a minimum of $1,320 for every employee of the Government outside of the Postal Service, while, with the increase of $150 for post-office employees which this bill carries, will there not be thousands of post-office employees getting but $1,150 a year? If this is so, and I believe is so, it will be an act of gross injustice to the post-office employees of this country, whose minimum salary ought to be as much as the Nolan bill carries, with a maximum of $2,000.

Mr. BLACK. No; they will get a minimum of $1,080, if the bill of the gentleman from California [Mr. NOLAN] is agreed to, and I will state to the gentleman that I did all that I could to include in the Nolan bill the postal employees, and I am glad to say that the gentleman from Massachusetts [Mr. FITZGERALD] did all he could.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Speaker, on account of the brief time which was available for discussion on the bill now under consideration, I am going to take advantage of the leave which has been granted to extend remarks. I do not expect to undertake to exhaustively discuss the matter of postal salaries and their increase. We now have a commission, composed of Members of the House and Members of the Senate, who are giving this whole subject their earnest study and will give all the employees full opportunity to be heard, as well as officials of the Post Office Department.

The report of that commission will be made to Congress at the December session, and as one Member I expect to study the recommendations then submitted and support legislation which I hope will do justice to the employees, the Government, and the general public.

I think it will be conceded by all that no group of workers have been more loyal and efficient than the postal employees, and I am sure that it is the will of Congress to deal fairly with them in every respect.

All employees whose wages and compensation are fixed by the Government should bear in mind the difficulties under which the President and Congress are laboring at this time and that in the solution of these intricate problems we are bound, in good conscience, to consider the interests of the general public, as well as the particular class of employees to be affected.

Of course, if the President and Congress knew that the increased percentage in the cost of living which has taken place since 1913 was a permanent condition, then undoubtedly the proper thing to do would be to increase the salaries and wages of railroad and postal and other Government employees in approximately the same percentage as the rise in commodity prices. But it is certainly the consensus of opinion among thoughtful men that there will be a substantial decline in the prices of most commodities within the next 12 months, at least, and that therefore it would not be a proper procedure to undertake to raise salaries and wages to permanent levels which would equal in percentage the average rise in commodity prices.

Why do I say permanent levels? I say it because they would be permanent. No one knows better than Congress, no one knows better than the employees themselves that nothing would destroy the morale of the men quicker and more completely than to push the wages up to the levels now demanded and then undertake to lower them when things begin to reach a lower basis of value. Therefore we must take all of these elements into consideration when we are dealing with salary-increase legislation.

Just what other increases and readjustments in salaries the congressional commission will see fit to recommend we do not know. It will be up to us to consider that matter and dispose of it at the time it is reached.

For the present, I think $150 increase is as much as we should make, and I therefore propose to stand by the committee on this bill.

If subsequent events demonstrate that the present high figures of the cost of living will meet with no substantial lowering, then of course it goes without saying that the postal employees, as well as other wage earners, will have just cause to have their cases considered in the light of the new facts.

A CONSIDERABLE AMOUNT OF THE INCREASED COST OF LIVING HAS PROBABLY COME TO STAY.

While I believe that we will surely within the next 12 months see a substantial lowering of commodity prices, still I am also convinced that it will be a long time, if ever, before the cost of living goes back to prewar levels.

If Congress tried to bring about a situation of that kind by artificial processes it would wreck the finances of the country and throw thousands out of employment.

Therefore for the very reason that no one in responsible position expects the cost of living to go back to prewar levels it is recognized that the increases in wages which have already been given to postal employees, and including this $150 increase, will remain permanent.

DEFICIT IN POSTAL REVENUES FOR FISCAL YEAR 1920.

In a speech which I delivered in the House December 14, 1918, during general debate on the Post Office appropriation bill, I pointed out that in my opinion the deficit in the postal revenues would be for this fiscal year, which ends next July, 1920, about $25,000,000. I gave a statement of the figures on which I based my conclusion.

The present increase of $150 to each postal employee will amount in the aggregate to about $40,000,000, and therefore will increase the amount of the deficit, and I do not see how it can be kept much lower than $60,000,000. Of course the postal receipts may run considerably higher than I have estimated and therefore make considerable reduction in the amount of the deficit, but one thing is certain, there is bound to be a larger amount of expenditures in the Postal Service for this fiscal year than there will be receipts.

All talk of 1-cent postage is idle and should be abandoned. I think we will be fortunate if we are able to keep the rate of postage at 2 cents on first-class mail. I believe that the Post Office Department should pay its own way, and if present rates are not sufficient to do that and pay to postal employees fair and just wages, then we will simply have to raise them.

I feel very certain that there should be some readjustment of parcel-post rates and rates on second-class matter.

Notwithstanding the zone postage law on second-class matter, there is still a large annual loss to the Government in carrying and delivering this particular class of mail, and therefore all such inequalities and undercharges should be corrected and adjusted before there is any increase in the rates on first-class mail.

At the end of the present fiscal year we will be better able to deal with these questions than we are now, and therefore, for this year at least, whatever deficit there is will have to be met out of general taxation.

CONCLUSION.

Before I conclude this extension of remarks I want to say this one other thing: The productive output of the labor of postal employees during the trying months through which we have just passed has been worthy of all praise. Notwithstanding very large increases in the amount of mail handled, although there have been millions of pieces of Government mail connected with war activities, there has been only the normal increases in the number of postal employees. By this very token they have shown themselves entitled to receive the increases in salaries which have been given.

The whole record of the Postal Service during the war is a worthy tribute to the administrative ability of Postmaster General Burleson and his able assistants and the tireless energy of the entire postal force—postmasters, carriers, clerks, railway mail clerks, and all others who have so faithfully and efficiently labored.

Will the good work keep up? We have every reason to believe that it will.

Certainly there never was a time when there was greater need for every man to do his duty than now.

At a time when the whole world is in such dire need of increased production and when its wisest and most conscientious statesmen are bending every energy and effort to liquidate the difficult and complex problems of the war, every man needs to put forward his very best effort.

Patriotism, mutual consideration for one another's welfare, and enlightened self-interest all call out for a man to do his best.

An intelligent and willing cooperation on the part of every one will do greater good and accomplish more than anything that I can think of in this day when so much is being written and said about the relations of capital and labor.

Mr. J. H. Ferguson, of the Baltimore Federation of Labor, very well said in a recent statement:

> Changes in our economic and political systems will have only partial and feeble efficiency if they be not reinforced by the Christian view of work and wealth. No program of betterment will prove reasonably effective without a reform in the spirit of both capital and labor. The laborer must come to realize wherever he has not already done so that he owes his employer and society an honest day's work in return for a fair wage, and that conditions can not be substantially improved until he roots out all desire to get a maximum of return for a minimum service. The capitalist must likewise get a new viewpoint. He needs to learn that oft-forgotten truth that wealth is stewardship; that profit-making is not the basic justification of business enterprise; and that there are such things as fair profits, fair interest, and fair prices. Above and before all, he must cultivate and strengthen within his mind the truth which many of vision have already grasped, that the laborer is a human being, not merely an instrument of production, and that the laborer's right to a decent livelihood is the first moral charge upon industry.

Mr. STEENERSON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I shall not yield for interruptions. This bill increases the compensation of every man in the Postal Service from the supervisory officials down to the commonest laborer by $150 for the current fiscal year. It costs $40,000,000 to do what is proposed in this bill. It will undoubtedly create a deficiency of $30,000,000 in the postal revenues for the current fiscal year. That the men ought to have more compensation I do not undertake to deny, but every one here knows that the postal commission charged by the last Congress with the study of what compensation shall be paid in the future to postal men is now at work, and that on next Monday it begins its hearings in New York and Boston, Chicago, St. Paul, Cincinnati, Kansas City, Atlanta, Memphis, and other points throughout the country. Every man in the Postal Service will have an opportunity to present his reasons for an increased compensation. That commission will thereby be enabled to report a bill with the knowledge that will insure intelligent conclusions, and this increase for the period ending June 30, 1920, may therefore be considered only a temporary expedient pending the conclusions of that commission.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. MADDEN. I refuse to yield. No man will say that I am unfriendly to the men of the Postal Service. I have devoted my life to the amelioration of the conditions of those men, and I have stood, in season and out of season, for the betterment of those conditions, and I thoroughly believe that to-day there is not a man in the service, unwillingly perhaps, who will not be glad to accept this $150 temporary increase.

Mr. GOLDFOGLE. May I suggest——

Mr. MADDEN. The President of the United States—I decline to yield—only recently said that beyond a certain limit he would not go, and for one Member of the Congress of the United States I refuse to get into a conflict with the President in these strenuous times. [Applause.] Every man, whether he is in the Postal Service or any other service, should be sufficiently patriotic to join hands with every other American to stabilize conditions in the country, to harmonize the equilibrium of the Nation. There never was a time when patriotism was more needed than it is to-day [applause], and I call upon you men here and you men over there and the men in the Postal Service

to stand as Americans for America, stand as one man everywhere to stabilize conditions, to prevent disturbances, to call a halt, to help to reduce the high cost of living, and to act for America as Americans. And I come to you this afternoon as a friend of the postal men pleading with you to vote to give them this increase and to say to the postal men that they shall have ample opportunity to present their case to your commission, and when they are presenting their case to this commission they will be speaking to their friends, and while I promise nothing as to what the commission will do, or as a member of the commission what I shall do, I can simply say that we will be sane and safe, and we will be just to every interest, to the American people, and to the postal men who are a great section of the American citizenship. [Applause.]

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"] The gentleman from Minnesota has three minutes remaining.

Mr. STEENERSON. I yield one minute to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I am very sorry that the resolution has been presented under parliamentary conditions which make it impossible for the House to express its judgment as to the exact amount of the proper increase. At the same time, I assume that every man who feels, as I think almost every man in this House must feel, that the postal employees are not adequately compensated will gladly vote for this resolution because it is the best thing we can get at the present time. I feel that the special investigating committee, for which the chairman of the committee, Mr. STEENERSON, spoke a few moments ago, has a very great responsibility upon it to conduct its investigations at the earliest possible moment and to report the results of those investigations to the House. Such action is essential to enable the House and the Congress to legislate wisely for the postal men at the earliest possible moment.

Of my own knowledge, I know of the struggle that our post-office clerks and carriers are undergoing and have for years undergone in an effort to make both ends meet; of my own knowledge I know of the loyalty and devotion with which they have gone on year after year, doing their duty faithfully and well, taking pride in the consciousness of service well performed and avoiding even the suggestion of a resort to force or intimidation to which their power and the analogy of other groups of workers might have led them to turn; of my own knowledge I know of the difficulty which the Government has recently been experiencing to induce men of the proper caliber to enter the Postal Service, applicants very naturally being discouraged because of the extremely low salary offered to them as compared with that offered to wage earners in other lines of industry; of my own knowledge I know the importance to the Nation of maintaining a strong, intelligent, and efficient personnel throughout our Postal Service and also of keeping that personnel contented and imbued with the conviction that the Government is the friend of the letter carrier and of the postal clerk. Because of these considerations I am anxious that a fair increase in salary be given by Congress. In my judgment the present increase is not adequate. But it is the only increase for which the House has the opportunity at this time to vote. Therefore I shall vote in favor of it, and I assume that every Member of the House will vote in favor of it. But I rise to express my earnest conviction that Congress will be recreant to its duty if it does not at the earliest possible moment take action looking to a scientific readjustment of the salaries of our postal employees.

The SPEAKER. The time of the gentleman has expired.

Mr. STEENERSON. I yield one minute to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, there is no class of employees in the Government service to-day, nor have there been for the past several years, who have been treated as badly as the postal employees, yet they are men of a very high intelligence and most efficient. They have been treated badly by the Postmaster General and the men under him. They have been treated badly in that they have been denied in many instances the rights of human beings, the right of men to speak and act of their own free will. German autocracy never equaled it. We have here an opportunity to do something for them. It is not at the recommendation of the Postmaster General, and I believe that if we would vote here to increase the pay of these employees in the amount that they should really have—$500, instead of $150—that the President would veto it upon the recommendation of his Cabinet officer, the Postmaster General. And so we are doing something to help a class of people who have been badly neglected and mistreated and whose pay is far below what it ought to be to give them a decent livelihood.

The SPEAKER. The time of the gentleman has expired.

Mr. STEENERSON. I yield one minute to the gentleman from Minnesota [Mr. NEWTON].

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. I rise for the purpose of asking whether——

The SPEAKER. The gentleman from Minnesota has the floor.

Mr. GOLDFOGLE. I beg pardon.

Mr. NEWTON of Minnesota. Mr. Speaker, this measure vitally affects the living conditions of thousands of Postal employees and their families. I had hoped that our Committee on the Post Office and Post Roads would see its way clear to report out a more compensatory measure, but in view of the fact that they have considered otherwise, and have reported out this bill, I shall vote for it and hope that there will not be a dissenting voice in this Chamber.

Mr. Speaker, for 30 years or more I have had many friends and acquaintances among the men of the Postal Service in the city of Minneapolis, and also many others in the Railway Postal Service. Many of these men I have known intimately; knowing them well, I know somewhat of their problems.

During the past 15 years there has been a steady advance in the cost of living. To meet this, as I recall, there has been no general advance in the salaries of these men, since about 1909 or 1910 until last year, when a general advance of $200 per year was authorized. This bill provides for $150 per year more—a total, if this bill becomes a law, of $350. This advance, of course, is not in keeping with the advance of the cost of living, but as the result, men—experienced, skilled men—are leaving the service right along.

Before engaging in the practice of law, I was employed by a wholesale saddlery house in Minneapolis. During that time several journeymen harness and collar makers in the employ of that concern took the civil-service examination and qualified for the Postal Service. They were first employed as substitutes. The officers of that company gladly cooperated with the men in their desire to better themselves and permitted them to remain and work at their trade at such times as they were not engaged as substitutes in the Postal Service and until they became regularly employed in that service.

Figuring the then wage of the harness and collar makers and the salary of the Postal employees, they were bettering themselves.

Are men leaving trades now to go into the Postal Service? No! But skilled Postal Service men are leaving the Government service to accept private employment. This is true the country over.

With what effect on the service? To ask the question is to answer it. The service, which is so important to the social and business life of our Nation, is not what it once was.

Consequently we find labor organizations and business interests the country over joining hands in requesting Congress to do its part in remedying the situation.

It is an emergency measure. I am pleased to hear from my good friend and colleague, the chairman of this committee, that the Reclassification Commission expects to report a thorough, scientific revision of this whole salary question at the beginning of the regular session in December.

Mr. Speaker, I believe that the people of this country expect the Government of the United States to pay its employees an adequate wage, certainly not less than what these same men under similar working conditions could receive from private employment.

The SPEAKER. The time of the gentleman has expired; all time has expired.

Mr. LANGLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LANGLEY. I ask unanimous consent to extend my remarks on this bill, as I have not been able to get time.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks on this bill. Is there objection?

Mr. MADDEN. Might I suggest to the gentleman that he wait until after the bill is disposed of?

Mr. LANGLEY. Why not now?

Mr. STEENERSON. I am going to ask unanimous consent that all gentlemen have the right to extend their remarks.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of asking the gentleman from Minnesota whether he will have objection to my asking unanimous consent, or to granting consent, to allow a vote upon the proposition to increase the salaries of postal employees to 25 per cent?

Mr. DYER. Mr. Speaker, I ask for the regular order.

Mr. MADDEN. I object to that.

The SPEAKER. The gentleman from Missouri demands the regular order. The question is on passing the joint resolution under suspension of the rules.

The question was taken, and two-thirds having voted in the affirmative, the joint resolution as amended was passed.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that gentlemen may have five days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that all gentlemen may have five days in which to extend their remarks on the resolution just passed. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Speaker, a parliamentary inquiry. May I inquire whether or not the title of this resolution should be amended?

Mr. VAILE. Does the gentleman mean the resolution just passed?

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that the title may be amended to correspond to the text.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the title may be amended to correspond to the text. Is there objection? [After a pause.] The Chair hears none.

PURCHASE OF PUBLIC LANDS BY CITY OF BOULDER, COLO.

Mr. VAILE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 6410. This is on the Private Calendar, on the last page.

The SPEAKER. The gentleman asks unanimous consent for the immediate consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands.

The SPEAKER. Is there objection to the immediate consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands.

Be it enacted, etc., That the city of Boulder, in the county of Boulder, Colo., is hereby authorized, for a period of five years from and after the passage of this act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for use in connection with the lands heretofore purchased by said city under the provisions of the act of Congress entitled "An act to grant certain lands to the city of Boulder, Colo.," approved March 2, 1907 (34 Stats., p. 1223), for purposes of water storage and supply of its waterworks, the following described lands, to wit: The west half of section 27 and the north half of the northwest quarter of section 34, township 1 north, range 73 west, sixth principal meridian, containing 400 acres within the Colorado National Forest, or any part of said lands.

SEC. 2. That the said conveyance shall be made upon the payment by said city for the lands purchased at the rate of $1.25 per acre: *Provided*, That the conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further*, That said city shall have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose, the same, or such parts thereof not so used, shall revert to the United States; the conditions and reservations herein provided for shall be expressed in the patent.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. TIMBERLAKE. Mr. Speaker, there is a committee amendment.

Mr. VAILE. Mr. Speaker, the committee amendment is in line 17, page 2, after the word "shall" insert the word "not"—a mere clerical error.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF ALLOTMENTS IN QUAPAW AGENCY, OKLA.

Mr. HOWARD. Mr. Speaker——

The SPEAKER. The gentleman from Oklahoma is recognized.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 7751.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the immediate consideration of H. R. 7751, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7751) authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

The SPEAKER. Is there objection?

Mr. STEENERSON. Mr. Speaker, a parliamentary inquiry. Was it not agreed that the Unanimous Consent Calendar was to be called?

The SPEAKER. The Chair will state that it is the purpose of the Chair to revert to the Unanimous Consent Calendar. There were two or three bills called to the attention of the Chair which the gentleman in charge said were of immediate importance, and therefore the Chair took the liberty of recognizing the gentleman to call up the bills.

Mr. STEENERSON. The call will be resumed?

Mr. GARD. Reserving the right to object, in what position is the bill of the gentleman from Oklahoma [Mr. HOWARD]?

The SPEAKER. It comes fourth from the end of the calendar. Is there objection to the immediate consideration of the bill?

Mr. MONDELL. Mr. Speaker, we did not hear the bill reported.

The SPEAKER. The Clerk will report the bill by title once more. The Chair ought to add, in connection with this decision, that he was influenced by the fact, as he understood it, that the bills were such that there would be no objection to them. Of course, he is liable to be mistaken in that. The Clerk will again report the bill by title.

The title was again read.

The SPEAKER. Is there objection to the immediate consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 7751) authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon the application heretofore or hereafter made, of one or more of the owners of any inherited and unpartitioned allotment in the Quapaw Agency, Okla., to sell said allotted lands, in whole or in part, for town-site purposes, under such rules and regulations as he my prescribe, concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians: *Provided*, That any duly authorized representative of the Interior Department may execute any deed or other instrument necessary to the completion of such sale in the name and on behalf of any of the owners of said land if such owner or his legal representative shall fail or refuse to execute such deed or other instrument for a period of 30 days after being given notice in such manner as the Secretary of the Interior may prescribe that such deed or other instrument is ready for execution.

In conducting such sale the Secretary of the Interior may, in his discretion, prescribe such conditions and requirements as may be necessary for the protection of any person or persons he may find to have legal or equitable interests in any of said lands or the improvements thereon, making due allowance, in his discretion, for the value of such improvements, but no preference right to purchase any lot or tract shall be accorded any person for a period exceeding 90 days.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to cover the expense of conducting such sale, such sum to be reimbursed to the Treasury out of the proceeds of the sale and to be apportioned among the distributees of the fund derived from the sale.

Also the following committee amendments were read:

Line 5, page 1, strike out the words "one or more" and insert in lieu thereof the words "a majority in interest."

Line 7, page 1, after the word "sell," insert the words "the surface of."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HOWARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS TUG RIVER, KY.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate bill 2700, Calendar No. 59. There is a unanimous report on it from the House Committee on Interstate and Foreign Commerce, and there is no objection to the passage of the bill. It is very important to the Hewit Lumber Co. that it become a law as quickly as possible, as they have been ready for some time to begin the work, and are waiting now to get word of the passage of the bill. They have the labor and materials all ready, and I hope that none of my colleagues will object to this request.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the immediate passage of Senate bill 2700.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. When will we return to the Calendar for Unanimous Consent?

The SPEAKER. The only reason why we took this up was because it was stated it is now so late that it was feared that

unless immediate action were had they would not be able to reach it in time. Is there objection?

Mr. MONDELL. Mr. Speaker, the bill was not reported.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 2700) granting the consent of Congress to the D. E. Hewit Lumber Co. to construct and maintain a bridge across Tug River, connecting Martin County, Ky., and Wingo County, W. Va.

The SPEAKER. Is there objection to the immediate consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. BEE. Is this a private corporation that is building this bridge?

Mr. LANGLEY. Yes.

Mr. BEE. Is there any public control of it, or protection to the public with reference to fees or anything connected with it?

Mr. LANGLEY. Yes; the War Department has considered the matter and approved the proposition, and the language of the bill itself provides that it is to be subject to the existing general laws governing such matters. It is all right, I can assure my friend from Texas [Mr. BEE].

Mr. BEE. It does not appear in the bill. I did not know that the public was protected.

Mr. LANGLEY. Yes; it is. It is in the usual form of bridge bills.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the D. E. Hewit Lumber Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tug River at a point suitable to the interests of navigation, one end of said bridge being in Martin County, Ky., and the other end of the said bridge being on the opposite side of the Tug River, at Kermit, in Mingo County, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LANGLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SUPPLY OF RAILROAD TIE TIMBER.

Mr. DYER. Mr. Speaker, I desire to make a unanimous consent request with reference to having a resolution restored that was stricken from the Calendar.

The SPEAKER. The gentleman will state his request.

Mr. DYER. It is House resolution 186, requesting the Interstate Commerce Commission to make certain investigations regarding the present and future supply of tie timber. It was called up, and the gentleman from Ohio [Mr. GARD] objected to it. I have talked with him, and he has no objection, and I ask unanimous consent that the resolution may be continued upon the calendar without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that House resolution 186 be restored to the calendar.

Mr. GARD. Under the rule, I believe it goes to the foot of the calendar.

Mr. DYER. If it is passed over without prejudice, it would not.

The SPEAKER. If it is desired, the Chair will state that request.

Mr. GARD. I think that is the general rule.

Mr. DYER. I ask unanimous consent that the resolution I have named be passed over without prejudice.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

THE LATE REPRESENTATIVE RAGSDALE, OF SOUTH CAROLINA.

Mr. IGOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some resolutions sent to me on the death of the late Representative RAGSDALE, of South Carolina.

The SPEAKER. The gentleman from Missouri asks unanimous consent to insert in the RECORD some resolutions concerning the death of the late Representative RAGSDALE, of South Carolina. Is there objection?

There was no objection.

Following are the resolutions referred to:

ST. LOUIS, MO., *July 29, 1919.*

Hon. WILLIAM L. IGOE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: On the motion of Dr. Emmett Kane, I was instructed to forward you inclosed resolution of sympathy with the request that you have it printed in the CONGRESSIONAL RECORD.

Thanking you for your attention in this matter, I am

Yours, very truly,
C. J. DOLAN,
Chairman of Resolutions Committee.

Whereas the Friends of Irish Freedom of St. Louis have learned with profound sorrow of the untimely demise of Congressman J. W. RAGSDALE, of South Carolina; and

Whereas they are mindful of his sincere sympathy for the cause of Irish freedom, which he manifested in so unmistakable a manner during the hearings on the Irish question before the Foreign Relations Committee of the House; and

Whereas he was at all times a staunch champion of the right of free government: Now, therefore, be it

Resolved, That the Friends of Irish Freedom of St. Louis tender to the colleagues of the deceased Congressman their sincere sympathy; and be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives and to Congressman HENRY D. FLOOD, of Virginia.

FORWARDING MAIL MATTER OF CERTAIN CLASSES.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6951) authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter.

The title of the bill was read.

The SPEAKER. Is there objection to the immediate consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter, under such regulations as the Postmaster General may prescribe, fourth-class matter of obvious value which is of a perishable nature may be forwarded to the addressee at another post office charged with the amount of the forwarding postage, and when such matter of a perishable nature is undeliverable to the addressee it may be returned to the sender charged with the return postage: *Provided*, That other undeliverable matter of the second, third, and fourth classes may be forwarded to the addressee or to such other person as the sender may direct, at another post office, charged with the amount of the forwarding postage, or it may be returned to the sender charged with the return postage, when it bears the sender's pledge that the postage for forwarding and return will be paid, such postage to be collected on delivery: *Provided further*, That when the sender refuses to furnish such postage in accordance with his pledge, the acceptance from him of further matter bearing such pledge may be refused.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Consent has not been given to its consideration.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, if the bill is going to be worth anything, it occurs to me that we should substitute the word "shall" for the word "may," because the word "may" leaves it entirely in the discretion of the various postmasters throughout the country as to whether or not they shall comply with the provision in the bill. It occurs to me that if the bill is going to mean anything, as a piece of constructive legislation, we should compel the postmasters to do this. I would like to ask the chairman of the committee whether or not he would object to such an amendment to substitute the word "shall" for the word "may" where it occurs in the bill?

Mr. STEENERSON. I would like to confer with the gentleman about that. It is a matter of discretion in the hands of the department. Here, for example, may be a box of berries. It is discretionary whether or not you shall return them.

Mr. BLANTON. I can not agree with the distinguished gentleman, because it is left to the discretion of every Tom, Dick, and Harry scattered over the various post offices of the country.

The SPEAKER. The Chair is mistaken in having said unanimous consent had not been given. He is now informed that it was given.

Mr. BLANTON. I watched the Chair all the time, and I watched for the Chair to put the question.

The SPEAKER. The Clerk has read the complete bill. Does the gentleman from Texas offer an amendment?

Mr. BLANTON. Yes; I offer an amendment.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas offers an amendment.

Mr. BLANTON. I offer the following amendment, that wherever the word "may" appears in the bill the word "shall" shall be substituted therefor.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Strike out the word "may" wherever it occurs in the bill and insert in lieu thereof the word "shall."

Mr. BEE. Mr. Speaker, I hope the House will not adopt the amendment of the gentleman from Texas [Mr. BLANTON]. I am not very much enamored altogether with this bill. Let me say to the gentleman from Minnesota [Mr. STEENERSON] that I speak from experience, because I spent four years of my life as a mailing clerk in the post office of a large city. I have no objection to that portion of the bill with reference to perishable matter, but I submit to the House that the postmaster ought to have discretion as to whether the perishable matter is worth forwarding or returning, because in many instances when it reaches the post office of its destination it is in a state of decay, and to compel the postmaster to send it forward or backward, except in those cases where he can exercise his discretion, after an examination, would be a foolish thing. It will not do to say that the postmaster is going to destroy property wantonly which belongs to somebody else. That is not the history of postmasters in this country. The history of postmasters is that they are faithful in the discharge of their duty, regardless of what administration they serve under; and to say that they are going to deliberately destroy perishable property in proper condition is a wrong construction. If the chairman of the committee accepts the amendment of my colleague from Texas to make it "shall" instead of "may," he will compel the postmaster to send back a chicken that is dead or eggs that are already rotten.

Mr. STEENERSON. Will the gentleman yield?

Mr. BEE. Yes.

Mr. STEENERSON. "The gentleman from Minnesota" has not agreed to accept anything. He said to the gentleman from Texas [Mr. BLANTON] that he might offer his amendment and let it be submitted to the House.

Mr. BEE. All right.

Mr. STEENERSON. I agree with the gentleman. This provision is the result of mature consideration. It represents the experience of the department for many years and has been recommended in two annual reports.

Mr. BEE. Turning to the proviso, that undeliverable matter of the second, third, and fourth classes may be forwarded to the addressee, or to such other person as the sender may direct, at another post office, let me say to the House that every man who has worked in a post office knows that there are certain corporations which send out stacks and stacks of fourth-class matter which pile up in post offices until the postal employees are unable to get rid of them. Newspapers are sent all over the land, and under this provision, as I understand it—if I am mistaken, the chairman of the committee will so inform me—the Post Office Department would be compelled to forward this fourth-class matter back and forth, when it is absolutely valueless to anybody.

Mr. STEENERSON. The gentleman is mistaken. This bill does not require it. It simply grants authority and leaves it discretionary with the postmaster.

Mr. BEE. But the amendment of the gentleman from Texas [Mr. BLANTON] would take away that discretion and make it compulsory.

Mr. STEENERSON. We have not agreed to that amendment.

Mr. BEE. I am talking about the provision that fourth-class matter shall be forwarded to the addressee.

Mr. STEENERSON. It may be forwarded.

Mr. BEE. But the trouble is that whenever you put upon already overburdened and overworked postal employees the responsibility or the discretion of having to forward and reforward this third and fourth class matter, which is absolutely valueless and in ninety-nine cases out of one hundred ought never to have been sent through the mails, you are simply burdening the Postal Service with a lot of work with which it ought not to be burdened.

Mr. STEENERSON. They do not do it unless the package bears the pledge on the face of it that the postage will be paid.

Mr. BEE. You can sign a pledge, and I can sign a pledge, and any man can sign a pledge to pay the postage on matter which is sent, but then how are you going to get your postage thereafter?

Mr. STEENERSON. If the postage is not paid, there will be only one package reforwarded.

Mr. BEE. Yes; but the damage may be done. I do not object to the bill, but I do insist that the amendment of my friend from Texas ought not to be adopted, and that the Post Office Department ought not to be compelled to send matter wherever some man wants it, when it is already in no condition to be sent anywhere, or is worthless if it is sent.

Mr. BLANTON. Mr. Speaker, I will withdraw my amendment and offer it as follows.

Mr. RAKER. Have all the amendments been withdrawn that the gentleman from Texas offered?

The SPEAKER. Yes.

Mr. RAKER. Very well.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 1, line 5, strike out the word "may" and insert the word "shall"; line 8, strike out the word "may" and insert the word "shall"; line 11, strike out the word "may" and insert the word "shall"; page 2, line 2, strike out the word "may" and insert the word "shall."

Mr. BLANTON. Mr. Speaker, I fully realize that when a committee brings a piece of legislation before this House for consideration we are expected to vote for it blindly, and that any amendment, however meritorious, that may be offered by me will meet with overwhelming defeat. Such a situation will not prevent me from doing my duty, for in an effort to make this measure mean something worth while I have offered the foregoing amendment, against which no Member can find any tenable reason to oppose, yet I fully realize that it will be defeated.

What is the purpose of this bill? It provides that fourth-class perishable mail of obvious value may be forwarded where the addressee has moved, forwarding charges to be collected, and if then undeliverable may be returned to sender, charges collect; and further provides that when on the matter the sender requests and pledges the payment of return postage, other second, third, and fourth class matter may be forwarded or returned to sender.

You will note that the word "may" is used throughout the bill, making it discretionary entirely with the various postmasters over the land whether or not they will comply with the sender's directions.

My amendment merely substitutes the word "shall" for the word "may," making it mandatory upon each postmaster to comply with the forwarding or returning directions of the sender. Now, what reasonable excuse can any Member offer for voting against my amendment. This bill is designed to benefit a Member's constituency, and not the committee. When your constituents ask you why you did not support this amendment, in order to make this law of benefit to them, do you suppose that they will accept your excuse "that the committee did not think of it when framing the bill, and you could not go against the committee," or will they tell you "To hell with the committee," it was a proper, beneficial law they wanted?

My colleague from Texas [Mr. BEE] intimates that we may safely rely upon the judgment, discretion, and action of all the postmasters in the thousands of offices over the country. Postmasters are just like any other class of individuals—all different and no two alike. They are all humans. In creating us the good Lord has wisely seen fit to give each one of us characteristics distinctly peculiar to each separate individual, so that a wife knows her husband from every other person on the globe, hence it is not strange that postmasters differ.

The gentleman from San Antonio, who had four years' experience in a city post office, seems to think because some offices become congested with third and fourth class mail that it is absolutely worthless both to the sender and the person for whom it was intended. Let me give my colleague a concrete illustration: There is in my district a health resort to which people flock from the four corners of the United States seeking restoration from the splendid health-giving waters abundantly flowing from the ground. I refer to the city of Mineral Wells, Tex., where over 100,000 tourists visit each year. Our citizens from every portion of Texas go there regularly when in need of this valuable water. Complaint after complaint has come to me that it is impossible to receive even first-class mail with any regularity or dependability at this office, and Texas people who depend upon their leading daily newspapers, such as the Dallas News, the Houston Post, the San Antonio Express, and the Fort Worth Star-Telegram, for reading matter have considered themselves lucky if they could get the post office at Mineral Wells to deliver their daily paper to them two days out of the seven, and they could never ascertain what became of their papers on the other days. Much valuable mail has miscarried there, and parties have never been able to find it. Only the other day Mr. Ed A. Doggett, who runs the Ideal Café in Mineral Wells, advised me that on May 10, 1919, he turned over to this post office

$35 in war saving stamps to be cashed as he was in need of money, being told that it would be necessary to send the stamps to Washington to be cashed, and that he has never yet been able to get the postmaster at Mineral Wells to pay him his money or to return his stamps, and that he is insulted by the postmaster for making inquiry. When we have such service as this in an office as big as that in the splendid city of Mineral Wells, Tex., does my colleague from San Antonio still insist that we may depend upon the discretion of all postmasters?

Mr. BEE. I want to ask the gentleman in reference to the postmaster at Mineral Wells—and I know nothing about him—but if these complaints are true, why is he not removed and somebody put there who will properly discharge the duties?

Mr. BLANTON. I have lodged these complaints with the department from time to time. Only recently I was forced to advise Mr. John W. Johnston, chief clerk in the First Assistant Postmaster General's office, that I had received more complaints against the post office at Mineral Wells, Tex., than from all the other offices in my district put together. Only day before yesterday I sent to the First Assistant Posmaster General the complaint of Mr. Doggett. But if my colleague had been here very long he would know that under the civil-service rules it is almost impossible to have a postmaster, however incompetent, removed. I filed with the department numerous affidavits from citizens in Abilene, Tex., against the postmaster there and asked for an investigation of their charges. The department sent an inspector, who did not see half of the parties making the affidavits, yet reported their complaints unfounded. So I do not waste time in asking for an investigation. Most people in a community had rather put up with indifferent service than to incur the enmity of a postmaster by testifying against him. I am glad, indeed, that the great majority of our postmasters are earnest, energetic, conscientious public servants, anxious and diligent in their efforts to properly serve their patrons.

Illustrating how this Congress is bound hand and foot by the action of a committee, I call attention to the last bill just passed by this House allowing only $150 increase to second and third class postmasters and postal employees and only 10 per cent increase to fourth-class postmasters. At least three-fourths of the Members of this House are strongly in favor of granting a greater increase and would vote to do so if given an opportunity, yet the committee, by its action this evening, cuts off all amendments and all discussion and forces a measure acknowledged to be imperfect, which three-fourths of the Members would like to change, yet are forced to accept without change and to vote for it without the dotting of an "i" or the crossing of a "t." Why are not we in a position to do what we want to do and to vote for the things that appeal to our judgment without having a committee ram things down our throats?

If this amendment of mine were left to the constituents of my colleagues, there would hardly be a vote against it. Yet when the roll is called besides my own there will hardly be a vote for it. Then why am I willing to raise a point that will show me voting in such a hopeless minority? Merely, if possible, to establish a precedent—that a Member in Congress can propose and vote for things that appeal to common sense and good judgment even if the committee did not think of it first.

I am ashamed of the measly consideration shown postal employees and second, third, and fourth class postmasters. Ever since I have been in Congress I have worked to more adequately pay them. Resignation after resignation has been made in my district. We can not put this matter of doing them justice off much longer if we keep them in the service.

The SPEAKER. The time of the gentleman has expired.

Mr. BEE. Mr. Speaker, I never have asked the Postmaster General for a favor since I have been in office, and I do not propose to start now.

Mr. BEE. I want to ask the gentleman in reference to the postmaster at Mineral Wells—and I know nothing about him—but if these complaints are true why is he not removed and somebody put there who will properly discharge his duties?

Mr. BLANTON. I have been trying to do so, but have not got action. If the gentleman will go down and see his relative, it might be that I might get some action. Unfortunately a Member of Congress can not remove a postmaster, because if I could, when I found out that a postmaster was disregarding his duties and the business of his country, I would remove him so quick it would make his head swim.

Mr. BEE. The gentleman has complimented me very highly by referring to my relationship to the Postmaster General, of which I am very proud.

Mr. BLANTON. I have a high regard for the Postmaster General. I have defended him on the floor of the House, and I have done so this afternoon.

Mr. STEENERSON. Mr. Speaker, so far as the proposition of the gentleman from Texas [Mr. BLANTON] is concerned, I would say that if the experience of the Postmaster General makes it necessary to tell any particular postmaster that he should do a certain thing, he would be authorized to do that under the general authority of the bill—

That hereafter, under such regulations as the Postmaster General may prescribe—

And so forth.

If it is found necessary from experience to do this, the Postmaster General will do it, and if he finds that there are other postmasters like the one the gentleman from Texas complains of I think the remedy will be in making the regulations more binding.

This bill should be considered with reference to the conditions that now exist. It is not necessary to discuss the first clause of this bill. It is obvious that where there is a piece of parcel post that is perishable it ought to be discretionary with the postal officials as to whether or not it should be forwarded, but as to the other second, third, and fourth class matter, as it is now, the procedure is this: If the addressee is not there, has gone away to another residence, then he is notified that there is a book there or a parcel, and he is required to send a letter with the postage to pay to forward it. I live in Crookston, Minn., and several times have received notices of that kind. I received one yesterday and it is now on my desk, and I have to send the postage to get that book or parcel, whatever it may be, forwarded to me here.

If this measure was a law, and the sender of that parcel or that book had printed on it the pledge that he would pay the forwarding or return postage in case I could not be found, the Post Office Department would not be required to do all of that work. In his report on the bill the Postmaster General says:

It is therefore believed that provision should be made for the prompt forwarding or return of undeliverable perishable matter, and also for the return of other undeliverable fourth-class matter, and that of the second and third classes bearing the pledge of the sender to pay the return postage, the collection of such postage to be made upon delivery of the matter. This would expedite the handling and disposition of such matter in the mails and would relieve the Postal Service of the labor and expense of sending notices that the matter is held and will be returned on receipt of the postage.

That involves a great deal of clerical work, and, as he says, the post office would be relieved from that, and, instead of having the expense of doing that work, they would receive the postage that it would require to forward the mail. It seems to me this is a matter of the administration of postal affairs of which the department is best informed. The Committee on the Post Office and Post Roads gave careful consideration to this matter. They were unanimous in their report on the bill, and the Postmaster General strongly recommends it.

I ask for a vote.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and Mr. BLANTON demanded a division.

During the division.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 5, nays 246, answered "present" 1, not voting 178, as follows:

YEAS—5.

Blanton	McKeown	Ricketts	Smith, Ill.
McFadden			

NAYS—246.

Ackerman	Box	Coady	Dickinson, Mo.
Alexander	Brand	Cole	Dickinson, Iowa
Anderson	Briggs	Collier	Dominick
Andrews, Nebr.	Brinson	Copley	Dowell
Aswell	Brooks, Ill.	Crago	Dunbar
Ayres	Brooks, Pa.	Crisp	Dyer
Babka	Browning	Cullen	Echols
Bacharach	Buchanan	Currie, Mich.	Edmonds
Baer	Burdick	Curry, Calif.	Elliott
Barbour	Caldwell	Dale	Elston
Bee	Campbell, Pa.	Dallinger	Esch
Begg	Candler	Darrow	Evans, Mont.
Bell	Carew	Davey	Evans, Nev.
Black	Carss	Davis, Minn.	Fairfield
Blackmon	Chindblom	Davis, Tenn.	Fess
Bland, Mo.	Christopherson	Denison	Fisher
Bland, Va.	Clark, Mo.	Dent	Fitzgerald
Bowers	Cleary	Dewalt	Focht

Fordney	Kearns	Moore, Ohio	Smithwick
French	Keller	Moore, Va.	Steagall
Gallagher	Kelly, Pa.	Morgan	Steenerson
Gandy	Kendall	Nelson, Mo.	Stevenson
Ganly	King	Nelson, Wis.	Strong, Kans.
Gard	Kinkaid	Newton, Minn.	Summers, Wash.
Garner	Kitchin	Newton, Mo.	Sweet
Garrett	Kleczka	Nolan	Swope
Glynn	Knutson	O'Connell	Taylor, Colo.
Goldfogle	Kraus	O'Connor	Taylor, Tenn.
Good	Lampert	Oldfield	Temple
Goodall	Lanham	Oliver	Thomas
Goodykoontz	Lankford	Osborne	Thompson, Okla.
Graham, Ill.	Larsen	Overstreet	Tillman
Green, Iowa	Lazaro	Park	Tilson
Greene, Mass.	Lee, Ga.	Parrish	Timberlake
Greene, Vt.	Lesher	Pell	Tincher
Hamilton	Lonergan	Peters	Tinkham
Hardy, Colo.	Longworth	Phelan	Upshaw
Hardy, Tex.	Lucc	Platt	Vaile
Harrison	Luhring	Purnell	Venable
Hastings	McAndrews	Quin	Vestal
Hawley	McClintic	Radcliffe	Vinson
Hayden	McCulloch	Raker	Voigt
Hays	McDuffie	Ramseyer	Volstead
Hernandez	McLaughlin, Nebr.	Randall, Wis.	Watkins
Hersey	MacCrate	Reavis	Watson, Pa.
Hersman	MacGregor	Riddick	Watson, Va.
Hickey	Madden	Rodenberg	Weaver
Hicks	Major	Rogers	Webster
Hoch	Mansfield	Romjue	Welling
Houghton	Mapes	Rose	Whaley
Huddleston	Martin	Rowe	Wheeler
Hudspeth	Mason	Rubey	White, Kans.
Hull, Iowa	Mays	Sanders, Ind.	White, Me.
Hull, Tenn.	Merritt	Sanders, La.	Wilson, Ill.
Humphreys	Michener	Schall	Wilson, La.
Hutchinson	Miller	Scott	Wood, Ind.
Ireland	Minahan, N. J.	Sells	Woods, Va.
Jefferis	Monahan, Wis.	Sinclair	Wright
Johnson, Ky.	Mondell	Sinnott	Young, N. Dak.
Jones, Pa.	Montague	Smith, Idaho	Zihlman
Juul	Moon	Smith, Mich.	
Kahn	Mooney	Smith, N. Y.	

ANSWERED "PRESENT"—1.

Byrns, Tenn.

NOT VOTING—178.

Almon	Fields	Linthicum	Rucker
Andrews, Md.	Flood	Little	Sabath
Anthony	Foster	Lufkin	Sanders, N. Y.
Ashbrook	Frear	McArthur	Sanford
Bankhead	Freeman	McGlennon	Saunders, Va.
Barkley	Fuller, Ill.	McKenzie	Scully
Benham	Fuller, Mass.	McKinley	Sears
Benson	Gallivan	McKinley	Sherwood
Bland, Ind.	Garland	McLane	Shreve
Boies	Godwin, N. C.	McLaughlin, Mich.	Siegel
Booher	Goodwin, Ark.	McPherson	Sims
Britten	Gould	Magee	Sisson
Browne	Graham, Pa.	Maher	Slemp
Brumbaugh	Griest	Mann	Small
Burke	Griffin	Mead	Snell
Burroughs	Hadley	Moore, Pa.	Snyder
Butler	Hamill	Moores, Ind.	Stedman
Byrnes, S. C.	Haskell	Morin	Steele
Campbell, Kans.	Haugen	Mott	Stephens, Miss.
Cannon	Heflin	Mudd	Stephens, Ohio
Cantrill	Hill	Murphy	Stiness
Caraway	Holland	Neely	Strong, Pa.
Carter	Howard	Nicholls, S. C.	Sullivan
Casey	Hullings	Nichols, Mich.	Sumners, Tex.
Clark, Fla.	Husted	Ogden	Taylor, Ark.
Classon	Igoe	Olney	Thompson, Ohio
Connally	Jacoway	Padgett	Towner
Cooper	James	Paige	Treadway
Costello	Johnson, Miss.	Parker	Vare
Cramton	Johnson, S. Dak.	Porter	Walsh
Crowther	Johnson, Wash.	Pou	Walters
Dempsey	Johnston, N. Y.	Rainey, H. T.	Ward
Donovan	Jones, Tex.	Rainey, J. W.	Wason
Dooling	Kelley, Mich.	Ramsey	Webb
Doremus	Kennedy, Iowa	Randall, Calif.	Welty
Doughton	Kennedy, R. I.	Rayburn	Williams
Drane	Kettner	Reber	Wilson, Pa.
Dunn	Kiess	Reed, N. Y.	Wingo
Dupré	Kincheloe	Reed, W. Va.	Winslow
Eagan	Kreider	Rhodes	Wise
Eagle	LaGuardia	Riordan	Woodyard
Ellsworth	Langley	Robinson, N. C.	Yates
Emerson	Layton	Robsion, Ky.	Young, Tex.
Evans, Nebr.	Lea, Calif.	Rouse	
Ferris	Lehlbach	Rowan	

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. BLAND of Indiana with Mr. SMALL.

Mr. EVANS of Nebraska with Mr. SISSON.

Mr. FULLER of Illinois with Mr. ASHBROOK.

Mr. LAYTON with Mr. MCLANE.

Mr. FOSTER with Mr. ROBINSON of North Carolina.

Mr. MAGEE with Mr. LINTHICUM.

Mr. STEPHENS of Ohio with Mr. ALMON.

Mr. WASON with Mr. RUCKER.

Mr. WALSH with Mr. CARTER.

Mr. MOORES of Indiana with Mr. CONNALLY.

Mr. PAIGE with Mr. BRYNS of Tennessee.

Mr. ANDREWS of Maryland with Mr. YOUNG of Texas.

Mr. ANTHONY with Mr. WISE.

Mr. BURKE with Mr. WINGO.

Mr. BURROUGHS with Mr. WELTY.

Mr. BUTLER with Mr. STEELE.

Mr. CAMPBELL of Kansas with Mr. WEBB.

Mr. CANNON with Mr. TAYLOR of Arkansas.

Mr. COSTELLO with Mr. SUMNERS of Texas.

Mr. CRAMTON with Mr. SULLIVAN.

Mr. CROWTHER with Mr. STEPHENS of Mississippi.

Mr. DEMPSEY with Mr. STEDMAN.

Mr. DUNN with Mr. SIMS.

Mr. ELLSWORTH with Mr. SEARS.

Mr. EMERSON with Mr. SCULLY.

Mr. FREEMAN with Mr. SAUNDERS of Virginia.

Mr. GARLAND with Mr. SABATH.

Mr. GOULD with Mr. ROWAN.

Mr. GRAHAM of Pennsylvania with Mr. RIORDAN.

Mr. GRIEST with Mr. RAYBURN.

Mr. HADLEY with Mr. RANDALL of California.

Mr. HASKELL with Mr. JOHN W. RAINEY.

Mr. HAUGEN with Mr. HENRY T. RAINEY.

Mr. HULINGS with Mr. MEAD.

Mr. HUSTED with Mr. MAHER.

Mr. JAMES with Mr. MCGLENNON.

Mr. JOHNSON of Washington with Mr. MCKINLEY.

Mr. KELLEY of Michigan with Mr. LEA of California.

Mr. KENNEDY of Iowa with Mr. KINCHELOE.

Mr. KENNEDY of Rhode Island with Mr. KETTNER.

Mr. KIESS with Mr. JONES of Texas.

Mr. KREIDER with Mr. JOHNSTON of New York.

Mr. LANGLEY with Mr. JOHNSON of Mississippi.

Mr. LEHLBACH with Mr. JACOWAY.

Mr. LUFKIN with Mr. IGOE.

Mr. MCARTHUR with Mr. HOWARD.

Mr. MCKENZIE with Mr. HOLLAND.

Mr. MCKINLEY with Mr. HEFLIN.

Mr. MCLAUGHLIN of Michigan with Mr. HAMILL.

Mr. MCPHERSON with Mr. GRIFFITH.

Mr. MANN with Mr. GODWIN of Arkansas.

Mr. MORIN with Mr. GODWIN of North Carolina.

Mr. MUDD with Mr. GALLIVAN.

Mr. MURPHY with Mr. FIELDS.

Mr. NICHOLS of Michigan with Mr. FERRIS.

Mr. OGDEN with Mr. EAGLE.

Mr. PARKER with Mr. DOREMUS.

Mr. PORTER with Mr. DOOLING.

Mr. REBER with Mr. DONOVAN.

Mr. REED of West Virginia with Mr. CLARK of Florida.

Mr. RHODES with Mr. CASEY.

Mr. SANDERS of New York with Mr. CARAWAY.

Mr. SANFORD with Mr. CANTRILL.

Mr. SHREVE with Mr. BYRNES of South Carolina.

Mr. SLEMP with Mr. BRUMBAUGH.

Mr. SNELL with Mr. BOOHER.

Mr. SNYDER with Mr. BENSON.

Mr. STINESS with Mr. BARKLEY.

Mr. STRONG of Pennsylvania with Mr. BANKHEAD.

Mr. THOMPSON of Ohio with Mr. POU.

Mr. TOWNER with Mr. PADGETT.

Mr. TREADWAY with Mr. OLNEY.

Mr. VARE with Mr. NICHOLLS of South Carolina.

Mr. WALTERS with Mr. NEELY.

Mr. WARD with Mr. EAGAN.

Mr. YATES with Mr. DUPRÉ.

Mr. WINSLOW with Mr. DRANE.

Mr. WOODYARD with Mr. DOUGHTON.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. FREAR with Mr. WILSON of Pennsylvania.

Indefinitely:

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

The result of the vote was announced as above recorded.

Mr. STEENERSON. Mr Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the bill of the following title:

H. R. 6808. An act to incorporate the American Legion.

The message also announced that the Vice President had appointed Mr. WALSH of Montana and Mr. FRANCE members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Labor Department.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. JOHNSON of Washington, for two days, on account of illness.

To Mr. BANKHEAD, indefinitely, on account of sickness in family.

To Mr. MACGREGOR, indefinitely, on account of sickness.

To Mr. CONNALLY, for September 4, 5, and 6, on account of public business (committee work).

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until Friday, September 5, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury transmitting copy of communication from the Secretary of State submitting supplemental estimate of appropriation required by that department for additional salaries and expenses for the current fiscal year (H. Doc. No. 238); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury transmitting supplemental estimate of appropriation required by the Columbia Institution for the Deaf for repairing the building damaged by the fire of August 26, being for the fiscal year 1920 (H. Doc. No. 239); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EVANS of Nevada, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 9) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes, reported the same without amendment, accompanied by a report (No. 286), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Ohio, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 681) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," reported the same without amendment, accompanied by a report (No. 287), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 9021) authorizing the Secretary of War to donate to the town of Langley, S. C., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 9022) to amend the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: A bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires in the Argentine Republic, August 20, 1910, and for other purposes; to the Committee on Patents.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9024) authorizing the Secretary of War to donate to the borough of East McKeesport, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MOON: A bill (H. R. 9025) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9026) to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916; to the Committee on Interstate and Foreign Commerce.

By Mr. RIDDICK: A bill (H. R. 9027) to create the commission on rural and urban home settlement; to the Committee on Appropriations.

By Mr. FRENCH: A bill (H. R. 9028) to authorize the addition of certain lands to the Nezperce National Forest, Idaho; to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 9029) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

Also, a bill (H. R. 9030) to regulate demurrers in the Canal Zone; to the Committee on the Judiciary.

Also, a bill (H. R. 9031) to regulate divorces in the Canal Zone; to the Committee on the Judiciary.

By Mr. HICKS: A bill (H. R. 9032) to amend and modify the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNES of South Carolina: A bill (H. R. 9033) to recognize and reward officers and enlisted men of the American Expeditionary Forces who especially distinguished themselves in operations against the enemy; to the Committee on Military Affairs.

By Mr. COADY: A bill (H. R. 9034) to release and remove the lien in favor of the United States, and of any officer or official thereof, on any distillery, still, vessel, fixture, and tool contained in any distillery, and the lot or tract of land on which any distillery may be situate, and any building thereon; to the Committee on Ways and Means.

By Mr. MAJOR: A bill (H. R. 9035) to increase the limit of cost of the public building to be erected at Fayette, Howard County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9036) to repeal and annul certain parts of the charter and lease granted and made to the Washington Market Co. by act of Congress entitled "An act to incorporate the Washington Market Co.," approved May 20, 1870; to the Committee on the District of Columbia.

By Mr. VOIGT: A bill (H. R. 9037) to amend the seventh subdivision of section 4 of the act of June 29, 1906, as amended, relating to naturalization; to the Committee on Immigration and Naturalization.

By Mr. JEFFERIS: A bill (H. R. 9038) to repeal sections 628 and 629; sections 700 to 704, inclusive; sections 800 to 802, inclusive; sections 900 to 907, inclusive; and section 1002 of the revenue act of 1918, and substituting a tax in lieu thereof; to the Committee on Ways and Means.

By Mr. PLATT: A bill (H. R. 9039) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act; to the Committee on Banking and Currency.

By Mr. JUUL: Joint resolution (H. J. Res. 191) requesting the Secretary of State to furnish to Congress certain information regarding the tariff on printing material shipped to France from the United States; to the Committee on Foreign Affairs.

By Mr. MASON: Joint resolution (H. J. Res. 192) providing for a commission to gather facts and information for the purpose of outlining a remedy designed to promote the well being of the diverse races in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Joint resolution (H. J. Res. 193) indorsing the action of the President in calling a conference of labor, capital, and agriculture; to the Committee on Labor.

By Mr. WEBSTER: Joint resolution (H. J. Res. 194) amending the joint resolution extending the time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.; to the Committee on the Public Lands.

By Mr. SWEET: Resolution (H. Res. 281) providing for the consideration of House bill 8778; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COADY: A bill (H. R. 9040) granting a pension to Mary A. Johnson; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 9041) granting a pension to William E. Sebastian; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 9042) authorizing and directing the Secretary of the Treasury to pay certain moneys to the officers and crew of the steamer *Hancock*, or their legal representatives; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 9043) granting a pension to Floyd H. Wilkins; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 9044) for the relief of Capt. John Q. A. Brett; to the Committee on Military Affairs.

By Mr. GOODYKOONTZ: A bill (H. R. 9045) granting an increase of pension to Thomas Dillon; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9046) for the relief of William Malone; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 9047) granting a pension to Rose Ann Price; to the Committee on Pensions.

By Mr. HERSMAN: A bill (H. R. 9048) for the relief of Catherina Rea, administratrix of the estate of John Rea; to the Committee on Claims.

By Mr. HOUGHTON: A bill (H. R. 9049) granting an increase of pension to John Heimroth; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 9050) granting an increase of pension of Katherina Baldes; to the Committee on Invalid Pensions.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 9051) granting an increase of pension to John C. McNaight; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 9052) granting an increase of pension to L. Alonzo Dennett; to the Committee on Invalid Pensions.

By Mr. PARK: A bill (H. R. 9053) granting a pension to Louis R. Vannucci; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 9054) granting an increase of pension to Oscar Johnson; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9055) for the relief of Harmon Timerson; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 9056) granting a pension to Delia T. Owens; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 9057) granting an increase of pension to Levi Lindenmuth; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9058) granting a pension to John M. Sexton; to the Committee on Pensions.

By Mr. THOMPSON of Ohio: A bill (H. R. 9059) granting a pension to Maria Mellinger; to the Committee on Invalid Pensions.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 9060) granting a pension to Matilda Hoffman; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 9061) granting a pension to Effie Dean; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of American Association of Engineers of Chicago, Ill., relating to the high cost of living and compensation of labor; to the Committee on Labor.

By Mr. DARROW: Resolution of Nurses' Alumni Association of Women's Homeopathic Hospital, Philadelphia, Pa., in behalf of legislation conferring rank on members of the Army Nurse Corps; to the Committee on Military Affairs.

By Mr. DOWELL: Petition of 200 residents of Iowa, asking for immediate return of the United States troops in Russia; to the Committee on Military Affairs.

By Mr. ESCH: Petition of the board of directors of the American Association of Woolen and Worsted Manufacturers, favoring the enactment of liberal protective tariff rates upon imported dyes; to the Committee on Ways and Means.

By Mr. GRIFFIN: Petition of Brotherhood of Metal Workers, Lodge No. 1, New York City, protesting deportation of Hindus; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Petition of the board of aldermen of the city of Shelton, State of Connecticut, favoring independence for Ireland; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petition of Robert Emmet Branch, Friends of Irish Freedom, protesting against certain deportations; to the Committee on Foreign Affairs.

Also, petition of the Nurses' Alumni Association of the Women's Homeopathic Hospital of Philadelphia, urging the passage of House bill 2492; to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of Alfred H. Erichson, of New York, N. Y., protesting against House bill 5218; to the Committee on Ways and Means.

Also, petition of the board of directors of the American Association of Woolen and Worsted Manufacturers, favoring the enactment of liberal protective tariff rates upon imported dyes; to the Committee on Ways and Means.

By Mr. SNYDER: Petition of the Herkimer County (N. Y.) committee of the State Charities Aid Association, for the conferring of commissions by the War Department on nurses of that organization; to the Committee on Military Affairs.

SENATE.

FRIDAY, *September 5, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to commit our way into Thy hands. We trust we have no purpose or ambition in our national right but to transcribe in the books of our human law the thought of God and the purpose of God in us as a Nation. We desire to glorify Thy name and to extend the interests of Thy kingdom of truth in the world. Help us ever to keep in sight a purpose to do the will of God, and help us to see the way clear before us in which God is leading us—the way of truth and righteousness and peace. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that the Secretary may read from the Washington Post of this morning the matter therein set forth in relation to the attitude of the Irish people in Washington toward the covenant of the league of nations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

LEAGUE IS OPPOSED BY CAPITAL IRISH—FRIENDS OF FREEDOM TAKE ISSUE WITH SENATOR HITCHCOCK.

SEPTEMBER 4.

EDITOR THE POST: The undersigned, executive committee of the Patrick H. Pearse Branch of the Friends of Irish Freedom, Washington, D. C., have noticed in the issue of your paper of September 4, 1919, in the article by Mr. Fox, that Senator HITCHCOCK is quoted as saying that "only Irishmen of the radical agitator type were against the treaty and the covenant."

In this expression of opinion the Senator's wish is father to the thought. We assert that the Senator is absolutely wrong. Our organization comprises many hundreds of thousands of men and women in this country. Nearly every branch has gone on record as opposed to the league of nations. In this city two of the largest demonstrations ever held for any cause have been staged, the first on March 17 and the second on June 14, at Liberty Hut.

At both meetings resolutions opposing the league of nations were unanimously adopted. At the first meeting the auditorium was crowded to suffocation and thousands were turned away. It is no exaggeration to state that not less than 15,000 people came to the hut that night.

At the second meeting the entire seating capacity of the hut, about 4,000, was taken up, although the night was insufferably hot and disagreeable. It was well advertised that opposition to the league of nations would be a feature of both demonstrations.

To the Irish victory fund, raised by the Friends of Irish Freedom, we can prove that 90 per cent of the men and women of Irish blood in the District contributed. It must be remembered that burdens are to be borne and sacrifices made by those who take the active and leading part in such movements. This does not mean that those who are not heard of by the public are not in sympathy.

In this city, excepting those who hold public office under this administration, we can demonstrate that more than 75 per cent

of the men and women of Irish blood are opposed to the league, if a plebiscite could be taken.

The names and affiliations of those who appeared at the hearing before the Senate Committee on Foreign Relations on August 30 should be sufficient to refute Mr. HITCHCOCK's guess.

Among those who took the most prominent part in that hearing were the Hon. William Bourke Cockran, the Hon. Frank P. Walsh, and the Hon. Edward F. Dunne. None of these men has ever affiliated with any Irish organizations.

Delegates from every section of the United States were present, as will appear by an examination of the record, which can be obtained by application to the Foreign Relations Committee.

Respectfully,

ROSSA F. DOWNING,
P. J. MORAN,
P. J. RYAN,
J. FRANK O'MEARA,
JOSEPH A. DALY,
Executive Committee, Patrick H. Pearse Branch, Friends of Irish Freedom.

THE COAL-CAR SITUATION.

Mr. SHERMAN. Mr. President, I present a letter with some correspondence from the Davenport (Iowa) Commercial Club and the traffic commissioner regarding the coal-car situation in that part of the country, the inability to obtain cars or to distribute coal sufficiently to meet the wants of the coming winter, which I ask may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DAVENPORT, IOWA, *August 30, 1919.*

Hon. LAWRENCE Y. SHERMAN,
Senate, Washington, D. C.

DEAR SIR: I am attaching hereto a copy of letter I have written to Director General Hines regarding the coal-car situation on behalf of the consumers and coal dealers in the Tri-Cities.

We urge upon you the necessity of doing everything within your power whenever the opportunity presents itself to help in our behalf and the behalf of all consumers of fuel served by Illinois mines.

We are doing everything within our power to avert a coal famine this winter, and conditions are rapidly growing worse.

We trust that you will find some method to bring the matter to the attention of the administration.

Very truly, yours,

GEO. M. CUMMINS, *Traffic Commissioner.*

AUGUST 28, 1919.

Hon. WALKER D. HINES,
Director General of Railroads,
United States Railroad Administration,
Washington, D. C.

DEAR SIR: It is with regret that we feel it necessary to address you in regard to the subject of coal equipment. We understand that the eastern cars have all been ordered back without similar action to protect western roads.

We want to call your attention to the fact that the situation is becoming more dangerous, and address you in behalf of the consumers and coal dealers of this territory, upon whose shoulders falls the burden of supplying this winter's fuel.

We are making every effort to store coal to relieve railroad difficulties in case of bad weather and to take care of household supplies as early as possible, but inquiry develops that our dealers have bookings now four months in advance. We have not been able to get the cars as fast as we can take care of the orders, and we urge upon you the necessity of protecting our interests, at least to the extent of getting western cars on western roads, if similar action is taken in regard to eastern ones. We can assure you that everything will be done on our part in the matter of prompt handling, unloading, and quick release of cars. May we hear from you regarding the situation?

Very truly, yours,

GEO. M. CUMMINS, *Traffic Commissioner.*

THE PRESIDENT'S ADDRESS AT COLUMBUS, OHIO.

Mr. SHERMAN. Mr. President, I also present on my own account, by way of memorial, an extract from the President's speech yesterday at Columbus, Ohio, which I ask to have printed in the RECORD without reading, with the comment that I make on it.

The VICE PRESIDENT. The Chair understands that under the rule of the Senate comments can not be printed in the RECORD without being read.

Mr. SHERMAN. I ask unanimous consent that I may be permitted to read it.

The VICE PRESIDENT. The Senator has a right to do that.

Mr. SHERMAN (reading)—

At Columbus, Ohio, September 4, 1919, President Wilson used the following language in an address:

The only people I owe any report to are you and the other citizens of the United States, and it has become increasingly necessary, apparently, that I should report to you. * * * This treaty contains, among other things, a Magna Charta of labor, a thing unheard of until this interesting year of grace. There is a whole section of the treaty devoted to arrangement by which the interests of those who labor with their hands all over the world, whether they be men, women, or children, are all of them to be safeguarded. And next month there is to meet the first assembly under this section of the league, and let me tell you it will meet whether the treaty is ratified by that time or not.

The Columbus Citizen, a daily paper, reports that the President at that point in this statement "added grimly, thrusting out his jaw," which does not appear in the address, but the reporter notes it. With that the quotation ends and I proceed with my comment upon it.

The people of the United States as recently as November, 1918, expressed their voice through the established channels of constitutional government. The ballot box furnishes adequate voice for the people. A Congress the President does not control is to him a useless formality of government. He proposes not only to ignore but to destroy any governmental agency that does not become an Executive appendage.

Certain foreign powers have ratified or approved the treaty with Germany, so that the same is now binding upon the several governments. Some of such governments require no act save that of the king, monarch, or other executive authority. The treaty-making power of the United States Government is not entirely vested in the President. It is a joint exercise of that power by both the Senate and the Executive. No negotiated treaty is binding upon the American people or their Government until the treaty has been approved or ratified by both such joint powers. Next month, we are notified, the President proposes to assemble in this country the representatives of various countries under the labor articles of a treaty unratified by our country. It is his declared purpose to convene on American soil a meeting of alien governments with our own regardless of whether the treaty has become the law of this Republic or not. Limiting the laborers of this country to the narrow definition of the President even, there is no land in which the rights of labor are so liberal and cared for as our own. This paragraph of the President's address is 100 per cent demagogical. It is an appeal to the lawless, a covert invitation to the ever-present dissatisfied, restless element to demand what they will. The President has already played with firebrands sufficiently to have informed him of the danger. He has yoked himself up with revolutionaries so frequently as to know he can not check their mad race to the goal of lawlessness. His open declaration that he proposes to convene on American soil radicals as well as others from foreign countries under the labor articles of the treaty unratified, either by the American people or their Government, is a proclamation of lawlessness and contemptuous disregard of the United States Government. Again we have one who declares "I am the State." Have the American people quit electing Presidents and begun to elect kings? Public officials have been impeached for less flagrant violation of the laws of their country than this.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2700) granting the consent of Congress to the D. E. Hewit Lumber Co. to construct and maintain a bridge across Tug River, connecting Martin County, Ky., and Mingo County, W. Va.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2622) to provide necessary personnel of the Army until June 30, 1920.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho;

H. R. 1430. An act to authorize the addition of certain lands to the Weiser National Forest, Idaho;

H. R. 2950. An act to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes;

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands;

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.; and

H. J. Res. 151. Joint resolution to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

PETITIONS AND MEMORIALS.

Mr. HALE presented a petition of the Maine Undertakers' Association, praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of Aerie No. 521, Fraternal Order of Eagles, of Chanute, Kans., and a petition of Trago Lodge No. 191, Anti-Horse Thief Association, of Chanute, Kans., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Victor Post No. 293, Grand Army of the Republic, of Fort Dodge, Kans., praying for an increase in the pensions of veterans of the Civil War to $50 per month and $30 per month for widows of deceased veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. McLEAN presented a resolution adopted by the Board of Aldermen, of Shelton, Conn., favoring the granting of a hearing by the American peace commission at Paris to the delegates chosen by the people of Ireland, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry postal clerks of Bridgeport, New Haven, and New Britain, all in the State of Connecticut, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry Lithuanian citizens of Hartford, Thompsonville, and Waterbury, all in the State of Connecticut, praying that the United States intercede in having Poland withdraw her army from Lithuania and praying for recognition by the United States of the independence of Lithuania, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Eastern Division of the American Wire Weavers' Protective Association, remonstrating against the free importation of foreign-made Fourdrinier wire cloth, which was referred to the Committee on Finance.

Mr. WALSH of Massachusetts presented memorials of the Lewis Mears Co., of Boston; of the Package Machinery Co., of Springfield; of the McKee Stores Co., of Cambridge; of Brockelman Bros., of Fitchburg; of the Van Tassel Tanning Co., of Stoneham; of Walworth Bros. (Inc.), of Lawrence; of the Riverside Boiler Works (Inc.), of Cambridge; of the Brown-Wales Co., the Algonquin Leather Co., the Henry Tuttle Co., the Bemis Bros. Bag Co., and the Goldsmith-Wall-Stockwell Co., of Boston; and of 15 citizens of Lynn, Milford, Hopedale, and Holliston, all in the State of Massachusetts, remonstrating against the enactment of legislation providing Federal control of the meat-packing industry, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2778) to amend section 11 of an act approved March 1, 1919, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," asked to be discharged from its further consideration and that it be referred to the Committee on Printing, which was agreed to.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2780) authorizing a military merit badge and additional pay based thereon (Rept. No. 171);

A bill (S. 2809) relating to compensation and war-risk insurance for members of the Philippine Scouts under the provisions of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended (Rept. No. 172); and

A bill (S. 2923) to provide funds for the care and maintenance of the graves on foreign soil of members of the military forces of the United States (Rept. No. 173).

Mr. SPENCER, from the Committee on Military Affairs, to which was referred the bill (S. 2807) to correct the military record of Edward Sigerfoos, reported it without amendment and submitted a report (No. 170) thereon.

SPECIAL COMMITTEE ON BUDGET SYSTEM.

Mr. SMOOT, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 174, submitted by himself on the 27th ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the special committee of the Senate appointed to devise a plan for a budget system is hereby authorized to send for persons, books, and papers; to administer oaths, and to employ a stenographer; the compensation and the expenses of the committee to be paid from the contingent fund of the Senate. The committee is authorized to sit during the sessions or recess of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 2946) granting an increase of pension to William R. Faulkner; to the Committee on Pensions.

By Mr. HENDERSON:

A bill (S. 2947) to authorize the Secretary of War to transfer free of charge to the Department of Agriculture and to the Post Office Department certain motor-propelled vehicles and motor equipment; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 2948) granting an increase of pension to Milton I. Woodard; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 2949) granting an increase of pension to M. Cecelia Allen; to the Committee on Pensions.

A bill (S. 2950) for the relief of Herman O. Kruschke; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 2951) granting an increase of pension to Paul Strause (with accompanying papers); and

A bill (S. 2952) granting a pension to Jeanette A. Harrington; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2953) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Military Affairs.

By Mr. COLT:

A bill (S. 2954) to remove the charge of desertion from the military record of Albert F. Smith, deceased; to the Committee on Military Affairs.

A bill (S. 2955) granting an increase of pension to James W. McKay; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 2956) to amend sections 4874 and 4875 of the Revised Statutes and to provide a compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

By Mr. GORE:

A bill (S. 2957) to amend and modify the war-risk insurance act; to the Committee on Finance.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 101) providing for survey of Lake Washington Canal, State of Washington; to the Committee on Commerce.

By Mr. NELSON:

A joint resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy; to the Committee on Commerce.

TREATY OF PEACE WITH GERMANY (S. DOC. NO. 85).

Mr. LODGE. Mr. President, I ask that the treaty of peace with Germany be printed as a Senate document, without maps, and showing the amendments recommended by the Committee on Foreign Relations, and that 1,000 extra copies may be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. Also, Mr. President, I ask to have printed in the RECORD a letter from the President of the United States transmitting a memorandum defining the relations between the allied military authorities and the Interallied Rhineland High Commission. It really goes with the protocol that was sent in by the President the other day.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE WHITE HOUSE,
Washington, September 3, 1919.

MY DEAR MR. CHAIRMAN: After sending to the Senate the other day a copy of the Rhineland agreement, it occurred to me that it might be serviceable to your committee to have the inclosed memorandum, which was agreed to on the same day that the Rhineland agreement itself was finally formulated.

WOODROW WILSON.

Hon. HENRY CABOT LODGE,
Chairman Committee on Foreign Relations,
United States Senate.

(Inclosure.)

MEMORANDUM DEFINING THE RELATIONS BETWEEN THE ALLIED MILITARY AUTHORITIES AND THE INTERALLIED RHINELAND HIGH COMMISSION.

[Approved by the Council of the Principal Allied and Associated Powers on June 13, 1919.]

"1. Each high commissioner is directly responsible to his Government, economic questions being first referred by the high commission to the supreme economic council as long as that body exists.

"2. The ordinances of the high commission are to be communicated to the commanders of armies by, or on behalf of, the allied high command.

"3. Whenever the high commission has occasion to publish ordinances affecting the interests of the occupying armies, in respect of which the initiative does not come from the military authorities, the high commission shall consult the military authorities beforehand.

"4. Communications between the high commission and the various military authorities will always take place through the channel of the allied high command.

"5. All civil commissions or officials already appointed or to be appointed by any one or more of the allied and associated powers who deal with matters affecting the civil administration or the economic life of the civilian population in the occupied territory shall, if they are retained, be placed under the authority of the high commission.

"6. (a) The appointment of each high commissioner shall be subject to the approval of all the allied and associated governments represented.

"(b) The French member of the high commission shall be president thereof.

"(c) The decisions of the high commission shall be reached by a majority of votes.

"(d) Each high commissioner shall have one vote. But in case of an equality of votes the president shall have the right to give a casting vote.

"(e) In either of these two cases the dissenting high commissioner, or high commissioners, may appeal to their Governments. But such an appeal shall not, in case of urgency, delay the putting into execution of the decisions taken, which shall then be carried out under the responsibility of the members voting for the decisions.

"7. In issuing decrees and proclamations or otherwise interfering with civil administration under a state of siege, the commander in chief shall continue to act in consultation with and only after approval by the high commission.

"This shall, of course, not apply to action of a purely military nature."

Mr. NELSON. Mr. President, does this order provide for printing the amendments that the committee has made to the body of the treaty, as well as the reservations, all together?

Mr. LODGE. Yes; everything.

Mr. THOMAS. Mr. President, before the Senator takes his seat I should like to ask him when the Senate may expect the printed copies of the treaty, including the maps?

Mr. LODGE. Those are now in existence.

Mr. THOMAS. I have not seen any of them, and I have had some applications for one or two.

Mr. LODGE. I do not know how soon we can get them. The plan is to furnish them to every Senator. They have been already furnished to the committee, and will be printed for the Senate also—at least I have so directed—containing the maps.

Mr. THOMAS. Will a sufficient number be printed for outside distribution?

Mr. LODGE. I did not think of having that done, because the volume with the maps is a pretty expensive volume, and, I think, would require an order from the Senate.

Mr. THOMAS. I merely wanted to secure information in order to answer some requests that I have had for such copies.

Mr. LODGE. I waited for the Senate to take action about printing those copies, but I wanted to get this order made now for printing the report containing the amendments and reservations in order to save time, for it will take two or three days to get those ready.

Mr. THOMAS. I have no objection whatever to the Senator's request.

Mr. LODGE. I will try to have it arranged so that the maps shall be printed in those copies that are here for the use of the Senate.

The order was reduced to writing and agreed to, as follows:

Ordered, That the treaty of peace with Germany be printed as a Senate document without maps, and showing the amendments recommended by the Committee on Foreign Relations.

Mr. LODGE subsequently said: Mr. President, I am now able to answer the Senator from Colorado. There will be, we hope, two copies of the treaty with maps—one bound copy and one unbound copy—ready on Monday for each Senator. As the maps had to be imported from Paris, that is all that we are able to print; but there will be one copy bound and one unbound which they hope to lay on the desks of Senators on Monday. That will not be the copy that will contain the amendments. Copies containing the amendments of the treaty will be printed just like those we now have.

PERSONNEL FOR THE ARMY—CONFERENCE REPORT.

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to the officers of the permanent establishment and to retain at their temporary grades such officers of the Regular Army as in his judgment may be necessary for the proper performance of the functions of the Military Establishment: *Provided*, That additional officers so maintained shall be selected, so far as practicable, from officers and enlisted men who served during the emergency and are applicants for appointments in the permanent establishment: *Provided further*, That after October 31, 1919, the total number of commissioned officers, exclusive of retired officers and disabled emergency officers awaiting discharge upon completion of treatment for physical reconstruction, shall at no time exceed 18,000: *Provided further*, That no officer on the active list shall be detailed for recruiting service or for duty at schools and colleges, not including schools of the service, where officers on the retired list can be secured who are competent for such duty: *And provided further*, That hereafter officers retired for physical disability shall not form part of the limited retired list: *And provided further*, That 1,200 emergency officers shall be assigned to the Air Service, of whom not less than 85 per cent shall be duly qualified fliers."

And the House agree to the same.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

JULIUS KAHN,
FRANK L. GREENE,
S. H. DENT, Jr.,
Managers on the part of the House.

Mr. WADSWORTH. Mr. President, this is the conference report on the so-called 18,000 officer bill. I ask unanimous consent for its immediate consideration.

The report was agreed to.

AMENDMENT OF FEDERAL RESERVE ACT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2395) amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916, which was to strike out all after the enacting clause and to insert:

That section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916, be further amended by the addition of the following paragraph at the end of subparagraph 2 of the first paragraph, after the word "possessions":

"Until January 1, 1921, any national banking association, without regard to the amount of its capital and surplus, may file application with the Federal Reserve Board for permission, upon such conditions and under such regulations as may be prescribed by said board, to invest an amount not exceeding in the aggregate 5 per cent of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States or of any State thereof and, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: *Provided, however*, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per cent of its capital and surplus."

SEC. 2. That paragraph 2 of said section be amended by adding, after the word "banking," in line 3, the words "or financial," so that the sentence will read: "Such application shall specify the name and capital of the banking association filing it, the powers applied for, and the place or places where the banking or financial operations proposed are to be carried on."

SEC. 3. That paragraph 3 of said section be amended by striking out the words "subparagraph 2 of the first paragraph of this section"

and inserting in lieu thereof the word "above," so that the paragraph will read:

"Every national banking association operating foreign branches shall be required to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and every member bank investing in the capital stock of banks or corporations described above shall be required to furnish information concerning the condition of such banks or corporations to the Federal Reserve Board upon demand, and the Federal Reserve Board may order special examinations of the said branches, banks, or corporations at such time or times as it may deem best."

Mr. McLEAN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho;

H. R. 1430. An act to authorize the addition of certain lands to the Weiser National Forest, Idaho;

H. R. 2950. An act to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes; and

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands.

The following bills were each read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.; and

H. J. Res. 151. Joint resolution to provide additional compensation for employees of the Postal Service and making an appropriation therefor was read twice by its title and referred to the Committee on Post Offices and Post Roads.

COTTON STATISTICS.

Mr. SMITH of South Carolina. Mr. President, I ask for the consideration of Senate resolution 179.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 179, submitted by Mr. SMITH of South Carolina, on the 3d instant, as follows:

Resolved, That the Secretary of Agriculture is hereby authorized and directed to ascertain the number of acres of cotton cultivation of which was abandoned during the current crop year and to publish the same not later than October 2, 1919.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

NATIONAL PROHIBITION.

The VICE PRESIDENT. The morning business is closed.

Mr. NELSON. I move that House bill 6810, the unfinished business, be proceeded with.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill for action on the remaining amendments of the committee.

The Secretary resumed the reading of the bill at page 43, Title III, section 1.

UNIONIZATION OF WASHINGTON POLICE.

Mr. THOMAS. Mr. President, on yesterday the senior Senator from Mississippi [Mr. WILLIAMS] addressed the Senate concerning the bill presented by the subcommittee of the Committee on Interstate Commerce after some remarks by the Senator from Alabama [Mr. UNDERWOOD]. The Senator from Mississippi in his forceful style very justly criticized the current organization of the police force of our cities and their affiliation with the American Federation of Labor. He pointed out some of its inevitable consequences, and made a vigorous appeal to the middle class of this country as the saving force in society to exert its power and influence for its own and for the welfare of the country.

In view of the proceedings in this District yesterday as reported in the morning Post concerning this very important subject:

The public has been informed from day to day of the action of the authorities toward the organization of the police force of the city of Washington and its proposed affiliation with the American Federation of Labor. The Commissioners of the District of Columbia, in the necessary and very proper exercise of their functions as the governing body of the people here, have vigorously objected to this organization and have forbidden its affiliation with the American Federation of Labor. They have recognized the menace of such a situation if it should develop into an actuality, and have taken steps to prevent it which should receive the commendation of every right-thinking man and woman in the country. Some of the policemen are said to have defied the orders of their superiors and have announced their intention of perfecting their plans and accomplishing their purposes. They are receiving the active assistance and support of the representatives of the American Federation of Labor, including Mr. Gompers, the president of that great organization.

On yesterday Mr. Gompers appeared before the commissioners in behalf of the police union and used his great influence in the effort to overcome the attitude of the commissioners and to secure their consent to the proposed confederation. I shall not occupy the time of the Senate in reading the somewhat lengthy account of his efforts, but content myself with calling attention to the fact that Mr. Gompers protested against this opposition as "an activity which indicates a misconception of the American Federation of Labor, which casts a stigma upon it, and declared flatly that America was not prepared to brook autocratic action by any official."

At the same time application was made to the courts by the Washington Policemen's Union for an injunction to restrain the Commissioners of the District of Columbia from further opposing the proposed organization. On yesterday, reading from the paper:

Justice Ashley M. Gould, in the District Supreme Court, granted a sweeping restraining order to prevent the commissioners from carrying out their plan of forcing the union to renounce its affiliation with the American Federation of Labor under penalty of the dismissal of its members from the police department.

This restraining order is returnable upon the 11th instant, at which time the effort will be made, and judging from the results of yesterday may be successfully made, to secure a permanent injunction at that hearing. This is plainly the substitution of judicial for administrative government in the Capital City of the Republic.

Here, then, Mr. President, on this 5th day of September, is a condition which should challenge the serious attention of the citizens of the District and of the people of the United States and of the Congress. It is a unique one, and one which, if successful, will be doubtless followed by events of similar character all over the country, and, if successful, will result in the merger of public officials employed by governments, paid from the public revenues to enforce the laws and to protect the public, with organizations of a private character; that is to say, composed of men engaged in private pursuits which frequently interfere with public peace and order by strikes and other manifestations of dissatisfaction with existing conditions; a union, in other words, of those whose business it is to enforce the law as against all disturbers with those whose attitude, for the time being, spells disregard or violation of the law.

There is an organization in this country popularly known as the I. W. W. Its hand is against society, against property, against peace and good order, against everything that makes for good citizenship, for progress, and for prosperity. It has at least two fundamental methods of procedure for the accomplishment of its ultimate purposes. These are the destruction of society and of government. One is a disregard of contract obligations and a continually increasing demand for compensation, which will at some time reach a point where the industry can not longer respond, and which must either go into bankruptcy or surrender to those who have destroyed it; the other is to secure control of the public authorities either by merger or by such coercion as organized effort may be able to mobilize on occasions of crisis. Both have, in a measure, been locally successful.

Mr. President, the American Federation of Labor seems to have adopted one of these policies and is now making vigorous application of it throughout the country, especially in the great cities, by forming unions among policemen and affiliating those unions with the main body. In a number of the large cities of the country this has been effectuated, and in several of them the inevitable disorganizing consequences have been demonstrated by recent labor disturbances.

I took occasion the other day to call the attention of the Senate to the action of the police of the city of Cleveland,

where the disorders inevitably accompanying an extended strike were manifested with impunity under the eyes of the police force. They did not interfere because, forsooth, they had organized and were identified with the identical parent body of which the strikers were also affiliating members. Who doubts the source or the authority which dictated their conduct?

It is inevitable that one who works for the government, who is paid by the government, who is required to discharge an important government function can not perform his duty if he organizes and transfers his allegiance to another authority, which must necessarily conflict with it, always potentially and sometimes actually. It is a hyphenated situation, more deadly and destructive than any which confronted us during the actual prosecution of the war. It should be prevented wherever possible by the authorities charged with the administration of municipal government and with the support and encouragement of the citizenship of their respective communities. But here, Mr. President, the District Commissioners, seeking to discharge this imperative duty under their oaths of office, wake up this morning to find their hands tied by the injunctive processes of a court of general jurisdiction, invoked in behalf of the organizers against the government of the District of Columbia and against that of the United States.

During past years organized labor has protested loudly and sometimes violently against the undue exercise of the injunctive processes of courts of chancery, which have been, I regret, on many occasions abused. When we had the Clayton bill under consideration a few years ago labor-union officials came before us and insisted upon legislation which would destroy or render impotent the power of injunction in case of strikes, and such legislation was attempted in the Clayton Act. It has not been effective, as I sought to point out at the time it would not be, but it forcefully indicates the hostility manifested by organized labor against the restraining processes of the courts, always issued up to that time in the interest of the employer class and against them. Here the situation is reversed, and it is the organization which invokes this same tremendous power of the courts not to enforce the law for the employer but to paralyze the public officials who alone can exercise the authority and who must, under their oaths of office, exercise it in behalf of the public and for the common good by prohibiting this movement.

Mr. President, with all due respect to the courts—and I have at all times tried to manifest the proper respect for them—I affirm this to be the most conspicuous instance of the abuse of the process of the courts that has challenged my attention for a great many years. It is either a usurpation or a perversion of judicial authority, and in either case it is wholly indefensible.

Mr. OWEN. What did the court do, exactly?

Mr. THOMAS. The Senator from Oklahoma asks what the court did exactly. I read to him the report which appears in the Washington Post this morning, in which the order is called a very sweeping one:

> The restraining order granted the union yesterday is returnable upon the 11th instant. It is a sweeping restraining order to prevent the commissioners from carrying out their plan of forcing the union to renounce its affiliation with the American Federation of Labor under penalty of the dismissal of its members from the police department.

Mr. SMITH of Georgia. What judge did that?

Mr. THOMAS. Justice Ashley M. Gould.

A few days ago, Mr. President, one of the high officials of the American Federation of Labor—I think Mr. Scott—in criticizing the action of the commissioners declared it to be the first step toward the proposed prevention of strikes among Government officials or employees, and he denounced it as such. I think Mr. Scott knew what he was talking about, for there is in this morning's World a special telegram from Chicago informing the public that the national convention of postal employees, while denouncing the Postmaster General yesterday afternoon, announced their intention of generally suspending the discharge of their duties on the 1st of October. In other words, another class of Government employees who have no occasion for organizing, whose salaries are fixed by the Government, who can have no quarrel with employers, propose as an organization to abstain from the performance of their bounden duty on the 1st of October, forsooth, because Uncle Sam does not pay them enough, or because they do not like the Postmaster General, or both. And, Mr. President, let me say that these people have the same right to go on strike that the organized police forces of the country have. If one is right, the other can not be wrong; but if the one is indefensible, then both must be.

Mr. President, I have seen many severe criticisms of the Postmaster General. I think he is the best-abused or the worst-abused official in the Government, and doubtless he has done some things in office which subject him to criticism; but the real cause of his unpopularity is that up to this time he has refused to allow the employees of the Post Office Department to run that department. He has insisted upon their observance of the law, and he has declined to "crook the pregnant hinges of the knee," as some other departments have done, when demands have been made upon him that are not in consonance with his ideas of duty, of right, and justice; and he should be commended for it instead of being condemned. But the latter is the portion of every man who declines even indirectly to accept prevailing conditions and demands without regard to the public welfare or to their ultimate consequences.

Mr. President, I regard with concern this movement, which may have acquired resistless momentum, toward the organization in one body of all classes and conditions of men and women, without regard to the character or nature of their employment. I have always championed the cause of union labor, so essential to the preservation of the individual and to his protection in view of the tremendous trend toward consolidations of capital, of transportation, and of industry; but no man ever dreamed that the principle would be carried so far as to involve the officials and employees of our cities, of our States, and of the Nation, whose pursuits are semigovernmental, all of them, and who are entirely exempt from all those conditions which require organization among private employees. The States pay salaries as fixed by law, the municipalities likewise, and the Government of the United States as well. There is no need for collective bargaining. No man's position is assailed so long as he performs his duty. If his compensation is insufficient, he can appeal to the proper authorities for redress. His first duty is to the public, and the moment he enters an organization which affiliates in a direction that may become inconsistent or in conflict with those duties, that moment the Government should step in and say, "Thou shalt not."

I defy any man on earth, I care not who he is, to assail successfully the proposition that an executive officer charged with duties to the public should keep himself aloof from every other influence which may diminish or in any way control the proper exercise of that duty. I have known in the West instances where such officers have been chosen by popular vote because it was understood in advance that they would not execute the law, and we may well imagine what followed. I have been told that in machine-governed cities like Chicago, New York, Philadelphia, and others, men are frequently placed in public positions not to enforce the law but to see that it is not enforced, to the end that their superiors may profit by such nonenforcement; but nobody has ever sought to defend it. Nobody can defend it. It can be prevented by popular government processes, as the Senator from Oklahoma [Mr. OWEN] suggests, provided the popular government processes get busy, but the difficulty about such a manner of prevention is its tardiness on the one hand and the influences that can be brought to bear upon its proper functioning on the other.

Mr. President, here we have the whip hand in the matter of the District of Columbia, if we will only exercise it. We hold the purse strings, and I think the Congress of the United States should let the District Commissioners at once understand that we are squarely behind them, and that if the officers of the law in the Capital City of the United States persist in their present determination, even though supported by the injunctive process of the courts, they will receive no appropriations from the National Government for salary purposes, and we owe it not only to the people of the District but to the people of the United States to set that example and do it now, when the urgency is great and the need most apparent.

I do not know that that will be done. I am not sure that there is sufficient moral courage in the Congress of the United States to do it; but I predict that unless it is done our failure to act will be converted into a precedent, and States and municipalities will cite our inaction as a reason for their similar inertness and inefficiency.

I know that a presidential election is approaching, and that the Democratic and Republican parties are looking forward to that event as the supreme issue of the immediate future, and may be prepared to accept any conditions rather than to resort to some affirmative action which may imperil the result by antagonizing portions of the electorate.

Mr. President, it does not make much difference who is our ruler provided he is honest, conscientious, capable, and endowed with that courage in the performance of his duty which is the rarest, as it should be, and is the most essential element of proper administration. In the abstract, Democrats can get along very well under Republican administrations if they have to, and Republicans are getting along very well now under a

Democratic administration which the people have chosen, and which will run its constitutional course. Both parties are patriotic. Each believes in its own convictions, although it is difficult for me now to perceive any great amount of political difference between them; and we may rest assured that each party will nominate its best man, or try to do so. We should do our duty here regardless of its effect upon the election of November, 1920. We are in parlous and troublous times; and he who bends to the storm instead of meeting it, and meeting it according to the requirements of our duty, is unworthy of a seat in either House of Congress, and unworthy of the people he represents.

Mr. OWEN. Mr. President——

Mr. THOMAS. I yield.

Mr. OWEN. Will the Senator permit me to suggest that I think the storm really is caused by the very high cost of living, due to war conditions, and that this matter can be met not only by recognizing the principles which the Senator is espousing, but also by making haste to abate the high cost of living as soon as we possibly can.

Mr. THOMAS. Oh, Mr. President, there is no question but that the expense of living has much to do with public discontent, for which due allowance can be made; but it should have nothing whatever to do with the proposition whether a public official can, by organizing and affiliating in other directions, practically have his own hands tied and render himself, if not impotent, largely inefficient for the discharge of his duty in times of crisis and danger.

It is announced that the policemen's union of this city have an antistrike clause in their organization. Thank God for that. Yet it is merely a negative advantage. They contribute out of their salaries, out of the money we pay them to perform their duty, to the general fund, which is used for strike and other benefits in time of turmoil, and it is inconceivable that these men would vigorously enforce the law here against their comrades, as they call them—and properly call them after they are in affiliation—it is inconceivable that they will give the same service that could be expected and must be given under normal conditions.

Let us suppose that a strike should occur in the city of Washington, and it is perhaps not too much to suppose that it might occur in the Post Office Department, and that the Postmaster General should call upon others to take employment under the Government and discharge the duties which are cast aside by the members of the postal union, and the members of the union should interfere with violence and by force to prevent the taking of these places by outsiders. Does any man believe for a moment that the police of this city would protect the new officials to the same degree and with the same efficiency as would be the case if they themselves were not a branch of the same general organization? It is not in human nature. If they would, then tell me, Mr. President, why it is that the American Federation of Labor wants them so badly?

Mr. SHERMAN. Mr. President——

Mr. THOMAS. I yield.

Mr. SHERMAN. If it will not disturb the Senator in the course of his remarks, I should like to say that it was gravely discussed before a labor union embracing all of the members of the fire department in a municipality whether they should not strike and refuse to answer calls for fires, and further whether they should not refuse to answer calls for fires on property owned by persons who employed nonunion labor. What would the Senator think of an official or series of officials going to that length? I will only say that this was not carried into execution, because more conservative members pointed out the utter ruin that would be wrought to a union that permitted such a condition to prevail.

I think the Senator is performing a very needed service this morning. As for myself, I do not believe in the union of any government employees, State, municipal, or others, engaged in a public service. The same thing could tie up the execution of the quarantine law. I think Congress, here in the District of Columbia, ought to express itself in no uncertain terms on a question of this vitality.

Mr. THOMAS. The instance cited by the Senator from Illinois is not a surprising one. It is the necessary and logical outcome of these conditions. You can draw no limit, you can circumscribe no boundaries to the conditions which must ensue whenever we recognize the right, as I have stated several times, perhaps too many times, of men and women engaged in a public capacity, however humble, and discharging a public duty, however simple, to take upon themselves obligations and form themselves into organizations the purpose and tendency of which are and must be in direct conflict with the performance of their duty.

Mr. BORAH. May I ask the Senator if it is necessary to go to that length in order to protect the interests of the Government? In other words, does unionism necessarily conflict with proper service to the Government? I can understand how it can be carried to a point where it would necessarily, but there is a vast field for the operation of unionism which as among the employees themselves, it seems to me, would not necessarily conflict with their duties.

Mr. THOMAS. There is no question that organizations designed for charitable and social purposes and mutual improvement are desirable. These the police forces of many communities have had and have sustained such organizations for years. But when they go so far as they must go in cases like this and interfere with efficient service and the discharge of duty, then, although the line of demarcation may be indistinct, it exists between such unions as I have referred to and those which I oppose. Suppose, for example, some man belonging to this union has been derelict in the performance of his duty or has discharged it in a way not justified by the law should be suspended or discharged from service, and the union should say, "No"—that is one of its purposes—"it does not make any difference how this man discharged his duty; he must remain upon the force or we will all quit, and if we quit there are other organizations that will go upon a sympathetic strike," and prevent the employment of new men to discharge the functions of municipal government.

That would be an intolerable situation if the power properly responsible for the administration of this city should find it impossible to discipline or discharge recalcitrant policemen, and that is bound to come if we sit supinely, not only in Washington but throughout the country, and permit this movement to materialize.

Mr. President, I think it is just to the individuals to say that, in my judgment, less than 10 per cent of these people sympathize with this tendency, but they follow the general trend of the most extreme lest their motives be misconstrued and they themselves be subject to disfavor.

I do not know where this movement will stop unless public attention is drawn to it and public opinion shall circumscribe it.

Several years ago in the State of Nevada, when I. W. W.ism was rampant in southern camps, the denizens of the dance halls organized a union. I think they affiliated for a short time with the I. W. W. and they issued their placards against unfair houses, one of which I have here. [Exhibiting.] I shall not put it in the RECORD, but if the Senators would like to see it I can assure them that it is a genuine document. Such unions, infamous beyond expression, would be far less dangerous to society and far less pernicious than those of men who are employed to function for and who are paid by the government to which they owe their allegiance. It may be, and probably is, true that we are drifting the way of all republics; but if so, we should gain wisdom by experience and profit by the mistakes of other democracies which in the past have risen, matured, and disappeared. The Senator from Oklahoma [Mr. OWEN] reminds me that an incident of the decadence of Rome was reflected by the corruption of the Pretorian Guard, having the official power to dictate the policy of the empire and to enthrone and dethrone its monarchs. It is the tendency of democracies.

One of the greatest works upon the subject is Lecky's Democracy and Liberty. With the permission of the Senate, I will read an extract, beginning on page 258 of the first volume. It is quite apposite to the subject:

> The expansion of the authority and the multiplication of the functions of the State in other fields, and especially in the field of social regulation, is an equally apparent accompaniment of modern democracy. This increase of State power means a multiplication of restrictions imposed upon the various forms of human action. It means an increase of bureaucracy, or, in other words, of the number and power of State officials. It means also a constant increase of taxation, which is in reality a constant restriction of liberty. One of the first forms of liberty is the right of every man to dispose of his own property and earnings, and every tax is a portion of this money taken from him by the force and authority of the law. Many of these taxes are, no doubt, for purposes in which he has the highest interest. They give him the necessary security of life, property, and industry, and they add in countless ways to his enjoyment. But if taxes are multiplied for carrying out a crowd of objects in which he has no interest, and with many of which he has no sympathy, his liberty is proportionately restricted.

That is going on right here.

> His money is more and more taken from him by force for purposes of which he does not approve. The question of taxation is in the highest degree a question of liberty, and taxation under a democracy is likely to take forms that are peculiarly hostile to liberty. I have already pointed out how the old fundamental principle of English freedom—that no one should be taxed except by his consent—is being gradually discarded, and how we are steadily advancing to a state in which one class will impose the taxes, while another class will be mainly compelled to pay them. It is obvious that taxation is more and more employed for objects that are not common interests of the whole community—

How well we know that in America!

and that there is a growing tendency to look upon it as a possible means of confiscation; to make use of it to break down the power, influence, and wealth of particular classes; to form a new social type; to obtain the means of class bribery.

There are other ways in which democracy does not harmonize well with liberty. To place the chief power in the most ignorant classes is to place it in the hands of those who naturally care least for political liberty and who are most likely to follow with an absolute devotion some strong leader. The sentiment of nationality penetrates very deeply into all classes, but in all countries and ages it is the upper and middle classes who have chiefly valued constitutional liberty, and those classes it is the work of democracy to dethrone. At the same time democracy does much to weaken among these also the love of liberty. The instability and insecurity of democratic politics, the spectacle of dishonest and predatory adventurers climbing by popular suffrage into positions of great power in the State, the alarm which attacks on property seldom fail to produce among those who have something to lose, may easily scare to the side of despotism large classes who, under other circumstances, would have been steady supporters of liberty. A despotism which secures order, property, and industry, which leaves the liberty of religion and of private life unimpaired, and which enables quiet and industrious men to pass through life untroubled and unmolested, will always appear to many very preferable to a democratic republic which is constantly menacing, disturbing, or plundering them. It would be a great mistake to suppose that the French despotic Empire after 1852 rested on bayonets alone. It rested partly on the genuine consent of those large agricultural classes who cared greatly for material prosperity and very little for constitutional liberty, and partly on the panic produced among the middle classes by the socialist preaching of 1848.

I may pause here, Mr. President, to remind the farming element of the country that if the forces now actively seeking the overthrow of all forms of property and the leveling of our institutions down to the dust shall succeed, they are the class which will constitute the greatest sufferers, the class which in the past in other countries have been the first to finally recognize that consequence and to rebel against it and, if possible, to overthrow it.

The dangers to be apprehended from democracy are enormously increased when the transformation is effected by sudden bounds. Governments or societies may be fundamentally changed, without producing any great convulsion or catastrophe, if the continuity of habit is preserved, if the changes are made by slow, gradual, and almost imperceptible steps. As I have already said, it is one of the evils of our present party system that it greatly accelerates this progress. Very few constitutional changes are the results of a genuine, spontaneous, unforced development. They are mainly, or, at least, largely, due to rival leaders bidding against each other for popularity, to agitators seeking for party purposes to raise a cry, to defeated statesmen trying, when they are condemned by existing constituencies, to regain power by creating new ones. The true origin of some of the most far-reaching changes of our day is probably simply a desire so to shuffle cards or combine votes as to win an election. With a powerful upper chamber and a strong organization of property in the electorate, the conservative influences are sufficient to prevent a too rapid change. But when these checks are weakened and destroyed and when there are no constitutional provisions to take their place, the influences working in the direction of change acquire an enormously augmented force, the dangers of the process are incalculaby increased and the new wine is very likely to burst the old bottles.

Mr. Gompers is reported as having said to the commissioners yesterday that there is but one alternative for these organizations and their affiliation with the American Federation of Labor, and that alternative is the I. W. W. If that statement is of importance at all, and I do not think it is, it simply means that unless the policemen of the United States form unions and affiliate with the American Federation of Labor, they must form unions and affiliate with the I. W. W.'s.

My contention is, Mr. President, and I do not believe it can be refuted, that no such alternative presents itself; that these employees need not and should not be permitted to assume obligations, membership, and commitments which essentially injure or impair their efficiency as guardians of the public peace. No man, no matter however devout or far-reaching his belief in the principle of unionism, can defend its application to conditions like these.

I trust, therefore, Mr. President, and with this statement I conclude, that the Congress of the United States will stand squarely behind the District Commissioners and by their power over the national purse bring confusion to this last and most impious attempt at government by injunction.

Mr. OWEN. Mr. President, when a man enters the service of the Government of the United States, representing all the people of the United States, under our orderly processes for the preservation of life and liberty, he can not be permitted to recognize any allegiance to any other authority that would interfere in the just discharge of that function. If the police authorities can organize and go on a strike and turn the criminal element loose when riots take place, society would have no way of protecting itself. If the fire department go on a strike and allows the city to burn up because they are discontented with some matter affecting their own compensation, the towns would burn up.

I believe in the unions. I think they have been justified in a great many of the things they have done; I think they have been justified in order to improve the conditions of those who labor. Sometimes they may have gone to extremes, as any human beings may do. Sometimes they may have gone to extremes in the matter of their political activities, but on the whole their organizations have been wisely and honestly conducted, and surely they have been essential to the development of those who labor in this country. They are justified in organizing for their own betterment, and I sympathize with them.

The reason why I rose upon the conclusion of the remarks of the Senator from Colorado [Mr. THOMAS] was to make a suggestion that the high cost of living is at the bottom of a great deal of this modern unrest and of the strikes showing themselves in every quarter of our country and in every quarter of the globe and explain the demands of our Government employees. More than 40,000,000 men withdrawn from the productive processes of peace by the Great War and engaged in the destructive processes of war, supported by hundreds of millions of others who were supplying them with the requirements of war, so that practically all of Europe was withdrawn as far as its productive peaceful activities were concerned from supplying the things which human beings need. They were calling on this country and on other countries for supplies, so that the natural order of diminished world supply and increased world demand has caused an extraordinary rise in prices.

In addition to that cause of high prices in America, we have had in the United States eleven hundred million dollars of gold flowing here in exchange for excess commodities sent abroad, expanding our currency at least to that extent and, in my judgment, to a larger extent, because the notes issued against the gold and commodity bills as Federal reserve notes have contributed to a large extent to the expansion of credit based on the expansion of currency, and the credits appearing in deposits being available by checks serve a like purpose as an expansion of currency. That, however, is common to the world, with the exception of the Orient, where they still have a very low per capita circulation in India and China and Japan, but in Japan they have doubled the circulation, and Japan is full of strikes right now because the people of Japan can not buy enough rice to feed themselves with the number of yen they receive on the old scale of wages.

I think in considering questions of this kind we should do it in a spirit of moderation and in a spirit of benevolence, but that this Congress ought to devote its attention immediately and urgently to solving the question of the high cost of living and to find an adequate remedy. I have introduced a Senate joint resolution for a special joint committee to deal with the high cost of living. We can not do so except with diligent study of the conditions which are confronting the whole world. There are many factors which enter into the problem, but I think the chief factor of all is that of the private monopolies which are arbitrarily fixing prices upon everything the people require. We have some evidence before us that has been obtained by the Federal Trade Commission, and in a short time I wish to place before the Senate some of the evidence which has been collected. There is involved, for instance, cement, a material which of all others is the most important, probably, in the world for housing men. In the State of Oklahoma I have been informed that cement could be made before the war under the conditions which are favorable there for 46 cents a barrel. It is sold for $1.75 and $2 a barrel. Those who manufacture cement are not manufacturing to the fullest extent of their capacity; their plants are not fully employed; they could employ much more labor in creating this substance, which is so important in building houses and building hard-surfaced roads, and for these purposes there could be profitably used ten times the present output. The monopolies are standing in the way of our domestic expansion, arbitrary and willful profiteering prices on cement, on lumber, on hardware, and on other things which are essential in housing men and improving our highways and feeding and clothing the people. Is it any wonder that complaints come before Congress as to rents in the District of Columbia and throughout the country from one end to the other when all building materials are so controlled? The unfair distribution of money because of these monopoly conditions is affording an opportunity for extravagance and waste, so that when you go to a New York hotel and get a decent room they expect you to pay $16 a day, or some such price, for it. They charged me that the other day. I did not know it until I got my bill. Inadvertently I forgot to ask them the price in advance.

But these things have got to be settled; these monopolies have got to be dealt with with courage; make no mistake about that. It is not enough merely to tell the laboring men of this country, organized or unorganized, that they shall not do this or they shall not do that—and they can not be permitted to disorganize the public service. Our citizens do not always analyze and see clearly the problems of government. They are only hu-

man beings who are feeding women and children and housing them. They have appealed to Congress to look into the question of the high cost of living. They have not told us exactly how to correct it. They do not see clearly themselves. It is a thing which greatly perplexes the whole country. It not only perplexes the laboring man but it perplexes Congress. Congress does not know exactly what to do about it; Congress has not solved it. It will require all of the wisdom and all of the patriotism of the people of the United States and of the people of the world to solve these problems along lines of justice and righteousness; but they have got to be solved. I am in favor of this Congress devoting itself as speedily as possible to dealing with monopolies and finding a way to handle them, and dealing with the other questions which affect the cost of living fundamentally.

I think that the question of supply and demand has much to do with it. We have got to increase the supply. We have got to create the means of making this country more productive than it has been. We have got to take away the power of those who restrict artificially production in this country. I say that they do restrict unfairly the making of cement when they organize a group to control the price and the manufacture and distribution of that great material which is so necessary to give shelter to men. In New Zealand I understand that the Government furnishes cement practically at cost to the agricultural classes. Where a man has a family he can get the cement with which to build his house on 30 years' time, and at a low rate of interest, with an amortization plan by which he can build his own house, save himself rent, and give himself shelter. In that way the land is made more productive, and the output of agriculture is improved. But these things have got to be worked out; it is not enough merely to complain. We have got to find the means to this end, and we should waste not a day in idle debate.

NATIONAL PROHIBITION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

The next amendment of the Committee on the Judiciary was, under Title III, in section 1, page 43, line 22, before the word "used," to strike out "That when" and insert "When," so as to read:

SEC. 1. When used in this title—

The amendment was agreed to.

The next amendment was, under the head of "Industrial alcohol plants and warehouses," in section 2, page 44, line 5, before the word "person," to strike out "That any" and insert "Any," so as to make the section read:

SEC. 2. Any person now producing alcohol shall, within 30 days after the passage of this act, make application to the commissioner for registration of his industrial alcohol plant, and as soon thereafter as practicable the premises shall be bonded and permit may issue for the operation of such plant, and any person hereafter establishing a plant for the production of alcohol shall likewise before operation make application, file bond, and receive permit.

The amendment was agreed to.

The next amendment was, in section 3, page 44, line 13, before the words "for the," to strike out "That warehouses" and insert "Warehouses," and in line 21, after the words "means as," to strike out "regulations may prescribe" and insert "the commissioner by regulation may prescribe," so as to make the section read:

SEC. 3. Warehouses for the storage and distribution of alcohol to be used exclusively for other than beverage purposes may be established upon filing of application and bonds, and issuance of permit at such places, either in connection with the manufacturing plant or elsewhere, as the commissioner may determine; and the entry and storage of alcohol therein, and the withdrawals of alcohol therefrom shall be made in such containers and by such means as the commissioner by regulation may prescribe.

The amendment was agreed to.

The next amendment was, in section 4, page 44, line 23, before the word "produced," to strike out "That alcohol" and insert "Alcohol," so as to make the section read:

SEC. 4. Alcohol produced at any registered industrial alcohol plant or stored in any bonded warehouse may be transferred under regulations to any other registered industrial alcohol plant or bonded warehouse for any lawful purpose.

The amendment was agreed to.

The next amendment was, in section 5, page 45, line 3, before the word "tax," to strike out "That any" and insert "Any," so as to make the section read:

SEC. 5. Any tax imposed by law upon alcohol shall attach to such alcohol as soon as it is in existence as such, and all proprietors of industrial alcohol plants and bonded warehouses shall be jointly and severally liable for any and all taxes on any and all alcohol produced thereat or stored therein. Such taxes shall be a first lien on such alcohol and the premises and plant in which such alcohol is produced or stored, together with all improvements and appurtenances thereunto belonging or in any wise appertaining.

The amendment was agreed to.

The next amendment was, in section 6, on page 45, line 13, before the word "distilled," to strike out "That any" and insert "Any"; and in line 15, after the word "before," to strike out "January 16, 1920," and insert "the date when the eighteenth amendment of the Constitution of the United States goes into effect," so as to make the section read:

SEC. 6. Any distilled spirits produced and fit for beverage purposes remaining in any bonded warehouse on or before the date when the eighteenth amendment of the Constitution of the United States goes into effect, may, under regulations, be withdrawn therefrom either for denaturation at any bonded denaturing plant or for deposit in a bonded warehouse established under this act; and when so withdrawn, if not suitable as to proof, purity, or quality for other than beverage purposes, such distilled spirits shall be redistilled, purified, and changed in proof so as to render such spirits suitable for other purposes, and having been so treated may thereafter be denatured or sold in accordance with the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 7, on page 46, line 1, before the word "distillery," to strike out "That any" and insert "Any," so as to make the section read:

SEC. 7. Any distillery or bonded warehouse heretofore legally established may, upon filing application and bond and the granting of permit, be operated as an industrial alcohol plant or bonded warehouse under the provisions of this title and regulations made thereunder.

The amendment was agreed to.

The next amendment was, in section 8, on page 46, line 6, before the word "any," to strike out "That at" and insert "Alcohol may be produced at"; and in line 8, after the word "title," to strike out "alcohol may be produced," so as to make the section read:

SEC. 8. Alcohol may be produced at any industrial alcohol plant established under the provisions of this title, from any raw materials or by any processes suitable for the production of alcohol, and, under regulations, may be used at any industrial alcohol plant or bonded warehouse or sold or disposed of for any lawful purpose, as in this act provided.

The amendment was agreed to.

The next amendment was, in section 9, on page 46, line 13, before the word "alcohol," to strike out "That industrial" and insert "Industrial," so as to read:

SEC. 9. Industrial alcohol plants and bonded warehouses established under the provisions of this title shall be exempt from the provisions of sections 3154, 3244, 3258, 3259, 3260, 3263, 3264, 3266, 3267, 3268, 3269, 3271, 3273, 3274, 3275, 3279, 3280, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3302, 3303, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, and 3327 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, under the head of "Tax-free alcohol," in section 10, on page 47, line 6, before the words "the filing," to strike out "That upon" and insert "Upon," so as to make the clause read:

SEC. 10. Upon the filing of application and bond and issuance of permit denaturing plants may be established upon the premises of any industrial alcohol plant, or elsewhere, and shall be used exclusively for the denaturation of alcohol by the admixture of such denaturing materials as shall render the alcohol, or any compound in which it is authorized to be used, unfit for use as an intoxicating beverage.

The amendment was agreed to.

The next amendment was, in section 11, on page 47, line 19, before the word "produced," to strike out "That alcohol" and insert "Alcohol," so as to make the clause read:

SEC. 11. Alcohol produced at any industrial alcohol plant or stored in any bonded warehouse may, under regulations, be withdrawn tax free as provided by existing law from such plant or warehouse for transfer to any denaturing plant for denaturation, or may, under regulations, before or after denaturation, be removed from any such plant or warehouse for any lawful tax-free purpose.

The amendment was agreed to.

The next amendment was, on page 48, line 4, before the words "may be," to strike out "That alcohol" and insert "Alcohol"; in line 6, after the word "free," to strike out "for use of" and insert "by"; in line 7, before the words "the several," to strike out "for" and insert "or by"; in the same line, after the word "Territories," to strike out "and" and insert "or any municipal subdivision thereof or by"; in line 9, before the word "for," to strike out "and" and insert "or"; and in the same line, after the word "for," to strike out "the use of any scientific university, or college of learning, any laboratory for use exclusively in scientific research, or any hospital not conducted for profit" and insert "scientific purposes, or for the use of any hospital," so as to make the clause read:

Alcohol may be withdrawn, under regulations, from any industrial plant or bonded warehouse tax free by the United States or any governmental agency thereof, or by the several States and Territories or any municipal subdivision thereof or by the District of Columbia, or for scientific purposes, or for the use of any hospital.

Mr. OVERMAN. I move to amend by adding after the word "hospital," in line 12, on page 48, the words "or sanatorium." I do not know whether the word "hospital" would cover sanatoriums, as it has a specific meaning. The intent of the committee was to let sanatoriums as well as hospitals have this alcohol.

Mr. STERLING. I accept the amendment.

The PRESIDING OFFICER (Mr. WALSH of Montana in the chair). The amendment offered by the Senator from North Carolina to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the amendment reported by the committee on page 48, line 12, after the word "hospital," by inserting the words "or sanatorium."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 48, line 14, after the word "States," to insert "and Territories and subdivisions thereof, and the District of Columbia," and in line 19, after the word "Territories," to insert "and subdivisions thereof," so as to make the clause read:

But any person permitted to obtain alcohol tax free, except the United States and the several States and Territories and subdivisions thereof, and the District of Columbia, shall first apply for and secure a permit to purchase the same and give the bonds prescribed under title 1 of this act, but alcohol withdrawn for nonbeverage purposes for use of the United States and the several States, Territories and subdivisions thereof, and the District of Columbia may be purchased and withdrawn subject only to such regulations as may be prescribed.

The amendment was agreed to.

The next amendment was, under the head of "General provisions," in section 12, page 48, line 24, before the word "penalties," to strike out "That the" and insert "The," so as to make the section read:

SEC. 12. The penalties provided in this title shall be in addition to any penalties provided in title 2 of this act, unless expressly otherwise therein provided.

The amendment was agreed to.

The next amendment was, in section 13, page 49, line 1, before the word "commissioner," to strike out "That the" and insert "The," and in line 14, after the word "products," to strike out "All regulations so issued shall have the force and effect of law," so as to make the section read:

SEC. 13. The commissioner shall from time to time issue regulations respecting the establishment, bonding, and operation of industrial alcohol plants, denaturing plants, and bonded warehouses authorized herein, and the distribution, sale, export, and use of alcohol which may be necessary, advisable, or proper, to secure the revenue, to prevent diversion of the alcohol to illegal uses, and to place the nonbeverage alcohol industry and other industries using such alcohol as a chemical raw material or for other lawful purpose upon the highest possible plane of scientific and commercial efficiency consistent with the interests of the Government, and which shall insure an ample supply of such alcohol and promote its use in scientific research and the development of fuels, dyes, and other lawful products.

The amendment was agreed to.

The next amendment was, on page 49, line 16, to change the number of the section from 13a to 14; in the same line, before the word "any," to strike out "That whenever" and insert "Whenever"; in line 20, before the word "recovery," to insert "or"; in the same line, before the words "of any," to strike out "or use," and in line 21, before the word "remit," to strike out "shall" and insert "may," so as to make the section read:

SEC. 14. Whenever any alcohol is lost by evaporation or other shrinkage, leakage, casualty, or unavoidable cause during distillation, redistillation, denaturation, withdrawal, piping, shipment, warehousing, storage, packing, transfer, or recovery of any such alcohol the commissioner may remit or refund any tax incurred under existing law upon such alcohol, provided he is satisfied that the alcohol has not been diverted to any illegal use: *Provided also,* That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance.

The amendment was agreed to.

The next amendment was, on page 50, line 3, to change the number of the section from 14 to 15; in the same line, before the word "operates," to strike out "That whoever" and insert "Whoever"; and in line 8, before the word "violates," to insert "otherwise," so as to make the section read:

SEC. 15. Whoever operates an industrial alcohol plant or a denaturing plant without complying with the provisions of this title and lawful regulations made thereunder, or whoever withdraws or attempts to withdraw or secure tax free any alcohol subject to tax, or whoever otherwise violates any of the provisions of this title or of regulations lawfully made thereunder shall be liable, for the first offense, to a penalty of not exceeding $1,000, or imprisonment not exceeding 30 days, or both, and for a second or cognate offense to a penalty of not less than $100 nor more than $10,000, and to imprisonment of not less than 30 days nor more than one year. It shall be lawful for the commissioner in all cases of second or cognate offense to refuse to issue for a period of one year a permit for the manufacture or use of alcohol upon the premises of any person responsible in any degree for the violation.

The amendment was agreed to.

The next amendment was, on page 50, line 19, to change the number of the section from 15 to 16, and in the same line, before the word "tax," to strike out "That any" and insert "Any," so as to make the section read:

SEC. 16. Any tax payable upon alcohol under existing law may be collected either by assessment or by stamp as regulations shall provide; and if by stamp, regulations shall issue prescribing the kind of stamp to be used and the manner of affixing and canceling the same.

The amendment was agreed to.

The next amendment was, on page 50, line 24, to change the number of the section from 16 to 17, and in the same line, before the word "any," to strike out "That where" and insert "When," so as to make the section read:

SEC. 17. When any property is seized for violation of this title it may be released to the claimant or to any intervening party, in the discretion of the commissioner, on a bond given and approved.

The amendment was agreed to.

The next amendment was, on page 51, line 3, to change the number of the section from 17 to 18, and in the same line, before the word "administrative," to strike out "That all" and insert "All," so as to make the clause read:

SEC. 18. All administrative provisions of internal-revenue law, including those relating to assessment, collection, abatement, and refund of taxes and penalties, and the seizure and forfeiture of property, are made applicable to this title in so far as they are not inconsistent with the provisions thereof.

The amendment was agreed to.

The next amendment was, on page 51, line 9, to change the number of the section from 18 to 19, and in the same line, before the word "prior," to strike out "That all" and insert "All," so as to make the section read:

SEC. 19. All prior statutes relating to alcohol as defined in this title are hereby repealed in so far as they are inconsistent with the provisions of this title.

The amendment was agreed to.

The next amendment was, on page 51, after line 11, to strike out:

SEC. 19. That this act may be cited as the national prohibition act.

The amendment was agreed to.

The next amendment was, in section 20, page 51, line 14, before the numeral "I," to strike out "That titles" and insert "Titles"; in line 15, before the words "of title," to strike out "39, and 40" and insert "27, 37, and 38"; and in line 18, after the word "force," to strike out "on and after January 16, 1920," and insert "from and after the date when the eighteenth amendment of the Constitution of the United States goes into effect," so as to make the section read:

SEC. 20. Titles I and III and sections 1, 27, 37, and 38 of Title II of this act shall take effect and be in force from and after the passage and approval of the act. The other sections of Title II shall take effect and be in force from and after the date when the eighteenth amendment of the Constitution of the United States goes into effect.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. STERLING. Mr. President, I have a number of amendments to offer on behalf of the committee.

In line 13, page 3, after the word "for," I move to insert a comma.

The amendment was agreed to.

Mr. STERLING. After the word "pay," in the same line, I move to insert a comma.

The amendment was agreed to.

Mr. STERLING. In line 18, page 3, after the word "estate," I move to strike out the word "is" and insert in lieu thereof the word "are."

The amendment was agreed to.

Mr. STERLING. In line 21, page 5, in the word "places," I move to strike out the letter "s," so that it will read "place" instead of "places."

The amendment was agreed to.

Mr. STERLING. In line 11, page 7, I move to strike out the word "to" and insert in lieu thereof the word "of."

The amendment was agreed to.

Mr. STERLING. In line 12, page 8, I move to add the letter "s" to the word "fact."

The amendment was agreed to.

Mr. STERLING. In line 15, page 12, I move to add the letter "s" to the word "purpose," so that it shall read "purposes."

The amendment was agreed to.

Mr. STERLING. In line 8, page 14, I move to strike out the word "and" and insert the word "or."

The amendment was agreed to.

Mr. STERLING. In line 3, page 17, I move to strike out the word "presented" and insert in lieu thereof the word "preserved."

The PRESIDING OFFICER. The Chair is of the opinion that it will be necessary for the Senator first to move to reconsider the vote by which the amendment to be amended was adopted.

Mr. STERLING. Yes; I see that this occurs in an amendment, and I therefore move a reconsideration of the vote by which this amendment was agreed to.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment, beginning with line 15, on page 16, and ending with line 9, on page 17, was agreed to, will be reconsidered. The Senator from South Dakota proposes an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to amend the committee amendment, on page 17, line 3, by striking out the word "presented," the third word in the line, and inserting in lieu thereof the word "preserved."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STERLING. In line 22, page 12, I move to strike out the number "30," and insert in lieu thereof the number "29." This is the number of the section to which reference has been made.

The amendment was agreed to.

Mr. STERLING. In line 23, page 41, after the word "employees," I move to insert the words "in the District of Columbia or elsewhere."

The amendment was agreed to.

Mr. STERLING. In line 1, page 42, after the word "such," I move to insert "assistants, experts," so that it shall read:

But such assistants, experts, clerks, and other employees.

The amendment was agreed to.

Mr. STERLING. In line 17, page 48, I move to strike out the numeral "I" and insert the Roman numerals "II."

The amendment was agreed to.

Mr. STERLING. I move to amend section 17, on page 24, by adding at the end of the section the proviso which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 24, at the end of section 17, it is proposed to add, after the word "articles," the last word in line 25, a colon and the following words:

Provided, however, That nothing in this act or in the act making appropriations for the Post Office Department approved March 3, 1917 (39 Stats. L., Pt. I, p. 1058, etc.), shall apply to newspapers published in foreign countries when mailed to this country.

Mr. STERLING. Mr. President, I will say just a word in explanation of that amendment. The Secretary of State calls attention to the situation, namely, that in a foreign newspaper, for the purposes of circulating it at home, there may be a liquor advertisement. The bill as we have it would preclude the circulation of any such paper in this country at all. I do not think it is intended that we should prohibit the circulation of foreign newspapers which are permitted to carry liquor advertisements in their own country because they happen to get into this country.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. CURTIS. Mr. President, on page 18, line 8, after the word "issue," I move to insert the following words after the comma: "the purposes for which it is to be used."

Mr. STERLING. I accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. CURTIS. Now, Mr. President, I want to ask the Senator a question in reference to the penalties. I notice that on page 3—and the same thing is true of the penalties throughout the bill—it is provided that the fine shall not be less than $100 nor more than $1,000 or imprisonment for not less than 30 days or more than one year or both. I want to ask the Senator in charge of the measure if the committee considered the question of changing the word "or" to "and," and making the penalty so that there would be both a fine and imprisonment?

I have found in my experience in prosecuting for some four years where we had a prohibitory liquor law, when it was new in the State, that it was almost impossible to drive people out of the liquor business where the law provided for a fine or imprisonment. Many courts would assess only a fine, and a fine would not drive the people who were engaged in that kind of business out of it. When the law was amended, and it provided for a penalty of not less than $100 and not less than 30 days' imprisonment, we had no trouble in enforcing the law and in driving all classes out of the business except the bootlegger who sprang up from time to time.

I believe that if this law is to be successfully enforced it is necessary to provide in the law that there shall be imprisonment as well as a fine, and I am going to move to strike out the word "or," on page 3, line 7, and insert the word "and."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, line 7, it is proposed to strike out the word "or" and insert the word "and," so that if amended it will read:

shall be fined not less than $100 nor more than $1,000, and be imprisoned for not less than 30 days or more than 1 year, or both.

Mr. CURTIS. If that is agreed to I shall move to strike out the words "or both" later on.

Mr. STERLING. Mr. President, I have some hesitation about agreeing to that amendment. I think in making this in the alternative, either a fine or imprisonment or both such fine and imprisonment, we follow a very general practice. There may be many cases wherein the fine, even the minimum fine, would be sufficient, or, anyhow, the maximum or something approaching the maximum fine.

I think we would be safe in leaving it to a Federal court to determine what the punishment should be. I do not think a Federal court would be influenced by local prejudices or local considerations, as perhaps a State court might be. I think they will mete out the punishment under the terms of the bill as it now is according to the just deserts of the man found guilty. I do not believe that we should make this now, at the beginning, both fine and imprisonment, as is contemplated by the amendment proposed by the Senator from Kansas.

The House had this bill under consideration, and very earnest consideration, for some weeks, and they agreed on these penalties, and I believe it would be the part of prudence, and that so far as the enforcement of the law is concerned, too, to let the penalties stand as they are.

Mr. CURTIS. Mr. President, it is true that in most of the States when prohibitory liquor laws were first enacted the law provided for a fine or imprisonment, but after the laws had been on the statute books some little time the laws were changed and were made mandatory that the courts should impose a fine and imprisonment. I want to say to the Senator that in many parts of Kansas it was almost impossible to keep the little saloons closed until the law was changed, and a penalty was provided of fine and imprisonment. After the change was made the law was enforced in the State as it never had been enforced before, and as time goes on they have made the penalty more severe, and the law has been more successfully enforced.

I note what the Senator said in reference to the United States district courts. It seems to me that the decisions already rendered by United States courts in different sections of the country show that there are many United States district judges who will impose the very lowest penalty and will not try to enforce this law. We already have United States district courts who have held that 2½ per cent is not intoxicating, when every man who has had any experience in the enforcement of the liquor laws of the country knows that 2½ per cent will intoxicate. Yet we have had courts hold that it would not intoxicate.

Therefore I ask that the proposed amendment be adopted. I think it will help in the enforcement of the law. If we are going to have the law upon the statute books, there is no use in having it a dead letter. Let us fix it so it will be enforced and will be obeyed. There are people in every community who will not obey the law unless there is a jail penalty attached. If we attach a jail penalty, they will obey the law. I ask that the amendment be agreed to.

Mr. THOMAS. Mr. President, I trust the amendment will not prevail. There are no open saloons, or, to paraphrase a celebrated saying, there are no open saloons openly arrived at. The institution has disappeared from this country. Where they do exist, and perhaps there are some in the crowded cities, they are under the ban and are permitted to keep open either by the connivance or by the direct encouragement of the local State authorities.

The provisions of this act are extremely drastic, and I think sufficiently so, to say nothing of the force of public opinion, to carry with them the assurance that there are going to be no open saloons to be suppressed. There will be bootlegging, of course. That will go on, no matter what the provisions of the statute may be, and it will continue whether the punishment is fine and imprisonment or fine or imprisonment. The fine here may be $1,000, the imprisonment may be one year, and many of these offenses might be and would be out of all proportion to the act itself. Our criminal statutes have become more and

more a nest of prohibitions, with penalties for their nonobservance. The average citizen is almost in the condition of a blind man trying to make his way in a field full of snares and pitfalls. It requires all the diligence and caution of the most intelligent man to escape day after day the infringement of some one or more of the many penalties with which the modern statutes of the United States fairly bristle.

The PRESIDING OFFICER. Will the Senator from Colorado pardon a suggestion from the Chair. The Chair would invite attention to the provisions of section 29, which impose a heavier penalty for a second offense and for a third offense, combined fine and imprisonment, in accordance with the principles suggested by the Senator from Kansas [Mr. CURTIS].

Mr. CURTIS. If the Senator will pardon me——

Mr. THOMAS. I yield.

Mr. CURTIS. We have the same provision in the State of Kansas, in addition to having the fine and imprisonment. If I may, while I am on my feet, refer to the situation in Kansas, because of conditions existing in our State, we applied the law to the bootleggers, and we were able to drive them out of business because of the extreme penalty. You can not drive bootleggers out of business simply by a fine.

Mr. THOMAS. May I ask the Senator whether that law still exists in Kansas?

Mr. CURTIS. Certainly it does.

Mr. THOMAS. Then this is cumulative. The Senator has his own State law and can proceed under it.

Mr. CURTIS. I simply suggest this because my experience as a prosecutor led me to believe that it would help the United States district attorney to enforce the law.

Mr. THOMAS. I know that the Senator very successfully administered the office of district attorney in Kansas and made one of the best records ever made by an officer in that capacity anywhere, and naturally I defer to the experience of such a man. I am, nevertheless, unwilling by my vote to accept the amendment which he offers, because I am convinced if the law can be enforced at all, it can be enforced under those circumstances, especially when you consider that the local statutes of the State are amply sufficient for the purpose of making the law effective, if it can be made effective at all.

Mr. McCUMBER. I wish to ask the Senator from Colorado if there does not occur to him another reason than that which he has given. The Senator knows as a practicing lawyer the influence of a most drastic sentence upon jurors. He understands full well that if you make the penalty so great that the average juror would consider it an act of injustice, they will not convict, and you will secure more convictions and secure a better obedience of the law if the judgment that is pronounced may be in conformity with what the judge himself considers to be just or what a jury may consider to be sufficient to meet the demands of justice. When you go beyond that the tendency is to utilize almost any kind of an excuse to acquit.

Mr. THOMAS. That consideration had not occurred to me, but it is a very cogent one. It is well illustrated by the operation of the old common-law criminal code of Great Britain, which visited capital punishment upon any subject who was convicted of a larceny of goods of value in excess of 20 shillings. Of course, such a penalty for such an offense was considered monstrous even in those days, and it became ineffective precisely through the operation of the practice to which the Senator calls my attention. No matter what the value of the goods which were the subject of the indictment, it was very rarely that a jury would bring in a verdict of conviction and place the value at more than 20 shillings. In other words, they neutralized the severe penalty of the statute by utilizing their discretion, sometimes at the expense perhaps of their oaths, to so fix the value of the property as to bring upon the prisoner the milder rather than the harsher penalty. There is much in it. It is one of the saving graces of Anglo-Saxon institutions under the system of trial by jury that if legislation goes too far the juries will themselves furnish a corrective by refusing to apply the law in all its harshness in a given case, even to the extent of an acquittal if necessary.

Mr. CURTIS. Mr. President, I have no desire to continue the debate, but I had no trouble in getting juries to convict with severe penalties. In fact, we had 17 men in jail one week and the jail would not hold any more, though we had 17 more convicted and awaiting sentence. The jury convicted just as fast as we brought them in and established that the men were guilty. I do not think the question of penalty where it is only 30 days would have any effect on the jury whatever. However, as I said, I have no desire to prolong the debate.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. CURTIS].

The amendment was rejected.

Mr. JONES of Washington. Mr. President, I desire to offer an amendment that has in one way to do with the enforcement of the law which the proposed bill covers, for it will, I think, round out the prohibition legislation that we have enacted for the territory of the United States and property under its jurisdiction. I offer as an amendment a bill which was reported, and which passed the Senate unanimously at the last session, and which has been again reported and is now on the calendar at this session. I take it that the Senator in charge of the bill will have no objection to it.

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The SECRETARY. Add a new section to read as follows:

SEC. —. That it shall be unlawful to import or introduce into the Canal Zone, or to manufacture, sell, give away, dispose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous, malt, or spirituous liquors, except for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President, and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: *Provided*, That this section shall not apply to transportation of liquors to points without the Canal Zone by common carriers or by vessels on ocean voyages.

That it shall be unlawful for any person, firm, company, or corporation, its officers, employees, or agents, to import or introduce into, transport through or into, sell, manufacture, dispose of, give away, or have in his or its possession or under his or its control within the Canal Zone, except for scientific, pharmaceutical, or medicinal purposes, any opium or cocaine, or any salt, derivative, or preparation of opium or cocaine, or any other habit-forming drug: *Provided*, That this section shall not apply to transportation of cocaine to points without the Canal Zone by common carriers or by vessels on ocean voyages.

That it shall be unlawful, within the Canal Zone, to engage in prostitution or to aid or abet prostitution or to procure or solicit for purposes of prostitution, or to keep or set up a house of ill fame, brothel, or bawdy house, or to receive any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or to permit any person to remain for purposes of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building; and it shall be unlawful for any person who has been, is, or may hereafter be practicing prostitution or pandering, or who has been, is, or may hereafter be registered or licensed as a prostitute at any place without the Canal Zone, to enter into or remain within the Canal Zone.

That each and every violation of any of the provisions of this section shall be punished by a fine of not less than $25 nor more than $1,000, and by imprisonment for not less than 30 days nor more than one year.

That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this act had not been passed.

Mr. STERLING. Mr. President, this is a very important amendment that is offered now, and I have heard it read for the first time. There is very much of merit in it, and I have no doubt that it is a proper measure to enact, but it covers not only the prohibition of the manufacture, sale, and use of intoxicating liquors in the Canal Zone, but questions of prostitution are involved. I am willing that the amendment shall be adopted and have it go to conference.

Mr. JONES of Washington. That may be done, although, as I said awhile ago, it has been drawn carefully and considered by committees twice. I think the Senator will find it in very good shape, but I am perfectly willing to let it go to conference in the hope that it may be considered there.

Mr. McCUMBER. Mr. President, I would have no objection to the amendment going to conference, but I really would like to have the opinion of the Senator upon our right to prevent the importation into the Canal Zone, into the city of Panama, intoxicating liquors or anything else that those people may see fit to use. While we assume almost undisputed sovereignty over that strip of territory 10 miles in width, our sovereignty is not entirely complete. It must be remembered that Panama in the grant reserved her sovereign power. She gave us control.

I considered it, and I came to the conclusion after reading the treaty some time ago that there could be no question about it, and that we would have no right to provide that any articles should go into the Canal Zone free if the Panaman Government imposed an import tax upon them. Our treaty did provide and the grant provided that we might import free of charge articles necessary for the construction of the canal and for our men employed in the building of the canal, but my own conviction is that we have no right under the grant to say to the Panaman Government, "We can shut off your supply of money to be raised through importation by a mere declaration that certain articles upon which you have levied a tax for importation shall not be imported into the Canal Zone." I think the Senator will find if he will investigate it carefully that there is a serious question as to whether we can control importation into the Canal Zone.

Mr. JONES of Washington. Mr. President, I have not read the treaty lately. I supposed there was no question as to our authority to regulate the Canal Zone itself for sanitation, moral purposes, prevention of crime, and to do in fact anything that we deemed necessary for the welfare of the zone. I shall be

very much surprised if there is any serious doubt as to our authority to do that. When the matter of coal for the Canal Zone was before the Senate I looked into the matter pretty thoroughly, and I came to the conclusion that we had full sovereignty over the Canal Zone. My recollection is that the treaty expressly states that.

However, I do not care to argue the question here. I feel satisfied the Senator in charge of the bill and the other conferees will take that phase of the matter into very careful consideration. If they come to the conclusion that we have no authority to do this, of course it should not be done. If we have not the authority to do it, that is one thing we ought to get the authority to do.

Mr. McCUMBER. I should like to have the Senator some time look up the question and read the treaty over again. I would then like to have his own judgment upon the proposition whether we ourselves could force into the Canal Zone free of charge any American commodity, provided the Panaman Government passed a general law that all importations should bear a certain tax.

Mr. JONES of Washington. Even if that were true, it would not necessarily follow that we have no right to prohibit intoxicating liquors being sold on the Canal Zone, because that would rest upon an entirely different basis from the matter of levying import duties.

Mr. STERLING. I think I may say that I am in sympathy with the purpose the Senator from Washington seeks to accomplish by his proposed amendment, and I can assure him that the matter will have the careful consideration of the conferees.

Mr. NORRIS. Mr. President, I wish to call the attention of the Senator from Washington to what I believe ought to be an amendment to his suggested amendment. I have no objection, of course, to the proposed amendment; I am in entire sympathy with it and I think it ought to be added to the bill; but on page 2 of the proposed amendment, in line 23, I move to strike out the words "has been," and to strike out the same words in line 24. It has reference to prostitutes coming into the Canal Zone.

Mr. JONES of Washington. I accept the amendment suggested by the Senator to my amendment.

Mr. NORRIS. I thought the Senator would accept it.

The PRESIDING OFFICER. The Chair will consider that the amendment offered by the Senator from Washington is amended as suggested by the Senator from Nebraska. The question is on the amendment offered by the Senator from Washington.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair suggests to the Senator from Washington [Mr. JONES] that the amendment ought properly to appear immediately before the last section of the bill.

Mr. JONES of Washington. Very well.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. NORRIS. Mr. President, on page 50 of the bill I move an amendment. After the word "title," in line 8 on that page, to strike out all down to and including the word "thereunder," in line 9. The words I move to strike out are as follows: "or of regulations lawfully made thereunder." If this amendment prevails, I shall move to strike out similar words in lines 5 and 6. It is in the penalty clause of Title III.

It now reads:

SEC. 15. Whoever operates an industrial alcohol plant or a denaturing plant without complying with the provisions of this title and lawful regulations made thereunder, or whoever withdraws or attempts to withdraw or secure tax free any alcohol subject to tax, or whoever otherwise violates any of the provisions of this title or of regulations lawfully made thereunder shall be liable,

My idea is that we ought not to provide a penalty, particularly the same severe penalty, for the violation of a regulation made by the commissioner as we do for the violation of the law itself. There are a thousand ways, it seems to me, in which the commissioner, if he saw fit, might resort to various petty regulations that would be exasperating and unfair. Besides, it is in reality delegating to him the right to legislate and providing a penalty for a violation of his regulations. The commissioner might, for instance, make a regulation that a certain plant should be kept locked with a Yale lock, and if the owner of it kept it locked with some other lock just as good as a Yale lock he would be liable to a fine not exceeding $1,000 and also to imprisonment for not exceeding 30 days, and for a second violation of any regulation he would be liable to a penalty of not less than $100 nor more than $10,000 and to imprisonment for not less than 30 days nor more than 1 year. I think it has always been the policy of Congress not to provide criminal punishment for the violation of regulations that are to be made by officials under the law. I believe, therefore, that this language ought to be stricken out of the bill, so that the punishment provided for in this section will apply only to violations of the law and not to violations of regulations made by the commissioner.

Mr. SHIELDS. Mr. President, I wish to ask the Senator from Nebraska a question. Does the Senator think that Congress has the power to delegate to any commissioner the authority to make criminal laws and to create criminal offenses in this country?

Mr. NORRIS. Probably we have not; but even if we had, it is something that Congress ought not to do. As I remember, it has been the policy of Congress not to do those things.

Mr. SHIELDS. I agree with the Senator, and I doubt the power of Congress to do it.

Mr. BORAH. Mr. President, as I understand, there is an amendment pending to this bill which has been proposed by the Senator from Nebraska [Mr. NORRIS]?

The PRESIDING OFFICER. The Senator is correct.

Mr. BORAH. I have no desire to delay the passage of the bill, but I desire to offer some observations upon a matter not wholly connected with the bill.

Mr. NELSON. Let us first pass the bill.

Mr. STERLING. I think, if the Senator from Idaho will permit me to say so, that we shall very soon dispose of the bill if the Senator will withhold his remarks for a little while.

Mr. BORAH. If there is going to be no further debate on the bill, of course I do not want to interfere with its passage; but if there is going to be discussion I prefer to go ahead now.

Mr. STERLING. I do not think there will be any extended discussion, but I want to say a word in reply to the Senator from Nebraska; that is all. Other Senators may desire to speak upon the amendment. I can not say as to that, but my supposition is that there can not be very much further discussion.

Mr. BORAH. There are other Senators who propose to speak upon the matter, so they have informed me.

Mr. STERLING. Very well.

AMERICAN SOLDIERS IN RUSSIA.

Mr. BORAH. Mr. President, if we are to bring the American soldiers out of Russia before winter shall forbid their coming it is necessary that prompt action be had. The situation is such that unless action is taken at once it will be impossible to bring them out of that region of country before next midsummer. It is opportune, therefore, to again call attention to our position relative to Russia, our attitude toward that country, and the presence of our soldiers among those people.

I presume we have all reflected upon the Russian problem a great deal. I do not desire to be understood as speaking from impulse or without reflection; and yet, Mr. President, I frankly admit that the remarks which I am about to submit to-day are brought on at this particular time, in part at least, by reason of a letter which came to me within the last two days, written by an American soldier in Russia to his mother and sent by her to me. I do not feel that it would be proper to insert the letter in the RECORD, for there are some statements in it which undoubtedly the writer did not intend for anyone except his mother to see, but there are some features of it which it is not improper for me to state.

The substance of the letter was that the soldiers in Russia could not understand why they were there. They were conscripted for the purpose of fighting the war with Germany, but they had been sent by authority of their Government to Russia. As he expressed himself, he was perfectly willing and his comrades were perfectly willing to endure any hardships or to make any sacrifice necessary to the defense of their country against an enemy, but so far they had been wholly unable to ascertain why they were in Russia, enduring extreme hardships and engaging in battle, when they had no object, so far as they could understand, to attain, and no purpose, so far as the welfare of their country was concerned, to serve. He went on to say that that which was demoralizing the soldiers in Russia was not the fact that they were there enduring these hardships, but the fact that they were there without any knowledge upon their part as to the reason why they should be engaged in such a service. He closed his letter by saying that any number of the soldiers there had been reduced to that desperation and despair which are akin to insanity. It was altogether a manly but most pathetic message, stating in language simple and direct this problem which bewilders the whole American people—why are our young men suffering and fighting and dying in Russia?

Mr. President, we are not at war with Russia: Congress has not declared war against the Russian Government or the Russian people. The people of the United States do not desire to

be at war with Russia. If the question were submitted to the people of this country, there would be a practically unanimous voice against war with Russia or any part or faction or division of the Russian people. Yet, while we are not at war with Russia, while Congress has not declared war, we are carrying on war with the Russian people. We have an army in Russia; we are furnishing munitions and supplies to other armed forces in that country, and we are just as thoroughly engaged in conflict as though constitutional authority had been evoked, a declaration of war had been had, and the Nation had been called to arms for that purpose.

A few days ago a delegation of citizens waited on Members of Congress and the President, asking for a statement from their Government as to why we were in Russia, what objects we hoped to achieve, and what our plans and purposes were with reference to our intervention in Russia. They went back, so far as the public press reports indicate, without any information upon that subject; and to-day we are utterly at sea as to why our armed forces, in company with the armed forces of Japan and of Great Britain, are carrying on war in Russia. Whatever is being done in that country in the way of armed intervention is without constitutional authority. In other words, it is, to speak frankly and plainly, a plain usurpation of power to maintain troops in Russia at this time. There is neither legal nor moral justification for sacrificing these lives. It is in violation of the plain principles of free government. It is lawlessness.

The able Senator from Colorado [Mr. THOMAS] discussed this morning what he conceived to be, and what many may agree with him to be, an ominous situation by reason of the conflict between organized labor in the District of Columbia and the authority of the Government; but we can not hope to imbue the American people with a proper regard for authority or for our Government if those in high places utterly disregard the plainest principles of orderly constitutional government. If the time has actually come when we can conscript American youth for the purpose of carrying on war against a declared enemy and utilize him in the internal concerns and internal affairs of a country with which we are not at war, you need not talk to the people of respect for law and order. Such action breaks down and disregards every fundamental principle of a people's government. It is in utter disregard not only of fundamental constitutional principles, but it is in utter disregard of the first rights of the citizens; and there could be no plainer usurpation of power than utilizing men conscripted for the purpose of carrying on the war with Germany to take care of internal conditions in Russia. It is contempt of the dearest rights to which the people have heretofore laid claim and which they have heretofore believed to be securely assured to them under their Government. Let those who are pleading for law and respect for law in these turbulent days set an example.

It has been said, Mr. President, that the difficulty with reference to the Russian situation is that we have had no policy with reference to Russia, and therefore we have been moving without any concerted purpose or without any ultimate aim. I wholly disagree with that proposition. There has been for many months a policy with reference to Russia. The criticism to be lodged against those who are responsible for it is that it has not been made known to the American people. I venture to say that at no distant day there will appear to the American people the fact that for the last six months there has been with reference to Russia a settled, determined, and well-understood policy. It is a policy which, in my judgment, originated with Japan and Great Britain, and the United States as a co-ally or associated power has been willing to help effectuate. We have been dragged in as we have in other miserable affairs, and as we are going to be dragged in other affairs if the present program goes through.

There is no possible reason why Japan should have from 80,000 to 100,000 soldiers in Russia except to effectuate her policy with reference to Siberia, and there is no possible reason why Great Britain should have kept her troops in Russia except to assist Japan in effectuating her policy with reference to Siberia. The United States is permitting American soldiers to be utilized to assist in effectuating a policy in which Japan is primarily concerned with reference to that region of country. Our boys are being sacrificed to satisfy the sinister ambition of other powers.

This policy, Mr. President, has been halted, it is true, but it has been halted by reason of popular sentiment and not by reason of any uncertainty of purpose on the part of those who originated the policy. The reason why more troops have not been sent to Russia by Great Britain and by the United States is because of the fact that public sentiment has been against the proposal. A few days ago when Great Britain undertook to send more troops to Russia it will be recalled that there was a mutiny upon the part of the English troops. That immediately put Great Britain on notice that not only the troops but public sentiment in England was against the proposition. What possible reason could there be for sending more troops into Russia from Great Britain when Japan had 80,000 troops there already, and the only assigned reason was to protect a piece of railroad? The reason this policy has not been carried out more effectually has not been due, therefore, to any uncertainty of purpose, but to the fact that public sentiment had not yet been sufficiently trained or molded to support the program.

A few days ago Winston Churchill spoke upon the Russian question. He is a member of the English Government and the head of one of its departments. The purport of his speech was, first, that the condition in Russia warranted the military intervention of the United States, Great Britain, and Japan, and that that which was being done in Russia was by reason of a well-understood policy between these countries that there should be military intervention in Russia. In this address Mr. Churchill says, defending his position in regard to sending troops into Russia:

> I am executing as a departmental minister, to the best of my ability, the policy which I have received from the war cabinet; and the war cabinet themselves have adopted that policy only in conformity with the United States, with France, with Italy, and with Japan. It is not a personal policy. It is an international, it is an interallied, policy.

Adopted, as he says, in pursuance of an understanding between the United States, Great Britain, and Japan.

And what is the policy which has been adopted by these three countries, according to the construction of the war minister of Great Britain? It is a policy to intervene by military force in the internal affairs of Russia and to establish there, by military power, a government which will be satisfactory to these three powers and aid in the imperialistic plans of Japan. That is the policy which has been in existence for some time. When we discuss it in this country we refer to it as a policy merely to protect a piece of railroad. When Churchill speaks of it he defines it in his speech as being a policy based upon military intervention to put down a certain force in Russia and establish a government satisfactory to the allied powers. It is plainly a policy of military intervention, first to establish a government such as we think a proper government for those people, and secondly to bring about a situation where Japan will secure further interests in Siberia. This is the plan in all its concealed but hideous truth, and every boy who dies in Russia is a sacrifice to the unlawful and intolerable scheme.

The President said in his speech last night that heretofore the United States was compelled to attend to its own business, but that now it was in a position to attend to everybody's business; and that, Mr. President, is precisely what we are doing. Without any declaration of war, without any just principle back of us, without any reason for war, we are sending our troops into Russia, there to endure the inclemency of an intolerable winter, suffer, and die for the purpose of establishing a government out of the internal situation of Russia and satiating the imperialistic maw of a despotic power.

Mr. Churchill says:

> The uplift of Russia from her present situation will be the first duty of the league of nations, and it is a vital interest of the allied powers.

"The uplift of Russia," according to his idea, is to send sufficient Japanese and British and American troops into Russia to establish a government, and to set up a power for governmental purposes satisfactory to these three powers. Whether it conforms to the desires of the Russian people or not, whether it conforms to the wishes of those upon whom will rest the responsibility of maintaining that government in the future, if we are to assume that Russia is to be a self-governing nation, we are to send sufficient troops there, when the league of nations is adopted, to establish a form of government; and, necessarily, after it is established we are to send sufficient troops there to maintain it. Instead of having from eight to ten thousand American soldiers in Russia, if that is the policy which is to be carried out, before another year has passed we will be called upon to supply 100,000 or 200,000 troops for Russia. I venture to say that if the policy of Mr. Churchill is carried out, there will be more than 500,000 troops in Russia before the task shall have been completed.

Further on he says:

> The league of nations is on its trial in regard to Russia. If the league of nations can not save Russia, Russia in her agony will destroy the league of nations.

That is not original with Mr. Churchill. That is precisely the principle and the policy announced by Metternich in 1822

with reference to the Holy Alliance. When Metternich declared that it was necessary for the Holy Alliance to take part in the internal affairs of South America, of Spain, and of other countries, he based it upon the proposition that unless democracy was put down in those countries democracy would inevitably destroy the governments which were the pillars of the Holy Alliance. Sir, before the league of nations shall have been ratified or adopted by the people of the United States or by any of the allied powers, we are informed by no less an authority than the secretary for war of Great Britain that the first task of the league of nations will be to take part in the internal affairs of a great nation for the sole and exclusive reason, as assigned by him, that the internal condition of that country is such as to require our action, lest it spread over international lines and affect the nations which are directly interested in the league.

I invite the attention of those who have been contending here upon the floor of the Senate that there was no such authority under the clauses of the league to a consideration of the entire speech of Mr. Churchill. No power is attacking the territorial integrity of Russia. There is no external aggression with reference to Russia. Russia has not assailed any of the members, or proposed members, of the league. There is an internal condition in Russia, exclusively an internal condition, and yet a member of the British Government already construes the league to authorize—and he justifies it in an extended speech—interference in the purely internal concerns of that country. You may say, Mr. President, that that is not our construction, but we are nevertheless following the construction placed upon it by our allies, and we are furnishing the soldiers to carry out the program based upon this construction. We are in Russia at this time at the command of Japan and Great Britain, and every American soldier who loses his life in Russia between now and the time when they shall finally come out will be the victim of the policy established by those two powers with reference to their interests in Siberia.

What possible interest has the United States in that contest? What reason have we to call the boys from the American farms and factories and send them into that region of country to suffer and die? What possible purpose does it serve, so far as we are concerned, to interfere there and keep those young men away from their homes and from their families, under such conditions that they say to their mothers and fathers, "We have been reduced to that point of despair which is akin to insanity"?

I repeat with deliberation and without hesitation that it is usurpation of power. There is no authority in the Constitution, no authority vested in the Chief Executive, to keep a soldier in Russia a single hour; and while the President is upon his trip out through the country, I wish he might state to the American people by what authority these American boys are now fighting in Russia. Let us know the policy in its fullness. Let those upon whom the sacrifice is to fall understand to what extent it is proposed to go in this business of military intervention.

Mr. President, this perhaps explains something about the vast military organizations which are being built up in this country, in Japan, and in Great Britain. The war is over. Germany is reduced to helplessness. No nation with which we have been at war is in a position to inflict injury upon the United States or any of the allies of the war. We are on the verge, we are told, of an era of peace; and yet such armaments, such military preparations, the world has never seen as are now going on in all the countries which are to be members of the "league of peace."

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do.

Mr. SMITH of Georgia. Does the Senator know what number of American soldiers are now in Russia?

Mr. BORAH. From 8,000 to 10,000.

Mr. SMITH of Georgia. Does the Senator know where they are? Can he give us that information?

Mr. BORAH. I can not tell the Senator in detail where they are. I have some information here upon my desk, news dispatches. That is all I know.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I do.

Mr. McCORMICK. I have a letter from a soldier in Siberia now, part of which I want to read in connection with the Senator's remarks when he has concluded.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. JOHNSON of California. As to numbers, in answer to the query of the Senator from Georgia, if the Senator from Idaho will permit me, I will state that we have 8,000 effectives in Siberia. We have 10,000 United States troops there altogether. We have, unless recently withdrawn, some hundreds of United States engineers in northern Russia building roads and engaged on various matters of construction for the British, under British command.

Mr. BORAH. The whole thing, Mr. President, is under British command. We are there under British command. We are there under the authority of Great Britain and Japan. We would not have a single soldier in Russia upon the volition of the United States itself.

I say, Mr. President, that we are engaged—these powers that are soon to be members of the league—in building up by far the largest military force, the greatest armament, that the world has ever known. We have before us a bill providing for a Regular Army of 500,000 men. That is about four times the size of the army that we felt it necessary to maintain prior to the time when we were about to adopt the league of nations. Then, Mr. President, a most extraordinary thing has taken place. The President and Mr. Baker have stood out against universal military training through these years, during all the time when the exigency was on; and now, about the time when the last soldier is ever to visit Europe, according to the President, they have yielded to the proposition of universal military training, indorsed it; and there is now pending before the Senate a bill which takes the first step in that direction. In addition to that, as I say, we are to have a Regular Army of 500,000 men, and an establishment which will provide for reserves to the number of about 600,000. We are also providing for the largest navy in the world, with the possible exception of Great Britain. Japan and Great Britain are carrying forward the same program with reference to military preparedness.

This can not be for the purpose of taking care of Germany. This can not be for the purpose of taking care of Austria-Hungary or of Turkey. It is for the purpose of carrying out this other program of reducing to serfdom and holding there nearly 900,000,000 people who will be subject people when this league of nations is adopted. It is for the purpose of taking care of the 13,000,000 in Egypt now in open rebellion, for the purpose of taking care of the countless millions in India, for the purpose of taking care of the Balkans, for the purpose of taking care of Ireland, for the purpose of taking care of Korea; for when this league of nations is organized the five principal powers will represent in population about 300,000,000 people, while the subject peoples over whom the league will have control will represent about 900,000,000 people.

I read in yesterday's New York Tribune the following:

The British Government has suggested that the United States send 200,000 troops as quickly as possible to Armenia.

The British Government has suggested that the United States send 200,000 troops to Armenia!

The British Government has suggested that the United States send 200,000 troops as quickly as possible to Armenia. The State Department has received a report of this suggestion from the naval officer who is the representative of this country on the international commission which has been meeting at Constantinople for discussion of near eastern affairs in connection with the peace treaty and the taking up of the various mandataries in that part of the world.

It was learned further to-day that the American representative on this commission had nearly a month ago proposed 50,000 as the number of American troops to be sent to Armenia. This number, however, was scouted by the British representatives on the commission as utterly inadequate and the figure set at 200,000.

Two hundred thousand is the number which is to be sent, at the request of Great Britain, to Armenia.

Now, Mr. President, if we are to engage in the final execution of the program announced by Mr. Churchill, to wit, that these powers have agreed upon military intervention in Russia for the purpose of setting up a government satisfactory to the Allies; if we are to furnish our portion of the troops for that task; if we are to furnish our portion of the troops for Armenia; if we are to furnish our portion of the troops to take care of these different situations already apparent and which have been recorded with the Secretary of State as requiring our attention, indeed the army of 500,000 men is not too large.

Mr. REED. Mr. President——

Mr. BORAH. I yield.

Mr. REED. If it will not interrupt the course of the Senator's remarks, while he is commenting on the size of the Military Establishment and upon the raising of an army, and the request of an army of 50,000 men to go to Armenia, and also commenting upon the fact that part of the purpose in raising this army is to subjugate Russia, I should like to call his attention to the fact that a few weeks ago our military department started their recruiting offices to recruit soldiers especially for service in Russia and in China, that being the condi-

tion of the enlistment. I have never seen an enlistment paper, but an enlisting officer informed me that that is the fact, and I have heard the statement otherwise, and have never heard it denied. I have no doubt it is true. If that is true, it appears that the first fruit of this league of peace is that we are now enlisting men for service in countries that, so far as any legal action is concerned, are at peace with the United States. I ask the Senator if he knows anything about that enlistment?

Mr. BORAH. I only know what has been reported. I have not seen any facts in regard to it.

Mr. WADSWORTH. Mr. President, I might throw a little light on that matter.

Mr. BORAH. I yield to the Senator from New York.

Mr. WADSWORTH. I have here a report dated August 16, 1919, which sets forth in tabulated form the history of the recruiting done for the Army since February 28 last.

The men as they reported for enlistment in the service or offered themselves for enlistment were given an opportunity to express a preference as to where they would like to serve. Twenty-three per cent of the total number, and the number at that time was about 100,000 recruits, expressed a preference. Of these, 12,754 expressed a preference to be sent to Europe, 2,977 to the Philippines, 2,364 to the Mexican border, 2,034 to Hawaii, 1,034 to Siberia, 315 to Panama, and, quite naturally, 193 to Alaska.

Mr. REED. Is the Senator reading from an official statement?

Mr. WADSWORTH. Yes; as to the preferences expressed by the men who presented themselves for enlistment.

Mr. REED. Can the Senator, who is chairman of the Committee on Military Affairs, inform us whether these men in their contract of enlistment are required to serve in the particular country designated?

Mr. WADSWORTH. They are required to serve anywhere they are sent.

Mr. REED. But is it not a fact that the men enlist upon a specific condition that they will serve in Russia, in China, and in other foreign parts?

Mr. WADSWORTH. They are asked their preference in order that the War Department may send to Russia or Siberia, for instance, the men who have expressed a willingness to go there; but of course the number who have expressed a willingness to go to Siberia, to wit, 1,034, are not nearly enough to replace the 8,400 troops we now have in Siberia. So other men who did not express that preference must be sent to Siberia if those troops are to be replaced.

Mr. REED. That is a little aside from the point I am making. I am asking the chairman of the Committee on Military Affairs if he knows—and if he does not know, I hope, as chairman of that committee, he will ascertain—whether it is not a fact that in the contract of enlistment or in the preliminary papers which bear upon it, men are required to consent specifically to this service in foreign parts. To repeat—and I am sorry I have made this interruption if I am wearying the Senator from Idaho—a recruiting officer, a colonel, stated to me specifically that men are being enlisted for service in Russia and service in China, and my recollection is he said in other foreign parts. If that is true, it is a pretty clear indication that the War Department, acting under somebody's order and direction, is already getting ready for the sending of American boys abroad to carry out the purposes of this council or league or combination or conspiracy—by whatsoever name you can call it—which is running the business of the world, including the United States.

Mr. WADSWORTH. Will the Senator from Idaho permit me to reply to the Senator from Missouri?

Mr. BORAH. Certainly.

Mr. WADSWORTH. The Senator from Missouri alludes to what he terms "preliminary papers," in addition to the contract of enlistment itself. It may be true, and probably is true, that recruiting officers in discussing the prospects of Army service with prospective soldiers tell them that they may be ordered to China or to Siberia under the contract of enlistment, and sound them upon the question as to whether, in view of that possibility, they care to enlist. But no matter what the preliminary conversations are, no matter what the preliminary understandings are, the only thing that is binding is the contract of enlistment, and under the contract of enlistment, when they are once in the Army, they can be sent anywhere.

Mr. REED. I understand that.

Mr. WADSWORTH. It would not seem that the department has been very successful thus far in securing an expression of preference from these men for going to Siberia.

Mr. HITCHCOCK. Mr. President, will the Senator yield?

Mr. BORAH. Certainly.

Mr. HITCHCOCK. The Senator is no doubt familiar with the statement made by the Secretary of War as to the progress being made in returning drafted men from Siberia and securing the enlistment of volunteers willing to go there.

Mr. BORAH. I am perfectly familiar with it.

Mr. HITCHCOCK. The Senator is familiar with the figures given?

Mr. BORAH. Yes.

Mr. HITCHCOCK. One remark was made which indicated that nothing has been done toward returning the drafted men, and that they are going to be kept there during the rigors of the coming winter.

Mr. BORAH. It is utterly physically impossible under the program which the Secretary of War has outlined to get a single conscripted soldier out of Russia before next midsummer.

Mr. HITCHCOCK. Will the Senator permit me to read a communication in that connection?

Mr. BORAH. I have no objection to having the communication read, but I have seen very many of these communications. In fact, for the last nine months these statements have been coming in as to what they were going to do with reference to bringing the soldiers out of Russia, but they have not brought the soldiers out of Russia, and there is no program which in its practical workings will bring them out of Russia before next midsummer.

Mr. HITCHCOCK. I will say to the Senator that I made specific inquiry some time ago of the Secretary of War, and if the Senator has no objection and will let me read a brief communication at this time, it will throw some light on the subject.

Mr. BORAH. I would prefer to have it come at the end of my remarks, but if the Senator prefers he may read it now.

Mr. HITCHCOCK. It is very brief.

Mr. BORAH. Very well.

Mr. HITCHCOCK. It is from Secretary Baker and is as follows:

WAR DEPARTMENT,
Washington, August 23, 1919.

Hon. GILBERT M. HITCHCOCK,
United States Senate.

MY DEAR SENATOR HITCHCOCK: I have been able to inquire somewhat closely into the condition of our forces in Siberia. The total enlisted personnel there is 8,153 men, of whom not to exceed 6,500 men are under an emergency enlistment. Since recruiting was resumed for the Regular Army the War Department has permitted recruits to elect whether or not they desire to be sent to Siberia, and 3,411 men have so elected. Of these something over 2,000 have been sent to Vladivostok and the residue will be available for shipment about the 15th of September. In the meantime, we are receiving daily recruits at a rate ranging from 50 to 60 men, so that each month brings us about 1,500 recruits preferring Siberian service. A very few months, therefore, will suffice to relieve all of the emergency men in the expeditionary force in Siberia.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. WADSWORTH. May I ask the date of the letter?

Mr. HITCHCOCK. August 23.

Mr. BORAH. The letter is in perfect harmony with the program in reference to Russia for the last year. Under that program it is impossible to arrive at any other conclusion than that these young men who were conscripted to fight a war with Germany must remain in Russia for another year practically. For at least six or nine months they can not get them out of there as a physical proposition. It is impossible to get men there and get them out under conditions which will soon arrive with reference to weather until midsummer again. We were assured, in response to the resolution of the Senator from California [Mr. JOHNSON] months ago, that that which is now promised would have been consummated before this time. But all that is beside the question, Why are American soldiers there at all? Suppose Regulars are sent to take the place of conscripted, what is the policy that takes us there at all?

Mr. REED. Will the Senator yield for a suggestion?

Mr. BORAH. Certainly.

Mr. REED. This debate seems to be centering around whether the men who are in Russia were drafted and whether they can get men to be sent to take their places. That may be a matter that is personal to the soldier, and, of course, his rights are to be considered, but back of that is the much greater question whether anybody has any authority or any right to send a man to Russia even if the man is willing to go, whether the taxpayer of the United States has not some rights, whether the Government of the United States as a government has not some right to say whether our soldiers shall be serving in that distant clime.

Mr. BORAH. That is the real question which I desire to discuss, and the only question I have been discussing is what right have we to send soldiers into Russia, whether they are volunteers or conscripted or of the Regular Army? The question is, What are we doing in Russia? What authority have we for being

there? There is no condition in Russia except an internal one. There is no external attack upon Russia, even if we would presuppose the league of nations in advance of its ratification. It is purely an internal affair, and yet Mr. Churchill says that though it is an internal affair it is one of the things, the first thing, which the league of nations will be called upon to adjust.

Tell me how under the league of nations you can go into Russia at all, except under article 11? The contention which we have been making here, and which Mr. Churchill by his program substantiates, is that any war or threat of war, whether internal or external, is within the jurisdiction of the league under article 11.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I am very glad that the Senator from Idaho has called the attention of the Senate to this condition, and he has asked a question which I feel impelled to answer from my standpoint. He wants to know what purpose can be subserved by our intrusion into the affairs of Russia. I freely concede that as matters have been managed we have subserved and can subserve no great purpose outside of the protection given to a line of railroad. The policy of sending a few troops, and that policy was an allied one, is wholly inadequate for any purpose except possibly that of keeping guard over supplies at Archangel and Vladivostok, and that is ended.

Mr. BORAH. That is a proposition which has long since disappeared.

Mr. THOMAS. That was one of the purposes, perhaps the main purpose, of the original expedition. I have always felt that after the fall of the Kerensky government and the conclusion of the treaty of peace at Brest-Litovsk, the Allies owed a duty to themselves and to those people in Russia who were not affiliated with the then so-called government, and above all to the magnificent efforts of the Czecho-Slovaks who crossed that country and reached the French frontier, to have interfered in a most substantial way, to have thrown an allied army into Russia and upon the Russian front, to have stood by the people of Russia, who have always been with the Allies, and without whose assistance and cooperation during the earlier months of the war Germany would have inevitably triumphed. We did not do that. Consequently I can see no reason now for keeping troops there unless some belated policy of that sort has been agreed upon, and I reserve my judgment as to the expediency of it.

Mr. BORAH. The Senator from Colorado has stated the policy which obtained with reference to this proposition. Mr. Churchill stated the other day in his speech in England the policy just as the Senator from Colorado states it, and that is that we are going into Russia to intervene with military power to adjust the internal affairs of Russia in accordance with what we think to be right.

Mr. THOMAS. No; the Senator is mistaken. I referred to the time when we were at war with the Central Powers. I referred to a condition which meant a very serious menace to the cause of the Allies.

Mr. BORAH. Of course, that time is past.

Mr. THOMAS. Yes; that time is past.

Mr. BORAH. I misunderstood the Senator.

Mr. THOMAS. I said if such a policy could now be formulated, I should reserve my judgment as to its expediency. I do not think any such policy is likely even to be considered, much less adopted.

Mr. BORAH. Such a policy, I will say to the Senator, is being considered.

Mr. THOMAS. In the United States?

Mr. BORAH. In the United States, and such a policy is now being carried out by the United States. For what possible reason can we be recruiting soldiers to send into Russia to take the place of the volunteers except upon the theory that we have some policy of interfering in Russian affairs? This theory put forth that 100,000 Japanese, 10,000 Americans, and thousands of British troops are there to guard a railroad is not satisfactory. Besides the battles going on are not about or over railroads. Churchill states the object of our being there and states plainly that it is in accord with a policy agreed upon between the United States, Great Britain, and Japan.

Mr. THOMAS. There may be other theories. I do not pretend to know what the administration's purposes are with regard to that subject. I am satisfied that if the inquiry is made by the Senate the information will be furnished. That is my impression.

Mr. NORRIS. Mr. President, it seems to me it ought to be said that nobody else knows, of course, what the policy of the administration is, though there might be some weak-minded people who believe that Congress, representing the people, ought to have some knowledge about what is the policy of the administration. But of course that is erroneous. Congress has not any right to know what is the policy of the administration.

Mr. THOMAS. I hope the Senator's very satirical remark was not provoked by anything I said. I agree with him that Congress should be kept informed as to such matters at all times. Indeed, it should be the standing rule of all administrations whenever its policy is such as to provoke or assume a necessity for the use of either the military or naval forces of the United States, or both.

Mr. BORAH. It is immaterial so far as the main question is concerned whether the soldier who is sent to Russia be a volunteer, regularly enlisted, or whether he be a conscripted soldier. The question is why we should be in Russia at all.

I think it a most extraordinary situation, one that could hardly be conceived would ever happen in this country, that we have troops in Russia, a country with which we are at peace, and that conflict and battle are actually being waged, in which American troops are being shot down and in which American soldiers are shooting Russians. That is the situation which exists at this time; and it is against that, Mr. President, that I desire to protest.

Mr. OWEN. Mr. President——

Mr. BORAH. I yield.

Mr. OWEN. I sympathize with the Senator in the idea that our troops ought to be out of Russia; that we ought not to send volunteers there; but I think it is worth while to call the attention of the Senator to the fact that we are still technically at war with Germany and Austria; that the war conditions are affected by the Siberian situation; and that since our foreign affairs are in charge exclusively of the Executive it will account for what is taking place there. I think really that the Constitution ought to be changed, so that since we are now unavoidably in contact with the world the Foreign Relations Committee of the Senate should function as a body of advisers that will really have something to say and something to do with regard to our foreign affairs besides merely acting upon the ratification of a treaty when it comes in here at the last minute. I think the American people ought to have representation in the legislative branch in dealing with foreign questions; but our structure of Government has not adequately provided for it.

Mr. BORAH. Mr. President, of course the war with Germany is over.

Mr. OWEN. Not yet.

Mr. BORAH. Although the treaty has not been signed upon our part, the war, the conflict with Germany, is over. Germany is helpless; there is no conflict going on; there is no fight with the enemy; but we are fighting a nation that was our ally; we are fighting a nation which furnished troops and tremendous aid in the conflict. We are not contending at this time against any nation which was engaged in the war upon the other side, but we are now contending against a nation and are engaged in conflict with a nation which furnished millions of soldiers in the conflict on our side; and we are doing it not by reason of any situation which arose out of the war but by reason of the fact that there is an organization or pseudo government in Russia which we do not like and which we are now proposing by military intervention to put down. That is the whole thing in a nutshell.

Mr. OWEN. Mr. President, I think it only fair to say that while the Government of Russia as organized at the beginning of the war was with the Entente Allies, the recent government of Russia under Lenin and Trotski has been in sympathetic cooperation with the German forces, if, indeed, the German forces did not set that government up, and that therefore the government of Lenin and Trotski ought not to be compared to the government of Nicholas, which was on the side of the Entente Allies, as being the same identical thing. They are very different, and the people——

Mr. BORAH. I understand, but——

Mr. OWEN. Pardon me just a moment. The people of Russia are still a very different thing from either one of those governments.

Mr. BORAH. Yes; and the people of Russia are suffering by reason of our presence there.

Mr. OWEN. I hope not.

Mr. BORAH. The reports that come into this country, except under the control of the censored press, very clearly show who it is that is suffering by reason of our action in Russia. For instance, a few days ago a shipload of medical supplies which were bought some time ago in Scandinavia by the Russian Government was seized by the British naval forces while on its way to Petrograd for the relief of the suffering masses. The women and children and common people of Russia are being starved by reason of the blockade which is being maintained by the

allied Governments. There is not anything which has happened in this war more cruel and pitiless than the suffering which has taken place among the Russian people as a mass by reason of the unjust and cruel blockade which has been maintained by the allied Governments since the war was over. We are starving helpless babes because there are Bolshevists in Russia. We are starving worn-out and broken-down mothers because there are Bolshevists in Russia. We are as cruel as the Bolshevists and call it civilization. We are as brutal as the Bolshevists and call it Christianity.

Mr. THOMAS. Does the Senator consider that more cruel than the widely extended and frequently continued massacres of large bodies of the Russian people by the so-called Bolshevik government?

Mr. BORAH. We are not responsible for that.

Mr. THOMAS. I do not know whether we are or not. I think we are very largely so.

Mr. BORAH. If the Senator takes the position which I thought a while ago he did take, that we should go in there and uproot and eliminate and destroy the Bolshevik government, he has at least a logical proposition, although I think a most unwise one.

Mr. THOMAS. No.

Mr. BORAH. Wait a moment. But we are responsible for the suffering of the men and women and children by reason of the blockade which we are now maintaining.

Mr. THOMAS. No; if the Senator will permit me, what I mean is that if the allied Governments during the war, immediately after the infamous and abominable treaty of Brest-Litovsk, had gone there in force, as they should have gone, the infamies, horrors, and bloodshed consequent upon the so-called Bolshevik government would not have disgraced the name of civilization.

Mr. BORAH. Mr. President, that is a thing that is in the past; I am discussing now a present situation. That is water that has gone under the bridge. What I want to know is why we are maintaining a blockade against the Russian people and causing suffering among the masses of the Russian people who have never been responsible for any of the hardships which have taken place in Russia, and a people who have always been friendly toward the United States? Why should we be cruel and inhuman toward any people anywhere under any form of government? Have we lost faith, utterly lost faith in the healing, conjuring power of humanity and justice? Must we resort to force and inhumanity in all affairs of life? I reject the hideous and hellish creed.

Mr. POMERENE. Mr. President——

Mr. BORAH. I yield to the Senator from Ohio.

Mr. POMERENE. Just this moment the Senator from Idaho has used the expression "the Russian people" and a few moments ago he spoke of our fighting "the Russian Government." Does he mean by "the Russian Government" Lenin and Trotski and their followers?

Mr. BORAH. What I said was that Mr. Churchill and those who were in favor of military intervention were in favor of it for the reason that some form of government had been set up there with which they were out of harmony, and, therefore, they desired to uproot and destroy it. So far as I am concerned, I am not in favor of fighting any form of government which the Russian people see fit to set up. I am in favor of them settling their own difficulties and setting up any kind of a government which they want.

Mr. POMERENE. I do not care to enter into a colloquy, except to make this observation: If it is the Senator's opinion that Lenin and Trotski and their followers represent the Russian people, then I take issue with him. They are not the Russian people; they do not represent a Russian government. They represent for the time being a lot of murderers who are the common enemy of all mankind.

Mr. McCORMICK. Mr. President——

Mr. BORAH. Of course, so far as their representing the people is concerned, that is a matter about which there is a difference of opinion. It is a peculiar thing to me, Mr. President, if Lenin and Trotski do not represent the great mass of the Russian people, why it is that Admiral Kolchak and others claiming to represent the Russian people can get no support from the Russian people themselves, but depend entirely for their support upon people from abroad. There are 180,000,000 people in Russia, and if the Lenin and Trotski government is not representative of the masses, and if they are not in sympathy with it and do not believe in it, they would overthrow it and submerge it within a fortnight.

Mr. THOMAS. Mr. President——

Mr. BORAH. I yield to the Senator from Colorado.

Mr. THOMAS. The Republic of China contains over 400,000,000 of people, and yet the Senator knows that they are subject to the domination of 60,000,000 people constituting the Empire of Japan. The reason of the inability of the Russian people to cope with the monster of Bolshevism, I think, is identical with that which explains the phenomenon of the power of Japan over China—the lack of organization, the impossibility of securing means of resistance, and the tremendous power that comes from a disciplined and dominant force which is subjugating and murdering them.

Mr. BORAH. The Senator's analogy is not an apt one, for the simple reason that the only support which Lenin and Trotski have, the 300,000 men who are in their armies, come from their own people, while the only support which Kolchak and his associates seem to have is that which comes from the outside.

Mr. THOMAS. Mr. President——

Mr. BORAH. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator from Idaho is too good a student of history not to know that the forces constituting the Red army are composed very largely of Chinese and other foreigners.

Mr. BORAH. No; I do not know it.

Mr. THOMAS. Yes; and that they are officered by the flower of the German officers. They are to-day the potent force in the hands of Germany for the ultimate domination of Russia, and when that is accomplished——

Mr. McCORMICK. Will the Senator yield to me?

Mr. THOMAS. Just a second. When that is accomplished, and it will be accomplished if the civilized world sits still and permits it, Germany as a future menace will be far more terrible to the Allies and to the other countries of the world than she was from 1914 to 1918.

Mr. BORAH. The difficulty with the Senator is that he, as it seems to me, is afraid of his own logic.

Mr. THOMAS. Oh, no.

Mr. BORAH. Just a moment. When I said a moment ago that he was in perfect harmony with Mr. Churchill, who stated that we must go into Russia and destroy the forces of Russia which were now in control in order to protect ourselves against Germany, he refused to accept that attitude. Now his logic leads him to the position that, if we are going to protect ourselves against Russia, we must go in there and destroy the Russian forces which are inseparable from the Russian people.

Mr. THOMAS. I think the Senator is mistaken or else I have expressed myself very badly. I do not know that we would be able if we did interfere now to stem what seems to me to be the inevitable tide of events. I feel very strongly, however, that if a different course had been pursued, and pursued vigorously, the German menace would have been effectually extinguished by the armistice of last November. As it is now, I very much question whether the snake has been more than scotched by the terrible four years of war.

Mr. BORAH. Is the Senator in favor of keeping an army in Russia in sufficient force to effectuate anything?

Mr. THOMAS. I am not in favor of keeping an American army anywhere out of the boundaries of the United States, except where it is absolutely necessary for our protection and for our future.

Mr. BORAH. That is sound Americanism.

Mr. THOMAS. As to whether that is necessary now, as I have previously said, I must reserve my judgment; I do not know; but I do feel that the allied policy toward Russia was sadly inefficient during the time of the great crisis when we should have interfered if we interfered at all.

Mr. BORAH. I think I agree with the Senator in both propositions, and I do not need to reserve my judgment.

Mr. McCORMICK. Mr. President——

Mr. BORAH. I yield.

Mr. McCORMICK. Mr President, I interrupt to read from a letter from a soldier in the Siberian army. It bears upon the discussion which has been going on before the Senate. He says:

> It took us a very brief time to learn that the word "Bolshevik" was merely the name of the economic faith and of the political party of the mass of the people.

Describing a battle, he says:

> The American troops, at the command of an officer, fired at the houses, though many of the men had the sense to fire high. Luckily for our conscience and our repute, the old men, women, and children who remained had taken refuge in cellars.
>
> * * * * * * *
>
> In all, there were 8 or 10 victims.
>
> * * * * * * *
>
> In Kazanka, Lieut. Vejar fired on a huddled mass of unarmed men and women, and town's population, who had been herded together. One bullet hit a woman, who, falling to the ground, bloody and dying, gave birth to a stillborn child.

That is the duty which has been imposed upon American troops in Siberia.

Mr. BORAH. I thank the Senator. Mr. President, I admit that conditions in Russia are bad; that they are out of harmony with our theory of government and our theory of civilization; but when have they been otherwise? The accumulated horrors of the Czar reign in Russia are quite as bad, to my mind, as the accumulated horrors of the Bolshevik government. The Czar reign in Russia, from Ivan the Terrible down to this time, has been one continued unbroken story of cruelty, of oppression, and of repression of the masses of the people. No one can read the story of Russia for the last 300 years and find any great dissimilarity in the treatment of the masses between the old régime and the present one. When the real truth is known the cruelties of the present will not be more revolting than the cruelties of the vicious, corrupt, and heartless despots of the last 300 years. It is the saddest tale in all history.

The Russian people have been oppressed for decades, but the United States during the last 140 years never thought of interfering with the cruelties, persistent and continued, of the Czars. Those were matters which we have not undertaken to adjust, and never dreamed that it was our duty to adjust. I admit that the conditions in Russia by reason of the Bolshevik government are intolerable from our standpoint, but no more so from my standpoint than were the conditions under the Czars, and I protest against maintaining American soldiers in Russia for a single day after they can be brought out. There is no wise or sane policy of government which justifies their being there, and I again say, Mr. President, that I am opposed to maintaining the blockade against the Russian people for a single day after it can be successfully raised by order of the Government.

Reflect for a moment, Mr. President. After the war is over, after all conflicts are ended, after fighting with the enemy has ceased, we are maintaining a blockade against those people which is more cruel and more remorseless than many of the activities which we took up arms against Germany to end. There is no possible justification for a Christian people not permitting the Russian people to be fed, the same as other human beings. I wish to say that if it were not for Japan and Great Britain, in my judgment the President of the United States would never have sent a single soldier to Russia; in my opinion, he would have withdrawn them long ago; and, in my opinion, he would have long ago raised the blockade. If the President had not been caught in this scheme of trade and barter for a league our soldiers would not be in Russia at this time, and the Russian people would be permitted to enjoy whatever assistance would come to them by reason of opening up channels of trade and business.

Mr. President, if there is anything that is settled beyond peradventure in the American mind it is that every people have a right to set up their own form of government and to establish their own system and method of living. If they see fit to have a soviet government, it is their business. They must settle it for themselves. While I would prefer to see a different kind of government from that which apparently prevails in Russia, nevertheless it is for the Russian people to settle it.

I say, then, in conclusion, let us raise the blockade against the Russian people. Let us show the Christian spirit of the American people toward those struggling, suffering, starving masses, and let us bring every single soldier not only out of Russia but out of Europe. [Applause in the galleries.]

The VICE PRESIDENT. Are you people just strangers here, or are you those who come here constantly and do not propose to be law-abiding citizens? You know you have not any right to do that. Do you think you are making for law and order in this country by violating every law of the Senate?

THE LEAGUE OF NATIONS.

Mr. McCUMBER. Mr. President, yesterday the Committee on Foreign Relations, by a vote of 9 to 8, not only accepted certain amendments to the treaty which had been considered before that time but also voted in favor of certain reservations. I want to direct attention to only a single one of those reservations.

Some time ago a few Senators who are in favor of a treaty, but who also desired some explicit declaration in reference to the meaning of certain articles of the treaty, tentatively agreed upon four or five separate reservations. Those reservations were published in the RECORD at the request of the junior Senator from Minnesota [Mr. KELLOGG]. One of those reservations, which we denominate the second reservation, was offered as a substitute for the one which was adopted by the committee. Now, it has been suggested to a number of Senators that in reality there is no difference between the reservation numbered 2 which was adopted yesterday by the committee by a majority of one and the reservation numbered 2 which was printed in the RECORD. I wish to make it clear that there is a very great difference between the two.

The committee reservation reads:

> That the United States declines to assume under the provisions of article 10, or any other article, any obligation to preserve the territorial integrity or political independence of any other country, or to interfere in controversies between other nations whether members of the league or not, or to employ the military or naval forces of the United States in such controversies, or to adopt economic measures for the protection of any other country, whether a member of the league or not, against external aggression—

And so forth.

That is the proposed committee reservation bearing upon article 10. The proposed substitute, which was entered in the RECORD, reads as follows:

> That the advice and suggestions of the council as to the means of carrying the said obligations (article 10) into effect are only advisory, and that any undertaking under the provisions of article 10, the execution of which may require the use of American military or naval forces, or economic measures, can, under the Constitution, be carried out only by the action of the Congress, and that failure of the Congress to adopt the suggestions of the council of the league, or to provide such military or naval forces or economic measures, shall not constitute a violation of the treaty.

These are the two opposing reservations.

It will be noted, Mr. President, that in both the committee proposal and in the substitute proposal this country is at liberty, if the Congress so decides at the time, either to interfere or to refrain from interference with an assault or threatened assault by one nation to destroy or annihilate another. In that respect both of them agree. It is claimed, therefore, that they both mean the same thing. But they do not mean the same thing.

The committee reservation by its most positive declaration that the purpose of this Government will be noninterference with any kind of war or threatened war invites and encourages such war.

Our substitute reservation, leaving us in harmony with the other great nations in a general purpose to prevent such wrong and aggressive wars, although the Congress alone must determine whether and to what extent, if any, we shall interfere, discourages such criminal wars.

In other words, the committee reservation by the most positive declaration says to the world that no matter how unjust or how criminal is a threatened assault the United States will not interfere.

Our substitute approving the general purpose is a notice to the world that in all probability the United States will interfere if the threatened war is inherently wrong and criminal, or if its effect will be to bring on another great World War.

The one puts us in the attitude of precondoning such offense, leaving us, of course, the right to make war—which in all probability we never would make if war was not made on us.

The other puts us in the attitude of precondemning such offenses, leaving us, of course, the right to say at the time whether the threat is of such importance as to justify us in making war.

The one is a positive declaration that we shall not prevent a threatened war of conquest unless we change our minds at the time of the occurrence.

The other is a positive declaration that we shall prevent such a threatened war unless at the time we shall feel that we are not justified in so doing.

The one says to the would-be assassin, "Beware! We are against criminal assassination."

The other says to the would-be assassin, "Be not afraid. We do not purpose to restrain you."

Admitting that in either reservation the United States is relieved from any legal or moral duty to conform to the advice of the council, which of these two reservations would better conserve the peace of the world, admitting that neither of them binds us morally or legally to enter into any conduct of war unless Congress shall so decide at the time of the occurrence?

Mr. President, the committee reservation is far worse than an amendment striking out article 10 entirely. By simply disagreeing to article 10 we should not advertise to the world that we had abandoned our old American policy of encouraging the peaceful settlement of international disputes. By this reservation we declare to the world that we have no concern whatever in international disputes, no matter how threatening to the peace of the world or how much they may shock the moral sense of the people of the world.

Mr. President, the proposal of the committee, adopted by a majority of one, ought not to prevail in the Senate of the United States.

I was constrained, Mr. President, to make this terse explanation of the difference between the two because of the reiterated statement that in effect they were the same thing.

A substitute for the committee reservations has been prepared by me, and I ask to have it printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

SENATE RESOLUTION OF RATIFICATION OF TREATY TO BE MOVED AS SUBSTITUTE FOR COMMITTEE PROPOSALS.

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of peace between the United States of America, the British Empire, France, Italy, Japan, Belgium, Bolivia, Brazil, China, Cuba, Ecuador, Greece, Guatamala, Haiti, The Hejaz, Honduras, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Siam, Czecho-Slovakia, and Uruguay of the one part, and Germany of the other part, consummated at Versailles, in the Republic of France, on the 28th day of June, 1919, with the following reservations and understandings to be made a part of the treaty:

1. That whenever the two years' notice of withdrawal from the league of nations shall have been given by the United States, as provided in article 1, the United States shall be the sole judge whether all its international obligations and all its obligations under this covenant shall have been fulfilled.

2. That no obligation rests upon the United States under article 10, unless and until the council of the league of nations shall advise, and that the advice and suggestions of the council as to the means of carrying the said obligations into effect are only advisory, and that any undertaking under the provisions of article 10, the execution of which may require the use of American military or naval forces, or economic measures, can, under the Constitution, be carried out only by the action of the Congress, and that failure of the Congress to adopt the suggestions of the council of the league, or to provide such military or naval forces, or economic measures shall not constitute a violation of the treaty.

3. The United States reserves to itself the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating to its internal affairs, including immigration, coastwise traffic, the tariff, commerce, and all other purely domestic questions are solely within the jurisdiction of the United States and are not by this covenant submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations or to the decision or recommendation of any other power.

4. The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which, in the judgment of the United States, depends upon or involves its long-established policy commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained.

5. That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan, under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty, as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915.

6. That the United States understands and construes the words "dispute between members" and the words "dispute between parties," in article 15, to mean that a dispute with a self-governing dominion, colony, or dependency represented in assembly is a dispute with the dominant or principal member represented therein, and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies, and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member but also its dominions, colonies, and dependencies.

NATIONAL PROHIBITION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. STERLING. Mr. President, I trust the amendment offered by the Senator from Nebraska will not prevail. The Senator is opposed to a penalty for violating the regulations. That, as I understand, is the gist of his amendment. There is a vast amount of administrative work that will be connected with industrial alcohol under the provisions of Title III. It will be impossible to accomplish that work without a great number of regulations to be prescribed by the Commissioner of Internal Revenue. There are other departments of the Government where the head of the department must prescribe regulations, and that is particularly true in the Department of the Interior, where, for the administration of the mining laws and the agricultural land laws, regulations must be prescribed, and it is frequently provided in statutes that a violation of the regulations subjects the violator to a penalty, and it is right that the statutes should so provide.

The regulation does not prescribe the penalty. It is the law itself that prescribes the penalty for violating a regulation. So many of these objections to penalties for violating a regulation seem to proceed upon the theory that the regulation prescribes the penalty, but it is the law which prescribes the penalty for the violation of a regulation which the law authorizes the head of the department or the bureau to make, and it is in effect, of course, a violation of the law itself, because it is a violation of the regulation made in pursuance of law authorizing the particular regulation.

I trust that this amendment will not prevail.

Mr. WALSH of Montana. Mr. President, objection is made to the proposed amendment upon the ground of want of power of the Congress to enact legislation of that character as well as upon the ground of the alleged unwisdom of the provision as a matter of policy.

Whatever virtue there may be in the contention that the provision is an unwise one, there is no room whatever for argument as to its being within the power of Congress to legislate in this manner. The matter has been determined by the Supreme Court of the United States in the case of United States *v.* Grimaud (220 U. S.), and determined so clearly and so directly that no room at all is left for argument upon the proposition, to my mind. The court in that case considered the forest-reserve act, which authorized the Secretary of the Interior to "make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction," and it was then provided that "any violation of the provisions of this act or such rules or regulations shall be punished" as in the act provided.

The validity of that statute was attacked in a very large number of cases in the public-land States, and I may say that the decisions were divided upon the subject, and generally against the validity of the statute; but upon the matter coming before the Supreme Court of the United States it was ruled that the statute was entirely within the power of Congress, the court saying in that connection, briefly, as follows:

> The defendants were indicted for grazing sheep on the Sierra Forest Reserve without having obtained the permission required by the regulations adopted by the Secretary of Agriculture. They demurred on the ground that the forest-reserve act of 1891 was unconstitutional, in so far as it delegated to the Secretary of Agriculture power to make rules and regulations and made a violation thereof a penal offense. Their several demurrers were sustained. The Government brought the case here under that clause of the criminal-appeals act (Mar. 2, 1907, ch. 2564, 34 Stat., 1246), which allows a writ of error where the decision complained of was based upon the invalidity of the statute.
>
> The Federal courts have been divided on the question as to whether violations of those regulations of the Secretary of Agriculture constitute a crime. The rules were held to be valid for civil purposes in Dastervignes *v.* United States, 122 Fed Rep., 30; United States *v.* Dastervignes, 118 Fed. Rep., 199; United States *v.* Shannon, 151 Fed. Rep., 863; S. C., 160 Fed. Rep., 870. They were also sustained in criminal prosecutions in United States *v.* Deguirro, 152 Fed. Rep., 568; United States *v.* Domingo, 152 Fed. Rep., 566; United States *v.* Bale, 156 Fed. Rep., 687; United States *v.* Rizzinelli, 182 Fed. Rep., 675. But the regulations were held to be invalid in United States *v.* Blasingame, 116 Fed. Rep., 654; United States *v.* Matthews, 146 Fed. Rep., 306; Dent *v.* United States, 8 Arizona, 138.

The court fully sustains the statute. I am not going to take the time of the Senate to go into a discussion of the argument upon which the conclusion of the court was based; but, Mr. President, it has been stated in this connection that the decision in that case is not a warrant for a statute of this character, because that referred to regulations concerning the property of the United States, namely, the public lands which had been placed in forest reserves. The decision, however, proceeds upon no such basis whatever. It proceeds upon the basis that in innumerable cases details in connection with the administration of laws enacted by Congress must be intrusted to the various departments, and the administration must be in accordance with certain rules and regulations prescribed by them, and that in cases of that character it is entirely within the purview of Congress to declare that violations of rules and regulations of that character shall be criminal.

I merely take the time of the Senate to refer to some of the cases upon which the argument of the court proceeds. I read as follows:

> From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations, not for the government of their departments, but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will, it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations, the violation of which could be punished by fine or imprisonment fixed by Congress, or by penalties fixed by Congress or measured by the injury done.
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> Thus it is unlawful to charge unreasonable rates or to discriminate between shippers, and the Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. (Interstate Commerce Commission *v.* Illinois Central R. R., 215 U. S., 452; Interstate Commerce Commission *v.* Chicago, Rock Island, etc., R. R., 218 U. S., 88.) Congress provided that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the administrative duty of fixing a uniform standard. (St. Louis & Iron Mountain R. R. *v.* Taylor, 210 U. S., 281, 287.) In Union Bridge Co. *v.* United States (204 U. S., 364; in re Kollock, 165 U. S., 526) Buttfield *v.* Stranahan (192 U. S., 470) it appeared from the statutes involved that Congress had either expressly or by necessary implication made it unlawful, if not criminal, to obstruct navigable streams, to sell unbranded oleomargarine, or to import un-

wholesome teas. With this unlawfulness as a predicate the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules was then made an offense punishable as prescribed by Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of that which the act itself had affirmatively required to be done, or treated as unlawful if done. But confining themselves within the field covered by the statute they could adopt regulations of the nature they had thus been generally authorized to make, in order to administer the law and carry the statute into effect.

Then reference is made to a number of State decisions sustaining the validity of statutes of a similar character.

Accordingly, Mr. President, the question which addresses itself to the Senate now is merely one of the wisdom or unwisdom of the provision proposed; and it does seem to me there is no reason to complain about it at all. The rules and regulations are all prescribed, they are published, and if at any time they meet with the disapproval of Congress the remedy is easy, namely, to declare the regulations invalid.

Mr. NORRIS. Mr. President, there is some difference between this case and the case which the Supreme Court decided. There is a very good opportunity, I think, to differentiate between them. There is some difference between the regulations referred to in the particular amendment that is now pending and any case that was ever decided. However, I am not going to argue on any uncertain legal proposition. I am going to do it on the theory that it is not wise, that it is not fair, and it is not just in this particular instance, where I have made the motion to strike out the language.

There will be a great many regulations necessary, undoubtedly. There is in all such matters. But this language says:

Whoever otherwise violates any of the provisions of this title or of regulations lawfully made thereunder.

It is a basket clause; it has no reference to any particular thing, but to anything. It covers everything.

I wish to call attention to the fact that these are regulations in relation to property not owned by the United States but by individuals. One of the regulations might be that the establishment would have to be painted with red paint, and if the owner painted it with white paint he would be violating one of the regulations, although everybody could see that the difference would be almost immaterial.

Mr. WALSH of Montana. Mr. President——

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I can not agree with the Senator as to that. If I had followed the opinion of the court further, it would be found that the court finds justification for the conclusion at which it arrived from a number of statutes authorizing municipalities to make rules and regulations concerning a lot of matters within the municipality, even authorizing the municipalty to make penal a violation of the rules and regulations and ordinances.

However, Mr. President, it has been uniformly held that no matter how wide the scope may be of a grant to a municipality to enact ordinances, if those ordinances are unreasonable or not adapted to the end in view, they are void. So, if there is no reason whatever why red paint should be used rather than white paint, as proposed by the Senator, that rule or regulation would be held void and would not bind anybody.

Mr. NORRIS. There might be some reason for it. The commissioner might desire that there should be a uniformity of appearance, in order that his agents or detectives might better tell at a distance what kind of plant they were in the vicinity of.

I gave another illustration earlier in the discussion, where one of the regulations might provide that it should be locked with a Yale lock. The commissioner might do that with a perfectly honest intention, and yet no harm ever come if the owner of the property were not able to get a Yale lock and got some other lock. Everybody knows that a Yale lock is a good one, and he might provide for that kind of regulation with perfect honesty; yet I do not believe a man ought to be punished to the same extent if he violates a regulation of that kind as though he were actually withdrawing from the plant alcohol, for instance, that had not been denatured and was selling it in violation of law, all of which is covered by the law itself.

Mr. WALSH of Montana. Mr. President——

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. If there were no reason why a Yale lock should be used rather than any other kind of a lock, that regulation would be held void. If there was a good reason why it should be used, the regulation would be upheld and enforced by public opinion.

Mr. NORRIS. I am not saying that such a regulation would even be unreasonable; and yet you subject a man who violates that regulation to the same extent that you subject a man who absolutely withdraws alcohol and sells it in violation of law. You put him in jail just the same.

Mr. STERLING. Let me say in reply to the latter suggestion by the Senator from Nebraska that the court can temper the punishment according to the grade or seriousness of the offense.

Mr. NORRIS. Yes; somewhat.

Mr. STERLING. There is a great limit. The fine in the first instance does not exceed $1,000. A fine of $5 might be imposed according to the offense.

Mr. NELSON. Will the Senator from Nebraska allow me to make a suggestion?

Mr. NORRIS. Certainly.

Mr. NELSON. I think the rules and regulations that are authorized to be formulated by the commissioner under the law must be rules and regulations that are reasonable and needed to carry out the purpose of the law. Any such regulations as the Senator indicated in the example he has given to us would by any court I think be held utterly unreasonable. The commissioner can not make and prescribe all kinds of rules, whatever his notion may be. He is necessarily confined to rules that are required to carry out the purposes of the law. If he steps beyond that, no court will sustain him and no conviction can be had. I am satisfied of that, and that has been the tenor of the decisions of our courts from time immemorial.

My friend, the Senator from Nebraska himself has had great experience as a judge on the bench. He is a good lawyer and knows that if any unreasonable and improper rules and regulations, such as those he has stated about the paint and about the lock and all that, were attempted to be enforced, no court would hold a violation of such rules to be subject to the penalties of this law. In other words any court would hold such a rule as utterly unjustifiable and unreasonable.

Furthermore, in laws of this kind as in the administration of our public land laws and in many other administrative features of our laws, it is necessary in order to give effect to the law to leave rules and regulations to a limited extent more or less to be prescribed by the officials who administer the law. This comes from the fact that it is utterly impossible in any law to lay down in advance all the minutiæ of rules and regulations that are required for its enforcement. To wipe out the provision entirely would be a mistake. The commissioner might prescribe a necessary and important rule, actually needed to carry out the provisions of the law, and yet with the amendment which the Senator suggests a man would be immune if he violated such a rule.

Mr. NORRIS. I think the Senator from Minnesota in his last statement is erroneous, careful and able as he is. In my judgment the striking out of this language would remove it from a portion of the bill where it is liable to do great injustice and still leave all the powers any commissioner needs or ought to have in a fair and honest administration of the law. For instance, under the same heading, in section 10, it speaks of alcohol to be denatured, and says:

Alcohol lawfully denatured may under regulations be sold free of tax either for domestic use or for export.

"Under regulations." I am not seeking to strike that out. Suppose the commissioner provided a method, and he very likely will when this law goes into effect, by which you could denature alcohol. You would not be entitled to take it out of bond until you complied with those regulations, and if you took it out of bond you would be liable for taking it out of bond contrary to law, and the penalty is fixed, it is definite there. Here is the clause that I am trying to strike out:

Whoever otherwise violates any of the provisions.

I even think that might be omitted, because there is a definite provision fixed for a violation of almost everything you can think of; and then this basket clause is put in with a basket-regulation clause added to it. It goes much further, in my humble judgment, than is necessary or than ever will be necessary. It can not do any good here and may do a great deal of harm. For instance, this very section provides that—

Whoever operates an industrial-alcohol plant or denaturing plant without complying with the provisions of this title—

Can be punished, and so forth.

In section 14 it is provided that—

Whenever any alcohol is lost by evaporation or other shrinkage, leakage, casualty, or unavoidable cause during distillation, redistillation, denaturation, withdrawal, piping, shipment, warehousing, storage, packing, transfer, or recovery of any such alcohol the commissioner may remit or refund any tax incurred—

And so forth.

There is nothing said there about rules and regulations, but there is no doubt the commissioner will make some under which, if a man is entitled to that refund, he will come under

those regulations and make his application and his showing, so that everyone will have to comply with the same rule and the same regulation.

My contention is that this is not only unnecessary, that it will not help in a fair and honest administration of the law, but that it may be the subject, if handled by some unconscionable commissioner, of much wrong, much trouble, and much difficulty.

I call the attention of Senators to the fact that we ought to be careful in the enactment of this prohibitory law, carrying out an amendment that I, as everybody here knows, favored from the beginning. I favored it for many years before it was adopted. We ought to be careful that we do not put upon the statute books of the United States a law that will by its unreasonableness or its unpopularity bring this great and beneficial law into disrepute before the people. We can go too far and be unreasonable. I think we are doing it when we provide here by a basket clause for regulations that can do no good as far as an honest and fair enforcement of every penalty in the law is concerned, but may get the law into disrepute.

Mr. President, I do not care to say any more. I tried in the committee to strike out this provision and failed there as I may fail here. It seems to me that, looking at it only as a friend, and as sincere a friend as there is here of this kind of legislation, it is a mistake.

Mr. STERLING. Mr. President, the Senator I suppose has observed that this is the only penal clause in Title III and that the expression "otherwise violates any of the provisions of this title" refers to all the provisions of the title. Nowhere else in Title III are there any provisions imposing punishment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

On a division, the amendment was rejected.

Mr. SHIELDS. Mr. President, I should like to inquire of the Senator from South Dakota, in charge of the bill, whether Title I was predicated or is to be enacted into law entirely upon what is called the war power?

Mr. STERLING. Title I of the bill is enacted really in pursuance of the war prohibition act of November 21, 1918, and is for the enforcement of that act. That is the primary purpose of Title I. That act, as the Senator will remember, refers to the sale of malt and vinous liquors and prohibits the sale of any intoxicating or vinous liquors.

Mr. SHIELDS. That act was enacted entirely under the war power vested in Congress?

Mr. STERLING. Yes; but the act not only extends during the period of the war but until the termination of demobilization, as shall be proclaimed by the President of the United States.

Mr. SHIELDS. Demobilization was considered as an incident to the war, and therefore it was extended under the war power. At this time, since the war is over in fact, what is it intended Title I shall apply to?

Mr. STERLING. Title I will apply to sales of malt and vinous liquors up until the period of demobilization is terminated, and it so provides.

Mr. SHIELDS. The Senator does not quite understand my inquiry. I mean what state of fact is it intended to apply to the demobilization of troops?

Mr. STERLING. It applies to this state of facts. I may say to the Senator that the troops are not yet demobilized. It applies to the situation of the process, if I may so call it, of demobilization, the return of soldiers, and so forth.

Mr. SHIELDS. I comprehend that. The great bulk of the Army has been demobilized.

Mr. STERLING. Yes.

Mr. SHIELDS. How much remains undemobilized?

Mr. STERLING. I am not able to state the number not yet demobilized.

Mr. SHIELDS. Perhaps 300,000 or 400,000?

Mr. STERLING. Yes; three or four hundred thousand at least.

Mr. SHIELDS. They are demobilized at certain camps or posts?

Mr. STERLING. Yes.

Mr. SHIELDS. Does the Senator now remember how many posts or camps are being maintained for demobilization purposes?

Mr. STERLING. No, I do not recall, I will say to the Senator from Tennessee.

Mr. SHIELDS. Some three or four, I understand.

Mr. STERLING. Yes.

Mr. SHIELDS. One of them, I believe, is in the State of New York?

Mr. STERLING. Yes.

Mr. SHIELDS. Does the Senator not know that as a matter of fact all the demobilization posts or camps, except the one in the State of New York, are located in States which have stricter laws concerning the manufacture, transportation, importation, and sale or other disposition of liquors than even this proposed act; that this bill really is only necessary in order to protect the camp in the State of New York; and that it is wholly unnecessary and wholly gratuitous, I might say, as to the other 47 States of the Union?

Mr. STERLING. Well, I do not quite agree with the Senator in that respect.

Mr. SHIELDS. To what possible place can it apply or where is it needed other than at the camp in the State of New York?

Mr. STERLING. I think it is needed not only for the purposes of demobilization and until the period of demobilization is over, but for the good of the returning soldiers who have been in fact demobilized.

Mr. SHIELDS. And who have been discharged?

Mr. STERLING. And have been discharged from the service.

Mr. SHIELDS. I thought the Senator meant that; but that is beyond the power of Congress. Congress has no power over the discharged soldier. It has power only over the soldier who is in the service.

Mr. STERLING. It is within the power of Congress to pass the law, and the law will accomplish that much, if you may so call it, incidental good.

Mr. SHIELDS. Congress should not proceed upon a false basis, should it?

Mr. STERLING. It is the basis of the argument of Judge Hand, of the southern district of New York, just a few days ago in a decision he pronounced upon the subject.

Mr. SHIELDS. The Senator will not insist that Congress has jurisdiction over the soldier who has been discharged or his safety or discipline?

Mr. STERLING. Judge Hand goes into that subject at considerable length. I am not citing the discharged soldier as the ground for the enactment of the law.

Mr. NELSON. Will the Senator from Tennessee allow me to make a suggestion? I wish to quote the language of the law.

Mr. SHIELDS. Will the Senator permit me to finish?

Mr. NELSON. We are not attempting to repeal existing law.

Mr. SHIELDS. I should like to have the Senator not interrupt me until I get one more matter of fact before the Senate. I suggest to the Senator from Minnesota—he is equally familiar with this and is a member of the committee—that we have a statute which forbids the sale of any intoxicating beverages to a soldier or sailor in uniform, I believe.

Mr. NELSON. Yes.

Mr. SHIELDS. That statute is now in force and applies to the whole United States?

Mr. NELSON. That is true.

Mr. SHIELDS. The last section of the pending measure reads:

SEC. 7. None of the provisions of this act shall be construed to repeal any of the provisions of the "war prohibition act," or to limit or annul any order or regulation prohibiting the manufacture, sale, or disposition of intoxicating liquors within certain prescribed zones or districts—

And the Senator knows that covers every camp—

nor shall the provisions of this act be construed to prohibit the use of the power of the military or naval authorities to enforce the regulations of the President or Secretary of War or Navy issued in pursuance to law, prohibiting the manufacture, use, possession, sale, or other disposition of intoxicating liquors during the period of the war and demobilization thereafter.

My purpose in reading that was to call attention to the fact of the existence of the legislation there referred to in addition to the statute to which I called attention, and which prohibits the sale to a soldier in uniform of intoxicating liquor, so as to ask the Senator have we not now upon the statute books ample Federal legislation, to say nothing of how it is supplemented by State legislation in every State where there is a camp save one—47 out of the 48—to protect the soldier in the Army or in the process of demobilization? If that is the case, this proposed statute is not really a good-faith statute, is not founded upon facts which would give Congress jurisdiction to enact it, but is really a prohibition law to take effect before the constitutional amendment goes into operation under the guise of being for the protection of soldiers when it is not needed for that purpose.

As I remember—and if I am not correct I wish the Senator would correct me—the amendment commonly called the prohibition amendment to the Constitution was passed by both Houses before the war-time prohibition bill was enacted?

Mr. STERLING. Yes. I think the Senator from Tennessee is right about that.

Mr. SHIELDS. And there is a provision in the constitutional amendment that it shall not take effect, I believe, until some time next February?

Mr. STERLING. Next January.

Mr. SHIELDS. The constitutional amendment, of course, can not take effect until then. When that amendment was passed by the Senate and by the other House it was understood that it would not take effect until the January succeeding. Every State prohibition law, I think—I know it is true of the law in my State, and I have supported all such laws, as I have supported every prohibition measure here—always gives some months or some years of grace to the business that is being legislated out of existence. One of the reasons for fixing the time when the constitutional amendment should take effect nearly a year in the future was to give those who had large sums invested in intoxicating beverages and also in the manufacturing plants some grace in order to arrange their business and to dispose of it.

Now, is it not in very bad faith, after the war is over, under the pretense of passing a war measure and of protecting the soldiers who are being demobilized, when there is ample law for that purpose in every State except one where the soldiers will be demobilized, and ample Federal law in addition, to extend prohibition under the war power of Congress to 48 States, except a place in one State having a radius of 10 miles, on the ground that it is for the protection of the demobilized soldiers or the soldiers who are in the process of demobilization?

This is a great moral measure, and I do not think those who advocate it in the Congress of the United States should do any immoral thing and proceed upon a false basis in order to anticipate the constitutional amendment that is going to wipe the whole traffic out of existence, and very properly so.

Mr. STERLING. Mr. President——

Mr. SHIELDS. I desire to offer an amendment, having said that much in favor of it, to which the Senator from South Dakota may reply. Unfortunately, I write such a hand that it can not be read by others, and I will read the amendment myself. At the end of Title I, I propose to insert the following:

Provided, That this title shall only apply to the territory for a radius of 10 miles from the center of the demobilizing posts or camps of the United States Army in States that have no statute prohibiting the manufacture, importation, transportation, and sale of intoxicating beverages.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Tennessee to the fact that his amendment will operate as a repeal of existing law. This is the language of the law:

After June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no beer, wine, or other intoxicating malt or vinous liquor shall be sold for beverage purposes except for export.

So that this law runs just as far in the future as the law to which the Senator has referred. The law in reference to zones around cantonments and camps only runs while the war lasts and until the treaty of peace is ratified; but the provision I have read—and we are not seeking to repeal it—runs until the President has proclaimed that the period of demobilization has ended. The pending measure is simply to carry that into effect.

We do not know how long the treaty may hang fire, and it is possible that under this law there might be a brief interregnum. We have troops on the Rhine in Europe, and under the provisions of the German treaty they may remain there. There will be no demobilization, in fact, until all our troops are brought home, and we can not tell when the President will issue the proclamation.

Mr. SHIELDS. May I interrupt the Senator?

Mr. NELSON. Certainly; I have nothing more to say.

Mr. SHIELDS. Do I understand the Senator to mean that there are not now Federal statutes upon the books that amply take care of the soldiers who are still in the service?

Mr. NELSON. What I mean is that the prohibition law to which I have referred is now in effect, and we are not seeking to repeal it.

Mr. SHIELDS. But does it not cover demobilization?

Mr. NELSON. It extends to the end of the war, which means until the treaty of peace has been ratified, and then to the time of demobilization, or whichever period comes first.

Mr. SHIELDS. Does not the statutes referred to expressly include demobilization?

Mr. STERLING. Yes; it runs until the termination of demobilization.

Mr. SHIELDS. That is the law now?

Mr. NELSON. It reads:

Until the conclusion of the present war and until the termination of demobilization——

Mr. SHIELDS. Certainly.

Mr. NELSON. It continues:

the date of which shall be determined and proclaimed by the President.

That is the law now.

Mr. SHIELDS. Certainly, and therefore there is no necessity for adding anything to it.

Now, I will ask the Senator this question: Is it not a fact that in every State, except New York, there are ample local laws to protect the soldiers now being demobilized?

Mr. STERLING. Mr. President, in the answer to that question I will say there are not. One of the demobilization camps is in the vicinity of Washington, namely, Camp Meade, Md. Another is Camp Dix, in the State of New Jersey.

Mr. SHIELDS. That makes three.

Mr. STERLING. And Camp Grant, in the State of Illinois, which is not, as I understand, a prohibition State as yet, although a local-option State.

Mr. SHIELDS. Yes; Illinois is a prohibition State.

Mr. STERLING. But I do not think they have State-wide prohibition there.

Mr. SHIELDS. Have we not a Federal statute prohibiting the sale of liquor around demobilization camps until peace has been declared?

Mr. STERLING. Yes; until the period of demobilization.

Mr. SHIELDS. Then, taking the view the Senator has, there are three States, I believe, which he has named, where the local law may not be ample.

Mr. STERLING. I do not have any others in mind now.

Mr. SHIELDS. Does the Senator believe that it is good faith now, on that pretense, to legislate for the other 45 States?

Mr. STERLING. Certainly there is no breach of faith on the part of the Government in enacting this legislation. Now, let me tell the Senator briefly why, if I may.

Mr. SHIELDS. Certainly.

Mr. STERLING. This is the situation: We have the law of November 21, 1918, which simply prohibits the sale of intoxicating malt and vinous liquors, and stops there, save that a penalty is prescribed for violating the law; but the great difficulty has been, and is now, in the enforcement of that law. Title I of this bill is for the purpose of providing the means of enforcement, and one of the means is the definition of intoxicating liquors. The Senator understands what that definition is. The difficulty of enforcing the law is expressed in a letter from the Attorney General, written to the Senator from Texas [Mr. SHEPPARD], from which I will read. The Attorney General says:

I do not think the wisdom of such action on the part of Congress admits of doubt—

He refers to the pending bill—

I do not think the wisdom of such action on the part of Congress admits of doubt. It goes without saying, I think, that if a law merely prohibits intoxicating liquors and leaves to the jury in each case, from the evidence produced, to determine whether the liquor in question is, in fact, intoxicating or not, its efficient and uniform administration will be impossible.

Mr. SHIELDS. If the Senator will allow me a moment, I do not controvert that, and I do not oppose it; but the suggestion I am presenting to the Senator is that it is proposed to pass a law that applies to 45 States that do not need such a law and do not come within the evil intended to be legislated against. What power have we, after the war is over, to enact such legislation?

Mr. STERLING. So long as we are engaged in the work of demobilizing the soldiers, until the termination of that demobilization, there will be need for this law. The Attorney General continues:

The term "intoxicating" is too indefinite and uncertain to produce anything like uniform results in such trials. Of course, there are certain liquors so generally known to be intoxicating that any court would take judicial notice of this fact.

We have specified those liquors in the bill, applying the one-half per cent to the malt, vinous, and spirituous liquors other than those designated in the bill.

But in the absence of a definition by Congress there will be innumerable beverages as to which the claim will be made that they do not contain enough alcohol to render them intoxicating. These contentions will produce endless confusion and uncertainty. These, I think, are substantially the reasons why Congress should itself provide a definition.

The importance of this matter has been very much emphasized by our present efforts to enforce the war prohibition act. The claim is being made that beer containing as much as 2¾ per cent of alcohol is not intoxicating. And if this must be made a question of fact to be decided by each jury, but little in the way of practical results can be expected. I am, however, most earnestly insisting that, in view of the rulings for many years by the Internal Revenue Department, Congress meant when it used the word "beer" a beverage of the class generally known as beer if it contained as much as one-half of 1 per cent of alcohol.

He says further:

If I finally succeed in this contention, as I believe I will, much of the difficulty will be cleared away. But in the district courts there is a conflict of opinion. Several courts have sustained my contention and a few others have ruled to the contrary. While I have faith that the

Supreme Court will sustain my contention, it will, of course, be some months before a ruling can be had in that court. Hence I think that when Congress, in the meantime, is passing an enforcement act it should take care that this embarrassing question shall not be left to impede the administration of the law, no matter what the ruling of the Supreme Court may later be.

I will now read from the opinion of Judge Hand. This language appeals to me very strongly. He says:

A war emergency, however, of serious import arises in respect to the period of demobilization. During that period there has been and still is a stream of enlisted men coming into and remaining within the United States. The great stimulus engendered by the popular excitement which attended the war and by their expectation of having to combat their country's foes has disappeared, and a more or less purposeless and dull routine has followed as the inevitable lot of the young soldiers. Under such circumstances men are especially subject to all the temptations which a lack of immediate definite purpose, as well as a certain relaxation of discipline, are likely to entail. During the same period the country has been filled with other men but recently discharged from military service, a considerable number of whom are said in the moving papers before me to lack employment. There is, besides all this, the general restlessness which has apparently always followed the termination of a great war. Under such circumstances it can strongly be argued that the free use of stimulants may have peculiar dangers to the community. At all events, I do not see how it can be fairly said that no emergency exists directly growing out of the war, or that such emergency may not be affected by such a thing as the liquor traffic.

Mr. SHIELDS. Mr. President, no lawyer will say that Judge Hand's opinion is sound as to discharged soldiers; that is too well settled for controversy. I do not combat a suggestion made in a letter in regard to the enforcement of the law, but the proposition I presented was not answered by the Senator at all. My proposition is that it is all right in the demobilization camps to provide for its enforcement, but why spread it all over the United States, over 45 States, where there are no camps? Does the Senator think for a moment there are going to be camps in Arizona or California or Tennessee or the Dakotas or in other States? We know that new camps are not going to be established there, when a sufficient number of camps already exist in other places.

Mr. STERLING. I think the entire answer to the Senator from Tennessee is simply this: The law is on the statute books prohibiting the sale of malt and vinous liquors, and Title I of this bill provides for the enforcement of that law.

Mr. WADSWORTH. Mr. President, I desire to ask a question of the Senator from South Dakota in order that one matter may be cleared up in my mind at least. I want to ask if the enactment of Title I in any way deprives the President of his authority to suspend the war-time prohibition act?

Mr. STERLING. I should say, without having given the question much thought, that it does. It does not extend, but simply provides for the enforcement of the law now on the statute books, which will expire at the termination of demobilization—on the proclamation of that fact by the President. It goes just that far and no further.

Mr. WADSWORTH. Then it does not take away from the President the right to issue a proclamation suspending the act?

Mr. JONES of Washington. He can not suspend the act. He can declare demobilization at an end, and then the act falls.

Mr. STERLING. Upon his proclamation to the effect that demobilization is over, then the act is at an end.

Mr. LENROOT. Mr. President, if the Senator will yield, demobilization might be over, but if we are not technically at peace the act is still in force.

Mr. STERLING. I accept the correction, because it is during the war and until peace is declared.

Mr. JONES of Washington. This act does not deprive the President of any power that he has under the law as it stands.

Mr. WADSWORTH. I see. I wanted to be clear about that, because I think the Senator from Tennessee touched upon that, but that question was not covered in the colloquy that went on between him and the Senator from South Dakota.

Assuming that the state of war which is now technically in existence shall come to a conclusion in the near future, is it the opinion of the Senator from South Dakota that this act, if carried out in good faith, will terminate when the demobilization is actually complete?

Mr. STERLING. Peace having been declared?

Mr. WADSWORTH. Peace having been declared.

Mr. STERLING. And there being a termination of demobilization?

Mr. WADSWORTH. Yes. If the act is carried out in good faith, is it the opinion of the Senator from South Dakota that the act will cease with the actual termination of demobilization?

Mr. STERLING. Peace having been declared.

Mr. WADSWORTH. Peace having been declared.

Mr. President, I desire to make just a single observation. The demobilization is now 92 per cent complete. Only 8 per cent of the men who were enlisted into the Army for this war are still in the service; and if the plans of the War Department are carried out—and thus far it is fair to say they have been ahead of their program in the matter of demobilization—the demobilization will be complete on September 30, the end of this very month. So, as the Senator from Tennessee has indicated in his observations, Title I of this act is really for the protection of 8 per cent of the men of the total emergency army; and when they are demobilized and are out of the service and back in civil life it is difficult to see what the purpose of the act will be thereafter.

Of course if the demobilization is completed before the treaty of peace is signed and proclaimed, then certainly as soon as the treaty of peace is signed and proclaimed the President is in duty bound to make that evident by a declaration, and this act is suspended; and if things move along in the way that many of us assume they will move along, if events transpire as we assume they will transpire, this act will not be in operation much more than two months or six weeks.

Mr. STERLING. Granting that, there should be the means of enforcement as long as it is in operation.

Mr. WADSWORTH. Oh, yes; I am not contending against the enforcement; but I think there is a rather interesting situation confronting the Congress when it is passing a bill to enforce a law that is about to go out of existence.

Mr. SHIELDS. And only applicable to a very small territory.

Mr. WADSWORTH. I think myself that Title I should be enacted. The curious thing to my mind is that there has been no enforcement provision of the so-called war-time prohibition act before this time, and that we are not called upon to enact an enforcement provision until the act itself is almost ready to die.

Mr. POMERENE. Mr. President, am I to conclude from the observations just made by the Senator from New York that within two months the peace treaty will be ratified?

Mr. WADSWORTH. I did not say "ratified"; I said "peace declared."

Mr. WALSH of Montana. Mr. President, to my mind the argument of the Senator from Tennessee [Mr. SHIELDS] proceeds upon an entirely erroneous basis. He seems to proceed upon the theory that we are now legislating prohibition for the entire United States, the occasion for legislation of that character, in his judgment, extending only to those localities in a few States in which there are demobilization camps.

That is not the situation at all. Prohibition now exists all over the United States, and has existed since the 1st of July, by virtue of the prohibition act. That act provides that it shall remain in force until peace is declared and demobilization is complete, as proclaimed by the President.

When that act was passed undoubtedly Congress realized that some such condition of affairs would ensue as has followed; namely, that the Army would be rapidly demobilized after actual hostilities ceased, and that during some part of the process of demobilization only a small number of men would remain to be demobilized, and they would be demobilized in a limited number of camps. Congress also recognized that it had enacted two other statutes. One was that sales of liquor to men in uniform should not be tolerated, and, second, that certain zones around the camps might be prescribed within which the sale should not take place. Congress, having all of these matters in mind, enacted this law under which prohibition, as I say, now exists all over the United States by virtue of this statute.

It may have been very unwise in Congress to enact that legislation. It may have been entirely unjustified. The Senator from Tennessee may be correct that the law ought never to have been enacted in that way; that it ought to have provided that as demobilization progressed certain States should be exempted from the operation of the general act, and as it progressed further that certain sections of other States should be exempted from the operation of the act until no region remained subject to the operation of the general act except the demobilization camps and a certain territory in the vicinity of those demobilization camps. But the Congress of the United States did not do that. It provided that prohibition should go into force and effect on the 1st of July all over the United States, and should remain in force and effect all over the United States until demobilization was complete, until the last man had been demobilized, as proclaimed by the President.

That was the policy of Congress. Congress adheres to that policy. It is now unlawful to sell liquor in any of the States of the Union. It is not necessary now to inquire into the wisdom of that. With the situation as I have indicated, the question arises as to whether we shall leave that prohibition statute on the books without any real method of enforcing it and making it an active statute, or whether we shall provide the means by

which it shall go into effect so long as it lasts. That is the purpose of this statute. It is not primarily to prohibit the sale of intoxicating liquors in the various States of the Union, those within which there are demobilization camps as well as those within which there are not, because that condition already exists. It is simply a statute making effective and vigorous the prohibition which already exists by virtue of another statute.

The VICE PRESIDENT. The question is on the amendment of the Senator from Tennessee [Mr. SHIELDS].

The amendment was rejected.

Mr. STERLING. Mr. President, there is one further amendment to which my attention has been called since I offered certain amendments in behalf of the committee a while ago. I send to the desk an amendment to come in at the end of section 1 of Title I.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of section 1, on page 2, line 7, the following proviso:

Provided, however, That the foregoing definition shall not extend to dealcoholized wine or sweet cider, nor to any liquor or liquid produced by the process by which beer, ale, or porter is manufactured, but containing less than one-half of 1 per cent of alcohol, if such liquor or liquid shall be otherwise denominated than as beer, ale, or porter.

Mr. STERLING. That is exactly the same amendment that has been made to section 1 of Title II. There is no reason why it should not be made as an amendment to section 1 of Title I as well.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. ASHURST. Mr. President, the bill having reached the stage where no further amendments may be proposed, I embrace the opportunity to discuss a matter which runs to the vitals of constitutional amendments. I waited purposely until there was no opportunity to offer further amendments.

Mr. EDGE. Mr. President——

Mr. ASHURST. I yield to the Senator from New Jersey.

Mr. EDGE. May I ask the Senator from Arizona if he desires to speak on the prohibition bill, or on some other subject?

Mr. ASHURST. I wanted to speak on the bill, with reference to the nature of constitutional amendments. I want to speak on the bill; but if there is any other business to which Senators wish to address themselves, or if the Senate wishes to proceed to the consideration of other bills, I will very gladly yield, or yield the floor. In fact, while as in the case of all other men a speech imprisoned within one's bosom is a very tyrannical thing, and we never get any peace until we get it out, I am very willing to postpone it until some other occasion, although I felt that inasmuch as it related to this bill it ought to be delivered now, if at all; and I would not do so at all except that several members of the Judiciary Committee have requested me to deliver the address. If it were not for that I would not care to go on at this time; but if there is any business that any Senator wishes to have transacted I can easily keep the speech confined for some time.

Mr. NELSON. Will my good friend the Senator from Arizona allow me to make a suggestion to him?

Mr. ASHURST. Certainly.

Mr. NELSON. Let us pass the pending bill, and then the Senator from New Jersey will call up the bill he has in charge and have it made the unfinished business, and then the Senator can make his speech.

Mr. ASHURST. I am very willing to do that. I think that is a very appropriate suggestion.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

Mr. STERLING. I move that the Senate request a conference with the House of Representatives on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. STERLING, Mr. NELSON, and Mr. OVERMAN conferees on the part of the Senate.

Mr. JONES of Washington. Mr. President, I wish to say just a word or two about the bill which has just been passed. I shall only take a minute.

The bill is not all that every friend of temperance would like to have, but the Congress and the people of the country owe sincere thanks to the committee of the House and the committee of the Senate for framing such a fair and reasonable measure as it is. They have done their work splendidly. No doubt this law will be violated. The interests and elements it seeks to control have violated laws and defied authority in the past to such a very great extent that they largely brought about the very sentiment they denounce and which brought about the passage not only of the prohibition amendment but the war-time prohibition law and this law.

I wish to put in the RECORD a resolution which I introduced in the last Congress and which resulted in an investigation of the liquor interests and a report from the Committee on the Judiciary that ought to be made a permanent record. It shows this traffic to be such a lawless and disturbing element as to challenge the attention not only of the people of this country but the people of the world.

I ask permission to insert in the RECORD the part of the report which I hold in my hand. The committee consisted of Senators OVERMAN, KING, WOLCOTT, NELSON, and STERLING. The resolution was Senate resolution 307, introduced by me, and the committee finds every charge made in it "substantially" proved. This report fully justifies the action of the people and the Congress in outlawing the liquor traffic in this country forever, and it will be a mighty weapon to make the world dry. I ask that what I send to the Clerk's desk may be printed in the RECORD without reading in connection with my remarks.

The VICE PRESIDENT. If there is no objection, it will be so ordered.

The matter referred to is as follows:

REPORT ON HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, ON SENATE RESOLUTION 307.

GERMAN PROPAGANDA.

Mr. OVERMAN. From the Committee on the Judiciary I submit the report of the subcommittee to the full committee on the question of the investigation of the activities of the United States Brewers' Association and allied interests, and I ask that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

BREWING AND LIQUOR INTERESTS AND GERMAN PROPAGANDA, AND BOLSHEVIK PROPAGANDA.

"The Committee on the Judiciary, having under consideration the resolution directing the Committee on the Judiciary of the Senate to call for certain evidence and documents relating to charges made against the United States Brewers' Association and allied interests and to report the result of their investigation to the Senate, have concluded their duties.

"The chairman appointed as a subcommittee to investigate the matters and things named in said resolution the following Senators: OVERMAN (chairman), KING, WOLCOTT, NELSON, and STERLING.

"The resolution directing the committee to make this investigation is here printed in full, as follows:

"Whereas Hon. A. Mitchell Palmer, Custodian of Alien Property, on or about September 14 made the following statement:

"'The facts will soon appear which will conclusively show that 12 or 15 German brewers of America, in association with the United States Brewers' Association, furnished the money, amounting to several hundred thousand dollars, to buy a great newspaper in one of the chief cities of the Nation; and its publisher, without disclosing whose money had bought that organ of public opinion, in the very Capital of the Nation, in the shadow of the Capitol itself, has been fighting the battle of the liquor traffic.

"'When the traffic, doomed though it is, undertakes and seeks by these secret methods to control party nominations, party machinery, whole political parties, and thereby control the government of State and Nation, it is time the people know the truth.

"'The organized liquor traffic of the country is a vicious interest, because it has been unpatriotic, because it has been pro-German in its sympathies and its conduct. Around these great brewery organizations, owned by rich men, almost all of them are of German birth and sympathy, at least before we entered the war, has grown up the societies, all the organizations of this country intended to keep young German immigrants from becoming real American citizens.

"'It is around the sangerfests and sangerbunds and organizations of that kind, generally financed by the rich brewers, that the young Germans who come to America are taught to remember, first, the fatherland, and, second, America'; and

"Whereas it has been publicly and repeatedly charged against the United States Brewers' Association and allied brewing companies and interests that there is in the Department of Justice and in the office of a certain United States district attorney evidence showing—

"That the said United States Brewers' Association, brewing companies, and allied interests have in recent years made contributions to political campaigns on a great scale without precedent in the political history of the country and in violation of the laws of the land;

"That, in order to control legislation in State and Nation, they have exacted pledges from candidates to office, including Congressmen and United States Senators, before election, such pledges being on file;

"That, in order to influence public opinion to their ends, they have heavily subsidized the public press and stipulated when contracting for advertising space with the newspapers that a certain amount be editorial space, the literary material for the space being provided from the brewers' central office in New York;

"That, in order to suppress expressions of opinion hostile to their trade and political interests, they have set in operation an extensive system of boycotting of American manufacturers, merchants, railroads, and other interests;

"That, for the furthering of their political enterprises, they have erected a political organization to carry out their purposes;

"That they were allied to powerful suborganizations, among them the German-American Alliance, whose charter was revoked by the unanimous vote of Congress; the National Association of Commerce and Labor; and the Manufacturers and Dealers' Associations, and that they have their ramifications in other organizations neutral in character;

"That they have on file political surveys of States, counties, and districts tabulating the men and forces for and against them, and that they have paid large sums of money to citizens of the United States to advocate their cause and interests, including some in the Government employ;

"That they have defrauded the Federal Government by applying to their political corruption funds money which should have gone to the Federal Treasury in taxes;

"That they are attempting to build up in the country, through the control of such organizations as the united societies and by the manipulation of the foreign-language press, a political influence which can be turned to one or the other party, thus controlling electoral results;

"That they, or some of their organizations, have pleaded nolo contendre to charges filed against them and have paid fines aggregating large sums of money; Therefore be it

"*Resolved*, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, is hereby authorized and directed to call upon the Hon. A. Mitchell Palmer, Alien Property Custodian, and the Department of Justice and its United States district attorneys to produce the evidence and documents relating to the charges herein mentioned, and to subpœna any witnesses or documents relating thereto that it may find necessary, and to make a report of the result of such investigation and what is shown thereby to the Senate of the United States as promptly as possible.

"The subcommittee began its investigation on September 27, 1918. At the request of the subcommittee, the Secretary of War very kindly detailed from the Judge Advocate General's Department, United States Army, to aid the committee, Maj. E. Lowry Humes, formerly United States district attorney for the western district of Pennsylvania, and from the Military Intelligence Division, United States Army, Capt. George B. Lester, an attorney of New York, and also the Attorney General very kindly detailed from the Department of Justice Mr. William R. Benham, all of whom rendered most valuable assistance to the committee in the collection of evidence, the production of testimony, the examination of witnesses, and in the preparation of reports.

BREWING AND LIQUOR ACTIVITIES.

"The allegations and charges made in said resolution No. 307, hereinbefore set out, in regard to the brewing and liquor activities, were substantially sustained, as will appear from the printed record, volumes 1 and 2, herewith transmitted.

"Your committee in entering upon the investigation directed by said resolution No. 307 interpreted that resolution as requiring an inquiry into two subjects, to wit:

"1. The conduct and activities of the brewing and liquor interest, political and otherwise, was specifically demanded; and

"2. A general inquiry into pro-German propaganda and activities was required. The testimony taken having been printed, a review thereof is deemed unnecessary. Complying, however, with the mandate of the resolution requiring a report of the results established by the investigation, the following findings are herewith submitted for the information and attention of the Senate:

I.

"With regard to the conduct and activities of the brewing and liquor interests, the committee is of the opinion that the record clearly establishes the following facts:

"(a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.

"(b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.

"(c) That they have contributed enormous sums of money to political campaigns in violation of the Federal statutes and the statutes of several of the States.

"(d) That they have exacted pledges from candidates for public office prior to the election.

"(e) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.

"(f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturing and mercantile concerns.

"(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

"(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

"(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

"(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

"(k) That they undertook through a cunningly conceived plan of advertising and subsidation to control and dominate the foreign-language press of the United States.

"(l) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals.

"(m) That for many years a working agreement existed between the brewing and distilling interests of the country by the terms of which the brewing interests contributed two-thirds and the distilling interests one-third of the political expenditures made by the joint interests."

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. EDGE. Mr. President, I am not going to take the time of the Senate to-night further than to make the motion of which I have already given notice I would make at the conclusion of the consideration and passage of the prohibition bill. I move that we take up Senate bill 2472, so that it shall become the unfinished business of the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, which had been reported from the Committee on Banking and Currency with amendments.

Mr. ASHURST. Mr. President, I realize the importance and the necessity to the country of passing the bill that is now made the unfinished business, and I hope it will pass the Senate this evening. I feel that I would be guilty possibly if I should consume time just now. So I will withhold my address until some other day, and take 10 minutes upon another occasion. I hope the Senator in charge of the bill which is now the unfinished business will ask the Senate to proceed with it and if possible pass the bill this evening.

DISCOUNT OF BILLS OF EXCHANGE.

Mr. LODGE. If the Senator in charge of the unfinished business is not going on with it to-night, I will move an executive session.

Mr. SMITH of Georgia. I hope the Senator from Massachusetts will withhold his motion for just a moment. There is a bill that has passed the House, a very short bill, that I think we can dispose of by temporarily laying aside the bill in charge of the Senator from New Jersey.

The bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, was unanimously reported by the Finance Committee of the House, unanimously reported without change by the Banking and Currency Committee of the Senate, and is very warmly urged by the Federal Reserve Board.

Mr. POMERENE. May I ask what is the purpose of the bill?

Mr. SMITH of Georgia. The bill is one that permits the banks to cash sight drafts with bills of lading atttached without charging that up as part of the 10 per cent loan to a particular customer. It is really a cash transaction. It has ample security and it is of quite substantial importance that it should be passed without any great amount of delay.

Mr. LODGE. If it is not going to lead to any debate I will yield for that purpose.

Mr. SMITH of Georgia. I do not think it will lead to debate. I do not know of any opposition to it. The only amendment that was offered was by the Senator from Nevada [Mr. HENDERSON], who wanted to strike out the provision which required, when the bill of lading covered stock, the stock should be insured. The bill provides that stock must be insured, and he wanted to strike out the limitation as to insurance, but I had a conference with him and I do not think he will insist upon it; I understood he would not.

The only opposition to the bill was in the line of making it more liberal. It was not that it was not liberal as it is, but the Senator from Nevada wanted to make it more liberal; but the Federal Reserve Board felt, and really I think on reflection all felt, that it was not unreasonable to ask that live stock should be insured.

Mr. GRONNA. Mr. President, as a member of the committee, I think I should state that the bill does more than the Senator from Georgia has indicated. It increases the loans that may be extended by the Federal reserve banks. It is true, as the Senator has stated, that it has passed the House and that it was unanimously reported by the Committee on Banking and Currency of the Senate. However, I heard some objection to the bill. I think the Senator from Utah [Mr. SMOOT] said the other day that he has some objection to it. He is not in the Chamber at the present time, and I do not know but that it would be fair to him to let it go over until to-morrow.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Saturday, September 6, 1919, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate September 5, 1919.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

S. Abbot Maginnis, of Salt Lake City, Utah, to be envoy extraordinary and minister plenipotentiary of the United States of America to Bolivia.

SECRETARY OF EMBASSY OR LEGATION.

Christian A. Herter, of New York City, to be a secretary of embassy or legation of class 4 of the United States of America.

MEMBER OF FEDERAL RESERVE BOARD.

Henry A. Moehlenpah, of Clinton, Wis., to be a member of the Federal Reserve Board, to fill out the unexpired term of Frederic A. Delano, resigned.

SURVEYOR GENERAL OF ALASKA.

Robert J. Sommers, of Alaska, to be surveyor general of Alaska, vice Charles E. Davidson, deceased.

RECEIVER OF PUBLIC MONEYS.

William Kerr Patterson, of Guthrie, Okla., to be receiver of public moneys at Guthrie, Okla., vice Alexander X. Campbell, removed.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. William M. Bryan to be surgeon in the Public Health Service, to rank as such from May 9, 1919.

Passed Asst. Surg. James R Hurley to be surgeon in the Public Health Service, to rank as such from May 6, 1919.

COAST GUARD.

Senior Capt. William Edward Reynolds to be captain commandant of the Coast Guard, to fill an existing vacancy.

PROMOTION IN THE REGULAR ARMY.

FIELD ARTILLERY.

To be majors.

Capt. Francis W. Honeycutt, Field Artillery (General Staff), from August 6, 1919.

Capt. Daniel W. Hand, Field Artillery, from August 6, 1919.

Capt. Charles S. Blakely, Field Artillery, from August 11, 1919.

Capt. Walter D. Smith, Field Artillery, from August 12, 1919.

To be captains.

First Lieut. John O. Hoskins, Field Artillery, from June 19, 1919.

First Lieut. William Clarke, Field Artillery, from June 19, 1919.

First Lieut. Albert R. Ives, Field Artillery, from June 19, 1919.

First Lieut. Arthur Brigham, jr., Field Artillery, from June 19, 1919.

First Lieut. William M. Jackson, Field Artillery, from June 19, 1919.

First Lieut. Joseph A. Sheridan, Field Artillery, from June 19, 1919.

First Lieut. Hugh C. Minton, Field Artillery, from June 19, 1919.

First Lieut. Charles W. Gallaher, Field Artillery, from June 19, 1919.

First Lieut. Laurence V. Houston, Field Artillery, from June 19, 1919.

First Lieut. Stacy Knopf, Field Artillery, from June 19, 1919.

First Lieut. James M. Garrett, jr., Field Artillery, from June 19, 1919.

First Lieut. Eugene H. Willenbucher, Field Artillery, from June 19, 1919.

First Lieut. Louis C. Arthur, jr., Field Artillery, from June 19, 1919.

First Lieut. John F. Hubbard, Field Artillery, from June 19, 1919.

First Lieut. Robert M. Bathurst, Field Artillery, from June 19, 1919 (subject to examination required by law).

First Lieut. William H. Saunders, Field Artillery, from July 5, 1919 (subject to examination required by law).

First Lieut. Charles E. Hurdis, Field Artillery, from July 30, 1919.

First Lieut. Henry J. Schroeder, Field Artillery, from August 2, 1919 (subject to examination required by law).

First Lieut. James K. Tully, Field Artillery, from August 6, 1919 (subject to examination required by law).

First Lieut. John M. Devine, Field Artillery, from August 6, 1919 (subject to examination required by law).

First Lieut. Harold A. Nisley, Field Artillery, from August 11, 1919 (subject to examination required by law).

First Lieut. James L. Guion, Field Artillery, from August 12, 1919 (subject to examination required by law).

First Lieut. George D. Wahl, Field Artillery, from August 12, 1919 (subject to examination required by law).

First Lieut. Basil H. Perry, Field Artillery, from August 12, 1919.

First Lieut. Ray H. Lewis, Field Artillery, from August 12, 1919 (subject to examination required by law).

CAVALRY ARM.

To be captains.

First Lieut. John M. Jenkins, jr., Cavalry, from June 6, 1919.

First Lieut. Beverly H. Colner, Cavalry, from June 6, 1919.

First Lieut. Albert D. Chipman, Cavalry, from July 9, 1919.

First Lieut. Arthur H. Truxes, Cavalry, from July 9, 1919.

First Lieut. Gordon J. F. Heron Cavalry, from July 9, 1919.

First Lieut. Carl C. Krueger, Cavalry, from July 9, 1919.

First Lieut. Hugh M. Gregory, Cavalry, from August 2, 1919.

First Lieut. Oron A. Palmer, Cavalry, from August 13, 1919.

First Lieut. Stanley Bacon, Cavalry, from August 13, 1919.

COAST ARTILLERY CORPS.

To be captain.

First Lieut. William R. Stewart, Coast Artillery Corps, from July 26, 1919.

INFANTRY ARM.

To be colonels with rank from August 22, 1919.

Lieut. Col. John B. Bennet, Infantry.

Lieut. Col. Melville S. Jarvis, Infantry, subject to examination required by law.

Lieut. Col. John W. Heavey, Infantry.

To be lieutenant colonels with rank from August 22, 1919.

Maj. Lorrain T. Richardson, Infantry.

Maj. Charles R. Howland, Infantry.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE REGULAR ARMY.

FIELD ARTILLERY.

To be first lieutenants.

Second Lieut. Donald J. Cranston, Field Artillery, from April 21, 1919.

Second Lieut. Josef R. Sheetz, Field Artillery, from April 30, 1919.

Second Lieut. Hugh St. C. Clarke, Field Artillery, from May 2, 1919.

Second Lieut. George G. Witter, Field Artillery, from May 5, 1919.

Second Lieut. Elmer J. Gray, Field Artillery, from May 5, 1919.

Second Lieut. Alfred P. Kelley, Field Artillery, from May 5, 1919.

Second Lieut. Oliver F. Marston, Field Artillery, from May 5, 1919.

Second Lieut. Clarence C. Park, Field Artillery, from May 5, 1919.

Second Lieut. Maurice R. Harrison, Field Artillery, from May 10, 1919.

Second Lieut. Fred B. Lyle, Field Artillery, from May 17, 1919.

Second Lieut. Zim E. Lawhon, Field Artillery, from May 20, 1919.

Second Lieut. Fletcher S. Riley, Field Artillery, from May 21, 1919.

Second Lieut. Willoughby T. Cooke, jr., Field Artillery, from May 21, 1919.

Second Lieut. Harding C. Woodall, Field Artillery, from May 21, 1919.

Second Lieut. John W. McCaslin, Field Artillery, from May 23, 1919.

Second Lieut. John H. Keatinge, Field Artillery, from May 23, 1919.

Second Lieut. Julian Bobbs, Field Artillery, from May 23, 1919.

Second Lieut. James W. Andrews, Field Artillery, from May 30, 1919.

Second Lieut. Carlton B. Rettig, Field Artillery, from May 30, 1919.

Second Lieut. Kirk W. Howry, Field Artillery, from June 6, 1919.

Second Lieut. Frederic A. Metcalf, Field Artillery, from June 9, 1919.

Second Lieut. Thomas W. Wilmer, Field Artillery, from June 11, 1919.

Second Lieut. Hudson Burr, Field Artillery, from June 13, 1919.

Second Lieut. William R. Philp, Field Artillery, from June 14, 1919.

Second Lieut. Edward T. Kirkendall, Field Artillery, from June 17, 1919.

Second Lieut. Herbert W. Nauts, Field Artillery, from June 19, 1919.

Second Lieut. Walter H. Soderholm, Field Artillery, from June 19, 1919.
Second Lieut. John M. De Bell, Field Artillery, from June 19, 1919.
Second Lieut. Edward C. Thayer, Field Artillery, from June 19, 1919.
Second Lieut. Clyde B. Sturtz, Field Artillery, from June 19, 1919.
Second Lieut. Vennard Wilson, Field Artillery, from June 19, 1919.
Second Lieut. John B. Barnwell, Field Artillery, from June 19, 1919.
Second Lieut. Albert W. Long, Field Artillery, from June 19, 1919.
Second Lieut. Robert M. Barnett, Field Artillery, from June 19, 1919.
Second Lieut. Charles A. Staebler, Field Artillery, from June 19, 1919.
Second Lieut. Percy C. Fleming, Field Artillery, from June 19, 1919.
Second Lieut. Paul B. Shearer, Field Artillery, from June 20, 1919.
Second Lieut. Samuel C. Almy, Field Artillery, from June 20, 1919.
Second Lieut. John F. Roehm, Field Artillery, from June 20, 1919.
Second Lieut. John T. Shea, Field Artillery, from June 20, 1919.
Second Lieut. Chilton R. Cabot, Field Artillery, from June 20, 1919.
Second Lieut. Nathan D. Gordon, Field Artillery, from June 20, 1919.
Second Lieut. Robert T. Staples, Field Artillery, from June 20, 1919.
Second Lieut. Howell R. Hanson, Field Artillery, from June 20, 1919.
Second Lieut. George R. Hayman, Field Artillery, from June 20, 1919.
Second Lieut. Howard E. Camp, Field Artillery, from June 20, 1919.
Second Lieut. Samuel C. Gale, Field Artillery, from June 20, 1919.
Second Lieut. Allan B. Smith, Field Artillery, from July 3, 1919.
Second Lieut. Allie W. Miller, Field Artillery, from July 3, 1919.
Second Lieut. Lloyd S. Partridge, Field Artillery, from July 3, 1919.
Second Lieut. Harold W. Blakeley, Field Artillery, from July 3, 1919.
Second Lieut. George Etter, Field Artillery, from July 3, 1919.
Second Lieut. Willie C. White, Field Artillery, from July 3, 1919.
Second Lieut. Charles B. Arthur, jr., Field Artillery, from July 5, 1919.
Second Lieut. Davis J. Cloward, Field Artillery, from July 6, 1919.
Second Lieut. Leon Dessez, Field Artillery, from July 8, 1919.
Second Lieut. Henry P. Taylor, Field Artillery, from July 9, 1919.
Second Lieut. Armin A. Uebelacker, Field Artillery, from July 10, 1919.
Second Lieut. Frederick D. Sharp, Field Artillery, from July 19, 1919.
Second Lieut. Yssel Y. Young, Field Artillery, from July 26, 1919.
Second Lieut. James G. Watkins, Field Artillery, from July 26, 1919.
Second Lieut. Paul M. Arnold, Field Artillery, from July 26, 1919.
Second Lieut. William S. Jacobs, Field Artillery, from July 26, 1919.
Second Lieut. John P. Crehan, Field Artillery, from July 26, 1919.
Second Lieut. Samuel O. Taylor, Field Artillery, from July 26, 1919.
Second Lieut. Donald S. McConnaughy, Field Artillery, from July 26, 1919.
Second Lieut. James Taylor, Field Artillery, from July 26, 1919.
Second Lieut. Alfred G. Ford, Field Artillery, from July 28, 1919.
Second Lieut. George W. Norrick, Field Artillery, from July 28, 1919.
Second Lieut. Samuel White, jr., Field Artillery, from July 28, 1919.
Second Lieut. Lynn Helm, jr., Field Artillery, from July 28, 1919.
Second Lieut. Edward R. Roberts, Field Artillery, from July 28, 1919.
Second Lieut. Ansel G. Wineman, Field Artillery, from July 28, 1919.
Second Lieut. Stewart F. Miller, Field Artillery, from July 28, 1919.
Second Lieut. Irvin H. Zeliff, Field Artillery, from July 28, 1919.
Second Lieut. Benson G. Scott, Field Artillery, from July 29, 1919.
Second Lieut. Ralph Hirsch, Field Artillery, from July 30, 1919.
Second Lieut. David B. Kinne, jr., Field Artillery, from July 31, 1919.
Second Lieut. Robert V. Maraist, Field Artillery, from July 31, 1919.
Second Lieut. Nathan W. Gillette, Field Artillery, from July 31, 1919.
Second Lieut. Edwin S. Brewster, jr., Field Artillery, from July 31, 1919.
Second Lieut. Melvin L. Craig, Field Artillery, from July 31, 1919.
Second Lieut. Earl G. Wagner, Field Artillery, from July 31, 1919.
Second Lieut. Samuel A. Palmer, Field Artillery, from August 2, 1919.
Second Lieut. John C. Moses, Field Artillery, from August 2, 1919.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Eugene R. Guild, Coast Artillery Corps, from April 20, 1919.
Second Lieut. Thomas R. Lannon, Coast Artillery Corps, from May 1, 1919.
Second Lieut. Leslie W. Jefferson, Coast Artillery Corps, from May 1, 1919.
Second Lieut. Luther O. Leach, Coast Artillery Corps, from May 8, 1919.
Second Lieut. James D. Jones, Coast Artillery Corps, from May 16, 1919.
Second Lieut. Isaac Wynne, jr., Coast Artillery Corps, from May 19, 1919.
Second Lieut. John R. Embich, Coast Artillery Corps, from May 22, 1919.
Second Lieut. Ernest W. Soucy, Coast Artillery Corps, from May 25, 1919.
Second Lieut. Donald B. Hilton, Coast Artillery Corps, from May 28, 1919.
Second Lieut. Ralph E. Hill, Coast Artillery Corps, from June 2, 1919.
Second Lieut. Francis L. Christian, Coast Artillery Corps, from June 3, 1919.
Second Lieut. Maitland Bottoms, Coast Artillery Corps, from June 5, 1919.
Second Lieut. William R. Epes, Coast Artillery Corps, from June 5, 1919.
Second Lieut. Charles H. Stewart, Coast Artillery Corps, from June 6, 1919.
Second Lieut. Joseph E. Simmons, Coast Artillery Corps, from June 6, 1919.
Second Lieut. Hal F. Corry, Coast Artillery Corps, from June 6, 1919.
Second Lieut. Martin A. Hayes, Coast Artillery Corps, from June 6, 1919.
Second Lieut. Edward R. Holland, jr., Coast Artillery Corps, from June 6, 1919.
Second Lieut. John W. Russey, Coast Artillery Corps, from June 7, 1919.
Second Lieut. James D. McIntyre, Coast Artillery Corps, from June 8, 1919.
Second Lieut. Harry W. Lins, Coast Artillery Corps, from June 9, 1919.
Second Lieut. Bryan L. Milburn, Coast Artillery Corps, from June 10, 1919.
Second Lieut. Frederick H. Bachman, Coast Artillery Corps, from June 10, 1919.

Second Lieut. Bradley J. Saunders, Coast Artillery Corps, from June 10, 1919.
Second Lieut. Herbert C. Bartlett, Coast Artillery Corps, from June 11, 1919.
Second Lieut. Nyal L. Adams, Coast Artillery Corps, from June 12, 1919.
Second Lieut. Charles M. Dale, Coast Artillery Corps, from June 14, 1919.
Second Lieut. William A. Clark, jr., Coast Artillery Corps, from June 15, 1919.
Second Lieut. William W. Dinsmore, Coast Artillery Corps, from June 16, 1919.
Second Lieut. Arthur Duffy, Coast Artillery Corps, from June 16, 1919.
Second Lieut. Ellsworth Young, Coast Artillery Corps, from June 17, 1919.
Second Lieut. John W. Fuchs, Coast Artillery Corps, from June 18, 1919.
Second Lieut. Thomas R. Bartlett, Coast Artillery Corps, from June 19, 1919.
Second Lieut. James L. D. Corey, Coast Artillery Corps, from June 19, 1919.
Second Lieut. Frank H. Pritchard, Coast Artillery Corps, from June 19, 1919.
Second Lieut. Stanley H. Franklin, Coast Artillery Corps, from June 19, 1919.
Second Lieut. Raymond W. Symonds, Coast Artillery Corps, from June 20, 1919.
Second Lieut. Thomas S. McConnell, Coast Artillery Corps, from June 21, 1919.
Second Lieut. Detlow M. Marthinson, Coast Artillery Corps, from June 24, 1919.
Second Lieut. Jerry V. Matejka, Coast Artillery Corps, from June 24, 1919.
Second Lieut. Edwin E. Aldrin, Coast Artillery Corps, from June 25, 1919.
Second Lieut. Thomas L. Cleaton, Coast Artillery Corps, from June 25, 1919.
Second Lieut. Charles L. Miller, Coast Artillery Corps, from June 25, 1919.
Second Lieut. Milton Heilfron, Coast Artillery Corps, from June 25, 1919.
Second Lieut. Adam J. Bennett, Coast Artillery Corps, from June 26, 1919.
Second Lieut. William Hesketh, Coast Artillery Corps, from June 26, 1919.
Second Lieut. Harry J. Rice, Coast Artillery Corps, from June 28, 1919.
Second Lieut. John A. O'Leary, Coast Artillery Corps, from July 1, 1919.
Second Lieut. Joseph W. Vann, Coast Artillery Corps, from July 2, 1919.
Second Lieut. Guy E. Cate, Coast Artillery Corps, from July 8, 1919.
Second Lieut. Lloyd M. Hanna, Coast Artillery Corps, from July 13, 1919.
Second Lieut. Severn P. C. Duvall, Coast Artillery Corps, from July 13, 1919.
Second Lieut. Hiram H. Maynard, Coast Artillery Corps, from July 13, 1919.
Second Lieut. George W. Dunn, jr., Coast Artillery Corps, from July 15, 1919.
Second Lieut. James W. Walters, Coast Artillery Corps, from July 16, 1919.
Second Lieut. Richard C. Coupland, Coast Artillery Corps, from July 17, 1919.
Second Lieut. William J. Burke, Coast Artillery Corps, from July 17, 1919.
Second Lieut. George H. Tilghman, Coast Artillery Corps, from July 18, 1919.
Second Lieut. George W. Brent, Coast Artillery Corps, from July 18, 1919.
Second Lieut. Daniel W. Hickey, jr., Coast Artillery Corps, from July 20, 1919.
Second Lieut. Thomas A. Jones, jr., Coast Artillery Corps, from July 24, 1919.
Second Lieut. Stapleton C. Deitrick, Coast Artillery Corps, from July 25, 1919.
Second Lieut. Elvin L. Barr, Coast Artillery Corps, from July 25, 1919.
Second Lieut. James E. Troupe, Coast Artillery Corps, from July 26, 1919.
Second Lieut. Douglas E. Morrison, Coast Artillery Corps, from July 26, 1919.
Second Lieut. Ray O. Edwards, Coast Artillery Corps, from July 26, 1919.
Second Lieut. Thomas E. Jeffords, Coast Artillery Corps, from July 27, 1919.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Arwed C. Baltzer, Cavalry, from April 15, 1919.
Second Lieut. James W. Ewing, Cavalry, from April 24, 1919.
Second Lieut. Wallace Van Cleave, Cavalry, from May 1, 1919.
Second Lieut. Richard E. Tallant, Cavalry, from May 2, 1919.
Second Lieut. Henry H. Cheshire, Cavalry, from May 7, 1919.
Second Lieut. John S. Peters, Cavalry, from May 10, 1919.
Second Lieut. Herbert L. Earnest, Cavalry, from May 18, 1919.
Second Lieut. Verne Austin, Cavalry, from May 18, 1919.
Second Lieut. Willis H. Ryder, Cavalry, from May 24, 1919.
Second Lieut. Guy E. Dillard, Cavalry, from May 26, 1919.
Second Lieut. Ray T. Maddocks, Cavalry, from June 1, 1919.
Second Lieut. Thomas A. Frazier, Cavalry, from June 7, 1919.
Second Lieut. Victor R. Sladek, Cavalry, from June 15, 1919.
Second Lieut. Richard N. Atwell, Cavalry, from June 16, 1919.
Second Lieut. Thomas B. Locke, Cavalry, from June 16, 1919.
Second Lieut. Morris S. Daniels, jr., Cavalry, from June 20, 1919.
Second Lieut. Roger W. Sawyer, Cavalry, from June 21, 1919.
Second Lieut. John H. Welsh, Cavalry, from June 21, 1919.
Second Lieut. Edwin J. Kratzenberg, Cavalry, from June 29, 1919.
Second Lieut. Robert D. Coye, Cavalry, from June 29, 1919.
Second Lieut. John O. Lawrence, Cavalry, from July 4, 1919.
Second Lieut. Charles W. Glover, Cavalry, from July 9, 1919.
Second Lieut. John K. Gailey, jr., Cavalry, from July 9, 1919.
Second Lieut. Charles R. Simmons, Cavalry, from July 9, 1919.
Second Lieut. James Van V. Shufelt, Cavalry, from July 10, 1919.
Second Lieut. Herbert A. Welch, Cavalry, from July 12, 1919.
Second Lieut. Hobart R. Gay, Cavalry, from July 12, 1919.
Second Lieut. Rutherford L. Hammond, Cavalry, from July 17, 1919.
Second Lieut. Raymond G. Clark, Cavalry, from July 19, 1919.
Second Lieut. Elisha C. Wattles, Cavalry, from July 21, 1919.
Second Lieut. Parker G. Tenney, Cavalry, from July 27, 1919.
Second Lieut. Mordaunt V. Turner, Cavalry, from July 27, 1919.
Second Lieut. Norman E. Waldron, Cavalry, from July 30, 1919.
Second Lieut. Herbert J. Burke, Cavalry, from August 2, 1919.
Second Lieut. Leo L. Gocker, Cavalry, from August 2, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 5, 1919.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 4.

The following-named persons to be secretaries of embassy or legation of class 4:
Harold M. Deane.
James C. Dunn.
Barton Hall.
Myron A. Hofer.
Jay Pierrepont Moffat.
Wallace S. Murray.
Mitchell Park.
Frederick F. A. Pearson.
Walter H. Schoellkopf.
Richard B. Southgate.
Wesley Merritt Swift.
Alan F. Winslow.
Edward C. Wynne.

ASSISTANT SECRETARY OF AGRICULTURE.

James R. Riggs to be Assistant Secretary of Agriculture.

CONSUL GENERALS AND CONSULS.

Charles C. Eberhardt to be a consul general of class 2.
Stuart J. Fuller to be a consul general of class 3.
To be consular inspectors:
Robert Frazer, jr.
Arthur Garrels.
To be consul generals of class 4:
Leo Allen Bergholz.
Frederic W. Goding.
Frederick M. Ryder.
George Horton.
Alexander W. Weddell.

Alfred A. Winslow.
William H. Gale.
Ernest L. Harris.
Will L. Lowrie.
Francis B. Keene.
John Ball Osborne.
Albert W. Pontius.
To be consuls of class 3:
E. Carleton Baker.
W. Stanley Hollis.
Augustus E. Ingram.
Charles K. Moser.
Samuel T. Lee.
To be consuls of class 4:
Hernando de Soto.
Carl F. Deichman.
Gebhard Willrich.
North Winship.
John K. Caldwell.
George E. Chamberlin.
Wesley Frost.
Roger C. Tredwell.
DeWitt C. Poole, jr.
To be consuls of class 5:
Cornelius Ferris, jr.
Nelson T. Johnson.
Frederick T. F. Dumont.
Henry S. Culver.
Otis A. Glazebrook.
Lewis W. Haskell.
Douglas Jenkins.
J. Paul Jameson.
Myrl S. Myers.
Claude I. Dawson.
Emil Sauer.
Jesse B. Jackson.
Wilbur T. Gracey.
Ralph C. Busser.
Clarence E. Gauss.
Edwin L. Neville.
Joseph E. Haven.
Jose de Olivares.
Walter A. Leonard.
John A. Gamon.
Walter H. Sholes.
Charles M. Freeman.
Harold D. Clum.
Clarence Carrigan.
Alfred W. Donegan.
Homer M. Byington.
W. Roderick Dorsey.
Ross Hazeltine.
Mahlon Fay Perkins.
Leslie A. Davis.
George M. Hanson.
David J. D. Myers.
Wallace J. Young.
Graham H. Kemper.
Ezra M. Lawton.
Ely E. Palmer.
Tracy Lay.
Harry A. McBride.
Lewis Heck.
To be consuls of class 6:
Gordon Paddock.
Percival Gassett.
Andrew J. McConnico.
John M. Savage.
Lucien N. Sullivan.
Lucien Memminger.
Henry C. A. Damm.
Claude E. Guyant.
Arthur B. Cooke.
Chester Donaldson.
Clement S. Edwards.
Lorin A. Lathrop.
Edward I. Nathan.
Wilbert L. Bonney.
William J. Grace.
Bertil M. Rasmusen.
Henry P. Starrett.
Henry M. Wolcott.
Charles M. Hathaway, jr.
Henry H. Balch.
Kenneth S. Patton.
George K. Donald.
Paul H. Foster.
Arthur C. Frost.
Wilbur Keblinger.
Milton B. Kirk.
Oscar S. Heizer.
Theodore Jaeckel.
B. Harvey Carroll, jr.
Carl R. Loop.
Gaston Smith.
George K. Stiles.
James B. Young.
John K. Davis.
George C. Hanson.
John R. Putnam.
William L. Jenkins.
Richard L. Sprague.
Walter F. Boyle.
Charles C. Broy.
William E. Chapman.
Louis G. Dreyfus, jr.
John W. Dye.
Edwin Carl Kemp.
Frank Anderson Henry.
Max D. Kirjassoff.
Lawrence P. Briggs.
John S. Armstrong, jr.
Francis J. Dyer.
Albro L. Burnell.
O. Gaylord Marsh.
George S. Messersmith.
Thomas B. L. Layton.
Thomas D. Bowman.
Thomas D. Davis.
Maurice P. Dunlap.
Elliott Verne Richardson.
Henry T. Wilcox.
Harry Campbell.
David B. Macgowan.
Charles H. Albrecht.
Addison E. Southard.
Thornwell Haynes.
Horace Remillard.
Alfred R. Thomson.
Ralph F. Chesbrough.
George F. Bickford.
Hasell H. Dick.
Eugene H. Dooman.
Paul Knabenshue.
Francis R. Stewart.
James B. Stewart.
Gilbert R. Willson.
Algar E. Carleton.
Paul H. Cram.
Hugh H. Watson.
J. Preston Doughten.
Raymond P. Tenney.
Raymond S. Curtice.
Ralph H. Bader.
Leland B. Morris.
Paul R. Josselyn.
Thomas H. Bevan.
George W. Young.
Harris N. Cookingham.
Harold B. Quarton.
Charles Roy Nasmith.
Samuel W. Honaker.
Irving N. Linnell.
Felix Cole.
Robert L. Keiser.
Robert W. Harnden.
Austin C. Brady.
Lloyd Burlingham.
Leonard G. Dawson.
Henry B. Hitchcock.
Edward A. Dow.
Baylor L. Agerton.
Charles E. Asbury.
Robert R. Bradford.
James P. Davis.
Sample B. Forbus.
Harry F. Hawley.
George D. Hopper.

George L. Logan.
Arnold A. McKay.
Stewart E. McMillin.
Vivian L. Nicholson.
Maurice C. Pierce.
Eugene C. A. Reed.
To consuls of class 7:
James S. Benedict.
Fred C. Slater.
Henry C. von Struve.
John J. C. Watson.
G. Carlton Woodward.
William A. Pierce.
George G. Duffee.
G. Russell Taggart.
John O. Sanders.
Charles N. Willard.
William W. Brunswick.
Stillman W. Eells.
John S. Calvert.
Shelby F. Strother.
Harry L. Walsh.
Romeyn Wormuth.
Parker W. Buhrman.
Bartley F. Yost.
Frank Bohr.
Luther K. Zabriskie.
Keith Merrill.
William W. Early.
William P. Garrety.
Raymond C. Mackay.
Leslie E. Reed.
Hamilton C. Claiborne.
J. Klahr Huddle.
Donald D. Shepard.
W. Duval Brown.
Dana C. Sycks.
Frank C. Lee.
Morgan O. Taylor.
S. Pinkney Tuck.
Ernest L. Ives.
Lowell C. Pinkerton.
Charles E. Allen.
Harry M. Lakin.
C. Inness Brown.
Lewis V. Boyle.
Reed Paige Clark.
William C. Burdett.
Coert du Bois.
Damon C. Woods.
Lester L. Schnare.
Dayle C. McDonough.
Ulysses S. Fitzpatrick.
Henry Dexter Learned.
Howard F. Withey.
Dudley Golding Dwyre.
Theodore B. Hogg.
Karl de G. MacVitty.
Carl O. Spamer.
Henry E. Mills, jr.
Thomas R. Owens.
Harold Playter.
Charles R. Cameron.
Carol H. Foster.
John J. Meily.
Robert L. Rankin.
James P. Moffitt.
Maurice L. Stafford.
Thomas M. Wilson.
James Armstrong.
Drew Linard.
Henry W. Diederich.
Philip C. Hanna.

UNITED STATES ATTORNEY.

LeRoy W. Ross to be United States attorney, eastern district of New York.

COLLECTOR OF INTERNAL REVENUE.

John A. Grogan to be collector of internal revenue for the first district of Michigan.

UNITED STATES MARSHAL.

William R. Palmer to be United States marshal, district of Connecticut.

PROMOTION IN THE REGULAR ARMY.

CORPS OF ENGINEERS.

Capt. Robert S. A. Dougherty to be major.

QUARTERMASTER CORPS.

To be colonels.

Lieut. Col. Hugh J. Gallagher.
Lieut. Col. James Canby.
Chaplain James M. Webb to be chaplain with the rank of captain.

POSTMASTERS.

GEORGIA.

Walter W. Daves, Cartersville.
Emma Pettis, Cave Spring.

TENNESSEE.

Gilbert A. Sipes, Adamsville.
Eugene F. Allen, Ashland City.
George W. Bosham, Bethel Springs.
John B. Dow, Cookeville.
Fred P. Darwin, Dayton.
Johnathan L. Haynes, Decherd.
John T. Patten, Dickson.
Daniel M. Brumit, Elizabethton.
George P. Atchison, Erin.
Samuel W. McKinney, Etowah.
Kate Penn, Kenton.
James J. Darnell, Morrison.
Benjamin F. Grisham, Newbern.
Hugh G. Haworth, New Market.
Robert B. Schoolfield, Pikeville.
Ben G. Mason, Prospect Station.
Florie W. Landress, Signal Mountain.
James M. Gresham, Smyrna.
John L. Nowlin, Sparta.
William E. Snodgrass, Spring City.
Lucille M. Stanley, Tiptonville.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September 5, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American Forces in Germany, offered the following prayer:

This day, as all others, comes to us out of the unknown to be a day of history. May each one here make his personal record true and clean. Also this day that we mark in time is as much a part of God's eternity as any day we shall ever see. May we lay hold now on eternal life all its promises and all its duties. Vouchsafe to us, O Lord, the sense of real values that in every problem, every choice, we may choose the better part. Not from any cowardly fear of dread judgment and certain retribution, not from cruel, greedy gain, let us act. But lift our motives up, O holy Father, to the level of the truth that Thou hast intrusted us and hast made us to be Thy sons.

We give ourselves to-day not only into Thy keeping from harm, but also into Thy guidance into good. In the deliberations and deeds of this House we invite, we implore Thee, to be present as the chief member and factor. For except the Lord build the house they labor in vain that build it. Help us, Lord, for Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that on next Thursday, after the reading of the Journal and the business on the Speaker's table has been disposed of, I may be permitted to address the House for 40 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Thursday next after the reading of the Journal and the disposition of business on the Speaker's table he be allowed to address the House for 40 minutes. Is there objection?

Mr. WINGO. Reserving the right to object, I would like to ask the gentleman from Texas on what subject he desires to address the House?

Mr. BLANTON. On the matter of a report that was filed here in response to a resolution passed by the House awhile ago by the Department of Labor.

Mr. WINGO. Does the gentleman expect to ask any action of the House?

Mr. BLANTON. Not at that time, but to suggest proper action.

Mr. WINGO. Would it not be better to wait until there is some proposition before the House and it is ready to act?

Mr. BLANTON. I will have some proposition at that time.

Mr. WINGO. Has it been considered by any committee of the House?

Mr. BLANTON. No.

Mr. WINGO. Then would it not be better to have it go to a committee first and then come to the House next?

Mr. BLANTON. It relates to the passage of two different resolutions by the House on the same subject, which probably I would not get time to discuss.

Mr. WINGO. Many of us have important matters which we would like to discuss. I would like to get an hour myself. I have refrained from asking permission to do so because I have felt that we ought to clean up the business of the House. We have a Private Calendar here, and claims unobjected to have been on that calendar, one of them for four years. I shall not object if the leaders on both sides do not.

Mr. BLANTON. It will be asked that the House meet earlier on that day; so it will not waste time.

Mr. WINGO. It will waste time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING THURSDAY, SEPTEMBER 11.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns next Wednesday it adjourn to meet at 11 o'clock Thursday morning.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns next Wednesday it adjourn to meet at 11 o'clock on Thursday. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Reserving the right to object, is that the date on which the gentleman from Texas is to speak?

Mr. MONDELL. Yes.

Mr. GARNER. Mr. Speaker, the gentleman said some time ago that he was opposed to giving this unanimous consent for debate by gentlemen at a future date. I asked his attention to it this morning. I did not do it a moment ago when my colleague asked for unanimous consent. Hereafter, when the same requests are made by other gentlemen of the House, I think the gentleman from Wyoming [Mr. MONDELL] is going to be estopped from objecting.

Mr. MONDELL. I call the gentleman's attention to the fact that the request I have just made will provide for the meeting of the House at an hour earlier than ordinary, and that therefore the ordinary time for business will not be curtailed by reason of the address which the gentleman from Texas is to make.

Mr. GARNER. Then, if I understand the gentleman——

Mr. MONDELL. Now, furthermore, the "gentleman from Wyoming" wants to be consistent. I objected when the gentleman from Texas made his request yesterday to address the House on Tuesday because we expect on Tuesday to bring up the war-risk insurance bill, a bill to amend the war-risk act. That will take all day. There should be nothing preceding that business. Therefore, for the time being, I had to object. Now, the gentleman from Washington [Mr. MILLER] asked for time in advance to discuss the Battle of the Marne. I did not feel as though I ought to object with regard to that request, and having refrained from objecting in that case to a request made on this side, I did not feel I ought to object to a request made on the other side. But the gentleman from Texas understands my position generally, and that is that I do not think it is wise from the viewpoint of the Congress generally to arrange for speeches in advance unless we have a clear notion of what the business of the House is to be and whether or no those speeches will interfere with the business that is to come up.

Mr. GARNER. Let us see if the gentleman is entirely consistent. As I understand it, hereafter if a gentleman desires 40 minutes or even an hour to discuss a subject, all he has to do is to ask unanimous consent and it is given to him, and the gentleman from Wyoming [Mr. MONDELL] immediately makes the request that when the House adjourns the day previous to the making of the speech that it adjourn to meet at 11 o'clock, and that therefore it does not interfere with public business?

Mr. MONDELL. That does not follow at all. There are times when the business that is to come before the House is of such a character that it will not be seriously interfered with by speeches arranged for in advance. The gentleman understands that. And there are times when arranging in advance for these set speeches would seriously interfere with important business.

Mr. GARNER. Let me ask the gentleman in that connection this question——

Mr. MONDELL. Of course, judgment and discretion have to be used in these matters.

Mr. GARNER. What I am complaining about is this discretion. We ought to have some rule by which we shall be governed, and we ought to adhere to that rule, both on that side of the House and on this side. Now, the gentleman from Wyoming would meet at 12 o'clock on Thursday next to transact important business, but if a Member gets up and secures unanimous consent to address the House for 40 minutes, then the gentleman moves that when the House adjourns on the day previous it meet at 11 o'clock on the following day, and the gentleman says that thereby we do not interfere with the important business that he speaks of.

Mr. ASWELL. And the chances are that the time will be taken up largely by other gentlemen who have not secured unanimous consent to speak.

Mr. CANDLER. Mr. Speaker, is it the purpose of the gentleman to take up the Private Calendar to-day, this being Private Calendar day?

Mr. MONDELL. It is. I intend to ask unanimous consent to take up bills on the Private Calendar that are not objected to.

Mr. WINGO. Reserving the right to object, why limit it to those. Why not spend at least one day on the Private Calendar? I have been in Congress now six years, and never have we considered bills on the Private Calendar except under unanimous-consent limitations. We have considered such bills as are not objected to, but frequently gentlemen get offended because their bills are not taken care of, and therefore all bills go off. I know of bills on the Private Calendar that nobody objected to, and yet the gentleman knows that on every occasion when we consider bills on the Private Calendar not objected to by anybody somebody gets impatient or indignant, and that kills the whole day. Why not devote a whole day to the Private Calendar and let bills be taken up on their merits?

Mr. MONDELL. Of course, the gentleman has the right to object when I make such a request, and I would have no disposition to quarrel with him if he does.

Mr. WINGO. Of course, I defer to the gentleman.

Mr. MONDELL. My belief is that the House ought to dispose of bills on the Private Calendar as speedily as it can be done. It is not a good rule to allow bills to remain indefinitely on the Private Calendar, and my hope is that we may take up the Private Calendar at the beginning in the near future and go right through it. But it has been suggested by a number of gentlemen that we would probably make better progress to-day if we took up bills that are unobjected to.

Mr. WINGO. That is always the suggestion.

Mr. MONDELL. Now, if the entire day has not been consumed with bills unobjected to, I think we then should go to the bills in their regular order and dispose of them as we reach them.

Mr. WINGO. May I suggest this to the gentleman, that there is a very broad public policy underlying the necessity of considering private bills. My attention was directed to a case, not in my own district, where an Army post needed certain Army supplies immediately one day, and the Army officer had no authority to take those particular supplies, and he suggested to a gentleman having them available within a mile of the post to let him have them and then make a claim against the Government. The gentleman said, "Unfortunately, my family has had a claim pending in Congress on the Private Calendar for years, although there is no objection to it, and it has failed to receive consideration, and a claim against the Federal Government is of uncertain value." Now, from the way we have treated these private claims I could not blame that gentleman, and the gentleman from Wyoming could not.

Mr. MONDELL. I agree with the gentleman that the Congress has not treated these claimants fairly in connection with private claims, in my judgment. Without attempting to criticize or thinking of criticizing anyone, I think Congress has not treated these claimants fairly, and it is my hope that we shall, as speedily as possible, take up bills on the Private Calendar in their order and dispose of them.

Mr. HASTINGS. Why not now?

Mr. MONDELL. My opinion is that for to-day we shall make better headway and more progress if we first take up the bills that are not objected to.

Mr. WINGO. Why does the gentleman think that? That suggestion is always made. Why does not the gentleman move to go into the Committee of the Whole to consider bills on the Private Calendar?

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. WINGO. Yes.

Mr. BLANTON. The reason, I presume, is that there are several bills on that calendar against which in the past there have been filed minority reports and against which there will be a fight.

Mr. WINGO. They can get consideration, just as other bills, and the views of the minority, if approved, will cause the defeat of the bill. No man ought to hold up the legislation of the country simply because he disagrees with the other 434 Members of the House.

Mr. HICKS. Regular order, Mr. Speaker.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Wyoming that when the House adjourns on Wednesday next it adjourn to meet at 11 o'clock on Thursday?

There was no objection.

WAR RISK INSURANCE BUREAU.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from R. G. Cholmeley-Jones, the Director of the Bureau of War Risk Insurance, which is an answer to a speech that I made on last Wednesday, August 27. I think it but fair to the bureau that this letter should go in, following my request.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by printing a letter from the head of the Bureau of War Risk Insurance. Is there objection?

Mr. GARD. On what subject?

The SPEAKER. In answer to the speech which the gentleman from Iowa made in the House——

Mr. RAMSEYER. Calling the attention of the country to the shortcomings and delinquencies of the bureau.

Mr. GARD. Will it be of benefit to the House?

Mr. RAMSEYER. Yes. I think so.

The SPEAKER. Is there objection?

There was no objection.

Following is the letter referred to:

TREASURY DEPARTMENT,
Washington, August 28, 1919.

Hon. C. WILLIAM RAMSEYER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: It is now 11 o'clock p. m., and I have just finished another very busy day in my efforts to improve the service of the bureau. I do not want the day to close without having communicated with you regarding your comments on the floor of the House on Tuesday, the 26th instant, as recorded in the Wednesday, August 27, issue of the CONGRESSIONAL RECORD.

It is certainly a fact that a very large number of people have had reason to be discouraged on account of the apparent lack of service rendered by the bureau.

I have had charge of the affairs of the bureau only since May 19, which was shortly after my return from the A. E. F. It is not necessary for me to defend the affairs of the bureau before that date. I feel it an injustice, however, to all those in the bureau, including the youngest clerk, not to say that it is the amazement of all those who have made a study of the bureau and its operations at any time from its earliest days to the present time, that the bureau has accomplished so much in such a comparatively short time in view of its many handicaps.

Few people realize the full scope of the war-risk insurance act, and little do they appreciate that within the Bureau of War Risk Insurance there are four of the largest businesses of their kind the world has ever known. For instance:

First. A marine and seamen's insurance company, doing a total business of $2,389,541,525, with premiums collected amounting to $46,849,377.19, having issued 33,365 policies and claims paid to the extent of $23,970,296, showing a total surplus over expenses of $17,500,534.

Second. A stupendous banking business in the Allotment and Allowance Division, handling 4,391,356 applications, and making an expenditure during the period of a year and a half of $508,000,000.

Third. An employers' liability company in the Compensation and Claims Division, already paying claims to the extent of $1,652,279 per month, and having paid claims for burial expenses to the extent of $1,645,225.

Fourth. The largest insurance company in the world, having written during the period of a year and a half 4,539,048 individual policies representing a total amount of insurance in force of $39,669,198,000, with premiums collected between October 7, 1917, and January 1, 1919, of approximately $200,000,000, and with claims payable to the extent of $1,010,265,711.

It is very true, indeed, that the only thing that appeals especially to those seeking life insurance is the promptness with which private life insurance companies settle their losses.

On August 22, 1919, the bureau had received 123,140 insurance claims, which includes both death and total disability claims. Of the 123,140 claims, 112,220 have been completed, of which 111,622 are active and 597 have been closed. There have been 1,817 disallowed, and there are to-day 9,103 claims pending, most of which represent payments to be made to beneficiaries living in foreign countries, and owing to many conditions over which the bureau has no control, such as countries inaccessible to mail, proper address of beneficiary not known, condition of foreign mail, etc.

At the present time the bureau has no authority for the establishment of branch offices or representation of any kind within a State for the purpose of handling war-risk insurance matters within the State. Our entire contract with the discharged soldier, sailor, and marine in regard to his war-risk insurance is by correspondence. This method of rendering service to these ex-service men is entirely inadequate and unsatisfactory. Nearly 30 per cent of the communications which we address to these men are returned to the bureau because of changed addresses. This represents a great loss of time and money, and results in much dissatisfaction. We have called upon all of the volunteer agencies, including the American Legion, Veterans of the World War, American Red Cross, Y. M. C. A., Knights of Columbus, Jewish Welfare Board, War Camp Community Service, and many other organizations to cooperate with the bureau in reaching the discharged men, and in the distribution of rate books, descriptive folders, circulars, and some posters. The cooperation given by these volunteer agencies has been of inestimable value. What the bureau would have done without it I hate to think, and yet I get scores and scores of letters from people saying, "Why don't you get some of the volunteer agencies to help you with the war-risk problems?"

I am thoroughly convinced, and already it has been recommended to Congress, that an appropriation be allowed the bureau for a constructive campaign of advertising. I do not mean by this an extravagant expenditure of money, but a well-planned campaign, including the use of country newspapers, State and farm papers, the foreign-language newspapers, magazines, and a few billboards and posters properly placed.

During the war the various owners of all advertising media gave their space generously to the Government without cost. But this is a thing of the past, and no longer is it possible to secure free contributions of advertising.

There are many things which have affected the continuance of war-risk insurance on the part of the service men. The lesser influence, even though it may be great in itself, is the apparent neglect of the bureau to respond with sufficient promptness to communications addressed to it regarding insurance matters.

The greatest single factor is that it takes some time for a man who has been discharged to get his bearings and be ready or able to attend to such matters as paying insurance premiums.

The war-risk term insurance contract was a most satisfactory form of insurance for the soldiers during their active service, and I believe it was accepted as such by the large majority.

Section 404 of the war-risk insurance act reads, in part, as follows:

"Not later than five years after the date of termination of the war as declared by proclamation of the President of the United States the term insurance shall be converted without medical examination into such form or forms of insurance as may be prescribed by regulations and as the insured may request.

"Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, and into other usual forms of insurance."

By reason of this soldiers, sailors, and marines have been led to believe that in converting their insurance from the term contracts into the new forms of Government policies they will be able to secure "usual forms of insurance * * * as may be prescribed by regulations and as the insured may request."

At the present time if an ex-service man, age 20 years, converts his $10,000 term insurance contract into 20-year endowment and pays an annual premium of $391 and dies in the eleventh month of the 20 years, his beneficiaries receive $57.50 a month for 20 years.

If an ex-service man converts a thousand-dollar term insurance contract into a thousand-dollar ordinary life policy at the age of 21, he pays an annual premium of $13.82, and if he should die at any time, no matter how many premiums he may have paid, his beneficiary or beneficiaries within the permitted class would receive $5.75 per month for 20 years—approximately a dollar a week—hardly enough for a square meal.

The premiums on all these policies are somewhat less than those on policies secured from private companies, because of the fact that the Government pays all administrative and overhead costs. It is to be remembered that the administrative cost per insured is not very great, and the Government policy averages from approximately 5 to 20 per cent less than the premium rate at which policies can be secured from the private companies, but a similar contract issued by private companies would not include the feature of the policy becoming mature and payable to the insured in monthly installments during his lifetime in case of his total and permanent disability from any cause whatsoever.

When a man is discharged from the service and is encouraged to convert his insurance and is advised of the new rates, and when he is told also of the conditions of the new Government contract, which restricts him as to whom he may name as his beneficiary and restricts also the payment of the policy to the beneficiary, he laughs. He is no longer in the service, and since he is buying insurance solely on the basis of its usefulness, he is discouraged from buying a contract in which there are so many restrictions.

In my opinion the Government insurance contract should at least be as liberal as those issued by private companies. The ex-service men are demanding that at maturity, by death or otherwise, the face value of the policy be paid either to the insured or to the beneficiary in a lump sum. They believe this to be their right, and without it they flatly refuse to buy the insurance. This consideration alone has discouraged many men from continuing their insurance, and has encouraged them to purchase their insurance protection from private companies. Since the men are required to pay a premium almost as great as that levied by private companies, they insist that the Government contract shall be at least as liberal as the private contract. They feel that by reason of their military or naval service during the recent emergency they would prefer to hold their Government contracts for sentimental and other reasons, but these reasons are not sufficiently strong to make them purchase a contract which is obviously less attractive and possibly much less useful than one obtainable from private companies.

Under authority of war-risk Treasury decision No. 47, all those holding war-risk term contracts are allowed 18 months from the date of discharge in which to reinstate their war-risk term insurance without the payment of back premiums. Therefore if a man has not paid a premium for several months after his discharge it is possible for him to pick up his insurance as soon as he is ready to do so without being charged for back premiums, since during the period of lapsation he has had no insurance protection, and the Government has been under no obligation whatsoever.

There is a bill now before the House, H. R. 8778, which if approved by Congress will materially help in overcoming many of these obstacles.

The bureau, through the Secretary of the Treasury, has also presented to Congress a deficiency appropriation for 1919–20 which includes authorization for the establishment of State representation and for a constructive campaign of advertising.

If this is allowed it will make it possible for the bureau to very materially improve its service to all those who have a right to insist that a proper service shall be rendered.

Your remarks would indicate that the rates of premium were fixed by the bureau. This is not so, nor have we the power to do so. The premium rates are fixed by the war-risk insurance act.

I appreciate very much indeed your constructive criticisms, and I can assure you that every effort is being exercised to put the bureau on an efficient basis and to conduct our affairs as Congress desires that they shall be conducted.

If you or any individual Member or committee of Congress shall visit this bureau, I can assure you a most hearty welcome. This is no one man's job, but it is one of those instances where many who are equally concerned should lend their constructive cooperation in order to make certain that this bureau—one of the most stupendous undertakings of the Government—shall succeed in the interest of those millions of people who are affected by its operations, and so that the countries of the world may for all time respect this legislation as the wisest and most useful ever created for its people by any nation.

Respectfully, yours,

R. G. CHOLMELEY-JONES, *Director.*

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 100. Joint resolution making Tuesday, September 16, 1919, a legal holiday in the District of Columbia.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2395) amending section 25 of the act approved December 23, 1913, known as the Federal reserve act as amended by the act approved September 7, 1918.

The message also announced that the Senate had passed the following resolution:

Whereas the President of the United States has called or is about to call a conference of the representatives of labor, capital, and agriculture for the purpose of discussing questions relating to these great interests as affecting each other and the public.

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States indorses the action of the President in calling such conference, and pledges to him its earnest support and cooperation for the success thereof.

Resolved further, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States—

in which the concurrence of the House of Representatives was requested.

CONTROL OF PRICES AND INDUSTRIAL CONDITIONS.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing resolutions adopted by the farmers of my home county, Murray County, Tenn., with reference to legislation to control prices in times of peace and on industrial conditions.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD resolutions adopted in his home county relative to present industrial conditions. Is there objection?

Mr. WINGO. Reserving the right to object, and I do not want to object, the gentleman from Tennessee knows that we all receive a great many resolutions like that. If the gentleman from Wyoming permits one of us to print any resolution, all would be compelled to do it. I wrote two letters this morning declining to put resolutions in the RECORD, asked for by constituents, stating that the RECORD was a record of the proceedings of the House. Suppose to-day these resolutions go in and they pick up the RECORD, they will say why did you not print our resolutions? We ought to assume some responsibility.

Mr. MONDELL. The gentleman has referred to my attitude. The gentleman from Wyoming has some responsibilities here, as has also the gentleman from Missouri [Mr. CLARK]. I think that we have perhaps enough responsibility without looking for trouble. I have not set myself up as a guardian of the CONGRESSIONAL RECORD. I have very decided views in regard to that matter. But I do not think I should say as majority floor leader what should go into the RECORD. I think the membership of the House should determine that. I shall exercise my rights as a Member of the House in that regard and I hope gentlemen on both sides will take a sufficiently lively interest in the RECORD to preserve it as a record of the proceedings, and that they will object as their judgment dictates to inserting in the RECORD matters that have nothing to do with our proceedings, but I do not believe that I should be the official or unofficial censor of the RECORD.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARNER. I think the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Missouri [Mr. CLARK] ought to take the responsibility. They have got the honor, they are the leaders of the respective sides of the House, and I think they ought to take the responsibility or the odium, whatever it may be, of taking care of the CONGRESSIONAL RECORD and other things necessary to object to. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, I do not think there ought to be anything in the CONGRESSIONAL RECORD except a reasonable record of the proceedings of the House. At one time, after I first came here, I was opposed to the extension of remarks and printing speeches in the RECORD never delivered; but I finally came to the conclusion that I would rather they would put them in the RECORD than be compelled to listen to them. [Laughter and applause.] I got to digging around and found out two or three things that are of value, especially to new Members. Some of the best speeches that were ever printed in the CONGRESSIONAL RECORD by Members of the House were not delivered here at all. I think one of the greatest speeches ever made from the foundation of the Government was Carlisle's speech in favor of the double standard of money. Nobody ever answered it, because it could not be answered; but he came nearer answering it himself than anybody ever did. He sat down in cold blood under one of these blanket leaves to print—never even addressed the Speaker—and wrote that speech in his library. I advise everybody to read it as a fine piece of parliamentary oratory.

Now, I have seen this tried several times. I have heard men, time and again, when somebody objected to what they wanted to do, announce that there would be no more unanimous consents given while they were in the House. As long as they kept mad, which was usually about the rest of the day, they carried it out; but after that they got in good humor, and the same old thing happened over again. [Laughter and applause.]

The gentleman from Texas has as much right to object as the gentleman from Wyoming or myself. When a man thinks that matter is offered that ought not to go in the RECORD he ought to object.

The other day the gentleman from Iowa [Mr. BOIES] got three long telegrams inserted in the RECORD, nothing but circular letters—no one knew what was in them, and they thought it might be something important; but it turned out that they were of no importance whatever. So a Member may hesitate from preventing a Member from putting matter into the RECORD.

Mr. GARNER. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. GARNER. Some time ago I understood the gentleman from Wyoming to give notice that unless he and the gentleman from Missouri were notified in relation to unanimous-consent matters they were going to object.

Mr. CLARK of Missouri. Yes.

Mr. GARNER. If that rule is adhered to, and I have no objections to it, then I assume, and I think every Member of this House will assume, that the gentleman from Missouri and the gentleman from Wyoming have been consulted, and therefore given indorsement to whatever unanimous consent is asked, or else under that arrangement and understanding if a gentleman arises and asks unanimous consent I think it is the duty of the gentleman from Missouri or the gentleman from Wyoming to say, "I have not been consulted about this, and therefore I must object for the present." Nobody knows whether the gentleman from Wyoming or the gentleman from Missouri has been consulted. I take it for granted that they have been consulted.

Mr. MONDELL. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. MONDELL. I want to keep the record straight; the gentleman from Texas unintentionally has misquoted me. The statement I made to which he refers was to the effect that when unanimous consent was to be asked with regard to some matter of importance, having to do with the procedure and business of the House, I thought the gentleman proposing to make the request ought to let me and the gentleman from Missouri know in advance that he was going to make the request. I did not have in mind requests for matters to go into the CONGRESSIONAL RECORD. Those have nothing to do with the procedure of the House. They are matters that are to be controlled by the judgment of the membership of the House. It is not for me to say what should or should not go into the RECORD. That is a pretty close question at times, and I do not care to assume the entire responsibility of passing upon it. But when a Member proposes to ask for a change of reference of a bill, or unanimous consent for some legislative procedure in the House, I think I should know about it in advance and that the gentleman from Missouri [Mr. CLARK] should know about it in advance, in order that we may be understood to be informed in order that we may inquire if other Members interested have been informed, and that we may assist the Member making the request if it is a proper request. But my suggestion had no reference to corrections of the RECORD or insertions in the RECORD.

The SPEAKER. Is there objection?

Mr. BOIES. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. PADGETT. Can we not dispose of my request first?

The SPEAKER. A question of personal privilege is always in order. The gentleman will state his question of privilege.

Mr. BOIES. With regard to the statement made by the honorable ex-Speaker of this House——

The SPEAKER. The Chair does not think that raises a question of privilege.

Mr. BOIES. I ask unanimous consent——

The SPEAKER. There is already a request pending for unanimous consent. The Chair can not consider another one until the first one is disposed of. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

THE HIGH COST OF LIVING.

Mr. PADGETT. Mr. Speaker and gentlemen of the House, the question of the high cost of living is a very vital and important one which the people of the country at large are discussing and in which they as well as the Members of the Congress are interested. It is a question that deserves and should receive the best thought and the best attention of all of us, not from a partisan but from as wise and patriotic a standpoint as possible. Various suggestions are offered, legislation and so forth, as a remedy. The other day the farmers in Maury County, Tenn., in my home town of Columbia, adopted some resolutions expressing their view that legislation was not the cure for this difficulty, expressing themselves as opposed to restrictive legislation fixing prices in times of peace, and urging that there should be increased production, and that there should be increased labor, and suggesting that the solution of this question depended upon the great laws of economics—the more work the more pay; the less work the less pay—and that more production would serve to relieve this state of high prices and abnormal conditions. I ask, Mr. Speaker, to insert in the RECORD a newspaper article giving an account of this meeting and setting forth these resolutions.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is as follows:

FARMERS OPPOSE FOOD CONTROL IN TIMES OF PEACE—ONLY REMEDY FOR COST OF LIVING LIES IN INCREASING PRODUCTION, NOT IN MORE LEGISLATION—PACKERS DECLARED TO BE NECESSARY TO PROSPERITY OF PRODUCERS AND COLD STORAGE ESSENTIAL TO MARKETING OF THEIR PRODUCTS.

At a well-attended mass meeting of the farmers of Maury County, in response to the call of Acting President Miles Murphy, of the Farmers' Society, on Monday afternoon, resolutions were adopted opposing legislation that would continue regulations and restrictions imposed upon business during the war emergency. The resolutions also opposed efforts to destroy or impair the packers, who are declared to be the marketing end of the live-stock business of the country. It would also be unwise, in the opinion expressed in the resolutions, to unnecessarily hamper the operation of the cold-storage plants or tend to discourage the investment of capital in similar enterprises.

The meeting was called to order by Miles Murphy, who explained its object. The crowd was thoroughly representative of the farmers of the county, nearly every district being represented. In a brief speech J. I. Finney, editor of the Herald, explained the situation that to-day confronts the farmers. He paid a tribute to their devotion during the war, of how they had patriotically submitted to a virtual suspension of the law of supply and demand. Now that the war was over he felt that they were entitled to the fruits of their toil and that they should be permitted to sell in the best market they could with as few artificial restrictions as possible.

T. H. Peebles made a few remarks, which were directed especially at the licensing system. He said everyone was in favor of making the packers and other interests obey the law, but they did not believe in putting them under bureaucratic control.

The following resolutions, offered by J. I. Finney, were then unanimously adopted:

"The farmers of Maury County, called to counsel together on the present industrial and economic crisis in the Nation, give expression to these sentiments:

"Due to the destruction of four years of war, the world is 'short' on all commodities. The ravages of war can not be repaired nor conditions improved through a reduction of labor and a consequent decrease in production. On the contrary, production in mine, in factory, and on the farm must be stimulated in every way possible. This can be done alone by increased labor. In the very dawn of creation the Lord declared unto our common ancestor that man should live in the sweat of his face. That law has not been changed; legislation is powerless to change it. What the world needs now is more work and less legislation; increased production and not expensive investigation by political agents.

"The farmers deny that they have been alone responsible for the increase in the cost of living. They deny that conditions can be improved by destroying or impairing the agencies that have been set up for marketing the products of the farm.

"During the war, under the most adverse conditions, the farmers responded with whole-hearted devotion to the appeal of the Nation for increased production. They did not countenance any lockouts, but, in spite of depleted and demoralized labor supply, they actually increased the Nation's production of food commodities. They willingly and patriotically submitted to regulations that suspended the law of supply and demand and denied them the enjoyment of the full fruits of their toil and efforts. That was their contribution to the saving of the Nation and the winning of the war. Now, however, that the war has been won, largely through the efforts and devotion and self-sacrifice of the farmers, they are unalterably opposed to the continued imposition of socialistic and paternalistic and autocratic regulations on business brought into operation for the winning of the war during times of peace. The emergency which was made the excuse for this legislation having passed, the laws and regulations thereunder should be immediately repealed. We view with alarm the efforts that are persistently being made by a small segment of the population to alter the character of our democratic institutions. We believe that in time of peace there should be as few artificial restrictions placed upon the business as is possible. Therefore we are opposed to the continued operation of the food-control act and its license system or the effort to bring again into operation the machinery of the Food Administration, holding that such legislation is contrary to the genius of our institutions.

"We ask no special favors of Government and are opposed to legislation in the interest of any class. We believe that this system of government, where every man of every class has the same opportunity in life, where the fruits of one's efforts and toil are safeguarded, is the wisest and best system of government yet devised. As genuine Americans, we look with apprehension upon any effort to sovietize any interest or industry. We favor the immediate return of the great transportation systems to their owners under such legislation as will guarantee them against bankruptcy.

"We are opposed to any embargo upon exports, believing in the old American idea that men should be permitted to sell in the best market and buy where they can buy to the best advantage.

"Recognizing the fact that the packing interests furnish the marketing end for the live stock produced on our farms and are a necessary adjunct to live-stock farming, the real basis of all constructive agriculture, we are opposed to any legislation that would impair the efficiency of the packers, hamper unduly their operations, or tend to discourage the investment of capital in similar enterprises. The modern cold-storage plants and refrigeration cars have proven a great blessing not only to the producers but to the consumers. Modern storage methods are the greatest food savers in the world and, at one and the same time, saving food in time of plenty and supplying it in time of scarcity, and, moreover, maintaining a steadier level of prices throughout the seasons for any given commodity. Indiscriminate restrictions on food storage will be nothing less than a calamity to both producers and consumers. Therefore we record our opposition to any legislation or prosecutions that would tend to the destruction or impair the proper functioning of the cold-storage systems of the Nation.

"Believing that the world can be rehabilitized alone through toil and sweat, that relief from present conditions and the saving of our institutions depends altogether upon the increased production of all commodities, we pledge the farmers of this county to do their full share in increasing food commodities and solemnly agree that they will not strike, decrease the hours of their labor, or enter into any combination to decrease production. We call upon all other classes of society to do likewise. Those who strike and paralyze industry are unconsciously contributing to the very conditions against which they protest.

"*Resolved*, That copies of this memorial be sent by the secretary to the Tennessee delegation in Congress."

After the resolutions were adopted, a large number present voted to reorganize the Maury County Farmers' Society. Miles Murphy was elected president; J. I. Finney, secretary; and A. B. Sowell, vice president. It was agreed to meet on the second Monday of October and thereafter every second Monday.

ORDER OF BUSINESS.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. What is the order of business?

The SPEAKER. The order of business is that the gentleman from Washington [Mr. MILLER] is entitled to 30 minutes; but by unanimous consent, of course, other business can come before that.

Mr. GARD. Mr. Speaker, can we not proceed with the regular order of business of the day?

The SPEAKER. If the gentleman demands the regular order. Does he?

Mr. GARD. Yes.

The SPEAKER. The gentleman from Ohio demands the regular order, which is that the gentleman from Washington [Mr. MILLER] is entitled to address the House for 30 minutes. [Applause.]

Mr. MONDELL. Mr. Speaker, will the gentleman from Washington yield long enough to allow me to submit a request for unanimous consent?

Mr. MILLER. I shall be glad to do so.

ARMY REVIEW HOLIDAY IN DISTRICT OF COLUMBIA.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 100, making Tuesday, September 16, 1919, a legal holiday in the District of Columbia, and to consider the same with an amendment substituting the 17th for the 16th.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to take from the Speaker's table Senate joint resolution 100, making the 16th of September a holiday, and to consider the same with an amendment substituting the 17th instead of the 16th. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Whereas arrangements have been made for a grand review of the First Division of the American Expeditionary Forces in the District of Columbia on Tuesday, September 16, 1919; and

Whereas the President, by proclamation, has declared that day a legal holiday in so far as the governmental departments are concerned; and

Whereas the various business houses and other institutions in the District of Columbia have made arrangements to close in order that their employees and others may participate in the celebration; and
Whereas under the laws governing the banking business in the District of Columbia it will be impossible for any of the banks to close on that day without action of Congress declaring the day a legal holiday: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Tuesday, September 16, 1919, being the day of the grand review of the First Division of the American Expeditionary Forces, is hereby made a legal public holiday in the District of Columbia to all intents and purposes in the same manner as is Christmas, the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, and the first Monday in September as are now by law public holidays.

Mr. MONDELL. Mr. Speaker, I move to amend the resolution by inserting in lieu of the words "Tuesday, September 16," wherever they occur in the preamble and the resolution, the words "Wednesday, September 17."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Mr. MONDELL moves to substitute, on page 2, line 1, for the word "Tuesday" the word "Wednesday" and for the figures "16" the figures "17."

Mr. HUDSPETH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HUDSPETH. Why does the gentleman propose that amendment?

Mr. MONDELL. That amendment becomes necessary because the War Department has determined that it will be impossible to have the parade on the 16th as contemplated and has suggested the 17th instead.

Mr. TAYLOR of Colorado. Is the resolution intended to provide a holiday for this year only?

Mr. MONDELL. For this year in the District of Columbia.

Mr. TAYLOR of Colorado. Does the language sufficiently guard that, when it says that it shall be the same as Christmas, the 1st of January, and so forth?

Mr. MONDELL. I have not read the resolution. I heard it reported, and as I heard it read it seems to safeguard that.

Mr. TAYLOR of Colorado. I have not seen the resolution, but from the concluding language of it I doubt whether it is sufficiently guarded to make it a holiday for this year only.

Mr. HASTINGS. It applies only to 1919.

Mr. WILSON of Illinois. This is a joint resolution, is it not?

Mr. MONDELL. Yes.

Mr. WILSON of Illinois. Of course it must be signed by the President after it passes the House before it will become a law.

Mr. MONDELL. The gentleman, I am sure, has as thorough a knowledge of the Constitution as I have, and I am sure he can answer his own question as well as I can answer it.

Mr. WILSON of Illinois. I did not know but that the gentleman knew how it is to be signed, and when it is to be signed, whether the President will be back in time to sign it.

Mr. MONDELL. No. I am assuming that we will do our duty here and leave responsibility with others to do their duty.

Mr. KAHN. Mr. Speaker, has the gentleman information from the War Department that the troops will be ready to parade on the 17th?

Mr. MONDELL. That is my understanding. Is there any question about it?

Mr. KAHN. I have not heard myself as to whether it is that day. The newspapers have announced that they would parade on the 16th. I understand that now a change has been made.

Mr. MONDELL. To the 17th.

Mr. KAHN. That is simply a newspaper announcement, I understand from the gentleman.

Mr. MONDELL. I understand that that is the settled purpose of the War Department. However, if the House adopts this amendment to the resolution, and the resolution goes back to the Senate, I assume that by that time the Senate will have official communication that the parade is not to be on the 16th.

Mr. KAHN. I quite agree with the gentleman, but I think it wise to find out definitely upon what date the parade will be held, for it may not be until the 18th.

Mr. MONDELL. In which event the Senate can further amend the resolution.

Mr. JUUL. Mr. Speaker, I ask unanimous consent that the resolution as amended be again reported.

The SPEAKER. Without objection, the resolution will be again reported as it is proposed to be amended.

The Clerk read as follows:

Joint resolution making Wednesday, September 17, 1919, a legal holiday in the District of Columbia.

Whereas arrangements have been made for a grand view of the First Division of the American Expeditionary Forces in the District of Columbia on Wednesday, September 17, 1919; and
Whereas the President, by proclamation, has declared that day a legal holiday in so far as the governmental departments are concerned; and
Whereas the various business houses and other institutions in the District of Columbia have made arrangements to close in order that their employees and others may participate in the celebration; and
Whereas under the laws governing the banking business in the District of Columbia it will be impossible for any of the banks to close on that day without action of Congress declaring the day a legal holiday: Therefore be it

Resolved, etc., That Wednesday, September 17, 1919, being the day of the grand review of the First Division of the American Expeditionary Forces, is hereby made a legal public holiday in the District of Columbia to all intents and purposes in the same manner as is Christmas, the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, and the first Monday in September as are now by law public holidays.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. MONDELL. With the permission of the gentleman from Pennsylvania, I first yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Inasmuch as this matter is now in such a muddle, why not withdraw the request and hold it for three or four hours?

Mr. MONDELL. I will say to the gentleman that, so far as my understanding goes, there is no muddle. I can not say that the 17th has been absolutely determined upon, but that is my information, and I have heard no suggestion to the contrary. Until the gentleman from California [Mr. KAHN] raised that question, I assumed there was no question in regard to it, but, of course, I have had no official communication.

Mr. CLARK of Missouri. Why does not the gentleman get official communication?

Mr. MONDELL. I made some inquiries, but up to date I have not been able to secure official information. I have no objection to the matter going over, although I think that there is no question about it.

Mr. CLARK of Missouri. Does not the phraseology of the resolution make the 17th of September a permanent legal holiday?

Mr. MONDELL. It does not, in my opinion; it clearly does not.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TEMPLE. I notice that the second "whereas" makes an assertion with regard to the President's proclamation. It was written for the 16th, and it recites the fact that the President has, by proclamation, made that day a legal holiday. That is the fact. If we change the date to September 17 and then say that the President has by proclamation made that day a legal holiday, that will not be the fact.

Mr. MONDELL. The gentleman knows that the "whereas" is in no wise controlling. It is simply a recitation. It may or may not recite the fact.

Mr. TEMPLE. Yes; and I merely wanted to call attention to that fact.

Mr. MONDELL. The resolution itself is controlling.

Mr. TEMPLE. The statement is made, nevertheless, in the preamble that the President has announced the 17th——

Mr. MONDELL. No; the 16th.

Mr. TEMPLE. Oh, no. If the amendment is agreed to, then the statement will be that the proclamation is for the 17th, when, as a matter of fact, the President's proclamation is for the 16th and has already been issued.

Mr. GARNER. Will that make two legal holidays?

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Illinois.

Mr. DENISON. I think the whereases ought to be stricken out of the resolution entirely. They have no proper place in it, and when I get the floor I am going to move to strike out all of the whereases.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield further for a moment?

Mr. MONDELL. The motion of the gentleman from Illinois will be in order after the House has passed on the resolution.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield for a further remark?

Mr. MONDELL. It is entirely proper to make that motion.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. The fact is that the President has made one legal holiday by his proclamation, and if we make another there will be two legal holidays, and we can not repeal a proclamation issued by the President.

Mr. MONDELL. But the President can not by proclamation declare a legal holiday in the District of Columbia.

Mr. TEMPLE. He can not, but he has done it.

Mr. MONDELL. Oh, no; he has made certain provisions so far as he has authority with regard to holiday privileges for the employees of the Government. The President can modify that.

Mr. GARNER. If the President does not modify it, then the Government employees of the District of Columbia will have two holidays. They will have one by act of Congress and another by proclamation of the President.

Mr. JUUL. Mr. Speaker, a parliamentary inquiry.

Mr. MONDELL. I do not know just how we can remedy that situation, but I assume that the President will remedy it.

Mr. GARD. Will the gentleman yield for a question?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JUUL. I wish to ask the Speaker if it is in order now to move that action upon this resolution be postponed until immediately before adjournment to-day in order to furnish the gentleman from Wyoming an opportunity to secure official information upon the subject on which we are to vote?

The SPEAKER. That is in order——

Mr. MONDELL. If the gentleman will withhold——

The SPEAKER. It is in order after the gentleman from Wyoming has ceased debate and yielded the floor.

Mr. JUUL. I wish the Speaker would rule upon my question.

Mr. MONDELL. Mr. Speaker, I have no interest in this matter except the interest of the House and the country. There seems to be a spirit of criticism here with regard to it. There is not any question but what the parade is going to be on the 17th day of September unless something extraordinary occurs, and it occurs to me that it would be well to have this matter settled. At the proper time I intended to move to strike out the preamble. I have no desire to press the matter if gentlemen are——

Mr. JUUL. Will the gentleman yield?

Mr. MONDELL. If gentlemen are critical about it; but no harm will be done. Allow me to suggest that if we amend the resolution and it goes back to the Senate and there shall be another change of date——

Mr. JUUL. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. JUUL. I wish to ask the gentleman from Wyoming what harm can come from letting this resolution go over until shortly before adjournment to-day?

Mr. MONDELL. Well, Mr. Speaker, in deference to gentlemen who are very critical about this matter I withdraw my motion.

The SPEAKER. The gentleman withdraws his request for the present consideration of the resolution. The gentleman from Washington [Mr. MILLER] is recognized for 30 minutes.

THE BATTLE OF THE MARNE.

Mr. MILLER. Mr. Speaker and gentlemen of the House [applause], I thank you for the time allowed to-day. I shall undertake to give the elements of the Battle of the Marne.

This, the 5th day of September, is Marne Day in France, celebrated in honor and in memory of the triumph of the French armies in early September of 1914. The 5th of September, 1914, marked the termination of the retreat of the French and British Armies down from Belgium and the taking of the great offensive, or counteroffensive, which terminated in the victory I have described. The following general order was issued on that date by Field Marshal Joffre, Generalissimo of the French Armies:

> At the moment when a battle on which depends the welfare of the country is about to begin I have to remind all ranks that the time for looking back is past. Every effort must be made to attack the enemy and hurl him back. Troops which find advance impossible must stand their ground at all costs and die rather than give way. This is the moment when no faltering will be tolerated.

The following order was found after the battle amongst the papers of Gen. von Tscheppe, commander of the Eighth Corps, which probably is a copy of the general orders issued by the German General Staff and adapted to the several corps:

> The object of our long and arduous marches has been achieved. The main French forces, after a protracted retreat, have been forced to accept battle. The great decision is unquestionably at hand. To-morrow, therefore, the whole German Army, as well as our own corps, will be engaged everywhere on the line Paris–Verdun. To save the welfare and honor of Germany I expect every officer and man, notwithstanding the hard and heroic fighting of these last days, to do his duty unswervingly and to the last breath. Everything depends on the result of to-morrow.

The test of battle was then mutually offered and accepted. The great contest was opened and at hand. Marshal Joffre had chosen his battle fields on the east and west front. The respective strategists were pitted one against the other, the opposing armies placed, and the forces arranged man to man. Never before and certainly never since the days of Gettysburg has a beaten, war-worn army, thought by the enemy to be helpless, suddenly turned and fought with such desperation. The order was "to die rather than give way," and the French withstood and passed the test. [Applause.] Sacrifice was freely offered and greedily accepted.

THE NAME OF THE BATTLE.

I have spoken of the Battle of the Marne in the singular. That is not correct. It would carry the idea that this supreme struggle was a single, detached, isolated engagement. Such is not the case. Rather what we call the Battle of the Marne was a series of battles, fought in sequence on a front extending from Nancy on the Alsace-Lorraine frontier, northeast to Verdun, around the Verdun sector, then on an arc swinging to the west and sagging to the south until near the west end, when it took a turn to the northwest, ending fairly on the outskirts of Paris—a distance of approximately 190 miles. At least five distinct and separate battles were within the series, all arranged, while not in strict sequence, at least according to a general plan, interdependent, and so timed as to make a complete, connected, orderly campaign.

A far better name would be the Battles of the Marne or the Campaign of the Marne.

MAGNITUDE AND CONCEPTION.

Never before and probably never again will such a master campaign be fought. Certainly not if the human mind, elevated by the reasoning powers, can conceive and realize the uselessness of war. The development of the human understanding is the only hope, and slow development it is. Wars have always been and probably always will be. Struggle as we may, philosophize as we will, examine and discuss until we grow old and tottering, think and reflect, but still the human mind seems to dwell and linger then embrace that form of coercion which we call force of which war is the very essence.

Aside from the hope of prohibiting a duplication of this titanic struggle of the Marne by the application of a universally accepted humane philosophy which shall change human nature, there is a limit to the size of everything that comes or goes or is brought into motion. There is a limit to the speed, size, and endurance of all finite things. There is a limit to the very terror of the elements. The fury of the storm is gauged by a law which we do not understand though we know it exists. There is a limit to the number of men involved in connected and definite purpose. There is a limit to the directing power as well as to the power or force or substance which responds. For my part I can scarcely conceive of any one mind directing the maneuvering, the coordination, the harmonious relation in action of such vast machinery until it works with a ponderous unity of purpose amid the excitement and confusion of battle. Yet such came, such was, whether we conceive it or not, whether we grasp it or whether we understand it.

The Battles of the Marne were fought with the eyes of the world attempting to see and the ears of the universe attempting to hear. The world understood that the progress of mankind had come to one of its turning points—to the crossways like Ajax of old—and stood dependent and helpless on the turn of the tides of these battles. Should our institutions and our civilization, as we know them, continue in the affairs of nations and of men, or should a new and strange philosophy be the basis of the future of the race? This was the question awaiting decision at the Marne.

Hence I say the Battles of the Marne, the decision reached upon and through them, was not only epochal, it was more than that, it was destiny.

There is another strange and not wholly unexpected fact connected with this campaign, and that is that it should have been brought so early in a war which dragged its course out over a period of four years and four months.

Germany declared war against France on August 3, 1914, and invaded Belgium on the 4th. Within 30 days from that date the battles of the Marne were in full swing, and in five weeks the tricolor of France was waving in triumph from Paris to Nancy. The world at first stunned and stoical came back to itself and began to think and plan with method and purpose. France had fought like a tigress suddenly set upon by an enemy, superior in strength and with the advantage of the force of spring. She fought what was in front of her, fought for her life, striking at everything within distance, not dazed but desperate, and with the blind fury of despair. It was her only chance, her chance for life. Thirty days from a state of peace to the greatest battle and the greatest victory in human history is the record of France in what her people call "the awful year of 1914." Who will deny to her the full honor which is hers? Who will not rejoice with her on Marne Day?

Before going into the master strategies, much less those which the exigencies of the campaign brought forth, it is not only proper but of primary interest to trace the battle front and, if possible, see how the very peculiar line came to be established.

THE PECULIAR-SHAPED FRONT.

The battle front came on from the combination of the peculiarly established national frontier, the presence of fortresses, the topography of the country, and the strategies employed. This latter was the only variable element in the great struggle, and necessarily was the result of the movement of the respective armies before and during the series of engagements.

To begin with, let us examine the two parts of the eastern frontier of France—first, from Luxemburg south to the Swiss frontier, and second, from Luxemburg north to the British Channel. For the purpose of military defense France had so divided it. To the south there had been four great fortresses erected or reconstructed since the war of 1870, all with infinite care and ability and at great cost. These fortifications were stationary in character, and of the Brailmont or modified Brailmont type, and all so linked up and interlocked as to make one of the strongest, if not the strongest, fortified frontier in Europe. A strange gap in this line existed south of the fortress of Toul, the reason for which I have never heard explained, though I suspect it formed part of some subtle French strategy. The city of Nancy was an open city and unfortified under the terms of the convention of Frankfort.

Verdun, Toul, Epinal, and Belfort, with their respective supporting rings, covered the frontier fairly from Luxemburg to Switzerland, save some isolated fortresses in the foothills as the rugged Swiss frontier is approached. Verdun is approximately 30 miles west of the strongly fortified German city of Metz and has east and west and north and south railway connections. Toul likewise has an east and west railway line running into Germany and west with connections into Paris. Also one line running north and south fairly following the course of the frontier. Epinal and Belfort and the southern isolated fortresses have only the north and south railway lines. The substantial city of Nancy is approximately east of the fortress of Toul. These railway lines running into Germany, thence to the military base at Metz and the industrial cities of Mulhausen, Colmar, and Strassburg, became a vital element of both German and French strategy.

THE GRAND COURONNÉ DE NANCY.

There is a strange topographical feature of the terrain west and northwest of Nancy consisting of a long series of hills lying between the Seille and the Moselle Rivers. This succession of hills, while not forming a continuous ridge, is of great strategic importance, affording, together with the deep cut of the Moselle, military defensive positions of great strength. This strange formation is some 15 miles in length. Open fortifications were constructed along the eminence. This locality is known generally as the Grand Couronné de Nancy. The topography is such that there are four dominating positions. The Beacon of Xon, the most northern, thence the Heights of Mousson, then to the south and in order are the plateaus of St. Genevieve and Amance.

The boundary line between France and Germany is purely arbitrary as distinguished from any natural boundary line. This Grand Couronné is well to the west of the boundary line, and forms the key to the great system of French fortifications. There is nothing to the east or on the German side to offset these dominating positions. Thus it will be seen that nature has assisted man, or rather the reverse, in creating a strong defensive position on the German frontier. The weakest point is the northern end of the Grand Couronné, between the hills and the outlying southern supporting forts of Verdun.

Since the construction of this chain of fortresses and forts it has been considered by French engineers that the direct frontier leading into Germany was secure. The French have always discounted the value of heavy ordnance, and instead pinned their faith to the lighter, more mobile, quick-firing fieldpiece. They seem to have practically, if not entirely, overlooked the great advantage of high explosives, as well as the powerful heavy mobile ordnance, designed and adapted to the use of these high explosives. The French are open field fighters. Such is their history. It suits the French temperament, hence the adoption of that type of ordnance most useful in the open field operations. The wonderful Scoda howitzer, using the high explosives, developed and perfected by the Austrian general staff, together with the machinery by which indirect firing is reduced to the accuracy of direct firing, appears to have been likewise overlooked, or its use and adaptability discounted. The French argument was that heavy ordnance reduced the mobility of an army, and that mobility was of prime importance in fieldwork, and further, that any possible campaign with the Germans would in all probability be a sudden blow which could be most effectively met by a thorough mobile army. In this they were right, perfectly right, but wrong, absolutely wrong, when the front became stabilized. The French designed the wonderful Schneider or Crusot fieldpiece in various smaller calibers adapted to open fieldwork. The 75-millimeter and the 155-millimeter are the most perfect field guns ever designed, and I may say in passing that these remarkable guns were no small factor in the decision of the Marne. These guns, as well as the tactics and manual of operation, have never been surpassed and probably approach perfection as nearly as a state of perfection is possible of attainment. The two schools of artillery, the German, that of the heavy, ponderous piece, using high explosives indirectly fired, and the French, the light, nimble, rapid-firing piece for use in the open field—each of these schools was right, but the correctness or, rather, the adaptability depended on the character of the campaign. The French had correctly prejudged that any campaign would be a sudden burst; hence mobility of fieldwork was a principle perfectly sound and intensely practical.

But what became of the permanent fortifications when attacked by the high explosives? The answer, the only answer is, the fate of Liege and Namur, and Maubeuge and Verdun, and every experience where immovable fortifications were tried. The irresistible conclusion is that there is no system or design of masonry forts which can withstand the high explosives, and to this end and to this conclusion military engineers of the present and future must adjust themselves. The permanent masonry fortress is obsolete from every point of view and every experience.

The perfection of modern indirect firing of high explosives in land warfare, together with the development of the torpedo in naval warfare, have eliminated the stationary immovable defense as dependable factors of resistance. I will place my faith for the future in the mobile or moving, shifting defense. The experiences of this war have demonstrated beyond doubt that when the range is obtained and the resisting force is located any structure, made or constructed by human hands, is doomed to yield and fall. Two elements alone remain—mother earth and the mobile defense.

Let me now turn to that part north of Luxemburg to the Channel. Verdun, so full of history from the days of the Romans, the heart's pride of Charlemagne and the spot chosen for the division of his realm, so soon—early in 1916—to focus the eyes of the world and to withstand the greatest assaults of which there is history.

To the north of Verdun and until the Belgian frontier is reached there is only one east and west railroad, and that runs into the city of Luxemburg, thence on to the interior of Germany. It must be remembered that Luxemburg is neutral territory under the treaty of London of 1839, hence its limited use for military purposes. Besides, the outer northern rim of Verdun forts cover the country, which by its peculiar topography is illy adapted as an entering zone of a great military force. Along the frontier of neutral Belgium—neutral since the same treaty of London of 1839—there is no system of fortresses, only fortified cities here and there. On this part of the frontier France had thought herself secure by the guarantees of neutrality of Belgium and Luxemburg, and had extended her energy on Verdun and to the south.

As early as 1906 German engineers had surveyed military railroads from the lower Rhine westward to the Belgian frontier. These roads, of no possible industrial use, had actually been completed as early as 1912, builded under the pretext of extensions to the State system. Rails, switches, and all necessaries were in reserve to connect these roads with the Belgian system, all fixed and measured and held in reserve under the innocent representation of reserved stock.

It had become apparent to the French that there was a growing disposition in the German general staff that in the event of war between the countries the invasion of Belgium was possible and that the treaty by which the neutrality of Belgium was guaranteed might be violated. In State circles, however, it was thought that such was impossible, inasmuch as Prussia was one of the individual guarantors of neutrality.

It seems, however, that the prevailing French military opinion was that such preparations as gave color to Belgium's invasion, and thereby an avenue into France, was part of the German strategy to lead France to make great expenditures on the innocent Belgian frontier, and consequently the withdrawing of activity and the lessening of the efficiency of the real hazardous frontier of Germany proper.

The natural place of attack would be through Alsace-Lorraine, with the armies based on Metz and eastward to the cities along the Rhine. Railroad lines had been so constructed as to make this not only possible, but highly probable. Any view of the situation would force this conclusion, and as the years passed, each with its activities, this conclusion was confirmed.

BREACH OF THE TREATY OF 1839.

When the storm broke in July of 1914 it for the first time developed that preparations for the invasion of Belgium were more complete than even the French had anticipated. It was plain now that in the invasion of Belgium the military authorities had cast aside the feeble protest of the civil authorities, especially that of the imperial chancellor. It will be remembered that the imperial chancellor, in his well-known speech of August 4, 1914, to the Reichstag, admitted the breach of neutrality of Belgium when he said:

Gentlemen, this is a breach of international law. It is true that the French Government declared at Brussels that France would respect Belgium's neutrality as long as her adversary respected it. We know, however, that France stood ready for invasion. France could wait. We could not. A French attack on our flank on the lower Rhine might have been disastrous. Thus we were forced to ignore the rightful protests of the Governments of Luxemburg and Belgium. The wrong—I speak openly—the wrong we thereby commit we will try to make good as soon as our military aims have been attained.

He who is menaced as we are, and is fighting for his highest possession, can only consider how he is to hack his way through.

Although it is still maintained by high military authorities in Europe, especially by the eminent Swiss general, Feyler, that the invasion of France through Belgium was a huge military blunder, the advantages are fairly measured in terms greater—far greater—than any other possible point of attack. In doing so, however, we shall be forced to eliminate the political factor of the deliberate breach of the treaty to which she was a party and the direct military consequences.

THE INVASION.

The principal advantages of attacking France through Belgium were:

First. The occupation and subjection of Belgium as a part of the conquest, which was one of the motives of the war.

Second. The early occupation of all northwest France with its great industrial centers and mineral wealth.

Third. The bringing of the channel ports under subsequent domination, thus cutting off England.

Fourth. Affording the opportunity of bringing into France a greater number of troops within a given time, and giving these troops an opportunity to deploy upon an east and west front, in accordance with the plan of strategy determined upon by the German general staff.

Fifth. It avoided breaking through the eastern front with the obvious delay and hazard.

It had been demonstrated at Liege and Namur that the masonry forts, at least those of the Brailmont type, could not withstand the high explosives. Six hours was sufficient in each case to reduce these fortresses to masses of ruins. The brave defense of the Belgians was beaten down together with the French and British resistance in Belgium and France. The German military railways were immediately hooked up with those of Belgium, and four great armies poured into that country and on into France. The startling rapidity with which those armies advanced and the enormous number of men indicated clearly that the German plan of invasion was to be a repetition of that of the war of 1866 with Austria and of 1870 with France—a short decisive campaign, brought about by overwhelming numbers before the enemy had time to mobilize or prepare. No sooner had their armies moved out of Belgium than the master strategy was revealed. They immediately began deploying upon a gigantic front, sweeping southwest and south on a constantly widening front, approximating more and more directly into an east and west line as the front advanced. The line everywhere was advanced with the exception of Maubeuge, which alone held against the advancing tide.

The British and French were overwhelmed in the deluge; beaten, driven back, and all but swallowed up in the onrush of men. It was the mad rush of war to the infinite. As the line advanced it began to spread in a fanlike formation, deploying to the west on a constantly increasing arc, then southwest, sweeping, tearing, crushing, and beating its way.

As the sweep broadened it became apparent that Paris must fall within two weeks, or when the onrushing hordes would reach it. Thousands of people abandoned the city. The government was hastily removed to Bordeaux, as it had been in 1870. Everything gave way before this mad forward crush. The Aisne and the Somme were past, and it truly seemed that there was no power on earth capable of successful resistance. It was a gigantic, encircling, enveloping, crushing, grinding movement on an unheard of and undreamed of scale. The Channel ports, so vital to England—and France, too, for that matter—were left behind. Supplies for the British, coming via these ports, were detoured far around to the west. The second strategic plan, or rather the corollary to the first, was now revealed, and that was that the Channel ports were to be treated simply as geographical points to be returned to and taken later at convenience. This sweep seemed to be on an arc, the pivot of which was Verdun or vicinity, with the marching flank so far extended as to take Paris in the grand sweep.

I may say, in passing, right here that there is no proof by any military writer that Paris was the objective of any German army at the time of the invasion in 1914.

These four armies and their commanders were as follows:

First Army, on the extreme western flank, Gen. von Kluck; Second Army, to the east of the First Army, Gen. von Bülow; Third Army, to the east of the Second Army, Gen. Von Hausen; Fourth Army, to the east of the Third Army, Duke of Wurtemberg. The Fifth Army, under the nominal command of the Crown Prince, came through Luxemburg and occupied the Verdun sector. The rôle of this army was the investment of Verdun. To the south of Verdun and based on Metz was the Sixth Army, under the command of the Crown Prince of Bavaria. The rôle of this army was the holding of Lorraine and the offensive of the east front.

To the south of the Crown Prince of Bavaria lay the Seventh Army, under Gen. von Heerigen. The rôle of this army was the holding of Alsace-Lorraine and the joining in the offensive on the east. It was based on Strasburg and Saarburg. The actual number of men in these two armies is unknown, even to the present day, so far as any statistics I have seen published. It must be remembered that large bodies were left behind to occupy the captured territory. Maubeuge alone detained one full corps. The German Army had been almost constantly engaged since its entrance into Belgium, and thousands of casualties had resulted. However, it is definitely known that at the time there were at least 75 divisions deployed at the front between Verdun and Maeux, the westernmost point of the assuming line of battle. Replacement troops had been constantly arriving, and as the base of supplies was extended more men were detached from the combat troops for the purpose of guarding the lines. We do know at the time of the battle the following assignments to the various armies comprised at least a portion of the combat troops:

PLACING OF THE GERMAN FORCES.

First Army, Gen. von Kluck: Second, Third, Fourth, and Ninth Corps, Fourth Reserve Corps, and a portion of the Eighth Reserve Corps, Second and Fourth Cavalry Divisions and a part of the Third.

Second Army, Gen. von Bülow: Prussian Guard Corps and Seventh and Tenth Reserve Corps, and at least two cavalry divisions, probably the First and Fourth, and the remaining part of the Third.

Third Army, Gen. von Hausen: Twelfth and Nineteenth Corps and Twelfth and Nineteenth Reserve Corps. These were the Saxon troops and probably one division of Saxon troops, the Eighteenth, was included.

Fourth Army, Duke of Wurtemberg: Eighth and Eighteenth Corps and Seventh and Eighteenth Reserve Corps. The Seventeenth Corps probably in its entirety was with this army.

Fifth Army, Crown Prince: Sixth, Thirteenth, and Sixteenth Corps, Fifth and Sixth Reserve Corps with a cavalry division, possibly two divisions, Fifth and Sixth Reserve Corps.

Sixth Army, Crown Prince.

Seventh Army, Gen. von Heerigen.

Mr. JUUL. Will the gentleman yield for a brief interruption here, to state to us what the force of the seven armies amounted to in numbers?

Mr. MILLER. The force of the seven armies in numbers amounted to about 1,450,000 men.

Mr. ROSE. If the gentleman will yield at that point. Since the gentleman has located the German armies, will the gentleman kindly point out the location of the French armies at that particular time on the map?

Mr. MILLER. The French and British forces likewise consisted of seven armies. The British army was opposite No. 1 of the German army. The Fifth Army was opposite No. 2 of the German army. The French Army No. 6 was on the outskirts of Paris under the command of Gen. Maunoury. The British lay to the southeast of that, commanded by Field Marshal French. Then next came the French center under Marshal Foch, designated in all orders as the Ninth French Army, but it occupied the center. On the right of that was the army under Gen. de Cary. Gen. Sarrail had Verdun. Gen. de Castelnau had the Second French Army; Gen. Paul the Third. So you will see the First French Army was really opposite the Seventh German, and vice versa all along the line, except the British was also opposite the First German Army. The Sixth French Army at this time was unknown to the Germans.

Mr. PURNELL. Will the gentleman state in that connection the combined number of men in the French armies?

Mr. MILLER. About 900,000. The proportion, so the writers give it, is from five upward to seven and a half and eight.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. JOHNSON of Kentucky. If I understood the gentleman correctly, he said that there had been no proof that Paris was the objective of the German armies.

Mr. MILLER. Perfectly true.

Mr. JOHNSON of Kentucky. Will the gentleman be good enough to state what was the objective?

Mr. MILLER. It was the grand enveloping movement to surround and capture the French and British armies, to envelop and capture them, following the elemental tactics that as long as there is an operating army in the field the military force of the enemy is not broken; and they treated Paris and the channel ports as purely geographical points to be returned to and taken at pleasure because there would be no force to resist.

Strange it is that there are no figures given as to the number of men in the Sixth and Seventh German Armies. However, the most probable troops were the Fourteenth, the Fifteenth, and the Sixteenth Corps, and the First and Second Bavarian Corps. These two were formidable armies, and were massed for the protection of Lorraine and Alsace, and also upon them fell the contemplated forcing of the Grand Couronné. With these armies was also the apparently detached army under Gen. Stranz, which made the sortie out of Metz, swung around south of Thienville, menaced Verdun from the south and the Grand Couronné from the north. These armies, together with the independent command I have spoken of, which aggregated nearly, if not quite, 350,000 men—more men per mile than on any part of the line. The rôle of this very formidable force was to force the Grand Couronné, sweep around to the west and north, and thus form the lower jaw of the pinchers in the grand enveloping movement.

THE GREAT ENVELOPING MOVEMENT.

As the armies swept down from the north and came up into line, it developed that the master German strategy was a gigantic enveloping movement—an enormously increased Sedan of 1870. Verdun seemed to have been the pivot of the two wings or jaws. The first was to swing down from the north and come in from the west in its encircling swing. The second was to break through the eastern front and sweep to the west and north, thus completing the envelopment. Never has military tactics revealed movements on such a gigantic scale. Envelopment is based upon superior numbers—that is the element it must always possess to insure the success of the movement. Superior numbers the Germans were assured of. They knew it, the French knew it, the world knew it. In the downward southern sweep, as it spent its fury, it became more and more uncertain as to the immediate fate of Paris. At one time Von Kluck's western flank was almost due north of the capital, but suddenly he veered to the southeast and passed the Marne well to the east. This movement revealed the same general plan as the passing of the Channel ports—that Paris was likewise to be treated as a geographical point to be returned to and invested at pleasure. The Germans were in their master plan of campaign, which they conceived no subtle strategy of the French could frustrate.

Neither the French nor British fell back within the defenses of Paris.

THE FRONT BECOMES STABILIZED.

The French tactics had been a constant retreat from Belgium, taking the British with them. Resistance was given here and there when opportunity afforded. Meubeuge alone held out. The allied armies crossed the Marne, the Oureq, the Greater and Lesser Mourins, until they reached the ground of their choice, the watershed south of the Marne and north of the Seine. During the entire three weeks the British and French were holding back as best they could this crushing, hammering advance, the French were feverishly, but orderly, assembling their troops and disposing of them according to the plan agreed upon and best adapted to coordination and defense.

It was now in the early days of September, the 2d, that the line became anything like stabilized. The constant retreat, giving where the pressure was strongest, had formed when the stabilization had assumed a definite form a front representing an odd and irregular and most unusual form. This line, generally speaking, swept down from the northeast of Paris to the southeast, then bellying down or sagging south on an ill-defined arc, then raising very marked to the northeast of Verdun, then around Verdun to the southeast, along the frontier of Lorraine and Alsace.

The line formed was not unlike an irregular, horizontally arranged letter "S"—a scythe-shaped line, as Belloc calls it.

THE FRENCH FORCES.

To meet this gigantic enveloping movement the French had brought into use that strategy known as the "mass of maneuver," one element of which is the massing of reserves at unexpected points. The idea of this strategy is to force the line of the enemy to be so extended by one pretext or another until there is a weak point somewhere, then to strike this weak place with the reserves held in position for that purpose, and thus cut the line. Of course, concealing the reserves is a necessary condition and is vital to the strategy. This is an old strategy, so often used by Napoleon, and the Germans had full knowledge of it. They knew it would be attempted, as it was the only strategy which could be employed under the circumstance of such overwhelming numbers. Having knowledge of this French plan and that it would be attempted, makes the subsequent German movements all the more stupid.

The French had brought up a very substantial army, which deployed to the right and left on the enormous front. It must be remembered that this ground, every foot of it, was familiar to every French general and corps commander. It was the scene of Napoleon's great campaign in 1814, just 100 years before it was now to become the battle ground of Europe.

PLACING OF THE FRENCH AND BRITISH ARMIES.

Sixth Army, Gen. Maunoury: Seventh Corps, Forty-fifth Division, Fifty-fifth and Fifty-sixth Reserve Divisions, a division of Moorish troops, and a full division of cavalry, with some additional of Gen. Sordet's.

This is the first of the two groups of the "mass maneuvers." This army came out of Paris and never became visible until Von Kluck in his sudden southeast movement had passed south of the Marne. Its position was facing the right flank of the First German Army and its rôle was to attack and engage the right flank of that army, get well to its rear, and cut its line of communications, and thus force Von Kluck to retreat and bring his forces back north of the Marne. Another element of the strategy was to entice him to deploy to the west, which in turn would force Von Bülow, with the Second Army, to likewise deploy to the west, all with the purpose in view of extending the German front and forming some weak spot in the line upon which the second group of the "mass maneuver" could operate. This was the master strategy of the French.

The British Army, Field Marshal French: Three corps (First, Second, and Third) and one division of cavalry under Gen. Allenby.

This force was greatly depleted by casualties, as it had been for three weeks engaging the German advance. This army lay southeast of Paris and south of the Marne River. The rôle of this army was to attack Gen. von Kluck on the front simultaneously with Gen. Manoury's attack on the right flank and rear.

Fifth Army, Gen. d'Esperey: First, Third, and Eighteenth Corps, Fifty-first and Fifty-third Reserve Divisions, and two divisions of cavalry.

This army was opposite the Second Army, and its rôle was to engage that army while the British and French Sixth Army was to roll up Von Kluck, drive him back, and isolate him.

Ninth Army, Gen. Foch (often called the Seventh Army): Ninth and Eleventh Corps, three Moorish divisions, Fifty-second and Sixtieth Reserves, and the Ninth Cavalry, with additions.

This army occupied the center and was opposite the famous Third Army, or Saxon Army. Its rôle was to take advantage of the extension of the German front and to work the dislocation of the German line. The second group of the "mass maneuver" was placed behind this army, to be used at the opportune moment.

Fourth Army, Gen. de Cary: Second, Twelfth, Seventeenth, and Twenty-second Corps.

This army was opposite the Fourth German Army, and its position in the French line was on the right of the center, and its rôle was to hold the line, protect the right center, and join in the general assault when the second group of the "mass maneuver" was ordered to operate.

Third Army, Gen. Sarrail: Fourth, Fifth, and Sixth Corps, First Brigade of the Fifty-fourth Division, three reserve divisions (Fifty-sixth, Sixty-seventh, and Sixty-ninth), and a division of cavalry.

This army was opposite the Fifth German Army and operated in the Verdun sector. Its rôle was the holding of Verdun and Fort Tryon and the northern wing of the eastern front.

Second Army, Gen. de Castelnau.

I am unable to give the designation of the corps and divisions in this army. The army, however, was a formidable one, hav-

ing the defense of the Grand Couronné de Nancy, and was opposite the German Sixth Army, under the Crown Prince of Bavaria. The celebrated Twentieth Corps formed a part of this army.

First Army, Gen. Pau.

I am likewise unable to give the corps and divisions of this army. It was opposite the Eighth German Army. Its rôle was to defend the eastern front of the Grand Couronné, protect the isolated forts lying to the south, and to close the gap south of Toul.

The First and Second French Armies, together with the troops subsequently shifted elsewhere on the line, had recently been engaged in an offensive at Alsace, had taken Mulhausen and Strassburg, but met with disaster at Morhauge, and had been forced to fall back nearly to the frontier, taking a position in the Grand Couronné and stabilizing the eastern front.

Events were so shaping themselves that the retreat of the British and French armies to the south was about to end. The main French army had been assembled and had taken its position directly in front of the advancing Germans, covering the entire line from the western rim just to the northeast of Paris to Verdun. By the 2d of September the armies were in position, and on the 3d the line assumed a definite and defined course. The last retreat of the British and French was on September 1, and this had placed the First German Army in an extremely difficult position. Here I may say in passing that the oft repeated and common saying that the object of the First German Army was the capture of Paris is wholly and absolutely without foundation. The capture of the capital had never been the objective of the First Army or of any other German army that I know of. By the British and French retreat southeast of Paris the capital was deliberately offered open to attack. The Germans were following the elementary strategy "that as long as there is an open operating army in the field the military power of the enemy is not broken."

The primary purpose of the German Army's invasion was the envelopment and capture of the French field armies. However stupid Von Kluck's movements may have been, he was too wise an officer to consider the occupation of Paris for a minute. By Von Kluck's shunt to the southeast he undoubtedly thought there was no considerable force lying behind the defenses of Paris. He was clearly ignorant of the presence of the French Sixth Army at this very spot. Kluck continued his southeast shunt, following the general plan of enveloping; it also tended to the consolidation of the German line and thus to render the operation of the French second group "mass maneuver" less dangerous. By this move the entire right flank of his army was exposed. However, he took the precaution to leave one army corps behind, thus covering any possible attack of his flank and rear and to keep his line of communication open. Kluck also counted upon the entire British force as being too exhausted and weakened by casualties to be effective. The southeast movement worked the commencement of his undoing. His subsequent retreat north of the Marne was brilliantly executed, but that which followed, consisting of his deploy to the west, was the fatal evolution. It was the universally prevailing opinion amongst all German Army commanders that the French were utterly demoralized, beaten, shattered, ineffective, and without morale. The retreat, especially to the southeast of Paris, thus leaving open the capital, was evidence sufficient to them, and absolutely confirmed them in their position. They accepted it as a truth that the French had continuously given away to avoid battle, and that all that was to be done was to continue the enveloping movement, and the French Army, or what was left of it, would ultimately be caught in the two jaws of the pincers. A German writer by the name of Fendrich, whoever he may be, speaks of Von Kluck's movements as "a plan so wonderful and so full of genius that only in the time to come will mankind grasp its greatness." Every military writer the world over has been undertaking to discover of what this genius consists; on the contrary, it is universally agreed that Von Kluck fell a victim to the cunning French strategy, and that as a commander he was wholly and completely outclassed.

Let us now turn to the eastern front, where the battles of the Marne opened and where the first great event took place.

BATTLES OF THE GRAND COURONNÉ.

I can not agree with some that the battles of the Grand Couronné de Nancy and those fought on the eastern front constituted no part of the battles of the Marne as a campaign. They are clearly a part of the general campaign which found its crux at La Fere Champenoise on the 9th of September. To not so include them is to do violence to every conception of coordination. Indeed, unless what took place on the Grand Couronné had not resulted in the manner that it did the French strategy would have utterly failed and disaster would have befallen the French as surely as the sun would have followed its course.

The whole strategy of the Marne was based upon the French holding the eastern front, the key to which was the Grand Couronné. It is as directly connected as human plans and actions can make, and to me it is astonishing that every person who pretends to have even a fair knowledge does not share in the same conclusions. The great enveloping plan of the Germans was based on the two coordinating movements, perfectly timed. The northern or western arm of the envelopment was to sweep down from the north, turning to east, continuing its encircling movements. This was the first, and simultaneously the formidable armies on the eastern front were to force the Grand Courronne crush in the eastern front and enter upon its western and northern encircling sweep. This is as clear as subsequent action can demonstrate. There is no escape from this conclusion. To my mind there is absolutely no foundation that the Fifth, Sixth, and Seventh German Armies were simply to hold a stabilized front. The two German armies were to meet with the French and English, completely surrounded. The eastern front was to be first forced, as the lines of communications to this front were short, while the lines to the western front were constantly being extended. It was the German tactics that when the northern arm had in its encircling movements reached an approximately east and west line the eastern front was to be forced. Following this general plan we find that when Kluck had reached Senelis, which made the German line a little north of due east, the eastern front was attacked in a tremendous assault, and the campaign of the Marne—what the Germans thought was the closing of the drama—was open and on. This was September 1, and the signal for it was Kluck's turn to the southeast, the greatest arc of the circle. Thus the battles open on the eastern front on September 1. They were the first of that series of engagements which the world terms "the Battle of the Marne." When the full story of the campaign is told and the veil of German secrecy, as well as that of the French, is lifted we will find beyond the shadow of a doubt that such were the master German plans. The German Emperor had come from Coblenz to be present at this great epoch-making event—the breaking of the French eastern defense. He was dressed in his gala-day white, wearing the shining silver helmet, in honor of his Bavarian Army Corps, whose irresistible prowess he had come to witness. He had come to see the eastern jaw open and the eastern arm swing and deliver the blow. He had come to make his triumphal entrance into the city of Nancy.

The hearts of the Germans were in high glee. All Germany was rejoicing, for on August 31 the great victory of Tannenberg on the Russian front had been won and, as reported, some 80,000 prisoners had been taken. Russia had been beaten by the mighty Hindenburg. The Kaiser and his force were to win another equally momentous victory by forcing the eastern front, and thus letting loose the ponderous German armies which were expected to so soon grasp the French in their mighty teeth. Already the Germans foresaw the close of another victorious war. It had been but 30 days since their bugles had been blown. Austria had been subdued in 60 days in 1866 and France in 90 in 1870. Here again was to be the reward of German spirit, prowess, and kultur—France on her knees and the British Army gone in a combined whirlwind and tornado of war of less than 40 days. Little is the wonder that he was ready to make his triumphal entry into Nancy, the reason for which he had gone thither. So the battle opened on the 1st of September in a grand united assault upon the defense of Nancy.

The SPEAKER. The time of the gentleman has expired.

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for 20 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the time of the gentleman from Washington be extended for 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. No less than six army corps moved against the fortress of Verdun with the idea of taking it by assault, or if that was found inexpedient to surround and isolate this key position. To do so would permit the army of the Crown Prince to spare large numbers of troops to reinforce the armies to the west or south, as the necessities of events should develop. It is not giving too much praise to say that Verdun was saved by the astonishing rapidity by which the French absorbed the lessons of the experiences of this type of forts. Within six days, due to the activity and energy of Gen. Sarrail, the heavy guns were removed from their permanent emplacements and distributed in improvised situations on a greatly extended arc. This condition was first discovered by the Germans when in their advance guns of heavy caliber opened up from altogether new locations, while the old permanent locations remained inactive. The French learned the lesson early,

very early, that the permanent fortifications could not stand. When it became apparent that Verdun had prepared to meet the oncoming German Army on the new and more modern plan—by concealed shifting defenses—the German activity lessened at that point and opened up farther south. It was on the 30th and 31st of August that the strength of Verdun was tested. Throughout the 31st and in the evening a strong bombardment broke out farther south to cover the transfer of troops to the area east of Nancy and vicinity.

On the 30th a very formidable force under Gen. Franz, consisting of a full corps belonging to the Fifth Army reserve, made a sortie out of Metz for the purpose of menacing the southern rim of forts of Verdun and incidentally to likewise threaten the northern outlying defenses of the Grand Couronné. On the 31st this force, after describing a semicircle, marched back into Germany without attempting a serious assault. This move is to be explained only on the theory of the necessity of having this force present as a reserve in the attack upon Nancy, which was already under swing. On the 31st the attack before Nancy opened by a terrific bombardment of heavy artillery. Over 400 pieces of heavy ordnance—an unheard-of number—took part in this preparation, but the bombardment was of short duration. Far less damage had been inflicted upon the French position than was supposed. The German commander's—Franz's—army was coming up, and altogether an enormous force had assembled. The condition of affairs was ominous. Late in the afternoon the infantry charge led out in countless hosts. The French had no equipment either in guns or men to meet this awful assault—nothing but the field 75-millimeter and machine guns. Fire of the French was reserved until the enemy was clearly within range of the guns. Then the very earth seemed in convulsion as the flame swept from eminence to eminence along the long, irregular chain of hills. Strong positions were prepared in the rear, so if the onrush could not be checked a fall back could be resorted to.

The Grand Couronné, and thereby the whole eastern front, was at stake. If this section was forced, Verdun, with its wonderfully complex system of new shifting forts, was or would be isolated and left to starve or surrender. The very landscape to the horizon seemed to be alive with men. At least six and probably eight full army corps were either in the assaulting force or held in reserve, amongst which was Gen. Franz's retiring troops. The eastern jaw of the grand enveloping movements had swung open; the strong eastern arm was delivering the blow. Fortunate it was that the French had sought dependence in no permanent fortifications, but, on the contrary, were wholly dependent upon the open fieldworks. When the batteries of 75 millimeters broke loose with their hail of fire against the solidly massed ranks, no force, be it composed of men, beasts, or devils, could withstand. But on they came, goaded, driven up the hills. Eventually this mass of humanity came within rifle and machine-gun range. Those who escaped the 75 millimeters now were met by these. The last wave was driven back at the point of the bayonet. At last the assault receded, and the tricolor was flying in victory.

Such tasks as the Germans imposed were to be endured not by men but by some substance not made of flesh and blood. The prowess of the 75-millimeter gun had been sustained in this awful scene. The loss among the Germans was appalling. For seven days this astounding and amazing spectacle was repeated and re-repeated. The Grand Couronné must be forced at whatever cost of men, for the two enveloping jaws must close together, if at all. Bombardments as fierce as fire and shot could make them preceded every charge of infantry. It was a constantly recurring enigma how the French could withstand them, but the French knew they held the keys to the future of France. If they should give way, and the great grand army drawn up all along the extended line from Paris to Verdun was gone, hopelessly gone, and with it the last hope of France. They fought like demons more than men, monsters more than human beings.

The crux came on the forenoon of the 6th of September, when every available man was brought into the final supreme effort, transcending, if possible, those which preceded it. It looked at once as if the St. Genevieve plateau was doomed, for it seemed that the French had not the strength to kill them all. The loss was truly appalling, the slaughter sickening. Near the summit a battalion of French Moroccans jumped from their trenches with bayonets, swords, knives, and spears in the air, screaming like mad men and made a charge down the slope. This saved the day and St. Genevieve was secure. The same or similar scenes were enacted all over the slope of Amace. The forests of Champeneaux were forced, but when they came to the hill they rolled back as wave after wave dashes against the very shore of fire. Amace was safe. After these awful days, especially after the 6th, the strength of the assault began to wane. From the first the French were as sure as human calculations could be made that they could hold the front, so sure indeed that the commander, de Castelnau, released some of the force. At least one division—the Forty-second—was sent to the western front to become part of that wonderful mass maneuver which opened the gates and turned in the tide when the tide was at the full.

Never throughout the war was there harder fighting, more desperate, more deadly, than was done by the comparatively small force defending the Grand Couronné. Never was there a defense more full of unyielding heroism. The pity of it all is that as yet no full and detailed history has been written. These battles alone had they been fought as isolated engagements would have rung down the pages of histories for centuries, but as they were part of a larger and more dramatic campaign going on elsewhere they have passed almost overlooked. When the time comes the historian will grasp the almost superhuman tasks which fell to the defenders of Nancy, and they will take their places amongst the most valiant defenders who in any age or in any time held the line for their beloved France.

By the 9th over 100,000 Germans had fallen dead or wounded on the hills, slopes, and valleys of the Grand Couronné. The French losses were not one-fourth. It is estimated that the strength of the respective forces was as 3½ to 6.

During this awful time the French had been informed of the grand counteroffensive on the long line to the west. The Kaiser had been wired of Kluck's southeast shunt and the attack on his flank and the campaign to cut his line of communications. He returned to Metz on the night of the 6th, having seen his great, invincible army of Bavarians hurled back, beaten, overwhelmed. It was inconceivable, incomprehensible, but true. The Grand Couronné de Nancy was safe, and that triumphal entry into Nancy is yet to be made. The east line remaining firm left the greater strategy of the French to be worked to its full on the east and west front.

BATTLES OF THE OUREQ AND THE MAJOR AND MINOR MORINS.

While the great battles were raging on the eastern front events of equal importance were taking place on the outskirts of Paris, 200 miles away. We had left Von Kluck, with his great First Army—the largest of them all—striking southeast when he had reached a point possibly 30 miles east of north of Paris. He had deliberately gone around Paris. On the night of September 3 a conference was held in Paris between the French generals, Joffre, Maunoury, and Gallieni, the military governor of Paris and a man of rare ability and wonderful energy. As a result of this conference, the plan of strategy as previously agreed upon was so changed as to take in another element. Instead of the French Sixth Army making a direct attack upon Kluck's army, giving away and thereby tolling Kluck off to the west, whereby the German line would be stretched to the breaking point, it was agreed that Maunoury should delay his attack until the major portion of Kluck's army was south of the Marne, when a combined attack should be made by the British on Kluck's front and by the French Sixth Army on his right flank and rear. The order of the attack was that the rear attack should open; then in the following order would come the flank attack; then the attack by the British on the front. The respective armies were in correct position and Kluck was stupidly stepping into the trap. This strategy of the French was the most brilliant conception of the campaign and would have resulted in the annihilation or capture of Kluck's army, and at least the right wing of Von Bülow's, had it been carried out. The British, however, failed to make the frontal attack, and thereby Kluck wheeled about, retraced his tracks, recrossed the Marne, and thereby escaped absolute destruction. Whether Joffre or Gallieni originated this idea is still disputed in France. To carry out this plan, however, would take a greater force than Maunoury then had, so the Fourth Corps was taken from Sarrail's command, transferred from Verdun—which had passed its crisis—sent to Paris, and attached to the French Sixth Army. The Forty-fifth Division had likewise been sent from before Nancy to join the Sixth Army. By this time, the night of the 4th, Kluck had most, by far the major part, of his army on the move. Bülow the same.

Little did these profound military men know of the very formidable force under Maunoury lying ready, waiting for the hours to pass when the First German Army should be south of the Marne. The Sixth French Army by the transfer of troops from other parts of the line had swollen by this time into an army of four incomplete corps, and was still further strengthened by another partial corps and one division. It is inconceivable that all these transfers and switching of troops took place without the knowledge of the high-sung intelligence arm of the German service, but it is what actually happened and actually was. The hour had now struck for the great French offensive.

On the afternoon of September 5 Gen. Joffre issued his famous order that the retreat had now come to an end; that the allied armies were to advance on the morrow. The order was received by the respective armies, British included, at about 7 o'clock in the evening. The armies involved the Sixth, British, Fifth, Center or Ninth, and the Fourth. Detail orders were given each army for the morrow.

The battle proper opened at the dawn of Sunday, September 6. On the 5th, however, Maunoury had attacked the reserve division left by Kluck to guard his line of communications. The moment that blow was struck Kluck began to realize the peril of his position, for by the strength of the blow it was apparent he had underestimated the size of the French Sixth Army. In fact, he had thought there was no such army. He now began to rapidly retrace his steps back across the Marne, describing almost a full circle. And right here the British failed to come up to what was expected of them. It was expected that the British would attack as Von Kluck was marching across their front. On this point I quote from Belloc's Elements of the Great War, Second Phase, pages 177 to 180:

"As it was, the mass of the German troops south of the Marne were disengaged and free to return at a moment's notice, and Kluck, taking immediate advantage of this lack of synchrony upon the part of the enemy * * * left his two cavalry divisions to form a screen watching the approach of the British, and recalled his Second active corps across the Marne to help the Fourth Reserve Corps, which was at grips with the French Sixth Army. * * * There seemed little to stop them. All the Fourth Reserve Corps together was, now that the French Forty-fifth Division had come up, less than half its opponents. The Oureq would have been crossed next day and Kluck destroyed had it been possible for the British to engage and hold the Germans south of the Marne."

But the great stricture of the British field marshal is made by the celebrated war correspondent and military writer, Mr. Frank Simonds, in volume 1 of his History of the World War, pages 120 to 125:

To the British was assigned exactly the rôle of Grouchy in the Waterloo campaign. Field Marshal French's army was expected to engage and hold Kluck's army while Maunoury struck its flank and rear. Kluck had two corps south of the Marne facing the British, in addition to cavalry, while the British had three corps. * * * The British failed exactly as did Grouchy, and the consequences of their failures was the escape of Kluck and the restriction of the allied victory. * * * Not only were the British not actively engaged at the Marne, but had they been able to do that which had been hoped for, if not expected of them, Kluck might have been destroyed and the Battle of the Marne might have been as immediately conclusive as Waterloo. * * * Here is the end of the legend that the British saved anything on the Marne; the sole question must be whether what was lost by reason of their failure was unavoidably lost. Could French have moved more swiftly? Did he let the supreme opportunity of the war slip through his fingers? Unmistakably this is the view of the French commentators, and to this view the British military criticism now points clearly. * * * On his own record, supported as it is by a wealth of testimony with respect to his actions during the Battle of the Marne, * * * it is difficult to escape the conviction that Field Marshal French failed to rise to the greatest opportunity of the war, either because he did not perceive it or lacked the necessary energy and initiative. * * * He never got across the Marne until the 9th, and then not in time to help Maunoury at all, * * * wrecking the whole strategic conception of the French high command, * * * depriving France of the maximum of possible benefits of a magnificently conceived stroke.

It is difficult to find in military history a more severe stricture upon an army commander. Had the British moved as they were ordered on the 5th, Kluck's army, instead of escaping, would have been destroyed or captured, and probably Bülow's, too, and thereby the greatest disaster in military history would have befallen the German armies.

In justifying his unfortunate delay Field Marshal French states that the British Army was so cut up, worn out, and depleted by casualties that reorganization was necessary before attack, and that this could not be done in time to catch Kluck south of the Marne.

As it was, Kluck passed back across the Marne and plunged with his whole army into Maunoury. From that date throughout the awful days to follow—the 6th, 7th, 8th, and 9th—Maunoury was sorely pressed, and at one critical time was really outflanked, and was saved only by the shrewdness of the commander and the supervalor of his men. On the morning of the 10th, when Maunoury was preparing to receive and, if possible, parry what he expected would be a crushing blow, behold, Kluck was gone, had fled to the north in precipitate haste, brought about by Foch's master blow further east on the line. Maunoury on the 6th was preparing to do to Kluck exactly what Jackson did to Hooker at Chancellorsville. The effect of the failure of the British, however, did not work the havoc it might have done. In Kluck's mad effort to envelop Maunoury's army he began that fatal leaning to the west which worked the subsequent dislocation of the line, stretching it beyond the possibility of safe defense.

The Battles of the Oureq and the Morins consist of that series of engagements, commencing on September 5, by Maunoury's attack upon the German Fourth Reserve Corps, Kluck's subsequent return to the north of the Marne, and the engagements which followed. The armies engaged were the First and Second German armies, and the Sixth and Fifth French armies. On these days it will be recalled that the eastern front was ablaze, as the 6th there was the critical day. Strange coincidence that the 6th should have been of the same importance on the extreme western front. Thus the sequence of the events. Events of supreme importance were taking place elsewhere on the line.

ASSAULT ON FORT TRYON.

South of Verdun and some 20 miles north of the Grand Couronné, between Verdun and Toul, there are a number of strong forts along the Meuse River. Fort Tryon was selected for assault. This was part of the effort to force the eastern front, though wholly separate and distinct from the terrific assaults farther south upon Nancy. The defenses of Nancy had stood during the great attack of the 6th. Now the Crown Prince had resolved to launch a grand attack on the river forts simultaneously with the renewal of that upon the Grand Couronné on the morrow. It was decided that neither his army nor troops from Pont-a-Mousson should lead in this assault, but new troops from Metz should be brought for this purpose. Fort Tryon was an old and rather obsolete fortress, though formidable, if properly garrisoned. Accordingly on the 7th a terrific assault was made, which was continued during the 7th, 8th, and 9th. If the front could be broken here Verdun would be isolated, Toul would fall, and the gap thus made would be equally disastrous to that if the Grand Couronné should be forced. Besides, the gap would carry with it the east and west railway and connections. Here again, in the defense of this fortress, do we find the same determination to hold as at the defenses of Nancy. After an awful artillery bombardment of six hours the infantry charged wave upon wave, but were driven back at the point of the bayonet. The fortress was reduced almost to ruins, while the German heavy guns, which were concealed in the valleys and wooded lands, suffered but little. During the early hours of the night of the 9th, even after the La Fere Champenoise, another tremendous assault was made, but the Second Cavalry Division from Toul had come up, and once again the threatened gap on the eastern front was closed. It is interesting to note that this very spot months afterwards was crushed in by greatly increased forces, and was extended out, forming the St. Mihiel salient, or sector, reduced by the Americans near the close of the war.

LA FERE CHAMPENOISE.

While the Battle of the Oureq and the Morins had not yielded the returns the Allies had hoped, still it had worked its fatal purpose. The victory the French Army had brought about was only lessened by degree. The original strategy so well planned by the French had become the true condition of affairs. Kluck, leaning, or, rather, deploying to the west in the Oureq battles, had brought Bülow's army with him, as contact on the line is fundamental. This had brought about the extension or stretching as the French had originally planned at the commencement of the battles. It was Bülow's army that had won the Battle of Charleroi. It was fine in personnel and equipment, consequently when it faced the depleted ranks of the French Fifth Army the latter had good grounds for apprehension. But Bülow had to draw back to the north and deploy to the west to keep in contact and alignment with Kluck. As the Second German Army thus withdrew, it was followed up and engaged in rear-guard actions. There were no set duels between the French Fifth Army under D'Esperay and the German Second Army under Bülow, though they held opposite fronts. On D'Esperay's right was the French center or Ninth Army under Foch. On Bülow's left was the German Third Army under Hausen—the Saxons. Directly in front of Foch were the now famous marshes of St. Gond, a moorland of considerable size, full of mire pits and stagnant pools. It is a strange spot in the otherwise solid and rolling terrain. The marshes are crossed by a few north and south roads, but only one to the east and west. It is absolutely impossible to get artillery through except over the roadways. Foch's line was to the south of these marshes, though he held the northern rims as outposts.

When Maunoury's attack compelled the retreat of Kluck and his famous circle back, taking Bülow with him, the German plan was to break the French center farther east, and to this rôle Hausen and his Saxons were assigned. This is just what the French Army was planning. Thus we have the two armies each attempting to cut the center of the other. Hausen's army, which had been reinforced by two full corps now, far outnumbered that of Foch. On the 7th Foch began an offensive, but was unable to dislodge the German Third Army. The marshes of which I speak lay directly in the pathway of any advance.

Eventually Foch had to give way to the oncoming Saxons, his right wing falling back south to a range of hills, where it held. Just at this juncture, when it seemed as if the French center was about to be cut, D'Esperay, who was only pursuing Bülow on Foch's left, transferred his Tenth Corps to Foch. This fresh addition to Foch's army suddenly changed conditions.

The line of Foch was now rapidly assuming a north and south front, due to the right wing giving way. The Tenth Corps began its assault on the Hausen right wing, which had been weakened somewhat by transfer of troops to the left wing in the hopes of pursuing Foch's right. This immediately removed the pressure, and thus Foch's center regained its stability on an approximately northwest-southeast front. This all occurred on September 8. The Guard which held the position between Hausen's right and Bülow's left was one of the forces attacking the French most wildly.

On the night of the 8th the French situation was critical. Foch's right was driven back a distance somewhere in the neighborhood of 8 miles. All felt that the morrow would be the fatal day—the Germans believed it, the French knew it. The morning opened bright and clear, and the struggle increased in intensity. Already a gap was forming in the German lines in the position held by the Guard. This gap was widening as the Guards deployed to the east and south to add to the pressure on Foch's right wing. Apparently but a small portion of the Guard was left to hold the line. Large masses were withdrawn and shunted to the left to crush Foch's right before advantage could be taken. It was here that the genius of Foch shone brightest. The Forty-second Division, a mass of picked troops, was withdrawn from the lines and shunted to the east, there to take position behind the Ninth Corps. This division received orders to advance at 4 o'clock in the afternoon directly down through a wooded tract over an intervening plateau and strike the gap thus formed. The Forty-second was soon in line, and for nearly 4 miles headed straight through the woodland over the hills.

Mr. HICKS. Mr. Speaker, will the gentleman yield for a question in reference to the attack against Von Kluck?

Mr. MILLER. Yes.

Mr. HICKS. In regard to Gallieni's taxicab army, has not the size or strength of it been overestimated? It was a very spectacular and sensational matter, but I would like the idea of the gentleman in regard to the number thrown into it. While these reserves were of vital importance, I feel the number has been exaggerated. Was it not in the neighborhood of 6,000 men that Gallieni threw in the line by means of busses and taxicabs, soldiers taken from the garrisons of Paris?

Mr. MILLER. I think the gentleman is right. The Fourth Division had been transferred from the Grand Couronné, and had been attached to the Sixth Army. Gallieni's spectacular taxicab campaign could not have been the transfer of those troops from the railroad out to the field of battle. I agree with the gentleman that these taxicab troops must have been a part of the Paris garrison, or perhaps they might have been troops which as yet had not reached their regular units—just picked up and thrown in.

It was 5 o'clock and 10 minutes when the shock came—a running, screaming, shouting band with fire and bayonets getting in its most deadly blows. After the Forty-second Division came the Ninth Corps. A desperate death struggle advance was ordered by Foch along the entire center. The gap gave way and through it poured the French by the thousands, deploying to the right and left, bayoneting, firing, crushing, and grinding their way. The day was done, the battle of the ages was won. The mass of Hausen's army to the right of the gap, learning that the breach of the lines had been made by the forces under Gen. Foch, wheeled to the west and attempted to force the closing of the gap by side facing. But no army composed of human beings can be thus shifted in a moment's notice.

Foch had succeeded in doing at La Fere Champenoise exactly what Marlborough did at Blenheim. He did what Napoleon repeatedly attempted to do at Waterloo, and what Lee endeavored to do at Gettysburg.

As the evening passed Bülow gave way, and following him in desperate pursuit came the army of D'Esperay. The Saxons farther east, learning that the gap had extended to the German first army, likewise gave way, forming into bodies in retreat and rear guards as best they could. The pellmell was continued throughout the night in one of the awfulest storms that ever settled down in the valley of the Marne. The whole German line broke. The retreat of the armies of Kluck and Bülow were perfectly orderly but the Saxons broke into routs. It became a man-for-man escape. Nothing like so complete a rout had ever before befallen a Saxon Army. All night long and during the next day the retreat was continued with the French in pursuit, and only stopped at the utter exhaustion of the pursuers and the pursued. The giving away of the German line was the tragedy which crumbled and then crushed the whole strategy, so carefully planned and builded up over a period of 40 years. It thoroughly and profoundly changed the whole course of the war. The French had won a victory which will live as long as history can be read by human eyes. The losses were appalling. Of the 2,250,000 men and more engaged between Paris and Verdun, fully 300,000 were left on the field dead or wounded. These, added to the 100,000 killed or wounded in the Grand Couronné, and at Fort Tryon, made a grand total of approximately 400,000 men.

Such was the awful cost in men of the victory of the Marne between September 1 and 9, 1914. Of this loss, perhaps that of the French was the greater. The great fact, the one that will make rich the pages of French history for all ages to come, is the paradox that the lesser is more powerful than the greater. The Germans greatly outnumbered the French. On the whole line the proportion was given by Belloc as five to between seven and one-half and eight—amazing results from such disparagement in numbers. From Verdun south the German excess was by far the greatest per mile front on the entire line.

De Cary's Fourth French Army held like a gigantic wall. He was on the right of Foch, and notwithstanding Foch's line was badly sagged and all but pierced, De Cary's troops had indirectly much to do with saving the day at this point. He had a reserve corps engaged in executing a flank movement upon the advancing Germans at the time Foch's Forty-second Division cut the line farther to the west.

The SPEAKER. The time of the gentleman has expired.

Mr. GARD. Mr. Speaker, I ask unanimous consent that the gentleman may proceed to conclusion.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the gentleman from Washington may proceed to conclusion. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. Such splendid coordination of troops was never before known in military history. Troops were sent from place to place, some detouring from before Nancy to before Paris. Divisions and brigades shunted from front to front. And lastly, the service of the wonderful mobile artillery of the French. Its performance at the Marne was in harmony with and up to the high standard its most enthusiastic champions had pictured. The 75-millimeter gun from that day to this lies near to the heart of every son of France. A heavier gun would have failed in mobility. Some say that the seventy-fives won the day, while all unite in saying without them it might have been lost. The Germans used an unreasonably small amount of artillery for such an engagement, due to its lack of mobility.

Of course, La Fere Champenoise was the storm center—the vortex of the east and west line. The great bulk of the Forty-second Division passed between the marshes of St. Gond and La Fere, and it was here the battle raged wildest. Mr. Eric Fisher Wood reports counting over eleven hundred dead bodies on a 6-acre field on the third day after the battle and after all the wounded had been removed. But desperate as the fighting here was, it perhaps did not exceed that which took place on the Grand Couronné a hundred miles to the east.

Such are the battles of the Marne. History turned more pages between September 1 and 10 than in any equal length of time since it began recording the acts of men. The French had won. Gravelotte, Sedan, and Metz were avenged. The world could breathe again.

As in all great battles—victories—great names are made—great fame came to men, and great names and great fames were lost, buried in the awful whirlpool of defeat. The world holds out little hope for the vanquished, so Moltke, chief of staff, Kluck, Bülow, and Hausen sank from the scene of all activity—demoted, dishonored, and disgraced. Not so with the victors. Upon them the world places the wreath of fame; thus Joffre and Foch and all the other great commanders will live in history as long as it is read by human eyes or heard by human ears. To go to battle seems to be the fate of men, but of all who have gone before throughout all the ages, none have shown brighter on the field than the sons of France at the battles of the Marne. [Loud applause, the Members rising.]

THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar not objected to, and bills objected to to retain their place on the calendar for future consideration.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

and pending that asks unanimous consent that bills unobjected to be considered and that bills objected to remain and retain their place on the calendar.

Mr. BLANTON. Mr. Speaker, a point of order. I understood the gentleman to ask unanimous consent instead of moving.

The SPEAKER. The Chair stated unanimous consent—that he asked unanimous consent for the latter part. Is there objection?

Mr. GARD. As a matter of fact, Mr. Speaker, the gentleman did not ask unanimous consent, he moved.

The SPEAKER. The Chair thinks the gentleman has no right to move, and so the Chair stated that as a matter of unanimous consent.

Mr. WINGO. Mr. Speaker, that being true as the Chair holds, that he has no right to move, but simply determines the matter by unanimous consent, then a motion would not be in order as a substitute.

I intended to move a substitute that the House resolve itself into the Committee of the Whole House for consideration of bills on the Private Calendar without restriction. But if it is not by unanimous consent that would not be in order.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for consideration of bills on the Private Calendar, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for consideration of bills on the Private Calendar.

WILLIAM E. JOHNSON.

The first business on the Private Calendar was the bill (H. R. 683) for the relief of William E. Johnson.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. GARD. Reserving the right to object——

Mr. HERNANDEZ. Mr. Chairman, the Committee on Indian Affairs authorized me to make a report on this bill. The report is quite extensive and gives practically a history of the claim.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I have listened for the Chair to submit the unanimous-consent request.

The CHAIRMAN. The Chair asked if there was objection and the gentleman from Ohio [Mr. GARD] reserved the right to object.

Mr. BLANTON. I also reserve the right to object.

Mr. HERNANDEZ. The report, I say, contains a history of the claim in detail.

This claim originated at the trial of an Indian by the name of Juan Cruz in the State of New Mexico and in the county in which I live. I was present when they brought this Indian up to the county seat of my county to be tried, and this man, William E. Johnson, was acting as a special agent for the Indian Department.

We all took it for granted that the expenses incurred in this trial were going to be paid out of the special fund provided for in the appropriation carried in the Indian appropriation bill for the suppression of the liquor traffic among the Indians.

Mr. BEGG. Mr. Chairman, will the gentleman yield for a question?

Mr. HERNANDEZ. I will.

Mr. BEGG. This is for attorney's fees that William E. Johnson expended?

Mr. HERNANDEZ. I do not know whether he was an attorney or not. I say he was acting as agent for the Indian Department at that time.

Mr. HAYDEN. At that time, I may say, Mr. Chairman, he was the chief special officer, employed by the Commissioner of Indian Affairs in the suppression of the liquor traffic among the Indians.

Mr. BEGG. I would like the gentleman to be more specific. Is this $1,839.95 money that he has expended out of his own funds or is this a payment for services?

Mr. HAYDEN. Oh, no. This is money that he expended, and for which he asks to be reimbursed.

Mr. HERNANDEZ. I say we took it for granted that the expenses incurred in this trial were going to be paid out of that special fund which was provided in the appropriation bill for the suppression of the liquor traffic among the Indians, but it seems the money was not available for that purpose, and the Comptroller or the Auditor for the Treasury Department decided that the money could be paid only in this manner, and therefore that is the way this bill originated.

I know all the persons mentioned in the report. I know that they were there at the trial. When they took this Indian to be tried there in the district court——

Mr. BLANTON. Mr. Chairman, I reserved the right to object for the purpose of asking a few questions of the gentleman who has charge of the bill. This bill, seeking to pay William E. Johnson $1,839, proposes to pay him this amount to reimburse him for various sums which he claims to have paid to 37 different other parties; also to pay himself the following amounts——

Mr. HERNANDEZ. Yes. That is true.

Mr. BLANTON. William E. Johnson, traveling expenses and expenses on account of Clara True, $49.50 and $19.70, respectively; also to William E. Johnson, traveling expenses, $771.30, and expenses of Clara D. True, $16.40; then to William E. Johnson, traveling expenses again as a posse man, $29.80; also to William E. Johnson, photographs, $6; also to William E. Johnson, salary and per diem, $33; also to William E. Johnson, traveling expenses again—this is the third item of traveling expenses—$38.95. The first one was $49.50 and the next was $771.30, respectively. Then again to William E. Johnson, expenses of posse man, $672.55. That is the second such item.

Now, it occurs to me that these amounts seem to be unexplained duplications, and there also seem to be traveling expenses of six or seven hundred dollars in two or three items unexplained; they seem to be out of all reason and out of all proportion.

Now, one other question: I would like the gentleman to explain the justness of each one of these items. Then again, this question: If the amount set forth is due to anybody for these 37 different people who have given service, it would be to the persons themselves who rendered the service. This bill proposes to pay the whole $1,839 to William E. Johnson. How do we know that William E. Johnson will take the money that Congress gives him, if these people have not already been paid, and distribute it properly among the people to whom it belongs?

Mr. HERNANDEZ. I understand these people have all been paid.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield to me?

Mr. BLANTON. In a moment. One other matter. This service was for the benefit, as I understand it, of a certain tribe of Indians?

Mr. HERNANDEZ. Yes.

Mr. BLANTON. It was to enforce the liquor-traffic law amongst these Indians and for that special tribe. If it was for their benefit, and their benefit alone, why should not the funds of this particular Indian tribe meet this expense and be used? I would like the gentleman to answer that question.

Mr. HERNANDEZ. In the first place, these Indians have no funds.

Mr. BLANTON. Most of the tribes have funds. Some of them are richer than anybody in this House. I know of some tribes that are richer than a great many of us.

Mr. HERNANDEZ. This particular tribe of Indians, as I say, have no funds, and in addition to that this prosecution was carried on under the direction of the Indian Office. William E. Johnson was the special agent of the Indian Office employed for that purpose.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield to me?

Mr. HERNANDEZ. Yes; I yield to the gentleman from Arizona.

Mr. HAYDEN. The gentleman from Texas [Mr. BLANTON] mentions the voucher of William E. Johnson, $771.30, that was allowed, except $16.40. That probably covered his expenses for traveling in various parts of the United States, and in the voucher these items of $16.40 and $30 were disallowed. The balance of the voucher has already been paid. The only other large item unpaid to Mr. Johnson is part of voucher 208, expenses of posse man, $672.55.

Mr. BLANTON. The gentleman from Arizona [Mr. HAYDEN], who has been a distinguished peace officer in his State, and who has rendered valuable services to his country in that position, did not catch my point, which was that these large sums have already been allowed this particular gentleman and paid to him, with the exception of the small amounts disallowed; and without some explanation of the extra amount to show that it is justly claimed by him, when he has already been paid large amounts for traveling expenses running up into hundreds of dollars, I take it that we should have some explanation of the justness of the balance of the claim.

Mr. HAYDEN. The explanation of the balance is perfectly simple. William E. Johnson acted as chief special officer for the

Indian Service, handling an appropriation of about $100,000 a year, to suppress the liquor traffic in the Indian tribes. He traveled in all parts of the United States and assisted in the prosecution of persons who had sold liquor to the Indians. In the course of his travels he went into New Mexico to assist in the defense of Juan Cruz, a posse man, who was charged with murder for an act performed by him in the arrest of a person who had voilated the law. Mr. Johnson believed that the posse man had acted properly, and that he deserved to be defended, because he was enforcing a law of the United States. So Mr. Johnson proceeded to defend him, and the posse man was acquitted. Mr. Johnson, acting as the chief special officer, believing that he had a right to defend the posse man who had engaged in the enforcement of the law, issued vouchers to various people in connection with the expenses of the trial, and vouchers for his own expenses in connection with the trial. These vouchers were all disapproved by the Auditor for the Interior Department in Washington on the ground that the appropriation for the enforcement of the Indian liquor laws could not be applied to the defense of the posse man. Now, the office of the Commissioner of Indian Affairs examined all these vouchers—approved every one of them—and the Commissioner of Indian Affairs, in a letter which is included in the report, stated that the money was properly expended and that Johnson should be reimbursed for these amounts. Of course, when Mr. Johnson issued a voucher and it was not paid he had to pay it himself.

Mr. BLANTON. If the Commissioner of Indian Affairs has passed upon the justness of this claim, and holds that it is a just claim and that it ought to be paid, why is not that stated in the report?

Mr. HAYDEN. It is so stated in the report.

Mr. BLANTON. I do not so understand it. This merely gives the items of the claim but does not state that there has been any official determination of the matter.

Mr. HAYDEN. It appears right here in the commissioner's report:

> As they were incurred in good faith and under the instructions of the Commissioner of Indian Affairs, Mr. Johnson should be reimbursed therefor, and I recommend favorable action in that amount.

That is from the original report made on a similar bill in 1916, and it is repeated in the report made this year, June 23, 1919:

> In view of the merits of the case and our former reports I have the honor to recommend that favorable action be taken and that appropriate legislation be enacted reimbursing Mr. Johnson in the sum of $1,839.95.

There is no question about the merits or justice of this claim. It was regularly approved by the Indian Office and forwarded to be paid, but was disapproved by the auditor on the technicality that the appropriation made for the suppression of the liquor traffic among the Indians could not be used in the defense of a posse man who was engaged in that duty. That is all there is to this case.

Mr. ROSE. Do I understand the gentleman from Texas [Mr. BLANTON] to make the statement that Mr. Johnson has already been paid part of this claim?

Mr. HAYDEN. No; Mr. Johnson submitted a combined voucher for expenses, including this case and other cases. He was paid the amount due for expenses in the other cases, but the items in the voucher covering the expenses in this case were disallowed by the auditor, for the technical reason which I have stated.

Mr. GARD. Further reserving the right to object, Mr. Chairman, I would make inquiry of those who are the proponents of this measure as to what was the allowance for the defense of this posse man or noncommissioned officer engaged in the suppression of the liquor traffic, because it appears in the report that the total disallowance on account of the Juan Cruz defense was $1,839.95. I think we should know what the allowance was, so that we may form an opinion in the absence of any itemized payment of what the large amount due Johnson was for, because in the bill as presented the two outstanding large amounts are William E. Johnson, traveling expenses, $771.30, and for the posse men $672.55.

Mr. HAYDEN. That $771.30 is the voucher, and only $46 had anything to do with this case. The balance was paid but there was nothing in the balance in connection with this case. Everything that related to Juan Cruz has been disallowed.

Mr. GARD. How much was allowed for Juan Cruz's defense?

Mr. HAYDEN. Nothing.

Mr. GARD. It is stated that there was a total disallowance, and certainly some lawyer defended him.

Mr. HAYDEN. No; there was nothing allowed on this; all this allowance relates to the defense of Juan Cruz, and not one cent was allowed.

Mr. GARD. Where is the allowance for legal services?

Mr. HAYDEN. There was no necessity for allowing anything for legal services, because they called upon the United States attorney to defend him.

Mr. GARD. Was there not other counsel employed to defend him?

Mr. HAYDEN. No; no record of it.

Mr. GARD. Can the gentleman from New Mexico state whether we are to face again a bill for a lawyer's services to this man?

Mr. HERNANDEZ. No.

Mr. GARD. Who was his attorney?

Mr. HERNANDEZ. A man by the name of Wilson, who was the United States special attorney.

Mr. GARD. He defended the man?

Mr. HERNANDEZ. Yes. The question was raised as to whether or not the district court had jurisdiction over the case. The district judge decided that he had none and that it belonged to the United States court, and so the trial was stopped, and he sent the case down to Santa Fe to be tried in the United States court. Mr. Wilson was the United States attorney, and he raised that question.

Mr. GARD. And when it went into the United States court who defended him?

Mr. HERNANDEZ. The United States district attorney, and also Mr. Wilson, special United States attorney for the Pueblo Indians. So these expenses were incurred in traveling up and down between the Pueblo Indian village and the county seat in my county.

Mr. GARD. When was the case tried?

Mr. HERNANDEZ. In 1911.

Mr. HAYDEN. It has been favorably reported by the Committee on Indian Affairs several times since 1916.

Mr. GARD. Why was not it adjudicated between 1911 and 1916?

Mr. HAYDEN. Because it was pending in the auditor's office, and there was no other form of relief except to come to Congress.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. BLANTON. Reserving the further right to object, what about the objection I raised as to the protection of these various people. Is Mr. Johnson a man of property?

Mr. HAYDEN. There is no question about Mr. Johnson's character. He is well known.

Mr. BLANTON. I do not know the gentleman; but undoubtedly these sums have not been paid to the 37 different people, and they are the ones who should receive the funds from the Government. If Mr. Johnson is not a man of property, if he is not solvent, I take it the bill ought to be amended so as to have the Treasury pay these respective sums directly to the people to whom they belong.

Mr. HERNANDEZ. I agree with the gentleman from Texas that they should go to the people to whom they belong.

Mr. SMITH of Idaho. What is there in the record that leads the gentleman to say that these people have not received their money?

Mr. BLANTON. Nothing but common business experience. That tells me that Johnson would not take this money out of his pocket and pay to these people.

Mr. SMITH of Idaho. The presumption is that he was a disbursing officer and that he could not hire so many men and not pay them these sums.

Mr. HAYDEN. All these people have been paid. Mr. Johnson was disbursing officer.

Mr. BLANTON. If true, that is an answer to the objection.

Mr. HUDSPETH. Will the gentleman from New Mexico allow me to ask him a question?

Mr. HERNANDEZ. Yes.

Mr. HUDSPETH. Does the gentleman know Mr. Johnson?

Mr. HERNANDEZ. I do.

Mr. HUDSPETH. He is a man of good reputation, is he not?

Mr. HERNANDEZ. Yes.

Mr. HUDSPETH. I know him, and the gentleman does not think he would come in here and make these claims if they had not been paid.

Mr. HERNANDEZ. I have no doubt that these small sums have been paid.

Mr. HUDSPETH. Is it not a fact that Mr. Johnson is financially a reliable man?

Mr. HERNANDEZ. I do not know about his financial ability, but he was responsible enough to hold this position.

Mr. HUDSPETH. Does not the gentleman think these sums could be paid out of the property of Mr. Johnson?

Mr. HERNANDEZ. Yes.

Mr. BEGG. Will the gentleman yield?

Mr. HERNANDEZ. Yes.

Mr. BEGG. This man Cruz was being tried, and Mr. Johnson was an officer in the Indian department?

Mr. HERNANDEZ. Yes.

Mr. BEGG. What was he being tried for?

Mr. HERNANDEZ. He killed another Indian while trying to apprehend a bootlegger. He was going in a wagon, and there was a suspicion that he was taking liquor into the Pueblo village. He intercepted this Indian and searched the wagon and found liquor there, and in the quarrel that ensued Cruz shot this other Indian.

Mr. BEGG. Was Cruz convicted or acquitted?

Mr. HERNANDEZ. He was set free.

Mr. BEGG. Does the gentleman mean to leave this House under the impression that if an officer of the United States Government in the Indian affairs department gets into trouble while discharging his duties there is no way to pay for his defense, without a special act of Congress, out of the funds of the Indian department?

Mr. HERNANDEZ. I do not know why the Comptroller of the Treasury held that this was not payable out of the funds I speak of.

Mr. BEGG. Would it not be a good thing to have the comptroller's reasons before this House is asked to vote this money?

Mr. HERNANDEZ. I do not know about that. This has been hanging fire here since 1911, and these small amounts were paid by Johnson.

Mr. BEGG. That has been stated a number of times. Did he pay them, or did he issue vouchers which they could not collect?

Mr. HERNANDEZ. He issued them vouchers which I understand were afterwards returned unpaid.

Mr. BEGG. Did he pay them out of his own funds, or let them go and hold the vouchers?

Mr. HERNANDEZ. I understand that he paid these small amounts. He has paid them before.

Mr. BEGG. Has the Committee on Indian Affairs gone into these items severally, verified them to their satisfaction?

Mr. HERNANDEZ. Yes; I was present when this trial was being held, and I know everyone of those people mentioned on that account. They were there as witnesses, doctors, interpreters, and stenographers. I do not know about the payment by Johnson himself.

The CHAIRMAN. Is there objection?

Mr. GARD. Mr. Chairman, reserving the right further to object, I wish to make inquiry whether Johnson at this time was in the employ of the Bureau of Indian Affairs and received compensation from that bureau?

Mr. HAYDEN. He was then the chief special officer of the Bureau of Indian Affairs, charged with the enforcement of laws against selling liquors to Indians, and he received compensation and was entitled to have his expenses paid wherever he traveled.

Mr. GARD. If that be true, why was not his regular compensation and allowance for expenses paid in this case, since there was a direction upon the part of the Commissioner of Indian Affairs to assist this Indian charged with murder?

Mr. HAYDEN. The only way he could be compensated was out of the fund for the suppression of the liquor traffic among the Indians.

Mr. GARD. He got his other compensation?

Mr. HAYDEN. He did not get any compensation for this service.

Mr. GARD. He got his regular compensation out of the fund for the administration of Indian affairs.

Mr. HAYDEN. All of his compensation, every cent that could be paid to him as chief special officer, came out of that particular appropriation for the suppression of liquor traffic among the Indians. If he did anything in the course of his employment which the auditor said could not be paid out of that fund he could not be paid at all.

Mr. GARD. What was his regular salary per annum? How much did he get a month, or however he was paid?

Mr. HAYDEN. My recollection is that he was paid at that time at the rate of $1,800 per annum, with traveling expenses and allowances.

Mr. GARD. He got traveling expenses and allowances, and now he wants additional traveling expenses and allowances for this particular thing?

Mr. HAYDEN. No; wherever Mr. Johnson went he turned in vouchers in proper form for his traveling expenses and allowances. He turned them in in this case, but they were not paid. This is a disallowance by the auditor.

Mr. GARD. Mr. Chairman, I ask that the bill be laid aside temporarily without prejudice.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the bill may be temporarily passed over without prejudice. Is there objection?

There was no objection.

CLAIM OF SIOUX INDIANS BEFORE COURT OF CLAIMS.

The next business on the Private Calendar was the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Sioux Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe, against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums, including gratuities, heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe, or band or bands thereof, may be presented separately or jointly by petition, subject, however, to amendment; suit to be filed within five years after the passage of this act, and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Sioux Tribe or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That if it be determined by the Court of Claims in the said suit herein authorized that the United States Government has wrongfully appropriated any lands belonging to the said Sioux Tribe of Indians, damages therefor shall be confined to the value of the said land at the time of said appropriation, together with interest at 3 per cent per annum, and the decree of the Court of Claims with reference thereto, when satisfied, shall annul and cancel all claim and title of the said Sioux Tribe or any other tribe or band of Indians in and to said lands, as well as all damages for all wrongs and injuries, if any, committed by the Government of the United States with reference thereto.

SEC. 4. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find consonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

Mr. YOUNG of North Dakota. Mr. Chairman, I move to strike out the section. A delegation of Congressmen and representatives of the railroad departments of North Dakota, South Dakota, and Minnesota recently visited Mr. Barnes in New York to urge him to give new instructions to his agents and licensees in respect to the purchase of rusted wheat.

Some of the members of the delegation have asked me to make a statement to the House, partly because there was no stenographic record made of the hearing, and also upon the theory that it is believed some of the newspapers have claimed too much credit for North Dakota. Whatever the reason may be I shall try to make a brief report and be fair to our sister States.

To begin with, the first move was not made by farmers at Hillsboro, N. Dak. They did not do anything until after they heard that a formal hearing was to be had before Mr. Barnes at New York by special arrangement. A farmer living near Tower City wrote to me. He said he had just thrashed, but had not hauled his wheat to market, but thought from the looks of

it that it would grade pretty low. The sample which he sent to me indicated that his judgment was correct, and my presumption was that there was much more like it in the State. A careful study of the grain-standards law did not disclose any way to get relief through the National Bureau of Markets or the Secretary of Agriculture, who were compelled by law to give several months' notice before changing the grades. The right seemed to be left, however, to sell wheat on sample or by description, and I urged that view on Mr. Barnes, having had a couple of conversations with him at New York over the long-distance telephone. During the second conversation I suggested a hearing of northwestern men, to which Mr. Barnes readily agreed. The next step was to issue invitations. It seemed to me that all interested in the marketing of rusted wheat should be requested to come. Accordingly telegrams were sent to the governors of North Dakota, South Dakota, and Minnesota. I ask leave to print in the RECORD, without reading, these and other telegrams, letters, and newspaper articles.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. GARD. Mr. Chairman, under the rules of the House, can a gentleman at this time, the House being in Committee of the Whole, ask consent to extend remarks upon a bill not being considered by the committee?

The CHAIRMAN. The Chair thinks it is possible to do so by unanimous consent, although it is better practice to do it in the House. Is there objection?

There was no objection.

[Copy telegram.]

WASHINGTON, D. C., *August 19, 1919.*

To the GOVERNOR OF NORTH DAKOTA,
Bismarck, N. Dak.:

I have arranged with Julius H. Barnes for a hearing before him at the office of the United States Grain Corporation, New York, on August 26, of a delegation of northwestern wheat men. The purpose is to urge him to buy wheat at its milling value. The United States officials will not and can not change their rules for grading, but President Barnes is free to fix prices for the various grades or buy on sample and thus remedy the serious losses suffered by farmers by reason of the highly technical United States grades. Two years ago I introduced a delegation to President Barnes in which you were represented. We succeeded at that time in securing directions from Barnes to his representatives to settle for the various grades upon more favorable terms, thus saving millions of dollars to northwestern wheat growers. Now is the time to urge our case again and strike hard. I hope all the members of the railroad commission can be present, also a representative of inspection department with a full line of samples and fully prepared to show the actual conditions. Please wire the names to me of those who will represent our State. It should be made clear that all interested farmers are invited to come.

GEORGE M. YOUNG,
Member of Congress from North Dakota.

Similar telegrams were sent to the governors of Minnesota and South Dakota, and, while the invitation was general, it appealed to me as wise to make sure of the attendance of certain experts in order to marshal all the facts to the best possible advantage at the hearing. This is a day of specialists. So I sent telegrams to President E. F. Ladd, Fargo, who had been associated with me in wheat studies for a dozen years and generally acknowledged to be the pioneer chemist in wheat and flour and a food chemist of the first rank; also to Commissioner O. P. B. Jacobson, of Minnesota, who had made an excellent exhibit of wheat and flour at a former hearing before Mr. Barnes; also to John M. Anderson, president of the Equity Cooperative Exchange, St. Paul, a great farmers' selling agency, which has given him an opportunity to get in close touch with wheat growers of the northwest and become thoroughly familiar with every phase of grain marketing; also to H. N. Owen, publisher of Farm, Stock and Home, Minneapolis, who has made a special study of all marketing problems.

I also wanted to make sure of the attendance of my life-long friend, Samuel J. Aandahl, who is now serving as chairman of the North Dakota Board of Railroad Commissioners, so a telegram was sent to him reaching him while at work at the thrashing rig on his own farm. He at once came on to Washington and New York, where he helped us to prepare and present our case. Telegrams were received from the others, as follows:

CHICAGO, ILL., *August 20, 1919.*

Hon. G. M. YOUNG, M. C.,
Washington, D. C.:

Will be in New York with grain samples at McAlpin Monday.

O. P. B. JACOBSON.

PIERRE, S. DAK., *August 21, 1919.*

Hon. GEORGE M. YOUNG, M. C.,
Washington, D. C.:

Commissioner J. W. Raish will be at the McAlpin Hotel, New York, Tuesday morning, August 26.

H. A. USTRUS,
Secretary South Dakota Railroad Commission.

FARGO, N. DAK., *August 26, 1919.*

Hon. GEORGE M. YOUNG, M. C.,
Washington, D. C.:

Will try to be present at grain hearing if Gov. Frazier so requests.

LADD.

MINNEAPOLIS, MINN., *August 21, 1919.*

Hon. GEORGE M. YOUNG, M. C.,
Washington, D. C.:

Will attend hearing. Important that you have Commissioner Jacobson, Col. March, and Thomas Cashman present.

H. N. OWEN.

BISMARCK, N. DAK., *August 22, 1919.*

Hon. GEORGE M. YOUNG, M. C.,
Washington, D. C.:

Dr. Ladd will represent North Dakota at hearing New York.

LYNN J. FRAZIER.

Some newspaper articles will be printed, and those of you who are further interested will find them in to-morrow morning's CONGRESSIONAL RECORD. These articles are as follows:

[From the Courier News, Fargo.]

MEETING AT NEW YORK ONE OF INTEREST.

NEW YORK, *August 26.*

The meeting of the northwestern wheat delegation with President Julius H. Barnes, of the United States Grain Corporation, to-day was full of interest. The men from the West were crisp and to the point in what they had to say, and they found in Mr. Barnes a man thoroughly experienced in the growing and handling of grain and quick to catch the point of the arguments made by the different speakers.

Congressman GEORGE M. YOUNG, of North Dakota, chairman of the delegation, made the opening address. He said that this year as in all years when wheat was shrunken by reason of black rust, that the wheat grown in the hard belt was exceptionally high in protein content, the quality that makes muscle and brain, and that the winter wheat of the East and South was unusually low this year in protein, and that the Northwestern wheat was therefore of more than usual value to mix with the winter wheat. He told about the close resemblance of the kind of wheat grown this year to that grown 15 years ago. At that time a farmer came to his office to ask his advice about selling then or holding until the following summer. YOUNG said to hold it until the following summer if it would make a marketable flour, but neither YOUNG nor his friend knew whether it would or not. No farmer knew; only those who bought it knew. YOUNG declared that he made up his mind to try for a State law which would establish a small experimental flour mill and baking and chemical laboratory at the Fargo Agricultural College, so that every farmer would be able to find out the value of his wheat. He introduced such a bill and secured its passage after strong opposition. The experimental plant was placed in charge of Edwin F. Ladd, then professor of chemistry, and now president of the college.

LADD MAKES APPEAL.

Young then introduced President Ladd, who made a strong, forceful argument for the recognition this year of the real, actual value of northwestern wheat for flour purposes, claiming that the only logical way to do so was to pay what it is actually worth. He showed with great detail and clearness the results of his own experiments and, at least in the opinion of other members of the delegation, made out his case beyond question.

Ladd was followed by O. P. B. Jacobson, of the grain and warehouse commission, who exhibited a very complete line of wheat samples, which he had gathered from wheat shipments reaching the terminals from Minnesota and the Dakotas.

Congressman BAER made a strong argument. He said, in part:

FOUGHT FOR NEW GRADES.

"I have always fought for more liberal grain-grading laws. The present system of Federal grades is too complex and it should be simplified. Complicated grain grading always works to the detriment of the producers. They have been discriminated against time and again by arbitrary grades which were fixed by the millers and wheat speculators. For example, in 1916 we raised what was known as feed wheat, the poorest grade being D-feed, the market price of which was sometimes 90 cents lower than the best grade, No. 1 northern. Dr. E. F. Ladd, president of the North Dakota Agricultural College, proved by actual experiments in the university mill that there was only 11 cents difference in the milling value of these two grades; consequently, the farmers lost nearly 80 cents on every bushel of this lower grade which they raised during 1916. Something must be done to remedy this situation, which now prevails to some extent in the wheat market. I believe, however, that under the new State law passed by the farmers of North Dakota the producers obtain a more liberal interpretation of the law and better prices for their wheat than in the nearby States."

REVISION NECESSARY.

Congressman SINCLAIR, of North Dakota, followed with a statement full of argument. He said:

"In view of the very widespread damage to the 1919 wheat crop of the United States by heat and rust, it would seem that a careful revision and application of the grades and prices by the Grain Corporation was necessary in order not to work a hardship upon the producers of this important article of food. It has been pretty well demonstrated that the present grades are unfair to the wheat growers, especially should the grain be slightly inferior in quality. The real value of a bushel of wheat is determined by the amount of flour and bread that can be produced from it, and all grades and prices should be based upon a milling and baking test. This fact was recognized by Mr. Hoover when he ignored all grades and fixed a certain amount of wheat that should be required to produce a barrel of flour. The farmers of the Northwest do not want a repetition of the 'Feed D' scandal of 1916; what they want is a fair price for all the wheat that they produce. Wheat growing is at best an uncertain financial undertaking, and at a time when it is of such prime importance to the world that the maximum of production should be maintained it is very necessary that the farmer should be encouraged to the utmost by protecting him fully in the marketing of his crop."

Part of article in Fargo Forum follows:

A MONTANA VIEW.

No special representative was sent by the State government of Montana, but wheat growers throughout the State sent samples of wheat to Congressman CARL W. RIDDICK, and by exhibiting these he was able to give Mr. Barnes information as to the character of the wheat crop grown in Montana. He said:

"I speak for the farmers of Montana. The weather during the wheat-growing period has been unusually dry, with hot winds. The wheat yield in some places was nothing. Other fields yielded from 2 to 6 bushels per acre. As a result of the drought conditions the wheat kernels are small and shrunken. Under the grading rules adopted by the Government this wheat is given a low grade, and a proportionately low price is paid for it. As a matter of fact, this wheat makes good flour, and in the name of wheat-growing farmers of the Northwest, who believe their request is just, I ask that instructions be issued by the United States Grain Corporation to its field representatives that this wheat be so handled that it shall bring to the producing farmer the money it is worth, based on the quality and quantity of flour it will produce.

"Because of the drought, wheat-growing farmers of my section of the country have not made expenses this year. These farmers need and deserve to receive every cent their product is worth. Many of them are working on small capital or no capital at all. They desire to continue to develop their farms and to put in crops of wheat for next year to help supply the world demand for food."

Other Members of Congress are to speak this afternoon, and it is expected that the hearing will be finished late to-day.

WASHINGTON BUREAU OF THE MINNEAPOLIS JOURNAL,
Washington, August 27.

A reduction of about one-half in the spread in prices of wheat between No. 1 and No. 5 was predicted by Members of the House who conferred with Julius Barnes, president of the United States Grain Corporation, upon their return to Washington from New York to-day. The new schedule will be made public by Mr. Barnes in New York to-morrow.

"Mr. Barnes told us the present spread in prices is wholly unjustified," said Representative SYDNEY ANDERSON, of Minnesota. "He was very much in sympathy with what we had to say, and I am satisfied that the farmers of the Northwest are going to benefit greatly as a result of yesterday's hearing."

MINNESOTA CONGRESSMEN ATTEND.

Those in attendance at the conference with Mr. Barnes to fix the fair relation at which the lower grade and damaged qualities of this year's wheat crop should be bought by the Grain Corporation as compared with the guaranty price of No. 1 wheat were Representatives GEORGE M. YOUNG, SYDNEY ANDERSON, ANDREW J. VOLSTEAD, and HALVOR STEENERSON, of Minnesota; JOHN M. BAER, J. H. SINCLAIR, and CARL W. RIDDICK; Dr. E. F. Ladd, of the North Dakota Agricultural College; O. P. B. Jacobson, of the Minnesota Railway and Warehouse Commission; D. P. O'Neil, State board of grain appeals, of Minnesota; I. J. Murphy, railroad commissioner of South Dakota; H. N. Owen, editor of Farm, Stock, and Home, Minneapolis; J. N. Anderson, of the Equity Cooperative Exchange, of St. Paul; S. J. Aandahl, of North Dakota Railroad Commission; and N. J. Holmberg, commissioner of agriculture of Minnesota; and A. C. Smith, of Minnesota.

The Courier-News, Fargo, under date of August 30, prints the following:

BARNES'S ACTION CALLED BIGGEST LEAGUE VICTORY—HAGAN DECLARES NONPARTISAN PRINCIPLES VINDICATED IN DECISION ON NEW WHEAT PRICES.

THE COURIER-NEWS BISMARCK BUREAU,
Bismarck, August 29.

Julius Barnes's action in substituting the milling value of wheat for the Federal grain grades for this year's crop is the biggest victory the Nonpartisan League has won, is the opinion of John N. Hagan, commissioner of agriculture and labor, who discussed the new grain-buying basis to be put in effect by the United State Grain Corporation.

The hearing consumed an entire day, and naturally no newspaper article could give a complete account of the proceedings. In order to supplement the newspaper record, and in order to recognize the part played by the Minnesota men, to whom it has been claimed scant justice was done, I shall add a brief statement.

Commissioner Jacobson's contribution was very valuable. He and D. P. O'Neil were there with 50 samples of wheat, 50 samples of flour made therefrom, and baking samples. This was very fortunate, because President Ladd's miller was sick and he was unable to bring any.

The hearing was something like a court proceeding. First came the evidence, which took up to about 3.30 p. m. to present. In this the men who had just come from the West took part—President Ladd and Commissioner of Railroads Candohl for North Dakota; Commissioner Jacobson, of the Railroad Commission; D. P. O'Neil, of the Board of Grain Appeals; John M. Anderson, president Equity Cooperative Exchange; H. N. Owen, publisher Farm, Stock, and Home, for Minnesota; and Railroad Commissioners Murphy and Raish for South Dakota. Montana also got in here. While the governor was not sent an invitation, CARL W. RIDDICK, the wide-awake and energetic Congressman from that State, was on hand and gave valuable information as to the character of wheat grown upon his own farm and as to the size and character of wheat crop grown throughout Montana. Of course, the chief features of this part of the proceedings were President Ladd and Commissioner Jacobson.

Then followed the argument, Mr. Barnes, sitting as a judge, and his vice presidents and directors sitting about him, forming the jury. This was easy for HALVOR STEENERSON, celebrated on both sides of the Red River for the winning of jury trials. He drove the arguments home. Congressmen BAER and SINCLAIR knew their subject and made strong arguments. SYDNEY ANDERSON, who helped both Hoover and Barnes draft legislation during the past three years, naturally got a good hearing from Mr. Barnes. Mr. VOLSTEAD, Minnesota, fresh from his battle to strike down John Barleycorn, was there to plead for wheat.

The decision of Mr. Barnes, United States Wheat Director, who treated our delegation with the very greatest courtesy, is contained in the following telegram:

NEW YORK, N. Y., *August 27, 1919.*

Congressman GEORGE M. YOUNG,
House of Representatives, Washington, D. C.:

After two days of consideration of the problem raised in respect to this year's crop by the large percentage of the crop suffering from the effects of adverse weather during the growing season, the Grain Corporation is to-night issuing through its various zone offices to the 20,000 licensed buyers of wheat from the producers a complete scale of discounts for lower grades of wheat. These discounts are calculated to give the producer the benefit of every doubt as to the relative value of lightweight wheats in order to protect as far as possible those producers in wide sections that have suffered unfavorable crop developments with the production of an unusual quantity of lower grade wheat. This scale is effective September 2, and all dealers will be required to pay producers not less than the proper country point reflection of the terminal guaranteed price for No. 1 wheat and with the relation for other grades, as follows:

Grain Corporation buying scale grade discounts No. 2 wheat 3 cents under No. 1.
No. 3 wheat 3 cents under No. 2.
No. 4 wheat 4 cents under No. 3.
No. 5 wheat 4 cents under No. 4.

For all wheat otherwise conforming to the specifications of No. 5 or better, but deficient in test weight, discount No. 5 price 3 cents for each 1 pound deficiency in test. Wheat grading below No. 5 for reasons other than deficiency in test weight shall be bought on its relative merits. Smutty wheat to be discounted from 2 cents for slightly smutty to larger discounts, according to degree of smut. Mixed wheat will be taken at discounts ranging from 2 to 5 cents, according to quality, in the judgment of each vice president. Mixed wheat and rye grading mixed grain will be discounted as follows: Estimate the average value of the wheat and rye separately at their proper value and in their proper proportion (figuring the rye at 60 pounds per bushel), make allowance for dockage or other inseparable foreign material, and make such deduction as seems justified, but not less than 5 cents per bushel as a penalty for the mixtures. Garlicey wheat to be discounted 2 cents.

SMITH,
Secretary to Wheat Director.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

DAMAGES BY FIRE, ROSEBUD INDIAN RESERVATION.

The next business on the Private Calendar was the bill (H. R. 396) to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Chairman, reserving the right to object, who is in charge of this bill?

Mr. EDMONDS. It is a bill that comes from the Committee on Indian Affairs. The bill was introduced by the gentleman from South Dakota [Mr. GANDY].

Mr. BLANTON. I understand it is to reimburse for damages by reason of prairie fires or through the alleged negligence of Indian agents?

Mr. GANDY. If the gentleman will permit me to make a brief statement——

Mr. BLANTON. In just a minute. I want to call the attention of the gentleman to one matter. The only evidence whatever submitted by the committee in their report as to the amount of damages sustained is the allegation that there was a report filed with the Secretary by the reservation farmer and stock detective in that community at that time. I want to call the attention of the gentleman to the fact that the reservation farmer and stock detective are friends and neighbors of the alleged injured parties. Their sympathies naturally are with their neighbors. A report of their neighbor's loss could very easily be influenced by their friendship and interest in their neighbor. They are not testifying; they are just merely sending in a report to the Secretary that a certain alleged loss occurred. It does seem to me that when Congress is asked to pay out the money of the people of the United States upon claims that there ought to be evidence of a conclusive nature——

Mr. GANDY. Will the gentleman yield?

Mr. BLANTON. In a moment. There ought to be conclusive evidence submitted at least to the committee if not to the membership of the House. Now, I have waded through this report looking for such evidence. I take it that if there had been any such evidence submitted to the committee it would have been incorporated in the report. There is absolutely no evidence whatever as to the amount of damages other than the

mere recitation that the reservation farmer and stock detective sent in a report.

Mr. GANDY. Now will the gentleman permit?

Mr. BLANTON. I yield.

Mr. GANDY. The Rosebud Reservation embraces about 7,000 square miles. The people there have nothing whatever to do with the employment of any reservation employees. They are selected by the Commissioner of Indian Affairs under the approval of the Secretary of the Interior. These two men who made the investigation of the damages caused by this fire were Interior Department employees, and not selected by the people locally. After the fire occurred it was directed that an investigation be made, and the commissioner approved the report. That is the best evidence there is. I want to say in addition to that——

Mr. BLANTON. Has the gentleman ever made any attempt to go upon a burnt meadow to determine the value of the hay crop that has been in windrows on that area that was destroyed, and no evidence there except a few charred ashes? Could he determine that with any degree of definiteness such as should be given?

Mr. GANDY. The hay was in stack.

Mr. BLANTON. No; some of it was in windrows, so the report says.

Mr. GANDY. I think the gentleman is right; there was a little bit in windrows, but for the most part it was in stacks. When this claim was presented to me I went to the Rosebud Reservation and, so far as I was able several years after the fire occurred, I made an investigation. The people who have claims involved in this general item are people of responsibility, well-to-do folks, and certainly with hay at $2.50 a ton there is not any disposition to "job" the Government or anybody else.

Mr. BLANTON. Hay in windrows sometimes, when a big cloud is up above, could be sold in my country very readily at $2.50 a ton, if they thought a rain was surely coming that would destroy it.

Mr. GANDY. Just a minute. The hay in stack was at $2.50 a ton, while the windrow hay was at 75 cents a ton.

Mr. BLANTON. May I ask the gentleman this for information? The reservation farmer is an Indian, is he not?

Mr. GANDY. No, sir.

Mr. BLANTON. He is not an Indian?

Mr. GANDY. No, sir.

Mr. BLANTON. Is not this stock detective an Indian?

Mr. GANDY. No, sir.

Mr. BLANTON. Are they not selected from the tribe?

Mr. GANDY. They are not; they are selected by the Commissioner of Indian Affairs.

Mr. BLANTON. The district farmer is an Indian?

Mr. GANDY. He is not. He is selected under civil-service regulations?

Mr. BLANTON. Is there any difference in class or position between the district farmer and the reservation farmer, both of which terms are used in this report?

Mr. GANDY. Yes; there is, because——

Mr. BLANTON. They are different men?

Mr. GANDY. They are different men; there is the reservation farmer located at the agency, whereas the district farmer, commonly known as the boss farmer, is located at various points over the reservation. The Indians or people on the reservation have nothing whatever to do with the selection of any of them. They are selected from the civil-service eligible list.

Mr. BLANTON. This final question: This loss was occasioned, undoubtedly, through the negligence of the Indians working under the district farmer in burning fire guards. The fire guards were being burned for the protection of the Indians. They were under the control of the Indians in a large measure. The report says that this particular Rosebud Tribe has funds of its own in trust here with the Government. Now, if this loss was a result of their negligence, why should not their funds be used to settle these claims and not the general funds of the people of the United States?

Mr. GANDY. I will be glad to answer the gentleman on that point. This fire guard was burned under orders not of the reservation farmer but of the reservation agent, by employees under his direction. While the fire guard was being burned the wind came up and it got beyond control and destroyed a lot of property. The man who gave the order was an employee of the United States. These Indians had no more to do with his selection than you have, and there is no more reason why their funds should be used to make up damages that were caused by an error in judgment in burning the fire on that particular day by that agent than your funds should be used. He was your employee as much as he was their employee. He did not represent the Indians; he represented the United States Government.

Mr. WELLING. In maintaining an agent they are carrying out the stipulation of a treaty between the Government and the Indians?

Mr. GANDY. Yes.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 396) to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named corporation and persons, their legal representatives or heirs, the respective amounts as follows: The Mission Farm Co., $1,835; Peter Volondra, $187.50; M. E. Robertson, $62.50; E. E. Bead, $187.50; James V. Satra, $75; Cash Rogers, $255; Ed Neiness, $87.50; Jacob Hempel, $22.50; Isiah Davis, $187.80; Alvin Hoffman, $50; Louis Bordeaux, $1,385; Charley Pavlik, $50; George W. Coleman, $875; W. S. Hatten, $200; Frank Rothleutner and George W. Coleman, $750; Hugh Coleman, $54.50; and Charles Kolkofen, $62.50 for damages caused to each of said parties by a certain fire set by the carelessness of the employees of the Government in the regular line of their duty and as incident thereto in the Indian Service on the Rosebud Indian Reservation, in South Dakota, and across the State line in Nebraska, on the 20th day of October, 1909.

Mr. EDMONDS. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

FRANK S. INGALLS.

The next business on the Private Calendar was the bill (H. R. 685) for the relief of Frank S. Ingalls.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 685) for the relief of Frank S. Ingalls.

Be it enacted, etc., That the proper accounting officers, in settling and adjusting the accounts of Frank S. Ingalls, late United States surveyor general for Arizona, are hereby directed to credit the account of said Frank S. Ingalls with the sum of $36, which amount was paid by him to the Star Corral, Phoenix, Ariz., on account of an injury to one of its saddle horses while being used on October 14, 1912, by an employee of the United States, the payment of which sum was disallowed by the Auditor for the Interior Department.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

W. T. DINGLER.

The next business on the Private Calendar was the bill (H. R. 974) for the relief of W. T. Dingler.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. GARD and Mr. BLANTON reserved the right to object.

The CHAIRMAN. The question is now on the consideration of the bill.

Mr. GARD. Mr. Chairman, I reserved the right to object to the bill for the purpose of asking the author of the bill and those making the report concerning the seeming inconsistency between the language in the bill and the language of the report. The amount, $60.63, is immaterial, but the bill provides that this is to be paid to the bondsman to cover a loss occasioned by the destroying of the post office at Zebulon, Ark., by cyclone on April 29, 1909, whereas it appears in the report that they did have a cyclone out there, and that after the cyclone the postal funds were audited and found to be $60.63 short. Now, there is no averment that the shortage was caused by the cyclone. Unless it was, I see no reason why we would establish a precedent here to relieve people from their bond obligations.

Mr. WINGO. If the gentleman will read the testimony, he will find these facts: That in the spring of 1909, 11 years ago, a very violent cyclone struck over that territory. The postmistress, a very aged lady, and her assistant were seriously injured. Nothing was left of the post office except an indication of where the building had formerly stood. The supplies were scattered to the four ends of the earth. Some of them were gathered up here and there, and they asked Mr. Dingler to take charge, and he did so, and a short time afterwards an inspector came along and checked up and found that there was a shortage in the postage stamps. He gathered up all he could and the neighbors picked up all they could find. There was no question but that was the cause of the loss. The postmistress was in a condition where she could not be consulted. The Post Office inspector advised the claimant that the Gov-

ernment would reimburse him for the loss if the postmistress made a formal claim, and so he paid it out of his own pocket. Before the postmistress became able to attend to any business at all, the six months required by law had expired. No question has ever been raised other than that of time of filing claim. There is no question at the Post Office Department but that the stamps were blown away and lost in the cyclone.

Mr. GARD. The question did arise in my mind as to whether there was any difference between that which the report characterizes as shortage; in other words, was there any action on the part of the——

Mr. WINGO. It was not a shortage in the technical sense that there was a defalcation—it was a loss by cyclone.

Mr. GARD. Was there any action on the part of persons having charge of the post office which caused the shortage, or was the shortage due to this cyclone?

Mr. WINGO. The cyclone blew the supplies away, and they gathered up all they could of them, and found that there were $60.63 of stamps lost.

Mr. GARD. I notice the report says that the report of the inspector who investigated has been carefully examined, but nothing which by the most liberal interpretation can be construed as a claim for credit can be found.

Mr. WINGO. That is as to time. There was a claim made in November for the loss, which occurred in the preceding April, but the department claimed that, it having been made in eight months instead of six months afterwards, it could not be allowed. That is the reason why it has come here. If the claim had reached the departemnt two months earlier, it would have been allowed and paid. Under the law the department can not allow a claim unless made in six months after loss.

Mr. GARD. The gentleman states that there was no shortage other than that caused by the cyclone?

Mr. WINGO. It was a loss caused by the cyclone blowing the stamps away.

Mr. BLANTON. Mr. Chairman, neither the gentleman from Ohio, who is a distinguished ex-jurist, nor the gentleman from Arkansas, who is usually very critical, have called to the attention of the House the only objectionable feature about this bill. When this loss occurred the Post Office Department called on the post office for a report of any loss. Now, my friend from Arkansas may say that the postmistress was hurt and in bed. That may be, but there was somebody under the direction of this bondsman in charge of that office, running it as a temporary postmaster at least. The department shows that immediately after this loss, after hearing of the cyclone, they called on that office for a report of loss, and eight long months elapsed without any report of any claim whatever of damage or loss. For eight months not a single scratch of a pen was sent to the department here in Washington claiming any loss. But later on, when an auditor was sent there and checked up the accounts and checked up the stamps and postal receipts, he found them $60.63 short, and when he reported a shortage, then eight months after this cyclone, eight months after the department had called for a report of loss, the bondsman, whether he was forced to do it or not, paid this shortage. That is the only serious objection. If there was evidence, regardless of that, showing a reasonable explanation for not reporting the loss to the department under those circumstances, then this bill should be allowed, but if there is no reasonable explanation of it, then I take it that it raises a serious objection.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. BEE. Admitting the position of the gentleman from Texas is correct, does it make any difference, with respect to the technical question that he raises, if, as a matter of fact, the stamps were blown away and the temporary postmaster who took charge as a surety paid the $60 out of his own pocket to the Government? If it was proper to permit the post office to be reimbursed, why should he not get back his $60?

Mr. BLANTON. The gentleman from Texas [Mr. BEE] is simply stating the point I made. If, as a matter of fact, there was a loss; if, as a matter of fact, this $60 shortage was occasioned by reason of a cyclone and the stamps were blown away, well and good. It ought to be paid for, even after eight months had elapsed and the payment was demanded by the department. The point I made was that under the circumstances of this case there should be some definite conclusive evidence here before the committee and before Congress to the effect that the $60 claim, which went eight months without report after the loss was admitted, was an actual loss, the result of a cyclone, and was not the result of a shortage.

Mr. WINGO. The gentleman failed to hear my explanation. The fact is shown by the report of the inspector himself, who did not go there until several months afterwards, as the gentleman suggests, and audit it. He did not go there for the reason that the department was advised formally of the loss, but he was advised by the postmaster of an adjoining town, and a post-office inspector will take knowledge of any loss of a postmaster in his district when he makes his rounds. He got there a month after the loss. The gentleman asks why was not the claim made before eight months had elapsed? This man paid on demand.

The truth of the matter is that those people were up there in the mountains when the post office was destroyed and the whole place blown away, and this man Dingler took charge of the office as a matter of duty, forgetting the fact that he was a bondsman. He was the only one left uninjured. The postmistress and her assistant hung between life and death for several months. When the inspector came around in a few months he checked up the accounts and found that there was a loss of $60 and some odd cents in the stamps, and then Mr. Dingler immediately paid that to the inspector upon the assurance of the post-office inspector that as soon as the postmistress got able to make a claim and showed that the loss was caused by a cyclone he would be reimbursed.

The letter from the department was sent not to Mr. Dingler but to the postmistress, who lay between life and death. Mr. Dingler never had his attention called to the matter. He knew nothing about the postal laws, but after the postmistress had recovered sufficiently and her attention was called to the matter, eight months after the loss, she put in a claim. Mr. Dingler thought it would be taken care of. He did not know of the six months' limitation. When the claim was made by the postmistress and she had become able to make a statement and make a claim in her own name, the department had to rule.

If the gentleman will read the report of the Postmaster General, he will see that the fact is shown there that the postmistress was badly injured at the time, and after her attention was called to it a claim was made, but it was not made until January 6, 1910.

Mr. BLANTON. This is from the Postmaster General himself. He says:

> On May 22, 1909, this department was advised of the casualty, but was not informed of any loss of Government funds or postage stamps; and on the same day an inquiry on this subject was addressed to the postmaster, but no reply has ever been received. The first intimation that reached the department that a loss had occurred for which the postmaster desired credit in her account was contained in a letter dated January 6, 1910, more than eight months after the loss.

Mr. WINGO. She was unable to respond to the formal notice. She could not answer the letter because she was unconscious, but as soon as she was able she wrote and asked for credit. She was not able to make a claim until eight months, and as a matter of fact the poor woman did not recover, but finally died.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $60.63 to W. T. Dingler, the amount paid by him as bondsman for postmistress at Zebulon, Ark., to cover loss occasioned by the destroying of the post office by cyclone April 29, 1909.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania that the bill be laid aside with favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

CLEVELAND TRINIDAD PAVING CO.

The next business in order on the Private Calendar was the bill (H. R. 5238) for the relief of the Cleveland Trinidad Paving Co.

The title of the bill was read.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, may we have the bill reported?

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to the Cleveland Trinidad Paving Co., of Cuyahoga County, Cleveland, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of $3,017 for money paid by it to the United States for the right to remove sand from a certain tract of land reserved for Cheyenne and Arapahoe school purposes, said right being granted in March, 1910, by the Department of the Interior, acting through William B. Freer, Indian agent at Darlington, Okla., said right to expire in December, 1912. Said land, owing to a mistake in the description and despite the fact that the General Land Office at Washington had directed that it be reserved from sale, was placed on sale on

November 15, 1910, under instructions of the Department of the Interior, and the tract which had been leased to the Cleveland Trinidad Paving Co. was sold to Archibald Mauerer.

With a committee amendment, as follows:

On line 7, page 1, strike out the figures "$3,017" and insert in lieu thereof "$775."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, Mr. Chairman, it may be that, in the absence of the gentleman who is the author of the bill, the bill should be passed over without prejudice, but——

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. BEE. I notice not only the gentleman who introduced the bill is absent, but the gentleman from New York [Mr. MACGREGOR], who prepared the report, is also absent.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next one.

CLARA A. KANE.

The next business in order on the Private Calendar was the bill (H. R. 6413) granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as the result of an accident at the Philadelphia Navy Yard.

The title of the bill was read.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Chairman, this is a bill to which I gave very careful consideration in the last term of Congress and filed a minority report, in which I set forth that it should be reduced to $480, because under the evidence submitted the amount of compensation could not under any circumstances amount to more than $480. Would the gentleman——

Mr. EDMONDS. Mr. Chairman, in answer to the gentleman from Texas I would like to state that the committee gave Mrs. William A. Yenser, the aunt, a full year's pay, as was customary. But if the gentleman wishes to raise that objection I am perfectly willing to reduce the amount to $480.

Mr. BLANTON. If the gentleman states he will reduce it to $480 I will not object.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BEE. Why should the chairman of this committee yield this question under the circumstances? If the gentleman from Texas [Mr. BLANTON] wants to make a motion to amend and reduce the amount, let him do it and reduce the amount, and let this poor woman get $480 instead of $549, which this committee found her entitled to.

Mr. HUDSPETH. He will not let it come up.

Mr. BEE. Let the responsibility rest where it belongs.

Mr. BLANTON. I will state that I am not contentious in this matter, as my colleague [Mr. BEE] would seem to insinuate; but his statement shows that he is not quite as familiar with this bill as I am, for in the claim that this good woman filed with the committee she asked for only $480. The chairman of the Committee on Claims, Mr. EDMONDS, will admit that this woman asked for only $480. Yet in the face of that the committee have increased the amount and seek to give her more than she asked from the Government. Now, if my colleague thinks I am going to sit here quietly and let that kind of a transaction pass, wasting the public money out of the Treasury, without raising my voice against it, he is mistaken and he does not know me.

On January 14, 1918, I submitted to the House the following minority report, which is printed in Report No. 652, to wit:

[Report No. 652, Sixty-fifth Congress, second session.]

CLARA KANE.

Mr. BLANTON, from the Committee on Claims, submitted the following minority report:

This is a case where my colleagues on the committee, through the favorable majority report, seek to pay to claimant $69.12 more than she asks. Under the law she is entitled to nothing, and has no legal claim against the Government. Whether she is paid anything depends entirely upon the Government's bounty. She asks for only $480. The bill (H. R. 6406) was introduced in the Sixty-fourth Congress to pay her $480. In her letter dated February 28, 1916, addressed to Congressman WILLIAM S. VARE, she, Clara Kane, states:

"William Yenser, the deceased, contributed an average of a little over $10 per week, but I returned to him sufficient to buy his clothes from the amount he contributed, leaving a net balance of $480 for the past year. As you will see, this shows that he spent about $50 or $60 for clothes, and I did not feel that I was entitled or should ask for that which he had spent on his clothes, and confined myself to the actual net amount received.

"Trusting this will be satisfactory, I am,

"Very truly, yours, "Mrs. CLARA KANE."

William Yenser received only $1.76 per day. If he spent $50 or $60 per year on clothes he could not have contributed even $480 net per year to Mrs. Kane, for he had to have food, and a year's food must have cost him or Mrs. Kane something.

But in the face of the above evidence the committee, with that liberality for which it is noted, recommends that Congress pay more than the claimant desires, and that she be given $549.12 instead of the $480. Mrs. Kane was related to William Yenser neither by affinity nor consanguinity. I respectfully submit that this allowance should be reduced to $480, the full amount asked for.

THOMAS L. BLANTON.

Under the law this claimant is entitled to nothing. To be legally entitled to anything, she would have to be the mother of the said William Yenser, and even if she were his mother she would then be entitled only to such part of his salary for one year as he usually contributed to her support.

His yearly earnings amounted to only $549.12, out of which it is admitted that he supported himself and only contributed part to Mrs. Kane.

The following is Mrs. Kane's statement of her claim, wherein she shows that under no circumstances would she be entitled to more than $480, and she only asks for that sum of $480; yet this committee and my colleague from Texas [Mr. BEE] are so liberal with the public money of the people that they seek to give here $69.12 more than she wants. It is not so much the insignificant amount involved, but the precedent we will set by such action, and unless the chairman will assure me that he will reduce this amount down to $480 in the passage of this bill I shall be compelled to object to its consideration under this unanimous-consent rule.

MRS. KANE'S STATEMENT OF CLAIM.

Hon. WILLIAM S. VARE,
Washington, D. C.

DEAR CONGRESSMAN: Replying to your letter of February 16, in reference to the Clara Kane matter, beg to say that the amount of $480 claimed as compensation is made up as follows:

William Yenser, the deceased, contributed an average of a little over $10 per week, but Mrs. Kane returned him sufficient to buy his clothes from the amount he contributed, leaving a net balance of $480 for the past year.

As you will see, this shows that he spent about $50 or $60 for clothes, and she did not feel that she was entitled or should ask for that which he had spent on his clothes and confined herself to the actual net amount received.

Trusting this will be satisfactory, I am,
Very truly, yours, Mrs. CLARA KANE.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, unless the chairman of the committee will assure me that he will reduce the amount to $480.

Mr. EDMONDS. It has been customary in the case of the death of an employee to give one year's pay. The year's pay of this man was $549.20. The aunt of the man, the only person to whom this money could be paid, agreed that he spent a certain amount of money during the year for clothes, and that deducting that amount from the $549.20 would leave $480, which she claimed ought to be paid to her. Now, if the gentleman is going to object, then, rather than postpone the claim any longer, it having been here for a number of years, I will move to make the amount $480, and let the poor woman get that much.

Mr. BLACK. Reserving the right to object, is this a claim that accrued before the passage of the compensation act?

Mr. EDMONDS. No. The situation is this: This man was never legally adopted by his aunt, but was raised from a small child by her. The Government would not pay any compensation to her under the general law, on account of the fact that she was not his mother and that she had never legally adopted him.

Mr. BLACK. She did not come within the terms of the law.

Mr. EDMONDS. That is correct. Now, we are trying to put her in the same position as a parent.

Mr. BLANTON. Under the law she could not collect anything, because the only person who could collect it would be the boy's mother; but this good woman was a foster mother to him. I understand the gentleman from Pennsylvania to state that he will move to reduce the amount to $480.

Mr. EDMONDS. Yes.

Mr. BLANTON. Under that assurance, I will not object.

The CHAIRMAN. Is there objection?

Mr. GARD. Reserving the right to object, it seems to me that a rather more serious question arises than the one suggested by the gentleman from Texas [Mr. BLANTON]. I am sure the House would not quarrel over giving this poor woman this additional $60, but, in fact, would be glad to do it if, under the circumstances, they could. But what seems to me to be the question involved here is whether we are to depart from the rules of the law and pass this bill for the benefit of a woman with whom this man was living and to whom he paid board all the time, there being absolutely no relationship between the two except the boy came there at an early date and lived there all of his life, but there was no action of a court which would make her his foster mother or anything of that kind.

Mr. EDMONDS. The woman was the boy's aunt, and he never knew any other parent. That is shown by the testimony before the committee.

Mr. GARD. I have no objection to the bill, and I realize that everybody in the House will be glad to see this poor woman get this money, or whatever money would compensate her properly for the death of his man who helped her; but the danger is that when we go outside the law and say that because a man lives with his aunt a certain number of years the aunt shall be compensated in the event of his death, we throw wide the door to those who under the general law may be properly compensated for his death, assuming that it was caused without negligence on his part.

Mr. EDMONDS. The gentleman knows that this will not throw open the door, because it will be absolutely necessary for every claim of this character to take the same course; and goodness knows that it takes years to get one of these claims through the Claims Committee.

Mr. GARD. What I am trying to convey to the gentleman is that such safeguards should be thrown around it that we should not pay this claim and at the same time pay compensation to somebody else under the general law.

Mr. EDMONDS. There has been no compensation paid under the general law or any other law, and under the general law there is nobody in this case to whom compensation could be paid.

Mr. GARD. I understand that; but the report and the bill and everything connected with it should show affirmatively that there is no person standing in the relationship of dependency which under the law would entitle them to payment under our compensation act. Even if the man were married, of course the Congress could pass this private bill, but it would not be wise to establish that precedent. If he had a child, the child would be entitled to compensation under our general compensation law. We could pass this bill for the benefit of the woman who had reared him and taken care of him, but it would be an unwise precedent, however sympathetic we might be in that condition of affairs. What I am trying to get to the gentleman is to have set forth in the bill and report the fact that this payment is all there is to be made; that there is nobody else who can come in under the general compensation law and get compensation for his death.

Mr. BABKA. Will the gentleman yield?

Mr. GARD. Yes.

Mr. BABKA. The report shows that there is such an affidavit.

Mr. GARD. What affidavit?

Mr. BABKA. The affidavit of Elmer Kane, on page 3 of the report.

Mr. GARD (reading)—

That at the time of the death of the said William A. Yenser he had no living relatives besides the said Clara Kane, his adopted mother, with whom he was living and to whose support he was contributing.

A subsequent affidavit by Elizabeth Collins, while it is in the identical form, establishes the idea of which I spoke.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was read for amendment.

Mr. EDMONDS. Mr. Chairman, I move, in line 5, page 1, the sum of $549.12 be stricken out and $480 inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out $549.12 and insert $480.

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CALDWELL. To ask the chairman of the committee a question in relation to the amendment.

Mr. EDMONDS. I yield.

Mr. CALDWELL. How did it happen that the larger amount was put in?

Mr. EDMONDS. That represents one year's pay. It has been customary for the committee to give one year's pay.

Mr. CALDWELL. One year's pay was $549.12.

Mr. EDMONDS. Yes.

Mr. CALDWELL. How did it happen that the original claim was only $480?

Mr. EDMONDS. The aunt, the claimant, said that he spent the difference between those two sums in clothing and she thought that he was not entitled to that difference. She got that much money from him every year and he kept the balance for his clothing.

The CHAIRMAN. The question is on the amendment.

The question was being taken when Mr. BLANTON made the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count.

Mr. CALDWELL. I demand tellers.

The CHAIRMAN. The gentleman from New York demands tellers, and those in favor of ordering tellers will rise. One hundred and thirteen Members have arisen, a quorum is present, and tellers are ordered. The gentleman from Pennsylvania [Mr. EDMONDS] and the gentleman from New York [Mr. CALDWELL] will take their places as tellers.

Mr. CALDWELL. Mr. Chairman, I withdraw the demand for tellers.

The CHAIRMAN. But tellers have been ordered.

Mr. HICKS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HICKS. Can not the mover of the motion for tellers obtain unanimous consent to withdraw his demand?

The CHAIRMAN. Tellers have been ordered, and the Chair thinks the vote must be taken by tellers.

Mr. BEE. Mr. Chairman, the point of no quorum was made while the Chair was counting, and the gentleman from New York then asked for tellers. A quorum was discovered and then he withdrew his demand for tellers.

The CHAIRMAN. The Chair is inclined to think that tellers having been ordered the vote should now be taken by tellers.

Mr. FESS. What is the vote on?

The CHAIRMAN. On the amendment proposed by the gentleman from Pennsylvania.

The question was taken; and the tellers reported—ayes 4 and noes 77.

Mr. BLANTON. I make the point of order that no quorum is present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and nine Members present. The tellers reported 4 ayes and 77 noes, so the amendment is not agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

JAMES M. MOORE.

The next business on the Private Calendar was the bill (H. R. 1812) making appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

Mr. HASTINGS. Will the gentleman from Texas withhold his objection until I can make a statement?

Mr. BLANTON. I will state to my friend from Oklahoma that I could have prevented the last bill from coming up, but I had a distinct agreement with the chairman of the committee that in passing the last bill he would assure me that he would reduce the amount to $480 which the claimant wanted, and asked for. No one has given this bill closer investigation than the chairman and myself, and in overriding our agreement, I feel that the House did not keep faith with me and therefore on other bills coming up I do not think that they should come up when we can not depend upon an agreement made between the chairman and a Member, especially when by objecting that Member could prevent the bill from coming up. I shall therefore object to other bills being considered now as several are wholly unmeritorious.

Mr. SMITH of Idaho. Did not the chairman of the Committee on Claims keep his agreement?

Mr. BLANTON. Oh, I suppose the gentleman has a bill that he wants passed. The House did not carry out the agreement that I made with the chairman of the committee.

The CHAIRMAN. Does the gentleman from Texas withhold his objection or make it?

Mr. BLANTON. I make it.

Mr. HASTINGS. A parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state it.

Mr. HASTINGS. I would like to make an inquiry as to whether or not I can now object to every other bill on the calendar?

The CHAIRMAN. It is in order for any Member to object to the bills as they come up.

Mr. KNUTSON. If the gentleman wants to adopt the dog in the manger policy, all right.

Mr. BLANTON. Oh, the gentleman from Minnesota need not try to be facetious. Although he is frequently out of order, we are nevertheless operating under the rules of the House,

whereby under unanimous consent a Member can prevent legislation from being considered, when it becomes apparent to him that same is to be hurriedly passed without argument, investigation, or deliberate consideration, and through my objections I will keep some very unmeritorious bills from passing this evening.

E. T. THING AND S. A. THING.

The next business on the Private Calendar was the bill (H. R. 1853) to reimburse E. T. Thing and S. A. Thing for losses sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects, and the Clerk will report the next bill.

CARLOW AVELLINA.

The next business on the Private Calendar was the bill (H. R. 5665) for the relief of Carlow Avellina.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects, and the Clerk will report the next bill.

REIMBURSEMENT ON ACCOUNT OF LOSS OF FIREARMS, ETC.

The next business on the Private Calendar was the bill (S. 253) for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by United States troops during the labor strike in the State of Colorado in 1914.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Chairman, I object.

Mr. POU. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. POU. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to address the committee for two minutes. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, upon what subject?

Mr. POU. Upon the subject of the opportunity that Members have to get through bills on the Private Calendar.

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will report the next bill.

FARMERS NATIONAL BANK OF WILKINSON, IND.

The next business on the Private Calendar was the bill (H. R. 1761) for the relief of the Farmers' National Bank, of Wilkinson, Ind.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects, and the Clerk will report the next bill.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Mr. Chairman, I wish to learn whether this calendar is to be objected to seriatim, as a whole, or are we to proceed with the orderly conduct of business. It is exceedingly difficult to get the Private Calendar up for consideration, and I trust that gentlemen on both sides and every one may maintain good temper, so that we may conduct the public business. We gain nothing by interruptions. We gain nothing by objections not sanctioned by merit, and I am hopeful that we may return to these bills that have been objected to.

The CHAIRMAN. Of course the Chair can not be advised in advance as to any action in interference with the orderly process of business until each bill is called up.

Mr. BLANTON. Mr. Chairman, I would like to state for the benefit of the House—— [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded.

Mr. KNUTSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KNUTSON. Where a bill on the Private Calendar is objected to, does it lose its place on the calendar?

The CHAIRMAN. No; it does not.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to address the committee for one minute.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the committee for one minute. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, under the agreement under which we are operating any gentleman in the House, on his responsibility as a Member, has the right to object to the consideration of a bill. I do not think it seemly or proper for gentlemen to question the motive of such objection. If an objection is made, I think we should then pass to the next bill. We are operating under an agreement under which any bill objected to is passed over. I think we will make the best progress if we good-naturedly proceed to the consideration of the measures that are not objected to.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WINGO. I do not care to indulge in that summum bonum of feminine felicity "I told you so," but is not this a repetition of the same old performance to which I called the gentleman's attention this morning?

Mr. BLANTON. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman is in order. The gentleman from Wyoming has yielded to him.

Mr. WINGO. I was in order. The gentleman from Texas [Mr. BLANTON] is the only one who is out of order, as usual.

The CHAIRMAN. The Clerk will report the next bill.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. EDMONDS. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] a few moments ago charged me with bad faith in the passage of an amendment.

Mr. BLANTON. Oh, no; I did not charge the chairman with bad faith. The chairman kept faith with me.

Mr. EDMONDS. I am very glad to know that. Of course I have no right to speak for the committee.

Mr. BLANTON. I said that the House had not kept faith with the agreement that the chairman had made with me, when the chairman and I agreed that the amendment would be agreed to.

The CHAIRMAN. The Clerk will report the next bill.

MRS. THOMAS M'GOVERN.

The next business on the Private Calendar was the bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Chairman, reserving the right to object, the only objection that I have made to any bill on this calendar—— [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded.

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects and the Clerk will report the next bill.

HEIRS OF ROBERT LAIRD M'CORMICK, DECEASED.

The next business on the Private Calendar was the bill (H. R. 6289) for the relief of the heirs of Robert Laird McCormick, deceased.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Chairman, I object.

Mr. DEWALT. Mr. Chairman——

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. I move that the committe do now rise.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise.

Mr. DEWALT. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

Mr. CALDWELL. I withdraw that——

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise.

The question was taken, and the motion was rejected.

Mr. DEWALT. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will report the next bill.

PERRY E. BORCHERS.

The next business in order on the Private Calendar was the bill (H. R. 646) for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination

of contract for services because of smallpox, while in the employ of the Navy Department in Cuba.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. BLANTON. Mr. Chairman, I object.

Mr. DEWALT. Mr. Chairman, I now ask unanimous consent to address the House for five minutes on the obstructive methods pursued by the gentleman from Texas in regard to legislation.

Mr. BLANTON. I object, Mr. Chairman.

SEVERAL MEMBERS. Move it!

The CHAIRMAN. The Clerk will report the next bill.

AMHERST W. BARBER.

The next business in order on the Private Calendar was the bill (S. 1377) for the relief of Amherst W. Barber.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. BLANTON. Mr. Chairman, I object.

Mr. DEWALT. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, regular order.

Mr. DEWALT. Mr. Chairman, I now move that the gentleman from Pennsylvania [Mr. DEWALT] be allowed to address the House for five minutes on the question of obstruction of legislation.

Mr. BLANTON. I make a point of order against the request, Mr. Chairman. It is out of order.

The CHAIRMAN. The Chair would have ruled it out of order in spite of the point made by the gentleman from Texas.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state it.

Mr. CALDWELL. I understood that the Chair said that the motion of the gentleman from Pennsylvania [Mr. DEWALT] was out of order. If the committee now rises, would not the motion then be in order in the House?

The CHAIRMAN. No; not at all. The Clerk will report the next bill.

JAMES A. SHOWEN.

The next business in order on the Private Calendar was the bill (H. R. 946) for the relief of James A. Showen.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

Mr. MACCRATE. Mr. Chairman, reserving the right to object, may I make a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Mr. Chairman, regular order.

Mr. MACCRATE. I desire to ask——

Mr. DUPRÉ. Do not break the unbroken record of the gentleman from Texas.

Mr. MACCRATE. Does a bill for the relief of the father of a dead soldier come under the same unanimous-consent objection as any other bill? This is a bill for the relief of the father of a dead soldier who died in the line of duty.

The CHAIRMAN. That is a question for the gentleman from Texas and not the Chair.

Mr. BLANTON. Mr. Chairman, regular order.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. If after the next bill has been read and I should get recognition from the Chair before the gentleman from Texas could beat me to it, would the gentleman from Texas, while I have been recognized by the Chair, have the right to interpose an objection until I would get through?

The CHAIRMAN. The Chair would be unable to recognize the gentleman if the gentleman from Texas makes objection to the consideration of the bill, because then there is nothing to discuss.

Mr. KEARNS. But my parliamentary inquiry is, if I could obtain recognition from the Chair before the gentleman from Texas had reached the ear of the Chair——

The CHAIRMAN. The Chair would be bound to recognize the gentleman from Texas to object to the consideration of a bill, because that is the only subject before the committee.

Mr. KEARNS. Suppose I would be recognized by the Chair and I should reserve the right to object and had the floor, would the gentleman from Texas be able to take me off my feet?

The CHAIRMAN. He would.

Mr. KEARNS. Then another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. Can the gentleman from Texas object to the consideration of any bill without recognition from the Chair——

The CHAIRMAN. It does not require recognition except that the Chair is bound to recognize anyone who makes an objection under the rule.

Mr. BLANTON. Regular order, Mr. Chairman.

Mr. KEARNS. Another parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. Does not the rule require before any man can get the floor on any propositon he must be recognized by the Chair?

The CHAIRMAN. The Chairman will state to his colleague that we are proceeding under the unanimous-consent agreement to consider bills on the Private Calendar which are not objected to, and therefore the Chair would have to recognize anyone who objects.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The Clerk will report the next bill.

OSCAR SMITH.

The next business in order on the Private Calendar was the bill (H. R. 644) for the relief of Oscar Smith.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas objects.

Mr. KEARNS. Mr. Chairman, a further parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. If anyone on the floor of the House desires to make a point of order is it not necessary before he can interpose that point of order to receive recognition from the Chair?

The CHAIRMAN. Of course the Chair must recognize any gentleman before he can speak on any subject.

Mr. KEARNS. And that rule would apply to the gentleman from Texas?

The CHAIRMAN. The Chair is unable to say. [Laughter and applause.]

Mr. KNUTSON. Mr. Chairman, would it be in order to ask that the action giving the gentleman from Texas 40 minutes next Thursday be rescinded?

The CHAIRMAN. The Chair thinks not.

Mr. KNUTSON. The Chair thinks not, at this time. I propose to make that request.

Mr. BLANTON. Mr. Chairman, the gentleman from Minnesota ought to know it is out of order to ask such a question.

Mr. KNUTSON. If "the gentleman from Minnesota" did not know more than the gentleman from Texas he would resign.

Mr. BLANTON. He would resign to-morrow, then.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to address the House for half a minute, for the purpose of asking the gentleman from Texas a question.

The CHAIRMAN. Is there objection?

Mr. DYER. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will report the next bill.

ELLEN AGNES MONOGUE.

The next business on the Private Calendar was the bill (H. R. 909) for the relief of Ellen Agnes Monogue.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

Mr. DEWALT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state it.

Mr. DEWALT. Is it within the province of this committee later to proceed with business by a majority vote, notwithstanding the objection of the gentleman from Texas [Mr. BLANTON]?

The CHAIRMAN. It is not; because the committee is now in operation under a unanimous-consent agreement. It would be possible for the committee to rise and make some arrangement.

Mr. DEWALT. I therefore move that the committee do now rise.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee do now rise.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. DEWALT. Division, Mr. Chairman.

The committee divided; and there were—ayes 40, noes 61.

So the motion was rejected.

The CHAIRMAN. The Clerk will report the next bill.

FRANKING PRIVILEGE TO EDITH CAROW ROOSEVELT.

The next business on the Private Calendar was the bill (H. R. 7138) granting a franking privilege to Edith Carow Roosevelt.

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will report the next bill.

STEAMER "CHARLOTTE GRAVERAET BREITUNG."

The next business on the Private Calendar was the bill (H. R. 6857) to authorize the change of the name of the steamer *Charlotte Graveraet Breitung* to *T. K. Maher*.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. BLANTON. I object.

The CHAIRMAN. The Clerk will report the next bill.

FAXON, HORTON & GALLAGHER AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 6377) for the relief of Faxon, Horton & Gallagher; Long Bros. Crocery Co.; A. Rieger; Rothenberg & Schloss; Riley, Wilson & Co.; and Van Noy News Co.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

MARTIN GOLDSMITH.

The next business on the Private Calendar was the bill (H. R. 7030) for the relief of Martin Goldsmith.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

ADMIRAL WILLIAM S. BENSON AND REAR ADMIRAL WILLIAM S. SIMS.

The next business on the Private Calendar was the bill (H. R. 7767) to appoint Admiral William S. Benson, United States Navy, and Rear Admiral William S. Sims, United States Navy, as permanent admirals in the Navy.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

NORMAN LEE MOLZAHN.

The next business on the Private Calendar was the bill (H. R. 333) providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINCHER. Who was it objected to removing the remains of the infant child?

Mr. BLANTON. I was the gentleman who objected.

JULIUS JONAS.

The next business on the Private Calendar was the bill (H. R. 3258) for the relief of Julius Jonas.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

PATENT FOR JOHN ZIMMERMAN.

The next business on the Private Calendar was the bill (H. R. 1024) authorizing the Secretary of the Interior to issue a patent to John Zimmerman for certain lands in the Colorado National Forest upon the surrender of other lands of an equal acreage also located in the Colorado National Forest, Colo.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

ARTHUR WENDLE ENGLERT.

The next business on the Private Calendar was the bill (H. R. 795) for the relief of Arthur Wendle Englert.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

JOHN A. GAULEY.

The next business on the Private Calendar was the bill (H. R. 2396) for the relief of John A. Gauley.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object, Mr. Chairman.

EASTERN TRANSPORTATION CO.

The next business in order on the Private Calendar was the bill (H. R. 5346) for the relief of the Eastern Transportation Co.

The title of the bill was read.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next one.

JOHN T. ADAMS.

The next business in order on the Private Calendar was the bill (H. R. 5807) for the relief of John T. Adams.

The title of the bill was read.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. VESTAL. Mr. Chairman, will the gentleman withhold his objection to this bill for a moment?

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas objects, and the Clerk will report the next bill.

EMMA J. SPEAR.

The next business in order on the Private Calendar was the bill (H. R. 3211) for the relief of Emma J. Spear.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

Mr. DUPRÉ. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUPRÉ. Inasmuch as I am the author of this bill and am quite familiar with the measure, I want to ask the Chair how the professions of the gentleman from Texas [Mr. BLANTON], who has been howling around here for some weeks about the relief of private soldiers, comport with his objection to this bill, which is simply to give to the mother of a deceased private soldier the gratuity that has been given under previous laws of Congress to other mothers of deceased soldiers? [Applause.]

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. DUPRÉ. I did not quite catch the reply of the distinguished parliamentarian in the chair.

The CHAIRMAN. The Chair will not construe that as a parliamentary inquiry, but no doubt it is a pertinent one.

Mr. DUPRÉ. Will the Chair propound the inquiry to the gentleman from Texas? [Laughter.]

The CHAIRMAN. The Chair has no control over the gentleman. [Laughter.]

Mr. KNUTSON. And the gentleman has no control over himself. [Laughter.]

Mr. BLANTON. The gentleman will have control over the gentleman from Minnesota if he keeps butting in. [Laughter.]

The CHAIRMAN. The committee will be in order. The Clerk will report the next bill.

MRS. MAMIE DUFFER.

The next business in order on the Private Calendar was the bill (H. R. 1266) for the relief of Mrs. Mamie Duffer, of Shannon, Miss.

The title of the bill was read.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas objects.

Mr. CANDLER. Mr. Chairman, will the gentleman from Texas withhold his objection for a moment? This bill provides for the insurance of a boy who was killed on the battle field of France.

Mr. BLANTON. Regular order!

The CHAIRMAN. The Clerk will report the next bill.

ARUNDEL SAND & GRAVEL CO.

The next business in order on the Private Calendar was the bill (H. R. 5345) for the relief of the Arundel Sand & Gravel Co.

The title of the bill was read.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

Mr. KEARNS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. KEARNS. To propound another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. I understood the Chair to say a few moments ago, in response to a parliamentary inquiry that I had propounded, that before the gentleman from Texas could call for the regular order it was necessary for him to be recognized by the Chair. Was that right?

The CHAIRMAN. No. The Chair ruled that the gentleman from Texas must be recognized first if he desired to object to the present consideration of any bill on this calendar, and no other motion can take him off his feet.

Mr. KEARNS. I understand that. But the gentleman from Mississippi [Mr. CANDLER] asked him to reserve his objection, and he made a point of order.

The CHAIRMAN. The Chair was not paying attention to that.

Mr. KEARNS. I want to get straight on that. Has the gentleman from Mississippi the floor?

The CHAIRMAN. No. The gentleman from Mississippi had not gained the floor.

Mr. CANDLER. I suggest to the Chair that I was addressing my request to the gentleman from Texas, asking him to withhold his objection, in view of the fact——

Mr. BLANTON. Mr. Chairman, I declined to yield.

Mr. CANDLER. I am talking to the Chair and not to the gentleman from Texas.

Mr. BLANTON. I demand the regular order.

Mr. GARD rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GARD. I rise to move that the committee do now rise. We are not getting anywhere and men's minds are getting tangled.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will report the next bill.

W. L. ROSE.

The next business in order on the Private Calendar was the bill (H. R. 1275) for the relief of W. L. Rose.

The title of the bill was read.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next one.

ALBERT C. BURGESS.

The next business in order on the Private Calendar was the bill (H. R. 6773) for the relief of Albert C. Burgess.

The title of the bill was read.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects, and the Clerk will report the next bill.

THOMAS P. DARR.

The next business in order on the Private Calendar was the bill (H. R. 1789) for the relief of Thomas P. Darr.

The title of the bill was read.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

RUDOLPH L. DESDUNES.

The next business in order on the Private Calendar was the bill (H. R. 7900) for the relief of Rudolph L. Desdunes.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

JOSEPH A. PRAT.

The next business on the Private Calendar was the bill (H. R. 3210) for the relief of Joseph A. Prat.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

Mr. DUPRÉ. Mr. Chairman, does the gentleman from Texas know that this bill was introduced by me, and does he still object? [Laughter.]

The CHAIRMAN. The Clerk will report the next bill.

E. WILLARD.

The next business on the Private Calendar was the bill (H. R. 3291) for the relief of E. Willard.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

SOUTHERN STATES LUMBER CO.

The next business on the Private Calendar was the bill (S. 577) for the relief of the Southern States Lumber Co.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

Mr. MAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAYS. I observed a while ago that the gentleman from Texas threatened the gentleman from Minnesota [Mr. KNUTSON] with annihilation if he butted in on these proceedings. I desire to know whether any other gentleman is regarded by the gentleman from Texas as an intruder if he takes part in these proceedings?

Mr. BLANTON. No; that was not the case. I just merely told the gentleman from Minnesota to keep off of me.

Mr. KNUTSON. I wish to inform the gentleman from Utah that I am still alive. [Laughter.]

The CHAIRMAN. The Clerk will report the next bill.

RURAL HIGH SCHOOL NO. 1, LAPWAI, IDAHO.

The next business on the Private Calendar was the bill (H. R. 6772) authorizing and directing the transfer of 10 acres of land to Rural High School District No. 1, Lapwai, Idaho.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

JOHN ALBERT THOMPSON.

The next business on the Private Calendar was the bill (S. 2378) to authorize the issuance of patent to John Albert Thompson, and for other purposes.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

ALBERT N. COLLINS.

The next business on the Private Calendar was the bill (S. 2128) for the relief of Albert N. Collins.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

SWAN LAND & CATTLE CO.

The next business on the Private Calendar was the bill (H. R. 8308) providing an exchange of lands between the Swan Land & Cattle Co. and the United States.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

NANCY A. PARSONS ET AL.

The next business on the Private Calendar was the bill (H. R. 4927) for the relief of Nancy A. Parsons, C. M. Parsons, D. F. Staggs, Ollie Staggs, Roas Staggs, Lena Birchfield, Alice Birchfield, Bertie Gwin, Greely Gilbert, Linville Gilbert, and Nelson Gilbert.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

O. W. LINDSLEY.

The next business on the Private Calendar was the bill (H. R. 1791) for the relief of O. W. Lindsley.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

FORT BERTHOLD INDIANS.

The next business on the Private Calendar was the bill (H. R. 4382) to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

THOMAS SEVY.

The next business on the Private Calendar was the bill (S. 428) for the relief of Thomas Sevy.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

CERTAIN LAND IN UTAH.

The next business on the Private Calendar was the bill (H. R. 5213) for the relief of occupants and claimants of unsurveyed public land in township 8 north, of range 2 west, of Salt Lake meridian, Utah.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

W. B. GRAHAM.

The next business on the Private Calendar was the bill (S. 552) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

MICHAEL MACGARVEY.

The next business on the Private Calendar was the bill (H. R. 6107) for the relief of Michael MacGarvey.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the next bill.

WILLIAM HOLSTEN.

The next business on the Private Calendar was the bill (H. R. 1796) for the relief of William Holsten.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects. This concludes the calendar.

Mr. EDMONDS. Mr. Chairman, under the order of the House, I think it was understood that if we had any time left after proceeding with the unobjected to bills, we would go back and take up the other bills. Is not that right?

Mr. BLANTON. A point of order, Mr. Chairman. That was not incorporated in the agreement. I ask for the reporter's notes.

The CHAIRMAN. Under the agreement it would still be in order for any gentleman to call up a bill on the Private Calendar.

Mr. MONDELL. Mr. Chairman, does the Chair hold that bills having already been objected to up to this time the committee can not now, under the agreement made, proceed to the consideration of other bills?

The CHAIRMAN. The Chair thinks that inasmuch as the committee has ordered a favorable report on five bills and the others having been objected to, that before the committee rises it will be in order for the chairman of the committee to call up any other bill on the Private Calendar.

Mr. MONDELL. Without reference to the unanimous-consent agreement?

Mr. BLANTON. A point of order, Mr. Chairman. I ask for the reading by the reporter of the unanimous-consent agreement.

Mr. DYER. I make a point of order that that request is not in order.

The CHAIRMAN. The Chair sustains the point of order, and the Chair will recognize the gentleman from Pennsylvania.

Mr. BLANTON. A point of order, Mr. Chairman. I submit to the Chairman with all due respect that that question was raised by the gentleman from Arkansas.

Mr. DYER. I make the point of order that the gentleman from Texas is out of order.

Mr. KNUTSON. The regular order, Mr. Chairman.

Mr. BLANTON. Does the Chairman hold that we can take up other bills on the calendar, even if objected to?

The CHAIRMAN. The Chair has passed upon that question and has recognized the gentleman from Pennsylvania.

Mr. BLANTON. Will the Chair allow me to speak on the point of order?

The CHAIRMAN. What is the gentleman's point of order?

Mr. BLANTON. I make the point of order——

Mr. DYER. Mr. Chairman, the gentleman can not make the point of order; he can appeal from the decision of the Chair.

The CHAIRMAN. Let the gentleman from Texas state his point of order.

Mr. BLANTON. Can the committee do anything beyond the power conferred upon it by the House? The House only conferred on the Committee of the Whole, under the request made by the gentleman from Pennsylvania, permission for it to consider such bills as were unobjected to on the calendar. No request was made to take up other bills.

Mr. DYER. Mr. Chairman, I make the point of order that the gentleman from Texas is not in order.

The CHAIRMAN. The Chair thinks that so far the gentleman is in order.

Mr. BLANTON. I submit with all due respect that the committee can not go beyond that authority.

The CHAIRMAN. The gentleman from Pennsylvania finally moved to go into Committee of the Whole for the consideration of bills on the Private Calendar. He still has the right to call up bills which would not be liable to objection under the rules of the House.

CLEVELAND TRINIDAD PAVING CO.

Mr. EDMONDS. Mr. Chairman, I call up the bill (H. R. 5238) for the relief of the Cleveland Trinidad Paving Co.

The CHAIRMAN. The Clerk will report the bill.

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Are we proceeding under the general rules of the House?

The CHAIRMAN. We are proceeding to the consideration of bills on the Private Calendar.

Mr. DUPRÉ. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUPRÉ. I observe that the chairman of the committee has called up No. 12 on the calendar, which I assume is the last bill unobjected to. May I ask vicariously of the chairman whether it is his intention to call up the bills seriatim?

Mr. EDMONDS. I will call them up in order.

Mr. DUPRÉ. That will be satisfactory.

JAMES M. MOORE.

Mr. EDMONDS. Mr. Chairman, I would like to call up No. 14 instead of No. 12, as the gentleman from Ohio [Mr. EMERSON] is absent. I call up the bill (H. R. 1812) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $840 in payment to James M. Moore, late of Company L, Twenty-eighth Regiment United States Infantry, transferred from Company M, First United States Infantry, for injuries sustained while in the service of the Government in the Philippine Islands as a teamster in a runaway accident on May 12, 1907.

With the following committee amendment:

Page 1, line 10, before the word "teamster," insert the word "civilian."

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one hour.

Mr. EDMONDS. Mr. Chairman, several gentlemen have asked for time on this bill. I yield 10 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman and gentlemen of the House, I desire to proceed temperately if I can, but there are times in a man's life when patience ceases to be a virtue. For the last several months I, as a Member of Congress, have patiently sat here and watched the obstructive methods——

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman is not speaking on the bill, and under the rules of the House I submit that he must speak to the bill.

The CHAIRMAN. The gentleman from Texas must know that under general debate the gentleman from Pennsylvania is not confined to the subject of the bill.

Mr. BLANTON. But we are under general debate under the rules of the House, which do not permit any debate other than on the bill under consideration while considering the Private Calendar, and under the rules of this House I respectfully urge the point of order.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. BLANTON. Does the Chair rule——

The CHAIRMAN. The Chair rules that the gentleman from Pennsylvania is proceeding in order.

Mr. DEWALT. Mr. Chairman, during those several months I have noted not only with considerable displeasure but with exceeding disapprobation the conduct of the gentleman from Texas. I do not propose to question the motives of any man unless he——

Mr. HUDSPETH. Mr. Chairman, will the gentleman from Pennsylvania please name the gentleman from Texas? There are 18 Members from Texas.

Mr. DEWALT. I have reference to but one Member from Texas who could act in that way, and his name is BLANTON.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's language is disrespectful, is in violation of the rules of this House, and is out of order. I am not going to sit here and permit a Member of Congress, because he is mad, to abuse me, and I am going to hold the gentleman responsible if he attempts to abuse me any further.

The CHAIRMAN. The Chair thinks that the gentleman from Pennsylvania is running perilously close to the line, and the Chair will ask him to proceed in order and not to mention gentlemen by name.

Mr. DEWALT. Mr. Chairman, I wish to assure the gentleman from Texas [Mr. BLANTON] that I am not at all angry. If I were angry I would pursue a method entirely different from that which I am now taking. [Laughter and applause.] I am trying to argue this matter clearly, and I hope effectively, not only for the benefit of the gentleman from Texas, but for the benefit of others who may follow his bad example. I doubt very much whether there are any gentlemen, Members of this House, who would stoop to follow the example that we have seen to-day.

Mr. BLANTON. Mr. Chairman, I make the point of order against the gentleman, and I ask the Chair to protect me from such abuse. If he can not, then I shall protect myself.

The CHAIRMAN. The Chair thinks that the gentleman from Texas is right in that last remark, and he will ask the gentleman to proceed in order and not to use language which tends to hold a Member of the House in contempt.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair thinks that the gentleman from Pennsylvania will proceed in order.

Mr. DEWALT. Mr. Chairman, the gentleman from Pennsylvania will try to proceed in order on a very disorderly subject. [Applause and laughter.]

Mr. BLANTON. Mr. Chairman, I again make the point of order.

The CHAIRMAN. The Chair holds that the last remark of the gentleman from Pennsylvania was absolutely in order.

Mr. DEWALT. Mr. Chairman, I remember very well when a certain gentleman from Texas first appeared in the Halls of Congress. It was then cited with great approbation by some and amusement by others that he would see to it that the Congress of the United States, and particularly the House of Representatives, should be at work from 9 o'clock in the morning until 6 o'clock in the evening without cessation. In other words, he attempted by proclamation and declamation, if you please, and not by succinct operation, not by constructive methods, but by destructive methods, to reform what he considered to be the disorderly and negligent conduct of this House; and in spite of that declamation, in spite of that proclamation, that he was determined to see to it that this House did its business, I have sat here day after day and seen the gentleman exercise his right, if you please, in calling for a quorum, thereby consuming the time of this House, 35 and 40 minutes each time, and impeding the business of this great legislative body—and for what good purpose? Was it for the purpose of good legislation? Was it for the purpose of defeating bad legislation? I charge here emphatically that it was for the purpose of the gratification of his own malice in many instances.

Mr. BLANTON. I ask the Chairman to rule on the point of order upon that language, and I ask the Chair to keep the gentleman in order. He is impugning my motives, and I take it that I do not have to quote further to convince the Chair that the gentleman can not pursue that line of argument.

The CHAIRMAN. The Chair will request the gentleman from Pennsylvania to proceed in order.

Mr. DEWALT. Mr. Chairman, in order that I may proceed in order, let me cite the Chair to one instance which happened but a few moments ago, when one gentleman, a Representative from Texas, said to a gentleman who is a Representative from another State in this House, "Unless you keep off me I will take care of you," or words to that effect, and this, if you please, are the exhibitions of the statesmanlike conduct of a man who said that he would come here and keep the House of Representatives in order and compel it to do business in an orderly manner.

What are these objections made to-day? I find upon this calendar 63 bills, almost all of them for the relief of certain parties, most of them, I have no doubt, for beneficial purposes; and among the rest let me cite No. 13 on the calendar, H. R. 6413, granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as the result of an accident at the Philadelphia Navy Yard. And yet the gentleman from Texas [Mr. BLANTON] determines that he will object, without giving any reason, without rhyme or reason. And upon the next page of the calendar I find a bill, H. R. 646, for the relief of Perry E. Borchers, because of loss he suffered, due to destruction of property and termination of contract for services because of smallpox while in the employ of the Navy Department in Cuba. And again I hear the objection of the gentleman from Texas.

Then further down I find a bill to appoint Admiral William S. Benson, United States Navy, and Rear Admiral William S. Sims, United States Navy, as permanent admirals in the Navy. And again the patriotic gentleman from Texas interposes an objection to those. Then I find further a bill providing for the disinterment and removal of the remains of the infant child of Norman Lee Molzahn from the temporary burial site in the District of Columbia to a permanent burial place, and my distinguished friend from Texas, by reason of his position in the House of Representatives, takes upon himself the enormous burden and the great beneficence of saying that he objects to the reinterment of an infant child from its place of burial to another. If that be the conduct of the statesman from Texas, then God save use from such statesmanship! [Applause.]

Mr. BLANTON. Mr. Chairman, as I have done many times before, I again make the point of order.

Mr. DEWALT. Now, there are some——

Mr. BLANTON. Will the Chair rule on my point of order?

The CHAIRMAN. What is the point of order?

Mr. BLANTON. That the gentleman impugns my motives, my conduct.

The CHAIRMAN. The Chair in unable to see in the last remark quoted of the gentleman from Pennsylvania any reflection on the gentleman from Texas that is not proper. [Applause.]

Mr. BLANTON. Mr. Chairman, I respectfully submit to the Chair that we are presumed to be running under certain rules of the House, and under the rulings of the present occupant of the chair I am helpless.

Mr. KNUTSON. Regular order!

Mr. BLANTON. I submit that those rules apply. Will the Chair permit me to make another point of order?

The CHAIRMAN. Certainly. The gentleman is entitled to make his point of order.

Mr. BLANTON. I realize I am dealing with a bunch of colleagues who are mad because I have opposed their will, but I have done it under the rules of this House and in the interests of 110,000,000 people of the United States.

Mr DYER. Mr. Chairman, I think the gentleman should make the point of order and not a speech.

Mr. BLANTON. I submit to the Chair——

The CHAIRMAN. The gentleman will confine himself to his point of order.

Mr. BLANTON. With all due respect, under the rules of the House any Member has a right to object to the consideration of any measure under unanimous-consent calls——

Mr. DYER. Mr. Chairman, I submit——

Mr. BLANTON (continuing). And not have his motives impugned, and I have only exercised my right as a representative of this Government in objecting.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. BLANTON. My point of order is that the gentleman from Pennsylvania is impugning my motives, and time after time has questioned the action I have taken here, insinuating it was from improper motives entirely, and I submit that it is absolutely improper argument on the floor of the House.

The CHAIRMAN. The Chair has ruled two or three times that the gentleman from Pennsylvania was overstepping the proper limits, but in merely questioning the statesmanship of the gentleman from Texas the Chair does not think he is. [Applause.]

Mr. DEWALT. I would state, Mr. Chairman and gentlemen of the House, if I have made any mistake at all in regard to alleged statesmanship, I am very willing to beg pardon of the gentleman from Texas. [Laughter.] I will take it all back; but I am very much in doubt now whether the conduct I have described as being pursued by the gentleman from Texas even rises to the dignity of what one might call pothouse politics instead of statesmanship.

Mr. BLANTON. Mr. Chairman, I again make the point of order against the language.

The CHAIRMAN. The gentleman from Texas, the Chair thinks, is correct in questioning the language. The gentleman from Pennsylvania is instructed to proceed in order.

Mr. BLANTON. Is the gentleman from Pennsylvania going to be permitted to continue to disobey the ruling of the Chair?

The CHAIRMAN. The gentleman will proceed in order.

SEVERAL MEMBERS. Regular order!

Mr. DEWALT. Now, Mr. Chairman, there are certain men who seem to be born with a destructive genius. They never have been able to construct anything, but they have the facility of being able to destroy almost anything that somebody else is endeavoring to construct. It is related of a certain Irishman who was shipwrecked and came near an island that he proclaimed at once, "Have you a government there?" And they replied, "We have." "Well," he said, "I am agin it." It did not make any difference what kind of a government it was, he was against anything that anybody else had or anything that anybody else proposed. Now, there is a limit, Mr. Chairman and gentlemen of the committee, as to obstructive and destructive methods of any kind upon this floor, and that limit can only be found in the conscience and the good intentions of the Member himself. And whilst I may have been somewhat harsh in what I said—and I was intentionally harsh, because I meant every word I said—I would now suggest not only to the gentleman from Texas [Mr. BLANTON], but to others who have used obstructive methods by ceaseless objection and by calling for a quorum, that at this time we have far more important measures to attend to than the mere gratification of personal desire, or perhaps, if you please, the exhibition of personal spleen. [Applause.] But, now, this applies not only to the gentleman from Texas. It may perhaps apply to me. I, too, may have been guilty. I do not hold myself above fault, but this I do say for myself, that I have troubled this House very little by proclamation or declamation. I think you will all agree with me on that.

When I have anything to say I try to say it clearly, plainly, and explicitly, and I have tried to say this in the same manner. Further than that, we were cautioned here only a few days ago by the gentleman who leads the minority side of the House, that we have important measures to attend to. We have been cautioned by the respected leader of the majority side of the House in the same way, and in spite of that caution, in spite of the fact that the eminent leaders on both sides have implored the membership of this House to keep on with the legitimate business of this House, in spite of that admonition, 63 bills here will not be able to receive attention except in the regular order, because they have been set aside by paltry objections without foundation or without reason, except what? Except that the gentleman from Texas happened to disagree with the conduct or the action of the committee having those bills in charge.

Now, who suffers? Did the committee suffer, did the chairman of the committee suffer, by this action? No. The people who have these bills for their benefit are the sufferers. And who else suffers? The Congressmen who introduced these bills for their constituents. And yet for the gratification, as I claim, simply of this gentleman's desire to vent a dislike toward the committee—that is the way he expressed it—he halts the progress of all these bills and stops the progress of legislation in this House. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I rise to a question of privilege, high privilege, of this House. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Texas will state the question of privilege.

Mr. BLANTON. My privilege is this, that because under the unanimous-consent rule I have exercised my right to object to consideration of certain bills, the gentleman from Pennsylvania [Mr. DEWALT] has impugned my motives, has charged that I was actuated by malice and spleen only, in an effort to vex the committee, to display a want of statesmanship, and to do those things which no good representative of any country would do, and has otherwise brought into question my good faith and my good intentions and my standing as a representative of the people of this country, and has sought to bring me into ridicule of my fellow Members of the House and my fellow countrymen.

Mr. POU. Mr. Chairman, I make a point of order that you can not raise a question of personal privilege in the committee.

The CHAIRMAN. Is the gentleman from Texas [Mr. BLANTON] prepared to state the exact language?

Mr. BLANTON. The exact language was "actuated by spleen" and "actuated by malice" and "desire to vex the committee and the membership."

The CHAIRMAN. The Chair does not think the gentleman presents a question of privilege. The gentleman had his remedy at any time during the remarks of the gentleman from Pennsylvania [Mr. DEWALT], where he could have had the words taken down. He neglected to do it, and he is not presenting, in the opinion of the Chair, a question of privilege.

Mr. BLANTON. The words are a matter of record, besides being within the minds of the Chairman and other Members of the House, and are also a matter of record in the stenographic notes taken in this House, which I ask to be read.

The CHAIRMAN. The gentleman from Texas declined to take advantage of his privilege at that time. The Chair does not think he is presenting a question of personal privilege, and the Chair recognizes the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Where language is used against a Member such as would constitute a question of personal privilege, and a Member makes a point of order against that language, and the Chair sustains the point of order, is not that an evidence of the fact that there was a question of privilege?

The CHAIRMAN. The interests of the gentleman from Texas were in the hands of the committee at all times. Any gentleman could have asked that the words be taken down, and the gentleman from Texas could have done it. The Chair fulfilled his entire duty in cautioning the gentleman from Pennsylvania [Mr. DEWALT] to proceed in order.

Mr. BLANTON. If the Chair does not want to give me a chance to be heard, all right. It is my duty to respect the ruling of the Chair, whether approved by me or not, and this I do.

Mr. TEMPLE. Mr. Chairman, a parliamentary inquiry. Can a question of personal privilege be raised in the Committee of the Whole House?

The CHAIRMAN. The Chair thinks that only and at the time the alleged offensive words were spoken a request could be made to take them down. The Chair does not think the gentleman——

Mr. EDMONDS. Mr. Chairman, I reserve the balance of my time, and I ask for a second reading of the bill.

The bill was read, as follows:

A bill (H. R. 1812) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $840 in payment to James M. Moore, late of Company L, Twenty-eighth Regiment United States Infantry, transferred from Company M, First United States Infantry, for injuries sustained while in the service of the Government in the Philippine Islands as a teamster, in a runaway accident on May 12, 1907.

Also the following committee amendment was read:

Page 1, line 10, after the word "a" and before the word "teamster," insert the word "civilian."

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I move the previous question.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with favorable recommendation.

The motion was agreed to.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes in defense of myself on the floor of the House.

Mr. KNUTSON. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

E. T. THING AND S. A. THING.

Mr. EDMONDS. Mr. Chairman, I ask that the committee proceed with the consideration of the bill H. R. 1853.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1853) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

A bill (H. R. 1853) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture.

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,072.45, to reimburse E. T. Thing and S. A. Thing, of the county of Imperial, State of California, for losses and damages sustained by them through the negligence of one of the veterinary inspectors employed by the Bureau of Animal Industry, Department of Agriculture, in dipping cattle belonging to said E. T. Thing and S. A. Thing, in Imperial County, Calif., on or about the 8th of July, 1915, said sum to be paid to said E. T. Thing and S. A. Thing in full for all losses and damages so sustained by them.

Also the following committee amendment was read:

Page 1, line 5, strike out "$1,072.45" and insert in lieu thereof "$698.40."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

Mr. HUDDLESTON. Will the gentleman from Pennsylvania yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Alabama?

Mr. EDMONDS. I do.

Mr. HUDDLESTON. I want to inquire in what respect this case differs from other cases in which cattle are injured while being dipped for ticks? It is a very common occurrence. There are millions of cases of cattle being killed or injured while being dipped, and I am wondering whether we are setting a precedent for the payment of damages for all of them?

Mr. EDMONDS. We are only paying for the cattle killed on account of dipping, and not for those that were injured.

Mr. HUDDLESTON. This dipping is done by officials in the States Relations Service. Injury and death of cattle while being dipped are very frequent. It happens that almost every time cattle are dipped there are some that are more or less injured. And if we establish a precedent of paying for them in usual or ordinary cases, such as we have all the time, we will have a multitude of such claims.

Mr. EDMONDS. I will let the gentleman from Texas [Mr. BEE] answer. He is more conversant with the subject than I am.

Mr. HUDDLESTON. I would like to know wherein this case may be differentiated from other cases in which cattle are killed or injured while being dipped?

Mr. BEE. I will say to the gentleman from Alabama that I understand this is not an ordinary case of injury of cattle from dipping, but a case where there is proven negligence on the part of the Government agent who administered the dipping in putting too strong a solution in the liquid in which the cattle were dipped, which is admitted by all the officers of the Government, and which was done under circumstances where the man owning the cattle was compelled to submit.

Mr. HUDDLESTON. Was this done by the States Relations Service under the act by which aid is given to the States to eradicate the cattle tick? Under that law the States appoint agents to have charge of the work. They construct vats and supervise the dipping and act generally under laws passed by the State legislatures, which laws require the people to drive their cattle to these vats periodically for dipping. Is this that kind of a case?

Mr. BEE. This is a case of dipping cattle by the agents of the Department of Agriculture.

Mr. HUDDLESTON. Did an inspector appointed by the Department of Agriculture dip the cattle?

Mr. BEE. The cattle were dipped by an inspector from Washington. This happened in the State of California. I have no interest whatever in the matter, but it was a bill introduced by the gentleman from California [Mr. KETTNER], and I reported it out of the committee.

Mr. HUDDLESTON. Was the dipping compulsory under the laws of California?

Mr. BEE. Yes; under the laws of the United States.

Mr. HUDDLESTON. But there is no law of the United States which compels men to dip their cattle. In the State of Alabama we have, I imagine, exactly the same situation as they have in California, and as I presume they have in 20 of the States of the Union, especially throughout the South and Southwest. There are constant complaints coming on account of the negligent construction of these dipping vats, of poison from the solution in which the cattle are dipped, from allowing the cattle to drink of the liquid, causing their death, and so on. The mail of every southern Member of Congress is full of complaints about the tick-dipping laws. It strikes me there should be some features in this case which distinguish it from other cases. Otherwise we shall have a vast number of just such claims as this presented here. If we pay one of these claims, we must pay them all. No other course would be fair. If the Federal Government is to assume liability for all damage done to cattle while dipping them, very good, but my people who have such claims must be put on an equality with others.

Mr. BEE. I will yield to my colleague from Texas [Mr. HUDSPETH].

Mr. HUDDLESTON. The gentleman from Pennsylvania [Mr. EDMONDS] has the floor.

Mr. BEE. He yielded to me.

Mr. HUDSPETH. In reply to the gentleman from Alabama, I will say there is a rule that the Secretary of Agriculture enforces in Texas, whereby the Federal Government can take your cattle and dip them under the quarantine law.

Mr. HUDDLESTON. We simply give financial aid to the States for the eradication of ticks. No Federal law is violated by failing to dip. The only compulsion is under State laws. No Federal officer can take cattle without the owner's consent and dip them. Why, then, should the Government be held liable for damage done while dipping? The Government generously donates some money to help a State get rid of cattle ticks, and behold a claim for damages comes because some State inspector was at fault in connection with the dipping. This looks funny to me.

Mr. HUDSPETH. The Federal officers are dipping cattle in Texas to-day.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania [Mr. EDMONDS] to lay the bill aside with favorable recommendation.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BLACK. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 82, noes 32.

So the motion was agreed to.

CARLOW AVELLINA.

Mr. EDMONDS. Mr. Chairman, I move that the committee take up for consideration the bill H. R. 5665.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 5665) for the relief of Carlow Avellina.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I wish to be heard in opposition to this bill.

Mr. BLACK. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. That will come later. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby——

Mr. BLANTON. Mr. Chairman, before that, I wish to be heard in opposition to the bill.

The CHAIRMAN. The gentleman from Texas is too late. The time for general debate has expired. The Clerk is now reading the bill for amendment. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Carlow Avellina, out of any money in the Treasury not otherwise appropriated, the sum of $1,320 as compensation for damages sustained by him when an aeroplane of the Air Mail Service descended on his property in August, 1918.

With a committee amendment, as follows:

On page 1, line 6, strike out the figures "$1,320" and insert in lieu thereof "$500."

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. There has been no general debate on this bill whatever. I submit to the Chair that it is improper to take up the bill except after general debate.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. EDMONDS]. He has an hour. He did not use his hour. The gentleman from Texas was careless, evidently, and did not use his hour. The Chair can not undertake to make rules for the gentleman from Texas.

Mr. BLANTON. I wish to submit an amendment.

The CHAIRMAN. The gentleman is out of order. The question is on agreeing to the committee amendment.

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas will be in order.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is it in order to offer an amendment to the committee amendment?

The CHAIRMAN. Certainly.

Mr. BLANTON. That is what I desire to do.

The CHAIRMAN. Then why does not the gentleman do it?

Mr. BLANTON. I offer an amendment to the committee amendment, to strike out, on page 1, line 6, "$500" and insert in lieu thereof "$100."

Mr. WINGO. Mr. Chairman, I make a point of order on that, that the amendment is not in writing.

The CHAIRMAN. The point of order is sustained.

Mr. KNUTSON. Regular order, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BLANTON. Mr. Chairman, a point of order.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The gentleman from Pennsylvania moves to lay the bill aside with favorable recommendation. The question is on agreeing to that motion.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 116, noes 3.

Accordingly the motion was agreed to.

LOSS OF FIREARMS AND AMMUNITION IN COLORADO.

Mr. EDMONDS. Mr. Chairman, I move that the committee take up for consideration Private Calendar No. 17, being S. 253, for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914.

The CHAIRMAN. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill a second time for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $7,800, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to remain available until June 30, 1920, for payment of claims on account of loss of firearms and ammunition taken by the United States troops from civilians in the State of Colorado during the labor-strike troubles which occurred in the calendar year 1914: *Provided,* That settlement of such claims shall be made by the Auditor for the War Department upon the approval and recommendation of the Secretary of War, where the amount of the loss has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such claims.

Mr. GARD. Mr. Chairman, I desire to offer an amendment to strike out, in line 3, page 1, the figures "$7,800" and to insert in lieu thereof the figures "$5,319.64."

I offer that amendment, Mr. Chairman, in accordance with a statement contained in a letter from the Secretary of War to the gentleman from Colorado [Mr. HARDY] which shows that the War Department has a record of the loss of property by citizens of Colorado under this claim to the amount of $5,319.64. If that is not the right amount, I will ask the gentleman from Colorado [Mr. HARDY] to correct me.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 3, strike out the figures "$7,800" and insert in lieu thereof the figures "$5,319.64."

Mr. CLARK of Missouri. Mr. Chairman, I should like to ask the gentleman from Colorado a question or two. Were United States troops mixed up in the strike riots out in Colorado?

Mr. HARDY of Colorado. In 1914, when the strikes and riots occurred in Colorado, United States troops were sent out there.

Mr. CLARK of Missouri. Who sent them?

Mr. HARDY of Colorado. The President of the United States.

Mr. CLARK of Missouri. Did the governor of Colorado make any request on the Government of the United States, stating that Colorado was not competent to attend to its own business and that it needed these troops?

Mr. HARDY of Colorado. Unfortunately that is the case. For several months United States troops were in charge of a number of districts and martial law was in force. During that time the United States Government requested all the people in those districts, without regard to whether they opposed or favored the strike, to give up the arms which they had in their homes. These arms included naturally the guns and pistols that many families have. The Government took these arms and this ammunition in charge. During that time they were shipped from one point to another. During shipment the cars containing them were broken into and robbed. For several years the Government has been trying to pay the owners of these weapons for them. A bill passed the Senate in the last session and came over to the House, but never was acted upon here for some reason. In this session bills were introduced in the House by myself and in the Senate by Senator ROBINSON. The bill has passed the Senate and is now before us for action.

Now, as to the amount in question, the War Department has asked that the sum of $7,800 be allowed. Under the direction of the War Department a board of officers held an inquiry at Fort Logan, Colo., at which people were asked to come in and substantiate their claims. This was not given much publicity and a good many people did not substantiate their claims, but claims were substantiated to the amount of $5,319.64. The War Department asks that the additional amount be allowed, making a total of $7,800, to cover the claims which they estimate will be substantiated by people who have not yet come in.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. VAILE. I ask unanimous consent that the time of my colleague be extended one minute.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the time of his colleague [Mr. HARDY of Colorado] be extended one minute. Is there objection?

There was no objection.

Mr. HARDY of Colorado. In order to save the expense of holding a further inquiry the War Department has asked that it be allowed the sum of $7,800.

Mr. DYER. Does the bill provide "or so much thereof as may be necessary"?

Mr. HARDY of Colorado. Yes.

Mr. DYER. So that in case it is not all needed the remainder will be turned back?

Mr. HARDY of Colorado. Of course. Now, I merely want to add that I know about this claim. Every Representative from the State of Colorado knows about it. We know that it is a just claim and that the amount of $7,800 ought to be allowed, as there ought to be a little leeway, in order that just claims which will come in may be paid without further delay.

Mr. GARD. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Colorado has expired. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

The question being taken, on a division, demanded by Mr. GARD, there were—ayes 14, noes 65.

Accordingly the amendment was rejected.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. CANNON. That motion is debatable, is it not, Mr. Chairman?

SEVERAL MEMBERS. No.

Mr. CANNON. Why not?

Mr. DYER. I ask unanimous consent that the gentleman from Illinois have five minutes.

Mr. CANNON. I do not desire it by unanimous consent. I think the motion is debatable.

The CHAIRMAN. Without having an opportunity to examine the precedents, the Chair is inclined to hold that the motion is not debatable, inasmuch as there has been ample opportunity for debate during the consideration of the bill in the committee.

Mr. CANNON. I just came into the House.

The motion was agreed to.

FARMER'S NATIONAL BANK OF WILKINSON, IND.

Mr. EDMONDS. Mr. Chairman, I call up the bill (H. R. 1761) for the relief of the Farmers' National Bank of Wilkinson, Ind. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Mr. Chairman, the bill is short, and I ask that it be read for the information of the committee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue a certificate of indebtedness of the United States of America with interest from February 8, 1918, to May 9, 1918, in favor of the Farmers National Bank, a national banking corporation of Wilkinson, Ind., in lieu of two certificates of indebtedness of the United States of America, Nos. 10307 and 10308, respectively, each bearing date of February 8, 1918, each calling for $1,000, and each maturing May 9, 1918, the said certificates of indebtedness of the United States of America having been stolen: *Provided,* That the said Farmers National Bank, of Wilkinson, Ind., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness of the United States of America in such form and with

such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the stolen certificates of indebtedness hereinbefore described.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. EDMONDS. Yes.

Mr. GARRETT. Were these registered bonds?

Mr. EDMONDS. No; they were certificates of indebtedness. I have an amendment which I shall offer in regard to that.

Mr. GARRETT. Do I understand that they were stolen?

Mr. EDMONDS. They were stolen or lost; nobody seems to know what did become of them.

Mr. GARRETT. I suppose the identification was complete?

Mr. ELLIOTT. It has been approved by the Treasury Department, and the amendment that is to be offered is recommended by the Treasury Department.

Mr. GARRETT. The identification is complete?

Mr. ELLIOTT. Yes.

The CHAIRMAN. The Clerk will read the bill for amendment.

The bill was read for amendment.

Mr. EDMONDS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Strike out all the words in lines 4 to 11, inclusive, on page 1, and all the words on page 2, in line 1, and the word "stolen," in line 2, and insert the following: "authorized and directed to redeem certificates of indebtedness of the United States of America, Nos. 10307 and 10308, each of the denomination of $1,000, and each of the issue dated February 8, 1918, and maturing May 9, 1918, with interest from February 8, 1918, to May 9, 1918, in favor of the Farmers National Bank, a national banking corporation of Wilkinson, Ind., without presentation of the certificates, the said certificates of indebtedness having been lost or destroyed."

Line 9, page 2, strike out the word "stolen" and insert in lieu thereof the words "lost or destroyed."

Mr. GARRETT. Is this the language asked for by the Assistant Secretary of the Treasury?

Mr. EDMONDS. Yes; and the reason for that is that the certificates matured before the bill came up in the House.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MRS. THOMAS M'GOVERN.

Mr. EDMONDS. Mr. Chairman, I call up the bill (H. R. 5348) for the relief of Mrs. Thomas McGovern, and I ask that the first reading of the bill be dispensed with.

Mr. CANNON. The bill is short, let it be read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Thomas McGovern, the sum of $5,000 for damages suffered by reason of her husband, Thomas McGovern, being struck and fatally injured by a Government motor truck which was driven by a regularly enlisted soldier of the United States Army.

Mr. EDMONDS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman and gentlemen of the committee, it is well to advise the membership of the committee, whom I hope are now restored to a point where you can legislate calmly and safely, to the bills as they appear. This is a bill to collect a very large sum of money from the Treasury of the United States, in a proceeding practically without investigation, without evidence, and without report. The only report which we have outside of the fact that this unfortunate man was hit by a Cadillac touring car of the Signal Corps, and injured so that he died a few days later, is the report of Lieut. Col. Hersey, of the Signal Corps, which is this. In paragraph 3 of the report, appearing on page 3 thereof, it recites:

The investigation held by officers of the post shows that a Mr. Dewey, representative of the Excelsior Motorcycle Co., who was in the car, sitting in front with the driver, states that the car was going from 10 to 15 miles per hour, that it was a very misty day, and that when the car turned the corner at Cass and Seventeenth Streets, a man loomed up from the shadow of the street light, and he was immediately in front of the automobile.

The car practically immediately struck the man. It appears to be an unavoidable accident, but after several preliminary examinations charges were preferred against Sergt. (First Class) Ens for violation of the ninety-sixth article of war, which charges are in the hands of the commanding general, Central Department, for his decision whether the case shall be brought to trial or not.

This is the only report we have from any authorized department which should make an investigation concerning that which was done by their agent, the man driving the Cadillac car of the Signal Corps.

As I stated, the report shows that it was an unavoidable accident. There seems to have been no negligence on the part of the driver of the Signal Corps car. There seems to be no reason, so far as I can read, for the establishment of a claim against the United States of America for the death of this man. Of course, we all sympathize very greatly with a man, as everyone must, who loses his life in an accident, but in the orderly process of business, in the consideration of claims, there must be a showing before the money of the public is voted away, before the United States of America is held responsible for his death. Otherwise there could be, properly speaking, no financial liability upon the part of the Federal Government. I call the attention of Members of the House and this committee to the report of Lieut. Col. Hersey, and ask the chairman of the committee and others who may have better information than I, what liability there is upon the part of the General Government for the payment of this sum of $5,000?

Mr. EDMONDS. Mr. Chairman, in answer to the gentleman's question, I would state that Thomas McGovern was in his proper place upon the street when he was hit by this car. It was a foggy night. He started across the street. There was a center post in the street and the car was presumed to go around the center post in turning the corner. Thomas McGovern looked in the natural direction to see if any car was coming. There was none coming; but this car, coming in the wrong direction, hit him and killed him. The car was in the hands of the United States military authorities at the time. Thomas McGovern had no insurance and he left a large family, and that fact, I think, appealed to the committee to a considerable extent in making this award. However, there is no question, if you read the testimony, that Thomas McGovern was in his proper place, that he took every ordinary precaution that a man should take in a street of this kind, and it was owing entirely to the fact that the motor car was on the wrong side of the street, driven incorrectly by the operator, that the death occurred. Of course, these awards to an outside party are without any standing in law.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. McKEOWN. Does the testimony show whether this car was being used in official business or merely on private business?

Mr. EDMONDS. If my memory serves me right, the car had been in the repair shop and was being taken back from the repair shop to the camp. I think I am correct in that. The matter of the amount of money that we give in a case like this is entirely at the disposal of the House. We can give something or nothing. There will probably be a great many of these cases where people have been either killed or injured by the operation of military trucks. I know that if it had been one of my trucks I would have had to pay damages. Why the United States should not pay damages I am unable to state.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. JONES of Texas. The gentleman stated the car was being driven on the wrong side of the street or on the wrong side of a post that was placed there. Was that proven by the evidence?

Mr. EDMONDS. It was proven by the evidence taken before the committee. There are two affidavits there from private parties which shows that the car was on the wrong side of the street. We had blue prints showing the street and the post, and everything was submitted to the committee, but, of course, we could not print them.

Mr. GARD. Mr. Chairman, the question I desire to ask is this: It seems to me, and I say it with all due deference to the action of the committee, that this committee is reporting out a liability of $5,000 against the Government of the United States, not on any legal ground, because no legal liability is shown, but upon the ground that the committee is sympathetic because of the fact that the man was killed, leaving a considerable family, without insurance. Everyone must be properly sympathetic with that situation, but in the formulation of reports and in the recommendation upon bills I do not think we should be guided by such a line of sympathy. We have very limited time in this Committee of the Whole for investigations. No one here knows anything about the bill, and everyone must depend upon the committee that reports it and those who have heard the evidence in the case. It seems to me there should have been a proper investigation by the War Department and that there should have been a report by the War Department as to what occurred and as to the liability of the General Government on account of it. That is entirely lacking.

because we have only gone so far as to have a report from the lieutenant colonel of the Signal Corps, wherein a man who was on the front seat with the automobile driver testifies that the accident was unavoidable. We have not even any report, so far as I can see, showing the testimony of the driver himself. We do not know how the accident occurred. The report is limited to two affidavits, which are not conclusive, and which the gentleman would hardly offer in a court of law to substantiate a claim for damages. The driver himself is not called upon to testify. The man who was on the seat testified that it was an unavoidable accident. He was there. So far as the House knows from the reading of this report, this should be conclusive. I do not know, but I do think that this Committee on Claims and that every committee and the House should hesitate about idly dissipating the public funds; and because men may imagine that this thing occurred in a certain way and desire to help the man's family, we should not make that the controlling reason for doing so.

We should be guided here upon these matters by merit in the individual case. [Applause.] If this man was injured without fault on his part by an automobile operated by the Signal Corps, then I would say that the man, his family, his administrator, should be entitled to a fair remuneration. On the other hand, if it would be a matter where the man himself was at fault, then he should not be compensated; but if it be one of those intermediate cases where there might be negligence on the one side and negligence on the other, we should know that. If it be an unavoidable accident, as this witness says, then the membership of this House should know that, and if it be unavoidable I am sure gentlemen would not ask this House and the membership thereof to pass the bill.

Mr. JUUL. Will the gentleman yield?

Mr. GARD. Yes; I will yield for the purpose of a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I ask recognition in my own right. I yield to the gentleman.

Mr. JUUL. If it is in order, I desire to call the attention of the gentleman from Ohio to the testimony of Ruth Wilson, who said that she was present and saw the accident:

> And that Sergt. Ens, of the United States Army, stationed at Fort Omaha at that time, was on said evening driving an automobile north on said Seventeenth Street, and that said automobile was being driven at a high rate of speed——

Mr. GARD. Oh, that does not mean anything.

Mr. JUUL. She says:

> And west of the center of said Seventeenth Street; that is to say, on the left-hand side of the street, considering the direction in which said automobile was traveling.

If Ruth Wilson testified in any court in the gentleman's State to that effect, and if this automobile was owned by a private individual or by a corporation, the heirs of the decedent would absolutely collect on that testimony, and in my State they would collect $10,000.

Mr. DYER. I think the gentleman is entirely correct. I have no fault to find with it. What I am trying to say is that this House should be advised of all the evidence in the case. All that we have here are two sworn statements, one by Ruth Wilson, and, of course, many things in Ruth Wilson's affidavit are matters of assumption on her part, and it is not sufficiently particular to advise us, as any defendant would be advised on an action to recover damages.

Mr. JUUL. Will the gentleman yield again?

Mr. DYER. Certainly.

Mr. JUUL. Does not the gentleman think that Ruth Wilson would be bright enough to know whether this automobile was running on the right or the wrong side of the street?

Mr. GARD. Of course, I have no acquaintance with Ruth Wilson. I do not desire to criticize her brilliancy, as the gentleman puts it that way, but what I am trying to get before the committee at this time, and which I will insist in getting before the committee, is this: When we are called upon to issue a certificate of payment from the United States Government to any person there should be some reason for the payment of it. There may be reason in this case; I do not know. We have the testimony of these two affidavits; we have the statement of death from the vital statistics of Omaha; we have a statement from the physician as to the injuries; we have the report that the accident was absolutely unavoidable. Now, if the accident was unavoidable, then I suspect the gentleman from Illinois or the gentlemen who have charge of the bill do not desire to pay out the money of the Government of the United States for an unavoidable accident. No private citizen is called upon to pay where the accident is unavoidable. Yet there are cases of that kind; there are many cases occurring upon the streets of Washington, and of every city where traffic is great, where persons are hurt, where persons are killed sometimes, and no financial compensation is allowed. This may be one of those cases. On the contrary, it may be a case where this money damage should be paid to the representatives of the deceased, and what I am trying to get is that we should have a report. There should be some report by the department which had this man Ens. There should be at least a statement in this report by the driver of the automobile as to where he was, what he was doing, and as to his conduct of this machine.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. How much time was I recognized for?

The CHAIRMAN. Five minutes.

Mr. GARD. We have not reached the consideration of the bill under the five-minute rule.

The CHAIRMAN. Yes; we are under the five-minute rule.

Mr. GARRETT. No; we are under the hour rule.

The CHAIRMAN. As a matter of fact, the time is under the control of the gentleman from Pennsylvania.

Mr. GARRETT. He yielded the floor.

Mr. GARD. The Chair recognized me in my own right, and therefore under the rule I am entitled to an hour.

Mr. EDMONDS. That is right, Mr. Chairman.

Mr. GARD. I do not desire to use an hour; I do not desire to take up the time of the committee; but I am merely calling attention to know for myself, and I suspect the Members of this House are equally interested in knowing, what this bill is.

Mr. O'CONNOR. Would the gentleman yield me five minutes?

Mr. GARD. Yes; I yield the gentleman 10 minutes.

Mr. O'CONNOR. Now?

Mr. GARD. Yes.

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, the gentleman from Ohio [Mr. GARD] has admitted that Thomas McGovern was killed one night in Omaha in 1917 by an automobile or truck driven by a sergeant of the United States Army. The gentleman from Ohio admits that this man McGovern who, according to the testimony, said when he was approached immediately after the accident, "I am dying," left a number of children and a wife—a widow now. He takes exception to the deposition of Ruth Wilson and another party, who claimed and deposed that the accident was avoidable had proper care been shown; that the sergeant was driving that automobile at a very high rate of speed; that it was a rainy, misty, and windy night, and the automobile did not have any lights burning in front and also was on the wrong side of the street. The report shows the man who was with the driver said it was a Cadillac touring car, a Signal Corps—serial No. 410—going from Omaha to Fort Omaha, driven by Sergt. Edgar Ens, First Balloon School Squadron. He said or deposed that the truck accidentally struck at or near the corner of Seventeenth and Cass Streets, about 6 p. m., November 26, 1917, Mr. Thomas McGovern, a citizen of Omaha, injuring him so badly as to cause his death a few days later.

The report continues:

> The investigation held by officers of the post shows that a Mr. Dewey, representative of the Excelsior Motorcycle Co., who was in the car, sitting in front with the driver, states that the car was going from 10 to 15 miles an hour; that it was a very misty day.

This was 6 o'clock in the evening. Keep that in mind.

> And that when the car turned the corner of Cass and Seventeenth Streets a man loomed up from the shadow of the street lights and he was immediately in front of the automobile.
>
> The car practically immediately struck the man. It appears to be an unavoidable accident.

This was the man that was with the driver, and yet you are talking about deductions and presumptions. His deposition from beginning to end is a tissue of deductions and inferences for the purpose of shielding the man whom he was with and who ran down negligently a fellow man and killed him.

> But after several preliminary examinations charges were preferred against Sergt. (First Class) Ens for violation of the ninety-sixth article of war, which charges are in the hands of the commanding general Central Department for his decision whether the case shall be brought to trial or not.

The testimony of Wilson and this other party looking affirmatively to establish the case in behalf of this unfortunate woman who was left behind to take care of children, as the result of the reckless driving of this sergeant, establishes the case, in my judgment, in connection with the deposition of this man who was with the driver beyond all contravention.

I do not know that I want to place this Government in the position of some cold-hearted citizen who wants to stick by the letter of the law. I do not know that I want this great sovereign to take the position of a Shylock, and to stand upon its bond and the law. At the last session of Congress this bill was passed, I believe, unanimously, and went over to the Senate, where it died for lack of time to consider it. I feel in view of the depositions of Ruth Wilson and this other person,

and the man that accompanied the driver, and the lonely condition of this woman left with a large number of children to support, that $5,000 is too little a recompense to be given her by the Government, considering what we have done for people across the water and to whom we did not owe one-tenth as much as we owe to this woman whose husband gave up his life as the result of the recklessness of one of our own officers.

Mr. Chairman and gentlemen of this committee, as I said before, the great Government of this country is a sovereign, and if we were not in a democracy I would say of royal largeness of purpose, to hold that it should require the same rigid preciseness in evidence as in a private suit against an individual is insisting upon a narrowness that is parsimonious and an adherence to a jurisprudence that I hope will no longer bind the judges of this country. The mere fact that a man is killed in an employment and leaves people behind him is just as much of a cause to compensate those behind as it is for a corporation to put aside money in order to replace its tools that are worn out in the conduct of its business.

When flesh and blood go down to death and leave dependents behind, in my judgment the Government ought to step in and endeavor to ameliorate those melancholy circumstances as much as possible. I recommended $5,000 in this case, because, I want to say, and I do not say it to the credit of the supreme court of the State from which I come, that that court seems to have measured a man's lifetime on this earth and all the great and good things he can do, and the splendid fight he was making for the wife and children behind him, by the beggarly sum of $5,000, dollars piled up on top of one another and given to her to make her way over the rough road of life and bring up her children as decent Americans. When she does accomplish that task, she is entitled to "Well done, thou good and faithful servant, well done."

Mr. Chairman, I feel on this occasion it may not be entirely out of place to say that we have got to look to those that are left in an unfortunate position by reason of the death of the husband or by reason of his inability to make a living. Sufficient be to me that there are children, boys and girls, that are born in this country and that are American boys and girls. And I want to see them arrive at manhood and womanhood, not as derelicts, not as unhappy beings that we look upon with commiseration, but as American boys and girls that can mate with others and go out and fight and die for the country when they are called upon to do it, and do it as Americans, proud of a great and generous country.

Returning to the subject. I say that that evidence, in my judgment, would be conclusive to any jury in this country.

Mr. GARD. Mr. Chairman, will the gentleman yield for a question?

Mr. O'CONNOR. Yes, sir.

Mr. GARD. I only desire to get information. I have no opposition to the bill. I am merely seeking information. The gentleman has probably mistaken my attitude.

Mr. O'CONNOR. I have not. I understand thoroughly that you believe that where a case is made out that maybe the amount in this bill would not be large enough. You admit that McGovern was killed, but you are objecting to the consideration of the bill any further at this time on account of what you consider the insufficiency of the evidence.

Mr. GARD. I am not admitting or claiming anything.

Mr. O'CONNOR. You admit that there was a large family left behind for a sad-eyed woman to bring up to help the country in its hour of need as a result of recklessness on the part of a soldier. You admit that the man driving made a statement which, if taken in connection with the other two depositions, would satisfy any jury, for when you examine that statement you see the desire to exculpate the driver—a desire so blunderingly expressed that it adds value to the deposition of Ruth Wilson.

Mr. GARD. I can understand how the gentleman's exuberance might lead him to make the statement he is making, and I am not criticizing him for that.

Mr. O'CONNOR. I do not know that that is exactly the proper word—"exuberant"—to convey the feeling that I have in a case of this kind.

Mr. GARD. Will the gentleman wait a moment while I call his attention to this question?

Mr. O'CONNOR. I will, except that I object to the word "exuberant" being used in connection with one's feeling concerning the death of a man. I know the gentleman does not mean any offense, and it is not resentment that causes me to note that the word does not express my attitude.

Mr. GARD. I will withdraw that. Can the gentleman tell us whether he has made any investigation in connection with that signal or the truck as to what action occurred there?

Mr. O'CONNOR. No. I took the affidavit of Ruth Wilson and the other two affidavits that the gentleman has before him, showing that the machine was driven at a high rate of speed on a rainy night with the lights out.

Mr. GARD. I understand that the gentleman took the deposition of Ruth Wilson and the man who was with the driver?

Mr. O'CONNOR. That is sufficient in my judgment.

Mr. GARD. There was no other evidence and no other investigation?

Mr. O'CONNOR. No other evidence was necessary. Three witnesses are competent to establish a fact in any court. The expression "I am dying" to Ruth Wilson, whose deposition we have, and which is equivalent to a dying declaration, and that the House passed this bill in the Sixty-fifth Congress.

Mrs. McGovern has come to us and asked to be compensated for the death of her husband and the father of her children under the forms of law we have provided. If we do not grant her compensation that will take care of her and her children, her few neighbors will have to take care of them; in other words, a few kind-hearted persons will have to do what a cold-hearted Government will not do.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. JUUL. Mr. Chairman, I would like to have some time.

Mr. GARD. How much time did the gentleman say he wanted?

Mr. JUUL. I would like to have six or eight minutes.

Mr. O'CONNOR. I merely want to add that what is regarded as the dying declaration is also in evidence there.

Mr. JUUL. Mr. Chairman, will the gentleman from Ohio yield time to me?

Mr. GARD. I yield to the gentleman from Illinois [Mr. JUUL] six minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for six minutes.

Mr. JUUL. I realize, Mr. Chairman and gentlemen, that if it were not for gentlemen like my friend from Ohio [Mr. GARD], a legislative body would often run riot and probably spill the public funds where they ought not to be spilled or wasted. Consequently I want to compliment the gentleman from Ohio for his watchfulness and his care over the dollars belonging to the United States Treasury.

But in the report on this bill there is a sad little story that I am going to read to you. It is signed by Aug. F. Specht, registrar, and Ralph W. Connell, M. D., health commissioner. I read:

BUREAU OF VITAL STATISTICS,
Omaha, Nebr., March 29, 1918.

I hereby certify that the following is a true and correct copy of the mortuary record of the city of Omaha, county of Douglas, State of Nebraska:

Name, Thomas McGovern.
Sex, male; color, white.
Age, 55 years ——— months ——— days.
Place of birth, Ireland.
Conjugal condition, married.
Occupation, insurance.
Residence, No. 2615 Chicago Street, Omaha, Nebr.
Date of death, year 1917; month, October; day, 26th.
Place of death, No. 2615 Chicago Street, Omaha, Nebr.
Cause of death, auto accident; run over by United States Government car.
Medical attendant, George A. Magney, coroner.
Interment, Holy Sepulchre Cemetery.
Undertaker, Heafey & Heafey.
[SEAL.]

AUG. F. SPECHT, *Registrar.*
RALPH W. CONNELL, M. D.,
Health Commissioner.

Now, if there is any corroborative evidence in the committee report on this bill to verify the statements made by the registrar and health officer showing negligence on the part of the Government, I would say that the gentleman from Ohio could go into court in his State, with two witnesses, and recover—absolutely recover. I do not know what the financial limit is in his State. In my State we put a $10,000 limit upon death claims.

The trouble with the situation here is this, that we are called upon quite often to sit practically as a United States court in passing upon cases of this kind. I have in mind a number of cases that have occurred in the city in which I live, where United States auto trucks delivering mail have run over people, and have done it recklessly and carelessly; and when we come down here before committees trying to recover for the widows and orphans we find it almost impossible, because it is almost impossible to furnish the legal evidence demanded by the legal gentlemen down here. The first thing, it seems to me, that we ought to satisfy ourselves about is whether or not the gentleman is dead. We agree upon that. What would anybody want to know better than that—that the man was

run down by an automobile which was proceeding on the wrong side of the street. No degree of care that the law imposed on this unfortunate man could protect him against that kind of driving. Here is a wife and a family appealing to the Congress of the United States—to do what? To pay them half of what the widow probably could recover if she could go into a local or State court and sue, which she can not do. I sincerely hope that the able leader on that side will forget some of the legal technicalities and see to it that justice is done to this poor woman and her fatherless children. That is all I have to say. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read the bill for amendment.

Mr. CANNON. Mr. Chairman——

Mr. GARD. Does the gentleman from Illinois desire some time?

Mr. CANNON. I desire to be recognized in my own right.

The CHAIRMAN. The gentleman from Illinois is recognized for one hour. [Applause.]

Mr. CANNON. Mr. Chairman, I do not propose to talk for an hour.

I have no doubt that this man is dead. I presume he left a widow and children. That is so stated. It is said in the talk about this bill that this machine was being driven at a high rate of speed. The eloquent gentleman from Louisiana [Mr. O'CONNOR] talks about a deposition. There is no deposition in this case. There was no cross-examination. Here is Henry James, who, in his affidavit, says 12 or 15 miles an hour, as I read it. My sight is a little dim. Well, 15 miles an hour. I do not know which was the right side or the wrong side of the street, or if they had any ordinance in this city of Omaha. Which was the side of the street established by ordinance or by State legislation? Does my good colleague know?

Mr. LITTLE. Yes.

Mr. CANNON. I am not asking the gentleman.

Mr. LITTLE. I am on the committee.

Mr. CANNON. Was there an ordinance?

Mr. LITTLE. The evidence showed that they had at least a custom of coming down and turning the corner at a certain place, and this fellow did it the other way.

Mr. CANNON. Was there any legal ordinance?

Mr. LITTLE. I think it shows that there was.

Mr. CANNON. I do not find any such statement here.

Mr. LITTLE. They always went the other way. The evidence shows that this fellow disregarded the usual custom and killed the man. If he had gone the way everybody else went, he would not have killed him. I think the evidence showed an ordinance.

Mr. CANNON. Well, is there an ordinance or a State law, does the gentleman know?

Mr. LITTLE. The man, instead of coming around, as he should have done, endeavored to cut across.

Mr. CANNON. All I have got to say about it is that I am sorry that this man was killed. I am sorry for his children. I am sorry for the widow. But I wish to suggest to the Committee on Claims, is the Government to be held responsible, especially during war times, for deaths by accidents caused by soldiers? In war you try to kill the enemy, if it is necessary to succeed. The gentleman says there was carelessness. It is not established. Before the Government of the United States begins to pay $5,000 for an accident alleged to have happened under the conditions that this accident is alleged to have happened there should be a formal investigation, a chance to examine and cross-examine witnesses. My feeling would be offhand that no matter who was to blame, if the widow and children were poor, something would be cheerfully given by individuals. I am not a very charitable individual, but after listening to the speech of the gentleman from Louisiana [Mr. O'CONNOR], I think I would have given a sawbuck if I had been requested to give it, but that would have been from my own funds. Now, if we are to commence to pay claims of this or any other kind against the Government for injuries caused by the negligence or mistake or accident of 4,000,000 soldiers in the military service why do not you report an act providing for an inquiry?

Mr. LITTLE. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. LITTLE. This Congress has passed an act to pay the citizens of France for injuries caused by soldiers in this war. Would you not pay the people of this country as well as pay the people of France?

Mr. CANNON. I am not aware of such an act.

Mr. LITTLE. I am.

Mr. CANNON. Can the gentleman cite me to the statute?

Mr. LITTLE. I can not at the moment give the gentleman the number, but I think I can call the gentleman's attention to it so that he will remember it. When it came up two years ago I called attention to the fact that the bill provided for payment of damages for injury done to the Germans. It was to pay all damages done in France and all foreign countries. I called attention to the fact that Germany was a foreign country, and I did not want to pay any damages done them, and it was corrected in that regard.

Mr. CANNON. I do not recollect the legislation, but I apprehend that if the gentleman will examine it, he will find that the liability for damages was to be established.

Mr. LITTLE. It was left to the officers of the Army to decide upon the matter and pay out the money.

Mr. CANNON. Why not leave it to the officers of the Army in this case?

Mr. LITTLE. Because the officers of the Army never would pay any damages to any civilian or citizen in this country; I do not know what they do in others.

Mr. CANNON. I indorse the position of the gentleman from Ohio [Mr. GARD]. This evidence had not been cross-examined. There is no report here from the military authorities.

Mr. HERSEY. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. HERSEY. Does the gentleman from Illinois claim that where there is an accident in which an official of the Government is involved and is charged with being guilty of carelessness and negligence, that anybody can call for an investigation except the Government itself?

Mr. CANNON. A soldier in the employ of the Government in the event of an accident could be authorized, if there is no statute to investigate, to hear the evidence and make findings.

Mr. HERSEY. But the Government refuses to do that.

Mr. CANNON. The gentleman says that the Government refuses to do it?

Mr. HERSEY. It has not done it.

Mr. CANNON. I will say, just to raise an issue, that the gentleman is mistaken and the burden of proof is upon him.

Mr. HERSEY. If the Government neglects to show that the person suffered from the negligence of the official, is a man to have no remedy?

Mr. CANNON. Damage was done to a citizen not in the military service; if there is any neglect it is the neglect of Congress in not having provided for investigation where there could have been an examination and cross-examination and a finding. [Applause.] If there is to be future cases brought—is the gentleman from Maine on this committee?

Mr. HERSEY. No; I am not.

Mr. CANNON. Then I will say respectfully to the committee, without finding fault with them, that they might well, in my judgment, consider legislation providing for the investigation that I speak of. [Applause.] Now, you come here and ask for $5,000 in this case. Was this a poor man?

Mr. HERSEY. That does not make any difference.

Mr. LITTLE. He had been a member of the city council.

Mr. CANNON. Are his wife and children needy?

Mr. LITTLE. That is the understanding.

Mr. HERSEY. Will the gentleman yield further?

Mr. CANNON. Certainly.

Mr. HERSEY. Does the gentleman claim that the Government of the United States has the right to be negligent; that it is not to be held for its negligence the same as a private individual?

Mr. CANNON. Oh, there is legislation on the statute books touching damages by accident against the Government for Government employees. There is legislation upon the statute books that fixes the pension for the soldiers of the Civil War. There is a statute that fixes the insurance that may be taken out, but it all has to be established after injury and the facts known.

Mr. GARRETT. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. GARRETT. Are not gentlemen proceeding on the assumption that negligence in this case is proven, when as a matter of fact it is not proven?

Mr. CANNON. Precisely; there is no proof of it.

Mr. JUUL. May I ask the gentleman a question?

Mr. CANNON. Yes.

Mr. JUUL. Would the gentleman say that negligence is not proven where there is a sworn affidavit here that the soldier was driving a Government car and proceeding on the wrong side of the street?

Mr. GARRETT. The gentleman from Illinois [Mr. CANNON] very pertinently inquired, a few moments ago, what is the wrong side of the street, where is the ordinance, where is the case? I will undertake to say this, that upon this record there is not a court of appeal in the country that would permit a verdict to stand.

Mr. O'CONNOR. Upon the uncontradicted deposition of a resident of the city?

Mr. GARRETT. Does the gentleman mean to state that a mere affidavit without cross-examination, a general statement that a man was driving at a high rate of speed, would be permitted to govern in a court of law? How high a rate of speed? The other witness testifies 12 to 15 miles an hour, and the gentleman from Louisiana [Mr. O'CONNOR] is too good a lawyer, as is my friend from Illinois [Mr. JUUL] to state that ex parte statements of that sort could possibly be accepted.

Mr. O'CONNOR. Here is an eyewitness who said that this man was going at a high rate of speed. Of course, that may be considered as long as a string. What the gentleman would consider a high rate of speed I might not. As I understand it, the gentleman has in mind that there might be a city ordinance determining legally what is a high rate of speed.

Mr. JUUL. Any rate of speed on the wrong side of the street is a high rate of speed.

Mr. O'CONNOR. Here is a woman who says that the man was driving on the wrong side of the street, that the lights were not burning, or that they were burning so low and dimly that one could not see whether they were burning or not, and that this man was killed by this automobile that was being driven at a high rate of speed on the wrong side of the street. Would not the gentleman assume that this lady, who is a resident of the place, knows the traffic rules, because the assumption is, when she declared under oath it was the wrong side of the street, that she knew what she was talking about.

Mr. GARRETT. If the gentleman from Illinois will indulge me for one moment further——

Mr. CANNON. Certainly.

Mr. GARRETT. I think that in any case where a private individual would be liable under the law to answer in damages for an accident the Government of the United States ought to be liable.

Mr. O'CONNOR. I do not agree with the gentleman upon that.

Mr. GARRETT. Why, certainly the gentleman will not disagree with me upon that. He might go further than I do, but I go to the extent of saying that in any case where an individual would be liable the Government ought to be liable.

Mr. O'CONNOR. I do not agree with the gentleman on that, but I think the Government ought to be more generous in its treatment of its subjects than the subject ought to be with another subject.

Mr. GARRETT. I do think the case should be made out with as much force as it would be made out in the case of an individual; and if my friend were defending a personal injury suit in court and the witness should state that a person was driving at a high rate of speed, his first inquiry would be, How high a rate of speed? We do not know. That is the opinion of the witness. I do not question her statement. I am not questioning the facts, but I am making the point that the case is not made out here by legal evidence.

Mr. O'CONNOR. Would the gentleman believe that the position would be any stronger if she had said that the machine was being driven at the rate of 30 miles an hour?

Mr. GARRETT. The gentleman is going into an academic question. I think it ought to be stated with more particularity.

Mr. O'CONNOR. I want to know how on earth any witness can determine whether a machine is going at the rate of 30 miles an hour or 25 miles an hour without having some mechanism by which to determine it accurately. The woman was looking on, in all probability——

Mr. CANNON. How much time does the gentleman desire? I have the floor.

Mr. O'CONNOR. All right; I beg the gentleman's pardon.

Mr. CANNON. Oh, no; I am willing to yield to the gentleman, if he desires. As it is, I yield now to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman and gentlemen of the committee, the gentleman from Tennessee [Mr. GARRETT] has stated that if a private individual would be responsible in this case the Government ought to be. Now, he says the case should be reversed. I am going to suggest to you that after some years in trying that class of cases I do not think there is a thing in it to relieve any citizen of such responsibility in such a case. What does the evidence show? The evidence shows that this man was on the wrong side of the street, to start with, which is negligence enough to stick anybody. The gentleman asks how we know that it is the wrong side of the street. Why, there is not a court that would not take judicial notice of the fact that a man running on the left-hand side of the street was on the wrong side of the street. In England it is the other way, but there is not a court in this country which would require you to produce evidence that it was the wrong side of the street if you showed that he was on the left-hand side of the street. He was on the wrong side of the street. That is not all. He was running without any headlights, as far as the evidence goes. It shows there were none, or, if there were any, they were so dim as to be of no use. But if they could not see them neither could this man now dead see them. Here was the Government of the United States running an engine down the street without any lights on it, on the wrong side of the street, and this man steps off into the street. He has a right to believe that the street was clear. There never was a greater bit of negligence than when this machine ran into and killed him. If this evidence was introduced and passed on by a jury there is not a court of appeals in the United States that would reverse it. The gentleman says that the rules are not stringent enough. It may be, as the gentleman says, that there ought to be a different law, but this woman used the only law you gave her to secure redress. She came to you and proved her case by the only evidence you asked for, by affidavits sworn to, and every witness can be arrested for perjury if they have lied. If you want a different law, make it. The claimant can not.

If you want to cross-examine, make a law providing for it then. When she came before this committee it was the only evidence she was asked to produce, an affidavit. If perjury was committed, they can be put in the penitentiary. It is evidence enough. Gentlemen, it is as just and clean a claim as ever came before this Congress and before any jury in any court of the United States they would have been given the $5,000.

Mr. MACCRATE. Will the gentleman yield for a suggestion? In this case the record will disclose that the driver's associate on the seat said it was unavoidable. In any court of justice the credibility of that witness would certainly be open to some kind of question. When the friend of the driver said it was unavoidable, we have the right as a committee to assume he might be trying to cover his friend. His friend presents a mere conclusion——

Mr. LITTLE. It is a mere conclusion. Now, I want to say that this woman has proved the case by the only evidence she was allowed to produce; she has shown that the Government was guilty of gross negligence; that the Government's agent was driving on the wrong side of the street and the man, now dead, stepped out when he knew that there should be nothing dangerous there, and he was hit and killed, and I think this woman should receive here whatever a jury would give. I am going to say here as a lawyer, and stake my reputation on it, that no court in the world would think of reversing the jury's decision upon the evidence after the jury had passed on it, if there is any evidence at all. The evidence shows there were no lights, that the machine was running rapidly on the wrong side of the street, and that is a good case, too good a case to be reversed by any court if a jury gave her a verdict. [Cries of "Vote!"]

Mr. CANNON. I think I have the floor. I hope the committee will agree to rise and let this bill go over until the next day it is considered.

Mr. LITTLE. It has been waiting for several years.

Mr. CANNON. But you are going to have some more meetings——

Mr. LITTLE. This committee reported this bill favorably two years ago, and how many times do we have to prove the case?

Mr. CANNON. Mr. Chairman, I again ask that the gentleman in charge of this bill—some gentlemen desire that the House adjourn—ask that the committee rise and that the bill go over at this stage.

Mr. LITTLE. Let us have a vote.

Mr. CANNON. Let me put my question. I am asking the gentleman in charge of the bill to ask that the committee do now rise.

Mr. EDMONDS. I will say to the gentleman that personally I am perfectly willing that the committee rise. Some members of the committee may not like it to be done, but personally I am in favor of the committee rising, and probably we can get some more information by the next time. I make that motion.

Mr. CANNON. If the gentleman will make that motion.

Mr. EDMONDS. If the gentleman is through with the floor.

Mr. CANNON. I have the floor, and I think I have got half an hour.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise.

Mr. CANNON. With the gentleman's assurance that he will move that the committee do now rise, all right.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The motion was agreed to; and the Speaker resumed the chair.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum.

Mr. EDMONDS. The committee has not reported yet.

The SPEAKER. We are in the House. Any gentleman can make the point of no quorum.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. The Chairman of the Committee of the Whole had not yet reported.

Mr. BLANTON. Mr. Speaker, I withhold the point of no quorum.

Mr. GARRETT. We are not in the House officially until the Chairman of the Committee of the Whole has reported.

Mr. BLANTON. I withhold the point until the Chairman makes his report.

The SPEAKER. It is unnecessary for the Chair to decide the point, because the gentleman from Texas withdraws the point of no quorum.

Thereupon Mr. LONGWORTH, Chairman of the Committee of the Whole House, reported that that committee, having had under consideration bills on the Private Calendar, directed him to report back to the House the following bills without amendment, and with the recommendation that they do pass:

H. R. 400. A bill authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims;

H. R. 396. A bill to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota;

H. R. 685. A bill for the relief of Frank S. Ingalls;

H. R. 974. A bill for the relief of W. T. Dingler;

H. R. 6413. A bill granting the sum of $549.12 to Clara Kane, dependent parent by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard; and

S. 253. An act for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914.

Also the following bills with amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass:

H. R. 1812. A bill making appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States;

H. R. 1853. A bill to reimburse E. T. Thing and S. A. Thing for losses sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture;

H. R. 5665. A bill for the relief of Carlow Avellina; and

H. R. 1761. A bill for the relief of the Farmers' National Bank of Wilkinson, Ind.

Mr. BLANTON. Mr. Speaker, I renew the point of order that there is no quorum present.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. What is the status of these bills in reference to to-morrow? Are they unfinished business?

The SPEAKER. They would not come up as unfinished business, the Chair would say at first blush, until the next Private Calendar day.

Mr. MONDELL. Mr. Speaker, I assume that the Chair is not now ruling on that question as to whether or not they shall come up?

The SPEAKER. Oh, no.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until Saturday, September 6, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Labor submitting a deficiency estimate of appropriation and a proposed clause of legislation required by the Bureau of Immigration of that department (H. Doc. No. 240); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting a supplemental estimate of appropriation required by the Bureau of Standards to complete the retaining wall and tunnel near the industrial laboratory, fiscal year 1920 (H. Doc. No. 241); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting report of the commanding officer of Watertown Arsenal of "tests of iron and steel and other materials for industrial purposes" during the fiscal year ending June 30, 1919 (H. Doc. No. 242); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ELSTON, from the Committee on the Public Lands, to which was referred the bill (S. 2129) to amend an act approved March 26, 1908, entitled "An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws," reported the same without amendment, accompanied by a report (No. 291), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act, reported the same without amendment, accompanied by a report (No. 292), which said bill and report were referred to the Committee of the Whole House on state of the Union.

Mr. SNELL, from the Committee on Rules, to which was referred the resolution (H. Res. 282) for the consideration of H. R. 7417, reported the same without amendment, accompanied by a report (No. 293), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MACCRATE, from the Committee on Claims, to which was referred the bill (H. R. 1856) for the relief of Arthur J. Burdick, reported the same without amendment, accompanied by a report (No. 288), which said bill and report were referred to the Private Calendar.

Mr. KELLER, from the Committee on Claims, to which was referred the bill (H. R. 1865) for the relief of the Baltimore Dry Dock & Ship Building Co., owners of a dry dock at Baltimore, Md., reported the same without amendment, accompanied by a report (No. 289), which said bill and report were referred to the Private Calendar.

Mr. ELSTON, from the Committee on the Public Lands, to which was referred the bill (H. R. 5081) for the relief of J. E. Adams, reported the same with amendment, accompanied by a report (No. 290), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WOOD of Indiana: A bill (H. R. 9062) to provide for the investigation of all disputes and controversies threatening the operation of the Government, intercourse between the States, or the distribution of the necessities of life; to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: A bill (H. R. 9063) to provide revenue for the Government and to promote the production and manufacture of talc in the United States; to the Committee on Ways and Means.

By Mr. TIMBERLAKE: A bill (H. R. 9064) to amend section 800 of the revenue act of 1918, approved February 24, 1919; to the Committee on Ways and Means.

By Mr. PLATT: A bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act; to the Committee of the Whole House on the state of the Union.

By Mr. REBER: A bill (H. R. 9066) authorizing the Secretary of War to donate to the Miner's State Hospital, in the town of Fountain Springs, Schuylkill County, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. RHODES: A bill (H. R. 9067) granting additional pay to all enlisted men of the military and naval forces of the United States who served during the war against Germany; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 9068) to provide for the acquisition of a site for storage and other purposes in connection with the Capitol Building and the Senate and House Office Buildings; to the Committee on Public Buildings and Grounds.

By Mr. WINGO: A bill (H. R. 9089) releasing the claim of the United States Government to the block of land in the city of Fort Smith, Ark., upon which is situated the old Federal jail, to the city of Fort Smith, Ark., for a site for a convention hall, and for other public purposes; to the Committee on the Public Lands.

By Mr. SNELL: Resolution (H. Res. 282) for the consideration of House bill 7417; to the Committee on Rules.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 283) requesting information of the Secretary of the Navy; to the Committee on the Merchant Marine and Fisheries.

By Mr. McKEOWN: Joint resolution (H. J. Res. 195) requiring railroad companies or transportation systems under Federal control to settle all valid final judgments pending against said railroad companies or transportation systems prior to the taking over the control of said railroad company or transportation system before any dividend shall be paid to the stockholders; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Joint resolution (H. J. Res. 196) providing for payment of pay for exercising higher command; to the Committee on Military Affairs.

By Mr. MAPES (by request): Joint resolution (H. J. Res. 197) regulating the height of buildings on certain streets in the District of Columbia; to the Committee on the District of Columbia.

By the SPEAKER (by request): Memorial from the Republic of Korea, with copy of proclamation and demand for continued independence of the Korean nation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 9069) granting an increase of pension to John Brenemon; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9070) granting an increase of pension to Benjamin F. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9071) granting a pension to Jerry Fitzpatrick; to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 9072) granting a pension to Jennie Leiter; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 9073) for the relief of James B. Conner; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 9074) granting an increase of pension to George Holben; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 9075) granting an increase of pension to Oliver R. Towner; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 9076) granting an increase of pension to James A. Roche, alias James Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9077) granting an increase of pension to Joseph H. Fike; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 9078) granting an increase of pension to John Breeding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9079) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9080) granting an increase of pension to Nathan Baker; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9081) granting an increase of pension to Elijah R. Potter; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 9082) granting an increase of pension to Harriet V. Bland; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 9083) to reimburse James J. Burns, jr., for damages to touring car by a Government-owned motor truck; to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 9084) granting an increase of pension to Margaret Story; to the Committee on Pensions.

By Mr. RIDDICK: A bill (H. R. 9085) for the relief of Loren S. Foot; to the Committee on Claims.

By Mr. SANDERS of Indiana: A bill (H. R. 9086) granting a pension to Rebecca Horine; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 9087) for the appointment of Lieut. Commander Charles W. Moots to the permanent Medical Corps of the Navy; to the Committee on Naval Affairs.

By Mr. TREADWAY: A bill (H. R. 9088) granting a pension to Charles H. V. Wiggin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE: Petition of the Allegheny Steel Co., of Pittsburgh, Pa., protesting against the passage of the magnesite tariff bill, House bill 5218; to the Committee on Ways and Means.

By Mr. DARROW: Petition of Philadelphia Navy Yard Local of the Master Workman's Association, in behalf of the Lehlbach retirement bill, House bill 3149; to the Committee on Reform in the Civil Service.

Also, resolutions of the Shirt Manufacturers' Association of Philadelphia, Pa., protesting against the establishment of a dye-licensing system; to the Committee on Ways and Means.

By Mr. DUPRÉ: Petition of River Coal Co., of New Orleans, La., protesting against House bill 8873; to the Committee on the Merchant Marine and Fisheries.

By Mr. KAHN: Petition of Greek-American Societies in San Francisco, Calif., urging action that will bring about a just settlement of Greek claims in Thrace, northern Epirus, etc.; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Iowa: Petition of Iowa State Highway Commission objecting to the passage of Senate bill 1309; to the Committee on Roads.

By Mr. McANDREWS: Petition of the retail food distributors' central executive committee in session August 27, 1919, relating to the high prices; to the Committee on Agriculture.

By Mr. MOON: Petition of sundry citizens of Chattanooga, Tenn., favoring the Anderson bill relating to the meat-packing industry; to the Committee on Agriculture.

By Mr. RAKER: Petition of the war-work commission of the Methodist Episcopal Church South, urging the proper recognition of chaplains in the United States Army; to the Committee on Military Affairs.

Also, petition of American Gear Manufacturers' Association, protesting against Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Washburn-Crosby Co., of Minneapolis, Minn., protesting against House bill 7482; to the Committee on Coinage, Weights, and Measures.

Also, petition of I. W. Rodgers, of Westwood, Calif.; C. C. Nissen, H. H. Holmes, Monroe E. Williams, W. F. Seinsoth, J. J. Borree, and the secretary of the California Federation of Labor, in behalf of an increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

Also petition of W. C. Busse, secretary of the eighth division, Railway Mail Association, in behalf of that organization, urging support of the Zihlman bill giving an increase of salary to postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of National Council, World War Veterans, protesting against the Mondell soldiers' settlement bill and indorsing Mr. Gallivan's bill, House bill 2923, and urging its early passage; to the Committee on Military Affairs.

Also, petition of Cora E. Phillips, Harriet Myers, Eva E. Plaisted, Minnie L. Mead, Mahala L. Jarrett, Mrs. Maline W. Smith, Theresa A. Griebnow, Margaret L. Pepoon, Mattie S. Langhlin, Francis Noecker, Mary K. Small, all of San Diego, Calif., indorsing House bill 2492 giving rank to Army nurses; to the Committee on Military Affairs.

By Mr. SCHALL: Petition of Warren Horner, of Minneapolis, Minn., indorsing the amendment of Hon. Joseph W. Fordney exempting life insurance policies payable at death from income tax; to the Committee on Ways and Means.

By Mr. VARE: Petition of Aloysius Hall Association of Philadelphia, against Smith-Towner educational bill; to the Committee on Education.

Also, petition of Nurses Alumnae Association, New Hampshire hospitals, asking for the passage of Jones-Baker bill; to the Committee on Military Affairs.

SENATE.

SATURDAY, *September 6, 1919.*

(Legislative day of Friday, September 5, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	McNary	Smith, S. C.
Brandegee	Johnson, Calif.	Nelson	Smoot
Capper	Johnson, S. Dak.	New	Spencer
Colt	Jones, Wash.	Newberry	Swanson
Cummins	Kellogg	Norris	Thomas
Dial	Keyes	Overman	Trammell
Edge	Kirby	Page	Underwood
Gay	La Follette	Poindexter	Warren
Gronna	Lenroot	Robinson	Williams
Hale	McCumber	Sheppard	
Harris	McLean	Smith, Ga.	

Mr. SPENCER. Mr. President, may I announce that the Senator from Kansas [Mr. CURTIS], the Senator from Montana [Mr. WALSH], and the Senator from Idaho [Mr. NUGENT] are engaged in the Committee on Indian Affairs.

Mr. TRAMMELL. I wish to announce that my colleague [Mr. FLETCHER] is necessarily absent on account of illness.

Mr. SHEPPARD. The Senator from Mississippi [Mr. HARRISON], the Senator from Wyoming [Mr. KENDRICK], the Senator from Tennessee [Mr. MCKELLAR], the Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Ohio [Mr. POMERENE], and the Senator from Massachusetts [Mr. WALSH] are detained on official business.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CHAMBERLAIN and Mr. WATSON answered to their names when called.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SHERMAN, Mr. HARDING, Mr. NUGENT, Mr. CURTIS, Mr. WALSH of Montana, and Mr. CULBERSON entered the Chamber and answered to their names.

Mr. GAY. I desire to announce the absence of the senior Senator from Louisiana [Mr. RANSDELL] on official business.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6951. An act authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter; and

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes.

FREDERICK W. COBB.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 412) to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, to the list of chief pay clerks, United States Navy, temporary lieutenant, Pay Corps, United States Navy, reported it without amendment and submitted a report (No. 174) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. UNDERWOOD:

A bill (S. 2958) to provide for the appointment of examiners in the United States Court of Claims, to regulate their duties and compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 2959) for the appointment of Donald R. Thompson as a first lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. NEWBERRY:

A bill (S. 2960) to credit officers of the United States Naval Reserve Force with time served in the Naval Auxiliary Service; to the Committee on Naval Affairs.

By Mr. SWANSON:

A bill (S. 2961) authorizing the County of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland; to the Committee on Commerce.

By Mr. DIAL:

A joint resolution (S. J. Res. 103) authorizing the War Department to loan to the Greenville, S. C., Chamber of Commerce certain Government property for use in connection with a reunion of Thirtieth Division Veterans; to the Committee on Military Affairs.

By Mr. SMITH of Georgia:

A joint resolution (S. J. Res. 104) for the distribution of motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies not needed by the War Department, and for other purposes; to the Committee on Military Affairs.

HOUSE BILLS REFERRED.

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 6951. An act authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

FOREIGN FINANCIAL OPERATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

Mr. EDGE. Mr. President, I shall take just as little of the time of the Senate as is necessary to try to explain the features of the bill now pending before the Senate as the unfinished business, being Senate bill 2472, which is generally known as the export finance bill. This bill is the natural and logical result of the greater opportunities of our country because of the war. The bill has been prepared by the Federal Reserve Board, or by their counsel. Briefly, it proposes to relieve the situation in this manner: It provides for the incorporation of banks to engage in foreign business, to be entirely under the supervision and control of the Federal Reserve Board, just as is our national banking system, to be in no way guaranteed or underwritten by the Government, but simply to be supervised by the Government. When an American producer or manufacturer sells a bill of goods abroad under present conditions, as we well know, the credit demanded is practically impossible, so far as the average individual producer or manufacturer is concerned. That situation will be relieved through the incorporation of these banks. There will be no monopoly in them; any number may be incorporated that meet the approval of the Federal Reserve Board and meet the conditions of the bill we are now considering. These banks will then be in a position to take the securities offered to the American manufacturer or producer, so that he can turn the securities into the bank under regular ordinary banking conditions and form. On those securities he receives the amount of the bills that would otherwise be paid him abroad if credit conditions were anything like normal. The bank in turn, of course, will hold the securities of various kinds, and they will be permitted under the act, under supervision of the Federal Reserve Board, to issue bonds or debentures, to the American public or to anyone who, after investigation, may care to purchase them. So that it is simply the natural evolution, the natural development, of the greater opportunities and demands incident to present conditions.

I think we shall all agree, Mr. President, that the one fundamental necessity in this country which touches many of our products is the encouragement of production. Certainly, we must encourage production in every proper and legitimate direction. We have practically completed a wonderful merchant marine. The sole purpose, of course, of that merchant marine is to transport goods to all parts of the world and to bring back goods that we all need as return cargoes. We, then, must endeavor to broaden America's markets. It can not for one moment be argued, I think, that America can consume all its own

products. There may be certain types of products—food products of certain kinds—upon which at times an embargo should be laid because of domestic conditions, but as a general proposition certainly we must broaden the market for American producers and American manufacturers if we are going to reach as nearly as possible the 100 per cent maximum of production.

In my judgment, national content and national happiness are practically based upon national prosperity; and national prosperity, of course, means thriving, energetic, successful business. This is not an altruistic scheme at all; it is not a matter of charity; our business men selling goods abroad, of course, are making profits on the sales.

To-day we well know that the rate of exchange is practically prohibitive for further American exportation until something is done to correct the situation. This bill is designed to contribute in that direction, and, I think, in a few words I can explain how it will. In yesterday's papers I noticed—and all Senators have probably read similar articles—that the rate of exchange in France for an American dollar was 8 francs and a fraction; in other words, one dollar and sixty-odd cents for an American dollar. A Frenchman, as a practical illustration, if he bought a consignment of cotton from the South, the American selling price being $1,000,000, would be compelled to pay $1,600,000 under the present rate of exchange for the consignment of cotton. So it goes in the case of all other commodities. In Italy the rate of exchange is even greater.

There are only three ways of which I have heard by which that situation can be stabilized or an effort be made to stabilize it. One is by the importation of gold. That, however, is practically impossible under present conditions abroad, as we must all recognize. Another is the importation of their goods; and the report of the Department of Commerce for the last month demonstrates that the importation of foreign goods is now ascending, while the exportation of our goods is going down, as it naturally will under the present rate of exchange. They bought from us very liberally for a few months after the war because of necessity; they had to buy our goods, and it made little difference what the price was; they had to have our supplies; but as conditions become more normal it is perfectly obvious that they are not going to pay a dollar and sixty cents for a dollar's worth of American products, whatever they may be.

The third method by which to stabilize exchange is by purchasing their securities. The importation of gold, the gathering of imports, and the purchasing of their securities are the three methods indicated. This bill is designed to take over their securities, which the cotton man or the manufacturer of agricultural machinery or the manufacturer of some other commodity will take in exchange for his goods. He himself can not finance the transaction, but he goes to the bank in the natural, orderly way, and the bank finances it. In taking the securities over we are equalizing matters and thus not adding to the great credit balance now in our favor, which, of course, entirely regulates exchange. It is a perfectly simple business proposition.

Our banks at the present time are not in a position to finance foreign sales, and it is necessary, in the wisdom and judgment of the Secretary of the Treasury and of the Federal Reserve Board, that we supplement the banking system in this carefully protected manner, so that our business men may have full opportunity to sell their commodities, and so that labor may be continuously employed, and bring about, as nearly as possible, a 100 per cent production. That is the entire object of the bill.

I have had several amendments suggested in order that the bill may not in any way be misinterpreted. The Senator from North Dakota [Mr. GRONNA], who is now out of the Chamber, has prepared some amendments, and I see no reason why most of them can not be accepted, although one or two I will probably discuss briefly. I think we have met every condition to insure safety, because the only possible object of this measure is to meet the situation which I have endeavored briefly to explain.

We have loaned in round figures to the allied nations some $9,000,000,000, as I recall. I think it is generally recognized that in order to rehabilitate Europe in a way, as we must, not only from a humanitarian standpoint but from the standpoint of the ordinary exchange of business, perhaps two or three billion dollars more will be required. Mr. President, is it not a perfectly clear business proposition that it is very much better for us to send abroad goods on which our business men make profits rather than to send cash, on which we must charge some form of taxation?

Mr. NELSON. Mr. President, may I ask the Senator a question?

Mr. EDGE. I yield.

Mr. NELSON. If we can afford to rehabilitate Europe commercially and for trade purposes, why is it not equally important for us to rehabilitate it or to help rehabilitate it politically and socially?

Mr. EDGE. Well, Mr. President, I have found that a man is not very successful trying to be a jack of all trades. I have tried to make a modest study of this situation, and I feel reasonably sure of my ground in pressing this measure. I assume that there are reasons, perhaps, along the line indicated by the Senator from Minnesota, but I am not prepared to discuss them in connection with the consideration of this bill.

Mr. McLEAN. Mr. President, I think the Senator will concede that anything that will help Europe industrially will probably tend to help them socially.

Mr. EDGE. I think so. It is only necessary for me to point back to the remark I made a few moments ago, that the foundation of social happiness and social reform is national prosperity.

Mr. CUMMINS. Mr. President——

Mr. EDGE. I yield.

Mr. CUMMINS. There are some questions I should like to ask the Senator from New Jersey, if it will not too seriously interrupt the argument he is making.

Mr. EDGE. I shall be very glad to answer them.

Mr. CUMMINS. I do not quite grasp all that this bill seems to authorize. The first question that I want to ask, purely for information, is this: Are these institutions which are to be organized under the act to do anything more than every bank in the United States is now authorized to do?

Mr. EDGE. Not as much as the national banks are now authorized to do under the Federal Reserve System. I might say in that connection that when the bill is up for committee amendments I am going to offer an amendment striking out of the bill the privilege of transacting fiduciary business, which I do not think is necessary in a bank of this kind.

Mr. CUMMINS. I had not that thought in my mind; but we have in this country a great number of banks of various kinds, both State and Federal, and I understand the Senator from New Jersey to say that all these banks can and do transact every kind of business which is proposed to be transacted by the institutions authorized under this bill.

Mr. EDGE. Mr. President, they do not. That, I think, is perfectly obvious. In the first place, the capital of the average American bank, with some exceptions, is confined entirely to domestic development, and they have about all they can do in that connection. This great, big problem of financing to-day, with Europe impoverished, makes it necessary to organize absolutely new banks for the specific purpose.

Mr. CUMMINS. I can realize that some banks, by reason of their limitations in capital, might not be able to do all that some of the banks to be authorized under this act could do; but, so far as authority is concerned, they may do the very kind of business that is here proposed.

Mr. EDGE. So far as I understand, I think that is correct.

Mr. CUMMINS. And their capital, of course, can be enlarged to the extent to which investors are willing to embark their money in such enterprises. That is true, is it not?

Mr. EDGE. If I may interrupt the Senator there, I think the essential difference is this: The practice of the average American bank or trust company, under the law and the custom as well, is to receive deposits and to loan money on promissory notes or other security from a domestic standpoint. These banks are authorized—I am not sure whether national banks are or not—these banks are authorized, and their main and practically only method of securing income is, to issue upon the securities, the liquid assets brought over here from Europe, bonds or debentures to be offered to the public. That is a different type of business from the business conducted by American national banks.

Mr. CUMMINS. Is there anything in this bill that authorizes the bank that is to be organized under it to issue its own bonds?

Mr. EDGE. To issue its own bonds or debentures on the securities? It has—I think that is the intent of the bill, as I recall it.

Mr. CUMMINS. I read the bill only hastily, but I do not see anything in the bill that authorizes any such transaction.

Mr. OWEN. It provides that they may borrow or loan money on real or personal securities.

Mr. CUMMINS. All banks have that power.

Mr. EDGE. But the average American bank is not issuing bonds or debentures, is it?

Mr. CUMMINS. But does the Senator from New Jersey think that this bill would authorize these institutions to issue what are commonly known as bonds?

Mr. EDGE. Or debentures—I do.

Mr. CUMMINS. Will the Senator point out the part of the bill which confers that authority?

Mr. EDGE. Subdivision (a), on pages 4 and 5, I think covers that situation:

(a) To purchase, sell, discount, and negotiate notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell securities, including the obligations of the United States or of any State thereof; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell, exchange, coin and bullion; to borrow and to lend money on real or personal security; to receive deposits.

Mr. CUMMINS. I am not an accomplished banker by any means; but, as I understand the situation, there probably is not a bank in the United States that has not authority to do all that is prescribed or suggesed in this paragraph.

Mr. EDGE. That may be; but, Mr. President——

Mr. McLEAN. Mr. President, of course these institutions in their foreign operations will have to conform to the local laws where they operate. As I understand, where it would be lawful for the banks in foreign countries to issue these debentures, it will then be lawful for the American institutions to do likewise.

Mr. EDGE. That is my understanding.

Mr. McLEAN. That is made clear, it seems to me, by the language at the close of subdivision (a):

Such powers as are incidental to the powers conferred by this act or as may be usual in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business.

Mr. CUMMINS. I am trying to find out—and it is only for the purpose of being able to comprehend the bill—whether the corporations which are to be organized under this act have or are expected to have some distinct powers which the present banking institutions of this country do not possess.

Mr. OWEN. Mr. President——

Mr. McLEAN. I understand that they would have all the powers that are incidental or authorized in the case of foreign institutions.

Mr. CUMMINS. Every corporation has the incidental powers that are necessary to enable it to carry out or perform its distinct or express powers, I assume.

Mr. OWEN. There is a very important limitation resting on the national banks which I do not think would be imposed upon corporations of this character, organized for this purpose. Section 5202 of the Revised Statutes of the United States provides that no national banking institution—

Shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association.

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association or due thereto.

Fourth. Liabilities to the stockholders of the association for dividends and reserved profits.

Fifth. Liabilities incurred under the provisions of the Federal reserve act.

If these corporations should undertake to issue debentures—which, of course, would be borrowing money under the form of an I. O. U. or a certificate of indebtedness or a promise to pay in a fixed period—against securities which they regard as adequate, they would have an open door to underwriting on a much larger scale than their capital, and that would be subject to the Reserve Board. Now, in the actual transaction of foreign business there are only comparatively a few banks that are dealers in foreign exchange, and those banks have gone as far as they can with their resources and the limitations which rest upon them; so that there is now no adequate support for foreign exchange.

Mr. CUMMINS. Then we come to the conclusion that these institutions are not to have put upon them the limitations with respect to loaning money which now rest upon the national banks?

Mr. OWEN. I think not.

Mr. EDGE. But I might add to the Senator from Iowa that of course every transaction is under the supervision of the Federal Reserve Board.

Mr. CUMMINS. I know that; that is, I see that written all through the bill; but it might be unwise to vest an unlimited or unbridled discretion even in the Federal Reserve Board, and I am trying to discover what these institutions can do that other banks can not do. The Senator from Oklahoma says there is no limitation upon their loaning power; that is, no such limitation as is imposed on the national banks.

Mr. OWEN. I do not think the Senator quite understood what I intended to convey. These institutions, if they are established, all have to be established with a very large primary capital, and that primary capital operates as a bond given to the public to safeguard any loans they may make. They, of course, would have their primary capital in jeopardy if they do not make the loans wisely; and with a capital of twenty-five millions, for example—which I think would be a minimum amount for a bank of this character—they would put that capital in jeopardy if they made loans that were unwise. This bill, however, safeguards the matter further by the supervision of the Federal Reserve Board, which has been found efficient in the past.

Mr. CUMMINS. I understand, of course, that the capital stock, or the capital invested by shareholders in every corporation, is a guaranty of the fulfillment of the obligations of that corporation; but is there any limitation here upon the power of these banks to loan money?

Mr. EDGE. I should say only that set by the Federal Reserve Board, and the natural expectation that business of a volume of this character would be conducted upon a sane and safe financial basis. If not, the Federal Reserve Board, with its frequent reviews and investigations, would certainly soon put an end to it.

Mr. CUMMINS. There is no provision in this bill giving or reserving to the States the right to tax the property of the institution, as I read the bill. Does the Senator from New Jersey contemplate the immunity from taxation which arises from the relation of the corporation to the Government, namely, as a fiscal agent of the Government?

Mr. EDGE. Not at all. That question I had discussed in conference with the Senator from North Dakota [Mr. GRONNA], and an amendment will be offered to make it clear. However, there is no intention on the part of the original compiler of the bill to have it escape taxation, because his explanation—I am not a lawyer, but I accept that explanation as being definite—his explanation was, in effect, that all banking corporations were taxed under the laws of the United States unless specifically exempted by statute. Now, the Federal reserve banks are specifically exempt from taxation, and, so far as I know, they are the only banking corporations exempt from taxation. So the mere fact that these were not recited as being exempt would mean that they would be subject to taxation; but when the question was raised in conference with the Senator from North Dakota I at once accepted without hesitation an amendment which he is going to offer later which makes that clear.

Mr. CUMMINS. I do not understand the law precisely as stated by the Senator from New Jersey. As I recall, the case that first established the principle—that of McCulloch versus Maryland, long, long ago—had no specific exemption from taxation in it, and it was held that the State could not tax a Federal corporation operating at a fiscal agent of the Government at all; but if the Senator from New Jersey has that in mind, I need not dwell upon it. The thing that challenged my attention more than any other one feature of it, however, was this: The Senator in the bill proposes to repeal, so far as these institutions are concerned, sections 7 and 8 of what is commonly known as the Clayton Act. Those provisions rest upon all the other banking institutions of the country. They seem to have interfered but little, if at all, with the legitimate operations of banking.

I desire to call the attention of the Senator from New Jersey specifically to section 7 of the act referred to in this bill. First, the bill says:

The provisions of section 7 of the act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," shall not apply to corporations or to officers, directors, or employees of corporations organized under this section.

Turning to section 7 of the act to which reference is made, I quote the first two paragraphs of the section:

That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the effect of such acquisition may be to substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition or the use of such stock by the voting or granting of proxies or otherwise, may be to substantially lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

I rather assumed that one of the chief purposes of the bill was to relieve these corporations of the operation of that law, whereas other banking corporations are subject to the law.

Mr. EDGE. I had anticipated that question being raised, and I am very glad it has been raised by the Senator from Iowa.

I would have touched on it myself before concluding my remarks if he had not raised it.

Mr. CUMMINS. All I desire at this time is to call it to the attention of the Senator from New Jersey.

Mr. EDGE. My attention had been already called to the section, and I gave it very careful consideration. In fact there are two sections, that section and section 8 as well.

Mr. CUMMINS. I shall be very glad to have the Senator's view of that matter.

Mr. OWEN. Mr. President, I merely rose for the purpose of saying that I think that particular language on page 6 could be eliminated so as to free the bill from objection on the score pointed out by the Senator from Iowa.

Mr. CUMMINS. I can not possibly understand why it is sought to relieve any corporation engaged in interstate or foreign commerce from the operation of that law unless we are going to relieve all.

Mr. EDGE. Mr. President, I do not wish to interfere with the colloquy between the Senator from Iowa and the Senator from Oklahoma, but I think I can make my view very clear in a few moments.

In the first place, I can not conceive of any logical reason, from a business, economic, or any other standpoint, why we should care what combinations may be made among American manufacturers or bankers in Europe to sell American goods or to finance them. A previous Congress went on record some years back, four or five years ago, I believe, and passed an act known as the Webb-Pomerene Act, in which it was clearly set forth, going even much further than this bill, that corporations in this country could combine for the purpose of successfully carrying on an export business. That is now a law. Any concern in this country selling goods abroad must of necessity abide by the laws of that country. To-day we are met in our endeavor to increase and expand our export trade by various embargoes on the other side and by national monopolies. It does seem to me that there can be no logical reason against this measure. We are not dealing in America. They are not combining here to fix prices to the consumers in California or New York. They are going abroad, as they are already empowered to do under the Webb-Pomerene Act, and we are simply financing in a way, you might say, the Webb-Pomerene Act by establishing under the supervision of the Government these banks to help do the business which Congress has already provided and invited our business men to undertake.

So far as section 8 of the Clayton Act is concerned, to which the Senator refers, that has already been amended by a subsequent Congress after the passage of the Clayton Act, empowering, with the consent of the Federal Reserve Board, a director—and that refers to an interlocking directorate—to be a director of two other banks with the consent, as I recall the language or the meaning of the language, of the Federal Reserve Board. So they are already, without this section, I presume, under that act permitted to become directors in one of these banks and at the same time to be directors in some other banking institution. That is already the law of the country. It is repeated in this act, I do not know specifically why, except that counsel in drawing the bill wanted to draw particular attention to it, just as the Senator from North Dakota [Mr. GRONNA] proposes shortly to introduce an amendment relating to taxation, to draw specific attention to it, and I agree with him that it is wise to do it.

I can not conceive that there can be any reasonable objection to Congress encouraging our business men to get orders and to get paid for them abroad. The cotton men of the South, the industries of the Middle West and the West and the New England States to-day have orders on their books that they simply can not fill because of the situation regarding foreign credit. What in the world can happen that can hurt this country if two banks get together, this section of the Clayton Act being set aside, in order to help finance this trade? Competition in banking is certainly not destructive in the ordinary sense. As to competition in commodities, yes; I can well see and appreciate the reason and the proper reason for protecting the public, so that there may be competition. Banks to-day consolidate all over our country. Whenever business requires it or inspires it new banks are organized under the laws of the United States. Banks do not compete in a destructive way. Of course, they compete for business as all business institutions do, but certainly the waiving of the Clayton Act in these particulars in order to finance the trade of this country and increase production and employ the labor of the country is one of those reconstructive steps that the whole American public are looking to this Congress to bring about. I personally and positively indorse the bill, so far as that provision is concerned.

Mr. CUMMINS. If that be true, may I ask the Senator from New Jersey where then is the conflict between the institutions that he proposes to organize and the two paragraphs of the Clayton Act which I have read?

Mr. EDGE. Personally, Mr. President, I do not see any, but lawyers have their own method of drawing acts, and I feel that it is well to recite a condition so that it may be plainly understood by those who will consult the act, and certainly no harm can come from it.

I understand the bill is now in Committee of the Whole, and I do not wish to take any more time if possible. I should like to have the Senate pass on the committee amendments, so that we can receive other amendments that may be offered from the floor and get the bill in such a shape that further discussion, if desired, can take place.

Mr. GRONNA. Mr. President——

Mr. EDGE. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator has referred to the amendment of the Federal reserve act, but that, I will say to the Senator, applies only to interlocking directorates. It does not apply to section 7 of the Clayton law. There is quite a difference in the provisions of section 7 and section 8. I am not a lawyer, but I will say that the amendment to the Federal reserve act does not permit restraint of trade, which, of course, this bill would permit if it passes in the form in which it has been reported from the committee. There is that difference, and I think it is a wide difference.

The Senator also knows that this bill is not strictly a banking bill. Under the banking laws of the United States no banking corporation can deal in stocks. They are permitted to deal in bonds, but not in stocks. Under this bill those institutions could buy every railroad in Europe if they had the money with which to do it. They could buy all the stock in all the corporations, regardless of the kind of corporation it might be.

Mr. EDGE. May I interrupt the Senator at that point? Is it not better, may I ask, to buy or to take over European securities in exchange for American goods, whatever they may be, than to tax the American people to send money abroad, which costs us, of course, a taxable expense?

Mr. GRONNA. It may be better, but I think we ought not to extend the provisions of the Clayton Act giving immunity to corporations dealing in financial affairs.

Mr. EDGE. This is not a charity, of course. It is a different proposition in America.

Mr. GRONNA. I think it is very important that we should understand the provisions of the bill. If I am misinformed or do not understand the provisions of the bill, I hope some Senator who is familiar with the banking laws will correct me. I believe I am absolutely right in my statement when I say that the amendment to the Clayton Act simply permits interlocking directorates. It does not have any reference whatever to restraints of trade, except if such other bank, banking association, or trust company is not in substantial competition with such member bank.

Mr. THOMAS. Mr. President, I do not understand that the bill amends the Clayton Act, but it excepts these corporations from the operation of the act.

Mr. GRONNA. But it has been proposed, and the amendment will be offered, to strike out the provision of this bill which exempts these banking corporations from the provisions of section 7 of the act approved October 15, 1914, known as the Clayton Act.

Mr. THOMAS. That may be. I was going to ask the question later on as to why it is necessary to exempt these corporations from the operation of the act.

Mr. GRONNA. I do not think it is necessary. I think it would be very unwise to do so. That was the statement which I made to the committee, but I was in a hopeless minority. Of course, the bill was favorably reported. I argued that proposition before the committee and called attention to the fact that in my humble judgment I felt it was unwise. When the Senator from New Jersey says that these are foreign corporations, the Senator knows that these corporations will be organized in this country; they will be operated in this country; they will come in competition with the banking corporations of this country to a certain extent. I do not think any Member of the Senate or any member of the committee will deny that.

Mr. EDGE. My answer to that is that the American Bankers' Association seems to be entirely satisfied with the bill from correspondence that I have from bankers. They are most interested in it.

May I just read briefly on that point? I do not desire to take any further time than is necessary, but I wish to read from a letter just received from Gov. Harding, governor of the Federal Reserve Board, touching on this feature. Perhaps it will answer somewhat the suggestion of the Senator from Iowa [Mr. CUMMINS] and the Senator from North Dakota [Mr. GRONNA]. I asked Gov. Harding to give me his judgment on the question raised, and he replied as follows:

It has been suggested that a corporation of this character may be in violation of the Sherman antitrust law. This suggestion comes as a complete surprise to me in view of the fact that corporations practically identical with those provided for under Senate bill 2472 have been organized and operating under State laws for some time and many national banks have already invested in the stock of such corporations under the present provisions of section 25 of the Federal reserve act. There has never been any suggestion that these corporations tend to monopolize the granting of credits issued for the purpose of financing international commerce. The fact that there are already in existence so many similar corporations organized and operating under State laws should in itself be sufficient to rebut the assumption that a similar corporation organized under Federal law would be for the purpose of monopolizing or would in fact monopolize the granting of credits in contravention of the provisions of the Sherman Antitrust Act.

Furthermore as you are, of course, aware, Senate bill 2472 does not provide for nor contemplate the incorporation of only one institution to engage in this character of business. It is not only possible but probable that many institutions of this character will be formed in various parts of the country for the purposes outlined in the act and investments in the stock of those corporations will lawfully be open to and available for the public as a whole as well as for national banks.

I might say that we just passed a bill introduced by the Senator from Connecticut [Mr. McLEAN] which has just passed the House, providing that 5 per cent of the combined surplus and capital of banks may be invested in these institutions.

But in any event, regardless of the number of corporations organized and regardless of the identity of their stockholders, all their duties and powers are performed and exercised subject to the supervision and regulation of the Federal Reserve Board.

As previously stated, I gladly and unqualifiedly indorse the bill as reported.

Mr. GRONNA. Mr. President, anyone who has studied this bill and who has studied the banking laws knows that what Gov. Harding states is true, that laws have been enacted permitting this, but let me call the Senator's attention to what developed in the hearings last winter before the Committee on Agriculture and Forestry; and I want the Senator from Nebraska [Mr. NORRIS] to hear this and to substantiate that what I say is correct.

It was admitted by Ogden Armour that Armour & Co. made $10,000,000 of profit in South America and that they took $5,000,000 out of their own capital, the capital of Armour & Co. of Chicago. When the Senator from Nebraska—I think it was—asked him if any taxes were paid on that to the United States, their attorney very very quickly came to Mr. Armour's rescue and called attention to the act, and that under this particular act it was not necessary to do so because they were exempt from it.

Does any Senator here want to extend that law and say that American capital shall be taken from America and employed in other countries and vast profits shall be made and no taxes paid into the Treasury of the United States? If that is the wish of the Senate, then I have nothing more to say against the proposition, but so far as I am personally concerned I shall never vote to extend that law, and I was opposed to that provision when it first passed.

Mr. EDGE. Mr. President, I am not going to enter into the debate further. I am quite sure it is unnecessary to say, and I think I have generally referred to the fact, that this is not a charitable proposition; that when an American business man sends goods abroad he expects to make a profit on them and when the American bank finances them it expects to make a profit on it. I do not see where we are sending any money abroad except to make a profit for Americans. That is an ordinary business exchange proposition.

I ask that the bill may be read for action on the committee amendments.

Mr. CUMMINS. Mr. President, I desire to point out some things that ought to be considered before any amendments are adopted.

I wish to say, in the first instance, that I am in entire sympathy with the general purposes of the bill. I have no objection and could have no objection to the organization of banks intended to facilitate the commerce of America with other nations of the world. No man could have any objection to a proposal of that kind. But when we come to organize the institutions and grant them the powers which they are to exercise, we ought to take care that we do not grant them powers that no organization should be permitted to exercise, and we ought to be careful to define precisely what those institutions can do and what they can not do.

Mr. McLEAN. Will the Senator permit me to interrupt him?

Mr. CUMMINS. Certainly.

Mr. McLEAN. The Senator understands that these banks are doing business in foreign countries and only in foreign countries, and how can they successfully transact business in foreign countries unless they have the same privileges that are accorded like institutions in foreign countries? That is all there is to the bill. It simply gives these banks the same privileges that are accorded to like institutions doing business in foreign countries.

Mr. CUMMINS. I never heard that proposal made in just that way before—that it is wise for the United States to grant to a corporation organized under our laws all the powers, all the privileges, all the immunities that may exist with respect to corporations in every country in the world. I do not think that is a sound proposition, nor do I think it is necessary to carry the enterprise to any such extent in order to make it entirely successful.

Mr. SMOOT. Will the Senator yield?

Mr. CUMMINS. Certainly.

Mr. SMOOT. I think the statement made by the Senator from Connecticut [Mr. McLEAN] is too broad. The bill, as I read it, is an authorization for the purpose of engaging principally in international or foreign banking or other financial operations.

Mr. McLEAN. It reads:

And generally to exercise such powers as are incidental to the powers conferred by this act or as may be usual in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business.

Mr. SMOOT. That does not bar the corporations that are organized in this country from doing 49 per cent of their business in the United States.

Mr. McLEAN. If the language does not limit the business of those corporations to foreign operations, it should do so.

Mr. SMOOT. I will say to the Senator it does not do it. Under the provisions of this bill a bank organized under it can do 49 per cent of its business in the United States and 51 per cent in foreign countries.

Mr. McLEAN. I must disagree with the position taken by the Senator from Utah in that particular.

Mr. SMOOT. Then I can not read the English language aright, nor do I understand it.

Mr. McLEAN. It concerns only such transactions in this country as will enable it to do business in foreign countries, and those incidental transactions are entirely under the supervision of the Federal Reserve Board.

Mr. SMOOT. I do not care to take the time of the Senator further now, but I shall discuss that matter later.

Mr. McLEAN. If there is any doubt about the interpretation of the language, I think it should be changed.

Mr. EDGE. I have already discussed with the Senator from Utah the word "principally." However it may be misconstrued, I am sure the author of the bill meant, as the Senator from Connecticut has very clearly set forth, that the word "principally" means principally in the business of foreign trade, but there must be at times some local financing in order to finance foreign securities. The language might be changed to make the meaning clear.

Mr. McLEAN. That is entirely independent of the position taken on the question propounded by the Senator from Iowa; that is, that these institutions must, in order to compete if they do a strictly foreign business, have the same privileges that foreign institutions have. There can be no objection to that.

Mr. CUMMINS. The Senator from Connecticut stated the question in that way; I did not. I simply answered the inquiry of the Senator from Connecticut. I have not stated my own position with regard to it yet, but I shall endeavor to do so now.

I repeat that I have no disposition whatever to prevent the organization of banks in this country which have for their purpose the rendering of necessary assistance in extending our foreign trade. Every bank has that privilege now, and especially do the national banks under the Federal reserve act and the Federal reserve banks have that power. If we can add to it in any proper way, I shall not object.

Mr. EDGE. I will say to the Senator from Iowa that is all we are seeking. We do not want to make them so difficult of incorporation that it will not be practicable.

Mr. CUMMINS. A bill has been brought in here to effectuate that purpose which has no limitations whatever upon it. We are organizing, as I view the bill, a series of incorporations which may do anything, everything, anywhere without any restriction of the law, save as the law may reside in the orders or the regulations of the Federal Reserve Board. I do not believe it is wise to set afloat corporations with these roving and indefinite and indeterminate powers, and I am going to suggest to the Senator from New Jersey the respects in which I think his bill might well be modified and amended. The first one is in the very beginning of section 25, pointed out by the Senator from Utah:

SEC. 25 (a). Corporations to be organized for the purpose of engaging principally in international or foreign banking or other financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries—

And so forth.

First. It is only necessary that the principal business of the corporation to be organized shall be international or foreign banking. It can not be contended that this limitation excludes the corporation from a very large participation in other affairs. They need not be incidental or connected in any way with the banking business. All that is necessary is that the principal part of the business of the corporation shall be international or foreign banking or other financial operations.

Mr. EDGE. May I interrupt the Senator there to read a regulation which is already in force, to demonstrate how the Federal Reserve Board handles similar situations in the case of State organizations which are organized for similar purposes? It is very short. To demonstrate that we must give some consideration to the supervisory boards, and that they will not permit these institutions to do some of the things that might be inferred from the remarks of the Senator from Iowa, here is a direct provision in connection with the receiving of deposits which is important in connection with the question of competition with other banks——

Mr. CUMMINS. Is that the idea of the Senator from New Jersey of the word "principally"?

Mr. EDGE. I am simply bringing this up to demonstrate that we may certainly grant some latitude to the supervisory board of the Government which is now supervising our banking institutions, and in connection with the point made by the Senator as to there being no limitations I wanted to show the Senator how they are limited at the present time. This is the form of agreement between the Federal Reserve Board and corporations doing a foreign banking business to-day:

Form of agreement required by the Federal Reserve Board of foreign banking corporations as a condition precedent to the purchase of their stock by national banks under the provisions of section 25 of the Federal reserve act.

A. General. In order to enable you and other corporations of the same character to compete effectively in foreign countries it is necessary that latitude be given in the development of business abroad, and the board believes that, for the present at least, restrictions should not be rigid or too much in detail, and that it is desirable to prescribe only general rules for your guidance. As occasion requires, the board will modify its regulations in such manner as experience may prove to be necessary.

B. Powers. 1. In the United States:

(a) Deposits: It is clear that in order to avoid competition in the matter of receiving deposits with national banks and State banks, which do not enjoy the wide powers which you must necessarily possess in order to compete successfully in foreign countries, you should not be permitted in the United States to receive individual deposit accounts or domestic bank exchange or collection accounts. You will be permitted, however, to receive any deposit which is incidental to, or for the purpose of, carrying out transactions in foreign countries or dependencies of the United States where you have established agencies, branches, or business connections. Deposits of this character may be made by individuals, firms, corporations, or banks, whether foreign or domestic, and may be time deposits or on demand.

I am merely inserting that in the RECORD at this time to show that the Federal Reserve Board is now controlling various State institutions which are engaged in the same business, and it is reasonable to presume that they would establish similar regulations for banks directly under their control.

Mr. CUMMINS. But, Mr. President, that does not relate to the point I am making at all. It is impossible to predicate anything upon the extract which has just been read by the Senator from New Jersey, so far as the use of the word "principally" is concerned. "Principally" does not mean incidental; "principally" does not mean that this bank must engage alone in the business of banking.

Mr. EDGE. I have already said, Mr. President, that I am entirely ready to change that paragraph. I was discussing particularly the matter of limitation to which the Senator from Iowa referred.

Mr. CUMMINS. I am unable, of course, to tell in just what respects the Senator from New Jersey is willing to amend his bill and in what respects he is not willing to amend it. Therefore I may refer to some things that the Senator from New Jersey is perfectly willing to eliminate from the bill; but I can say that the word "principally" ought to be stricken from the bill, because it would give these banking institutions the authority to enter into any business whatever, and the Federal Reserve Board can not prevent the exercise of the power which is expressly given in the statute.

Mr. McLEAN. Does the Senator from Iowa mean a bank could enter into any business in this country?

Mr. CUMMINS. Certainly.

Mr. McLEAN. I do not agree with him. I should think it could not.

Mr. CUMMINS. I know the Senator from Connecticut does not agree with me.

Mr. EDGE. I do not agree with the Senator from Iowa, but I think we can so change the language that there can be no question about it.

Mr. McKELLAR. On page 6, line 18, it seems to me, the power is limited in words to international business. The provision there reads:

No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business.

Mr. CUMMINS. What is foreign business? Foreign business may be conducting a factory or any other producing plant, and I assume that that is not the intention of the Senator from New Jersey. I am simply pointing out what must be the inevitable construction of this language if the necessity should ever arise.

Mr. EDGE. May I say in furtherance of the point made by the Senator from Tennessee [Mr. McKELLAR] that I think it is perfectly clear that they could not engage in domestic business at all unless permitted to do so by the Federal Reserve Board, and then such business must be absolutely connected with a foreign transaction. That is provided in section (d) on page 6.

Mr. CUMMINS. That language reads:

No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business—

But that business may be other than banking business.

Mr. EDGE. We have an amendment to offer covering that.

Mr. OWEN. Mr. President——

Mr. CUMMINS. I yield to the Senator from Oklahoma.

Mr. OWEN. I suggest as an example, for instance, that a banking house underwrites the shipment of a cargo to Constantinople, but when it arrives there the foreign buyers do not meet their obligations and the cargo may not be sold. It may be necessary to return it and dispose of it here. So when they are underwriting commerce they may be actually confronted at any time with a cargo which is not disposed of and which they may be compelled to dispose of.

Mr. CUMMINS. That is purely incidental to the business of any institution that has the power to loan money.

Mr. OWEN. Undoubtedly it is incidental.

Mr. CUMMINS. But that is not the point I am now bringing to the attention of the Senate. The point I am bringing to the attention of the Senate is that the authority here is to do any kind of business, provided the principal part of its general operations is international or foreign banking.

Mr. OWEN. I think the intention of the bill is really to establish banking business dealing in foreign matters, and that the incidental matters which might relate to commerce are incidental in fact, and that any language that would accomplish that would be acceptable.

Mr. CUMMINS. My own view of it is that it is not confined to such things as may be incidental to the banking business. No one could complain of granting a bank the power to do such business as is incidental to the purpose for which it is organized. It would have that power if it were not granted at all.

The second suggestion that I present is that the words "financial operations" are somewhat indefinite. What are financial operations? What is the scope of that term? I do not remember that it has been used in any other act creating banks. If it is intended to confine these institutions to banking or the banking business, with such incidental power as may be necessary to effectuate the banking business, I have no objection; but I do not believe that their powers ought to be extended to all financial operations.

Mr. EDGE. I will say, Mr. President, that those words are used for the reason already mentioned in the discussion that these banks will assume a rather new side of banking. I think the word "banking" would probably cover it, but in the interest of comprehensiveness the words referred to have been used. In view of the fact that these institutions will have the power to issue bonds and debentures, such transactions might well be called financial operations. They might well be called banking operations, but I can not see that the language in any way interferes with the intent of the bill.

Mr. CUMMINS. To me it is a very serious matter. You are trying to set afloat on the business world of America corporations of large capital. We have been somewhat careful in times past to limit the rights and privileges of such corporations, so that we could fairly understand what they could legally do and what they could not legally do.

Mr. EDGE. As to that, the Senator is entirely correct; but I am afraid he has not read the remainder of the bill. If he will consult page 4, I think he will find that the bill specifically defines the various powers covered under the words "financial operations." Those words are defined to mean "to purchase, sell, discount, negotiate notes," and so forth.

Mr. CUMMINS. I will come to that in a moment and see whether or not that is true. I do not so read the bill. I think the bill ought to be limited to the banking business and the incidental powers which flow from the banking business, but ought not to be extended to the general operations of commerce.

Mr. OWEN. Mr. President, I move to strike out the word "principally," in line 9, page 1.

Mr. CUMMINS. I am very glad to hear the Senator move to strike that word out——

Mr. OWEN. I thought that would meet the Senator's primary objection.

Mr. CUMMINS. No; that is the initial objection, but I would hardly call it the primary objection.

Mr. OWEN. Well, the initial objection.

Mr. CUMMINS. I have other objections that I desire to point out, and I think the Senator from Oklahoma will see the force of them precisely as he has seen the force of this. I pass on to another provision.

The corporation is given the power, as suggested by the Senator from New Jersey—

(a) To purchase, sell, discount, and negotiate notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness—

I have no objection whatever to a power of that sort, because it is critically the business of a bank—

to purchase and sell securities, including the obligations of the United States or of any State thereof; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell, exchange, coin and bullion; to borrow and to lend money on real or personal security; to receive deposits—

I have some question about the wisdom of giving to the institution the general and unlimited right to purchase and sell securities, but I do not remark upon that rather wide power, but come directly to this—

and generally—

And this is the point raised by the Senator from Connecticut—

and generally to exercise such powers as are incidental to the powers conferred by this act—

To that I have no objection; I think the corporation would have those powers if not specified—

or as may be usual in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business.

I think it would be exceedingly unwise to organize a corporation, giving it these unnamed, indefinite, unknown powers, for which of course we as a government are in a measure if not entirely responsible. I am willing to give the corporation the powers necessary to enable it to transact the business which we authorize it to do, and nothing more. I do not know what the powers of a bank in Holland or in Belgium or in France or in Australia or in Italy or in Russia may be, and I would be very sorry to confer upon any corporation organized under the laws of the United States all of the powers that all these countries confer upon their financial institutions. I think that provision of the bill ought to be very radically modified.

Under paragraph (d) on page 6 it is provided:

Corporations organized under authority of this section may be granted permission by the Federal Reserve Board to exercise any or all of the powers specified in section 11 (k) of the Federal reserve act in so far as the exercise of said power may be necessary in the conduct of the foreign or international business engaged in by such corporations.

I have no objection to that.

No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business.

If its business had been limited originally to the banking business, as it ought to be, there could be no just exception taken to the paragraph I have just read, but its business is not confined to the banking business, and therefore it seems to me that much more care ought to be exercised in the paragraph I have just read.

And provided further, That except such as is incidental and preliminary to its organization no such corporation shall exercise any of the powers conferred by this section until it has been duly authorized by the Federal Reserve Board.

That is a wise provision.

Now, we come to the repeal, or to the exclusion of these banks from the operation of section 7 of the Clayton Act. The Senator from New Jersey suggests that we ought to have no objection to repealing that act so far as these corporations are concerned, because they will have nothing to do with competition in business. I think he is in error with regard to that. In the first place, until the corporations are confined by the terms of the act to the banking business, they may engage in foreign trade in this country. They may engage in domestic trade in this country, in my judgment, under the terms of the act, and the Senator from New Jersey does not propose, as I understand him, to modify the Clayton Act except so far as banking is concerned.

Now, let us see how it will operate in banking. I assume the Senator from New Jersey contemplates that there will be many of these banks organized. If the need is as great as he believes it to be—and I have no disposition to question that—there must be many of these corporations organized to facilitate and to finance our foreign trade. Why does the Senator from New Jersey desire to stifle competition as between these institutions in America? That is the effect of repealing the Clayton Act or excluding these institutions from the Clayton Act.

Mr. EDGE. Mr. President, may I ask the Senator a question? Will the Senator from Iowa suggest what harm could come to the American public from removing the limitation of the Clayton Act so far as concerns the handling of a foreign account, selling goods for a foreign account, and financing the operation through the issuing of bonds or debentures by this bank, or that bank, or the other bank—where in any way the Clayton Act would have any effect if invoked?

Mr. CUMMINS. I can see very great harm; and the Senator from New Jersey was entirely in error when he suggested, a few moments ago, that this does not go as far as the Webb-Pomerene bill. It goes very much further, and has much less supervision connected with it. I may say in passing that I thought the Webb-Pomerene bill was not guarded as it should have been, and I voted against it because it was not sufficiently guarded in the interests of American business and American producers; but I can easily point out to the Senator from New Jersey why he ought not to insist upon the repeal of the Clayton Act in this respect.

Here is a great business world engaged in competition in the foreign business as well as in the domestic business. It is not to be assumed that because we passed a bill which permitted certain combinations and practices in foreign business, therefore competition in America has ceased with regard to foreign affairs. On the contrary, I take it that it is quite as active now as it ever has been before, and I sincerely hope that it will remain as active in the future as it has been in the past. It is just as easy to do injustice to an American producer who intends to sell his product abroad as it is to do injustice to him if he intends to sell it at home. After all, you must consider the conditions under which production takes place; and the chief object or one of the great objects of the antitrust law, as well as of these sections of the Clayton Act, was to prevent injustice and oppression practiced by a combination against a producer, no matter whether he intended to sell his goods abroad or whether he intended to sell them at home.

A great many people think that the antitrust law ought to be repealed. A great many people believe that the Clayton addition to it should be repealed. I am expressing no criticism upon those who hold those opinions; but, in my judgment, it ought to be preserved in all its vigor until a case is presented which clearly shows that its operation should be mitigated in some fashion or other.

Here we have millions of men in America producing things for export. They all want facilities; they all want the assistance of banking corporations; and unless you want to create but a single corporation to render this help in financing our foreign trade it is manifest that one producer will be interested in one of these corporations and another producer interested in another. They will be distributed, I assume, all over the United States. Now, tell me why you should permit one of these corporations to oppress and extinguish another? That is the only reason we passed the antitrust law, the only reason we passed the Clayton Act; and there is just as much danger that competition will be stifled or prevented as between these corporations so to be organized and which are organized to render help not to foreign citizens but to American citizens as though they were doing or intended to do their business at home instead of abroad.

This section of the Clayton Act which is sought to be repealed simply says that one corporation shall not hold the stock of another which is engaged in commerce. I assume that it is granted that these corporations will be engaged in commerce. I do not know, however, whether that is granted or not.

Mr. EDGE. Mr. President, they will not be engaged in commerce after an amendment that we have agreed upon is offered by the Senator from North Dakota [Mr. GRONNA]. If I may interrupt further, I have tried to bring in this bill in such form as would possibly minimize debate; and if the Senator from Iowa will just postpone his remarks and permit four or five amendments to be offered to go in I think a number of his objections will be taken care of, and then we will have proceeded that far along.

Mr. CUMMINS. I will not only postpone my remarks, but, if they are really distressing to the Senator from New Jersey, I will entirely abandon them.

Mr. EDGE. They are very interesting, I may say, but I do not think we are accomplishing much in discussing an issue that we are already prepared to correct.

Mr. CUMMINS. The Senator from New Jersey must allow me to be the judge of the propriety of what I am saying.

Mr. EDGE. I have yielded the floor to the Senator from Iowa with grace and willingness.

Mr. CUMMINS. I regret to take a course that does not commend itself to him, but I must conclude what I have to say, and it shall be very speedily concluded, because the Senator from New Jersey will discover when he has been here as long as I have been that these things can not be rapidly accomplished.

Mr. EDGE. Mr. President, I must admit that I have already become inoculated with the germ of deliberation, and I am succumbing with grace and satisfaction.

Mr. CUMMINS. I hope that he will not be disturbed because we do not pursue—and I know we often do not pursue—a logical course in argument or discussion.

I was about to remark when interrupted by the Senator from New Jersey that section 7 of the Clayton Act forbids, and forbids only, the ownership by one corporation of the stock of another when it would stifle or restrain competition as between the two corporations or institutions. If there are many of these corporations—as I really hope there will be, if they are limited, as they ought to be, in their powers and in their purposes—there is just as much danger of stifling or preventing competition, with the usual consequences of the suspension of competition, when they are engaged in foreign business as when they are engaged in domestic business; and I can not understand the policy of seeking to exclude them from the operation of the Clayton Act, unless it is thought desirable that all competition may be prevented by the general combination of all corporations, whether they are engaged in foreign business or in domestic business.

I shall be very glad, indeed, if those who have given more study to the subject than I have are able to present such amendments as will cure some of the defects which I have endeavored to point out; and if they are remedied, if these corporations can be limited to the legitimate business which I think they ought to carry on, no one will more cheerfully vote for the bill than I, for I recognize, as I said a few moments ago, the immense importance of creating such banking institutions as will enable the people of the United States to extend their commerce and occupy a foremost position in the trade of the world.

TREATY OF PEACE WITH GERMANY.

Mr. NORRIS. Mr. President, the President of the United States in his speech in St. Louis yesterday made a statement in reference to the pending treaty of peace with Germany that is erroneous. I read a quotation as published in the public press this morning. The President says:

> Great Britain and others, as everybody now knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should, in the case of the victory of the Allies, pass to Japan.

Mr. President, the President represented our Government at the peace conference. He knows, of course, what was presented there and what the facts are; but it is a matter of history that Great Britain and the other Governments of which the President speaks did not make that secret agreement with Japan until the year 1917. Japan went into the war soon after it was declared, in 1914. At the time the secret agreement of which he speaks was made with Great Britain and the other powers, all of the German possessions in China had been captured, and there was not a German vessel free on the Pacific Ocean; so the President does not have his history on straight.

The first move that was ever made to bring about that secret agreement was made on the 27th day of March, 1917, and I challenge anyone to produce any evidence that before Japan went into the war she had any such agreement. I ask the President, in his next speech to the American people, to produce that evidence and substantiate what he said at St. Louis.

Now, Mr. President, until the conclusion of the story that I am about to relate, I ask that I be not interrupted.

"THE TROUBLED COMMUNITY."

Mr. President, somebody ought to tell the story of "The Troubled Community." The President will not, because it would cast some reflection upon the peace conference. The Secretary of State can not, because at that conference he was given neither information nor authority. The supporters of the administration dare not, because it would incur the displeasure of their great leader, whom they are so anxious to serve and so willing to obey; and so, as was once said by a famous lecturer, I have concluded to do it myself.

In the development of civilization there grew up a certain community where people of various tongues and aspirations dwelt together in comparative peace. Occasionally some member with a quarrelsome nature caused disturbance and sometimes bloodshed, but as a rule these disputes were confined to comparatively a few. These quarrels sometimes created suffering and injustice, but seldom was the entire community mixed in any one dispute. Gradually, however, the community became aware that Bill Kaiser, one of its members, was undertaking to rule the community, and to interfere with some of its weaker members. For many years Bill had been training for physical encounter. He had practiced the use of firearms beyond the possible need under any ordinary conditions. He became arrogant and obsessed with an exalted idea of his own importance. He committed many depredations, and because his neighbors made no open protest gradually became imbued with the idea that he was sufficiently powerful to dominate the entire community. After he had started to devastate the property of his neighbors, and when his real ambition became apparent, the balance of the community, after some hesitation, organized to give Bill the thrashing his conduct deserved. The battle waged with intense fierceness. The crops and buildings on a great many of the farms in the neighborhood were destroyed and devastated, but at last Bill Kaiser was overcome, disarmed, and thrown into jail.

JOHN CHINAMAN.

In this community lived a peaceful, quiet citizen by the name of John Chinaman. He owned quite a large farm and had occupied it and cultivated it for a great many years. He was known as a law-abiding, peaceful citizen, with no disposition to quarrel with his neighbors or to interfere in any way with their peaceful pursuits. Some of his land was very valuable, and Bill Kaiser, in his wandering about through the community, had looked upon John's possessions with envy and jealousy. John had never trained himself in the use of firearms or in the development of his physical powers. Physically he was a cripple, and neither he nor any member of his family had ever given any attention to the development of the manly art of self-defense.

One bright day, before his capture, Bill Kaiser went over to the farm of John Chinaman and at the point of a loaded revolver compelled John to turn over to him a vast amount of his property. John had built warehouses along his farm where it bordered upon the water. He had constructed roads and highways to different parts of it, and these had become very valuable in his farming operations. Bill Kaiser took possession of a great part of these and included in his demand the surrender of a part of John's farm called Shantung. John loved Shantung more than any of his other possessions. It contained the ashes of his father, and to him was sacred and holy. But he was compelled to submit because he was physically unable to defend himself.

Thereupon Bill Kaiser entered into possession of all this property, and he was still in possession of it at the time the community organized to overthrow him.

MR. JAP.

In this same community lived a little dark-colored man by the name of Mr. Jap. As soon as the community organized for the purpose of punishing Bill Kaiser, Mr. Jap, without any hesitation, entered at once into the contest. While the balance of the community was desperately fighting Bill in another part of the neighborhood Mr. Jap seized those possessions that Bill Kaiser had taken from John Chinaman. He drove Bill's agents and servants from the property and entered into possession himself. The struggle against Bill lasted long after the happening of this event, but it was noticed by other members of the community that Mr. Jap made no effort to assist further in the punishment of Bill Kaiser. He seemed to be entirely satisfied after he had taken possession of the property that Bill had stolen from John Chinaman and settled down to the quiet enjoyment of it himself as though he were the owner. It ought to be stated here that John Chinaman did not have very much more respect for Mr. Jap than he had for Bill Kaiser. Not only had John Chinaman been robbed by Bill Kaiser, but just a few years before the time of which I speak, Mr. Jap had made some demands on John Chinaman that were as unreasonable as those which had been made by Bill. Mr. Jap had demanded of John Chinaman certain concessions relating to some of his other farms, and, like Bill Kaiser, he had enforced his demands at the point of a loaded gun, so that John Chinaman had been robbed by both

Bill Kaiser and by Mr. Jap, and it did not give him any particular satisfaction to have the property which had been stolen from him by one of these desperadoes transferred to the other. Moreover, this Mr. Jap did not bear a very good reputation in the community. In addition to the robbery which he had committed against John Chinaman it was known that just a few years previous he had been guilty of an unprovoked and outrageous assault upon an old maiden lady who lived in the community, known as

MISS KOREA.

Miss Korea had quite a large family of relatives and numerous farms in one part of the community, where they had lived for a great many years. They had never given any trouble to the community, but, like the people of John Chinaman, they had not given any attention to the development of a military spirit among themselves. Several years before this, Mr. Jap had gone on a bear hunt. He was particularly anxious to capture a bear known as the Russian Bear, and while he was carrying on this expedition he asked Miss Korea to give him permission to use some of her roads and other transportation facilities, so that he would be better enabled to carry his supplies into the vicinity of the habitation of this bear, and thus enable him to more successfully conduct his hunt. Miss Korea, moved by a spirit of kindness, finally consented; but, much to her amazement, after the contest with the Russian Bear was ended Mr. Jap refused to give up the property that Miss Korea had permitted him to use, and after he had retained it and enjoyed its possession for a number of years he issued a decree and took possession by force of Miss Korea's entire farm. He not only took forcible possession of her property, but he treated her relatives and her tenants with savage cruelty. Miss Korea had established schools for the children of her relatives and tenants. She had published various books and magazines to be used in their education. She had also given her consent for missionaries of the Christian religion to go among her people and teach Christianity. As soon as Mr. Jap got possession of the property all this changed. He burned the schoolhouse and the books and other literature belonging to Miss Korea and her family. He threw her relatives into prison and murdered many of them in cold blood. He interfered with the work of the missionaries, destroyed their places of worship, and, so far as he could, retarded the spread of the Christian religion. Under this tenure Mr. Jap had possession of all the property of Miss Korea at the time that he drove Bill Kaiser off of the farm of John Chinaman, and he was so holding and so administering this property all the time that the struggle was going on in another part of the community between the allied neighborhood and Bill Kaiser. It was not surprising, therefore, that John Chinaman looked with a great deal of fear and dread upon conditions when Mr. Jap took possession of the property that had been stolen from him by Bill Kaiser.

JOHN BULL.

When the struggle against Bill Kaiser was over and he had been put into jail, there was a universal sentiment in the community that a tribunal should be established for the purpose of adjusting difficulties that had arisen in the struggle. There was not much difficulty in agreeing upon the judges who should meet in council and settle whatever difficulties might be necessary to settle in order to put the community on its former basis of peace and tranquillity. There was a very wealthy man who lived in the community, who had much influence with his neighbors, by the name of John Bull. He had taken a very active part in the capture of Bill Kaiser. He had farms located in nearly all parts of the community. His relatives had married the people of the other members of the community, in different parts of the neighborhood, until his family was engaged in farming and other occupations in every locality. He was one of the oldest men in the neighborhood, and while in his younger days he had been guilty of a good many indiscretions, yet in his mature years he had gradually developed a very fair reputation for industry and sobriety. It was universally conceded that he should be one of the judges of this court.

MR. FRENCH.

In the community there was a man very much respected by his neighbors, named Mr. French. He had been very prominent in the contest against Bill Kaiser, and had suffered a great deal in the struggle, and because he had thus fought and struggled and suffered, and because of his good reputation in the community, he was selected as another member of this court.

MR. ITALIANO.

Another judge selected was Mr. Italiano. He was an old gentleman who had lived long in the community and had also taken an active part in the capture of Bill Kaiser.

MISS COLUMBIA.

The fourth and last judge was a woman. Her name was Miss Columbia. She was of a rather uncertain age, but of rare beauty, and had long been a favorite in the community. She owned a very valuable farm and had always held very high and lofty ideas in the settlement of all questions in which the community was interested. Among other qualifications, she possessed a beautiful voice and had a wonderful command of language. She surpassed by far the greatest of her sex in her ability to talk. By means of the most beautiful and glittering generalities, she had laid down various propositions for the government of the community that had received the approbation and approval of all the people. While the struggle against Bill Kaiser was on, she had issued a famous proclamation, setting forth the principles upon which the contest should be settled and the community governed after the contest. This proclamation became known all over the community as Miss Columbia's Fourteen Points. In this proclamation of 14 points, there stood out very prominently the principle that in the settlement of the various controversies to be decided by the court, the title to property gained by force should not be recognized. Another proposition which all fair-minded people of the community approved and which was contained in this proclamation, was that members of the community should not make secret agreements with each other—that they should not negotiate in making agreements behind closed doors, but that all the business of the community and all the covenants arrived at should be arrived at openly. Still another proposition that gave great satisfaction to the community, contained in this famous proclamation, was that the tenants on any farm in the community should not be traded off to any other landlord without their consent. This was designated as the principle of self-determination, and although some of the landlords did not like it, the tenants all agreed that it was a fine thing.

Before describing the procedure of this court in the settlement of various questions that were brought to the front by the contest against Bill Kaiser, it might be well to say that Miss Columbia and John Chinaman had long been very good friends, and when Miss Columbia decided to enter the contest against Bill Kaiser John Chinaman followed her. He was not able to do very much fighting, because he had not been trained along these lines, but he had always been a diligent worker, and, together with many of his relatives and tenants, he went to that part of the community where the contest was being waged and did a vast amount of labor that was absolutely necessary in carrying on the contest. In fact, he did much more to assist in the real contest against Bill Kaiser than did Mr. Jap, who, as I have stated, carried his fighting against Bill only far enough to get possession of the property which Bill had stolen from John Chinaman. When John Chinaman entered the contest he turned over to Miss Columbia, to John Bull, and to Mr. French, and Mr. Italiano a large number of ships that formerly had belonged to Bill Kaiser and which Bill had been compelled to leave in the bays and inlets of John Chinaman's farm when he was called to a different part of the community by the bitterness of the contest that was being waged against him. These ships were a very valuable aid to John Bull and to his allies in bringing about the success of their contest against Bill Kaiser. It is true that Mr. Jap furnished some ships also, but they were compelled to pay Mr. Jap a very round sum to get them. So it seems that John Chinaman made some real sacrifices in this contest, while it is perhaps quite questionable whether Mr. Jap had really sacrificed anything. In fact, some members of the community believed that he was moved entirely by his desire to accumulate property for himself.

MISS COLUMBIA'S JOURNEY.

Just before the convening of this great court, Miss Columbia made a visit to the farms of the other judges constituting the tribunal. She departed from her own farm in a splendor and a grandeur never before equaled within the recollection of the oldest inhabitants of the neighborhood. She took with her a large number of servants, musicians, chefs, and other supernumeraries almost too numerous to mention. She fitted up a conveyance that was covered with glass in order that she might see and be seen in storm as well as in sunshine. She had a band to play while she paraded in review before her retinue and an orchestra to discourse sweet music while she was enjoying the product of the chefs that had been employed at a great expense for this particular purpose. She was given a great reception upon her arrival at the farms of the other judges. Mr. French and Mr. Italiano had all their people out with banners and flags to welcome her, and gave her the greatest ovation ever known to have been given to any personage, however high, within the recollection of the oldest inhabitant. John Bull

surpassed the others in his entertainment of Miss Columbia. He gave her a dinner that was the most gorgeous and extravagant ever given to anyone since the community existed. She was welcomed into the splendor of a magnificent palace, where the assembled guests from all the farms of the community were there to greet her, and conducted to her place at the banquet table by numerous courtiers, "loaded down with gold lace, walking backward, and bending low." The dinner was served on plates of pure gold, amounting in value to many millions of dollars. It was the greatest tribute ever paid to anyone by wealth and splendor. Never before in the history of the community had feminine vanity for display been given such an opportunity as this.

Some of the relatives of Miss Columbia were surprised and even shocked at her lavish display of wealth in making her triumphant pilgrimage from her home to the place where the court was to sit. It was known that she was not paying the expenses of this trip from her own private purse, but that she was compelling her tenants and her relatives to contribute from their meager earnings to pay the expense of this pilgrimage. Many of them were sacrificing in various ways in order to contribute their share. Some of them had to give up some of the very necessities of life and labor hard from early morn till late at night in order to meet their part of the contribution. And while they murmured, yet they murmured in silence. Miss Columbia had great control over her people. At the beginning, at least, a large majority of them had unbounded confidence in her and believed implicitly in the various doctrines for the government of the community which she had promulgated. Moreover, ever since the beginning of the fight against Bill Kaiser she had ruled on her farm in her part of the community with an iron hand. She had promulgated various rules and laws among her tenants that required acquiescence in her actions and prevented criticism of her conduct under the severest penalty. She had even gone so far as to imprison some of her people because they had publicly uttered criticisms of her and the other landlords who were united with her in the fight against Bill Kaiser. She had not even permitted any criticism of the conduct of Mr. Jap, and with an iron hand she had controlled by a strict censorship all the means of communication in her neighborhood, so that her people were to a great extent coerced and some were even afraid to speak their minds. Notwithstanding all this, Miss Columbia's people were so anxious that the great court about to assemble should do justice to all members of the community and should promulgate in judicial decision the principles which she had so ably advocated that they were inclined to withhold criticism and to uphold her in what they hoped and prayed would be her earnest endeavor to see that these principles were put into actual application and practice. And thus, while the whole community was anxiously hoping for justice from the great court, Miss Columbia donned the ermine and, with the other judges, went upon the bench.

The community, and particularly that part of it where Miss Columbia resided, was soon shocked because the court insisted upon performing its official duties behind closed doors. Remembering the many beautiful things that Miss Columbia had said on the subject of secret diplomacy and secret covenants, and the desirability of pitiless publicity, they were deeply chagrined and mortified that the splendor and glamour of her reception had apparently mystified her and caused her to forget the things she had so long been teaching to her own people. Not only did the court, with the acquiescence of Miss Columbia, conceal the findings and judgment of the court from the public, but when the court took a short recess from its arduous labors Miss Columbia openly commanded her people not to discuss the action of the court, but to abide in silence until she should return to her home. Some of the findings that had been made by the court had been quietly obtained by some of the wealthy men who lived in Miss Columbia's neighborhood, and it was firmly believed by many of her tenants that these wealthy men had access to the secret action of the court and that they were using their special privileges for their own pecuniary benefit.

And thus it was that the great tribunal lost some of the respect in which it had been held by the members of the community, and thus it was that the course of Miss Columbia was beginning to be secretly criticized, and by some braver spirits openly condemned as not in accordance with the doctrines in which she had taught her people to believe.

JOHN CHINAMAN VERSUS MR. JAP.

Among the cases that came up for trial before this great court was the case of John Chinaman against Mr. Jap. In this case John Chinaman sought to recover the property which Bill Kaiser had stolen from him, and which Mr. Jap in turn had by force taken from Bill Kaiser. It was contended by the plaintiff that title to property can not be transferred by theft or robbery. It was conclusively shown that the seizing of the property by Bill Kaiser took place in the manner before described in this story, and that Mr. Jap knew all about it; that he had full knowledge of every robbery that had been committed by Bill Kaiser; and it was insisted by the plaintiff that as a matter of law and justice he ought to be required to turn possession of this property over to the plaintiff, the rightful and lawful owner. Mr. Jap offered no evidence; in fact, there was no dispute whatever as to the facts. A wonderful thing, however, developed in the course of the trial. While the trial was in progress it was conclusively shown that before the case was called Mr. Jap had secretly approached three members of the court with a proposition that seemed to be clearly and unmistakably bribery. It was shown that Mr. Jap had entered into a secret agreement with Judge Italiano and Judge French that when this case came to trial they would decide it in favor of Mr. Jap. It was also shown on the trial that there was a secret agreement between John Bull and Mr. Jap by which John Bull agreed to decide this case in favor of Mr. Jap; and Mr. Jap, to compensate John Bull for such action, had agreed to see that a certain farm, formerly owned by Bill Kaiser, would be given to John Bull. In fact this secret agreement between John Bull and Mr. Jap disclosed the remarkable fact that they had drawn an arbitrary line which they designated by the name of Equator, and had agreed that all property of Bill Kaiser north of this line should be given to Mr. Jap and that all the property south of this line should be given to John Bull.

More astounding than all this, however—at least in the eyes of Miss Columbia's people—was the fact that Miss Columbia acquiesced in this inhuman and unjust judgment. Her people naturally expected that when she discovered that all the other members of the court had made a secret agreement with one of the litigants as to what their judgment would be, she would denounce before the entire community such flagrant bribery and such secret agreements, and that under no circumstances would she as a member of this great court be a party to such injustice. But when she not only agreed to this decision and submitted to this injustice, but demanded that her own people should likewise acquiesce and approve the compact, they were not only astonished but dumbfounded beyond power of expression.

And so John Chinaman was compelled to pay the costs of the suit and was driven out of court a disconsolate and broken-hearted man. The farm and homestead where he had lived for so many years were by this judgment broken up and Mr. Jap given the control not only of portions of the land but the land so given to Mr. Jap was located so as to command access to the balance of John Chinaman's farm. He will not be able to go upon his own land or to bring any of the products from the farther limits of his land without submitting to whatever rule and regulation Mr. Jap may demand. The part of his farm where his father is buried has been taken from him. His holy land has been despoiled, and in his grief and agony he finds greater cause for complaint against Miss Columbia than any of the other judges. He had supposed that she would be moved by the highest ideals of justice. He had fervently believed in her proclamation of the 14 points, and when he saw the most fertile part of his farm taken from him and given to Mr. Jap he lost all respect for the civilization that Miss Columbia had so often proclaimed to be superior to his, and which he was on the point of believing to be true.

After the rendition of this judgment the court adjourned. Miss Columbia came back to her own farm and openly demanded that her tenants and relatives should give approval not only to this decision but to all the other judgments that had been rendered. Notwithstanding this, however, the murmurs of her people were great. They were not satisfied with many of the other judgments that had been rendered by this court, but the facts in the other cases were not all so clear and undisputed as they were in the case of John Chinaman against Mr. Jap. Where, in a case so plain as this, such a great injustice had been done, there was cast upon all the work of the court a considerable degree of suspicion, and when the members of the community began to analyze the work of the court they soon discovered that to a great extent the former possessions of Bill Kaiser had been divided up between John Bull and Mr. Jap, and they are wondering now whether the community, whatever may be the agreement between its members, can be safe so long as such a large part of it is divided up between these two landowners by a procedure that is so contrary to all ideas of civilization and common justice.

They remember that one of the wicked things done by Bill Kaiser many years ago was the stealing of two farms called Alsace and Lorraine from Mr. French, together with all the tenants who were tilling these farms, and they remember how through all the years that followed these tenants were restless

and anxiously awaiting for the time when they could liberate themselves from Bill Kaiser's control and be put back under the control of Mr. French. They remember, too, that when Bill Kaiser was arrested all the people of the community demanded that these farms should be restored to Mr. French. They knew that this action of Bill Kaiser, although happening many years ago, was one of the causes that led up to the final strife when he was arrested and put in jail; and they are wondering whether nature will now take a different course from what she has taken in the past. They do not believe that any agreement between the members of this community founded upon such an outrageous, unjust judgment can ever hold the community together in peace. Their knowledge of the history of the past leads them to the inevitable conclusion that the future peace of the community can not be built upon such a wicked judgment, and many of them are opposed to the approval of such a corrupt compact, regardless of whatever virtue it may contain. They are fearful that the robbery of John Chinaman and the transferring of some of his farms and tenants to Mr. Jap will result the same as such things have resulted in the past, and will at some future time precipitate another terrible struggle, in which it will be necessary for the community to arrest and imprison Mr. Jap, and perhaps curtail to some extent the power and influence of the wealthy John Bull.

FOREIGN FINANCIAL OPERATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

Mr. EDGE. Mr. President, I ask now to proceed with the consideration of committee amendments.

Mr. OWEN. Has the reading of the bill for committee amendments been completed?

The PRESIDING OFFICER (Mr. STERLING in the chair). The Chair is informed that the bill has not been read for committee amendments.

Mr. OWEN. I move that the reading of the bill for committee amendments be proceeded with.

The PRESIDING OFFICER. The Senator from Oklahoma moves that the reading of the bill for committee amendments be proceeded with. Is there objection? The Chair hears none, and it will be so ordered.

The Secretary proceeded to read the bill.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum.

Mr. EDGE. I ask the Senator from Iowa if he will not withdraw the suggestion until the committee amendments shall have been adopted, for there is absolutely no objection to them, so far as I am aware?

Mr. KENYON. I know that my colleague [Mr. CUMMINS] was making some objections to some parts of the bill.

Mr. OVERMAN. Mr. President, whenever the absence of a quorum is suggested, there is nothing in order but the calling of the roll.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Harris	Lodge	Phelan
Brandegee	Harrison	McCormick	Sheppard
Capper	Henderson	McCumber	Simmons
Chamberlain	Johnson, Cal.	McKellar	Smith, Md.
Colt	Johnson, S. Dak.	McLean	Smoot
Cummins	Jones, N. Mex.	Nelson	Spencer
Dial	Kellogg	New	Sterling
Edge	Kendrick	Newberry	Trammell
Gay	Kenyon	Norris	Warren
Gore	Keyes	Overman	
Gronna	La Follette	Owen	
Harding	Lenroot	Page	

Mr. SHEPPARD. The Senator from Virginia [Mr. SWANSON], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WALSH] are detained on official business.

The PRESIDING OFFICER. Forty-five Senators having answered to their names, there is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. ASHURST, Mr. HALE, Mr. MOSES, Mr. POMERENE, Mr. SMITH of South Carolina, Mr. MCNARY, and Mr. WATSON answered to their names when called.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, there is a quorum present.

Mr. EDGE. I ask that the Senate proceed with the consideration of committee amendments.

The PRESIDING OFFICER. The Secretary will read the bill for committee amendments.

The Secretary resumed the reading of the bill.

The first amendment of the Committee on Banking and Currency was, on page 1, line 10, before the word "banking," to insert the word "in," so as to read:

SEC. 25. (a) Corporations to be organized for the purpose of engaging principally in international or foreign banking or other financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five.

Mr. SMOOT. Mr. President, I desire to call the attention of the Senate to a few of the provisions of the bill, with the idea of getting the Senator who is in charge to accept a modification of them, at least.

No one realizes more than I the necessity of legislation that will take care of our foreign trade, but I am afraid this bill is not going to do it. I admit that it will do it to a limited extent; but our trade balances are so great that something more than the mere formation of a few banks will be required to accomplish what we all know must be accomplished if our foreign trade continues with no more importations than we have had in the past few years.

Our trade balance for 1915 was a little over $1,000,000,000. Our trade balance for 1916 was a little over $2,000,000,000. Our trade balance for 1917 was over three and a half billion dollars. Our trade balance for 1918 was a little over $3,000,000,000; and if the same rate of exportations compared with importations continues for the balance of the year as for the first three months of this year, the trade balance in our favor in 1919 will be about $2,600,000,000. To-day there are hundreds of millions of dollars' worth of manufactured goods and products of the soil waiting to be shipped from our ports of embarkation, for the reason that the countries abroad have not the money to pay for the goods, and the credit of those countries is such that something must be done by way of assistance, either from this country or from some other, before the trade can take its usual course and the foreign countries meet the demand that will be made upon their finances if the goods necessary and the goods already ordered them are furnished.

I recognize that no matter what bill we pass, whether it be this bill or some other, that will enable credit to be extended to foreign countries, it must necessarily inflate the currency of this country more than it is inflated to-day. The question for us to decide is whether that is the best way to meet the situation. I myself believe that that is the only way in which our foreign trade can be maintained; for no country on earth, outside of Japan, is able to-day to buy from America all the goods that it desires and meet the payments for those goods as they fall due; and there is no country on earth outside of the United States that really has the resources and the ability to extend credit to these foreign countries.

In passing this bill, if it is to be passed, it ought to be made at least as safe as possible. I notice, on page 4 of the bill, a provision as to the directors of the proposed banks, which reads as follows:

To elect or appoint directors, a majority of whom shall be citizens of the United States.

In my opinion, there never ought to be a foreigner on the board of directors of any banking institution in this country. I think that every director of every bank that may be established under this bill, if it becomes a law, ought to be a citizen of the United States; and I hope that the Senator having the bill in charge, when his attention has been called to this matter, will offer an amendment to correct this defect in the bill—such a proposition is unwise, and I was going to say unjustified, as far as the business interests of the United States are concerned.

I want also to call attention to a provision on page 7 of the bill, beginning with line 3:

No corporation shall be organized under the provisions of this section with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business. The capital stock of any such corporation may be increased at any time, with the approval of the Federal Reserve Board, by a vote of two-thirds of its shareholders or by unanimous consent in writing of the shareholders without a meeting and without a formal vote; and may be reduced in like manner, provided that in no event shall it be less than $2,000,000.

Mr. President, there is no provision here for the payment of the other three-quarters of the capital. A bank can be organized under this bill, pay in 25 per cent of the $2,000,000, or $500,000, and there is nothing in the bill as to how the other three-quarters shall be paid or whether it shall be paid at all. It does seem to me that there should be a proviso specifically stating that the balance of the capital stock, if it be the minimum of $2,000,000, shall be paid within a reasonable time.

The national-banking act provides how deferred payments shall be paid, but under this bill there is no such provision; and 25 per cent of the $2,000,000, the amount authorized, can be paid, and that will comply with the provisions of the bill.

Mr. EDGE. Mr. President, will it interrupt the Senator if I call his attention to one fact?

Mr. SMOOT. No; it will not interrupt me at all.

Mr. EDGE. I see very clearly the point raised by the Senator from Utah. As a partial answer to it—it may not entirely dispose of it in his mind—I call attention to the section on page 8, which provides that—

> Shareholders in any corporation organized under the provisions of this section shall not be liable for the contracts, debts, and engagements of such corporation except to the extent of their unpaid stock subscriptions.

Mr. SMOOT. That is exactly what I was coming to. As a further evidence that the criticism I make of the bill is a just one, the part of the bill just referred to emphasizes that part of the bill I referred to before being interrupted, and both taken together means that the balance of the 75 per cent of the stock need not be paid only in case trouble comes to the bank, or in case of a failure, then the stockholders will be liable for the other 75 per cent of the stock subscribed in case it has not been paid. I can not read the bill in any other way than I have outlined.

I want the Senator from New Jersey to know that I am not offering these criticisms in a captious way. If we are going to have a bill of this kind, I want it to be as good a bill as we can make to meet the situation.

Mr. EDGE. I entirely understand the Senator's position.

Mr. SMOOT. I am in full accord with the object of the bill; and as I understand that the word "principally," in line 9, page 1, is to be stricken from the bill, I am not going to take any of the time of the Senate to discuss that question.

There is one feature of the bill of which I do disapprove, and yet I recognize the fact that if we are going to pass this legislation there is no need to begin to try to correct it, as it runs all through the bill, and that is the power that is given to the Federal Reserve Board to make regulations for the operation and management of the banks created under the provisions of the bill. Running financial institutions under rules and regulations enforced by outside interests does not make for success. Impositions upon the institutions organized, and that kind of legislation, particularly with regard to financial institutions, are anything but safe and sound. But, as I say, there is a need for this legislation, and if, after it gets into operation, the conditions are nearer normal than to-day, we can amend the law. Therefore I shall not take further time of the Senate in discussing it, and I only said that much in passing because I do not like that kind of legislation.

If the Senator from New Jersey thinks I am right in the two contentions I have made—first as to the directors of the institutions being citizens of the United States, and second as to a provision requiring the payment of the capital stock in full within a given time—I will say to the Senator that I shall take pleasure in cooperating with him in providing the necessary amendments.

Mr. EDGE. Mr. President, I have prepared an amendment while listening to the Senator. I thoroughly concur in his viewpoint that all of the directors should be American citizens, and I have prepared an amendment to strike out "a majority" and insert in lieu thereof the word "all." Likewise——

Mr. McCORMICK. Mr. President, may I interrupt the Senator at that point?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New Jersey yield to the Senator from Illinois?

Mr. EDGE. I yield.

Mr. McCORMICK. On the seventh page of the bill, line 13, the bill reads:

> A majority of the shares of the capital stock * * * shall be * * * owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States.

I ask the Senator from New Jersey if he does not think the limitation there ought to be more stringent?

Mr. EDGE. Mr. President, I feel that that is, from a practical standpoint, impossible. There is no way for us to control the transfer of stock in corporations. We can, of course, insist on all the directors being American citizens; but a corporation investing in the stock of this corporation may, of course, sell its stock to some other citizens of another country, and we could not help it.

Mr. McCORMICK. If we were to provide for the forfeiture of the charter in the event of the stock passing out of the hands of American citizens, I fancy the owners would be careful. We have been through an interesting experience in the matter of German-controlled corporations in this country where that control does not appear on the surface.

Mr. EDGE. I am in thorough sympathy with the desire of the Senator from Illinois; but he will probably note that the words in italics, "the controlling interest in which is owned by citizens of the United States," are a committee amendment made by the Commitee on Banking and Currency to meet, as far as they thought they properly could, the very question which the Senator has brought up.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. EDGE. I yield.

Mr. SMOOT. I think it would be impossible to comply with the suggestion unless we positively prohibited any foreigner from owning a share of the stock or any interest in the bank. That could be done, but the question then arises as to whether that is the best policy.

Mr. McCORMICK. It is on that point that I should like to have the judgment of the Senator from New Jersey and the judgment of the Senator from Utah. If we are to create banking corporations for the purpose of lending American credit, is there any reason why we should not limit the interest in those corporations absolutely to American citizens?

There are a number of Senators who view this bill with some concern, as my friend from New Jersey knows, and who will support it with reluctance, if at all, and only if the powers of the banking corporation are limited. Now, what harm would be done the cause which the Senator from New Jersey would further, or, rather, what limit would be put upon these corporations as a matter of practice if their ownership were to be confined to American citizens? We are not seeking to enlist Dutch capital or British capital. There are no countries in Europe exporting capital at this time. There is nothing to be gained by the importation of European capital, is there?

Mr. EDGE. European gold, of course, would help things.

Mr. McCORMICK. Oh, but——

Mr. EDGE. The answer to that I shall give briefly. Of course, it must be borne in mind that we must have some flexibility to this legislation if it is going to be at all effective. I think from a practical standpoint it would be almost impossible.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Connecticut?

Mr. EDGE. I yield.

Mr. McLEAN. I should like to ask the Senator from Illinois [Mr. McCORMICK] what harm can be done as long as a majority of the stock is owned by citizens of this country?

Mr. McCORMICK. I am fearful that if permission be given foreigners to own part, under cover they may ultimately own a majority, as they did in the case of the corporations to which I referred a moment ago.

Mr. McLEAN. Then the charter is forfeited under the terms of the bill.

Mr. EDGE. The charter would be forfeited, under the terms of the bill, as soon as that fact was ascertained.

Mr. McCORMICK. Therein lies the difficulty, in the discovery of that fact.

Mr. EDGE. But is there not a greater difficulty in censoring completely every share of stock in every American corporation? For instance, take the bill that passed the House unanimously last week, the bill to which I referred, presented by the Senator from Connecticut [Mr. McLEAN]. It provides that an American bank may invest 5 per cent of its capital and surplus in the corporation. If any of that stock should be held by an alien, we would not be complying with the act. I think it is practically impossible to go to that extent, much as I concur in the thought and desire of the Senator from Illinois. Of course, it must be recognized that this corporation is dealing abroad in foreign securities. That is the object of the corporation. To attempt to confine it as closely as that I am afraid would make it unworkable. That is my only objection.

Mr. SMOOT. Mr. President——

Mr. EDGE. I yield to the Senator.

Mr. SMOOT. The amendment already offered or suggested will in part take care of the suggestion which the Senator has made. I recognize that it does not cover the case completely, but if foreigners have a large interest, we will say, in the institution, and if they undertake to wield a power as to the policy of the institution, they would have at least to deal with all American directors. There would be no foreigner upon the board. While that amendment has not been adopted, I think there will be no question as to its wisdom.

Mr. EDGE. I will offer the amendment as we proceed with the bill.

Mr. SMOOT. I do not think there will be any question as to its being a proper amendment. I sympathize somewhat with the suggestion of the Senator from Illinois [Mr. McCORMICK]. If we could have these banks American institutions, owned entirely by Americans, with none but American money in them, then foreigners would not be in a position at least to learn where our trade was and to whom we were selling.

At the present time that does not amount to very much, because we have more customers than we can furnish goods for, and not only that, but we have more goods than the customers can pay for that they want to buy. Therefore it makes no difference now; but in the years to come, when the world is back on a normal plane, when all the countries of the world will be striving for the commerce of the world and competition is keen—and by the way I want to say that it will not be many years before competition will be keener than it has ever been in the history of the world—foreigners who may own a considerable interest, an interest large enough to wield some kind of influence even with the directors, be they all Americans, would know where we were selling and where we were extending credits, and they would be in a position at least to know more of our foreign commerce than I would like to have them know.

I will say to the Senator from Illinois that perhaps it would be just as well not to try at this particular time to provide that no foreigner shall be a stockholder, because they might try to retaliate upon us in some other way. If after competition becomes keen, as it seems it will, we can then amend the law by providing that no foreigner shall thereafter be a stockholder.

Mr. DIAL. Mr. President, let me ask the Senator if we can not get around that in this way: Since the object of the corporation is to deal in foreign countries I can not see where it would hurt to have a minority of foreigners as directors. They would have knowledge of the conditions in those countries where we traded and could render valuable assistance in the way of giving information. If they became obnoxious to the stockholders and the other directors they could be removed at the next annual meeting, since a majority of the stock will have to be owned here and a majority of the stockholders elect the directors.

Mr. SMOOT. The bill now, I will say to the Senator from South Carolina, as it will be amended, will not allow any foreigner to be on the board of directors.

Mr. DIAL. Then the Senator does not think it would be well to have any foreigners on the board of directors?

Mr. SMOOT. No; I do not think we want to have any foreigner a member of the board of directors of an American bank, the object of the organization of which is for the very purpose of assisting in the dissemination of our goods throughout the world.

Mr. DIAL. Of course, it is true that foreigners are not popular in this country, especially now, but since we expect to trade with them we ought to get the best information obtainable.

Mr. McCORMICK. Mr. President, I wish to say another word following the remarks of the Senator from Utah to explain what I have in mind.

There is sitting at present a subcommittee on wireless and cable communication of the Committee on Naval Affairs, which has elicited some interesting facts regarding international interests and international trade, which show that if under certain circumstances American interests, legitimately enough, become allied with certain foreign interests for a specific purpose, presently they may be led to take a course inimical to the general American interests.

For example, an American cable system now runs from the Gulf ports through Panama down the west coast of South America and by land line is carried over to Buenos Aires. It is the first American cable to South America. It had a franchise or concession to communicate between Buenos Aires and some points on the Plata River. British interests, legitimately enough, I dare say, secured permission, as nearly as we can determine, in violation of that franchise to lay a competitive line between Buenos Aires and the Plata River points. Well and good. Now it is proposed by another American company which has close British connection to lay a cable from Miami to the Barbados, there to connect with the British system in order to enable the British system better to compete with the American cable newly established on the west coast. The general interests of American trade have not been consulted at all in planning for this Miami to Barbados cable. No provision was made to care for points in which Americans are interested. The British cable makers offered to supply a cable to their American associates in consideration for this connection from Miami to the Barbados.

I fear that if strong foreign interests are represented in these corporations there will grow up a community of purpose which may defeat the very object of the measure introduced by the Senator from New Jersey [Mr. EDGE]. I do not believe he will contend that, at this time any way, there is any urgent reason for enlisting foreign capital in these companies.

Mr. GRONNA. Mr. President, I want to say a word with reference to the suggestion made by the Senator from Illinois [Mr. McCORMICK].

I agree with the Senator from Utah [Mr. SMOOT] that the directors of this bank or of these banks should all be citizens of the United States. I suggested that to the committee, as I think the chairman will remember. I do not believe that any foreigner should own or hold a position as important as that of director in an American banking institution.

I disagree with the Senator from Utah as to the ownership of stock. We are legislating here and arguing that this is an amendment to the Federal reserve act permitting what? Permitting American capital, not foreign capital, to assist and promote trade in foreign countries. If those people need our assistance in the course of trade, if they have not sufficient funds to carry on their business transactions, it seems to me ridiculous to say that we want them to help us to set up an institution to loan themselves this money. It seems to me that that argument falls flat of itself.

Mr. SMOOT. The Senator knows from the view I expressed that I very much prefer to have it entirely American capital.

Mr. GRONNA. Now is the time to do it. I believe that in enacting a law as important as this will be when enacted we ought to exercise the utmost care. We ought to make it definite and certain that this is an American institution owned and operated by American citizens and controlled by American citizens. I believe that there is much merit in the suggestion made by the Senator from Illinois. I can see no possible harm or injurious effect in the execution or in carrying the provisions suggested to this legislation.

Mr. EDGE. Mr. President, I am in entire sympathy with the sentiment expressed by the Senator from North Dakota [Mr. GRONNA] and the Senator from Illinois [Mr. McCORMICK], but let us look at this thing fairly. There is no difference in our brand of patriotism. That does not have to be discussed. But if we are going to enact a measure to be really workable, it is physically impossible for us to control the situation down to a single share of stock held in some bank that might be held by a foreign citizen, or the wife of a foreign citizen holding stock in something of this character.

Let us not load the bill up to an extent that it simply becomes a dead letter. We are trying here to partially relieve a serious situation. It is admitted by every Senator, whether in entire accord with all the provisions of the act or not, that we are trying to relieve a very difficult situation in the interest of American trade and American commerce. Let us not pass an act that will be simply impossible of administration.

Mr. McLEAN. Mr. President, I wish to ask the Senator from Utah whether a limitation of this sort might not interfere with our treaty obligations?

Mr. SMOOT. No; I think not.

Mr. McLEAN. Suppose under treaty provisions citizens of other countries are permitted to own stock in banks located there?

Mr. SMOOT. I will say to the Senator that in my opinion it would not interfere with any of our treaties, because this would apply to all nations alike. It would not say that an Englishman should not hold stock in the institution or that a Japanese should not hold stock, but that no foreigner shall hold stock.

Mr. McLEAN. Suppose under a treaty an American citizen in England can own stock in an English bank, but we say that Englishmen in this country can not own stock in our banks?

Mr. SMOOT. Then they can retaliate upon us and pass such a law in England.

Mr. McLEAN. Is it worth while to involve us in that complication at this time?

Mr. SMOOT. That is the whole question. I was quite interested in reading in an English paper received the other day a proposition made by officials of the English Government that as soon as the league of nations is in operation the English pound note should be made legal tender in the United States, and instead of it being worth $4.18—being to-day's value—it would be a legal tender to pay all debts at the rate of $4.90. The suggestion was that all English money should be made legal tender in the United States and all American money shall be legal tender in England. I take it for granted that the reason which brought forth such a proposition was the low value to-day of the English pound, brought about, of

course, by the conditions existing with an unfavorable trade balance against England, and because of the fact that the exchange is such that the English pound, used to purchase goods in the American market, is not worth more than $4.18.

I do not believe the time will ever come in the history of this Nation when the English pound note will be considered legal tender in the United States. We may create a thousand leagues of nations, but English paper money will never be a legal tender in the United States. The President, for the people, accepted an English league of nations, and it was done so easy I judge the thought occurred Why not make America guarantee our bank notes?

Mr. KIRBY. Mr. President, I should like to ask the Senator from Utah a question. Is it the purpose of the bill to establish our credit on the other side of the world?

Mr. SMOOT. No; it is not to establish our credit. It is to give the world a credit to enable them to buy goods from us.

Mr. KIRBY. I understand that foreign money is so depreciated that our people will not sell their products and commodities in foreign countries because of the low value of their money, and that the purpose of this bill is to put our money behind the operations to such an extent that we shall be willing to sell to those countries. Is that the purpose of the bill?

Mr. SMOOT. Mr. President, the object of the bill is to give credit to foreign countries, so that they can pay us for the goods which they desire to purchase from us. Let me illustrate it to the Senator from Arkansas in this way: During the war our importations from South America were much larger than our exportations to South American countries. That is why the American dollar fell so low in Colombia, for instance, and other South American countries.

Mr. KIRBY. I understand that.

Mr. SMOOT. Our importations and purchases from Spain during the war were greater than our exportations to Spain. Hence the American dollar fell in value in Spain. If America had decided to pay her balances in gold, every American dollar would have remained in Spain the same value as in this country; but the Senator knows during the war every country put an embargo upon the exportation of gold and that no gold circulated from one country to another. Then, whenever the balance of trade was against us it depreciated our money in the country in whose favor the balance of trade happened to be. It happened so all over the world, and it will always happen as long as there is commerce in the world. It is just as immutably a law of commerce as are the laws of nature.

Mr. KIRBY. Does this bill put our credit behind transactions in foreign countries, so that we may deal with those people?

Mr. SMOOT. Mr. President, this bill gives credit to foreign countries and keeps their exchange as near par as possible; in other words, if this bill becomes a law, and there should be a great bank established under it, a bank, we will say, with a capital stock of a billion dollars, with the authority conferred in this bill there is no question that such a bank could purchase from England or from any other country their obligations, their evidences of indebtedness, bonds of any kind, and in payment for them give exchange on this country. Then there would be no gold passed, no real money passed, but there would be credit balances passed. Therefore, it would immediately make the English pound worth $4.87, because we know that English securities are good, and that such a bank would be perfectly safe in purchasing them.

Mr. NORRIS. Mr. President, for the purpose of elucidating the point the Senator from Utah is making, I desire to ask him a question. The Senator states the reason why the American dollar went below par in Spain and in South American countries was that during the war we put an embargo upon the exportation of gold. That explains, I take it, why the English pound went below par, because England placed an embargo on the exportation of gold, as did other countries engaged in war; so where the balance of trade was against such a country, they did not have the gold with which to pay for goods, and therefore the medium of payment went below par in the other country. If that is true, would not relief be brought about completely as to that condition by raising the embargo in all those countries?

Mr. SMOOT. No; it would not; because those countries have not sufficient gold. If they had the gold, then relief would be afforded, but they have not got it.

Mr. NORRIS. Let us take the case of America and Spain. If the embargo were raised and we could pay gold, then every dollar would be worth 100 cents in Spain?

Mr. SMOOT. And it is so to-day, because we have raised the embargo and we have the gold; but we are the only country in the world that has sufficient gold to meet our trade balances. We have 25 per cent of all the gold in the world. That is one reason why prices in this country have increased; it is for the very reason that we have so much money here.

Mr. NORRIS. The reason that has occurred, I take it, is because we have raised the embargo and have the gold with which to make our dollar good; in other words, gold is the international medium. If England had the gold, when she raised her embargo against the exportation of gold her pound would immediately go to its par value.

Mr. SMOOT. There is no doubt of that at all.

Mr. NORRIS. If the embargo is raised and her pound does not go to its par value, is not that because in the channels of business it is feared that the English pound is not worth what it says on its face?

Mr. SMOOT. This is true, I will say to the Senator. So long as the importations of England are greater than her exportations, she has got to find gold or credit in some other country to pay that difference. To-day her importations are greater than are her exportations. That is the reason why her pound is below par. She has not the gold to ship with which to pay the difference.

I want to call the attention of the Senate now to the fact of how wonderfully close the rule works.

Mr. NORRIS. Let me ask the Senator right on that point if that has not always been the rule and always will be?

Mr. SMOOT. No law on earth could change it.

Mr. NORRIS. Then it seems to me as if by this legislation we are trying to pull ourselves over the fence by our boot straps.

Mr. SMOOT. No; we are going to lend foreign countries some money, in order that they may pay their trade balances to us. That is all there is to it.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I shall do so in just a moment.

Mr. President, why did we advance to foreign countries during the war $10,000,000,000? There is only one reason why we did it. We had to do it or not sell them the goods.

Mr. OWEN. Absolutely.

Mr. SMOOT. That is the only reason. Now, take the trade balances in favor of the United States and add them together during the years 1915, 1916, 1917, and 1918 and you will find that they amount to about $10,000,000,000. It is just as natural as that water flows down hill.

Mr. EDGE. Mr. President, if I may interrupt just at that point, for the benefit of the Senator from Nebraska [Mr. NORRIS]. I desire to say that instead of continuing to loan foreign countries money with which to buy our goods and raising that money by some form of taxation in our own country, which is the only way we can raise it, we propose under this legislation to assist business in the future by sending foreign countries goods instead of cash, and then making a profit on our goods, as I tried to demonstrate this morning.

There are several ways in which to equalize exchange or trade balances, which are the same thing. One is by exportation of gold, which we have already discussed; another is by the importation of goods; another is by buying securities of foreign countries and using them as credit to pay us for our goods. That is what we are trying to do.

Mr. SMOOT. This bill provides that we may buy their securities.

Mr. EDGE. Exactly.

Mr. SMOOT. And when we buy their securities the credit will be transferred to America with which to pay for the goods which they have bought from America.

Mr. EDGE. I now move that we proceed to the consideration of the committee amendments to the bill, so that we may get down to individual amendments which seem to be generally agreed upon.

The PRESIDING OFFICER. The Secretary will state the first amendment reported by the committee.

The SECRETARY. On page 1, line 10, before the word "banking," it is proposed to insert the word "in," so as to read:

> Corporations to be organized for the purpose of engaging principally in international or foreign banking or other financial operations or in banking or other financial operations in a dependency or insular possession of the United States—

And so forth.

The amendment was agreed to.

The next amendment was, on page 4, line 16, after the word "power," to insert "under such rules and regulations as the Federal Reserve Board may prescribe," so as to read:

> Each corporation so organized shall have power, under such rules and regulations as the Federal Reserve Board may prescribe:
>
> (a) To purchase, sell, discount, and negotiate notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell securities, including the obligations of the United States or of any

State thereof; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell, exchange, coin and bullion; to borrow and to lend money on real or personal security; to receive deposits; and generally to exercise such powers as are incidental to the powers conferred by this act or as may be usual in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business.

The amendment was agreed to.

The next amendment was, on page 7, line 15, after the word "corporation," to insert "the controlling interest in which is owned by citizens of the United States," so as to make the clause read:

A majority of the shares of the capital stock of any such corporation shall be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies, the controlling interest in which is owned by the citizens of the United States or of a State thereof.

Mr. GRONNA. Mr. President, I suggest that that amendment ought to be withdrawn.

Mr. EDGE. If the suggestion does not meet the disapproval of the Senate, I should like to go through with the bill and adopt the committee amendments, and then any amendment to them or other amendments may be considered afterwards.

Mr. SMOOT. I suggest that this amendment be passed over.

Mr. NORRIS. If the suggestion of the Senator from New Jersey should be followed we might get into such a parliamenary situation that we would be unable to amend the amendment.

Mr. EDGE. Very well; I will ask that the amendment be passed over for the present.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 8, after line 3, to strike out "extent of their unpaid stock subscriptions. Any member bank may act as agent for any corporation organized under the provisions of this section for the purpose of dealing with any Federal reserve bank and the Federal Reserve Board shall establish and promulgate rules and regulations defining and governing transactions which corporations organized hereunder may have with Federal reserve banks, either directly or through the agency of a member bank. No such" and to insert "extent of their unpaid stock subscriptions. Notwithstanding the provisions of section 19 of the Federal reserve act, any member bank may act as a medium or agent for any corporation organized under the provisions of this section in applying for or receiving discounts from a Federal reserve bank under rules and regulations to be prescribed by the Federal Reserve Board. The Federal Reserve Board is authorized, under rules and regulations to be prescribed by it, to permit Federal reserve banks directly to extend their facilities in the manner and to the extent defined in such regulations to corporations organized under the provisions of this section. No such," so as to make the clause read:

Shareholders in any corporation organized under the provisions of this section shall not be liable for the contracts, debts, and engagements of such corporation except to the extent of their unpaid stock subscriptions. Notwithstanding the provisions of section 19 of the Federal reserve act, any member bank may act as a medium or agent for any corporation organized under the provisions of this section in applying for or receiving discounts from a Federal reserve bank under rules and regulations to be prescribed by the Federal Reserve Board. The Federal Reserve Board is authorized, under rules and regulations to be prescribed by it, to permit Federal reserve banks directly to extend their facilities in the manner and to the extent defined in such regulations to corporations organized under the provisions of this section. No such corporation, however, shall become a member of any Federal reserve bank.

Mr. LENROOT. Mr. President, I should like to ask the Senator from New Jersey one or two questions in regard to this amendment. I should like to ask his construction of the last portion of the amendment, reading as follows:

The Federal Reserve Board is authorized, under rules and regulations to be prescribed by it, to permit Federal reserve banks directly to extend their facilities in the manner and to the extent defined in such regulations to corporations organized under the provisions of this section.

What will that permit the Federal Reserve Board to authorize?

Mr. EDGE. Mr. President, that amendment was suggested by the Federal Reserve Board following the original draft of the bill, believing that it would meet the situation better than the language stricken out just above it, which, as I recall, practically accomplishes the same purpose. I can only answer the Senator to the extent that the language implies, namely, that—

The Federal Reserve Board is authorized, under rules and regulations to be prescribed by it, to permit Federal reserve banks directly to extend their facilities in the manner and to the extent defined in such regulations to corporations organized under the provisions of this section.

In other words, this provision would permit, under the supervision of the Federal Reserve Board, member banks of the Federal Reserve System to cooperate with the corporations organized under this bill.

Mr. LENROOT. Then I wish to ask the Senator this question: Does he think that the law should authorize greater facilities to these corporation than the present law permits to domestic banks or to Federal reserve banks in the way of extension of credit and facilities?

Mr. EDGE. I should say, generally speaking, no, unless some condition arose in connection with foreign financing which would cause the Federal Reserve Board, pursuing safe and sound banking rules, to feel that the cooperation of a member bank was helpful in such a transaction. I feel that we can leave such contingencies or possibilities to the supervisory board of the Government—the Federal Reserve Board.

Mr. LENROOT. I think the Senator has given the proper construction to this amendment, and I think the Senate ought to know just what this amendment will do, if it is adopted. Under the Federal reserve act we were very careful to place restrictions of various kinds upon the Federal reserve banks, both as to the aggregate amount of credits that could be extended to a single borrower, as to the character of the credits, the time for which the credits should run, and so forth. While we were very careful to make these restrictions, because we thought they were necessary, in the case of banks within our own borders this amendment throws down the bars entirely, in so far as credit facilities to these corporations are concerned; and, as I read this amendment, it throws the Federal reserve-bank system wide open to these corporations, provided only that the Federal Reserve Board may be willing that it shall be done. There is no protection in the law for the Government; and, throwing the Federal reserve-bank system open to these corporations, controlled only by the Federal Reserve Board, it seems to me throws the Government—indirectly, it is true, but nevertheless effectually—into this quite as much as if there were a direct loaning of the credit of the Government.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. LENROOT. I do.

Mr. EDGE. May I read from an extract from the Federal Reserve Board relating to this section? It is not considered vital, and the only reason why it was inserted, of course, was because of the natural feeling on the part of the Federal Reserve Board that they could be trusted to meet conditions such as they relate here:

Though it is not contemplated that these corporations shall have occasion to deal very greatly with Federal reserve banks, nevertheless, in so far as one of them may make a commercial loan on strictly commercial paper to a foreign buyer payable in dollars, there is no reason that such paper should not be purchased by a Federal reserve bank, if necessary, through a member bank.

The writer goes on to say:

I do not know, however, that this particular part of the act authorizing direct or indirect dealings with Federal reserve banks is particularly vital.

I simply mention that. If the Senator feels that there is any great opportunity for a wrong application of the act through that power on the part of the Federal Reserve Board, it can be stricken out.

Mr. LENROOT. I think the Senator will agree with me in my construction. Just let me go into the construction for a moment:

The Federal Reserve Board is authorized, under rules and regulations to be prescribed by it, to permit Federal reserve banks directly to extend their facilities in the manner and to the extent defined in such regulations, to corporations organized under the provisions of this section.

Mr. EDGE. There is no question that they have the power. It is entirely a matter of the regulations that the Federal Reserve Board shall prescribe.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LENROOT. Certainly.

Mr. GRONNA. As I have an amendment pending affecting this provision, will there be any objection to having that offered now, so that it may be considered?

Mr. LENROOT. No; except that I should just like to complete the discussion of this matter while we are on it.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. LENROOT. I just want to add that if it were necessary and if the Congress did deem it necessary to place in the law restrictions upon the credits that could be extended by the

Federal reserve bank to member banks, there is much more reason, if we are to extend the facility at all to these corporations, why they should be subject to the same character of restrictions and limitations that Federal reserve banks are limited to in dealing with their own members.

Mr. EDGE. Mr. President, I have already suggested to the Senator from North Dakota, as he well knows, that if there was objection to this section, it could be eliminated; but I personally feel absolutely confident that the Federal Reserve Board in their regulations would only provide for such contingencies as are discussed in this communication which I have read.

Mr. JOHNSON of South Dakota. Mr. President, I simply want to say that I think the position taken by the Senator from Wisconsin [Mr. LENROOT] is a very wise one. I wish to ask the Senator from New Jersey a question with regard to another matter.

On page 8, in the clause relating to shareholders, I wanted to see whether I understood this language as it was intended. If I understand that provision correctly, it would not make any of the stockholders liable for any of the debts of the bank, except such shares of stock as might not have been paid up.

Mr. EDGE. That is the language of the bill as it is now being considered. An amendment will be offered which will apply to that particular section, however, at which time we will have an opportunity to discuss it. I do not want in any way to stop the Senator from South Dakota from discussing it now; but I know that the matter will come before the Senate, and an amendment will be offered by the Senator from North Dakota [Mr. GRONNA] dealing with that subject.

Mr. JOHNSON of South Dakota. I just wanted to say, then, that this being the case, a bank that is organized with all its capital stock paid up would not be responsible for any of its debts, so far as stockholders as individuals are concerned.

Mr. OWEN. Its capital would.

Mr. GRONNA. Mr. President, I want to say that I agree absolutely with what the Senator from Wisconsin has stated, that the powers granted to the Federal Reserve Board in this bill are too broad.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. GRONNA. Yes; I yield.

Mr. NORRIS. Right in that connection, I agree with the Senator, and I think the amendment takes down the bars entirely. There is no limit except the sky.

Mr. GRONNA. No; that is right.

Mr. NORRIS. They can do anything.

Mr. GRONNA. I agree with the Senator.

Mr. NORRIS. But I want to ask the Senator whether, even if that amendment is not agreed to, under the text of the bill they could not do pretty nearly the same thing?

Mr. GRONNA. I think that is true.

Mr. NORRIS. While the language that the amendment strikes out is not so explicit, I am not sure but that it practically means that they could do the same thing, even if this amendment were defeated.

Mr. LENROOT. I think that is so. It would be necessary to change the original text.

Mr. GRONNA. I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 8, beginning with line 1, it is proposed to strike out all down to line 24 and to insert:

Shareholders in any corporation organized under the provisions of this section shall be liable for the contracts, debts, and engagements of such corporation to the extent of double the amount of their stock subscription.

Mr. EDGE. Will the Senator yield for just a moment?

Mr. GRONNA. Certainly.

Mr. EDGE. I had announced to the Senator from North Dakota that I would not press any amendment that I found would require a division, because, of course, we have such a small number of Senators present to-day. That was one of the amendments as to which I informed the Senator that I would be compelled to take issue with him.

Mr. GRONNA. If the Senator would rather have it go over, I have no objection.

Mr. EDGE. My desire was, if possible, to dispose of the amendments we are generally agreed upon, and have go over until Monday the one or two amendments that perhaps would excite discussion. The one relating to the elimination of the Sherman Antitrust Act and this amendment are the only two I know about.

Mr. GRONNA. I shall be very glad to let it go over.

Mr. EDGE. I will appreciate it.

Mr. GRONNA. As I understand, it will be pending then.

Mr. POMERENE. Do I understand that a final vote will not be called for on this bill to-day?

Mr. GRONNA. I will say to the Senator that I so understand.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was concluded.

Mr. SMOOT. Mr. President, I have these amendments ready now, if the Senator will accept them.

On page 4, lines 3 and 4, I move to strike out "a majority" and insert the word "all," so that it will read:

To elect or appoint directors, all of whom shall be citizens of the United States.

The amendment was agreed to.

Mr. SMOOT. On page 7, line 6, after the word "business," I move to strike out the period and insert a comma and the following words:

And the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per cent each on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its banking operations until the whole of the capital stock shall be paid in.

I will say to the Senator that those are the exact words of the requirement of the national banking law.

The PRESIDING OFFICER. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. On page 7, line 6, after the word "business" and before the period, it is proposed to insert:

And the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per cent each on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its banking operations until the whole of the capital stock shall be paid in.

The amendment was agreed to.

Mr. EDGE. Mr. President, I have two amendments to which I think there will be no objection.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 6 of the printed bill as reported by the committee, it is proposed to strike out paragraph "(d)," lines 12 to 17, inclusive, in the following words:

(d) Corporations organized under authority of this section may be granted permission by the Federal Reserve Board to exercise any or all of the powers specified in section 11 (k) of the Federal reserve act in so far as the exercise of said power may be necessary in the conduct of the foreign or international business engaged in by such corporations.

Mr. EDGE. I might explain that that amendment strikes out the provision on page 6, lines 12 to 17, which gives fiduciary powers to these banks. As I stated in speaking on the bill this morning, I see no reason why a bank engaged in foreign financial operations of this kind should need that power, so I am striking it from the bill entirely.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey.

The amendment was agreed to.

The SECRETARY. Also, the following: Amend page 1, line 9, by striking out the word "principally."

The amendment was agreed to.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, line 3, after the word "however," it is proposed to strike out down to and including the word "surplus," on line 6, and to insert in lieu thereof the following:

That no corporation organized hereunder shall invest in any one corporation an amount in excess of 10 per cent of its own capital and surplus, except in a corporation engaged in the business of banking, when 15 per cent of its capital and surplus may be so invested.

Mr. GRONNA. I understand that the Senator has no objection to that.

Mr. EDGE. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota.

The amendment was agreed to.

Mr. GRONNA. I offer the amendment which I send to the desk, to which I think there will be no opposition.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Every banking corporation organized to do foreign banking business under the provisions of this section shall, for the purpose of taxation, make reports to the Federal Reserve Board and the Commissioner of Internal Revenue at such times and in such form as they may require, including a true report of the names of the actual stockholders of such corporations and the amount of stock held by each, and all such corporations organized and transacting business under the provisions of

this section shall be taxed and shall pay, in accordance with the laws of the United States imposing taxes and penalties on banking corporations, into the Treasury of the United States taxes at the same rate and in like manner as is paid by other banking corporations transacting business in the United States and required to pay taxes.

Mr. SMOOT. Does the Senator from North Dakota believe it is wise to compel the banking corporations to make their reports to the Federal Reserve Board for taxing purposes? I will say to the Senator that under the law they are compelled to make reports to the Commissioner of Internal Revenue, and I know of no other institution that has to report to any other authority.

Mr. GRONNA. The Senator knows that Federal reserve banks pay no taxes, and I want these banks doing foreign business to be taxed the same as the banks outside of the Federal reserve.

Mr. SMOOT. I am in full sympathy with the purpose the Senator has in view.

Mr. OWEN. The purpose which the Senator from North Dakota desires can be accomplished by having reports made to the Commissioner of Internal Revenue. That is the point that I think the Senator from Utah is making.

Mr. GRONNA. I believe it would be wise to have them make their reports in duplicate, making report to the Federal Reserve Board and making a like report to the Commissioner of Internal Revenue.

Mr. NORRIS. I notice in the amendment offered the taxes are to be paid into the Treasury of the United States. I understand they are to be taxed under State laws in the States where they may be doing business.

Mr. GRONNA. Yes; local taxes.

Mr. NORRIS. Is it the intention that these corporations shall pay like taxes to the States where they may be doing business?

Mr. GRONNA. I think it would be wise to add that these banks shall pay taxes in accordance with the laws of the United States and of the States.

Mr. SMOOT. Would it not be better to have the amendment simply provide that these corporations shall pay taxes the same as other tax-paying corporations of the United States?

Mr. NORRIS. "Or other member banks." Why would it not cover it to say "the same as member banks of the Federal Reserve System"? As I understand the amendment as it is drawn, it only contemplates the paying of taxes to the Federal Government, and of course they pay taxes under some of our excise laws and probably other banks have to pay them. All member banks are taxed under the State laws.

Mr. OWEN. I make the suggestion to the Senator that these banks will not be distributed throughout the United States. They will necessarily be in New York, Boston, and San Francisco. They will transact not a domestic business. They are not permitted to receive domestic deposits. They would only receive foreign deposits. Therefore, since they would deal exclusively in foreign commerce, I hardly think they should be subject to taxation in New York State and California.

Mr. NORRIS. We have no Federal law that taxes banks except as they are taxed under internal-revenue and excise laws. We do not levy taxes on them.

Mr. OWEN. They pay an income tax, do they not?

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. SMOOT. If these are corporations in the United States, and they will be incorporated under the Federal law under this act, the present revenue act will tax them unless we specifically exempt them. We are not exempting them from taxation in this act.

Mr. EDGE. May I interrupt the Senator?

Mr. SMOOT. As far as I am concerned I am perfectly willing to be doubly sure and have an amendment put in so that there will be no question about it.

Mr. EDGE. I tried to make clear this morning exactly what the Senator from Utah has now referred to, to the effect that I thought and lawyers feel, many of them at least, that a corporation organized under this act would be taxed in every way that any other similar corporation is taxed if there is nothing said to the contrary. In other words, we define it when we exempt, and when we do not define it they are not exempted.

However, as the Senator from North Dakota and the Senator from Utah state, we want to make it doubly sure, and inasmuch as no one wants them to escape any taxation, State or Federal, I am entirely satisfied to have language inserted to make it clear; but I do not want to have it involved.

Mr. NORRIS. I only make my suggestion on the theory that the amendment proposed by the Senator from North Dakota would not tax them the same as other banks are taxed in the States where they do business. It may be the Senator from New Jersey is entirely right. I am not arguing that proposition, but it seems to me if we put in here a provision we ought to say something to the effect that they shall be taxed like other banks in the Federal Reserve System. The Senator from Oklahoma [Mr. OWEN] makes the suggestion that these banks, located in New York and similar places, will be doing a foreign business and therefore ought not to be required to pay any State taxes. That is true; every man who does business, if he goes to New York or Boston or Baltimore, is subject to the taxes levied on the business at the place where he is located, but that is no reason why they should be relieved from taxes that other corporations doing business in those cities have to pay to the States. They ought to be taxed like any other banks. There ought to be no exemption about it. If they are located in New York they get the protection of the laws of New York, and they ought to be required to pay a tax to the State of New York the same as any other corporation doing business in that State.

Mr. SMITH of South Carolina. I suggest to the Senator there is likely to be confusion if he tries to define the time and place and where the corporation is to pay taxes, whereas if nothing is said about it, under the ordinary operation of the tax laws, the tax that they ought to pay will be imposed by laws already existing.

Mr. NORRIS. That may be.

Mr. SMITH of South Carolina. Why try to define it at all?

Mr. GRONNA. I will say to the Senator from South Carolina that there is a serious question about it. I have looked into the question quite thoroughly.

Mr. NORRIS. Let me suggest to the Senator from North Dakota that if the amendment were simplified so as to state that the banks incorporated under this law shall pay taxes the same as member banks in the Federal Reserve System, that would cover it.

Mr. GRONNA. No; it would not cover it because the Federal reserve banks pay no taxes.

Mr. NORRIS. Oh, yes; the member banks pay taxes.

Mr. GRONNA. The member banks may do so, but not the Federal reserve banks.

Mr. NORRIS. That is what I said, the member banks of the Federal Reserve System.

Mr. GRONNA. I will modify my amendment and add after the words "United States" the words "and the State laws."

The PRESIDING OFFICER. The Secretary will read the amendment as modified.

Mr. GRONNA. After the words "United States" add "and in accordance with the laws of the State in which such banking institutions may be located."

The Secretary read as follows:

Every banking corporation organized to do foreign banking business under the provisions of this section shall, for the purpose of taxation, make reports to the Federal Reserve Board and the Commissioner of Internal Revenue at such times and in such form as they may require, including a true report of the names of the actual stockholders of such corporations and the amount of stock held by each, and all such corporations organized and transacting business under the provisions of this section shall be taxed the same as member banks of the Federal Reserve System.

Mr. NORRIS. Let me suggest that the Senator make it read "shall pay taxes into the United States Treasury."

Mr. GRONNA. I will withdraw the amendment for the time being and will offer another amendment.

Mr. SMITH of South Carolina. I should like to say to the Senator from North Dakota that this is a Federal incorporation and it gives the State the power to tax it, does it not?

Mr. GRONNA. Let me say to the Senator from South Carolina that he does not know and I do not know and no one else knows whether it is going to be a foreign corporation or a corporation of this country; but we all know that they will get immunity and be exempt from taxes under certain laws which I do not care to mention at this time.

Mr. SMITH of South Carolina. That is not the point I am making. The point I am making is that, if it is a Federal corporation and we subject it to a State tax, could not the State, having the power to tax, tax the Federal corporation out of existence?

Mr. NORRIS. If they were taxed like national banks, that ought to be satisfactory. National banks are taxed in the various States in which they do business, and ought to be. Nobody ever contended to the contrary, so far as I know.

Mr. SMITH of South Carolina. It seems to me you are going to get these definitions to the point where you will not know what they mean.

Mr. GRONNA. I ask that the amendment may be passed over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. LENROOT. Mr. President, is there any amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. LENROOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 9, line 12, after the words "Federal Reserve Board," strike out the period and insert "or the Attorney General," so that it will read:

Which suit shall be brought by the United States at the instance of the Federal Reserve Board or the Attorney General.

Mr. LENROOT. I understand there is no objection to the amendment.

Mr. SMOOT. No; there is no objection to it, so far as I know.

The amendment was agreed to.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 7, after line 2, insert as a separate paragraph the following:

No corporation organized under this act shall engage in commerce and trade, or deal in commodities or foodstuff, or as a condition of extending credit dictate or attempt to control the buyer or seller in the disposition of commodities, or interfere with the freedom of competition in the sale of commodities.

Mr. EDGE. Mr. President, I have no objection to that amendment, but I think it is covered by a provision in the Clayton Act. These banks are presumed to be organized for the purpose of financing American trade, and I do not feel that they should have the power to deal as banks in any commodities except those involved in strictly a banking business. I think the amendment will remove some of the objections and the confusion which seem to exist among some Senators as to the object of the bill. It seems to me the amendment would successfully dispose of any feeling that a corporation under this act could engage in any business in the world but that of financing American business men so that they can do business abroad.

I am not going to press the bill to a conclusion to-night because of the absence of a Senator who stated to me that two other amendments are to be submitted by him.

Mr. GRONNA. May I ask whether the amendment which was sent to the desk by me was agreed to?

The PRESIDING OFFICER. It has not been agreed to. The question is on agreeing to the amendment offered by the Senator from North Dakota.

The amendment was agreed to.

Mr. EDGE. Mr. President, I merely wish to draw attention in closing the running debate on the bill to the fact and have this thought go through to the Senate, that this bill is unquestionably designed to help what might be termed medium class business, small business, and certainly not for those large corporations that seem to worry the public in many ways. In other words, a concern like the International Harvester Co. or the Standard Oil Co., and those large corporations have their export departments and have had them for years, have no trouble in financing them. Their resources seem to be practically inexhaustible. So I want the thought to impress itself upon Senators that this bill is to assist the average business men of the country.

I shall not take time now, as I presume I will have to speak on the bill generally before it reaches its conclusion, but I have not dozens but hundreds of letters from average small manufacturers in practically every State in the Union, who have seen something about the bill in the public press and who say it is meeting their situation and their condition, and asking if it were not possible for Congress to hasten the legislation so that they could fill the orders that they have from abroad. I feel that the importance of the legislation is so keen and so urgent that I trust on Monday, when we consider the remaining amendments, whatever the official status may be, we can hasten the bill to a conclusion.

Mr. SMOOT. Mr. President, I want to suggest to the Senator from New Jersey the advisability of striking out, on page 5, line 5, all of that line after the word "act," down to and including the word "business" in line 8; in other words, to strike out the following:

Or as may be usual in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business.

I am not going to detain the Senate to speak at length upon it, but it seems to me that we ought to know exactly what are the banking laws of those countries, colonies, dependencies, and possessions in which we expect to transact business before we authorize the banks to do business or to have the power conferred upon them that their banking laws may confer.

Mr. McLEAN. Has the attention of the Senator from Utah been called to the reasons given for that by the Federal Reserve Board on page 3 of the report of the committee?

Mr. SMOOT. No; I have not read it.

Mr. McLEAN. Mr. Harding says in that letter, referring to the provision to which the Senator has just called attention:

This latter power is absolutely essential in order to enable these corporations successfully to compete with foreign institutions of a similar character.

I think we ought to be very careful about striking out that provision.

Mr. SMOOT. I should like to know something about the reason why the clause should be retained. I think we have conferred powers enough upon the corporation as it is. We do not know what powers this would confer upon those institutions. There may be no limitation upon the loans in those countries.

Mr. McLEAN. In any event these powers are confined to similar powers exercised by foreign corporations.

Mr. SMOOT. That is exactly what I object to.

Mr. McLEAN. Unless these institutions are permitted to exercise any rights now exercised by foreign institutions doing the same business, in the opinion of the Federal Reserve Board it is practically destroying the value of the bill. I for one hope that the author of the bill will object to any change in that provision at present.

Mr. SMOOT. I wish to say I know of some countries whose banking laws are just as lax as they can possibly be, and there is no restriction upon the amount of loans which can be made. If the capital stock of a bank is $100,000, there is no restriction upon that institution lending $200,000 to one person, if they desire to do so.

Mr. McLEAN. Of course, the Senator from Utah understands that it is all to be under the supervision of the Federal Reserve Board.

Mr. SMOOT. Yes; I know; but you can not run to the Federal Reserve Board every time you undertake to make a loan.

Mr. EDGE. Why should we assume that a banking corporation incorporated under this act, even though the banking laws of some country in which they are doing business through a branch were liberal beyond what we consider safe banking, would weaken its own structure by competing on any such conditions?

Mr. SMOOT. That is easily answered, I will say to the Senator.

Mr. EDGE. But I want to take the other side of the picture.

Mr. SMOOT. Because we assume it in every banking corporation that is incorporated in this country. We place the restriction and say just how far it can go; and if the restrictions were not there, I will say to the Senator, there would be no limit to what might be done by the banking institutions.

Mr. EDGE. And they do with us just the same. The other countries place restrictions on our transacting business in their country.

Mr. SMOOT. I know of countries that have no limitations upon the loans that may be made.

Mr. EDGE. In such countries I think we can safely trust the directors of a corporation organized under this law that they are not going to invest where it is absolutely unsafe. What do they do, anyhow? Let us get down to a practical basis. They take a mortgage, perhaps, on a plant. What they naturally do is to investigate the value of such securities. So I can not see that we need have any fear as to this being too liberal; and surely we want to give them the same privileges that competitors have in those countries when they will inure to their benefit.

Mr. SMOOT. Mr. President, suppose there happened to be no limitation on the banks of a foreign country in lending money upon real estate. Under this bill the banking corporation will have the right to lend money upon real estate and upon personal security. I do not know that a bank would lend on such security the amount of its capital permitted by foreign law; they may keep within the restriction provided by the law in this country; but, there being no restrictions in other countries, they may lend any amount upon real estate which they desire. It is only for safety, Mr. President, that I suggest the amendment, and I am perfectly willing to give the question more consideration.

Mr. McLEAN. I suggest to the Senator that his amendment go over.

Mr. SMOOT. I desire it to go over. I have only suggested it to the Senator from New Jersey.

Mr. EDGE. I shall be very glad to look further into it.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from New Jersey, if he does not expect to press his bill to passage this afternoon, if he would be willing to have it temporarily laid aside, retaining its position as the unfinshed business?

Mr. EDGE. I shall be very glad to do so, and I yield to the Senator from Georgia.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

DISCOUNT OF BILLS OF EXCHANGE.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1908.

Mr. POMERENE. Mr. President, there seems to be a little misunderstanding about this matter. I can not support the bill to which the Senator from Georgia has referred as it is now before us. There must be one or two amendments made to it before I can give it my support. The junior Senator from Nevada [Mr. HENDERSON] came to me not an hour ago in reference to the bill. It was not expected that it would come up this afternoon, and he spoke to me concerning an amendment which he desires to offer. He was, however, obliged to leave the Chamber. I do not want to be unduly insistent about this matter, but I regard it of such importance that I think the bill should go over until a more opportune time when there can be a fuller attendance.

I realize that this bill is very near to the heart of my friend, the Senator from Georgia, and I have a delicacy about even insisting upon the objection; but I can not consent that the bill be taken up at this time.

Mr. SMITH of Georgia. Mr. President, I, too, have talked with the junior Senator from Nevada in regard to the amendment which he desires to offer to the bill.

There are three provisions in the bill. One has reference to cases where goods have been sold and the draft is drawn with the bill of lading attached, the goods having been shipped. Until recently such drafts have been cashed by banks without their being charged against the limitation that only 10 per cent of a bank's capital stock could be advanced to one person, upon the theory that it was not an advance at all but a cashing of a sight draft. It simply transfers the money from the local bank to New York, as a rule, or to some other center where the draft is met. That is the first provision of the bill.

The second provision allows an advance where the amount is 110 per cent of the advance and the commodity serving as the security has been sold.

A third provision has reference to live stock and limits the advance upon live stock in shipment to 25 per cent of the capital stock of the bank and requires the live stock to be insured before the advance can be made. The amendment sought by the Senator from Nevada was to strike out the requirement of insurance. I have his amendment here in my hand. I talked to him about it, and told him that; after conference with a number of persons, I found the general opinion was that the insurance ought to accompany the advance——

Mr. SMOOT. It must accompany it to make it safe for the bank.

Mr. SMITH of Georgia. That I felt sure that it should be required and that the bill could not pass if that requirement were stricken out. The Senator told me, finally, that he would not insist upon his amendment.

I leave the city to-night to fulfill an engagement that compels me to go, and I must be away until the latter part of next week. The first part of this bill is very important just at this time to a large number of my constituents where cotton is beginning to be moved. It has always been the practice in the sale of cotton to draw a sight draft with the bill of lading attached against the mill that buys the cotton at some other point, and the money simply goes at once to the credit of the bank cashing the draft at the point of delivery.

The bill was unanimously reported by the House committee and was passed unanimously by the House. It has also been, I think, unanimously reported by the Committee on Banking and Currency of the Senate. I do not believe there is any objection to the bill. The Senator from Ohio [Mr. POMERENE] had in his mind that it would involve inflation, but none of its provisions in any way permits the use of additional credits from the Federal reserve banks.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. Yes, sir.

Mr. McLEAN. I will say to the Senator from Georgia that I do not think the report on this bill from the Committee on Banking and Currency was unanimous. It met with the approval of that committee, but I do not know whether there was more than a majority of the committee present at the time.

Mr. POMERENE. Mr. President, this bill was presented to me by the clerk of the committee. I was not able to be present in the committee, because during the last few weeks I have either been engaged on the Foreign Relations Committee or on the subcommittee of the Interstate Commerce Committee having under consideration railroad legislation. It was therefore impossible for me to attend the meeting of the Banking and Currency Committee. I feel, however, pretty deeply about this subject, and I think the bill had better go over until Monday. I do not want to inconvenience the Senator from Georgia, and I certainly do not want to do anything that is going to inconvenience the commerce of the country or any section of the country in any particular, but there are some provisions of this bill which have been added, one of them to the law which was enacted about a year ago, providing an extension of the amount of money that a borrower can get from a bank from 10 per cent to 20 per cent of its paid-up capital stock and surplus.

Everyone must concede that we are now in the midst of an era of inflation, and there is going to be a day of reckoning come some time. I do not know when it is coming, but I do not feel justified at this moment in consenting to a bill of this kind to go through which permits of these large extensions. I myself have had some little experience, and I have had my fingers burned at least once in this kind of banking, and I have not any use for it. I think that we shall conserve the interest of the Federal reserve system and the interest of the borrowers from the banks as well as the depositors of the banks if we haste a little slowly when it comes to granting extensions of this kind.

If the bill can go over until Monday, I will look into it further, but I do not feel justified in allowing it to be taken up at this time, when there is such a small attendance present.

I do not mean to doubt in the least the statement which was made by the Senator from Georgia [Mr. SMITH] with reference to his conference with the junior Senator from Nevada [Mr. HENDERSON], but I had my talk with the Senator from Nevada with respect to this amendment an hour ago while he was sitting right here by my desk. It may be that I have misunderstood him. I do not know whether my conference was before or after that of the Senator from Georgia, but I think under the circumstances the bill ought to go over.

Mr. SMITH of Georgia. I insist upon my motion that the Senate proceed with the consideration of the bill. I have stated that I can not be here on Monday.

Mr. POMERENE. Mr. President——

Mr. SMITH of Georgia. Does the Senator desire to interrupt me? I yield, if he does.

Mr. POMERENE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Georgia will understand that it requires unanimous consent to take up the bill.

Mr. SMITH of Georgia. Unanimous consent has been given to lay aside temporarily the unfinished business, and thereupon a motion to consider the other bill is in order.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Georgia that if the bill he desires considered is taken up by a motion it will displace the unfinished business, unless it is——

Mr. SMITH of Georgia. Disposed of or withdrawn.

Mr. SMOOT. Unless it is disposed of or withdrawn before adjournment.

Mr. SMITH of Georgia. I wish to say that I will request that it be withdrawn before the close of the day if it is not disposed of, because I do not desire to put it in the way of the other business.

Mr. SMOOT. I think the very fact that the motion is made to take it up displaces the unfinished business.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state his parliamentary inquiry.

Mr. THOMAS. When the absence of a quorum has been suggested, is there anything in order except the calling of the roll?

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Harrison	New	Sheppard
Curtis	Johnson, S. Dak.	Norris	Smith, Ga.
Dial	Lenroot	Overman	Smith, S. C.
Fall	McKellar	Owen	Smoot
Gronna	McLean	Page	Thomas
Harris	Moses	Pomerene	Warren

Mr. SHEPPARD. The Senator from Massachusetts [Mr. WALSH] and the Senator from Delaware [Mr. WOLCOTT] are detained on public business.

Mr. HARRISON. The Senator from Arkansas [Mr. ROBINSON], the Senator from Virginia [Mr. SWANSON], and the Senator from Nevada [Mr. HENDERSON] are absent on official business.

The PRESIDING OFFICER. Twenty-four Senators have answered to their names. There is not a quorum present.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, September 8, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September 6, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

In the cross of Christ I glory,
Towering o'er the wrecks of time;
All the light of sacred story
Gathers 'round its head sublime.

Father in heaven, we bless Thee for all who walk in the spirit of the cross, those who bear outwardly the blood-red emblem of service, and, above all, those countless ones who bear the sign in their hearts whatever their name or creed. May we disdain to glory save in the spirit of that symbol, not merely the cross of resignation, but the sublimity of patient helpfulness and the victory of just conflict.

O God, we remember the rows of little white crosses in France and Germany, and know that those who are there sleeping the years of their manhood away laid down their lives for our country's sake and the redemption of the world. Let us see to it that they have not died in vain. O God, we image the cross that rose on Calvary and behold there the consecration of our humanity to Thee, and from Thee the reach down to us of a never-dying, all-enduring grace.

At the close of this week accept us, Lord, just as we are, with all our sin, yet with Thy cleansing forgiveness shining upon us through the open windows of our repentance and our faith. With the Sabbath before us may we rise above the influences of this world and above our shame in a new dedication to the highest and best—and quiet our restlessness in Thee—and lose our selfishness in the love that will not let us go.

In the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGAL HOLIDAY ON SEPTEMBER 17.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that Senate joint resolution No. 100 be reported to the House for information, after which I demand unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that Senate joint resolution No. 100 be read for information. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution 100.

Whereas arrangements have been made for a grand review of the First Division of the American Expeditionary Forces in the District of Columbia on Tuesday, September 16, 1919; and

Whereas the President, by proclamation, has declared that day a legal holiday in so far as the governmental departments are concerned; and

Whereas the various business houses and other institutions in the District of Columbia have made arrangements to close in order that their employees and others may participate in the celebration; and

Whereas under the laws governing the banking business in the District of Columbia it will be impossible for any of the banks to close on that day without action of Congress declaring the day a legal holiday: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Tuesday, September 16, 1919, being the day of the grand review of the First Division of the American Expeditionary Forces, is hereby made a legal public holiday in the District of Columbia to all intents and purposes in the same manner as is Christmas, the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, and the first Monday in September as are now by law public holidays.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Wyoming what would become of the President's proclamation about that holiday on the 16th, proclaimed by the President?

Mr. MONDELL. I presume in the meantime the President will modify his proclamation or order applying to the 16th and issue a proclamation covering the 17th, if in fact that becomes necessary after Congress acts.

Mr. CLARK of Missouri. Is this a joint resolution?

Mr. MONDELL. This is a joint resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask for the reading of the resolution, omitting the preamble.

The SPEAKER. The Clerk will report it as indicated.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Tuesday, September 16, 1919, being the day of the grand review of the First Division of the American Expeditionary Forces, is hereby made a legal public holiday in the District of Columbia to all intents and purposes in the same manner as is Christmas, the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, and the first Monday in September as are now by law public holidays.

Mr. MONDELL. Mr. Speaker, I move to amend the resolution, page 2, line 3, by striking out the words and figures "Tuesday, September 16" and inserting in lieu thereof "Wednesday, September 17."

The SPEAKER. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 2, line 3, strike out the words and figures "Tuesday, September 16," and insert in lieu thereof "Wednesday, September 17."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I move the adoption of the resolution as amended.

The SPEAKER. The gentleman from Wyoming moves the adoption of the resolution as amended. The question is on the engrossment and third reading of the joint resolution as amended.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

Mr. MONDELL. Mr. Speaker, I move to strike out the preamble.

The SPEAKER. The gentleman from Wyoming moves to strike out the preamble. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The question is on the passage of the resolution.

The resolution was passed.

The SPEAKER. The Chair will call the attention of the gentleman from Wyoming to the fact that the title should be amended.

Mr. MONDELL. I ask unanimous consent, Mr. Speaker, that the title be amended to conform to the text of the amended resolution.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the title be amended to conform to the text. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of my colleague, the gentleman from Illinois [Mr. MADDEN], delivered before the National Federation of Postal Clerks on Labor Day.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting a speech of his colleague [Mr. MADDEN], delivered before a delegation of postal employees. Is there objection?

There was no objection.

RAILROADS IN ALASKA.

Mr. SNELL. Mr. Speaker, I submit a privileged report from the Committee on Rules, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 249.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into a Committee of the Whole House on the state of the Union, for the consideration of H. R. 7417, a bill to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and open railroads in the Territory of Alaska and for other purposes.

That there shall be three hours' general debate on said bill, one-half of the time to be controlled by Mr. CURRY of California in favor of the bill and one-half of the time by those opposing it; that at the conclusion of the debate the bill shall be read for amendments under the five-minute rule, whereupon the bill shall be reported to the House with such amendments as have been agreed upon, the previous question shall be considered as ordered upon the bill and all amendments thereto to the final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to insert a committee amendment in line 8. Insert, after the word "be," the words "not exceeding," so that it will read "not exceeding three hours of general debate."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I suggest to the gentleman that he also ask unanimous consent to amend, so that the debate shall be confined to the bill.

Mr. SNELL. Mr. Speaker, so far as I know, there is no objection to that amendment, and I ask unanimous consent that it be incorporated.

Mr. SCHALL. Mr. Speaker, reserving the right to object, I should like to get five minutes some time to-day to speak, not on this bill.

Mr. SNELL. I will yield the gentleman five minutes during the consideration of the rule.

Mr. SCHALL. All right.

The SPEAKER. The gentleman from New York asks unanimous consent for the consideration of two amendments, which the Clerk will report.

The Clerk read as follows:

Amendments by Mr. SNELL: In line 8, insert, after the word "be," the words "not exceeding." In line 9, after the word "bill," insert "the debate to be confined to the bill."

The SPEAKER. Is there objection to these amendments?

Mr. GARRETT. I do not know whether that is the right place or not, but I think it will accomplish the purpose which we have in mind.

The SPEAKER. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HICKS. Merely for the purposes of the record, is it necessary to get unanimous consent in the House in order to amend the report of the committee?

The SPEAKER. The gentleman asked unanimous consent, and so the Chair put it in that way. The gentleman might have made a motion if he had preferred to do so.

Mr. HICKS. It is not necessary to get unanimous consent?

The SPEAKER. It is not necessary. The gentleman probably thought that was the shortest way.

Mr. SNELL. Mr. Speaker, this resolution makes in order the consideration of H. R. 7417, which bill authorizes $17,000,000 additional for the completion of the Alaskan Railway. The original appropriation was $35,000,000, but it is said on account of the increased cost of labor, transportation, and materials that the appropriation is not enough to complete the railroad. At the present time there are practically 227 miles completed on one end and about 100 miles on the other. There is the intervening distance between of about 100 miles for which no provision is made, and this bill provides for this and the completion of the entire work. This resolution is offered at the unanimous request of the Committee on the Territories, and as far as I know there is no opposition to it either in the Committee on the Territories or in the Committee on Rules. Unless the gentleman from North Carolina [Mr. POU] wishes some time, I will simply yield to the gentleman from Minnesota [Mr. SCHALL] five minutes and then move the previous question.

Mr. POU. I will ask the gentleman from New York to make the arrangements concerning time with the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. I suggest that the gentleman yield to the gentleman from Minnesota.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Speaker, there have been so many inquiries and comments since my vote a week ago Thursday against granting the permanent rank of general in the United States Army to a certain knight of the British Empire, listed in the English "Who's Who" as Sir John J. Pershing, that I feel it incumbent to set forth some of my reasons for that vote. As a member of the Rules Committee I voted for the rule to bring the matter before the House, that Members might have opportunity to express themselves. But as a Member of this House, on behalf of the brave officers and men, dead and living, who fought this war, I felt it an obligation to enter their protest. I have talked with men who had intimate chance to observe Pershing in the Philippines; I have talked with officers and men who accompanied him on the ill-conducted fiasco, the trail of the lone bandit in Mexico; I talked with hundreds of soldiers in the recent war, and their opinion, officers and men, was unanimous that he has not the elements so mixed in him to stand before them a man and a soldier in whose elevation they, would feel honored.

A soldier who can not stand the acid test of brave comrades must lack judgment, justice, courage. The only Army men I have heard applaud him are his puppets, who owe their present positions not to efficiency or bravery in action but to service in his behalf, and who would personally profit by his elevation.

Any soldier who ranked him or showed ability, individuality, or a dangerous tendency to think for himself was eliminated by his imperial order, that no one might divert a beam of light from the great man. I realize that in voting as I have I am not chiming in with the Pershingally conducted, cable-trained chorus, but I have had opportunity to follow this man, his methods, and mode of action when he was far away from the observing and critical eye of the folks back home, under no restraint and guarded from comment because of his domination of all news service to America, with absolute power in his hands—a far different personage from the press-made idol which his own exploiting has projected across the imagination of America.

With the aid of the Creel bureau and the visiting bureau Pershing built up a colossal advertising and propaganda machine, the like of which the world has never seen. Censored by this man and his subservient and adulatory agents, we have been dished out just such information with just such flavor as his policy dictated. Soldiers dared not talk or write. Cables were controlled. A mawkish, un-American sycophancy, fostered by mediocre men, has lick-spittled and mowed till it is no wonder that Members of Congress have been deceived. Misinformation, hypocrisy, and pretense are his guns. He used the country's blood and agony to promote his own political ends. The press of the United States had only hand-picked information and were hog tied by this outfit. Nothing got by that did not glorify the great man.

He had a newspaper of his own, paid for by the public money—The Stars and Stripes—run by one of the general's staff, Capt. Vishniski, a Pershing bootlicker, whose policy and purpose was to properly mold and instruct the mind of the doughboy in the greatness and humanity of his general. Magazine writers and newspaper men, who would write according to form and suffer their work to be censored by his bureau, were received with open arms and every courtesy, but those whose speech or writings he could not control were taboo. The country will soon be resounding from coast to coast, in news and editorial, with the praises of the returning hero.

The Washington Post, whose editorials are without peer for honesty and conservative thinking, led off Wednesday, September 3, with the following editorial, which sentiment will be reiterated from one end of the country to the other. Mr. Speaker, I will ask the Clerk to read the editorial which I send to the desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

There will be critics, as there always are, but their puny complaints will be so feeble in the great chorus of applause that little heed will be paid them, and they will serve only to emphasize the warm thankfulness of the Nation to a public servant who had a great task to perform and who did it greatly.

There are those who believe that Pershing is coming home to even greater honors; that he will follow in the footsteps of Grant and succeed to the Presidency. That, however, is an outcome which is purely speculative. There is considerable talk in and out of Congress of nominating Gen. Pershing on one ticket or the other, but it can not be said that political sentiment has yet crystallized about his name. Nor can it be said that any word has come from him indicating an ambition for civil honors or whether he would consider entering a presidential campaign. It is known that politicians have gone to Paris with the hope of learning the commanding general's views on politics, but each time they have returned silent, indicating that they learned nothing or, if they did, were pledged to secrecy.

Mr. SCHALL. Mr. Speaker, "the footsteps of Grant!" Grant was a soldier and a humane man, whose soldiers loved him for his red-blooded Americanism, and for his service to his country. Before we rush this man into the Presidency as his agents and representatives, while truth was chained, have rushed his generalship, let us hope the people may get some truth as to his character and ability. Why this unseemly haste? The generalship could have waited till Congress could have investigated his actions in the recent war as to what he did to deserve this high honor. Let us find out whether he is a good, red-blooded American who would protect America's traditions and liberty, or whether he is tainted with the militaristic, tyrannical, aristocracy rule of Europe.

Pershing a candidate for the Presidency? Why, bless your soul, he has been a candidate ever since the war began.

I was in Paris during the last days of the triumphant Chateau-Thierry drive, when the splendid resistance of our American boys stopped the onrush of the German arms, undefeated in four long years of war, flushed with victory, acknowledged the most wonderful war machine the world had ever known. The brilliant courage of our boys ran like an electric spark to the flagging spirit all up and down the allied line, stiffening their morale, and bringing back hope, turning the tide from defeat into victory. It was their tremendous courage and endurance, their drive, their breed, their adaptability and resourcefulness under danger, that won. At the conclusion of an address in Minneapolis some time ago on what our boys had done to win the war I was asked, "Don't you think the wonderful planning of Gen. Pershing won this war?" The injustice and unfairness of this remark, inspired by the propaganda whose authorship I well knew, so incensed me that I replied, "Hell, no; it was the unparalleled courage and tremendous resourcefulness of the American officers and men at the front that won the war, despite the deplorable blunders, inefficiency, and lack of service of the general headquarters."

Floyd Gibbons, an able writer and a brave man, war correspondent of the Chicago Tribune, conspicuously wounded while at the front during the Chateau-Thierry drive, was personally selected by Pershing to represent him, and sent back to the United States to feel out, and if opportune, to launch his boom for the Presidency. I talked with a gentleman to whom Gibbons had shown, when, in a mellow mood, a letter from Pershing, designating Gibbons as his personal representative authorized to speak for him, giving him full scope to act. On Gibbons's return, the Chicago Tribune immediately set up a boom for Pershing for President, whose echo was heard throughout the country. Pershing clubs sprang up in a few isolated instances.

Gibbons's lecture tour was a thinly veiled camouflage for just that one thing, to start the Pershing presidential boom. The seeds sown at that time bore fruit right in this very body, in the words of a Democrat, the gentleman from Mississippi, who the other day proposed that Democrats and Republicans unite and unanimously nominate him for President. And cables from Paris were announcing that this modest, crimson-tipped flower might be faced with the possibility of being forced to run for the Presidency. We can see him putting the crown by, with the back of his hand, thus. If he is relying on the 2,000,000 votes of the American Expeditionary Forces to force him, let him have no uneasiness. Among those voting against his elevation were two enlisted men. Other soldier Members who voted for him served in another country, under different command, far removed from him.

To-day in France as chairman of a subcommittee of this House to investigate the unwarranted expenditures of money, wanton waste and destruction of war material, treatment of our soldiers and unnecessary loss of life under his command, is a soldier of the American Expeditionary Forces.

I ask that the Clerk read the following news article, cabled from Paris, relative to the subcommittee of the Committee on Military Affairs of this House, in Paris armed with the power to make a certain gentleman whom we have seen proper to honor appear before that committee.

The SPEAKER. The time of the gentleman has expired.

Mr. SNELL. I yield to the gentleman three minutes more.

The SPEAKER. The gentleman is recognized for three minutes more.

The Clerk read as follows:

GEN. PERSHING REFUSES TO TESTIFY TO PROBERS.

PARIS, *August 30.*

Gen. Pershing has refused to testify before the subcommittee of three of the congressional Committee on Expenditures in the War Department, which has been conducting an investigation in France.

The general's refusal led to the issuance of a joint statement this afternoon by Representatives ROYAL C. JOHNSON and OSCAR E. BLAND, of the subcommittee, in which regret was expressed that there should be a conflict between the military and civil authorities of the Government.

In a separate statement Mr. BLAND declared that the general's action was an example of the "indifference and contempt" shown during the entire war by the War Department toward the wishes of the people and their representatives.

Mr. SCHALL. The general thinks himself too great a man to be humiliated by having the use he has made of the talent intrusted to him brought in question by a dinky little congressional committee, because he could not censor their report, although this committee is armed with power he is bound to obey. A soldier disobeying as flagrantly, Pershing would shoot. It is such men as he, when they are given the power under civil authority, that seize governments. It is such temperaments that defy the power that made him, and demonstrates clearly in this very one act, if nothing else, that he is unfit to be trusted with the liberties of a free people. He is too wily a politician to allow his self-made picture in the minds of the American people to be destroyed before he has secured the indorsement of his work by the United States Congress to use in his candidacy for President, with which indorsement his promoters hope to overcome the truth which later must find him out.

The news might have got back before his generalship was a reality how he allowed $1,000,000 worth of planes to be burned at Colombe-les-Belles and wholesale destruction by fire of clothes and food, ammunition and equipment, and he might not want to be questioned about the million-dollar dugout, it was commonly rumored in Paris he had constructed for his own safety in case the enemy should succeed in breaking through so far to the rear. He might be asked why he did not remove Brig. Gen. Harts, one of his promoted favorites, for unfitness with reference to the prison camps—Rue St. Anne, the Bastille, De la Rouquette—filled with wounded boys who had offered their lives to their country, and whose only crime was that they had taken French leave from the dreariness of the grounds of the hospitals and had been caught at it and sent to insanitary, overcrowded prison camps where they were half starved, half frozen, and half clothed, and where sergeants under the command of Brig. Gen. Harts perpetrated unbearable cruelties and brutalities. Free men attempting to escape from this hell were kicked and unmercifully beaten and shot down in cold blood. Some in the last agonies of despair, realizing that the only escape from this treatment was suicide, took their own life. It was the orders of these prisons to treat men with such severity and harshness that there would be no repeaters. Pershing did not want to have the congressional committee ask where he was when the different drives were at their height, and the boys at the front were suffering starvation and torment and death. He might have to answer that he was down at Bordeaux making campaign speeches to the men in the service of supplies, furthering his presidential campaign, or up in Paris in his splendid chateau giving pink teas, entertaining royalty, far removed from the dirt and grime and carnage and danger. Trifling criticisms! Yet, they point directly to the character, which should be known by the people, of a candidate for President. Or they might ask why he was not concerned that casualty lists should come back speedily and accurately to ease the suffering and anguish of distracted parents. Why he inaugurated such a policy of indifference, with no thought or care for the welfare and comfort of his men. When the nondelivery of mail would be called to his attention would he brush the matter aside as of no importance and resay, "The men are over here to fight Germans, not to get letters"?—as if the getting of letters from home were too trivial a matter to consider. Nothing could have done more for the soldiers' morale than to hear with reasonable regularity from his sweetheart or his wife or his mother, or, perhaps, his old dad, how everything was going and know that all was well at home. There was mighty little cheer, mighty little but downright drudgery and hardship, and the one bright spot was the letter from home. When asked about nondelivery of mail would he reiterate that only a few sacksful were undelivered?

If he did not know that there was a warehouse full of undelivered mail, he had no business to be general. It was his business to be able to make truthful reports. Of course, a person so busy visiting has not much time, but a good manager or a good soldier will cut out pleasure for business. He checks up on mistakes, keeps track, holds things in line or sees to it that some one capable achieves these ends. But this man's every move is dictated by selfishness, and the test of his helper's efficiency was how strong they were for his advertising propaganda. Pershing might be asked about his flagrant favoritism and female methods throughout the army; why he delayed men deserving of advancement, and thrust ahead of them men who had yet to smell the smoke of battle. Why he was so un-American as to punish men of certain divisions for turning up their collars and putting their hands in their pockets, when not in formation, during inclement weather. Or, why were officers and men who had really done the fighting compelled to travel to port in returning to the United States like cattle when hospital trains were being used to carry personally conducted tours of kid officers from the States from Brest to St. Nazaire, Bordeaux, and thence along the front, while at the same time officers and men who had been at the base ports could not even get the privilege of seeing the battle front, even at their own expense. Or, why officers, nurses, and enlisted men at points along the battle line, as late as May, 1919, were refused transportation, through his orders, from the railroads to the points of interest while the sisters, cousins, and aunts of the Young Men's Christian Association were well taken care of. He might be asked why he reported that he had personally inspected the camp at Brest, when on that day he was at Dijon; he might have been asked if the Army nurses and doctors got a square deal in the American Expeditionary Forces and why thieves

and other malefactors could not be convicted by court-martial, or if convicted got a trifling sentence. He might be asked why he allowed our boys to wallow in the mud and die like flies for lack of care, at Brest, St. Aignan, and other camps, when an order from him would have mended matters. To talk about Pershing's humanity is to talk hypocrisy. A prig, a vainglorious tinseled soldier. Humane? Why, there is not a shred of this quality in him. He said "I will sacrifice four divisions—about 125,000 men—to take Mihiel." Thank God, his estimate was far from correct. He might be asked about the reckless waste of life when he knew the armistice was to be signed. He might be asked why he would not take the advice of Haig and Foch and insisted on sending thousands and thousands of American boys to useless slaughter. Even the boys at the front knew that somebody had blundered when they were ordered into slaughter, knowing the armistice would be signed to-morrow. A good general is one who attains his objective with the least possible loss of life.

He might be asked about the order that only he should ride a white horse, so that he would be immediately recognized before the films where he did his wonderful planning and fighting in this great World War. He pictures himself a Napoleon; an equestrian figure; a general on horseback. But Napoleon would never have lost track of the whereabouts of his boys for 17 hours so that not a wheel moved, as at Avocourt, due to headquarters' lack of comprehension. Napoleon dismounted and put a wounded soldier in his place and trudged on foot from Moscow through the snow.

The Little Corporal was not too haughty to take the watch when a weary boy fell asleep on sentinel duty; when the report reaches Pershing, 60 miles in the rear, that an overworked and exhausted 17-year-old American lad has fallen asleep on duty, Pershing orders him shot. Napoleon knew details, how many bullets he had, how much ammunition. He took thought for the welfare of his men, and would never have ordered the American soldier to advance into battle time and again without artillery support, without flares, without airplane protection, without sufficient supply of common ammunition, to say nothing of food and provisions. This parlor soldier might be asked to point out just one instance where he ever exposed himself to any danger, hardship, or suffering. The hide of Pershing was always well provided for. After the war was over he did see some battle fields and put in a good deal of time laying wreaths on soldiers' graves and visiting hospitals in Paris. He might be requested to reconcile the tears that the ever-faithful and ever-present reporter sees glistening in his eyes at sight of the wounded soldiers, with his condoning the barbaric treatment of the wounded boys in prison camps; with his statement, earlier in the war:

> I can't sacrifice the room on board ship a soldier needs to a doctor or a nurse. A wounded man takes three or four to care for him. Better efficiency that the seriously wounded should die than to spend the effort in attempt to save their lives. Twenty-five per cent loss must be figured in action.

That is why he would not let bandsmen be used as stretcher bearers, though they were eager, begging to go. That is why he did not allow ambulances to be driven onto the field for the wounded, though drivers hearing the call of the helpless brave men begged to go after them, and had they been allowed to do so many, many lives could have been saved. That is why he scanted doctors, stretcher bearers, and hospital facilities at the front—blankets, covers, tents, first-aid supplies—while warehouses were bursting with these supplies. In the Battle of the Argonne wounded soldiers were gathered together by their less wounded comrades, hundreds and hundreds and hundreds of them where they lay in the rain and mud, with no blankets, not even a canvas to cover them, bleeding to death, with no one near to take care of them for 48 or 50 hours. Doctors told me time and again men's lives could have been saved if they could only have had care within 24 hours or even 36 hours. The inhumanity, the needless loss of life, the long strain of frantic endeavor to serve all of the wounded cases were driving doctors insane and taxing nurses to the limit of endurance, while thousands and thousands of doctors and nurses were pounding at the door to get across. And this was all brought about by the inhuman orders of the high command. But as Pershing says, "Sentiment has no place in this war." Then why is it the right thing for us to wade to our chins in sentimentality, pretending we are honoring the soldier?

Pershing's great force was always centered that the favorable report should go forth regardless of the fact. He would rather have a headline than to have performed some real patriotic service. From the time Pershing set foot in France he realized that he was the controller of all news to America and that he could make of himself in the minds of the American people what he would. But there came a fly in his ointment in the way of Congressmen, whose speech he had no way of controlling. Too bad there is such an institution as Congress. No doubt, were he our dictator, as he was in France, he would disband Congress. He did snub our committee—sent there to interview him—and prevented Members from visiting the army in Europe and prevented their using Army transports, though it is expressly provided by law that Congressmen shall have the right to travel by Army transport. Congressmen all remember when Pershing instructed the Secretary of War and the Secretary of the Navy to put a ban on Congressmen coming over, for should they be allowed to see and hear freely, his secret ambitions to become President would be a myth. Apropos to this safeguard and the machinery, known as the visiting bureau, he set in motion to curb this little leak. Just about a year ago Mrs. Schall and I sat in the anteroom of the office waiting to see this same notorious Gen. Harts, of evil report in connection with prison camps, and ranking officer of the visiting bureau, and overheard a brave swivel-chair soldier, Maj. Hunter, attached to Harts's staff, panning Senator Thompson, of Kansas, for nosing about and prying and trying to find out things by worming into places where he had no business. He was discussing the enormity of the Senator's crust in his insisting on visiting the prisons and the front, and said with much heat that he was a thorn in their side. They had no intention of letting him go to the front or the prisons, but he had given the chauffeur contrary orders and gone right to the trenches and muddied up a satin-lined limousine, belonging to the United States Army, they had magnanimously loaned him, so that it was not fit for a lady to ride in. Capt. Weeks, a faithful Pershingite, in charge of the visiting bureau under the command of Gen. Harts, came in to advise as to methods as to how he could plausibly block some one, whose name I did not get, who was evidently attempting to get to the front, and during the conversation remarked, "So sorry to have missed you at the party last night. We had a ripping time."

This visiting bureau was a motley collection of chair-warming, mamma-boy officers, small souled, wee moustached, white-livered, bombproof job hunters, strutting around with their swagger sticks, imitating European militarism, picked to see that no visitor got away with any facts that might not conform to the prescribed information according to general headquarters. Their purpose was obstruction, not help. There was no chance of any of these picked men taking a visitor into any dangerous place unless he countermanded their orders. In some instances they would leave the car and wait for its return to safety, to the delight of the chauffeurs, who had little or no respect for these lieutenants.

Later, in conversation, in attempting to mitigate my requests, Gen. Harts held up to me as a horrible example Senator Thompson's outrageous desire to get real information, and said, "It is not his right; it is a privilege for him to visit the Army. He doesn't seem to realize that it is only by courtesy of the Army that he is allowed to be here at all. It's just vanity that makes such fellows want to go to the front, and we don't propose to have them go back home and, for political purposes, make a mountain out of a molehill." Lucky for me I had fortunately been armed with requests from the Secretary of War, which the general was loathe to countermand. I ventured to timidly suggest that Senator Thompson might not be classed exactly as a civilian; that he was an officer of the Government, under the Constitution given the power to declare war, and, equally with Army officers, servants of and accountable to the people; that there had been only one or two Senators and comparatively few Congressmen who had been able to get over, and it would seem to me Government money well spent to show them faithfully around. And while Congressmen might be considered generally a nuisance, they ought to be shown at least the same consideration as newspaper correspondents and special article magazine writers, since they were in a way reporters for the CONGRESSIONAL RECORD, an issue which is not much read by the public generally, but which is sometimes referred to. Gen. Harts interposed, "That's just the point." I further continued that it was my understanding that it was Congressmen who had, by their votes, instituted this war and had appropriated the money to carry it on, and would have to continue to do so, and that it would be good business, even if under the present Army interpretation they had no right, to allow them to observe, if they had the hardihood to make the venture, what was being done in the conduct of the war and the expenditure of the people's money and the treatment accorded their boys. That I understood that the people at home thought this was a war for democracy, not the aggrandizement of militarism.

Gen. Harts was simply effusing the Pershing atmosphere. Pershing had let it be known that he did not want such talebearing, interfering nuisances around as Congressmen, for he

well realized there was no way to control their mouths with the vehicle they have to force a hearing from the floor of the House. No wonder he refused to go before our congressional committee in Paris at a time when his generalship might be jeopardized and thus his plans for the Presidency go glimmering.

There was no thought in the mind of this self-promoter for the common soldier. He aped the false dignity, pomp, and glory of the military caste with which he came in contact in Europe, to whom the common soldier is as dirt under their feet. We do not want that kind of stuff over here. We do not want to perpetuate it in power, and I believe, for one, in doing what I can to stamp it out. We are Americans who love America, her traditions, her institutions, her liberty, her ideals. If I had but one word to describe the American soldier, I would describe him with the word "courage." He needs no feeble eulogy of mine. His glorious deeds are an eternal and living monument. All the world knows that courage, endurance, so sublime was never seen. But I can not see how we are honoring the American soldier by furthering the political ambitions of this man, and pressing laurels on his brow to the accompaniment of mawkish, un-American, maudlin sentimentalities, putting the stamp of our approval upon this snob, this make-believe imperialist, this arch-defender of the court-martial established hundreds of years ago under the tyrannical government of England, with no thought except to exploit the soldier to his own selfish ends. He is deserving as a cold-blooded manipulator, a scheming politician, and for that I am willing to give him the palm. It is a bad policy and a detriment to the welfare of the American Army to crown a man whom every officer and man in the overseas forces in a position to know realizes is undeserving from the standpoint of either generalship or humanity. Why is it that the memory of the Army under such rules is making more Bolsheviki and anarchists and men generally disgruntled than any other one thing? You can not get a man who has been in the Army to say a good word about it. The iron of injustice and un-American treatment has been burned so deeply into his soul that the Army has become a thing he hates. This pent-up passion is bound to break loose. The older and thinking man can reason himself free; but the young blood of America of which most of the Army was made, not old enough to marshal facts to a conclusion, feels that he has been outraged by Uncle Sam, to whom he has offered everything. These soldiers and officers knowing these things that I have reiterated, and many more, feel that we are not honoring them in promoting the ambitions of the cause of their injustices. The fact that you do not hear this complaint in the Navy only points the comparison. Men in that service speak of their commanding officers with pride; speak of the service with high regard, and if trouble comes would go back in a minute.

But you can not drag the high-spirited young American back into the kind of Army the American Expeditionary Forces under Pershing stood for. We must reform the kind of men that are to command our soldiers and the kind of rules that are to govern if we are to keep in the sky the American flag and maintain the brave days and traditions of our forefathers, who did away, they thought forever, with title and rank and caste and vainglory. It might be well for us to overhaul West Point and see what kind of kaiserism they are teaching there under the American flag. In a few days we will be called on to appropriate the money to buy a gold sword to present, that the conquering hero may carry it over the country as a symbol of honor to the American Expeditionary Forces. The thousands and thousands of brave, wounded Americans who lost their lives through this man's inhuman negligence must cry out against the injustice to brave men who fought and died, to the unwitting end that some Cæsar might build his throne upon their blood, to the undoing of the libertjes of the country for which they died.

Mr. SNELL. Does the gentleman from Tennessee wish to use any of his time?

Mr. GARRETT. I should like to explain to some gentlemen who have come in lately that this is to make in order a bill reported by the Committee on the Territories touching the continuation of the work on the Alaskan Railway. The bill was unanimously reported from the Committee on the Territories, and this rule was unanimously reported from the Committee on Rules. I will yield to the gentleman from Oklahoma.

Mr. HASTINGS. In line 2, page 2, instead of a direct appropropriation, $17,000,000 is hereby authorized as the appropriation?

Mr. GARRETT. That is true.

Mr. HASTINGS. That is to go into some appropriation bill—the sundry civil bill or some other appropriation bill?

Mr. GARRETT. Yes.

Mr. HASTINGS. And this is only an authorization?

Mr. GARRETT. Yes; it is not known how rapidly the money will be needed.

Mr. HASTINGS. It will be in order to appropriate in the aggregate $17,000,000 as needed?

Mr. GARRETT. Yes; the original bill was an authorization.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question now is on the resolution.

The resolution was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FESS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 7417) to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Mr. STEENERSON. Mr. Chairman, I ask leave to extend my remarks in the RECORD by printing an article on wheat.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by printing an article on wheat. Is there objection?

Mr. CANDLER. Reserving the right to object, what is the article from?

Mr. STEENERSON. From the Warroad Pioneer.

Mr. CANDLER. A newspaper?

Mr. STEENERSON. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," be amended by inserting at the conclusion of section 2 the following:

"*Provided*, That in order to complete on or before December 31, 1922, the construction and equipment of the railroad between Seward and Fairbanks, together with necessary sidings, spurs, and lateral branches, the additional sum of $17,000,000 is hereby authorized to be appropriated, to be immediately and continuously available until expended."

Mr. CURRY of California. Mr. Chairman, I do not know of any opposition to the bill. If there is no opposition, I would like to have the ranking member of the committee, Mr. WATKINS, control one-half of the time.

Mr. WATKINS. I will control it if there is no one in opposition to the bill.

The CHAIRMAN. Is there anyone in opposition to the bill who wishes to control the time? If not, the gentleman from Louisiana will control one hour and a half.

Mr. CURRY of California. Mr. Chairman, in 1867 when Alaska was purchased through the efforts of Secretary of State Seward from Russia for $7,200,000, which was less than 2 cents an acre, the European nations poked fun at the United States, and the papers of the United States ridiculed Secretary Seward and referred to Alaska as "Seward's Iceberg."

The climate of the most of Alaska is better than that of Scandinavia and New England. Vegetables and cereals can be and are raised there, and it is the richest undeveloped mineral section on the face of the earth.

Time has justified Seward's purchase of Alaska for the United States. Since 1869 Alaska has produced over $840,000,000 worth of wealth; $300,000,000 of that from her fisheries, most of the rest from her mines and from her furs. In the same time Alaska has bought from the United States $400,000,000 worth of property. It has done that under existing law that practically ties up the resources of Alaska and prohibits them from being developed.

In 1914 under these conditions, knowing that Alaska should be developed and that a railroad could not and would not be built by private enterprise, the Congress of the United States enacted a law authorizing the President to construct a railroad or railroads in Alaska, not to exced 1,000 miles in length, and authorized the expenditure by him of $35,000,000 for that purpose. The President placed the construction of the road under the control of the Secretary of the Interior, and he in turn organized what is known as the Alaskan Engineering Commission to take practical charge of the work. The engineering commission was composed of Mr. Edes, one of the great railroad engineers of the world, and of Col. Mears, who constructed the Panama Railroad for the United States, an Army engineer, and a Mr. Riggs, who was connected with the Coast and Geodetic Survey and had control of the survey of a part of the line between

Alaska and British Columbia. The war came along, and Col. Mears resigned, thinking his duty was first in the Army. About a year and a half ago Mr. Riggs was appointed governor of Alaska. That left Mr. Edes as the only remaining engineer, and he has prosecuted the work as rapidly as could be done under the circumstances. About a year ago he was taken sick and was unable to attend to the details of the work in Alaska. He has been half of the time there and the other half in Washington, in the department and trying to recover his health. Recently he resigned his position on the engineering commission and is now connected with the work as a consulting engineer. Col. Mears has been transferred from the Army and is now in control of the work in Alaska.

The original authorization of $35,000,000 would have constructed this road under ordinary conditions and circumstances, but the war came along, wages increased 59 per cent, the cost of material increased up to 161 per cent and transportation up to 147 per cent. Under those circumstances the $35,000,000 is not sufficient to complete the work. That money has all been used, with the exception of $2,038,029, which amount was included in the last sundry civil appropriation act enacted by Congress, and will all be used by the middle of October or the 1st of November. It is, therefore, absolutely necessary, unless we wish to sacrifice the $35,000,000 already invested, that this $17,000,000 authorization be allowed.

The road, when completed, will be 601 miles in length. The main line, from Seward to Fairbanks, will be 471 miles in length. The spurs and branches and side lines will make up the 601 miles. All of the road has been completed, with the exception of some work to be done to complete the first 71 miles from Seward north and a gap of 100 miles and another small gap of 25 miles. Most of the 100-mile gap has been surveyed and some of the roadbed has been made. According to the estimate of the engineers in charge in Alaska, Mr. Brown, Mr. Gerig, and Mr. Weir, and the engineering commission, a detailed statement of which will be found in the hearings, $17,000,000 will be needed. In the hearings you will find also a detailed statement of the expenditure of the $35,000,000. The $17,000,000, if authorized to be appropriated, will permit of the completion of the road by the end of 1922.

I know that the construction of this road is not going to alone develop the resources of Alaska. We have got to amend our conservation laws so far as they apply to Alaska, so as to make it possible for a man to go to Alaska, with opportunity of bettering his condition. There is no reason why a man should leave civilization and go up there when he can make just as much in Washington or San Francisco as he can in Alaska. After this bill has been enacted I am going to try to have enacted some bills that will permit of the private development of Alaska. Recently oil was discovered in Alaska, and it was all put into a reserve, with the exception of 20 acres, that were allowed to the man who discovered the oil. He is a poor man; he can not borrow money to buy the machinery and go up there and develop the oil on 20 acres, and if he could, what could he do with it? The United States Government should be as honest in dealing with its citizens as it compels them to be in dealing with each other.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CURRY of California. Yes.

Mr. GREEN of Iowa. Will the gentleman state what traffic the road in Alaska now carries and what it will do if the country is properly developed?

Mr. CURRY of California. Yes. The gentleman will find that all in detail in the hearings if he will read it. I want to talk about this proposition first, and then I will come back to what the gentleman refers to. The carrying of household goods and beef and things of that kind will follow the developing of Alaska. We can not expect to develop the coal fields of Alaska under the present leasing laws applicable to that country. We must have a coal-mining law that will be at least as favorable to the people of the United States as the coal-mining law of Canada is to the people of Canada. A number of years ago there were some people in San Francisco who wanted to organize a corporation and go up into the panhandle of Alaska, put up a paper-pulp plant that would cost them from five to fifteen million dollars. The paper-pulp wood is there which would produce paper for the world in perpetuity. It grows in from 12 to 15 years—reproduces itself. It rots quickly after it comes to maturity, and it has to be used or it rots. There are splendid harbors there; the good, clear water is there. When they came to try get some consideration from a department down here, what did they find? The department wanted as much for stumpage as you have to pay for stumpage in New York, and they wanted to give a lease for only 20 years and retain the authority for the United States Government at the end of every three or five years, if the Government might see fit to do so, to refix the price of the stumpage on this wood without consulting the owners of the plant. Of course, the company could do nothing under those circumstances, and naturally they went over into Canada and there put up a $15,000,000 paper plant, where they got the right kind of consideration.

Gentlemen need not vote for this bill thinking that it is going to be all that is necessary for the development of Alaska, for it is not. Without this bill Alaska could not be developed, but with this legislation it will be possible to develop it. This road will bring into Alaska at a reasonable rate provisions that will be necessary to be used by an intelligent American citizenry.

It will bring in machinery with which they can open up the mines of Alaska—the coal mines, the iron mines, the low-grade gold, the copper mines, and silver mines. As I said in the beginning of my remarks, Alaska with her small population, since 1867, has bought from the United States $400,000,000 worth of goods, and has produced over $840,000,000 worth of wealth. Now we have up there about 30,000 white people, American citizens most of them, and about 23,000 natives. During the war 5,000 of the young men of Alaska were drafted and went over to France to fight for the United States. That left in Alaska, of course, old men, young men, foreigners, and the natives. I think that the Alaskan Engineering Commission has done very well with the money under the conditions.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. CURRY of California. Yes.

Mr. SMITH of Michigan. I have been greatly interested in the development of Alaska ever since I have been a Member of the House. I voted to give home rule to Alaska; I also voted for this project, but I can not see where the economy comes in in constructing the railroad in Alaska, I think it is 400 miles——

Mr. CURRY of California. Four hundred and seventy-one miles.

Mr. SMITH of Michigan (continuing). In sections. That is, we go and construct a couple of hundred miles and then leave a gap of some 100 miles or more, and I would like to ask the gentleman whether or not there is any reason for constructing a road in that manner?

Mr. CURRY of California. There is a good reason for constructing the road that way. It was the proper way to construct the road, the economical way to construct the road. The road started from Seward on the southern point of Alaska, and went to Anchorage. Part of that road—71 miles—had been constructed. From Anchorage over to the northern terminal of the road, Fairbanks is located on the Tanana River. The Tanana River is a branch of the Yukon River, and the Yukon River and the Tanana River are navigable for 2,000 miles. The Alaskan Railroad Commission commenced building from the southern point north. They brought the material to Seward and Anchorage, and they commenced to build from the northern terminal south, so that they could save time and save money, being able to do twice the work in the same time than they could if the road was built out of one terminal only. Now, if all this money had been appropriated in one lump sum instead of in driblets, so that the Alaskan Engineering Commission could have contracted at the then price for materials needed, probably this $17,000,000 would not have been necessary. But the Alaskan Engineering Commission could only contract for materials for one year at a time, because that is all the appropriation we gave them, and they did the best they could. They built from both ends to save time and to save money.

Mr. HASTINGS. Will the gentleman yield?

Mr. CURRY of California. I will.

Mr. HASTINGS. I was going to ask the chairman how the population had increased since the passage of this act of March 12, 1914, authorizing the building of this railroad? I believe the gentleman stated that we have about 30,000 white people in Alaska now.

Mr. CURRY of California. Yes.

Mr. HASTINGS. How many did we have in 1914?

Mr. CURRY of California. We had about 40,000, probably 50,000.

Mr. HASTINGS. What is the reason for the occasion of the decrease?

Mr. CURRY of California. Because 5,000 of them, who were the breadwinners of families, were drafted into the Army, and because there is no encouragement offered to people to settle in Alaska.

Mr. HASTINGS. How many white people did we have there when the war came on?

Mr. CURRY of California. When the war came on we had about 35,000 or 40,000.

Mr. HASTINGS. Then, we had about 40,000 in 1914?

Mr. CURRY of California. Yes.

Mr. HASTINGS. So that the population between 1914 and 1917—the beginning of the war—in Alaska did not increase?

Mr. CURRY of California. No; there was no reason for it to increase. What reason was there for a man to go there, except to work on the railroad?

Mr. HASTINGS. What is the largest city in Alaska in population?

Mr. CURRY of California. Juneau, which has about eight or ten thousand population.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CURRY of California. I will.

Mr. GREEN of Iowa. Mr. Chairman, I desire to ask this question purely for information, as the gentleman is one of the best-informed men in the House on the subject of Alaska. The gentleman has stated that this railroad would be of some assistance in developing the low-grade mines, as I understand, of gold?

Mr. CURRY of California. Gold and copper.

Mr. GREEN of Iowa. Gold and copper.

Mr. CURRY of California. And iron.

Mr. GREEN of Iowa. Will it assist in the development of coal mines under the present regulations, or will we have to wait for further——

Mr. CURRY of California. The road already reaches to the coal fields. There are 1,202 square miles of coal fields in Alaska that have been explored and experted by the Coast and Geodetic Survey, the Geological Survey, and by the Alaskan Engineering Commission. That is all on the line of this road. It is estimated that there are 30,000,000,000 tons of coal that will be opened to commerce by this road, and 15,000,000,000 tons of it will be high-grade coal which could be used for coking and smelting ore, and such purposes, and the rest of it for fuel and matters of that kind. In Alaska it has been estimated that there are 150,000,000,000 tons of coal. No person knows how much there is.

Mr. SNELL. Will the gentleman yield for a question?

Mr. CURRY of California. I will.

Mr. SNELL. How much would it cost to get that coal to the western United States for use down there?

Mr. CURRY of California. That coal is mined by the Alaskan Engineering Commission and sold at the present time for $6.60 a ton along the line of the road; now, you would have to add the freight down to the western United States.

Mr. SNELL. How much would the freight amount to?

Mr. CURRY of California. I do not know. I used to know that rate, but now you can not tell what freight rates are, anyhow.

Mr. SNELL. My idea was to find out how the approximate price of this coal would compare with other coal in the United States.

Mr. CURRY of California. Well, it was estimated under old conditions that this coal could be mined at from 50 cents to $1.50 a ton.

The only thing we know about the coal at the present time is that the United States Engineering Commission has opened a mine at Eska, in the Matanuska field, and, including the development and machinery and the opening of the mine and the small amount of coal they have already mined, they can sell that coal at $6.60 a ton. They have now at Ancorage about 25,000 tons. I do not know what they have along the line, but probably 75,000 or 100,000 tons.

Mr. SNELL. Is this bituminous or anthracite coal?

Mr. CURRY of California. Both. Half of it is the highest grade coal, and the other part low-grade coal.

Mr. SNELL. Does the gentleman anticipate that eventually the United States will get some supply of this coal from the Alaskan mines?

Mr. CURRY of California. The intention of Congress in passing the original bill was to give the western coast of the United States a high-grade coal and also to supply the Navy. The Navy Department has analyzed the coal and find that it is up to grade and that they can use it. They want the road completed and the mines developed, but there are only two private leases under operation on account of the leasing law.

Mr. SNELL. Then the gentleman thinks that if the leasing law was proper the western part of the United States could draw its coal supply from Alaska?

Mr. CURRY of California. Yes. I will show you the difference between the leasing law of Canada and the leasing law of the United States. On page 98 of the hearings you will find the summaries of the laws and regulations in regard to Alaska, and also the summary of the law of British Columbia as to coal mining. They are as follows:

SUMMARY OF LAW AND REGULATIONS GOVERNING COAL-LAND LEASE IN THE TERRITORY OF ALASKA.

Qualified parties may lease coal lands in Alaska in area not to exceed 2,560 acres, lessees disqualified from holding interest in any other coal lands in Alaska.

No prospecting privilege.

Annual rental 25 cents per acre for the first year, 50 cents per acre for the second, third, fourth, and fifth years, and $1 per acre for each succeeding year during the life of the lease.

Royalty 2 cents on every ton of coal shipped or removed from land during the five years of lease, and 5 cents per ton for the next 20 years.

An expenditure of $20 per acre per year required by lessees during first five years of lease; bond required in one-half of the amount of expenditure for each year.

SUMMARY OF BRITISH COLUMBIA LAW TO ENCOURAGE COAL MINING.

Prospecting licenses granted for 640 acres upon payment of $100 and expenditure of $50 per year, which can be extended for three years on like terms. Any number of license holders, not exceeding 10, can enter into partnership and group their claims. The $50 exploratory work required for each claim can be done on any one of the claims so grouped.

Upon discovery of coal, lease can be obtained for a term of five years at an annual rental of 15 cents per acre.

Upon a satisfactory showing of work, lessees shall be entitled to purchase said lands, including the coal, petroleum, and natural gas thereunder, at the rate of $20 per acre.

The following is a comparison of the Alaska and British Columbia coal-land laws:

Alaska and British Columbia coal-land laws compared.

ALASKA.		BRITISH COLUMBIA.	
Maximum area	2,560 acres	Maximum area	6,400 acres
Prospecting privilege	None	Prospecting privilege	3 years
		Fees and expenditures, per yr., per acre, about	23c
Lease privilege:		Lease privilege	5 years
Rental, 1st yr., per acre	25c	Fees and expenditures per yr., per acre, about	23c
2d, 3d, 4th, and 5th yr., acre	50c	Rental, per yr., per acre	15c
Royalty, 1st 5 yrs., per ton	2c		
Next 20 yrs., per ton	5c		
Expenditure, 1st 5 yrs., per acre, per year	$20.00		
Bond required in half amount.			
Purchase	No right	Purchase, per acre	$20.00

Mr. SNELL. And those leasing areas apply equally, whether bituminous or anthracite coal?

Mr. CURRY of California. Just the same.

Mr. SNELL. And there is an abundance of anthracite coal?

Mr. CURRY of California. Yes; an abundance of it. There are over 15,000,000,000 tons on the right of way of this railroad.

Mr. FAIRFIELD. From what source is the market now being supplied that they expect to supply from the Alaska coal field?

Mr. CURRY of California. It is not supplied at all except from the East, some from British Columbia, and some from Washington, low-grade coal; some through the Panama Canal and some from across the Pacific.

Mr. FAIRFIELD. There is no anthracite in the western part of the United States—in California?

Mr. CURRY of California. There is not any high-grade coal in the western section of the United States proper.

Mr. FAIRFIELD. So little it will not come in competition. So you could not tell relatively whether it would be commercially profitable or not?

Mr. CURRY of California. All the chambers of commerce on the Pacific coast want this road built and the coal mines developed.

Mr. LANKFORD. I will be glad if the gentleman would explain to the committee the importance of the reindeer industry in Alaska.

Mr. CURRY of California. While it is along this railroad right of way to a certain extent, its development does not necessarily depend on this railroad. At the present time in Alaska there are about 140,000 reindeer, and there have been 90,000 butchered for the trade. Now it is expected that on the northern plateau and along on the southwestern coast there will be millions of reindeer in time, and it will be a great source of food supply, not only for Alaska but for the United States. The food is good; it is something like beef, and it is cheap. Of course, it costs a great deal more in the United States now than beef does, but it is cheaper in Alaska, and it is a great food supply. But like the fishing industry, the reindeer industry does not depend upon the completion of this railroad.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. CURRY of California. I will.

Mr. KNUTSON. I notice that this bill carries an appropriation of $17,000,000, which is to be immediately and continuously available until expended.

Mr. CURRY of California. It contains an authorization.

Mr. KNUTSON. Well, an authorization. Now, how much is it going to cost to complete the railroad program in Alaska—the Government railroad program?

Mr. CURRY of California. Seventeen million dollars.

Mr. KNUTSON. That will complete it?

Mr. CURRY of California. Absolutely; rolling stock, terminal facilities, and everything else. This bill does not appropriate $17,000,000. It authorizes the appropriation of $17,000,000, and the Committee on Appropriations will have to act on the appropriation after we pass it, and it shall have been passed by the Senate and signed by the President.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. CURRY of California. Yes.

Mr. WATSON of Pennsylvania. The gentleman spoke of the climate. Is the climate at the northern point of the railroad sufficiently warm to grow cereals there or near there, or are they grown at the southern part of the road?

Mr. CURRY of California. Of course, north of the mountains you can not grow cereal crops, but in the southern part there is a territory down there that is as large as all New England and New York and Pennsylvania combined. Alaska is one-fifth the size of the United States. Over on the northern plateau it is very cold, but they do not have very much snow there. South of the mountains, in the northern part, there is considerable snow, but down on the coast, on the southwest coast of Alaska, there is very seldom any ice and very seldom any snow. There is some but not much.

Mr. MILLER. Steamers run the year round.

Mr. WATSON of Pennsylvania. What is the altitude?

Mr. CURRY of California. The highest point reached by this railroad is 2,410 feet. That is the highest point.

Mr. KINKAID. Mr. Chairman, will the gentleman yield.

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Nebraska?

Mr. CURRY of California. Yes.

Mr. KINKAID. How long a time is it contemplated will be required to complete the railroad with this $17,000,000 appropriation?

Mr. CURRY of California. Until the 31st day of December, 1922.

Mr. KINKAID. With the railroad then completed, the development of Alaska will be greatly facilitated?

Mr. CURRY of California. Yes.

Mr. KINKAID. And the business multiplied manyfold?

Mr. CURRY of California. Yes; manyfold.

Mr. KINKAID. Yes; and now the development is held back, is locked up, as it were, for the want of a decent railroad?

Mr. CURRY of California. Yes; for lack of transportation among other things.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. CURRY of California. Yes.

Mr. KELLER. I will ask the gentleman if any of this money can be spent outside of this project.

Mr. CURRY of California. No. It can only be spent for this project.

Mr. KNUTSON. Not having been a Member of the Congress that initiated this Alaskan Railroad legislation, I would like to ask the gentleman if there is any possibility of the Government in the future surrendering this railroad to private control for a nominal sum.

Mr. CURRY of California. The original bill authorizing the construction of the road provides that the Government may lease the road for a period not exceeding 20 years, or may operate the road until other provision is made by Congress. It was understood at that time that the road would be sold to private interests as soon as it was completed and the country developed a little, and it has proved to be a paying proposition. The original act provides for that very thing, but it does not vest in any bureau or department of the Government the right to sell the road. They might give it away. But it does contemplate the selling of the road, but before the road can be sold it must be satisfactory to Congress, and an act of Congress must be passed accepting and authorizing its sale.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from New York?

Mr. CURRY of California. Yes.

Mr. CALDWELL. I will ask the gentleman if any inquiries were made of the men who appeared before the committee as to what was the economy in building one end of the road and then building the other end of the road, leaving a 100-mile gap between?

Mr. CURRY of California. I have explained that.

Mr. CALDWELL. If the gentleman has explained that, he need not do it again. I will read it in the RECORD.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. CURRY of California. Yes.

Mr. RICKETTS. I have been very much interested in the gentleman's explanation of this matter, and I would like to ask if he can tell me what the first appropriation was? Was it $35,000,000?

Mr. CURRY of California. Thirty-five million dollars.

Mr. RICKETTS. And this $17,000,000 added to that will complete the construction of the railroad?

Mr. CURRY of California. Yes.

Mr. RICKETTS. Will this road extend a distance of 601 miles after its completion? Will that be the total length of the road?

Mr. CURRY of California. That will be the total length of the road, including branches and spurs and sidetracks. The total length of the main line will be 471 miles.

Now, Mr. Chairman, if there are no further questions to be asked of me, I will yield 20 minutes to the gentleman from Kansas [Mr. STRONG].

Mr. GOODYKOONTZ. Mr. Chairman, before that will the gentleman yield to me for a question?

Mr. CURRY of California. Yes.

Mr. GOODYKOONTZ. I wanted to inquire of the gentleman from California as to the ownership of the coal area contiguous to this railroad. What proportion is owned by the Government and what proportion is owned by individuals or corporations?

Mr. CURRY of California. It is all owned by the United States Government, with the exception of a few towns and probably 400 or so farms within the right of way of the railroad, and two coal leases.

Mr. GOODYKOONTZ. The object of this railroad was to secure a supply of coal for the Pacific seaboard, was it not?

Mr. CURRY of California. For the Pacific seaboard and for the Navy.

Mr. GOODYKOONTZ. Does not the gentleman think that it would be better to utilize the coal of the Central West at this time and to have reserved the coal supply of Alaska for the next generation and conserve it?

Mr. CURRY of California. I do not. I have no use for that kind of conservation. The Central West has its own coal; it needs it. Let them use it.

Mr. GOODYKOONTZ. Then the gentleman believes in exhausting the present supply of coal without regard to the future?

Mr. CURRY of California. I do not. I believe in conservation and use. There are 150,000,000,000 tons of coal in Alaska already located and estimated, and there may be more than that in Alaska. We need it on the Pacific coast, furnished at a reasonable price, so that we can conduct manufacturing enterprises and industries the same as on the eastern seaboard, so that we can utilize the finest iron ore on earth outside of Norway and equal to that of Norway. We have the best iron ore in California and on the western coast, but it is useless there for human use because we have not the coking coal, and can not get the coking coal at a reasonable price in order to develop that industry. We have been trying to develop electrical smelting systems to extract the iron from the ore, but it has only been possible in the smaller furnaces. In larger furnaces electricity will not work at all. It burns it out.

Mr. HOWARD. Will the gentleman yield?

Mr. CURRY of California. I yield to the gentleman from Oklahoma.

Mr. HOWARD. I note that originally $35,000,000 was appropriated, evidently with the intention of building this railroad to a certain point and furnishing a completed road. Now, I note that they are asking $17,000,000 more in order to fill up a gap between the two ends. I wish to ask what safeguards, if any, have been taken to assure us that when they get this $17,000,000 they will not use it in projects that they may consider feasible and then come back to us again for another appropriation without having delivered to us a finished railroad?

Mr. CURRY of California. In the first place, the only way that this money can be used under the provisions of this bill is on that road. The gap was left there because it was economical in time and money to build the road from both ends. At the south at Seward and at Anchorage the steamships came into the ports with the material that was needed to build the road, and it was built north. The steamships also went down the Yukon River and the Tanana River 2,000 miles and delivered material at Fairbanks, the northern terminal, and from there they built south. This gap is left between the two ends. All the money was expended under the authority and control of the President of the United States, who delegated that authority to the Secretary of the Interior, who at the suggestion of the

President of the United States selected three of the best engineers in the United States to build the road. Col. Fred Mears, who constructed the United States railroad across Panama, is in charge of this railroad in Alaska. I think he has done pretty good work. This road in Alaska will cost $100,000 a mile less than any road of its kind that has been built since the beginning of the war, and I think the money has been well expended.

Mr. HOWARD. I do not doubt that, but——

Mr. CURRY of California. The gap was left there because they built from both ends for the sake of economy of time and money to get the road built as fast as possible. The war came along, wages went up 59 per cent, the cost of material went up 161 per cent, and transportation went up 147 per cent. Five thousand of the strong young men of Alaska went into the war. That is the reason that the road was not completed under the original authorization of $35,000,000. When Congress adopted the bill of the Committee on the Territories authorizing $35,000,000, if that money had been appropriated at once and put into the hands of the President, so that he could have told the Secretary of the Interior to go ahead and contract for material and supplies, the road would have been built; but we appropriated $1,000,000 the first year, and then we made appropriations of various amounts, and they could not contract for more material than each appropriation would pay for. They could not contract up to the $35,000,000.

Mr. HOWARD. I have no criticism of the Alaskan Commission, but my inquiry was directed to whether or not this money would be used for completing the road contemplated at the time the original appropriation was made.

Mr. CURRY of California. Oh, yes. It can not be used for anything else.

Mr. McKENZIE. I desire to ask the gentleman from California a question for information. Of course, one of the inducements for the building of this railroad was to tap the great coal fields of Alaska?

Mr. CURRY of California. Yes.

Mr. McKENZIE. And to carry out the purpose which the gentleman has stated, of furnishing coal to California and the Pacific coast?

Mr. CURRY of California. Yes.

Mr. McKENZIE. Now, practically two-thirds of this road have been constructed.

Mr. CURRY of California. Two-thirds of the road have been constructed, and that much is in operation.

Mr. McKENZIE. Have the coal fields been tapped?

Mr. CURRY of California. They have.

Mr. McKENZIE. Are the people of California now receiving coal from Alaska?

Mr. CURRY of California. They are not.

Mr. McKENZIE. Are we shipping coal into Alaska from the States?

Mr. CURRY of California. No. We were up until last year. Coal in Alaska last year was worth $35 a ton and wood $38 a cord, but this year the people of Alaska are buying coal for $6.60 a ton. But we do not get it on the Pacific coast.

Mr. McKENZIE. If these Alaskan coal fields have been tapped already, why is it that you people in California are not receiving coal from Alaska?

Mr. CURRY of California. The coal mines that are being operated in Alaska are being operated by the Alaskan Engineering Commission, one in the Matanuska field and another at Tanana. The Engineering Commission are doing practically all the mining in Alaska. There have been only two leases taken, because, as I stated before the gentleman came into the Hall this morning, the British Columbia coal-mining laws are so much more liberal than the United States coal-mining laws applying to Alaska that people will not lease the mines, and they are not going to lease coal fields up there unless after this bill passes we enact legislation that will make it an object to men to invest from $3,000,000 to $10,000,000 in coal-field development.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. CURRY of California. Yes.

Mr. DAVIS of Tennessee. Is it not a fact that there were several private railroads reaching some of these coal fields, which were bought with a portion of the original appropriation, which roads have been in existence there for a number of years?

Mr. CURRY of California. No; the Alaska Northern Railroad ran from Seward, nearly 71 miles north. It did not go anywhere near any coal fields. The Government bought the Alaska Northern Railroad for $1,157,839.49, and it has and will cost $3,518,337.72 more to put it in really first-class shape. The Alaska Northern Railroad cost its original owners $5,250,000. That was a broad-gauge line that reached from Seward north 71 miles.

The Tenana Valley Railroad, 44 miles in length, running out of Fairbanks, the Government purchased for $300,000. That railroad cost the original owners $800,000, and we not only got the road but we got the terminals and the equipment. Its rehabilitation to date has cost $46,407, and it will require a further expenditure of $84,300.

Mr. DAVIS of Tennessee. Do I understand that no private railroad in Alaska reaches the coal fields?

Mr. CURRY of California. No private railroad reaches any coal fields whatever in Alaska.

Mr. DAVIS of Tennessee. Is it not a fact that it has never been demonstrated that the coal in Alaska is suitable for naval purposes and has never been used in any quantity by the Navy?

Mr. CURRY of California. It has not been used in any quantity, for it has not been mined. I do not know that it can be used for the Navy, but experts say that it can. It seems to me that 150,000,000,000 tons is a whole lot of coal to conserve for the Navy.

Mr. DAVIS of Tennessee. I have seen statements by experts some time ago that it was not suitable for Navy purposes. There is a difference of opinion about it.

Mr. CURRY of California. The Geological Survey and the Navy Department experts, after bringing coal to Washington and trying it out, say that it is satisfactory.

Mr. RHODES. Will the gentleman permit a question?

Mr. CURRY of California. Yes.

Mr. RHODES. From what source did the coal come for use on the Pacific coast prior to the time the Alaska Railroad was built?

Mr. CURRY of California. It came by ship first around the Horn and then through the Panama Canal and across the Pacific. There was some coal mined outside of Seattle which was good for fire purposes but not for engines or smelting purposes. There is no high-class coal in the United States proper this side of Alaska. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has consumed 51 minutes.

Mr. CURRY of California. If there are no further questions, I will yield 20 minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Chairman, I have never been a very strong advocate of Government ownership or the Government operation of railroads. When I came to Congress and was assigned to the Committee on the Territories and was told at the first meeting that one of the bills to be considered was a bill appropriating seventeen million dollars to complete a Government railroad in Alaska, I will admit that I was somewhat prejudiced against the proposition. But a study of the question, the hearing of the reports of the Department of the Interior, the evidence of engineers in charge of the railroad, and the testimony of the commission, composed of the men who built the railroad, have entirely converted me to this proposition, that this railroad ought at least to be completed.

My knowledge when I commenced attending the hearings was limited to the fact that I knew Alaska was a great country that cost us $7,200,000 and produced largely in both fisheries and gold. That was about all I knew of it; and while I knew that it was a large country, I was surprised when told that it was one-fifth as large as the United States. I found this comparison as to its size, and I would like to put it in the RECORD. It shows Alaska could have placed within its borders the thirteen original States that composed this Union and in addition have Maine, Vermont, Ohio, Indiana, Tennessee, Kentucky, and Michigan also placed within its boundaries. It is a great empire.

I have been somewhat astonished to learn that it is also a great treasure storehouse, filled with resources that will make a prosperous and rich territory. There has been discovered in Alaska not only gold but silver, copper, coal, lead, iron, antimony, tungsten, and platinum in large quantities. In addition, there has been discovered large fields of oil.

Another thing that surprised me was the fact that it has splendid agricultural advantages. It is estimated that it has over 100,000 square miles of tillable land. It has a growing season of 100 days, and because of the great length of the days, that growing season is worth about 200 of our days. So that they are enabled to grow crops suitable to take care of a large population and take care of the stock that they may produce.

Mr. BOX. What are those crops?

Mr. STRONG of Kansas. Wheat, oats, rye, barley, hay, and they have produced an alfalfa which makes a good crop.

Mr. MAYS. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. MAYS. The gentleman just stated that the Territory of Alaska had 100,000 acres of tillable land. Does not the gentleman think that is rather a low estimate?

Mr. STRONG of Kansas. I intended to say 100,000 square miles; it has over 100,000 acres along the line of this railroad.

Mr. MAYS. The total territory of tillable land is very much larger?

Mr. STRONG of Kansas. Oh, yes; 100,000 square miles of rich farming land. The study of Alaska has changed my position on another proposition. I used to believe in the conservation of all natural resources. I have learned that so far as Alaska is concerned it has been an absolute failure. Conservation in Alaska has been reservation, and reservation has killed its development. The building of this railway was made necessary in 1914 because of the fact that the development of the great natural resources of Alaska had absolutely ceased, caused by the Government reservation of all mineral and timber lands.

Alaska is not only rich in minerals of all kinds and has rich farming lands in its beautiful valleys but its vast forests of timber suitable for paper pulp are awaiting a ready market, while its fisheries are the greatest on this Continent. This railroad commences at the town of Seward on the south coast, which is never icebound and runs north through the Natanuska River valley, through the Susitna River valley, over the range at Broad Pass through the Nenana River valley, crosses the great Tanana River, and has its main northern terminal at the town of Fairbanks, thus connecting the great navigable waterways of central and northern Alaska and its great gold fields around Fairbanks with the southern coast, making it possible, by tapping the great mineral heart of this treasure chest of nature, to open and develop the same for the American people, which until this railroad is completed and until the laws permit individual and industrial development must remain closed.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. DAVIS of Tennessee. Is it not a fact that the statistics show the imports and exports of Alaska have increased all of the time from year to year on up to the present time?

Mr. STRONG of Kansas. That is true, because we have brought out great amounts of gold and have increased our fisheries, but the development of the other resources of Alaska has not increased, and this railroad was built, and is being built, for the purpose of developing those resources. Prior to 1914 two railroads had been started by private enterprise in the territory now covered by this railway the Government is now building; one at the north end of this road, called the Tanana Valley Railroad, upon which had been expended $800,000, and the other, the Alaskan Northern Railroad, upon which had been expended in excess of $5,300,000, but when the Government restricted the development of the resources of Alaska these railroad properties waned. There was no use of building railroads in a country where the Government had prohibited the development of its resources and locked up its forests and mineral wealth, and when the Government finally decided to build its own railroad and develop those resources, which it did by the appropriation of $35,000,000 in 1914, it was enabled to purchase these two railroads for a small consideration; purchasing the Tanana Valley Railroad, upon which had been expended $800,000, for $300,000, and purchasing the Alaskan Northern Railroad, on which had been expended $5,300,000, for $1,100,000, but the completion of this railroad will not of itself release the locked-up storehouse of this great natural wealth, and it becomes very evident that if we are to have the benefit of the Alaskan resources we must change our plans regarding the reservation of all forest and mineral wealth in that great, rich Territory, and I was glad that the chairman said that he would soon introduce bills to make it possible for our people to go in there and develop those great resources.

This railroad that the Government has so far built, I am glad also to say to you, has been built, I think, practically free from politics and has been built free from graft. The report of the engineers gives an account of every mile of railroad, the cost of each mile, the construction of the bridges, tunnels, terminals, equipment, and so forth, and they showed to us that, in spite of adverse conditions, in spite of the fact that 5,000 of young men out of a population of 50,000 had been taken out of Alaska and sent to war, in spite of the fact that labor conditions, because of the taking of these 5,000 men, had been handicapped, and in spite of the increase in the cost of labor and of all building materials they will still complete this road at a cost of about $100,000 a mile and purchase the equipment. If you will compare that with the cost of railroads in this country built recently or that have been constructed in mountainous districts, you will find that that is a very good report, and I think it shows that the men in charge of this railroad are to be complimented upon what they have accomplished.

This railroad starts at Seward, at the south coast of Alaska, and runs right up into the heart of the Territory and taps the Tanana River Valley, which river flows into the Yukon River. The Tanana River and the Yukon, with their tributaries, furnish navigable streams, affording an opportunity to reach the entire central part of Alaska.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. LITTLE. To what extent and how far up from the Yukon is the Tanana River navigable?

Mr. STRONG of Kansas. The Tanana River is crossed by this railroad about 100 miles from the point where it enters the Yukon River, and from such point to the east it is navigable for about 400 miles. It is estimated that there are navigable streams of about 5,000 miles in Alaska, running from the western coast through its central portion to almost its eastern boundary; and this railroad would make it possible to tap all of that great system of waterways.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. ROSE. Could this railroad be used at all seasons of the year when it is constructed?

Mr. STRONG of Kansas. This railroad will be used at all seasons of the year. Of course, the waterways—the Yukon and the Tanana River—can not be used at all seasons, for they are frozen over in the wintertime, but the railroad can be operated the entire season of the year.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. DUNBAR. The gentleman speaks of this railroad being operated at all seasons of the year after it is completed. Will it be operated at a financial loss to the United States Government or will it be able to pay its own operating expenses?

Mr. STRONG of Kansas. The engineers have assured us that when this railroad is connected clear through, so that the waterways in the heart of Alaska and the gold fields around Fairbanks, at the northern terminus, can be connected up with the southern coast and the regions through which the railroad passes developed, it will be a profitable road.

Mr. MONAHAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. MONAHAN of Wisconsin. Is it not a fact that the engineers assured us in the hearings before the committee that the snowfall beginning at Seward does not exceed over 6 inches to 12 and at no point on the road, from the beginning at Seward to the northern part, does it exceed 6 feet?

Mr. STRONG of Kansas. That is true.

The proposition of the development of the coal fields has been pretty thoroughly discussed, and it seems to me that the fact that with these two branches of the road in operation—the branch around Fairbanks reaching the great Tanana coal fields of six beds, each over 20 feet thick, and that around Anchorage and Seward, extending out to Matanuska and reaching the proven high-grade coal of the Matanuska field—it is conclusively shown that they will eventually produce enough coal at reasonable prices to not only take care of Alaska and take care of our fleet, but to take care of the needs of our northwestern territory. Coal is laid down at Anchorage now and along the completed lines of this railroad at a cost of $6.60 a ton.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. DUNBAR. The gentleman states that coal costs $6.60 a ton. It has also been stated that the coal mines of Alaska are both anthracite and bituminous. Is there any difference in the price between anthracite and bituminous coal; and if so, what is the amount?

Mr. STRONG of Kansas. There is no difference in the price. The cost is in the mining and delivery at the market. The gentleman understands that at the present time there are no coal mines operated in Alaska except by the Government, because of the reservation of the coal lands, a lease only being allowed to those who will bond themselves to expend $20 per acre, while in British Columbia the cost is but 23 cents per acre.

Mr. DUNBAR. Will the gentleman yield again?

Mr. STRONG of Kansas. Yes, sir.

Mr. DUNBAR. I was prompted to ask that question for the reason that in the United States, if I am correctly informed, anthracite coal costs three times the amount of bituminous coal, and I was wondering why, if that was true in the United States, it would not also be true in Alaska.

Mr. STRONG of Kansas. Of course, my knowledge of the coal business is limited, but I understand that the great differ-

ence in the cost of coal in this country is the cost of carriage—the freight cost.

Mr. CURRY of California. The only coal that is used in Alaska is used by the railroad, and, of course, for fuel purposes. There are no manufacturing industries up there that use coal.

Mr. STRONG of Kansas. Along the line of this railroad, in the valleys through which it runs, already over 400 farmers have made good homes and have good farms, but you understand that there is yet 100 miles of the railroad uncompleted, and on which but little has been started. Construction was carried on at the northern end because of the Tanana Valley Railroad already under construction there, and because by the use of the waterways material could be gotten by the water route to that point; construction was also carried on at the southern end because of the 71 miles of the Alaska Northern Railroad already completed there and the opportunity to deliver material on the south coast, but between these two almost completed parts of the road there is 100 miles across "Broad-pass" on which no work has been done, or very little. When this 100 miles has been filled in and the entire road connected up and completed the farmers who have located along these valleys will be enabled to ship out their products, and other farms will be opened up, and then if the restrictions against development are taken off, or at least made more liberal, our people will go into Alaska and settle the country like they have been going in Canada, and they will find it a far better country.

Mr. RICKETTS. Will the gentleman yield?

Mr. STRONG of Kansas. I will.

Mr. RICKETTS. Does the gentleman mean to tell us that there are 400 farmers located in these valleys that have farms practically developed already?

Mr. STRONG of Kansas. Yes, sir.

Mr. RICKETTS. Does the gentleman mean that they have erected houses, barns, and necessary buildings to reside thereon?

Mr. STRONG of Kansas. Yes, sir.

Mr. RICKETTS. That they are cultivating the soil and producing crops?

Mr. STRONG of Kansas. Yes, sir; and if the gentleman will take the trouble to look at the pictures of these farms out in the lobby he will be surprised at the development that they have made there.

Mr. ELSTON. Will the gentleman yield?

Mr. STRONG of Kansas. I will.

Mr. ELSTON. What country of Europe would be comparable as to general conditions of agriculture and habitation with Alaska?

Mr. STRONG of Kansas. Why, Norway and Sweden. One thing in particular in the hearings was somewhat surprising; and that is that the southern coast of Alaska has the same climate as Kansas and the city of Washington, except as to extremes of temperature. The extremes of temperature are not so great. It is not so cold in the winter time nor so warm in the summer time. The central part of Alaska has the same temperature or climate as northern Minnesota and the Dakotas, except that the extremes of temperature are greater.

Mr. ELSTON. Then Alaska is not an inhospitable place, like Greenland, or anything of that kind, is it?

Mr. STRONG of Kansas. The report of the engineers who have been in Alaska building this road is to the effect that it is a country to which a great many of our people will preferably go when they know the resources of Alaska.

Mr. RHODES. Will the gentleman permit a question?

Mr. STRONG of Kansas. Yes.

Mr. RHODES. The gentleman has stated that the cost per mile for the completion of this railroad was in the neighborhood of $100,000?

Mr. STRONG of Kansas. Yes, sir.

Mr. RHODES. I should like to know if the cost per mile for the construction of the road that has been built up to this time has been more or less than that amount?

Mr. STRONG of Kansas. Well, it is hard to answer that question because some miles have been built over mountains and through tunnels and over bridges, and therefore some of the miles have cost an immense amount of money; but the mileage that has been constructed averages a good deal less than $100,000 a mile, but with this appropriation of $17,000,000 added to the original appropriation of $35,000,000, and making a total of $52,000,000, the entire road, with harbors, terminals, snowsheds, bridges, and all equipment will not exceed over $100,000 per mile.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. I would like that the gentleman have a little more time in order to ask another question.

Mr. CURRY of California. I will yield the gentleman time enough to answer the question.

The CHAIRMAN. How much time?

Mr. RHODES. Two minutes.

The CHAIRMAN. The gentleman is recognized for two minutes.

Mr. RHODES. The further question, Mr. Chairman, I assume that the topography of this Alaskan country is very much like that through which the Great Northern and other roads, the Washington & Oregon, pass?

Mr. STRONG of Kansas. That is my understanding.

Mr. RHODES. Is the gentleman informed as to whether or not the cost of construction per mile for the completing of the Alaskan Railroad is more or less than that of railroads in the United States through similar territory?

Mr. STRONG of Kansas. It has been less.

Mr. RHODES. And this further question: If this country abounds in these wonderful resources such as the gentleman has indicated, and which I do not dispute, why did it become necessary in the first instance and why is it now necessary for the Government of the United States to build and maintain and operate this railroad?

Mr. STRONG of Kansas. I am glad the gentleman asked that question; I thought I had made it plain. The Government in establishing the reservations of the resources of Alaska has reserved all these great resources from public entry, and for that reason the development of Alaska absolutely stopped. Hence the Government had to build its own railroad, for no one would build a railroad in a territory in which the Government had absolutely taken all the resources of the country out of the market. I have explained that the two railroads that had been started by private enterprise were compelled to quit and sell out to the Government.

Mr. RHODES. Does the gentleman undertake to state that the progress of this country depended upon the consuming or using up of these resources in Alaska to the extent that it became necessary to go into the railroad enterprise?

Mr. STRONG of Kansas. I know they have not even scratched the surface of Alaska in the finding of this great amount of mineral wealth. The Government, as soon as these things were discovered, took them off the market. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TEMPLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920.

CONSTRUCTION OF ALASKAN RAILROAD.

The committee resumed its session.

Mr. WATKINS. Mr. Chairman, I yield 30 minutes to the gentleman from Alaska [Mr. GRIGSBY].

Mr. GRIGSBY. Mr. Chairman, the most important feature of this bill in my estimation is that clause which provides that the $17,000,000 appropriation shall be immediately and continuously available when appropriated. It is the lack of such a provision in the act authorizing the original appropriation of $35,000,000 which, to a large extent, has created the necessity for this appropriation. The railroad commission has been compelled to come down here or be represented here year after year to lobby for driblets of this original authorization in order to go on with their work.

Now, they are working up there in a country that is 5,000 miles away——

Mr. DOWELL. Will the gentleman yield for a question?

Mr. GRIGSBY. I yield.

Mr. DOWELL. I think the gentleman is hardly correct that they have had to lobby for driblets. I think the hearings show that they were appropriated all that was asked for the building of this road.

Mr. GRIGSBY. I will answer the gentleman.

Mr. DOWELL. Is that correct?

Mr. GRIGSBY. Before I leave that subject I will show that that is not correct; that is not the case. The amount of the appropriations has been uncertain, and they have been delayed in getting them. Now, in that connection——

Mr. DOWELL. Is there anything in the hearings to show that there has been any delay in getting appropriations from Congress to build this road?

Mr. GRIGSBY. Yes, sir.

Mr. DOWELL. I would like to have the reference.

Mr. GRIGSBY. I would like to read into the RECORD an extract from the testimony of Col. Mears, given before the Committee on the Territories in the hearings on this bill on the exact question which the gentleman asked. Mr. Mears testified as follows:

Now, it has been said that appropriations have been made steadily as the work progressed.

As the engineer in charge of the most important district on the Government railroad, I was in Alaska continuously, summer and winter, from April, 1915, to January, 1918, excepting two months which I spent visiting Washington in 1917 for conference with Chairman Edes and Secretary Lane.

I was frequently handicapped in the management of affairs for lack of necessary funds—not the "actual lack" of money so much as the utter lack of definite knowledge that the money asked for would be appropriated.

A few extracts from official reports will more clearly illustrate my remarks.

In the fall of 1915 we were practically out of funds, and in a letter I wrote to Secretary Lane, under date of December 4, 1915, which letter appears in print in the public document issued by the Sixty-fourth Congress covering the hearings on the deficiency appropriations for 1916, I urged the appropriation of an emergency fund of $2,000,000 to continue progressive construction work, and I also called attention at that time to the necessity for making a large initial appropriation for this project.

As a matter of information, I desire to read to your committee certain pertinent paragraphs which appeared in the letter referred to.

I want to read the letter, because it answers the gentleman from Iowa [Mr. DOWELL]. It is as follows:

"MY DEAR MR. SECRETARY: I received your wire of December 1 yesterday in regard to delaying the appropriation for this work until July 1, 1916, and I replied to same immediately per copy of telegram attached.

"I feel that this matter is of sufficient importance to ask for your personal consideration of the following remarks, which I will make as brief as possible. In fact, I deem it my duty to acquaint you with the situation just as it is and give you the benefit of certain recommendations.

"My principal concern is in the wording of your message,' which conveys the meaning that possibly no further appropriations will be made for this work until July 1, 1916.

Now, they have exhausted the appropriation for 1915. Winter is about to set in, and the Secretary has informed him that in all probability there will be no further appropriation until the following July, and he is up there with his organized force ready to go ahead with what work can be done in the winter, and to make plans for the following summer's work, which must commence at the opening of the summer season, which is in May, and this appropriation is not coming up until July. That is what he is protesting about. Now, he says:

"Such a result would be most unfortunate, if not disastrous, to this project. If you could be here on the ground, Mr. Secretary, could see the men available for this winter work, the supplies, the outfit, and the beautiful weather that we are having, you would ask yourself these questions: Why isn't this work going ahead? Why is not the clearing of the right of way along Turnagain Arm and along the Matanuska Branch line being done now? There are 100 miles of right-of-way clearing that I could start to-morrow if the money was available. The wood cutters could work better now than in August, with no mosquitoes or flies, with no forest fires to endanger surrounding timber. All of the right-of-way clearing could be done economically this winter, as contracts could be let for a low figure at this time. Such work should start at once. It serves no useful purpose to postpone this work; on the contrary, it would be a decided advantage to have the timber out of the way by spring to avoid delaying the grading.

"If it is the intention of Congress and the administration to build this railroad, a large portion of our estimate for said purpose should be appropriated immediately, particularly if any degree of economy or efficiency is expected. We can not carry on this work successfully, Mr. Secretary, with such meager appropriations. It would be better to abandon the entire project until the necessary funds are forthcoming. I haven't any particular desire to go to the penitentiary for statutory embezzlement in overrunning our appropriation, neither have I any desire to sit down on the job with my hands folded for seven months of the year. There is no good reason why the work should not go ahead actively. There will probably never be a better time to secure good labor so easily. There are 400 or 500 station laborers in and near Anchorage now, all entirely idle, to say nothing of other men more widely scattered all over this section.

"In writing the above report I have felt that you are entitled to a full expression of my opinion regarding the conduct of this work, particularly in view of the possible misconception of the situation on the ground.

"There is not the slightest doubt of the projects requiring an ample appropriation of from $10,000,000 to $12,000,000, and I have taken this means to add my recommendation that such an amount be made available.

"Cordially, yours,

"F. MEARS, *Commissioner*."

Congress appropriated $2,000,000 in the urgency deficiency bill which became available on March 1, 1916, for the purpose of continuing the work until the regular appropriation for the fiscal year ending June 30, 1917, should be made available.

Hearings before the House Appropriations Committee on this item of $8,247,620 were held on March 14, 1916, and at that time the committee was asked to appropriate the full amount of $8,247,620 to prosecute the work between July 1, 1916, and June 30, 1917.

This the Appropriation Committee failed to do. They deducted the $2,000,000 previously appropriated from the total amount of the annual appropriation and made only $6,247,620 available to carry on the work for the entire fiscal year.

Chairman Edes's request to have the entire amount made available is contained in his testimony before the committee on March 14, 1916, which appears on page 734 of the hearings on the sundry civil bill, and Chairman Edes further urged the Appropriation Committee to pass this entire amount by a letter which he directed to Hon. John J. Fitzgerald, under date of March 16, 1916, and which letter appears in full on page 746 of the same volume.

Furthermore, the main appropriation, as reduced, was badly delayed and did not become available on July 1 as customary. Large items that the commission had planned to pay out of it had to be met by payment from the small deficiency appropriation, and this at a time when we had continuous daylight in Alaska for prosecuting the work. In a letter which Chairman Edes addressed to me from Washington, under date of May 5, 1916, he said:

"WASHINGTON, D. C., *May 5, 1916.*

"MY DEAR MEARS: I am in receipt of a letter from the Secretary cautioning me to make provision for the payment of $650,000 as final payment on the Alaskan Northern due July 5, next. If this payment is not made on time we forfeit the $500,000 already paid. Congress seems to be in something of a deadlock over the order of business and the appropriation bills are being delayed. It is possible, in fact quite probable, that we may have to make this payment from our two million emergency appropriation. It is imperative that we make provision for it. I hope we will not have to delay the work to any great extent, but we must provide for this payment."

Again, in the following year—in February, 1917—we were without reliable information about the availability of funds. An item of $3,000,000 in the sundry civil bill for the fiscal year 1918 had passed the House, as had the main appropriation, and due to a deadlock the sundry civil bill failed of passage in the Senate. As it was the short session of Congress, most energetic measures had to be taken to get a joint resolution put through, to make this $3,000,000 available.

It was only secured at 11 p. m. March 3. Meanwhile we, on the job in Alaska, were undecided as to how to proceed with our plans until the money was actually available.

Mr. BLANTON. Will the gentleman yield right there?

Mr. GRIGSBY. Yes.

Mr. BLANTON. This bill seems to meet the gentleman's objection because it authorizes the appropriation to be made continuously. The question I would like to ask the gentleman, and with which I am sure others are concerned, is this: The chairman of the committee stated that there was coal in Alaska, now already located, to the extent of 150,000,000 tons. I have heard that there had been a lobby here in behalf of the Coal Trust interests to get that coal out of the hands of the Government and into the hands of the interests of the coal combine; that proper steps are to be taken to prevent this coal going into the hands of such monopolies, otherwise it will not be beneficial to the people of the United States in that it will not be developed, but held back in reserve. Can the gentleman enlighten us on that subject?

Mr. GRIGSBY. I will state to the gentleman that at the present time there is no danger of that coal in Alaska getting into the hands of anybody. It has all been withdrawn from entry and can be developed only under the leasing law.

Mr. SHREVE. Will the gentleman yield?

Mr. GRIGSBY. I was about to answer the inquiry of the gentleman from Texas with regard to the coal by stating that the coal is all tied up now. We have a leasing law, under which no one will operate, and there is no coal being mined to any extent except by the Government. There never will be any coal mined to any extent in Alaska, except by the Government, until the terms of the leasing law are made more liberal. No one will mine coal up there unless he be given a chance to make some money; and the leasing laws should be changed or else the coal should be thrown open; I believe that it is better for the coal lands to be thrown open, under such legislation as Congress may enact, to prevent monopoly by the Guggenheims or others, than to have it stay locked up there for the next 100 years, and compel the people of Alaska to pay freight on coal from elsewhere, and the Government of the United States to pay for the transportation of coal from the Atlantic to the Pacific for the use of the Navy.

Mr. BLANTON. The point I was making is, if the gentleman will permit me, if the coal could be mined and sold there for a reasonable profit at $4 or $5 a ton, yet if we permit the monopolists to get hold of it and they were to hold it back for eight or nine or ten or twelve dollars a ton, how would it benefit the people of the United States?

Mr. GRIGSBY. I agree with the gentleman that the people of the United States can not be benefited by any system which holds the coal in the ground. We must pass some legislation which will get it out. But at the present time there is no law by which anybody can get it out, except the Government. So under the present existing laws there is no danger of any monopoly such as the gentleman speaks of.

Mr. SHREVE. Will the gentleman yield?

Mr. GRIGSBY. I will.

Mr. SHREVE. As a Member of the Sixty-third Congress I supported the original appropriation of $35,000,000. I believed then it was a good purpose, and I believe it now. I would like to ask the gentleman if the $35,000,000 have already been exhausted? Recently we made another appropriation of $2,000,000, and that makes $37,000,000——

Mr. GRIGSBY. That makes the $35,000,000.

Mr. SHREVE. Have the original $35,000,000 been exhausted?

Mr. GRIGSBY. No, sir. The original appropriation of $35,000,000 will be exhausted probably by the middle of next month, with a probable balance of sufficient for operating and other expenses until the first of next year.

Mr. SHREVE. Then there is not a lack of appropriation on the part of Congress, but more of authorization for the purpose of using the money that delayed matters in Alaska, is it not?

Mr. GRIGSBY. I will answer that in this way: Most of the work up there is done in the summer season. The plans must be made in the winter before. Your system of appropriations is according to the fiscal year, which ends on June 30. The road has been built on a rising market, so that even when the amount asked for has been appropriated, based on estimates for the following year, the rise in prices has prevented it from being enough. Consequently there was a deficiency before the end of the next year. Then in one or two instances the amount appropriated was not as large as the amount estimated. The estimate was cut down.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. RICKETTS. This road is in process of completion?

Mr. GRIGSBY. Yes.

Mr. RICKETTS. Construction is being carried on there now?

Mr. GRIGSBY. Yes.

Mr. RICKETTS. How much of a force is being employed in the completion of the work of construction?

Mr. GRIGSBY. At the present time I understand about 2,400 men are employed.

Mr. RICKETTS. Does the gentleman know what the per diem wage is of these men?

Mr. GRIGSBY. I think common labor receives between 50 and 60 cents an hour.

Mr. RICKETTS. Do you think you will have any trouble in getting labor there to finish this work?

Mr. GRIGSBY. They will not have. There has been a scarcity of labor of all kinds, both in the mines and in all other industries, due to the war.

Mr. RICKETTS. One other question. The gentleman from Texas [Mr. BLANTON] asked whether there was actually a vast amount of coal in Alaska. What do you say about that?

Mr. GRISBY. I will say this, that the reports of Geologist Brooks, the expert of this bureau who has examined the coal in Alaska, show etimates of about 12,000 square miles of coal fields, and of this amount about 1,200 square miles are considered to be underlaid with coal, as far as can be judged without actual measurements. The amount of coal in Alaska is estimated at 150,000,000,000 tons.

Mr. RICKETTS. Has there been prospecting there to determine the depth of the coal?

Mr. GRIGSBY. No. There has not been except at the Government's mines.

Mr. RICKETTS. The Government has a mine there now?

Mr. GRIGSBY. Yes.

Mr. RICKETTS. Can the gentleman tell us what the thickness of the vein is?

Mr. GRIGSBY. From 3 to 40 feet in the Nenana fields. The aggregate thickness there is 231 feet. In the Eska and Chickaloon mines it varies from 3 to 20 feet. It is estimated that the fields south of Nenana contain 9,000,000,000 tons of coal. Now, as to what they actually know, they have blocked out in the Eska and Chickaloon mines about 800,000 tons at the present time. These two Government mines produced about 80,000 tons last year. They are just being developed. They sent a naval commission up there this last spring to examine both the coal mines with a view to doing some work for the Navy, and to examine the harbors with a view of establishing coaling stations under an appropriation that was passed in 1918, which appropriated $44,000,000 for fuel and transportation. That act provided that $1,000,000 of that amount could be used by the Secretary to develop Alaskan coal. Your deficiency bill last February covered all that money into the Treasury. You passed a naval appropriation bill on July 11 which attempted to reappropriate that $1,000,000 for Alaska. I went down to the department the other day to find out why nothing was being done with it, and they said they did not have any money. They said you had inadvertently attempted to appropriate something from a special fund that had been covered into the Treasury, and they could not go ahead.

Mr. RICKETTS. Does the Government drive entries in the surface or is the coal mined by shafts?

Mr. GRIGSBY. I think it is done both ways, but I have never visited the coal mines.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. BOX. The gentleman speaks of the restricted policy, with reference to the development of the coal fields especially. When was that policy established, and what was the purpose, and what has been the purpose behind it?

Mr. GRIGSBY. The coal lands were withdrawn from entry in 1906 on account of the fear of monopoly. There was a charge that a certain syndicate was attempting to secure title to some of the principal coal fields in Alaska through the use of dummy locators. Those were the Cunningham coal fraud cases, out of which prosecutions arose, and the President at that time, in order to save the situation, withdrew from entry all the coal lands in Alaska; not only those in controversy, but all the coal lands; and that withdrawal is still in effect. A leasing bill was passed, which has not been a success.

Mr. RICKETTS. What President, may I ask, was it that withdrew that?

Mr. GRIGSBY. President Roosevelt. And in 1910 the oil was all withdrawn from entry.

The question was asked a while ago about the population of Alaska. We have no population beyond the number stated, because the resources of the country have been locked up, so that the people who have lived there have lived there by skimming the cream of the country. The coal is all locked up; the oil is locked up; the best timber is all in forest reserves. Everything is reserved.

In that connection I got a telegram here the other day from a deputy marshal at Dutch Harbor, on the island of Unalaska, away down in the Aleutian Islands, wanting me to use my influence with the Department of Agriculture to get a permit for four men to prospect on the island of Unalaska. Now, just think of it! I used my influence with the department, but was unable to get the permit.

Three of these men served in the last war, and they are trying to get a permit to prospect for the mineral wealth of the islands in the Aleutian chain, but they can not get it, because it is a bird reserve, and in a letter which I have here the department says it is unwilling to have those men go on those islands with ammunition or guns for fear they might kill some of the wild life. The wild life of Alaska is protected, and the resources of the country are locked up. Even the brown bear is protected in order to afford big-game hunting for eastern sportsmen. The brown bear is most destructive of cattle and sheep, and frequently attacks the prospector, who has no rights that the bear is bound to respect. I know of a case where a settler had a band of 30 sheep which were attacked by a distemper during the winter; he carefully nursd them and brought them all through, but in the spring a brown bear got among them and destroyed all of them but one. If this settler had killed the bear before it attacked the sheep he would have been prosecuted. This is not an extreme case, but is fairly illustrative of the effect of the conservation laws in Alaska. No wonder the population is stationary.

Mr. GARNER. Will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. GARNER. Had not Congress better devote its energies to the opening up of the country before it builds the railroad?

Mr. GRIGSBY. I think you had better complete the railroad, and then open up the country and throw it open to men who want to go there.

Mr. GARNER. If we build the railroad up there and do not open up the resources of the country, what is going to support the railroad?

Mr. GRIGSBY. The resources of the country which support this railroad are in the interior, in the country tributary to the road from Seward to Anchorage, and from Anchorage to Fairbanks, and consist of vast fields, thousands of acres of low-grade placer and quartz mining, and this mining is not reserved. It is about the only thing in Alaska that has not been reserved. It can not be developed at present because, as I said before, the miners have skimmed the cream of the country. They have taken out what could be mined at a profit with the present high rates of transportation. They have taken out of the Fairbanks country $75,000,000, and it is estimated that half of that was paid out in transportation.

It is estimated carefully by experts that the average freight rate per ton on every ton of goods landed at the head of navigation in Fairbanks on in the vicinity of Fairbanks costs $100. It costs more than that to get it to the point where it is going to be used. It is only bonanza mining that will stand that kind of freight rate, and the bonanza mining has been done. Yet the experts tell us that for every dollar taken out there are $10 left in the ground which could be mined in any country under ordinary conditions of freight transportation and cost of sup-

plies. The reason why this railroad ought to be completed at once is in order to open up that country. That is one of the reasons. But after you get it built and get that country opened up, and after you accomplish every purpose that this railroad can accomplish, you have got to do away with some of these conservation laws.

The country tributary to this line of road, including the Fairbanks district, the Kenai Peninsula and Turnagain Arm district, the Willow Creek, Yentna, Kantishna, Valdez Creek, and Bonnifield districts, has produced $111,000,000, but, as I said before, with the prevailing rates of transportation, only the high-grade properties could be worked.

The completion of this road will cause a wonderful revival of mining in all these districts and will afford numerous bases of supplies for the prospector, and consequently new discoveries will be made and immense new areas of mineral land will be prospected and developed. The tributary country will be connected with the railroad by wagon roads where water transportation is not available. The Territory of Alaska is now spending $200,000 a year for the building of wagon roads; the Government owns 98 per cent of Alaska, but is not spending much more. The Territory does not own the other 2 per cent, but only a small portion thereof.

The development of the mining industry consequent upon the completion of the road will increase the population and afford a local market for agricultural products, thus insuring a permanent as well as an increasing population. Alaska contains 500,000 square miles of territory; 156,000 square miles of this is timberland, and 40,000 square miles of this timber is fit for manufacturing purposes. There are in the Territory 100,000 square miles of good agricultural land.

It has been demonstrated by actual test that wheat, barley, oats and rye, potatoes, and all other grains and vegetables raised in the northern States can be successfully raised in Alaska. Last year 30 tons of good wheat was harvested in the Tanana Valley, and the first flour mill was installed. The valleys tributary to the railroad will support millions of cattle. Finland is in the same latitude as Alaska, and has the same climatic conditions. It annually exports $9,000,000 in live animals, meat, game, and butter products; nearly $50,000,000 in wood pulp, paper, and wood manufactures. It produces 50,000,000 bushels of grain annually. Finland supports a population of over 3,000,000 people; it has over 2,000 miles of Government-owned and operated railroad. Alaska has far more arable land, grazing land, and timber, and will eventually support several times the population of Finland; but for the present the development of agricultural Alaska depends upon the local market which will be furnished by the mining stimulus attendant upon the completion of this road.

Mr. DUNBAR. Will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. DUNBAR. If I understand the gentleman correctly, he stated that he would rather have the resources of Alaska thrown open and developed by the Guggenheims than not have them developed at all. May I ask the gentleman what is the objection to the methods of development as to coal by the Guggenheims, and in what way is their exploiting of the resources of Alaska objectionable? And will he also state what opportunities are offered to the individual citizen who may go into Alaska to develop that country or to aid in its development?

Mr. GRIGSBY. I will say to the gentleman that I expected to lend my efforts to the securing of the passage of this bill without the assistance of the Guggenheims. That is, I did not expect by some attack upon them or their methods to prejudice you against them and thereby secure your favor for this bill. I understand that element entered into the argument to a large extent at the time the original bill was passed.

Now, from what I have read on the subject, as the situation was at that time, the Guggenheims not only controlled the transportation by the steam vessels operating between Seattle and Alaska, but they also controlled the transportation of the Yukon River and had certain agreements with the White Pass Railroad going around by way of Skagway and down the river. At least that was charged. They were in control of all the steamship transportation direct to Alaska except one line, which has always maintained the same rates. They owned the Copper River Railroad and had control of freight rates over that road as far as it extended into the interior. There was a proposition at that time to extend the railroad into Fairbanks instead of the present route. Now, as to what they have done since in developing their property which they own I have no objection to it. Their operations in Alaska are confined to developing their copper and other properties and to operating the steamships. The question of ocean freight rates is a problem that will have to be solved by whatever commission Congress vests with jurisdiction. The House Committee on Interstate and Foreign Commerce is now conducting hearings on a bill which provides for extending the jurisdiction of the Interstate Commerce Commission to all water transportation. Alaska is dependent wholly upon water transportation for commerce with the outside. There is no rail competition. There is no reason for excepting Alaska from the provisions of the bill.

Mr. GOOD. Will the gentleman yield for a question?

Mr. GRIGSBY. Yes.

Mr. GOOD. The gentleman has stated that the Guggenheims had control of the fixing of the freight rates in Alaska. If they had control of that, they had it through the Secretary of the Interior, because the law imposes upon the Secretary of the Interior the duty of fixing all freight rates in the Territory of Alaska.

Mr. GRIGSBY. I think the situation now is that the jurisdiction of the Interstate Commerce Commission has been extended to railroad rates in Alaska; but I believe the question of the gentleman from Indiana [Mr. DUNBAR] which I am about to answer was what objection I had to the methods of the Guggenheims. Now, I do not want to drag that subject into this discussion, because I do not think it has anything to do with it, and I do not know much about their methods, aside from their operating their steamship line and their operating the copper mine out of which they have exported millions of dollars worth of copper. They made a net profit on one group of mines of $21,000,000 in the year 1916. Their railroad cost them from $16,000,000 to $21,000,000. It cost $83,000 a mile to construct it in 1908–9, at a time when materials and supplies were half the price that they were when this Government railroad was constructed, which shows that the construction of this railroad has been comparatively cheap. But I do not think that anything the Guggenheims are doing now has anything to do with this project at this time. The situation before you is this: You have authorized the expenditure of $35,000,000 to build this project. All of this amount has been expended, or will be before the close of the present year. It was estimated at the outset that it would be enough and that the road would be built in five years. On account of the rise in prices it has not been enough, and on account of the delay, both owing to the lack of labor and to delay in appropriations, there has not been enough time.

The road is two-thirds completed and it will never be any good except locally for the purposes for which it was originally built until it is finished. So this is a plain business proposition, to finish the road or turn the country back to the Indians.

The interior country will never be developed without transportation, and just as sure as we have transportation it will develop, as every other country has developed, when you give it transportation.

I have been over the most of the country. This subject was thoroughly discussed in 1914 when the original bill was brought before the House, and you gentlemen here who were then present know that every fact concerning Alaska which could possibly be produced before you, every fact concerning her resources, was produced at that time and is now of record and accessible in public documents, reports of committee hearings, and geological reports.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. FERRIS. I yield the gentleman five minutes more.

Mr. GRIGSBY. The chairman of the Committee on the Territories [Mr. CURRY of California] has stated that at the time of the purchase of Alaska from Russia certain pessimistically inclined persons denominated Alaska as "Seward's iceberg." There are still pessimists who have the same view and who claim that Russia handed us a lemon. No pessimist ever built a railroad or developed a new country—we have to depend upon optimists for projects of that kind. Up in Alaska we have a new definition of an optimist—an optimist is a man who can make lemonade out of a "lemon"; in other words, an optimist is a man who believes in the development of the latent attributes and resources of whatever is offered to him. He believes if he puts seeds in the ground they will grow and yield a crop; he believes if he sinks a shaft he will find pay on bedrock; he believes if it is not in the first hole it is more apt to be in the second; he believes his labors will bear fruit wherever they are intelligently directed, and experience teaches him that this is true; and he believes if he builds railroads they will develop the country through which they traverse and will get tonnage. If this country had not that kind of optimists we would not to-day have our great West; and what has been the history of the growth of the great West will be the history of

Alaska as sure as you apply the same methods of development to that great Territory.

Since 1867 Alaska has exported $847,000,000 worth of products; two-fifths of this amount, or $335,000,000 worth, was produced in the last five years, and one-fifth of this amount, or $184,000,000 worth, was produced in the last two years; and this despite the fact that the war took from our population 5,000 or 6,000 of our most vigorous men for the Army and Navy and work directly connected with the prosecution of the war, and despite the fact that, owing to the enormous increase in the prices of mining machinery and supplies and scarcity of labor, gold mining was largely curtailed and prospecting practically ceased. Notwithstanding all this, Alaska has gone over the top in every Liberty loan and Red Cross drive. Not only have we gone over the top, but in the third Libery loan we were second in the United States; and in the fourth, the largest Liberty loan, although our quota was doubled over that of the third Liberty loan, we headed all of the States, subscribing 232.2 per cent of our quota. The nearest approach to that by any other State was 185 per cent.

The number of subscribers to this loan in Alaska was 12,080, more by 3,000 than the total vote cast in the election in the fall of 1918 in that Territory. That is the kind of a constituency I have the honor to represent, and they are up there, now, waiting for you to unlock the resources of the Territory and throw it open to development; they are waiting along the line of this railroad in towns which the Government organized, and in which it sold lots to them and encouraged them to build on, and where they have been encouraged to go into business on the governmental assurance of the completion of the railroad and settlement of the country. They are hanging onto their mining claims in the districts tributary to the railroad, waiting for cheaper transportation, so that they can open them up at a profit. The Government has tied up Alaska in the name of conservation and to prevent monopoly; it has prevented the development of the country through private capital by tying up its resources; it has promised Government aid in unlocking the resources of the country, and it is up to the Government to make good that promise by the speedy passage of this bill and other appropriate legislation.

Mr. RHODES. Will the gentleman yield?

Mr. GRIGSBY. I will.

Mr. RHODES. I assume that we are all agreed that the success and prosperity of every country depends in a large measure on the railroad transportation. I am anxious to know why it is private enterprise can not construct and operate railroads in Alaska just as they have constructed and operated railroads elsewhere in the country.

Mr. GRIGSBY. The only answer I can give is that private enterprise which constructs railroads into a new country always does it as an extension of some system already paying. We have no connection between the United States and Alaska by rail. Private enterprise will not initiate a railroad project in a country where there is no line operating at a profit, except to exploit private interests. Private enterprise can not afford to construct railroads in a country which is tied up, whose resources are being held back. When the Northern Pacific and Great Northern Railroads were built, instead of tying up the resources of the country the Government donated them to the railroads. Now we have the opposite condition. We not only do not offer to donate anything but we tie them up so that nobody can get them.

Mr. RHODES. The gentleman spoke a while ago of the original object, the primary conception at the time the railroad project was first brought into existence. What was that primary purpose for which this railroad was undertaken on the part of the Government?

Mr. GRIGSBY. The primary purpose, as indicated in the message of President Wilson, his first message after he was inaugurated, was to connect the ocean ports of the Pacific and the southern coast of Alaska with the Yukon River and its tributaries so as to provide a short, swift, and direct connection with the great interior of that country.

The second purpose was to connect the seaports with the coal fields in order to insure a supply of coal on the Pacific coast both for commercial purposes and the use of the Navy.

Before I finish I want to mention the secondary purpose. You have a large part of the Navy to-day on the Pacific coast. In 1914, when this original bill was passed, you had a small Navy on the Pacific coast. At that time they consumed about 150,000 tons of coal annually. I have endeavored to find out how much coal it takes to furnish the Navy now, but have not been able to get the data, but I presume it is from 500,000 to 1,000,000 tons a year. Where is the coal? It is not on the Pacific coast. They have no Navy coal on the Pacific coast except in Alaska. So it must be brought around from Chesapeake Bay or from elsewhere in the East, and it is being brought around that way at a cost ranging from $12 to $15 a ton after it is bought and the freight paid.

One of the purposes of this bill was to connect the Alaskan coal fields with the southern harbors of Alaska to insure a plentiful supply of good and cheap coal for naval purposes. Your appropriation bill, which I mentioned a few moments ago, was passed in order to aid the development of that project.

The CHAIRMAN. The time of the gentleman from Alaska has again expired.

Mr. WATKINS. I yield the gentleman three minutes more.

Mr. GRIGSBY. Every reason which existed for the Government going into the railroad business in Alaska in 1914 is a great deal better reason to-day. We know more about the resources of the country; we know more about its agricultural resources. The coal has been tested and developed and we know more about it, and the transportation question has become a greater problem. Nothing has transpired to militate against the advisability of initiating this project at this time were this the original bill. But the road is two-thirds done. It has been well constructed. Whatever opposition, whatever criticism, there was in the method of construction, which in my opinion originated in local jealousies between rival towns along the railroad and in the minds of some disgruntled Alaska politicians—whatever criticism there was has evaporated before the Committee on the Territories when the facts were presented, because every dollar was accounted for; and in this estimate of $17,000,000 which is being asked for now the report of the Interior Department presents to Congress a detailed account of where every dollar of it is to go according to the mileage of the road. It accounts for every shovelful of dirt and every tie and every rail, and it is open to all for inspection. If this bill is passed, this road can not fail to be completed within the time provided in the bill and for the sum sought to be appropriated. [Applause.]

Mr. WATKINS. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY of California. Mr. Chairman, I yield 5 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, this bill ought to pass. Congress must make provision for the completion of the Alaskan Railroad. The American people have undertaken that enterprise and they must carry it through, and they will carry it through. This Congress will make provision for the completion of the road. While that is true, it is also true that some things ought to be said during this debate relative to the waste, extravagance, and mismanagement in connection with this enterprise. I do not think we should make available $17,000,000 more upon the theory that everything has gone well up there, that the money has been economically expended, and that the management has been ideal, for that is not true. That it is not true is evidenced by the hearings before the committee and evidenced by every hearing there has been before the Committee on Appropriations since the work was started. It is not true that it is necessary to make available $17,000,000, 50 per cent more than the original estimate, largely or principally because of increased cost of labor and material. As a matter of fact, the smallest increase in wages paid to labor anywhere under the American flag during the war has occurred in Alaska. Wages in Alaska compared with wages on the mainland were high before the war began and when the estimates were made. Curiously enough they did not increase during the war to the extent they did in most parts of the Union. Further, while there has been some increase in the cost of material, a very considerable proportion of the material that has been used was contracted for before the beginning of the war. That is true, as I understand it—and if I am not correct I want to be corrected—with regard to the rails and spikes that have gone into the road up to this time. They were bought or contracted for before the war began and at prewar prices.

There are two principal reasons for the increase over the estimated cost. One is that the estimate was originally too low, and that was declared to be so by quite a number of gentlemen, somewhat familiar with the situation at the time. I at that time predicted that it would be impossible to build this road under the conditions then existing in Alaska under the management that we were likely to have for the sum suggested. The principal reason, however, for this 50 per cent increase in cost is the miserable management of the enterprise, and I make that statement with regret——

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Because I have the highest regard for the Secretary of the Interior, his integrity and his judgment, and I realize that a statement of that kind is to a certain extent a reflection upon the Secretary.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. GARNER. Mr. Chairman, will the gentleman yield? Was the gentleman in the Hall when his colleague——

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. MONDELL. The gentleman from Texas [Mr. GARNER] does not want to know the truth.

Mr. GARNER. I would like to ask a question, but the Chair suggests that the point of no quorum has been made.

The CHAIRMAN. The gentlemen will suspend. The Chair will count. [After counting.] Seventy-seven Members present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fitzgerald	Layton	Rowan
Andrews, Md.	Flood	Lazaro	Rowe
Andrews, Nebr.	Focht	Lea, Calif.	Rucker
Anthony	Fordney	Lehlbach	Sabath
Ashbrook	Foster	Linthicum	Sanders, La.
Bacharach	Frear	Lufkin	Sanders, N. Y.
Bankhead	Freeman	McArthur	Sanford
Barkley	Fuller, Ill.	McGlennon	Saunders, Va.
Bell	Fuller, Mass.	McKenzie	Schall
Benson	Gallivan	McKeown	Scully
Bland, Ind.	Ganly	McKinley	Sears
Bowers	Gard	McKinley	Sherwood
Brinson	Garland	McLane	Siegel
Britten	Glynn	McPherson	Sisson
Brooks, Pa.	Godwin	MacCrate	Small
Browne	Goldfogle	MacGregor	Smith, Ill.
Browning	Gould	Madden	Smith, N. Y.
Brumbaugh	Graham, Pa.	Magee	Snyder
Burke	Graham, Ill.	Maher	Steenerson
Butler	Griest	Mann	Stephens, Miss.
Byrnes, S. C.	Griffin	Mead	Stephens, Ohio
Campbell, Kans.	Hadley	Merritt	Stiness
Cantrill	Hamill	Moore, Pa.	Strong, Pa.
Carew	Harrison	Moore, Va.	Sullivan
Carter	Haskell	Moores, Ind.	Taylor, Ark.
Casey	Haugen	Morin	Taylor, Colo.
Clark, Fla.	Heflin	Mott	Thomas
Classon	Hersey	Mudd	Tilson
Connally	Hersman	Murphy	Treadway
Cooper	Hill	Neely	Upshaw
Costello	Holland	Newton, Mo.	Vare
Crago	Houghton	Nicholls, S. C.	Venable
Cramton	Hulings	Nichols, Mich.	Vestal
Crisp	Hull, Tenn.	O'Connell	Vinson
Crowther	Husted	Ogden	Walsh
Cullen	Hutchinson	Olney	Walters
Dempsey	Jacoway	Padgett	Ward
Denison	James	Paige	Wason
Donovan	Johnson, S. Dak.	Parker	Webb
Dooling	Johnson, Wash.	Platt	Welling
Doremus	Johnston, N. Y.	Porter	Welty
Drane	Kahn	Purnell	Whaley
Dunn	Kelley, Mich.	Radcliffe	Wheeler
Eagan	Kelly, Pa.	Rainey, H. T.	White, Me.
Eagle	Kendall	Rainey, J. W.	Wilson, La.
Edmonds	Kennedy, Iowa	Randall, Calif.	Wilson, Pa.
Ellsworth	Kennedy, R. I.	Reavis	Winslow
Emerson	Kettner	Riordan	Wise
Evans, Nebr.	Kiess	Robinson, N. C.	Woodyard
Evans, Nev.	Kincheloe	Robsion, Ky.	Yates
Fields	Kreider	Rodenberg	Zihlman
Fisher	Langley	Rouse	

The committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7417 and had found itself without a quorum; that he had caused the roll to be called, and that 227 Members, a quorum, had answered to their names, and he handed in the names of the absentees to be recorded in the Journal and RECORD.

The committee resumed its sitting.

ROLL CALL IN COMMITTEE.

The CHAIRMAN. The Chairman of the Committee of the Whole desires to make an announcement at this time. The rules under which we are operating require, when a point of no quorum is made in the Committee of the Whole, that the roll shall be called once and only once, and hereafter when the present occupant of the chair is in the chair, on a point of no quorum in committee, if the first call of the roll develops 100 Members present, he will not direct the roll to be called a second time.

ALASKAN RAILROAD.

Mr. MONDELL. Mr. Chairman, when I was interrupted by the roll call I had just said that I regretted the necessity of criticizing the management of the Alaskan Railroad, because that criticism reflects somewhat upon a gentleman for whom I have the very highest regard and respect, the Secretary of the Interior, and I was about to say that I realize that a railroad in Alaska is so far away from Washington that even the best-intentioned management from here might not be reflected so far away. I do not intend to reflect upon the Secretary. I am confident he made an earnest effort to secure a good administration, but we have been unfortunate in the management of that railroad. Why, at one time the railroad was built by cable. There was no responsible engineer on the job for a very considerable length of time, and orders were cabled by the engineer at Washington. Under those circumstances it is not remarkable that the management was not of the best——

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. And the cost, particularly, was high. I yield.

Mr. GARNER. The gentleman was in the Chamber, I presume, when his colleague, the Member from Kansas [Mr. STRONG], made the statement concerning t. .s legislation——

Mr. MONDELL. Well, I am not responsible for what any other gentleman may say.

Mr. GARNER. But I want to ask the gentleman a question; he yielded for an interruption.

Mr. MONDELL. Well, I have a very brief time. I am not responsible for what others may say or for the opinion of others, but my statement is based on my experience as a member of the Committee on Appropriations and of the subcommittee that had charge of appropriations for the Alaskan Railroad.

Mr. GARNER. Now will the gentleman yield?

Mr. MONDELL. And I know from the hearings that it was clear and apparent that the management was not of the character that we might have hoped for.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARNER. The gentleman heard the gentleman from Kansas give it a clean bill of health and said that it had been economically managed and had been administered without regard to politics, and he evidently had some information from the hearings before the committee which reported this bill.

Mr. MONDELL. Now that the gentleman has gotten that statement, that may or may not be accurate, into my speech and is therefore content, I shall go on. The fact remains that there has been gross mismanagement of this railroad and that now we have a road partly built at either end and a wide gap in the center upon which little has been done, we must appropriate a sum or must authorize the appropriation of a sum equal to 50 per cent of the original authorization to carry out the work originally contemplated and in the main because of extravagant methods and failure to establish and maintain a good system of management. So much for that.

There has been more or less said in connection with this discussion with regard to the coal in Alaska. One of the arguments for the building of the Alaskan Railroad was that there were enormously valuable coal fields there and that our expenditure would develop them and make them available not only in Alaska, but on other parts of the Pacific coast. I am not criticizing anybody. I regret the Matanuska coal fields have been a very great disappointment. As one who has had some experience with coal mining and development, I have taken much interest in the Alaskan situation and I have been very hopeful about the Matanuska field, but have thought it was wise to discount the extravagant statements at one time and another by gentlemen in regard to it. Now it develops that up to date no dependable and satisfactory coal mines have been opened in the Matanuska field. That field is unfortunately very badly broken and the efforts to develop a good mine have not been successful up to date. We passed a leasing bill for Alaska, a bill under which the coals of Alaska were to be leased. Certain gentlemen were very enthusiastic about that leasing bill. Well, it has been on the statute books quite a number of years and up to date there is not a single successful mine of considerable tonnage under lease in the Matanuska field under that law.

There are, I think, two leases that are being operated to a limited extent, or two leases that have some life; but our Alaskan leasing law under the conditions of Alaska has been as disappointing as the Matanuska field has been. There is a field in the Behring region that is hopeful, although at the beginning the Matanuska field seemed to be the better of the two. Latterly it seems to have developed that in all probability the Behring field will develop better mines. We have made no effort to develop the Behring field. We have left it to private enterprise, and it is a curious fact that while all our $35,000,000 expenditure on the railroad and our efforts in connection with coal development has not given us a single dependable extensive coal operation in the Matanuska field, private enterprise, unaided by the Government, frowned upon by Government agencies and agents, has or is about to develop very excellent coal mines in the Behring field. The probability seems to be that private enterprise will give us more coal from the Behring field than all

of the expenditures of the Government and all of the Government's efforts will give us from the Matanuska field.

Mr. DEWALT. Will the gentleman allow an interruption?

Mr. MONDELL. I yield to the gentleman.

Mr. DEWALT. Is that due to the quality of the coal of the different fields or is it simply because of this leasing law?

Mr. MONDELL. Well, the Behring field—and the gentleman from Pennsylvania is familiar with coal measures—the Behring field is very badly broken, broken to an extent that one familiar with the fields of Pennsylvania can scarcely realize.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from California has control of the time.

Mr. CURRY of California I yield to the gentleman five minutes additional.

Mr. MONDELL. The result is that a continuous operation is difficult because of the faults and the breaks in the vein——

Mr. DEWALT. That is in the Matanuska field?

Mr. MONDELL. That is in the Behring field. Further than that the uplifts have been of a character that have thrust into the body of the coal itself a more or less foreign matter which must be mechanically separated from the coal.

Now, on the other hand, the hope was that the Matanuska field, in a section less disturbed apparently from surface indications than the Behring field, would prove to be a field in which operations could be conducted at a reasonable cost. But the entries at Matanuska have developed a condition of disturbance almost as bad as those of the Behring field, with this difference, that the quality of the coal in the Matanuska field, a considerable portion of it, at least, is not so good as that of the Behring field, though there are some good coals in both fields. The difficulty is to mine and load on cars in condition for satisfactory use at a reasonable cost. So far the cost is a cost that would be considered prohibitive anywhere except in Alaska. If the Matanuska field were in Pennsylvania; if it were in Illinois; if it were in Alabama, it would not be worked at all at the costs in Alaska of mining and producing the coal. There is still some hope that we may eventually develop a considerable amount of very good coal at a tolerable price in Alaska, but up to date little headway has been made in that direction.

I refer to these things for the purpose of emphasizing the fact that in moments of enthusiasm, amounting almost to hysteria, these distant fields were painted in rainbow hues that did not represent their real color and quality. And it is regrettable that we have to confess that the situation is much less favorable than was anticipated by the enthusiasts. The coal fields of Alaska so far have been very disappointing, and the coal-leasing bill for Alaska has been so far a failure, although it may be possible to so administer it as to bring results in the future.

Now, in conclusion, Mr. Chairman, while we must do this thing, while we must spend this money, while we must finish this road, let us not do it on the theory that everything up there has been as satisfactory as we hoped it would be or as it ought to have been and that the fault is simply with increasing costs, for that is not the fact.

The CHAIRMAN. The time of the gentleman has expired.

CALLING OF ROLL IN COMMITTEE.

Mr. HICKS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HICKS. I merely want to get this clear, Mr. Chairman, in regard to the recent ruling made by the Chair in regard to the calling of the roll. As I understand, the Chair made this statement: That while he is acting as Chairman of the Committee of the Whole he proposes after this, when a question of no quorum is raised, to instruct the Clerk to call the roll once, and then if a quorum is developed on the first roll call there will be no second calling of the roll. That is correct, so far, is it not?

The CHAIRMAN. That is correct.

Mr. HICKS. Do I understand a Member will have the privilege, after the roll is called and a quorum is developed, to come in here and stand before the desk and demand that his name be recorded, provided the Chairman has not left the rostrum?

The CHAIRMAN. That is also correct. The Chair would not refuse to recognize any person in the well seeking to be recorded, but if the Chair leaves the rostrum here that privilege will be denied.

Mr. HICKS. I thank the Chair.

Mr. GARRETT. Will the Chair indulge me to make this remark?

The CHAIRMAN. Yes.

Mr. GARRETT. For the very reason that a Member has the right and the Chair will recognize that right, is the reason why I fear the Chairman's good intentions in this matter will come to naught, because it will be found that it will take as long a time to single out the Members individually and have them recorded as it will to proceed as we have been all these years to have a second roll call.

The CHAIRMAN. If the rule is in the record, so long as the present Chairman is in the chair that rule is going to be enforced.

Mr. KING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KING. I would like to inquire how the membership is to determine whether or not the present Chairman is in the chair?

The CHAIRMAN. By the eye.

Mr. KING. There are times when the Members are in the House Office Building and on committee work. Can the Chairman give us any light on that proposition?

The CHAIRMAN. Bells are rung, and all persons will be notified that the point of no quorum is made.

Mr. KING. And will some peculiar ring indicate to us or notify us that the present Chairman is in the chair?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. SMITH of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Michigan. It is presumed that this order will be followed by any other Chairman?

The CHAIRMAN. That is not a parliamentary inquiry.

ALASKAN RAILROAD.

Mr. CURRY of California. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman from California has 22 minutes and the gentleman from Louisiana [Mr. WATKINS] has 17 minutes remaining.

Mr. WATKINS. Will the gentleman yield to me at this time?

Mr. CURRY of California. Yes.

Mr. WATKINS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL], who has just preceded me in the discussion of this question, started out by saying that he was in favor of the bill. He concluded by reasserting that he was in favor of it, but very severely criticized the administration of this railroad. In doing this he called attention to the fact that the commodities that were to be transported over this road were not of such a nature as to justify the construction of the road.

If my recollection is not at fault, after a very thorough and exhaustive discussion of this question in the House when the $35,000,000 was provided for the construction of this road, the gentleman from Wyoming, after hearing the discussion and being thoroughly posted upon all the issues involved, voted for the $35,000,000 appropriation.

In calling attention to the extravagance in the construction of this road, he fails to call attention to the fact that this House of Representatives would not now be in session if it were not for the fact that the high cost of living was such as to induce the President of the United States to ask us to waive the recess which we had provided for, and remain here in session. We do know as a matter of fact that everything has advanced from 50 to 100 per cent, and in some instances more than 100 per cent since the war began.

The gentleman from Wyoming did not raise an objection when it came to voting on the question to increase the salaries of the employees of the Members; that is, the clerks and the secretaries to the Members of Congress. He did not object when it came to allowing those who had contracted for constructing the public buildings in the United States to receive additional compensation. He did not object when it came to allowing $125 extra or a bonus for the workers in the War Risk Bureau or $240 for the other Government employees here. He did not object when we meted out the paltry sum of $150 a year yesterday to the postal employees. Why was this done? Because the price of everything has increased to such an extent that it became necessary that an additional amount should be paid out beyond the sums contemplated and which had been customary before that time.

It was unfair and unjust for the floor leader of the other side of this House to criticize the fact that this railroad, situated as it is out of the United States, many miles away from here, with 5,000 of our young men going into the war, the labor supply being depleted, the cost of transportation being increased, and the cost of every commodity being increased, it was unfair for him to criticize the administration of the Secretary of the Interior because of the fact that this railroad has cost about 40 per cent more than it was contemplated it should cost.

Now, Mr. Chairman, I intend to use only about seven minutes more of my time, and I would like to have the opportunity right at this time of hearing the gentleman from Georgia [Mr. LANKFORD] for two minutes. Then I shall use five minutes on this side and close.

The CHAIRMAN. The gentleman from Georgia [Mr. LANKFORD] is recognized for two minutes.

Mr. LANKFORD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the question of the Alaskan Railroad and also upon the question of the farmers being the hope of the Nation.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks on the question of the Alaskan Railroad and the question of the farmers being the hope of the Nation. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Chairman, I certainly hope that this Alaskan Railroad bill will pass. It is a meritorious measure. There has been considerable money already spent in the construction of this railroad; in fact, nearly $35,000,000. It is now necessary for us to spend this additional amount in order to complete this railroad, in order to carry on the development of Alaska.

It is very essential that Alaska be developed. It is a great country, a great Territory. In fact, Mr. Chairman, it is a great storehouse, and a great many of the good things of the world are locked up in Alaska. In the near future we will unlock that great storehouse, and we will get some of the good things from Alaska. The development of Alaska means a great deal along the line of the development of this country. This railroad is not built for the purpose of making a dividend out of the money invested in the railroad, but it is built for the progress and development of Alaska, and we must develop that great Territory which we own. We must vote for this measure, we must pass it, and by passing it we not only help Alaska, but we also help the United States and the people of the United States.

Mr. Chairman, I want to say a few words along the line of the farmer being the hope of the Nation. I fear that this Congress and the Nation do not properly appreciate the farmer. If we had no farmers, we would have no Nation.

We could have a great nation without railroads, telegraph and telephone lines, automobiles, or cities. In fact, we can get along without almost anything except farmers.

Am I right about this proposition?

Let's see. Why is not there a great nation in Africa in the Sahara Desert? Simply because it is not fertile. It not being fertile and no farmers being there, no nation is built. Why is not there a splendid city in the Okeefinokee Swamp, in my district in Georgia? Simply because none of the swamp except the islands can at present be cultivated, and not being arable no farmers go there and no cities are built.

In the great West large areas of land are dry and parched by the hot sun and because of the lack of rain can not be cultivated in the original state. As long as the land can not be cultivated no development takes place. No railroads are needed for there is nothing to haul. No telephone and telegraph lines are needed for there is no one to use them. There are no cities for there are no farmers to support the cities.

It is a land of the sagebrush, the prairie dog, and the wolf. It is a land of desolation and arid waste. But, Mr. Chairman, an irrigation project is installed. Water is conducted from some river or lake to quench the long thirst of the arid section, and it becomes capable of cultivation; and, oh, my, what a transformation takes place. The farmer leads the way. The land blossoms like a rose. Homes, schools, and churches are built. Great cities spring up. Railroads and electric lines are everywhere. The hum of the factory fills the air. A most magnificent community, modern in every respect, springs up as if by magic.

Who did it? The farmer. Who built our Nation? The farmer. Who gained our independence? The farmer. Who has kept our Nation going since its beginning? The farmer. Who won our great victory in the Great War? The farmer. Who can solve the problem of the high cost of living? The farmer. Who will save this Nation from its downfall? The farmer.

The products of the farm are the very lifeblood of the Nation. The farming, dairying, fruit-growing, and stock-raising industries of our country make the great heart which gives life to the Nation and sends the lifeblood pulsating through her arteries of commerce.

A man can live as easily without a heart as the United States can live without the farmer.

The farmer is not only the heart of the Nation but he is the very life and soul of the Republic. If you would injure a man, injure his heart. If you would injure our great country, injure the farmer.

Mr. Chairman, when a question is presented here in Congress for consideration, I ask myself the question, Will the measure help the farmer and the farmer's folks or hurt them?

If it will help the farmer, I am for it, first, last, and all the time. If it will hurt him, I am bitterly opposed to it. If we all will use this yardstick as our guide we will never go wrong.

Help the farmer and you help all the people, for the farmer, by his labor, helps all mankind. Hurt the farmer and you hurt all the human race, for when the farmer suffers all suffer.

If we would solve properly the problem of the high cost of living, we must help the farmer and he will solve it for us. He will solve it not only for the present but for all time to come. He produces all we eat and all we wear. Try living awhile without eating anything the farmer makes. You will perish. Try living awhile without wearing any clothing made from the materials produced by the farmer, and as a result you will go naked and roost on the fence.

Let us get out of our heads the idea that the farmer gets too much for his products. The farmer does not get too much for what he produces. He does not get enough. He never has received too much. He feeds and clothes the whole world for just a little more than what he eats and wears himself. He sells cotton at 30 cents a pound and buys it back manufactured at $3 a pound, and ofttimes at $10 to $15 a pound. He sells hams at $6 each. If he were to buy one ham back in ham sandwiches he would pay about $75 for it.

According to present high prices, farmers ought to get 75 cents per pound for cotton.

If possible, we ought to lower the high cost of living by paying the farmer more and the people between the farmer and the consumer less. The farmer should receive more for his products so that farming will be more profitable, and so more farming will be done and so a greater production will result.

Farming should be as profitable as possible, so as to stimulate a greater yield and so as to feed and clothe properly the world. Farming has not been profitable enough and too many are leaving the farms and flocking to the cities, and we are suffering now, in a large measure, as a result of this fact.

It would be great legislation for this Congress to enact laws to help the farmer produce more for less cost so as to make his business very profitable, even at present prices.

The man is worse than blind who thinks that to fleece the farmer is economy or good sense. The man in this Congress who would legislate against the farmer is either not patriotic or is mislead.

Let us be not deceived. Let us legislate for all the Nation, but let us remember that when we legislate for the farmer we legislate for all, for the farmer feeds and clothes them all. We may help others without helping the farmer. We may hurt the farmer by helping others. We can not benefit the farmer without benefiting all, for all are dependent on him. He is the support of the Nation and we can not afford to do less than support every move in his behalf.

We, in justice to ourselves and humanity, must fight everything that would hinder, impede, or hurt the farmer.

We must look to the farmer to reduce the high cost of living.

Instead of opposing his farming operations we must encourage them. We need more foodstuffs and more cotton. I live in the cotton-growing section and know that the farmers of that section will plant less and less cotton from time to time if legislation is forced through which is injurious to them. They can not continue to grow cotton unless they get a better price for their cotton, and unless we legislate for them and not against them.

If there is a material shortage of a cotton crop the Nation suffers. If you want to solve the problem of the high cost of living, give the farmer a square deal, and he will help you solve it just like he and his family helped win the war, and have always helped in everything worth while.

The following letter has been sent by the editor of the Manufacturer's Record to every cotton manufacturer in the United States and to a large number in England, as well as to leading papers in this country and abroad, in order that the crisis now facing the world's cotton trade may bring forth intelligent discussion of this important matter:

BALTIMORE, MD., *July 24, 1919.*

To cotton manufacturers of New England and elsewhere:

In 1904, when the International Cotton Manufacturers' Congress, held in Switzerland, voiced the world's need for an increased production of cotton, every address made emphasized that the cotton supply of the world was running short of the world's needs, and yet, so far as I can remember, only one delegate said that the way to produce increased production was through higher prices. All others wanted more cotton, but wanted cheaper cotton.

The crisis in the world's cotton trade which was then foreseen is now practically upon us. For several years the cotton crop of the South has been small, and this year promises to be very small. I am not sur-

prised at this. For years I have taken the ground that the South would decrease its cotton crop unless prices ruled for a long time at very much higher figures than in former years. The whole situation has been completely changed. The economic slavery which has held the South to the cotton plow has been broken. Diversified farming and employment in industrial pursuits offered to the men of the South a far more profitable employment than can be found in the cotton field. If cotton growing in the South is to hold the laborers on the farm they must receive far higher wages than they have ever had. The laborer is no longer at the mercy of one underpaid industry. He is now a free man. This applies to the white laborer as well as to the black. Every effort which has been made in the past to hold down the price of cotton has been an effort, unconscious, perhaps, to hold in complete slavery or poverty, indebtedness, and ignorance the tenant farmers, white and black, in the South, and the day laborers on cotton farms. The cotton producers have had a right to resent very vigorously the most unwise statement put out some months ago by Mr. R. N. Durfee, chairman of the cotton-buying committee of the National Association of Cotton Manufacturers. Mr. Durfee undertook to demand that the cotton growers of the South should increase their production without regard to whether it paid them to do so or not, and without regard to the fact that they could help themselves and help the South far more by raising an increased food supply than by raising more cotton. I do not believe that Mr. Durfee represented the better views of the broad-minded cotton manufacturers and people of New England when he so bitterly criticized the South and southern cotton growers. Certainly every statement such as his put out by a cotton manufacturer or by a New England paper only serves to intensify the irritation which cotton growers feel toward the manufacturers and inevitably develops and foments a bitter spirit of sectionalism, with New England responsible for this unfortunate situation. I am sure that this is not the spirit of the people of New England as a whole.

It would have been infinitely better for the South if it had never raised a bale of cotton. Its farmers can turn from cotton to diversified agriculture to their own advancement, and to the enrichment of the South, and if the South should abandon cotton growing or fail to increase its cotton crop, a tremendous disaster would come upon the cotton manufacturers of the whole country, and, indeed, upon the whole world.

There is no more moral obligation resting upon the South to raise cotton when it can raise something else to more profit than there is upon a capitalist to manufacture cotton goods when he could to greater profit to himself produce foodstuffs.

The entire cotton industry has reached the turning point, and we have entered upon a new epoch. Cotton will never again come back to the low prices of former years. The southern cotton grower will no longer be placed on a level with the underpaid cotton raisers of India or Egypt. They will, on the other hand, demand and secure a price for cotton which will give to the landowner, the tenant farmer, and the farm hand an income in keeping with the profit paid to the wheat grower of the West, a section which has grown enormously rich on diversified agriculture, while the South has for itself made little or no profit on its cotton production.

I am anxious that the cotton manufacturers of New England especially, but likewise of the whole country, should fully understand this situation. I have no thought that the position taken by Mr. Durfee in the letter which he issued a few months ago voiced the sentiment of the New England cotton manufacturers. I do not believe that they want to hold the white or the black man in the South in grinding poverty and economic slavery, and in ignorance, which has of necessity existed because the tenant farmer could only raise his cotton at the prices which formerly prevailed by keeping his wife and his children in the cotton field.

The average tenant farmer in the South produces about five or six bales of cotton a year as his chief and, in many cases, almost only product, though of recent years tenant farmers are beginning to return to the system which prevailed prior to the Civil War—of raising some of their feedstuffs and foodstuffs. When cotton sold at 10 cents a pound, or $50 a bale, the average tenant farmer received about $300 a year as the gross income for his work and that of his wife and children. Out of this had to come a heavy fertilizer bill and the landowner's share of one-third to one-half, in place of a cash rent for land. You can readily see, therefore, that under these conditions these tenant farmers lived in constant poverty, and rarely ended a year free of debt.

It is important that there should be a better understanding between the cotton manufacturers of the country and the cotton growers not only for the benefit of the industry but for a broad spirit of patriotism and humanity. Nearly every voice which has come to the South from the press and the manufacturers of New England and Europe has been a demand for cheap cotton; but, fortunately, some New England manufacturers have been wise enough to see that cheap cotton was a curse to the South, and have freely taken that position.

It is possible to bring about a much better understanding and a closer business sentiment between the cotton growers and cotton consumers if the cotton manufacturers will fully understand the situation and give voice to this sentiment in favor of a living price for the cotton producers.

The flour millers of the country and the consumers of corn are not ceaselessly fighting high prices on wheat and corn, and yet wheat which in 1896 averaged for the year 49½ cents a bushel is now $2.26 per bushel and over, and corn, which in that year averaged 21½ cents per bushel for the entire country, is now selling at about $1.80 to $2 per bushel, according to locality. You can readily see that the southern farmer, who has to buy his wheat and corn in order to raise cotton, is placed at a tremendous disadvantage by reason of these high prices of wheat and corn.

I also quote the following from the Manufacturer's Record of July 31, 1919:

Not only this country but the world needs an enormous increase in output. We shall need to stretch the production of agriculture to the utmost limit of our ability to secure labor. The demand for cotton and for foodstuffs will for years run ahead of the supply. We must feed up and clothe up hundreds of millions of people who for five years have been short on food and on clothes. We must catch up on the slack of the last five years, and when we have caught up we must stock up, for it is a great mistake to permit consumption to tread so closely on the heels of production. It has been well said that we are never removed from famine more than one brief season, for one complete crop failure in this country, whether of wheat or corn, would mean a world famine. A complete failure of cotton, indeed, a crop much less than that which is now anticipated, would be a world disaster.

Production and more production and more production must be preached wherever men gather, if we would give safety to our Government and safety to the world.

If we are to act wisely, we must help the man that helps us. We must save the man that saved us. We must help and save the farmer. We can not afford to make heavier his burden of taxation. We should lessen his burden. We should help the farmer to get better roads. We should help him, in every way possible, to get a better yield and help him to get a fair price for his crop. We should help the farmer's boys and girls get better school advantages. In fact, Mr. Speaker, we must help make the farm life desirable and even preferable to city life.

Good legislation is that which makes happy, contented, enlightened, and prosperous the great army that toils and produces. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired. The gentleman from Louisiana [Mr. WATKINS] is recognized.

Mr. WATKINS. Mr. Chairman, does the gentleman from California desire to use any time now?

Mr. CURRY of California. Does the gentleman wish to use any time?

Mr. WATKINS. We have five minutes on this side. A gentleman who was to speak has been called to the telephone, but he will be back presently.

Mr. CURRY of California. We have but one speech on this side. I yield to the gentleman from Washington [Mr. MILLER] 12 minutes.

The CHAIRMAN. The gentleman from Washington is recognized for 12 minutes.

Mr. MILLER. Mr. Chairman and gentlemen of the committee, I want to speak for a few moments from the standpoint of one who has been over Alaska and who knows something about the country and the trials and troubles of the men who are there undertaking to develop that far-off land. In order to visualize something of the magnitude of Alaska, I shall illustrate by this little map. If you place the southeast point of southeastern Alaska upon a map of the United States at Savannah, Ga., the southwest point would be at Los Angeles, Calif., and it would occupy the entire area of States of North Dakota, Idaho, Montana, Utah, Washington, Oregon, and a part of northern California.

It is an immense territory. As to area, it is larger than everything east of the Mississippi River and north of the south Tennessee line. So that to go to one point of Alaska, you could tell just about as much of what is beyond you as to go to the port of New York and undertake to describe what is west of Chicago.

It is a wonderful country in the matter of climate. I want to call your attention to the fact that along the entire Pacific coast, and particularly southeastern Alaska, the climate is profoundly affected by the Japanese current. The icebound port of Vladivostok in Siberia, which is icebound seven months in the year, is 2,000 miles south of Seward, Alaska, where this railroad starts, and which is an open port the year around. Vladivostok is 500 miles south of the city where I live. Vladivostok is directly west of the northern California line. On this side we grow oranges and grapes, and on the other side of the Pacific are the icebound ports of Siberia.

So much as to climatic conditions, and it is not a bad climate. But it is an enormous country, with 21,000 miles of coast line, following the bays and inlets, and out of that coast line 3,000 miles are mineralized. It is the greatest mineralized belt on the face of the earth. There is every mineral known to mineralogy in Alaska, and I believe that when developed it will be the richest mineral country on the face of the earth.

I have had old men tell me——

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. MILLER. My good friend will pardon me, as I have just a few minutes. I have had old miners and prospectors tell me that it is their judgment if all the gold of Alaska was dumped on the markets of the earth at once it would demonetize the metal. There is everything there, and I tell you, gentlemen of the House, it is a country well worth our attention.

You see the plan: This is a small map of Alaska. This railway cuts it right through the heart north and south, extending from Seward, in southeastern Alaska, north to the city of Fairbanks, almost at the head of navigation of the Tanana River.

Now, something has been said about commencing this railroad at two points, one from Seward and the other from Fairbanks. That is true, and there is a gap in the middle which this $17,000,000 appropriation will complete and, in addition to that, equip the railroad with its rolling stock. This railroad was started from the south and extended to the north from the vicinity of Anchorage and Seward. Then the northern arm was started at Fairbanks. The material for that was taken around

through the Bering Sea, up the Yukon River, up the Tanana River to Fairbanks, and then they commenced to build from that end. There is no criticism of that, because it is just the way we started to build the Panama Canal—starting at both ends. We all know that. It is the natural, sensible way to do it.

I have nothing to say about the management of the railroad by those who have had it in charge. I am very anxious that the men up there, who have been waiting for years and years for some development, may see their hopes realized, so anxious that I will close my lips to any criticism.

I have been over nearly all of Alaska, except that part which lies north of the great bend of the Yukon River and northward to the Arctic Ocean. South of it I am fairly familiar with it. I know men who have gone into that country with packs on their back and in the winter season with dog teams, carrying and teaming their provisions for hundreds of miles. I have done it myself, going back into the hills. I have teamed what few provisions I had 200 or 300 miles with a dog team out to where my diggings were. The men who will develop Alaska are the men who will go there with pick and shovel and dig down where nature has hidden her treasure box and bring out to us the virgin gold. They are the kind of men who make a nation great and strong and rich.

There are fewer people in Alaska now than there were 10, 15, or 20 years ago.

I shall say nothing regarding the conservation idea, because in due time that will all be set right, for we are now living in a practical age. The time will come when that country will be opened up to the men who live there, the men whose hands hold the pick and shovel.

This railroad goes through the very heart of the greatest mineralized country in the world, and from this railroad they will put out feeders to the right and to the left—not railroads, but trails, so that the boys can get back into the hills, back to where the gold and the silver and the copper and the coal are located. Then when they are found in sufficient quantities to justify a branch line of the railroad, it may be extended into that locality. As it is now designed, it reaches the great Matanuska coal field.

Mr. CLARK of Missouri. Will the gentleman yield for one question?

Mr. MILLER. I have only a few minutes, but I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. I understood the gentleman from Wyoming [Mr. MONDELL] to say that the Alaska coal fields had turned out to be an utter disappointment. Is that the state of affairs or not?

Mr. MILLER. That is not my understanding, I am frank to say. Now, we should build the trails back from the railroad, so that the miners can get back into the hills. The great Klondike gold fields were discovered accidentally. All gold discoveries are all more or less accidental; but the more men who go into a country prospecting, the more men have the facilities to live there, it stands to reason the greater likelihood of valuable discoveries and permanent development. I am enthusiastic in behalf of this railroad. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWELL. I have some time left, and I yield it to the gentleman.

Mr. CURRY of California. I yield the remainder of my time to the gentleman from Washington.

The CHAIRMAN. The gentleman is recognized for nine minutes.

Mr. MILLER. I want to say to my colleagues that the greatest copper mines on the face of the earth are within the Territory of Alaska. You know how we searched the world for metals during the war, how we brought them from beyond the sea, from every place we could get them, to help us in our war program. We have 99 per cent of them in Alaska. They are there awaiting the hand that will develop them. And while we are talking about doing something for the returned soldier, why not open up Alaska as we opened up the great prairies of the West to the soldiers at the close of the Civil War?

Something has been said here of the reindeer situation. There is no prettier sight in all this world than to see a thousand head of reindeer grazing on a mountain side. The Aleutian Islands are full of them. There are 150,000 or 160,000 reindeer in Alaska. They are a godsend to the natives. They go out with their little herds. An Indian or an Eskimo may not have over 25 or 30 reindeer, but he herds them as a careful husbandman takes care of his little flock of sheep. Incidentally they are cleaning out the wolves and lynxes and the other predatory animals that infest the country. The reindeer support the natives. And I truly believe that with the great grazing lands that there are in Alaska, the future development of the reindeer as a substantial source of meat supply for our country is one of the most promising that we have before us.

Now, the climate there is not bad. Over in the interior, in the Yukon Valley, the atmosphere is dry, and with the temperature 25° below zero you can wear an ordinary hat all day long and your ears will not get cold. When you go out to the coast you get the moisture. Going away from the coast into the Yukon Valley you go over a mountain chain some 4,000 feet high, and when you get over that chain you are in the great Arctic slope. I have come out of that valley with the thermometer 42° below zero, where I could stay out doors all day without discomfort, and have dropped over that mountain chain only 30 miles and come out to the coast where the thermometer was 8° below zero and have nearly perished with the cold. The interior is a cold, dry climate. Animals can forage all winter in the interior country.

As this railroad strikes north it goes through the very heart of the land that has the agricultural possibilities, and also where the mineral possibilities are far beyond those of any other nation in the world.

It would surprise some of you to know that in that country the ground is eternally frozen. No one has ever dug through the frost, and they have been down a thousand feet.

The fields of barley and rye and wheat are grown on the top of ground that is frozen for a thousand feet beneath. It thaws on the surface in the summer time. It gets very warm. There is daylight 16, 18, and 24 hours in the day, and crops mature quickly. They come right up overnight. Of course, in the winter the nights are long and dark and cold, but the summer seasons are delightful. The thermometer goes up to 80, 90, and 95 in summer, but in the winter it becomes exceedingly cold. The coldest weather I ever saw in the Yukon Valley was 68° below zero. That is cold weather, and it is dangerous weather; but as you go down the Yukon River, and perhaps 500 miles from the mouth, there is a Catholic mission, the Holy Cross Mission. There is one of the most beautiful apple orchards I have ever seen, perhaps 80 acres of the most beautiful young apple trees just coming into bearing. And grazing over broad acres of clover was one of the finest herds of Jersey cattle I have ever seen. All that in a land that is frozen. It is a queer country. Every rule of the geologists is reversed when you get to Alaska. And I tell you, gentlemen, just as sure as God, the future will unfold for Alaska and the American people the wealthiest possession held by any nation in the world. Mineral, agriculture, fisheries, stock raising—everything future development. It is the golden land of promise for the coming generation. All they want is your help. Come and help them. Let us have 250,000 people in Alaska. Five thousand of the young men there came to the defense of our country in the times of war, patriotic men, although it is by far the most remote from the seat of government of any land on the continent.

They want your help. When a man opposes Alaska it is because he does not know, he has never seen the country. Some of the most beautiful mountain scenery in all the world is in that country. When you look way back to the great mountain peaks it looks to me almost like the shores of time. One of the most beautiful sights I have ever seen. The country has an invigorating climate, it is strenuous, and it breeds hardy men. Gentlemen, help build Alaska and the Alaskan Railroad and the time will come when the American people will be as proud of Alaska and as proud of this railroad as they are now of the Panama Canal. [Applause.]

Mr. WATKINS. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, when the Alaskan bill was originally up, appropriating $35,000,000, I had the pleasure of supporting it. After investigation of the work up to the present time and the expenditures of that money, save two million and some odd thousand dollars, we find no real criticism. We find the work has progressed rapidly under the conditions confronting the administration of the work. We find it has been built cheaper than most privately constructed railroads during the same time. No one has charged any wrongful act or any real criticism of the commission or secretary having charge of this particular work. Of course, you can always criticize if you desire. They deserve the commendation of the American people for the splendid work that has been done up to date.

There has been a good deal of discussion adverse to Alaska and its interests, to the end that a few private individuals would gather up the coal fields of Alaska. Legislation was passed some three years ago that was satisfactory to the House, the Senate, the President, and the country, authorizing the lease of the coal fields of Alaska. No valid criticism has been made of that legislation. No one has offered an amendment to repeal that law, and day before yesterday the Senate passed a coal and

oil leasing bill for the States which contains more drastic provisions than the Alaskan coal-leasing bill, from which they borrowed many of its provisions.

Now, the matter of starting the road at Fairbanks and constructing toward the ocean and from Seward inward is but the method employed by all great continental railroads that have been built. When they built the Central and Southern Pacific Railroads they did the same way, and they joined in Utah.

The legislation requested is made absolutely necessary by virtue of the increased cost of material, labor, and so forth. The $17,000,000 authorized by this bill will undoubtedly, under present conditions, authorize the completion of the work and complete the construction of the railroad so that it can be used from the coast to the farthest point inland.

As has been so well said, and so much better than could have been said by those who have not been there, by the gentleman from Washington [Mr. MILLER], the development of the coal and mineral fields in the near future will be to this country what the West was to it when we needed the gold and the minerals.

We ought not now to tie it up or permit it to be tied up in any way when by a reasonable expenditure we can build the road, and in a few years it will return to the Government every dollar placed in this fund for the present construction of the road.

It will aid in the development of the coal mines so that we can obtain reasonably priced coal on the Pacific coast. It will open up the coal mines and all other developments in Alaska so much needed at the present time.

Mr. Chairman, I am heartily in favor of this bill, and without taking any more time, because I believe the bill will be passed unanimously, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CURRY of California. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken on the bill may revise and extend their remarks in the RECORD.

The CHAIRMAN. The Chair thinks that request should be made in the House; but if there is no objection, the Chair will put it. The gentleman from California asks unanimous consent that all Members who have spoken on the bill may revise and extend their remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," be amended by inserting at the conclusion of section 2 the following:

"*Provided*, That in order to complete on or before December 31, 1922, the construction and equipment of the railroad between Seward and Fairbanks, together with necessary sidings, spurs, and lateral branches, the additional sum of $17,000,000 is hereby authorized to be appropriated, to be immediately and continuously available until expended."

Mr. CURRY of California. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7417 and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. Under the rule the previous question is ordered on the bill. The first question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6808. An act to incorporate the American Legion.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS, for one day, on account of sickness.

To Mr. MCKEOWN, for one day, on account of illness.

To Mr. WILSON of Louisiana, for one day, on account of important business.

To Mr. VESTAL, for five days, or account of death in his family.

To Mr. O'CONNELL of New York, for 10 days, on account of important business.

To Mr. JAMES, for one day, on account of sickness.

To Mr. LANGLEY, for one week, on account of important business.

LEAVE TO ADDRESS THE HOUSE.

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Monday next, after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, upon what subject?

Mr. MASON. Mr. Speaker, I expect to speak on the resolution which I have offered in regard to the withdrawal of troops from Siberia.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. CURRY of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned until Monday, September 8, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury transmitting estimate of appropriation for the relief of contractors, etc., for buildings under the Treasury Department (H. Doc. No. 243) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9090) making additional appropriation to carry out the purposes of "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916; to the Committee on Roads.

By Mr. NEWTON of Minnesota: A bill (H. R. 9091) granting the consent of Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: A bill (H. R. 9092) providing additional compensation to certain employees in the Post Office Department for overtime service; to the Committee on the Post Office and Post Roads.

By Mr. SWOPE: A bill (H. R. 9093) granting additional compensation to the officers and enlisted personnel of the Army, Navy, and Marine Corps, including nurses (female); to the Committee on Ways and Means.

By Mr. PARK: Resolution (H. Res. 284) to authorize the Federal Trade Commission to inquire into the causes which make the great difference between the cost of raw cotton and the manufactured product; to the Committee on Appropriations.

By Mr. ALEXANDER: Joint resolution (H. J. Res. 198) providing for the transfer of surplus motor-propelled vehicles, motor equipment, and supplies of the War Department in aid of road construction; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9094) granting a pension to Rosetta Chaney; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 9095) to authorize the commissioning of Maj. Robert W. Barr; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 9096) granting a pension to Samuel W. Moore; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 9097) granting an increase of pension to Joseph P. Clark; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 9098) granting an increase of pension to James W. Calkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9099) granting an increase of pension to William A. Morton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9100) granting a pension to Lucien Isaacs; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 9101) granting a pension to Pauline Ette; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 9102) to remove the charge of desertion from the military record of William A. Tozer; to the Committee on Military Affairs.

Also, a bill (H. R. 9103) to remove the charge of desertion from the military record of James F. Cole; to the Committee on Military Affairs.

Also, a bill (H. R. 9104) granting a pension to Edmund W. Roderick; to the Committee on Pensions.

By Mr. REBER: A bill (H. R. 9105) granting an increase of pension to Tyrus Fidler; to the Committee on Invalid Pensions.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 9106) for the relief of Arthur Frost; to the Committee on War Claims.

By Mr. WILLIAMS: A bill (H. R. 9107) granting an increase of pension to William Ramage; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of W. H. Rader and Mrs. D. H. Gregory, favoring American Indians having full rights of American citizenship; to the Committee on Indian Affairs.

By Mr. BEE: Petition of sundry citizens of San Antonio and other places in the fourteenth congressional district of Texas, asking the passage of the Kenyon bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CHINDBLOM: Petition of Chicago Postal Workers' Association, of Chicago, Ill., for an immediate increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of Central Trades and Labor Union of St. Louis, Mo., favoring the passage of the Sims bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. Pfeiffer Manufacturing Co., of St. Louis, Mo., protesting against the passage of House bill 5123; to the Committee on Agriculture.

Also, petition of Standard Tilton Milling Co., of St. Louis, Mo., favoring the passage of Senate bill 641, known as the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of American citizens and voters, members of the Czecho-Slovak Chamber of Commerce, of St. Louis, Mo., relating to newspapers printed in foreign language; to the Committee on Printing.

By Mr. FITZGERALD: Petition of board of directors of the American Association of Woolen and Worsted Manufacturers, favoring the enactment of liberal protective tariff rates upon imported dyes; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of John R. Carr, of Baltimore, Md., favoring the one-year payment plan as a bonus for soldiers, sailors, and marines; to the Committee on Military Affairs.

Also, petition of John E. McCusker, of Annapolis, Md., protesting against the passage of House bill 5941; to the Committee on Ways and Means.

By Mr. RAKER: Petition of Hon. John S. Chambers, State controller, Sacramento, Calif., in behalf of legislation providing for an increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Pacific American Steamship Co., San Francisco, Calif., indorsing House bill 8069; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Miss M. B. Conrad, San Diego, indorsing the bill giving rank to Army nurses; to the Committee on Military Affairs.

Also, petition of H. E. Pearson, secretary Railway Mail Association, Los Angeles branch, indorsing House bill 8376 and requesting support of it; to the Committee on Expenditures in the Post Office Department.

Also, petition of the Shipowners' Association of the Pacific Coast, indorsing House bill 5516, providing for the transfer of the Coast Guard from the Treasury Department to the Navy Department, and urging early action on the same; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. Parker Holt, Stockton, Calif., urging attention to the abnormal foreign exchange situation and requesting that some remedy be applied; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Petition of American Gear Manufacturers' Association of Philadelphia, Pa., opposing Government ownership or Government operation of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Hudson Navigation Co. of New York, protesting against the passage of House bill 4378, known as the Esch-Pomerene bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Railway Mail Association of Washington, D. C., favoring an increase in salaries of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of Seward Prosser, of New York, favoring the passage of Senate bill 2856; to the Committee on Banking and Currency.

Also, petition of Henry Stewart, past supreme grand master, of New York, N. Y., protesting against any action favorable to the representatives of the Sinn Fein; to the Committee on Foreign Affairs.

Also, petition of the Plumb Plan League of Washington, D. C., favoring Government control of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Council World War Veterans of Aurora, Ill., protesting against the Mondell soldier settlement bill; to the Committee on the Public Lands.

Also, petition of National Cloak & Suit Co., of New York, protesting against the passage of the so-called Plumb measure for control of the railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Associated Industries of Massachusetts, favoring the Mondell and Smoot bills; to the Committee on the Public Lands.

Also, petition of Associated Manufacturers and Merchants of Buffalo, N. Y., protesting against the Plumb plan for tripartite control of the railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Eastern States Agricultural and Industrial Exposition (Inc.), Springfield, Mass., favoring the Mondell soldier settlement bill; to the Committee on the Public Lands.

Also, petition of sundry citizens of New York, N. Y., favoring the passage of Senate joint resolution 84, to increase salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of New York, favoring a 12 months' Federal cold-storage law; to the Committee on Agriculture.

By Mr. SUMMERS of Washington: Petition signed by W. H. Roder, chairman official board, and Mrs. D. H. Gregory, clerk of the church, on behalf of the First Christian Church of Ellensburg, Wash., 250 persons present, asking Congress to grant to all American Indians full rights of American citizenship; to the Committee on Indian Affairs.

Also, petition signed by W. H. Roder, chairman official board, and Mrs. D. H. Gregory, clerk of the church, on behalf of First Christian Church of Ellensburg, Wash., recommending passage of House bill 7702, providing for an additional bonus of $360 to all members of the Army, Navy, Marine Corps, and Coast Guard who served honorably between April 6, 1917, and November 11, 1918; to the Committee on Appropriations.

By Mr. WOODYARD: Petition of sundry citizens of Sistersville, W. Va., favoring the passage of Senate joint resolution 84, to increase salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Mason and Jackson Counties, W. Va., favoring the passage of the Gronna-Baer bill; to the Committee on Military Affairs.

SENATE.

MONDAY, *September 8, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, from our earliest beginnings of national life we have committed our way to Thee. We still seek Thy guidance in all that we do as a people. We pray not only for prosperity or even for peace but we pray that we may have the spirit of Him who, though He was rich, for our sake became poor and took upon Himself the burdens of the world that He might lead us to God and the life eternal. We pray that we may in the spirit of Christ address ourselves to the tasks of this day. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, September 5, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 7417) to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 100) making Tuesday, September 16, 1919, a legal holiday in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6808) to incorporate the American Legion, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of sundry citizens of Chisholm, Mich., praying for the repeal of the tax on ice cream, sodas, and soft drinks, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Spring Hill, Cold Spring, and St. Martin, all in the State of Minnesota, remonstrating against the establishment of a department of education, which were referred to the Committee on Education and Labor.

Mr. TOWNSEND presented petitions of sundry postal employees of Saginaw, Hillsdale, and Negaunee, all in the State of Michigan; of sundry postal employees of Chicago, Ill.; and of sundry postal employees of Yankton, Aberdeen, Mission Hill, Reville, and Madison, all in the State of South Dakota, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grand Haven, Newaygo, Sturgis, Mount Clemens, East Lansing, Lake Linden, Hubbell, and Escanaba, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of sundry Greek citizens of Bath, Me., praying for the annexation of Thrace to Greece, which was referred to the Committee of Foreign Relations.

He also presented a petition of sundry rural letter carriers in convention at Waterville, Me., praying for an increase in the salaries of postal employees and rural letter carriers, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 154) providing for the establishment of a radio station at Unga Island, Alaska, submitted an adverse report thereon (No. 175), which was agreed to, and the bill was postponed indefinitely.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2858) permitting certain employees of the Government to purchase supplies from the commissary stores of the Army and Navy, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 2962) for the relief of Nick Sitch and Billie H. Evashanks;

A bill (S. 2963) to amend the act approved July 28, 1917, providing for the relief of homestead entrymen or settlers who enter the military or naval service of the United States in time of war; and

A bill (S. 2964) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Assininiboine Military Reservation, in Montana; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 2965) for the relief of Capt. Thomas R. Clark; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 2966) granting the consent of the Congress to the county of Hennepin, State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River; to the Committee on Commerce.

By Mr. SHERMAN:

A bill (S. 2967) granting an increase of pension to Swen Dahlberg; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 2968) granting a pension to Aylmer E. Hendryx (with accompanying papers); and

A bill (S. 2969) granting a pension to Sarah M. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 2970) granting an increase of pension to Emma F. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 2971) for the relief of William O. Mallahan; to the Committee on Military Affairs.

By Mr. KELLOGG:

A bill (S. 2972) to extend the cancellation stamp privilege to the Roosevelt Memorial Association; to the Committee on Post Offices and Post Roads.

THE DISTRICT POLICE AND LABOR UNIONS.

Mr. MYERS. I introduce a joint resolution, which I ask to have read at length.

The joint resolution (S. J. Res. 105) with reference to payment of compensation to the Metropolitan police force of the District of Columbia was read the first time by its title and the second time at length, as follows:

Resolved, etc., That no money now, heretofore, or hereafter appropriated by the Congress for the pay, salaries, or maintenance of the Metropolitan police department or the Metropolitan police force of the District of Columbia shall be paid to any member, officer, policeman, or patrolman of such force or such department or of the District of Columbia who shall be a member of any organization of policemen or patrolmen which is affiliated, directly or indirectly, with any other labor organization or any branch or body of organized labor; and that the auditor of the District of Columbia and the Auditor for the Treasury Department and all other auditors and auditing officials of the United States Government be, and are hereby ordered, directed, and commanded not to audit or approve any claims, warrants, or vouchers for services by any such member, officer, policeman, or patrolman under such circumstances; and that the Treasurer of the United States and all other officials are hereby ordered, directed, and commanded not to pay or cash any claim, warrant, or voucher of any such member, officer, policeman, or patrolman under such circumstances.

SEC. 2. That all auditing and disbursing officials of the District of Columbia and of the United States Government shall be governed in the matters and orders herein set forth, made, and provided by such action in the premises as may be taken and such notice as may be given by the Board of Commissioners of the District of Columbia, and it shall be the duty of such board to notify and keep informed all necessary auditing and disbursing officials of the District of Columbia and of the United States from time to time of the names of all such members, officers, policemen, and patrolmen of such police department or such police force as may be members of any such organization of policemen as is herein described and prescribed.

Mr. MYERS. Mr. President, I desire to make a few remarks about the joint resolution which I have just introduced. First, I ask that it be referred to the Committee on the District of Columbia.

The VICE PRESIDENT. The joint resolution will be so referred.

Mr. MYERS. Mr. President, there has been considerable said in the Senate in the last few days about the inadvisability, the impropriety, and the unwisdom of permitting the police force of the District of Columbia to associate or affiliate itself with any superior body of organized labor. It has been pointed out very clearly that to allow such to be done would put the police department in a position where the Government could not always expect and might not always get from the police force undivided allegiance and unswerving attention to the Government's business.

I agree with very much that has been said in the Senate on that subject in the last few days, but it will take more than words to accomplish anything. It has been stated here very pertinently that Congress should intervene and exercise the power it has by virtue of being in control of appropriations made for the police force and prohibit any such action. With that I agree; but it will take more than mere words to accomplish it. It will require more than deprecation or denunciation to have any effect. It will take action to have effect and, as no one else has seen fit to do so, being in accord with most of the sentiments that have been expressed in the Senate on the subject, I have decided to take it upon myself to start action in this matter.

I do not believe the police officers of the country, those who hold in their hands the preservation of the peace and the enforcement of the laws of the country, should have any allegiance or owe any duty to any authority whatsoever other than that of the Government which they serve. I believe that allegiance, that duty, should be supreme, exclusive, and undivided, and to permit anything else I think would be very unwise and improper

and would be detrimental to the preservation of American liberty and the perpetuation of American institutions.

Organized labor has been treated very liberally by this administration. Its rights to organize and act collectively have been recognized and confirmed. Its right to be exempt from the provisions of the Clayton antitrust law has been decreed by legislation. Its right to picket by peaceful means and to indulge in picketing by moral suasion has been upheld and confirmed by the courts. I think that is going quite far enough. I do not believe it should be permitted to get control of the police forces of the country. I think that would be going entirely too far. I think a police force should recognize but one authority, one duty, one allegiance, one master, without anything to detract therefrom.

Police officers are supposed to execute the law against all alike, against all classes alike, and to have no more affiliation, sympathy, or allegiance with one class of citizens, in the discharge of their duty, than with another class; and I think it is absolutely necessary to the preservation of the Government and enforcement of law that that status should be preserved.

Police officers are supposed to execute the law and to know no body and no class of people in doing it. That is quite as necessary to the end of good government in executive as in judicial officers. Suppose an action were brought in court before a judge who is a member of the American Federation of Labor and people belonging to the American Federation of Labor were parties to the litigation; that judge would not be allowed to try the case. Would it be right that he be allowed to try the case? It would not be right. It would not be tolerated. Suppose a controversy were litigated between striking members of a labor union and a street railway company and the judge upon the bench were a stockholder in the railway company; would he be permitted to sit on that case? Would it be right for him to be permitted to sit on that case? It is unthinkable. He should not be permitted to do so and would not be. There is an element of fairness and justice in these things that must be patent.

Therefore, police officers who have in their hands the enforcement of the law and the enforcement of the decisions of the courts should have no affiliation with one class of people more than another. They are paid by all the people and they should keep themselves in a position to serve all the people alike, with equal impartiality and fairness. They are paid at the expense of all the taxpayers, and the whole people have a right to expect that they will discharge their duties at all times and under all circumstances without having any more affiliation or connection with one class of people than with another class of people, without being under obligation to one class more than another. That always has been the theory of this Government and that status should be preserved. It is necessary to good government and a fair administration of the law. I have no prejudice against organized labor. My record in this body shows that I have no prejudice against it. Organized labor can find no fault, I apprehend, with the most of my record in this body; but, while I believe organized labor should have its rights, I do not believe it should have at the hands of the Government anything which could interfere with the just, fair, and impartial administration of the law as to all classes of the people alike. I assert that to be good American doctrine.

I believe that troublous times are confronting this country. I believe that a crisis is confronting this country which is fully as grave as any that confronted it during the existence of the war with Germany. I believe there is a well-planned determination in certain quarters to sovietize the industries of this country. The railroad brotherhoods have demanded that the railroads of the country be nationalized, as they call it, which is nothing more than sovietized. They have threatened to starve the people into submission to their demands. There is evidence that the coal miners' unions of the country have determined to sovietize the coal mines of the country, and they have accompanied their determination with threats to freeze the people into submission. I read in the newspapers of 1,500 armed union miners in West Virginia marching into a neighboring county to compel the unionization of the coal mines of that section. I read of a large band of coal miners in Illinois marching over the country and demanding that their fellow coal miners suspend work and stop the production of coal, on the eve of winter, and freeze the people of the country into submission to their demands.

We have almost daily socialist conventions and communist conventions and pacifist conventions, and whatnot conventions—nondescript conventions—in the country, demanding that Tom Mooney, Eugene Debs, Alexander Berkmann, Emma Goldman, and other so-called political prisoners be pardoned and forthwith released from prison. We have reports of some labor unions meeting here and there and demanding that a nation-wide strike be put in force to procure the discharge from prison of Tom Mooney. We have conventions demanding that the industries of this country be sovietized and lauding to the skies the soviet government of Russia. Strikes occur almost daily, and the country is rife with threats of more strikes, and more serious ones.

Now, at this time comes a movement of the American Federation of Labor to control the police forces of the country. I think it very significant, and I, for one, am willing to say to labor, "Thus far shalt thou go, and no further." I think the time has come to say it, and I think Congress is the body to say it. It may involve the destruction of some political lives; and if so, I am willing to offer my political life as the first victim on the altar of my country. I would far rather retire to private life than to serve in public life under any other conditions than being governed solely by my own conscientious convictions of duty and an undivided allegiance to the flag of my country and to the Government which I have sworn to uphold and defend.

I believe the unionization of Government employees has gone too far, as it is, without further extension. Already the employees of all the executive departments of the Government are thoroughly unionized and whenever they want anything they demand it of Congress and have back of their demands the entire force and power of all organized labor in the country; and we know what a tremendous power and influence that brings to bear upon Congress.

Mr. THOMAS. Mr. President——

Mr. MYERS. I yield, with pleasure, to the Senator from Colorado.

Mr. THOMAS. I suppose the Senator from Montana knows from personal experience that the associations of the national employees have their legislative committees and delegates, and I have no doubt the Senator, like others, has been called out upon the carpet in the lobbies and received instructions from these gentlemen as to how he should vote concerning increases of compensation and other matters affecting not so much the public service as the means and desires of the organizations themselves.

Mr. MYERS. I can not say that I have received "instructions," but I have received some very earnest requests and have had some very serious interviews on the subject.

Mr. THOMAS. Has not the Senator also received in that connection communications from Federal employees in his own district——

Mr. MYERS. Oh, yes; I have received many of them.

Mr. THOMAS. Containing veiled threats or assurances as to what will be or what will not be done according as his action shall be one way or the other here?

Mr. MYERS. I have received some very pointed communications.

Mr. THOMAS. So have I.

Mr. MYERS. The employees of the Post Office Department furnish an example of the extent to which the unionization of Government employees has been carried. There is a very active and vigilant union of the postal employees of the country. They have been holding conventions of their organization in different sections of the country in the last few days, and some of the proceedings of some of those conventions, as I read them, I think are improper, unseemly, and out of place.

At one of those conventions it was very seriously suggested that, unless certain demands upon Congress for increase of wages and other concessions be granted, the employees of the Post Office Department all go out on a strike—absolutely go out and walk away from the Government business and leave it unattended to, with nobody to carry it on. If they should go out on a strike, I suppose the next thing would be for them to resort to picketing, to keep other people from being put in their places. Then, if the police forces of the country were unionized and affiliated with a superior body of organized labor and if any disturbance ensued, as a result of the strike and the picketing, the union policemen would be called out to preserve the peace as between those who were doing the picketing and those whom the Government had called to take the places of striking employees; which, I think, would be a most deplorable condition of affairs and one which should not be permitted under any circumstances to arise.

At one of those conventions of post-office employees it is reported that one of the delegates—I think an official of the organization—made a most denunciatory and abusive speech about the head of the department, the Postmaster General. I do not know what grounds post-office employees may have for thinking they have grievances against the head of that

department, but, so far as I know, the Postmaster General has discharged the duties of his department in a very fair and efficient way. I think he has tried to do so. Others may feel that they have grounds for holding a different opinion; but I think it is scandalous, unseemly, and improper for a delegate to a convention of organized post-office employees to arise in convention and make a public speech and in it denounce and abuse the head of the department for which he is working. I think it is productive of insubordination and is not compatible with the good of the department. It is a reflection on the President of the United States. It is an insinuation that the President is willfully keeping in his Cabinet an official whom he knows to be incompetent and who is not doing his duty. I do not think it ought to be permitted; but it will be permitted; it has been done, it is being done, and will continue to be done. This is a result of unionization and affiliation with superior labor bodies of Government employees. It produces insubordination. I presume if such an employee were removed from office it would raise a great disturbance, and would probably bring on a strike of the other employees of the department.

We have had here in Congress some instances of the power of employees of the Government when unionized and affiliated with superior labor organizations, and backed by the force and power of the allied union organizations of the country. During the war with Germany, when some of us thought that Government employees, who received from $90 to $200 a month, should work eight hours a day for the period of the war, while our soldiers in France were fighting in the trenches 24 hours a day for $30 a month, the entire power of organized labor with which the employees of the Government were affiliated was brought to bear upon Congress to defeat that measure. Congress, however, enacted the measure, but it was vetoed, and the author of the measure, the late Representative Borland, of Missouri, was defeated for another term. It was openly announced at the time, by some of the leaders of labor with whom the employees of the Government were affiliated, that Representative Borland would be defeated, as a warning and an example, I suppose, to other Members of Congress.

I believe the time has come for Congress to act. It is now proposed and demanded that a more serious and ominous step be taken in the unionization of Government employees than any yet. It is demanded that the police forces of the country unionize and be allowed to affiliate with and put themselves under the jurisdiction of the American Federation of Labor. Few Members of this body have voted for more measures than I for the alleviation of the conditions of labor; few Members of this body are willing to go further to protect all legitimate rights of organized labor than I; but I am willing to go so far and no further. I do not believe it would be a wise or prudent thing for Congress to sit idly by and permit the American Federation of Labor, or any other labor organization, to get control of the police forces of the country. I think that is going too far and demanding too much. I think the time has come for Congress to assert itself in the premises. We have a duty to perform. We should be true to it and firm in its discharge. We should not hesitate, flinch, or shirk. We represent the whole people—all of them, not a part of them. We should look well to the interest of the whole people.

We should act without partiality, without fear or favor of any. Therefore, I want to see this resolution referred to the Committee on the District of Columbia, and I want prompt action on it by the committee. I hope for prompt action; I want a report on the resolution; I do not want it delayed or pigeonholed or sidetracked or overlooked. If it can not have a favorable report, I want it to have an unfavorable report, so it may come before this body in some form, so that this body may go on record as to its attitude in relation thereto. When reported, I want the Senate to go on record about it. The Senate owes a duty to the country upon this issue. It confronts us. It should not be avoided.

I think the time has come for Members of Congress to stand up and be counted. Every Member of this body knows whether or not he is in favor of the police forces of the country being affiliated with a superior body of organized labor; there is no middle ground; there is no neutral position; and I think the time has come when each of us ought to say whether or not he is in favor of it. I think the country expects it of us and has a right to expect it of us. If a majority of the Members of Congress shall say they are in favor of it, I would be willing to submit, as a good citizen, to the rule of the majority; the minority would have to submit; but I think the country is entitled to an expression of opinion from Congress on the subject and ought to have it.

If the police department of the District of Columbia is permitted to affiliate with a superior body of organized labor, you may be sure that the police forces all over the country will follow suit and do the same thing. In every city and town in the United States of more than 5,000 population you will find that the police forces of the country will be speedily unionized and affiliated with a superior body of organized labor.

I do not believe the people of this country are in favor of that; nor do I believe that it would meet with their approval; but they can only act through their duly accredited and delegated representatives, whom they have vested with authority to represent them and act in such matters. If it is permitted in the District of Columbia, it will be taken as an example for the remainder of the country.

It is true this matter is in the courts and the hands of the District Commissioners are temporarily tied, but it may be in the courts a long time. There is no telling how long it will be in the courts; very likely either side, if it may lose the decision in the trial court, will appeal, and it is likely to be in the courts for six months or more.

I notice in a morning paper of this city that some of the officials of organized labor in the city are complaining that the District Commissioners are coercing members of the police force into resigning from their police union. There are criminations and recriminations. I think the squabble that is going on in the District of Columbia between organized labor and the District Commissioners, involving the courts, is unseemly and detrimental and out of place; and I believe Congress ought to register its will in the premises and put a stop to it in one way or another. While this matter is now in the courts, the introduction or passage of this joint resolution should not be taken by the courts or any other authority or by any body at all as in any manner indicating a belief on the part of Congress, or any Member of Congress, that there is not sufficient law now to enable the District Commissioners to forbid and prevent policemen of the District from affiliating themselves with a superior body of organized labor. If this were a bill to prevent it, the courts might say that Congress, having under consideration a bill to prevent it, perhaps felt that the existing law did not prevent it, and that Congress was undertaking to remedy a defect in the existing law; but this is not a bill. It is merely a joint resolution of Congress addressed to certain administrative officers of the Government directing them not to do certain things, no matter what the law may be. It simply undertakes to direct certain administrative officers as to the manner of the discharge of certain of their duties, and can in no wise affect the substantive law that is now on the statute books in one way or another.

It is not untimely nor inopportune. I think it entirely proper and appropriate. It is intended to end summarily an unseemly contention of uncertain duration.

I know that a presidential election is coming on next year, and I am aware that there has been much disposition on both sides of this Congress to jockey and play for advantageous position in the approaching presidential election; but in matters of this kind I think we should put our country above party. In matters pertaining to the welfare of my country I put my country above my party and above any party, and I think all of us should do so. In party matters I am as much of a Democrat as I ever was; but in nonpartisan matters, in matters which are not properly party matters there never was a time in my life when party ties rested more lightly on me than they do now. I think there are arising many things of the most vital and momentous importance to this country which should have nothing to do with party and in which we should put America first and forget political parties and party advantages; and I think this is one of them, and I hope for speedy action on this joint resolution. If it should be attended with any political fatalities, and if I should be one to go down under it, I will go down with undivided allegiance to my country, with unfaltering devotion to its welfare, with unswerving loyalty to my Government—a Government established by Washington, for which Jackson fought, for which Lincoln died, and for which any of us ought to be willing, if necessary, to give up our political lives and to make any sacrifice, however great, that may be required. I put the welfare of my country first and foremost.

THE COMMITTEE ON TERRITORIES.

Mr. NEW submitted the following resolution (S. Res. 180), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding $1 per printed page,

to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

AMERICAN TROOPS IN EUROPE AND SIBERIA.

Mr. McCORMICK submitted the following resolution (S. Res. 181), which was referred to the Committee on Foreign Relations:

Whereas American troops have been engaged in military operations in Russia and in Siberia, although under the Constitution and the laws the United States is not at war with the Russian people or with any government of the Russian people;

Whereas other American troops now have been ordered to Siberia and to Silesia;

Whereas the treaty with Germany provides that American military forces shall be maintained in Europe for 15 years: Therefore be it

Resolved, That it is the sense of the Senate that no additional troops be sent overseas except by the express authority of Congress; and be it further

Resolved, That it is the sense of the Senate that all troops serving in Europe and Siberia should be brought home with the utmost dispatch.

PARADE OF THE FIRST DIVISION.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 100) making Tuesday, September 16, 1919, a legal holiday in the District of Columbia, which were, on page 2, line 1, to strike out "Tuesday, September 16" and insert "Wednesday, September 17"; strike out the preamble, and amend the title to read as follows: "Joint resolution making Wednesday, September 17, 1919, a legal holiday in the District of Columbia."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, was read twice by its title and referred to the Committee on Territories.

LEAGUE OF NATIONS.

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have inserted in the RECORD certain speeches made by the President of the United States on the tour which he is now making through the country in defense of the league of nations and the ratification of the pending treaty with Germany. I ask that there be placed above them the heading, "Speeches Made by the President in Defense of the League of Nations and the Ratification of the Treaty of Peace up to September 6."

The VICE PRESIDENT. Is there any objection?

Mr. POINDEXTER. Mr. President, I desire to ask the Senator from Mississippi if these are authorized versions?

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. There is no question about their accuracy?

Mr. WILLIAMS. None that I know of. They are not the newspaper reports, if that is what the Senator means.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SPEECHES MADE BY THE PRESIDENT IN DEFENSE OF THE LEAGUE OF NATIONS AND THE RATIFICATION OF THE TREATY OF PEACE UP TO SEPTEMBER 6.

THE PRESIDENT AT COLUMBUS, OHIO, SEPTEMBER 4, 1919.

"Mr. Chairman, Gov. Campbell, my fellow citizens, it is with very profound pleasure that I find myself face to face with you. I have for a long time chafed at the confinement of Washington. I have for a long time wished to fulfill the purposes with which my heart was full when I returned to our beloved country, namely, to go out and report to my fellow countrymen concerning those affairs of the world which now need to be settled. The only people I owe any report to are to you and the other citizens of the United States.

"And it has become increasingly necessary apparently that I should report to you. After all the various angles at which you have heard the treaty held up, perhaps you would like to know what is in the treaty. I find it very difficult in reading some of the speeches that I have read to form any conception of that great document. It is a document unique in the history of the world for many reasons, and I think I can not do you a better service or the peace of the world a better service than by pointing out to you just what this treaty contains and what it seeks to do.

"In the first place, my fellow countrymen, it seeks to punish one of the greatest wrongs ever done in history, the wrong which Germany sought to do to the world and to civilization. And there ought to be no weak purpose with regard to the application of the punishment. She attempted an intolerable thing, and she must be made to pay for the attempt. The terms of the treaty are severe, but they are not unjust. I can testify that the men associated with me in the peace conference in Paris had it in their hearts to do justice and not wrong. But they knew, perhaps with a more vivid sense of what had happened than we could possibly know on this side of the water, the many solemn covenants which Germany had disregarded, the long preparation she had made to overwhelm her neighbors, the utter disregard which she had shown for human rights, for the rights of women, of children, and of those who were helpless. They had seen their lands devastated by an enemy that devoted himself not only to the effort at victory but to the effort at terror, seeking to terrify the people whom he fought. And I wish to testify that they exercised restraint in the terms of this treaty. They did not wish to overwhelm any great nation. They acknowledged that Germany was a great nation, and they had no purpose of overwhelming the German people, but they did think that it ough to be burned into the consciousness of men forever that no people ought to permit its government to do what the German Government did.

"In the last analysis, my fellow countrymen, as we in America would be the first to claim, a people are responsible for the acts of their government. If their government purposes things that are wrong, they ought to take measures to see to it that that purpose is not executed. Germany was self-governed; her rulers had not concealed the purposes that they had in miad, but they had deceived their people as to the character of the methods they were going to use, and I believe, from what I can learn, that there is an awakened consciousness in Germany itself of the deep iniquity of the thing that was attempted. When the Austrian delegates came before the peace conference they, in so many words, spoke of the origination of the war as a crime and admitted in our presence that it was a thing intolerable to contemplate. They knew in their hearts that it had done them the deepest conceivable wrong, that it had put their people and the people of Germany at the judgment seat of mankind, and throughout this treaty every term that was applied to Germany was meant not to humiliate Germany, but to rectify the wrong that she had done.

"Look even into the severe terms of reparation, for there was no indemnity. No indemnity of any sort was claimed, merely reparation, merely paying for the destruction done, merely making good the losses so far as such losses could be made good which she had unjustly inflicted, not upon the Governments, for the reparation is not to go to the Governments, but upon the people whose rights she had trodden upon with absolute absence of everything that even resembled pity. There was no indemnity in this treaty, but there is reparation, and even in the terms of reparation a method is devised by which the reparation shall be adjusted to Germany's ability to pay it.

"I am astonished at some of the statements I hear made about this treaty, and the truth is that they are made by persons who have not read the treaty or who, if they have read it, have not comprehended its meaning. There is a method of adjustment in that treaty by which the reparation shall not be pressed beyond the point which Germany can pay, but which will be pressed to the utmost point that Germany can pay, which is just, which is righteous. It would have been intolerable if there had been anything else. For, my fellow citizens, this treaty is not meant merely to end this single war. It is meant as a notice to every Government who in the future will attempt this thing that mankind will unite to inflict the same punishment. There is no national triumph sought to be recorded in this treaty. There is no glory sought for any particular nation. The thought of the statesmen collected around that table was of their people, of the sufferings that they had gone through, of the losses they had incurred—that great throbbing heart which was so depressed, so forlorn, so sad in every memory that it had had of the five tragical years that have gone by. Let us never forget those years, my fellow countrymen. Let us never forget the purpose, the high purpose, the disinterested purpose, with which America lent its strength, not for its own glory but for the defense of mankind.

"As I said, this treaty was not intended merely to end this war. It was intended to prevent any similar war. I wonder if some of the opponents of the league of nations have forgotten the promises we made our people before we went to that peace table. We had taken by processes of law the flower of our youth from every countryside, from every household, and we told those mothers and fathers and sisters and wives and sweethearts that we were taking those men to fight a war which would end business of that sort; and if we do not end it, if we do not do the best that human concert of action can do to end it, we are of all men the most unfaithful, the most un-

faithful to the loving hearts who suffered in this war, the most unfaithful to those households bowed in grief and yet lifted with the feeling that the lad laid down his life for a great thing and, among other things, in order that other lads might never have to do the same thing. That is what the league of nations is for—to end this war justly and then not merely to serve notice on Governments which would contemplate the same things that Germany contemplated that they will do it at their peril, but also concerning the combination of power which will prove to them that they will do it at their peril. It is idle to say the world will combine against you, because it may not, but it is persuasive to say the world is combined against you and will remain combined against the things that Germany attempted. The league of nations is the only thing that can prevent the recurrence of this dreadful catastrophe and redeem our promises.

"The character of the league is based upon the experience of this very war. I did not meet a single public man who did not admit these things, that Germany would not have gone into this war if she had thought Great Britain was going into it, and that she most certainly would never have gone into this war if she dreamed America was going into it. And they all admitted that a notice beforehand that the greatest powers of the world would combine to prevent this sort of thing would prevent it absolutely. When gentlemen tell you, therefore, that the league of nations is intended for some other purpose than this, merely reply this to them: 'If we do not do this thing, we have neglected the central covenant that we made to our people, and there will be no statesman of any country who can thereafter promise his people alleviation from the perils of war.' The passions of this world are not dead. The rivalries of this world have not cooled. They have been rendered hotter than ever. The harness that is to unite nations is more necessary now than it ever was before, and unless there is this assurance of combined action before wrong is attempted, wrong will be attempted just so soon as the most ambitious nations can recover from the financial stress of this war.

"Now, look what else is in the treaty. This treaty is unique in the history of mankind, because the center of it is the redemption of weak nations. There never was a congress of nations before that considered the rights of those who could not enforce their rights. There never was a congress of nations before that did not seek to effect some balance of power brought about by means of serving the strength and interest of the strongest powers concerned; whereas, this treaty builds up nations that never could have won their freedom in any other way, builds them up by gift, by largess, not by obligations; builds them up because of the conviction of the men who wrote the treaty that the rights of people transcend the rights of governments, because of the conviction of the men who wrote that treaty that the fertile source of war is wrong. The Austro-Hungarian Empire, for example, was held together by military force, and consisted of peoples who did not want to live together, who did not have the spirit of nationality as toward each other, who were constantly chafing at the bands that held them. Hungary, though a willing partner of Austria, was willing to be a partner because she could share Austria's strength to accomplish her own ambitions, and her own ambitions were to hold under her the Jugo-Slavic peoples that lay to the south of her; Bohemia, an unhappy partner, a partner by duress, beating in all her veins the strongest national impulse that was to be found anywhere in Europe; and north of that, pitiful Poland, a great nation divided up among the great powers of Europe, torn asunder, kinship disregarded, natural ties treated with contempt, and an obligatory division among sovereigns imposed upon her—a part of her given to Russia, a part of her given to Austria, a part of her given to Germany—great bodies of Polish people never permitted to have the normal intercourse with their kinsmen for fear that fine instinct of the heart should assert itself which binds families together. Poland could never have won her independence. Bohemia never could have broken away from the Austro-Hungarian combination. The Slavic peoples to the south, running down into the great Balkan Peninsula, had again and again tried to assert their nationality and independence and had as often been crushed, not by the immediate power they were fighting but by the combined power of Europe. The old alliances, the old balances of power, were meant to see to it that no little nation asserted its right to the disturbance of the peace of Europe, and every time an assertion of rights was attempted they were suppressed by combined influence and force.

"This treaty tears away all that; says these people have a right to live their own lives under the governments which they themselves choose to set up. That is the American principle, and I was glad to fight for it. And when strategic considerations were urged it was matter of common counsel that such considerations were not in our thought. We were not now arranging for future wars. We were giving people what belonged to them. My fellow citizens, I do not think there is any man alive who has a more tender sympathy for the great people of Italy than I have, and a very stern duty was presented to us when we had to consider some of the claims of Italy on the Adriatic, because strategically, from the point of view of future wars, Italy needed a military foothold on the other side of the Adriatic, but her people did not live there, except in little spots. It was a Slavic people, and I had to say to my Italian friends, 'Everywhere else in this treaty we have given territory to the people who lived on it, and I do not think that it is for the advantage of Italy, and I am sure it is not for the advantage of the world, to give Italy territory where other people live.' I felt the force of the argument for what they wanted, and it was the old argument that had always prevailed, namely, that they needed it from a military point of view, and I have no doubt that if there is no league of nations they will need it from a military point of view; but if there is a league of nations, they will not need it from a military point of view.

"If there is no league of nations, the military point of view will prevail in every instance, and peace will be brought into contempt; but if there is a league of nations, Italy need not fear the fact that the shores on the other side of the Adriatic tower above her lower and sandy shores on her side of the sea, because there will be no threatening guns there, and the nations of the world will have concerted not merely to see that the Slavic peoples have their rights, but that the Italian people have their rights as well. I had rather have everybody on my side than be armed to the teeth. Every settlement that is right, every settlement that is based on the principles I have alluded to, is a safe settlement, because the sympathy of mankind will be behind it.

"Some gentlemen have feared with regard to the league of nations that we will be obliged to do things we do not want to do. If the treaty were wrong, that might be so; but if the treaty is right, we will wish to preserve right. I think I know the heart of this great people, whom I for the time being have the high honor to represent, better than some other men that I hear talk. I have been bred, and am proud to have been bred, in the old Revolutionary school which set this Government up, when America was set up as the friend of mankind, and I know, if they do not, that America has never lost that vision or that purpose. But I have not the slightest fear that arms will be necessary if the purpose is there. If I know that my adversary is armed and I am not, I do not press the controversy; and if any nation entertains selfish purposes set against the principles established in this treaty and is told by the rest of the world that it must withdraw its claims, it will not press them.

"The heart of this treaty, then, my fellow citizens, is not even that it punishes Germany. That is a temporary thing. It is that it rectifies the age-long wrongs which characterized the history of Europe. There were some of us who wished that the scope of the treaty would reach some other age-long wrongs. It was a big job, and I do not say that we wished that it were bigger; but there were other wrongs elsewhere than in Europe, and of the same kind, which no doubt ought to be righted and some day will be righted, but which we could not draw into the treaty, because we could deal only with the countries whom the war had engulfed and affected. But, so far as the scope of our authority went, we rectified the wrongs which have been the fertile source of war in Europe.

"Have you ever reflected, my fellow countrymen, on the real source of revolution? Men do not start revolutions in a sudden passion. Do you remember what Thomas Carlyle said about the French Revolution? He was speaking of the so-called hundred days' terror, which reigned not only in Paris but throughout France, in the days of the French Revolution, and he reminded his readers that back of that hundred days of terror lay several hundred years of agony and of wrong. The French people had been deeply and consistently wronged by their Government, robbed, their human rights disregarded, and the slow agony of those hundreds of years had after a while gathered into a hot anger that could not be suppressed. Revolutions do not spring up overnight. Revolutions come from the long suppression of the human spirit. Revolutions come because men know that they have rights and that they are disregarded, and when we think of the future of the world in connection with this treaty we must remember that one of the chief efforts of those who made this treaty was to remove that anger from the heart of great peoples, great peoples who had always been suppressed and who had always been used, and who had always been the tools in the hands of governments, generally alien governments, not their own. The makers of the treaty knew that if these wrongs were not removed there could be no peace

in the world, because, after all, my fellow citizens, war comes from the seed of wrong and not from the seed of right. This treaty is an attempt to right the history of Europe, and, in my humble judgment it is a measurable success. I say 'measurable,' my fellow citizens, because you will realize the difficulty of this. Here are two neighboring peoples. The one people have not stopped at a sharp line and the settlements of the other people or their migrations have not begun at a sharp line. They have intermingled. There were regions where you can not draw a national line and say there are Slavs on this side [illustrating] and Italians on that [illustrating]. It can not be done. You have to approximate the line. You have to come as near to it as you can and then trust to the processes of history to redistribute, it may be, the people that are on the wrong side of the line. There are many such lines drawn in this treaty and to be drawn in the Austrian treaty, where there are, perhaps, more lines of that sort than in the German treaty. When we came to draw the line between the Polish people and the German people, not the line between Germany and Poland—there was no Poland, strictly speaking—but the line between the German and the Polish people, there were districts, like the eastern part of Silesia, which is called Upper Silesia, because it is mountainous and the other part is not. High Silesia is chiefly Polish, and when we came to draw the line of what should be Poland it was necessary to include high Silesia if we were really going to play fair and make Poland up of the Polish peoples wherever we found them in sufficiently close neighborhood to one another, but it was not perfectly clear that high Silesia wanted to be part of Poland. At any rate, there were Germans in high Silesia who said that it did not, and therefore we did there what we did in many other places. We said, 'Very well, then, we will let the people that live there decide. We will have a referendum. Within a certain length of time after the war, under the supervision of an international commission which will have a sufficient armed force behind it to preserve order and see that nobody interferes with the elections, we will have an absolutely free vote, and high Silesia shall go either to Germany or to Poland, as the people in high Silesia prefer.' And that illustrates many other cases where we provided for a referendum, or a plebiscite, as they chose to call it, and are going to leave it to the people themselves, as we should have done, what Government they shall live under. It is none of my prerogative to allot peoples to this Government or the other. It is nobody's right to do that allotting, except the people themselves, and I want to testify that this treaty is shot through with the American principle of the choice of the governed.

"Of course, at times it went further than we could make a practical policy of, because various peoples were keen upon getting back portions of their population which were separated from them by many miles of territory, and we could not spot the map over with little pieces of separated States. I reminded my Italian colleagues that if they were going to claim every place where there was a large Italian population, we would have to cede New York to them, because there are more Italians in New York than in any Italian city. But I believe—I hope—that the Italians in New York City are as glad to stay there as we are to have them. And I would not have you suppose that I am intimating that my Italian colleagues entered any claim for New York City.

"We, of all peoples in the world, my fellow-citizens, ought to be able to understand the questions of this treaty without anybody explaining them to us, for we are made up out of all the peoples of the world. I dare say that in this audience there are representatives of practically all the people dealt with in this treaty. You do not have to have me explain national ambitions to you, national aspirations. You have been brought up on them. You have learned of them since you were children, and it is those national aspirations which we sought to release and give an outlet to in this great treaty. But we did much more than that. This treaty contains among other things a Magna Charta of labor—a thing unheard of until this interesting year of grace. There is a whole section of the treaty devoted to arrangements by which the interests of those who labor with their hands all over the world, whether they be men or women or children, are sought to be safeguarded; and next month there is to meet the first assembly under this section of the league. Let me tell you, it will meet whether the treaty is ratified by that time or not. There is to meet an assembly which represents the interests of laboring men throughout the world, not their political interests; there is nothing political about it. It is the interests of men concerning the conditions of their labor, concerning the character of labor which women shall engage in, the character of labor which children shall be permitted to engage in, the hours of labor, and, incidentally, of course, the remuneration of labor; that labor shall be remunerated in proportion, of course, to the maintenance of the standard of living, which is proper for the man who is expected to give his whole brain and intelligence and energy to a particular task.

"I hear very little said about this Magna Charta of labor which is embodied in this treaty. It forecasts the day which ought to have come long ago, when statesmen will realize that no nation is fortunate which is not happy, and that no nation can be happy whose people are not contented; contented in their lives and fortunate in the circumstances of their lives. If I were to state what seems to me the central idea of this treaty, it would be this: It is almost a discovery in international conventions, that nations do not consist of their governments but consist of their people. That is a rudimentary idea. It seems to us in America to go without saying, but, my fellow-citizens, it was never the leading idea in any other international congress that I ever heard of, that is to say, any international congress made up of the representatives of Governments. They were always thinking of national policy, of national advantage, of the rivalries of trade, of the advantages of territorial conquest. There is nothing of that in this treaty, and you will notice that even the territorities which are taken away from Germany, like her colonies, are not given to anybody. There is not a single act of annexation in this treaty. Territories inhabited by people not yet able to govern themselves, either because of economical or other circumstances, or the stage of their development, are put under the care of powers, who are to act as trustees—trustees responsible in the forum of the world at the bar of the league of nations, and the terms upon which they are to exercise their trusteeship are outlined. They are not to use those people by way of draft to fight their wars for them. They are not to permit any form of slavery among them, or of enforced labor. They are to see to it that there are humane conditions of labor with regard, not only to the women and children, but to the men too. They are to establish no fortifications. They are to regulate the liquor and the opium traffic. They are to see to it, in other words, that the lives of the people whose care they assume—not sovereignty over whom they assume—are kept clean and safe and wholesome. There again the principle of the treaty comes out, that the object of the arrangement is the welfare of the people who live there, and not the advantage of the trustee.

"It goes beyond that. It seeks to gather under the common supervision of the league of nations the various instrumentalities by which the world has been trying to check the evils that were in some places debasing men, like the opium traffic, like the traffic—for it was a traffic—in women and children, like the traffic in other dangerous drugs, like the traffic in arms among uncivilized people who could use arms only for their own detriment. It provides for sanitation, for the work of the Red Cross. Why, those clauses, my fellow citizens, draw the hearts of the world into league, draw the noble impulses of the world together and make a team of them.

"I used to be told that this was an age in which mind was monarch, and my comment was that if that was true the mind was one of those modern monarchs that reigns and does not govern, and that as a matter of fact we were governed by a great representative assembly made up of the human passions, and that the best we could manage was that the high and fine passions should be in a majority, so that they could control the baser passions, so that they could check the things that were wrong. This treaty seeks something like that. In drawing the human endeavors of the world together, it makes a league of the fine passions of the world, of its philanthropic passions, of its passion of pity, of its passion of human sympathy, of its passion of human friendliness and helpfulness, for there is such a passion; it is the passion which has lifted us along the slow road of civilization. It is the passion which has made ordered government possible. It is the passion which has made justice and established it in the world.

"That is the treaty. Did you ever hear of it before? Did you ever know before what was in this treaty? Did anybody before ever tell you what the treaty was intended to do? I beg, my fellow citizens, that you and the rest of those Americans with whom we are happy to be associated all over this broad land will read the treaty yourselves, or, if you will not take the time to do that—for it is a technical document—that you will accept the interpretation of those who made it and know what the intentions were in the making of it. I hear a great deal, my fellow citizens, about the selfishness and the selfish ambitions of other governments, but I would not be doing justice to the gifted men with whom I was associated on the other side of the water if I did not testify that the purposes that I have outlined were their purposes. We differed as to the method very often. We had discussions as to the details, but we never had any

serious discussion as to the principle, and while we all acknowledged that the principles might perhaps in detail have been better realized, we are all back of those principles. There is a concert of mind and of purpose and of policy in the world that was never in existence before. I am not saying that by way of credit to myself or to those colleagues to whom I have alluded, because what happened to us was that we got messages from our people. We were under instructions, whether they were written down or not, and we did not dare come home without fulfilling those instructions. If I could not have brought back the kind of treaty that I brought back, I never would have come back, because I would have been an unfaithful servant, and you would have had the right to condemn me in any way that you chose to use. So that I testify that this is an American treaty not only, but it is a treaty that expresses the heart of the great peoples who were associated together in the war against Germany.

"I said at the opening of this informal address, my fellow citizens, that I had come to make a report to you. I want to add to that a little bit. I have not come to debate the treaty. It speaks for itself, if you will let it. The arguments directed against it are directed against it with a radical misunderstanding of the instrument itself. Therefore, I am not going anywhere to debate the treaty. I am going to expound it, and I am going, as I do here now to-day, to urge you in every vocal method that you can use to assert the spirit of the American people in support of it. Do not let men pull it down. Do not let them misrepresent it. Do not let them lead this Nation away from the high purposes with which this war was inaugurated and fought. As I came through that line of youngsters in khaki a few minutes ago, I felt that I could salute them, because I had done the job in the way I promised them I would do it, and when this treaty is accepted men in khaki will not have to cross the seas again. That is the reason I believe in it.

"I say when it is accepted, for it will be accepted. I have never entertained a moment's doubt of that, and the only thing I have been impatient of has been the delay. It is not dangerous delay except for the temper of the peoples scattered throughout the world who are waiting. Do you realize, my fellow citizens, that the whole world is waiting on America? The only country in the world that is trusted at this moment is the United States, and they are waiting to see whether their trust is justified or not. That has been the ground of my impatience. I knew their trust was justified, but I begrudged the time that certain gentlemen wish to take in telling them so. We shall tell them so in a voice as authentic as any voice in history, and in the years to come men will be glad to remember that they had some part in the great struggle which brought this incomparable consummation of the hopes of mankind."

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THE PRESIDENT, FROM REAR PLATFORM, RICHMOND, IND., SEPTEMBER 4, 1919.

"I am trying to tell the people what is in the treaty. You would not know what was in it to read some of the speeches I read, and if you will be generous enough to me to read some of the things I say, I hope it will help to clarify a great many matters which have been very much obscured by some of the things which have been said. Because, really, we have now to make the most critical choice we ever made as a Nation, and it ought to be made in all soberness and without the slightest tinge of party feeling in it. I would be ashamed of myself if I discussed this great matter as a Democrat and not as an American. I am sure that every man who looks at it without party prejudice and as an American will find in that treaty more things that are genuinely American than were ever put into any similar document before.

"The chief thing to notice about it, my fellow citizens, is that it is the first treaty ever made by great powers that was not made in their own favor. It is made for the protection of the weak peoples of the world and not for the aggrandizement of the strong. That is a noble achievement, and it is largely due to the influence of such great peoples as the people of America, who hold at their heart this principle that nobody has the right to impose sovereignty upon anybody else; that in disposing of the affairs of a nation that nation or people must be its own master and make its own choice. The extraordinary achievement of this treaty is that it gives a free choice to people who never could have won it for themselves. It is for the first time in the history of international transactions an act of systematic justice and not an act of grabbing and seizing.

"If you will just regard that as the heart of the treaty, for it is the heart of the treaty, then everything else about it is put in a different light. If we want to stand by that principle, then we can justify the history of America as we can in no other way, for that is the history and principle of America. That is the heart of it. I beg that whenever you consider this great matter you will look at it from this point of view: Shall we or shall we not sustain the first great act of international justice? The thing wears a very big aspect when you look at it that way, and all little matters seem to fall away and one seems ashamed to bring in special interests, particularly party interests. What difference does party make when mankind is involved? Parties are intended, if they are intended for any legitimate purpose, to serve mankind, and they are based upon legitimate differences of opinion, not as to whether mankind shall be served or not, but as to the way in which it shall be served; and so far as those differences are legitimate differences they justify the differences between parties."

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THE PRESIDENT AT COLISEUM, INDIANAPOLIS, IND., SEPTEMBER 4, 1919.

"Gov. Goodrich, my fellow citizens, so great a company as this tempts me to make a speech, and yet I want to say to you in all seriousness and soberness that I have not come here to make a speech in the ordinary sense of that term. I have come upon a very sober errand, indeed. I have come to report to you upon the work which the representatives of the United States attempted to do at the conference of peace on the other side of the sea, because, my fellow citizens, I realize that my colleagues and I in the task we attempted over there were your servants. We went there upon a distinct errand, which it was our duty to perform in the spirit which you had displayed in the prosecution of the war and in conserving the purposes and objects of that war.

"I was in the city of Columbus this forenoon. I was endeavoring to explain to a body of our fellow citizens there just what it was that the treaty of peace contained, for I must frankly admit that in most of the speeches that I have heard in debate upon the treaty of peace it would be impossible to form a definite conception of what that instrument means. I want to recall to you for the purposes of this evening the circumstances of the war and the purposes for which our men spent their lives on the other side of the sea. You will remember that a prince of the House of Austria was slain in one of the cities of Serbia. Serbia was one of the little kingdoms of Europe. She had no strength which any of the great powers needed to fear, and as we see the war now, Germany and those who conspired with her made a pretext of that assassination in order to make unconscionable demands of the weak and helpless Kingdom of Serbia. Not with a view to bringing about an acquiescense in those demands, but with a view to bringing about a conflict in which other purposes quite separate from the purposes connected with these demands could be achieved. Just so soon as these demands were made on Serbia the other Governments of Europe sent telegraphic messages to Berlin and Vienna asking that the matter be brought into conference, and the significant circumstance of the beginning of this war is that the Austrian and German Governments did not dare to discuss the demands of Serbia or the purposes which they had in view. It is universally admitted on the other side of the water that if they had ever gone into international conference on the Austrian demands the war never would have been begun. There was an insistent demand from London, for example, by the British foreign minister that the cabinets of Europe should be allowed time to confer with the Governments at Vienna and Berlin, and the Governments at Vienna and Berlin did not dare to admit time for discussion.

"I am recalling those circumstances, my fellow citizens, because I want to point out to you what apparently has escaped the attention of some of the critics of the league of nations, that the heart of the league of nations covenant does not lie in any of the portions which have been discussed in public debate. The great bulk of the provisions of that covenant contain these engagements and promises on the part of the States which undertake to become members of it. That in no circumstances will they go to war without first having done one or other of two things, without first having either submitted the question to arbitration, in which case they agree to abide by the results, or having submitted the question to discussion by the council of the league of nations, in which case they will allow six months for the discussion and engage not to go to war until three months after the council has announced its opinion upon the subject under dispute. So that the heart of the covenant of the league is that the nations solemnly covenant not to go to war for nine months after a controversy becomes acute.

"If there had been nine days of discussion, Germany would not have gone to war. If there had been nine days upon which to bring to bear the opinion of the world, the judgment of mankind upon the purposes of those Governments, they never would have dared to execute those purposes. So that what it

is important for us to remember is that when we sent those boys in khaki across the sea we promised them, we promised the world, that we would not conclude this conflict with a mere treaty of peace. We entered into solemn engagements with all the nations with whom we associated ourselves that we would bring about such a kind of settlement and such a concert of the purpose of nations that wars like this could not occur again. If this war has to be fought over again, then all our high ideals and purposes have been disappointed, for we did not go into this war merely to beat Germany. We went into this war to beat all purposes such as Germany entertained.

"You will remember how the conscience of mankind was shocked by what Germany did; not merely by the circumstance to which I have already adverted, that unconscionable demands were made upon a little nation which could not resist, but that immediately upon the beginning of the war the solemn engagements of treaty were cast on one side, and the chief representative of the Imperial Government of Germany said that when national purposes were under consideration treaties were mere scraps of paper; and immediately upon that declaration the German armies invaded the territories of Belgium which they had engaged should be inviolate, invaded those territories with the half avowed purpose that Belgium was necessary to be permanently retained by Germany in order that she should have the proper frontage on the sea and the proper advantage in her contest with the other nations of the world. So that the act which was characteristic of the beginning of this war was the violation of the territorial integrity of the Kingdom of Belgium. We are presently, my fellow countrymen, to have the very great pleasure of welcoming on this side of the sea the King and the Queen of the Belgians, and I for one am perfectly sure that we are going to make it clear to them that we have not forgotten the violation of Belgium; that we have not forgotten the intolerable wrongs which were put upon that suffering people. I have seen their devasted country. Where it was not actually laid in ruins, every factory was gutted of its contents. All the machinery by which it would be possible for men to go to work again was taken away, and those parts of the machinery that they could not take away were destroyed by experts who knew how to destroy them. Belgium was a very successful competitor of Germany in some lines of manufacture, and the German armies went there to see to it that that competition was put a stop to. Their purpose was to crush the independent action of that little Kingdom, not merely to use it as a gateway through which to attack France; and when they got into France, they not only fought the armies of France, but they put the coal mines of France out of commission, so that it will be a decade or more before France can supply herself with coal from her accustomed sources.

"You have heard a great deal about article 10 of the covenant of the league of nations. Article 10 speaks the conscience of the world. Article 10 is the article which goes to the heart of this whole bad business, for that article says that the members of this league, that is intended to be all the great nations of the world, engage to respect and to preserve against all external aggression the territorial integrity and political independence of the nations concerned. That promise is necessary in order to prevent this sort of war from recurring, and we are absolutely discredited if we fought this war and then neglect the essential safeguard against it. You have heard it said, my fellow citizens, that we are robbed of some degree of our sovereign independent choice by articles of that sort. Every man who makes a choice to respect the rights of his neighbors deprives himself of absolute sovereignty, but he does it by promising never to do wrong, and I can not for one see anything that robs me of any inherent right that I ought to retain when I promise that I will do right, when I promise that I will respect the thing which, being disregarded and violated, brought on a war in which millions of men lost their lives, in which the civilization of mankind was in the balance, in which there was the most outrageous exhibition ever witnessed in the history of mankind of the rapacity and disregard for right of a great armed people. We engage in the first sentence of article 10 to respect and preserve from external aggression the territorial integrity and the existing political independence not only of the other member States, but of all States, and if any member of the league of nations disregards that promise, then what happens? The council of the league advises what should be done to enforce the respect for that covenant on the part of the nation attempting to violate it, and there is no compulsion upon us to take that advice except the compulsion of our good conscience and judgment. So that it is perfectly evident that if in the judgment of the people of the United States the council adjudged wrong and that this was not a case of the use of force, there would be no necessity on the part of the Congress of the United States to vote the use of force. But there could be no advice of the council on any such subject without a unanimous vote, and the unanimous vote includes our own, and if we accepted the advice we would be accepting our own advice, for I need not tell you that the representatives of the Government of the United States would not vote without instrutions from their Government at home, and that what we united in advising we could be certain that the American people would desire to do. There is in that covenant not only not a surrender of the independent judgment of the Government of the United States, but an expression of it, because that independent judgment would have to join with the judgment of the rest.

"But when is that judgment going to be expressed, my fellow citizens? Only after it is evident that every other resource has failed, and I want to call your attention to the central machinery of the league of nations. If any member of that league or any nation not a member refuses to submit the question at issue either to arbitration or to discussion by the council, there ensues automatically, by the engagements of this covenant, an absolute economic boycott. There will be no trade with that nation by any member of the league. There will be no interchange of communication by post or telegraph. There will be no travel to or from that nation. Its borders will be closed. No citizen of any other State will be allowed to enter it and no one of its citizens will be allowed to leave it. It will be hermetically sealed by the united action of the most powerful nations in the world. And if this economic boycott bears with unequal weight, the members of the league agree to support one another and to relieve one another in any exceptional disadvantages that may arise out of it.

"I want you to realize that this war was won not only by the armies of the world. It was won by economic means as well. Without the economic means the war would have been much longer continued. What happened was that Germany was shut off from the economic resources of the rest of the globe and she could not stand it. A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent, deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost a life outside the nation boycotted, but it brings a pressure upon that nation which, in my judgment, no modern nation could resist. I dare say that some of these ideas are new to you, because while it is true, as I said this forenoon in Columbus, that apparently nobody has taken the pains to see what is in this treaty, very few have taken the pains to see what is in the covenant of the league of nations. They have discussed 3, chiefly 3, out of 26 articles, and the other articles contain this heart of the matter, that instead of war there shall be arbitration, instead of war there shall be discussion, instead of war there shall be the closure of intercourse, instead of war there shall be the irresistible pressure of the opinion of mankind. If I had done wrong, I would a great deal rather a man would shoot at me than stand me up for the judgment of my fellow men. I would a great deal rather see the muzzle of a gun than the look in their eyes. I would a great deal rather be put out of the world than live in the world boycotted and deserted. The most terrible thing is outlawry. The most formidable thing is to be absolutely isolated. And that is the kernel of this engagement. War is on the outskirts. War is a remote and secondary threat. War is a last resort. Nobody in his senses claims for the covenant of the league of nations that it is certain to stop war, but I confidently assert that it makes war violently improbable, and that even if we can not guarantee that it will stop war, we are bound in conscience to do our utmost in order to avoid it and prevent it. I was pointing out, my fellow citizens, this forenoon that this covenant is part of a great document. I wish I had brought a copy with me to show you its bulk. It is an enormous volume, and most of the things you hear talked about in that treaty are not the essential things. This is the first treaty in the history of civilization in which great powers have associated themselves together in order to protect the weak. I need not tell you that I speak with knowledge in this matter, knowledge of the purpose of the men with whom the American delegates were associated at the peace table. They came there, everyone that I consulted with, with the same idea that wars had arisen in the past because the strong took advantage of the weak, and that the only way to stop wars was to bind ourselves together to protect the weak; that the example of this war was the example which gave us the finger which pointed to the way of escape, that as Austria and Germany had tried to put upon Serbia, so we must see to it that Serbia and the Slavic peoples associated with her, and the peoples of Roumania and the peoples of Bohemia and the peoples of Hungary and Austria, for that matter, should feel assured in the future that the strength of the great powers was

behind their liberty and their independence, and was not intended to be used and never should be used for aggression against them.

"So when you read the covenant, read the treaty with it. I have no doubt that in this audience there are many men which come from that ancient stock of Poland, for example, men in whose blood there is the warmth of old affections connected with that betrayed and ruined country, men whose memories run back to insufferable wrongs suffered by those they love in that country, and I call them to witness that Poland never could have won unity and independence for herself, and those gentlemen sitting at Paris presented Poland with a unity which she could not have won and an independence which she can not defend unless the world guarantees it to her. There is one of the most noble chapters in the history of the world, that this war was concluded in order to remedy the wrongs which had bitten so deep into the experience of the weaker peoples of that great continent. The object of the war was to see to it that there was no more of that sort of wrong done. Now, when you have that picture in your mind, that this treaty was meant to protect those who could not protect themselves, turn the picture and look at it this way.

"Those very weak nations are situated through the very tract of country, between Germany and Persia, which Germany had meant to conquer and dominate, and if the nations of the world do not maintain their concert to sustain the independence and freedom of those peoples, Germany will yet have her will upon them, and we shall witness the very interesting spectacle of having spent millions upon millions of American treasure and, what is much more precious, hundreds of thousands of American lives, to do a futile thing, to do a thing which we will then leave to be undone at the leisure of those who are masters of intrigue, at the leisure of those who are masters in combining wrong influences to overcome right influences, of those who are the masters of the very things that we hate and mean always to fight; for, my fellow citizens, if Germany should ever attempt that again, whether we are in the league of nations or not, we will join to prevent it. We do not stand off and see murder done. We do not profess to be the champions of liberty and then consent to see liberty destroyed. We are not the friends and advocates of free government and then willing to stand by and see free government die before our eyes. For if a power such as Germany was, but thank God no longer is, were to do this thing upon the fields of Europe, then America would have to look to it that she did not do them also upon the fields of the Western Hemisphere, and we should at last be face to face with a power which at the outset we could have crushed, and which now it is within our choice to keep within the harness of civilization.

"I am discussing this thing with you, my fellow citizens, as if I had any doubt of what the verdict of the American people would be. I have not the slightest doubt. I just wanted to have the pleasure of pointing out to you how absolutely ignorant of the treaty and of the covenant some of the men are who have been opposing them. If they do read the English language, they do not understand the English language as I understand it. If they have really read this treaty and this covenant, they only amaze me by their inability to understand what is plainly expressed. So that my errand upon this journey is not to argue these matters, but to recall you to the real issues which are involved. And one of the things that I have most at heart in this report to my fellow citizens is that they should forget what party I belong to and what party they belong to. I am making this journey as a democrat, but I am spelling it with a little "d," and I do not want anybody to remember, so far as this errand is concerned, that it is ever spelt with a big "D." I am making this journey as an American and as a champion of rights which America believes in, and I need not tell you that as compared with the importance of America the importance of the Democratic Party and the importance of the Republican Party and the importance of every other party is absolutely negligible. Parties, my fellow citizens, are intended to embody in action different policies of government. They are not when properly used intended to traverse the principles which underlie government, and the principles which underlie the Government of the United States have been familiar to us ever since we were children. You have been bred, I have no doubt, as I have been bred in the revolutionary school of American thought. I mean that school of American thought which takes its inspiration from the days of the American Revolution. There were only 3,000,000 of us then, but we were ready to stand out against the world for liberty. There are more than a hundred million of us now, and we are ready to insist that everywhere men shall be champions of liberty.

"I want you to notice another interesting point that is never dilated upon in connection with the league of nations. I am treading now upon delicate ground, and I must express myself with caution. There were a good many delegations that visited Paris who wanted to be heard by the peace conference who had real causes to present which ought to be presented to the view of the world, but we had to point out to them that they did not happen, unfortunately, to come within the area of settlement; that their questions were not questions which were necessarily drawn into the things that we were deciding. We were sitting there with the pieces of the Austro-Hungarian Empire in our hands. It had fallen apart. It never was naturally cohesive. We were sitting there with various disbursed assets of the German Empire in our hands, and with regard to every one of them we had to determine what we were going to do with them, but we did not have our own disbursed assets in our hands. We did not have the assets of the nations which constituted the body of nations associated against Germany to dispose of, and therefore we had often, with whatever regret, to turn away from questions that ought some day to be discussed and settled, and upon which the opinion of the world ought to be brought to bear.

"Therefore, I want to call your attention, if you will turn it up when you go home, to article 11, following article 10 of the covenant of the league of nations. That article, let me say, is the favorite article in the treaty, so far as I am concerned. It says that every matter which is likely to affect the peace of the world is everybody's business; that it shall be the friendly right of any nation to call attention in the league to anything that is likely to affect the peace of the world or the good understanding between nations, upon which the peace of the world depends, whether that matter immediately concerns the nation drawing attention to it or not. In other words, at present we have to mind our own business. Under the covenant of the league of nations we can mind other people's business, and anything that affects the peace of the world, whether we are parties to it or not, can by our delegates be brought to the attention of mankind. We can force a nation on the other side of the globe to bring to that bar of mankind any wrong that is afoot in that part of the world which is likely to affect good understanding between nations, and we can oblige them to show cause why it should not be remedied. There is not an oppressed people in the world which can not henceforth get a hearing at that forum, and you know, my fellow citizens, what a hearing will mean if the cause of those people is just. The one thing that those who are doing injustice have most reason to dread is publicity and discussion, because if you are challenged to give a reason why you are doing a wrong thing, it has to be an exceedingly good reason, and if you give a bad reason you confess judgment, and the opinion of mankind goes against you. At present what is the state of international law and understanding? No nation has the right to call attention to anything that does not directly affect its own affairs. If it does, it can not only be told to mind its own business but it risks the cordial relationship between itself and the nation whose affairs it draws under discussion; whereas under article 11 the very sensible provision is made that the peace of the world transcends all the susceptibilities of nations and governments, and that they are obliged to consent to discuss and explain anything which does affect the understanding between nations.

"Not only that, but there is another thing in this covenant which cures one of the principal difficulties we encountered at Paris. I need not tell you that at every turn in those discussions we came across some secret treaty, some understanding that had never been made public before, some understanding which embarrassed the whole settlement. I think it will not be improper for me to refer to one of them. When we came to the settlement of the Shantung matter with regard to China we found that Great Britain and France were under explicit treaty obligation to Japan that she should get exactly what she got in the treaty with Germany, and the most that the United States could do was to urge upon the representatives of Japan the policy which was involved in such a settlement and obtain from her the promise which she gave, that she would not take advantage of those portions of the treaty, but would return without qualification the sovereignty which Germany had enjoyed in Shantung Province to the Republic of China. We have had repeated assurances since then that Japan means to fulfill those promises in absolute good faith. But my present point is that there stood at the very gate of that settlement a secret treaty between Japan and two of the great powers engaged in this war on our side. We could not ask them to disregard those promises. This war had been fought in part because of the

refusal to observe the fidelity which is involved in a promise, because of the failure to regard the sacredness of treaties, and this covenant of the league of nations provides that no secret treaty shall have any validity. It provides in explicit terms that every treaty, every international understanding, shall be registered with the secretary of the league; that it shall be published as soon as possible after it is there registered; and that no treaty that is not there registered will be regarded by any of the nations engaged in the covenant. So that we not only have the right to discuss anything, but we make everything open for discussion. If this covenant accomplished little more than the abolition of private arrangements between great powers, it would have gone far toward stabilizing the peace of the world and securing justice, which it has been so difficult to secure so long as nations could come to secret understandings with one another.

"When you look at the covenant of the league of nations thus, in the large, you wonder why it is a bogey to anybody. You wonder what influences have made gentlemen afraid of it. You wonder why it is not obvious to everybody, as it is to those who study it with disinterested thought, that this is the central and essential covenant of the whole peace. As I was saying this forenoon, I can come through a double row of men in khaki and acknowledge their salute with a free heart, because I kept my promise to them. I told them when they went to this war that it was a war not only to beat Germany but to prevent any subsequent wars of this kind. I can look all the mothers of this country in the face and all the sisters and the wives and the sweethearts and say, 'The boys will not have to do this again.' You would think to hear some of the men who discuss this covenant that it is an arrangement for sending our men abroad again just as soon as possible. It is the only conceivable arrangement which will prevent our sending our men abroad again very soon, and, if I may use a very common expression, I would say if it is not to be this arrangement, what arrangement do you suggest to secure the peace of the world? It is a case of 'put up or shut up.' Opposition is not going to save the world. Negations are not going to construct the policies of mankind. A great plan is the only thing that can defeat a great plan. The only triumphant ideas in this world are the ideas that are organized for battle. The only thing that wins against a program is a better program. If this is not the way to secure peace, I beg that the way will be pointed out. If we must reject this way, then I beg that before I am sent to ask Germany to make a new kind of peace with us I should be given specific instructions what kind of peace it is to be. If the gentlemen who do not like what was done at Paris think they can do something better, I beg that they will hold their convention soon and do it now. They can not in conscience or good faith deprive us of this great work of peace without substituting some other that is better.

"So, my fellow citizens, I look forward with profound gratifications to the time, which I believe will now not much longer be delayed, when the American people can say to their fellows in all parts of the world, 'We are the friends of liberty; we have joined with the rest of mankind in securing the guaranties of liberty; we stand here with you the eternal champions of what is right, and may God keep us in the covenant that we have formed.'"

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THE PRESIDENT AT LUNCHEON AT HOTEL STATLER, ST. LOUIS, MO., SEPTEMBER 5, 1919.

"Mr. Johnson, your honor Mr. Mayor, ladies, and gentlemen, it is with great pleasure that I find myself in St. Louis again, because I have always found it possible in St. Louis to discuss serious questions in a way that gets mind in contact with mind, instead of that other very less desirable thing, passion in contact with passion. I am glad to hear the mayor say, and I believe that it is true, that politics is adjourned. Party politics has no place, my fellow citizens, in the subject we are now obliged to discuss and to decide. Politics in the wider sense has a great deal to do with them. The politics of the world, the policy of mankind, the concert of the methods by which the world is to be bettered, that concert of will and of action which will make every nation a nobler instrument of Divine Providence—that is world politics.

"I have sometimes heard gentlemen discussing the questions that are now before us with a distinction drawn between nationalism and internationalism in these matters. It is very difficult for me to follow their distinction. The greatest nationalist is the man who wants his nation to be the greatest nation, and the greatest nation is the nation which penetrates to the heart of its duty and mission among the nations of the world. With every flash of insight into the great politics of mankind the nation that has that vision is elevated to a place of influence and power which it can not get by arms, which it can not get by commercial rivalry, which it can get by no other way than by that spiritual leadership which comes from a profound understanding of the problems of humanity. It is in the light of ideas of this sort that I conceive it a privilege to discuss the matters that I have come away from Washington to discuss.

"I have come away from Washington to discuss them because apparently it is difficult to discuss them in Washington. The whole subject is surrounded with a mist which it is difficult to penetrate. I brought home with me from the other side of the water a great document, a great human document, but after you hear it talked about in Washington for a while you think that it has just about three or four clauses in it. You fancy that it has a certain article 10 in it, that it has something about Shantung in it, that it has something about the Monroe doctrine in it, that it has something about quitting, withdrawing from the league, showing that you do not want to play the game; and I do not hear about anything else in it. Why, my fellow citizens, those are mere details and incidents of a great human enterprise, and I have sought the privilege of telling you what I conceive that human enterprise to be.

"The war that has just been finished was no accident. Any man who had followed the politics of the world up to that critical break must have known that that was the logical outcome of the processes that had preceded it, must have known that the nations of the world were preparing for that very thing and were expecting it. One of the most interesting things that I realized after I got to the other side of the water was that the mental attitude of the French people with regard to the settlement of this war was largely determined by the fact that for nearly 50 years they had expected it, that for nearly 50 years they had dreaded by the exercise of German force the very thing that had happened, and their constant theme was, 'We must devise means by which this intolerable fear will be lifted from our hearts. We can not, we will not, live another 50 years under the cloud of that terror.' The terror had been there all the time and the war was its flame and consummation. And it had been expected, because the politics of Europe were based upon a definite conception. That conception was that the strong had all the rights and that all that the weak could enjoy was what the strong permitted them to enjoy; that no nation had any right that could not be asserted by the exercise of force; and that the real politics of Europe consisted in determining how many of the weak elements in the European combination of families and of nations should be under the influence and control of one set of nations, and how many of those elements should be under the influence and control of another set of nations.

"One of the centers of all the bad business was in that town of Constantinople. I do not suppose that intrigue was ever anywhere else reduced to such a consummate art or practiced with such ardor and subtlety as in Constantinople. That was because Constantinople was the key to the weak part of Europe. That was where the pawns were; not the kings and the queens and the castles and the bishops and the rest of the chess game of politics, but the little pawns. They made the opening for the heavier pieces. Their maneuvers determined the arrangement of the board, and those who controlled the pawns controlled the outcome of the whole effort to checkmate and to match and to capture and to take advantage. The shrewdest politicians in the diplomatic service of the several nations were put at Constantinople to run the game, which consisted in maneuvering the weak for the advantage of the strong, and every international conference that preceded the conference at Paris, which is still in process, has been intended to complete and consummate the arrangements for that game. For the first time in the history of mankind the recent conference at Paris was convened to destroy that system and substitute another. I take it, my fellow-citizens, that when you look at that volume, for it is a thick volume, that contains the treaty of peace with Germany, in the light of what I have been saying to you, you will read it with greater interest than you have hitherto attached to it. It is the chart and constitution of a new system for the world, and that new system is based upon an absolute reversal of the principles of the old system. The central object of that treaty is to establish the independence and protect the integrity of the weak peoples of the world.

"I hear some gentlemen who are themselves incapable of altruistic purposes say, 'Ah, but that is altruistic. It is not our business to take care of the weak nations of the world.' No, but it is our business to prevent war, and if we do not take care of the weak nations of the world there will be war. These gentlemen assume the rôle of being very practical men, and they say, 'We do not want to get into war to protect every little nation in the

world.' Very well then, let them show me how they will keep out of war by not protecting them, and let them show me how they will prove that having gone into an enterprise they are not absolute contemptible quitters if they do not see the game through. They joined with the rest of us in the profession of fine purpose when we went into the war, and what was the fine purpose that they professed? It was not merely to defeat Germany. It is not a handsome enterprise for any great nation to go into a war merely to reduce another nation to obedience. They went in and they professed to go in to see to it that nobody after Germany's defeat should repeat the experiment which Germany had tried. And how do they propose to do that? To leave the material that Germany was going to make her dominating empire out of helpless and at her mercy. What was the old formula of Pan-Germanism? From Breman to Bagdad, wasn't it? Well, look at the map. What lies between Bremen and Bagdad? After you get past the German territory, there is Poland. There is Bohemia, which we have made into Czechoslovakia. There is Hungary, which is divided from Austria and does not share Austria's strength. There is Roumania. There is Jugo-Slavia. There is broken Turkey; and then Persia and Bagdad. The route is open. The route is wide open, and we have undertaken to say, 'This route is closed!' If you do not close it, you have no choice but some day or other to enter into exactly the same sort of war that we have just gone through. Those gentlemen are dreaming. They are living in a past age, which is gone and all but forgotten, when they say that we can mind our own business.

"What is our own business? Is there any merchant present here or any manufacturer or any banker that can say that our interests are separate from the interest of the rest of the world commercially, industrially, financially? There is not a man in any one of those professions who does not admit that our industrial fortunes are tied up with the industrial fortunes of the rest of the world. He knows that, and when he draws a picture to himself, if he is frank, of what some gentlemen propose, this is what he sees: America minding her own business and having no other—despised, suspected, distrusted, and on the other side of the water the treaty and its operation—interrupted? Not at all! We are a great Nation, my fellow citizens, but the treaty is going to be applied just the same whether we take part in it or not, and part of its application—at the center of its application—stands that great problem of the rehabilitation of Germany industrially. I say the problem of her rehabilitation, because unless she is rehabilitated she can not pay the reparation, and the reparation commission created by the treaty is created for the purpose of seeing that Germany pays the reparation; and it was admitted in all our conferences that in order to do that steps must be taken to enable Germany to pay the reparation, which means her industrial and commercial rehabilitation. Not only that, but some of you gentlemen know we used to have a trade with Germany. All of that trade is going to be in the hands and under the control of the raparation commission. I humbly asked leave to appoint a member to look after our interests, and I was rebuked for it. I am looking after the industrial interests of the United States. I would like to see the other men who are. They are forgetting the industrial interests of the Untied States, and they are doing things that will cut us off and our trade off from the normal channels, because the reparation commission can determine where Germany buys, what Germany buys, how much Germany buys; the reparation commission can determine in what instruments of credit she temporarily expresses her debt. They can determine how those instruments of credit shall be used for the basis of the credit which must underlie international exchanges. They are going to stand at the center of the financial operations of the world. Now, is it minding our business to keep out of that? On the contrary, it is handing our business over to people who are not particularly interested in seeing that it prospers. These are facts which I can appropriately address to a chamber of commerce because they are facts which nobody can controvert and which yet seem often to be forgotten. The broad aspects of this subject are seldom brought to your attention. It is the little picayune details here and there.

"Now, that brings me, my fellow citizens, to the guaranty of this whole thing. We said that we were going to fight this war for the purpose of seeing to it that the mothers and sisters and fathers of this land, and the sweethearts and wives, did not have to send their lads over on the other side of the sea to fight any more, and so we took part in an arrangement by which justice was to be secured throughout the world. The rest of the world, partly at our suggestion, said 'Yes,' and said it gladly; said 'Yes; we will go into the partnership to see that justice is maintained,' and then I come home and hear some gentlemen say, 'But will we?' Are we interested in justice? The treaty of peace, as I have just said to you, is based upon the protection of the weak against the strong, and there is only one force that can protect the weak against the strong, and that is the universal concert of the strength of mankind. That is the league of nations.

"But I beg that you will not conceive of the league of nations as a combination of the world for war, for that is exactly what it is not. It is a combination of the world for arbitration and discussion. I was taking the pains the other day to make a sort of table of contents of the covenant of the league of nations, and I found that practically the whole heart of it, that two-thirds of its provisions were devoted to setting up a system of arbitration and discussion in the world. Why, these are the facts, my fellow citizens. The members of the league agree that no one of them will ever go to war about anything without first doing one or other of two things—without either submitting the question to arbitration, in which case they agree to abide by the decision of the arbitrators absolutely, or submitting it to discussion by the council of the league of nations, in which case they agree that no matter what the opinion expressed by the council may be they will allow six months for the discussion, and whether they are satisfied with the conclusion or not will not go to war in less than three months after the rendering of the opinion. I think we can take it for granted that the preliminaries would take two or three months, in which case you have a whole year of discussion, even when you do not get arbitration, and I want to call you to witness that in almost every international controversy which has been submitted to thorough canvass by the opinion of the world it has become impossible for the result to be war. War is a process of heat. Exposure is a process of cooling, and what is proposed in this is that every hot thing shall be spread out in the cooling air of the opinion of the world, and, after it is thoroughly cooled off, then let the nations concerned determine whether they are going to fight about it or not.

"And notice the sanction. Any member of the league which breaks these promises with regard to arbitration or discussion is to be deemed thereby to have committed an act of war against the other members of the league; not merely to have done an immoral thing but, by refusing to obey those processes, to have committed an act of war and put itself out of court. And you know what then happens. You say, 'Yes; we form an army and go and fight them.' Not at all. We shut their doors and lock them in. We boycott them. Just so soon as that is done they can not ship cargoes out or receive them shipped in. They can not send a telegraphic message. They can not send or receive a letter. Nobody can leave their territory and nobody can enter their territory. They are absolutely boycotted by the rest of mankind. I do not think that after that remedy it will be necessary to do any fighting at all. What brought Germany to her knees was not only the splendid fighting of the incomparable men who met her armies, but it was that her doors were locked and she could not get supplies from any part of the world. There were a few doors open, doors to some Swedish ore, for example, that she needed for making munitions, and that kept her going for a time; but the Swedish door would be shut this time. There would not be any door open, and that brings a nation to its senses just as suffocation removes from the individual all inclination to fight.

"Now, that is the league of nations, an agreement to arbitrate or discuss, and an agreement that if you do not arbitrate or discuss, you shall be absolutely boycotted and starved out. There is hardly a European nation, my fellow citizens, that is of a fighting inclination that has enough food to eat without importing food, and it will be a very persuasive argument that it has nothing to eat, because you can not fight on an empty stomach any more than you can worship God on an empty stomach. When we add to that some other very interesting particulars, I think the league of nations becomes a very interesting thing indeed. You have heard of article 10—and I am going to speak about that in a minute—but read article 11, because really there are other articles in the covenant. Article 11 says—I am not quoting its language, but its substance—that anything that is likely to affect the peace of the world or the good understanding upon which the peace of the world depends shall be everybody's business; that any nation, the littlest nation at the table, can stand up and challenge the right of the strongest nation there to keep on in a course of action or policy which is likely to disturb the peace of the world, and that it shall be its 'friendly right' to do so. Those are the words. It can not be regarded as a hostile or unfriendly act. It is its friendly right to do that, and if you will not give the secret away, I wrote those words myself, because, with the usual inclination of a talkative man I did not want there to be anything in the world that I could not talk about, and yet I did

not want to give offense. I wanted it to be our friendly right and everybody's friendly right to discuss everything that was likely to affect the peace of the world, because that is everybody's business, and it is everybody's business to see that nothing happens that does disturb the peace of the world.

"And there is added to this particular this very interesting thing: There can hereafter be no secret treaties. There were nations represented around that board—I mean the board at which the commission on the league of nations sat, where 14 nations were represented—there were nations represented around that board who had entered into many a secret treaty and understanding, and they made not the least objection to promising that hereafter no secret treaty should have any validity whatever. The provision of the covenant is that every treaty or international understanding shall be registered, I believe the word is, with the general secretary of the league, that the general secretary shall publish it in full just so soon as it is possible for him to publish it, and that no treaty shall be valid which is not thus registered. It is like our arrangements with regard to mortgages on real estate, that until they are registered nobody else need pay any attention to them. And so with the treaties; until they are registered in this office of the league nobody, not even the parties themselves, can insist upon their execution. You have cleared the deck thereby of the most dangerous thing and the most embarrassing thing that has hitherto existed in international politics. It was very embarrassing, my fellow citizens, when you thought you were approaching an ideal solution of a particular question to find that some of your principal colleagues had given the whole thing away. And that leads me to speak just in passing of what has given a great many people natural distress. I mean the Shantung settlement, the settlement with regard to a portion of the Province of Shantung in China.

"Great Britain and France, as everybody now knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should, in the case of the victory of the Allies, pass to Japan. There was no qualification in the promise. She was to get exactly what Germany had, and so the only thing that was possible was to induce Japan to promise—and I want to say in fairness, for it would not be fair if I did not say it, that Japan did very handsomely make the promise which was requested of her—that she would retain in Shantung none of the sovereign rights which Germany had enjoyed there, but would return the sovereignty without qualification to China and retain in Shantung Province only what other nationalities had already had elsewhere, economic rights with regard to the development and administration of the railway and of certain mines which had become attached to the railway. That is her promise, and personally I have not the slightest doubt that she will fulfill that promise. She can not fulfill it right now because the thing does not go into operation until three months after the treaty is ratified, so that we must not be too impatient about it. But she will fulfill those promises. Suppose that we said that we would not assent. England and France must assent, and if we are going to get Shantung Province back for China and these gentlemen do not want to engage in foreign wars, how are they going to get it back? Their idea of not getting into trouble seems to be to stand for the largest possible number of unworkable propositions. It is all very well to talk about standing by China, but how are you standing by China when you withdraw from the only arrangement by which China can be assisted? If you are China's friend, then do not go into the council where you can act as China's friend! If you are China's friend, then put her in a position where even the concessions which have been made need not be carried out! If you are China's friend, scuttle and run! That is not the kind of American I am.

"Now, just a word about article 10. Permit me, if you will, to recur to what I said at the opening of these somewhat disjointed remarks. I said that the treaty was intended to destroy one system and substitute another. That other system was based upon the principle that no strong power need respect the territorial integrity or the political independence of any weak power. I need not confine the phraseology to that. It was based upon the principle that no power is obliged to respect the territorial integrity or the political independence of any other power if it has the force necessary to disregard it. So that article 10 cuts at the very heart and is the only instrument that will cut to the very heart of the old system. Remember that if this covenant is adopted by the number of nations which it probably will be adopted by, it means every nation except Germany and Turkey, because we have already said we would let Austria come in—Germany has to undergo a certain period of probation to see whether she has really experienced a change of heart and effected a genuine change of constitutional provision—all the nations of the world except one strong one and one negligible one agree that they will respect and preserve against external aggression the territorial integrity and existing political independence of the other nations of the world.

"You would think from some of the discussions that the emphasis is on the word 'preserve.' We are partners with the rest of the world in respecting the territorial integrity and political independence of others. They are all under solemn bonds themselves to respect and to preserve those things, and if they do not preserve them, if they do not respect them or preserve them, what happens? The council of the league then advises the several members of the league what it is necessary to do. I can testify from having sat at the board where the instrument was drawn that advice means advice. I supposed it did before I returned home, but I found some gentlemen doubted it. Advice means advice, and the advice can not be given without the concurrent vote of the representative of the United States. Ah, but somebody says, 'Suppose we are a party to the quarrel!' I can not suppose that, because I know that the United States is not going to disregard the territorial integrity or the political independence of any other nation; but for the sake of the argument suppose that we are party. Very well, then, the scrap is ours anyway. For what these gentlemen are afraid of is that we are going to get into trouble. If we are a party, we are in trouble already, and if we are not a party we can control the advice of the council by our own vote. To my mind that is a little like an open and shut game, and I am not afraid of advice which we give ourselves. And yet that is the whole of the bugaboo which these gentlemen have been parading before you. The solemn thing about article 10 is the first sentence, not the second sentence. The first sentence says that we will respect and preserve against external aggression the territorial integrity and existing political independence of other nations; and let me stop a moment on the words 'external aggression.' Why were they put in? Because every man who sat at that board held that the right of revolution was sacred and must not be interfered with. Any kind of a row can happen inside and it is nobody's right to interfere. The only thing that there is any right to object to or interfere with is external aggression by some outside power undertaking to take a piece of territory or to interfere with the internal political arrangements of the country which is suffering from the aggression, because territorial integrity does not mean that you can not invade another country; it means that you can not invade it and stay here. I have not impaired the territorial integrity of your backyard if I walk into it, but I very much impair it if I insist upon staying there and will not get out, and the impairment of the integrity contemplated in this article is the kind of integrity which is violated if there is a seizure of territory, if there is an attempted annexation, if there is an attempted continuing domination either of the territory itself or of the methods of government inside that territory. When you read article 10, therefore, you will see that it is nothing but the inevitable, logical center of the whole system of the covenant of the league of nations, and I stand for it absolutely. If it should ever in any important respect be impaired, I would feel like asking the Secretary of War to get the boys who went across the water to fight on some field where I could go and see them, and I would stand up before them and say, 'Boys, I told you before you went across the seas that this was a war against wars, and I did my best to fulfill the promise, but I am obliged to come to you in mortification and shame and say I have not been able to fulfill the promise. You are betrayed. You fought for something that you did not get, and the glory of the Armies and the Navy of the United States is gone like a dream in the night, and there ensues upon it in the suitable darkness of the night the nightmare of dread which lay upon the nations before this war came, and there will come some time in the vengeful Providence of God another struggle in which not a few hundred thousand fine men from America wil have to die but as many millions as are necessary to accomplish the final freedom of the peoples of the world."

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THE PRESIDENT AT COLISEUM, ST. LOUIS, MO., SEPTEMBER 5, 1919.

"Mr Chairman, Gov. Gardner, my fellow countrymen, this is much too solemn an occasion to care how we look; we ought to care how we think. [The photographer had just asked the audience to sit still for the picture.] I have come here to-night to ask permission to discuss with you some of the very curious aberrations of thinking that have taken place in this country of late. I have sought—I think I have sought without prejudice—to understand the point of view of the men who have been opposing the treaty and the covenant of the league of nations. Many of them are men whose judgment, whose patriotic feeling, I have

been accustomed to admire and respect, and yet I must admit to you, my fellow countrymen, that it is very hard for me to believe that they have followed their line of thinking to its logical and necessary conclusion, because when you reflect upon their position, it is either that we ought to reject this treaty altogether or that we ought to change it in such a way as will make it necessary to reopen negotiations with Germany and reconsider the settlements of the peace in many essential particulars. We can not do the latter alone, and other nations will not join us in doing it. The only alternative is to reject the peace and to do what some of our fellow countrymen have been advising us to do—stand alone in the world.

"I am going to take the liberty to-night of pointing out to you what this alternative means. I know the course of reasoning which is either uttered or implicit in this advice when it is given us by some of the men who propose this course. They believe that the United States is so strong, so financially strong, so industrially strong, if necessary so physically strong, that it can impose its will upon the world, if it is necessary for it to stand out against the world, and they believe that the processes of peace can be processes of domination and antagonism instead of processes of cooperation and good feeling. I therefore want to point out to you that only those who are ignorant of the world can believe that any nation, even so great a nation as the United States, can stand alone and play a single part in the history of mankind.

"Begin with a single circumstance, for I have not come here to-night to indulge in any kind of oratory. I have come here to-night to present to you certain hard facts which I want you to take home with you and think about. I suppose that most of you realize that it is going to be very difficult for the other nations that were engaged in this war to get financially on their feet again. I dare say you read the other day the statement of Mr. Herbert Hoover's opinion—an opinion which I always greatly respect—that it will be necessary for the United States immediately to advance four or five billion dollars for the rehabilitation of credit and industry on the other side of the water; and I must say to you that I learned nothing in Paris which would lead me to doubt that conclusion, and I think the statement of the sum is a reasonable and conservative statement.

"If the world is going bankrupt, if credit is going to be destroyed, if the industry of the rest of the world is going to be interrupted, our market is confined to the United States. Trade will be impossible, except within our own borders. If we are to save our own markets and rehabilitate our own industries, we must save the financial situation of the world and rehabilitate the markets of the world. Very well, what do these gentlemen propose? That we should do that, for we can not escape doing it. Face to face with a situation of this kind, we are not, let us assume, partners in the execution of this treaty. What is one of the central features of the execution of this treaty? It is the application of the reparation clauses. Germany can not pay for this war unless her industries are revived, and the treaty of peace sets up a great commission known as the 'reparation commission,' in which it was intended that there should be a member from the United States as well as from other countries, and the business of this commission will be in part to see that the industries of Germany are revived, in order that Germany may pay this great debt which she owes to civilization. That reparation commission can determine the currents of trade, the conditions of international credit; it can determine how much Germany is going to buy, where it is going to buy, how it is going to pay for it; and if we must, to save ourselves, contribute to the financial rehabilitation of the world then, without being members of this partnership, we must put our money in the hands of those who want to get the markets that belong to us. That is what these gentlemen call playing a lone hand. It is indeed playing a lone hand. It is playing a hand that is frozen out. We must contribute the money which other nations are to use in order to rehabilitate their industry and credit, and we must make them our antagonists and rivals and not our partners. I put that proposition to any business man, young or old, in the United States and ask him how he likes it and whether he considers that a useful way for the United States to stand alone. We have got to carry this burden of reconstruction whether we will or not or be ruined, and the question is, Shall we carry it and be ruined anyhow? For that is what these gentlemen propose—that at every point we shall be embarrassed by the whole financial affairs of the world being in the hands of other nations.

"As I was saying at the luncheon that I had the pleasure of eating with the chamber of commerce to-day, the whole aspect of the matter is an aspect of ignorance. The men who propose these things do not understand the selfish interests of the United States, because here is the rest of the picture: Hot rivalries; burning suspicions; jealousies; arrangements made everywhere, if possible, to shut us out, because if we will not come in as equals we ought to be shut out. If we are going to keep out of this thing in order to prey upon the rest of the world, then I think we ought to be frozen out of it. That is not the temper of the United States, and it is not like the United States to be ignorant enough to think any such thoughts, because we know that partners profit and enemies lose the game. But that is not all of the picture, my fellow citizens. If every nation is going to be our rival, if every nation is going to dislike and distrust us—and that will be the case, because having trusted us beyond measure, the reaction will occur beyond measure—as it stands now they trust us, they look to us, they long that we shall undertake anything for their assistance rather than that any other nations should undertake it—if we say no, we are in this world to live by ourselves and get what we can out of it by any selfish processes—then the reaction will change the whole heart and attitude of the world toward this great, free, justice-loving people, and after you have changed the attitude of the world what have you produced? Peace? Why, my fellow citizens, is there any man here or any women—let me say is there any child here—who does not know that the seed of war in the modern world is industrial and commercial rivalry? The real reason that the war that we have just finished took place was that Germany was afraid her commercial rivals were going to get the better of her, and the reason why some nations went into the war against Germany was that they thought Germany would get the commercial advantage of them. The seed of the jealousy, the seed of the deep-seated hatred, was hot successful commercial and industrial rivalry.

"Why, what did the Germans do when they got into Belgium? I have just seen that suffering country. Most of the Belgian factories are standing. You do not witness in Belgium what you witness in France, except upon certain battle fields—factories destroyed, whole towns wiped out. No; the factories are there, the streets are clear, the people are there; but go in the factories. Every piece of machinery that could be taken away has been taken away. If it was too big to take away, experts directed the way in which it should be injured so it could never be used again; and that was because there were textural industries and iron industries in Belgium which the Germans hated Belgium for having, because they were better than the German and outdid them in the markets of the world. This war was a commercial and industrial war. It was not a political war.

"Very well, then, if we must stand apart and be the hostile rivals of the rest of the world, then we must do something else. We must be physically ready for anything that comes. We must have a great standing Army. We must see to it that every man in America is trained to arms. We must see to it that there are munitions and guns enough for an Army that means a mobilized Nation; that they are not only laid up in store but that they are kept up to date; that they are ready to use to-morrow; that we are a Nation in arms. Because you can not be unfriendly to everybody without being ready that everybody shall be unfriendly to you. And what does that mean? Reduction of taxes? No. Not only the continuation of the present taxes but the increase of the present taxes; and it means something very much more serious than that. We can stand that, so far as the expense is concerned, if we care to keep up the high cost of living and enjoy the other luxuries that we have recently enjoyed; but what is much more serious than that, we have got to have the sort of organization which is the only kind of organization that can handle armies of that sort. We may say what we please of the German Government that has been destroyed, my fellow citizens, but it was the only sort of government that could handle an armed nation. You can not handle an armed nation by vote. You can not handle an armed nation if it is democratic, because democracies do not go to war that way. You have got to have a concentrated militaristic organization of government to run a nation of that sort. You have got to think of the President of the United States not as the chief counsellor of the Nation, elected for a little while, but as the man meant constantly and every day to be the commander in chief of the Army and Navy of the United States, ready to order them to any part of the world where the threat of war is a menace to his own people. And you can not do that under free debate. You can not do that under public counsel. Plans must be kept secret. Knowledge must be accumulated by a system which we have condemned, because we have called it a spying system. The more polite call it a system of intelligence. You can not watch other nations with your unassisted eye. You have got to watch them by secret agencies, planted everywhere. Let me testify to this, my fellow citizens: I not only did not know it until we got into this war

but I did not believe it when I was told that it was true that Germany was not the only country that maintained a secret service. Every country in Europe maintained it, because they had to be ready for Germany's spring upon them, and the only difference between the German secret service and the other secret services was that the German secret service found out more than the others did, and therefore Germany sprang upon the other nations unawares and they were not ready for it.

"And you know what the effect of a military nation is upon social questions. You know how impossible it is to effect social reform if everybody must be under orders from the Government. You know how impossible it is, in short, to have a free nation if it is a military nation and under military order. You may say, 'You have been on the other side of the water and got bad dreams.' I have got no dreams at all. I am telling you the things, the evidence of which I have seen with awakened eyes, and not with sleeping eyes, and I know that this country if it wishes to stand alone must stand alone as part of a world in arms. Because, ladies and gentlemen, I do not say it because I am an American and my heart is full of the same pride that fills yours with regard to the power and spirit of this great Nation, but merely because it is a fact which I think everybody would admit outside of America as well as inside of America—the organization contemplated by the league of nations without the United States would merely be an alliance and not a league of nations. It would be an alliance in which the partnership would be between the more powerful European nations and Japan, and the other party to the world arrangement, the antagonist, the disassociated party, the party standing off to be watched by the alliance, would be the United States of America. There can be no league of nations in the true sense without the partnership of this great people.

"Now, let us mix the selfish with the unselfish. If you do not want me to be too altruistic, let me be very practical. If we are partners, let me predict we will be the senior partner. The financial leadership will be ours. The industrial primacy will be ours. The commercial advantage will be ours. The other countries of the world will look to us, do I say?—are looking to us for leadership and direction. Very well, then, if I am to compete with the critics of this league and of this treaty as a selfish American, I say I want to get in and get in as quick as I can. I want to be inside and know how the thing is run and help to run it. So that you have the alternative, armed isolation or peaceful partnership. Can any sane man hesitate as to the choice, and can any sane man ask the question which is the way of peace? I have heard some men say with an amazing ignorance that the covenant of the league of nations was an arrangement for war. Very well, then, the other arrangement—what would it be? An arrangement for peace? For kindliness? For cooperation? Would everybody beckon us to their markets? Would everybody say, Come and tell us how to use your money? Would everybody come and say, Tell us how much of your goods you want us to take; tell us how much of what Germany is producing you would like when we want it? I can not bring my credulity up to that point. I have reached years of discretion, and I have met some very young men who knew a great deal more than some very old men.

"I want you, therefore, after seeing this very ugly picture that I have painted, for it is an ugly picture, it is a picture from which one turns away with distaste and disgust and says, That is not America, it is not like anything that we have ever conceived—I want you to look at the other side. I wonder if some of the gentlemen who are commenting upon this treaty ever read it? If anybody will tell me which of them has not, I will send him a copy. It is written in two languages. On this side is the English and on that side is the French, and since it is evident that some men do not understand English, I hope that they understand French. There are excellent French dictionaries by which they can dig out the meaning if they can not understand English. It is the plainest English that you should desire, particularly the covenent of the league of nations. There is not a phrase of doubtful meaning in the whole document.

"And what is the meaning? It is that the covenant of the league of nations is a covenant of arbitration and discussion. Had anybody ever told you that before? I dare say that everybody you have heard talk about this discusses article 10. Well, there are 25 other articles in it, and all of them are about something else. They discuss how soon and how quick we can get out of it. Well, I am not a quitter for one. We can get out just so soon as we want to, but we do not want to get out as soon as we get in. And they talk about the Monroe doctrine, when it expressly says that nothing in that document shall be construed as affecting in any way the validity of the Monroe doctrine. It says so in so many words. And there are all the other things they talk about to draw your attention away from the essential matter. The essential matter, my fellow citizens, is this: Every member of that league—and it will include all the fighting nations of the world except Germany; the only nations that will not be admitted into it promptly are Germany and Turkey—we can, at any rate, postpone Turkey until Thanksgiving—all the fighting nations of the world are in it, and what do they promise? This is the center of the document. They promise that they never will go to war without first either submitting the question at issue to arbitration and absolutely abiding by the decision of the arbitrators, or, if they are not willing to submit it to arbitration, they will submit it to discussion by the council of the league, that they will give the council of the league six months in which to consider it, and that if they do not like the opinion of the council they will wait three months after the opinion is rendered before going to war. And I tell you, my fellow citizens, that any nation that is in the wrong and waits nine months before it goes to war never will go to war.

"Ah, but somebody says, Suppose they do not abide by that? Because all the arguments you hear are based upon the assumption that we are all going to break the covenant, that bad faith is the accepted rule. There has not been any such bad faith among nations in recent times except the flagrant bad faith of the nation we have just been fighting, and that bad faith is not likely to be repeated in the immediate future. Suppose somebody does not abide by those engagements, then what happens? War? No; not war. Something more terrible than war—absolute boycott of the nation in question. The doors are closed upon her, so that she can not ship anything out or receive anything in. She can not send a letter out or receive one in. No telegraphic message can cross her borders. No person can cross her borders. She is absolutely closed, and all the fighting nations of the world agree to join in the boycott. My own judgment is that war will not be necessary after that. If it is necessary, then it is perfectly evident that the case is one of a nation that wants to run amuck, and if any nation wants to run amuck in modern civilization we must all see that the outlaw is captured.

"I was saying in one of the first speeches I made upon this little expedition of mine that I was very happy in the circumstance that there were no politics in this business. I meant no party politics, and I invited that audience, as I invite you, to forget all about parties; forget that I am a Democrat; forget that some of you are Republicans; forget all about that. That has nothing to do with it. And this afternoon a book I had forgotten all about, one of the campaign books of the last political campaign, was put in my hands, and I found in that book the platforms of the two parties, and in both of those platforms they advocate just such an arrangement as the league of nations. When I was on the other side of the water I did not know that I was obeying orders from both parties, but I was, and I am very happy in that circumstance, because I can testify to you that I did not think anything about parties when I was on the other side of the water. I am just as much, my fellow citizens, in my present office the servant of my Republican fellow citizens as I am the servant of my Democratic fellow citizens. I am trying to be what some gentlemen do not know how to be—just a simple, plain-thinking, plain-speaking, out-and-out American.

"Now, I want you to understand, my fellow citizens, that I did not leave Washington and come out on this trip because I doubted what was going to happen. I did not. For one thing, I wanted to have the pleasure of leaving Washington; and, for another thing, I wanted to have the very much greater pleasure of feeling the inspiration that I would get from you. Things get very lonely in Washington sometimes. The real voices of the great people of America sometimes sound faint and distant in that strange city. You hear politics until you wish that both parties were smothered in their own gas. And I wanted to come out and hear some plain American, hear the kind of talk that I am accustomed to talk, the only kind of talk that I can understand, get the only kind of atmosphere with which I can fill my lungs wholesomely, and then, incidentally, convey a hint in some quarters that the American people had not forgotten how to think.

"There are certain places where talk does not count for anything. I am inclined to think that one of those places is the fashionable dinner table. I have never heard so many things that were not so anywhere else. In the little circles of fashion and wealth information circulates the more freely the less true it is. For some reason there is a preference for the things that are incredible. I admit there is a certain intellectual excitement in believing the things that are incredible. It is very

much duller to believe only the things that you know are so, but the spicy thing, the unusual thing, the thing that runs athwart the normal and wholesome currents of society, that is the thing that one can talk about with an unusual vocabulary and have a lot of fun in expounding. But they are not the things that make up the daily substance of thinking on the part of a wholesome Nation like this.

"This Nation went into this war to see it through to the end, and the end has not come yet. This is the beginning, not of the war, but of the processes which are going to render a war like this impossible. There are no other processes than these that are proposed in this great treaty. It is a great treaty, it is a treaty of justice, of rigorous and severe justice, but do not forget that there are many other parties to this treaty than Germany and her opponents. There is rehabilitated Poland. There is rescued Bohemia, there is redeemed Jugo-Slavia. There is the rehabilitated Roumania. All the nations that Germany meant to crush and reduce to the status of tools in her own hands, have been redeemed by this war and given the guarantee of the strongest nations of the world that nobody shall invade their liberty again. If you do not want to give them that guaranty, then you make it certain that without your guarantee the attempt will be made again, and if another war starts like this one, are you going to keep out of it? If you keep out of this arrangement, that sort of war will come soon. If you go into it, it never will come. We are in the presence, therefore, of the most solemn choice that this people was ever called upon to make. That choice is nothing less than this: Shall America redeem her pledges to the world? America is made up of the peoples of the world. All the best bloods of the world flow in her veins, all the old affections, all the old and sacred traditions of peoples of every sort throughout the wide world circulate in her veins, and she has said to mankind at her birth, 'We have come to redeem the world by giving it liberty and justice.' Now, we are called upon before the tribunal of mankind to redeem that immortal pledge."

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THE PRESIDENT AT CONVENTION HALL, KANSAS CITY, MO., SEPTEMBER 6, 1919.

"Mr. Chairman, my fellow countrymen, it is very inspiring to me to stand in the presence of so great a company of my fellow citizens and have the privilege of performing the duty that I have come to perform. That duty is to report to my fellow citizens concerning the work of the peace conference. And every day it seems to me to become more necessary to report, because so many people who are talking about it do not understand what it was. I came back from Paris bringing one of the greatest documents of human history, and one of the things that made it great was that it was penetrated throughout with the principles to which America has devoted her life. Let me hasten to say that one of the most delightful circumstances of the work on the other side of the water was that I discovered that what we called American principles had penetrated to the heart and to the understanding, not only of the great peoples of Europe but to the hearts and understandings of the great men who were leading the peoples of Europe, and when these principles were written into this treaty, they were written there by common consent and common conviction, but it remains true nevertheless, my fellow citizens, that principles are written into that treaty which were never written into any great international understanding before, and that they had their natural birth and origin in this dear country to which we have devoted our life and service.

"I have no hesitation in saying that in spirit and essence it is an American document, and if you will bear with me—for this great subject is not a subject for oratory, it is a subject for examination and discussion—if you will bear with me I will remind you of some of the things that we have long desired and which are at last accomplished in this treaty. I think that I can say that one of the things that America has had most at heart throughout her existence has been that there should be substituted for the brutal processes of war the friendly processes of consultation and arbitration, and that is done in the covenant of the league of nations. I am very anxious that my fellow citizens should realize that that is the chief topic of the covenant of the league of nations; and the greater part of those provisions—the whole intent and purpose of the document—are expressed in provisions by which all the member States agree that they will never go to war without first having done one or other of two things, either submitted the matter in controversy to arbitration, in which case they agree to abide by the verdict, or submitted it to discussion in the council of the league of nations, and for that purpose they consent to allow six months for the discussion, and, whether they like the opinion expressed or not, that they will not go to war for three months after that opinion is expressed. So that you have, whether you get arbitration or not, nine months' discussion, and I want to remind you that that is the central principle of some 30 treaties entered into between the United States of America and some 30 other sovereign nations, all of which were confirmed by the Senate of the United States. We have such an agreement with France. We have such an agreement with Great Britain. We have such an agreement with practically every great nation except Germany, which refused to enter into any such arrangement, because, my fellow citizens, Germany knew that she intended something that did not bear discussion, and that if she had submitted the purpose which led to this war to so much as one month's discussion she never would have dared go into the enterprise against mankind which she finally did go into. Therefore I say that this principle of discussion is the principle already adopted by America. And what is the compulsion to do this? The compulsion is this, that if any member State violates that promise to submit either to arbitration or discussion, it is thereby ipso facto deemed to have committed an act of war against all the rest. Then, you will ask, Do we at once take up arms and fight them? No; we do something very much more terrible than that. We absolutely boycott them. It is provided in that instrument that there shall be no communication even between them and the rest of the world; they shall receive no goods; they shall ship no goods. They shall receive no telegraphic messages; they shall send none. They shall receive no mail; no mail will be received from them. The nationals, the citizens, of the member States will never enter their territory until the matter is adjusted, and their citizens can not leave their own territory. The most complete boycott ever conceived in a public document; and I want to say to you with confident prediction that there will be no more fighting after that. Gentlemen talk to you as if the most probable outcome of this great combination of all the fighting peoples of the world was going to be fight, whereas, as a matter of fact, the essence of the document is to the effect that the processes shall be peaceful, and peaceful processes are more deadly than the processes of war. Let any merchant put it to himself, that if he enters into a covenant and then breaks it and the people all around him absolutely desert his establishment and will have nothing to do with him, ask him after that if it will be necessary to send the police. The most terrible thing that can happen to an individual and the most conclusive thing that can happen to a nation is to be read out of decent society.

"And there was another thing that we wished to accomplish that is accomplished in this document. We wanted disarmament, and this document provides in the only possible way for disarmament, by common agreement. Observe, my fellow citizens, that, as I said just now, every great fighting nation in the world is to be a member of this partnership except Germany, and inasmuch as Germany has accepted a limitation of her army to 100,000 men, I do not think for the time being she may be regarded as a great fighting nation. Here in the center of Europe a great nation of more than 60,000,000 that has agreed not to maintain an army of more than 100,000 men, and all around her the rest of the world in concerted partnership to see that no other nation attempts what she attempted, and agreeing among themselves that they will not impose this limitation of armament upon Germany merely, but that they will impose it upon themselves. And you know, my fellow citizens, what armaments mean: Great standing armies and great stores of war material. They do not mean burdensome taxation merely; they do not mean merely compulsory military service which saps the economic strength of the nation, but they mean the building up of a military class. Again and again, my fellow citizens, in the conference at Paris, we were face to face with this circumstance, that in dealing with a particular civil government we found that they would not dare to promise what their general staff was not willing that they should promise, and that they were dominated by the military machine which they had created, nominally for their own defense, but really, whether they willed it or not, for the provocation of war. And so soon as you have a military class, it does not make any difference what your form of government is, if you are determined to be armed to the teeth, you must obey the orders and directions of the only men who can control the great machinery of war. Elections are of minor importance, because they determine the political policy, and back of that political policy is the constant pressure of the men trained to arms, enormous bodies of disciplined men behind them, unlimited supplies of military stores, and wondering if they are never going to be allowed to use their education and their skill and ravage some great people with the force

of arms. That is the meaning of armaments. It is not merely the cost of it, though that is overwhelming, but it is the spirit of it, and America has never had, and I hope in the providence of God never will have, that spirit.

"There is no other way to dispense with great armaments except by the common agreement of the fighting nations of the world. And here is the agreement. They promise disarmament, and promise to agree upon a plan.

"But there was something else we wanted that is accomplished by this treaty. We wanted to destroy autocratic authority everywhere in the world. We wanted to see to it that there was no place in the world where a small group of men could use their fellow citizens as pawns in a game, that there was no place in the world where a small group of men without consulting their fellow citizens, could send their fellow citizens to the battle fields and to death in order to accomplish some dynastic ambition, some political plan that had been conceived in private, some object that had been prepared for by universal, world-wide intrigue. That is what we wanted to accomplish. The most startling thing that developed itself at the opening of our participation in this war was, not the military preparation of Germany; we were familiar with that, though we had been dreaming that she would not use it, but her political preparation—to find every community in the civilized world was penetrated by her intrigue. The German people did not know that, but it was known on Wilhelmstrasse, where the central offices of the German Government were, and Wilhelmstrasse was the master of the German people. And this war, my fellow citizens, has emancipated the German people as well as the rest of the world. We do not want to see anything like that happen again, because we know that democracies will sooner or later have to destroy that form of government, and if we do not destroy it now, the job is still to be done. And by a combination of all the great fighting peoples of the world, to see to it that the aggressive purposes of such governments can not be realized, you make it no longer worth while for little groups of men to contrive the downfall of civilization in private conference.

"But I want to say something about that that has a different aspect, and perhaps you will regard it as a slight digression from the discussion which I am asking you to be patient enough to follow. My fellow citizens, it does not make any difference what kind of a minority governs you if it is a minority, and the thing we must see to is that no minority anywhere masters the majority. That is at the heart, my fellow citizens, of the tragical things that are happening in that great country which we long to help and can find no way that is effective to help. I mean the great realm of Russia. The men who are now measurably in control of the affairs of Russia represent nobody but themselves. They have again and again been challenged to call a constitutional convention. They have again and again been challenged to prove that they had some kind of a mandate, even from a single class of their fellow citizens, and they dare not attempt it. They have no mandate from anybody. There are only 34, I am told, and there were more than 34 men who used to control the destinies of Europe from Wilhelmstrasse. There is a closer monopoly of power in Petrograd and Moscow than there ever was in Berlin, and the thing that is intolerable is not that the Russian people are having their way, but that another group of men, more cruel than the Czar himself, is controlling the destinies of that great people. I want to say here and now that I am against the control of any minority anywhere. Search your own economic history and what have you been uneasy about? Now and again you have said there were small groups of capitalists who were controlling the industry and therefore the development of the United States. Very well, my fellow citizens, if that is so, and sometimes I have feared that it was, we must break up that monopoly. I am not now saying that there is any group of our fellow citizens who are consciously doing anything of the kind. I am saying that these allegations must be proved, but if it is proved that any class, any group anywhere, is without the suffrage of their fellow citizens, in control of our affairs, then I am with you to destroy the power of that group. We have got to be frank with ourselves; however, if we do not want minority government in Russia, we must see that we do not have it in the United States. If you do not want little groups of selfish men to plot the future of Europe, we must not allow little groups of selfish men to plot the future of America. Any man that speaks for a class must prove that he also speaks for all his fellow citizens and for mankind, and then we will listen to him. The most difficult thing in a democracy, my fellow citizens, is to get classes where they unfortunately exist to understand one another and unite, and yet you have not got a great democracy until they do understand one another and unite. So that if we are in for seeing that there are no more Czars and no more Kaisers, then let us do a thorough job and see that nothing of that sort occurs anywhere.

"Then there was another thing we wanted to do, my fellow citizens, that is done in this document. We wanted to see that helpless peoples were nowhere in the world put at the mercy of unscrupulous enemies and masters. There is one pitiful example, which is in the hearts of all of us. I mean the example of Armenia. There a Christian people is helpless, at the mercy of a Turkish Government, which thought it the service of God to destroy them. And at this moment, my fellow citizens, it is an open question whether the Armenian people will not, while we sit here and debate, be absolutely destroyed. When I think of words piled on words, of debate following debate, when these unspeakable things that can not be handled until the debate is over are happening in this pitiful part of the world, I wonder that men do not wake up to the moral responsibility of what they are doing. Great populations are driven out upon a desert where there is no food and can be none, and there compelled to die, and the men and women and children thrown into a common grave, so imperfectly covered up that here and there is a pitiful arm stretched out to heaven, and there is no pity in the world. When shall we wake to the moral responsibility of this great occasion?

"So, my fellow citizens, there are other aspects to that matter. Not all the populations that are having something that is not a square deal live in Armenia. There are others, and one of the glories of the great document which I brought back with me is this, that everywhere within the area of settlement covered by the political questions involved in that treaty people of that sort have been given their freedom and guaranteed their freedom. But the thing does not end there, because the treaty includes the covenant of the league of nations, and what does that say? That says that it is the privilege of any member State to call attention to anything anywhere that is likely to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends, and every people in the world that have not got what they think they ought to have is thereby given a world forum in which to bring the thing to the bar of mankind. An incomparable thing, a thing that never was dreamed of before! A thing that was never conceived as possible before, that it should not be regarded as an unfriendly act on the part of the representatives of one nation to call attention to something being done within the confines of another empire which was disturbing the peace of the world and the good understanding between nations! * * * And the majestic thing about the league of nations is that it is to include the great peoples of the world, all except Germany. Germany is one of the great peoples of the world. I would be ashamed not to say that. Those 60,000,000 industrious and inventive and accomplished people are one of the great peoples of the world. They have been put upon. They have been misled. Their minds have been debased by a false philosophy. They have been taught things that the human spirit ought to reject, but they will come out of that nightmare, they will come out of that phantasm, and they will again be a great people; and when they are out of it, when they have got over that dream of conquest and of oppression, when they have shown that their Government really is based upon new principles and upon democratic principles, then we all of us at Paris agreed that they should be admitted to the league of nations.

"In the meantime, her one-time partner, Austria, is to be admitted. Hungary, I dare say, will be admitted, and the only nations outside the league—unless we choose to stay out and go in later with Germany—the only nations left out of any consequence are Germany and Turkey. And we are just now looking for the pieces of Turkey. She has so thoroughly disintegrated that the process of assembling the parts is becoming increasingly difficult, and the chief controversy now is who shall attempt that very difficult and perilous job.

"Is it not a great vision, my fellow citizens, this of the thoughtful world combined for peace, this of all the great peoples of the world associated to see that justice is done, that the strong who intend wrong are restrained, and that the weak who can not defend themselves are made secure? We have a problem ahead of us that ought to interest us in this connection. We have promised the people of the Philippine Islands that we will set them free, and it has been one of our perplexities how we should make them safe after we set them free. Under this arrangement it will be safe from the outset. They will become members of the league of nations; every great nation in the world will be pledged to respect and preserve against external aggression from any quarter the territorial integrity and politi-

cal independence of the Philippines. It simplifies one of the most perplexing problems that has faced the American public, but it does not simplify our problems merely, gentlemen. It illustrates the triumph of the American spirit. I do not want to attempt any flight of fancy, but I can fancy those men of the first generation that so thoughtfully set this great Government up, the generation of Washington and Hamilton and Jefferson and the Adamses. I can fancy their looking on with a sort of enraptured amazement that the American spirit should have made conquest of the world. I wish you could have seen the faces of some of the people that talked to us over there about the arrival of the American troops. At first they did not know that we were going to be able to send so many, but they got something from the first groups that changed the whole aspect of the war. One of the most influential ladies in Paris, the wife of a member of the cabinet, told us that on the Fourth of July of last year she and others had attended the ceremonies with very sad hearts, and merely out of courtesy to the United States, because they did not believe that the aid of the United States was going to be effective; but she said, 'After we had been there and seen the faces of those men in khaki, seen the spirit of their swing and attitude, and seen the vision that was in their eyes, we came away knowing that victory was in sight.' What Europe saw in our boys was not merely men under arms, indomitable men under arms, but men with an ideal in their eyes, men who had come a long way from home to defend other peoples, men who had forgotten the convenience of everything that personally affected them and had turned away from the longing love of the people who were dear to them and had come across the broad sea to rescue the nations of the world from an intolerable oppression.

"I tell you, my fellow citizens, the war was won by the American spirit. Orders were found, were picked up on the battle field, German orders, directing the commanders not to let the Americans get hold of a particular post, because you never could get them out again. And you know what one of our American wits said, that it took only half as long to train an American army as any other, because you only had to train them to go one way. And it is true that they never thought of going any other way, and when they were restrained, because they were told it was premature or dangerous, they were impatient. They said, 'We didn't come over here to wait; we came over here to fight.' And their very audacity, their very indifference to danger, changed the morale of the battle field. They were not fighting prudently; they were going to get there. And America in this treaty has realized, my fellow countrymen, what those gallant boys we are so proud of fought for. The men who make this impossible or difficult will have a lifelong reckoning with the fighting forces of the United States. I have consorted with those boys. I have been proud to call myself their Commander in Chief. I did not run the business. They did not need anybody to run it. All I had to do was to turn them loose.

"And now for a final word, my fellow citizens. If anything that I have said has left the impression on your mind that I have the least doubt of the result, please dismiss the impression. And if you think that I have come out on this errand to fight anybody—any body—please dismiss that from your mind. I have not come to fight or antagonize anybody, or any body of individuals. I have, let me say without the slightest affectation, the greatest respect for the Senate of the United States, but, my fellow citizens, I have come out to fight a cause. That cause is greater than the Senate. It is greater than the Government. It is as great as the cause of mankind, and I intend, in office or out, to fight that battle as long as I live. My ancestors were troublesome Scotchmen, and among them were some of that famous group that were known as Covenanters. Very well, then; here is the covenant of the league of nations. I am a Covenanter!"

FOREIGN ALLIANCES AND INTERFERENCES.

Mr. LODGE. Mr. President, I desire to present a letter from Mr. Charles Stewart Davison, a lawyer of New York, in which he has brought together extracts, with the references, from the writings of Jefferson in regard to foreign alliances and interferences in the affairs of Europe. I think it will be very useful as a matter of reference, and I ask that it be printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

NEW YORK, *September 3, 1919.*

DEAR SIR: Not Washington only, but Jefferson as well, drew a sharp distinction between the making of "commercial" and other treaties and the making of "political" alliances between this country and the nations of Europe. Commercial treaties, treaties of amity and friendship, and, when necessary, defensive alliances against aggression they favored. Political conventions both recognized to be foreign to the welfare of the land and fatal to our future.

What Washington said has been often quoted; what Jefferson said has been strangely neglected at this, of all other moments, when it applies so directly. Jefferson for some 40 years spoke and wrote consistently against such conventions being entered into on our part. To quote from his writings:

"I know that it is a maxim with us, and I think it a wise one, not to entangle ourselves with the affairs of Europe." (To E. Carrington (Paris, 1787). The Writings of Thomas Jefferson. Washington edition, ii, 334. Ford edition, iv, 483.)

"Better keep together as we are, haul off from Europe as soon as we can and from all attachments to any portions of it." (To John Taylor (Philadelphia, 1798). The Writings of Thomas Jefferson. Washington edition, iv, 247. Ford edition, vii, 265.)

"I am for free commerce with all nations; political connection with none; and little or no diplomatic establishment. And I am not for linking ourselves by new treaties with the quarrels of Europe." (To Elbridge Gerry (Philadelphia, 1799). The Writings of Thomas Jefferson. Washington edition, iv, 268. Ford edition, vii, 328.

"Commerce with all nations, alliance with none, should be our motto." (To T. Lomax (Monticello, March, 1799). The Writings of Thomas Jefferson. Washington edition, iv, 301. Ford edition, vii, 374.)

"I sincerely join you in abjuring all political connection with every foreign power; and though I cordially wish well to the progress of liberty in all nations and would forever give it the weight of our countenance, yet they are not to be touched without contamination from their other bad principles." (To T. Lomax (Monticello, March, 1799). The Writings of Thomas Jefferson. Washington edition, iv, 301. Ford edition, vii, 374.)

"Let our affairs be disentangled from those of all other nations, except as to commerce." (To Gideon Granger (Monticello, 1800). The Writings of Thomas Jefferson. Washington edition, iv, 331. Ford edition, vii, 452.)

"The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe." (Parliamentary Manual, ix, 81. 1800.)

"To take part in European conflicts would be to divert our energies from creation to destruction." (To George Logan (Washington, March, 1801). The Writings of Thomas Jefferson. Ford edition, vii, 23.)

"It ought to be the very first object of our pursuits to have nothing to do with the European interests and politics. Let them be free or slaves, at will, navigators or agriculturists, swallowed into one government or divided into a thousand; we have nothing to fear from them in any form." (To George Logan (Washington, March, 1801). The Writings of Thomas Jefferson. Ford edition, viii, 23.)

"Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the powers of Europe, even in support of principles we mean to pursue. They have so many other interests different from ours that we must avoid being entangled in them. We believe we can enforce these principles as to ourselves by peaceable means, now that we are likely to have our public councils detached from foreign views." (To Thomas Paine (Washington, March, 1801). The Writings of Thomas Jefferson. Washington edition, iv, 370. Ford edition, viii, 18.)

"Our nation has wisely avoided entangling itself in the system of European interests, has taken no side between its rival powers, attached itself to none of its ever-changing confederacies." (Reply to address of Baltimore Baptists (1808). The Writings of Thomas Jefferson. Washington edition, viii, 137.)

"The seed of hatred and revenge which they are now sowing with a large hand will not fail to produce their fruits in time." (To M. de Marbois (Monticello, 1817). The Writings of Thomas Jefferson. Washington edition, vii, 76.)

And concerning more particularly a league of nations:

"Treaties of alliance are generally insufficient to enforce compliance with their mutual stipulations." (The Anas (1818), ix, 88. The Writings of Thomas Jefferson. Ford edition, i, 157.)

"It is a theatrical farce, in which the five powers are the actors." (To President Monroe (Monticello, June, 1823). The Writings of Thomas Jefferson. Washington edition, vii, 289. Ford edition, x, 258.)

"It is against our system to entangle ourselves at all with the affairs of Europe." (To Philip Mazzei (Washington, 1824). The Writings of Thomas Jefferson. Washington edition, iv, 553.)

Yet Jefferson, misliked by many then and now as to his idealism, was at least as earnest, at least as well read, at least as experienced, at least as liberal, and at least as competent to judge human tendencies and the results of human action as are any of the idealists of to-day. Nor has human nature, which remained unchanged through the centuries and persistently held its traits through many leagues of nations, altered in the last 100 years. Nor are world conditions to-day different from those of Jefferson's time, which was that of the overthrow of Napoleon, of the bankruptcy of Europe, of the threatened revolution in England, of the disorder and misery of the nations, of the great convulsion of the nineteenth century, and of the founding for the same purposes of a league of nations, known as the Holy Alliance, to secure peace and guarantee the territorial integrity of the associated powers. Of it, to quote him finally, Jefferson says:

"With respect to the European combinations against the rights of man, I join an honest Irishmen of my neighborhood in his Fourth of July toast, 'The Holy Alliance—to hell the whole of them.'" (To Thomas Leiper (Monticello, 1824). The Writings of Thomas Jefferson. Ford edition, x, 298.)

Yours, truly,

CHAS. STEWART DAVISON.

VIOLENCE AND STRIKES.

Mr. DIAL. Mr. President, the other day I read in the Columbia State, a newspaper published in Columbia, S. C., an article on violence and strikes. It is very short and I ask that it may be inserted in the RECORD. It expresses my views better than I can express them.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

VIOLENCE AND STRIKES.

"Any citizen of Charlotte who is indisposed to work as a conductor or motorman on the street car lines has the indisputable right to get out and keep out of that kind of employment. That, however, is no reason why street cars should not be run in Charlotte. If other men wish to work as motormen or conductors, their indisputable right is to do so, and interference with them in any hostile manner by other men is criminal. Conceding that the strikers in Charlotte have not molested or threatened to molest the nonstrikers, it is certain that some men have done so.

"It happens that at this time this country is big enough for every able-bodied man to get some kind of job.

"If the street car company in Charlotte has no right to serve the people, except as employees or former employees would direct, and if that question has to be settled by force and violence, the sooner it is settled the better for all concerned. The public should know 'where it is at.' Resort to violence is as excusable in one strike as another and if it is to be admitted by tacit consent as a legitimate factor in a dispute between employer and employees in one industry it should be and must be eventually admitted in all industries. That means that if half the cooks in Charlotte strike the public and the law officers should stand by while their friends go into the kitchens, where other cooks are employed and are still at work, to entice or frighten them away from the kitchen sinks. It means that if the cotton pickers on a plantation in Sumter County quit work their friends should be allowed to drive the pickers, with staves and stones, from the cotton field adjoining.

"Why does the public not awake? Why does it assume that a certain kind of ruffianism in relation to a strike should be tolerated? Has not the public sense enough to perceive that if it be winked at long enough it will get to be a rule in all industry? Does not the public well know that three-fourths of our industry is agricultural?

"The Charlotte Observer said last Thursday:

"'Conviction has been growing stronger in the minds of both the people and organized labor that the community never could countenance the character of unionism which has been attempted here and which has had violence as its foundation stone. Labor as organized in Charlotte has been freed from all these antagonistic influences and the prospect appears brighter that the mind of labor is being again directed toward the better and more effective principles of persuasion and friendly counsel. Where violence will fail the methods with which the organized labor of this community had so long been identified will win in the end.'

"To the organization of laboring men no one can wisely object. Their right to organization is just as good as is that of the bankers or doctors—and no better. A strike by the bank cashiers would not imply a right by their friends to dynamite the vault when other cashiers had been elected and had gone to work. The public has a right to the security of its money in the bank and to the security of life and limb when riding on a street car. If these things be debatable, now is as good a time as any to debate and settle them. Is civil war the only method by which the right of any and every man to work and carry on business can be settled?

"The majority of the American people want peace and order. Ninety-five per cent want them. There are men enough in the country to perform the country's tasks.

"Why should 5 per cent of the population be allowed to disturb the other 95 per cent?"

LEAGUE OF NATIONS.

Mr. SHEPPARD. Mr. President, I have here a telegram from the mayor of Abilene, Tex., Hon. Dallas Scarbrough, transmitting resolutions adopted at a recent mass meeting of citizens of Abilene and Taylor County in favor of the league of nations. I ask that it may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ABILENE, TEX., *September 6, 1919.*

Hon. MORRIS SHEPPARD and Hon. C. A. CULBERSON,
Washington, D. C.:

In a mass meeting here the following resolutions were passed:

"We, the citizens of Abilene and Taylor County, Tex., desire to record in the most emphatic terms our deepest disappointment at the attitude of certain Members on the greatly delayed ratification of the treaty of peace, thus cheating the millions of suffering humanity of the world of the early fruits of peace for which they have been crying for 10 long months, for which our gallant sons and millions of our brothers across the seas died, for which the civil population of the nations of the world have made unprecedented sacrices, and for which the duly authorized representatives of the United States, with our own great President Woodrow Wilson, have labored unceasingly through many months. We denounce the attempt to make the treaty or the President a partisan issue as unpatriotic and un-American, and call upon the people of our country everywhere to forthwith lodge their earnest protests with the Senate against any further tactics of partisans or obstructionists. To faithfully keep the covenant with the blood of our gallant heroes and with the millions who suffered with them, the Senate is in honor bound to promptly ratify the treaty and render impossible a recurrence of the awful tragedy of a world war."

DALLAS SCARBROUGH, *Mayor.*

ORDER OF BUSINESS.

The VICE PRESIDENT. Is there any further morning business? [After a pause.] The morning business is closed. The calendar under Rule VIII is in order.

Mr. GRONNA. Mr. President, there is a bill on the calendar which I believe should be disposed of one way or the other. It is House bill 8624, known as the food-control bill, Order of Business 73. I believe it should be disposed of, and I think we can do so during the morning hour. I therefore ask unanimous consent for the present consideration of the bill.

Mr. JONES of Washington. Mr. President, have we not a rule which requires us to proceed with the calendar on Monday morning?

The VICE PRESIDENT. Yes. It is enforced once in a while.

Mr. JONES of Washington. I hope it will be enforced this morning.

Mr. EDGE. Mr. President, a parliamentary inquiry. In what position, now, in view of the suggestion made by the Senator from North Dakota, is the unfinished business?

The VICE PRESIDENT. It comes down at 2 o'clock. It would anyway.

Mr. ASHURST. I call for the regular order.

Mr. EDGE. I simply want to take advantage of any moments before 2 o'clock to get the bill on its way.

The VICE PRESIDENT. Is there any objection to setting aside Calendar Monday by unanimous consent?

Mr. JONES of Washington. Yes, Mr. President. I object to setting it aside.

The VICE PRESIDENT. Then the calendar under Rule VIII is in order.

THE CALENDAR.

The first business on the calendar was the resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world.

Mr. ASHURST and Mr. OWEN. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. OWEN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. OWEN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1479) for the relief of the estate of Moses M. Bane was announced as next in order.

Mr. OWEN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. OWEN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. OWEN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SUBSCRIPTIONS TO UNITED WAR-WORK CAMPAIGN.

The joint resolution (S. J. Res. 42) authorizing national banks to subscribe to the united war-work campaign was considered as in Committee of the Whole. It provides that it shall be lawful for any national banking association to contribute to the united war-work campaign in the same manner and under the same conditions as they are authorized to contribute to the American National Red Cross by section 1 of the act entitled "An act authorizing national banks to subscribe to the American National Red Cross," approved May 22, 1918.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 631) repealing certain provisions contained in the urgent deficiency act approved December 22, 1911, was announced as next in order.

Mr. KIRBY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2259) for the relief of Edward S. Farrow was announced as next in order.

Mr. OVERMAN. Let the bill be read.

The Secretary read the bill.

Mr. KIRBY. I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. Let that go over.

Mr. McCUMBER. Mr. President, if there is an objection to the consideration of this bill, I desire to move its consideration. I hope there will be no objection.

I wish to state to any Senator who thinks this measure ought to be objected to that it is a bill that passed the Senate during the last session. It was one of the bills that was passed at so late a day that it could not reach the House before final adjournment; and the only amendment that has since been made, as we reintroduced the same bill, was to eliminate the names of those who have died since the previous bill passed the Senate. It received the consideration of the Senate Committee on Pensions when the Senator from Montana [Mr. WALSH] was chairman of that committee. It is needless to say, therefore, that it had the careful consideration of that committee.

This bill was reported in July. A number of bills have since been reported from the House to be taken up by the Senate; but we have not called a meeting of the Committee on Pensions, because I would not call it to consider those matters until it was definitely determined whether we could put through a bill that has been on the calendar since July 10. I did not understand who objected, but I hope the Senator making the objection will withdraw it under the circumstances.

Mr. THOMAS. Mr. President, I have no doubt that if the Senator insists on taking up the bill, regardless of the objection, it will be taken up with but one negative vote on the motion. Still I must object.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which had been reported from the Committee on Pensions with an amendment. It proposes to pension the following persons at the rate named:

Charles F. Cavenaugh, $17 per month.

Milton M. Lile, $24 per month.

Amme A. Wilson, $12 per month.

Charles B. Smith, $12 per month in lieu of that he is now receiving.

Edward Flannery, $17 per month in lieu of that he is now receiving.

Thomas Kent, $17 per month.

Palmyra Johnson, $12 per month.

James A. Criswell, $12 per month in lieu of that he is now receiving.

Andrew E. Waterman, $12 per month.

Henry L. Henrysen, $17 per month.

Isaac F. Roberts, $24 per month.

Eugene M. Symonds, $30 per month.

Mary E. Allen, $25 per month.

Frank H. Seay, $12 per month.

William H. Hart, $20 per month in lieu of that he is now receiving.

Thomas J. Scanlain, $24 per month.

Arthur G. Bosson, $24 per month in lieu of that he is now receiving.

Albert Grimes, $30 per month.

James L. Graham, $12 per month.

David Britton, $30 per month in lieu of that he is now receiving.

George W. Tarter, $40 per month in lieu of that he is now receiving.

John Clark, $30 per month in lieu of that he is now receiving.

George E. Lawrence, $20 per month.

Charles Weitfle, $20 per month.

Mary Melissa Anderson, $25 per month in lieu of that she is now receiving.

Wilfred W. Phaneuf, $17 per month.

Rufus H. Hopkins, $24 per month.

Ulyssis S. G. Canfield, $17 per month.

Joseph J. Horan, $12 per month.

Dennis Driscoll, $36 per month in lieu of that he is now receiving.

James D. Wilder, $24 per month in lieu of that he is now receiving.

Lemuel Lunger, $40 per month in lieu of that he is now receiving.

George Moir, $24 per month in lieu of that he is now receiving.

Charles H. Skillings, $24 per month in lieu of that he is now receiving.

Elizabeth E. Baker, $20 per month in lieu of that she is now receiving.

John F. Manuel, $30 per month in lieu of that he is now receiving.

Joseph W. Culbertson, $20 per month in lieu of that he is now receiving.

Elvina Adams, $20 per month in lieu of that she is now receiving.

Ellen Jones, $12 per month.

Cornelia A. Nickels, $50 per month in lieu of that she is now receiving.

James J. Butler, $12 per month.

Susan Owens, $25 per month in lieu of that she is now receiving.

John Franklin Haynes, $12 per month.

Marion T. Mitchell, $40 per month in lieu of that he is now receiving.

Francis E. Searway, $12 per month.

John J. Duke, $30 per month in lieu of that he is now receiving.

Emeline A. Spaulding, $12 per month.

Jacob D. Emery, $12 per month.

Lily D. Murphy, $12 per month.

Albert L. Newland, $24 per month in lieu of that he is now receiving.

George W. McMahan, $20 per month in lieu of that he is now receiving.

Oscar S. Pomeroy, $30 per month in lieu of that he is now receiving.

David W. Herriman, $20 per month in lieu of that he is now receiving.

Edwin W. Gordon, $12 per month.

John Daley, $50 per month.

Charles F. Hahn, $24 per month in lieu of that he is now receiving.

Arthur H. Letts, $30 per month in lieu of that he is now receiving.

Floyd E. Driskel, $24 per month in lieu of that he is now receiving.

Sarah Hale, $25 per month.

Amanda F. Mahin, $25 per month in lieu of that she is now receiving.

William W. Treadway, $17 per month in lieu of that he is now receiving.

Benjamin H. Kimbler, $36 per month in lieu of that he is now receiving.

Lee Begley, $36 per month in lieu of that he is now receiving.

Henry Fields, $24 per month in lieu of that he is now receiving.

Charley Shelton, $12 per month.

The amendment of the Committee on Pensions was, on page 10, after line 22, to strike out:

The name of Carrier Thompson, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY J. DAVIS.

The bill (S. 610) for the relief of Henry J. Davis was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry J. Davis, who served under the name of Henry Davis, and who was a private of Company K, Seventh Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of November, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1699) for the retirment of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. SMOOT. That bill can not be disposed of in the morning hour, and therefore I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. SMOOT. There is no report indicated on the calendar accompanying the bill, and I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

MEMORIAL TO AGRICULTURAL DEPARTMENT EMPLOYEES.

The joint resolution (S. J. Res. 72) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to grant permission to the Department of Agriculture War Memorial Committee for the erection in the Department of Agriculture grounds, situated in the Mall, between Twelfth and Fourteenth Streets SW., Washington, D. C., of a memorial to the former employees of the said United States Department of Agriculture who lost their lives while in the military or naval service in the war with Germany: *Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of this memorial.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECREATION ASSOCIATION OF AMERICA.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN M. FRANCIS.

The bill (S. 176) for the relief of John M. Francis was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Francis, father of late Cadet John C. Francis, West Point Military Academy, who died on duty at Fort Bayard, N. Mex., the sum of $181, burial and transportation expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. WILLIAM SHELBY BARRIGER.

The bill (S. 2095) to authorize the President of the United States to appoint William Shelby Barriger captain of Cavalry was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, in lines 6 and 7, to strike out the word "formerly" and insert "who enlisted in the Regular Army on September 15, 1900, and who rose to be," and in lines 9, 10, and 11, to strike out "next after Sidney D. Maize on the regular list of Army officers" and insert "at the foot of the regular list of captains of Cavalry," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William Shelby Barriger, who enlisted in the Regular Army on September 15, 1900, and who rose to be a first lieutenant of Cavalry, at present temporary major of Quartermaster Department, a captain of Cavalry, to take rank at the foot of the regular list of captains of Cavalry: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act: *Provided further*, That the total number of captains of Cavalry is increased by one for the purpose of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRED C. KONRAD.

The bill (S. 1447) to correct the naval record of Fred C. Konrad was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to review the naval record of Fred C. Konrad, late first-class electrician, United States Navy, and grant him an honorable disability discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DIVISION OF TUBERCULOSIS.

The bill (S. 1660) to provide a division of tuberculosis in and an advisory council for the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

DISCOUNT OF BILLS OF EXCHANGE.

The bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1908, was announced as next in order.

Mr. POMERENE. Mr. President, I shall want to be heard briefly upon that bill, and I think I shall object for the time being. I have not any desire to delay the legislation unnecessarily. I am disposed to think that perhaps some of the restrictions as to the amount that can be loaned should be eliminated. But under this bill as it now is a borrower, by drawing drafts and attaching bills of lading, could borrow every dollar of deposits that a bank has. There is no limitation whatever under the bill. I think I shall ask that the bill may go over. The Senator from Georgia [Mr. SMITH] was very much interested in it on Saturday, and I asked then that it should go over.

Mr. HARRISON. Will the Senator yield?

Mr. POMERENE. I yield.

Mr. HARRISON. Mr. President, I hope the Senator will not insist that the bill shall go over. There are reasons why it should be considered now. We do not know when the Senator from Georgia [Mr. SMITH] is coming back. This is a measure of very great importance to certain industries and certain sections. They are beginning to move cotton in the South, as the Senator knows, and it is almost necessary that something be done to take care of that situation, and it ought to be done as soon as possible. The bill passed the House some weeks ago practically unanimously. It was reported out of the Banking and Currency Committee of the House without objection, and I understood there was no objection on the part of the Banking and Currency Committee of the Senate. If the Senator from Ohio thinks some limitation should be placed in it, let us take up the bill and consider it, and let him offer his amendment.

Mr. POMERENE. Allow me to make a suggestion in regard to it. I do not feel that the bill should be considered hurriedly. I understand that I would be limited to the five-minute rule.

The VICE PRESIDENT. The Senate is proceeding under the five-minute rule.

Mr. POMERENE. It is impossible to present a matter of this importance in that time. I have not any objection to its being taken up this afternoon, but I want to have it taken up at a

time when we will not be limited by the five-minute rule. I understand the bill which the Senator from New Jersey [Mr. EDGE] has in charge is the unfinished business. So far as I am concerned, this bill may be taken up immediately after that is disposed of, or if the Senator from New Jersey will give way to this bill, I am quite willing that that shall be done. I think I can demonstrate to the satisfaction of the Senate that without any limitation this would be very bad legislation.

Mr. OWEN. Mr. President, I will say to the Senator from Ohio and the Senator from Mississippi that I had intended to offer some amendments to this bill on page 3 by providing that paragraphs 1, 2, and 3 should be put under the 25 per cent rule. The objection to the bill which the Senator from Ohio so strongly feels is that under paragraph 1 there might be a loan to a single individual, secured by these securities, up to the full capital or even beyond the full capital, without any limitation at all.

Mr. POMERENE. The only limitation would be the deposits of the bank.

Mr. OWEN. They would not be limited by that, as far as that is concerned.

Mr. POMERENE. No; that is true, if they could go out and borrow it and reloan it.

Mr. OWEN. The purpose of the bill can be accomplished with these limitations in it, I am sure, without any serious difficulty.

Mr. HARRISON. If the Senator from Oklahoma and the Senator from Ohio feel that way about it, it does not appear to me to be very difficult for us to put in an amendment to meet that and let the bill go through.

Mr. POMERENE. I shall object for the time being, but I will aid the Senator in getting it up this afternoon, if that can be done.

Mr. HARRISON. While the Senator from Ohio is on his feet, may I ask the Senator from New Jersey whether it would be agreeable to him this afternoon some time temporarily to lay aside the bill that is now the unfinished business, so that we may take up this little amendment to the Federal reserve act, which I am sure, from what the Senator from Ohio says, and from other expressions I have heard, would not take more than a very few minutes?

Mr. EDGE. Mr. President, I trust I may be able to meet the suggestion of the Senator from Mississippi. It depends to a great extent upon the progress of the bill for which I am sponsor. I hope we may be able to dispose of it this afternoon. It will depend entirely, I might say, on the situation this afternoon after we commence to discuss the bill. I will certainly do everything possible to try to meet the desire of the Senator from Mississippi.

Mr. POMERENE. I do not want to allow one observation to pass unheeded. My good friend the Senator from Mississippi has referred to this as a "little amendment," but it is a mighty amendment. It enables the borrower under those circumstances to get the entire deposits of the bank without any limitation at all.

The VICE PRESIDENT. The bill will be passed over.

EDWARD W. WHITAKER.

The bill (S. 861) for the relief of Edward W. Whitaker was announced as next in order.

Mr. OWEN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

THE DIXIE HIGHWAY.

The joint resolution (S. J. Res. 79) exempting the Dixie Highway from the prohibition contained in the act approved July 11, 1919, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

LANDS FOR MILITARY PURPOSES.

The joint resolution (S. J. Res. 83) to permit the payment for certain lands where requisition of the title thereto was duly served and possession taken thereunder or where a binding agreement was entered into followed by the taking possession thereof and erection of improvements thereon prior to July 11, 1919, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with amendments, on page 2, line 6, after the word "thereunder," to insert "and substantial buildings erected thereon"; and in line 9, after the word "and," to strike out "erections" and insert "erection"; and in the same line, after the word "of," to strike out "improvements" and insert "substantial buildings," so as to make the joint resolution read:

Whereas it is provided by the act of Congress approved July 11, 1919 (Public No. 7, H. R. 5227):

"That no part of any of the appropriations made herein nor any of the unexpended balances of appropriations heretofore made for the support and maintenance of the Army or the Military Establishment shall be expended for the purchase of real estate or for the construction of Army camps or cantonments except in such cases at National Army or National Guard camps or cantonments which were in use prior to November 11, 1918, where it has been or may be found more economical to the Government for the purpose of salvaging such camps or cantonments to buy real estate than to continue to pay rentals or claims for damages thereon, and except where industrial plants have been constructed or taken over by the Government for war purposes and the purchase of land is necessary in order to protect the interest of the Government."

And

Whereas doubt exists as to the proper interpretation of said provision and the intention of Congress as expressed in said provision:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the foregoing provision of said act shall not be construed to prevent payment from said unexpended balances for lands where requisition of the title thereto was duly served and possession taken thereunder and substantial buildings erected thereon, or where a binding agreement for the purchase of lands was followed by the taking of possession thereof, and erection of substantial buildings thereon, prior to the approval of said act.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Amend the title by striking out the first word of the second line, "titile," and inserting the word "title," so that the title will read:

"To permit the payment for certain lands where requisition of the title thereto was duly served and possession taken thereunder, or where a binding agreement was entered into, followed by the taking possession thereof and erection of improvements thereon, prior to July 11, 1919."

PANAMA CANAL ZONE.

The bill (S. 1273) to prohibit intoxicating liquors and prostitution within the canal zone, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that that may go over. It was incorporated in the prohibition-enforcement act which passed the Senate the other day.

The VICE PRESIDENT. It will go over.

TRAINING IN AERONAUTIC ENGINEERING.

The bill (S. 2733) to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, after the word "appropriated," to strike out "and he is authorized to furnish to institutions to which officers are so detailed such equipment and material belonging to the War Department for use in connection with courses in aeronautic engineering as he may deem advisable, subject to such rules for use, compensation for use, accounting, report, and return as he may prescribe,' so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to detail such officers of the Army as he may select, not exceeding 25 at any one time, to attend and pursue courses of aeronautic engineering or associate study at such schools, colleges, and universities as he may select.

SEC. 2. The Secretary of War is authorized to pay tuition for the officers so detailed and to provide them with necessary textbooks and technical supplies from any moneys available for the Air Service of the Army not otherwise specifically appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the training of officers of the Army in aeronautic engineering."

CIVILIAN PASSENGERS ON ARMY TRANSPORTS.

The bill (S. 2734) to authorize the transportation of civilians across the Atlantic Ocean upon Army transports under such rules and regulations and at such rates as the Secretary of War may prescribe was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 3, line 24, after the word "Treasury," to strike out "to be credited to the appropriation from which the expenses of operating such transports are paid" and to insert in lieu thereof "as miscellaneous receipts," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to provide for and to permit the carriage of passengers and their personal baggage, for hire, upon United States transports crossing the Atlantic Ocean between such ports of the United States and Europe as said transports shall use in due course of their employment as such, as he shall designate, under such rules and regulations and at such rates as he shall prescribe: *Provided*, That such transportation of passengers shall be carried on in such a manner as to in no way interfere with the transportation of Government troops or officers or of persons now entitled to carriage on such transports or with the service for which they are maintained and operated.

SEC. 2. That before any such civilian passengers are carried the Secretary of War shall establish a schedule of rates therefor, which shall be adequate for the service rendered and the accommodations afforded, but shall not be less than the rates charged by commercial passenger vessels sailing between the same ports for like service and accommodations.

SEC. 3. That such Army transports shall continue to be maintained and operated solely for the purposes heretofore permitted by law, and shall not be operated, nor shall sailings or schedules therefor be arranged, for any other purpose by virtue of this act. Preferences in all accommodations aboard ship shall be given to troops and to officers in the service of the United States, and persons now or hereafter entitled by law to be carried on Army transports at Government expense, and to the families of such officers, troops, and persons, and no civilian passengers for hire shall be carried where the effect will be to impair the present service to, or to discommode troops, officers, or persons now entitled by law to be carried.

SEC. 4. That the Secretary of War, or his authorized representative, may exclude from transportation upon said transports any person or classes of persons not now entitled by law to be carried thereon whom he shall designate. No alien will be accepted for transportation upon any transport sailing to any port of the United States until provision is first made by the proper immigration and inspection officials for examinations, inspections, detention, quarantine, and the performance of any other duty or function required to be performed before aliens are permitted to land in the United States in such a manner as to comply with the immigration and inspection laws.

SEC. 5. That no person shall be accepted for transportation to any port of the United States who is not or will not upon arrival be prima facie entitled to land in this country. Civilian passengers not now entitled by law to be carried on transports will be accepted only for those ports at which provision is or shall be made for proper immigration and customs inspections and the collection of such duties as may be imposed by law.

SEC. 6. That the proceeds arising from the carriage of such passengers shall be reported and accounted for as required by the accounting laws of the United States, and paid into the Treasury as "Miscellaneous receipts." No moneys will be expended for the purpose of making alterations in or fitting up any such transports for the purpose of carrying the civilian passengers herein provided for.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY TO DEPENDENT RELATIVES OF DECEASED OFFICERS AND MEN.

The bill (S. 2497) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct was announced as next in order.

Mr. SMOOT. Mr. President, I wish to get a little light on this bill. What I gather from the reading of the bill is that it proposes to put into force the same practice that was in vogue by the War Department before the war-risk insurance act was passed. That act provides for the insurance of officers and men, and I can not see why this should be reenacted. I should like to have some member of the committee explain why.

Mr. SPENCER. Mr. President, a precisely similar bill was passed at the last session by the Senate and reported favorably from the Committee on Military Affairs of the House, but was lost.

Since 1908 the six months' gratuity—for it is nothing more than that, nor nothing less—has been granted to the family of every officer and man who died in the service, to provide for the immediate expenses of the funeral. That has been the rule since 1908. When the war-risk insurance act came into force it was so construed as to repeal that provision. The Secretary of War makes this recommendation that the gratuity to the Regular Army, to whom alone it is confined, ought to be continued. The committee felt with him that it was only fair that when an officer or man in the service dies six months' pay should be at once given to his family to provide for the immediate expenses incident to his death, and therefore recommended it.

Mr. SMOOT. That may be absolutely correct, but under the war-risk act, while the dependents may not receive the check immediately they do receive the compensation and remuneration from the Government. This is simply putting back an old practice of the War Department to give six months' pay to any officer's or enlisted man's family who may die while in the service. Of course, if the Senate wants to do that, well and good, but that is what the bill amounts to.

PERSONAL EXPLANATION—PEACE TREATY.

Mr. SIMMONS. Mr. President, I rise to a question of personal privilege. It is very well known that I have participated to a very limited extent in the discussion of the various matters that have come before the Senate during the present session. I have not taken any part whatsoever in the discussions growing out of the treaty and the league of nations covenant. My only communications with reference to the latter subject have been expressed in private conference with my colleagues on both sides of the Chamber. I am not aware of having expressed my views with reference to the treaty with anything like fullness to any representative of the press, except one from my own State.

On yesterday there appeared in the Washington Post quite a lengthy statement on the first page of that paper, written by one of the correspondents of the paper and published in large type, an article which purports to give my views and my position upon the league of nations with great fullness of detail.

It is not my purpose to enter into any discussion of my position in reference to the league of nations nor of the league itself at this time, nor to engage in any controversy with the author of the article, but simply to make a statement of my position which will show that the article misrepresented my position in every particular. I will, therefore, without going into detail, content myself with the following brief general statement with respect to this matter:

The statements contained in the Sunday's issue of the Washington Post relative to my position with respect to the treaty and league of nations covenant was unauthorized and flagrantly misrepresents my attitude with respect to that great document.

I am in favor of and would gladly vote for the treaty and the league covenant as it was originally presented to the Senate by the President, without amendment or reservation. I agree with the President's interpretation of the controverted provisions of that document, and I do not believe it contains anything which would jeopardize American interests. I also believe it is of the highest importance to this country and the world that it should be ratified without further delay.

However, after a thorough study of the situation in the Senate, I am convinced that some concessions in the way of reservations will have to be made to secure its ratification, and, so believing, I have recently discussed with a number of my colleagues the advisability of reaching some compromise between those who favor the treaty without reservation and those who are in favor of it with conservative reservations of an interpretative character.

I am utterly opposed, however, to the reservations proposed by the Foreign Relations Committee. Some of these reservations are, in substance and essence, amendments which would radically change the scope and character of the instrument, emasculating some of the main provisions of the league, and which would call for reconsideration by the peace conference.

PAY TO DEPENDENT RELATIONS OF DECEASED OFFICERS AND MEN.

The SECRETARY. The next business on the calendar is Senate joint resolution 69——

The VICE PRESIDENT. The Chair understood the Senator from Utah [Mr. SMOOT] to object to the bill preceding the joint resolution?

Mr. SMOOT. I did not object. I simply wanted to make a statement with reference to it, and then let the Senate take such action as it might see fit.

Mr. TRAMMELL. I object to the present consideration of the bill, Mr. President.

The VICE PRESIDENT. It will go over.

CONDITIONS IN THE VIRGIN ISLANDS.

The joint resolution (S. J. Res. 69) appointing a commission to report on conditions in the Virgin Islands was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Pacific Islands and Porto Rico with an amendment, in line 10, page 2, to strike out "$3,000" and insert "$2,500," so as to read:

Whereas the United States acquired from Denmark the islands of St. Thomas, St. Croix, and St. Johns, commonly known as the Virgin Islands; and

Whereas there is but little information as to the needs of said islands on the part of the American Congress; and

Whereas the United States Government is charged with the solemn duty to establish a stable government in said islands and to do all that it possibly can for the people thereof: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint commission, to consist of three Members of the Senate and three Members of the House, to be appointed by the Vice President of the United States and the Speaker of the House, respectively, is hereby created to visit the said Virgin Islands and to report fully to Congress as to whether or not the present plan of government of said islands is conducive to their welfare; what, if anything, Congress should do to stimulate industry and agriculture in said islands, and anything else with relation thereto that may be of aid to the American Congress in dealing with the problem of the government and advancement of the people of said islands. There is hereby appropriated the sum of $2,500 to be used only for the expenses of the members of said commission in visiting the said islands. Said commission shall file its report before the 1st day of January, 1920, and said commission shall end on said date.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. THOMAS. Let that go over, Mr. President.

The VICE PRESIDENT. The joint resolution will be passed over.

AMENDMENT OF NATIONAL SECURITY AND DEFENSE ACT.

The bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, was announced as next in order.

Mr. THOMAS. Mr. President, I understood the chairman of the Committee on Agriculture and Forestry, the Senator from North Dakota [Mr. GRONNA], to say that he desired to insist upon the consideration of that bill.

Mr. GRONNA. Mr. President, I will say to the Senator from Colorado that I asked unanimous consent for the present consideration of the bill this morning.

Mr. THOMAS. I assumed from that that when it was reached upon the calendar, as it has now been reached, the Senator would press for the consideration of the bill. There is one amendment reported to the bill upon which I desire to submit some observations. I do not think it would be a very wise provision to insert in the proposed statute. I do not want to object to the consideration of the bill if the Senator from North Dakota really thinks it important that it should be disposed of this morning, but I regard the amendment on page 4 of the bill as one of very great importance and one which should not be voted upon without a full understanding of its terms and operation.

Mr. SMOOT. Mr. President, I object to the consideration of the bill until we get through with the calendar.

The PRESIDING OFFICER (Mr. WALSH of Montana in the chair). The bill goes over on objection.

EDWARD JOHNSON.

The bill (S. 2469) for the relief of Edward Johnson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the date "May, 1863," to insert:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Johnson, who was a musician in Company H, Fifty-ninth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a musician of said company and regiment on the 12th day of May, 1863: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF LOUISIANA MARSHAL AND DISTRICT ATTORNEYS.

The bill (S. 597) providing for an increase of salary for the United States marshal and district attorney for the western district and for the United States district attorney for the eastern district of Louisiana was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "rate of," to strike out "$4,000" and to insert "$3,500," and in line 8, after the words "rate of," to strike out "$5,000" and to insert "$4,500," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act the salary of the United States marshal and the salary of the United States district attorney for the western district of Louisiana shall each be at the rate of $3,500 per year, and the salary of the United States district attorney for the eastern district of Louisiana shall be at the rate of $4,500 per year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YORK COUNTY SAVINGS BANK, OF BIDDEFORD, ME.

The bill (S. 2811) for the relief of the York County Savings Bank, of Biddeford, Me., was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem certificate of indebtedness of the United States of America No. 13867, denomination of $5,000, of the issue dated August 6, 1918, and maturing December 5, 1918, with interest at the rate of 4½ per cent from August 6, 1918, to December 5, 1918, in favor of the York County Savings Bank, of Biddeford, Me., without presentation of the certificate, the said certificate of indebtedness having been lost or destroyed: *Provided*, That the said York County Savings Bank, of Biddeford, Me., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal and interest of said certificate of indebtedness of the United States of America in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost or destroyed certificate of indebtedness hereinbefore described.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 2875) to amend section 7 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That section 7 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919, be, and the same is hereby, amended by adding at the end of the first paragraph thereof, to follow the words "adjusting the pay of such employees," the following additional proviso:

"*Provided further*, That no employee of the Federal Government shall, for service in the Philippine Islands, receive additional compensation under this section at a rate which is more than 20 per cent of the rate of the total annual compensation received by such employee."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIBRARY INFORMATION SERVICE IN BUREAU OF EDUCATION.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

ADVANCEMENT OF RETIRED NONCOMMISSIONED OFFICERS AND ENLISTED MEN.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. SMOOT. Mr. President, I should like to have some information with regard to what the effect of this measure will be; what it is going to cost the Government of the United States; and what has been the practice in the past. However, I do not see at this moment any member of the committee present, and therefore will ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

LIFE-SAVING SERVICE PENSIONS.

The bill (S. 1473) granting pensions to certain members of the former Life-Saving Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the word "been," to strike out "or is entitled to be"; in line 11, after the word "and," to strike out "whose" and insert "when said"; and on page 2, after line 13, to insert a new section, as follows:

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of

the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500, or be imprisoned not exceeding one year, or both, in the discretion of the court.

So as to make the bill read:

Be it enacted, etc., That any person who served in the former Life-Saving Service of the United States as a keeper or surfman, and who, on account of disability due to a wound or injury received or disease contracted in said Life-Saving Service in line of duty, has been carried on the pay rolls for a period of one year or more under the provisions of section 7 of the act approved May 4, 1882, and who ceased to be a member of said service on account of such disability, and when said disabilities still continue, shall, upon making due proof of such facts according to such rules and regulations as the Secretary of the Interior may prescribe, be placed on the pension roll of the United States and be entitled to receive a pension: *Provided*, That the rate, commencement, and duration of such pension shall be governed by the provisions and limitations of the general pension laws, and for the purpose of this act the rank of a surfman and keeper shall be held to be equivalent to that of a seaman and warrant officer of the United States Navy, respectively: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500, or be imprisoned not exceeding one year, or both, in the discretion of the court.

The amendments were agreed to.

The bill was reported to the the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD SIGERFOOS.

The bill (S. 2807) to correct the military record of Edward Sigerfoos was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That Edward Sigerfoos, deceased, who was a colonel in the United States Army, and who was nominated by the President for appointment as brigadier general October 4, 1918, said nomination being confirmed by the Senate October 10, 1918, after the death of said Edward Sigerfoos, which occurred after his nomination, October 7, 1918, as the result of wounds received in line of duty, shall hereafter be held and considered to have become a brigadier general of the United States Army in the service of the United States, and to have held that office until the date of his death; and the President is hereby authorized to issue a commission as brigadier general of the United States Army in the name of Edward Sigerfoos, with rank to date from October 4, 1918.

Mr. POMERENE. Mr. President, I wish to say a word in behalf of this measure. Col. Edward Sigerfoos was one of the ablest and best of the many splendid officers who went to Europe to fight for their country's cause.

On September 29 he was sent to the battle line and, while in the line of duty, was struck by a shell. On October 4 the President sent his nomination to the United States Senate for the commission of brigadier general. On October 7 Col. Sigerfoos died without any knowledge of the promotion that had been accorded to him by the President. On October 10, three days after his death, the Senate of the United States confirmed his nomination. On October 20, I believe, The Adjutant General, who had therefore sent the commission to Mrs. Sigerfoos, first learned of the death of Col. Sigerfoos. He felt that under the law he was obliged to recall the commission and wrote to Mrs. Sigerfoos asking her to return it, which she did. Now, this gallant officer's widow, mother of his fatherless children, desires this commission not only as a recognition of the bravery and the splendid services of her husband, but as a heritage for herself and her children. I am sure there can be no objection to the passage of the bill, and thereby give to the widow the object of her heart's desire.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POMERENE. Mr. President, the report on the bill just passed was presented by the junior Senator from Missouri [Mr. SPENCER] by direction of the Committee on Military Affairs. I ask that it may be incorporated in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Mr. SPENCER, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to which was referred the bill (S. 2807) to correct the military record of Edward Sigerfoos, having had the same under consideration, report favorably thereon with the recommendation that the bill do pass without amendment.

This is an unusual case; in fact, there has been only one similar, so far as could be ascertained from the records of the War Department. It appears that Col. Sigerfoos was commissioned, after the outbreak of the war with Germany, as a temporary colonel in the Regular Army and later commissioned a colonel in the National Army. On October 4, 1918, he was nominated by the President to be a brigadier general, and was confirmed by the Senate on October 10. His commission was signed by the President and sent to his wife, who received it on October 21. Prior to his nomination for advanced rank, he was sent from the School of the Line, of which he had been commandant, to take command of the Fifty-sixth Brigade, Twenty-eighth Division, in the Argonne. While going to the front to assume command of the brigade, he was struck by a shell and, on October 7, died from his wounds. It will be noted that his death occurred between the time he was nominated and the date of his confirmation by the Senate. At the request of The Adjutant General, after the news of Col. Sigerfoos's death had been received by the War Department, his widow returned the commission. It is the purpose of this bill to permit the commission to be issued to Mrs. Sigerfoos, that she may preserve it.

In the Sixty-third Congress a law having a similar object was enacted, permitting the issuance of a commission, after the death of the officer, in the name of Maj. John T. Haines.

Your committee believes that, in view of the fact that Col. Sigerfoos was nominated and confirmed and that he received his fatal injuries while on his way to assume a command usually given to a brigadier general, that the bill should pass.

MILITARY MERIT BADGE.

The bill (S. 2780) authorizing a military merit badge and additional pay based thereon, was considered as in Committee of the Whole and was read, as follows:

Be it enacted etc., That the Secretary of War, under such regulations as he may prescribe, be, and he is hereby, authorized to award, but not in the name of Congress, a military merit badge, of appropriate design, to any enlisted man who shall hereafter complete a full three years' enlistment period of three years of continuous service with a record of exemplary behavior, good appearance, efficiency, fidelity during the whole of such period; and a suitable bar or other device for each subsequent three years' enlistment period or three years of continuous service similarly completed. That each enlisted man of the Army, to whom a military merit badge, bar, or device shall be awarded shall be entitled to additional pay for the first such award at the rate of $1 per month, and for each additional award at the rate of 50 cents per month from the date of each such award, but the right to such additional pay and the right to wear the badge herein authorized may be withdrawn or suspended, under such regulations as the Secretary of War may prescribe, for misconduct on the part of any enlisted man to whom the badge shall have been awarded. That the Secretary of War be, and he hereby is, authorized to expend from the appropriation for contingent expenses of his department from time to time such sums as may be necessary to defray the cost of such badges, bars, or other devices.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PHILIPPINE SCOUTS.

The bill (S. 2809) relating to compensation and war-risk insurance for members of the Philippine Scouts under the provisions of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the compensation for death or disability hereafter paid to members of the Philippine Scouts who are natives of the Philippine Islands, under the provisions of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, shall be one-half of the corresponding amount specified in that act.

SEC. 2. That insurance under the provisions of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, may be applied for by members of the Philippine Scouts within 120 days after enlistment or after entrance into or employment in the active service and before discharge or resignation, or after the date of approval of this act: *Provided*, That members of the Philippine Scouts who were in active service between October 12, 1917, and November 11, 1918, may apply for such insurance within 120 days from the date of approval of this act, but any person applying for insurance under this proviso whose period of service in which he was serving between the said dates has terminated, shall not be entitled thereto unless the termination of such service was under honorable conditions: *Provided further*, That those members of the Philippine Scouts who applied for insurance under the terms of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, within 120 days from October 12, 1917, or within 120 days from the date of their entry into or employment in active service and prior to resignation or discharge, shall be held to have been covered by insurance in force as applied for by them from the date of their applications, and they shall have the right of reinstatement of such insurance under such regulations as the Bureau of War Risk Insurance may prescribe. Members of the Philippine Scouts affected by this proviso shall not be allowed to apply for new insurance under the authority of this act, but shall be allowed to increase any insurance previously applied for to the maximum allowed by law within 120 days from the date of approval of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2923) to provide funds for the care and maintenance of the graves on foreign soil of members of the military forces of the United States was announced as next in order.

Mr. HARRISON. Mr. President, I do not see the Senator from New York [Mr. WADSWORTH], the chairman of the Military Affairs Committee, here, and I want to inquire about this bill. I therefore object to its consideration at present.

The PRESIDING OFFICER. The bill will be passed over.

FREDERICK W. COBB.

The bill (S. 412) to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, to the list of chief pay clerks, United States Navy, temporary lieutenant, Pay Corps, United States Navy, was considered as in Committee of the Whole. It authorizes the President to appoint Frederick W. Cobb, now a chief machinist, United States Navy, temporary lieutenant, United States Navy, to be a chief pay clerk, United States Navy, temporary lieutenant, Pay Corps, United States Navy, provided that he shall be placed at the foot of the list of chief pay clerks as it exists on the date of the passage of the act, and provided further that he shall receive the same pay as a chief pay clerk of like rank and length of commissioned service as though his commissioned service had been rendered in the grade of chief pay clerk.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. That concludes the bills on the calendar.

EXTRACTS FROM THE PRESIDENT'S SPEECHES.

Mr. McCORMICK. I ask unanimous consent that certain remarks of the President bearing on the pending treaty be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. STANLEY in the chair). Without objection, it is so ordered.

Mr. JONES of Washington. The Senator from Mississippi [Mr. WILLIAMS] this morning offered the addresses of the President and had them inserted in the RECORD.

Mr. McCORMICK. These do not all express views identical with those recently uttered by the President.

Mr. JONES of Washington. These are former addresses?

Mr. McCORMICK. They cover a considerable period.

Mr. JONES of Washington. Very well. It will be very interesting to see how the former remarks coincide with the recent ones.

The extracts from the President's utterances are as follows:

"The certain prospect of the success of the Republican Party is that we shall be drawn in one form or other into the embroilments of the European war." (Speech at Shadow Lawn, Sept. 30, 1916.)

"Senator McCUMBER. Would our moral conviction of the unrighteousness of the German war have brought us into this war if Germany had not committed any acts against us without the league of nations, as we had no league of nations at that time?

"The PRESIDENT. I hope it would eventually, Senator, as things developed.

"Senator McCUMBER. Do you think that if Germany had committed no act of war or no act of injustice against our citizens that we would have gotten into this war?

"The PRESIDENT. I do think so.

"Senator McCUMBER. You think we would have gotten in anyway?

"The PRESIDENT. I do." (Meeting of the Foreign Relations Committee of the Senate with the President, Aug. 19, 1919.)

"In all the belligerent countries men have drawn together to accomplish a successful prosecution of the war. Is it not a more desirable thing that all Americans should put partisan prepossessions aside and draw together for the successful prosecution of peace? I covet that distinction for America." (Address to the Railways Business Association in New York City, Jan. 27, 1916.)

NEUTRALITY AND PEACE.

"The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another." (Appeal to the American people for neutrality, Aug. 19, 1914.)

"The great war that broke so suddenly upon the world two years ago, and which has swept within its flame so great a part of the civilized world, has affected us very profoundly, and we are not only at liberty, it is perhaps our duty, to speak very frankly of it and of the great interests of civilization which it affects.

"With its causes and its objects we are not concerned. The obscure fountains from which its stupendous flood has burst forth we are not interested to search for or explore." (Address before the League to Enforce Peace, Washington, May 27, 1916.)

"There are actually men in America who are preaching war, who are preaching the duty of the United States to do what it never would before, seek entanglements in the controversies which have arisen on the other side of the water—abandon its habitual and traditional policy and deliberately engage in the conflict which is now engulfing the rest of the world. I do not know what the standard of citizenship of these gentlemen may be. I only know that I for one can not subscribe to those standards. * * *

"Every nation now engaged in the titantic struggle on the other side of the water believes, with intensity of conviction that can not be exaggerated, that it is fighting for its rights, and in most instances that it is fighting for its life; and we must not be too critical of the men who lead those nations." (Speech at Des Moines, Feb. 1, 1916.)

"It would tear the heartstrings of America to be at war with any of the great nations of the world. We can show our friendship for the world and our devotion to the principles of humanity better and more effectively by keeping out of this struggle than by getting into it." (Speech at Kansas City, Feb. 2, 1916.)

"You are right in assuming that I shall do everything in my power to keep the United States out of war. * * * I do not doubt that I shall continue to succeed." (Letter to Senator Stone, then chairman of the Foreign Relations Committee, Feb. 24, 1916.)

"I can assure you that nothing is nearer my heart than keeping this country out of war." (Address to a delegation of Scandinavians in the White House, Mar. 13, 1916.)

"The European war * * * is a competition of foreign standards, of national traditions, and of national politics—political systems." (Address at Charlotte, N. C., May 20, 1916.)

"We have been neutral, not only because it was the fixed and traditional policy of the United States to stand aloof from the politics of Europe * * * but because it was manifestly our duty to prevent, if it were possible, the extension of the fires of hate and desolation kindled by that terrible conflict." (Speech accepting renomination, Sept. 2, 1916.)

"The American people do not desire it (war), and our desire is not different from theirs. I am not proposing or contemplating war or any steps that need led to it. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others." (Address to Congress, Feb. 26, 1917.)

"There is no precedent in American history for any action which might mean that America is seeking to connect herself with the controversies on the other side of the water. Men who seek to provoke such action have forgotten the traditions of the United States, but it behooves those you have intrusted with office to remember the traditions of the United States." (Speech at Milwaukee, Jan. 31, 1916.)

"I believe that we can serve the nations at war better by remaining at peace and holding off from this contest than we could possibly serve them in any other way. Your interest, your sympathy, your affection may be engaged on one side or the other, but it is your duty to stand off and not let this Nation be drawn into the war." (Speech at Chicago, Jan. 31, 1916.)

"Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, and particularly with regard to the freedom of the seas; having learned to recognize the German views and the German influence in the field of international obligation as always upon the side of justice and humanity, the Government of the United States was loth to believe, it can not now bring itself to believe, that these acts, so absolutely contrary to the rules, the practices, and the spirit of modern warfare, could have the countenance or sanction of that great Government. * * *

"Long acquainted as this Government has been with the character of the Imperial German Government and with the high principles of equity by which they have in the past been actuated and guided, the Government of the United States can not believe that the commanders of the vessels which committed these acts of lawlessness did so except under a misapprehension of the orders issued by the Imperial German naval authorities." (First *Lusitania* note, May 10, 1915.)

"The example of America must be a special example. The example of America must be the example of peace, not merely because it will not fight, but of peace because peace is the healing and the elevating influence of the world and strife is not. There is such a thing as a man being too proud to fight." (Address to newly naturalized American citizens, at Philadelphia, May 10, 1915.)

"America stands apart in its ideals; it ought not to allow itself to be drawn, as far as its heart is concerned, into anybody's quarrel." (Address to the Daughters of the American Revolution, Oct. 11, 1915.)

"During these days of terrible war, it would seem that every man who was truly an American would instinctively make it his duty and his pride to keep the scales of judgment even and prove himself a partisan of no nation but his own. But there are some men among us, calling themselves Americans, who have so far forgotten themselves and their honor as citizens as to put their passionate sympathy with one or the other side in the great European conflict above their regard for the peace of the United States." (Annual message to Congress, Dec. 7, 1915.)

APPEAL FOR DEMOCRATIC MAJORITY.

"If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman at home and abroad, I earnestly beg that you will express yourself unmistakably to that effect by returning a Democratic majority in both the Senate and the House of Representatives." (Statement to the voters of the country, Oct. 24, 1918.)

"An acute English historical scholar has said that 'the Americans of the United States are a Nation because they once obeyed a king'; we shall remain a Nation only by obeying leaders." (Essay on the character of democracy in the United States appearing in The Old Master and Other Essays.)

"His (the President's) is the only national voice in affairs. Let him once win the admiration and confidence of the country, and no other single force can withstand him, no combination of forces will easily overpower him. * * * His office is anything he has the sagacity and force to make it. * * * The personal force of the President is perfectly constitutional to any extent to which he chooses to exercise it. * * * The President can never again be the mere domestic figure he has been throughout so large a part of our history." (From Chapter III of Constitutional Government in the United States, by Woodrow Wilson.)

"His (the President's) only power of compelling compliance on the part of the Senate lies in his initiative in negotiation, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

"The machinery of consultation between the Senate and the President is, of course, the committee machinery. The Senate sends treaties to its standing Committee on Foreign Relations, which ponders the President's messages accompanying the treaties and sets itself to understand the situation in the light of all the information available. * * * There seems to have been at one time a tendency toward a better practice. In 1813 the Senate sought to revive the early custom, in accordance with which the President delivered his messages in person, by requesting the attendance of the President to consult upon foreign affairs; but Mr. Madison declined." (From Chapter IV of Congressional Government, by Woodrow Wilson.)

"One of the greatest of the President's powers I have not yet spoken of at all—his control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also." (Woodrow Wilson's "Constitutional Government in the United States," Chapter III, 1917.)

"But there is another course which the President may follow, and which one or two Presidents of unusual political sagacity have followed, with the satisfactory results that were to have been expected. He may himself be less stiff and offish, may himself act in the true spirit of the Constitution and establish intimate relations of confidence with the Senate on his own initiative, not carrying his plans to completion and then laying them in final form before the Senate to be accepted or rejected, but keeping himself in confidential communication with the leaders of the Senate while his plans are in course, when their advice will be of service to him and his information of the greatest service to them, in order that there may be veritable counsel and a real accommodation of views instead of a final challenge and contest. The policy which has made rivals of the President and Senate has shown itself in the President as often as in the Senate, and if the Constitution did intend that the Senate should in such matters be an executive council it is not only the privilege of the President to treat it as such, it is also his best policy and his plain duty." (Woodrow Wilson's "Constitutional Government in the United States," Chapter V, 1917.)

"I have sought this opportunity to address you because I thought that I owed it to you, as the council associated with me in the final determination of our international obligations, to disclose to you without reserve the thought and purpose that have been taking form in my mind in regard to the duty of our Government in the days to come, when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations." (Address to the Senate, Jan. 22, 1917.)

"May I not hope, gentlemen of the Congress, that in the delicate tasks I shall have to perform on the other side of the sea, in my efforts truly and faithfully to interpret the principles and purposes of the country we love, I may have the encouragement and the added strength of your united support? I am the servant of the Nation. I can have no private thought or purpose of my own in performing such an errand. I shall count upon your friendly countenance and encouragement. I shall not be inaccessible. The cables and the wireless will render me available for any counsel or service you may desire of me, and I shall be happy in the thought that I am constantly in touch with the weighty matters of domestic policy with which we shall have to deal." (Address to Congress, Dec. 2, 1918.)

"I am heartily glad that you have demanded an investigation with regard to the possession of texts of the treaty by unauthorized persons. I have felt that it was highly undesirable officially to communicate the text of a document which is still in negotiation and subject to change.

"Anyone who has possession of the official English text has what he is clearly not entitled to have or to communicate. I have felt in honor bound to act in the same spirit and in the same way as the representatives of the other great powers in this matter, and am confident my countrymen will not expect me to break faith with them." (Cablegram to Senator HITCHCOCK, June 9, 1919.)

"You know, there is temptation in loneliness and secrecy. Haven't you experienced it? I have. We are never so proper in our conduct as when everybody can look and see exactly what we are doing. If you are off in some distant part of the world and suppose that nobody who lives within a mile of your home is anywhere around, there are times when you adjourn your ordinary standards. You say to yourself: 'Well, I'll have a fling this time; nobody will know anything about it.' * * * The most dangerous thing in the world is to get off where nobody knows you." (From The New Freedom, by Woodrow Wilson, 1913, Chapter VI.)

"I say the heart of the country is in this war because it would not have gone into it if its heart had not been prepared for it. It would not have gone into it if it had not first believed that here was an opporunity to express the character of the United States. We have gone in with no special grievance of our own, because we have always said that we were the friends and servants of mankind." (Address at dedication of Red Cross Building, Washington, May 12, 1917.)

"It is plain enough how we were forced into the war. The extraordinary insults and aggressions of the Imperial German Government left us no self-respecting choice but to take up arms in defense of our rights as a free people and of our honor as a sovereign Government. The military masters of Germany denied us the right to be neutral—the war was begun by the military masters of Germany, who proved to be also the masters of Austria-Hungary. These men have never regarded nations as peoples—men, women, and children of like blood and frame as themselves—for whom governments existed and in whom governments had their life. They have regarded them merely as serviceable organizations which they could by force or intrigue bend or corrupt to their own purpose. They have regarded the smaller States, in particular, and the peoples who could be overwhelmed by force, as their natural tools and instruments of domination." (Flag Day address at Washington, June 14, 1917.)

"This war had its roots in the disregard of rights of small nations." (Address to Congress, February 11, 1918.)

"What is the war for? At first it seemed hardly more than a war of defense against the military aggression of Germany. Belgium had been violated, France invaded, and Germany was afield again, as in 1870 and 1866, to work out her ambitions in Europe; and it was necessary to meet force with force." (Address to the citizens of the United States on Labor Day, September 2, 1918.)

"I believe that Belgium and her part in the war are in one sense the key of the whole struggle, because the violation of Belgium was the call to duty which aroused the nations." (Address to the Belgian Chamber of Deputies at Brussels, June 19, 1919.)

"The enemy committed many outrages in this war, gentlemen, but the initial outrage was the fundamental outrage of all. They, with an insolent indifference, violated the sacredness of treaties. They showed that they did not care for the independence of any nation, whether it had raised its hand against them or not; that they were ruthless in their determination to have their whim at their pleasure.

"Therefore, it was the violation of Belgium that awakened the world to their realization of the character of the struggle." (Address to the Belgian Chamber of Deputies at Brussels, June 19, 1919.)

"America did not at first see the full meaning of the war that has just ended. At first it looked like a natural raking out of the pent-up jealousies and rivalries of the complicated politics of Europe." (Address to American soldiers and sailors returning to the United States aboard the *George Washington*, July 4, 1919.)

MR. WILSON ON THE PEACE.

THE 14 POINTS.

"I. Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

"II. Absolute freedom of navigation upon the seas outside territorial waters alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

"III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

"IV. Adequate guaranties given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

"V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

"VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

"VII. Belgium, the whole world will agree, must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

"VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Loraine, which has unsettled the peace of the world for nearly 50 years, should be righted in order that peace may once more be made secure in the interest of all.

"IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

"X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

"XI. Roumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guaranties of the political and economic independence and territorial integrity of the several Balkan States shall be entered into.

"XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guaranties.

"XIII. An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

"XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike." (Address to Congress, Jan. 8, 1918.)

"There can be but one issue. The settlement must be final. There can be no compromise. No halfway decision would be tolerable. No halfway decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace:

"I. The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world; or, if it can not be presently destroyed, at the least its reduction to virtual impotence.

"II. The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake or its own exterior influence or mastery.

"III. The consent of all nations to be governed in their conduct toward each other by the same principles of honor and of respect for the common law of civilized society that govern the individual citizens of all modern States in their relations with one another; to the end that all promises and covenants may be sacredly observed, no private plots or conspiracies hatched, no selfish injuries wrought with impunity, and a mutual trust established upon the handsome foundation of a mutual respect for right.

"IV. The establishment of an organization of peace which shall make it certain that the combined power of free nations will check every invasion of right and serve to make peace and justice the more secure by affording a definite tribunal of opinion to which all must submit and by which every international readjustment that can not be amicably agreed upon by the peoples directly concerned shall be sanctioned.

"These great objects can be put into a single sentence. What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind.

"These great ends can not be achieved by debating and seeking to reconcile and accommodate what statesmen may wish with their projects for balances of power and of national opportunity. They can be realized only by the determination of what the thinking peoples of the world desire." (Address at Mount Vernon, July 4, 1918.)

"These, then, are some of the particulars, and I state them with the greater confidence because I can state them authoritatively as representing this Government's interpretation of its own duty with regard to peace:

"First, the impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favorites and knows no standard but the equal rights of the several peoples concerned;

"Second, no special or separate interest of any single nation or any group of nations can be made the basis of any part of the settlement which is not consistent with the common interest of all;

"Third, there can be no leagues or alliances or special covenants and understandings within the general and common family of the league of nations;

"Fourth, and more specifically, there can be no special, selfish economic combinations within the league and no employment of any form of economic boycott or exclusion except as the power of economic penalty by exclusion from the markets of the world may be vested in the league of nations itself as a means of discipline and control;

"Fifth, all international agreements and treaties of every kind must be made known in their entirety to the rest of the world." (Address at Metropolitan Opera House, Septembr 27, 1918.)

"We accepted the issues of the war as facts, not as any group of men either here or elsewhere had defined them, and we can accept no outcome which does not squarely meet and settle them. Those issues are these:

"Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule except the right of force?

"Shall strong nations be free to wrong weak nations and make them subject to their purpose and interest?

"Shall peoples be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force or by their own will and choice?

"Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress?

"Shall the assertion of right be haphazard and by casual alliance or shall there be a common concert to oblige the observance of common rights?" (Address at Metropolitan Opera House, Sept. 27, 1918.)

"You do not love humanity if you seek to divide humanity into jealous camps. Humanity can be welded together only by love, by sympathy, by justice, not by jealousy and hatred." (Address to newly naturalized American at Philadelphia, May 10, 1915.)

"Repeated utterances of the leading statesmen of most of the great nations now engaged in war have made it plain that their thought has come to this, that the principle of public right must henceforth take precedence over the individual interests of particular nations, and that the nations of the world must in some way band themselves together to see that right prevails as against any sort of selfish aggression; that henceforth alliance must not be set up against alliance, understanding against understanding, but that there must be a common agreement for a common object, and that at the heart of that common object must lie the inviolable rights of peoples and of mankind. The nations of the world have become each other's neighbors. It is to their interest that they should understand each other, it is imperative that they should agree to cooperate in a common cause, and that they should so act that the guiding principle of that common cause shall be even-handed and impartial justice." (Address to the League to Enforce Peace, May 27, 1916.)

"I said the other evening * * * that small and weak States had as much right to their sovereignty and independence as large and strong States." (Address at Arlington, Memorial Day, May 30, 1916.)

"There had been growing up in Europe a mutual suspicion, an interchange of conjectures about what this Government and that Government was going to do, an interlacing of alliances and understandings, a complex web of intrigue and spying, that presently was sure to entangle the whole of the family of mankind on that side of the water in its meshes. Now, revive that after this war is over and sooner or later you will have just such another war." (Address at Cincinnati, Oct. 26, 1916.)

"The objects which the statesmen of the belligerents on both sides have in mind in this war are virtually the same, as stated in general terms to their own peoples and to the world. Each side desires to make the rights and privileges of weak peoples and small States as secure against aggression or denial in the future as the rights and privileges of the great and powerful States now at war. Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this and against aggression or selfish interference of every kind. * * * Each deems it necessary to settle the issues of the present war upon terms that will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved." (Note to the belligerent Governments, dated Dec. 18, 1916.)

"If the contest must continue to proceed toward undefined ends by slow attrition until the one group of belligerents or the other is exhausted; if millions after millions of human lives must continue to be offered up until on the one side or the other there are no more to offer; if resentments must be kindled that can never cool and despairs engendered from which there can be no recovery, hopes of peace and of the willing concert of free peoples will be rendered vain and idle." (Note to the belligerent Governments, Dec. 18, 1916.)

"They (the statesmen of the nations at war) imply, first of all, that it must be a peace without victory. It is not pleasant to say this. I beg that I may be permitted to put my own interpretation upon it and that it may be understood that no other interpretation was in my thought. I am seeking only to face realities and to face them without soft concealments. Victory would mean peace forced upon the loser, a victor's terms imposed upon the vanquished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

"No peace can last, or ought to last, which does not recognize and accept the principle that Governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property. * * * Any peace which does not recognize and accept this principle will inevitably be upset. It will not rest upon the affections or the convictions of mankind. The ferment of spirit of whole populations will fight subtly and constantly against it, and all the world will sympathize. The world can be at peace only if its life is stable, and there can be no stability where the will is in rebellion, where there is not tranquillity of spirit and a sense of justice, of freedom, and of right.

"And the question of limiting naval armaments opens the wider and perhaps more difficult question of the limitation of armies and of all programs of military preparation. Difficult and delicate as these questions are, they must be faced with the utmost candor and decided in a spirit of real accommodation if real peace is to come, with healing in its wings, and come to stay. Peace can not be had without concession and sacrifice. There can be no sense of safety and equality among the nations if great preponderating armaments are henceforth to continue here and there to be built up and maintained." (Address to the Senate, Jan. 22, 1917.)

"Every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful." (Address to the Senate, Jan. 22, 1917.)

"We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that their Government acted in entering this war.

"Cunningly contrived plans of deception or aggression, carried, it may be, from generation to generation, can be worked out and kept from the light only within the privacy of courts or behind the carefully guarded confidences of a narrow and privileged class. They are happily impossible where public opinion commands and insists upon full information concerning all the nation's affairs. A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic Government could be trusted to keep faith within it or observe its covenants. It must be a league of honor, a partnership of opinion. * * *

"We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included, for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We must have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make.

"It will be all the easier for us to conduct ourselves as belligerents in a high spirit of right and fairness because we act without animus, not in enmity toward a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible Government which has thrown aside all considerations of humanity and of right and is running amuck. We are, let me say again, the sincere friends of the German people, and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us, however hard it may be for them for the time being to believe that this is spoken from our hearts." (Address to Congress, Apr. 2, 1917.)

"We are fighting for the liberty, the self-government, and the undictated development of all peoples, and every feature of the settlement that concludes this war must be conceived and executed for that purpose. Wrongs must first be righted and then adequate safeguards must be created to prevent their being committed again. * * *

"No people must be forced under sovereignty under which it does not wish to live. No territory must change hands except for the purpose of securing those who inhabit it a fair chance of life and liberty. No indemnities must be insisted on, except those that constitute payments for manifest wrongs done. No

readjustments of power must be made except such as will tend to secure the future peace of the world and the future welfare and happiness of its peoples." (Cablegram to Russia, May 26, 1917.)

"We know now as clearly as we knew before we were ourselves engaged that we are not the enemies of the German people and that they are not our enemies. They did not originate or desire this hideous war or wish that we should be drawn into it; and we are vaguely conscious that we are fighting their cause, as they will some day see it, as well as our own. * * *

"And the great fact that stands out above all the rest is that this is a people's war, a war for freedom and justice and self-government amongst all the nations of the world, a war to make the world safe for the peoples who live upon it and have made it their own, the German people themselves included." (Flag Day speech, June 14, 1917.)

"The object of this war is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment controlled by an irresponsible Government. * * *

"This power is not the German people. It is the ruthless master of the German people. * * *

"Responsible statesmen must now everywhere see, if they never saw before, that no peace can rest securely upon political or economic restrictions meant to benefit some nations and cripple or embarrass others, upon vindictive action of any sort, or any kind of revenge or deliberate injury. The American people have suffered intolerable wrongs at the hands of the Imperial German Government, but they desire no reprisal upon the German people, who have themselves suffered all things in this war, which they did not choose. They believe that peace should rest upon the rights of peoples, not the rights of Governments—the rights of peoples great or small, weak or powerful—their equal right to freedom and security and self-government and to a participation upon fair terms in the economic opportunities of the world, the German people of course included if they will accept equality and not seek domination.

"The test, therefore, of every plan of peace is this: Is it based upon the faith of all the peoples involved or merely upon the word of an ambitious and intriguing Government on the one hand and of a group of free peoples on the other? This is a test which goes to the root of the matter; and it is the test which must be applied.

"We believe that the intolerable wrongs done in this war by the furious and brutal power of the Imperial German Government ought to be repaired, but not at the expense of the sovereignty of any people—rather a vindication of the sovereignty both of those that are weak and of those that are strong. Punitive damages, the dismemberment of empires, the establishment of selfish and exclusive economic leagues, we deem inexpedient and in the end worse than futile, no proper basis for a peace of any kind, least of all for an enduring peace. That must be based upon justice and fairness and the common rights of mankind." (Reply to the Pope, Aug. 27, 1917.)

"I believe that the spirit of freedom can get into the hearts of Germans and find as fine a welcome there as it can find in any other hearts. * * *

"Moreover, a settlement is always hard to avoid when the parties can be brought face to face. I can differ from a man much more radically when he is not in the room than I can when he is in the room, because then the awkward thing is he can come back at me and answer what I say. It is always dangerous for a man to have the floor entirely to himself. Therefore we must insist in every instance that the parties come into each other's presence and there discuss the issues between them and not separately in places which have no communication with each other." (Buffalo address, Nov. 12, 1917.)

"I believe that it is necessary to say plainly what we here at the seat of action consider the war to be for and what part we mean to play in the settlement of its searching issues. We are the spokesmen of the American people, and they have a right to know whether their purpose is ours. * * *

"I believe that I speak for them when I say two things: First, that this intolerable thing of which the masters of Germany have shown us the ugly face, this menace of combined intrigue and force which we now see so clearly as the German power, a thing without conscience or honor or capacity for covenanted peace, must be crushed and, if it be not utterly brought to an end, at least shut out from the friendly intercourse of the nations; and, second, that when this thing and its power are indeed defeated and the time comes that we can discuss peace—when the German people have spokesmen whose word we can believe and when those spokesmen are ready in the name of their people to accept the common judgment of the nations as to what shall henceforth be the basis of law and of covenant for the life of the world—we shall be willing and glad to pay the full price for peace, and pay it ungrudgingly. We know what that price will be. It will be full, impartial justice—justice done at every point and to every nation that the final settlement must affect, our enemies as well as our friends.

"You catch with me the voices of humanity that are in the air. They grow daily more audible, more articulate, more persuasive, and they come from the hearts of men everywhere. They insist that the war shall not end in vindictive action of any kind; that no nation or people shall be robbed or punished because the irresponsible rulers of a single country have themselves done deep and abominable wrong. It is this thought that has been expressed in the formula, 'No annexations, no contributions, no punitive indemnities.'

"Let it be said again that autocracy must first be shown the utter futility of its claims to power or leadership in the modern world. But when that has been done—as, God willing, it assuredly will be—we must at last be free to do an unprecedented thing, and this is the time to avow our purpose to do it. We shall be free to base peace on generosity and justice to the exclusion of all selfish claims to advantage on the part of the victors.

"The people of Germany are being told by the men whom they now permit to deceive them and to act as their masters that they are fighting for the very life and existence of their Empire, a war of desperate self-defense against deliberate aggression. Nothing could be more grossly or wantonly false, and we must seek by the utmost openness and candor as to our real aims to convince them of its falseness. We are in fact fighting for their emancipation from fear, along with our own—from the fear as well as from the fact of unjust attack by neighbors or rivals or schemers after world empire. No one is threatening the existence or the independence or the peaceful enterprise of the German Empire.

"The wrongs, the very deep wrongs, committed in this war will have to be righted. That of course. But they can not and must not be righted by the commission of similar wrongs against Germany and her allies. The world will not permit the commission of similar wrongs as a means of reparation and settlement. Statesmen must by this time have learned that the opinion of the world is everywhere wide awake and fully comprehends the issues involved. No representative of any self-governed nation will dare disregard it by attempting any such covenants of selfishness and compromise as were entered into at the Congress of Vienna. The thought of the plain people here and everywhere throughout the world, the people who enjoy no privilege and have very simple and unsophisticated standards of right and wrong, is the air all governments must henceforth breathe if they would live. * * *

"A supreme moment of history has come. The eyes of the people have been opened and they see. The hand of God is laid upon the nations. He will show them favor, I devoutly believe, only if they rise to the clear heights of His own justice and mercy." (Address to Congress, Dec. 4, 1917.)

"We owe it to ourselves, however, to say that we do not wish in any way to impair or to rearrange the Austro-Hungarian Empire. It is no affair of ours what they do with their own life, either industrially or politically. We do not purpose or desire to dictate to them in any way. We only desire to see that their affairs are left in their own hands in all matters, great and small." (Address to Congress, Dec. 4, 1917.)

"To whom have we been listening, then? To those who speak the spirit and intention of the resolutions of the German Reichstag of the 9th of January last, the spirit and intention of the liberal leaders and parties of Germany, or to those who resist and defy that spirit and intention and insist upon conquest and subjugation? Or are we listening, in fact, to both, unreconciled and in open and hopeless contradiction? These are very serious and pregnant questions. Upon the answers to them depends the peace of the world.

"It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open, and that they shall involve and permit henceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered into in the interest of particular governments and likely at some unlooked-for moment to upset the peace of the world.

"We have no jealousy of German greatness, and there is nothing in this program that impairs it. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the

world—the new world in which we now live—instead of a place of mastery." (Address to Congress Jan. 8, 1918.)

"* * * What we demand * * * is that the world be made safe * * * for every peace-loving nation which like our own wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression." (Address to Congress Jan. 8, 1918.)

"The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development." (Address to Congress Jan. 8, 1918.)

"The United States has no desire to interfere in European affairs or to act as arbiter in European territorial disputes. She would disdain to take advantage of any internal weakness or disorder to impose her own will upon another people." (Address to Congress Feb. 11, 1918.)

"All the parties in this war must join in the settlement of every issue anywhere involved in it; because what we are seeking is a peace that we can all unite to guarantee and maintain, and every item of it must be submitted to the common judgment, whether it be right and fair." (Address to Congress Feb. 11, 1918.)

"We are ready, whenever the final reckoning is made, to be just to the German people, deal fairly with the German power, as with all others. There can be no difference between peoples in the final judgment, if it is indeed to be a righteous judgment. To purpose anything but justice, even-handed and dispassionate justice, to Germany at any time, whatever the outcome of the war, would be to renounce and dishonor our own cause, for we ask nothing that we are not willing to accord. * * *

"They (the military masters of Germany) are enjoying in Russia a cheap triumph in which no brave or gallant nation can long take pride. A great people, helpless by their own act, lies for the time at their mercy. Their fair professions are forgotten. They nowhere set up justice, but everywhere impose their power and exploit everything for their own use and aggrandizement; and the peoples of conquered Provinces are invited to be free under their dominion!" (Liberty loan speech in Baltimore, Apr. 6, 1918.)

"If it be indeed and in truth the common object of the Governments associated against Germany and of the nations whom they govern, as I believe it to be, to achieve by the coming settlements a secure and lasting peace, it will be necessary that all who sit down at the peace table shall come ready and willing to pay the price, the only price, that will procure it. That price is impartial justice in every item of the settlement, no matter whose interest is crossed; and not only impartial justice, but also the satisfaction of the several peoples whose fortunes are dealt with. * * *

"The counsels of plain men have become on all hands more simple and straightforward and more unified than the counsels of sophisticated men of affairs, who still retain the impression that they are playing a game of power and playing for high stakes. That is why I have said that this is a people's war, not a statesmen's. Statesmen must follow the clarified common thought or be broken.

"Special alliances and economic rivalries and hostilities have been the prolific source in the modern world of the plans and passions that produce war. It would be an insincere as well as an insecure peace that did not exclude them in definite and binding terms." (Address at Metropolitan Opera House, New York City, Sept. 27, 1918.)

"We have used great words, all of us have used the great words 'right' and 'justice,' and now we are to prove whether or not we understand these words and how they are to be applied to the particular settlements which must conclude this war. And we must not only understand them, but we must have the courage to act upon our understanding." (Speech at Buckingham Palace, London, Dec. 27, 1918.)

"They fought to do away with an old order and to establish a new one, and the center and characteristic of the old order was that unstable thing which we used to call the 'balance of power,' a thing in which the balance was determined by the sword which was thrown in on the one side or the other, a balance which was determined by the unstable equilibrium of competitive interests, a balance which was maintained by jealous watchfulness and an antagonism of interests which, though it was generally latent, was always deep-seated." (Speech at London, Dec. 28, 1918.)

"It is from quiet places like this all over the world that the forces are accumulated that presently will overpower any attempt to accomplish evil on a great scale. It is like the rivulet that gathers into the river and the river that goes to the sea. So there come out of communities like these streams that fertilize the conscience of men, and it is the conscience of the world we now mean to place upon the throne which others tried to usurp." (Address at the Lowther Street Congregational Church, London, Dec. 29, 1918.)

"And so it does seem to me that the theme that we must have in our minds now in this great day of settlement is the theme of common interest and the determination of what it is that is our common interest. * * * For the moment there is the slightest departure from the nice adjustment of interests, then jealousies begin to spring up. There is only one thing that can bind peoples together, and that is common devotion to right.

"Therefore it seems to me that in the settlement which is just ahead of us something more delicate and difficult than was ever before attempted has to be accomplished—a genuine concert of mind and of purpose. * * *

"We must provide the machinery for readjustments in order that we have the machinery of good will and friendship. Friendship must have a machinery. If I can not correspond with you, not cooperate with you, I can not be your friend, and if the world is to remain a body of friends it must have the means of friendship, the means of constant friendly intercourse, the means for constant watchfulness over the common interests." (Speech at Manchester, England, Dec. 30, 1918.)

"* * * the President said:

"'I am glad you asked me that, for I want to tell you a good joke on myself. I did not see this joke until I came over here. Under the league of nations there will be no neutrals. They will all be in the league and subject to the league's decisions on the matter of the exertion of armed force. If there are no neutrals there will be no issue over sea rights, for the freedom of the seas puzzle arose over relations between belligerents and neutrals. The league will now settle all matters of naval policy. So it might be said, "There ain't no such thing" as an issue of freedom of the seas.'"

"Mr. Wilson was asked if the British had brought that argument to him, and Mr. Wilson replied, 'No; I arrived at that conclusion in the privacy of my own soul.'" (London Times, weekly edition, Paris correspondence.)

"But we can not stand in the shadow of this war without knowing there are things which are in some senses more difficult than those we have undertaken, because, while it is easy to speak of right and justice, it is sometimes difficult to work them out in practice, and there will be required a purity of motives and disinterestedness of object which the world has never witnessed before in the councils of nations.

"There is only one thing that holds nations together, if you exclude force, and that is friendship and good will. The only thing that binds men together is friendship, and by the same token the only thing that binds nations together is friendship. Therefore our task at Paris is to organize the friendship of the world; to see to it that all the moral forces that make for right and justice and liberty are united and are given a vital organization to which the peoples of the world will readily and gladly respond." (Speech before the Italian Chamber of Deputies at Rome, Jan. 3, 1919.)

"Perhaps you gentlemen think of the members of your Government and the members of other governments who are going to confer in the city of Paris as the real makers of war and peace; but we are not. You are the makers of war and of peace. The pulse of the modern world beats on the farms and in the mines and in the factories. * * * That is one reason why, unless we establish friendships, unless we establish sympathies, we clog all the processes of modern life." (Speech to the citizens of Turin, Italy, Jan. 6, 1919.)

"We are here to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of a small coterie of civil rulers and military staffs. Those foundations were the aggression of great powers upon the small. Those foundations were the power of small bodies of men to wield their will and use mankind as pawns in a game. And nothing less than the emancipation of the world from these things will accomplish peace." (Address before the peace conference, Jan. 25, 1919.)

"So it is for that reason that I have said to those with whom I am at present associated, that this must be a people's peace, because this was a people's war. The people won this war, not the Governments, and the people must reap the benefits of the war. At every turn we must see to it that it is not an adjustment between Governments merely, but an arrangement for the peace and security of men and women everywhere." (Address to delegation of working women, Paris, Jan. 26, 1919.)

"The rulers of the world have been thinking of the relations of Governments and forgetting the relations of peoples. They have been thinking of the maneuvers of international dealings, when what they ought to have been thinking of was the for-

tunes of men and women and the safety of homes, and the care that they should take that their people should be happy because they were safe.

"The nations of the world are about to consummate a brotherhood which will make it unnecessary in the future to maintain those crushing armaments which make the peoples suffer almost as much in peace as they suffered in war.

"So, as we sit from day to day at the Quai d'Orsay, I think to myself, we might, if we could gain an audience of the free peoples of the world, adopt the language of Gen. Pershing and say, 'Friends, men, humble women, little children, we are here; we are here as your friends, as your champions, as your representatives. We have come to work out for you a world which is fit to live in and in which all countries can enjoy the heritage of liberty for which France and America and England and Italy have paid so dear.'" (Speech in the French Chamber of Deputies, Paris, Feb. 3, 1919.)

"The men who are in conference in Paris realize as keenly as any American can realize that they are not the masters of their people; that they are the servants of their people, and that the spirit of their people has awakened to a new purpose and a new conception of their power to realize that purpose; and that no man dare go home from that conference and report anything less noble than was expected of it.

"And I said I have had this sweet revenge: Speaking with perfect frankness, in the name of the people of the United States, I have uttered as the objects of this great war ideals, and nothing but ideals, and the war has been won by that inspiration." (Message to the American people, Boston, Feb. 24, 1919.)

"Do not let yourselves suppose for a moment that the uneasiness in the populations of Europe is due entirely to economic causes or economic motives; something very much deeper underlies it all than that. They see that their Governments have never been able to defend them against intrigue or aggression, and that there is no force or foresight or of prudence in any modern cabinet to stop war. And therefore they say, 'There must be some fundamental cause for this,' and the fundamental cause they are beginning to perceive to be that nations have stood singly or in little jealous groups against each other, fostering prejudice, increasing the danger of war rather than concerting measures to prevent it; and that if there is right in the world, if there is justice in the world, there is no reason why nations should be divided in the support of justice.

"They are therefore saying if you really believe that there is a right, if you really believe that wars ought to be stopped, stop thinking about the rival interests of nations, and think about men and women and children throughout the world. * * * There can be no mercy where there is no hope, for why should you spare another if you expect yourself to perish? Why should you be pitiful if you can get no pity? Why should you be just if, upon every hand, you are put upon?" (Address at Metropolitan Opera House, New York City, Mar. 4, 1919.)

"The war was ended, moreover, by proposing to Germany an armistice and peace which should be founded on certain clearly defined principles which set up a new order of right and justice. Upon those principles the peace with Germany has been conceived, not only, but formulated. Upon those principles it will be executed." (Statement dealing with the Italian-Jugo-Slav dispute, Paris, Apr. 23, 1919.)

"The peoples of the world are awake and the peoples of the world are in the saddle. Private counsels of statesmen can not now and can not hereafter determine the destinies of nations." (Memorial Day address, France, May 30, 1919.)

"For if this is not the final battle for right there will be another that will be final." (Memorial Day address, France, May 30, 1919.)

FOREIGN FINANCIAL OPERATIONS.

Mr. EDGE. As the calendar has been completed, unless there is some other business to be taken up before 2 o'clock, I move that the Senate proceed to the consideration of Senate bill 2472, the unfinished business.

The PRESIDING OFFICER (Mr. WALSH of Montana in the chair). The Senator from New Jersey moves that the Senate proceed to the consideration of Senate bill 2472, to amend the act approved December 23, 1913, known as the Federal reserve act.

Mr. POINDEXTER. Mr. President, before that motion is acted on, I desire to occupy a few moments of the time of the Senate.

The PRESIDING OFFICER. The Chair is of the opinion that the motion made by the Senator from New Jersey is not debatable.

Mr. POINDEXTER. Very well.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey.

Mr. JONES of Washington. There are some Senators absent who desire to be here when the bill is taken up.

Mr. ASHURST. We will call for a quorum right afterwards.

Mr. JONES of Washington. I therefore make the point of no quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	Newberry	Stanley
Borah	Kendrick	Norris	Thomas
Chamberlain	Kenyon	Nugent	Trammell
Curtis	Keyes	Owen	Underwood
Edge	La Follette	Poindexter	Walsh, Mont.
Gronna	Lenroot	Reed	Watson
Hale	McCumber	Simmons	Williams
Harding	McLean	Smith, Md.	Wolcott
Harrison	McNary	Smoot	
Jones, N. Mex.	New	Spencer	

Mr. TRAMMELL. Mr. President, I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. GERRY, Mr. KIRBY, Mr. OVERMAN, Mr. PAGE, and Mr. SHEPPARD answered to their names when called.

Mr. KIRBY. I desire to announce that my colleague [Mr. ROBINSON] is detained from the Senate by official business.

Mr. MCCORMICK, Mr. CUMMINS, Mr. CAPPER, Mr. PHELAN, Mr. NELSON, Mr. SWANSON, Mr. BALL, Mr. BRANDEGEE, Mr. LODGE, Mr. POMERENE, Mr. CULBERSON, Mr. HARRIS, and Mr. DIAL entered the Chamber and answered to their names.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON], the junior Senator from Georgia [Mr. HARRIS], the senior Senator from Nevada [Mr. PITTMAN], and the Senator from Arizona [Mr. SMITH] are detained on official business.

The Senator from South Carolina [Mr. SMITH], the senior Senator from Louisiana [Mr. RANSDELL], the senior Senator from Georgia [Mr. SMITH], and the Senator from Massachusetts [Mr. WALSH] are absent on public business.

I wish to announce that the junior Senator from Louisiana [Mr. GAY] is necessarily absent on business of the Senate. He is paired with the Senator from New Hampshire [Mr. MOSES].

I wish also to announce that the junior Senator from Nevada [Mr. HENDERSON] is necessarily absent on business of the Senate. He is paired with the Senator from Illinois [Mr. MCCORMICK].

I ask that these announcements may stand for the day.

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, there is a quorum present.

Mr. OWEN. Mr. President, I desire to ask whether Senate bill 2472 is now before the Senate?

The PRESIDING OFFICER. It is not. A motion, however, has been made to lay the bill before the Senate. The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

LEAGUE OF NATIONS—THE PRESIDENT'S ADDRESSES.

Mr. POINDEXTER. Mr. President, I observe from reading the daily papers that the President of the United States has taken to the hustings and is debating before the people the league of nations. I have no comment to make upon the action of the President in this regard except to say that inasmuch as he is well equipped to conduct such a debate, has under his command the resources of his great office, has the luxuries and the conveniences of travel at the expense of the Government, is surrounded by a body of competent and able clerks and reporters, I assume it will not be inappropriate, since he has the opportunity and the facility of answering any questions that are submitted to him, to call attention to a few principles that are involved in the covenant of the league of nations which he is discussing.

The President is going west, and it seems that the farther west he goes the more vituperative he becomes and his feeling more intense. I make these preliminary remarks in justification of calling attention to certain questions which have been suggested by the speeches which the President has already made on this tour.

The President says that we should protect Armenia. Military authorities, Mr. President, estimate that 150,000 men would be required for this purpose, and that it would cost a billion dollars. Of course, the protection of Armenia, which the Presi-

dent urges as one of the immediate duties involving upon us under the league of nations, means the policing of Turkey. It is impossible to protect Armenia without policing Turkey. Turkey is the power from whose ruthlessness Armenia is to be protected. I notice that one press agent of the administration in Europe estimates that it would take 100,000 men to perform this duty. Experts in the War Department, however, estimate that it would take 150,000 men. But whether it would require 100,000 men or 150,000 men it would cost the United States more than $1,000,000,000 to raise, equip, train, transport for 4,000 miles, and maintain in Asia this army for a length of time sufficient to establish the permanent safety of Armenia.

Upon whom, Mr. President, will the taxes fall to raise the billion dollars that will be required under this obligation which the President is urging Congress to assume? To raise this $1,000,000,000 will not the taxes inevitably be passed along until they rest upon the consumer and burden the poor? I may interpolate here the suggestion that while efforts are made to frame tax bills so that the burden rests upon the rich, by the operation of natural laws, over which Congress has no control, the vast sums of money required for the support of military expeditions into distant parts of the world when put in the form of taxes are passed along from those upon whom they are nominally levied until inevitably they rest upon the prices of necessities of life and create the problem known as the high cost of living.

The President says if the league of nations is not adopted he can not deal with the problem of the high cost of living. The high cost of living is due to the obligations, to the expenses, and to the burdens which have been imposed upon this Nation by the peace conference, which was composed of the same nations that will compose the league of nations and controlled by the same powers and which imposed upon the Government and the people of the United States the same obligations that will be imposed upon them permanently if the peace conference is continued in Paris or in Geneva by a permanent government known as the league of nations.

How is the army that is to police Turkey to be raised? Whose sons are to compose it? If those who are in favor of organizing and sending to Armenia an army of 100,000 men have sons whom they will bring forward to offer for this service, some of them to die, in a duty which does not devolve upon us, but ought to devolve upon the nations which are situated in the proximity of Turkey and Armenia, those people who are willing to offer their sons probably could not be criticized as being selfish or unfair in advocating the adoption of this policy. But if they are not, they have no just right to demand that the sons of others shall either be conscripted or asked to volunteer to compose this army.

How can the President police Turkey without sending an army? How can Armenia be protected without military force?

While plans are being made to send an American army to Turkey and another to Siberia and still another to Germany, how can the President tell the American people that if the league of nations is adopted no khaki-clad troops will ever again cross the Atlantic? While he is telling the people of his audiences that if the league of nations is adopted no khaki-clad troops will ever again cross the Atlantic, at the moment he is making the statement to them he is engaged in enlisting and organizing and transporting khaki-clad troops across the Atlantic to serve in Siberia and in Germany in performance of the obligations which will be imposed upon us under the league of nations.

If armies are now being raised to be sent to Siberia and to Germany, if another army is to be raised to police Turkey under plans now being made, how are we to be able to perform our obligations in Mexico? Will it be necessary to raise still another army for that purpose?

When at this moment American soldiers are being enlisted under the authority of the President for service in Siberia and in Germany under the league of nations how can the President say that it is a peace league? To how many other places in Europe, Asia, and Africa are American soldiers to be sent in the performance of the duties that will devolve upon us under the league of nations?

What is to be the cost of all these armies?

How is the money to be raised?

How are the men to be obtained and of what ages are they to be, what classes are to be called, and what classes exempt from this service?

It may be interesting to the American people to know the details of the military service which they will be called upon to perform in all parts of the world.

If it be said, however, that no soldiers are to be sent to Europe under the league of nations, how can the armies that we are now raising for Germany and Siberia be maintained there without the consent of the league of nations?

If no soldiers are to be sent to Europe or Asia in the performance of our duties under the league of nations, then what are we to do under the league of nations? The duties that will devolve upon us under the league of nations are duties in Europe. They consist of the government of those portions of Europe which are involved in the disputes between various European nations in regard to boundaries, after-the-war settlements, and the establishment of new governments.

How is the Government of the United States to perform these proposed obligations there unless it has soldiers there?

I should like the President or anybody who is interested in that question to explain it to the people, and I think that in fairness that ought to be done.

If no soldiers are to be sent to Europe or Asia in the performance of our duties under the league of nations, if we are to do nothing under the league of nations, then why join the league of nations?

If, as the President says, we are to depend on blockades and destructive economic isolation, will not that be a sure cause of war?

Will blockades, social ostracism, and economic isolation, as prescribed by the President, tend to make any nation peaceable?

If the President thinks, as he says, that Lenin is so despicable, why did the President eulogize his terms of peace at the treacherous conference at Brest-Litovsk?

Why did the President, both before and after we entered the war, attempt to bring about peace on the same terms as proposed by Lenin?

Why was the President, as was Lenin, for peace without victory, as he declared both before and after we entered the war?

For what reason does the President propose we should grant independence to the Philippines and assume a mandate over Armenia?

On what theory or policy does the President refuse to preserve order in Mexico and undertake to do it in Siberia and Germany?

The President says that if we reject the league we will be "contemptible quitters." What would we be quitting?

He says we must "stay with the game." What is "the game" and when will the game be finished, if it is not finished now?

He says we won the war for France and England, and, having won it, it would be dishonorable for us now to abandon them. How did winning the war for France and England put us under obligation to them or to the rest of Europe? Is it not the truth that the service we rendered Europe in the war puts Europe under obligation to us instead of putting us under obligation to Europe?

Would our people ever have voted for war if they had foreseen that after they had won it the President would tell them it would be dishonorable for them to come home and to bring our armies home?

If the President thinks the league of nations would be a benefit to the United States, why did he say at the Metropolitan Opera House in New York on March 5 that it would be a supreme sacrifice? If it is a supreme sacrifice, as he said it was, is he not violating his oath of office in attempting to impose it on the American people?

Will the President deny that the covenant of the league of nations gives the supervision of our trade in arms to the league, while the Constitution of the United States gives it to Congress and through Congress to the people of the United States?

Is it not true that the covenant of the league of nations provides that when the size of the armies and navies has been fixed as therein provided it can not be increased without the consent of the league, while the Constitution gives Congress the absolute power to raise armies and navies?

Is it not true that the covenant obligates us to defend the territorial integrity of all the proposed members of the league? How could we defend territorial integrity without war?

What voice do our people have in such a war, provided for in advance by the league of nations, if we are to keep our obligations under the league?

Is it not true that every question likely to lead to a rupture is to be decided by the league, and that we are bound to obey its decisions? Does not this involve every interest of the United States, without exception, in this decision?

Does not Great Britain with her colonies have six votes in the body of delegates while the United States has only one? Why

should Great Britain have six times as many votes as the United States?

Does not Hejaz have as many votes in the assembly of delegates as the United States? Why should Hejaz or Haiti or Liberia each have as many votes as the United States in the body of delegates of the league of nations? That is what the covenant of the league of nations provides.

The President says limitation of armament can not be obtained without the league of nations. That is what the President says. Is that so? If that is so, how is it that we have already and have had for many years limitation of armament between the United States and Canada without a league of nations? If we can not have limitation of armament without a league of nations, how does it occur that you can travel for 3,000 miles along the boundary between the United States and Canada without seeing a fort or a soldier?

Does not the President himself say also that disarmament can only come by international conference and agreement?

Can we not have international conference and agreement without a league of nations? Of course, these questions answer themselves. I am only submitting them to call attention to the facts. Everybody knows that we can have a conference between nations about a limitation of armaments without having a league of nations. If it is desired to have an agreement between the United States and other nations to bring about disarmament or a limitation of armaments, the natural, common-sense way to go about it would be to call such a conference and have that conference devise some plan of disarmament or limitation of armaments.

The President says there is an international agreement for disarmament in the league of nations. I think he made that statement a number of times—that there is an international agreement for disarmament or for a limitation of armaments in the league of nations. Without desiring to dispute the President's statement too categorically or to seem offensive, I wish to say there is no such provision in the covenant of the league of nations—none whatever. It was not even attempted by the delegates or representatives who framed the league of nations to devise any plan for disarmament or limitation of armaments, which the President says is contained in it. There was no effort made for that purpose. They were there long enough to do it. If those delegates were really in favor of a limitation of armaments, it looks as though they could have arrived at a plan or program for it during the seven months they were in session; but they did not try to do it, and there is nothing in the covenant of the league of nations to that effect.

The covenant of the league of nations provides that after the league of nations is adopted, if it shall ever be adopted, then the league of nations—not the nations acting individually in conference, but the league of nations by the council that gathers in Geneva—shall proceed within some time in the unknown future to devise a plan for a limitation of armaments.

There is some dispute as to whether or not when that plan has been devised it shall take effect at once upon the dixit of the league or whether it will have to be ratified by the several nations. There is, however, no dispute whatever, because there can not be any, that if such a plan should ever be carried out, and the size of the armies and the size of the navies of the different countries should be fixed as of that date, with reference to conditions that are existing then, the United States, through its Congress and its President, could never increase its Army and could never build another battleship without getting the consent of the league of nations.

If the American people desire that, if they are able under the Constitution to humiliate themselves by subjecting the control of their Military Establishment, which is necessary for the defense of the Nation, to the absolute domination of a foreign congerie of powers, why, of course, they would have no one to blame. Before it is done, however, the American people at least ought to have an opportunity of voting upon the question; I do not mean to say by having the specific question submitted to them at an election, but having it submitted to them in the ordinary way in which the American people are accustomed to decide the great issues of the Government; having it set forth in platforms by political parties and in statements of principles by candidates who submit themselves for election. Then, if the American people, after it has been discussed in the rural schoolhouses as well as in the great cities, in the local neighborhoods as well as on a tour of the President in a great special train, surrounded by an army of publicity agents—when the people have had an opportunity to understand and to consider the thing in its exact form and in the consequences which it will have upon the control of our country, if they want to say that the increase of their Army and the increase of their Navy can not be effected until they get the permission of the council of a league of nations sitting in Geneva, perhaps they would have no cause of complaint.

The council of the league of nations must be unanimous, according to the covenant. So under the terms of this instrument, if it is adopted in its exact form as the President demands, Japan can say to the United States, "You can not increase your Army; we will not vote for it." Japan can say, "You must get our consent before you increase your Army or your Navy." I should like the President to discuss that question on the Pacific coast. No doubt he will. I do not think he can dispute the statement of fact which I have made, for it is written in specific language in the covenant of the league of nations.

If this question should be referred to the body of delegates, Hejaz and a sufficient combination of little powers constituting the various protégés and allies of Great Britain and the other European powers, whose influence has been predominant in the formation of the league, can say that the United States can not increase its Army or its Navy without getting their consent.

Does the President claim that the plan for the limitation of armaments which the league is to provide is to be binding on the nations without their consent? That is not very clear in the covenant. Does the President claim that as soon as the league of nations has agreed upon it, it shall be binding? If it is not binding, then how is it to be established except by conference and consent? And if it is not to be established except by conference and consent, a league of nations is wholly superfluous and unnecessary. If the league of nations' decision, on the other hand, is to be binding on the nations without their consent, then the President should say so. If that is the President's view, he should so declare. Then we would know that we are to become a subject people.

But how can the President tell the people of the United States—and I only mention the President because of the extraordinary debating tour in which he is now engaged—how can he or anyone else tell the people that there will be a limitation of armaments under the league when he knows, and everybody else who is familiar with the proceedings knows, that Great Britain, which has six votes to our one in the league of nations, has already decreed that league or no league the predominance of her sea power will be maintained? How are we going to have a limitation of armaments under that fiat? What is the purpose of telling the people that the object here is to obtain a limitation of armaments when it is known that even before the league is adopted the consideration of the limitation of the British armament, that power by which she has ruled the seas and through her command over the seas has ruled a large portion of the world, has been withdrawn by Great Britain even from the consideration of the league of nations?

Now, Mr. President, I wish to submit another question. There is an assumption by many of its advocates that the league of nations is going to stand for peace, for righteousness, for justice in the international affairs of the world. How is the stand of the league of nations to be determined? It is to be determined by the council of the league of nations. What is the council of the league of nations? It is a little body, a little handful of astute international statesmen gathered at some point in Europe and vested with the mighty powers of the league of nations. Why does the President, why does anybody, assume that this little council, far removed from the people whose fortunes are in their hands, are going to be for peace or that they will direct the affairs of the league of nations for peace? Why is it assumed that they are going to be righteous men with no evil in their hearts? Why is it assumed that they will not be controlled by the selfish interests of the nations they represent? Did anybody ever see an international statesman whose actions were not controlled by such motives? Is there anything in history to justify the assumption that they are going to be always good and never bad? Is it not true, on the contrary, that every centralized world power has been tyrannical and oppressive and that every council representing such a league has been swayed by selfish interests, rent by factional strife, and corrupted by ambition? That is the experience of the world. That is the observation of human nature. Why is it assumed that the men who are to compose this council of a league of nations are going to be regenerated from the vices of the world and become entirely virtuous?

The Monroe doctrine was established on the principle that Europe should not participate in the control of American affairs. I have tried to state in simple language, but in correct analysis, this great governing principle of our foreign policy—the principle that Europe should not participate in the control of American affairs, and its corollary, that America should not participate in

the control of European affairs. That is the Monroe doctrine in simple form and in complete form. How can the President honestly tell the people that a world league founded on the principle that Europe shall participate in the control of American affairs, and that America shall participate in the control of European affairs, does not abrogate the Monroe doctrine? If the covenant of the league expressly provides that the things forbidden by the Monroe doctrine shall be done, what good will it do to stipulate that it shall not interfere with the Monroe doctrine? You can put all the stipulations that you can write into the instrument and they will have no effect, because the body of the instrument is founded on the participation by America with the other members of the league in the control of European affairs, and the participation of the other members of the league in Europe and in Asia in the control of American affairs; and when you have provided that you have uprooted the Monroe doctrine, and it is withered and dead, and it never can breathe again the breath of life.

The ancient and modern policy of America, from Washington and Jefferson down, has been to keep ourselves free from foreign entanglements. How can the President honestly tell the people that a league of nations which obligates us to participate in every important European quarrel is not a violation of these ancient principles? I think he has told them that; but how can he do it? Under these unwritten laws of our foreign policy we have grown great, we have been free, prosperous, and happy, and we have been able to render valuable service to the world under these ancient muniments of our foreign policy. Why does the President suppose that our condition would be improved, or our ability to render service to the world would be increased, by an abandonment of these policies?

The President said on the 5th of March in the Metropolitan Opera House in New York:

> We must join our fortunes with the fortunes of men everywhere.

That was the language of the President. Now, I should like the President, referring to that statement that he made on the 5th of March, to tell the people on this trip that he is making how we can join our fortunes with the fortunes of Japan, Turkey, Bulgaria, Italy, and the British dominions, and at the same time while we are doing that keep our fortunes independent of theirs? And if we can not keep our fortunes independent of theirs after we have joined ours to theirs, we are then in a state of foreign control of our own fortunes.

It is not so long, Mr. President, since our fathers made their desperate but successful struggle to free our States from a union with European powers. When the President now utilizes the powerful and almost immeasurable influence of his great office to bring about the formation of a union with European powers, is he not desecrating the memory of the fathers of the Nation? Is he not betraying the most sacred trust of his office?

The President has said that Germany would not have invaded Belgium if there had been a league of nations. Does he not know that there was a league of nations and a formal covenant for the integrity of Belgium, and that it was treated as a scrap of paper? Why does he assume that in such an emergency his league will not be treated as a scrap of paper?

The President says that Germany would not have invaded Belgium if she had known that the United States would intervene. What prevented the United States from intervening? The President says that if the United States had been obligated to intervene there would have been no Great War, and if this is so the lives of 50,000 American soldiers would have been saved. What prevented the United States from intervening. Is it not true that President Wilson himself prevented us from intervening in order that he might make a campaign for the Presidency on the cry, "He kept us out of war"?

Both Germany and the United States were parties to The Hague convention, which guaranteed the inviolability of neutral States. Why did not the President protest against this violation of that convention to which we were a party and to which Germany also was a party? Did you ever hear any protest that he made against it while flagrant violations of its provisions were going on and while the President was in control of the foreign affairs of this Nation? What reason is there to suppose that in a future emergency we may not again have a President who will quietly submit to a violation of the covenant of the league of nations and content himself with the proud boast that "We are too proud to fight"? A show of force and some proof of self-respect might have saved Belgium. Was the President prevented from acting because he did not have a league of nations? We were asked to join the league of nations opposed to Germany and refused. If a league of nations has the miraculous power of preserving peace in and of itself, why did not the President accept the appeal of France and Great Britain, join the existing league of nations for the great emergency, and preserve the peace of the world?

We were free then to act to save mankind and ourselves. In order to do it we did not have to have a league of nations, established 50 years before by people who are dead and gone, to govern our actions when the war with Germany broke out. Our fathers had been wiser than that. They had left the Government so that we, in this generation, when we were confronted by the emergency, when we were the ones to furnish our sons and to pay the treasure that was necessary to carry on the war, would have the power to control our action and our destiny. We could control it in such a way as we saw fit under the forms of government which existed; and the President—this same President who is now speaking—was at the head of the Government, in charge under the Constitution, with the initial control of the foreign relations of the Nation. We could have joined the league if it would have had the effect that he says it would.

I may pause to remark, as I have often remarked before, I think, that Mr. Henry Van Dyke, an estimable gentleman, former minister to Holland, was commissioned by Mr. Balfour, in charge of the foreign relations of the British Government when the Great War broke out, to hasten to the United States and appeal to President Wilson to throw in the fortunes of this great Republic with the fortunes of those nations which stood in the breach of civilization. Did the President think so well of a league of nations when the time for action came? Apparently not, because he rejected the appeal. He allowed the war to go on and the slaughter to continue, which, he says, could have been prevented. We were free then to save mankind, and perhaps it could have been done by the economic pressure and the social strangulation which the President suggests.

We are free now to so act, and we will be free unless we transfer our allegiance to the league of nations to control our affairs; we will be free to so act if we deem it in the interest of the American people and of mankind in the future.

What change is to be made in this condition by the league of nations? Is our independence of action in a matter involving the life of the Nation to be surrendered to the council and the body of delegates of the league of nations? If that is so, the President is under a sacred obligation to the people of this country to tell them so before he places this yoke upon them. If that is not so, then for what purpose is the league of nations?

The President says, in his stately style, "Put up or shut up"; accept the league of nations or offer a substitute for it. The opponents of the league of nations offer as a substitute for it the Constitution of the United States, the Declaration of Independence, and Lincoln's "government by the people." That is the substitute for a league of nations.

The President offers us a government by a council in Geneva, and says, "You must take it if you have nothing better to offer." It is not a question of having anything better to offer. The question is whether there is anything worse that could be offered. It is as though one were offered a dose of deadly poison and told that he must drink it to the dregs unless he could propose some alternative. The natural alternative would be not to drink it. He would probably suggest that immediately.

When Washington was sharing the sufferings of his men in the gloomy winter of Valley Forge there was no doubt in his mind as to the alternative for a union with a European power. Washington's alternative was to sever the union. That was what he was fighting for. That is what he and his soldiers suffered for, and that is what is involved in this issue before the American people to-day.

Now, when a European union is again proposed the alternative is to reject the proposal and pillory the man who proposes it. If a rattlesnake is about to strike you, would the President ask what alternative you have to propose? The alternative is to kill the rattlesnake. When the President asks this question, does he not know that the alternative to the wars for which he is even now enlisting American boys to be carried on in Asia and Europe under the league of nations, the hate they will engender, the burdens of taxation on the backs of the poor, the bereft parents of these sons, the widows and orphans of those who would carry out the mandate of the league of nations on a fool's errand in Asia, the supreme sacrifice of all this, as the President characterizes it—does he not know that the alternative to all of this misery and folly is the peace which we have earned in a victorious war that is now finished?

Will he not be frank and tell the people that the "old order," of which he said at Suresnes we were ashamed, brought us the supreme happiness of mankind. If the President is ashamed

of our past, as he says he is, does he not know that our people are not ashamed of it? Does he not know that the alternative which we have to offer for the international ill will which the league of nations, even in its formation, has created is the peace and honest friendship with all nations which, with few intervals, we have enjoyed since the foundation of the Government? Why does the President say we must adopt the league of nations or live in isolation from the rest of the world? Why does he say that? That is what he says. The President of the United States, on a tour to explain the league of nations to the people, says, "Adopt this instrument or live in isolation from the rest of the world if you do not adopt it." No doubt everyone has read that statement. It has been repeated over and over again. It is one of the favorite arguments for the league of nations.

It is not possible, however, that the President thinks that. The President is familiar with the past experience of this Nation, and during all of this time when we have been growing great, enjoying the blessings of liberty which we inherited from our fathers, we had no league of nations; it was anathema to the great leaders, the greatest who ever lived in this or any other country, the statesmen who founded this Nation upon the natural rights of man, and preserved, through Lincoln, government by the people, to entangle ourselves with European affairs in a league of nations. We had none. And when, during all that period, did we ever live in isolation from the rest of the world? He says we must live in isolation from the rest of the world or have a league of nations. We have lived to the present time without a league of nations, and we have never been for one moment of that time in isolation from the rest of the world. The man who says so is deceiving the people.

On the contrary, without any league of nations, we have maintained intimate economic and social relations with all the civilized world. No one knows better than the President that we will continue to do so without the league of nations, unless the animosities engendered during his stay in Paris, by his effort to dictate the affairs of other people in which we had no concern, should bring about such isolation. Why does the President say that a league of nations would prevent war? That is another statement that I have heard, that the league of nations will prevent war. A great many people are for the league of nations because the President has told them that the league of nations would prevent war. They have a just and proper respect for the authority of the President.

Would this league of nations, if we had had it, have prevented our Civil War? If so, will the President point out how it would have done so? Would the other members of the league have intervened, or applied their economic boycott, which the President so humanely recommends, in favor of the Federal or the Confederate States? If so, what would have been the result, unless it had been to plunge the whole world into war? Was not that, as a matter of fact, a war between the members of a Federal union; and if so, what is to prevent a war between the members of a league? Has not the President already succeeded, I ask deliberately, in dividing the league into factions, by forming a league within the league, which restores at one stroke the old balance of power, and arrays one against the other? That is in the league of nations. Does not the division of this league into rival groups at one stroke negative and destroy the whole principle and theory of a harmonious league of all nations, in which the hostile array of one group of nations against another was to be obliterated?

The President says a league of nations will prevent war. We can only judge the future by the past. There was a league of nations in 1914. It did not prevent the German war. Would the league of nations have prevented our war for independence? He says it will prevent war. Would it have prevented that? If so, will the President point out how it would have prevented it?

The President says he desires to prevent all wars. Does he regret the war by which we gained the freedom he would sacrifice? Would he have had a league of nations to prevent that war? If so, he would have deprived mankind of the greatest blessing it has received in the long struggle up from barbarism.

Would he have a league of nations that would prevent such a war for freedom in the future? If so, if that is his object and purpose he is setting up the most monstrous obstacle to the progress of man that the reactionary forces of the devil could devise.

But the President may say that a league of nations would have so operated that no cause would have been given to the Colonies to wage a war for independence. Would the President have desired that result? There were many then, and there are many now, who would have desired it. But even so there are thousands who thank God that there was a cause and that there were mighty men who preferred national independence, even at the price of war, to a league of nations.

What other wars would it have prevented? Will the President advise the people that the league of nations would have prevented our war with Great Britain in 1812 for our rights upon the seas? If so, how? Would it have been by the sacrifice of those rights; would it have been by blighting in its infancy that maritime development which was one of the chief factors in the story of our growth? Or would a league of nations have preserved the freedom of the seas? Why does the President think that in any such case the league of nations would protect our rights upon the seas as against the claims of Great Britain? Certainly it would not do so if Great Britain had 6 votes to our 1 in the body of delegates, and was in secret or open special alliance with a dozen others, and in addition to that had the votes of such dependencies as Hedjaz, Portugal, and others that might be named. Furthermore, how does the President suppose that such a league would have prevented our War of 1812 for the freedom of the seas by maintaining the freedom of the seas when the freedom of the seas has already in advance been excluded from consideration by the league by those who will be in control of it?

What other wars in which we have been engaged would have been prevented by the league of nations? Would the league of nations have prevented us from going to the rescue of Cuba from the cruel clutch of Spain? Would the President's league of nations have corrected the abuses of Weyler and others, which became an offense to the world? It would not have corrected the abuses, because Mr. Wilson tells us it can not interfere with the domestic affairs of any nation. It would have prevented the United States from coming to the rescue, because every member would have obligated itself to preserve the territorial integrity of the members of the league. Will the President tell us if it is not true that in such a case his league would be obligated to bring to bear upon us its pleasant process, which he has described so often, of social ostracism and economic strangulation, and to supplement this, if necessary, by force of arms, if it fulfilled its obligation to preserve the territorial integrity of Spain; and would all this have been for the sake of enforcing peace by making war in behalf of a brutal despotism and to prevent aid from reaching a people struggling for freedom? Will Mr. Wilson tell the people, with intellectual honesty, that that is not the working and the purpose of the league to enforce peace? Cuba, smiling in the Caribbean, may thank God that freedom came to her before the blight of such a league of nations fell upon the world.

Mr. Lawrence says "the President makes an open bid for the support of the Irish by hinting that America can not intrude upon England's affairs now, but that under a league of nations Ireland can get a hearing and the moral support of the United States."

The Irish case is not our case, but it may be suggested that the Irish will belie their racial brightness if they are caught by any such gull bait as that. They would be more credulous than those who were caught by the President's molasses-to-catch-flies speech on the Panama Canal. The idea that any right claimed by Great Britain can be invaded by appealing to the league of nations which she created, and which she and her allies will dominate, will be as futile as China's plea for her people to this same league of nations. China was told to leave her case to the peace conference.

The Chinese delegation desired to retain an American lawyer to represent the Chinese Republic in the protection of her great and strategic Province of Shantung. They were told by the American delegation not to employ a lawyer, to leave it to them. The Chinese delegation wanted to file a brief of their case on Shantung. They were told by the American delegation not to file a brief, to leave it to them. They left it to them, as the President tells the Irish to leave the Irish question to them, and the league of nations took care of the rights of Shantung in this vital matter by turning their rights over to Japan. That is the way they took care of them.

The control of Shantung means the control of China under the conditions which exist there. There is a good deal of misapprehension about the importance of the Shantung question. The control of the Shantung railway, which forms a junction with the main arterial north and south railway from Shanghai to Peking, is the control of the transportation of China. It is the military, strategic, dominating point on the Chinese coast. America is interested in that question because of well-known issues between certain peoples in the Orient and the United States, which we have been dodging for a good while, but which one of these days we will have to confront. We can not keep on dodging them.

The control of Shantung, and through the control of Shantung, the control of China, has a vital interest for the United States as well as for Japan and our ally China, whom we helped to rob and dismember in the peace conference, a peace

conference composed of the same nations that are to compose and control the league of nations. But they say they are going to be good men, that they will not do anything wrong. And yet pretty nearly everything that they do is wrong. But there seems to be an imaginary future in which they are going to be regenerated, and although they are robbing China now, and they impress various people with the principle of self-determination and claim that in the future this league of nations is going to be righteous. That is just a picture that is just imaginary. You judge people by what they do, not by what they tell you they are going to do.

I met a man the other day in the corridor of the Capitol, an acquaintance of mine, who is almost a fanatic on the subject of the league of nations, and he began to denounce the Shantung outrage. "Oh," I said, "I thought you were in favor of the league of nations?" He said, "I am in favor of the league of nations." "Oh," I said, "you are in favor of the league of nations, but you do not like what the league of nations does. Is that it?" He admitted that was the situation.

I do not understand how people can be for an institution when they disapprove of the principal things that the institution effects.

President Wilson said in his speech the other day at one of the cities in which he was speaking, that we could not have prevented France and England from giving Shantung, the Chinese Province where the grave of their old leader and mentor of centuries, Confucius, is located, to Japan. That may possibly be true, but if we could not prevent France and England from giving Shantung to Japan, that was not any reason why we should join with them and help to carry out the transaction and ourselves sign the guaranty. France and England had some excuse for their conduct. We did not have any at all. France and England had the excuse of secret treaties made in the desperate urgency of a war for their existence. France and England had been carrying on the war for their existence and for civilization for three years before the President was induced to cast in the influence of the United States on their side. That is why they made these treaties, or at least it was an incident of that war. They had some excuse, but we were not even in the war when the first steps toward these treaties were taken. We ought to have been in, but we were not. We were not bound by any such treaty, the President's excuse for the dismembering of our ally in the war. Previous to the time of those treaties that France and England made with Japan, one of the means by which France and England were trying to preserve their national existence in the desperate struggle in which they were engaged, what was the President doing? The President was trying at that time to bring about a peace while Germany was in possession of Belgium and northern France. The President shortly before those treaties were made was using the mighty influence of this Nation to bring about a peace without victory, which would have meant a German peace. Our situation was quite different from that of France and Great Britain on the Shantung question. We had no such justification. But even supposing that France and Great Britain had no excuse at all—and I am not saying that their excuse is sufficient, I am only relating the circumstances, it was an outrage in whatever light it is regarded—but suppose they had no excuse, when we see a gang of powerful burglars break into a house we may not be able to stop them, but that is not any reason why we should join them and help to burglarize the house. The argument that Japan would have a cause of complaint against us if we do not agree to the transaction is quite transparent. We are under no obligation to Japan in regard to Shantung, and yet it is said by writers and speakers of influence that if we do not sign this treaty giving Shantung to Japan, Japan will have cause for war against us. She will not have anything of the kind. We are under no obligation to sign that instrument. We never agreed to do it. Japan has no right to expect or to claim that we should do it. We are entirely free agents in the matter. The attempt to coerce and terrorize the public opinion of the United States on this great question by the false assertion that we are liable to have war with Japan or with France or with England if we do not join in the rape of China is a rank deceit attempted to be practiced upon the people. There is no such danger. There is no such condition.

The President says the league of nations will help China to get her rights back. How can the league of nations help her to get her rights back when the nations that control the league of nations are the very ones which have taken her rights and her province and the key to her empire from her.

But the President tells the good Presbyterians who are for the league of nations but against the rape of China that Japan has promised to give Shantung back to China. Who promised? What right did he have to promise, or to bind Japan? None whatever. The Japanese Government has made no such promise. Whoever it was that made such a promise, if there ever was such promise made, I should like to ask the President, if I may do so respectfully, did he say when Japan would give Shantung back to China? I have never yet heard any dates mentioned. The fact of the case is he expressly refused to say when they would give it back.

If President Wilson has a promise from anyone that Shantung will be restored to China within any definite time known to man, will he advise the people whom he is addressing on that subject when that time will arrive? That particular time will never arrive because there is no such particular time; it has not been designated, and the promise, if it was made, is perfectly worthless, in the first place, because the man who made it had no right to speak for the Japanese Government, and, in the second place, because the promise to do something when you do not fix a time for doing it amounts to nothing.

The President asks, Will we go to war with France and Great Britain for Shantung? Does the President think we will have to go to war with France and Great Britain if we keep our fingers out of this dirty business? In other words, did the President sign the agreement to give a part of China to Japan under compulsion, in order to keep the United States out of war with Japan, France, and Great Britain? How could there be a war as long as we are going to have a league of nations to enforce peace? Was it for the same reason we gave Great Britain equal rights with ourselves in our own Panama Canal? If it was not for that purpose what was the President's purpose in joining in the deed?

Does the language of the twenty-third article obligating the members of the league to provide for the free transit of the commerce of all the members mean free trade? If it does not mean free trade, what does it mean? If it means something else, why did the covenant not state what it means? Was it purposely left in this form, as a joker in the league, so that the free-trade countries of Europe, seeking an American market, could place their own interpretation upon this clause, so as to carry out the well-known free-trade policies of Col. House and President Wilson? Freedom of transit of commerce means freedom of transit of the commodities of commerce from the point of shipment to the point of destination, and in international shipments, referred to in this covenant, that means free trade.

The removal of economic barriers means free trade. That was in the 14 points of peace. Is the "freedom of transit of commerce" simply another and a higher stage of existence of this same bug? Did it have any relationship to the shipment of Texas cotton?

The President himself affords the strongest argument against the league. He said at Des Moines, Saturday, September 6, 1919, that our labor conference could not perform its functions until we know what is to be done with the peace treaty. He said at another time that the high cost of living was due to delay in ratifying the peace treaty, which contains the league of nations. The war has been over for 10 months; and yet the President says the settlement of our most vital social and economic problems is so tied up with Europe by this instrument that we can not settle them except in connection with this treaty. If the President has succeeded in so binding us to Europe by his half year's negotiations, that we can not hold a labor conference, or suppress Bolshevism—the President says we can not suppress Bolshevism unless we have a league of nations or reduce the high cost of living without the adoption of a league of nations—why, then, we should not delay a moment in freeing ourselves from the entanglement if we are tied up in that way.

According to the President our domestic economy is tied up in the peace treaty with Europe which he has brought back. If that is so the whole treaty should be rejected at once, and the economic independence of the Nation reasserted.

Will the President explain how the league of nations will reduce the cost of living? I understand he has said that it would. I should like to understand how it would. Will he point out in plain terms what the league of nations will have to do with a labor conference called to consider domestic labor conditions? If an international labor conference is desired can one not be called without having a league of nations? Will the President assert to the people that an international labor conference, supposing that such a conference is desirable, can not be called without the formation of a league of nations?

The President says intervention in Europe is an accomplished fact, and no longer open to debate. It is true we intervened in the German war because it was a menace to the United States. Our own vital interests were involved. If Germany had occupied France and then proceeded to conquer Eng-

land, it would only have been the question of a brief time until she would have consolidated her resources and attacked the United States. There has been a good deal of idealistic talk about why we went into the German war. That is the reason we went into it. We went into it to save our independence. It was our duty to go into it to cooperate with those who were standing against Germany, while we had a chance to cooperate, in order that we would not have to stand against her alone. That is why we went into the German war. Remember that, when you hear talk about the alleged fact that we had no interest in this war and that we went into it as unselfish servants of mankind, we did go into it as servants of mankind, and we served mankind in the greatest way in which mankind could be served, by preserving this Republic as a beacon light for all the world.

It was the only emergency of the kind that has arisen since the Nation was founded. It was a special occasion. When we intervened we did so upon our own independent judgment as a Nation, the people and Government of the United States freely determining their course by existing circumstances, and not under compulsion of a bond executed beforehand, and not under the direction or coercion of a league of nations. The action of the United States was based on the vital interests of its people. The action of a league of nations would be based upon the interests of those who controlled the league. The proposed league would be wholly controlled by Europe and its Asiatic allies and dependencies. The action of the United States was determined by the interests of the people of the United States.

Such a European emergency, threatening civilization and menacing the independence of the United States, is not likely to arise again for 50 years. When it does arise, be it soon or late, are the people of the United States, of that generation, who will be required to submit their bodies and their treasure to meet the emergency, to be free to govern their own action according to the conditions which will then exist, and which we can not possibly foresee, or are they to be obligated in advance to enter the conflict under the direction of a league of nations or be confronted by the alternative of repudiating the bond which we of this generation placed upon them? Is the United States to bind itself in advance to participate in every European war because it participated in this one? Then by our victory, if that is the case, we have gained not peace but a heritage of war.

But the President says the league of nations is merely advisory. If it is merely advisory, how can it be a league to enforce peace? How can it be merely advisory if it has the power to coerce by economic strangulation, described in detail by the President in his recent speeches? If our obligations in the league are not contractual but moral and subject to our own discretion, as stated by the President, by what authority can the league undertake to enforce those obligations by embargoes and economic isolation? If the league is merely advisory and obedience to its decrees rests merely in the good judgment of its members, as the President states, then why have a league at all? Why not have merely an advisory council, if the league of nations is to be merely an advisory council?

But if the obligations of the members of the league are not merely discretionary, but contractual; if the instrument is really a constitution, as it was first called, or a covenant, as it is now called; if the council and body of delegates of the league have the power to enforce the decrees of the league by economic strangulation; if disobedience of its decrees constitutes an act of war; if "force is in the background," as the President says; if it is to have, as the covenant provides, supervision of the trade in arms and munitions of war; if the army or the navy of a member of the league can not be increased without the permission of the league, as the covenant covenants, however vital the emergency; if every demand or controversy that is made against the United States by any other nation, about any matter whatever, is to be submitted to the league for determination—if these things are true, as I assert they are true—then is it not a supergovernment?

If the league is merely advisory it is useless, because we can accomplish the purpose without a great institution of this kind by having an advisory council which you could write in six lines on a sheet of note paper. If it is mandatory, however, it is a despotism. I think that is a sound deduction of the alternative upon the differing constructions of the character of the league of nations. If it is to be merely advisory, we do not need it. If its powers are mandatory, then it is a despotism.

How can either the honor, the self-respect, the independence, or the material welfare of the United States continue to exist if Japan or Great Britain, by withholding the unanimous vote required in the council of the league, can deny permission to the United States to increase its Army or Navy, curb its power, and control its means of defense at sea? You may say that they do not intervene unless territory is attacked. How about rights at sea? No nation, however great, can continue prosperous unless it preserves its rights upon the great thoroughfares of commerce, upon the high seas of the world. What is said about that? Some of our wars have been fought about that. Suppose we have an international conflict or controversy about the safety of our commerce, the rights of our sailors, the freedom of our ships upon the great oceans, where we have as much right as any other nation has, where no nation is sovereign? If this league of nations can intervene about such a controversy, then it can control the destinies of this country.

How can the Nation continue to exist if Japan or Great Britain, by withholding the unanimous vote required in the league of nations, can prevent the protection of our citizens abroad and so suppress and control our status in the world? Such protection is essential to the dignity, the honor, the prosperity, and, I think, the existence of the Nation. It must not only protect its own territory, but the aegis of its laws should follow its citizens wherever they go, in the myriad paths of commerce, and give them that protection to which the laws of nations entitle them. If the league of nations has jurisdiction to determine disputes over such matters it will control the status of the United States in its relations to other nations throughout the world.

But, it is said, the nations that will control this league are our friends. Mr. President, there is no such thing as friendship in State affairs. They are our friends when it is to their interest to be our friends. Their own national interests, the commerce, the food, the prosperity of their own people, are of more concern to them than our interests, and from their standpoint it is proper that it should be so. Now, this of course is quite elementary, but it seems necessary in dealing with idealists to recall and set before them in very plain terms elementary principles.

But it is said that this council will be just and fair. Why is it supposed that they will be just and fair? The representatives of these nations sitting at the peace conference have not been so at all times. Why is it supposed that they will be more just or fair or generous when they get upon the council of the league of nations?

This is one of the illusions of the league fanatics. There is no reason to be found either in any observation of human nature or in the teachings of history to suppose that the men of state, sitting on the council of the league of nations, promoting the interests of their people, will be anything but crafty, shrewd, nationally selfish, and internationally cruel and despotic. Mr. Wilson found them so at the peace conference. Why has he the delusion that he will not find them so when he finds them invested with the veto powers of the league of nations?

The assumption that virtue has completely triumphed over evil in the hearts of international statesmen, and that the American people can trust their rights and liberties to the benevolence of the council of a league of nations is what President Wilson has so aptly described in referring to the result of others of his own acts, the "metaphysical tragedy of to-day." It cost the blood and tears of centuries to learn that the only safe protection of a people is to keep their government and the control of their vital interests in their own hands.

A former Government official of the United States advises his countrymen to ratify the league of nations without reservations. I am referring to a statement which was published in the newspapers a few days ago by a prominent former official of the Government, now out of office. He says we should sign this league of nations covenant just as it stands, without delay, and then that we immediately should send a delegation to the league of nations and appeal to them to protect the institutions of the United States. I say that the man who gives that advice to the people is a traitor to his country.

The Kaiser, the socialists, the communists, the anarchists, the Bolshevists, and a certain element of those who are in favor of a league of nations, are all internationalists. I do not know but that they all are, but I do not like to make it absolutely inclusive. There may be some advocates of the league of nations who think they are not internationalists, but most of them are internationalists. So is the Kaiser, so are the anarchists, so are the communists, so are the Bolshevists. They all believe in the doctrine of internationalism. They all favor—those that I have characterized—a central world authority based on force and overriding national lines.

Mr. President, is not such a centralized superauthority in its very nature a frightful despotism? They think it is liberty. I do not see how it could be, in its very nature, anything but a despotism. What reason or experience is there to assume that it is not? Frightful consequences would ensue from it if it is. Is it this internationalism that affords the explanation of the

President's declaration that the day of seeking our national advantage has passed?

Under our form of government the majority rules. But the powers of even the majority are special and limited. Even the majority can not do everything. A conspicuous feature of our Constitution is the bill of rights, founded on the immortal charter of George Mason in the Virginia constitution, in which she established her independence from Great Britain, guarding and entrenching by express mention the rights of the individual. But this is not all. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." I recognize and submit to the rule of the majority subject to the munitions of liberty; but I do not recognize in the President, nor in Congress, nor in the majority, should such a majority ever exist, any authority to transfer by means of a world constitution, or a world covenant, my allegiance in any attribute of government from the United States to a combination of foreign powers.

This "covenant" of the league of nations, which we are discussing, is not a treaty. It is a constitution of government. It does not establish a condition to be dealt with by the independent action of the parties to the arrangement, as in the case of a treaty. It sets up an elaborately organized government outside of, separate, and apart from the Government of the United States. We have never had a treaty that ever did that. It invests this organization with vast governmental powers. It contains no bills of rights. It makes no reservation of powers not specifically granted. It undertakes to transfer to a permanent government in Europe powers which our people have vested in the President, in Congress, under their control.

No such new constitution of government, even if its powers were vested in our own Nation, could be established without a submission to the people or to the States. The imperious and autocratic demand of the President that it must be adopted in the exact form in which he has proposed it is too great a departure from our conception of freedom to receive consideration.

FOREIGN FINANCIAL OPERATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

Mr. ASHURST. Mr. President, I am in favor of the pending bill. I shall therefore be brief in discussing the amendment I have to propose. Not only do I think that this bill should pass at an early date, but I am going to be one of those who will assist the majority here in preparing and passing at the earliest date the proper reconstruction measures that we ought to pass. Our country is in a perilous position. A wayfaring man can see that, and I believe he will serve his country well now, even though he be in the minority, as I am, if he will but honestly and fairly assist in passing the bills that are so necessary to stabilize the country. So I regard this measure as a constructive measure which should receive favorable action.

While this bill is important, and the business interests to which it relates are important to our country, it is not the only subject requiring attention. I want to take 10 minutes of the time of the Senate to call attention to another problem that presents itself for solution.

The United States has loaned to the allied and associated powers of the Great War over $10,000,000,000. These figures do not include the loan made, or alleged to have been made, last Saturday. I do not know the exact amount of that alleged loan. These figures I am about to read are four days old. We have loaned—

Belgium	$343,445,000.00
Cuba	10,000,000.00
Czechoslovakia	55,330,000.00
France	3,047,974,777.24
Great Britain	4,316,000,000.00
Greece	48,236,629.05
Italy	1,587,675,945.99
Liberia	5,000,000.00
Roumania	30,000,000.00
Russia	187,729,750.00
Serbia	26,780,465.56
Total	9,658,172,567.84

Mr. President, I am an optimist. My spectacles are always tinted with the hues of the rainbow. I instinctively and naturally see the pleasant side of all things, in war or peace. But optimist as I am, I doubt very much if thinking men believe that this money loaned to European powers is going to be paid back; at least paid back soon. I ask Senators to arise, if they think the European loans are going to paid back to us, and tell me who will repay, and when will be repaid, if at all, the loan we made to Russia? The morning papers announce that a further loan will be made to European Governments. Mr. President, we should be just as well as generous, we should be fair to our own people and just to them before we are generous to strangers.

Having loaned upward of $10,000,000,000 to these insolvent countries, we hesitate and pitiably flounder as to whether or not we will lend to our own soldiers $500,000,000, or one-third the amount we have already loaned to Italy. How can the American people think well of their Congress when we ladle out with a lavish hand $10,000,000,000 and threaten to ladle out $5,000,000,000 more to countries that may yet become our enemies, to countries that have not assisted us in any way, and then we deprive the American soldier of the opportunity to get a loan from his Government?

So, Mr. President, I shall offer an amendment to this bill which will provide that $500,000,000 shall be loaned to returned soldiers who wish to borrow. I am not going to insult the soldier by giving him anything; a man who walks uprightly and courageously does not want any gifts, any largess, or any bounties. Some time ago I took a modest part in securing the passage of an amendment to a bill granting a bonus of $60 to each honorably discharged soldier. I have received a few letters thanking me for such action, but I have received scores of letters from soldiers denouncing me for the insult I offered to the soldier in proposing to give him money. Make no mistake, the American soldier in this country is not an object of charity. He was not afraid of German gas, he was not afraid of hissing rockets and exploding shells. He wants to stand before the world as a man with no gift money in his pocket. But I voted for the bounty of $60 that was paid to the soldier and urged it in three speeches, and now I find that the soldier has a truer, larger conception of manhood than I have. He does not want any gifts or any charity, but he does feel that his Government should lend him money with which he can purchase a farm.

This amendment I am going to propose is the Mondell bill, which has been reported favorably by the House Committee on the Public Lands. I have simply taken the Mondell bill, already reported favorably from the Committee on the Public Lands of the House. I have not changed a word of it, because that bill has had the careful, deliberate consideration of a great committee of the House. They have heard the evidence, and they have reported the bill favorably. The bill provides, in substance, that the sum of $500,000,000 will ultimately be placed in the hands of the Secretary of the Interior, and that working through the State land boards, working through the executive officers of the various States, loans may be made to soldiers who desire to procure them. It will be repaid in 40 years with interest at the rate of 4 per cent per annum.

Mr. President, I should like to see a roll call and see the Senator or the Representative who will stand up and say, "I have said nothing when billions were loaned to foreign Governments, but I voted 'No' when it came to lending my own soldiers money at 4 per cent interest."

This bill, I say, carefully safeguards the interests of the Treasury. It has been recommended by President Wilson. But possibly President Wilson is now so hotly pursued by partisan opponents that his recommendation amounts to little, though his recommendation has weight with me. But even if the President's recommendation should amount to nothing with some Senators, I call attention to the fact that Secretary Lane, one of the great statesmen of our country, one of the towers of strength in the Cabinet, recommends this bill.

Then some Senators may say, "While it is true that the President has recommended this bill, and Secretary Lane has recommended the bill, we fear it is partisan; we fear that it has not been investigated sufficiently."

I call attention to the fact that former President Roosevelt recommended this very bill. So upon all grounds I conclude that we ought to pay some attention to this measure. I hope, but I do not expect, that it will be adopted by the Senate at this particular time. I see the distinguished chairman of the Senate Committee on Public Lands has come in. With his splendid leadership he has just put through a bill looking to the unlocking of our coal lands that have been tied up 10 years. I hope the Senator will convene his committee and bring into the Senate a bill providing for loans to soldiers. And I repeat here, because the Senator was out when I stated it before, if we can lend to Russia $187,000,000, why can we not lend $500,000,000 to our own soldiers?

I believe in being generous with those who have been just and generous with us. This money we are giving to Russia and Liberia and Bulgaria has been earned by the toil of the American people; it has been extracted from their pockets by taxation laws, and let us begin now the policy of being just to the American people before we are generous to anybody else.

Mr. President, I said a moment ago, and I repeat, that the returned soldier is in favor of this bill. I call attention to the fact that at the St. Louis caucus of the American Legion, which was held last May, a resolution was introduced proposing to give to each returned soldier six months' pay. A debate was had, and that resolution was unanimously defeated, and in the course of the discussion young Theodore Roosevelt said he was opposed to the six months' bounty, because the soldiers who saved this Government did not propose "to take anything out of the Government, but to put something into the Government." That statement by young Roosevelt sounded like a bugle call from the Mighty Hunter who reached the end of the long trail on the 6th of last January. "We are here not to take something out of the Government, but to put something in." Reflect on that.

Mr. CUMMINS. Mr. President, may I ask the Senator from Arizona a question?

Mr. ASHURST. Certainly.

Mr. CUMMINS. I ask for information. I am not very familiar with the amendment which the Senator is about to offer to the pending measure. Is the loan which is proposed to be made to the soldier conditioned upon his entering on the public domain?

Mr. ASHURST. No; it is not. The Senator will pardon me if I give an extended reply. As I said, I took the so-called Mondell bill, which has been reported favorably to the House of Representatives and which proposes ultimately to appropriate $500,000,000, and the money will be spent through the agencies of the executive departments of the various States. For instance, a returned soldier in Vermont desires to obtain a farm in Vermont. Under the bill the Government will advance him money to purchase the farm if he wishes to. A returned soldier in Florida wishes to drain some of the swamp lands in his State. He may obtain a loan from his Government at 4 per cent, repayable in 40 years, to reclaim those lands.

There is, of course, an idea that the western arid and irrigable lands, of which we have a vast area, will be reclaimed, and that the water will be stored and put upon them. But the bill in no sense limits its operations to the arid and irrigable lands. In other words, there will be about $10,000,000 that will be available to each State to lend to the soldiers. It is intended that the soldier will get the benefit of what we call the increment. Instead of having to pay for the increment, he would become the beneficiary of it; he would reap the benefit of the growing value by taking raw lands where possible.

Mr. CUMMINS. This money is not to be loaned, then, directly to the soldier? It is to be expended in the interest of the soldier by the several States?

Mr. ASHURST. Upon such particular land as the soldier may wish. It is my judgment that in the operation of this bill the soldier could identify a tract of land in Iowa, Arizona, Texas, Florida, or Pennsylvania, or any other State.

Mr. CUMMINS. Suppose the soldier wanted to go into some other business than agriculture. Why should not the Government lend him money for that purpose as well as for agriculture?

Mr. ASHURST. I agree with the Senator that it should. As I say, I think the bill grants ample authority, although I may not be correct about that. I am in favor of that, and would not oppose an amendment to that effect. It makes land the basis of the loan. I think I would support such an amendment.

Mr. CUMMINS. It is for the benefit of the soldier and not for the benefit of any particular vocation or calling. So I can not see why, if we are going to do this for the soldier in order to enable him to become a more efficient member of society, we should not extend the privilege to any kind of safe enterprise into which a soldier might desire to enter.

Mr. ASHURST. The suggestion of the Senator is apparently irresistible; that is, there seems to be no answer, and standing alone there is no answer to it. My judgment is that that would better be put in a separate and independent bill, because the problem of all nations from the time of the wars of Cæsar down to this very hour has been how to get the soldier back into community life. After the Revolutionary War there was such a vast domain lying west and north of the Ohio River awaiting the settler that the soldier could find land easily, and after the Civil War there was a mighty migration of discharged soldiers that built up the plains and the Western States. But now since we have not very much public land left that is desirable unless reclaimed, that would raise crops without irrigation or some improved and scientific methods of farming, it has been deemed wise by those who have investigated to enact such a law.

But the point I want to emphasize here to-day is that $10,000,000,000 have been loaned to foreign governments, and yet we are told in the public prints and elsewhere that the bill providing for the loan of half a billion dollars to our soldiers is in peril.

Mr. CUMMINS. The difficulty is, as I see it, that the bill would provide for a loan to possibly one-fiftieth or one-twentieth part of all our soldiers and the remaining forty-nine fiftieths or nineteen-twentieths would receive no benefit whatever from it. That, it seems to me, would be rather a serious discrimination between men who were equally brave and equally patriotic.

Mr. ASHURST. Yes; it would be. Let me call the Senator's attention to the fact that the bill provides for the purchase and ultimate ownership of a house in the city. This is my information, that the Mondell bill provides for a home settlement.

Mr. SMOOT. No; the Senator is mistaken.

Mr. ASHURST. I will stand corrected if the bill does not provide for that, but the policy of this legislation was to deal with soldier settlements, to get them into the world of production. There is a widespread outcry against the high cost of living. The high cost of living, of course, is the inevitable, the natural, result of a long war. The high cost of living is a phenomenon which has made itself manifest after every great war, because during the war so many millions of men are withdrawn from civil life, from the industrial and productive world, and put into the destructive world. The result after a long war is a scarcity of foodstuffs and inevitably a rise in prices.

The best way, in my judgment, to bring about a lowering of the high cost of living is to increase the supply as well as to eliminate the profiteer.

So I repeat that, while that might apparently only furnish soldiers, 1 out of every 50, a farm, the money would not be spent unless it were necessary to be spent. If the soldier did not wish to avail himself of the use of it, the money would not be spent. I presume Russia or perhaps Bulgaria would get it, or we might send some of it to Turkey.

However, as I say, I have no objection to an amendment of that sort, and if the Senator sees fit to offer it I will vote for it.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. ASHURST. Oh, certainly.

Mr. SMOOT. I would not want Senators to understand from what the Senator from Arizona says that that is the sentiment of the Public Lands Committee.

Mr. ASHURST. No; I am not a member of that committee.

Mr. SMOOT. The security that would have to be required in a case of that kind is not provided for under the provisions of the bill, and, in fact, that theory is entirely different from the theory of the bill to which the Senator is referring.

I will say to the Senator from Iowa [Mr. CUMMINS], with the permission of the Senator from Arizona——

Mr. ASHURST. I yield, of course.

Mr. SMOOT. It is the theory of this bill to give employment to the soldier and at the same time get the soldier on the land. It is following after the plans that were adopted years ago, known as the reclamation of arid lands. A soldier ultimately will have to pay back to the Government, with 4 per cent interest, every dollar advanced to him. The security provided for is the land itself, which will include the increased value of the land, with all improvements. The lands are open to entry to-day, and any citizen of the United States could make an entry upon them if it was possible to secure water to cultivate them as required by law, and, after a certain length of residence thereon and certain improvements, would be entitled to a patent to the land so entered.

The theory of the bill is to reclaim such land by providing storage water and thus provide homes for our returning soldiers. Reclamation projects similar to those created in the past under the reclamation act will be constructed to conserve the flood water, impound it, and then distribute that water upon arid land and make it as fertile land as will be found anywhere in the world. The advances for these purposes will be apportioned to the acreage under the project, and the soldier who goes upon a project under the bill has a right to employment in the construction of the works, and that will enable him to meet his first payment; that is, 10 per cent will be reserved under the bill which I introduced for the purpose of assisting in the first payment upon the land when the project is completed. The advances made are limited to certain improvements. All the advances are made to enhance the value of the land, so that every dollar that the soldier puts upon the land improves its value, and the Government securities in that way enhance every time an acre of land is plowed and by every dollar that the soldier puts upon his place, and instead of being worth, when the payments are all made, $4,000, if that is the maximum amount drawn by him, no doubt the place will be worth twice that amount, with his home and his improvements upon it.

The bill provides that these payments, if it becomes necessary, shall extend over a period of 40 years. But remember that

the soldier is paying all the time 4 per cent upon all the deferred payments, and the Government in the end will receive every dollar that is advanced. That is a short explanation.

Mr. ASHURST. I want to thank the Senator. His explanation is more lucid than my statement, because he is more familiar with the bill than I am.

Mr. SMOOT. That explanation applies to the arid lands of the West. Then, the benefit applies to cut-over lands in the Northwest, and it also provides for the reclamation of swamp lands, and the Senator knows there are millions of acres of those lands in the United States that ought to be reclaimed, and will some time or other be reclaimed. This bill provides for the reclamation of such lands.

The theory of the bill is, and it so states, that there shall be at least one of these projects in each State, so that the amount of the money expended shall not be put in any one particular section of the United States, but shall cover the East, the West, the South, and the North.

Mr. OVERMAN. Mr. President, I should like to ask the Senator from Utah if there is a drainage project contemplated in the bill?

Mr. SMOOT. There is, and there is a provision that allowance shall be made to a soldier for his work for the drainage of the swamp lands, just as there is a provision for assisting in the impounding of water to be used upon the arid lands. There is a provision, also, for the pulling of stumps on stump land, but I will say to the Senator that in some sections of the country it is going to cost at least $125 to $150 an acre to pull those stumps, but when pulled the land will become very valuable.

Mr. CUMMINS. Mr. President——

Mr. ASHURST. I yield to the Senator from Iowa.

Mr. CUMMINS. I had just enough information about the bill to prompt my inquiry to the Senator from Arizona, and the remarks just made by the Senator from Utah confirm the impression I had generally of the bill. It is really not a bill which assists or extends aid by way of a loan to soldiers. The primary purpose of the bill is to bring under cultivation a greater area of land than is now in use. That is a very worthy purpose, but I am very much afraid that in tempting the soldier into the enterprise involved in either draining land or irrigating land or occupying cut-over land, instead of relieving him in any way or putting him in a position in which he may be a productive member of society, we are, in fact, imposing a very great burden upon him if he yields to the temptation to take the land.

Mr. ASHURST. Just let me say there that if the American soldier could face the German gas and shells and cooties that had military training, he will be willing to face a little American soil if he thinks it will develop into a home; and if he can obtain a home in his own country, he will face those hardships.

Mr. CUMMINS. For my part, if we desire to do this thing in an effective way and for the benefit of the soldier, I would much rather offer to loan to the soldier a sum of money that would enable him to buy a farm in North Dakota, the eastern part of it anyhow, or a farm in Iowa, Illinois, or Wisconsin, than to hold out this glittering generality that there is a fortune in irrigated lands.

Mr. ASHURST. You are not holding out to the soldier a false promise. Only 20 years ago there were lands in the West, not only in my State but in other States, raw lands that were dreary, that could be purchased for $2 or $3 an acre or even for a lower price than that, and after intelligent effort and water had been applied to them, we find they have a value of at least $200 an acre. There is an abundance of that sort of land left.

Mr. CUMMINS. I realize that, Mr. President, and no one can exceed me in the hope that all these lands may be reclaimed; I think they ought to be reclaimed; but we have had enough experience to know that it is not a poor man's project. It is rich land, I am aware, that only needs water to make it the most fruitful region of the earth; but it will have cost $150 or $200 or $250 an acre when it shall have reached that stage of development which will afford any return whatever. That, to me, is not quite in harmony with the general idea of furnishing to the soldiers of our returning Army money with which to buy property that can within a reasonable time become productive. I want to speed the reclamation of these lands in every way that I can, but if we are doing it for the benefit of the soldier and not for the benefit of the country as a whole, I had much rather furnish him a loan of money which he could immediately utilize for the purpose of entering some business or enterprise that was not so far in the future in its promise of returns.

Mr. ASHURST. Mr. President, the Committee on the Public Lands of the other House had that very suggestion brought before them, though, of course, not so well put as the Senator puts it; in fact, they had six or seven different propositions before them. One was to grant to each soldier a bounty of six months' pay; another to grant him a bounty of three months' pay; but after many weeks of investigation, it was ascertained that the sentiment of the soldier was that the soldier did not want any gift, did not want any bounty, but was a man ready to earn his own living if only given a fair chance.

Mr. CUMMINS. I glory in that.

Mr. ASHURST. Certainly; the soldier wants to become a part of the substantial realty-holding community, to own a farm. If he does not wish the farm, he need not take it; of course, he would not be compelled to go there. I shall be glad to vote for any other legislation which will lend money to the soldier upon security.

Mr. CUMMINS. Then why not pass a bill which will loan to each soldier a sum of money proportionate to the entire appropriation, which he may use for any purpose for which he desires to employ it, if he shall give to the Government fair and reasonable security for its repayment?

Mr. ASHURST. I have not the slightest objection to such legislation.

Mr. CUMMINS. Why limit it merely to those who want to become farmers? Second, why limit it to those who want to enter upon the arid lands of the country or upon the swamp lands of the country or upon the cut-over lands of the country? It seems to me that if you put such reservations upon it, you have done very little for the soldier.

Mr. ASHURST. The limitation is made because when you give a man an opportunity to enter upon the arid lands or the swamp lands after they have been reclaimed, you have given him an opportunity to become independent if not opulent for his lifetime. Lend him $1,500, $2,000, $5,000; I have no objection to that; but he would prefer to have a loan where he could have 40 years in which to repay. He will repay it easily in 10 years, if he so desires, after the land has been reclaimed.

When the vast irrigation systems of the West were initiated some of us feared that the settlers could not repay the advances within the 10 years, and my distinguished colleague [Mr. SMITH of Arizona] secured the passage of a bill extending the time of payment from 10 to 20 years. We now find, however, that it is not a hardship for them to repay the money, so rich are the lands that have been reclaimed and to such high prices have food products and other products of the farm mounted.

I thank the Senator from Iowa for his statesmanlike suggestion as to the bill before us, but the particular subject the committee has reported is a bill establishing community life for the farmer. I am sure that the Senate will in due time take up the other questions.

Mr. President, I ask unanimous consent to include in the RECORD as a part of my remarks the report of the House Committee on Public Lands and also a letter signed by Col. Henry D. Lindsley, chairman of the national executive committee of the American Legion.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ASHURST. I will tender the amendment and shall ask a vote upon it at the appropriate time.

Mr. SMOOT. Mr. President, may I call the attention of the Senator from Arizona to a condition that has arisen in reference to the House bill as reported?

Mr. ASHURST. Yes; that is the bill I have offered as an amendment to the pending bill.

Mr. SMOOT. I understood that the Senator had offered that bill as an amendment to the pending bill?

Mr. ASHURST. Yes.

Mr. SMOOT. I wish to say to the Senator from Arizona that I have received a letter from the Interior Department, and I have also had Mr. Cory, who has this particular matter in hand for the Secretary of the Interior, call upon me to point out a number of provisions of the House bill that should not be agreed to. He has given his reasons why they should not. On that account I will say to the Senator from Arizona that I should not like to vote for the amendment as now framed as an amendment to the pending bill.

However, I will say further to the Senator that as chairman of the Committee on Public Lands I expect before many days to call the committee together to begin the consideration of the soldiers' settlement bill. I have applications from, I suppose, 50 people from different parts of the United States asking that they be allowed to be heard upon the bill. I recognize the fact that there is great opposition to the bill, coming from a great many sources. I do not feel justified in saying that those people

should not be heard. Therefore, I am going to ask the Public Lands Committee to set a day for hearings and to continue such hearings until we get through with those asking to be heard. After the hearings I shall ask the committee to consider the bill; and if we can agree upon the bill and amendments to it, which will justify reporting the bill to the Senate, I expect to do that. Then we can discuss it pro and con until the Senate itself decides as to whether or not it wishes to enact the proposed legislation.

Mr. ASHURST. Mr. President, with the assurances that have been made by the Senator from Utah [Mr. SMOOT], who is the chairman of the Senate Committee on Public Lands, that he will convene his committee very soon and give this question a complete and independent examination, without relating it to other subjects, I shall withdraw the amendment which I have proposed.

The report referred to is as follows:

[House Report No. 216, Sixty-sixth Congress, first session.]

Mr. SINNOTT, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, to whom was referred the bill (H. R. 487) providing employment and rural homes for those who have served with the military and naval forces through the reclamation of lands to be known as the national soldier settlement act, having considered the same, report it to the House with the recommendation that it do pass, with sundry amendments which appear at the end of this report.

The committee has given the most patient and thorough consideration to the matter of framing a comprehensive constructive program in the interest of our returning soldiers.

Broadly, the problem is how to absorb them into our national life on terms that shall be satisfactory to them and profitable to the Nation. Specifically, the problem as presented in all of the bills referred to the committee is how to furnish them with immediate employment and to open the way to self-sustaining homes on the land, and how to furnish them with the necessary capital.

The basis of the discussion has been H. R. 487, introduced by Representative MONDELL, of Wyoming, but the committee has encouraged the freest expression of opinion on every aspect of the subject. As a consequence, the testimony has covered a wide range, and developed a variety of opinion. But there is one thing on which all agreed: Something should be done for the soldier. As a means of showing how the committee has reached its own conclusions, it will be helpful briefly to review various propositions which have been advanced as substitutes for the legislation proposed by the Secretary of the Interior, indorsed by the President and embodied in several bills that have come to the committee.

VARIOUS SUBSTITUTES PROPOSED.

1. A bonus for all soldiers: This has been proposed in three different forms: (a) Three hundred dollars for each enlisted man, which would require a total appropriation of $1,200,000,000; (b) a bonus of $25 per month for each month in service, which would amount to about the same total if the average length of service was one year; (c) a bonus of $5,000 for each soldier, which will call for $20,000,000,000.

2. Individual farm loans: These have been proposed for various amounts and purposes, but all on the basis of the "infiltration plan," a term now commonly used to describe the method of individual settlement on scattered farms, as distinguished from the plan of community settlement. It has been proposed: (a) That a flat sum of $4,000 be offered to each soldier for the purchase of an approved farm wherever he may select it, such advance to be made upon the basis of 100 per cent of the value, at 4 per cent interest, payable in 40 years. If all soldiers accepted the offer it would call for an appropriation of $16,000,000,000; (b) the same proposition with a maximum loan of $10,000, which would call for $40,000,000,000 if accepted by all; (c) the same proposition extended to cover advances for necessary improvements, live stock, and equipment; (d) the same proposition, except that the loan shall be elastic in amount, ranging down to 50 per cent of value.

3. Loans for city or country homes: That every man returned from the colors be offered a loan of $2,500 at a low rate of interest (4 per cent suggested), payable over 40 years' time, provided he invest the money either in a farm or in acquiring a home in city or town. Assuming the unanimous acceptance of this proposition, it would call for $10,000,000,000.

4. Loans for all lines of business: That soldiers desiring to engage in any line of business be provided with loans of various amounts, ranging up to 100 per cent of the necessary capital. It is impossible to estimate the appropriation that would be required, but the idea is for the Nation to supply the financial backing for every soldier who desires to engage in trade, industry, or profession of whatever nature.

5. Advancing money to the States: That $500,000,000 be apportioned among the several States on the basis of the number of men supplied to the colors, and that the States be permitted to use the money in any way they consider best for the soldier's welfare. The same suggestion was made on the basis of a larger but indefinite appropriation.

6. Leave it to private capital: That the matter be left entirely to private capital to finance, with helpful cooperation on the part of the Government in safeguarding any proposition for investors and settlers.

The problem of dealing with disbanded armies: The problem we are facing is not new in human history. It has been the problem of all countries after all great wars, and it is preeminently the problem of all countries to-day. "From Rome under Cæsar, to France under Napoleon, down even to our own Civil War," said Secretary Lane in his letter of May 31, 1918, to the President and Members of Congress, "the problem arose as to what could be done with the soldiers to be mustered out of the military service."

There are two considerations to be borne in mind in dealing with the question: The first is the welfare of the soldier himself. It is incumbent upon Congress to see that no man who offered his life to protect the Nation in time of war shall come to want in time of peace. Every soldier who needs employment upon being discharged from the Army should have employment; and, so far as possible, employment at some congenial task. Moreover, it will be desirable in many instances to provide the soldier with a permanent occupation, and this should be of such a nature as to lead in the direction of genuine economic independence. The second consideration to be observed is, of course, the welfare of the Nation.

The American stock is of the colonizing breed. Not only the descendants of our earliest settlers but even our latest immigrants belong to the element which does not rest content with existing conditions, but constantly seeks to better them by reaching out to new opportunities in new lands. Our great patrimony of free public lands has been the safety valve of the Republic in the past. Lord Macaulay predicted that when this was gone—"then will come the real test of your institutions." If there was any measure of truth in the prediction, the present moment carries a challenge to the genius of American statesmanship, for the free public lands suitable for agriculture without irrigation are practically gone. Nevertheless, if the past is any guide for the present and the future, this is a challenge which must be accepted in order that the Nation shall remain sound and wholesome, and that man's conquest over the resources of nature shall go on in this and in coming generations.

In this connection it is worth while to recall how the veterans of the Revolution made their way through the almost trackless forests of the Alleghenies and planted the seeds of the great civilization we now behold both north and south of the Ohio River. It is well to recall how the veterans of the Civil War completed the occupation and development of the great region watered by the Mississippi and its tributaries, carrying their homes and farms to the extreme limit of the district where crops are assured by natural rainfall, and to the very threshold of the arid region.

There is another lesson which it is very important for us to learn from the past. The number of veterans who actually availed themselves of land opportunities at the close of former wars was small as compared with the total number engaged. Even so, the invitation to go on with the development of natural resources was effective not only in meeting the needs of the discharged soldier, but in steadying the whole fabric of industry and society at the most critical periods in our history.

As has already been said, the problem of how best to provide for the welfare of the returning soldier is not our problem alone, but equally that of all other countries. It is interesting to observe that the other great English-speaking countries—England, Canada, and Australia—are turning to the land as a means of meeting the need of the hour. England has a density of population equal to that of any American State. Its last acre of free public land disappeared centuries ago. And yet England is finding room upon her crowded soil to make more homes and farms for her soldier boys, and she is backing them in the new adventure with her money and credit. Canada and Australia have adopted most generous policies in this regard, as fully set forth in the report of the Secretary of the Interior on H. R. 487.

LEADING PRINCIPLES OF A SOUND POLICY.

In view of the foregoing considerations, the committee has decided that it is unquestionably the duty of Congress to enact legislation with the least possible delay which shall make provision for the welfare of returning soldiers, sailors, and marines; and that such legislation should be based on these principles:

First. The continuation of our historic policy of opening the way to work and homes on the land for the veterans of our wars.

Second. In the absence of any considerable area of public land suitable to the purpose, the acquisition of lands now in private ownership followed by such improvement as may be necessary, either by clearing, fertilizing, draining, or irrigating, in order to render them fit for the best forms of agriculture.

Third. The employment of soldiers wherever practicable in all departments of the work to be done on the basis of current wages to the end (a) that opportunities for remunerative work may be supplied to those who need or desire it, and (b) that the soldiers may have opportunity to accumulate the amount of money that will be required as first payment upon property subsequently allotted to them.

Fourth. The advance of limited sums of money to be used by the settlers in the construction of permanent improvements, such as houses, barns, and fences, and of other limited sums for the purchase of necessary live stock and equipment, always with a reasonable margin of security for the Government.

Fifth. The subdivision of lands into lots, farm-workers' tracts and farms and the disposal of such property upon such terms as shall, in a period of not more than 40 years, reimburse the Government for its entire outlay, with interest at 4 per cent per annum.

Sixth. The provision of reasonable safeguards against speculation in farm allotments, to the end that permanent homes shall be made in good faith.

Seventh. The colonization of soldier settlers in groups of sufficient size to enable them to take advantage of every opportunity for economy and efficiency in the purchase of supplies and sale of products and for organized social life; also to permit them to receive the full benefit of community-created values.

Eighth. The absolute solvency of the entire enterprise, alike from the standpoint of the Government and the soldier settler, and the authorization of a total expenditure of not more than $500,000,000, but with actual appropriations made from time to time as particular projects shall be submitted to Congress by the Secretary of the Interior.

SUBSTITUTE PROPOSALS CONSIDERED.

The adoption of these fundamental principles necessarily eliminates from consideration some of the ideas which have been suggested as substitutes for H. R. 487.

The proposition for a bonus to be given to all enlisted men, involving a total immediate outlay ranging from one billion to twenty billion dollars, is not within the jurisdiction of the committee.

Practically the same observations apply to the proposal to advance capital for the purpose of setting soldiers up in any and every line of business. Except as it deals with lands now owned or hereafter to be owned by the Government, it is not within the jurisdiction of this committee.

The proposal to leave the entire question of providing for the soldiers' welfare to private enterprise and capital is, of course, in conflict with what the committee regards as the plain duty of Congress at this time, while the proposition to advance money to build or purchase homes in cities and towns is a matter which should be embodied in separate legislation, if at all. In that case, it would be the business of some other committee.

DANGERS OF INFILTRATION.

The infiltration plan is different, and, upon superficial consideration, may be regarded as a somewhat satisfactory substitute for H. R. 487. On careful analysis, however, the committee has been unable to adopt it, notwithstanding the fact that it undoubtedly commands

the earnest support of some of the sincerest friends of the movement to establish the soldiers upon the land.

In the first place, it would call for the expenditure of a vast sum of money and could not be made a sound, solvent proposition for the Government, at least if it authorized a loan for 100 per cent of the value of the property purchased, while if it did not authorize a 100 per cent loan it could be availed of only by soldiers possessing a considerable amount of money. This is true because it does not offer one hour's employment; hence, no opportunity whatever for the soldier to earn and accumulate money against the time when he will enter into the possession of his farm. For the same reason it provides no means for getting the necessary live stock, implements, and other equipment, or the necessary working capital.

The soldier settler, possibly devoid entirely of agricultural knowledge, experience, or training, would be suddenly thrown upon a farm subject to a mortgage of 100 per cent, without a horse, a cow, or a chicken; without plow, harrow, or any other agricultural tools, and without a dollar in the bank to enable him to live and make his crop. At least that would be the precise situation in very many instances; or, if not, then we would have simply shut the door in the face of the soldier whose sole assets are strong arms, and a sturdy heart—the very man who merits first consideration.

In other words, the infiltration plan fails utterly to meet the situation in which a very large proportion of our soldiers find themselves at the time of demobilization.

It is argued that many more soldiers would purchase farms if they could borrow 100 per cent and locate wherever they chose, than would do so under the plan of community settlement. Undoubtedly this is true, especially if they are permitted to sell the farm at any time, as is proposed by most of the advocates of infiltration.

Analyze this argument and what do you find? First, a demand for an immediate appropriation of, say, $10,000,000,000. This figure is named by the advocates of the plan on the basis of an average loan of $5,000 and the expectation that at least 2,000,000 men would borrow the money, buy a farm, and take their chances in working it or trying to sell at a quick profit. But in considering the effects of the policy we must assume that the entire 4,000,000 soldiers would have the right to borrow $5,000 each, on condition that they immediately bought farms.

Now, suppose it were announced to-morrow that the credit of the United States, to the extent of $20,000,000,000, the aggregate amount of all four Liberty loans, has been made available for this purpose, what would be the effect on the market for country lands? Nothing less than the imagination of Jules Verne could picture the result. We should witness the greatest orgy of speculation in the history of the world. No scheme of official appraisement that could be devised could possibly protect the soldier and the country from imposition in the sale of unfit properties at exorbitant prices. The law of supply and demand would itself go very far to boost land prices out of sight, and that at a time when existing land values are at the highest level in the history of the United States—three times as great as in 1900, 19 years ago. Four million buyers standing in line scattered over every State and every county; over every city, town, and hamlet from Maine to California, from the Lakes to the Gulf, each with $5,000 spot cash to pay for a farm. It staggers the imagination. We reel under the thought of the consequences, even the first consequences, not to think of the ultimate outcome, the final aftermath—the "morning after."

Even under normal conditions, without artificial inflation of prices already extremely high, the soldier settler purchasing a going and paying farm in an established community would be at a disadvantage as compared with a soldier who takes advantage of "the ground floor" proposition proposed by community settlement. Nothing works more inexorably than the law of unearned increment, and in every well-established community this law has already ground its grist. On the other hand, where large tracts of unimproved land are acquired and put in condition for cultivation by wholesale operations, and where there is a simultaneous movement of hundreds of families practically at one time, followed by the creation of many public and private improvements, the law of unearned increment works to the advantage of the settler.

In the one case he is the victim of the law; in the other, the beneficiary. In the one case he pays the increment; in the other, he gets it. The history of a thousand communities throughout the United States might be cited in confirmation of this proposition, but a single instance will suffice. Let anyone consider the history of Salt Lake Valley in Utah, the earliest community settlement undertaken in the western half of the continent, and observe how the pioneer settlers were enriched to the extent of tens of millions by this principle, and he will certainly be convinced of the soundness of this view.

The conclusive argument against the infiltration plan rests, however, not upon what might happen in the future, but upon what actually has happened in the past.

Australia has led the way in formulating policies to establish homes on the land. And Australia was beguiled by the plausible argument put forth in favor of infiltration. Australia tried it, found it an absolute failure, abandoned it, adopted community settlement in its place, found it gloriously successful, and is now extending it beyond anything dreamed of at this time in the United States. Why should we adopt the model that failed in preference to the model that succeeded?

According to Dr. Elwood Mead, for nine years in charge of land settlement in Australia, as he now is in California, Australia found that it was practically impossible for the Government to exercise any effective supervision over settlers located on scattered farms. Official supervision of settlers looking to the Government for their entire capital is, of course, not only prudent but essential; first, at the time when farms are purchased, and then over the long period required for the settler to get firmly established on a solvent basis. But the mere overhead cost of travel and salaries for Government agents proved prohibitive. There was constant danger that settlers would be imposed upon in the sale of farms. Every man who had a farm for sale pursued the man eligible to borrow Government money for the purpose of buying his farm. There were many opportunities for collusion between sellers, buyers, and intermediary agents. The net result was that buyers did not get the worth of their money, while the Government was unable to devise any system of effective protection for the settler or itself.

Precisely the same difficulties hampered the Government in its effort to look after the settler and to assist him to succeed. The system was inherently unworkable. Practically the same experience was had in England, and in consequence of the lesson learned at the cost of disappointment, hardship, and pecuniary loss, England has now adopted the plan of community settlement for the benefit of her returning soldiers, fixing the minimum unit at 100 families.

PROVISIONS OF THE BILL.

The present bill has been perfected after consultation with many elements of citizenship representing many different parts of the United States. Soldiers, statesmen, sociologists, men of large affairs, practical farmers, gardeners, live-stock men, experienced administrators of the immensely successful Mormon colonization work in Utah—all have been consulted, in the hope of evolving a measure that should be founded on sound economic principles, yet made sufficiently elastic to fit the widely varying conditions which must be dealt with in different parts of the country.

The original idea was to develop projects in every State where feasible opportunities were found, and the latest reports are to the effect that such projects will be found in every State. The ideal project would be one which should offer a sufficient area to make possible complete community development and thus to afford the cooperation, assistance, encouragement, and stimulus to be found in a well-organized community. The bill, however, fixes no minimum unit either for the farm or the project. It will be entirely feasible, under the wide discretion granted to the Secretary of the Interior, acting in cooperation with State authorities, to develop a small number of contiguous farms. In this connection it is well worth while to quote the testimony of Arthur P. Davis, the Director of the United States Reclamation Service:

"We know of an attractive tract in Pennsylvania and quite a number in the State of New York. In Greene County, N. Y., there is a tract that I had better describe as being typical of others that can probably be found in other parts of the Northeast, where the settlement is supposed to be rather dense.

"Not far from Albany, in the Hudson Valley, is an area of eighteen or twenty thousand acres already in farms, and with farm buildings. The farms are usually from 154 to 400 acres, and most of them are under cultivation, but the majority are farmed by tenants. The great majority of the farms in the group I speak of are listed for sale, and I should say that the majority of the farms that are offered for sale could, at the time I looked, last December, be purchased at less than the present value of the improvements."

Secretary Lane has also directed attention to opportunities in the Northeastern States, as follows:

"We have the land; we have it in every part of this country, in the North as well as in the South. One of the richest parts of the United States is Aroostook County, Me. Maine has been deserted in part in her farming regions because the boys have had a lust for the western country that I love, and I can not blame them for that; but they have left good farms there. In Massachusetts it may surprise you to know, perhaps, that we have one little section of country around Cape Cod where there is some of the richest land in the United States, and it has been proved so in the last two or three years; and in the body of the State they have very considerable quantities of land that needs to be cared for a little bit—cut-over land that has been deserted, that needs to be brought into shape—that will make good farm land. The same thing is true in New York."

It should be said that it is not proposed, as some critics have averred, to divert men from their own States and ask them to settle in "district swamps and deserts." The idea is to find opportunities of employment and homemaking in their own State and, so far as practicable, in their own districts, unless they prefer to go elsewhere. Since there will be an average fund of something more than $10,000,000 available for each State, it will be entirely possible to have many small projects in a given State, provided favorable opportunities are found. It will be possible also to create industrial settlements near centers of population where groups of soldiers engaged as wage earners may desire to make homes on very small farms and perpetuate the beneficent scheme of war gardens. In a word, the soldier-settlement fund is designed to assist soldiers in getting homes under the best conditions as these shall develop in practical administration.

Attention should be called to the safeguards which will surround the expenditure of the large appropriation authorized in this bill. The first actual appropriation asked for will be very small, only sufficient to enable the Secretary of the Interior to negotiate with various State commissions and enter into preliminary contracts for the acquisition of the needed lands. Each particular project and contract will then be submitted to the Committee on Appropriations and, if approved, presented for the action of Congress. Under this system the danger of serious blunders in the selection of projects would be very small indeed. Four different agencies will be brought into action before a dollar is expended in actual development, viz: First, the Secretary of the Interior, with his well-equipped organization for investigation, acting in cooperation with the farm-loan board of the district; second, the governors and their State commissions, who will doubtless cooperate with important civic bodies in their various States; third, the Committee on Appropriations, which must consider and pass upon each contract and project; fourth, both Houses of Congress, who must actually vote the appropriation before the money can be expended.

The project having been developed to a point where the lands, by restoration, clearing, drainage, or irrigation, or a combination of these, were in fit condition for utilization for farming, the area would be divided into farms of suitable size to support a family, and the price fixed on the farms, which in the aggregate will pay the cost of the project, the price of each farm to represent, as near as it is possible, its value compared with the total cost and the value of the other farms.

The soldier who has worked upon the project will be given the preference in the selection of the farms, and a payment of 5 per cent of the value fixed is to be paid at the time the farm is allotted. Assuming the average value of $5,000 or $6,000 per farm, this would require an initial payment of $250 to $300, a sum which the soldier could save in anticipation of the projects during the period of the development of the project, which would be from one to three years.

After the farms have been allotted assistance is to be given the soldier in the making of his improvements, the maximum loan provided for this purpose being $1,500 and not in excess of three-fourths of the cost or value of improvements. The soldier's contribution to improvements could, and undoubtedly in the majority of cases would, be in the form of labor. During or in connection with the making of his improvements the soldier could by his personal efforts and work easily contribute his 25 per cent of the total cost.

Provision is also made for loans to the soldier settler for the purchase of necessary live stock and equipment, the maximum of such loans being $1,200, or 75 per cent of the total cost of necessary live stock and 60 per cent of the cost of equipment. Here again the soldier's obligations under this class of loan could, if necessary, be met by his individual efforts. In fact, while it is assumed that in many cases the soldier would have some savings which he could utilize in getting a start, it is

believed that a man starting at the beginning of one of these projects without any capital could through industry and frugality earn and save enough to meet his initial and other payments as they become due.

APPROVED BY PUBLIC SENTIMENT.

The late President Theodore Roosevelt advocated the soldier settlement policy as proposed by Secretary Lane in the last article which he wrote for the press. President Wilson has urged it upon Congress in two messages. The governors of 27 States have appointed commissions to cooperate with the Secretary of the Interior, and all of these commissions have expressed their earnest interest in legislation of this character.

One of the strongest indorsements of the bill in its present shape has come from the officers of the Eastern States Agricultural Industrial Exposition, which has its headquarters at Springfield, Mass., but represents 10 Northeastern States—the six States of New England and New York, Pennsylvania, New Jersey, and Delaware. This organization represents some of the strongest business interests in the country, who have inaugurated great plans looking to the systematic renewal and restoration of a prosperous agriculture throughout the northeastern part of the United States. They have discovered the very intimate relationship between industrial and agricultural prosperity and find that the existing condition under which, in the State of Massachusetts, for example, 92.8 of their entire population lives in cities, a very serious menace to their welfare. They are seeking, through the instrumentality of a permanent exposition at Springfield, to demonstrate that farming can be made a paying business and that it is possible to create more attractive conditions of rural life. These gentlemen have discovered that their work exactly parallels the policy embodied in the soldier settlement plan and have come to believe that the soldier will do as great a work for his country at home as he did abroad, while at the same time achieving an independence for himself. Hence they are urging the support of the measure by all the Members from their 10 States.

DOES THE SOLDIER WANT IT?

The most vital question that can be asked in regard to this policy is this: Does the soldier want it? The answer is: He does. The American Legion has officially indorsed the bill after a careful consideration of its provisions. Up to the present writing 112,088 soldiers have made formal application for opportunities of employment and home getting under the terms of this bill. The number, which is increasing every day, ranges all the way from 6,752 in Illinois to 80 in Delaware.

The most impressive evidence in respect to the soldiers is contained in letters from commanding officers with the American Expeditionary Forces in Germany. Maj. Gen. Mark L. Hersey, for example, in command of the Fourth Division, American Expeditionary Forces, was requested, among others, by Secretary Lane, to ascertain the feeling of his men. He states that he went into the matter "with a view to determining in actual figures the number of men in this division that would not only be interested in farming, but interested with sufficient definiteness to take up the work should the plan be put into effect." He reports in detail upon each regiment, the net result being as follows:

"Present strength, officers and enlisted men, 23,363.

"Number interested in soldier settlement plan, 4,595."

Gen. Hersey expresses his own opinion as follows:

"The men who are returning to America from the European battle fields have given to their country the best they have. They have paid their debt to America; not in full perhaps, but in full up to the present time. It is up to the United States to take care of them; to exercise over them a proper degree of paternalism; to make them feel that what they have given up in order to come to the war will be made good by the Government. These men are coming with a higher respect for American institutions and for constituted authority than they ever had before. They are thoroughly good citizens who need only the ties that bind them to the land, that give them a sense of proprietorship in the soil, that impel each man to establish his own home and to rear his own family. All these your proposed plan should furnish. I am heartily in favor of it. I hope you may push it to a successful conclusion. Several of the division staff officers have received letters similar to the one that was sent to me. I might say that this letter voices their sentiments as well as my own."

THE AMERICAN LEGION,
NATIONAL EXECUTIVE COMMITTEE,
New York City, September 5, 1919.

The honorable Members of the Senate and House of Representatives of the United States, Washington, D. C.

SIRS: The attention of the joint national executive committee of the American Legion has been called to misrepresentations made to Congress with respect to the legion's attitude toward the soldier settlement bill (H. R. 487). The committee particularly refers to a letter inserted in the CONGRESSIONAL RECORD of September 2, 1919, appearing on page 4624 thereof. In order that Members of Congress may be correctly advised as to the attitude of the American Legion toward H. R. 487, the soldier settlement bill, the following is respectfully submitted by the national executive committee of the American Legion:

The American Legion has never gone on record in favor of H. R. 487 or any other specific land legislation now before Congress. The following resolution was adopted at the St. Louis caucus of the American Legion, held May 8, 1919, on this particular subject:

"Whereas the reclamation of arid, swamp, or cut-over timber lands is one of the great constructive problems of immediate interest to the Nation; and,

"Whereas one of the questions for immediate consideration is that of presenting to discharged soldiers and sailors an opportunity to establish homes and create for themselves a place in the field of constructive effort; and

"Whereas one of the purposes for which the formation of the American Legion is contemplated is to take an energetic interest in all constructive measures designed to promote the happiness and contentment of the people, and to actively encourage all proper movements of a general nature to assist the men of the Army and Navy in solving the problems of wholesome existence; and

"Whereas the Department of the Interior and the Reclamation Service have been engaged in formulating and presenting to the country broad, constructive plans for the reclamation of arid, swamp, or cut-over timber lands: Now, therefore, be it

"Resolved by the caucus of delegates to the American Legion in convention assembled in the city of St. Louis, Mo., That we indorse the efforts heretofore made for the reclamation of lands, and respectfully urge upon the Congress of the United States the adoption at an early date of broad and comprehensive legislation for economic reclamation of all lands susceptible of reclamation and production."

Preliminary to carrying out this resolution, the joint national executive committee of the American Legion at its headquarters, No. 19 West Forty-fourth Street, New York City, on July 8, 1919, adopted a resolution authorizing the chairman to immediately appoint three members of the legion to devote the necessary time to a thorough study of the subject and to cooperate with the Secretary of the Interior in effectuating the resolution of the St. Louis caucus indorsing the principle of land development.

The above action was taken after a representative of the Secretary of the Interior had appeared before the national executive committee of the American Legion in order to explain the provisions of the soldiers' settlement bill. The Secretary of the Interior had requested this privilege and the courtesy was, therefore, extended to his representative. It was definitely decided, however, that pending the results of the study to be made of the committee of three, appointed to consider the subject of land legislation, the American Legion would take no action on the Mondell bill, or any other specific legislation of this kind. It is the intention now, however, to take no action on this subject until the first annual convention of the American Legion, which is to be held in Minneapolis on November 11, 1919.

It is not the policy of the American Legion to attack or oppose other veteran societies; therefore, the insinuations cast against the American Legion in the letter which appeared in the CONGRESSIONAL RECORD are not discussed as they have no bearing on the subject matter of this letter.

Very respectfully,

HENRY D. LINDSLEY,
Chairman National Executive Committee.

Mr. EDGE. Mr. President, I have been very much impressed with the illuminating contributions which have been made for the last three hours to Senate bill 2472, but at this time I should like to offer three amendments which I consider more germane to the subject.

Mr. SMITH of Arizona. Mr. President, in order to carry out the ordinary procedure of the Senate, at this particular time I should like to ask the Senator from Utah [Mr. SMOOT] how long he thinks the hearing to which he has referred will probably last and from what sources have come the requests for such hearings?

Mr. SMOOT. If the Senator from New Jersey will not object, I can state in a very few minutes from just what sources the objections come.

Mr. EDGE. I will be very glad to yield to the Senator from Utah.

Mr. SMOOT. The objections to what is known as the soldiers' settlement bill come from the following sources—I will not mention them all: First, there is an organization in the United States, with headquarters in New York, which has started a propaganda for the purpose of securing a direct appropriation from the Congress of the United States of $500 for every soldier who served in the war with the Central Powers.

Mr. SMITH of Arizona. Does the Senator wish to hear them?

Mr. SMOOT. They have asked to be heard, and I think it would be better to give them a hearing. There is another class which wants a direct appropriation or else a direct loan of $2,000 to each soldier and officer who participated in the war. There is another propaganda, headed by some very eminent men and women in New York, having headquarters also at Chicago, Ill., who are opposed to the passage of the bill in its present form and desire to present a plan which they have laid before the Public Lands Committee in the past and which they claim can be worked out by individuals in the United States who are at present prepared to advance the money to reclaim the lands.

Then there is another class of western soldiers who object to the passage of this bill on the ground that they entered lands before they joined the Army. They went to France and fought alongside of the other soldiers, and now when they come back and go upon their lands, under the bill they can get no assistance whatever.

Mr. SMITH of Arizona. That could be easily cured by an amendment, I take it.

Mr. SMOOT. I am merely rehearsing some of the objections to the bill. A great many of the western people feel that if we pass this bill it will interfere greatly with the completion of the reclamation projects now under way, claiming that with a fifty million dollar direct appropriation they could complete all the reclamation projects now under way and give more land and earlier relief to the soldiers than can be afforded under the provisions of this bill.

Mr. SMITH of Arizona. I assume the Senator does not think that is practicable.

Mr. SMOOT. I am only reciting the objections of some of those who have appealed to me and the reasons why they want to be heard.

Mr. President, there are about a half dozen other organizations that are directing opposition to the bill, but their objections seem so trivial to me that I do not wish to put them in the RECORD.

Mr. SMITH of Arizona. Mr. President, the point I was trying to make was that it would save the record and save the time of the committee—although personally time is not so valuable a consideration to me just now, perhaps, for I find I shall probably have to leave the city for a week or two—if all the theories and opinions as to what ought to be done from every source on earth were not exploited before the committee. The Senator from Utah, the Senator from Iowa, and other Senators who have been considering this question for 25 years are already thoroughly familiar with the subject; and to have developed the theories of some gentlemen in New York, Chicago, and other places as to the disposition of the public lands and the proper way to reclaim them would probably impose a tax upon the patience of the Senator from Utah and the other members of the Committee on Public Lands. I hope he will not exercise too much of that peculiar characteristic in dealing with those who are apparently interesting themselves in matters in which they have very little concern.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Jersey.

The SECRETARY. On page 7, line 19, before the word "citizens" it is proposed to strike out the word "the," and in line 20, after the word "States" to strike out the words "or of a State thereof," so that it will read:

chartered under the laws of the United States or of a State of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States.

THE LEAGUE OF NATIONS.

Mr. HARRISON. Mr. President, after the very delightful discussion of a very good bill between the Senator from Utah [Mr. SMOOT] and the Senator from Arizona [Mr. ASHURST], I wish to revert just for a moment to the speech of the Senator from Washington [Mr. POINDEXTER].

I desire to say——

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. HARRISON. I yield to the Senator.

Mr. EDGE. Do I understand that I have lost the floor?

The VICE PRESIDENT. The Chair did not know that the Senator from New Jersey had the floor.

Mr. EDGE. I was recognized, and introduced some amendments.

The VICE PRESIDENT. The Senator introduced them.

Mr. EDGE. If the Senator from Mississippi is recognized to speak on the amendments, I presume I will lose the floor.

Mr. HARRISON. I will say to the Senator that I thought he had yielded the floor when he offered his amendments. I shall only take up two or three minutes of time. It is to discuss a matter that I am sure will convince even the Senator from New Jersey.

If the treaty of peace, with the league of nations covenant included, shall be adopted, the merciless murder of men will be minimized, the wanton destruction of property stopped, the heavy burdens of enormous taxation lightened, and the stability, peace, and happiness of the world made secure.

I am strengthened in that conviction when I recall that the total battle deaths of all nations in this war were greater than all deaths in all the wars in the previous 100 years.

The total battle deaths amounted to 7,450,000.

From 1793 to 1914 the battle deaths amounted to 6,000,000.

The American battle losses in this war were 50,000 killed and 236,000 wounded.

The Russian battle losses were 34 times greater, the German losses 32 times greater, the French 28 times greater, and the British losses 18 times greater than those of the United States.

The direct cost of the war to the United States up to the end of April, 1919, amounted to $21,500,000,000.

The figure is twenty times the prewar national debt. It would have paid the entire cost of our Government from 1791 up to the outbreak of the war.

Our expenditure in this war was sufficient to have carried on the Revolutionary War continuously for more than 1,000 years at the rate of expenditure which that war actually involved.

From April, 1917, to April, 1919, the war cost the United States more than $1,000,000 an hour.

Treasury disbursements during that period reached a total of $23,500,000,000.

The pay of the Army during the war cost more than the combined salaries of all the public-school principals and teachers for a five-year period immediately preceding the war.

The total direct war cost amounted to around $186,000,000,000.

It is to prevent the recurrence of these incidents and these conditions that a league of nations is desired.

FOREIGN FINANCIAL OPERATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey [Mr. EDGE].

The amendment was agreed to.

The VICE PRESIDENT. The Senator from New Jersey offers a further amendment, which will be stated.

The SECRETARY. On page 8, line 13, in the proposed amendment of the committee, where the committee proposes to insert certain words after striking out, beginning with the word "notwithstanding," it is proposed to strike out all down to and including the word "section," at the end of line 23.

Mr. GRONNA. On line 13?

The SECRETARY. On line 13, beginning with the word "notwithstanding," it is proposed to strike out down to and including the word "section," at the end of line 23.

Mr. EDGE. I will say, Mr. President, that that is half of the amendment of which the Senator from North Dakota was going to introduce the other half.

Mr. GRONNA. I will say to the Senator that the amendment which I propose to offer strikes out all of that page.

Mr. EDGE. Yes; but, if I may explain, there are two objects in that amendment. One, as I understand the amendment suggested by the Senator from North Dakota, to provide for a double liability and the other to strike out this section which the amendment I have just offered strikes out. I am not prepared to accept the first part, on the question of double liability; but I am entirely prepared to accept the elimination of lines 13 to 23, which was discussed by the Senator from Wisconsin [Mr. LENROOT] in the debate on Saturday, so I have offered the amendment to eliminate that, leaving the single question in which the Senator from North Dakota is also interested to be determined by the Senate.

Mr. GRONNA. Very well; I have no objection.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. LENROOT. I had understood from the Senator that he was willing to eliminate, also, all of the section after the word "subscriptions," in line 13.

Mr. EDGE. That is already eliminated.

Mr. LENROOT. That is all right, then.

Mr. EDGE. I think that is eliminated by the adoption of this amendment.

The VICE PRESIDENT. This must be the situation of affairs: As the bill comes from the committee there is a motion to strike out, and a motion to insert in lieu of the matter stricken out. Now, as the Chair understands, in the part to be inserted the Senator from New Jersey wants to strike out, beginning with the word "notwithstanding." Is that right?

Mr. EDGE. That is correct; and, if I may be permitted to draw the attention of the Chair, the part stricken out by the committee was already acquiesced in by the Senate when we passed the committee amendment.

The VICE PRESIDENT. No; it was passed over. The question will be on the motion of the Senator from New Jersey to amend the part to be inserted.

The motion was agreed to.

The VICE PRESIDENT. Now, the question is on the amendment as amended.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 8, beginning with line 2——

The VICE PRESIDENT. That does not touch this amendment.

Mr. GRONNA. It has the same effect as this amendment. It affects a portion of this amendment.

Mr. SMOOT. Mr. President, may I ask whether the committee amendment has been agreed to yet?

Mr. GRONNA. No; it has not.

The VICE PRESIDENT. It has not been agreed to yet.

Mr. SMOOT. Let me suggest to the Senator from North Dakota that he allow the committee amendment to be agreed to, and then offer his amendment.

Mr. GRONNA. That can not be done, because it will foreclose my right to offer this amendment.

Mr. SMOOT. The Senator does not want to touch that.

Mr. GRONNA. Yes; I do. I want to strike out all of page 8 after the word "shareholders," in line 2, down to line 24, and insert the matter which I send to the desk.

Mr. EDGE. Mr. President, if I may make a suggestion to the Senator from North Dakota, we are entirely in agreement excepting that I am endeavoring to have something stricken out to which there is no objection, and the Senator wants to put in an amendment to a part of it. If the Senator's amendment should be defeated, then the entire matter would be back again. Now I am taking out this part of the section, with the exception of the first four lines, which the Senator wants to change.

The VICE PRESIDENT. This must be the parliamentary situation, as the Senator understands it:

The committee made a report to strike out, beginning at line 5 with the word "extent."

Mr. SMOOT. Line 4.

The VICE PRESIDENT. Line 5.

Mr. SMOOT. It is line 4 on my copy.

The VICE PRESIDENT. It is line 5 in the bill that the Chair has; beginning on line 5 with the word "extent," and going down to the word "such," in line 12; and the committee offered to insert in place of it "extent of their unpaid stock subscriptions. Notwithstanding," and so on. That is a proposition to strike out and insert. Now the Senator from New Jersey moves to amend the portion to be inserted by striking out all after the word "Notwithstanding." That leaves the pending question, then, to strike out all of lines 5, 6, 7, 8, 9, 10, 11, and 12, and to insert "extent of their unpaid stock subscriptions." Now the Senator from North Dakota wants to strike out everything from line 2, the entire page, and insert "shareholders in any corporation organized under the provisions of this section." The Chair thinks that is an entirely different motion to strike out and insert from the one that is now pending before the Senate, and this must be the parliamentary situation:

Senators have in their possession the amendment proposed by the Senator from North Dakota. If they are in favor of the amendment of the Senator from North Dakota, they should vote "no" on the committee amendment to strike out and insert, which will then leave the House text, and thereupon the amendment of the Senator from North Dakota will be in order.

Mr. GRONNA. Very well, that is satisfactory.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. EDGE. Mr. President, may I ask a question, in order to understand clearly how I should vote? Are we voting now on the amendment to the amendment offered by the Senator from North Dakota?

The VICE PRESIDENT. No; you are not voting on that at all. The Chair tried to explain that there is a motion now to strike out all from lines 4 to 12, inclusive, and insert a few words. If that motion is carried, the amendment of the Senator from North Dakota will not be in order.

Mr. EDGE. If that prevails——

The VICE PRESIDENT. If that prevails, the amendment of the Senator from North Dakota will not be in order.

Mr. GRONNA. I do not think it is the intention of the Senator from New Jersey to have that happen, because he has agreed to have at least a portion of my amendment adopted.

Mr. EDGE. The Senator is entirely correct.

Mr. GRONNA. It was for that reason that I intended to ask the parliamentary question if my amendment would still be in order if the amendment offered by the Senator from New Jersey were adopted.

The VICE PRESIDENT. It can not be in order if the committee amendment is adopted.

Mr. EDGE. That is the reason, Mr. President, why I suggest to the Senator from North Dakota that he withhold the introduction of his further amendment until we strike out the balance of the section to which there is no objection, and then that he offer to amend the one portion of the section which refers to the double liability, on which I desire to say a word.

Mr. LENROOT. But the Chair says it will not be in order.

Mr. GRONNA. The Chair holds that it will not be in order.

Mr. EDGE. As I understand the Chair, then, we must discuss both amendments in one.

Mr. LENROOT. May I suggest to the Senator from New Jersey that he move to strike out all of the section after the word "subscriptions" in line 4, and that will leave the original text open to amendment.

Mr. SMOOT. In line 5. There are two prints of the bill.

Mr. EDGE. I think that would meet the situation, because it would leave the wording referring to the unpaid stock subscriptions open to further amendment. If I may withdraw the amendment offered, I will move an amendment that we strike out from page 8 of my bill, starting with line 5, down to line 23, inclusive; that that be stricken from the bill.

Mr. GRONNA. Mr. President, a parliamentary question. If that motion prevails——

The VICE PRESIDENT. The Chair seems to be unable to be understood about the parliamentary situation, and he will repeat it.

The committee reported an amendment striking out lines 5 to 12, inclusive, and offering to insert certain matter running down to the end of line 23. That presented to the Senate the question of a motion to strike out and a motion to insert, each of which, under the rules of the Senate, is amendable before the final vote is taken, and not divisible. Now, the Senator from New Jersey has moved to strike out all after the word "subscriptions" in line 13. That leaves the committee amendment to strike out lines 5 to 12, inclusive, and insert the words on line 13, to wit, "extent of their unpaid stock subscriptions."

The Senator from North Dakota is not proposing to amend the text of the part to be stricken out. He has an entirely different motion. He is moving to strike out all after line 2 and to insert entirely different matter.

There are two ways to reach it. One would be for the Senator from New Jersey, if he has authority to do so, to withdraw the entire committee amendment, and then the text would be open to amendment by the Senate. The other would be to defeat this amendment, in which event the House text would stand, and the Senator from North Dakota could move to amend it.

Mr. GRONNA. This is a very important amendment, and I suggest the absence of a quorum.

RECESS.

Mr. EDGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, September 9, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *September 8, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

Every day is a fresh beginning, every morn is the world made new. Be with us, O God, as we enter upon another week of work. Help us in our efforts to serve our dear country and all humanity. Lead us with Thy wisdom, sustain us by Thy strength. And be to us as the shadow of a mighty rock within a weary land. We ask this in Jesus' name. Amen.

The Journal of the proceedings of Saturday was read and approved.

EXTENSION OF REMARKS.

Mr. RAMSEYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAMSEYER. I wish to ask unanimous consent for my colleague [Mr. STEENERSON], chairman of the Committee on the Post Office and Post Roads, for leave to extend his remarks on a bill which he has introduced to-day, an act to amend an act entitled "An act to regulate and improve the civil service of the United States." Mr. STEENERSON is with the joint committee in New York, and for that reason he asked me to present this request.

The SPEAKER. The gentleman asks unanimous consent that the gentleman from Minnesota [Mr. STEENERSON] may extend his remarks on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I desire to ask unanimous consent, after the gentleman from Illinois [Mr. MASON] shall have addressed the House, that I may speak for 20 minutes on the subject of the league of nations.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that he may address the House for 20 minutes on the league of nations after the gentleman from Illinois. Is there objection?

Mr. LONGWORTH. Mr. Speaker, reserving the right to object, I would say to the gentleman that there are several other bills of considerable importance to come up to-day. I hope that the gentleman will not for the time being make that request. It may be that we can not get through with those bills to-day, and it is very important that they should be passed. If the gentleman will reserve his request until later——

Mr. McLAUGHLIN of Nebraska. I shall withdraw the request, Mr. Speaker, for the present.

SPECIAL ORDER.

The SPEAKER. Under the special order the gentleman from Illinois [Mr. MASON] is recognized for 15 minutes.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend and revise my remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MASON. Mr. Speaker, I also ask unanimous consent, in view of the fact that I expect to discuss a legal question, for 10 minutes' additional time without stopping to ask for it, and then I shall endeavor to finish.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his time may be extended for 10 minutes so that he may have 25 minutes instead of 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MASON. Mr. Speaker, some months ago I introduced a resolution to ascertain the reason why American troops were sent to Siberia. From that time until the present the condition has been aggravated rather than bettered. The President of the United States, as I shall show, in absolute usurpation of his power, not only sent our troops, in connection with Japan, into Siberia, but since the armistice was signed he has continued to keep our troops there and now announces through the War Department—for the Secretary of War was before the committee of which I am a member and stated that he did not intend to return the troops from Siberia until volunteers were found to take their places. In view of the fact that for the last nine months they have been giving out direct and indirect statements that our boys were to be returned from Siberia, I asked the Secretary of War why it was necessary to censor their letters. He said that he did not know that they were censored, and I should not speak of this except it was in open session before the committee. I then told him that they were censored, and I have received letters showing that they have been censored. He then said that that was very right; that in times of peace men ordered to police duty in foreign countries and against which country we had never declared war our boys should have their mail censored. I say to you that our boys are not properly fed and cared for, and I have no desire to apologize for taking your time, for 4,000 out of the 8,000 in Siberia are all American citizens who live in my district, and they are there without any right and in absolute violation of the constitutional limitations upon presidential power. I purpose in a minute to read to you from the President's own book, which shows where he makes his first great mistake. It shows that he started upon the wrong track when considering executive power and considering the constitutional limitations of executive power. His proposition that we read from his lectures and from his book published since he has been President, and evidently delivered while he was president of a college, says this:

> One of the greatest of the President's powers I have not yet spoken of at all: His control, which is very absolute, of the foreign relations of the United States. The initiative in foreign affairs—

I ask you now to observe this—

> which the President possesses without any restrictions whatever, is virtually the power to control them absolutely.

I purpose to put in deadly parallel with those two propositions the opinion of the Supreme Court of the United States, of Mr. Webster, of Mr. Clay, and of Mr. Rawle, whom every lawyer agrees was a great writer on the constitutional limitations of the President of the United States. Now, no man who has written since Rawle has disagreed with him upon the fundamental rules laid down in his great work upon the Constitution of the United States.

The President makes two propositions: "The initiative in foreign affairs" the President possesses without any restrictions whatever. It is absolutely false; it is not well grounded in law; and his conduct in sending troops to Russia shows that he is following his false construction which he gathered while he was a professor of a great school, and which is in violation of the law of this land. Rawle says:

> The legislature, indeed, possesses a superior power, and may declare its dissent from the Executive in the recognition or refusal to recognize a nation.

THE DEADLY PARALLEL.

Woodrow Wilson:	Rawle on Constitution:
I have power to "initiate in foreign affairs without any restriction whatever."	The legislature possesses a superior power.
Wilson:	The Constitution:
I have "power to control them absolutely." Virtually. When I complete a treaty "the Government is virtually committed."	"By and with the advice and consent of the Senate."

Webster and Clay while Members of the House both introduced resolutions—see Life and Speech of Clay and Webster—to recognize other Republics, Clay for Buenos Aires and Webster for Greece, in 1823. The argument in each case sustains Rawle and is in direct conflict with Mr. Wilson. Another marked precedent. In 1836 Andrew Jackson was President and refused to recognize the independence of the Republic of Texas. He sent a message to Congress insisting that it was his business and Congress had nothing to do with it. The Senate immediately passed a resolution recognizing the independence of the Republic of Texas. The House passed a resolution making an appropriation for a representative to Texas from the United States. Old Hickory changed his mind and appointed a minister and received one from Texas to the United States.

If at any time before the President acted the question of the existence of the Republic of Texas had been raised the Supreme Court would have recognized that republic by reason of the action of Congress.

The recognition of a nation in its inception is the initiative in foreign affairs. The President says he possesses that power without any restriction. Let me read you what the Supreme Court of the United States says, and I will insert some things here so as to save time:

3 Wheaton. Mr. Justice Marshall says:

> The judiciary can take no notice of a new government until either—the Congress, that is—the legislative or the executive has acted.

As a matter of fact, the theory of President Wilson in regard to his control of foreign affairs is not only wrong in law but wrong in precedent, and I intend to insert here the opinion of Mr. Webster when he introduced a resolution declaring in favor of the Republic of Greece about 100 years ago, when he gave as his argument—and I ask those of you who wish to be students in a public sense to read his opinion. He insisted, and truthfully, that the legislature had power to recognize foreign States, and that it was not purely an executive function but it was a governmental function, in which the initiative might be taken either by the executive or legislative branch. And Mr. Webster in his learned debate and argument cites his authority and offers his resolution recommending that an appropriation be made, for representatives from the United States to Greece, and this authority is in the House of Representatives.

Mr. Clay offered a resolution asking for an appropriation to give to the people a diplomatic corps to Buenos Aires. He gives as his argument that the recognition of a foreign nation is not purely an executive function; that it is a governmental function.

And let me say just in passing, and fearing any of my colleagues on this side of the House, or, rather, in this House of Representatives, shall fear that you are invading the sanctity of senatorial power, let me say to you that the House of Representatives is a part of this Government, and, according to Mr. Webster and Mr. Clay both, even if the Senate ratified a treaty, the House of Representatives must be consulted, and if we fail to make the appropriation necessary the treaty may fail, for the very reason that we hold the purse strings, and there is an appeal to the conscience of this Government through the House of Representatives, whose Members come newest and freshest from the people, and if we fail to do our duty the people have the final say.

And I will simply say in passing that so far as I am concerned, I do not care what treaty is ratified in the Senate of the United States, I never will vote for an appropriation that establishes a superstate, and gives one of the superstates six judges to our one. [Applause on the Republican side.] I will never vote for an appropriation—I do not care whether the Senate passes it or not—which guarantees that this country shall prevent the birth of a new republic anywhere and furnish men in uniform and under the American flag to fight under the direction of anybody in the world but that man who is constituted the Commander in Chief of the Army and Navy of the United States. [Applause on the Republican side.]

It will be interesting to know, you who are students of law, the reason given by the Supreme Court and Mr. Rawle that the President has not the power and the Congress has, and if you will permit me——

Mr. DEWALT. Will the gentleman allow me just one moment in pursuit of his argument?

Mr. MASON. Yes.

Mr. DEWALT. Does not the word "initiative" contemplate the action by one party in the first instance?

Mr. MASON. I do not think we have any dispute about what the word "initiative" means. The President of the United States says he has absolute and unrestrained power, and I say that he is wrong. The Supreme Court says he is wrong, and Mr. Rawle says he is wrong, that he has not the monopoly of the power of initiative.

Mr. DEWALT. I grant you that that is true, possibly, but——

Mr. MASON. The gentleman will pardon me. This comes out of my time. I will be very glad to give the gentleman the time if I can get only five minutes more.

Mr. DEWALT. It was only in pursuit of your argument.

Mr. MASON. I must pursue it in my own way and in my own time. I recognize the gentleman intends to be fair, but you know how we are fixed in this body.

And so you get the reason for the rule that the initiative is not wholly an executive function, but is a legislative one as well; and the reason given by the great writers and students of this act is that the war-making power is here and that the President can not make war without a declaration of war by Congress. Therefore, in the exercise of our power which may create war or be a casus belli, the executive power is inferior to that of the legislative power of the United States.

The President of the United States entered into an arrangement with Japan to send troops to Siberia. I speak advisedly as to what was done. Japan and the United States afterwards invited the other Allies to participate. This was done upon the pretext that we had property to protect in Archangel. The pretext is a pretext and is not true and never was true. When the Secretary of War was before the committee the other day in open session—and there is nothing secret or executive about it—he said that they were there to guard a railroad. Now, the questions is, Whose railroad is it? I charged here a month ago that we were sacrificing boys in Siberia as collection agencies, and they are there ostensibly to guard a railroad; they are performing the duty not only of policemen but of laborers; and there are 4,000 of them from my district who are there, and they are not being properly fed, and they have no business there. The President of the United States has assumed to declare war against a friendly people. It is a declaration of war. He sends our soldiers there. We do not send soldiers under the American flag, wearing the American uniform, either for policemen on the Rhine or watchmen in Silesia or scavengers in Siberia. We ought not to do it, but that is what you are doing, and the Congress is silent.

Here is a poster issued by the War Department. The Secretary of War said the other day that they were enlisting men who volunteered to go to Siberia. I do not care whether they volunteered or not. You might just as well take a million volunteers to go to Ireland and help Ireland without any action of Congress. Says the poster:

Notice the large type.

"War is not yet finished in Russia." A few white men with previous service only are wanted in the United States Army. "Do your full duty now."

Here are the places where they are expected to enlist: In Brunswick, Ga.; Greenville, S. C.; Charleston, S. C.; Columbia, and Florence.

WAR IS NOT FINISHED IN RUSSIA.

A few white men with previous service only are wanted in the United States Army for service in the Infantry and Medical Department for immediate service in American Expeditionary Forces in Siberia.

Do your full duty now.

Apply for enlistment at 35 Barnard Street, Savannah, Ga.; post-office building, Brunswick, Ga.; 202½ North Main Street, Greenville, S. C.; 148½ Morgan Square, Spartanburg, S. C.; 177 Meeting Street, Charleston, S. C.; 1522 Main Street, Columbia, S. C.; post-office building, Florence, S. C.

Since August 16, 100,000 recruits—1,034 expressed willingness to go to Siberia. (RECORD, p. 4899.)

War is not yet over in Russia. Whose war is it? Who declared war in Russia? Was not Russia our ally? Is she not our friend? The President of the United States declares war. He takes the boys from my district, without any right, without any let or hindrance, without any authority from Congress. By the newspaper I read 23 were killed last week in Siberia. I do not know whether it is true or not. It is a delayed dispatch. I have just asked Gen. Harris about it, and he said he would let me know. They do not have official information as to this last battle. Four hundred and eighty were killed in the Archangel sector. War in Siberia! Whose war is it? Have you voted for a declaration of war? Do you believe under the Constitution of the United States that the President has the power to take the boys of this country and send them into a peaceful nation to take part in a civil war there in progress? I am not for the Bolsheviki, and I am not for the spawn of the Czar under Kolchak. Neither one of them is under my flag. Neither of them wears the uniform of my country. But 4,000 boys from my district are there, not the sons of rich men. I want to say if the President had a boy there, even if the son-in-law of the President were among them—in the Y. M. C. A. business—it would not take him long to take them out of Siberia and start them home. [Applause.] That is the truth about it. They are my constituents. They are in my office when I am there. They are in my house when I am there. Their petitions come in, hour by hour, and this morning comes a dispatch saying that 26 of the Yankees were killed. Killed by whose order? That of the President of the United States, who, believing that he was right when he was a professor and wrote that the President had the right of initiative and the right to control the power of all initiative—I have quoted his words—that the President of the United States has virtually the power to control absolutely the foreign affairs of the United States. Acting upon that, he assumes to declare war; acting upon that, he is recruiting men for service in Siberia, where we have not declared war, where we are using our boys as a collection agency.

The Secretary of War told us it was to defend a railroad. Whose railroad, in the name of God, is it? Have you stock there? Are you willing to fight for it? Then go and fight for it, but do not take my boys over there to fight for your dirty stock and your dirty bonds and your dirty railroads. [Applause.] Four hundred million dollars, I believe, of American money from one bank of the Standard Oil has gone to the Archangel railroad. Do you see any connection between the blood of the boys of Illinois and the railroad bonds and stock in Siberia? Eight thousand men are left in Siberia to control and organize and reorganize a country where there are 180,000,000 people.

What military asininity is it to send 15,000 American boys there in an attempt to control the affairs where, if any one of these dirty factions agrees with the other, if the Bolsheviki should meet to-morrow the Kolchaks and, after they had got all the money they can get out of the United States, should come to an agreement, they would turn and murder your boys and mine as quick as they would kill a cat or a dog. And you know it, and I want them to come out of there, and they have got to come out of there. [Applause.]

The resolution which I have offered cites the fact that the Congress of the United States has power to make rules and regulations—I will not attempt to quote it with verbal accuracy, but you can read it—the Congress of the United States has the right to make rules and regulations governing the Army and Navy and the armed and naval forces of the United States. You have the power to bring them out. I ask you by this resolution to order them out. Do not be afraid, in the name of God, to exercise the power of the legislator when the Executive usurps your power.

I do not care for the money that has been stolen. I do not care for the $150,000 which the President handed to Barney Baruch over there in the peace conference. It is dirt. But the blood of the boys of the United States cries to you. They are blood of our blood and bone of our bone. They are American boys. They are poor boys. They are the sons of poor parents. You told me that the sons of rich men were going into the draft. The rich man's sons are not over there. Those who are over there are the sons of the poor people, among them those whom I represent. You have no right to keep them there and starve them and kill them to gratify the whims of the President of the United States, who seeks to make himself king of the United States, and not President. [Applause.]

Here is the account of the 23 that were last murdered. Who is going to answer? Are you a Member of Congress? The Constitution gave you power to make rules. For God's sake let us make a rule and bring back all the American boys to this side that still live out of the countries with which we are at peace. That means Russia. We never declared war there. Kolchak and that crowd have got a box car. They telegraph for more money. Why, the Secretary of War stated the other day before the committee in this open meeting—and if it was executive I should not repeat it—said they had not declared war on Russia, but they were sending arms and ammunition and supplies to Kolchak—Kolchak, the scum of the Czar. It is a shake of the dice between him and Lenin and Trotski. There is no difference. It is a good, fair fight between that class of men. Why in the name of God do you want to put American boys over there? Why do you want to stain the American uniform? Why do you want to starve them along the Siberian road and be silent, when I tell you that the Constitution gives you power to act? [Applause.]

Mr. Speaker, how many minutes have I left?

The SPEAKER. The gentleman has three minutes remaining.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield for a question?

Mr. MASON. Yes.

Mr. JOHNSON of Washington. Does the gentleman know how many Japanese allies we have fighting with our men in Siberia?

Mr. MASON. The Japanese got us into it. The Japanese agreed with the United States—those two—to go in. They, the United States and Japan, invited England and Italy and France to go in. Japan agreed to send only the same number of men as the others, totaling about 15,000. Japan, in her usual way of keeping treaties and agreements, and violating her agreement

with the President of the United States, sent 60,000 or 70,000 men there for the purposes of conquest. They are the people that got us into this dirty work.

A MEMBER. Seventy-five thousand.

Mr. MASON. Seventy-five thousand. Here is a sample of the way the money is being spent. Here is a whole-page advertisement asking us to recognize the Omsk government. If we would recognize it, I might not complain. It is possibly an improvement on Lenin and Trotski. I do not think so. I do not know and you do not know. There are 40 factions there, fighting like a lot of cats and dogs; and I say to you, Mr. President Wilson, you had better conserve your resources. If the President has a good friend in this House, let him say to the President, "We have stood everything in the world. We are complaining of but one thing now. You had better conserve your resources." He can say what he wants to about the Senate or the "contemptible quitters" or the "unscrupulous quitters." I do not know just what that means. He uses some poker language that I do not understand. He got poker and euchre mixed up, but Barney Baruch could set him right; and when he put $150,000 into Barney Baruch's hands over there, I think Barney had had a bad night with the boys the night before. [Laughter.]

All I have got to say is this: My boys are over there. They are bone of my bone and blood of my blood, as they are of yours, just as much your constituents as mine. They have a right to come out. They can not even write to their fathers and mothers. Occasionally they will slip a letter through by some friend coming over. I have a box full of letters where half the letter has been cut out. They are starving; they are dying. They have the uniform of your country, the uniform of an American soldier. My God, what does it mean? It means that they march in uniform under the flag in the defense of American ideals, and one American ideal is that we will never declare war against a nation until the people of the United States have spoken through the Congress of the United States. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. WINGO. I ask unanimous consent that the gentleman have one minute to answer a question. I want to get some information.

Mr. HAMILTON. Give him more than one minute.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the time of the gentleman from Illinois be extended one minute. Is there objection?

There was no objection.

Mr. WINGO. Assuming that the gentleman is correct about that one proposition, that Congress alone can declare war and that Congress may by appropriate action recall troops, I infer that the gentleman has a resolution before the Committee on Military Affairs to withdraw the troops from Russia. Is that true?

Mr. MASON. Yes.

Mr. WINGO. Now, the gentleman's party is in power. Why does it not bring that resolution out here and give us a chance to vote on it? Why does not the gentleman move to discharge the committee? I will say that, as far as I am concerned—and I think I can speak for this side—we are ready to vote on that proposition. Get your committee that is in charge to give you favorable report on your resolution, with the facts. Then we can act intelligently. Give less talk and more action. [Applause.]

Mr. JUUL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JUUL. The question is whether we are capable right here and now of voting that resolution out of that committee and putting it on its passage now? [Applause.]

The SPEAKER. That is not in order.

Mr. MASON. Mr. Speaker, the gentleman from Arkansas very generously gave me a minute and then took it away from me. Now I ask for another.

Mr. WINGO. I ask that the gentleman have a minute to answer my question.

The SPEAKER. Is there objection?

Mr. BLANTON. I ask that the gentleman have five minutes.

The SPEAKER. The gentleman only asked for one minute. Is there objection?

Mr. MASON. I want to say that the Committee on Military Affairs have only had this resolution for the past three or four days. I did not introduce it until after the Secretary of War had stated that they did not intend to bring my boys home until they could get volunteers to take their places. I looked it up, and I found from the statement made by the chairman of the Military Affairs Committee of the Senate that 100,000 boys have enlisted, and 1,000 have agreed to go to Siberia; so I made up my mind that I do not want my boys to wait for volunteers to go there. I have no desire to be discourteous to the Committee on Military Affairs. On the contrary, if the resolution is not reported within the time specified by the rules of the House, I give notice now that I intend to move, under the rules of the House, to discharge the committee and place the resolution upon its passage. [Applause.]

Where you going to get the soldiers and the money for Silesia, Armenia, and Siberia?

I set out here the clever statement of Hon. JOHN N. TINCHER, a Congressman from Kansas.

SEPTEMBER 8, 1919.

MY DEAR EDITOR: Recently I have had many letters regarding the league of nations. Some think, as a Congressman, I have a vote on it, which, of course, I have not, but being here perhaps I can give your readers a little inside on it.

There are three classes of Senators on the league:

First. Those that are for it.

Second. Those that are for it with reservations.

Third. Those that are against it.

During this last week the second class have gained from the first class, and this is true of men changing from the first to the second class who belong to the same party as the President.

Now, this will seem strange to some, especially so in view of the fact that the President has received great ovations and kind treatment everywhere he has stopped.

I am going to explain to you why these changes. They are not due to anything the President has said or done on the trip.

Everyone, of course, understands that there has not been any discussion yet by Congress as to the permanent peace policy for our Army and Navy. Before the President left here he, with his departments, outlined their policy, and the bills were introduced in both the Senate and House by the respective committees. These bills cover 42 pages of printed matter. They were prepared by the General Staff, and the day the President left here Gen. March testified that they were absolutely in accord for this bill—that is, President Wilson, Secretary Baker, Gen. March, and on down the line. On page 26 of this bill the size of the enlisted army is fixed at about one-half million. On page 32 of this bill is the compulsory military training provision for all boys at the nineteenth birthday, and on page 40 is the provision for each boy remaining a part of the Army in a way for two years. After the two years he can not be called without his consent in peace time, but during that two years he could be called by the President for any duty.

Under existing law there is no such provision; that is, the President alone could not send American boys abroad without a declaration of war by Congress.

However, within 10 days they have sent 5,000 boys to Silesia; this they claim they have a right to do, as peace has not been declared.

The 19-year-old boys, they claim, will average 600,000 a year, or it would give the United States 1,200,000 subject to the call of the President at all times.

There are 20 wars now raging in foreign countries concerning the merits of which there is not one man in 50,000 knows one thing.

These bills have been hinted at a long time, but the details and the administration's attitude were not fully known until this week. So don't be surprised if more Senators change from the first to the second class.

All are agreed that they want to keep out of war, but they disagree as to how to keep out.

As I said in the beginning, I have no vote on the league, but I will have a vote on this Army bill, and I will never vote for such a bill; also permit me to add that these bills will never pass, and I doubt if they ever get out of committee.

The expense of maintaining the Army and Navy under the proposed bills would be about twice the total of prewar operating expense of the Government per annum, in other words, it would cost twice as much for the Army and Navy every year as the total expense of the whole Government was before the war.

The reservations as agreed to by the Senate committee will, they claim, do away with the necessity for all of this and leave it so that we can have an Army like we had before the war.

Yours, truly,

Mr. Wilson, you ask some of the contemptible quitters to offer an improvement on your "league of hallucinations." If you will permit me, I suggest an improvement would be made if you will give us your 14 points.

"Open covenants of peace openly arrived at." You abandoned that doctrine the moment you got your feet under the royal mahogany.

"After which there shall be no private international understandings." You have abandoned that by negotiating treaties which you decline to furnish even to the Senate.

You say there shall be "absolute freedom of navigation upon the seas." You have consented to a treaty which makes more binding forever the song you sang as a child in your English home, "Rule, Britannia, Rule the Seas."

You demanded the removal of "all economic barriers." By your treaty if the United States fails to submit the Monroe doctrine to arbitration we would be commercially outlawed by all the world.

Your point to "reduce national armaments" has resulted in a request by you for the largest standing Army and Navy we have ever had, and every nation in the world is increasing its armament. And you want a million and a half of men to carry out your league to establish peace.

Your point in regard to "self-determination" has been wickedly abandoned by you, and you have entered into a treaty whereby no new republic shall ever be born, and pledge the

faith and honor of the United States that should such a child be born, we, a free people, agree to strangle it.

How does your self-determination read in Shantung, South Africa, Egypt, India, and Ireland?

You demand in the next point the "evacuation of all Russian territory." All except the Russians have evacuated, except you and the Mikado, and you are freezing and starving our sons there by usurpation of Executive power, to protect the capital invested in the railroads and to force the people to guarantee to pay the ancient debts of Russia.

You demand as your fourteenth point a "general association of nations." You have abandoned that, sir, by making a "special" association, which is an alliance to promote war and not a league to promote peace.

Five hundred American boys are buried in Russia or Siberia by the usurpation of power by you, and if you could look into the faces of the unhappy mothers and wives of these dead soldiers, if you could walk by their open graves and see the result of your work, you might have a better conception of your duty toward the American youth and eventually get into your mind that the Constitution of the United States limits the power of the President.

Mr. BOIES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BOIES. I ask to address the House for 15 minutes to-morrow morning after the reading of the Journal and the disposition of business on the Speaker's table on the question of what, it seems to me, was unjust criticism by the gentleman from Missouri [Mr. CLARK] in accusing me of putting matter into the RECORD that amounted to nothing.

The SPEAKER. The gentleman from Iowa asks unanimous consent that to-morrow morning, immediately after the reading of the Journal and the disposition of business on the Speaker's table, he be allowed to address the House for 15 minutes. Is there objection?

Mr. KITCHIN. I understand the gentleman wishes to reply to the speech made by the minority leader [Mr. CLARK of Missouri]?

Mr. BOIES. Yes.

Mr. KITCHIN. I suggest that he wait until the gentleman from Missouri [Mr. CLARK] comes back. I understand he will be here to-morrow.

Mr. BOIES. He will be here to-morrow? All right; I will be glad to wait until the gentleman from Missouri is present.

Mr. KITCHIN. Then the gentleman had better wait until he is here.

EXPENSES OF MILITARY AFFAIRS INQUIRY.

Mr. IRELAND. Mr. Speaker, I send to the Clerk's desk a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 279.

Resolved, That there be appropriated out of the contingent fund of the House the sum of $2,500, or so much thereof as it may be found necessary for the expenses of the subcommittee of the Committee on Military Affairs, appointed to visit and inspect designated camps, cantonments, and aviation fields with a view to considering the feasibility of their purchase by the Government.

The expenses that may be incurred by the said subcommittee shall be paid out of the contingent fund of the House of Representatives on vouchers signed by the chairman of the Committee on Military Affairs, or the chairman of the said subcommittee, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. IRELAND. Mr. Speaker, this resolution was introduced at the request of the Committee on Military Affairs, who have appointed a subcommittee to visit cantonments, camps, and aviation fields, I am informed, at the request of the War Department, with a view to ascertaining which of them, if any, are feasible for purchase and rebuilding and which should not pass into the hands of the Government, many of them being now held on lease. Now, if there is no question or any debate, I move the adoption of the resolution.

The SPEAKER. The Chair will suggest to the gentleman that in the first line there is obviously an omission.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to amend the resolution by inserting the word "may" and also inserting the word "be."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 1, after the word "there" insert the word "be," and in line 3 strike out the word "many" and insert the word "may."

The amendment was agreed to.

The resolution was agreed to.

COMPILER OF HINDS' PRECEDENTS.

Mr. IRELAND. Mr. Speaker, I present another privileged resolution.

The Clerk read as follows:

House resolution 273.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided for by law, compensation at the rate of $4,600 per annum, payable monthly, to Clarence A. Cannon for his services as editor and compiler of the Precedents of the House of Representatives.

With a committee amendment as follows:

Resolved, That the Speaker of the House be empowered and authorized to appoint an editor and compiler of Hinds' Precedents of the House of Representatives, to revise, extend, and continue said work to the present date, at a salary not to exceed $4,600 per annum, payable monthly, and that such sum is hereby appropriated out of the contingent fund of the House for this purpose.

Provided, That such work shall be completed within the period of one year from the date that such appointment is made, and that compensation for the services of such editor and compiler shall cease with the expiration of that date.

Mr. IRELAND. Mr. Speaker, unless there is some debate on the question I move the adoption of the resolution.

Mr. GARD. Will the gentleman yield?

Mr. IRELAND. Yes.

Mr. GARD. What was the date of the last compilation?

Mr. IRELAND. Nineteen hundred and seven. I think we are down to that date now.

The committee amendment was agreed to.

The resolution as amended was agreed to.

JANE A. LEWIS.

Mr. IRELAND. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

House resolution 255.

Resolved, That there shall be paid, out of the contingent fund of the House, to Jane A. Lewis, widow of Hugh Lewis, late an employee of the House of Representatives, a sum equal to six months of his compensation as such employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said Hugh Lewis.

The resolution was agreed to.

J. M. M'KEE.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

House resolution 232.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, additional compensation at the rate of $500 per annum, payable monthly, for services of J. M. McKee, foreman of the folding room, House of Representatives.

With the following committee amendment:

In line 3, after the word "of," strike out the figures "$500" and insert in lieu thereof "$300."

Mr. KING. Mr. Speaker, will there be any opportunity to debate the resolution?

The SPEAKER. The time is in the control of the gentleman from Illinois.

Mr. IRELAND. I will yield to my colleague.

Mr. KING. Mr. Speaker, I asked the gentleman to withhold the consideration of this resolution until to-morrow until I had my data from the office, but it is very apparent from the method adopted by this gentleman in the folding room that his salary ought not to be, in all fairness, increased. The gentleman has made a practice, having been here a long time, of diverting Government publications that belong to the allotments of different Members to other Members and otherwise distributing them and then notifying the Member that his supply is exhausted.

I do not know whether any other Members of this House have had a similar experience, but I understand the gentleman from Virginia [Mr. MONTAGUE] lost 1,500 yearbooks. I know I have lost 1,500 yearbooks, and I would like any other Members on the floor of the House who have lost similar publications through this method to get up and express themselves. It is possible that I may be the only man that has been injured in that way. But time after time, day after day and month after month, publications in that department disappear and are not available to the membership, and before I would ever vote to increase this gentleman's salary I would like to have some report on that subject by a committee.

Mr. IRELAND. Mr. Speaker, I will say that I brought that matter to the attention of the committee, and I would like to ask the gentleman if it is not true that only a small proportion of the full allotment of yearbooks are printed at a time and the entire amount placed to the credit of each Member? If he does not use them within a certain time, those books are not taken from the press.

Mr. KING. I will say to the gentleman that it may be true that perhaps not the full quota has been printed, but after a Member is advised on a printed card that he is entitled to 1,500 yearbooks he is entitled to have them until the day he goes out of Congress, and the trouble with this gentleman down there is that he disposed of those 1,500 yearbooks without serving any notice on the membership that he intended to dispose of them, and he has never answered the question as to what he did with the 1,500 yearbooks.

Mr. IRELAND. I agree with the gentleman entirely, but is not the system wrong rather than the employee?

Mr. KING. But he has no right to dispose of my yearbooks and give them to somebody else. I do not have to stand for the default of the Printing Office.

Mr. IRELAND. Certainly not, but is that the fact? Did he place the gentleman's books to the credit of some other Member?

Mr. KING. He certainly took them away from me without notice. Every man is entitled to notice in this country. You can not take a judgment against a man in any court without notice, and even God Almighty, in the Garden of Eden, went out and first served notice on Adam before he took judgment against him by saying, "Adam, where art thou?"

Mr. IRELAND. That is certainly a wonderful comparison.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. JOHNSON of Kentucky. I will say that I lost my yearbooks in a similar manner.

Mr. WOOD of Indiana. And I lost mine, and I expect two-thirds of this membership has done the same thing, and the foreman is doing this in violation of law and in violation of the office that he is holding.

Mr. BROWNING. Mr. Speaker, will the gentleman from Illinois tell us how the gentleman in the folding room disposed of these yearbooks? I do not think he disposed of any yearbooks. They were not printed.

Mr. KENDALL. They should have been printed.

Mr. BROWNING. But they were not.

Mr. IRELAND. I asked the gentleman from Illinois [Mr. KING] to appear before the committee this morning, and he failed to do so. If he had, I would have called the employee in question.

Mr. BROWNING. Will the gentleman give me two or three minutes?

Mr. IRELAND. Certainly; I yield to the gentleman from New Jersey.

Mr. BROWNING. Mr. Speaker, I have known Mr. McKee for a number of years. He has been here as long as I have, and many years, in all probability, before I came, and, in my opinion, a more painstaking and better man for the position can not be found in the United States. He has been retained by both Democrats and Republicans. I do not believe he has ever disposed of a single book excepting under the law. There is only one instance that I know of in respect to yearbooks, so far as I am concerned, where I have failed to get all that was coming to me. These yearbooks are not disposed of by the foreman of the folding room. They are not printed at the Government Printing Office.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. KING. I do not accuse this man of it, but how is it that you can purchase yearbooks and all other kinds of Government publications from every Tom, Dick, and Harry around the Capitol?

Mr. BROWNING. For the simple reason that city Members who have them, who do not use them, give those people the right to sell them. I have to get them myself. I beg from Members, because I have not nearly enough of my own quota to go around.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. WOOD of Indiana. As I understand it, when there is a certain publication of yearbooks, whatever number may be published, they are distributed equally to the membership pro rata.

Mr. BROWNING. Yes.

Mr. WOOD of Indiana. Some of the Members, those who take theirs and take them to their offices immediately, get all their quota, while those who wait until there is a demand for them and then send in their order blanks are the ones who have not been able to get them. Here is the trouble, here is where they have been showing favoritism, in not keeping the quota assigned to each Member until he exhausts it.

Mr. BROWNING. It may be that the quota was not kept; but it could not be kept, because the books have not been printed.

Mr. WOOD of Indiana. They have been printed.

Mr. DOWELL. Why are they given credit for them if they are not printed?

Mr. BROWNING. Because they are given credit from the quota that you are supposed to have.

Mr. DOWELL. Does he not check up when he receives the books, so that he knows how many he has received?

Mr. BROWNING. I do not know that he checks up the books.

Mr. DOWELL. He ought to check up from the books received, or there ought to be a man there to take his place who will do it.

Mr. BROWNING. I doubt very much whether you can find a more competent man in the United States for the place.

Mr. DOWELL. I want to say that he does not check up at all.

Mr. KING. When there is a shortage, why should it be taken off two or three Members?

Mr. BROWNING. I do not think they are.

Mr. KING. Why should they not be prorated?

Mr. BROWNING. I had only one shortage in all my experience here.

Mr. KING. Does not the gentleman think that it is evidence of inefficiency and reason for not giving this man additional salary, because he does not keep track of the yearbooks?

Mr. BROWNING. I do not agree with the gentleman; I do not think he is inefficient. I know he is very efficient.

Mr. KING. He has been there too long.

Mr. GALLAGHER. The fact of the matter is, as I get the information, if a certain number is printed, and you are lucky enough to ask for your quota, you get it. The foreman of the folding room does not know that the Printing Office is going to let down on printing yearbooks. After you have your books another man may come along and he can not get his. The fault is not in the folding room; it is with the Printing Committee and the amount appropriated. That is where the trouble comes in in this matter, and it is not fair to jump on the foreman if it is a condition over which he has no control. There is a superintendent in charge of the folding room.

Mr. IRELAND. I quite agree with the gentleman.

Mr. DOWELL. Will the gentleman yield for another question?

Mr. BOX. If the gentleman pleases, it is not confined to the yearbook. I would state that I had an allotment of other documents, called for them within 60 days, have had none of them, and was advised that my supply had been exhausted or that the supply had been exhausted.

Mr. KING. Without notice?

Mr. IRELAND. Those were Farmers' Bulletins?

Mr. BOX. Yes, sir.

Mr. BEE. How long has this gentleman been in that office?

Mr. IRELAND. Thirty-six years, I believe.

Mr. BOX. He does not belong to this side of the House, then.

Mr. KING. That side of the House ruined him. [Laughter.]

Mr. GALLAGHER. The foreman of the folding room does not control Farmers' Bulletins.

Mr. IRELAND. Complaint was made of some nature——

Mr. GALLAGHER. It is a different matter altogether.

Mr. DOWELL. I desire to inquire if the committee have made any investigation to ascertain if these books have been printed by the Government Printing Office?

Mr. IRELAND. The Doorkeeper informs me that they have not, but we were unable to get in touch with the chairman of the Committee on Printing, who is out of town at present.

Mr. DOWELL. Does the gentleman believe that it is possible when a certain order is made with the Public Printer that he does not furnish the quota that is ordered by Congress?

Mr. IRELAND. I believe unofficially they endeavor to indulge in some economy when the quota is not demanded by some Members, and probably without the right to do so.

Mr. DOWELL. But on the question of the yearbooks there should certainly be no question about the printing of the number wanted. Certainly there ought to be no question that they should be printed up to the quota given Members of Congress.

Mr. IRELAND. That seems to be proper.

Mr. DOWELL. And then I want to know how they can be taken away by this officer except by some other act rather than his own?

Mr. IRELAND. So far as the committee was able to understand they do not condone the system in vogue at all. We did not think the employee guilty himself of a time-honored practice that should not be indulged in longer. I am very glad this matter

has been brought up. The same thing obtains, I understand, in the publication of the Farmers' Bulletins, and perhaps we may be given some protection in these publications in the future we have not had in the past and perhaps our privileges will not be abused. I yield to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. A minute or two?

Mr. IRELAND. Certainly.

Mr. RUCKER. Mr. Speaker, I have had the same experience mentioned by the gentleman from Illinois and other gentlemen on the floor. My recollection is that it was the yearbook of 1916, or was it 1915?

Mr. JOHNSON of Kentucky. 1915 and 1916.

Mr. RUCKER. I made some investigation and the information I obtained was that the appropriation for the printing of the yearbook was inadequate and that the number allotted to Members could not be printed because of the advance in the price of material. The Public Printer used the amount of money available and then ceased printing and hence those of us who had not called for books did not get the yearbooks on those occasions.

Mr. DOWELL. Will the gentleman yield?

Mr. RUCKER. In just a minute I will be glad to yield. The gentleman, whose name I think has not been called but referred to, is the foreman of the folding room, and, as stated a while ago, he does not belong to this side of the House, although after I had been here for 10 years I still thought he was a Democrat, because I found him at all times genial, affable, courteous, and efficient. [Applause.] So, of course, I thought he was a Democrat. I want to stand here as a Democrat and protect him against any accusation of misconduct. [Applause.] My notion, Mr. Speaker, is that it is unbecoming and unfair for the membership of this House to engage any official and then avail ourselves of the freedom of speech in denouncing a man who is as efficient and as honest and as honorable as any man, I think, on this floor. [Applause.] And I say that although I know now to my regret that he is a Republican.

Mr. GALLAGHER. Will the gentleman yield?

Mr. RUCKER. I do.

Mr. GALLAGHER. Is it not a fact that we had the same difficulty with the Farmers' Bulletins?

Mr. RUCKER. Certainly, years ago we had some.

Mr. GALLAGHER. We do now.

Mr. RUCKER. I have enough on hand right now to answer my demands; so I have not had that experience.

But let me say again that if this gentleman is not efficient the Republican Party, which selected and engaged him years ago, made a mistake; the Democratic Party, which retained him, made a mistake; and you who have retained him have made the same mistake again if any mistake has been made. There is an explanation of this matter, a reasonable explanation which ought to satisfy the mind of any man, and I think the whole thing lies in the fact that the appropriations which we have made were not sufficient to print the number of yearbooks which we expected to receive and which heretofore we have been receiving.

Mr. KING. Should not this gentleman have discovered the fact and prorated the list? Why should a few Members of the House stand the whole loss?

Mr. RUCKER. How could he prorate after the books were exhausted?

Mr. KING. Does the gentleman know who got the 1,500——

Mr. RUCKER. I do not know; it is only an estimate. I do not want to make an accusation against you, but I am sure you Republicans must have gotten them. I simply desired to say this much in behalf of the foreman, because I regard him as one of the efficient men around this Capitol.

Mr. IRELAND. I move the adoption of the amendment.

The SPEAKER. The question is on the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the adoption of the resolution.

The resolution as amended was agreed to.

HEIGHT OF BUILDINGS IN DISTRICT OF COLUMBIA—ZONING COMMISSION.

Mr. MAPES. Mr. Speaker, this being District day, I call up the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes; and I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole. I do not know of any desire for general debate on this bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Speaker, I ask that the bill be read for amendment.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That to protect the public health, secure the public safety, and to protect property in the District of Columbia there is hereby created a zoning commission, which shall consist of the Commissioners of the District of Columbia, the officer in charge of public buildings and grounds of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds, which said commission shall have all the powers and perform all the duties hereinafter specified and shall serve without additional compensation. Such employees of the government of the District of Columbia as may be necessary to carry out the purposes of this act shall be assigned to such duty by the Commissioners of the District of Columbia without additional compensation.

Mr. GARD. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I would like to know, if this bill were included or enacted into law, if there would be any controversy as to authority between the so-called zoning commission and the Fine Arts Commission, which regulates certain buildings, roads, and monuments in the District of Columbia?

Mr. MAPES. My understanding is that the Fine Arts Commission has a different function to perform. It recommends the park system and the general plan of building in the District of Columbia, but this commission would have authority to regulate the use, area, and height of buildings on private property.

Mr. GARD. I recall very distinctly, and therefore I am asking the question of the gentleman, that as late as a year ago there was a great deal of question, to which the public print in Washington gave attention, regarding the erection of some powerhouse buildings in the District of Columbia—I believe at some place down on Fourteenth Street—about which it was argued as to whether or not the Fine Arts Commission had authority to regulate the size of smokestacks. It was claimed that they did have the placing of these buildings of public utility, if not of ornamentation, and I am asking whether there be any conflict of authority between that commission and the zoning commission?

Mr. MAPES. Mr. Speaker, as I understood it, the Fine Arts Commission had no real control over the buildings that the gentleman speaks of. The members of that commission conducted a campaign throughout the country to get Congress to prohibit placing the power plant where it was. If this bill should pass and be enacted into law, then the zoning commission would have the right to say whether or not any particular piece of property could be used for the purposes of a power plant.

Mr. GARD. Does not the gentleman think that with the almost concurrent authority, and the fact that the Fine Arts Commission has for its purpose a continuing duty in the city of Washington, which is a very beautiful city, and should remain so as the Capital of the Nation, it should have representation upon the zoning commission? I see that the zoning commission is to consist of all the Commissioners of the District of Columbia, the officer in charge of public buildings and grounds of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds.

Mr. MAPES. The gentleman will realize that this zoning commission will be a working body, and the members will need to be here to take care of their duty. The members of the Fine Arts Commission, as I understand it, are here only occasionally. That commission recommends in a general way the policy for beautifying the District, but it has no real authority.

Mr. GARD. The zoning commission is not going to be very active, because there is no additional compensation carried in this bill. And I question the activity of a commission appointed by the Government unless there is additional compensation to spur them on to endeavor.

Mr. MAPES. Of course the members of the commission will be expected to perform their duty under this act, and it requires them to act within six months after its passage.

Mr. GARD. Does not the gentleman think the bill should be so amended as to include some representation of the Fine Arts Commission in this so-called zoning law?

Mr. MAPES. I do not, because it is merely an advisory body that has the study of the artistic side of these questions. I

do not think any member of that commission should be a member of this one.

Mr. TREADWAY. Will the gentleman yield for a question?

Mr. MAPES. I yield.

Mr. TREADWAY. I would like to inquire, Mr. Speaker, of the chairman of the committee whether this bill has any direct bearing on the correspondence we find inserted in the RECORD last week, on page 4825, between various people and the letter from the lieutenant colonel, Corps of Engineers, United States Army, C. W. Kutz, Engineer Commissioner of the District of Columbia. The correspondence has a direct bearing on a new apartment house to be built on Sixteenth Street, and Commissioner Kutz, in his letter, says:

But until an enabling act is passed vesting in the commissioners or in some independent commission the power to promulgate zoning regulations it seems most unwise to make public tentative plans, as every property owner dissatisfied with the proposed lines of demarkation would use his influence to defeat the legislation.

In other words, some one here, to my mind, seems to want authority to establish these zoning systems, and those to whom the authority is to be granted say that it would be very unwise to confide in the public or in Congress what their plans are until they get the authority. That looks to me like telling Congress, "You give us the authority and then we will do as we please with it." I would like to know whether this bill has any direct bearing on the possibility of trying to regulate the so-called apartment house now under construction on Sixteenth Street, about which objection is made as to its height.

Mr. MAPES. My attention had not been directed before to the correspondence to which the gentleman refers, but this bill was introduced and considered by the commissioners, as I understand it, long before there was any talk of an apartment house near the Meridian Hill Park, to which the gentleman refers. If this bill were a law, perhaps the zoning commission would be enabled to take care of that situation without any further legislation. As it is, I have introduced a resolution in the House, and a similar resolution has been introduced in the Senate, limiting the height of this proposed apartment house, which will obstruct the view at Meridian Park if put up as high as the plans now contemplate.

Mr. TREADWAY. Well, of course, it is but fair to state, I think, that the objection being raised to the height of that building, because it will obstruct the view from Meridian Hill Park, is only the partial reason for objection. Quite likely the main reason for the objection comes from owners of other property in the neighborhood.

Mr. MAPES. The Fine Arts Commission has taken it up, and I do not think the members of that commission are interested in any private property around there, and they think that it would be very unwise and very unfortunate to have the apartment house put up to the height that it is contemplated.

Mr. TREADWAY. Is it not a fact that there must be a very great demand for apartment houses in this city in view of the enormous rents that are being charged and the effort on the part of real estate owners to increase the rents of people now occupying apartment houses? Is there not a great demand for apartment houses? Why should the esthetic side stand in the way of people getting reasonable rents in the District of Columbia?

Mr. MAPES. Nobody would dispute the fact that there is a great demand for apartment houses here, but I do not think that one or two stories on the top of a 10-story apartment house are going to relieve in any great degree the demand for apartment houses. There are a great many vacant lots in the District of Columbia where apartments can be constructed.

Mr. TREADWAY. Let us return once more to the original question. Is there any connection with the effort to secure this zoning system a desire to limit the height of that particular building, as evidenced by the correspondence to which I have referred?

Mr. MAPES. Not at all. But it is unfortunate that this bill is not now the law, so that the zoning commission could control that situation.

Mr. TREADWAY. Is it not also unfortunate that the commissioner should say that it is unwise to give out what they expect to do in advance of the legislation of Congress?

Mr. MAPES. Of course, Mr. Speaker, I suppose that the commissioner, like other people, sometimes writes letters in which he does not weigh his language very carefully, and it may be he was unfortunate in the expression which he used in that letter.

The SPEAKER. The Clerk will read.

Mr. GARD. Mr. Speaker, I offer an amendment to this bill.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

Mr. GARD. On page 1, line 8, strike out the word "and"; and on line 9, after the word "ground," insert "and the Fine Arts Commission."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: On page 1, line 8, strike out the word "and"; and in line 9, after the word "grounds," insert "and the Fine Arts Commission."

Mr. GARD. Mr. Speaker, I am glad to offer this amendment because of what has been suggested by the gentleman from Massachusetts [Mr. TREADWAY] regarding the state of affairs in Washington to-day. We have had for some time a Fine Arts Commission. What its authority has been, it seems, is rather vague, but the purpose of the Fine Arts Commission is to preserve the architectural beauty of the city of Washington, and that, to my mind, is a most desirable thing.

Not long ago there unquestionably arose in the public mind the question of putting up buildings which might not be ornamental, although useful in the city of Washington, and that was brought directly to the attention of the membership of the Fine Arts Commission. Now, from what is stated by the gentleman from Massachusetts, the Fine Arts Commission has again—to what extent I do not know—given attention to these matters, particularly the erection of a building on north Sixteenth Street, somewhere near the Meridian Hill Park. Of course, the Fine Arts Commission would have jurisdiction over the park, at least so far as recommendations to Congress are concerned regarding the upkeep and the general appearance of the park. Whether it now has jurisdiction in regard to the erection of private buildings I do not undertake to say. In fact I would think they would have no authority unless the building itself would trespass upon the utility of the park as a park.

But why not include them? Why not have the zoning system carried out by those who have in hand the practical side of it, such as the Commissioners of the District of Columbia, the Superintendent of the Capitol Building and Grounds, and the officer in charge of public buildings and grounds in the District of Columbia, together with the membership of the Fine Arts Commission as well, because there would seem to my mind to be no reason why practicality might not go hand in hand with beauty, why those who have charge of the actual management of affairs here might not take with them the proper consideration in these matters of those who have already been acting upon them in the District of Columbia—or more properly in the city of Washington—for quite some time, and those are the members of the Fine Arts Commission. There would be no additional compensation involved, since the bill says that those who act upon the commission and those delegated by the Commissioners of the District of Columbia shall act without additional compensation. It would certainly mean a cooperation between this assembly of men who have due power to act under the bill and the personnel of that commission which for some years has had power to act under general law, as it appears now in chapter 243, established in the Sixty-first Congress; and it is for the purpose of having these two boards—if I may call them boards, if they are established—acting in unity and cooperation that I am offering the amendment that I do.

Mr. MAPES. Mr. Speaker, the Fine Arts Commission has one purpose. This zoning commission, which is proposed to be created by this bill, has another. The gentleman from Ohio [Mr. GARD] offers an amendment which proposes to put all the members of the Fine Arts Commission on this zoning commission. The Fine Arts Commission looks to the artistic and aesthetic side, and acts in an advisory capacity.

This zoning commission will be an active body. This bill has been very carefully considered. In the drafting of it the citizens' associations and the board of trade and the local chapter of the American Institute of Architects and the builders and real estate men and the citizens generally of Washington were consulted. It was thought advisable to put on the commission the Commissioners of the District, and then the officer in charge of public buildings and grounds, and the Superintendent of the Capital Building and Grounds. This will give the United States representation on the commission, as well as the District through the Commissioners of the District, and one of them, as everybody knows, is an engineer officer of the Army.

It seems to me it would be very unwise to put the members of this Fine Arts Commission on this zoning commission. The members of the Fine Arts Commission meet only temporarily. They are not citizens at all of the District. They come here at their leisure and stay as long as they find it convenient, and then go back to their respective homes. It would handicap materially the work of this zoning commission to have the Fine Arts men members of it.

Mr. GARD. Mr. Speaker, I just desire to be heard a moment.

Mr. MAPES. Could not the gentleman get in on another amendment? He has already discussed this amendment once.

Mr. GARD. I wanted to reply momentarily to a statement the gentleman has made.

Mr. MAPES. That would not be according to the rule. Could not the gentleman get in at some other time?

Mr. GARD. No. I want to talk about this particular thing.

Mr. MAPES. How much time does the gentleman want?

Mr. GARD. Oh, two or three minutes.

Mr. Speaker, in the act creating the permanent Commission of Fine Arts it is provided that "It shall be the duty of the officers charged by law to determine such questions in each case when called for such advice." The advice referred to is the erection of statues, fountains, and monuments in the public streets and parks of the District, the selection of models for statues to be erected under the authority of the United States, and for the selection of artists for the execution of the same.

It further provides that these provisions shall not apply to the Capitol Building of the United States and the building of the Library of Congress, but it is to advise generally on questions of art when requested to do so by the President, or by any committee of either House of Congress, and it seems to me it might well be included in the present bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That wherever, under the provision of this act, it is required that a public hearing shall be held, notice of the time and place of such hearing shall be published for not less than 10 consecutive days in one or more newspapers of general circulation printed and published in the District of Columbia; and such public hearing may be adjourned from time to time: *Provided*, That if the time and place of the adjourned meeting is publicly announced when the adjournment is had, no further notice of such adjourned meeting need be published.

Mr. GARD. Mr. Speaker, I move to strike out the last word. In the first place it seems to me the language of section 3 should be made a little more clear by requiring that the meetings should be held in the District of Columbia, although that may be inferred from the language of the section. But what I am particularly desirous of knowing is whether under the language of section 4 and the subsequent and preceding language in the bill there is to be authority on the part of the zoning commission to prescribe a place where manufacturing may be done in the District of Columbia, referring to industrial manufacturing?

Mr. MAPES. As the law is now there is nothing to prevent an individual or a company from putting a manufacturing establishment anywhere in the city, and it is the purpose of this bill to regulate that, so that if any one desires to go into the manufacturing business he shall do it outside of the residence section and in the zone fixed for that purpose by the commission.

Mr. GARD. There is no large industrial manufacturing in the District of Columbia or, properly speaking, within the territorial limits of the city of Washington.

Mr. MAPES. That is true. If the gentleman means to inquire whether or not it is intended by this bill to promote manufacturing industries in the District of Columbia, I will say I have no knowledge of any such purpose, and I do not think that it is the purpose.

Mr. GARD. Not so long ago I read in the Washington newspapers items from certain trade organizations concerning a plan they have to bring industrial corporations and manufacturing concerns to the city of Washington, with the intention of increasing the population of Washington and the District of Columbia. Now, such an idea is entirely foreign to the primary use of the District of Columbia, which is that it shall be the capital residence of the whole of the United States of America, and there should be no entering wedge in this bill or any subsequent bill for the bringing here of industrial manufacturing enterprises. There is plenty of room outside. There are plenty of other places, and this District should be preserved for its primary use as the governmental residence of the United States.

Mr. MAPES. I agree with the gentleman perfectly, and I will say that this bill has no connection whatever with that, so far as I know. Of course, the executive officials of the association of which the gentleman speaks must have something to do. I have seen some statements about the bringing of manufacturing establishments here, but nobody, so far as I know, has any thought that that is going to be accomplished.

Mr. GARD. I refer to that because the gentleman said that those who were heard on the bill were members of the Merchants' and Manufacturers' Association.

Mr. MAPES. Among others they were heard.

Mr. GARD. What is the Manufacturers' Association?

Mr. MAPES. The retail merchants' organization here is misnamed the Merchants' and Manufacturers' Association. As I understand it, that association consists entirely of retail merchants.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 5. That said commission is authorized and empowered to make such orders and adopt such regulations not inconsistent with law as may be necessary to accomplish the purposes and carry into effect the provisions of this act: *Provided*, That no order or regulation so adopted shall require any change in the plans, construction, or designated use of (a) a building for which a permit shall have been issued or plans for which shall be on file with the inspector of buildings of the District of Columbia at the time the orders or regulations authorized under this act are promulgated; or (b) a permit for the erection of which shall be issued within 30 days after promulgation of the orders or regulations authorized or adopted under this act and the construction of which in either of the above cases shall have been diligently prosecuted within a year from the date of such permit and the ground-story framework of which, including the second tier of beams, shall have been completed within said year, and which entire building shall be completed according to such plans within two years of the date of the promulgation of such orders or regulations; or (c) prevent the restoration of a building wholly or partially destroyed by fire, explosion, act of God or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such whole or partial destruction, or prevent a change of such existing use except under the limitations provided herein in relation to existing buildings and premises: *Provided further*, That no frame building that has been damaged by fire or otherwise more than one-half of its original value shall be restored within the fire limits as provided by the building regulations of the District of Columbia; or (d) prevent the restoration of a wall declared unsafe by the inspector of buildings of the District or by a board of survey appointed in accordance with any existing law or regulation.

Mr. GARD. Mr. Speaker, I move to strike out the last word for the purpose of obtaining information. What is the reason for the proviso in section 5, especially the proviso marked (b), where reference is made to permits for the erection of buildings which shall be issued within 30 days after promulgation of the orders or regulations authorized or adopted under this act, as well as the provisos (a) and (c), because it seems to me that (a), (b), and (c) might well refer to particular cases. There might be some concealed joker herein with reference to a particular building or buildings. Proviso (c) reads as follows:

Prevent the restoration of a building wholly or partially destroyed by fire, explosion, act of God or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such whole or partial destruction, or prevent a change of such existing use except under the limitations provided herein in relation to existing buildings and premises.

The only restriction being that it must be a frame building. In other words, under this law, if a frame building which it would not be proper to build in the first instance should be partially destroyed by fire, the zoning commission would have no power to prevent restoration in its form existing before the fire. If we create a zoning system at all, and if we confer power on these men to act as zone commissioners and to regulate the height of buildings and the place where they must be built and the character of their construction, why should we not afford them ample power and not restrict them in particular cases? And especially ought we not to leave them free in matters of restoration?

Mr. MAPES. Mr. Speaker, my understanding of the matter is that these provisos were put in out of an abundance of caution on the part of the commissioners recommending the bill and particularly on the part of the committee reporting the bill, so that property rights should not be too much interfered with by this zoning commission, and that buildings already constructed or buildings for which plans have already been made should not be interfered with, but that the owners should be allowed to go ahead without interference by the zoning commission.

Mr. GARD. Let me say that if this zoning commission is to have any power, if it is going to do any work at all, you will find that the minute this bill passes, or within a short time thereafter, every man who has a building in contemplation, or any change in contemplation, is going to file an application for a permit under (a) or (b), or is going to try to come outside of the provisions of this proposed law.

It seems to me that the purpose of section 5, or the first part of it, before you get down to the proviso is ample. Where you say—

That said commission is authorized and empowered to make such orders and adopt such regulations not inconsistent with law as may be necessary to accomplish the purposes and carry into effect the provisions of this act.

That is ample, but when you leave that and qualify it by provisions that might apply to particular things, are you not destroying the force of the bill you are trying to create?

I desire to call attention to the condition in the proviso (c), which absolutely places no restriction on a brick building, no matter how unworthy it may have been in an architectural sense or a substantial sense, no matter how illy adapted it may be for its purposes. A brick theater which would be condemned in the first instance under proviso (c) being partially destroyed by fire, the zone commissioners would have no power to prohibit the exact duplication in the restoration of that building. I know the gentleman wants to provide all possible protection to the building because the primary idea of the zone commission is to afford public protection. To say that in a certain locality a certain kind of building shall be erected in such a way for public protection, not the protection of the individual, but for the protection of the public, and therefore I call the attention of the gentleman in charge of the bill to exception (c) and ask him if he does not think that that can be eliminated?

Mr. MAPES. What the gentleman has said about the provisos in the bill appeals to me, but they were put in, as I said before, out of abundant caution. There are in our committee lawyers of a technical turn of mind, whose minds operate, however, differently from that of the gentleman from Ohio. They wanted the right of the zone in a commission to interfere with existing buildings and the rights of owners of property definitely defined, and rather insisted that these limitations be put in.

Mr. GARD. The gentleman will see that if he goes so far as to say there is nothing in the bill to prevent the restoration of a brick building inadequate for its purpose, the use of which in the first instance may have been improper, the bill amounts to nothing.

Mr. MAPES. Well, I would not agree with the gentleman in that statement.

Mr. GARD. This is what I am trying to get at: Suppose a moving-picture theater on F Street, or some other street, and they are all crowded now, has a fire. It is a brick or stone building and partially destroyed. After the fire it develops on investigation by the fire marshal, or whoever makes the investigation, that the building is improperly constructed, that the public benefit to the people who pay the money to go there is not subserved by that class of a building and that it is dangerous to human life. Still, under this bill the man who owns the building may rebuild it the same as he did before, and use it for the same purposes as he did before, although, as a matter of fact, a moving-picture building may be standing in between two other buildings and that is manifestly an improper surrounding for a moving-picture building. That is what I have in mind when I seriously call to the attention of the gentleman that if this bill is to have any benefit for the public, not to exploit somebody else, but if the public is to be protected this zone commission should have the power to see in a half-destroyed building when it 's rebuilt that it should be rebuilt in accordance with plans that will contribute to the public safety. If you carry out the provisions of paragraph "c" they could not do it.

Mr. MAPES. Mr. Speaker, of course, the rebuilding of a building would be under the jurisdiction of the building inspector and subject to the rules and regulations of the building law. But if it was rebuilt it would be in no worse condition than it was before. As far as I am personally concerned, I should have no objection to this provision being stricken out.

Mr. GARD. Then, Mr. Speaker, I move to strike out the language on page 5, after the semicolon, down to and including the colon in line 10, after the word "premises."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 5, beginning in line 3, after the semicolon and the word "regulations" strike out the balance of that line and lines 4 to 10, inclusive, up to the colon.

Mr. MAPES. To that I offer a substitute.

The Clerk read as follows:

Page 5, line 4, after the word "dwelling," strike out the words "wholly or."

Mr. MAPES. Mr. Speaker, it might create a lot of unfairness if a building was to be entirely torn down and rebuilt after being partially destroyed. I think this would answer the gentleman's criticism very much better than the amendment he has just offered.

Mr. GARD. Mr. Speaker, I desire to be heard in opposition to the substitute. I know the gentleman desires to act in accordance with what all believe would be the best interest for the public, but I do not believe the mere striking out of the words "wholly or" will meet the cases that I have suggested, because it leaves the language as follows:

or prevent the restoration of a building partially destroyed by fire, explosion, act of God, or the public enemy, or prevent the continuance of the use of such building—

And so forth.

In other words, unless the destruction was entire, if the destruction was three-fourths or seven-eighths, then, under the gentleman's substitute the gentleman can see, I am sure, that the very purpose he now says is a good purpose would be defeated. In other words, if a theater building—to refer to my original illustration—is seven-eighths destroyed and one-eighth remains, the entire building could be rebuilt, because it would come within the purview of the gentlemen's words—

or prevent the restoration of a building partially destroyed by fire.

My objection to this language is a very sincere objection, and is based, as I think the gentleman understands, upon a public utility and public protection. In other words, I want this zoning system or this zoning commission to operate for the interest of the public, to prevent fire hazards, the loss of human life by fire, to prevent buildings falling down where great congregations of buildings are. It seems to me that the gentleman, upon reflection, will see that the elimination of the words "wholly or" will not carry out the purposes which he concedes are the true purposes, and that all of this language should be stricken out and that there should be conferred upon the zoning commissioners an honest discretion to investigate, examine, and recommend the rebuilding along proper lines of a wholly destroyed or even a partially destroyed building.

Mr. WOODS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. WOODS of Virginia. I just want to ask the gentleman this: Suppose a building is half destroyed by fire; then you will deprive that landowner of his vested property right there and say to him that he can not use the property as he formerly used it? That is what the committee had in mind in its efforts to protect the individual rights.

Mr. GARD. Not at all. Suppose the gentleman has a theater building and the roof is burned off. It appears that the roof was of improper construction, under the contention which the gentleman himself sanctions. Under this law the man could put the roof on in the same way it was before, the same character of roof, the same identical thing which in the first instance the gentleman concedes is improper construction and dangerous to human life, and that is what I want to avoid. The mere fact that he has half of the building destroyed or the roof destroyed is certainly an increased reason why that same improvement should not be permitted. It ought to be made better. The zoning commission should give its permission before any action is taken.

Mr. WOODS of Virginia. If the restoration of the building is hazardous to human life, the present law protects. He has no right to construct something that is hazardous, but, on the other hand, the committee's thought in this matter was to preserve and protect the rights of individuals as far as consistent with the public interests, and I think the bill does that. If business has built up around this building with reference to the use of the building, with reference to the character of it, then it is no hardship on any abutting property owner that that use shall continue. When we strike out the words "wholly or," so that when a building is destroyed the owner can not rebuild, but allow him the right to repair when it is half destroyed, it seems to me we are doing justice to both the owner and the public.

Mr. GARD. There is hardly an instance where a building is wholly destroyed. Even the most inefficient fire department usually manages to save something, and you can hardly say that a building can be wholly destroyed before the zoning commission could have power in regard to its detail.

The SPEAKER pro tempore (Mr. TREADWAY). The question is on the substitute offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. BLANTON), there were—ayes 22, noes 4.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. I did not quite catch the number that was voting.

The SPEAKER pro tempore. The substitute motion was agreed to by a vote of 22 to 4. The question now recurs upon the amendment as amended by the substitute.

The amendment as amended was agreed to.

Mr. MAPES. Mr. Speaker, in order to have the language uniform, I move that in line 7, page 5, after the word "such" the word "whole" be stricken out, and that the word "or" as it first appears on line 8 be stricken out.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 7, after the word "such," strike out the word "whole," and in line 8 strike out the first word "or."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 28, noes 2.

Mr. REAVIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. REAVIS. A large number of Members on the floor of the House did not vote on this amendment. Are those Members compelled to vote?

Mr. BLANTON. Oh, Mr. Speaker, if politics are going to be brought in, to try to camouflage the situation, I make the point of order that there is no quorum, to show that not many more Members are on the floor than did vote.

Mr. BUTLER. Oh, do not do that.

Mr. BLANTON. There are not many more Members on the floor than voted.

Mr. REAVIS. I make the point of order that a parliamentary inquiry is not debatable.

Mr. BLANTON. Mr. Speaker, I withdraw the point of order of no quorum.

The SPEAKER pro tempore. The gentleman from Texas withdraws the point of order of no quorum.

Mr. GARD. Mr. Speaker, I offer to amend by inserting a period after the word "Columbia," in line 14, page 5, striking out the rest of the section.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 5, line 14, after the word "Columbia," strike out the semicolon and insert a period and strike out the words "or (d) prevent the restoration of a wall declared unsafe by the inspector of buildings of the District or by a board of survey appointed in accordance with any existing law or regulation."

Mr. GARD. Mr. Speaker and gentlemen of the House, it seems to me that this bill is certainly not intended to carry out the purposes of the public utility in the shape of the language herein. Evidently very few people have read the bill, and very few are now giving it heed, and there are only a limited number who seem to be giving attention to the bill, even as it is read. [Applause.] I do not refer to that in any partisan sense or in any objectionable sense. The bill is not of general import, and Members generally are not interested in it, but this is a proposition of general interest. In this proviso (d) the bill says that nothing shall—

prevent the restoration of a wall declared unsafe by the inspector of buildings of the District or by a board of survey appointed in accordance with any existing law or regulation.

In other words, if a wall is declared unsafe by the inspector of buildings, there is nothing to prevent its restoration, whatever that means. The language of the bill ought to be sufficiently broad to vest power and discretion in the zoning commission, because if a wall is unsafe it should not be restored, whatever that means; but if a wall is unsafe, the wall should be torn down, and if it is to be rebuilt there should be some authority conferred on the zoning commission to say where it should be rebuilt and of what material it should be rebuilt. There should be some regard for the public safety, because the bill is flaunting broadly in the mind of the public the fact that here in the District of Columbia if the inspector of buildings says that a wall is unsafe there is no power in the zoning commission to say that this wall shall not be restored. In other words, an unsafe wall shall be restored—unsafe in the first instance, to be restored to its original character of being unsafe. That surely is not what the gentleman means, and it seems to me that this language should be stricken out and a reasonable degree of discretion lodged in these zoning commissioners if this zoning law is to have any effect at all.

Mr. MAPES. Mr. Speaker, this law is patterned after the New York and St. Louis zone laws. They have been tested by the courts at different times and are considered by the experts as the most up-to-date and best laws in the United States on the subject. It is possible to rebuild or to reinforce a wall that may be unsafe to-day, and the zoning commission ought not to be given authority to compel the tearing down of the whole building in that sort of a case. It might be entirely unnecessary to do so, and it was the judgment of the committee that the zoning commission ought not to be given the authority to compel it.

Mr. GARD. The fault, I think, is that the bill pays too much attention to the builder and too little attention to the public. This is a public-benefit bill and not a bill for the benefit of the builders. Here in the District of Columbia, here in the Capital City of the Nation, a building zone law should be a model law and for the protection of the people, not of the persons who want to restore unsafe walls. This means exactly what it says, that if the wall has been declared unsafe under this law there is nothing to prevent that same wall from being restored in the same condition; in other words, it is unsafe now and restored to continue its unsafeness.

Mr. GALLAGHER. Will the gentleman yield?

Mr. GARD. I do.

Mr. GALLAGHER. That is taking away authority from the zone commission?

Mr. GARD. Yes; it is limiting the authority of the zone commission, but it is to prevent the faulty construction of buildings and the possible destruction of human life; that is what it does do.

Mr. GALLAGHER. That is the condition all over the city.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 12, noes 27.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. That any lawful use of a building or premises existing at the time of the adoption of orders and regulations made under the authority of this act may be continued, although such use does not conform with the provisions hereof or with the provisions of such orders and regulations; and such use may be extended throughout the building, provided no structural alteration, except those required by law or regulation, is made therein and no new building is erected. Where the boundary line of any use district divides a lot in a single ownership at the time of the adoption of orders and regulations under the authority of this act the commission may permit a use authorized on either portion of such lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the use district.

Mr. GARD. Mr. Speaker, I move to strike out the last word, to call the attention seriously of those Members who should be considering the bill to the fact. I have offered these suggestions merely for the betterment of the bill. I do not offer them in any other sense. I say that the bill as it is presently written and which we are now considering is so manifestly in the interest of the builder or the property owner and so entirely opposed to the public benefit that it should be most materially amended. I refer again not alone to the action of this committee, whether they understand what they are doing or not, saying unsafe walls may be put back exactly as they were in a building no matter what the public may think about it, but section 6 provides that no matter what the use of the building is at this time that use may be continued for all time without any regulatory action upon the part of the zoning commission even if the character of the neighborhood changed entirely. In other words, if a gasoline station is in a certain place and it becomes necessary to build a church in that particular location and the church is built, the fact that the gasoline station, or some highly hazardous place where the fire risk is great has been once maintained, is always to be maintained under this act, because there can be no interference with any vested rights. I am tired of hearing of vested rights. I am tired of hearing in these bills about the rights of the individual, and I think that something should be done for the rights of the public in whose proper interest these bills should be passed.

The Clerk read as follows:

SEC. 8. That it shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, changed, or converted wholly or partly in its use or structure until a certificate of occupancy shall have been issued by authority of said zoning commission.

Mr. VENABLE. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman a question. Does the bill clearly provide for a change of district by the zoning commission from time to time as the development in the city or the development in the District shall dictate?

Mr. MAPES. I think it does.

Mr. VENABLE. In glancing over the bill I received the impression that it was not very clear as to the authority of the zoning commission to change from time to time buildings in areas as the development and needs of the city should dictate. The chairman is of the opinion that that is taken care of?

Mr. MAPES. I think that is taken care of.

Mr. VENABLE. This proposes to confer that authority?

Mr. MAPES. That is the purpose.

Mr. GALLAGHER. Will the gentleman yield?

Mr. MAPES. I do.

Mr. GALLAGHER. Has this zoning commission approved of this bill? Does this commission that is to be established approve of this bill?

Mr. MAPES. The bill was introduced at the request of the Commissioners of the District of Columbia. They appeared before the committee in its behalf.

Mr. GALLAGHER. Has this bill been approved by the zoning commission of the city of Washington?

Mr. MAPES. It is approved by the Commissioners of the District.

Mr. GALLAGHER. The original zoning commission?

Mr. MAPES. The three District Commissioners constitute over one-half of the membership of the zoning commission.

Mr. GALLAGHER. But they did not approve of this bill, did they?

Mr. MAPES. The commissioners did approve of it, and it was introduced at their request.

The Clerk read as follows:

SEC. 9. That buildings erected, altered, or raised, or converted in violation of any of the provisions of this act or the orders and regulations made under the authority thereof are hereby declared to be common nuisances; and the owner or person in charge of or maintaining any such buildings, upon conviction on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants in the name of said District, and which court is hereby authorized to hear and determine such cases, shall be adjudged guilty of maintaining a common nuisance, and shall be punished by a fine of not more than $100 per day for each and every day such nuisance shall be permitted to continue, and shall be required by said court to abate such nuisance. The corporation counsel of the District of Columbia may maintain an action in the Supreme Court of the District of Columbia in the name of the District of Columbia to abate and perpetually enjoin such nuisance.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move to strike out the last word for the purpose of inquiring of the chairman of the committee whether or not the word "raised," line 22, page 60, is correctly spelled? There are two words spelled differently. I rather suspect the word should be "razed."

Mr. MAPES. I think that correction should be made, Mr. Speaker.

Mr. GREEN of Iowa. May I ask the gentleman a question, with the permission of the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. Certainly; I have finished.

Mr. GREEN of Iowa. Then, for the purpose of making inquiry of the chairman of the committee, I ask to be recognized in my own right. I supposed when reading this section that it referred to a case where a building had been raised in height for the purpose of making its height conform to the street or some regulation of the authorities, or possibly for the purpose of convenience to the owner thereof. It looks to me as if this word was spelled as it should be. Very often parties want to make a change in the height of a building, sometimes by reason of a street regulation or sometimes for their own convenience, and sometimes they want to lift it from its present foundation, and it seems to me they ought not to be permitted to do that without the approval of the zoning commission.

Mr. MAPES. I can see no harm from having both words in.

Mr. JOHNSON of Kentucky. If the word "elevated" were used there, the meaning would be clear. I think, as the gentleman states, if both words were used there would be no trouble about it.

Mr. MAPES. I move that the word "razed" be inserted after the word "altered" in line 22.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Page 6, line 22, after the word "altered" insert the word "razed."

Mr. GARD. The language as it is at present, I suspect, is intended to cover both definitions of the word—one definition meaning to elevate, the present spelling, and the other definition, "razed," to tear down.

I call attention to subsequent language in the bill, in lines 24 and 25, and especially in line 25. How are you going to accommodate that language with the words "common nuisances"? I think the intention of the framers of the bill is well carried out by the existing language. In other words, that the building is to be built up, put jacks under it and raise it, put a story on top of it, but by using the word "razed" you could not by any construction of law make "razing" a common nuisance.

And if you adhere to the language you have in line 25, then I think you should adhere to the language you have in line 22, because there could be no association of the word "razed" with a common nuisance, because if you tear a building down and demolish it there is not anything that would be a common nuisance. I think the gentleman from Kentucky [Mr. JOHNSON] sees the point I am trying to get to the members of the committee, and sees by inference, I think, that I am right.

Mr. MAPES. Mr. Speaker, I withdraw my amendment.

The SPEAKER. The gentleman from Michigan withdraws his amendment, and the Clerk will read.

The Clerk read as follows:

SEC. 10. That the Commissioners of the District of Columbia shall enforce the provisions of this act and the orders and regulations adopted by said zoning commission under the authority thereof, and nothing herein contained shall be construed to limit the authority of the Commissioners of the District of Columbia to make municipal regulations as heretofore: *Provided*, That such regulations are not inconsistent with the provisions of this law and the orders and regulations made thereunder. In interpreting and applying the provisions of this act and of the orders and regulations made thereunder they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. This act shall not abrogate or annul any easements, covenants, or other agreements between parties: *Provided, however*, That as to all future building construction or use of premises where this act or any orders or regulations adopted under the authority thereof impose a greater restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by existing law, regulations, or permits, or by such easements, covenants, or agreements, the provisions of this act and of the orders and regulations made thereunder shall control.

Mr. GALLAGHER. Mr. Speaker, I want to offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GALLAGHER: At the end of section 10, page 8, line 11, add the following: "*Provided further*, That no buildings over four stories high shall be erected under this law without providing fire escapes thereon."

Mr. MAPES. Mr. Speaker, I reserve a point of order on the amendment.

Mr. GALLAGHER. What is the point of order? This is a matter that is of vital importance to the people of this city. Nearly all of the four-story buildings here are erected without fire escapes, and I think one of the particular duties of Congress should be to provide fire escapes on all buildings that are at least four stories high. There ought to be some provision for tenants and people occupying four-story buildings, whereby they can escape in case a building catches on fire. I have noticed that all through this city there are three and four story buildings where there is no provision whatever for fire escapes, and in every civilized community they ought to provide fire escapes on four-story buildings. And that is the object of this amendment.

Mr. BLANTON. Will the gentleman yield?

Mr. GALLAGHER. Yes, sir.

Mr. BLANTON. If we are going to provide for four-story buildings, why should we not provide for three-story buildings? It is almost as dangerous to jump from a three-story building as from a four-story building.

Mr. GALLAGHER. They ought to be on three-story buildings as well. And I thought if I brought it to the attention of the committee that is considering this matter, they might see the propriety of doing this. That is the reason I offered the amendment.

Mr. MAPES. Of course, Mr. Speaker, there is no disputing what the gentleman from Illinois says. Buildings of four stories ought to be provided with fire escapes, and they no doubt are. That is undoubtedly a part of the building regulations of the District of Columbia. This bill is to regulate the height, area, and use of buildings, and to create a zoning commission. The amendment of the gentleman from Illinois is not germane to this particular bill.

Mr. GALLAGHER. Does not this bill apply to the use of buildings and to secure public safety?

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. Yes.

Mr. GREEN of Iowa. I think the gentleman from Illinois is slightly in error. I lived for several years in a four-story apartment house that had fire escapes on it.

Mr. GALLAGHER. They would not tolerate a building law of this kind in Chicago without looking out for the safety of the public. I notice all over this city there are three and four story buildings that are without fire escapes. There is no provision of law that I know of requiring them to provide fire escapes, or they would be in sight, and I believe that as a matter of justice and decency we ought to provide this protection for the people who live in three and four story buildings.

Mr. GREEN of Iowa. I am not prepared to dispute the assertion of the gentleman generally, but——

Mr. GALLAGHER. I am sure I am not making a misstatement.

Mr. GREEN of Iowa. I must except this one building that I have referred to. It had four stories and fire escapes on it. I supposed they were put there in consequence of some city ordinance or regulation.

Mr. GALLAGHER. There ought to be regulations of that kind in this city, and I hope the amendment I have offered will be adopted, so that fire escapes will be required by law.

The SPEAKER. Does the gentleman from Michigan [Mr. MAPES] make the point of order?

Mr. MAPES. Yes; I make the point of order.

The SPEAKER. If the gentleman can point out to the Chair something in the amendment which applies to the provisions of the bill, the Chair would be glad. This bill simply provides for the height of buildings. The Chair sustains the point of order.

Mr. GARD. Mr. Speaker, I move to strike out the last word in section 10.

The SPEAKER. The gentleman from Ohio moves to strike out the last word.

Mr. GARD. I do this for the purpose of again calling the attention of the chairman of the committee to the seeming inconsistency of the language, as in other sections that I have called attention to. From what has been, I confess, but a cursory analysis of the bill as I have gone over it, it seems to me that the bill in one place writes in something to be done and then in another place, by an additional word or words, tries to nullify it, as I tried to make it appear was written in the proviso in section 5.

Now, in section 10 it provides "That the Commissioners of the District of Columbia shall enforce the provisions of this act and the orders and regulations adopted by said zoning commission under the authority thereof." It seems if we create the zoning commission, the zoning commission should have power to carry out its own provisions, and not one part of the zoning commission be permitted to enforce the provisions of the act, as this does.

Also I call attention to this statement, that, notwithstanding the commissioners shall enforce the provisions of the act, it provides that—

Nothing herein contained shall be construed to limit the authority of the Commissioners of the District of Columbia to make municipal regulations as heretofore.

In other words, notwithstanding what this act provides, the Commissioners of the District of Columbia can go along and do just what they did before. Then they provide again—

Provided, That such regulations are not inconsistent with the provisions of this law and the orders and regulations made thereunder.

Now, what is the meaning of all this curious jumble of language?

Also, I call your attention to page 8, lines 1, 2, and 3—

This act shall not abrogate or annul any easements, covenants, or other agreements between parties.

Then you say—

Provided, however, That as to all future building construction—

as it appears on line 3, if something greater is required by such easements, covenants, or agreements, the provisions of the act and the orders and regulations thereunder shall control. In other words, you say in two sentences that nothing shall abrogate or annul any easement, covenant, or other agreement between parties, and then you provide that if future building construction makes it any different, the easements, covenants, or agreements shall be null or abrogated. I call the attention of the Members of the House, and especially those who have had to do with the construction of the bill, to the fact that while I believe, as it is written, the bill has for its object what is no doubt a very excellent purpose, yet it is now but a curious jumble of words.

Mr. MAPES. Of course, Mr. Speaker, we are glad to have the opinion of the gentleman from Ohio [Mr. GARD] on the bill. He reads it with a peculiar attitude of mind, however, as it seems to me. The Commissioners of the District of Columbia have charge of the enforcement of all the laws and regulations pertaining to the District of Columbia, and this bill does not propose to change their authority and their right in that respect. It leaves to the Commissioners of the District of Columbia the authority to carry out this law and the regulations made by the zoning commission.

The gentleman from Ohio criticizes the following language in this bill:

This act shall not abrogate or annul any easements, covenants, or other agreements between parties.

Of course, that means any existing agreements or covenants. It is not really necessary to put the word "existing" in. Anybody who understands the English language knows that it applies to them. The proviso is perfectly proper in going on and making provision that in the future agreements can not be made which are inconsistent with or limiting this act. It seems to me the language is perfectly clear and perfectly proper.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 10. That the Commissioners of the District of Columbia shall enforce the provisions of this act and the orders and regulations adopted by said zoning commission under the authority thereof, and nothing herein contained shall be construed to limit the authority of the Commissioners of the District of Columbia to make municipal regulations as heretofore: *Provided*, That such regulations are not inconsistent with the provisions of this law and the orders and regulations made thereunder. In interpreting and applying the provisions of this act and of the orders and regulations made thereunder they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. This act shall not abrogate or annul any easements, covenants, or other agreements between parties: *Provided, however*, That as to all future building construction or use of premises where this act or any orders or regulations adopted under the authority thereof impose a greater restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by existing law, regulations, or permits, or by such easements, covenants, or agreements, the provisions of this act and of the orders and regulations made thereunder shall control.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill.

The SPEAKER. The gentleman from Michigan moves the previous question on the bill and amendments thereto to final passage. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I demand a division on the vote.

The SPEAKER. A division is demanded on the motion for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 47, noes 0.

On motion of Mr. MAPES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. There were some slight amendments added from time to time. Were they included in the gentleman's motion?

The SPEAKER. They were passed by the House.

NORMAN LEE MOLZAHN.

Mr. MAPES. Mr. Speaker, I call up the bill H. R. 333, a bill providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place. That is on the Private Calendar. Is it necessary to ask unanimous consent to have it considered in the House as in Committee of the Whole?

The SPEAKER. It can be considered in Committee of the Whole House.

Mr. KINKAID. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINKAID. This bill was reported by the Committee on the District of Columbia, and hence the chairman of that committee calls the bill up. Is it necessary, this being District day, to ask unanimous consent to take this bill up for consideration?

The SPEAKER. He does not ask unanimous consent to take it up. He asks unanimous consent to consider it in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill (H. R. 333) providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the health officer of the District of Columbia be, and he hereby is, authorized to issue a permit to A. J. Molzahn to disinter and remove the remains of his infant child, Norman Lee, who died of diphtheria, from its temporary burial site in the District of Columbia to such lot or place in the District of Columbia or elsewhere as the father may choose for a permanent burial place, the body having been embalmed and contained in a copper-lined casket, but such permit shall not be issued unless there has been filed in the health department of the District of Columbia a permit from the proper governmental authorities at the place where the reinterment is to be made, authorizing said interment there of the said remains.

Mr. GARD. Mr. Speaker, I suggest to the gentleman in charge of the bill that he offer an amendment in line 6, page 1, where the name of the child is stated to be Norman Lee, by inserting the word "Molzahn," as that was the child's name.

Mr. MAPES. I will accept the gentleman's amendment.

Mr. GARD. I do not offer it, but simply suggest it to the gentleman.

Mr. MAPES. I do not think it is necessary, but if the gentleman wants to offer it I have no objection.

Mr. GARD. I think it should be done, because the child's name was Norman Lee Molzahn.

Mr. MAPES. I ask unanimous consent that the name be inserted.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, after the word "Lee," insert the word "Molzahn."

The amendment was agreed to.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill to final passage.

The SPEAKER. The gentleman from Michigan moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Would it be in order now to move that the same bill, which is on the Private Calendar, be stricken from that calendar, this bill having been passed?

The SPEAKER. That will be done automatically.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MINAHAN of New Jersey, for Tuesday, September 9, on account of important business.

To Mr. CRISP, for 10 days, on account of important business.

ADMIRALS OF THE NAVY.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

The Committee on Rules, to which was referred H. Res. 267, submit a privileged report on said resolution, with the recommendation that the resolution be agreed to.

House resolution 267.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into a Committee of the Whole House on the state of the Union for the consideration of H. R. 7767, being a bill authorizing the President to appoint two admirals of the Navy; that there shall be one hour of general debate, one-half to be controlled by the gentleman from Maine [Mr. PETERS] and one-half by the gentleman from Mississippi [Mr. VENABLE]; that at the conclusion of the general debate the bill shall be read for amendments, whereupon the bill shall be reported to the House with the amendments, if any; that the previous question shall be considered as ordered on the bill and all amendments to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I am pleased to present a rule which makes in order a bill that has for its purpose the recognition of the distinguished services of two of our great admirals of the Navy. Every American is proud of the Navy and of the work that it has done during the last two years. Probably that branch of our fighting machine was better prepared to do its work than any other, and as far as we are able to learn it did the work that it had to do in the most satisfactory and pleasing manner, and to-day is deserving of the generous approbation of the American people. I believe that it is especially fitting at this time that we should pass this bill and recognize these two admirals and thus show our appreciation of their services.

I am also informed by the gentleman in charge of the bill [Mr. PETERS] that it is necessary to have speedy action, because one of the gentlemen referred to will retire very soon on account of the age limit. I hope there will be no opposition to the rule or to the bill and each will receive the unanimous vote of the House.

As far as I know, there have been no requests for time on the rule from either side. Unless there are some requests, I will move the previous question.

The SPEAKER. The gentleman moves the previous question on the adoption of the resolution.

The question being taken, on a division (demanded by Mr. BLANTON), there were—ayes 52, noes 1.

Accordingly the previous question was ordered.

The SPEAKER. The question is on the passage of the resolution.

The question being taken, on a division (demanded by Mr. BLANTON), there were—ayes 56, noes 1.

Accordingly the resolution was agreed to.

The SPEAKER. According to the provision of the rule, the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7767, and the gentleman from Ohio [Mr. FESS] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. FESS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 7767) to appoint Admiral William S. Benson, United States Navy, and Rear Admiral William S. Sims, United States Navy, as permanent admirals in the Navy.

Mr. PETERS. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

The CHAIRMAN. The gentleman from Maine [Mr. PETERS] is recognized for 30 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 100) making Tuesday, September 16, 1919, a legal holiday in the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, in which the concurrence of the House of Representatives was requested.

WILLIAM S. BENSON AND WILLIAM S. SIMS.

The committee resumed its session.

Mr. PETERS. Mr. Chairman, the effect of the bill, with the assured action of the President to follow, is to give Admiral William S. Benson and Rear Admiral William S. Sims the permanent rank of admiral, which is now held by Benson temporarily as chief of operations, and which was held by Sims during the last part of his service in Europe.

It preserves their present relative seniority and makes them senior to other officers who are holding the rank of full admiral temporarily, like the commanders of the Atlantic and the Pacific Fleets, whose commissions might be prior in date.

It gives the new admirals full pay for life instead of three-quarters upon retirement, but as against that it provides that they may be called upon for any active duty even in peace time after retirement.

They are obliged to retire upon reaching the age limit as now provided by law instead of having the option themselves of retiring or not, as was the case when Dewey was made the Admiral of the Navy.

No new office is created in the sense that there will be any more officers in the Navy. These two men whose permanent rank is that of rear admiral, both of whom have held the rank of full admiral temporarily, will simply continue in the service until the retiring age as admirals instead of rear admirals. Upon their deaths the vacancies shall not be filled.

As to compensation, Congress in 1870 provided that the pay of a general in the Army should be $13,500. In 1908 it was provided that the pay of the corresponding rank in the Navy, being admiral, should be the same. It would seem rather niggardly of Congress in conferring the honor to cut down the pay, and so we have left it the same, although the pay of a temporary admiral is somewhat less. No allowances are provided for in addition to salary, and none would be drawn after retirement, which in the case of both these distinguished officers is regret-

ably near in date, Admiral Benson retiring September 25, 1919, and Admiral Sims October 15, 1922.

Legislation concerning the grade of admiral in the Navy occurs in the last three war periods of our history.

CIVIL WAR LEGISLATION.

Prior to 1866 we had no grade of admiral. A rear admiral was the highest rank in the Navy. By the act of July 25, 1866, Congress provided—

that the number allowed in each grade of line officers on the active list of the Navy shall be 1 admiral, 1 vice admiral, 10 rear admirals, 25 commodores, 50 captains—

And so forth.

In pursuance of this legislation Farragut was appointed admiral, and upon his death in 1870 Porter succeeded him. By the act of July 15, 1870, the salary was increased as follows:

That from and after the 30th day of June, 1870, the annual pay of the officers of the Navy on the active list shall be as follows: The admiral, $13,000.

In 1873 a law was passed abolishing the grades of admiral and vice admiral upon the first vacancies occurring.

That was the end of legislation affecting the office of admiral during that period.

SPANISH WAR LEGISLATION.

At the close of the Spanish War legislation was passed to give Dewey the highest possible place in the Navy. The act of March 2, 1899, provided:

That the President is hereby authorized to appoint, by selection and promotion, an admiral of the Navy, who shall not be placed upon the retired list except upon his own application; and whenever such office shall be vacated by death or otherwise the office shall cease to exist.

Under this act, as was expected, the President appointed Dewey "the Admiral of the Navy" and he continued such till his death, when the office expired again.

During this period, as during the period succeeding the Civil War, it was the purpose of Congress to place one man at the head of the Navy. Dewey was not "an admiral." He was not "Admiral in the Navy." He was "the Admiral of the Navy." There could be no other.

PRESENT WAR LEGISLATION.

When it became necessary in 1915 and 1916 to make plans for the possible entry of the Navy into the war on a scale not previously dreamed of it was evident that a tremendous expansion of the Navy in men and ships and our probable association with the navies of the Allies would necessitate a certain enlargement of the personnel in the higher grades. It became imperative to carry nearer the top the pyramid of officers which was previously cut off several steps from the peak.

We first pushed the office of chief of naval operations into the place of first importance and made that officer the professional head of the Navy. This was in 1915. In 1916 we provided that—

Hereafter the chief of naval operations * * * shall have the rank and title of admiral, to take rank next after the Admiral of the Navy—

And so forth.

By act of May 22, 1917, it was provided—

That the President be * * * authorized to designate six officers of the Navy for the command of fleets or subdivisions thereof and, after being so designated, from the date of assuming such command until relinquishment thereof, not more than three of such officers shall each have the rank and pay of an admiral, and the others shall each have the rank and pay of a vice admiral, and the grades of admiral and vice admiral are hereby authorized and continued for the purposes of this act, * * * *Provided*, That when an officer with the rank of admiral or vice admiral is detached from the command of a fleet or subdivision thereof * * * he shall return to his regular rank in the list of officers of the Navy and shall thereafter receive only the pay and allowances of such rank.

In the act of July 1, 1918, was a clause to the effect that—

officers of the Navy holding the rank and title of admiral and vice admiral in the Navy while holding such rank and title shall receive the allowances of a general and lieutenant general of the Army, respectively.

Under existing law we may have, and, as a matter of fact, now do have, four officers holding the rank and title of admiral—the chief of operations and the three officers in command each of a fleet, at present the Atlantic, the Pacific, and the Asiatic Fleets.

With the passage of this bill we would have, during the lives of these distinguished officers, six admirals, four holding the rank temporarily and two during their lives, as a partial expression of the gratitude of the country for eminent and effective service rendered in the greatest war we ever undertook.

No longer may there be one man occupying a lonely pinnacle at the very top of the Navy, immune from involuntary retirement, but, for the present, six, each holding the rank but not the title of Dewey, four of them necessary to the business of our great Navy, and two of them honored for great accomplishment in the past.

There is good and sufficient reason for granting this honor to both these officers. It may be that others also should be recognized in some signal manner. Everybody knows the distinguished services rendered by Admiral Mayo in command of the Atlantic Fleet; by Admiral Wilson in France, where he represented the Navy and his country with unparalleled success; and by Admiral Rodman, in command of the battleships in the North Sea; by Admiral Gleaves, in command of the cruiser and transport force; and by Admiral Strauss, in command of the mine-laying force; but the President in his message has well said that Benson and Sims are the men upon "whom the principal responsibilities devolved for achieving the great results which our incomparable Navy accomplished," and when we honor them we recognize the whole Navy, which has come out of this war with the well-deserved reputation of having shown itself the most competent naval force in the world.

In selecting the two foremost men of all those responsible for the successful result of our naval operations and promoting each of them to the rank of full admiral, we offer a small return for the brilliant, patriotic, and effective service that has been rendered by each of them—a return less than has been given by Great Britain for distinguished service of the same kind—but a return customary, expected, and adequate considering the traditions and history of the Republic. The honor, unfortunately, can not be enjoyed by Admiral Benson to its full extent for more than a few days at most, as he retires this month by operation of law.

Mr. TILSON. Will the gentleman yield?

Mr. PETERS. Yes.

Mr. TILSON. Would it interrupt the gentleman's remarks if I reverted to a statement earlier in his remarks in regard to the pay of the admirals?

Mr. PETERS. Certainly not.

Mr. TILSON. Two days ago we passed a resolution conferring the authority upon the President to appoint Gen. Pershing a general. Under the retirement laws he will retire with three-quarters pay, the same as other officers, whereas under the provisions of this resolution these two admirals will receive full pay during their lives.

Mr. PETERS. That statement is correct.

Mr. TILSON. Would the gentleman think it wise under these circumstances to make that discrimination?

Mr. PETERS. That is for the committee and the House to decide. But this should be said: While the bill authorizing the President to make Gen. Pershing a full general provides by implication that he retires on three-quarters pay when he reaches the retirement age, and this bill provides expressly that both officers shall receive full pay for life, in this bill the admirals are denied any allowances, while in the military bill Gen. Pershing would have the full allowances.

There is much reason, it seems to me, why both the admirals and the general should receive full pay for life. It is a small consideration considering the wonderful services they rendered. In Great Britain this compensation would be laughably small. They have made large grants to their officers in Great Britain who have performed no more difficult or heroic service than ours.

Mr. DEWALT. Will the gentleman yield?

Mr. PETERS. Yes.

Mr. DEWALT. Does the gentleman know what the full pay of a general is?

Mr. PETERS. Thirteen thousand five hundred dollars—the same for a general and an admiral. It has been at this figure for some years, and besides we ought not to lose sight of the fact that the value of a dollar has greatly lessened. Also, it might interest the gentleman to know that at the present time there are negroes working in the Newport News shipyards on piece work who get approximately $10,000 a year. I believe that we ought to pay the admirals as much as we pay negroes in the shipyards. [Laughter.]

Mr. STEELE. Does the gentleman know what the allowances for a general are?

Mr. PETERS. I do not; perhaps the gentleman from Connecticut can give the details in regard to that.

Congress declared war in April, 1917, but the Navy declared war a long time before that. Admiral Benson became Chief of Naval Operations in May, 1915, under a mandate giving him the widest powers. In the language of the act of March 3, 1915, he was—

charged with the operations of the fleet and with the preparation and readiness of plans for its use in war.

By the act of August 29, 1916, it was provided that—

all orders issued by the Chief of Naval Operations in performing the duties assigned him shall be performed under the authority of the Secretary of the Navy and his orders shall be considered as emanating from the Secretary and shall have full force and effect as such.

As the professional head of the Navy from that time till now Admiral Benson had the responsibility of directing all strategic and tactical matters as well as the organization, maneuvers, drill, and training of the fleet. How well he carried out his mandate to get ready the fleet and make plans for war is shown by the fact that from the day the first armed guard limbered up its gun on the deck of a merchant ship to the surrender of the German Navy in Scapa Flow to the American and British fleets our Navy never "missed a trick." [Applause.]

His breadth of mind and soundness of judgment were manifested soon after we entered the war when the British and French sent naval representatives to Washington to inform us confidentially that the submarine situation was desperate and that they must have help. They asked for a few destroyers. Admiral Benson rose to the occasion. He sent every available vessel to Europe, the ultimate object being, not to keep our vessels safely in our own ports, but to win the war.

In October, 1917, Admiral Benson went to Europe for an important conference with the Allies and to bring about greater unity of action. His propositions were largely adopted by Admiral Jellicoe and his visit had the most important and far-reaching results. It was during this visit that it was agreed to send a division of American battleships to the grand fleet, and the plan of putting a barrage across the North Sea was decided upon. The actual completion of this barrage of mines wholly across the North Sea from Scotland to Norway, carried deep enough to prevent any submarine going through, was perhaps the greatest naval material activity of the whole war. It was the boldest, most hazardous, and best executed enterprise of the kind ever attempted—and it was successful. [Applause.]

In fact, wherever his duties called him, whether directing from headquarters in Washington, planning with the Allies in Europe, or supervising operations at the front, he got results.

The training and operating of the great force under his command was one of the prime factors in winning the war.

A mere statement of its size compared with the Civil War force and the Spanish War force shows the magnitude of the work.

Our total number of men in the Navy at the close of the Civil War was 51,500. The greatest number of ships was 1,176. Farragut, at New Orleans, had 47 ships and not over 20,000 men; at the Battle of Mobile Bay he had 18 ships and less than 5,000 men.

Our total personnel in the Spanish War, officers and men, was 24,000.

Our total ships were 196.

At the Battle of Manila Bay, which is reckoned a glorious day for the American Navy, Dewey had 2,500 men and 7 ships.

When this war practically closed in November, 1918, the naval forces carrying on the fight in various parts of the world under the general direction of Admiral Benson were 529,500 officers and men and 2,202 ships, with 629 more under construction.

Under the immediate command of Admiral Sims in European waters, included in the above figures, were 81,000 officers and men and 373 ships.

This great force of free-born Americans, voluntarily rushing to the defense of their country in its time of danger, constituting, with its fine professional nucleus, the American Navy, met every expectation, lived up to all traditions, justified our confidence, and in less than two years repaid us tenfold for every dollar we had spent upon it from the beginning of the Government. [Applause.]

The country expects and demands that we shall recognize this service in no ungenerous way.

We declared war in April, 1917. The Navy entered, to all intents and purposes, some months previously, but Admiral, then Lieutenant, Sims got in about 1901.

The Navy Department had been asleep for some years. Moreover, it was blind. Soggy with self-complacency as a result of our successful operations against poor old Spain, it was deaf to anything except praise. Sims was one of the few officers who had an acute idea of the relative value of our fleet. He had been observing and comparing. In November, 1901, ignoring official channels, where his revolutionary reports had been pigeonholed, he wrote directly to President Roosevelt, pointing out some dreadful defects in the fleet. Writing this letter meant a probable court-martial, but Sims never cared much for court-martial when he knew he was right. He grazed them pretty close several times in his career. This letter referred to various reports Sims had made, without apparent result, and gave as his judgment "that the protection and armament of even our most recent battleships are so glaringly inferior, in principle as well as in details, to those of our possible enemies, and that our marksmanship is so crushingly inferior to theirs, that one or more of our ships would, in their present condition, inevitably suffer humiliating defeat at the hands of equal numbers of our enemy's vessels of the same class and displacement."

Mr. STEELE. Will the gentleman yield?

Mr. PETERS. Yes.

Mr. STEELE. A moment or two ago the gentleman referred to the allowances made by Great Britain to its generals and admirals. Can the gentleman state what they are?

Mr. BUTLER. Fifty thousand dollars a year.

Mr. PETERS. In some instances large grants of money were made to the British admirals in addition to salaries.

This letter that I refer to from Sims to Roosevelt started something. Principally it started Roosevelt. Through him Sims was placed in a position to make good. Largely as a result of his efforts, when we entered the war our gunners could shoot with deadly accuracy and our ships were the equal of any in the world.

Sims is a man of vision as well as of action. In 1910, after first-hand observations abroad, he submitted a report which declared that the European war could not be delayed longer than four years. He also said that England and France would be allies, and that Italy would subsequently join them. In his famous London speech he had previously predicted that the United States would be found fighting side by side with Great Britain.

Inevitably Sims was the man sent abroad March 28, 1917, to be on the spot and take charge in foreign waters when our naval forces should arrive to take their place in the greatest of all wars.

His appreciation of the military situation was quick and accurate. He reported that Great Britain and her allies were in a desperate situation and were being slowly but surely whipped. The submarine was winning the war for Germany. Great Britain was being strangled, and the blood-thirsty Hun would then turn his attention to us. A wise judgment as to the disposition of our forces at that moment was vital. Sims was responsible for the degree and character of our cooperation. A smaller man might have operated our forces as an independent unit. With rare judgment, he adopted a policy, which he steadfastly adhered to, of treating the United States forces as reserves being brought to the front. With extraordinary tact he brought about a most cordial and wonderfully effective cooperation between the British and American forces. Last year members of the Naval Affairs Committee were told by people in Queenstown that as soon as the American destroyers got down to work with the British vessels at that base the number of refugees previously brought in every day from torpedoed ships showed a marked decrease, and our destroyer commanders operating with the British told us that sometimes when the wonderful little vessels went out, as they did every day, regardless of weather, they were under a British and sometimes under an American flotilla commander, whichever happened to be senior. The British and American fighting men were working as one, and that combination could not be "licked."

Admiral Sims was put in command of our destroyer force April 28, 1917. On May 25 he was made vice admiral and ordered "commander United States naval forces operating in European waters."

On November 20, 1917, he was given additional duty as naval attaché, and on November 27, 1918, he was given the temporary rank of admiral. No short synopsis can give an adequate idea of the important and complicated duties assigned to and brilliantly performed by Admiral Sims. His record is well known. He made good in every position he occupied. He amply justified the confidence of his superiors. He interjected his force of character and judgment into a situation which was worse than critical and contributed impressively to the great result. While every naval officer did his duty, Sims was preeminently the right man in the right place. His achievements inspire the respect, admiration, and gratitude of his countrymen.

The Navy has never failed the American people, and the American people rejoice in the opportunity to make some small return for brilliant service modestly performed. [Applause.]

Mr. VENABLE. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman and gentlemen of the House, I would not undertake to address the House on this subject at all were it not for the fact that I, with every other American

citizen who knows the history of the American Navy, must have unbounded pride therein. When I think of a David Paul Jones, when I know of a Perry, when I remember the deeds of a Farragut, and of a Dewey in Manila Bay, and then couple them with the heroic and patriotic services of Benson and Sims I think I would be lax in my duty if I were not to utter some words from Pennsylvania favoring the passage of this measure. There are no more glorious pages in the history of the American Government than those that inscribe the deeds of our heroic sailors. Their duty in the first place is perhaps more perilous than even that of the soldier, but, be that as it may, there never has been an occasion in all the long history of the country when the sailor boy has not met the full measure of his duty. I know that we are proud of our Army, and I am confident that every American citizen is equally proud of the Navy, and when you take into comparison the deeds performed by the American sailor boys and their commanders in this war we need not be ashamed of that record as compared with the record of the great British Navy. For years past—yes, almost for a generation, and perhaps before that time—Great Britain, the British Empire, has been styled the mistress of the seas. The American people, however, have had no ambition in that direction, no ambition to control the highways of the ocean, but the American people have always had the desire to retain unblemished and unsullied the record of the past, and that record, commencing in the days of 1812, and even before that time, remained unblemished and unsullied during all the period of the Civil War, and then the Spanish War, and now again remains untarnished through the record of this great struggle that we have just finished, and it seems to me all this is worthy of commemoration by the passage of this measure.

You have had called to your attention the fact that Great Britain and the English Government have rewarded their admirals. I saw in the newspapers the other day that Mr. Lloyd-George had said that the debt of Great Britain now was $200,000,000,000—at least that the war had cost the British Empire $200,000,000,000. We know that the war has cost us in round numbers perhaps $21,000,000,000. If we, having only one-tenth of the expense that Great Britain has had in financing this war, are we not able to afford the paltry sum of $13,500 a year for life to these gentlemen, then it seems to me we will be very lax in our idea of the patriotism and honorable service that these gentlemen have rendered. [Applause.]

Mr. VENABLE. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, what we do here, let us do at once, and willingly and cheerfully. I would not withhold this great distinction from these gentlemen for one minute if it were not that I desire to add a word of commendation to their enviable records. I have been associated with them 25 years in this great effort which has been completed successfully. This common cause in which I have taken an interested but unimportant part—a preparation for the great day—moves me to say just a word. I have known these two men of the deep sea many years—Sims and Benson. Both of them taught the Navy to float, and one of them taught the Navy to shoot, and both of them led when the Hun cast his shadow before us. My friends, there never has been a time in the consideration of any measure of importance, whether affecting either men or things, but which concerned the Navy when both were not called for their counsel, and there never has been a time when that counsel was not accepted, because those who listened felt that they heard the words of great leaders devoted to a Nation's cause; our confidence in them was not misplaced nor our confidence in their great ability misjudged. When our fleets took to the sea we knew who would command; so did every man in the Navy know. You men who know me know that I am not a fresh-water sailor; that I am not in favor of hanging decorations on men unless those decorations are earned. Benson organized and directed the operation of this fleet, and for years has been instrumental in its construction. Benson pointed the way; Sims followed it to a conclusion. Gentlemen will recall this. These two men, one at the head of the force and the other upon the high seas all the time, carried all of these troops abroad without the loss of a man, caught the submarine, and compelled our enemies to ask for terms.

Under the direction of Sims our naval forces laid a barrage across the North Sea that cost this Government $46,000,000, and in which the Germans themselves admit that seven of their submarines were caught. If the Germans had been able to sink the commerce, our cause would have failed. Benson and Sims, with the aid of the service they had prepared, stood in the way.

These men are not the only men who deserve great distinction; but, my friends, let us do what we propose to do spontaneously and with a generosity that starts in the heart, and do it unanimously and graciously, and hand to these old dogs of the sea this recognition of merit. It belongs to them and to the whole Navy because of service well done.

The gentleman from Pennsylvania [Mr. DEWALT] says it is only a pittance. He speaks sensibly. In a few days one of these men retires and the other will be on the active list only three years longer and then the grade dies. The Navy asks this to be done. The men of the service have picked these men for this honor, and the country will be gratified if you are satisfied to so distinguish them. [Applause.]

Mr. PETERS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. HICKS].

Mr. VENABLE. Mr. Chairman, I yield three minutes additional to the gentleman from New York.

Mr. HICKS. Mr. Chairman, the achievements of the Navy in the Great War were unique and incomparable in our history. They form a brilliant record of accomplishment; of cooperation and coordination; of judgment and foresight; of determination and courage, unsurpassed in the annals of the sea.

The scope of action was without precedent—the performance without parallel. When before has any Navy been confronted with such gigantic tasks as those which confronted our Navy in the spring of 1917? And when in all history have problems only approaching them, been solved with such complete success? The magnitude of the numbers to be transported across the danger-infested ocean presented a situation unknown in any war, ancient or modern—a problem so difficult that the German high command considered it utterly impossible, and yet the American Navy, bidding defiance to its enemies, accomplished the impossible. One million men sent across in American ships, with 4,000,000–6,000,000 more to follow if the call had come. How many were lost? Of all that mighty host who sailed under the American flag, not a man—to the everlasting glory of the Navy—not a man was lost. [Applause.]

Think of the strategy necessary to surmount the dangers encountered. And what were those perils? To the ordinary hazards of the sea were added in an hundredfold the danger of hidden mines, of lurking submarines, of risk of collision from convoy formation when our ships, without lights or beacons, braved the darkness and the dangers of the storm-swept Atlantic.

Recall the vastness of the field of operation. Where is there a page of history that tells of any nation defending 3,000 miles of coast line, protecting its vast commerce, transporting its armies to a foreign soil, and waging a victorious war thousands of miles across the seas? This was the call for genius as well as for daring, for plodding service as well as for unflinching courage, for organization as well as for sacrifice.

And how did the Navy respond in the hour of need?

At home, by building new ships, not by the score but by hundreds; reconstructing German liners left broken wrecks; procuring supplies in unheard-of quantities; producing munitions—enough to shatter the loftiest mountains; patrolling our harbors and ports and sweeping our coasts. That record will endure forever.

On the seas, by manning the merchant ships; hunting submarines; locating mines; convoying the fleets of cargo vessels on whose safety depended the lives not only of our own soldiers but those of our allies as well; and conveying our troops to the war zone. What more perilous service has ever come to mariners since first a boat was launched upon the deep? Did a single man falter before dangers that appalled the stoutest hearts? No, not one! [Applause.]

On foreign soil, by cooperating with the British fleet in perfect harmony, united with them in strength as well as in purpose; constructing across the tempestuous North Sea in waters 350 to 1,050 feet in depth the greatest mine barrage ever conceived, considered by many too chimerical to be within the range of possibility; laying a pipe line across Scotland, 137 miles in length; erecting 33 air stations and equipping them with barracks and shops; furnishing the Army the heaviest mobile guns on the line; building hospitals and docks; constructing storehouses; perfecting systems to detect submarines and devising methods to overcome them. But, above all, bringing to our struggling allies the hope and confidence inspired by the moral as well as the physical force of a nation that marshaled its full power of blood and treasure and sacrifice for the single purpose of victory. [Applause.]

These were the deeds of the Navy to be passed down, unstained heritages for those who come after. Where in all the conflicts of the human race—where is there a record that will compare with this?

To the constructive endeavor, the constancy of purpose, the fertility of resource, and the heroic bravery of officers and men

of the service, no higher tribute can be paid than by the simple words, "All was well with the Navy."

For those whom this bill seeks to honor, little need be said. They were potent factors in the onward sweep to victory. Their names are known and honored by their fellow countrymen. Both are men of noblest character, both are officers of brilliant attainments, each deserving of the highest honors and the unstinted praise of a grateful country. Their work is done. Their services were rendered, not in the roar of guns or the shriek of shells, not in the spectacular setting of broken masts or sinking ships, but in that earnestness of willing cooperation, tireless effort, skillful management, and steadfast determination, which achieved a triumph, absolute and complete.

The Navy honors itself and the Nation it serves when it adds to the brilliant galaxy of admirals—Jones and Farragut, Porter and Dewey—the names of Benson and of Sims. [Applause.]

MEMORANDUM OF LAWS CONCERNING THE ADMIRAL OF THE NAVY, THE CHIEF OF NAVAL OPERATIONS, AND FLEET AND VICE ADMIRALS.

By special act approved March 2, 1899, the President was authorized to appoint, by selection and promotion, an Admiral of the Navy, who was not to be retired except upon his own application. The naval act approved March 3, 1899, provided that the pay and allowances of the Admiral of the Navy should be the same as those received by the last General of the Army. George Dewey was commissioned as Admiral of the Navy on March 2, 1899, and the office ceased to exist on the date of his death, January 16, 1917.

The naval appropriation act approved May 13, 1908, established the following rates of pay for officers of the Navy, viz:

Admiral	$13,500
Rear admiral, first nine	8,000
Rear admiral, second nine, or commodore	6,000
Captain	4,000
Commander	3,500
Lieutenant commander	3,000
Lieutenant	2,400
Lieutenant (junior grade)	2,000
Ensign	1,700

In addition to their pay, officers are allowed by law, where public quarters are not provided, commutation of quarters, heat, and light; and while at sea or on foreign shore duty they receive, in lieu of said allowances, 10 per cent additional of their base pay plus longevity pay, the law providing that there shall be allowed and paid to each commissioned officer below the rank of rear admiral 10 per cent of his current yearly pay for each term of five years' service, putting a limitation, however, on the increase which might be derived from this source. From July 1, 1918, to October 1, 1919, officers on sea duty having dependents are entitled to quarters for their dependents, or commutation therefor.

The naval act approved March 3, 1915, provided that—

There shall be a Chief of Naval Operations, who shall be an officer on the active list of the Navy appointed by the President, by and with the advice and consent of the Senate, from among the officers of the line of the Navy not below the grade of captain, for a period of four years, who shall, under the direction of the Secretary of the Navy, be charged with the operations of the fleet and with the preparation and readiness of plans for its use in war: *Provided*, That if an officer of the grade of captain be appointed Chief of Naval Operations, he shall have the rank, title, and emoluments of a rear admiral while holding that position.

During the temporary absence of the Secretary and the Assistant Secretary of the Navy the Chief of Naval Operations shall be next in succession to act as Secretary of the Navy.

This act also created the positions of three fleet admirals and three fleet vice admirals, naming the fleets specifically, and providing that the pay of a fleet admiral should be $10,000 per annum and of a fleet vice admiral $9,000 per annum. As by this provision the fleet admirals and fleet vice admirals ranked the Chief of Naval Operations, who the law charged with the operations of the fleets and with the preparation and readiness of plans for its use in war, the following remedial provision was carried in the naval appropriation act approved August 29, 1916, viz:

Hereafter the Chief of Naval Operations, while so serving as such Chief of Naval Operations, shall have the rank and title of admiral, to take rank next after the Admiral of the Navy, and shall, while so serving as Chief of Naval Operations receive the pay of $10,000 per annum and no allowances. All orders issued by the Chief of Naval Operations in performing the duties assigned him shall be performed under the authority of the Secretary of the Navy, and his orders shall be considered as emanating from the Secretary of the Navy, and shall have full force and effect as such. To assist the Chief of Naval Operations in performing the duties of his office there shall be assigned for this exclusive duty not less than 15 officers of and above the rank of lieutenant commander of the Navy or major of the Marine Corps: *Provided*, That if an officer of the grade of captain be appointed Chief of Naval Operations he shall have the rank and title of admiral, as above provided, while holding that position: *Provided further*, That should an officer, while serving as Chief of Naval Operations, be retired from active service he shall be retired with the lineal rank and the retired pay to which he would be entitled had he not been serving as Chief of Naval Operations.

The special act of May 22, 1917, in effect repealed that portion of the act of March 3, 1915, which related to the designation of specific fleets to which fleet admirals and fleet vice admirals were to be assigned, and provided—

That the President be, and he is hereby, further authorized to designate six officers of the Navy for the command of fleets or subdivisions thereof and, after being so designated from the date of assuming command until relinquishing thereof, not more than three of such officers shall each have the rank and pay of an admiral, and the others shall each have the rank and pay of a vice admiral. * * *.

The Naval appropriation act approved July 1, 1918, provided—

That hereafter the Chief of Naval Operations shall receive the allowances which are now or may hereafter be prescribed by or in pursuance of law for the grade of general in the Army, and the officers of the Navy holding the rank and title of admiral and vice admiral in the Navy while holding such rank and title shall receive the allowances of a general and lieutenant general of the Army, respectively. * * *.

The following are the names of the men who filled the positions of admiral and vice admiral at different times during the war period:

Admiral: A. M. Knight, F. F. Fletcher, W. B. Caperton, H. T. Mayo, Wm. L. Rodgers, Wm. S. Sims, H. B. Wilson, and Hugh Rodman.

Vice admiral: Dewitt Coffman, Albert Gleaves, A. W. Grant, W. S. Sims, C. S. Williams, H. B. Wilson, and H. P. Jones.

The following are the names of the men now filling the positions of admiral and vice admiral:

Admiral: H. B. Wilson (commanding Atlantic Fleet), Hugh Rodman (commanding Pacific Fleet), and Albert Gleaves (commanding Asiatic Fleet).

Vice admiral: H. P. Jones (Atlantic Fleet), C. S. Williams (Pacific Fleet), and Wm. L. Rodgers (Asiatic Fleet).

MEMORANDUM OF LAWS RELATING TO THE NUMBER OF OFFICERS OF THE LINE AND VARIOUS STAFF CORPS OF THE NAVY.

Excerpts from naval act approved August 29, 1916:

Hereafter the total number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be 4 per cent of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps: *Provided*, That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 of the grade of rear admiral to 4 in the grade of captain, to 7 in the grade of commander to 14 in the grade of lieutenant commander, to 32½ in the grade of lieutenant to 41½ in the grades of lieutenant (junior grade) and ensign, inclusive.

The total authorized number of commissioned officers of the active list of the following staff corps, exclusive of commissioned warrant officers, shall be based on percentages of the total number of commissioned officers of the active list of the line of the Navy, as follows:

Pay corps, 12 per cent; Construction Corps, 5 per cent; Corps of Civil Engineers, 2 per cent; and that the total authorized number of commissioned officers of the Medical Corps shall be sixty-five one-hundredths of 1 per cent of the total authorized number of the officers and enlisted men of the Navy and Marine Corps, including midshipmen, Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps.

On and after June 30, 1920, no captain, commander, or lieutenant commander shall be promoted unless he has had not less than two years' actual sea service on seagoing ships in the grade in which serving or who is more than 56, 50, or 45 years of age, respectively: * * * *Provided further*, That captains, commanders, and lieutenant commanders who become ineligible for promotion on account of age shall be retired on a percentage of pay equal to 2½ per cent of their shore-duty pay for each year of service: *Provided further*, That the total retired pay shall not exceed 75 per cent of the shore-duty pay they were entitled to receive while on the active list.

NAVY DEPARTMENT,
OFFICE OF NAVAL OPERATIONS,
Washington, September 4, 1919.

For: Congressman HICKS.
Subject: Shore activities in Europe during the war.

The activities of the Navy on shore in Europe during the war consists principally of the following:

Construction of mine bases at Invergordon, Inverness, Scotland, and Bizerta, Tunis. At the time of the armistice there was a total of 60 officers and 2,222 men at these bases.

CONSTRUCTION OF THE NORTH SEA BARRAGE.

From the time of the entrance of the United States into the war it was the opinion in the Navy Bureau of Ordnance that the most effective way of combating the submarine would be to establish an antisubmarine barrier across the North Sea, which would prevent the submarine from reaching the Atlantic. The bureau made an intensive study of various types of barrage, including nets, nets with mines, and mines alone. It soon became apparent that only the mine was practicable, and no mine then in existence was entirely satisfactory for the purpose. The distance across the North Sea was 250 miles and the depth of water was very great, in some places reaching a depth of 1,100 feet. Mining in such depths of water had never before been carried out, and the length of the barrage also offered great difficulties. In fact, the British admiralty believed that such a project was altogether impracticable.

A new type of mine was developed by the Bureau of Ordnance during the summer of 1917, which was especially adapted for use against submarines, since it would be exploded by the close approach of a vessel, as well as by the actual contact of a ship with the mine case. This feature of the mine gave it a larger effective radius and so reduced by about two-thirds the number of mines necessary for a given area.

After the development of this mine had progressed sufficiently to give assurance of its success, the Navy Department submitted plans for a

North Sea barrage to the British admiralty, which were accepted by them in modified form. According to the plan finally agreed upon certain portions of the mine field were to be mined by the United States with United States mines and certain other areas were to be mined by the British with British mines.

The North Sea barrage project was formally approved by the Governments of the United States and Great Britain the latter part of October, 1917. The Bureau of Ordnance was directed to proceed with the procurement of the necessary material for 100,000 mines, the number it was estimated would be required.

To secure the required high rate of production of mines that was necessary, and also to preserve the secrecy of the new mine, the work of manufacture was divided among a large number of contractors—140 principal contractors and over 400 subcontractors. Partial assembly of parts into groups took place in this country at plants of principal contractors and at the points selected for shipment of mine material overseas, and complete assembly was made at the advanced bases in Scotland. The total cost of the 100,000 mines amounted to $25,150,000.

The majority of the mines were loaded with T. N. T.—300 pounds to each mine—at the mine-loading plant, St. Juliens Creek, Va. This plant, consisting of 22 buildings, was constructed during the winter of 1917–18 and was designed to be capable of receiving, loading, and shipping 1,000 mines a day of 24 hours. When necessary, however, more than this number could be taken care of, the number on one occasion reaching a total of 1,530, an average of better than one mine a minute in the 24-hour period. A total of 73,000 mines, involving the melting and handling of 22,000,000 pounds of T. N. T., were loaded at the mine plant, and, in addition, about 17,000 mines were loaded by contract with a large explosive company near the place of manufacture of the mine case.

The mine carriers were 23 cargo vessels, each of about 3,000 tons capacity, which were allocated to the Navy Department for exclusive mine-carrying use. As many as four carriers were loaded at one time, and the record time for completely loading a vessels was 22 hours.

Two advanced mine bases for the inspection and assembly of mines were established on the eastern coast of Scotland, one at Invergordon and the other at Inverness. The first mine carriers bringing mine material arrived in April, 1918, and assembly began soon after. The work of assembling the mines was a highly organized process, developed in accordance with the present standards of manufacturing efficiency. It had been estimated originally that the two bases could assemble and inspect 500 mines a day, but this number was greatly exceeded and the highest number assembled in a day was 1,340.

Before the North Sea barrage project was decided on the mine force of the United States Navy included two mine layers. When it became necessary to enlarge the force for the planting of the barrage eight merchant ships were taken over and converted into mine layers, making a total of 10.

The mine squadron sailed in May, 1918, and the first American mine-laying operation in the North Sea took place on June 8. There were in all 13 such excursions of the United States mine squadron in the laying of the North Sea barrage, the last operation being completed on October 26, 1918. The maximum number of mines laid on any one excursion was 5,520, requiring less than four hours altogether. Though the barrage was composed of both British and American mines and was established jointly by mine layers of both Navies, 56,611 mines, or 80 per cent of the 70,263 mines planted in the barrage, were American mines and were laid by the American mine squadron.

The barrage when completed extended from Norwegian territorial waters to within 10 miles of the Orkney Islands, the 10-mile passage being heavily patrolled. When submarines began to use Norwegian territorial waters to reach the open sea, the Norwegian Government announced its decision to mine Norwegian waters, and this had the effect of closing that gap.

The exact number of submarines destroyed by the barrage will never be known, but it appears from information obtained from German sources that 23 were so lost. The main purpose and result of the barrage, however, was to prevent the U-boats from attempting to reach the Atlantic, and by doing this it caused the failure of the submarine warfare. Without doubt the North Sea barrage had a very considerable part in ending the war, and it may rightly be considered one of the most important naval operations undertaken by the United States.

Aviation construction work involved in establishment of 33 stations, at a total cost of over $11,000,000, including the following facilities: Seaplane, dirigible, and kite balloon hangars; runways; piers; platforms; barracks; mess halls; galleys; storehouses; hospitals; repair shops; garages; power houses; recreation buildings; administration buildings; roads; water tanks; gasoline tanks; telephone and water lines.

These 33 stations covered 2,620 acres. The cubic contents of all buildings was over 110,000,000 cubic feet, or fifteen times the volume of the Woolworth Building. The barracks totaled 1,325,000 square feet. The water-front improvements involved 60,000 square feet of piers and 180,000 cubic yards of dredging. Five hundred and twenty-three miles of telephone lines were constructed, 232,000 square feet of hospitals, and a total tank storage capacity for water of 2,700,000 gallons and for gasoline of 348,000 gallons. Twenty-five radio stations were built, storehouses totaling 782,000 square feet, and hangars totaling 2,765,000 square feet.

A Navy radio station was built at Bordeaux under the supervision of the Navy. This included the construction of 8 steel towers, each 820 feet high.

Fuel-oil stations were constructed at Brest, Fort La Pallice, and L'Oriente.

A fuel-oil pipe line across Scotland was authorized by the Secretary of the Navy April 1, 1918, with the idea of securing a continuous and adequate supply of fuel oil in the North Sea for the British Navy, with a minimum risk of interference from enemy submarines.

This line is 137 miles long and constructed of 8-inch pipe. It follows the course of the Clyde and Forth Canal, the starting point being at Old Kilpatrick, on the outskirts of Glasgow, and the terminal at Grangemouth. Construction was started June 1, 1918, and completed October 30, 1918. The line was constructed under the supervision of an American naval unit.

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BUREAU OF MEDICINE AND SURGERY,
Washington, D. C., September 8, 1919.

[Memorandum for Mr. HICKS, Committee on Naval Affairs, House of Representatives.]

The following data is submitted in compliance with request transmitted. It is, at best, very incomplete, as returns and reports covering activities and expenditures have not yet been received in many cases. Expenditures from the $1,000,000 appropriation for "Overseas hospital construction" were made as required by Admiral Sims, and will, of course, be duly accounted for. Whenever possible buildings for hospital and dispensary use were obtained by donation, the only expenses being those of remodeling and upkeep. At other places buildings were leased, and at others we made use of portable buildings, mostly shipped from the United States. In some cases, as, for instance, at Queenstown, Ireland, by turning the buildings over to an allied government at cost, the expenditure will be largely reduced.

United States naval hospitals and dispensaries abroad.

Name and location.	Capacity (beds).	Type.
Naval base hospitals.		
No. 1, Brest, France	500	Rented buildings.
No. 2, Strathpeffer, Scotland	700	Do.
No. 3, Leith, Scotland	800	Buildings evacuated by British Army medical department.
No. 4, Queenstown, Ireland	200	Portable buildings and temporary construction.
No. 5, Brest, France	700	Rented building.
Naval hospitals.		
L'Oriente, France	75	Rented building.
Pauillac, France	100	Do.
London, England	75	Taken over from Red Cross.
Gibraltar	75	Rented building.
Cardiff, Wales	75	Remodeled buildings.
Plymouth, England	75	Rented buildings and portable houses.
Genoa, Italy	50	Building taken over from Red Cross.
Corfu, Greece	100	
Naval dispensaries.		
Naval air stations	8–16	Portable buildings.
Naval bases	8–50	Do.
St. Nazaire, France		
Ponta del Gada, Azores	75	
Bordeaux, France		
Invergordon, Scotland		
Inverness, Scotland		
Rochefort, France		
Plymouth, England		

W. C. BRAISTED,
Surgeon General, United States Navy.

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TRANSPORT SERVICE.

NAVY DEPARTMENT,
OFFICE OF NAVAL OPERATIONS,
Washington, September 3, 1919.

Hon. FREDERICK C. HICKS, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. HICKS: In compliance with your request in regard to the operation of transports, I submit this information in regard to their operation.

At the beginning of the war the transports were operated by the War Department, with the Navy Department in charge of placing vessels in convoy, and responsible for the security and defense of these vessels at sea. A naval officer was placed on board each vessel for this purpose. It was found that through lack of discipline of the merchant crews that the safety of these transports was endangered while passing through submarine-infested waters. It was, therefore, decided that the Navy would man all troop transports carrying troops through the war zone.

The Navy was then charged with manning, operating, and escorting these vessels, and the regulation of the interior discipline. The Navy moved the ships to the ports designated by the Army. The Army had charge of the loading of the vessels, assignment of transportation, and controlled the docks at which the vessels were berthed.

Very truly, yours,

W. S. BENSON,
Admiral, United States Navy, Chief of Naval Operations.

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NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., September 4, 1919.

Hon. FREDERICK C. HICKS, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. HICKS: In response to your inquiry, the following information is submitted in connection with the operation of troop transports and cargo vessels by the Navy for the account of the War Department.

On June 1, 1919, there were 111 commercial vessels with a troop-carrying capacity of 326,041 men operated by the Navy for Army account as troop transports. On these vessels all expenditures (except charter hire) are paid by the Navy, and reimbursement is requested from the War Department, except for the pay, allowances, and subsistence of the Navy personnel on board.

Charter hire on these vessels is not paid by the Navy, this being left for adjustment between the War Department and the Shipping Board.

In addition to the above-mentioned commercial vessels, 19 battleships and cruisers with a troop-carrying capacity of 24,914 men have been engaged in bringing troops home. On these vessels all expenses are borne by the Navy except the subsistence of Army officers and troops and the cost of installing and removing standees and special fittings required for transporting troops. The cost of the standees and special fittings installed on these vessels is also charged to the War Department, and after its removal the material is turned over to that department. No charge is made for charter hire on these vessels, the only expense to the War Department being the cost of subsistence of Army personnel and of special fittings, as stated above.

Besides troop transports there have been 239 cargo ships, 3 colliers, 2 tankers, and 11 refrigerator ships operated by the Navy for Army account. These were all commercial vessels and have been operated along the same lines as the troop transports, i. e., all expenses (except charter hire) are paid by the Navy, and the Army is billed for the total cost, after deducting the pay, allowances, and subsistence of the Navy personnel on board.

Sincerely, yours,

C. J. PEOPLES,
Acting Paymaster General of the Navy.

American troops carried by ships of each nation.

British ships, 49 per cent	1,027,000
United States ships, 45 per cent	927,000
Italian ships, 3 per cent	65,000
French ships, 2 per cent	47,000
Russian ships (British control) 1 per cent	20,000
	2,086,000

(Page 47, House Document No. 174, Sixty-sixth Congress.)

"No American troop transport was lost on its eastward voyage. For this splendid record the Navy, which armed, manned, and convoyed the troop transports, deserves the highest commendation."

Mr. VENABLE. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I join most heartily with everything that has been said in commendation of our Navy and what it has done in this war. It has shown itself worthy of its high traditions in the past, and nothing higher than that can really be said with reference to it. So far as the individual operations proper are concerned they seem to have been beyond all criticism, but there is one matter in connection with the management of our Navy personnel that I wish to call to the attention of the House at this time.

Everyone knows that a large number of our young men enlisted in the Navy for the duration of the war. All the Members of this House know that although the war has to all intents and purposes ceased, it is nearly impossible to get a young man out of the Navy, no matter how important his needs or necessity.

I wish at this time, in the few minutes that are allotted to me, to call attention of Members to one instance which is a fair example of the situation prevailing in the Navy. It has a hospital for tuberculosis patients at Fort Lyon, Colo., an important hospital, and nominally there are some 600 patients in attendance at that hospital. As a matter of fact a large number of these patients are out on leave, a large number awaiting discharge, and a large number convalescent, so that they are able to do work on the hospital grounds. There are actually 114 bed patients at that hospital, men who are in need of constant attention. The number of men being kept there to attend these 114 is 99, and as I understand and am informed they need only about 40 to attend to these patients. A number of those who are kept there as a part of the Navy to attend these patients in the capacity of hospital attendants are young men who wish to go on with their schooling, young men who have important matters that are suffering by reason of their detention, young men who will in many instances lose a whole year out of their career so far as their life work is concerned if they are detained there into the next winter.

Now, the Navy Department has issued an order forbidding the discharge of any more of those men.

Mr. RAKER. Will the gentleman yield right there?

Mr. GREEN of Iowa. Yes, if I have the time.

Mr. RAKER. I was down at the Navy Department this morning, and is it not a fact that they are trying to get the boys out of the service so fast from the various hospitals that they are really endangering the lives and health of those that are in there? The Navy Department is advising the public that that is the fact, that they have not the men there to take care of them.

Mr. GREEN of Iowa. I have just pointed out that they have at that hospital more than twice the number that there is any necessity for at this time, and I feel sure that there can not be any valid claim that so many men are needed there. The reason why they are detained is simply because the Navy Department has issued a sweeping order that no more of these men can be discharged. There is no necessity in any event for keeping those men there. One reason why they are there is because the Navy Department insists on running merchant vessels with the naval organization, when the work is done by them better, cheaper, and more expeditiously and far more satisfactorily than by the ordinary merchant personnel. Another is that the new recruits are not assigned to such places.

Mr. BROWNING. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. BROWNING. Did the gentleman say that there has been a sweeping order issued by the Navy Department that no more of these men should be discharged?

Mr. GREEN of Iowa. At that particular hospital at least.

Mr. BROWNING. That is what I am talking about.

Mr. GREEN of Iowa. Well, that is my information.

Mr. BROWNING. I never heard of it at all, and I know very recently a young man I interceded for got out of there.

Mr. GREEN of Iowa. I would say that my information is a letter I received from the commandant of the hospital this very day. Does not the gentleman think that is proper authority?

Mr. BROWNING. I never heard of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VENABLE. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, there have been several references made on the floor of the House about the position of the American Legion toward the soldier's settlement bill (H. R. 487). As long as a letter from another representative organization has been read before the House, I would ask the Clerk to read this letter in the remainder of my time.

The CHAIRMAN. Without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

THE AMERICAN LEGION,
NATIONAL EXECUTIVE COMMITTEE,
New York City, September 5, 1919.

The honorable Members of the Senate and House of Representatives of the United States, Washington, D. C.

SIRS: The attention of the joint national executive committee of the American Legion has been called to misrepresentations made to Congress with respect to the legion's attitude toward the soldiers' settlement bill, H. R. 487. The committee particularly refers to a letter inserted in the CONGRESSIONAL RECORD of September 2, 1919, appearing on page 4624 thereof. In order that Members of Congress may be correctly advised as to the attitude of the American Legion toward H. R. 487, the soldiers' settlement bill, the following is respectfully submitted by the national executive committee of the American Legion:

The American Legion has never gone on record in favor of H. R. 487 or any other specific land legislation now before Congress. The following resolution was adopted at the St. Louis caucus of the American Legion held May 8, 1919, on this particular subject:

"Whereas the reclamation of arid, swamp, or cut-over timberlands is one of the great constructive problems of immediate interest to the Nation; and

"Whereas one of the questions for immediate consideration is that of presenting to discharged soldiers and sailors an opportunity to establish homes and create for themselves a place in the field of constructive effort; and

"Whereas one of the purposes for which the formation of the American Legion is contemplated is to take an energetic interest in all constructive measures designed to promote the happiness and contentment of the people, and to actively encourage all proper movements of a general nature to assist the men of the Army and Navy in solving the problems of wholesome existence; and

"Whereas the Department of the Interior and the Reclamation Service have been engaged in formulating and presenting to the country broad, constructive plans for the reclamation of arid, swamp, or cut-over timberlands: Now, therefore, be it

"Resolved by the caucus of delegates to the American Legion in convention assembled in the city of St. Louis, Mo., That we indorse the efforts heretofore made for the reclamation of lands, and respectfully urge upon the Congress of the United States the adoption at an early date of broad and comprehensive legislation for economic reclamation of all lands susceptible of reclamation and production."

Preliminary to carrying out this resolution, the joint national executive committee of the American Legion, at its headquarters, No. 19 West Forty-fourth Street, New York City, on July 8, 1919, adopted a resolution authorizing the chairman to immediately appoint three members of the legion to devote the necessary time to a thorough study of the subject and to cooperate with the Secretary of the Interior in effectuating the resolution of the St. Louis caucus indorsing the principle of land development.

The above action was taken after a representative of the Secretary of the Interior had appeared before the national executive committee of the American Legion in order to explain the provisions of the soldiers' settlement bill. The Secretary of the Interior had requested this privilege and the courtesy was, therefore, extended to his representative. It was definitely decided, however, that pending the results of the study to be made of the committee of three, appointed to consider the subject of land legislation, the American Legion would take no action on the Mondell bill or any other specific legislation of this kind. It is the intention now, however, to take no action on this subject until the First Annual Convention of the American Legion, which is to be held in Minneapolis on November 11, 1919.

It is not the policy of the American Legion to attack or oppose other veteran societies; therefore the insinuations cast against the American Legion in the letter which appeared in the CONGRESSIONAL RECORD are not discussed as they have no bearing on the subject matter of this letter.

Very respectfully,

HENRY D. LINDSLEY,
Chairman National Executive Committee.

Mr. VENABLE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint Admiral William S. Benson, United States Navy, and Rear Admiral William S. Sims, United States Navy, permanent admirals, and they shall retain their present seniority as between themselves and shall be senior to officers temporarily appointed to the grade of admiral: *Provided*, That said permanent admirals shall not suffer any reduction in

pay when retired for age, pursuant to the provisions of the existing law, and the President is authorized, in his discretion, upon or after retirement, to assign them to active duty: *Provided further*, That the pay of said permanent admirals shall be that prescribed in the act making appropriations for the naval service and for other purposes, approved May 13, 1908: *And provided further*, That whenever the appointments made pursuant to the provisions of this act shall be vacated by death or otherwise the resulting vacancies shall not be filled: *And provided further*, That nothing herein contained shall create any vacancy in any grade in the Navy or increase the total number of officers authorized by law.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, it is not my purpose to detract one word from what has been said in honor of Admiral Sims and Admiral Benson. I wish that we might honor all of those who are so well entitled to honor by reason of their heroic deeds and the part that they have respectively played during this war. I do think, however, that while we are paying honor to these men in high places we should take a little bit of time to discharge a duty which we owe to the private. I wish again to call the attention of this House to a condition which should not be and which I think is a blot on the fair escutcheon we have been extolling so highly here to-day. I refer again to the sending of the Fifth and Fiftieth Regiments to Europe. It was stated the other day, in answer to a remark that I had made, that these were new men being sent over there for the purpose of taking the place of old men who have been there for a number of months so as to permit them to come home. That is not correct. More than 75 per cent of the Fiftieth Regiment now assembled at Camp Dix are reenlisted men who were induced to reenlist because the promise was made that they would not be sent out of this country, that they would do duty in this country, if you please, during these troublesome labor conditions, and that they would be given a chance to learn a trade within a year, so that when discharged at the end of their year's enlistment they would be the better prepared to care for themselves in the civil walks of life. More than 75 per cent of them, after they had come from victory won upon the other side of the sea, are now being sent back over there, not to do the honorable duty of a soldier but to do the duty of a policeman. In doing what? Guard duty, if you please, in Silesia, or worse still perchance to be numbered with the 10,000 other soldier sons of America in faraway Siberia.

I have before me a letter here, which I shall make a part of my remarks, from one man in the Fiftieth Regiment who believed that the country for which he offered his all and gave so much would do something for him to rehabilitate him within the next 12 months. But now he is facing toward the other side, and unless Congress does something in a week he will be again in far away Europe. The Fifth Regiment is in like condition, and I have before me here a pitiful letter from a widow down in Tennessee praying that something will be done to send her boy back to her. He was wounded in the Argonne, once slightly and the other time severely, reenlisted for a year in the Fifth, and now is at Camp Taylor, but they are leaving that camp to be assembled at Camp Meade, where they are to be joined with the Fiftieth and within 20 days sail across the sea; and I say it is a blot upon our fair escutcheon, it is a dishonor to the honor that we are giving to these men to-day who so richly deserve all we are giving them. In doing something for these men I believe it is the duty of this Congress to voice a protest against sending any men across the seas again, and especially those who have been enlisted as these men have been enlisted. Seventy-five per cent of them were promised, if you please, by the agents of the United States that they would not be sent out of this country again.

Mr. CONNALLY. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. CONNALLY. I am very much interested in the statement the gentleman is making, and I would like to know by what authority or information the gentleman says 75 per cent of these men voluntarily reenlisted on information and these promises? What information or proof has the gentleman of that?

Mr. WOOD of Indiana. I have it on the written statement of a number of these men themselves, one of which I have here before me.

Mr. CONNALLY. Is that the only proof? As to 75 per cent voluntarily reenlisting on this information, you have the statement of one man.

Mr. WOOD of Indiana. I do not have the statement of 75 per cent, but I take it that this man and the others—and I dare say the gentleman does not wish to discredit them—say that they know that 75 per cent of the Fiftieth enlisted with that understanding. Besides that, I have a circular, posted at Camp Dix, from which this inference can be fairly drawn.

Mr. CONNALLY. Is that all the proof the gentleman has?

Mr. WOOD of Indiana. Is not that sufficient?

Mr. CONNALLY. I wanted to see the information the gentleman has that would lead him to make a statement concerning 75 per cent of them, based on a letter from one soldier.

Mr. WOOD of Indiana. There is more than one letter from one soldier. There is also, if you please—and I will make it a part of my remarks, with the permission of the House—a notice showing that these men were induced to believe that if they volunteered for a year they would be engaged all the time within the confines of these large cities of the East, where they would have free access to the advantages of these cities and the recreations and amusements, if you please, and posted by an agent of the Government of the United States.

Mr. VENABLE. Does the gentleman state—and of course if he does, he states it seriously and on his responsibility as a Member of the Congress—that the recruiting officers of the Regular Army are telling men that when they enlist in the Regular Army of the United States that they will not be sent out of this country?

Mr. WOOD of Indiana. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. May I have three minutes more?

The CHAIRMAN. The gentleman from Indiana asks unanimous consent for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. VENABLE. How many cases of that character does the gentleman know about?

Mr. WOOD of Indiana. I know of at least a dozen cases; and I will put in not only the written word that comes from the man whose letter I have here but I will put in the circulars themselves, posted, if you please, by these recruiting officers as agents of the United States.

Mr. VENABLE. What does the circular say?

Mr. WOOD of Indiana. The circular says, among other things:

An excellent opportunity is offered to you to enlist in the Regular Army under the new act of Congress governing voluntary enlistments. The following is quoted for your timely information:

You will not be required to serve in the reserve after expiration of your enlistment.

You will not forfeit your bonus of $60 by reenlistment in the Regular Army.

You can get a furlough immediately upon reenlistment to visit your parents, relatives, or friends.

Instead of getting a furlough on their reenlistment they are getting an order to move across the sea.

The circular says, further:

The Fiftieth United States Infantry has vacancies in practically all grades of noncommissioned officers and specialists, and therefore offers to you an excellent opportunity for advancement.

Considering the fact that, in addition to the above-stated inducements, this regiment is stationed in such close proximity to the largest cities and recreation centers in the East, offering an unlimited source for personal recreation and amusement, makes this an opportunity you should not neglect.

And it says to apply for further information, and so forth.

Mr. VENABLE. What is in there now about a pledge that they will not be sent abroad, or in other service they will not leave the United States?

Mr. WOOD of Indiana. Is it not a pledge to say to them that during the entire enlistment they will be adjacent to a large city in the East?

Mr. VENABLE. Does the gentleman say that circular says during the entire enlistment?

Mr. WOOD of Indiana. I think such an inference may be fairly drawn.

Mr. VENABLE. Does the gentleman take the position——

Mr. WOOD of Indiana. It says:

Considering the fact that, in addition to the above-stated inducements, this regiment is stationed in such close proximity to the larger cities and recreation centers in the East, offering unlimited source for personal recreation and amusement, makes this an opportunity you should not neglect.

Mr. VENABLE. Now, the gentleman states that in his judgment that statement would mislead a soldier to believe that if he joined that regiment, under no set of circumstances would he be sent out of the United States?

Mr. WOOD of Indiana. I say that would mislead Congressmen here; it would even mislead the wise gentleman from Mississippi when used with the other fair promises of the United States enlisting officers. These men had already done service across on the other side of the sea. They were led to believe they would be given some consideration for that, and then, in addition to that, to receive the promises that they would be permitted to have the opportunity set forth in this circular, taken all together, was sufficient to make any man believe that he would not again be sent overseas. That these alluring advertisements and fair promises made by recruiting

officers did cause these men to reenlist is amply evidenced by the following letter:

TRENTON, N. J., *September 7, 1919.*

Representative WOOD:

Greeting: In looking over the papers I see you, at least, have foresight enough to put up a fight against the Fiftieth and Fifth Infantry from going to Siberia.

But do you know that the men that are to be sent overseas are nearly all ex-A. E. F. men, who reenlisted at the "request" of recruiting teams, to tide them over the "awful" labor conditions that are prevailing or are supposed to prevail, that a permanent post in the States was offered them.

That they were told on reenlisting for one year they would not go out of the States only on a three-year enlistment.

That they were to be the "guests" of Uncle Sam for one year, being overseas men.

That they could learn a trade and at the end of the year they could go out of the Army better fitted for civil life.

That three-fourths of the Fiftieth Infantry, maybe a higher percentage, are reenlisted men for one year.

That there are men with as much service as 22 months in France, wearing wound stripes, and not back in the United States 6 weeks and ordered to go overseas.

That England is afraid to send soldiers to Russia, because very probably the soldiers would refuse to go.

That I think Secretary of War Baker does not know the true facts of so many overseas men in the Fiftieth.

That in E Company, Fiftieth Regiment, about 110 or more out of 125—110 out of 125!—are one year reenlisted guests of Uncle Sam.

I myself had the "Overseas men of Dix protest against order" piece, published myself.

Get some action, and d—n quick. Heroes of the battle fields to be sent back to police Silesia! Get after it.

If you want to know who I am, well, I am only a buck private in the Fiftieth. Formerly a Twenty-ninth Division man.

——— ———.

One year overseas; 29 months' service in khaki.

I have intentionally omitted reading the name of this soldier into the RECORD; to do so would in all probability subject him to the fury of a "Hard boiled" Smith or some similar officer ever anxious to use his power, and besides, these poor soldiers will have trouble enough before they are free men again. Yet we are told by our President that we entered this war to make the world safe for democracy. It now begins to look like we got into it to furnish policemen for the world.

Here is another letter from a good mother down in Tennessee:

DICKSON, TENN.,
September 3, 1919.

Representative WOOD,
Washington, D. C.

HONORABLE SIR: I appeal to you to use your influence in obtaining the release from the Army service of my son, Pvt. Homer S. Richardson, Company E, Fifth Infantry, now stationed at Camp Taylor, Louisville, Ky. I am informed that the Fifth Infantry has been ordered to Europe on September 7. Beg leave to ask your kind consideration in regard to my son. He has seen foreign service; was one of the first to be sent to Europe after America entered the war; was wounded twice, first time slightly, last time seriously; has a good military record.

I beg leave to say further that I am a widow woman with three small children. My health is broken down and I am unable to do any kind of work. My son is the only support I have, and that the salary he earns in the Army is insufficient to feed and clothe us.

Please, sir, I will be very thankful if you might lend your help in obtaining his release.

Very truly,

Mrs. ANNIE RICHARDSON.

No doubt there are hundreds of other mothers throughout the land who have sons in one or the other of these regiments who are in the same distressed condition that this poor woman is. Will we hear the prayers and petitions of these good women and then turn a deaf ear to them, or will we do all that lies in our power to do, namely, protest in their names and in the name of all the people as their Representatives against the consummation of this outrage. That if the President as commander in chief of the Army persists in sending their boys to Europs to do police duty his will be the blame and not ours.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PETERS. Mr. Chairman, I have a committee amendment.

The CHAIRMAN. The gentleman from Maine offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment:

Strike out all after the word "appoint" in line 3, page 1, down to and including the word "they" in line 6, said page, and insert the following:

By selection and promotion two permanent admirals in the United States Navy, the said admirals, when so appointed—

Mr. PETERS. Mr. Chairman, the purpose of this amendment is to make the bill conform to the precedents, which are that the name of the officers promoted shall not be used in the bill, the reason obviously being that under the Constitution the President has the sole appointive power in the naming of officers. It also makes the bill conform to the military bill recently enacted, to make Gen. Pershing the general of the Army. His name was not mentioned in the bill, as will be recalled. It also conforms to the precedent set in President Arthur's time, when Congress passed a bill restoring Fitz John Porter to his previous rank and the President vetoed the bill on the ground that it would infringe on his constitutional prerogative. Therefore the committee believe that the amendment should be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the chairman announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 73, noes 9.

So the amendment was agreed to.

Mr. PETERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PETERS. Should the title of the bill be amended now in committee or later in the House?

The CHAIRMAN. After the passage of the bill.

Mr. PETERS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Maine moves that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 77, noes 0.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7767) to appoint Admiral William S. Benson, United States Navy, and Rear Admiral William S. Sims, United States Navy, as permanent admirals in the Navy, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is considered ordered upon the bill and amendment. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. A point of order, Mr. Speaker. I think this bill should be passed by a quorum. I therefore make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] No quorum is present. Therefore automatically the doors are closed, and the Sergeant at Arms will summon the absentees, and the Clerk will call the roll. Those who favor the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 245, nays 9, answered "present" 1, not voting 175, as follows:

YEAS—245.

Ackerman	Burroughs	Dickinson, Mo.	Goodwin, Ark.
Alexander	Butler	Dickinson, Iowa	Goodykoontz
Anderson	Byrns, Tenn.	Dominick	Gould
Andrews, Nebr.	Caldwell	Doughton	Graham, Ill.
Aswell	Campbell, Pa	Dowell	Green, Iowa
Ayres	Cannon	Drane	Greene, Mass.
Baer	Caraway	Dunbar	Greene, Vt.
Bankhead	Carss	Dupré	Hamilton
Barbour	Casey	Eagan	Hardy, Colo.
Bee	Chindblom	Echols	Hardy, Tex.
Begg	Cleary	Elliott	Harrison
Bell	Condy	Elston	Haugen
Benham	Cole	Esch	Hawley
Bland, Mo.	Collier	Evans, Mont.	Hays
Bland, Va.	Cooper	Evans, Nev.	Hernandez
Blanton	Copley	Fairfield	Hersey
Boies	Crowther	Fess	Hersman
Booher	Currie, Mich.	Fisher	Hickey
Box	Curry, Calif.	French	Hicks
Brand	Dale	Gallagher	Hoch
Briggs	Darrow	Gandy	Holland
Brinson	Davey	Gard	Houghton
Brooks, Ill.	Davis, Minn.	Garrett	Howard
Browning	Davis, Tenn.	Godwin, N. C.	Hudspeth
Buchanan	Dent	Good	Hull, Iowa
Burdick	Dewalt	Goodall	Hull, Tenn.

Hutchinson	MacCrate	Rayburn	Swope
Igoe	MacGregor	Reavis	Taylor, Tenn.
Ireland	Mapes	Reber	Temple
Jefferis	Martin	Reed, N. Y.	Tillman
Johnson, Ky.	Mays	Reed, W. Va.	Tilson
Jones, Pa.	Merritt	Rhodes	Timberlake
Juul	Michener	Ricketts	Tincher
Kearns	Miller	Rodenberg	Tinkham
Keller	Minahan, N. J.	Rogers	Towner
Kelly, Pa.	Monahan, Wis.	Romjue	Treadway
Kendall	Montague	Rose	Vaile
Kinkaid	Moore, Ohio	Rouse	Venable
Kleczka	Morgan	Rubey	Vinson
Knutson	Neely	Rucker	Volstead
Lampert	Nelson, Mo.	Sanders, Ind.	Walters
Lanham	Nelson, Wis.	Sanders, N. Y.	Watkins
Lankford	Newton, Mo.	Schall	Watson, Pa.
Larsen	Nolan	Sells	Weaver
Layton	O'Connor	Shreve	Webster
Lee, Ga.	Oldfield	Siegel	Welling
Lesher	Oliver	Sims	Welty
Little	Osborne	Sinnott	Whaley
Lonergan	Overstreet	Slemp	White, Kans.
Longworth	Padgett	Smith, Idaho	Williams
Luce	Park	Smith, Ill.	Wilson, Ill.
Lufkin	Parrish	Smith, Mich.	Wilson, La.
Luhring	Pell	Smithwick	Wilson, Pa.
McAndrews	Peters	Snell	Wingo
McClintic	Phelan	Stedman	Winslow
McCulloch	Pou	Steele	Wood, Ind.
McDuffie	Purnell	Stevenson	Woods, Va.
McFadden	Radcliffe	Stiness	Wright
McGlennon	Raker	Strong, Kans.	Young, N. Dak.
McKinley	Ramsey	Summers, Wash.	
McLaughlin, Mich	Ramseyer	Sumners, Tex.	
McLaughlin, Nebr	Randall, Wis.	Sweet	

NAYS—9.

Almon	Garner	Johnson, Miss.	Quin
Blackmon	Huddleston	Jones, Tex.	Thompson, Okla.
Connally			

ANSWERED "PRESENT"—1.

Moon

NOT VOTING—175.

Andrews, Md.	Fields	LaGuardia	Robinson, N. C.
Anthony	Fitzgerald	Langley	Robsion, Ky.
Ashbrook	Flood	Lazaro	Rowan
Babka	Focht	Lea, Calif.	Rowe
Bacharach	Fordney	Lehlbach	Sabath
Barkley	Foster	Linthicum	Sanders, La.
Benson	Frear	McArthur	Sanford
Black	Freeman	McKenzie	Saunders, Va.
Bland, Ind.	Fuller, Ill.	McKeown	Scott
Bowers	Fuller, Mass.	McKinley	Scully
Britten	Gallivan	McLane	Sears
Brooks, Pa.	Ganly	McPherson	Sherwood
Browne	Garland	Madden	Sinclair
Brumbaugh	Glynn	Magee	Sisson
Burke	Goldfogle	Maher	Small
Byrnes, S. C.	Graham, Pa.	Major	Smith, N. Y.
Campbell, Kans.	Griest	Manu	Snyder
Candler	Griffin	Mansfield	Steagall
Cantrill	Hadley	Mason	Steenerson
Carew	Hamill	Mead	Stephens, Miss.
Carter	Haskell	Mondell	Stephens, Ohio
Christopherson	Hastings	Mooney	Strong, Pa.
Clark, Fla.	Hayden	Moore, Pa.	Sullivan
Clark, Mo.	Heflin	Moore, Va.	Taylor, Ark.
Classon	Hill	Moores, Ind.	Taylor, Colo.
Costello	Hulings	Morin	Thomas
Crago	Humphreys	Mott	Thompson, Ohio
Cramton	Husted	Mudd	Upshaw
Crisp	Jacoway	Murphy	Vare
Cullen	James	Newton, Minn.	Vestal
Dallinger	Johnson, S. Dak.	Nicholls, S. C.	Voigt
Dempsey	Johnson, Wash.	Nichols, Mich.	Walsh
Denison	Johnston, N. Y.	O'Connell	Ward
Donovan	Kahn	Ogden	Wason
Dooling	Kelley, Mich.	Olney	Watson, Va.
Doremus	Kennedy, Iowa	Paige	Webb
Dunn	Kennedy, R. I.	Parker	Wheeler
Dyer	Kettner	Platt	White, Me.
Eagle	Kiess	Porter	Wise
Edmonds	Kincheloe	Rainey, H. T.	Woodyard
Ellsworth	King	Rainey, J. W.	Yates
Emerson	Kitchin	Randall, Calif.	Young, Tex.
Evans, Nebr.	Kraus	Riddick	Zihlman
Ferris	Kreider	Riordan	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. GARLAND with Mr. HENRY T. RAINEY.

Mr. DEMPSEY with Mr. SCULLY.

Mr. CAMPBELL of Kansas with Mr. TAYLOR of Colorado.

Mr. HASKELL with Mr. LAZARO.

Mr. DENISON with Mr. SAUNDERS of Virginia.

Mr. BROOKS of Pennsylvania with Mr. WATSON of Virginia.

Mr. FOCHT with Mr. RANDALL of California.

Mr. DUNN with Mr. SANDERS of Louisiana.

Mr. CLASSON with Mr. TAYLOR of Arkansas.

Mr. GRIEST with Mr. MCKEOWN.

Mr. DALLINGER with Mr. SEARS.

Mr. BRITTEN with Mr. WEBB.

Mr. HADLEY with Mr. LEA of California.

Mr. ELLSWORTH with Mr. RIORDAN.

Mr. GRAHAM of Pennsylvania with Mr. MCKINLEY.

Mr. DYER with Mr. SABATH.

Mr. CRAGO with Mr. STEPHENS of Mississippi.

Mr. BROWNE with Mr. THOMAS.

Mr. FORDNEY with Mr. JOHN W. RAINEY.

Mr. COSTELLO with Mr. SULLIVAN.

Mr. ANTHONY with Mr. YOUNG of Texas.

Mr. JAMES with Mr. KINCHELOE.

Mr. EDMONDS with Mr. ROWAN.

Mr. CRAMTON with Mr. STEAGALL.

Mr. BACHARACH with Mr. WISE.

Mr. HULINGS with Mr. KITCHIN.

Mr. EMERSON with Mr. MOONEY.

Mr. LANGLEY with Mr. FIELDS.

Mr. WALSH with Mr. CARTER.

Mr. WASON with Mr. MCLANE.

Mr. STEPHENS of Ohio with Mr. UPSHAW.

Mr. PAIGE with Mr. BYRNS of Tennessee.

Mr. MCPHERSON with Mr. MAJOR.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. FOSTER with Mr. ROBINSON of North Carolina.

Mr. FULLER of Illinois with Mr. ASHBROOK.

Mr. FREAR with Mr. O'CONNELL.

Mr. EVANS of Nebraska with Mr. SISSON.

Mr. BLAND of Indiana with Mr. SMALL.

Mr. WHEELER with Mr. MAHER.

Mr. OGDEN with Mr. CRISP.

Mr. YATES with Mr. CULLEN.

Mr. STRONG of Pennsylvania with Mr. MOORE of Virginia.

Mr. KING with Mr. HASTINGS.

Mr. MASON with Mr. EAGLE.

Mr. MANN with Mr. FERRIS.

Mr. MURPHY with Mr. CANDLER.

Mr. STEENERSON with Mr. NICHOLLS of South Carolina.

Mr. SANFORD with Mr. BABKA.

Mr. KREIDER with Mr. GRIFFIN.

Mr. PARKER with Mr. BRUMBAUGH.

Mr. NICHOLS of Michigan with Mr. BYRNES of South Carolina.

Mr. MORIN with Mr. CAREW.

Mr. SNYDER with Mr. SMITH of New York.

Mr. KENNEDY of Iowa with Mr. HUMPHREYS.

Mr. PLATT with Mr. BLACK.

Mr. MOORES of Indiana with Mr. DOREMUS.

Mr. MADDEN with Mr. FITZGERALD.

Mr. WHITE of Maine with Mr. DOOLING.

Mr. ROWE with Mr. BARKLEY.

Mr. SCOTT with Mr. OLNEY.

Mr. KRAUSE with Mr. HAMILL.

Mr. KAHN with Mr. JOHNSTON of New York.

Mr. MCARTHUR with Mr. GANLEY.

Mr. KIESS with Mr. HAYDEN.

Mr. WOODYARD with Mr. DONOVAN.

Mr. THOMPSON of Ohio with Mr. MEAD.

Mr. VESTAL with Mr. CLARK of Florida.

Mr. KENNEDY of Rhode Island with Mr. HEFLIN.

Mr. MCKENZIE with Mr. GALLIVAN.

Mr. PORTER with Mr. BENSON.

Mr. KELLEY of Michigan with Mr. JACOWAY.

Mr. MUDD with Mr. CANTRILL.

Mr. LEHLBACH with Mr. GOLDFOGLE.

Mr. JOHNSON of Washington with Mr. KETTNER.

Mr. VARE with Mr. MANSFIELD.

Until Monday:

Mr. MONDELL with Mr. CLARK of Missouri.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Mr. PETERS. Mr. Speaker, I offer an amendment to the title of the bill.

The SPEAKER. The gentleman from Maine offers an amendment to the title, which the Clerk will report.

The Clerk read as follows:

Amend the title by striking out all the present title and inserting the following, so that it will read: "A bill authorizing the appointment of two permanent admirals in the Navy."

The amendment to the title was agreed to.

On motion of Mr. PETERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROHIBITION-ENFORCEMENT BILL.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that the prohibition-enforcement bill, H. R. 6810, be printed with the Senate amendments numbered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the prohibition-enforcement bill may be

printed with the Senate amendments numbered. Is there objection?

Mr. GARD. Reserving the right to object, is it requested to have the bill printed as it passed the Senate?

Mr. VOLSTEAD. As it passed the Senate, with the Senate amendments numbered.

LEAVE TO EXTEND REMARKS.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of after-the-war readjustment of economic conditions and the high cost of living.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the subject of readjustment after the European war. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman whether or not it is on constructive legislation that the gentleman is proposing, now before the House, that he wishes to extend his remarks?

Mr. CURRY of California. It is on constructive legislation, some of it that is before the House, but none, however, that I have presented.

The SPEAKER. Is there objection?

There was no objection.

THE LEAGUE OF NATIONS.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on the subject of the league of nations.

The SPEAKER. The gentleman from Nebraska [Mr. McLAUGHLIN] asks unanimous consent to address the House for 20 minutes on the subject of the league of nations. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, when does the gentleman desire to address the House?

Mr. McLAUGHLIN of Nebraska. Immediately.

Mr. GARD. Is there no further regular business for the day, may I ask the leader of the majority?

Mr. LONGWORTH. So far as I am informed, there is no further legislative business for to-day.

The SPEAKER. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, if the gentleman will indulge me, is it intended to have any more speeches this afternoon after this one?

Mr. LONGWORTH. Not that I am aware of.

The SPEAKER. The gentleman from Nebraska [Mr. McLAUGHLIN] is recognized for 20 minutes.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, the letters that have recently passed between the chairman of the Senate Foreign Relations Committee and the President of the United States, in which it appears that the President has declined to acquaint the treaty-ratifying branch of the Congress with the provisions of the special agreement of June 16 relative to the Rhine district, brings to the mind of the Congress and the people some of the reasons why the great majority of the citizens of this country have within the past 8 or 10 months changed their position from a majority favoring a league of nations to a great majority urgently opposed to the league of nations which is now before us.

That a considerable majority of the people of the United States eight months ago were in favor of the adoption of a suitable league of nations or some similar provision that would reduce the chances of war to a minimum I believe can be clearly shown. Public opinion has, however, so greatly changed in the past few months that it is perfectly clear to every fair-minded, unbiased person who is keeping in touch with the public pulse that a referendum taken on the adoption of the proposed league of nations without amendment would be defeated by at least a two-thirds majority. Some of us are receiving letters and petitions now from persons urging us to use our influence against the adoption of the league of nations who seven or eight months ago petitioned us very earnestly to use our influence in favor of the adoption of a league of nations.

The question arises, what has occasioned this great change of front on the part of the American people? In brief, the change is a result of the difference between the people's first conception of the ideal of an abstract league of nations and the facts as set forth in the provisions now included in the proposed concrete league of nations. Everybody desires to avoid the horrors of war. There is no difference of opinion on that subject. The difference arises concerning the means to be used to reach the much-desired result.

Prior to the time the definite draft was before the people for consideration the theoretic assumption that a league of nations would keep us out of war was very generally accepted, and public opinion was favorably molded accordingly; but since the exact draft of the league has been before the people and opportunity has been realized for careful study and discussion of its provisions very serious questions have arisen as to whether or not the provisions of the league when once accepted will not in reality greatly increase rather than diminish the prospects for future warfare. An abstract idea and a concrete plan may differ very greatly. [Applause.]

In the case of the league of nations this difference is almost as wide and marked as the difference between the two magnetic poles. The people have begun to wonder whether in asking for "a fish" they are to receive a "scorpion," whether in their cry "for bread" they have received "a stone," whether in their demand for "a fig" they are to be given "a thistle," whether in answer to their prayer that "knives and swords shall be beaten into pruning hooks and plowshares" they are to see pruning hooks and plowshares beaten into knives and swords. Many are the cases on record where purely innocent people have gone to the medicine case and by mistake taken poison when their purpose was to take a curative remedy.

By way of digression I received an amusing letter from a farmer in the South who says, among other things, that he was now past 60 years of age, that he had spent the most of his life in trying to sing correctly "My country, 'tis of thee," but now he says if this scheme is carried out I will have to spend the rest of my life learning to sing "My countries, 'tis of those." [Laughter.]

Mr. BLANTON. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes; I yield to my friend from Texas.

Mr. BLANTON. I take it that the gentleman is in favor of a league of nations to enforce peace, is he not?

Mr. McLAUGHLIN of Nebraska. I am in favor of an international court of some kind at which will be settled international disputes.

Mr. BLANTON. The gentleman spoke of the people of Nebraska swinging away from the document dealing with peace. I want to tell the gentleman that the President is in his State to-day, and after this time he will find his people swinging back to that document. [Laughter and applause on the Democratic side.]

Mr. McLAUGHLIN of Nebraska. I wish to say to the gentleman that the President is pretty well known in that part of the country, and as he goes across Nebraska to-day and makes the statement that if his league is adopted without amendment "the khaki-clad boys of this country will never again cross the Atlantic," the people out there know that he is pouring it out of the same bottle from which formerly came "He kept us out of war" and "Politics is adjourned." [Laughter and applause on the Republican side.]

Mr. AYRES. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes; with pleasure.

Mr. AYRES. Did not the President keep us out of war as long as any respecting peace President or red-blooded American could keep us out?

Mr. McLAUGHLIN of Nebraska. I will say to the gentleman that at the time the President was allowing the claim to be made all over the country that he kept us out of war he knew, and his Cabinet knew, that we were rushing into war. I was one of a number called down here two months after the President's inauguration in May, 1917, with a company of 190 or more educators, and we were told by a member of the Cabinet that they knew a year before war was declared that war was absolutely inevitable, and yet they went clear through the presidential campaign using the slogan "He kept us out of war." [Applause on the Republican side.]

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. I can not yield further now. After I have concluded my remarks, if I have time, I will answer any questions.

Mr. Speaker, the growing opposition to the constitution of the league of nations has been stimulated by two conditions: First, the policy and methods under which the league document conceived its form; and, second, the actual provisions of the document itself. Let us consider, briefly, these two reasons in the order named.

In the first place, the people were led to believe a year ago or less that the treaty-ratifying body of the Congress would be kept in closest touch with the United States Peace Commission throughout all the deliberations at Paris. The people were informed by the President himself that such would be the case, and realizing that the very nature of the world-wide war in which we had been engaged was such that in its settlement provisions of a more or less revolutionary character might be recommended, the public had a right to expect, as a result of these conditions as well as a result of the assurance given them

by the President, that all of the matters under discussion at Paris and the conclusions resulting therefrom would be an open book to the Congress and the country. "Open agreements openly arrived at" was the slogan given out by the administration and quite agreeably accepted by the people.

I might say in passing that when the immortal McKinley was negotiating a treaty at the close of the Spanish-American War he kept members of the Foreign Relations Committee well and constantly informed as to every proposed article of the treaty, and made sure of the fact before giving his sanction to any article that the same would meet with the approval of the men whose constitutional duties required their ratification. [Applause.]

In the present instance one of the first great disappointments that came to the public after the cables and telegraph facilities of the country had been taken over by an Executive order, under the pretext that such action was to insure free and constant communication between the peace commission and the Senate, was to find, to their great regret, that this action was taken for the purpose of withholding and suppressing news rather than conveying the same. Wires were filled more particularly with social events engaged in by members of the peace commission rather than for the purpose of conveying clear information as to the points under discussion. Thousands of earnest parents who desired to cable money to convalescing sons in France who were in great need found that it took from three to four weeks to get cables through, and in many instances were entirely unable to cable at all, while at the same time the newspapers were full of cabled material describing at length the social functions enjoyed by members of the peace commission and the kind and manner of clothes and dress that were worn by members of the party. [Applause.]

The people were also of the impression that the so-called 14 points announced by our Chief Executive were to be the basis of settlement in the negotiations, and that the draft for a league of nations would be presented by Americans. It has gradually developed that the 14 points were given practically no consideration at the peace table, and that the American draft for a league of nations, if there ever was one, was never even presented, but that in place thereof a British draft was presented, and has been accepted almost in its entirety.

Another assurance the people believed they had when the American commission set sail for Paris was that careful and accurate records would be kept of all questions under discussion and finally submitted in their systematic and scientific completeness to the people of the country for their enlightenment. As one chief encouragement to this end we were informed through the press that our peace commissioners had taken with them 1,300 or more experts, historians, economists, accountants, and so forth, who had the latest and most accurate knowledge of all of the conditions existing in all of the various countries of the world as to Government boundaries, economic conditions, and so forth. It was but a natural inference to conclude that when the President returned from Paris, in the event that such detailed information as might be expected from such a well-composed commission had not been furnished the people in advance, the President would bring with him in complete and systematic files the detailed results of all of the expert help and advice he had received from this great army of specialists at Paris, whose entertainment will cost the Government several million dollars.

In view of these facts, it was a distinct shock to the American people to read the following letter which appeared in the Associated Press late last month, written by the President, in answer to an inquiry made by the Foreign Relations Committee:

MY DEAR SENATOR: In response to your letter of July 22, requesting me, on behalf of the Committee on Foreign Relations, to send the committee the agreement referred to in article 237 of the treaty with Germany, in the event that such an agreement has been determined upon by the allied and associated Governments, I would say that so far as I know such an agreement has not yet been reached. As I recollect the business, an attempt was being made to reach such an agreement, but I have not yet learned of an agreement having been arrived at.

May I not add, with regard to other requests which I have received from the committee for papers and information of various sorts, that I was not able to bring from Paris a complete file of papers. I brought with me only those which happened to be in my hands when I left France. These alone constitute a considerable mass of papers, and I have been going over them as rapidly as time and my engagements permitted, and must beg the committee's indulgence for the delay in informing them which I can supply them with.

Very sincerely, yours,

WOODROW WILSON.

You will note in this letter the President uses the expression, as he recollects the business, and so forth, answering entirely from memory, and then adds that when he left Paris he brought with him only those papers which happened to be in his hands. The question logically arises in the mind of an earnest, clear-reasoning public, why, after going to the expense of taking an army of experts to Paris, should the President on his return hurriedly grab up a few promiscuous papers and not even know on his return home what these few papers contain?

It has further developed in the negotiations of the last six weeks that the final draft of the treaty of peace was furnished to commercial interests of New York and other sections of the country before the same was furnished to the treaty-ratifying body of Congress. It later developed that the President agreed specifically with the authorities of France to present the special agreement with the French Republic at the same time the general treaty was presented. The special agreement with France was not presented at the time the treaty of peace was referred to the Senate and was not presented for a considerable time thereafter; in fact, this specific agreement was forced from the hands of the President after this country was advised by information from Europe that the President had not complied with his special agreement to present both pacts at the same time. It has also developed that a number of provisions necessary for the proper understanding of the treaty itself have been withheld from the Foreign Relations Committee and have only been reluctantly and meagerly supplied under pressure.

It was a further source of disappointment when the President in presenting the peace treaty on July 10 to the treaty-ratifying body of the Congress made no explanation whatever of the provisions of the treaty, but indulged in an eulogy of the American soldiers and entered into a wordy, idealistic discourse almost entirely apart from the provisions of the league itself. The provisions of the treaty were passed with the following single reference:

In one sense, no doubt, there is no need that I should report to you what was attempted and done at Paris. You have been daily cognizant of what was going on there.

Now, put by the side of this statement the fact that authentic news of the development at Paris was withheld from Congress and the people all the time, and that the only news we received was that which merely leaked through from unofficial sources.

The SPEAKER. The time of the gentleman has expired.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that his colleague's time be extended 10 minutes. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he intends to give the text of the league covenant that he would be in favor of and would represent the league of nations that he says that he and his people want. Can the gentleman give us the text? He has been talking about something else. Now, does the gentleman intend to give us the text of the proposed league which he favors?

Mr. McLAUGHLIN of Nebraska. The gentleman knows full well it would be impossible for anyone to cover the text of a new league of nations in 10 minutes, but I wish to say to the gentleman I do desire——

Mr. WINGO. The gentleman could say what is wrong with the present text.

Mr. McLAUGHLIN of Nebraska. I expect to do that.

The SPEAKER. The question is, Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, does this request meet with the approval of the leader of the majority? Does it conflict with the tentative plan of recognizing the other gentleman from Nebraska?

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman——

Mr. REAVIS. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is, Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, in the light of these facts which are now common knowledge, it occurs to me that the criticism of the few who are now charging that those sincere, patriotic statesmen who are seeking to go to the bottom of the league of nations document which has been inseparably connected with the peace treaty will find their criticisms falling on deaf ears.

Just before the President set sail for Paris the second time he declared in his Boston speech, referring to the opposition of certain men to the proposed league of nations—

I should welcome no sweeter challenge than that. I have fighting blood in me, and it is sometimes a delight to let it have scope, but if it is a challenge on this occasion it will be an indulgence.

Putting it all together, the people are warranted in reaching the conclusion that the President willfully set himself over against and opposite, if need be, the convictions of Congress and the will of the American people; that he determined to take the bits in his own teeth and push through his own program, everybody else to the contrary notwithstanding. It is therefore

poor judgment and ill-advised conduct for anyone to question or attempt to impune the motives and deliberations of the Foreign Relations Committee in their sincere, prayerful endeavor to properly interpret the league of nations now under consideration and to safeguard if possible the blood-bought liberties of our people and the sovereignty of our Government. [Applause.]

The American people are wholly justified in raising a great question mark, both as to the fairness and the propriety of our peace commission enshrouding the league of nations and the peace treaty from the beginning of the deliberations down to the present time in mystery and uncertainty. It is no wonder that public opinion has swung about until we are now faced with almost unanimous objection to the league of nations.

In the second place, a study of the text of the league itself reveals the fact that several of its provisions when once agreed to may prove to be a very serious handicap to this Government and will in all probability result in aggravated and almost constant warfare instead of promoting the era of peace for which we are all praying. The League for the Preservation of American Independence has published—

TWENTY-FOUR REASONS WHY THE UNITED STATES SHOULD NOT ENTER THE PROPOSED LEAGUE OF NATIONS.

(1) Because the covenant of the league of nations, as proposed, was, in substance, written by Gen. Smuts, an Englishman, for England, indorsed by powerful English propaganda, to secure world-wide English domin' , and not by an American for America.

(2) Because in these days of foreign propaganda in the American press neither Congress nor the public can reach a deliberate, unbiased judgment upon the questions involved in the proposed league of nations, which are so vital to the existence of American independence.

(3) Because it places the United States Government under alien rules without the consent of the people governed, the covenant declaring that the league shall be governed by an assembly consisting of one vote from each nation, and a council, or executive committee, of five (which may be increased to nine), and in which the United States can not vote upon any matter in which it is interested.

(4) Because under the covenant a state of war exists, ipso facto, whenever any nation refuses to obey orders of the league, or whenever any nation engages in war or invades the territories of another nation, and this may mean a constant state of war.

REQUIRES THAT OUR NATION MAINTAIN ARMIES ABROAD.

(5) Because in these wars to which the United States will be a party in every instance this Government will be required to maintain permanent armies upon foreign soil, where the blood of Americans will be spilled to promote foreign interests.

(6) Because it pledges the lives and property of the American people to uphold and enforce the domination of England over her vast possessions in Ireland, India, Africa, Australia, Canada, and other parts of the world.

(7) Because it pledges the lives and property of Americans to perpetuate the stranglehold of Japan over 10,000,000 people of Korea, and over 40,000,000 of Chinese, with whom we are at peace, and other territorial grants and powers in China of unknown extent.

(8) Because it guarantees the lives and property of Americans to enforce the recently acquired domination of Italy over various peoples and countries east of the Adriatic and in the Tyrol.

(9) Because it pledges the lives and property of Americans to maintain the territorial possessions of all the members of the league.

(10) Because it does not limit the armaments of England upon the oceans, nor her ships of war, nor her fortresses upon and around the coasts of the United States.

MENACES OUR PROTECTION OF PACIFIC OCEAN.

(11) Because it menaces our protection and control in the Pacific Ocean by conceding to Japan islands of the Pacific formerly owned by Germany.

(12) Because under the agreements set forth in the covenant, the United States can no longer protect the United States borders against Mexico and the marauding bands of that country without the consent of European, Asiatic, and African powers.

(13) Because it destroys the Monroe doctrine. It submits to the league all questions at issue between the United States and any foreign country, or in which it is even claimed that the question is international in character or likely to provoke war, and leaves to the United States no authority or power to protect the interests of Americans, which we have struggled for a century to maintain.

(14) Because upon the principles set forth in the covenant the United States will lose control of the Panama Canal.

(15) Because under the covenant of the league the United States will lose control over restriction of immigration from Japan, China, and other foreign countries.

AS MANY VOTES FOR LIBERIA AS FOR UNITED STATES.

(16) Because in the council of five, which may be increased to nine, there will be four or eight votes, as the case may be, to the one vote of the United States, whereas the United States has the wealth, productive capacity, and progressiveness of all those nations combined.

(17) Because the covenant grants to England and her colonies, which have half the wealth and resources, and, counting only whites, little more than half of the population of the United States, six votes in the assembly of nations, and grants to the United States and her 48 sovereign States, all combined, but one vote in the assembly.

(18) Because it grants to the little half-baked countries of Liberia and Haiti, Siam, Hedjaz, and numerous others, of South America and Europe, the same representation in the assembly as has been given to the United States.

(19) Because it grants to South America, including Cuba and Haiti (with much less than half the wealth of the United States), 16 votes in the assembly of nations as against the single vote of the United States.

(20) Because the covenant violates the United States Constitution by depriving Congress of the power to declare war.

(21) Because it violates the Constitution by incurring pecuniary obligations for an indefinite period, which is solely vested in Congress.

ENORMOUS WAR POWERS GIVEN THE PRESIDENT.

(22) Because it places in permanent bondage all the peoples of the earth under the domination of a comparatively few people of western Europe and the British Empire.

(23) Because in times of war it will be claimed that the guarantees of the United States Constitution and of the State constitutions are suspended by the war power, and the constant condition of war in which we will have entered as parties to every controversy and dispute between different nations of the earth, will maintain in perpetuity those arrogated powers. The importance of this point is well illustrated by the fact that more than 20 wars are being waged at this time.

(24) Because the enormous war powers of the President will thus become permanent. He already has the appointing power. He has the veto power over acts of Congress, equal to one-third of both Senate and House. He is Commander in Chief of the Army and of the Navy. Under the league of nations and a perpetual condition of war in which we are bound to engage, these war powers will become paramount in perpetuity. The President of the United States, subject only to the league of nations, will become our permanent dictator.

EUROPE—15 VOTES.

Composed of—	Population by millions.
(1) Netherlands	6
(1) Belgium	7
(1) Switzerland	3
(1) Denmark	3
(1) Italy	34
(1) Norway	2
(1) France	39
(1) Hellenes	3
(1) Poland	15
(1) Portugal	5
(1) Roumania	7
(1) Serbia	3
(1) Spain	20
(1) Sweden	5
(1) Czechoslovakia.	

ENGLAND—6 VOTES.

(1) British Empire	45
(1) Canada	6
(1) Australia	4
(1) South Africa (6,500,000 blacks)	8
(1) New Zealand.	
(1) India.	
Total population	215

SOUTH AMERICA—12 VOTES.

(1) Ecuador.
(1) Peru.
(1) Uruguay.
(1) Argentina.
(1) Chili.
(1) Colombia.
(1) Venezuela.
(1) Bolivia.
(1) Brazil.
(1) Haiti.
(1) Paraguay.
(1) Cuba.

AFRICA—1 VOTE.

(1) Liberia.

ASIA—5 VOTES.

(1) Hedjaz.
(1) China.
(1) Japan.
(1) Siam.
(1) Persia.

CENTRAL AMERICA—5 VOTES.

(1) Nicaragua.
(1) Guatemala.
(1) Honduras.
(1) Panama.
(1) Salvador.

NOTE.—No definite information is available as to the population of these countries.

UNITED STATES—1 VOTE.

Total population	110

Referring to that portion of the foregoing statement of the League for the Preservation of American Independence, relating to the protection of the Pacific, the address of Admiral Jellicoe to the New England Club at Wellington, New Zealand, under date of September 2 has a peculiar significance. In considering the subject, "A British Fleet in the Pacific," the admiral, among other statements, included the following:

Without the British mercantile marine, the war would have been over long ago, probably in 1915; and I am unable to say what would have happened to New Zealand. A look around the world shows that the millennium is as far off as ever.

The Pacific is growing daily in importance. It contains great possibilities of trouble which statesmen could better overcome with a strong force behind them. Trade protection requires more vessels than ever, the criterion being not the number of enemy cruisers but the number of our merchantmen, and the value of our trade.

The openly announced purpose of Great Britain to maintain a large fleet in the Pacific probably meets with the approval of the American peace commission, which seemed to agree at Paris that England should be conceded the right to maintain the largest navy in the world, no matter what the future needs or desires of other countries might prove.

The purpose of Great Britain to maintain a standing army of 900,000 men is in entire agreement with her great naval program. Japan also announces that she will soon launch a great navy-building program. Our own Secretary of War is urging a

standing Army of 576,000 men and a system of universal military training which will hold over 600,000 young men in reserve each year. We have already sent a large fleet into the Pacific. All of this program in face of the fact that we are regularly and constantly advised by the friends of the league of nations that it will keep us out of war. Articles 10 to 13 of the league inform us that "league members shall undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league, and that any threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league," and further, that "any dispute likely to lead to a rupture" will be a matter of concern to the league, and so forth. Article 22 provides for the mandatory control of all of the peoples of the world who are deemed by the council of the league to be incapable of self-government. The purpose of the league to guarantee the territorial integrity of all of the nations subscribing to it makes the following article, published in the London Times and the Washington Post under date of August 16, of a special significance. It must be remembered in considering this article that the King of Hedjaz is to be a member of the league. The article is as follows:

KING OF HEDJAZ IN DESPERATE WAR—FIGHTS ARAB PURITANS WHO OPPOSE POLYGAMY AND SMOKING.

LONDON, *August 16.*

Only scanty information has been published respecting hostilities between King Hussein of the Hedjaz and Ibn Saud of Nejd. They were reported to have arisen from a dispute as to the ownership of the district of Khurman, 16 miles northeast of Taif, but there lies behind them a new puritanical movement of great significance.

Ibn Saud, who defeated the forces under Abdulla, the son of King Hussein, so thoroughly that a march into Medina seemed practicable, is at the head of a reform movement now growing very rapidly in Arabia, and known as the Akhwan brotherhood. Its tenets are like those of the Wahabb movements, which in the eighteenth century also originated in Arabia, and attacking all luxury, loose administration of justice, and laxity against the infidel, shook the world of Islam to its foundation.

Puritanism is now revived in even stricter form under the name of a Khwan. The movement prescribes only one wife, no drink, no smokes, nothing except prayer and the spread of the reformed faith by every means, including that of armed attack when possible on heretic and infidel alike.

Mr. Speaker, if the adoption of this league of nations shall incur even the probability of the Christian forces of the United States entering into war in Asia with the kings and chiefs of the half-civilized tribes of the world, to assist them in continuing their harems and slaves, it is very fortunate for the American people that certain members of the treaty-ratifying body are asking for time to arrive at a complete understanding of the contents of the league document.

When peace lovers in the United States were discussing in recent by-gone days the feasibility of a league of nations they had in mind a league composed of the so-called civilized nations of the world, whereby disputes might be submitted for arbitration to some properly selected international court, but the framers of the present league have gone so far as to include practically the whole earth in their scheme. A tabulation of the populations of the several countries entering into the league reveals the fact that 89 per cent of the constituents of the league will be colored and 11 per cent white. Liberia, for example, has 50,000 people who might be called civilized and 1,950,000 who are uncivilized, a part of whom are in a state of cannibalism, yet Liberia is to have an equal vote with the United States, with her 110,000,000 population. [Applause.] About two-thirds of the people of the earth are yet in either an uncivilized or semicivilized state, and the league of nations proposes that a few of the more powerful nations, who claim to be blessed with civilization, shall force stabilized government and civilized customs upon all the world at the point of a bayonet.

England has a population of about 50,000,000, but her flag floats over 300,000,000 souls, more than half of whom are in a very crude state of civilization. It can easily be understood why England favors the league of nations. In the first place, she is not required by the provisions of the league to surrender anything, and, in the second place, she needs the other nations of the world to help her exercise the strong hand over the 250,000,000 people of the earth who are struggling to wrest from her the privilege of governing themselves in harmony with an inherent desire born into the life of every person and which no condition or government in this world will ever be able to uproot. It might be better were it otherwise, but it is not, and people prefer in every instance to be permitted to evolve their civilization and their government through their own particular processes and not to have such privileges, so called, forced on them from the outside at the point of a bayonet. [Applause.]

When we consider the state of the world as it is to-day, in the light of common sense as well as the light of history, we are led to conclude that any attempt on the part of stronger nations to assume mandatory control of the multitude of weaker nations of the world will result in constant strife. There have been approximately 3,000 years of authentic history, out of which entire time the world has seen only 60 years of peace—not consecutive years, but 60 years all told.

If the stronger nations attempt police control of the heathen and uncivilized portions of the earth it will require the largest standing armies the world has ever seen, with even heavier burdens of taxes and increased public debts that will ultimately bankrupt all the countries undertaking the program.

Mr. Speaker, I find myself in pretty thorough agreement with that plank in the Democratic platform of 1900 which states, "We are unalterably opposed to seizing distant lands to be governed outside the Constitution and whose people can never become citizens." Of course, there are those who say that the objections to the league are impertinent and far-fetched, and that such difficulties as we seem to see will not materialize; but I submit that it is "a condition and not a theory that confronts us." The very fact that so many leading jurists differ as to the interpretations of the league warns us that our only safe course is to abide by the language itself in the several articles, and if this language is such that we can not accept it in justice to our Constitution and in protection of our future, then the time to make changes or reservations is before the adoption and not after it. [Applause.]

When the United States was negotiating the Louisiana purchase from France, it is said that one of Napoleon's secretaries declared to Napoleon that he believed some of the provisions of the agreement were obscure, whereupon the Emperor told his secretary to examine the agreement very carefully, and if he found any language that was not obscure to make it so. It would seem that the framers of this document must have been governed pretty largely by the policy of Napoleon, to give birth to an instrument that would immediately evoke such a multitude of different interpretations.

I am utterly unable to understand those gentlemen who advocate the acceptance of this document without reservations. They seem to be acting under the hallucination that the gentlemen who sat at the peace table were supermen working under some sort of infallible direction. My own thought is that we have just emerged from this great world struggle in which 7,400,000 men have been killed, 7,145,000 men permanently maimed for life, and $190,000,000,000 of treasure destroyed for the purpose of forever disapproving the fallacy of the superman. It would indeed be a grave mistake at this time to see this great Republic enter into a program that would ultimately shipwreck her on the same autocratic reefs that have brought such disaster to the peoples of Central Europe. [Applause.]

When the Senate had before it the ratification of the agreement of the two Hague tribunals, in both cases that body made the following reservation:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon or interfering with or entangling itself in the political questions of policy or international administration of any foreign State. Nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

At the time this reservation was made the people of this country believed it to be a wise act on the part of the Senate; but now there are those who come forward under the direction of the Chief Executive and contend that the document now before us—the most far-reaching and revolutionary document ever considered by the American people—should be accepted line for line and word for word without the dotting of an "i" or the crossing of a "t." I am one of those who have read with considerable care every speech that has been made at the other end of the Capitol on the subject of the league of nations, and have discovered this fact, as have many others with whom I have conversed, namely, that those who are in favor of the league without change assume, without facing the general world conditions, that the league of nations will keep us out of war, and they proceed to argue wholly from the emotional point of view, dwelling in pathetic terms on the number of lives that have been lost and the property that has been destroyed, and pleading for the adoption of the league in order that such calamities may not again curse the world.

On the other hand, those who are opposing the league in its present form are basing their opposition on clear, cold, logical facts, resulting from an analysis of the provisions of the document and the consideration of the same in the light of history and human nature. The people are refusing to be

swayed by emotional pleas, and are yielding to the evidence revealed by the clear, cold, undeniable facts in the premise. [Applause on the Republican side.]

In this, as well as in its every conclusion, democracy has again proven her right to a high place in Government circles. I have the utmost confidence that when the American people are given the facts and have sufficient time to get their bearings they will decide right.

Mr. Speaker, I am among those who desire peace; I am for any international league or agreement in harmony with our Constitution that will keep us out of war; I want peace, but I fear this league will embroil us in constant war and bankrupt our Nation. I will follow any man anywhere that will lead the world into the haven of universal peace, but the very provisions of this league are such on the face of them as to force us into constant warfare. Believing these things sincerely and having sworn to support the Constitution of the United States, I must oppose by whatever, direct or indirect, methods at my command the provisions in this league of nations that are not in harmony with our Constitution and the traditions of the American people. In taking this stand I am, in my best judgment, casting my lot with those who are endeavoring to perpetuate the liberties for which Washington and his compatriots fought and died, the unity and integrity of the Nation for which the immortal Lincoln and his loyal soldiery laid down their lives, and the perpetuity of this beloved Republic for which the best and bravest of our young manhood have been so recently sacrificed.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended two minutes more.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. RUCKER. I ask unanimous consent that the gentleman's time may be extended two minutes in order that I may ask him a question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. The gentleman has, in his closing remarks, announced himself a very ardent advocate of peace and is very much in favor of a league of nations. Can the gentleman give the House some suggestions which would tend more surely to peace than those contained in the document now before the Senate?

Mr. McLAUGHLIN of Nebraska. I will say to the gentleman that I think the splendid reservations that have been already suggested on the other side of the Capitol Building, if adopted, will correct the errors that are in the covenant.

Mr. RUCKER. If the treaty is amended, then, as proposed, I take it that the gentleman is for it?

Mr. McLAUGHLIN of Nebraska. If the treaty is properly amended; yes, I am for it.

Mr. RUCKER. Will the gentleman please tell what is a proper amendment? Everybody says "if properly amended."

Mr. McLAUGHLIN of Nebraska. I have just referred the gentleman to the reservations already proposed in the Senate. And permit me further to say to the gentleman that I am rather astonished, in discussing this subject on the floor of this House, to find such a different expression on the question of the league of nations and the part of the Chief Executive in the same from what I hear frequently in the Democratic cloakrooms. [Applause on the Republican side.]

I may say further to the gentleman that many people in my district would be satisfied with "the 14 points," which were so completely lost in Europe.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes, with pleasure.

Mr. REAVIS. Under the date line of Omaha in this afternoon's papers, in a speech made by the President to-day this statement is made, speaking of the reservations to the league of nations:

> If reservations were put in, Mr. Wilson told them, all that the Senate had written in would have to go back for the consent of Germany.

Does not the gentleman know that at the meeting at the White House between the President and the Committee on Foreign Relations the President admitted that inasmuch as Germany is not a party to the league of nations she would have nothing to do with the reservations?

Mr. McLAUGHLIN of Nebraska. That is true. I distinctly recall that when the Foreign Relations Committee was in conference with the President at the White House, Senator FALL called the President's attention to the fact that amendments or reservations to the league covenant would not at all affect the treaty with Germany, inasmuch as Germany is not at present a party to the league of nations, and the President agreed fully with Senator FALL at that time. And I might say to my colleague and the Members of the House, in view of the foregoing facts, I am astonished to have read in the Washington Evening Star that the President to-day declared in his Omaha speech, "If reservations are inserted, the treaty must go back to Germany." The President has evidently forgotten his statement exactly to the opposite to Senator FALL and other members of the committee.

Since gentlemen have raised this question of the President's statements, I wish to quote further from the President as recorded in the noon edition of the Washington Times to-day, in which he says, "I have the greatest respect for the United States Senate, but I have come out to fight for a cause. That cause is greater than the Senate; it is greater than the Government." It is very evident that the President, according to his own language, would even sacrifice this Government in order to have his own particular brand of a league adopted. This statement is in complete harmony with the President's threat in his Boston speech, which I have already quoted. Putting it all in all, it would seem that the President, who has already usurped more power than any king, prince, or potentate in the history of the world, would be further willing to imperil the very foundations and the future of this Republic, and then sally forth in quest of "other worlds to conquer." [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Does the gentleman from Nebraska [Mr. KINKAID] desire recognition this afternoon?

Mr. KINKAID. I do not.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2700. An act granting the consent of Congress to the D. E. Hewit Lumber Co. to construct and maintain a bridge across Tug River, connecting Martin County, Ky., and Mingo County, W. Va.; and

S. 2395. An act amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916.

LEAVE OF ABSENCE.

Mr. BELL, by unanimous consent, was granted leave of absence for five days, on account of official business in connection with hearings of the Joint Postal Commission.

INVESTIGATION OF SUGAR PRICES, ETC.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent that I may replace on the Calendar for Unanimous Consent without prejudice House resolution 150.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that House resolution 150, to which objection was made on last unanimous-consent day, and which therefore went off the calendar, be replaced on that calendar without prejudice. Is there objection?

Mr. GARD. Reserving the right to object, what is that?

Mr. TINKHAM. In relation to sugar legislation.

Mr. GARD. The gentleman wants it placed in the same position it was in prior to its being stricken off the calendar?

Mr. TINKHAM. Yes, without prejudice.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, September 9, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required for additional employees in the national bank redemption agency of the office of the Treasurer for the last nine months of the fiscal year 1920 (H. Doc. No. 244); to the Committee on Appropriations.

2. A letter from the Acting Secretary of the Treasury, transmitting request for increase in appropriation requested for the construction in the north court of the Treasury Building of a three-story structure to provide additional modern vaults and to furnish necessary additional room for the cash room and accounting division of the department (H. Doc. No. 245); to the Committee on Appropriations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1943) granting an increase of pension to Louis F. Ursenbach; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7274) granting a pension to Walter Sewell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7730) granting a pension to William Constable; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 9108) amending section 10 of an act approved June 3, 1916, entitled "An act making further and more effectual provision for the national defense, and for other purposes," as amended by the act of August 29, 1916, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," to provide for commissioning as first lieutenants temporary medical officers who entered the active service on or before April 6, 1917; to the Committee on Military Affairs.

By Mr. McKENZIE: A bill (H. R. 9109) providing for the refund to enlisted men in the Army, Navy, and Marine Corps of all money deducted from their pay while in service to pay allotments to dependents, and providing for additional compensation to all honorably discharged soldiers, sailors, and marines who served in the present war; to the Committee on Ways and Means.

By Mr. STEENERSON: A bill (H. R. 9110) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; to the Committee on Appropriations.

By Mr. PELL: A bill (H. R. 9111) granting service medals to veterans of the Great War; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 9113) authorizing the Secretary of War to donate to the town of Leonardville, Kans., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9114) authorizing the Secretary of War to donate to the high school of Marysville, Kans., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9115) authorizing the Secretary of War to donate to the Kansas Wesleyan University, Salina, Kans., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9116) authorizing the Secretary of War to donate to the town of Concordia, Kans., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9117) authorizing the Secretary of War to donate to the town of Belleville, Kans., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9118) donating a captured German cannon or field gun and carriage to the county high school, Chapman, Kans.; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 9119) authorizing the adjustment of the boundaries of the Deschutes National Forest in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 285) directing the Secretary of Commerce to make report on the Peek committee; to the Committee on Interstate and Foreign Commerce.

By Mr. FESS: Resolution (H. Res. 286) providing for the immediate consideration of bills on the Private Calendar; to the Committee on Rules.

By Mr. SNELL: Resolution (H. Res. 288) providing for the consideration of House bill 8778; to the Committee on Rules.

By Mr. BRAND: Memorial from the General Assembly of the State of Georgia, regarding employment of and homes for discharged soldiers; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 9120) granting a pension to Mathilde Richter; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 9121) to remove the charge of desertion against Thomas P. Carroll; to the Committee on Military Affairs.

By Mr. DUNBAR: A bill (H. R. 9122) granting an increase of pension to Thomas W. Moody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9123) granting an increase of pension to John L. Hix; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9124) granting a pension to Emma A. Esarey; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 9125) granting an increase of pension to Harlow Sanders; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 9126) granting an increase of pension to Finis H. Stringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9127) granting a pension to William Surrell; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 9128) for the relief of Thomas Ridgway; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 9129) for the relief of Frances E. Martin; to the Committee on Claims.

By Mr. PHELAN: A bill (H. R. 9130) for the relief of John F. Malley; to the Committee on Claims.

Also, a bill (H. R. 9131) awarding a medal of honor to Hercules Korgis; to the Committee on Military Affairs.

By Mr. POU: A bill (H. R. 9132) for the relief of the heirs of Frank W. Knight; to the Committee on Claims.

By Mr. ROSE: A bill (H. R. 9133) granting an increase of pension to Bertha Blanch Weimer; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 9134) granting an increase of pension to John L. Smith; to the Committee on Pensions.

By Mr. SINNOTT: A bill (H. R. 9135) for the relief of Moses F. Birdwell; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 9136) granting an increase of pension to William H. Calfee; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAREW: Petition of the Central Labor Union of Brooklyn and Queens, of Brooklyn, N. Y., urging the immediate recall of all American troops in Russia; to the Committee on Military Affairs.

By Mr. EMERSON: Petition of the Cleveland Chamber of Commerce, in favor of legislation to regulate aircraft traffic; to the Committee on the Judiciary.

By Mr. HAYS: Petition of 38 citizens of Scott County, Mo., against the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. LONERGAN: Petition of the board of mayor and aldermen of the city of Derby, Conn., favoring self-determination for Ireland; to the Committee on Foreign Affairs.

By Mr. LUFKIN: Petition of citizens of Amesbury, Mass., praying for the passage of Senate bill 3063 for the preservation of the *Niagara*, Commodore Perry's flagship; to the Committee on Naval Affairs.

Also, petition of Salem Lodge of Elks, No. 799, reaffirming and repeating its firm allegiance and adherence to the Constitution of the United States and the Commonwealth of Massachusetts; to the Committee on the Judiciary.

Also, petition of Capt. Lester S. Wass Post, No. 3, American Legion, indorsing the so-called Johnson bill for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of the American Legion of New York City, opposing House bill 487, known as the soldiers' settlement bill; to the Committee on the Public Lands.

By Mr. SNELL: Petition of employees of post office of Potsdam, N. Y., favoring flat increase of $150 for all postal employees for the fiscal year ending June 30, 1920; to the Committee on the Post Office and Post Roads.

By Mr. YATES: Petition of Edmund T. Perkins, Chicago, containing protest against House bill 7656 to do with salvaging of 6,000 houses built by the United States Housing Corporation; to the Committee on the Public Buildings and Grounds.

Also, petition of Tanners' Products Co., Chicago, containing protest against the Sims bill, embodying the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. E. Emery, Danville, Ill., containing protest against the Seigel bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woodbury Brook Co., Vermillion County Pharmaceutical Association, Dowling-Schultz Hardware Co., Strouse Bazaar, Meis Brothers, Heil-McClimans Co., Marrs-Tanner Electric Co., Union Store, Cable Piano Co., Royal Cloak Co., Golden Rule Store, Danville Chamber of Commerce, Frank A. Johnson, Ries-Strauss Co., and Plaster Drug Co., all of Danville, Ill., protesting against the Seigel bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Maywood Commercial Association, Maywood, Ill., urging passage of Senate joint resolution 84; to the Committee on Reform in the Civil Service.

Also, petition of Shaw, Welsh & Co., Galesburg, Ill., protesting against House joint resolution 121 and Senate joint resolution 57; to the Committee on Labor.

Also, petition of Roy E. Bard, Highland Park, Ill., urging the passage of the Chamberlain-Kahn act, the national service act; to the Committee on Military Affairs.

Also, petition of Mrs. H. K. Y. Warner, Geneva, Ill., containing protest against House bill 5941; to the Committee on Ways and Means.

SENATE.

TUESDAY, *September 9, 1919.*

(*Legislative day of Monday, September 8, 1919.*)

The Senate met at 12 o'clock noon, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate.

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place; and

H. R. 7767. An act authorizing the appointment of two permanent admirals in the Navy.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2395. An act amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916; and

S. 2700. An act granting the consent of Congress to the D. E. Hewit Lumber Co. to construct and maintain a bridge across Tug River, connecting Martin County, Ky., and Mingo County, W. Va.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry enlisted men of the Hospital Corps of the United States Navy attached to the Naval Hospital at Fort Lyon, Colo., praying for their release from the Navy in order that they may complete their education, etc., which was referred to the Committee on Naval Affairs.

Mr. CAPPER presented a memorial of sundry citizens of Lehigh, Kans., and a memorial of sundry citizens of Inman, Kans., remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 16489, Cement Workers' Union, of Chanute, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. MCLEAN presented a petition of the Connecticut Retail Liquor Dealers' Association and the Local Retail Liquor Dealers' Association of Connecticut, praying that permission be granted to transfer distilled spirits to bonded warehouses in Connecticut, which was ordered to lie on the table.

He also presented a petition of the Common Council of Derby, Conn., praying for the recognition by the United States of the independence of Ireland, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry Lithuanian citizens of Waterbury and Thompsonville, in the State of Connecticut, praying for the recognition by the United States of the independence of Lithuania, which were referred to the Committee on Foreign Relations.

Mr. SHERMAN presented memorials of sundry citizens of Springfield, Chicago, Elgin, Quincy, Albion, Aurora, Pontiac, Eddyville, Harrisburg, Gibson, Eldorado, Waterloo, Sterling, Murphysboro, Macomb, Glen Carbon, Galesburg, Marion, and Bloomington, all in the State of Illinois, remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Chicago, Ill., praying for a referendum of the league of nations covenant, and for free speech and the liberation of all war prisoners, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Association of Commerce of Chicago, Ill., remonstrating against the enactment of legislation providing for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Board of Government of the Freight Bureau of Quincy, Ill., remonstrating against the adoption of the so-called "Plumb plan" for the operation and control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Fairbury, and Troy, all in the State of Illinois, praying for the repeal of the tax on ice cream, sodas, and soft drinks, which were referred to the Committee on Finance.

He also presented a petition of sundry Lithuanian citizens of Nokomis, Ill., praying for the recognition by the United States of the independence of Lithuania and for the withdrawal of Polish troops from Lithuanian territory, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry employees of the Kimball Glass Co., of Chicago, Ill., praying for the enactment of legislation to protect, by restriction of importation or by tariff, laboratory and scientific glass, surgical instruments, etc., which was referred to the Committee on Finance.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 2973) granting a pension to James A. Clements; to the Committee on Pensions.

By Mr. CAPPER (by request):

A bill (S. 2974) to grant a Victory bond bonus to the members of the military and naval forces of the United States who brought about the victory; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 2975) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings; to the Committee on the District of Columbia.

By Mr. HITCHCOCK (for Mr. WILLIAMS):

A joint resolution (S. J. Res. 106) for the maintenance of peace in Armenia; to the Committee on Foreign Relations.

PROTECTION, PRESERVATION, AND PROPAGATION OF SALMON.

Mr. LODGE. Mr. President, I ask as in open executive session that the injunction of secrecy may be removed from the treaty between the United States and Great Britain with reference to the salmon fisheries of the Northwest, which came in a few days ago.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the injunction of secrecy is removed from the treaty.

HOUSE BILLS REFERRED.

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 7767. An act authorizing the appointment of two permanent admirals in the Navy was read twice by its title and referred to the Committee on Naval Affairs.

DISTRICT POLICE AND LABOR UNIONS.

Mr. THOMAS. Mr. President, I dislike to occupy the valuable time of the Senate by undue reference to a subject to which I have already called its attention and concerning which the Senator from Montana [Mr. MYERS] yesterday introduced a joint resolution, accompanied by a courageous and commendable expression of sentiment, which I trust found the approval of every man who heard him.

I must, however, occupy a brief period with the substance of two items in the Washington Post of this morning, one being the report of a committee of the Central Labor Union upon the police situation in the District and the other a telegram from Boston regarding the action of its police union yesterday.

The committee of the Central Labor Union yesterday submitted a report upon the police controversy signed by a number of its officials and occupying about a column of space. I shall

not read the entire report, but will ask unanimous consent to insert it in the RECORD. [See Appendix.] The report begins with a statement that—

> The Central Labor Union has heard in wonder and amazement, and has postponed an expression of its feelings thereon until its words temper into that moderation which permits just indignation and resentment to be more appropriately phrased after sober judgment and calm consideration, the untenable dictum of the board of commissioners in its enunciation of its policy.

Judging from the phraseology of the remainder of the communication, I think it would have been well if the postponement had been indefinite, for its language is not that of dispassionate men, and some of its expressions will not, at least I hope will not, receive commendation from any considerable proportion of the community.

Suffice it that the Central Labor Union calls the action of the District Commissioners a "studied insult to labor." That is to say, the executive authority of the District of Columbia has been guilty of a "studied insult" to a private association of individuals by refusing its assent to the association of the police force of the District with the American Federation of Labor.

I do not believe, Mr. President, that if this constitutes an insult, studied or otherwise, it will be possible for an executive body to announce disapproval of anything which the American Federation of Labor wants without insulting it, and should it discharge its lawful duty and observe its oath of office it can not avoid the charge of studied insult. Only by abandoning its obligations can it avoid such a deplorable consequence.

I heard once of a woman who applied to an attorney for a divorce, the ground of her claim being that her husband had refused to present her with a diamond necklace which she wanted, and upon being told that the statute covered no such case as a cause of divorce, she declared the statute to be an insult to the women of the Commonwealth. The insult in the one case seems to be quite as well founded as the insult in the other.

But passing that phase of the matter, I pass to one of the concluding paragraphs to which I invite the especial attention of those Members of the Senate whose slumbers are now disturbed by visions of a future residence in a large white building with a stately portico at the other end of the Avenue.

> And if it be true, as is alleged in the city newspapers, that those in authority have threatened that policemen who retain their affiliation with organized labor shall not be granted the increases in salary to which it is admitted they are entitled, then those in authority are seeking even the very flimsiest excuse for withholding from these tried and proven efficient public servants that which they have earned and should receive; and if it be true, as it is published, that Members of the Senate and of the House indorse the order of the commissioners and would withhold those increases, then the Central Labor Union should ascertain at once whether these allegations reflect correctly the views of the dominant party in Congress, and if they do, then the time has come for organized labor to call upon all Central Labor Unions, all State federations, all local unions, all nationals and internationals, and the American Federation of Labor, and upon all good, law-abiding citizens to center their activities in every State and congressional district with a view to keeping such men forever out of Congress hereafter, and to send others who will be fair and just to the great masses of the American people.

There you have it, Mr. President, in cold type. If the representatives of the people to the Congress of the United States shall hereafter dare to express sentiments not in accord with the requirements or wishes of certain associations of men in this country then they must take notice that at the next election they will be thrown into the discard and men selected as their successors who will heed these admonitions and serve as directed.

Mr. President, some years ago the corporations of this country occupied the same attitude, not so flagrantly perhaps, they were too cunning for that, but they occupied it, nevertheless. Their edicts went forth for the slaughter of every official who opposed their schemes and conspiracies against the general welfare. This was properly and successfully resented, and no class of the community resented it more consistently and violently than the labor organizations of the country. They thus performed a great and patriotic service to the Republic and aided in ridding the public representatives of a menace, tremendously effectual with weak and timid natures and generally successful with that class of public representatives who prefer their jobs to the performance of their duty.

Now, the same evil comes from another direction, identically the policy which the American people have hitherto repudiated, and which they must again repudiate if independence and judgment are to characterize the future deliberations of the American Congress.

The issue plainly stated is, Shall Senators and Representatives hereafter elected wear a collar and chain and be fettered to a private but powerful authority? The challenge to independence is here. It remains to be seen how we shall meet it and what we shall do. One Senator is quoted in this morning's paper as saying that the Myers resolution can not pass the Senate, and I am inclined to think that that is true; but, Mr. President, it can command a yea-and-nay vote, so that the public may learn to the extent to which such a vote may inform them of the individual attitude of the Members of this body upon this all-important question. The substance of the resolution is of no consequence compared with the principle which it now involves.

If it shall be disclosed by such a vote that the majority of the sentiment here is against its adoption, the fact should be known, we should advise our constituency of our attitude, and they can dispose of us as they see fit.

Mr. President, I have said and I repeat that the union of the guardians of the public peace and their absorption into a body alien to the Government in the sense that it is not a public one is subversive of American Government, and, carried to its ultimate analysis, means the transfer of the executive machinery of administration to private control. It means the substitution of the performance of public duty for the principle of allegiance to a federation, whose instructions and directions, however inimical to public welfare, are controlling.

This report affirms that the American Federation is loyal and patriotic. I hope that that is true. I know that it is true, as regards the great body of its membership. I shall make no comment at this time upon certain incidents occurring during the war, which are nevertheless the object of very just criticism in connection with such an assertion; but, assuming that to be true, let me ask why this great interest upon the part of the federation to secure the inclusion within its membership of the police organizations of the different cities of the Union? Why extend its membership so far as to embrace pursuits public or semipublic in their character and possessing none of the features and exposed to none of the dangers and contingencies which confront wage workers in private life?

There was a time not long ago when the police force in any city where strikes prevailed was the subject of animadversion, sometimes of anathema, by those who now insist upon including them within their own organization, the charge then being, of course, that the constabularies were subject to the control of private corporations, which, I regret to say, in some cases was true. The fact of its truth was its own supreme condemnation, for any constabulary force which fails impartially and constantly to perform its duty to the public through a strict compliance with and enforcement of the law is not only a subject of condemnation but those offending should be duly disciplined and punished.

I have said, Mr. President, and it is true, that this alliance in its operations necessarily works actual or potential injury to the public which pays the bill. There is a class of people which always preys upon society and against which the arm of government must always be raised. That is the criminal class; the man and woman who defy the law, who violate its sanctions, who menace society, and whose apprehension for and conviction of crimes are essential to its well-being and preservation. It is hardly necessary to repeat these homely truths. They are so obvious and so essential that any challenge of their value subjects the challenger to the imputation either of ignorance or idiocy. So I affirm, Mr. President, that the District Commissioners, the executives of the District of Columbia under the laws of the United States enacted for that purpose, are discharging an executive duty and discharging it properly, and they need at this time and should have the support of the Congress of the United States. Should they do otherwise than they have done they would, in my judgment, be faithless to the trust imposed on them and therefore justly subject to removal.

I took occasion a day or two ago to make some comments upon the ex parte injunction which one of the courts issued upon the application of the police union against the commissioners. Last Sunday one of the attorneys for the union very properly and appropriately defended the action of the judge through the columns of a morning newspaper—very appropriately, because I regard it as one of the duties of counsel to defend his attitude and the court which agrees with him, whether I accept his argument or not. This Mr. Lambert has done; but, like the skillful attorney that he is, he has shrewdly avoided the main contention, which is jurisdictional, which assails the interference by the judiciary with the executive arm. That is a usurpation of power, each department being coequal and therefore independent of the other.

Whenever the judicial department sees fit by injunctive process or otherwise to interfere with the executive or legislative machinery of the country, except in very rare instances indeed, it commits an act of usurpation, whether designed or not. Fundamentally, therefore, this action of one of the justices of the Supreme Court of the District of Columbia is indefensible because beyond the jurisdiction of his court; it is wrong because it is ultra vires. Suppose the United States marshal for this

District should come into the Chamber to-morrow and serve upon the Senate an ex parte writ of injunction, bearing the seal of the Supreme Court of the United States and the sign manual of its Chief Justice, prohibiting us from the consideration of the Myers resolution. Would any man defend such action? Methinks I hear some protests emanating from voices hitherto silent upon the identical question which I am discussing, properly denouncing it as an act of usurpation; yet such an instance, Mr. President, would, in my judgment, be no more flagrant than the one which has temporarily tied the hands of the District Commissioners, provided they see fit to respect it. The only difference is one of degree. And I may add that, as an injunction issued ultra vires is void, the commissioners would be fully justified in disregarding its inhibitions.

I come now to the other item in this paper, if I can find it. I thought I could cast my eyes immediately upon it. It is very short, so short that I can almost state it verbatim. It is from Boston, and dated September 8, and to the effect that "the Boston police union to-day voted for a strike to become effectual to-morrow afternoon at 5.30 o'clock."

The members of the Boston police union, in other words, at 5.30 o'clock this afternoon will suspend their functions, disregard the obligations imposed upon them as guardians of the peace, for which service they are paid from the public funds, stand aside, and let the forces which prey upon society work their will. They do not propose to lift a finger to enforce the public peace, to see to the prevalence of law and order, or otherwise to discharge the duties for which they are employed and paid and which in some cities they are bound by an oath of office to execute. Anything in a great modern city in these days is liable to occur even with every law officer vigilant and at his post; everything may occur when the guardians of the peace tacitly or actively unite with its disturbers, when the policeman and the thief are, consciously or unconsciously, working in a common direction and for a common purpose, when the officer of the law and the violator of the law may act on a tacit understanding, when the inaction of the one spells opportunity for the other.

I see no reason to hope that the American Federation of Labor, however patriotic or law-abiding, will order these men to perform their duties; and, if they did, it would be a recognition of the sinister fact that not the government of the city of Boston but the head of an unincorporated association is the dictator of the public peace and the master of the metropolitan police of one of our greatest cities.

Mr. President, as regards my future I would rather that it ended at this moment than keep silence when a crisis of this sort confronts the country. If these influences, fully aroused and organized, are to be used for my political undoing, I welcome it; I would rather pass into oblivion with a sense of duty performed or attempted than hold the highest position within the gift of the people at the expense of my official independence. I would rather bear any punishment than confront the reproach that I cowered before conditions facing my country when my conscience requires that I should speak.

Mr. MYERS. Mr. President, I would suggest there, as illustrating the spirit which is back of this movement to give the American Federation of Labor control of the police forces of the country, that I notice in the same report from which the Senator has been reading this morning that all organizations of union labor all over the United States are called upon by that report to unite to keep out of Congress forever all Members of Congress who oppose putting the police under the jurisdiction of the American Federation of Labor.

Mr. THOMAS. I read it into the RECORD; and my courageous colleague from Montana may be very largely to blame for the announcement. If yesterday he had sat quietly in his seat, and kept his tongue between his teeth, and folded his hands, and contented himself by whispering in the cloakroom that "he did not know what was going to happen, but he thought somebody ought to do something," the chances are that this fulmination would not have appeared this morning.

Mr. MYERS. I will only say that I am willing to accept not only the blame but the responsibility, whatever it may be.

Mr. THOMAS. I have no doubt of it.

Mr. President, Boston is one of the oldest cities of the Union. Her proudest boast is that she is the cradle of American liberty, the birthplace of American freedom, the spot in New England where true Americanism was born and first asserted itself. It remains for the good old city to vindicate that claim by her conduct on this occasion. If she has retained the Americanism of Bunker Hill and of the Civil War—aye, if she still has the spirit which she displayed during the great struggle just ended—her citizens will unite, take up the discarded batons of her police force, and see to it that order and law and justice prevail, and also that every derelict official be summarily and permanently dismissed from the public service.

Let me conclude, Mr. President, by reading into the RECORD a sentiment from America's greatest mayor—I refer to Mayor Hanson, of Seattle—who, face to face with a far more serious condition, met and overcame it like the man that he is; a far better American citizen than many who were born in this country, but who to-day are too timid to assert the Americanism which was their fathers.' He said:

> I take the position that our duty as citizens stands ahead of any demand of any organization on the face of the earth. The union men, the business men, the churchmen, must, first of all, be citizens. Any man who owes a higher allegiance to any organization than he does to the Government should be sent to a Federal prison or deported.

Who dares deny the soundness of that doctrine? What true American will challenge it? Mr. President, these words should be inscribed in letters of gold upon the lintels of every national and State and municipal legislative hall. They should sink deep into the hearts and strengthen the resolutions of every man summoned by his fellow citizens to serve them in public affairs.

APPENDIX.

THE COMMITTEE'S REPORT.

The complete report of the committee is as follows:

"The Central Labor Union has heard in wonder and amazement, and has postponed an expression of its feelings thereon until its words temper into that moderation which permits just indignation and resentment to be more appropriately phrased after sober judgment and calm consideration, the untenable dictum of the board of commissioners in its enunciation of his policy and in the unwarranted order addressed to the policemen's union directing the members, under penalty of dismissal, to sever their relations in affiliation with the American Federation of Labor and of this Central Labor Union.

"The Central Labor Union, after due deliberation, would be unjust to itself and unregardful of its dignity and traditions were it not to express itself in no uncertain terms touching what was and is, to say the least, an aspersion upon the good name and patriotism of organized labor, an aspersion which, indeed, is tantamount to a studied insult; and if it be true, though this union has every reason to doubt the published statement that the announced policy of the commissioners, since temporarily enjoined by the court, is indorsed by their superiors, then the aspersion, the insult, is all the more lamentable, because concurred in by higher authority.

NO OBJECTION TO CLERKS.

"From no source whatever has there arisen objection to the Federal Employees' Union as such, nor to its affiliation with the American Federation of Labor and with this Central Labor Union. Moreover, the Federal Employees' Union has received and is receiving the approval and commendation of the executive authorities, because it is doing everything within its power to promote the efficiency of the public service; and this is as true of the various teachers' unions, the firemen's union, and other unions whose membership is composed exclusively or so largely of Government employees, all of whom are affiliated with the American Federation of Labor and this body.

"There can be no question whatever respecting the loyality and patriotism of organized labor; it has been proved during the most recent few years that no body of citizens contributed more nor under more adverse conditions than did organized labor toward the winning of the great World War, and any reflection, even by innuendo, upon organized labor by even a petty official touching it through Americanism can not be permitted to pass without our indignant yet dignified protest.

"Organized labor is composed of long-suffering but law-abiding citizens, to whom our form of government and the American understanding thereof is just as precious as it may seem to be to any misguided or self-appointed censor or mentor taking upon himself by assuming to himself the authority to limit the rights and liberties of any body of citizens sworn to uphold the Constitution and the laws, but going further than that in casting or attempting to cast a stigma upon millions of American citizens, every one of them as good a citizen as himself and just as loyal, patriotic, and as thoroughly American.

STANDS FOR LAW AND ORDER.

"Organized labor stands for law and order, and members of unions have been and are and always will be among the first to assist the recognized authorities in the upholding of the law, the protection of life and property, and the right of the people to pursue their own substantial happiness. If there have been acts of radicals at times, they have not been the acts of organized labor, and organized labor is no more responsible for such undesirables than is society or the great majority of citizens for the criminals who violate the laws daily throughout the land.

"The Central Labor Union denies that the policemen's union, in continuing its affiliation with organized labor, will be subjected to any divided authority; that union will be American first, its members true to their obligation to be loyal to the recognized authorities; and this far-fetched reason alleged by the chairman of the board for the annunciated policy loses all its force and lightweightedness in the well-known fact that there would have been no such policy announced, no such order promulgated if the policemen's union had admitted members of the police force ranking higher than privates. What would have made an alleged improper affiliation proper in that union admitting sergeants and captains and the inside ring, if there was such a great moral and administrative principle involved in affiliation?

"And if it be true, as is alleged in the city newspapers, that those in authority have threatened that policemen who retain their affiliation with organized labor shall not be granted the increases in salary to which it is admitted they are entitled, then those in authority are seeking even the very flimsiest excuse for withholding from these tried and proven efficient public servants that which they have earned and should receive; and if it be true, as it is published, that Members of the Senate and of the House indorse the order of the commissioners and would withhold those increases, then the Central Labor

Union should ascertain at once whether these allegations reflect correctly the views of the dominant party in Congress; and if they do, then the time has come for organized labor to call upon all Central Labor Unions, all State federations, all local unions, all nationals and internationals, and the American Federation of Labor, and upon all good, law-abiding citizens to center their activities in every State and congressional district, with a view to keeping such men forever out of Congress hereafter and to send others who will be fair and just to the great masses of the American people.

"It is gratifying in this respect to note that various bodies of citizens in no manner allied with organized labor denounce the policy and the order of the commissioners. The position taken by the board on this question is merely another grievance added to the number of grievances of the people of the District against the form of local government under which they have chafed, until now they have become so restless and so dissatisfied that they are unifying against a commissioner form of government for this great city, a government answerable to no one, in which the people themselves have no voice."

PERSONAL EXPLANATION—LEAGUE OF NATIONS.

Mr. ASHURST. Mr. President, I rise to a question of personal privilege.

There has just been brought to me a copy of the New York Tribune of Tuesday, September 9, a paper whose accuracy of expression is generally recognized, yet I find the following on the first page:

The President's statement that reservations to the league of nations covenant would send the treaty back to Germany for approval caused indignation among Republican members of the Foreign Relations Committee, in view of his admission to them at the White House conference that this would not be necessary.

But more surprising to them was the President's firm insistence that reservations in the resolution of ratification must be beaten, in view of the wholesale desertions from the administration camp of Democratic Senators. Before Mr. Wilson went away it was known that of the Democratic Senators REED, GORE, THOMAS, and WALSH would vote for reservations. Since he left town the following have been added to the list: SHIELDS, HOKE SMITH, SIMMONS, OVERMAN, ELLISON D. SMITH, ASHURST, MYERS, and CULBERSON.

News that Mr. CULBERSON had studied the league covenant and treaty carefully and could not bring himself to support them without reservations, which, in his opinion, were necessary to protect America's interests, was a more severe jolt than any of the administration leaders have yet received. Senator CULBERSON is not only a strong friend of the administration but a close friend of years of Col. E. M. House in Texas politics.

Mr. President, whatever I may do—vote for the treaty or against it, for reservations or against them, for amendments or against them—I have never said to anybody what I was going to do. This reporter, whom I know well, a very intelligent and an honest young man, possesses a keenness of perception that I did not know before anybody had, because I have never said, as I recall—and I recall a vast deal of what I have said—that I would vote for reservations or against reservations. I have never said that I would vote for amendments or against amendments. But I did say this, Mr. President, that Woodrow Wilson is now hotly pursued; that even if I were inclined to be against him, I am of that sort of composition that if a man has but one friend in all Syracuse, and I am that one, when he is in danger I will be at his side; so you can judge from that how I feel about the situation.

Now, I shall say a word with reference to my dear friend, the senior Senator from Texas [Mr. CULBERSON], whose ability and whose judgment I need not eulogize here. I want to say that he tells me that that alleged interview with him and the statement which attributes to him the attitude of being opposed to the treaty and in favor of reservations is wholly unauthorized and that such statement was made without his consent and does not represent his views at all.

FOREIGN FINANCIAL OPERATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act.

The VICE PRESIDENT. The question is on the amendment of the committee on page 8 as amended.

The amendment as amended was rejected.

Mr. EDGE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The House text being restored, the Senator from New Jersey moves to strike out, beginning on line 5, page 8, with the words "Any member," all down to and including the words "No such," at the end of line 12.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. GRONNA. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Beginning with line 2, on page 8, it is proposed to strike out all of lines 2, 3, 4, and 5 and insert in lieu thereof the following:

Shareholders in any corporation organized under the provisions of this section shall be liable for the contracts, debts, and engagements of such corporation to the extent of double the amount of their stock subscriptions.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota.

Mr. GRONNA. Mr. President, the banking corporations organized under this proposed law would be permitted to receive deposits just the same as Federal reserve banks. I think the shareholders of institutions which are not only permitted to receive deposits but are permitted to issue their bonds should have imposed upon them the same liability that is imposed upon shareholders in the Federal Reserve System. I believe it is for the benefit of the shareholders who may hold shares in these institutions that we make it a double liability. I do not believe that these people who invest their money and go into this new field would care to have it said that they are a sort of a "blue-sky" organization with a single liability. I think they would be glad to have it known, not only throughout this country but throughout the whole world, that there is a double liability behind every share of stock.

Let me say to the Senators that this question is more vital with reference to a double liability with respect to these organizations than it is with respect to ordinary banking organizations, because the capitalization of these foreign banks will be, and necessarily must be, enormously large.

Do we want the people of this country who invest their earnings in small amounts to buy debenture bonds issued by corporations authorized by Congress to transact this business, and then say, "You shall take your chances with a single liability"? I am sure, Mr. President, very few Members of the Senate will agree to a proposition of that sort, and make it possible for a certain class of people to invest any amount of money and to be responsible for only a single liability.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. GRONNA. I yield.

Mr. CUMMINS. I would like to ask the Senator from North Dakota a question, in order to be clear in my own mind about his amendment. Does the Senator propose that simply the original subscribers to the stock shall be under a double liability, or does he mean that anyone who owns stock in a bank, it having been paid for in full, is still liable for the amount of the stock which he holds?

Mr. GRONNA. I mean, as the Senator states, that any stockholder shall be doubly liable, and if my amendment does not do that I shall be very glad to accept an amendment to accomplish that purpose.

Mr. CUMMINS. I am sure most people believe that a banking institution should carry with it a double liability upon the part of stockholders. It is almost universal in this country, and very wisely universal. But I doubt whether the amendment proposed by the Senator from North Dakota would have just that effect. He uses the words "double the amount of his subscription." He may not be a subscriber at all, for stockholders in such institutions change from time to time. I suggest that the Senator consider that thought, and see if we can not put it upon the same ground exactly that we have put all other banking institutions.

Mr. GRONNA. I agree with the Senator absolutely. I want to do exactly what the Senator says he is in favor of, and if my amendment does not cover it I shall be glad to accept an amendment.

Mr. SMOOT. May I suggest an amendment to the Senator that will cover the situation and make it conform exactly with the national-bank law?

Mr. GRONNA. Certainly.

Mr. SMOOT. If the Senator will strike out the word "subscriptions" in line 4 of his amendment, and insert the words "the amount of their stockholdings," that will meet the situation. Then it refers back to the shareholders, not the subscribers to stock. That will cover the point.

Mr. CUMMINS. I think that would accomplish the purpose.

Mr. THOMAS. Let me suggest that if the Senator from North Dakota will so frame his amendment as to read "liability of shareholders of these banks shall be the same as that provided by law for members of the Federal reserve system," it will cover the point.

Mr. SMOOT. That will be the same thing.

Mr. GRONNA. I ask that my amendment be modified by striking out the word "subscriptions" and adding the word "holdings."

Mr. President, I have nothing further to say in regard to the amendment. I am as anxious as anybody can possibly be to enact a law that will make it possible for American citizens to engage in foreign business, but I believe that it should be done in a safe and sane way; I believe it should be done in a

way so that no American citizen shall suffer any loss from its transactions.

Mr. EDGE. Mr. President, I have great respect for the Senator from North Dakota, and thoroughly appreciate his desire to so protect this measure that, as he views it, it will protect the American public, or the investors in bonds or securities which might be issued by corporations organized under this act. I have endeavored in this very important legislation to meet the various suggestions of Senators, all desirous of perfecting the measure, and have, I believe in every case, so far as it has come to my attention, with this exception, been able to arrive at a mutual understanding with suggested amendments, and have either offered them to the bill or will when I have the opportunity to do so.

But, Mr. President, I do not want the real object of this bill destroyed by some amendment which will in its final analysis make the bill ineffectual. Let us just reason this situation briefly.

I thoroughly appreciate the analogy of national banks. The shareholders in national banks are liable to double their holdings, and so they should be. There is absolutely no question in my mind as to that. But I want to try to demonstrate the distinction—and it seems to me the very clear distinction—between a national bank handling the deposits of all classes of people, loaning the deposits on promissory notes and in other forms, as provided by law, and an investment banking corporation of this character not handling deposits, so far as we understand deposits in national banks, but handling deposits only as defined in the act where they relate directly to a transaction in which this banking corporation is endeavoring to finance the sale of some bill of goods abroad.

A corporation of this kind, as I think is generally clearly understood by Senators, will receive its income, in order to carry out these transactions, by issuing bonds on the securities they take from foreign purchasers of American products, issuing bonds in the ordinary way for sale to the American public or to the public anywhere. There is absolutely no compulsion that anyone should buy the bonds. They are simply offered to the public for sale, just as bonds are offered of any corporation that may be organized for any purpose. It is quite a different proposition from the function of a national bank, and I can not see how we can expect the average business man, who is principally anxious to have these banks incorporated, to invest in the stock of such a corporation if he is to be made liable for double his subscription in case of some bad investment the bank may make; and of course we are all subject to mistakes.

I feel that this is of such grave importance that we should at least permit some flexibility, that we should encourage the organization of these companies, which are going to be made up by the business men of our country.

I saw a statement in the papers yesterday by the Senator from Alabama [Mr. BANKHEAD] that the cotton men of the South are preparing to-day to organize in order that they may come under an act of this kind, if possible, and consolidate their interests, so that they can give credit abroad and sell their goods and get paid for their goods, and this is the only way they can do it.

Mr. GRONNA. Mr. President——

Mr. EDGE. I will yield to the Senator in just a moment, if he will let me conclude the train of my thought.

So I want to be responsible, at least, or partially so, for the enactment of a law designed to meet this critical situation, designed to help stabilize exchange, designed to permit or help our business men sell their goods abroad and be paid for them rather than again compelling the Government to loan its credit in sending cash abroad and taxing the people to raise the cash. I want to encourage the public, the business men, bankers, and those interested in exportation to organize these corporations, and not feel that they are specially picked out to be doubly liable for some bond or debenture that might be issued in case the bank did make errors in financial judgment.

Senators must recall that every transaction of these banks is under the supervision of the Federal Reserve Board just as the transactions of national banks.

I feel that we can be justified in believing that they are going to watch the class of securities, and naturally a bank itself is not going to take over securities from foreign countries unless it feels that the value is adequate.

And again I come to the point that no one is compelled to buy the securities. They are not handling the people's money in the same degree that the national banks are, with deposits of everyone. If we are going to get results from this legislation, let us at least start it in a manner that will encourage investment, so that we may form the corporations and thus be in a position to finance our sales abroad.

Mr. HALE. Mr. President, the Senator said that in certain cases this sort of a corporation would receive deposits. I will ask the Senator to explain that matter.

Mr. EDGE. Answering the query of the Senator from Maine, the act, on page 5, after enumerating the various privileges the corporation has, provides:

> To issue letters of credit; to purchase and sell exchange, coin, and bullion; to borrow and to lend money on real or personal security; to receive deposits; and generally to exercise such powers as are incidental to the powers conferred by this act.

This act in another place states very positively, now that we have cut out the word "principally," that corporations shall be organized for the purpose of engaging in international or foreign banking, and so forth. Now I want to read, as I did on Saturday, just answering that particular question, the regulation of the Federal Reserve Board on the question of receiving deposits, connected with corporations of this kind, which has already been published and is used in their relation to State corporations, some of which now exist. This is the regulation of the Federal Reserve Board on the question of receiving deposits for organizations of this class:

> It is clear that in order to avoid competition in the matter of receiving deposits with national banks and State banks, which do not enjoy the wide powers which you must necessarily possess in order to compete successfully in foreign countries, you should not be permitted in the United States to receive individual deposit accounts or domestic bank exchange or collection accounts. You will be permitted, however, to receive any deposit which is incidental to, or for the purpose of, carrying out transactions in foreign countries or dependencies of the United States where you have established agencies, branches, or business connections. Deposits of this character may be made by individuals, firms, corporations, or banks, whether foreign or domestic, and may be time deposits or on demand.

That is the regulation.

Mr. HALE. That would be something more in the nature of a loan?

Mr. EDGE. Deposits would simply be in the nature of a temporary transaction in connection with the bank buying or taking over foreign securities on this or that particular foreign transaction.

Mr. GRONNA. Mr. President——

Mr. EDGE. I yield to the Senator.

Mr. GRONNA. The Senator from New Jersey is calling attention now to what are supposed to be the rulings of the Federal Reserve Board. It is not a law; it is simply a ruling.

Mr. EDGE. That is true, but this act in many of its details leaves to the Federal Reserve Board the rules and regulations, and this is one of their established rules, not supposed to be, but a rule under which corporations are now operating.

Mr. McLEAN. The law itself confines the operation of these corporations to foreign countries. They are in no sense banks of deposit in this country.

Mr. GRONNA. The bill does not so provide, I will say to the Senator from New Hampshire.

Mr. McLEAN. I disagree most emphatically.

Mr. GRONNA. I was going to ask the Senator from New Jersey another question if he will permit me.

Mr. EDGE. I yield.

Mr. GRONNA. I am sure the Senator is just as anxious as I am that these corporations shall be sound financial institutions.

Mr. EDGE. Absolutely.

Mr. GRONNA. Because they have the privilege of receiving deposits, and it gives them that privilege in the broadest terms. It simply recites that they shall be entitled to receive deposits. It does not say what kind of deposits. They are given the further privilege of issuing debenture bonds, something that no bank now has the right to do. Is it not for the benefit of those institutions to let the public know that there is a double liability behind them, and is it not necessary, in order to make a success out of these institutions and in order to have the confidence of the public, the public should know there is a safe responsibility behind those debenture bonds?

Mr. EDGE. In answer to the Senator from North Dakota I would be entirely satisfied to accept his suggestion and amendment if I did not feel that it would discourage the organization of these banks. I may say as a comparison that unquestionably it would to some extent increase the value of the bonds on the market, but to-day the public are purchasing bonds by the millions of dollars, representing all classes of corporations, yet, of course, they have absolutely no guaranty except the capital stock of the corporations.

May I read right here the view of Gov. Harding on this question? I realized the question would be raised and asked him

to give me a statement as from his experience as governor of the Federal Reserve Board, and here is what he said:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, September 4, 1919.

MY DEAR SENATOR: I have received your letter of the 2d instant inclosing a draft of proposed amendments to Senate bill 2472, and hand you herewith a memorandum from the board's general counsel on the subject of these amendments. I concur in the views expressed, except as to the amendment marked "C," which provides for shareholders' double liability.

I think that a double liability of shareholders in a corporation engaged principally in financing export trade is unnecessary and undesirable. I presume it was suggested because of its supposed analogy to national banks, the stockholders of which have a statutory double liability. There is, however, I think, an essential distinction. The double liability of stockholders of national banks is for the protection of depositors who have no control whatever over the lending operations of the national banks, nor are they given an opportunity of ascertaining the condition of a national bank except so far as it is furnished by the statements which are published periodically in response to a call from the Comptroller of the Currency. These statements do not, as a rule, give the depositor any idea of the worth of the loans and investments of the bank.

I understand that the laws of the State of Ohio provide for double liability of stockholders in all corporations, but I believe that in most of the other States the laws do not provide for such additional liability. The banks which have already been organized under State laws to do a foreign banking business have charters from States which do not require a double liability, and neither these institutions nor the ones which would be organized under Senate bill 2472 would receive deposits except under rules to be established by the Federal Reserve Board, which already has ruled that such deposits shall be incidental to and clearly in connection with the foreign business transacted.

The rule I have just read.

It seems to me, therefore, that there is no occasion to provide for double liability for the protection of depositors.

The obligations which corporations organized under S. 2472 would sell to the public would be specifically secured by the pledge of certain assets of the corporation, a description of which would be furnished the prospective investor, whose position would be totally different from that of a depositor in a national bank, and who would have every opportunity of investigating the soundness of the obligation offered to him and the security to it before he parts with his money.

State banks are authorized under the laws of a good many States to invest in stock of other corporations, and a bill has already passed both the House and the Senate to authorize national banks to invest not exceeding 5 per cent of their capital and surplus in stock of corporations principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States. No provision is made in this bill for double liability, and in any event I do not believe that the directors of a bank would care to invest in a stock having that liability, no matter how remote the contingency might be of an assessment being made. I think, therefore, that it would be unfortunate if this amendment should be insisted upon.

Very truly, yours,

WILLIAM P. G. HARDING,
Governor.

Hon. WALTER E. EDGE,
United States Senate.

I think that states the situation as thoroughly as it can be stated.

Mr. SMOOT. Mr. President, I can not understand why the Senator from New Jersey objects to the amendment. In the first place, I want to say that there are no stockholders of State banks in the East or West that I know of that are not under a double liability. There may be some States in the South that do not require it, but in every State in the North, in the States where the great bulk of the commerce of the United States is transacted, it will be found that stockholders have imposed upon them a double liability. If I were going to invest in any bank that might be organized under this act, I certainly would not ask any different treatment than if I were going to invest in any national bank or in any State bank.

We ought to look at the bill as it is before us and pass judgment upon it as to what effect it is going to have upon not only those interested in the stock but those who are to do business with the banks organized under its provisions. There are not the restrictions in the bill as to the loaning of money that there are with the national or State banks of the country.

I wish to call the attention of the Senate to the fact that each corporation organized under this bill, if it becomes a law, is given authority to borrow and to lend money on real and personal property and securities. There is no limit to the amount. Who does not know that many of the failures of the banks of this country, particularly in State banks, have come from lending excessive amounts upon real estate? The national banking acts would not until recently allow the loaning of any part of their deposits or their capital upon real estate. I think that it was a very wise provision in the banking laws of our country.

I want to call attention to the wide powers given under this bill:

To purchase, sell, discount, and negotiate notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell securities, including the obligations of the United States or of any State thereof; to accept bills or drafts drawn upon it, subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell exchange, coin, and bullion; to borrow and to lend money on real or personal securities; to receive deposits; and generally to exercise such powers as are incidental to the powers conferred by this act—

Then it proceeds to give power to this bank—

as may be usual in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business.

There is no limitation whatever, and it seems to me we are going too far when we throw no protection around the depositors and the men who do business with such banks.

Mr. SPENCER. Mr. President——

Mr. SMOOT. I yield to the Senator from Missouri.

Mr. SPENCER. Is it not a fact that the reason for the double liability now imposed upon banks results from the fact that the banks solicit and receive deposits from those in the community who in the nature of affairs know nothing about the banks? They have nothing to get from the banks to whom they intrust their money, and therefore the law provides that where a bank is incorporated for the benefit of the general community there shall be a double liability. Where every one of its depositors is as familiar with its business and with the method of the transactions as the directors are themselves, where its depositors are drawn only from the great exporters and importers of the country, does not every reason for the double liability vanish in connection with this bank?

Mr. SMOOT. Of course, if the statement were absolutely correct that every depositor knew just as much about the business as the directors of the institution will know there would be some reason for not requiring a double liability, but not reason enough to justify changing of the system that has been in vogue for many years in this country and in nearly every other country that the stockholders have a double liability in order to protect the depositors. That is why the double liability is imposed, and I want never to see the time come when that double liability will not be imposed upon the stockholders of all banks organized in the United States.

Mr. President, I say in this connection, if we take away the double liability of the stockholders of the national banks or of the State banks men without any financial standing would have a better chance to impose upon innocent depositors, as no question would be raised as to the liability of the stockholders. Inducements by way of larger rates of interest on daily balances or upon savings accounts will be freely offered in such cases, and the stockholders would not watch the management as closely as if a double liability was in force. When the law enforces upon a stockholder a double liability, the stockholder then has a greater interest in seeing that the men who manage the affairs of the bank will look out for the interests of the stockholders as well as the interests of the depositors.

Mr. President, the Senator says that under this bill these banks are authorized to issue bonds. I do not know what provision of the bill authorizes the issuing of bonds by the banks. They have a perfect right and are authorized under the bill to purchase bonds, to sell bonds, to deal in bonds, but there is no provision in the bill which I can find that authorizes them to issue bonds.

If there is such a provision we should strike it from the bill. No banking institution ought to be authorized by Congress to issue long-term bonds of its own and then use that money in its business. For the life of me I can not see why there is objection to the amendment offered by the Senator from North Dakota [Mr. GRONNA]. I can not see why the depositors and those who do business with the bank are not entitled to as much protection as possible, and one way we can give them that protection is to impose upon the stockholder a double liability.

Mr. President, the Senator from New Jersey thinks that the stockholders would object to the insertion of this provision in the bill, and he does not think the stock can so readily be sold with the provision inserted as if it were not included in the bill. I can not conceive of any institution authorized under this bill stating to its customers that the stockholders are not willing to assume a double liability, as is usual in all banking institutions.

Under this bill broader powers are given to the proposed banks than are given to the national banks of the country. We limit national banks and also State banks, with the exception of a few in the South, as to the amount of loans they may make upon real estate, and all national banks and practically every State bank, as I am informed, are limited in amount of loans which they may make to any one concern or individual. In this case, however, there is no limit whatever; in fact, the banks organized under the bill could loan all their capital stock, all their reserves, and all their deposits to one concern. I do not say

they will do it; I have no reason to think they will do it; nor under the provisions of the bill would they be allowed to do it by the Federal Reserve Board; but, Mr. President, when we are passing legislation let us at least guard it where we know it needs to be guarded.

Mr. EDGE. Mr. President, will the Senator yield to me?

Mr. SMOOT. I yield to the Senator from New Jersey.

Mr. EDGE. Mr. President, the Senator from Utah has just adverted to the point to which I was going to call his attention, that partially, at least, all acts of such corporations are reviewable and controllable under the jurisdiction of the Federal Reserve Board. I am sure, however, the Senator appreciates that in organizing a corporation of this character, with its more or less new responsibilities, it is absolutely necessary in starting it to permit of some flexibility. Otherwise we might just as well not attempt to pass the bill.

Mr. SMOOT. I will say to the Senator from New Jersey that under this bill there is all the flexibility that anyone could ever think of and altogether too much.

Mr. EDGE. They are subject to the approval of the Federal Reserve Board.

Mr. SMOOT. Yes. I recognize, however, Mr. President, that this bill could be drawn on one page; I recognize that we could in one sentence or in one paragraph give all the authority to these banks possible, and say that their operation shall be under such rules and regulations as the Federal Reserve Board prescribe; but if we are going to enumerate their powers, and if we are going to insert in the bill itself restrictions on the banks, let us take a little care; let us at least tell these banks what Congress intends that they shall do, and also that Congress intends that there shall be some limitation placed upon them.

I have confidence in the officials of the Federal Reserve Board; I do not think they will allow banks to run wild; but I say that with reports made quarterly—and that may be the requirement imposed by the Federal Reserve Board—transactions could be entered into and contracts could be closed that would utterly destroy the financial standing of a bank and, perhaps, bring utter ruin to it. It is for that reason that I ask the Senator from New Jersey to accept the pending amendment, for it is a restriction and one that every stockholder ought to be perfectly willing to assume. I know if I invest in a bank—I do not care at what price the stock may be—if I buy a share or 10 shares of bank stock, I buy with the distinct understanding that I am liable for the amount of the face value of that stock over and above what I pay for it. I think every man should take that position, not only as to State banks and national banks but also in reference to the banks which we are proposing to create under this bill.

Mr. THOMAS. Mr. President, I wish briefly to support the statement just made by the Senator from Utah [Mr. SMOOT]. I have listened with a good deal of interest to the statement of the Senator from New Jersey [Mr. EDGE], having charge of the bill, and have no doubt of the soundness of the reasons which he advances for this proposed exception, but those reasons seem to me to support rather than to weaken the amendment of the Senator from North Dakota [Mr. GRONNA], for if it is true that the business of the bank is different, so different, indeed, as to place it in a class by itself and relieve it from the ordinary responsibilities which may attach to the transaction of the business of an ordinary banking concern, then there is less liability to the stockholder and less reason for his objecting to making the requirement the same as that which the law provides for other systems of banking. I think, however, it is a fact of now recognized general importance that safeguards required by law on behalf of the depositor can not be made too effective. I have always believed in the system of guaranty of deposits, and I am satisfied that where the system has been properly guarded its operation justifies the attitude of those who have advocated such a system. Banks sometimes speculate; they sometimes, with the best of intentions, make bad investments, however perfect the system may be under which they operate; and it is those contingencies, just as it is the occasional criminal in society, which require the enactment of general laws for the protection of the innocent.

This is a business somewhat unique with us in banking circles, and the very fact that among other things it is novel would seem to me to justify the continuance instead of the weakening of those safeguards which experience has taught us are so necessary for the protection of those who do business with and who put their confidence in banks.

Moreover, Mr. President, I can readily understand how, if this bill should be enacted without the amendment and should operate successfully, it would easily become the basis for an application to amend our Federal banking act so as to decrease the present liability of the shareholder and make it conform with the liability of the shareholders of the proposed new class of banks. It might be very plausibly argued that inasmuch as experience has shown that the limit of liability is all the protection the public needs, the absolute liability now required is unnecessary and burdensome. There are many of us who might be convinced by such an argument, but in any event it is the establishment of a precedent, the possibility of acting upon which might lead to bad consequences.

I have never been reconciled to the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918, which removes the restrictions of the Clayton Act from certain corporations engaged in the export business. The practical effect of these exemptions, it seems to me, will be to neutralize them in their application to domestic business.

Mr. OWEN. I should like to agree with the Senator as to that.

Mr. THOMAS. It is inevitable that the surplus which we export fixes the price of the articles entering into domestic consumption. It is the surplus of wheat sold in Liverpool that fixes the domestic price of wheat in normal times; and, if those engaged in exporting wheat to Liverpool are exempt from the requirements of the Clayton Act, then very naturally it must follow that that exemption will find expression in the domestic business that attaches to the same commodity. I do not remember whether I was present when the export-trade bill was enacted, but my recollection is that it passed without a roll call. I opposed the principle of it and the bill itself in the Committee on Finance and protested against it then, and greatly fear that the objections which presented themselves to my mind against them will be verified by the operation of the act itself. Let us not now duplicate that by fixing this limited liability upon banking institutions, however much they may apparently need it, because if they are as profitable as we have reason to believe they will be they will attract capital notwithstanding the fact that the liability of the shareholder is the same as but no greater than a similar liability upon the same investment in a bank belonging to the Federal Reserve System.

Mr. OWEN. Mr. President, I wish to ask the Senator in charge of the bill, if it would not be well for him to yield this point, for while what he says is true, I think what is said on the other side is also true, that the bonds which may be issued would have some further stability if they did have the backing of a double liability. The only point about it was—and I think that was the conception in drawing the bill—that it might be difficult to attract capital; but I do not think that capital will be really deterred by the double liability, because the bonds that are going to be issued will be based upon securities that are absolutely sound and good, so that they would not be in any danger from a double liability whatever. Therefore, I do not think there is enough to quarrel over it one way or the other, and I wanted to suggest to the Senator that delay might be obviated by acquiescence.

Mr. McLEAN. Mr. President, before the Senator in charge of the bill agrees to adopt the suggestion of the Senator from Oklahoma and withdraw his opposition to the amendment, I should like in a word to recall to the Senate the precise question which I believe is before the Senate and involved in this discussion.

It is admitted that the proposed banks will be on a different plane entirely from the ordinary banks of deposit in the United States. The law itself limits their operation to foreign countries. The new banks will not accept deposits over their counters; and when you eliminate that privilege you withdraw from the discussion every reason upon which is based the double liability requirement as applied to other banks. With that in view, it seems to me it is unreasonable to place the double liability upon these banks, because they are not organized for the purpose of doing business in this country; they are organized for the purpose of assisting exportations and doing business in foreign countries. There would be just as much justice, for instance, in requiring that a stockholder in a life-insurance company or a building and loan association or a fire-insurance company or a bond and mortgage company should be doubly liable on his stock as to require a double liability on stockholders in the case of the corporations proposed to be created under this bill, because, as I have said and as was so well put by the Senator from Missouri [Mr. SPENCER], they are not permitted to do a deposit or general banking business in this country. The law limits their operations to foreign countries.

Mr. President, I think my bump of caution is fairly large, and I would not for a moment oppose double liability as applied to these institutions if I thought they were to compete

with American banks which do a deposit business, and for which that double liability is required; but they do not, and one thing is certain, unless we put these institutions upon a par with other like institutions in other countries that may be doing a similar line of business, we might just as well defeat this legislation altogether. If we impose this double liability upon these institutions without sound justification, if we discriminate against them, I doubt very much whether any of these corporations can be organized.

The Senator from Utah [Mr. SMOOT], in his discussion of this bill, seems to assume that they are going to do business in this country. If we admit that their operations are to be confined to foreign countries—and clearly the law so provides—it must be clear to every Senator that these corporations must have the same privileges that are accorded to other similar corporations in other countries, or they can not compete for an instant; and that is the point upon which the governor of the Federal Reserve Board puts such stress. It seems to me that he is entirely justified.

Assume that an English corporation is doing business in France, or a Japanese corporation is doing business in France. Unless this American institution has all the privileges that are accorded to those which come from other countries it can not compete. That, I assume, is why the language was used in this bill—that they were to have all the privileges usually accorded to like institutions doing business in foreign countries.

Mr. GRONNA. Mr. President, will the Senator yield?

Mr. McLEAN. Yes.

Mr. GRONNA. Let us suppose that the cotton man exports a cargo of cotton. A bill of lading is drawn. That bill of lading would necessarily pass through these corporations, would it not?

Mr. McLEAN. Yes.

Mr. GRONNA. Is not that exactly the same as a deposit? The money would come back to this corporation, and if the corporation failed what would become of the cotton producer?

Mr. McLEAN. In the ordinary transaction of business a sale of cotton under the terms suggested by the Senator from North Dakota would be a short-time obligation, probably, and absolutely secure.

Mr. GRONNA. I do not want to interrupt the Senator. The Senator knows that these corporations are organized for the purpose of extending credit.

Mr. McLEAN. Yes.

Mr. GRONNA. And the cotton man expects to get his money from these people, whether the foreign buyer pays or not.

Mr. McLEAN. Yes.

Mr. GRONNA. Let me say to the Senator that deposits will be received by these corporations in the largest of volume. If not, then they are absolutely not necessary and will be of no value to the people of this country.

Mr. McLEAN. They will receive deposits, and those deposits will be of the character described by the Senator from North Dakota, and if they are confined to that class of deposits I can see no special reason for requiring a double liability on the part of the stockholders. Those bills are secured by goods in transit, and it is nothing more nor less than business that is carried on by private institutions.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oklahoma?

Mr. McLEAN. I do.

Mr. OWEN. I want to suggest to the Senator that receiving deposits is one form of receiving credits from the people; but when you sell them debenture bonds and promise to pay those bonds when they are due it is making a promise to the people that in these banks will grow into very large sums.

The matter turns merely upon a question of policy. I have no doubt in the world that these banks, which will be extending credit based on French bonds and on the promises of French cotton-spinning syndicates and upon French organizations of various kinds in commercial and industrial life, will be perfectly sound and will be very profitable; and the question turns upon the double liability, not, I think, so much to secure these loans that are being made, although it would serve that end. The Senator from Connecticut is opposing it because he thinks capital will not easily flow into these institutions. Senators opposing him are not content for fear that the loan will not be secure when the debentures are issued; but I am very sure that capital will flow into the institutions, because the promises of reward are large and because the securities are absolutely abundant and perfectly sound.

I think, therefore, that no harm can be done by yielding to the suggestion made by the Senator from North Dakota in this amendment.

Mr. McLEAN. Mr. President, I want to call attention to the necessity of doing something of the kind proposed by the pending bill.

A great many plans have been suggested, as the Members of this body know, all of them attempts to remedy the exchange situation, which is very sensitive at the present time. I have not been so certain that the pending measure would meet the situation as effectively as it ought to. I have felt that it was the only measure that was safe that had been brought to the attention of the committee and, of course, it is for the Senate to say whether these corporations shall be put under all the restrictions that apply to domestic institutions. My own belief has been that under the circumstances it would be advisable to give them all the leeway that was safe, in order that capital might be invited rather than repelled. If these institutions repel capital instead of inviting it, they will be of no value whatever in the present crisis abroad.

I want to call to the attention of the Senate in this connection a statement made by the President of the United States on September 5, in a speech which he delivered in St. Louis:

> I suppose that most of you realize that it is going to be very difficult for the other nations that were engaged in this war to get financially on their feet again. I dare say you read the other day the statement of Mr. Herbert Hoover's opinion—an opinion which I always greatly respect—that it will be necessary for the United States immediately to advance four or five billion dollars for the rehabilitation of credit and industry on the other side of the water; and I must say to you that I learned nothing in Paris which would lead me to doubt that conclusion, and I think the statement of the sum is a reasonable and conservative statement.

Mr. President, I regret that the Chief Executive was not more specific. I regret that he did not let his hearers know just how this four or five billions of dollars is to be raised immediately. I think it would have been a good plan if he had indicated whether it was to come from the Treasury of the United States or from private capital, because, if this statement is correct, if we must raise and send abroad four or five billions of dollars immediately, I hardly think the bill under consideration will meet that situation; but I confess I have been rather more optimistic. I have felt that if the political situation in Europe remains stable and the people of Europe retain their economic sanity, the economic law of supply and demand will very soon begin to tell upon the rate of exchange and that it would not be necessary for the Government to extend any more assistance to these countries.

The Senator from Utah [Mr. SMOOT] the other day called attention to the enormous balance of trade that had been running against them during the last 5 or 6 years. The Senator, of course, knows that the peak of that trade was reached in June; that in July our exports fell off materially and the imports increased materially. The official figures for the foreign trade of the United States in the month of July showed that exports were about $750,000,000, or $350,000,000 under the phenomenal figures of June, while imports of $345,000,000 were the largest for any month on record—nearly $50,000,000 above those of June and $100,000,000 above those of July, 1918. It seems to me that this indicates that the European countries understand the situation, and that the exchange, although it works against them when they buy of us, works in their favor when they sell to us. I take it that a cotton manufacturer in England can purchase his raw material in this country and pay the premium on the gold with which he must buy his cotton, and take the cotton to Europe and manufacture it, and, because of the great increase in the value of the manufactured goods, if he can sell them in this country, he more than recoups his original loss on the rate of exchange.

Mr. SMOOT. Of course, the Senator knows that our exportations for the months of July and August would have been a great deal more if the foreign countries could have paid for the goods that were already made for them and waiting for exportation. I wish to say to the Senator, from all the information I can get, that every warehouse available at the ports of entry is bursting with goods ready for exportation, but they can not be exported because of the fact that the buyers in foreign countries have not the money to pay for them and no way to arrange for it, and they can not afford to have them go with the exchange running so heavily against them.

Mr. McLEAN. That is correct. My feeling has been that although the industrial future of Europe is very intimately allied with and dependent upon its political conditions, if they retain their economic sanity, the time would come when the credits necessary to pay for these goods might be advanced under the operation of some such bill as we are considering now, and if that were true there would be every reason to give to these Americans who are willing to risk their capital in this adventure all the rights that individuals from other countries

would be accorded by their governments, and that, in my opinion, is just about what this bill does as reported by the committee.

Mr. President, we all know that political and social conditions in Europe are very sensitive at the present time. Europe has been made safe for democracy, and Europe must now learn what the word means. Democracy is nothing in the world but a governmental mill, and if they put anarchy and socialism into the hopper they will take anarchy and socialism home in the bag, and it is a little uncertain just now what conclusions they will reach in this regard in some very important sections of Europe. We hope for the best, but if anything of that kind should happen, then we must meet a very unpleasant situation at home, because this enormous total of surplus products which we are selling abroad would have to be disposed of at home, and while none of us enjoy the high cost of living we all know that the high cost of living is not nearly as objectionable as the low cost of not living. The worst times that this country has experienced in my recollection were when the price of wheat ranged from 50 to 60 cents a bushel, and while we are all up in this balloon of too high prices, it seems to me advisable, if possible, to reach the ground on a general decline rather than blow the balloon up and walk back; and for that reason I think it is the duty of Congress under the circumstances to go further perhaps than some of our ultra technical friends seem inclined to go here this morning in granting to these corporations the privilege of extending their credits to our hard-pressed neighbors abroad.

For that reason, although my bump of caution I believe is as large as that of any Member of this body, I have been willing under the circumstances that these corporations should have accorded to them every consideration that like corporations have in other countries, and I think that the objection of Senators to the provisions of this bill limiting the responsibility of the shareholders to the single liability is unreasonable under the circumstances. I think it will tend to discourage the organization of these companies, and if the bill, if passed, becomes inoperative, then in sheer self-defense we may be compelled to take from the Treasury of the United States four or five billions of dollars, as the President says, in order to save the ten billions that they are already owing us. I do not think that is a pleasant prospect, and so under all the circumstances I feel that the Senator from North Dakota and the Senator from Utah are hypercritical in their criticisms of this bill. I think they are borrowing trouble when they assume that these institutions are to do a banking business in this country such as under our laws justly and fairly require a double responsibility on the part of stockholders. I think we should pass this bill without the amendment offered by the Senator from North Dakota if we expect that these corporations are to meet this very sensitive situation to the extent which I think is necessary if the exchange situation is to be remedied.

Mr. DIAL. Mr. President, I think our friends look on this too much as a banking bill. It is what we need in our country as an export measure. We have millions and millions of pounds of cotton that we are prepared to export if we knew to whom to send it in order to make a safe sale. We would be glad to extend time. The warehouses are full, the banks are overloaded with all kinds of loans, and we would be glad if we had a company to carry the cotton to the foreign market and to take their securities, and we would be glad to buy those securities and extend time on them and help the world to get safe and get back to work. I think our friends are unnecessarily alarmed about the liability. We need to encourage this business, and need to encourage it right now. I hope the bill will pass, and that everything consistent with liberality will be provided. I believe the provisions are entirely ample for that purpose.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The question is on the amendment of the Senator from North Dakota [Mr. GRONNA].

The amendment was agreed to.

The next amendment of the Committee on Banking and Currency was, on page 8, line 24, before the word "corporation," to insert the words "No such," so as to make the sentence read:

No such corporation, however, shall become a member of any Federal reserve bank.

The amendment was agreed to.

Mr. OWEN. I move to strike out, on page 6, beginning with line 6:

The provisions of section 7 of the act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," shall not apply to corporations or to officers, directors, or employees of corporations organized under this section.

Mr. EDGE. Mr. President, I would like to say just a word. Of course, it is a very important amendment. I am going to acquiesce in the amendment, and I have done so after very careful consideration of its effect on the bill.

I do not agree with all that has been said in previous discussions as to the waiving of the so-called Sherman Act and its effect on this measure. But, on the other hand, this is a banking corporation, it is limited to that business by amendments already adopted, and I do not feel at all that the elimination of that waiver will in any way affect the activities of the corporations to be formed. Therefore I will support the amendment.

The amendment was agreed to.

Mr. GRONNA. I offer the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add at the end of the bill:

Every banking corporation authorized to do foreign banking business under the provisions of this section shall, for the purpose of taxation, make reports to the Federal Reserve Board and the Commissioner of Internal Revenue at such times and in such form as they may require, including a true report of the names of the actual stockholders in such corporations, and the amount of stock held by each, and all such corporations organized and transacting business under the provisions of this section shall be taxed the same as member banks of the Federal reserve system.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 7, line 23, after the word "purposes," I move to insert "as amended"; and in the same line, as a part of the same amendment, after the word "shall," I move to strike out the word "not," so that as proposed to be amended it would read, beginning with the sentence on line 20 of the same page:

The provisions of section 8 of the act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," as amended, shall be construed to apply to the directors, other officers, agents, or employees of corporations organized under the provisions of this section.

Mr. EDGE. Mr. President, I will say to the Senator from Wisconsin that I have no objection to the language he proposes, but I have prepared an amendment covering the same section. All that is desired is the privilege of a director now a director in a member bank by permission of the Federal Reserve Board to become a director of such a corporation, and that is the law to-day. So if the Senator desires to put it in that language he may do so. I was simply going to insert this language:

The directors elected by the corporations organized hereunder shall be subject to the laws to which directors of member banks of the Federal Reserve System are subject.

It is exactly the same thing.

Mr. LA FOLLETTE. I think the amendment which I have offered accomplishes that purpose.

Mr. EDGE. It accomplishes the same purpose.

Mr. LA FOLLETTE. And it does so with the change of only two or three words.

The PRESIDING OFFICER. The question is on the amendments of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendments were agreed to.

Mr. SMOOT. Mr. President, when I was discussing the bill yesterday I called attention to the provision on page 5, line 5, following the word "act." At that time I announced that I thought all of the balance of line 5 and lines 6, 7, and 8 should be stricken from the bill.

The Senator having the bill in charge is, I understand, perfectly willing to accept an amendment to clarify the language to a certain extent, and I am therefore going to offer the amendment. Instead of asking that the whole of the lines mentioned by me be stricken out, I merely move to amend by inserting, after the word "usual" in line 5, on page 5, the following:

In the determination of the Federal Reserve Board.

The amendment was agreed to.

Mr. SMOOT. I further move to amend by inserting after the word "business," in line 8, on page 5, the following:

And not inconsistent with the powers specifically granted herein.

The amendment was agreed to.

Mr. OWEN. Mr. President, I think the passage of this bill is a very important matter for our Government. I think the securities that will be obtained by these banks will be perfectly sound and based upon industrial syndicates. They will be backed by bonds of France, Italy, Great Britain, and Belgium.

I was struck this morning to see an advertisement of a New York company inviting the American public to invest in this sort of securities, in which they pointed out that the Italian lire are down 90 per cent, that French francs are down 60 per cent, that Belgian francs are down 65 per cent, and English pounds are down 15 per cent. I pause merely to say that last year on orders American gold dollars were sold and bought in Barcelona, Spain, at 66 cents, for the reason that American credits were not available for sale in Spain at a time when they were

needed, and now when these foreign credits are much needed here we see the same thing occurring. There is no doubt about the solvency of Italy, Belgium, France, or Great Britain, any more than there is a question of the solvency of the United States. Their physical resources remain, their people remain, their machinery and improved energies due to this war are all there, and the indebtedness which the Governments owe is held by their own people. It does not affect the solvency of the world to issue two hundred billions of government debt since the citizens of the world hold every dollar of that debt. It is a question of distribution; that is what it amounts to; and the world will come to a time when it will cause a proper redistribution where the original distribution has gone unfairly and to great excess into a few hands.

I ask permission to put that advertisement in the CONGRESSIONAL RECORD, because Members of the Senate ought to see what is going on.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

"FOREIGN TRADE AND FOREIGN INVESTMENTS.

"Many of the large banking institutions in the United States have created foreign departments and have sent representatives abroad in order to obtain first-hand information and to establish connections.

"However, the expansion of our export business must rely in large measure on the foreign exchange situation. The following figures indicate how important this situation is:

"Italian lire are down 90 per cent.
"French francs are down 60 per cent.
"Belgian francs are down 65 per cent.
"English pounds are down 15 per cent.
"Dutch florin are down 10 per cent.
"Swedish kroner are down 10 per cent.
"Danish kroner are down 20 per cent.
"Swiss francs are down 10 per cent.

"Such a situation not only imposes a great burden on the European nations, but also reacts to disadvantage of Americans, as it interferes very seriously with development of our export trade.

"There are four ways to improve the foreign exchange situation:

"(a) Shipment of gold to this country.
"(b) Shipment of goods to this country.
"(c) Extension of long-term dollar credits.
"(d) Purchase of foreign securities.

"The first is impossible, and besides we do not need or want more gold.

"The second is slowly readjusting itself.

"The third is practicable, but is a banking transaction.

"The fourth is an investment proposition with unusually attractive features, namely:

"(a) A chance for the enhancement of the principal and interest involved.

"(b) Helping our allies and our best customers.

"(c) Increasing our exports, and thereby helping in the development of our own industries.

"(d) Improving our foreign and domestic investments by supporting the foreign exchange situation.

"We have prepared some very interesting facts and figures relative to foreign exchange, foreign trade, and investments in the internal loans of strong European nations. The statistics we have gathered together will be furnished to anyone interested sending for circular No. BX–60.

"A. B. Leach & Co. (Inc.), investment securities, 62 Cedar Street, New York; Chicago, Philadelphia, Boston, Buffalo, Minneapolis, Baltimore, Pittsburgh, and Cleveland."

Mr. SMOOT. Mr. President, I will say to the Senator that the situation as to our gold dollar in Spain referred to by the Senator was easily corrected by this Government, and I know the Government sold to Spain, or the institutions of Spain, between $150,000,000 and $200,000,000 of short-time certificates.

Mr. OWEN. All in the world that is necessary is to transfer credit.

Mr. SMOOT. The credit was transferred and the value of the gold dollar immediately rose.

Mr. OWEN. European people are trying to protect themselves now by cutting off the shipping of luxuries there. There is an interesting dispatch from London to that effect now, in which it is said:

A movement has been started, backed mostly by British manufacturers, to bring pressure upon the board of trade to forbid the importation of American pianos, phonographs, sewing machines, motor vehicles, and other luxuries. It is contended that British buying of such articles and others not in the list of necessities is one of the principal causes of the low rate of exchange.

Of course that is measurably true, and I think America ought not to be shipping luxuries to Europe when they are so sadly in need of raw materials and machinery.

Mr. SMOOT. There is an embargo now placed on certain luxuries by England. I have a list of them in my office, and it is really interesting to read just what England has done in relation to placing an embargo upon certain classes of goods that are not absolutely necessary for the people's comfort.

Mr. OWEN. The French and Italians have similar embargoes exercised through their licensing boards. I think it is a great mistake for the Federal Reserve Board to take the position that we ought to cut off our exports generally. I do not know that they go so far as that, and yet they have in a recent bulletin declared that they could adjust our exchange by cutting off exports. Of course that is true, but it is a remedy which is exceedingly expensive to the United States and paralyzing to our foreign commerce. If you paralyze our commerce, it is almost like blighting the growth of a plant; it is not easy to restore it; and the bankers of New York, who are very familiar with questions of this sort, have expressed very active dissent over that.

I ask permission to place in the RECORD the criticism of the banks on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

BANKERS CRITICIZE FEDERAL RESERVE BOARD'S SUGGESTION FOR REDUCTION OF EXPORTS.

"Suggestion by the Federal Reserve Board, in a statement published yesterday, that the natural method to correct unfavorable foreign-exchange rates would be to reduce American exports caused astonishment in international banking circles here, where a great deal of thought has been given to the problem. The board in its statement said:

"'The state of the foreign exchanges merely reflects the state of international trade. The correction of the exchange situation so much complained of by those who look at the matter from the exclusive standpoint of the export interest will therefore only find its natural and permanent solution through a reduction of our exports and an increase of our imports until they reach a point of approximate equilibrium.'

"Local bankers took direct issue with the Federal Reserve Board on the question. One important banker who has studied the foreign trade problem from every angle said that he could not conceive of a more unfortunate outcome of the existing derangement of the international money market than the loss of American foreign trade.

"'What we should do is to expand our exports, not reduce them,' this banker observed. 'The remedy for depreciated foreign currency can be found in extension of foreign credits. The United States has most unusual opportunity to extend its export business. It should seize this opportunity and not cast it aside, as suggested by the Federal Reserve Board.'

"Another banker of international reputation said that he could not agree with the Federal Reserve Board that export business should be curtailed.

"'Experience has shown,' said this banker, 'that foreign trade once lost is never regained. There is no reason for doubting that our experience would be that of other nations in this respect.'

"This banker went on to say that the United States is actually losing its foreign trade 'in big chunks.' He said the situation is a very serious one, but that it is not too late to remedy it if Washington only awakes to the truth of the matter and enacts necessary legislation.

"'The so-called Davison plan for extending foreign credits offers an excellent solution of the foreign-exchange problem,' he continued. 'Were it put into effect, we would be able to expand our foreign business instead of reducing it and at the same time the foreign-exchange situation would be remedied.'

"This banker estimated that the volume of foreign credits required to rectify foreign exchange is not nearly as large as some estimates have made it. He calculated that a billion dollars, and possibly half a billion dollars, would suffice.

"But before the Davison plan can be realized legislation should be enacted by Congress, he declared, to make the plan effective. The Edge bill, providing for federally incorporated companies to engage in foreign business and permitting members of the Federal Reserve System to invest in the stocks of such companies, he said, is one piece of legislation necessary to the success of the plan. Another is amendment of the War Finance Corporation act, whereby banks would be relieved of the responsibility of indorsing the paper of exporters which borrow funds from the War Finance Corporation.

"'Congress could enact the required legislation in a week,' went on this banker. 'The idea that the peace treaty must be ratified before anything can be done toward extending foreign credits is erroneous. The two have no bearing on each other. If the administration paused in its fight for the peace treaty sufficiently long to give its public indorsement and moral support to a foreign credit plan and to ask the enactment of the legislation suggested, we soon would find it possible to rectify the foreign-exchange situation without loss of trade.'

"Bankers compared American delay with the enterprise of Great Britain. The British Government is losing no time in seizing its foreign trade opportunities. It lately authorized extension of huge credits to semisolvent countries. In other ways it has encouraged British manufacturers to enlarge their business abroad."

Mr. GRONNA. Mr. President, I want to occupy the time of the Senate for only a few moments. Before I proceed I wish to have the article read which I send to the Secretary's desk.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

SENATORS URGED TO PASS FOREIGN FINANCING BILL—INSISTENT DEMANDS FOR ADOPTION EXPECTED TO RUSH MEASURE THROUGH—EDGE WILL ASK SENATE TO TAKE UP HIS BILL SOON AFTER PROHIBITION-ENFORCEMENT LAW IS OUT OF WAY—GRONNA CONTINUES OBJECTION TO GRANTING UNANIMOUS CONSENT FOR ACTION.

"WASHINGTON, *August 28.*

"Action on the Edge foreign financing bill now is planned in the Senate for next week.

"Senator EDGE will ask that the bill be considered immediately after the disposal of prohibition legislation. The prohibition bill is scheduled to come up after action is taken on the Smoot oil-land leasing bill, which has been under discussion for the past week. In case more than two or three days are required for consideration of the prohibition bill, action on the Edge measure may be deferred until the following week.

"Republican leaders have agreed that the bill should come up at that time. In case Senator GRONNA, of North Dakota, continues to refuse to join in a unanimous-consent agreement it will be necessary for Senator EDGE to move that it be taken up. No difficulty is anticipated in putting through the motion in view of the fact that the cooperation of the majority party leaders is assured.

"The pressure upon Senators for the passage of the bill is becoming so insistent that they are expected to put it through with comparatively little discussion when they once get an opportunity. Senator GRONNA is the only one who has announced his intention to speak against it.

"Although the bill was introduced some time ago in the House by Representative ACKERMAN, of New Jersey, no hearings will be held upon it until it has been passed by the Senate."

Mr. GRONNA. Mr. President, I believe that every Member of this body is just as honest and just as earnest in his desire to pass legislation beneficial to the public as I am. I did not have the article read for any purpose whatever except to call attention to the fact that those who inspired the article were mistaken in making their guess. It must be evident now that the bill has literally been torn to pieces, and that the membership of this body has assisted in improving it and have made it a much better bill than it was.

Mr. President, I do not say that this bill is now perfect, but surely it is a much better measure than it was when it came from the committee or than it was when it was proposed and sent to the committee.

Let me say that it is great satisfaction to me as an humble member of the Senate Committee on Banking and Currency, who stood alone and criticized the measure, that men, and I am not mentioning them by name, for the record shows for itself who the men are, who have spoken against some of the provisions of the bill, men on both sides of the Chamber, men whose honesty and integrity will not be questioned have by their votes and their able arguments made this bill what it is. I am glad to know, Mr. President, that it can not be said that those giants in finance over in Wall Street have a grip upon the throats of the Members of this body. It will have a wholesome effect for the people of this country to know that the Senate of the United States is legislating in accordance with its own views, and not in accordance with the views of the great men who have financial resources, who have the power and ability to control, as they want to, not only the finances of the United States but of every country of Europe, that that class of men can not dictate or control the Senate of the United States.

Mr. President, some of these people have undertaken recently not only to control the financial affairs of this country but have gone much further than that and seem to think they should control our foreign policy. They seem to have been favored and to have known more than the Senate of the United States seemed to be entitled to know; they have carried in their pockets information that nobody outside of the membership of this body was entitled to have. But I thank God that the Members of this body have seen fit to legislate in accordance with their own wisdom and their own views.

Mr. President, there is much that I could say upon this subject, but I know that the Senator who has this bill in charge is very anxious that it shall be disposed of. He has been very courteous to all of us, and I will close simply by saying that I am glad to have been able in a small way to assist in amending the measure, for I believe that it would ultimately have led to disaster had its provisions not been changed. When I say that it is not for the purpose of criticizing anyone, whether he was in favor of the bill as reported or not, but simply to express the idea that there has been an honest difference of opinion. I know that this is a very different measure now from what it was when reported out of the committee. It will be wholesome and beneficial not only to those who are going to engage in this great enterprise but to the people of the United States and to the people of Europe.

Let me say we have a responsibility to meet and perform in helping to build up the industries of the devastated countries of Europe. We can not do it by robbing them; we can not do it by placing our hands upon their throats. It must be done in an honest, honorable, and legitimate way; and when we give, as we would do according to the provisions of the original bill, almost unlimited powers and unlimited possibilities for people of great wealth to fasten themselves with debt obligations not upon this country alone but upon the people of Europe who have gone through this terrible and cruel war, it is our duty to see to it not to give to these corporations, which are at least quasi public-service corporations, great opportunities and this great power, but exercise complete control over them, so that at least they shall act in an honorable way and shall account for their actions to the responsible authorities of this Government.

Mr. EDGE. Mr. President, I desire to offer one other amendment, and it is my understanding, when agreed to, that will complete all pending amendments.

The PRESIDING OFFICER. The Secretary calls the attention of the Chair to the fact that on page 7 a committee amendment was passed over and has not yet been disposed of. However, the Secretary will state the amendment now proposed by the Senator from New Jersey.

The SECRETARY. On page 8, line 23, after the word "corporations," it is proposed to strike out the word "however" and the commas preceding and following that word.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. EDGE. I now ask that the committee amendment referred to by the Chair as having been passed over be stated.

The PRESIDING OFFICER. The Secretary will state the committee amendment which has been passed over.

The SECRETARY. The committee amendment on page 7, which was passed over was, in line 15, after the word "corporation," where the committee reported to insert the words "the controlling interest in which is owned by citizens of the United States."

Mr. EDGE. I ask that the amendment may be agreed to.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, may I ask what has been done with regard to the provision beginning in line 20, on page 7? Has there been any amendment made to that?

The PRESIDING OFFICER. The Secretary informs the Chair that the words "or of a State thereof," in line 20, have been stricken out.

Mr. CUMMINS. Very well.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is still open to amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. EDGE. Mr. President, before the bill is passed I simply wish to state that I sincerely trust that in the passage of this measure the Senate of the United States have contributed something material to the benefit and the welfare of the business interests of the United States and in aid of the rehabilitation of the stricken countries of Europe.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALLING THE ROLL.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	Lodge	Sheppard
Beckham	Harding	McCumber	Smith, Ariz.
Borah	Harris	McLean	Smith, Md.
Brandegee	Harrison	McNary	Smoot
Capper	Johnson, Calif.	Myers	Spencer
Chamberlain	Jones, N. Mex.	Nelson	Stanley
Culberson	Jones, Wash.	New	Sterling
Cummins	Kellogg	Newberry	Swanson
Dial	Kendrick	Norris	Thomas
Edge	Kenyon	Overman	Trammell
Elkins	Keyes	Owen	Underwood
France	Kirby	Page	Walsh, Mont.
Gerry	La Follette	Poindexter	Wolcott
Gronna	Lenroot	Pomerene	

Mr. SMOOT. I wish to announce that the Senator from Kansas [Mr. CURTIS] is detained on official business.

Mr. GERRY. The Senator from Massachusetts [Mr. WALSH], the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Arkansas [Mr. KIRBY], the senior Senator from Kentucky [Mr. BECKHAM], the Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], and the junior Senator from Kentucky [Mr. STANLEY] are detained on official business.

The Senator from Louisiana [Mr. GAY] and the Senator from Nevada [Mr. HENDERSON] are detained on business of the Senate.

Mr. HARRIS. I wish to announce that the Senator from Louisiana [Mr. RANSDELL], the Senator from Georgia [Mr. SMITH], and the Senator from South Carolina [Mr. SMITH] are necessarily detained from the Senate on public business.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER], on account of illness.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. SPENCER. Mr. President, the President, speaking last week in the State of Missouri, presented to the people of the State, in regard to the league of nations, an issue which does not exist.

The issue before the American people in connection with the treaty of peace and the covenant of the league of nations is not, as the President indicates, a choice between acceptance or rejection of the treaty. We are not necessarily called upon to choose between acceptance of the treaty precisely as it is written or, failing thus to accept it, to face absolute rejection of the entire negotiations. I am frank to say for myself if I were forced to make that choice I should vote against the treaty as it now stands.

I have no sympathy with proposed changes, under whatever name they may be called, which are offered mainly in the desire and with the intention to kill the treaty or to so complicate the situation as to destroy or endanger its ratification. There are too many commendable provisions in the covenant of the league of nations that deserve a confident trial and too many treaty provisions that are essential to the interests of this Government to have the treaty itself killed; but I have every sympathy with and a clear conviction in favor of such reservations as will safeguard the essential rights of our country, and such reservations are far more important alike for the interests of the United States and for the welfare of the world than an imperfect, American-jeopardizing league of nations can ever be.

Quite apart from our own national standpoint, it is essential for the peace of the world that the United States should continue to be, as it was when we entered the war, the great independent stabilizing power of the world. In any future event of world danger we will be of far greater service if we stand ready to strike quickly, if force be necessary, and with invincible power, as our conscience and judgment shall at the time incline us, unfettered by entanglements and alliances that may throw a mist around our wisdom and make difficult the path of honor and duty.

The real issue before the American people is as to whether they prefer to take the treaty precisely as it is written or to have such reservations ingrafted into it as will absolutely safeguard our American rights, constitutional, domestic, and traditional, and fully protect our independence of action as a Nation in the future. It is not unfair to state, in the light of known facts, that the treaty of peace which we are now considering is peculiarly—and it seems to me unfortunately, so far as the United States is concerned—a one-man document. Always heretofore in the negotiations with other nations it has been usual first for our ambassadors or our commissioners to arrive as best they could at an agreement with the other nations concerning the subject of the treaty; and when, after the exercise of their best judgment, they have finally arrived at an agreement, it has then been forwarded to the President, who, in conference with the State Department, has given to it the weight of their joint consideration and judgment, with the view to correct and to perfect; and it is only when the treaty has thus been subjected, so far as the interests of this Government are concerned, to the consideration of at least two partially separate and independent agencies, that it finally comes to the Senate under the provision of the Constitution for the advice and consent of the Senate.

Manifestly, such a course has been of the utmost advantage in protecting the interests of this country. It does not necessarily follow, because a treaty has been deprived of this triple consideration and has been the result of the judgment and will of a single man, that it ought to be rejected, but it certainly is true that there can be no just complaint if such a one-man treaty is subjected to the most careful examination and consideration, and particularly when, as in the present instance, it is a treaty that concerns the interests of this country and the welfare of the world more greatly than any document ever before penned by the hand of man. The representative of every other great nation at the peace table had back of him both legislative sanction and legislative cooperation. The President of the United States alone of those with whom he was associated acted without either such sanction or conference. It was a position of autocratic power, which is as rare as it is unfortunate in a Republic. In the one case of which we have accurate knowledge, of the four gentlemen whom the President had associated with him as commissioners to represent the United States, at least three were clear and positive in the expression of their judgment that the provision of the treaty with regard to the Shantung Peninsula was a violation of our own American polity, an injustice to China, and an unnecessary yielding to the unfair demands of Japan; and yet the fact that his joint commissioners so determined and so advised did not change by a hair's breadth the action of the United States in regard to Shantung. It was written precisely as the will and judgment of the President finally consented that it should be written, and entirely irrespective of the wishes or judgment or conscience of his associates.

When, as the President solemnly declares, the secret treaty between England and France and Italy and Japan was first called to his attention at Paris, I am sure it is inconceivable to many upon the floor of this Chamber, as it is to me, why, as an American—and particularly as an American who had announced in lofty phraseology which has never been excelled, and rarely equaled, the great principles that should control his action and his opposition to secret treaties between great powers affecting the rights of unconsenting people—I say, it is inconceivable why, as an American, he should not instantly have said to the representatives of England and France and Italy and Japan who were seated with him at the table something in substance like this:

"Gentlemen, I learn for the first time of the secret treaty which you have made between yourselves. I do not impugn the motive or the necessity which may have been the cause of its original creation, but as we now come together to consider the welfare of the world, and to consider it alone upon the principles of honor and of justice, I say to you in the name of the United States that before we enter upon this conference that secret treaty, by the consent of every one of you who formed it, must now be laid upon the table and canceled, in order that we may proceed, unfettered by secrecy, to do now what is right in the matter. I will not enter into a conference with my hands tied by a secret arrangement concerning which I had no information whatsoever."

No one who realizes the commanding importance of the position of the United States at that conference can have the slightest doubt that a demand of the kind indicated would have been instantly complied with, and we should have at least been saved the humiliating disgrace of having our representatives voluntarily enter into an arrangement which they themselves are unable to defend and which the Nation looks upon with shame. There are lawyers in this body, and it is inconceivable to a lawyer that he, together with four colleagues, should sit upon a bench and undertake the determination of a question, when he knew that three of those four colleagues had already prejudged the very case upon which he was then called to decide. China, as the litigant, comes before the "big five." There is England, and Italy, and France, and Japan, and the United States, and before that tribunal China pleads her cause, when three of that court had already, by a secret treaty with a fourth member of that court, absolutely predetermined the question which China was then presenting.

I say, with all the conviction in my power, that the treaty of peace as it is now written will never be ratified by the Senate of the United States, and that before it ever receives the sanction of the representatives of the people here assembled,

reservations similar in effect to those which the Committee on Foreign Relations have already reported must be inseparably interwoven with the ratification itself. Language and detail of reservations may be changed, but the purpose and the object of every one of those four reservations are essential to the future greatness and stability of this country.

Concerning the inherent merit of the reservations themselves there can be no difference of opinion. Every one of them announces an American doctrine which is essential to the preservation of the Republic. The principles which they enunciate are principles about which, as Americans, we are all agreed. The only answer that has been made or that can be made to them is either that they are unnecessary, because the rights which they seek to protect are already safeguarded in the treaty itself, or because to ingraft them into the ratification would create complications with other nations more disastrous than the advantage of the reservations could possibly be. The answer to the first proposition is simple and complete. If there is no objection to the inherent merit of the principles announced by the reservations, then, at the most, they can be nothing more than mere surplusage, amplifying or elucidating that which is already provided in the treaty itself; but there are multitudes of people who believe, as I believe, and as I expect by a single illustration to demonstrate in a moment to the Senate, that the principles safeguarded by these reservations are not protected in the treaty as it is now written, that the essential rights of our country are in real, not imagined, jeopardy, by the existing provisions of the league of nations, and that not alone because of that candor and fairness which is due to other nations, but in order to insure confidence and understanding at home, it is essential that our established rights be indicated in language that can not be misunderstood.

The answer to the second defense is precisely the same, for if, as I believe and assert, our right of withdrawal and the safeguarding of the Monroe doctrine and the protection of our domestic and internal affairs and our position before the world that no other nation or combination of nations can ever be allowed to dictate when or where an American soldier or sailor shall be sent, are jeopardized by the treaty as it is now written, then whatever may be the complications that may result from insisting upon such vital rights, such complications fade into insignificance in comparison with our essential duty to safeguard our own country. I can not see any delay or complication that ought to follow from American safeguarding reservations. If, as the President declares, the principles of these reservations are already written into the treaty as it now stands and are accepted by every other nation, certainly there can be neither delay nor complication in any consent either by express approval or by acquiescence in reservations which express in clearer terms that to which the nations have already consented.

I said by a single illustration I intended to establish that some of the fundamental rights of this country are in jeopardy. Here is my illustration: It seems as if those who wrote article 10 of the league of nations had in mind, and wisely had in mind, the prevention of external aggression upon the territorial integrity of any other nation, because such external aggression breeded war, and war was the thing which the league of nations wanted to make impossible. They failed, however, to recognize that there may be external aggression upon the territorial integrity of another nation which is absolutely essential to the integrity of the invading government, and in no case is that more clear than with the United States.

If we had a map of the United States upon the wall we could refresh our memory by looking at the State of California. At the south of the State of California there extends southward generally that long peninsula which is called Lower California. It has little agricultural value. The cost of irrigation that would make it agriculturally available is prohibitive. But it has upon its western border the Bay of Magdalena, the most wonderful assembling ground for a navy upon the whole Pacific coast, except perhaps the port of San Francisco, and it has great fields that lend themselves to the mobilization of an army.

Lower California belongs to Mexico. Mexico has long wanted to sell. The distinguished Senator from Arizona [Mr. ASHURST] has upon more than one occasion advocated the acquisition of Lower California upon the part of this Government by purchase. Mexico has been seeking a purchaser. Japan has wanted to buy. I do not know, nor does any other Senator upon the floor of the Senate know, that Japan has not already bought Lower California. When there is an article in commerce and he who has it is keen to sell and is met by some one eager to buy and unmindful of the price, the consummated sale is apt to follow. If Japan has bought it, or if Japan should buy it, it immediately has become or would become the territorial integrity of Japan. They have as much right to buy Lower California as we had to buy the Virgin Islands from Denmark not long ago. If that sale has been completed, or should be completed in the future, what stands in the way of the transaction? Nothing in the world except the announcement and the enforcement of our own Monroe doctrine. If we could imagine the Japanese ambassador sitting upon one side of the table and the Mexican ambassador sitting upon the other side of the table negotiating about Lower California, and could witness the conclusion when the Japanese ambassador said, "There is your money," and the Mexican ambassador said, "There is your deed," the transaction would be complete. If either one of them had lifted his eyes ever so little, he would have seen the strong arm of the manhood of the United States declaring to the ambassador of Japan, "You dare not buy," and to the ambassador of Mexico, "You dare not sell property that shall come under the domination of Japan and that lies upon the threshold of the American Republic."

Yet, with that sale consummated, or to be consummated, and with Lower California a part of the territorial integrity of Japan, there is not a man in the Senate who does not know that the news of that transaction would not be 24 hours old before an American Army would be marching to Lower California, and the Japanese outposts upon the point at Magdalena Bay would see the smoke of American men-of-war advancing to drive out the Japanese fleet from its assembly grounds. When the American troops came on their way, and the American fleet proceeded toward the bay, under this treaty what would Japan do? She would say to England and to France and to Italy, the nations whose sons have mingled their blood with the blood of our own, "Come; the United States by external aggression, is invading my territorial integrity, and I demand of France and England and Belgium and Italy that you rally around me and fight with me to offset the American Army that I see advancing and the American Navy that is steaming toward my vessels." If France and England and Italy and Belgium kept their word as it is written in this treaty, they would be bound to come to the assistance of Japan as against the United States.

If you say that the language of the treaty is that a regional understanding, whatever a regional understanding may be, like the Monroe doctrine, protects that territory against acquisition by purchase, as I have illustrated, you have made a proposition which fails upon the contemplation of it, for the Monroe doctrine is neither international nor regional. It is an American self-protecting doctrine which had its origin in this country alone, and which must have its enforcement alone from this Nation.

Before the treaty of peace, including the league of nations, with provisions such as I have indicated, can ever meet with the sanction of America, there must be written into it, not by interpretation, but by inseparable reservations which shall be interwoven into the language of the ratification itself, that nothing in it shall ever lessen or destroy the Monroe doctrine of the United States. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair will have to admonish the occupants of the galleries that by the rules of the Senate applause is not tolerated.

CONTROL OF FOOD PRODUCTS.

During the delivery of Mr. SPENCER's speech,

Mr. GRONNA. Mr. President——

Mr. SPENCER. I yield to the Senator from North Dakota.

Mr. GRONNA. I move that House bill 8624, the food-control bill, be taken up.

The PRESIDING OFFICER. Does the Senator from Missouri yield for that purpose?

Mr. SPENCER. I yield for that purpose.

Mr. POMERENE. I did not understand the Senator's request.

Mr. GRONNA. I move that House bill 8624, the food-control bill, be taken up.

Mr. POMERENE. I have no objection.

The PRESIDING OFFICER. Under the rule the Senator from Missouri can not yield for that purpose without yielding the floor.

Mr. GRONNA. I ask unanimous consent that it be done.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that the food-control bill be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. GRONNA. I thank the Senator very much.

After the conclusion of Mr. SPENCER'S speech,

The Senate resumed the consideration of the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

Mr. DIAL. Mr. President, I was not in the Chamber when this bill was called up. The Senator from South Carolina [Mr. SMITH] is very much interested in the bill, as is also the Senator from Georgia [Mr. SMITH]. Both are absent to-day, and I should like very much to have the bill go over.

The PRESIDING OFFICER. The bill was made the unfinished business of the Senate at the request of the Senator from North Dakota [Mr. GRONNA]. The Secretary will state the first amendment of the committee.

Mr. CHAMBERLAIN. Mr. President, in view of the desire of some Senators to be present who are not now here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harris	Norris	Spencer
Beckham	Harrison	Nugent	Stanley
Brandegee	Johnson, S. Dak.	Overman	Sterling
Capper	Jones, Wash.	Owen	Swanson
Chamberlain	Kendrick	Page	Thomas
Dial	Kirby	Pomerene	Trammell
Elkins	La Follette	Sheppard	Underwood
Fall	Lodge	Smith, Ariz.	Watson
France	Nelson	Smith, Md.	Wolcott
Gerry	New	Smoot	

Mr. GERRY. The Senator from North Carolina [Mr. SIMMONS], the Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Arkansas [Mr. ROBINSON], the Senator from Nebraska [Mr. HITCHCOCK], and the Senator from Montana [Mr. WALSH] are detained from the Senate on official business.

I wish to announce that the Senator from Louisiana [Mr. GAY] and the Senator from Nevada [Mr. HENDERSON] are detained on business of the Senate.

I wish also to announce that the Senator from Georgia [Mr. SMITH], the Senator from South Carolina [Mr. SMITH], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Massachusetts [Mr. WALSH] are detained from the Senate on public business.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present.

Mr. NORRIS. I move that the Senate adjourn.

Mr. HARRISON. I call for a division.

Mr. THOMAS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. THOMAS. I call for a division.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The call of the roll has already disclosed the absence of a quorum.

ADJOURNMENT.

On a division the motion was agreed to; and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, September 10, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 9, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

Dear Lord of Heaven above and of earth below, these glowing days of sun and heat bid us rise and labor while it is yet day; for the night cometh when no man can work. Take from us our procrastination and our indifference. Make us diligent and useful. In these trying and perplexing times break for us the spell of names and phrases. Give us an insight into realities and a vision of true ideals. Then, Lord, may we do our duty faithfully, live honestly, toil earnestly with Thee and all lovers of mankind, and rejoice with inward peace; until at last, called from labor to refreshment, we discover the end of this life to be only the beginning of another and an everlasting life, assured to us by all the intimations of the soul, revealed by all Thy teachings of immortality, confirmed by Christ's own resurrection and ascension. There let us find a reward and a crown won by our faith, hope, and love. Through Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. MAPES. Mr. Speaker, I notice the Journal read by the Clerk announces that the chairman of the committee was directed by the Committee on the District of Columbia to call up certain bills. Is that correct? The chairman is authorized under the rule to call up the bills himself on District day.

The SPEAKER. The Chair is informed that that is the usual form in journalizing.

Mr. MAPES. The committee authorizes the report and I understood that was the method on Calendar Wednesday on the call of committees, but on District day I supposed the chairman had a right to call bills up without being directed by the committee.

The SPEAKER. The Chair is informed that that is the usual form in the Journal. The Chair will not pass upon the parliamentary accuracy of it.

THE PROHIBITION BILL.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 6810, the prohibition enforcement bill, disagree to all the Senate amendments, and agree to the conference asked for by the Senate. Is there objection?

Mr. GARNER. Reserving the right to object, will not the gentleman let that go over for an hour or two? Some of the amendments, I think, the House might want to vote on, or at least have some agreement with the committee as to the policy to be pursued by the conferees on the part of the House.

Mr. VOLSTEAD. I will withdraw the request.

The SPEAKER. The Chair will suggest to the gentleman from Texas that the House will probably be in Committee of the Whole during the day.

Mr. GARNER. I do not want, Mr. Speaker, to be put in the attitude of objecting to sending the bill to conference, but there are some amendments upon which I think the House ought to have some assurance on the part of the conferees as to the position they are going to take in conference.

The SPEAKER. The Chair will suggest that the committee might rise early enough to take it up before adjournment.

WAR-RISK INSURANCE.

Mr. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 288.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 8778, being an act to amend and modify the war-risk insurance act. There shall be not to exceed three hours' general debate, one-half to be controlled by the gentleman from Wisconsin [Mr. ESCH] and one-half to be controlled by the gentleman from Tennessee [Mr. SIMS]. At the conclusion of the general debate the bill shall be read and considered for amendment. At the conclusion of such consideration the bill, together with amendments, if any, shall be reported to the House, whereupon the previous question shall be considered as ordered on the amendments and the bill to final passage without intervening motion, except one motion to recommit.

Mr. SNELL. Mr. Speaker, the Committee on Rules probably has not reported a resolution this session that will meet the universal approval of Members of the House more than this resolution to make in order a bill that provides for certain changes in the administration of and the fundamental law establishing the War Risk Insurance Bureau.

This bureau more than any other bureau in any executive department of Washington has been universally condemned by the people, by the soldiers who have tried to take out and carry insurance, and also by Members of the House who have tried to help these men. Whether this is entirely on account of the administration of the bureau or the fundamental law that established the bureau I do not know, but it is certain the House can and must do something in order to straighten out the bureau and make it more efficient to do the work that was intended than it is doing at the present time.

I understand about 75 per cent of the insurance has already been canceled, and that the bureau is serving to-day less than 25 per cent of the people it was expected to serve. This bureau has been established and is being carried on at a very great expense, and we should enact some legislation that will see that this bureau is immediately straightened out and administered in a more businesslike manner. This is one of the most

important pieces of legislation that has come before the House this session. It deals with nearly 14,000 employees in the District of Columbia, and it is of special interest to men, women, and children in every congressional district in the country. It should receive the most careful and considerate attention from every Member of the House.

The request for the rule was unanimous from the Committee on Interstate and Foreign Commerce, and the rule was reported unanimously from the Committee on Rules. As far as I know there is no request for time on the rule. Therefore, I move the previous question.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

Mr. BOIES. Mr. Speaker, I ask unanimous consent that I may address the House for 15 minutes on the subject I suggested yesterday morning.

The SPEAKER. The gentleman from Iowa asks unanimous consent that he may address the House for 15 minutes on the question that he raised yesterday morning. Is there objection?

Mr. RAYBURN. Mr. Speaker, reserving the right to object——

Mr. BOIES. I hope the gentleman will not object; I will take but a few minutes.

Mr. SNELL. Mr. Speaker, reserving the right to object, what is the gentleman's request?

The SPEAKER. The gentleman asks unanimous consent to address the House for 15 minutes.

Mr. SNELL. I object.

The SPEAKER. Objection is heard. The question is on agreeing to the resolution.

The resolution was agreed to.

PROHIBITION ENFORCEMENT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that pending going into the Committee of the Whole under the rule, the gentleman from Minnesota [Mr. VOLSTEAD] may be given an opportunity to submit a request for unanimous consent.

The SPEAKER. Without objection, the gentleman from Minnesota will proceed.

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I renew the request to take from the Speaker's table the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota renews his request that the bill H. R. 6810, with Senate amendments, be taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked. Is there objection?

Mr. GARD. Mr. Speaker, I reserve the right to object.

Mr. BANKHEAD. Mr. Speaker, has the gentleman had any understanding with the gentleman from Texas [Mr. GARNER].

Mr. MONDELL. Yes. The gentleman from Texas [Mr. GARNER] has withdrawn his objection.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, has the bill as it came over from the Senate yesterday been printed, with the Senate amendments?

Mr. VOLSTEAD. It has been printed.

Mr. GARD. Do I understand that the request of the gentleman from Texas to defer action on this for a short time is no longer insisted upon?

Mr. VOLSTEAD. He is not insisting upon that.

The SPEAKER. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, if it is not out of order I would like to inquire as to the conferees. I understand that the gentleman from South Carolina [Mr. WEBB] is out of the city.

Mr. VOLSTEAD. Mr. WEBB will be here to-morrow.

Mr. DYER. I was in hopes that it might be possible to get at least one conferee who is not a rank prohibitionist, though I do not know that it would do any good.

The SPEAKER. Is there objection?

Mr. DYER. I think we can safely leave our interests in the hands of the gentleman from Minnesota.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. VOLSTEAD, Mr. MORGAN, and Mr. WEBB.

WAR RISK INSURANCE BUREAU.

Mr. ESCH. Mr. Speaker, before we go into the Committee of the Whole I ask unanimous consent that after I have used five minutes of general debate I may be permitted to turn over the time to the gentleman from Iowa [Mr. SWEET], chairman of the subcommittee.

The SPEAKER. The Chair thinks that unanimous consent is not required for that. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8778, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8778, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

Mr. ESCH. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule the gentleman from Wisconsin is recognized for one and a half hours.

Mr. ESCH. Mr. Chairman, I wish to utilize but five minutes of that time, and in those five minutes I wish to direct my attention particularly to the provision in the first section of the bill relating to the fixing of the salary of the director general. It will be noticed in the bill that the salary for this officer is fixed at $10,000 per annum. The bill provides for abolishing the office of Commissioner of Military and Naval Insurance, and also the office of Marine and Seamen's Insurance. Each of these officials is now paid a salary of $4,000 per annum.

Under the existing law the director general receives $5,000. Increasing his salary to $10,000 per annum and abolishing the two commissioners will result in a saving to the Government of $3,000. When the bill is considered under the five-minute rule I have no doubt there will be discussion of amendments seeking to modify the recommendation of the committee with reference to the salary of the director general. I wish to make a few remarks in support of the recommendation of the committee for a salary of $10,000. As a justification for our recommendation I can give to the House the precedents already established by the Federal Government.

The Assistant Attorneys General of the United States now receive $7,500 per annum.

The Commissioner of Internal Revenue by act of Congress receives $10,000 per annum, the same amount that we seek to give to the Director General of War Risk Insurance by this bill.

Members of various commissions, such as the Tariff Board, the Interstate Commerce Commission, and others are now being paid the sum of $10,000 per annum. These are precedents which can be invoked to justify the $10,000 which we seek to grant to the director general in this bill.

The Board for Vocational Education had one officer to whom was paid the sum of $10,000. If we go further than that and direct our attention to the salaries paid by the United States Railroad Administration, we find these facts: The director general himself is paid $25,000. The general assistant is paid $15,000. The financial assistant is paid $12,000. The assistant to the director general is paid $10,000.

The Director of the Division of Finance is paid $25,000. The treasurer is paid $10,000. The Director of the Division of Purchase is paid $25,000. The Director of Capital Expenditures, formerly an honored Member of this House and at one time chairman of the Committee on Appropriations, is paid $25,000. The assistant director is paid $10,600.

The Director of the Division of Operations—except car-service section—is paid $25,000, the assistant director $10,000. The assistant director in the Division of Operations is paid $14,000, and another assistant is paid $10,000.

The manager of car service is paid $10,000.

The Director of the Division of Traffic is paid $25,000. His assistant director is paid $15,000, and another assistant is paid $12,500.

The CHAIRMAN. The gentleman from Wisconsin has used five minutes of his time.

Mr. ESCH. I will take another three minutes.

The assistant director is paid $10,000. The Director of the Division of Public Service is paid $25,000, and so on.

Now, when we come to the regional directors, the men who are in charge of the railroads in the various regions into which the United States has been divided, we find that there are five regional directors, to whom are paid the sum of $50,000 each and two to whom are paid the sum of $40,000 each.

So there is abundant precedent for establishing the salary of $10,000 for the Director of the War Risk Insurance Bureau. When we consider the amount of work that has been placed upon the shoulders of the Director of War Risk Insurance, the salary that we here recommend is inadequate, considering the larger salaries paid to these various other Government officials.

I do not know whether we fully realize the responsibility of the Director of War Risk Insurance. Last year the sum of $550,000,000 passed through his office. The outstanding insurance to-day amounts to $39,633,000,000, more insurance than is written by the five largest insurance companies in the world, and these insurance companies pay their presidents $50,000 a year each. It will be remembered that in the War Risk Insurance Bureau there are 13,500 officials and employees and that they handle the insurance of over 4,000,000 men. In view of these facts the committee believe that the $10,000 that we recommend is not exorbitant. It is perhaps not even adequate. But the committee did not feel warranted in exceeding the amount of $10,000. We believe that the present director is a man who is desirous of putting this great bureau upon an efficient working basis, and I think every Member of this House in the recent weeks has seen that there has been a greater efficiency in the operations of the War Risk Insurance Bureau than there was formerly. He is devoting his whole energy to making a success of this bureau, which affects so many millions of men who fought for the Nation. Under these circumstances and in view of these conditions and of the work and responsibility put upon him the committee believe that a salary of $10,000 is not too large.

The CHAIRMAN. The gentleman has used his additional three minutes.

Mr. ESCH. I ask unanimous consent that the gentleman from Iowa [Mr. SWEET] may have charge of the remaining time.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Iowa [Mr. SWEET] control the balance of the time. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I heartily agree with everything that has been said by the gentleman from Wisconsin [Mr. ESCH] with reference to the compensation provided for the Director of the War Risk Insurance Bureau. Therefore it would be useless to reiterate what the gentleman has so well presented to the committee. When we reach that part of the bill in the five-minute debate, if there are amendments seeking to reduce the amount I will then occupy the floor in opposition to such amendments.

Mr. Chairman, the gentleman from Texas [Mr. RAYBURN] and the gentleman from Pennsylvania [Mr. DEWALT] were members of the subcommittee that prepared this bill, and are much better acquainted with its details than I am. Therefore I ask unanimous consent that the gentleman from Texas [Mr. RAYBURN] have control of the remainder of the time for general debate on this side, with the privilege of yielding it as he may see proper.

The CHAIRMAN. Without objection, the gentleman from Texas [Mr. RAYBURN] will control the balance of the time on that side.

There was no objection.

Mr. STRONG of Kansas. I should like to ask the gentleman a question. Will raising the salary of this office change the personnel of the office in any way?

Mr. SIMS. Not that I know of, Mr. Chairman. I have not the honor or the pleasure of personal acquaintance with the present Director of the War Risk Insurance Bureau, Col. R. G. Cholmeley-Jones.

As far as my support of the increase of salary is concerned it has no personal bias whatever. This bureau is going to operate for many years and it has got to have a man of ability regardless of politics or anything of that kind.

Mr. STRONG of Kansas. I do not care anything about the name or politics. If he is working for $5,000 I wondered if it was intended to get a different man for $10,000.

Mr. SIMS. I think the present salary is $6,000; but if there is any contemplated change as to the director I do not know anything about it.

Mr. STRONG of Kansas. It is just a raise of salary?

Mr. SIMS. It is to provide compensation for any man who holds that office, whether he be the present director or some other man. I yield the rest of my time to the gentleman from Texas [Mr. RAYBURN].

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, I shall take 30 minutes of time.

The CHAIRMAN. The gentleman from Iowa.

Mr. SWEET. Mr. Chairman and gentlemen of the committee, I wish to proceed for a time in the explanation of this bill, if possible, without interruption, believing that as the sections of the bill are explained that it will answer many questions that are uppermost in the minds of Members of the House at this time relative to this legislation.

The CHAIRMAN. The gentleman declines to be interrupted for the present.

Mr. SWEET. The war-risk insurance act was approved on October 6, 1917, just six months after war had been declared. This legislation was enacted in the interests of every commissioned officer and enlisted man and every member of the Army and Navy Nurse Corps when employed in the active service under the War and Navy Departments of the United States Government.

Article 1 of the act relates to the establishment in the Treasury Department of a bureau to be known as the Bureau of War Risk Insurance. In this bureau there is a Division of Marine and Seamen's Insurance and a Division of Military and Naval Insurance. In general, article 1 relates to the organization and administration of the Bureau of War Risk Insurance.

Article 2 relates to allotments and family allowances.

Article 3 relates to compensation for death or disability.

Article 4 relates to what is generally known as war-risk insurance.

It may be generally stated that under article 2 of the act allotments, both voluntary and involuntary, are taken out of the pay of soldiers, sailors, and marines. The family allowances are paid by the United States Government.

Under article 3 compensation for death or disability is paid by the United States Government.

Under article 4 the Government assumed all expenses of organization and what might be termed overhead expenses in connection with war-risk insurance, and the soldiers and sailors and marines pay the premiums on their insurance policies out of their pay. In short, the Government pays the family allowances and bears all expenses of administration and the excess mortality and disability costs resulting from the hazards of war in connection with war-risk insurance, while the soldiers, sailors, and marines pay the voluntary and involuntary allotments and premiums upon their insurance policies out of their own pay.

This legislation was enacted in the interest of the soldiers, sailors, and marines engaged in the Great War for the benefit of themselves, their wives, their children, and those who may be dependent upon them for maintenance and support during the great emergency through which we have just passed.

The family allowance feature of article 2 of the bill will undoubtedly be closed within four months after the President issues his official proclamation of peace. The involuntary-allotment feature will be discontinued. The voluntary-allotment feature will be continued in force and effect for those who remain in the service and who are a part of the military and naval forces of the Government.

The compensation feature for death and disability as provided in article 3 will undoubtedly continue as a permanent policy of the Government.

The insurance feature of the bill as provided in article 4 is now in process of readjustment and, I might say, reorganization to meet the present conditions and uncertainties brought about largely by the demobilization of the Army and Navy. What will be the permanent policy of the Government in this respect will be for Congress to determine through the enactment of proper and salutary legislation.

Your committee has had before it for consideration 3 resolutions and 28 bills suggesting amendments and changes in the war-risk insurance act. These resolutions and bills cover a wide range and have forcibly brought to the attention of your committee defects in the present law which should be corrected in so far as it is possible in order that those who are deeply interested in this particular legislation may receive the benefits to which they are entitled, that their rights may be conserved, and their intentions carried out by the Bureau of War Risk Insurance in an expeditious, orderly, and just manner.

Your committee in preparing the bill that we are now considering has had the friendly cooperation of the Director of the Bureau of War Risk Insurance, the Secretary of the Treasury, and Members of Congress who have introduced resolutions and bills suggesting modifications and amendments to the present law.

The bill that we are now considering is largely the embodiment of the suggestions that the committee has thus received.

I might say that the whole purpose of the committee has been, in so far as it may be possible, to comply with the wishes of all persons who are interested and concerned in legislation pertaining to the war-risk insurance act.

I believe that I am not going too far when I say that if your committee really knew what a majority of the soldiers, sailors, and marines of this country desire in connection with this class of legislation they would gladly enact it into law, having full faith and confidence that the sailors, soldiers, and marines of the Republic would not demand that which would not comport with the best interests of their Government and the happiness and contentment of its people.

Having made these brief general observations in regard to the war-risk insurance act, I will now take up for discussion each section of the proposed bill and explain to the committee, if possible, the purposes and necessities for this legislation.

Section 1 provides for the abolition of the office of Commissioner of Marine and Seamen's Insurance and the office of Commissioner of Military and Naval Insurance, and transfers their powers to the Director of the Bureau of War Risk Insurance, and increases the director's salary from $5,000 to $10,000 per annum, the salaries which the aforesaid commissioners now receive being $4,000 each per annum. These salaries are done away with, thus saving to the Government $3,000 per annum and consolidating the various divisions under one head, and largely placing all responsibility and power in the hands of the director. The simple reduction in the salary and saving to the Government of $3,000, however, is not by any means the main reason for the increase in the salary of the Director of the Bureau of War Risk Insurance from $5,000 to $10,000 per annum. The Treasury Department is earnestly in favor of this increase in the salary of the director. I wish to call your attention to the statement made by the Treasury Department in this connection:

> The War Risk Bureau has become very much the largest bureau of the Government. There are at the present time about 13,500 employees working in the bureau here in Washington. The amount of money passing through the bureau last year amounted to something like $550,000,000. The Government's liability for insurance outstanding through the bureau is over $39,000,000,000. The bureau has been, I think, concededly one of the most difficult propositions ever undertaken by the Government to work out and to get in such shape that it would properly perform the functions for which it was intended. In the extent of personnel to be dealt with, in the amount of money to be handled, in the scope of the insurance field embraced within the activities of the bureau, and in the importance of the service to be performed to a very large number of American citizens, the director of the bureau has a task that is trying, almost beyond description. Not only is a man of especial experience required, but a man also who possesses executive qualifications of the highest order and the vision to compass the farthing possibilities of the bureau's future.

The officers of many of the large insurance companies of this country receive from twenty-five to fifty thousand per annum. The director is not only at the head of the insurance feature, as provided in the war-risk insurance act, but he is at the head of the family allowance and allotment division, the compensation and disability division—in short, he is the administrative head of the marine and seamen's insurance and the military and naval insurance, the language of the bill being:

> That the office of the commissioner of military and naval insurance and the office of the commissioner of marine and seamen's insurance created by the war-risk insurance act are hereby abolished, and the powers and duties pertaining to such offices are hereby transferred to the Director of the Bureau of War Risk Insurance.

Hon. Carter Glass, the Secretary of the Treasury, in a letter to the chairman of the committee, stated:

> After a careful survey of the entire country, I selected the present director of the bureau as, in my opinion, the best equipped man of whom I knew to fill the position. I was able to persuade him to accept the very great responsibilities and very arduous duties of the place, although it required a decided sacrifice on his part. I told him that I should do what was in my power to induce Congress to increase the salary as above suggested, both because I realized that it is a position of such importance that it should carry the higher salary, and, further, because I felt it unfair to ask him to give up the prospects immediately in front of him and to enter the Government service at a lower wage.

When you take into consideration the responsibility and the unusual executive ability that a proper administration of this office demands, and when you realize that 4,000,000 men are interested in the Government's endeavors in this respect, it appears to me that it would be natural for your committee to conclude that the salary of the Director of the Bureau of War Risk Insurance should be increased to $10,000 per annum.

Section 2 of the bill is an amendment to section 22 of the war-risk insurance act, wherein the term "child" is defined to include "a child legally adopted," without reference as to when and where adopted.

Section 3 is an amendment to section 22 of the war-risk insurance act, the term "child" being defined to include an "illegitimate child," but as to the father only, if acknowledged in writing signed by him or if he is judicially ordered and decreed to contribute to such child's support.

Section 4 is an amendment to section 22 of the war risk insurance act, by adding thereto subdivision 4a, the term father and mother being defined—

> to include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have stood in loco parentis to a member of the military and naval forces for a period of not less than one year: *Provided*, That this subdivision shall be deemed to be in effect as of October 6, 1917.

Subdivision 4 of section 22 of the war-risk insurance act is as follows:

> The term "parent" includes a father, mother, grandfather, grandmother, father through adoption, mother through adoption, stepfather, and stepmother, either of the person in the service or of the spouse.

The proposed amendment 4a defines father and mother to include persons who have stood in loco parentis to a soldier or sailor for a period of not less than one year. Many cases have come to the attention of the committee where the soldier has designated an aunt or an uncle or some one who has stood in the position of a parent prior to his entering the service. When the matter has been presented to the Bureau of War Risk Insurance these persons were not within the permitted class of beneficiaries. The intention of the soldier has thus been defeated, and the insurance would go to the father, if living, who has never perhaps paid any attention to the boy, has never furnished him any maintenance and support, thus defeating the intent of the soldier. With this provision in the bill, if the soldier has designated his aunt who in reality has been a mother to him, has assisted him in obtaining his schooling and furnished him maintenance and support, she will in fact become his beneficiary and receive the insurance money.

I have a case at point from my own district. A young man named William H. Farmer, when about 5 or 6 years of age was taken from an orphans' home at Dubuque, Iowa, by one Mrs. Ella Hentz, of Independence, Iowa. She brought up this boy—she expected to adopt him, but did not do so legally. He referred to her as mother in his letters. When he designated her as beneficiary in the policy of insurance he referred to her as mother. The boy died in the service in France. When Mrs. Hentz filed her claim with the Bureau of War Risk Insurance and all the facts were clearly disclosed, it was found that she was not in fact his mother, neither had she legally adopted him. Under the present law it became the duty of the director of the bureau to deny the claim. Under the provisions of this amendment she will become the beneficiary of William H. Farmer, the intent of the soldier will be carried out, and justice will be done. This provision is made retroactive from and after October 6, 1917.

Section 5 relates to persons who may be confined in an asylum or hospital for the insane maintained by the United States, where no guardian or curator of their property has been duly appointed. The director, after due investigation, may order all moneys payable to him to be held in the Treasury of the United States to the credit of such person. It also provides that funds so held may be disbursed by the director at his discretion to the chief executive officer of the asylum or hospital in which such person is an inmate to be used by such officer for the maintenance and comfort of such inmate and account to the Bureau of War Risk Insurance.

It further provides that if at any time such inmate shall be found to be mentally competent, or die, or a guardian or curator of his estate be appointed, any balance remaining to the credit of such inmate shall be paid to him if competent, and otherwise to his guardian, curator, or personal representative. This provision is put in the act for the benefit of anyone that may be confined in an asylum or hospital for the insane maintained by the United States, and thus it will not require the long delay that is ofttimes necessitated in having a proper guardian appointed to take care of the property of the inmate of such a hospital before the inmate may receive the much-needed financial assistance.

Section 6 amends section 28 of the war-risk insurance act, which at present prohibits the assignment by any person to whom converted insurance shall be payable. In other words, under the present law the beneficiary of an insurance policy can not assign his rights therein.

Section 6 of this bill permits the assignment by a beneficiary of his interest in a policy of converted insurance to any other member of the permitted class of beneficiaries.

The present term insurance or yearly renewable insurance will not be assignable by any person to whom such insurance shall be payable under article 4 of the war-risk insurance act, the view of the committee being that after the term insurance has been converted that the beneficiary has a vested interest therein, and should have the right to assign his interest therein to any other member of the permitted class of beneficiaries.

Section 7 of the bill is an amendment to section 29 of the war-risk insurance act, and applies only to converted insurance under article 4 of such act. If a person has converted his term

insurance, the beneficiary should have the right to receive the insurance regardless of whether the soldier, sailor, or marine was a deserter, or guilty of mutiny, treason, spying, or any offense of moral turpitude or willful and persistent misconduct.

Mr. GARD. Will the gentleman yield for an inquiry?

Mr. SWEET. I prefer not to yield at this time; I shall be glad to do so later.

Mr. GARD. I desire to ask a question upon this point, but I will be glad to defer it.

Mr. SWEET. And a little later I shall be glad to yield.

The view of the committee was that where the term insurance has been converted that it is in the nature of an investment the same as in old-line insurance policies, and that the insurance should not be terminated, but should be kept in full force and effect.

This amendment simply relates to insurance and does not change the law as to compensation under article 3 of the act.

Section 8 simply adds a new section to the war-risk insurance act to be known as section 31. The fore part of this section simply defines what constitutes active service in the military or naval forces of the United States. This provision is in accord with the construction that has been placed upon the provisions of the war-risk insurance act by the bureau in administering the present law.

The section provides that no person is in active service in the military or naval forces of the United States within the meaning of this act until he has been examined at the camp or other place of mobolization and upon such examination accepted and enrolled for active service. It was deemed best to place in the law this definite pronouncement of the rule followed by the bureau in view of the latter provisions of this section.

This section provides that if, after induction by the local draft board, but before being accepted and enrolled for active service, the person dies or has become disabled as a result of disease contracted or injury suffered in the line of duty, and not due to his own willful misconduct, he shall be entitled to the benefits of compensation provided under article 3 of the act. It is also provided further that any insurance application made by a person after induction by the local draft board, but before being accepted and enrolled for active service, shall be deemed valid.

Section 8 of the bill is to cover cases in which a soldier has been inducted by the local draft board, and while he is on his way to camp and before he has been enrolled in the active service in the military forces of the United States he is injured in the line of duty, and not because of his own willful misconduct, will be entitled to compensation. An application made by such a soldier for insurance during that period will also be valid.

Section 9 of the bill amends section 204 of the war-risk insurance act by striking out the word "one" and inserting in lieu thereof the word "four." Section 204 is a part of article 2 of the war-risk insurance act, which relates to family allowances and allotments. Under the present law family allowances shall not be paid for more than one month after the termination of the present war emergency. The proposed amendment changes section 204 so that it will read:

> Family allowances shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than four months after the termination of the present war emergency.

This does not change the law in regard to discharged soldiers, but simply applies to those who are in the service at the date of the President's proclamation of peace.

In other words, the family allowance feature of the war-risk insurance act will terminate four months after the President issues his official proclamation of peace. This provision is placed in the bill at the suggestion of the Director of the Bureau of War Risk Insurance and the Treasury Department, so that ample time may be given to properly close and terminate all matters in regard to family allowances and make adjustments relative to compulsory allotments.

Section 10 amends article 2 of the war-risk insurance act which relates to allotments by adding thereto section 211. This section provides that all family allowances and allotments payable by the Bureau of War Risk Insurance under the authority of article 2 of the act shall be discontinued at the end of the fourth calendar month after the termination of the present war emergency as declared by proclamation of the President, and thereafter all allotments of pay shall be voluntary and shall be under such regulations as may be prescribed by the Secretary of War and the Secretary of the Navy, respectively. In other words, under sections 9 and 10 of this bill all family allowances and compulsory allotments shall be discontinued and whatever allotments are thereafter made shall be purely voluntary and shall be made under such regulations as the Secretary of War and the Secretary of the Navy may prescribe.

Section 11 is an amendment to section 302 of the war-risk insurance act. Section 11 of this bill is practically the same as the bill introduced by Mr. RAYBURN, of Texas, on May 28, 1919, and during the present session of Congress.

Mr. RAYBURN, as you are probably aware, has had more to do with the enactment of the war-risk insurance law than any other member of the Committee on Interstate and Foreign Commerce, and, I might add with propriety, more than any other Member of Congress. He reported the act to the House, which was approved October 6, 1917, and explained and amplified its provisions when it was presented to the House. He should be given full credit for the great service that he has rendered the Nation in being mainly instrumental in putting through this piece of constructive and far-reaching legislation. [Applause.]

I have said this much in favor of the services of Mr. RAYBURN, for I believe that he is entitled to and deserves this recognition for the painstaking and careful preparation that is necessary for a full understanding and the presentation of so technical a subject.

It must also be remembered that this legislation was passed for the benefit of those who were actively engaged in defending our country against a foreign foe during one of the most exacting and critical periods of our Nation's history.

The benefits derived and to be derived from this legislation can not be fully realized and measured at this time.

Mr. RAYBURN not only reported to the House the act of October 6, 1917, but he also reported to the House another bill amending some of the important features of the act, which was approved June 25, 1918.

I am sure that you will find that section 11 of this bill, which is practically the same as the bill that he recently introduced, has been carefully prepared and will meet with your unqualified approval. Section 11 has to do with the compensation that is to be paid disabled persons who were a part of the Military and Naval Establishments of the Government during the recent war and in a sense is comparative to the pension legislation enacted in behalf of the soldiers of the Civil and Spanish-American Wars.

Under the act approved June 25, 1918, which was an amendment to the original war-risk insurance act, a disability resulting from injury in the service whereby the disabled person has neither wife nor child living the compensation is $30. Under this bill it is $80. If he has a wife but no child living, under the present law, $45; under this bill, $90. If he has a wife and one child living, under the present law, $55; under this bill, $95. If he has a wife and two or more children living, under the present law, $65; under this bill, $100. If he has no wife but one child living, under the present law, $40, with $10 for each additional child up to two; under this bill, $90, with $5 for each additional child up to two. If he has a mother or father either or both dependent upon him for support, then, in addition to the above amounts, $10 for each parent so dependent. This provision is the same as the present law.

The CHAIRMAN. The gentleman has used 30 minutes.

Mr. SWEET. I shall take 15 minutes longer. If, while the disability is rated as partial and temporary, the monthly compensation shall be a percentage of the compensation that would be payable for his total and temporary disability equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be paid for a reduction in earning capacity rated at less than 10 per cent.

In other words, where the department rates the disability as partial and temporary the compensation shall be a percentage of the amount or amounts set forth in this bill for total and temporary disability.

If, while the disability is rated as total and permanent, the compensation shall be $100, the bill specifically provides that the loss of both feet or both hands, or the sight of both eyes, or the loss of one foot and one hand, or one foot and the sight of one eye, or one hand and the sight of one eye, or becoming helpless and permanently bedridden shall be deemed to be total permanent disability. In cases of that kind the person will receive $100. The amount is stated. It is not a percentage of the same. In these cases the person is rated as totally and permanently disabled. The bill also provides that for double total permanent disability the rate of compensation shall be $200 per month.

In other words, if the man loses both eyes and both hands, he is entitled to $200 per month as long as he lives, or if he loses both eyes and one hand and one foot, he will receive $200 per month. If, while the disability is rated by the bureau as partial and permanent, the monthly compensation shall be a

per cent of the compensation that would have been payable for his total and permanent disability, equal to the degree of reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per cent. If a person has lost one arm, say at the shoulder, he will be ultimately rated by the department as being partially and permanently disabled, and he will get a per cent of the $100 that is payable for total and permanent disability.

In the hearings, pages 33, 34, 35, and 36, part 1, a tentative schedule of ratings, in accordance with the provisions of this bill, has been submitted by Mr. Macfarlane, the actuary of the War Risk Insurance Bureau. This is a tentative schedule of ratings for partial and permanent disability. On page 35 of the hearings, in the tentative schedule, we find:

Loss of arm at or above elbow joint and below shoulder (major), 70 per cent, or $70; loss of arm at or above elbow joint and below shoulder (minor), 65 per cent, or $65; loss of arm between the elbow and wrist (major), 65 per cent, or $65; loss of arm between elbow and wrist joints (minor), 60 per cent, or $60.

And so on through the various injuries. This rating is based upon the percentage of the compensation that would be payable for a permanent and total disability equal to the degree in the reduction of earning capacity resulting from the disability.

This section also provides that the Bureau of War Risk Insurance shall adopt a schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature. The ratings may be as high as 100 per cent. These ratings shall be based upon the average impairment of earning capacity resulting from such injuries in civil occupations, and not upon the impairment of earning capacity in each individual case, so that there shall be no reduction in rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau is authorized from time to time to readjust this schedule of ratings in accordance with actual experience.

If a person is so helpless as to be constantly in need of a nurse or attendant, such additional sum shall be paid, but not exceeding $20 per month, as the director may deem advisable.

Division 6 of section 11 provides that the injured person shall be furnished by the United States Government such reasonable governmental, medical, surgical, and hospital services; supplies, including artificial limbs, trusses, and similar appliances as the director may determine to be useful and reasonably necessary. The department may furnish these artificial limbs, trusses, and appliances by purchase or manufacture as the director may determine.

The Bureau of War Risk Insurance is also authorized to furnish medical and hospital services and supplies and appliances as provided in subdivision 6 of this section, to discharged members of the military or naval forces of the Governments which have been associated with us in the war since April 6, 1917, and come within the provisions of laws of such Governments similar to the war-risk insurance act, at such rates and under such regulations as the director of the bureau may prescribe. This provision of the bill allows the bureau to furnish medical, surgical, and hospital services to soldiers of other Governments who, for instance, are now residing in the United States. On the other hand, the bill provides that we may pay the Governments who were associated with us in the recent war for taking care of United States soldiers who are now living within the territorial limits of such Governments. In other words, it gives the Bureau of War Risk Insurance authority to establish a reciprocal policy in taking care of the soldiers who fought in the Great War. To illustrate: Some twenty or thirty thousand American citizens were a part of the Canadian Army, and of necessity the Canadian Government must look after the soldiers that have been maimed and crippled, no matter where they may reside. Many of these soldiers will return to the United States, and it would be far better for them to receive assistance and medical treatment at our governmental hospitals in the United States than to have the Canadian Government render that service to them within the borders of the United States.

If we render that service for the Canadian Government the Canadian Government can under the provisions of this bill reimburse our Government for the services so rendered. On the other hand, if our soldiers go to Canada, and many undoubtedly will, the Canadian Government under the provisions of this act could give our soldiers medical treatment and furnish them with artificial limbs and appliances, and then call upon our Government to reimburse the Canadian Government for the services rendered and appliances furnished.

Section 11 is made retroactive from and after October 6, 1917.

According to a statement of the Director of the Bureau of War Risk Insurance, the retroactive feature of this particular legislation in regard to increased compensation will cost the Government about $14,500,000.

In a letter addressed to the chairman of the subcommittee the director said in part as follows:

The bill as now reported out of your committee provides for payment of $80 per month to a single man without dependents in case of total temporary disability with additional amounts to men with dependents. As of August 30, 1919, it is estimated that this would cost fourteen and one-half million dollars to pay for the retroactive features and fifty-seven millions to pay for the additional cost on future payments during the balance of the fiscal year 1920.

Right in this connection I wish to call the attention of the House to a number of telegrams which I have received. Here is a telegram from Greenville, S. C., addressed to myself, and it reads as follows:

Seven hundred tubercular ex-service men are deeply grateful for bill you have proposed. We are totally disabled and can never live on $30 a month. We anxiously await passage of this measure.

CHAS. L. SICKLES,
Representing all patients, base hospital.

Here is another telegram I received from Denver, Colo.:

DENVER, COLO., *August 26.*

Hon. BURTON E. SWEET,
House of Representatives, Washington, D. C.:

We, the undersigned, as discharged disabled soldiers, patients of the Agnes Memorial Sanitarium, Denver, Colo., wish to congratulate you for the bill you are introducing in Congress for the increase of our compensation from $30 to $80 per month, also the granting of the automatic insurance. This $30 we now receive is inadequate to our needs. Hoping you succeed in having this bill passed, we wish you the pinnacle of success.

John A. Arnold, Arnold B. Seymour, Raymond L. Ritchie, George Joseph Hanagan, Ray C. Lane, Charles E. Stowe, Dallas B. Hays, W. A. Grills, Carl R. Woods, Owen Kenneth Swain, A. M. Henry, J. A. Gill, Joseph E. A. Connell, James E. Servis, Edwin R. Robinson.

In additon to that I received a letter from the Walter Reed Hospital. It reads as follows:

WALTER REED HOSPITAL, DISTRICT OF COLUMBIA,
August 26, 1919.

Congressman SWEET,
House of Representatives, Washington, D. C.

DEAR MR. SWEET: As representatives of the patients of the Walter Reed Hospital we are writing to urge strongly the passage of the war-risk insurance bill (H. R. 8288) as amended and reported to the House.

We, a group of disabled men, feel that we have the right to express our opinion after careful thought and discussion of the matter.

We also urge that this letter be read from the floor of the House at the time of presentation of the bill. If the Members of the House knew how the anxieties of many hundreds of wounded soldiers would be relieved by the provisions of this bill, we feel sure that they would vote for its passage.

Very sincerely, yours,

_____.

In addition to that I read from an article in the American Legion, which is, in part, as follows, in referring to this legislation:

These changes manifestly are necessary in the interests of equity, justice—and the continuance of the war-risk insurance.

The above statements were made after reviewing the various provisions of the bill.

When the changes have been effected, thus adjusting war-risk insurance to a peace-time basis and the wishes of the insured, the present apathy and even antipathy of the former service men to war-risk insurance will disappear. Let us hope that Congress will act in this instance without unnecessary equivocation or delay.

Section 12 amends section 401 of the war-risk insurance act. Section 401 is a part of Title IV of the act and relates to insurance. This section provides for the extension of automatic insurance to cover all men inducted into the service between April 6, 1917, and November 11, 1918. This covers the full period of the war. It also further extends automatic insurance to cover all men except those who actually refused to apply for insurance, who were finally accepted for service, and were in the service between April 6, 1917, and November 11, 1918. Under the provisions of the original act all soldiers who were in the service on and after the 6th day of April, 1917, who while in such service and before the expiration of 120 days from and after the publication of the terms and conditions of the contract of insurance—or October 15, 1917—had 120 days from and after the 15th day of October, 1917, in which to apply for insurance. This period expired on February 12, 1918. The law also provides that any person in the active service on or after April 6, 1917, while in such service and before the expiration of 120 days from and after such publication becomes or has become totally and permanently disabled or dies or has died without having applied for insurance, shall be deemed to have applied for and to have been granted insurance payable to such person during his life in monthly installments of $25 each.

Under the provisions of the present law persons must have been in the service prior to February 12, 1918, in order to be entitled to automatic insurance. Under the present law every soldier that entered the active service was entitled to 120 days in which to apply for insurance, but in order to be entitled to

automatic insurance he must have been a member in the active service prior to the 12th day of February, 1918.

This bill provides that any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service and before the expiration of 120 days after October 15, 1917, or 120 days after entering into or employment in the active service, becomes or has become totally and permanently disabled or dies or has died without having applied for insurance shall be deemed to have applied for and to have been granted insurance payable to such person during his life in monthly installments of $25 each, unless he actually refuses or has refused to apply for insurance.

This section also provides for the payment of automatic insurance to any person inducted into the service by a local draft board after April 6, 1917, and before the 11th day of November, 1918, and who, while in such service and before being accepted and enrolled for active military or naval service, becomes totally and permanently disabled or dies without having applied for insurance shall be deemed to have applied for and to have been granted insurance payable to such person during his life in monthly installments of $25 each.

Section 13 is an amendment to section 402 of the war-risk insurance act. It enlarges the permitted class of beneficiaries so as to include uncles, aunts, nieces, nephews, brothers-in-law, and sisters-in-law of the insured. This section is made retroactive from and after October 6, 1917.

Section 14 provides that in case no person within the permitted class of beneficiaries survives the insured, then there shall be paid to the estate of the insured an amount equal to the commuted value of monthly installments of yearly renewable term insurance calculated on the basis of interest at the rate of 3½ per cent per annum. In other words, in case at the death of the insured there is no one living within the permitted class of beneficiaries, the insurance shall be paid to the personal representatives of the insured in a lump sum.

Section 15 provides that any person to whom such yearly renewable-term insurance is payable dies or his rights are otherwise terminated after the death of the insured, but before all of the 240 installments have been paid, then the insurance money shall go to such persons within the permitted class of beneficiaries as would under the laws of the State of the residence of the insured be entitled to his property in case of intestacy. And if all the permitted class of beneficiaries be exhausted before 240 installments have been paid, then there shall be paid to the estate of the last surviving person in the permitted class an amount equal to the commuted value of the remaining monthly installments calculated on the basis of interest at the rate of 3½ per cent per annum.

The CHAIRMAN. The gentleman has consumed 15 additional minutes.

Mr. SWEET. I will yield myself 10 additional minutes.

The CHAIRMAN. The gentleman is recognized for 10 additional minutes.

Mr. SWEET. Section 16 provides that if no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured an amount equal to the commuted value of the monthly installments, payable and applicable, calculated on the basis of interest at the rate of 3½ per cent. If the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance, then there shall be paid to the estate of such beneficiary an amount equal to the commuted value of the monthly installments so payable and applicable calculated on the basis of interest at 3½ per cent per annum.

Section 17 provides that the bureau may make provisions in the contract for converted insurance for optional settlements to be selected by the insured whereby such insurance may be made payable either in one sum or in installments of 36 months or more.

Section 18 provides that all premiums paid on account of insurance converted shall be deposited and covered in the Treasury to the credit of the United States Government life insurance fund, and shall be available for the payment of loss, dividends, and other benefits provided under such insurance.

This section also provides that the bureau is hereby authorized to set aside out of the funds so collected such reserve funds as may be required under accepted actuarial principles to meet all liability under such insurance, and the Secretary of the Treasury is hereby authorized to invest and reinvest the said United States Government life insurance fund, or any part thereof, in interest-bearing obligations of the United States, and to sell the obligations for the purposes of said fund. This does not permit any of this fund to be invested in Federal farm-land bank bonds.

Section 19 provides that the amount of the monthly installments of allotments and family allowances, compensation, or yearly renewable term insurance which has become payable under the provisions of the war-risk insurance act, but which has not been paid prior to the death of the person entitled to receive the same may be payable to the personal representatives of the insured.

This, I believe, completes a rather careful analysis of the provisions of this bill, and I trust that they will meet with the approval of the Members of the House.

I trust that it will be of benefit to the director and his assistants in the administration of the war-risk insurance act, and that it will prove to be of inestimable benefit to those who are deeply interested in this class of legislation and to those who rendered valiant service to their country during the great crisis in world affairs. [Applause.]

Mr. Chairman, I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KINKAID having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 42. Joint resolution authorizing national banks to subscribe to the united war-work campaign;

S. 610. An act for the retirement of Henry J. Davis;

S. J. Res. 72. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany;

S. 176. An act for the relief of John M. Francis;

S. 2095. An act to authorize the President of the United States to appoint William Shelby Barriger captain of Cavalry;

S. 1447. An act to correct the naval record of Fred C. Konrad;

S. J. Res. 83. Joint resolution to permit the payment for certain lands where requisition of the title thereto was duly served and possession taken thereunder or where a binding agreement was entered into followed by the taking possession thereof and erection of improvements thereon prior to July 11, 1919;

S. 2733. An act to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor;

S. 2734. An act to authorize the transportation of civilians across the Atlantic Ocean upon Army transports under such rules and regulations and at such rates as the Secretary of War may prescribe;

S. J. Res. 69. Joint resolution appointing a commission to report on conditions in the Virgin Islands;

S. 2469. An act for the relief of Edward Johnson;

S. 597. An act providing for an increase of salary for the United States marshal and district attorney for the western district and for the United States district attorney for the eastern district of Louisiana;

S. 2811. An act for the relief of the York County Savings Bank, of Biddeford, Me.;

S. 2785. An act to amend section 7 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919;

S. 2807. An act to correct the military record of Edward Sigerfoos;

S. 2780. An act authorizing a military merit badge and additional pay based thereon;

S. 2809. An act relating to compensation and war-risk insurance for members of the Philippine Scouts under the provisions of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended;

S. 412. An act to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, temporary lieutenant, United States Navy, to the list of chief pay clerks, United States Navy, temporary lieutenant, Pay Corps, United States Navy;

S. 1473. An act granting pensions to certain members of the Life-Saving Service; and

S. 1726. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

WAR-RISK INSURANCE ACT.

The committee resumed its session.

Mr. RAYBURN. Mr. Chairman, I yield 25 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, after the very lucid and exhaustive explanation of the amendments to the war-risk insurance bill as given by the very able chairman of the subcommittee [Mr. SWEET] it would be almost unnecessary to make any further explanation in regard to those amendments. I feel quite certain that if this committee has paid strict attention to the explanation as given by Mr. SWEET and has carefully read his report there can be no question as to the advisability of these proposed amendments. The amendments taken as a whole might be summarized as to their purpose. The general purpose of those amendments is to enlarge the provisions of the war-risk insurance act and extend them so as to become more beneficial to the insured class and also more beneficial to the class of beneficiaries. Some of the provisions contained in these amendments are primarily intended to extend the beneficiary class. The original act confined the beneficiaries and restricted them to a very limited class, and that was for the purpose, in large measure, of preventing fraud during the time that war-time insurance existed and we had then only war-time insurance. It was deemed wise by the bureau, and by the committee itself, after investigation of the subject, to extend the class of beneficiaries. You will note that in one of the amendments the class is very much enlarged, including stepfathers, stepmothers, aunts, uncles, and those who are in place of parents, or, in the Latin phrase, in loco parentis.

Mr. WHITE of Maine. Would it be agreeable to the gentleman to yield at that point?

Mr. DEWALT. I yield.

Mr. WHITE of Maine. I wish to ask a question about subparagraph (4a), on page 2, in which the definition of "father" is enlarged to include one who stands in loco parentis.

Mr. DEWALT. Yes.

Mr. WHITE of Maine. The language is:

Persons who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year.

Does that mean the period of one year must be the year immediately preceding the entrance into the service, or would any year between the infancy of the soldier and the time he enters into the service be sufficient?

Mr. DEWALT. The one year previous to his entering the service.

Mr. WHITE of Maine. It seemed to me that that was it.

Mr. DEWALT. And the reason for that, if I may be permitted to explain, is this: That there were a great many young men who went into the Army who were living in families, and it was feared that during the term of the war, and under the war-time insurance, they might conceive the idea that they would select somebody and say to that individual, "You adopt me and stand in the relation of a parent to me, and then if there be death or if there be injury you will receive the benefit of that insurance."

Mr. WHITE of Maine. And right in that connection, might it not be that between infancy and the time a man entered the service there might be half a dozen persons who might establish that they stood in loco parentis?

Mr. DEWALT. Yes; and it was to provide against such an emergency as that that this bill was framed in the way it was suggested.

Mr. ROSE. Will the gentleman permit?

Mr. DEWALT. I will.

Mr. ROSE. I have a peculiar case in the district I represent, and I know of no one that I would rather submit the matter to than to the gentleman from Pennsylvania. The case is this: A man was married at the time of his entrance into the war, but there was then pending a proceeding for divorce, but before the divorce is granted—and there was no doubt at all that the decree would be signed—the soldier was killed in France. Immediately application was made on the part of both wives, as they deemed themselves to be, to recover this insurance.

Mr. DEWALT. How did he have two wives if the one was proceeding for divorce? I do not catch that.

Mr. ROSE. That is what I want to bring out. A divorce proceeding was pending, and the lady who married him was assured by the attorney representing the husband that the decree would be signed by the court, but it appears he was married a second time before the decree was signed by the court.

Mr. DEWALT. Your premise is wrong there. He could not have been married the second time. Therefore, the premise is wrong.

Mr. ROSE. The matter was then presented to the War Risk Insurance Bureau, and they at once promptly took the ground that the second marriage was void.

Mr. DEWALT. It was void ab initio. They never were married.

Mr. ROSE. That is the ground I took, and therefore the second wife was never the wife of the soldier, and therefore not entitled to the insurance. Now, will there be any proposition of any kind in the shape of amendment offered to the present war-risk insurance act covering a case like that?

Mr. DEWALT. No. And there could not be, for the very good reason that you would not only be condoning a wrong, but you would be actually rewarding the party who made the marriage regardless of law.

Mr. ROSE. It may be stated that this woman who married the man was innocently led into the marriage, but the only person who would suffer would be the real wife.

Mr. DEWALT. The laws are not made for those who are ignorant of the law, but for those who are presumed to know the law. This woman had no right to marry the man until the decree of divorce had been granted by the court.

Mr. ROSE. That is the way I have decided the case, and we have been told that the only way it can be done is to have the war-risk insurance act amended so as to include it.

Mr. ALEXANDER. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. ALEXANDER. Pursuing the inquiry of the gentleman from Maine [Mr. WHITE], subdivision 4 includes the terms "father" and "mother," and they include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year. Many different persons may claim to have stood in loco parentis from the infancy of the child to the time of enlistment in the service, and hence ought not the language there to be amended to limit it to one year immediately preceding the enlistment?

Mr. DEWALT. That is the intention.

Mr. ALEXANDER. I know it is the intent——

Mr. DEWALT. It may be that it could be made clear, and that was the real purpose, that it is to prevent the fraud indicated in my answer to the gentleman.

Mr. ALEXANDER. The gentleman from Maine has raised a very material question, and it can be easily cured by amendment.

Mr. DEWALT. Yes.

Mr. ROGERS. May I ask the gentleman to turn to section 8 of the bill, page 4 of the text? Section 8 creates a new section in the war-risk insurance act, and the first sentence of the new section provides:

That no person is in active service in the military or naval forces of the United States within the meaning of this act until he has been examined by the proper medical officer or officers of such forces at the camp or other place of mobilization, and upon such examination accepted and enrolled for active service.

I was rather interested to learn the history and reason of that provision, which is in direct conflict with the policy of the Military Establishment in determining the moment at which a soldier enters the Military Establishment. When a man's notice of induction under the draft was received, he was told to report to his draft board at a given time and place, perhaps the following day, and the induction notice included "from and after the hour just mentioned you will be a soldier in the military service of the United States." Under those conditions I wondered why the committee thought it wise to create a different rule for the beginning of the service within the meaning of this act?

Mr. DEWALT. If you will read the whole section, you will see that the proviso covers that:

Provided, That if, after induction by the local draft board, but before being accepted and enrolled for active service, the person dies or becomes disabled as a result of disease contracted or injury suffered in the line duty—

And so forth. That then, if it is not due to his own negligence or fault, but it happened within the line of duty, all the provisions of this act are applicable to such case.

Mr. ROGERS. I quite understand that, and I entirely sympathize with the purpose of the proviso. But I do not see what you add or what you gain by having a substantive provision at the beginning of the section in apparent conflict with the Military Establishment on that point.

Mr. DEWALT. There was a conflict in the Military Establishment as to when the soldier really became a soldier. At first, under the induction system, as we know, the party really did not get into the service of the Army, so far as physical service was concerned, until he was either taken away from his home or put into the camp and sent across the water. But afterwards the department did rule—and it is now so held, as I un-

derstand it—that from the moment he received his notice, or did receive his notice to appear, he was then actually a soldier in the service of the Army, and he was subject then to military discipline.

Now, the next question that arose was as to whether anything that occurred during the meantime was in the line of his duty. For instance, we had a question presented to us where a man was going toward the camp, but was not yet actually enrolled, and he was hurt on the train. I think this individual was killed on the train, if my recollection serves me aright, and the question arose then as to whether or not he was entitled to the benefits of the war-risk insurance act, and they ruled that he was not, because he was not actually enrolled. That ruling has been changed to include the men who are actually inducted into the service, whether they were enrolled or actually in the camp or not. In other words, he was considered to be in the line of duty, because he was in progress of going to the camp.

Mr. ROGERS. That I can entirely understand. But can the gentleman indicate what classes of cases would not be covered under the language which begins section 31; in other words, that first paragraph, exclusive of the proviso, establishes a negative. It says that after certain things have happened and until certain things have happened the soldier shall not be regarded as being in the military service within the meaning of this law. Wherein is that language of consequence?

Mr. DEWALT. None at all, I should think, as to the benefits of this act, because you must take it in connection with the proviso.

Mr. ROGERS. In other words, the real meat of it is in the proviso?

Mr. DEWALT. Yes.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. SNYDER. Some moments ago the gentleman nearly covered the question that I am going to ask of him. On the day that the armistice was declared, as we, of course, all know, many men were on their way to camp. I know of a particular instance where many men were recalled from the stations. It has been ruled by the department that these men are not entitled to the $60 bonus. Of course if that were the case they would naturally be in the same position with regard to this bill. But it would seem at least that if a man were hurt on the way or killed on the way he ought to be brought under this act.

Mr. DEWALT. I grant you that is so, but it has not been covered by this act, because this act contemplates only an extension to and including November 11, 1918. That is the date of the armistice.

Mr. SNYDER. Every one of these men who were called by the draft boards and sent toward the encampment considered that they were soldiers and in the service of the United States, and it seems to me they not only ought to be included in this bill, but they ought to have had the $60 bonus as well.

Mr. DEWALT. I think even under the provisions of this bill they would be entitled to take out insurance, and under the insurance feature of the bill they would consequently be entitled to compensation, and being entitled to insurance they could name beneficiaries, and their beneficiaries would be entitled, of course, to the benefits of the insurance, and they would also be entitled to the benefits of the compensation resultant upon that insurance and injury. But I am frank to say to the gentleman that the bill here contemplates only an extension to and including November 11, 1918.

Mr. BEE. Mr. Chairman, will the gentleman yield for a question?

Mr. DEWALT. Yes. That is what I am here for. I am not here to make a speech, but to try to tell about the bill, and I confess there are many things about it that I do not know.

Mr. BEE. Referring to page 2 of the bill, section 3, subdivision (d)——

Mr. DEWALT. As to an illegitimate child?

Mr. BEE. Yes; but "as to the father only, if acknowledged by instrument in writing signed by him." Does that mean an acknowledged instrument or any writing by the father acknowledging the paternity of the child?

Mr. DEWALT. That would not mean an acknowledgment before a notary public of the fact; no. It is parallel to this, I will say to the gentleman from Texas: The toll of the statute of limitations in regard to a note may be in different ways. For instance, I owe you a note in the State of Pennsylvania, and the statutory limitation thereof is six years, and if you do not sue me within six years the presumption of payment arises.

Mr. BEE. By the statute of limitations, but not by an affirmative act?

Mr. DEWALT. Yes. There may be, however, an acknowledgment of that debt which renews the same and gives you the privilege of suing. How is that acknowledgment made? It need not be an instrument of writing duly acknowledged by a justice of the peace or a notary public in which I say, "I hereby acknowledge that I owe Mr. BEE $500, and in witness whereof I set my hand and seal," and then have a notary say, "Taken and subscribed before me," but I can do it in another way. You can come to me and say, "Mr. DEWALT, here is your note for $500." I say, "Yes; that is my note, and I promise to pay." Or you need not come to me with the note. You may say, "Mr. DEWALT, I have a note of yours in my safe of $500. Can you pay it?" I may say, "I can not pay it now, but I will say to you, Mr. BEE, that I will pay that note, in amount $500, within six months, or six years from this time, and if not, identify the instrument there by date or amount and make the terms consistent with a promise to pay. That tolls the statute."

Now, here is an acknowledgment that this man owns the child by some writing.

Mr. BEE. Now suppose you had not written the letter to me, but had written it to the gentleman from New York [Mr. SNYDER], and had said to the gentleman from New York that you owed me the $500 and intended to pay it. That would revive it?

Mr. DEWALT. Yes. It would revive it if the debt was acknowledged and the acknowledgment was consistent with a promise to pay.

Mr. BEE. We have in our State what is known as a common-law marriage, which has been recognized by the courts of our State.

Mr. DEWALT. Yes.

Mr. BEE. I am trying as far as possible to protect the innocent woman who has been left in this position, with a child, while the man goes about his business. I wish to protect her against his escaping his responsibility. That is the reason I am interested in this clause, to know whether this instrument in writing means any writing, written to you or to me or to anybody else, without regard to the forms of law, wherein this man acknowledges that the child in question is his child.

Mr. DEWALT. That is precisely what it does mean.

Mr. BEE. In that instance this unfortunate person would be entitled to receive the war-risk benefits?

Mr. DEWALT. There is no doubt about that.

Mr. McFADDEN. On page 2, section 4, I want to call attention to clause (4a), and to ask the gentleman whether or not the case which I cite is covered, and whether the insurance will be paid: A boy who enlisted and was killed in France was taken by his aunt on the day of his birth. He had always known her as his mother, but she never legally adopted him. The boy's own mother has released her claim, but the bureau refuses to pay. Is that covered in this clause?

Mr. DEWALT. The boy was killed?

Mr. McFADDEN. Yes.

Mr. DEWALT. Did he take out insurance?

Mr. McFADDEN. Yes; he took out insurance and made it payable to his aunt, whom he knew only as his mother.

Mr. DEWALT. Unfortunately in that case you have this situation: Before these amendments to this act are actually passed this aunt is not within the beneficiary class. Does the gentleman understand that?

Mr. McFADDEN. Yes.

Mr. DEWALT. The boy's own mother, of course, was in the beneficiary class. She could be designated as his beneficiary.

Mr. McFADDEN. But in this case she was not.

Mr. DEWALT. Anyone who occupied the position of loco parentis could be designated, and can now be designated. Now, if his aunt was actually his foster parent and reared him, then the law will be construed that she was occupying the place of his parent, unless he had a mother living at the time, and payments made to her subject to other provisions of this act.

Mr. McFADDEN. His mother is living now.

Mr. DEWALT. His actual mother is living now?

Mr. McFADDEN. Yes.

Mr. DEWALT. That feature of the case is attempted to be met by the act in this way, that we now enlarge the beneficiary class by including those who stood in loco parentis; and if it is determined that that is an actual fact, then any amounts which have been prepaid or paid upon the insurance or by way of compensation to those who were actually designated, but did not occupy the position under the law, shall be considered as paid to them, and it can not be taken from them; but from the passage of this act, then the money shall be paid to the party who is designated as the one whom the soldier desires to have receive it.

Mr. McFADDEN. Then in the case I have cited you think this clause covers it?

Mr. DEWALT. Yes. That woman would get the money, although any payments already made to the mother would be gone and could not be recovered by the foster mother.

Mr. RUCKER. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. RUCKER. In answer to the interrogatory of the gentleman from Maine [Mr. WHITE] a few moments ago, referring to this same subdivision (4a), on page 2, which reads:

And persons who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year——

Mr. DEWALT. Yes.

Mr. RUCKER. I understood the gentleman from Maine to ask the gentleman from Pennsylvania if that meant the year next preceding induction into the military service.

Mr. DEWALT. That was answered just a moment ago.

Mr. RUCKER. And the answer was in the affirmative—that it did?

Mr. DEWALT. Yes.

Mr. RUCKER. Now, I am not quite satisfied with that construction of it, and if that be the correct construction of it, I am not satisfied with the provision of law. For instance, suppose a foster mother or father had raised a boy from infancy until he was 18 years of age, so that in the early part of the war he was below the draft age. For two years before the draft he had been permitted, by reason of the necessities of the family, to go out and work for himself, so that for a period of two years the boy was away from his foster mother's or father's home, earning his own livelihood. He saw fit to make that foster mother or father, as the case may be, the beneficiary of his policy. Ought not that foster mother or father to receive it?

Mr. DEWALT. I agree with the gentleman that that ought to be so.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RAYBURN. I yield to the gentleman 10 minutes additional.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. DEWALT. I agree with you that as a matter of equity that should be done, but I think the judge will agree with me in saying that no general legislation can cover all specific cases. That would be in my judgment an extraordinary case, which would have to be met by a special bill.

Mr. RUCKER. If the gentleman will pardon me——

Mr. DEWALT. Certainly.

Mr. RUCKER. My notion about it is that in the administration of this law it will be construed to mean anyone who had acted as foster parent or been in that relation for a period of one year—not overnight but for the period of a year—notwithstanding there may have been an actual severance of those relations by separation for more than a year before entrance into the service; but I am afraid, the gentleman's analysis of the bill having very ably contributed to its formation, it might lead the bureau administering the law to place a wrong construction upon this section. I have so much respect for the gentleman's legal opinion myself that I am afraid the director of the bureau might have the same.

Mr. HULINGS. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. HULINGS. What does the bill provide in a case of this kind? A young man was drafted. He was engaged to be married in a few weeks but did not marry. He went into the service and was killed. He had taken out insurance in the name of his betrothed, but she is not within the list of the beneficiaries. His premium was deducted. Now, where does she stand?

Mr. DEWALT. We are going to try to cure that.

Mr. HULINGS. I have another case.

Mr. DEWALT. If the gentleman will wait until we consider the first. There is an amendment about to be proposed, I understand, when we come to the amendatory stage, that will take care of a case of that kind, to wit, where a young man was ready to be married, had designated his fiancée, and if such designation is made and the proof thereof submitted and she falls within the specifications as mentioned in the amendment, the insurance may be paid to her.

Mr. HULINGS. Now, here is another case, where a boy's mother died and his father was a drunken scamp; one of the neighbors took the boy at the age of 4, raised him as a member of her family until he went into the Army. He was killed. His foster mother, in whose name he had taken out insurance, calling her his mother but by a name different from his own, died. Now, there is a row among the whole outfit whether the brothers and sisters of the children of the foster mother or the worthless old daddy will come in for the insurance. Does this bill provide for a case of that kind?

Mr. DEWALT. It does. If the woman can establish by competent proof that she occupied the position of parent of that son, and that she was designated as the beneficiary, and can further prove the neglect of the father in taking care of his child, she will stand in the position of parent and will be entitled to the insurance.

Mr. HULINGS. In this case the War Risk Bureau has turned it down.

Mr. DEWALT. It could not do anything else under the existing law.

Mr. HULINGS. Can it turn it up again?

Mr. DEWALT. Of course, the payments that have already been made are inviolable, but in the future the payments can be made to the beneficiary.

Mr. HULINGS. There has been nothing paid yet.

Mr. DEWALT. Then we will not have to worry about that.

Mr. SNYDER. In the new section provided for in this act, section 31, it says:

Provided, That if after induction by the local draft board, but before being accepted and enrolled for active service, the person dies or becomes disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct, of an existing disease or injury, he or those entitled thereto shall receive the benefits of compensation payable under article 3.

Since the War Department has held that the man who left on the day of the armistice and was called back before inducted was not in the line of duty, is that a safe proposition? Will it leave it so that the man who did actually start and was returned before he was inducted, who got hurt or diseased or got killed—does this leave it so that he would come under the provisions?

Mr. DEWALT. I do not think he would. I stated in response to the former question that these provisions are extended only to include the 11th of November, 1918.

Mr. SNYDER. This was on the 11th of November.

Mr. DEWALT. Then he would be included, because the law knows no fraction of a day.

Mr. SNYDER. I know of no individual case, but there must have been many of them on that day that should be taken care of.

Mr. IGOE. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. IGOE. I have this sort of a case, where a resident was summoned before the draft board, was not inducted, but ordered by the draft board to submit to a surgical operation. He was operated upon. He was never taken into the military service because of the result of the operation. Is there anything in the bill to take care of that man?

Mr. DEWALT. No; there is nothing in the bill that would. It would have to be by a special act.

Mr. RAYBURN. It seems to me that in the case mentioned by the gentleman from Missouri, if the local draft board was capable of ordering the man to have an operation, that he then would come under this act, because they could not order him to have the operation unless he was in the service.

Mr. DEWALT. I think that would be so, I will say in response to the gentleman from Texas, provided there had been an order of induction, but this act, like all other acts, must be construed strictly because it is beneficial and contemplates the payment of money. It is an insurance act and must be construed liberally in favor of the party who had the contract, but strictly as to the party that is to pay the money.

Now, this bill provides that there must be an induction, and therefore if a man was not inducted he could not come under the provisions of the bill.

Mr. IGOE. He was not inducted, but the draft board exercised authority over the man. He had no option except to submit to the operation or go to jail.

Mr. RAYBURN. If the draft board had authority to order him onto the operating table, he was in the service. If it was entirely voluntary with him, it would be different; but if they had authority to say that he must subject himself to the operation, I do not think there is any question about it.

Mr. DEWALT. I am sorry, but I would be obliged to disagree with the gentleman from Texas [Mr. RAYBURN] on the legal proposition.

Mr. RAYBURN. I doubt, of course, whether the draft board would have that authority.

Mr. DEWALT. As a legal proposition, I could not agree with the gentleman from Texas. He may be right.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. KEARNS. I call the gentleman's attention to page 2 of the bill, section (4a). I do not think I understood the gentleman's explanation awhile ago as to the meaning of the last clause of that section:

And persons who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year.

Does that mean that if a boy went into a home of some family and lived there as a member of that family for only one year prior to his entrance into the Naval or Military Establishment, he would be a foster son?

Mr. DEWALT. Oh, no.

Mr. KEARNS. It certainly reads that way, does it not?

Mr. DEWALT. Oh, no. The term "loco parentis" is one which has a legal significance.

Mr. KEARNS. Absolutely so.

Mr. DEWALT. And is determined by the law itself.

Mr. KEARNS. I am not discussing what that term means. I am talking about the length of time. We can examine the dictionary and find out what the phrase means.

Mr. DEWALT. I do not know whether the gentleman could or not. He would have to examine the legal decisions.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. DEWALT. I ask the gentleman to yield me five additional minutes.

Mr. RAYBURN. Mr. Chairman, I yield five more minutes to the gentleman from Pennsylvania.

Mr. DEWALT. If the gentleman from Ohio will pardon me, I would say that I went over that very carefully, I think.

Mr. KEARNS. The gentleman went over it; but I am referring now entirely to the period of time of one year mentioned in the bill, and I ask the question again: If some boy should go into a family to live as a member of that family and had been there only one year and was then inducted into either the Military or Naval Establishment, would that boy then be considered the foster son of that family?

Mr. DEWALT. I answer negatively. Of course he would not be so considered. The mere fact that I live in the gentleman's family does not make me his foster son.

Mr. KEARNS. That is why I would like to have the gentleman explain that phraseology.

Mr. DEWALT. Does the gentleman, in the first place, concede this, that the term "loco parentis" in law has a significance which is determined by the law itself?

Mr. KEARNS. Oh, yes.

Mr. DEWALT. Does the gentleman have clearly in his mind what that significance is?

Mr. KEARNS. I think I have.

Mr. DEWALT. If he has that clearly in his mind, what is the relation and how is it established? It is not established by mere residence.

Mr. KEARNS. I understand that.

Mr. DEWALT. It is established by the fact that the individual has taken care of the foster son or of the party who is there residing with him.

Mr. KEARNS. For a period of one year?

Mr. DEWALT. No; this relationship must have been established for at least a year prior to that time. The reason for that was this: Under the term "insurance" as we had it—and this does not apply to converted insurance at all—there was a danger that a young man would designate you or me or somebody else as a foster parent for the mere purpose of having some one get the benefit of that insurance or compensation, and that was the thing that we tried to prevent at that time.

That emergency is now passed. The war is over, and we do not now have the term "insurance." We are now getting to what we call "converted insurance," and therefore we designate anyone within the class of beneficiaries to be made beneficiaries, because they pay pretty nearly the full rate of old-line insurance. And right in that connection permit me to say this: This converted insurance which this bill provides for is about 20 per cent less in price than the cheapest standard insurance company we have, to wit, the Travelers, and is about 30 per cent less in price than the Equitable or the Mutual, of New York.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. RAMSEYER. Reverting for a brief question concerning section 31, take the case where a boy was inducted by a legal draft board the day before the armistice. He is waiting for the train to go to the nearest training camp. The armistice comes on, a celebration follows, and he is wounded in the celebration by an explosion which takes place, with which he had nothing to do, and is permanently injured.

Mr. DEWALT. He would be within the class. He is all right.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. BEE. I do not want to be too technical about this "instrument in writing" with reference to illegitimate children, but an instrument in writing has a restricted meaning, such as a deed or a will. If it is intended that any writing by a father acknowledging the child is to entitle the child to the benefit, the word "instrument" limits it, because it is a limitation on the power.

Mr. DEWALT. When you have a legal term in an act, that legal term must be construed with regard to the tenor of the act itself and the purpose of the act itself. When you say that an instrument in writing, technically speaking, is confined to deeds and wills and other authenticated instruments, you are, generally speaking, correct, but you are not correct when you talk specifically.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. I am afraid that I am trespassing upon the good nature of the gentleman from Texas, but it is not my fault. I yield.

Mr. HICKS. In regard to section 14. As I understand, the query as made by the gentleman from Pennsylvania with regard to paying this amount when those in the permitted classes were dead, in the case he mentioned of a fiancée. Do I understand an amendment is going to be offered to section 14 which would allow the soldier to designate someone besides those in the permitted class and that the amount would be paid to them and not to his estate?

Mr. DEWALT. No; the amendment as drawn will only permit such designation of the fiancée if there be no one surviving of the permitted class.

Mr. HICKS. It would not be paid to the soldier's estate?

Mr. DEWALT. No; it would not go to his estate, if this fiancée came within the designated class, under the illustration as named by the proposed amendment.

Mr. HICKS. And that will be an amendment to section 14?

Mr. DEWALT. I do not know where the amendment will be submitted, but there will be such an amendment.

Mr. KEARNS. Who are in the permitted class?

Mr. DEWALT. Fathers, mothers, stepfathers, stepmothers, uncles, aunts, foster parents, legitimate children, illegitimate children under certain restrictions, adopted children adopted under certain provisions.

Mr. KEARNS. Brothers and sisters?

Mr. DEWALT. Yes; and nephews and nieces.

Mr. KEARNS. They would come in before a fiancée?

Mr. DEWALT. Yes; before a fiancée. Permit me, in conclusion—and I must beg pardon, because I know I have been trespassing upon the good nature of the gentleman from Texas—I wish to make a few general remarks before I conclude, and I desire also to express my thanks to the gentlemen who have made the inquiries in regard to this bill. I have not only been entirely willing, but, in fact, very anxious that these inquiries should be made, and if I have not answered them satisfactorily it was not because I did not desire to do so, but it was perhaps from lack of definite and accurate knowledge upon the same, but I have done the best I could with the knowledge I had.

Mr. KEARNS. The gentleman has done very well.

Mr. DEWALT. Permit me to say one or two words in conclusion, and then I will have finished. I desire to impress the importance upon the membership of this committee of endeavoring to obtain as many as possible of their constitutents who are soldiers to continue their insurance and to take out converted insurance. My reasons for saying that are these:

The statistics show that a very large per cent of the insurance that was contracted for, known as war-term insurance, is gradually being lapsed by those who took it out. The Secretary of the Treasury has extended the time for a period of 18 months, I think, during which time any soldier can reinstate himself and renew the insurance, but there should be an effort made by every Member of Congress who has the interest of these boys at heart to convince them that it is for their material interest and for the interest of their fathers and mothers——

Mr. McCULLOCH. Mr. Chairman——

Mr. DEWALT. I can not be interrupted now—and for the interest of those who succeed them that this insurance should be converted as speedily as possible if they are able to do it financially. Why? The actuary of the Department, Mr. McFarlane,

in response to questions, said that it was shown that insurance under the conversion plan would be at least 20 per cent less in price for any stated age than the cheapest standard insurance company that has ever existed, to wit, the Travelers Insurance, and that it will be at least 30 per cent less in price to the insured than any of the standard insurance companies now doing business.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEWALT. I am sorry; I desired to have yielded to the gentleman from Ohio. [Applause.]

The CHAIRMAN. The gentleman from Texas has 42 minutes and the gentleman from Iowa 34 minutes.

Mr. SWEET. I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I have had occasion to follow closely war-risk insurance legislation. In my opinion the rules of the House should be changed so as to provide for a committee on war-risk insurance. The work is too great to be placed on a subcommittee of the great Committee on Interstate and Foreign Commerce. The work will increase. No one can glance at the pending measure, which consists of many amendments to the original crude and imperfect war-risk insurance act and fail to see that the subcommittee has worked long and hard, and I desire to congratulate the members of that subcommittee. Their work is an answer to the query so often made in the newspapers and sometimes made by Members on this floor, "What is Congress doing?" Invariably the reply is, "Congress is talking and quarreling; carrying on political sham battles; Members not in their seats," and so on. But, as a matter of fact, the Members of Congress work right along day in and day out. All committees have work to do, and time must be found in which to do that work. Every time charges are made that Members of Congress are not in attendance we know that the Members on these committees are at work and working hard producing just such bills as this.

This measure, containing 28 or 30 important sections, did not come together out of thin air. It represents study and labor and the development of ideas which came, perhaps, from a constituent of this Congressman or that Congressman. For instance, two of the paragraphs embrace bills introduced by that hard-working Member of Congress, the gentleman from Wisconsin [Mr. NELSON]. Both are highly important. The subcommittee has done me the honor to include in this measure two resolutions which I introduced. One of these grew out of the loss of the Navy collier *Cyclops*, which sailed away in January, 1918, and has never been heard of from that day to this. Less than one-third of the crew of that ship carried war-risk insurance. They had had no opportunity to take out insurance. This bill covers that and all cases where soldiers and sailors died from the date of our entry into the war until the date of the armistice, unless those soldiers and sailors had stated specifically in writing that they did not desire governmental insurance.

I like the method adopted by this subcommittee, which makes for true constructive legislation. The subcommittee called before it all Members who had introduced a bill or a resolution to amend in any way the war-risk insurance act and secured their views.

Mr. BLANTON. Mr. Chairman, this seemingly is a good speech, and I think it ought to be heard by more than the few men present, and I make the point of no quorum.

Mr. JOHNSON of Washington. Oh, no; do not let us call other gentlemen away from their work on committees.

Mr. BLANTON. The gentleman must not camouflage them with gas excuses, as few committees meet in the afternoon. I thought the gentleman wanted to be heard——

Mr. JOHNSON of Washington. I can get along without a larger audience than we have.

Mr. BLANTON. If the gentleman does not desire to have a better audience, I withdraw the point.

Mr. JOHNSON of Washington. I thank the gentleman.

The fact remains, Mr. Chairman, as soon as this bill is on its way to another body for its final passage this very subcommittee will have to go back into its committee room and work upon further amendments to the war-risk insurance act. That act was passed necessarily in haste, and no one pretends that it is perfect. While the amendments now proposed are good, they do not go far enough. If you wish the soldiers to keep up their insurance policies, you will have to modify the terms. I am still of the opinion that divisional agencies should be established. I think that notices of premiums due should be sent to all. I think that receipts for premiums paid should be on printed blanks and not on the little mimeographed blanks now being used, which fail to show the month for which the premium was paid. It may be advisable to fix a lower maximum of insurance, and in cases where a reduction is effected give to the soldier, cash in hand, the surrender value of the excess over and above the maximum for which he has paid. I hope to be able to present a bill carrying a surrender plan.

Mr. KNUTSON. Will the gentleman yield?

Mr. JOHNSON of Washington. No; I can not yield now.

Mr. Chairman, I did not make public criticisms of the War Risk Insurance Bureau in time of its extremity. We heard them on every hand, our offices were filled with complaints, and all of us knew that bureau was staggering under a tremendous burden. But true criticisms, my friends, were written in the form of bills or resolutions properly introduced and then referred to this hard-working committee, which promptly sent for the author and asked him to elaborate his views. I would like to see more of that kind of work done by the committees of Congress. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, I want to congratulate the House and the committee on the attendance here and the very respectful attention given to the gentlemen who have given us an analysis of the bill now pending.

The war recently closed cast a shadow of gloom into many homes throughout the land. Sorrows are there which the flight of years can not efface. There are in the homes of this country, once happy and bright, many vacant chairs. We could not prevent that condition, because when war was declared everybody understood the hazards and dangers which had to be met by the brave boys of our land. But Congress has, in my opinion, done all that it could do to alleviate sorrow and to remove the distress, as far as could be, consequent upon the ravages of cruel war.

This bill proposes to amend the war-risk insurance act in its several branches by increased compensation and making more liberal the provisions with reference to insurance. I especially commend the committee for the generous and liberal provisions of compensation carried in this bill for those who have been disabled in the war. When I recall that a few years ago our own land was blighted by a great Civil War among our own people, and think of the wrongs that have been imposed upon the old soldiers of the Civil War in comparison with the humane and generous provisions of this bill, it looks as if every man here ought to arouse himself to do something more for the surviving veterans of that great army whose personal sacrifices preserved this great Nation which furnished the boys who fought and won the war across the sea. [Applause.] Here we make generous provisions for disabled men. I have now a bill pending before the Invalid Pension Committee of this House to grant an increase of pension to a soldier in my district who suffered an injury, described in this bill—the loss of a foot. The amount under the old pension law is wholly inadequate, judged by this law, and this law has my full approbation and approval.

Let me say to you that I am most glad and will most cheerfully vote for each and every provision of this bill. It will cast sunshine and hope across the threshold of many homes throughout the land; it will give joy and comfort to mothers and to wives and children who have lost sons and husbands and fathers. I congratulate you, I say again, upon the splendid courage manifested by the committee in bringing to the floor of the House and giving us a chance to vote upon a bill so generous and so humane in all of its provisions. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. SWEET. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MCCULLOCH. Mr. Chairman and gentlemen of the committee, I intend, if I can get recognition, to offer four amendments to the pending bill, which, for the information of the House, I ask the Clerk to read.

The Clerk read as follows:

First amendment: On page 12, after the word "regulations," on line 11, add the following as a new section:

"The term insurance in force on the life of every commissioned officer, enlisted man, and member of the Army or Navy Nurse Corps (female) on the date he leaves the active military or naval service, shall be continued in force for two years after the end of the calendar month in which he is separated from the active service without the payment of premiums by the insured: *Provided, however*, That in the case of persons who are or have been so separated from the service and who have paid their premiums after being so separated the period of two

years herein provided shall begin to run on the first day of the calendar month succeeding the passage of this act, or on the first day of the calendar month succeeding the month for which the premium was last paid, whichever date is the earlier: *Provided further*, That every person who converts or has converted his term insurance before the expiration of the two-year period herein provided shall during such period or remainder thereof be entitled to a monthly credit on his premium for converted insurance equivalent to what the monthly premium on his term insurance would have been during the said two-year period if he had not converted it and if this amendatory act had not been passed."

Second amendment: On page 16, line 7, after the word "persons," add the following as a new section:

"That the Bureau of War Risk Insurance shall make provision by regulations for the payment at the maturity, by death of the insured, of the yearly renewable term insurance granted under article 4 of the war-risk insurance act at the option of the insured in installments for 36 months or more."

Third amendment: Also the following amendment at the end of the bill:

"That the rate fixed and in force upon the 1st day of August, 1919, on the war-risk insurance policy taken out by any commissioned officer, enlisted man, or other person shall remain in force and not be changed or increased unless the insured shall convert his insurance into some other form of policy, as provided by regulations authorized under section 404 of the act approved September 2, 1914."

Fourth amendment: Also the following amendment at the end of the bill:

"That when any officer or enlisted man or person insured under the provisions of this act shall have reached the age of 64 years, or as soon thereafter as he shall have paid the premiums for 15 years, shall not be required to make further payments on his policy, but his insurance shall remain in full force and effect."

Mr. McCULLOCH. On January 15, 1919, I introduced a bill providing that all officers and enlisted men of the land and naval forces of the United States should be relieved from the payment of premiums on policies of insurance issued by the War Risk Insurance Bureau for a period of two years. The gentleman from Iowa [Mr. SWEET], who has charge of this bill upon the floor, introduced a bill on August 5, 1919, containing a provision continuing in force policies for two years without the payment of premiums by the insured.

An examination of the bill before the House and the original bill introduced by Mr. SWEET, which contained the provision I have referred to, indicates that the Committee on Interstate and Foreign Commerce approved Mr. SWEET's bill with the exception of this section, which was stricken from the bill as reported by the committee.

First amendment: The effect of the first amendment, if adopted, will be to continue in force without expense to the soldier, whether his policy has lapsed or not, his insurance for a period of two years. In presenting this matter for the serious consideration of the House I feel that I should approach it from two different standpoints—first, the moral obligation of the Government to continue this insurance for a reasonable time in order to permit the soldier to readjust himself and get his affairs in such condition that he can afford to meet the premiums on the insurance and carry it, and, second, from the standpoint of the cost of this proposal to the Government, should it be adopted.

On the first proposition I think it is fair to say that the war-risk insurance idea was conceived as much, if not more, for the purpose of protecting the Government as the soldier. While the law did not require a soldier to take out the insurance, yet at the time of entering the service all soldiers, sailors, and marines were asked, urged, and practically required to take war-risk insurance, which they did with rare exceptions. Each month during their service they have had deducted from their pay the premiums on this insurance. Now comes the time of discharge. The soldier is dropped from the pay roll. He is in many cases in poor health, out of employment, with dependents to support, and an array of various and varying conditions confront him. The result has been that the soldier finds it impossible to meet the conditions, and he drops his insurance. It has been estimated that 90 per cent of them have dropped their insurance. The Hughes report, which is printed in volume 2 of the hearings before the Interstate and Foreign Commerce Committee, says:

It is regrettable to know that approximately three-fourths of the holders of existing policies have not continued their payments.

It is clear that the Hughes investigating committee would not state the amount of lapsed policies too high and would be conservative in their estimate, but considering the situation from the standpoint of their estimate, it is an exceedingly serious one that three-fourths of the soldiers who have taken out policies of insurance, since they have been off of the pay roll have either dropped their insurance or permitted their policies to lapse. Another statement in the Hughes report is worthy of consideration in connection with the amendment I have proposed. It says:

One difficulty of paramount importance at this moment lies in the fact that about 30 per cent of the addresses of discharged soldiers, sailors, and marines are found to be incorrect and consequently notices are returned and the bureau has found itself unable to communicate with this large proportion of those for whose benefit the bureau was established. This, of course, must be immediately rectified and correct addresses secured.

It is apparent from the statements contained in the Hughes report which I have quoted that not only the soldier is compelled by reason of conditions that confront him, to drop his insurance or to permit it to lapse, or elects to do so, but that the bureau is in a chaotic condition and it will take time for both the soldier and the department to readjust themselves and get upon a basis whereby the law can be administered in a proper manner.

If the amendment I propose to this bill is adopted, it will give the bureau time to readjust itself and it will give the soldier a chance to get established in business or profession and in shape to carry his policy if he sees fit to do so or have it converted as the law provides.

On the question of cost, which many members may regard as of vital importance, I have figured out that the cost to the Government would be comparatively small. The average policy of insurance, as shown by the records of the Bureau of War Risk Insurance is about $9,000. Most of the soldiers took out $10,000 policies but some took a less amount which brought the average down to about $9,000. It is estimated upon the basis of American expert tables of mortality that about seven in every thousand of persons who hold policies of insurance die during a year. It is apparent that in the case of soldiers who are expected to be the best physical specimens in the world and whose ages range between 21 and 31, this ratio of deaths as determined by the mortality tables of old-line insurance companies, would be much less. If 4,000,000 men held insurance policies of $9,000 each, the death claims upon the 7 to 1,000 ratio would amount to about $252,000,000 in one year, which, of course, under the present law would be paid in 240 monthly installments or covering a period of 20 years—if my amendment is adopted in 36 months or three years.

It developed during the hearings before the subcommittee of the Committee on Appropriations of the House, which were held January 30, 1919, that there had been deducted from the pay of soldiers up to that time amounts totaling about $200,000,000. I quote the following testimony of Mr. MacFarlane:

Mr. BYRNES. With reference to the insurance feature, what is the amount of the premiums you have collected as the result of insurance contracts?

Mr. MACFARLANE. It is estimated that the amount of premiums deducted from the pay of soldiers to date—January 30, 1919—amounts to about $200,000,000.

Mr. BYRNES. Has that been turned over to you?

Mr. MACFARLANE. No, sir; that is still in the hands of the War and Navy Departments.

It has been estimated by the actuary of the War Risk Bureau that since January 30, 1919, premiums have been deducted from the pay of soldiers and premiums have been paid in by discharged soldiers which would bring the total amount collected up to about $300,000,000 at the present time. So that there is now in the Treasury of the United States $300,000,000 of money practically all of which has been taken from the pay of soldiers and which is available for the conduct of the War Risk Insurance Bureau. That is not the Government's money, but it is money that belongs to the soldier, and was taken out of his pay for this specific purpose, and to guarantee him future benefits. Using the figures contained in the Hughes report that three-fourths of the policies of insurance have lapsed, $225,000,000 of the $300,000,000 is money paid in by soldiers who, unless they renew their policies, will secure absolutely no future benefit from this insurance. True, the soldier was protected while he was in the service, but had he been injured while in the service the moral and legal obligation of the Government would have been such that the Congress would have taken care of the soldier by pension compensation or in some other way.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McCULLOCH. Mr. Chairman, could I have a little more time?

Mr. SWEET. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Iowa has 19 minutes remaining.

Mr. SWEET. Then I yield two minutes more to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio is recognized for two additional minutes.

Mr. McCULLOCH. Mr. Chairman, we have not only the moral obligation, but section 403 of the war-risk act specifically makes it a legal obligation. Section 403 provides:

That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war.

It was not expected or intended by Congress that the premiums paid in by the soldiers should take care of the extraordinary hazards of war. So that in truth and in fact the soldiers who paid in this $225,000,000 whose policies have lapsed and who paid this money in largely under compulsion while in the service will receive no future benefit whatsoever to themselves for the money they have paid to the Government. If the Government keeps this money and gives the soldier no future benefit for it, the Government will be in the attitude of taking from the soldiers of the Republic $225,000,000 which is rightfully theirs. So that we are confronted at this hour with the necessity of either adopting my amendment, which will give the soldier some future benefit for the money that has been taken from him in the way of protection after he is out of the service and when the obligation of the Government has ceased, or it is the duty of Congress to pay that money back to the soldiers who paid it into the Treasury. [Applause.]

If my amendment is adopted, it will effect another material saving. According to the testimony before the Appropriations Committee, there are now employed in the War Risk Insurance Bureau in Washington about 14,000 people. It has been estimated that if this amendment is adopted the work can be done by not to exceed 4,000 people, which would effect a saving of millions of dollars, for the reason that it is estimated that it will take $23,000,000 to run the bureau next year, and if the number of employees were reduced to 4,000, 10,000 being eliminated, the saving on the salary roll would be very material.

The employees retained would have the time to list up the soldiers, correct the addresses, and some time before the expiration of the two-year period the soldiers could be notified of the necessity of resuming their premium payments.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McCULLOCH. I would like to finish my statement.

Mr. SWEET. How long will it take the gentleman to do so?

Mr. McCULLOCH. I will finish in three minutes.

Mr. SWEET. All right; I yield three minutes more.

Mr. McCULLOCH. It has been suggested that in addition to the Washington bureau it will be necessary to establish bureaus in the various States, and if this is done, the cost of operating the bureau will run millions of dollars in excess of the $23,000,000 estimated for next year. If my amendment is adopted, the necessity for any such plan would be eliminated.

Second amendment. I have heard many complaints by soldiers and beneficiaries in regard to the system of payments in the event of death or disability. It is very unsatisfactory and, in my judgment, unjust to limit the beneficiary and then not make payment in lump sum, but covering a period of 20 years, or 240 monthly payments. I believe that the insurance should be paid in a lump sum and finally be settled, and that the restrictions in regard to beneficiaries should be removed. It is altogether probable and, I think, a fact that a great many of the policies have been dropped because of the method of payment.

However, as a compromise between the lump-sum payment and the payment as now made in 240 installments, I have incorporated in my amendment a proviso that payments shall be made in 36 monthly installments. This will enable the beneficiary to secure the full amount within a reasonable time.

I understand, in that connection, that that proviso for 36 payments, or the payment of the loss in case of death in 36 monthly installments or more, at the option of the insured, met the approval of the Director of the War Risk Insurance Bureau.

Mr. SWEET. The gentleman is right.

Mr. McCULLOCH. And he made such suggestion to the committee, but it was rejected by the general committee, and the provision continued that the insurance should be paid in 240 monthly installments.

Now, I am satisfied that there is serious objection upon the part of soldiers to this insurance, as the law now stands. They are dropping the insurance, not only because they can not meet the payments but they are dropping it because they regard it as not attractive, and whatever you may say about it, the very fact that more than three-fourths of the policies of the insurance have been permitted to lapse and the men have given them up, proves beyond any doubt that this proposition up to date has been a failure. So that if Congress is going to make it a success these policies of insurance must be made attractive. If we are going to continue to do something for the soldier along the line of insurance, if the idea of Congress is to help him, we have got to make these policies attractive, and we can make them attractive in one way by providing for payment in 36 monthly installments or more, at the option of the insured, instead of 240. They can be made attractive in regard to the proviso for old age, so that the soldier, if he reaches the age of 64, will not have to pay any more premiums. Think of the veterans of the Civil War being called upon to pay insurance premiums instead of receiving the pensions that they are receiving to-day; and where would most of them be? This proviso that the soldiers will not have to pay after they reach the age of 64 years will make the policies still more attractive.

There has been a great deal of discussion on the floor of the House about the obligation the world owes the American soldier. There can be no doubt about that obligation. Hardly a Member speaks upon this floor upon any patriotic subject that he does not laud our soldiers for the great part they took in the World War, expressing the highest praise for their heroism and the great sacrifices they have made. But when it comes to doing something for the soldier that is material, that will really benefit him, my observation has been that while everybody is willing to talk favorably, yet there is seldom any favorable action.

The truth is the American soldier not only made the great sacrifice, left his business and entered the Army and gave his time at $30 per month, but he paid his own way largely. The allotments he made for his dependents were taken out of his pay. And, according to the hundreds of complaints and letters that were printed in the RECORD by the gentleman from Illinois [Mr. MANN], the Bureau of War Risk Insurance held the pay of many soldiers for months and months while they were investigating whether they would add to it a family allowance. The Government was splitting straws on the question of family allowances, while the dependents in many instances were suffering and were objects of charity.

On the matter of war-risk insurance, all the Government pretended to do was to pay the overhead expenses and the hazards of war by way of compensation, and the soldier out of his pay carried all the rest. Not only the allotments came out of his pay but the insurance came out of his pay, so that in truth and in fact the American soldier has been carrying the burden of both his insurance and the allotments, and all he has received from the Government has been that the Government has taken care of overhead expenses, the compensation, and in some instances accorded family allowances.

We appropriated a hundred million of dollars to feed the starving in Europe. We appropriated millions of dollars to take care of incomplete contracts and to validify them and to protect manufacturers and business men who had entered upon war work. Everybody seems to be protected in a material way who had anything to do with this war except the American soldier, and it is time something material is done for him.

Our soldiers do not need nor do they want, I am sure, charity, but they are entitled to justice, real substantial justice. Congress should deal fairly with them, for they deserve it more than any other set of men in the Republic. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. RAYBURN] has 38 minutes remaining.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. ALMON].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. ALMON. Mr. Chairman, during the progress of the war which continued for more than four years it cost all of the countries involved about $186,000,000,000. The Central Powers and their allies expended of this sum about $63,000,000,000. The United States spent to April 30, 1919, $21,294,000,000 and loaned the Allies about $9,000,000,000. Only three countries spent more than the United States, namely, Germany, the British Empire, and France. The Civil War cost only $4,700,000,000.

There was almost 10,000,000 killed in battle during the recent war, including those who died of wounds. England's killed and crippled amounted to 3,000,000, leaving 2,000,000 widows and 5,000,000 orphans.

The United States lost 48,525 on the battle field, including those who died of wounds. The loss of life on both sides in the Civil War only amounted to about 200,000.

Deaths in the United States Army to September 5, 1919, were as follows:

American Expeditionary Forces.

Killed in action (including 382 at sea)	34,568
Died of wounds	13,957
Died of diseases	23,653
Died of accident and other causes	5,281
In United States camps, etc.	
Died of diseases	34,368
Died of injury, etc.	1,982
Total	113,809

Deaths on the field of battle, divided among the other principal belligerents, were as follows:

Russia, 1,700,000; Germany, 1,600,000; France, 1,385,000; Great Britain, 900,000; Austria, 800,000; Italy, 364,800.

In the Franco-Prussian War the loss of life is estimated at 81,000 and the estimated cost was $2,534,000,000. One hundred and twenty-nine thousand seven hundred men were killed in the Russo-Japanese War, and it cost $2,500,000,000.

At the date of signing of the armistice the United States Army, exclusive of marines, amounted to 188,434 officers and 3,482,454 men, and at that time we had sent abroad 2,071,463 officers and men, including marines, nurses, and field clerks.

There sleep to-day under the sod of France more than 50,000 American boys who made the supreme sacrifice, and more than that number have been buried in the United States.

To-day there are more than 100,000 lonely homes in this country. I wish I could lay a flower at the feet of every mother whose son failed to return. All honor to these mothers who brought into the world these heroes.

There are over 200,000 more who are maimed, crippled, and blind. They are the subjects of our compassion and care.

When we consider the many billions of dollars spent, the many millions of lives lost, the number of cripples and the number of widows and orphan children left, the heartaches and sadness as a direct result of this terrible war it is difficult to conceive how anyone could oppose the league of nations. If there had been such a league at the time of the commencement of the recent World War I do not believe there would have been any war. [Applause.]

If Germany had known that the nations were going to oppose her that did, or had even realized that the British Empire would enter the war, I do not believe there would have been any war.

One of the things of the greatest importance to the American people at this time and that will bring much relief is the ratification of the peace treaty and league of nations. Everything is in an unsettled condition. As President Wilson said in his last message to Congress, "There is now neither peace nor war."

It is not claimed by the friends of the league of nations that if it is adopted there will be no more wars, but that it will be the means of a settlement of most international disputes without war. With the right to withdraw there is no danger of the surrender of the rights of the American people. Its object is to prevent wars and bring about a reduction of armament and military and naval programs.

We have paid less than one-third of the cost of the war and issued and sold bonds for the balance. These bonds and the interest thereon must be paid by taxes collected from the people. Taxes will be heavy enough during this and the next generation without having to maintain a large Army and Navy.

With the league of nations disarmament will follow. Without it each nation will strive to have the greatest army and navy, thereby increasing the burden of taxes and at the same time creating and encouraging a military spirit, making more wars a certainty.

I would like to pursue this subject further, but can not at this time on account of the limited time allotted me.

The war-risk insurance and compensation act of Congress is one of the best and most humane provisions of law that was ever enacted by any lawmaking body. No other nation made as good and generous provision for her soldiers and their dependents as did the United States. No other nation has ever provided Government life insurance for her soldiers in time of war. We made provision for Government life insurance for as much as $10,000 and at a lower premium rate than that of the old life insurance companies in peace times.

The War Risk Bureau is now the largest bureau of the Government. It has about 13,500 employees in Washington. There was about $550,000,000 paid through this bureau last year. The Government's liability for insurance through this bureau is more than $39,000,000,000.

The amendments to the war-risk insurance law, as proposed in the pending bill, has been found necessary in order that justice may be done to all concerned. They are generous and, I believe, will meet with the approval of the American people if enacted into law. They will, among other things, enable our soldiers to convert their insurance into term insurance of different kinds, at least 20 per cent cheaper than the old life insurance companies. It authorizes additional compensation in certain cases, and the payment of insurance in some cases not provided by the original law.

During the war I supported and voted for every law necessary to make the very best provision for the care and support of the soldiers and their dependents. We must do full justice to the dependents of those who lost their lives while in the service and to those who have received injuries or contracted diseases while in the service, and also to their dependents. [Applause.]

They have been given and should continue to be given the very best hospital treatment, and also receive training at the Government vocational training schools at the expense of the Government.

Most of our crippled soldiers are unable to discharge the duties they were accustomed to before they entered the service. The object of the vocational training schools is to prepare them for some employment for which their present condition is suited. They will thereby not only be made happier and more contented, but will be able to contribute something at least to the comfort and support of themselves and their dependents. These crippled and helpless soldiers of ours will always be the favored wards of our Government and our people. [Applause.]

The American people have just cause to be proud of the patriotism and service rendered during the war by all of our people. Both men and women contributed in various ways to the successful prosecution of the war, all of which was indispensable.

We also have just cause to be proud of the administration of our War Department by Secretary Newton D. Baker and those under him in that department. No other Secretary of War ever had such a stupendous undertaking. No one, in my opinion, could have administered the affairs of that department during the war with more business and statesman-like manner than did Secretary Baker.

I have but little patience with those who are spending so much time trying to find where there was some waste and extravagance and find fault about the cost of the war. Everybody knows that war is expensive, and there is always more or less waste and extravagance. War conditions make it inevitable. Our people were more concerned about winning the war as quickly as possible and stopping the bloodshed than they were about the money that was being spent. They are now more interested in Congress giving its time to real constructive peace-time legislation than they are in investigations of expenses of the War Department.

More was accomplished by our War Department toward raising, training, and transporting an army to foreign countries in one year than any other nation did in three years.

Our armies reached the battle fields of France at a critical time, just in time to save the situation and turn the tide, which resulted in the winning of the war and saving the civilization of the world. [Applause.]

Our soldiers by their efficiency and courage during the recent war made a record which reflects much credit upon themselves and their country, and which won the admiration of all the nations of the world. Their memories will live unto the end of time in the hearts and gratitude of the American people.

There was not a dead American soldier found on the battle fields of France with his back to the enemy. The American soldier never retreated and is without a peer in the annals of warfare.

We intrusted to their keeping the flag of our country, and they brought it back tattered and torn, but without a stain on its folds. [Applause.]

Mr. SWEET. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. DOWELL].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and I ask unanimous consent that an amendment be read in my time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman also asks unanimous consent to have read in his time an amendment pending before the committee. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Chairman, the bill under consideration to amend the war-risk insurance law is of great importance and should be passed without delay. While the original legislation enacted for the benefit of soldiers, sailors, and marines in the great World War, and their dependents and beneficiaries, has proven of real value, in its administration, however, in some respects it has not been broad enough to cover many cases which experience has shown should be covered.

It is also apparent that the original amount fixed for disabilities is insufficient and should be increased, and in many respects the law should be amended and broadened.

I am pleased to note that the committee has gone into this subject quite thoroughly, and has presented a bill broadening the scope of this legislation and greatly improving its provisions.

While much dissatisfaction has been found with the administration of this law, and while this law has not been administered as I believe it should have been, it has accomplished a great purpose, and the beneficiaries of this legislation have

greatly benefited by its provisions; and while the amendments in this bill will not cure all the defects in the law which should be cured, the amendments will make the insurance more attractive to those for whom it was intended.

This legislation was enacted specially for the benefit of the soldiers, sailors, and marines, their dependents and beneficiaries, but we are advised that many of them dropped the insurance immediately upon being released from the service, and I apprehend that in many cases those who have dropped the insurance will be unable, by reason of physical defects or otherwise, to take other insurance.

As evidence of the situation relative to discontinuing this insurance, I desire to read from the hearings before the subcommittee of the Committee on Interstate and Foreign Commerce on the consideration of this bill. On page 101 of these hearings I read from a statement of Charles E. Hughes, dated July 17, 1919. This statement is as follows:

It is regrettable to note that approximately three-fourths of the holders of existing policies have not continued their payments, and it is highly important that during the period allowed for reinstatement every effort should be made to bring home to our soldiers, sailors, and marines the importance of continuing their insurance, which has behind it the obligation of the United States, and thus to secure to the full the advantages which it was the intention of Congress that they should enjoy.

This is an appalling statement, and, coming from this source, I take it we may accept it as approximately correct.

Congress enacted this legislation for the benefit of those who laid aside their usual occupations and went to war, and I believe this insurance should be kept up, and I believe we owe it to these men to see to it that this insurance is kept up. They have rendered a service to their country which can not be measured, but we can do an act of justice by remitting these premiums for a short time.

I desire, therefore, to offer an amendment to this bill making provision for the continuing in force of this insurance of all soldiers, sailors, and marines for a period without the payment of premiums by the insured. I believe this will not only help many to continue this insurance permanently who otherwise would not be able to do so, but it will be an act of justice for the splendid services these boys have rendered to their country and to mankind.

I ask the Clerk to read the following amendment in my time.

The Clerk read as follows:

Amendment offered by Mr. DOWELL: Page 16, following section 19, add a new section to be known as section 20:

"SEC. 20. That section 404 of the War Risk Insurance act is hereby amended by adding thereto as a new paragraph, to read as follows:

"'The term insurance in force on the life of every commissioned officer, enlisted man, and member of the Army or Navy Nurse Corps (female) on the date he leaves the active military or naval service shall be continued in force for two years after the end of the calendar month in which he is separated from the active service without the payment of premiums by the insured: *Provided, however,* That in the case of persons who are or have been so separated from the service and who have paid their premiums after being so separated the period of two years herein provided shall begin to run on the first day of the calendar month succeeding the passage of this act or on the first day of the calendar month succeeding the month for which the premium was last paid, whichever date is the earlier: *Provided further,* That every person who converts or has converted his term insurance before the expiration of the two-year period herein provided shall during such period or remainder thereof be entitled to a monthly credit on his premium for converted insurance equivalent to what the monthly premium on his term insurance would have been during the said two-year period if he had not converted it and if this amendatory act had not been passed.'"

Mr. HICKS. Will the gentleman from Iowa yield for a question?

Mr. DOWELL. Certainly.

Mr. HICKS. I am not quite clear from the reading of that amendment whether or not these policies, three-quarters of which I understand have lapsed, would be automatically revived if this amendment were carried.

Mr. DOWELL. Yes; they would.

Mr. MCCULLOCH. The language of the gentleman's amendment, as I understand it, is exactly the language that was contained in the Sweet bill?

Mr. DOWELL. Except that one clause was stricken out; but the language, so far as it applies to extending the insurance, is the exact language of the Sweet bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAYBURN. Will the gentleman from Iowa yield some of his time now?

The CHAIRMAN. The gentleman from Texas [Mr. RAYBURN] has 31 minutes remaining and the gentleman from Iowa [Mr. SWEET] has 9 minutes remaining.

Mr. SWEET. I yield four minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I can deal with only one feature of this admirable bill in the very brief time allotted to me, and that is the compensation feature.

Members of the House will remember that in the original war risk act of 1917 total disability was given compensation at the rate of $30 a month. I think if we look back at that time and recall that the membership of this House and of Congress agreed that $30 a month was an adequate compensation for total disability, we must be startled at the poor judgment then expressed by the Congress. Thirty dollars a month for total disability was in the judgment of Congress sufficient for a grateful Nation to pay the totally disabled soldier! Strangely enough that is still the law. The gentleman from Texas [Mr. RAYBURN] in May last introduced a bill, which is the foundation of this portion of the present bill, in which he recommended distinguishing between compensation for total permanent disability and for total temporary disability. He provided that for total permanent disability the rate should be $100 a month, and that for total temporary disability there should be a base rate of $65 a month for a single man, with larger sums for men with dependents. That distinction then seemed to me, and still seems, unsound.

Then Congress in July enacted the vocational-educational supplement which contained this language:

In no event shall the sum so paid such person while pursuing such course—

That being the course of vocational instruction—

be more than $80 per month for a single man without dependents, or for a man with dependents $100 a month, plus the several sums prescribed as family allowances.

It seemed to me that that act of July 11, 1919, established, as far as Congress was then able to establish it, the principle that we should give very much more liberal compensation in cases of total disability, irrespective of whether that disability was temporary or permanent. In other words, the argument is that during the period of the total disability a temporarily disabled man needs just as much money for his support as if that disability were permanent. Therefore, early in August I introduced a bill—H. R. 8158—which established the vocational education rates for total disability, namely, $80 a month for a single man without dependents, and $100 a month for a man with dependents, and which made only a slight distinction between rates for temporary disability and for permanent disability, the latter receiving, irrespective of dependency, $100 a month. I think there was general agreement at the War Risk Insurance Bureau and in Congress that the rate of the bill of the gentleman from Texas [Mr. RAYBURN] for total permanent disability, namely, $100 a month, was correct, and that the only issue at that time was whether there should not be more adequate compensation than his suggestion of $65 for total temporary disability. My bill, with all others before the subcommittee of Mr. SWEET, was very carefully considered by the committee, as I happen to know. I am glad to observe that in the bill which is now before the House a fairly adequate provision is made, not only for total permanent disability but also for total temporary disability. Substantially the rates proposed by my bill for the latter are carried in this bill, namely, a sliding scale based on $80 a month and working up to $100 a month for a man with dependents. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD generally, and also by printing a letter which has been sent me from a neighbor of mine on this general subject. The letter is about two pages in length.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. ROGERS. The disabled soldier is in the highest and truest sense the especial ward of the Nation. We must keep him from poverty and want. We must extend to him the hand of helpfulness. We must assist him in every way to overcome as far as possible the effects of his disability. In doing this we are discharging a double duty—the duty to show to him the Nation's gratitude, and the duty to the Nation to make him a useful citizen. This bill represents an enlightened determination to meet the Nation's obligation.

The letter referred to is as follows:

TREASURY DEPARTMENT,
UNITED STATES PUBLIC HEALTH SERVICE,
UNITED STATES MARINE HOSPITAL,
Portland, Me., August 4, 1919.

Hon. JOHN JACOB ROGERS,
Washington, D. C.

DEAR SIR: I want to thank you for your interest in the men who are now under the care of the War Risk Bureau.

Having served something like 38 weeks in war-risk hospitals, I feel that the experience I have gained might be of some interest to you, to

the end that the Congress may be induced to do something for a class of men who at this time very much need both help and encouragement.

Before the armistice was signed it was the policy of the War Department to discharge men from the service who had become physically unfit for military duty. This was because new men were being called in the draft, the hospitals were overcrowded, and it was physically impossible to take care of all the disabled.

I was discharged from the service in September, 1918, and since then I have been under the care of the War Risk Bureau. I am a lawyer by profession, have served as a district attorney, and when I entered the Army I was earning about $3,500 a year, but like most young men I saved very little of it, and in fact I was in debt when I closed my office. Having graduated at a reputable military college, I was commissioned a captain of Cavalry. After securing my commission I asked permission and recruited at my own expense a whole military organization. The four years I had spent in the military college enabled me to very quickly whip this organization into good shape. After I had gotten my troop in good shape it was broken up and I was transferred to the Field Artillery and assigned to a regiment that had been in Federal service nearly two years. When I was assigned to this regiment all of the schools were far advanced, and in addition to preparing my lessons I had to go back and cover the work that had been done in these schools prior to my assignment. In other words, it was like sitting a man down to study algebra at quadratic equations. I, of course, did not want to be put out of the Army for inefficiency and I went hard down to work, the result being that I had a complete nervous breakdown. I was discharged from the service as "temporarily total disability." Since my discharge I have drawn $30 per month from the War Risk Bureau, which has just about sufficed for laundry bills, cigars, etc. It had cost me about $700 to recruit the troop of Cavalry, besides the four months of my time, and when I was discharged I had saved very little of my salary. What money I did save I have spent, and when I leave this hospital, as I intend to do very soon, it will be with an empty pocket.

If my disability had occurred before the signing of the armistice I would have been held in the service until such a time as I was able to go out and take care of myself, and my salary as an officer would have continued. After the signing of the armistice the policy of the War Department was not to discharge any officer or enlisted man until all that could be done for him had been done. I have a friend who is now and has been in one of the base hospitals for several months. He has a slight disability, but he tells me that he will not be discharged until he has been cured. As a matter of course he draws his pay. Probably you have noticed in the papers that American officers are attending the various colleges of England and France. These officers are in good health, but the necessity for discharging them was not pressing, and since last November they have been sent to these colleges, and while there they draw their pay as officers of the Army. I have no criticism to offer of this, but I do say that the officers and enlisted men who went into the Army in the early part of 1917, became disabled and were discharged from the service before completing their medical treatment, and who since then have been in war-risk hospitals ought to be entitled to some consideration, and in fairness to them I want to ask you, in the event Congress raises the compensation, to make the raise retroactive and date back to the date on which the war-risk act became effective.

Another thing I want to call to your attention is that an officer who is undergoing vocational training draws the same pay that he drew the last month he was in service, while a single officer in a war-risk hospital whose disability is such that he can not take up vocational training draws a maximum of $30 per month. I think the vocational-training act is a fine law. It is the last hope of the reserve and National Guard officers. But how about the officer who is either unable to take this training or who does not care to change his vocation? In other words, the man who is on his feet gets the same pay that he received the last month he served in the Army and the officer who is temporarily totally disabled draws the $30. I submit that the officer who has been in war-risk hospitals and who has been unable to go out into the world should receive the same pay that a soldier receives who is undergoing training, and the law should be retroactive and date back to take in those who were discharged last year. Of course, men who have been diagnosed as permanently and totally disabled would have to be excluded, because they are drawing their insurance.

Another matter I would like to call your attention to, and that is the request of the War Risk Bureau that men totally and permanently disabled shall draw compensation of $100 a month. If any man on earth is entitled to consideration, it is the man who is temporarily disabled. The man who is permanently disabled knows his status; that he can never go out into the world; but the man who is temporarily disabled must get on his feet. He has his future ahead of him, and to pay a compensation that will enable him to have a few dollars in his pocket makes the outlook much brighter. Moreover, the man who is only temporarily totally disabled ceases to be a burden on the Government when he gets on his feet. It seems to me poor logic to say to a soldier, "You are only temporarily totally disabled, and while your disability is just as much as the man who is permanently disabled we can not see fit to pay you just as much as the man who is permanently disabled." If the man whose disability is permanent is to draw $100 per month for the balance of his natural life, would it not be fair to allow the same to the man whose disability is total, but only temporary, and who will only draw it for a few months?

The Government of Canada, so I understand, pays a soldier who is undergoing medical treatment the same pay that he receives when he is taking vocational training. Yesterday I met an enlisted man who was here on a furlough from one of the Canadian hospitals, and he told me that while in the hospital he received $105 a month. When he ascertained that I was—or, rather, had been—a captain of Field Artillery he wanted to know what allowance I received. I told him that I did not think the Government had settled the matter. I evaded the question, because I did not want him to know that while the Canadian Government paid a disabled private $105 who was undergoing medical treatment that my Government only allowed the sum of $30 per month, and then, too, I did have the feeling that the matter would be remedied, and I felt justified in answering him as I did.

You may be sure that whatever you do for us, whether to give us the same pay provided by the vocational training law or raise the compensation, that anything will be appreciated, provided, of course, it dates back and takes those of us in who were discharged before getting on our feet.

Thanking you again, and with sincere good wishes, I am,

Most respectfully,

A. L. YATES,
Late Captain, One hundred and forty-first Field Artillery.
Address A. L. Yates, United States Marine Hospital, Portland, Me.

AUGUST 5, 1919.

Capt. A. L. YATES,
United States Marine Hospital, Portland, Me.

DEAR CAPT. YATES: I have read with the very greatest interest your letter of August 4 and thank you for writing me at length.

As a result of my conferences with Assistant Secretary Shouse, various war-risk officials, and some of my colleagues in Congress who are especially interested, I introduced the inclosed bill, H. R. 8158, on Saturday. Yesterday I had a long conference with the chairman of the committee in charge, and I feel pretty certain that this bill or something like it will be favorably reported at an early date. I think the two points which you especially emphasize are cared for, the first by subsection 1 on page 1, which gives the vocational education act rates for total and temporary disability, and the second by subsection 9 on page 4, which makes the provisions of the bill retroactive.

I shall be very glad to have your further comment or criticisms.

Sincerely, yours,

JOHN JACOB ROGERS.

Mr. SWEET. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 5 minutes remaining, and the gentleman from Texas [Mr. RAYBURN] has 31 minutes remaining.

Mr. SWEET. I yield five minutes to the gentleman from Iowa [Mr. BOIES].

Mr. BOIES. Mr. Chairman and gentlemen of this House, I dislike very much to take up five minutes' time, and but for the fact that I have been working constantly since the 5th of this month to get 5 or 10 minutes I would not presume upon your time now.

On last Friday the distinguished gentleman from Missouri [Mr. CLARK], after a considerable criticism of the fact that Members of this House inserted into the RECORD matter that was not pertinent, that was silly, and had no place therein, saw fit to single me out because I had for the first time inserted three communications, and to observe that after examination it had been found that they did not amount to anything. The first communication that I introduced was a telegram from a wholesale groceryman in my district, calling attention to the fact that there was a very great scarcity of sugar in that town and in the State of Iowa. Representing that district, I thought I had a right to call the attention of Congress to it, and I asked that that telegram be inserted in the RECORD.

The same day I received a letter from an adjutant general, representing 210,000 soldiers of the late war, petitioning Congress directly. I thought it was my duty also to offer that communication for insertion in the RECORD. I received this morning another communication from that adjutant general, thanking me for the introduction of his former communication in the RECORD, and I will ask as a part of my remarks that that be inserted in the RECORD to-day.

Mr. GARD. Will the gentleman yield?

Mr. BOIES. No, sir. I do not intend to set off any fireworks here at this time. If any fireworks are set off because of this talk, some one else will apply the torch. But I think the gentleman from Missouri went far out of his way to criticize me. Even if he thought I was in error, it being my first offense, I can not imagine why he should call me out of my seclusion, unless it was, perhaps, something like the excuse the Mexicans gave for shooting at the American flyers along the border. They said that the flyers were flying too low, and frightened their mules, and they simply shot at them in order that they might fly higher. [Laughter.] If the gentleman from Missouri called me out of my seclusion and my timidity because he wanted me to fly higher, he ought to be more liberal and grant me time to become accustomed to my wings. [Applause.]

The CHAIRMAN. The gentleman yields back two minutes.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. The gentleman from Iowa said something about including a letter in his remarks. I do not think we should be called upon to include in the RECORD all of the gentleman's correspondence, no matter how valuable it is.

Mr. BOIES. Mr. Chairman, I ask unanimous consent that the letter be inserted in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. GARD. I object.

Mr. BOIES. I will then read it in the two minutes that I have remaining, if the Chair please.

Mr. GARD. A parliamentary inquiry. The gentleman has surrendered back the balance of his time.

Mr. BOIES. I have not taken my seat.

The CHAIRMAN. Does the gentleman from Iowa yield two minutes to his colleague, to make it certain?

Mr. SWEET. I yielded five minutes to the gentleman and he used three. I now yield him two minutes more.

Mr. BOIES (reading)—

NATIONAL COUNCIL, WORLD WAR VETERANS,
Aurora, Ill., September 6, 1919.

Hon. WILLIAM D. BOIES, M. C.,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN BOIES: Thank you for securing the insertion of our letter relative to the so-called "Mondell soldiers' settlement bill" in the CONGRESSIONAL RECORD of September 2, 1919.

We would not have Congress feel that the service men are trying to capitalize their simple duty to the Nation, and the men who served do not want to divide the wealth of the Nation, but it is a matter of crying need that something substantial be done for the immediate relief of the discharged service man. He is in a state of need, and the $60 bonus is inadequate.

You may be sure, sir, that so far as our organization is concerned, there is no petty fight in progress as to whether the American Legion is or is not; we are busy with our own particular business, and that is to organize and perfect the National Council World War Veterans, so that the returned service man who shall join our ranks may become the useful citizen the people of this Nation have every right to expect of him; but in bringing about this happy and natural event it will be necessary that the Nation really give evidence of some grateful regard and not dump the men upon the country without means to either clothe themselves or feed their bodies until such period may elapse that they may be properly employed.

Respectfully,
CHAS. M. RAPHUN,
Adjutant General.

Mr. RAYBURN. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, I have always been proud that the Congress enacted the war-risk insurance law and created under it a bureau whose duty it shall be to look after, first, soldiers' insurance; second, dependent families; and third, soldiers who were disabled during the great conflict.

There have been times when this great bureau has appeared to be moving slowly and ponderously in the discharge of its duties, but I doubt if the general public is aware of the enormity of this great undertaking. The writing of insurance for practically all of the 4,500,000 soldiers, sailors, and marines who entered this war will of necessity disclose what a monstrous task it was at the very beginning. The further fact that 13,500 employees, many of them untrained, were necessary to conduct this great bureau makes it apparent what a monstrous task it has been. The amount of money passing through the War Risk Insurance Bureau last year was $550,000,000. The Government's liability for outstanding insurance through the bureau is over $39,000,000,000.

The enormity of the task of the War Risk Insurance Bureau is shown quite well, I think, in the following estimates of expenditures of the bureau since its creation.

Over $241,000,000 has been distributed by the bureau to dependent families of soldiers as family allowances.

Fourteen million four hundred and fifty-eight thousand nine hundred and thirty-two dollars and seventy-seven cents has been paid by the bureau to disabled soldiers as compensation.

Insurance awards have caused already the expenditure of $51,672,197.99, and it is estimated that the total liability of the bureau on insurance to be paid on awards already made reaches the astounding total of $1,125,000,000.

In all history no Government has ever assumed such a gigantic task. I repeat, I was glad to vote for this law and help with its enactment, for I felt that it meant aid to the soldiers, aid to their dependent families, and aid to those soldiers who returned to their native country disabled in one form or another.

THE PRESENT LAW.

Under the present law, while the disability is total and pending the time when the soldier is nursed back to usefulness, either in part or in whole, the monthly schedule of compensation is as follows:

(a) If the disabled person has neither wife nor child living, $30.
(b) If he has a wife but no child living, $45.
(c) If he has a wife and one child living, $55.
(d) If he has a wife and two children, $65.
(e) If he has a wife and three or more children living, $75.
(f) If he has no wife but one child living, $40, with $10 each for each additional child up to two.
(g) If he has a mother or father either or both dependent on him for support, then, in addition to the above amounts, $10 for each.

THE PROPOSED LAW.

Under the bill H. R. 8778, which we now have before us for consideration, the amount paid to each of the disabled soldiers, as their relative rights appear, while the disability is rated as total and temporary the monthly compensation will be as follows:

(a) If the disabled person has neither wife nor child living, $80.
(b) If he has a wife but no child living, $90.
(c) If he has a wife and one child living, $95.
(d) If he has a wife and two or more children living, $100.
(e) If he has no wife but one child living, $90, with $5 for each additional child up to two.
(f) If he has a mother or father either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent.

The proposed law further provides that in addition to the increase just mentioned the director shall allow $20 per month to a disabled person who is so helpless as to be constantly in need of a nurse or attendant.

Members here and elsewhere will proclaim that we are paying the disabled soldiers a sum all out of proportion to any pension, bounty, or disability allowance ever given before. For me and mine that is not alarming; for me and mine that does not deter me from giving full and whole-hearted support to this measure. If in all the wide world there is one class of citizens that the Government should be generous with and should try to make full amends to it is the soldier who offered his all and who, as the battle raged on, sacrificed either all or part.

Money, of course, can do but little to repay the soldier who has lost a limb or limbs; money, of course, is such a poor recompense to one who has lost his hands, his hearing, or his eyesight. Money is such a poor recompense to the gallant soldier of yesterday who must to-day, to-morrow, and throughout his life hobble through a more or less miserable existence.

I repeat, there is so little that we can do to replace and make amends for the great sacrifice he has made that I say, without flinching and without a quiver for the taxpayers or the Treasury, in so far as an adequate compensation in dollars and cents can be given it shall be done.

I am not in favor of large standing armies in peace times. They are burdensome to the country; they are heavy for the taxpayer to carry. I do feel, however, that it is the duty of the Congress to deal justly, fairly, and even generously with the soldiers who served their country so valiantly during this terrible conflict.

I repeat, this legislation makes substantial increases in the compensation of disabled soldiers and their dependent families. As we glance over the schedule in the present law and the schedule in the proposed law the increases range from 100 to 166⅔ per cent. I repeat, this is not too much for a grateful Republic to do. It is no more than these soldiers are entitled to receive. For me and mine I shall hold myself in readiness, if need be, to increase it again and again until it shall be the remark of the passing throng that in a Republic like ours want and privation shall never stalk among the disabled soldiers who have served their country in time of peril. Mr. Speaker, I hope there may not be a dissenting vote upon the passage of this bill, for, as God is my keeper, it is but justice where justice is due. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SWEET] five minutes.

Mr. SWEET. I thank the gentleman, and I will yield three minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. Mr. Chairman, I wish to thank the chairman of the committee who has the bill in charge very much indeed for the time that has been allotted me. It will, of course, be impossible for me to make any speech in the time allotted me of three minutes, but I desire to emphasize my appreciation and to join the gentleman from the State of Washington [Mr. JOHNSON] in expressing my own appreciation, as a Representative of my district and the large number of soldiers in my district, of the splendid and constructive piece of legislation which has been presented to us for consideration in the pending bill.

I take it, sir, that it is our business here to address ourselves, as far as possible, in this great reconstruction period, to real constructive legislation, and I believe that we are all agreed that this bill, which is a very composite bill, is also a very comprehensive and complete bill. It covers a wide range as applied to the present war-risk insurance act, and as a piece of constructive legislation it reflects great honor on the committee that has brought it forth for our consideration. It is, indeed, noteworthy that this is submitted to us as a unanimous report both by the subcommittee and the entire Committee on Interstate and Foreign Commerce. Personally I wish to thank the committee for the consideration that they gave me in the hearings in the presentation of my arguments upon two bills which I introduced, one, House bill 5515, which deals with the terms of father and mother and persons who have stood in loco parentis to members of the military and naval forces, and my other bill, House bill 5907, which deals with men inducted into the service by the local draft boards who died in the service in the line of duty before they were reexamined by the camp physician at the place of mobilization. Both bills have been practically embodied in toto in this bill, the first in section 4a and the other in section 31.

May I be permitted to say further that this is legislation that gives expression on the part of Congress and the people of the United States for its gratitude to the soldiers, sailors, and marines and their dependent fathers, mothers, wives, and chil-

dren for the great sacrifices that they made as they offered themselves freely on the altar of our country for the freedom of the world and for the liberty of mankind. [Applause.] In this constructive piece of legislation we are simply carrying out the pledge which we have made to the millions of soldiers, sailors, and marines and their families throughout the country when the boys were drafted by the local boards and sent to the camps preparatory to going across the sea to enter into the great conflict in the World War when we said: "When you come home we will remember what you have done for us and for America and for the world." [Applause.] By this legislation to-day we are simply redeeming the pledge which we have made to these millions of soldiers, their families, and dependents of our great country.

I wish to say further that in addition to this legislation which we have before us to to-day, as a continued expression of our gratitude to these boys, we should take early action upon one of the several bills introduced for additional pay to our soldiers, sailors, and marines of at least $30 a month for the length of time that they were in the service, deducting the $60 bonus which has already been given. I believe that the country is ready for such legislation. Wisconsin, my own State—the great Badger State of the Northwest—has in a most emphatic manner given evidence of the great heart of our American people toward the brave heroes of the World War when they voted in a referendum of a bill submitted by the legislature for a tax of $15,000,000 to give to each soldier, sailor, and marine of the World War enlisted from the State of Wisconsin additional pay in the amount of $10 a month for every month of service in the war, making a minimum payment to each soldier, sailor, and marine of $50. The referendum was carried by a vote of more than 4 to 1. In line with this unqualified expression by the State of Wisconsin and in line with what I believe to be the general expression of the people of the United States the Wisconsin delegation have to-day introduced a bill granting additional compensation to all soldiers, sailors, and marines and others who served in the armed forces of the United States in the war against Germany and Austria, giving them $30 additional pay for each month of service, deducting from same the bonus of $60 already granted by the United States Government. [Applause.]

Mr. SWEET. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Chairman, in my time I ask the Clerk to read an amendment which I desire to call to the especial attention of the gentlemen who have this bill in charge.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amendment by Mr. RAMSEYER: On page 11, line 5, strike out all after the word "who," all of lines 6, 7, 8, and, in lines 13 and 14, the words "unless he refuses or has refused to apply for insurance."

Mr. RAMSEYER. Mr. Chairman, on the whole the subcommittee having this legislation in charge has done a mighty good job. I know it has been the purpose of the War Risk Insurance Bureau and also of the committee and of Congress, as far as that is possible, to propose such amendments and such legislation to the war-risk insurance act as would avoid special bills in the future for the relief of soldiers and sailors and their dependents. You have taken care of nearly every class of men under most all conceivable conditions, except one class of men, and that is those men who went to France and were killed or permanently disabled and who at the time of their death or injury had not taken out a policy of insurance.

In this bill, and especially in section 401, you give the benefits of automatic insurance to the men for a period of 120 days after enlistment. You go farther. You extend those benefits to the men during the period between their induction by a local board and acceptance at an Army camp. But there are a number of men who were killed or permanently injured on the battle line and who had at the time had no insurance. If you strike out the words that I propose, you extend the benefits of the automatic insurance to all men who were killed or permanently disabled during the period from April 6, 1917, to November 11, 1918. These cases should be taken care of, and my amendment will do that. I have a number of such cases in mind, one especially of a young man who went into the war as soon as it was declared, who was sent to France with the first transports, who soon developed into a crack rifle shot, and who with a squad of other men was sent to different places in France to train men in rifle shooting. This young man was at the front in the thick of the fight with the first Americans and was killed in October, 1918. No insurance can be found. His dependents are as much, if not more so, entitled to the benefits of automatic insurance as any class provided for in this section. I present this amendment now so the committee can consider it. I propose to offer it at the proper time. If adopted, it will extend the benefits of automatic insurance to all men who died or were permanently disabled during the period of the war, from April 6, 1917, to November 11, 1918. I am informed by some members of the committee that they want the benefits of automatic insurance so extended and thought the bill so provided. But a careful reading of this section convinces me that the adoption of my amendment is necessary to accomplish that purpose.

Mr. RAYBURN. Mr. Chairman, it is gratifying to me that this debate has taken the course it has, that it has not taken the course the debate usually has when we have had up for consideration amendments to the war-risk insurance act. The majority of the debates that we have had heretofore have been criticism of the Bureau of War Risk Insurance and its acts. Usually it has not been a constructive criticism, but a very destructive one. I hold no brief to speak for the War Risk Insurance Bureau. I have been, as every one here knows, connected with this legislation ever since its adoption. I am under obligations to nobody in the Bureau of War Risk Insurance for favors. There is not a man or a woman in the Bureau of War Risk Insurance to-day who is there upon my recommendation. Therefore, I am under no obligations to them for any personal favors that they have granted me in the past or that they are granting to me now. I do want to say this, however, in answer to some criticisms that we hear. Some of them, most of them, I must say, come from men in this House who really are least competent to utter those criticisms, who know the least about the provisions of the law, and who know, in many instances, the least about the genius of the law and why it was put on the statute books. I know from my association with the men who have had charge of this bureau from the time it was established up to now that they have had no other purpose in the world than to serve the soldiers and the dependents of those soldiers. I know that many of them come here from other walks of life where they have been receiving much higher salaries than they have been paid here. Many of them have broken up business associations that have run for many years in order to come here at this time and try to help the Government, for the benefit of the soldiers of this country, and for those who are dependent upon them.

I would not have taken any time in general debate if it had not been for one or two amendments that have been suggested, and one answer of my colleague, the gentleman from Pennsylvania [Mr. DEWALT], which I believe to be a misconception of one provision of the bill, to which I shall take the liberty of referring. Section 4a reads:

(4a) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year: *Provided*, That this subdivision shall be deemed to be in effect as of October 6, 1917.

The gentleman from Pennsylvania [Mr. DEWALT] in answer to a question said what I would in the first instance have said, that that was with reference to those who had stood in loco parentis for one year immediately preceding the induction of the man into the military or naval service. I am entirely convinced that that will not be the construction placed upon this law by those who will administer it, and that it would be most unfair if it were the interpretation placed upon it, and for this reason. In many instances, if that were so it would not include the cases we intended to include. It might be that some old woman had reared a boy from infancy up to the age of 15 or 17 or 18 years, that then he had gone away and had been doing for himself, when she herself was probably able to make a living, and that in her old age, when he was the only dependence she would have had, if he had stayed out of the Army this benefit would be taken away from her for the reason that she had not stood in that particular position for the 12 months immediately preceding the war. Therefore I think that what we mean to say in this bill is that anyone who has stood in the position of loco parentis to an enlisted man any year of his life will be a beneficiary under this amendment.

I wish to say, further, that we have had before us every Member who cared to come who had introduced a bill amending the war-risk insurance act. To show you that we considered their statements well and that the committee from its previous work understood the matter thoroughly, I would say that a great many men came before the committee with bills which they had introduced to correct evils in the law. After we had heard them and talked with them, they withdrew those amendments, and at the present time they believe they should not be enacted.

Mr. NELSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. NELSON of Wisconsin. I would like to ask the gentleman a question that has come to me in a letter from the Bayfield County Chapter of the American Red Cross, which is as follows:

We also have a rather peculiar case of a soldier here who enlisted in the local National Guard company—organized solely for the participation in the war with Germany—who was drowned before the company was federalized and whose parents, although in need of assistance, have been unable to secure any help from the Government because of the fact that he was a State and not a national soldier. The amendments to the war-risk insurance act have taken care of many cases like this where men have been drafted but have not taken the oath of enlistment, and it seems to us it is rather unfair to the parents of boys who enlisted in National Guard companies in order to get into the game as soon as possible.

What I want to ask the gentleman is this: Would this war-risk insurance act as now amended include cases of this kind?

Mr. RAYBURN. It would not.

Mr. NELSON of Wisconsin. May I further ask if it does not, would it be possible to amend the bill so as to include such cases; and, if so, where would be the proper place to make such amendment?

Mr. RAYBURN. Well, I do not think there is any proper place in this bill to put in an amendment to cover somebody who has not been in the military or naval forces of the United States during this war. Now, I want to say this: It has been our purpose to make this law liberal enough so that it would satisfy every reasonable person in Congress and every reasonable claimant on the outside. It is the most liberal law that has ever been proposed to the Congress of the United States or the legislative branch of any government in the world. Therefore I think with the liberal provisions we have made this talk always about doing something for the soldier should cease, especially with reference to the war-risk insurance act. I said a moment ago there have been some suggestions made in relation to this law which were constructive and some which were destructive, and I want to say to you now that if you are going to adopt the amendment suggested here by the gentleman from Ohio [Mr. McCULLOCH] or by the gentleman from Iowa [Mr. DOWELL] you had better tear this bill up and disband the Bureau of War Risk Insurance now. I do not believe the soldiers of this country, or ex-soldiers, have reached the stage when they are willing or want to be put in a special class and raised and nurtured for the rest of their lives on a bottle furnished them by the United States Government. [Applause.]

This war-risk insurance act has done all that we intended it to do. Every mother in this land who lost a son to-day gets compensation; every mother in this land and every relative in the permitted class who has lost a relative that carried insurance is to-day the beneficiary of this act. But now when we are offering them converted insurance, from 15 to 20 per cent cheaper than they can get in any other company in the world, when the Government takes upon itself the responsibility of carrying the thousands of dollars of administrative expenses of this act, then come along these gentlemen who offer amendments to this act that this insurance shall be given free to these men for a period of two years. What situation would we find ourselves in then? A soldier the other day was met upon the street and this proposition was made to him, that an amendment was going to be made to give insurance for two years free, and the most natural question that came to his mind was, "Why not give it to us for life free?" Now, I want to tell you that this is the entering wedge. If you write into this law to-day making this insurance free for two years, why not three years, why not four years, why not five years, and why not for life?

Mr. McCULLOCH. Will the gentleman yield?

Mr. RAYBURN. I can not yield; I have but a few minutes. Thirty-nine billion dollars of insurance is in force in this country now, and at a time when these men are young, when they are healthy, when they can pay premiums into this fund which will in after years take care of this bureau and will help the Government carry the staggering load that will be placed upon it, we want at this time to start in not only not adding to the fund but depleting the fund that we already have built up in this bureau. Just think of it. The gentleman from Ohio said, "What if the soldiers of the Civil War instead of receiving pensions were called upon to pay insurance now?" If the soldiers of the Civil War had had the opportunity of this beneficent law, and had been allowed under this converted insurance to have taken out a policy, they would have had that policy paid out 34 years ago. [Applause.] But on top of that, more liberal than we have been to any veterans of any war, we offer them the higher compensation by double almost than any law that was ever even proposed in the Congress of the United States. They say we built up a fund down here of from two to three hundred millions of dollars. That is true; but the men who were fighting abroad under gunfire, who were paying this into the Treasury of the United States, were being protected by paying less than one-tenth of the rate that the Government was carrying. The Government of the United States carries more than 90 per cent of the risk that they assumed when they insured those men. They say that this bureau is going to break down, that these men are not going to reinsure unless——

Mr. DOWELL. Will the gentleman yield?

Mr. RAYBURN. I do not; I have not the time.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAYBURN (continuing). Unless we give them the insurance. My God, had not the bureau better break down than to do that? But I am not going to shed any tears about men who did not convert their insurance. They had the opportunity to do so at a cheap rate. I am not so crazy about the Government going into business anyhow, and I never would have agreed to this insurance and the Government going into the insurance business if it had not been that we raised a draft army and we were taking men from their homes and their loved ones whether they wanted to or not, and therefore I was willing to make this act much more liberal in order that we may compensate the relatives and dependents in case they were taken away. Now, this insurance law has served its purpose already in this and the purpose for which we inaugurated it. But everyone of these men who went forth and fought in this war and was killed, for 120 days after he was enlisted, whether he had taken insurance or not, his relatives got $25, or $5,000 of paid-up insurance. Everyone who took out insurance who was killed or was totally disabled, his people to-day are getting $57.50 a month if he had $10,000 worth of insurance.

Then if this is taking care of all the people who were killed, if the compensation takes care of all who were injured, then why should we shed tears if these young gentlemen do not want to take out this insurance? If they had never been in a war, a great many of them would not have taken out insurance; a great many of them do not have any close relatives that they would want to inherit this; therefore, they do not want to deprive themselves of the money that they would pay in a premium. I tell you now that if you want the Bureau of War Risk Insurance to break down; if you want the morale of the men who have gone to war from this country to break down; if you want to undermine civilization in this or other lands, you should create the impression in the minds of men that they are and should be treated as a special and separate class. I know the soldiers of this war well enough to know that they are too brave and too patriotic to wish to be so made.

There is nothing too good to do and no compensation that in reason at all is too high for the man who went out and lost his life or his limb in this great struggle. I tell you now, you adopt the amendments proposed by these gentlemen and this bureau will go on and on, and it will never have paid into it from the outside a single dollar. If these gentlemen think that they can demagogue for the soldiers of this country by this thing, I ask them what they are going to do at the end of two years, when in all probability the soldier will be stronger in politics than he is to-day?

Mr. McCULLOCH. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. McCULLOCH. The gentleman talks about demagoguing. What does the gentleman propose should be done with the $225,000,000 that lies down there in the Treasury, taken out of the pay of the soldiers whose policies have lapsed?

Mr. RAYBURN. Whose policies have lapsed? Neither the Government nor any insurance company on earth owes a man anything until his policy has reached the place where it has a paid-up value. Who lets it lapse? The soldiers got the benefit of the protection all the time they were paying, did they not? This belongs to the Government because the Government carried this protection. [Applause.]

Mr. McCULLOCH. What does the gentleman intend to do with it?

Mr. RAYBURN. This $225,000,000 is lying down there and being used to pay the $25 a month of automatic insurance and the $57.50 a month contract insurance for all the men who were killed.

Mr. McCULLOCH. For the one-fourth that is left. It can not be any other way. I want information from the gentleman. He is an expert on the subject and he ought to have the information.

Mr. RAYBURN. If you will ask me a sensible question——

Mr. McCULLOCH. I will do so. Under the provisions of the war-risk insurance act the Government contracted with the soldier to take care of all the hazards of war——

Mr. RAYBURN. That is exactly true. It did so. You will admit that, will you not?

Mr. McCULLOCH. I will admit they are doing so. I will not say "did so."

Mr. RAYBURN. They carried the risk of the insured, did they not?

Mr. McCULLOCH. The question of compensation is just developing now. It has not been paid yet. The gentleman knows that. They are doing so. That is my contention. However, that is not the point——

Mr. RAYBURN. Get to it.

Mr. McCULLOCH. The gentleman would apply the $225,000,000 on the lapsed policies, paid in by the soldiers whose policies have lapsed, to take care of the other one-fourth?

Mr. RAYBURN. I would, because it is the Government's money.

Mr. McCULLOCH. I would not, because it is the soldiers' money.

Mr. RAYBURN. If the gentleman has no more idea about what a contract means and the performance of a contract means than that, there can be no controversy between him and me.

Mr. McCULLOCH. The gentleman is approaching the subject from the standpoint of a business proposition without the slightest consideration of the moral obligation of the Government for the soldier who was forced to take the insurance and from whose pay it was carried.

Mr. RAYBURN. No soldier of the Government was forced to take insurance, if the gentleman knows anything about the law.

Mr. McCULLOCH. I did not say the law did; but I say they were forced by the system to take it.

Mr. RAYBURN. The gentleman does not state the facts when he says that they were forced to take it.

Mr. McCULLOCH. I challenge the gentleman's statement that I do not state the facts.

Mr. RAYBURN. They have no power to do it.

Mr. McCULLOCH. I am talking about the facts and the gentleman is talking about the law. The gentleman must discriminate before he questions my statement, and he has not done so.

Mr. RAYBURN. I refuse to answer. I was willing to answer a question; but when I do so the gentleman goes off on a statement of his own.

Mr. ESCH. Mr. Chairman, I ask unanimous consent that the time for general debate be extended 15 minutes, and that the gentleman from Texas [Mr. RAYBURN] may have 10 minutes of that additional time.

Mr. RAYBURN. Five minutes will be all I desire.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time be extended by the committee for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. As to these policies that have lapsed, is there not provision in the bill for those persons who were thus insured to be reinstated within a certain time?

Mr. RAYBURN. Yes. I was just coming to that.

Mr. SANDERS of Indiana. I would like to ask the gentleman another question. It may be that he intended to cover that one, too. What would be the total expense to the Government to give two years' free insurance? And also I would like, after answering that, for the gentleman to state the different beneficiaries to whom this money might be paid in the event they were given this free insurance, with a view of showing it would not necessarily be a present to the soldier but it might be a present to some one who is not very closely dependent upon him?

Mr. RAYBURN. I do not know even approximately how much it would cost the Government to carry this insurance.

Mr. SANDERS of Indiana. It would be the total amount received, more than half a billion dollars?

Mr. RAYBURN. More than half a billion dollars. And, of course, when you insure them free they are all in there and the Government is carrying the $39,000,000,000 liability. They say the soldiers are going to allow the insurance to lapse, and this bureau is going to break down for the simple reason that the soldiers do not have the money to continue their insurance and so have to let it lapse.

The Treasury Department has already made a ruling that the soldiers, from the time of discharge, shall have 18 months in which to apply for reinstatement, and that they can be reinstated in that time. Surely, a man can make up his mind in 18 months as to whether or not he wants insurance. But the difference in the Treasury Department's rulings and the amendments offered by these gentlemen is this, and it is a wide difference, and it is a difference that should appeal to us: The men are not insured for these 18 months. They are not paying for it. They are out of the service, and why should they get protection when they are not paying anything for it?

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BLACK. I want to know if I understand the situation correctly. When they are reinstated within these 18 months, my understanding is that they do not have to pay any back payment, but begin to pay from the time they are reinstated?

Mr. RAYBURN. They pay one month's back payment, and are reinstated at any time after their discharge from the Army. They simply have to file a statement to the effect that they are in as good physical condition as when they were released.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BANKHEAD. If a man can not bear the maximum, he can reduce it to a lower sum?

Mr. RAYBURN. Yes; down to $1,000.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. TREADWAY. Does the gentleman think that the lapse of policies comes from the solicitation of the old-line company's agents, who represent to the men that the Government insurance is not a desirable kind of policy for them to carry?

Mr. RAYBURN. That will enter into it to a small degree, for the reason that the old-line policy is a lump sum and the beneficiary class is not limited. But we have liberalized it in this law, so that the payment may be made within 36 months, and have widened the beneficiary class; and since the Government is carrying from 15 to 30 per cent of the cost of this insurance, I rather think we are justified in keeping the beneficiary class somewhat restricted.

Mr. TREADWAY. Is it not a fact that the agents of the old-line insurance companies will draw as poor a comparison as possible between the Government policy and the kind of policy they are trying to sell the men?

Mr. RAYBURN. That is true, of course. But I understand the bureau is communicating with every man and laying before them the exact character of policy they are going to put out, and when this act is adopted, widening the beneficiary class, each man will be communicated with in reference to that. But how would giving him insurance for two years' help that situation?

Mr. TREADWAY. I see that; but I was trying to get at the gentleman's idea as to one of the reasons for the lapse of these policies.

Mr. RAYBURN. I think that is one reason.

Mr. TREADWAY. The gentleman says the bureau is communicating with the men as speedily as possible. But there is quite a difference between a man receiving a formal letter and receiving a personal interview with a very clever talker.

Mr. RAYBURN. That is true; and it is also true that if these young men had never been to war, young men from 21 to 30, who have no wives or immediate dependents, not a very great percentage of those fellows would take out insurance, even if they had never been in the war.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. DOWELL. Is it not better that the Government pay this insurance for a time in order that the whole amount, if possible, may be kept in full force?

Mr. RAYBURN. It is better in my opinion that the Government assume now the liability of about $1,000,000,000, or to be exact $1,380,000,000 of claims already accruing than to assume $39,000,000,000, which I think it will assume free if this two-year provision is adopted. Just as sure as you are living today, the same argument will be made at the end of two years, and probably a little more vehemently than now for this extension of benefit to the soldier, because a good many of us in all probability will come out of the next campaign pretty well scarred.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. KNUTSON. The gentleman realizes that a good many of the soldiers after coming back from the service have been unable to fit themselves into their old places. I have in mind a young man who went into the war and who sold a homestead and deposited the money in the bank, and the bank went broke while he was in the service. It seems to me as though he had made a tremendous sacrifice. He is not in shape to take up his insurance at the present time. I know that, and undoubtedly there are a number of cases of men similarly situated.

Mr. RAYBURN. I have no doubt that is true. But they have 18 months in which to reinstate themselves.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. RANKHEAD. I would like the gentleman to discuss the question of 36 payments instead of 240, if the gentleman cares to discuss that.

Mr. RAYBURN. There is only one reason why I would agree to commuting the policy at all, and that is to make the policy more attractive. When the original act was brought in there was a provision in it for the commutation of the insurance, but the law was amended eliminating that, and I became thoroughly convinced long ago that that was a wise amendment to the original act that I reported.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SNYDER. I understood that three-fourths of the maximum number of policyholders had let their policies lapse. Is that true?

Mr. RAYBURN. I understand that is true.

Mr. SNYDER. Can anybody conceive that three-fourths of that maximum are unable to carry this insurance if they desired to carry it?

Mr. RAYBURN. I do not think more than half of them would be unable to carry it.

Mr. SNYDER. I think that the percentage of those that are unable, by reason of unemployment and not being able to fit themselves back into the positions they left, is very infinitesimal in comparison with the whole number. My belief is that the greater number have dropped out, because they did not carry insurance before, and they simply let it lapse because they wanted to.

Mr. RAYBURN. Yes; and unless it had been urged upon them they would not have had it now.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. NEWTON of Minnesota. Has the gentleman ever run across this in his experience? It has been reported to me from men in the service from my own State that at the time the insurance was sold it was represented to them that the insurance—not the disability insurance, but the regular insurance—could be paid to them if they were partially disabled. If there was an insurance of $10,000 and there was a disability of 6 per cent, they would get this partial disability. I have verified that by referring to others in the same regiment, who claim that that representation was made. Does the gentleman know whether it was or not?

Mr. RAYBURN. No; I have not come across a case like that in my own experience. I think this is the first I ever heard of it.

Mr. NEWTON of Minnesota. Of course, if the disability compensation is increased from $30 to $80, it will practically give the men what they would have received if the representation had been correct.

Mr. RAYBURN. Yes.

Mr. DOMINICK. I want to ask the gentleman from Texas, for information, whether there is any provision in this bill, or whether there will be any provision for the changing of the plan of payment of what are commonly known as term policies?

Mr. RAYBURN. No.

Mr. DOMINICK. Those that are now being paid in installments?

Mr. RAYBURN. No; only converted insurance; and I would never agree to the lump-sum payment of any of the claims that have already accrued, for the simple reason that it is the history of life insurance that the beneficiaries of policies usually dissipate the money which they receive within three or four years after they have received it, and my statement applies especially to the mothers and dependents of the boys who have died, who are getting this insurance by the month. It will help them to get along for 20 years, whereas if it was commuted and they got a lump sum, they might lose it in an honest venture, or they might be swindled out of it, and then they would come here to Congress with bony hands and tearful eyes and voices, asking Congress to do something for them because they had been swindled out of this money. I never could agree that the accrued claims should be paid in a lump sum instead of during a period of 20 years.

Mr. DOMINICK. I asked the gentleman that question for the purpose of bringing out that view of the case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWEET. I yield five minutes to the gentleman from New York [Mr. HICKS].

The CHAIRMAN. The Chair will state that the time which is now being used, which was extended by the committee, is subject to a point of order. It can be objected to at any time; but there are five minutes remaining of time extended by the committee.

Mr. SWEET. I yield five minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, in the very limited time at my disposal I can not, of course, fully discuss the bill under consideration. It is not necessary, even had I the opportunity, for gentlemen on the floor have already presented the salient points of the legislation proposed. Permit me to congratulate the committee for the very earnest work they have performed. The thanks of Congress and the men in the service are due them for the conscientious, constructive effort they have put forth in correcting some of the errors of the existing law.

The present statute was passed hurriedly to meet an emergency. It was pioneer legislation and, as such, could not be expected to be perfect. Time has demonstrated the urgent need of amendment. As we progress, other amendments will be necessary, and as Congress, fully conscious of the unparalleled service of those who joined the colors, is determined that those who staked their all at their country's call will be taken care of, those changes will find expression in new law.

I have long felt that the provisions of existing law, providing for those who were maimed in the conflict, were not sufficient. I introduced two bills—H. R. 9022 and H. R. 9032—which in one instance increases compensation to those wounded, and in the other broadens the field of beneficiaries under the insurance feature of the law.

While the bill now under consideration does not increase the rates for those injured to the point provided for in my bill, it does make substantial increases in the existing rates. And this is just. We can never hope to adequately compensate those to whom darkness has come or who will go down life's course maimed and crippled. Their sacrifice is beyond money value. All we can hope to do is to lessen the burden caused by their handicaps and alleviate to a small degree their unfortunate condition. The main provisions of my bill provided—

That if disability results from the injury—

(1) If and while the disability is rated as total and temporary, the monthly compensation shall be the following amounts:

(a) If the disabled person has neither wife nor child living, $90.

(b) If he has a wife but no child living, $100.

(c) If he has a wife and one child living, $105.

(d) If he has a wife and two or more children living, $110.

(e) If he has no wife but one child living, $100, with $5 for each additional child up to two.

(f) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $15 for each parent so dependent.

(2) If and while the disability is rated as partial and temporary, the monthly compensation shall be a percentage of the compensation that would be payable for his total and temporary disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per cent.

(3) If and while the disability is total and permanent, the rate of compensation shall be $115 per month: *Provided, however,* That for the loss of both feet, or both hands, or one hand and one foot, or both eyes, or for becoming totally blind or becoming helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be $115 per month.

(4) If and while the disability is partial and permanent, the monthly compensation shall be a percentage of the compensation that would be payable for his total and permanent disability equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per cent.

A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as 100 per cent. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau shall from time to time readjust this schedule of ratings in accordance with actual experience.

(5) If the disabled person is so helpless as to be in constant need of a nurse or attendant, an additional sum of $25 per month shall be paid, as the director may deem reasonable.

(6) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary. * * *

I will not discuss further these provisions, for I feel Congress is anxious and willing to incorporate them into law.

Let me take up in brief the provisions of the other bill I introduced and which I am happy to see incorporated in the bill now under discussion. It relates to the enlargement of the field of beneficiaries, and in this connection permit me to recite two concrete cases, which have come to me from my own district, two cases which worked injustice to the soldier and injustice to those he desired to provide for. I had one young fellow who became an orphan when a child. His aunt took him into her home and paid all the expenses of his education and maintenance, teaching him by her motherly care the precepts of the Master and instilling into his heart love of country and the duty of patriotic citizenship. No legal adoption had ever taken

place, although the relationship maintained, respected, and cherished each for the other was the closest and purest.

That boy joined the colors, and when he said good-by to his foster mother—because she was his mother in everything except from the fact that the law did not recognize it—he left with the department when he applied for insurance, written instructions stating that in case of his death he wanted his insurance to go to the woman who had been everything to him that his own mother could have been. That boy's life was given to his country, and when the foster mother asked for the insurance which her boy had specified should be hers the department said, "No; the law does not permit it," and that woman to-day is waiting until Congress shall pass this law before she will get the money which the boy whom she reared and loved intended her to have.

Mr. BEE. Did the law permit her to receive it?

Mr. HICKS. No; that is what I complain of; but that will be rectified by this bill. I wish to state another case. A young fellow also in my district had no one dependent upon him. He was an orphan. Before he went into the service of his country he became engaged to a young woman of estimable character, and he specified in his application for insurance that in case of his death she should be the beneficiary. The boy was killed and the girl that he was going to marry on his return, the woman of whom he thought the most in all the world, has not been able to get the insurance because she was not in the "permitted class." Yet the Government had been taking money from that boy, and from the other boy I mentioned, in the way of premiums. This bill will rectify those injustices. These are cases that have no doubt been duplicated thousands of times in this country, and I am glad that the committee and the Congress are going to be broad enough and just enough to rectify those wrongs. It has been unjust to the men who served their country to the uttermost limit. It has been dishonest on the part of this Government, because we have taken money from these soldiers for a specified purpose, paid by the men in good faith, and then, because of technical restrictions, we have denied payment of the principal to those whom the men designated and to whom they wanted the money paid.

I am not criticizing the War Risk Bureau, they were bound by law; but I maintain, now that we know of the wrongs being done, it is our duty to correct them. The boys whose wishes should be honored are gone; their records are closed forever; but from their graves on the battle fields of their country the stilled voices of those who have rendered their full service whisper an appeal to us to do justice to their loved ones. The requests of the sacred dead, transmuted by the blood of heroes, becomes a command to the living, and we must not falter in our duty to them who will fight no more.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. RAMSEYER. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Section 11 of this bill, beginning on page 6, consists of 10 separate and distinct subsections. Is it the ruling of the Chair that each of those subsections will be open to amendment individually when read, or only after the entire section has been read?

The CHAIRMAN. The Chair will hold that the bill will be read by sections, so that it would require the reading of the entire section.

Mr. ROGERS. In view of the importance of section 11, I suggest that the chairman of the committee ask unanimous consent that section 11 be read by paragraphs rather than as a whole.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That paragraph (d) of the second subdivision (1) of section 22 of the war-risk insurance act is hereby amended to read as follows:

"(d) An illegitimate child, but, as to the father only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support."

Mr. GARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 15, after the word "support," strike out the period and quotation marks and insert: "or has been judicially decreed to be the putative father of such child."

Mr. GARD. Mr. Chairman, this is the legal expression common to all States as to the recognition of the father of an illegitimate child, and I submit that it is the correct form in which it should be expressed.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BEE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 13, after the word "acknowledged," strike out the words "by instrument" and insert after the word "in" in line 13, "under regulations prescribed by the Bureau of War Risk Insurance."

Mr. BEE. Mr. Chairman, at the outset of the few remarks I shall make I wish to express my gratification at the very splendid result of the work of the committee in presenting this bill with its modifications. There has been no greater conception of the human mind than the war-risk insurance measure, and it is astonishing how well it has worked out when it is considered that it was the pioneer in matters of that kind. The revised bill corrects many inequalities and makes it more elastic and beneficial to those for whom the benefit was intended. I offer this amendment and direct the attention of the House to the suggestions covering it. We are dealing with a very delicate subject—that of illegitimate children. We seek the protection of the innocent against the perfidy of the wrongdoer. We are dealing with a question of law which involves a man guilty of the unlawful parentage of the child, who carries through its entire life a burden of shame, while the man absolutely escapes the consequences of his own act and leaves the woman, innocent in many cases, overpersuaded, deceived, and betrayed, to bear the burden of the unlawful act. My view of this—and I submit it to the sober judgment of the House—is that the word "instrument" used in a strictly legal sense is that character of instrument which must be acknowledged before an officer of the law, as a deed, a will, a mortgage, or anything of that kind. In support of that contention I quote from Bouvier's Law Dictionary:

An instrument is a writing which contains some agreement and is so called because it has been prepared as a memorial of what has taken place or been agreed upon. It includes bills, bonds, leases, mortgages, and wills, but scarcely ordinary letters or memoranda.

A man has gone into the service. He leaves behind him a woman and a child, born without the bonds of wedlock. He writes a letter and says to the woman, "This is my child and I acknowledge it." Under my amendment, the woman can take that document with the proper proof to the War Risk Bureau and, under proper regulations, protect herself and secure the insurance for the child, whereas if she has to wait until the man goes before a notary public and makes oath, she will never secure the benefit of the insurance. My amendment strikes out that provision which requires an instrument of the character before described. It is true that there might be an attempt at blackmail, but where there is one instance of blackmail by reason of an attempt to foist a child upon a man there are hundreds of cases of betrayed women. I think for that reason this amendment ought to be liberalized so as to protect the innocent. It were much better to work an injustice in one instance than to leave the large number of women to carry their burden without recompense from the man who secured this benefit from the Government.

Mr. RUCKER. Will the gentleman yield?

Mr. BEE. Yes.

Mr. RUCKER. As I understand the gentleman's amendment, it will simply make clearer the intention of the committee as has been stated by some of its members to-day?

Mr. BEE. Yes; what is meant by an instrument. If it does not mean a duly acknowledged paper, if it is simply an acknowledgment without form of law prescribed for acknowledgment, it ought not to be in there, because it operates as a limitation. What I want to do is to protect the innocent from wrong committed, and I submit the amendment to the judgment of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. DEWALT. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment of Mr. BEE.

Mr. RAYBURN. Mr. Chairman, I do not know what the gentleman from Iowa thinks, but——

Mr. SWEET. Mr. Chairman, I do not think that it should be so amended. It seems to me that this would shift the whole burden of determining as to whether a child was illegitimate to the Bureau of War Risk Insurance under rules and regulations to be adopted by it. The provision we have here is simply that the War Risk Insurance Bureau shall pass upon a

question of fact, and not to adopt rules and regulations for determining the question. It seems to me that the amendment should not be adopted.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. RICKETTS. Does not the gentleman think there would not be one case in 10,000 where the putative father of an illegitimate child would ever acknowledge the paternity of that child by any instrument such as is contemplated by this language? There would hardly be a father in 10,000 that would make an acknowledgment of that kind.

Mr. SWEET. I believe that the gentleman who is proposing the amendment is placing a wrong construction on the word "instrument."

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. KNUTSON. The word "instrument," as it appears in line 13, would cover what? Would it cover a letter where a soldier had referred to an illegitimate child as his or must it have been acknowledged before a notary public.

Mr. SWEET. I do not understand that all instruments in writing have to be acknowledged, but a statement in writing signed by a man would, I believe, be construed by the War Risk Insurance Bureau as an instrument in writing.

Mr. RICKETTS. I think, if the gentleman will indulge me, that the amendment of the gentleman from Texas clarifies the whole section and removes all doubt as to what Congress intends. It seems to me that his amendment should be adopted.

Mr. BEE. If the text of the bill had said "by a statement in writing," it would have been satisfactory. The word "instrument" is what I object to.

Mr. SWEET. I would be perfectly willing to change the word "instrument" to the word "statement."

Mr. BEE. I have no pride of authorship.

Mr. SWEET. My main objection in this instance is to the Bureau of War Risk Insurance adopting rules and regulations for the purpose of determining the question.

Mr. RAYBURN. Mr. Chairman, if the gentleman would be willing to accept the amendment—I think I would personally—if the latter part of the gentleman's amendment is stricken out, I believe it would be satisfactory. Let it read—

If acknowledged in writing signed by him.

Mr. BEE. I have no objection to that modification.

Mr. SWEET. I would be willing to agree to the amendment provided the latter part of it is stricken out.

Mr. BEE. I have no objection to striking it out. I put it in more as a safeguard and protection against blackmailing. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the latter part—

Under rules and regulations prescribed by the Bureau of War Risk Insurance.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

Mr. GARD. Mr. Chairman, I object. I believe these words should be left in for the protection of everybody.

Mr. IGOE. Mr. Chairman, I offer an amendment to the amendment to strike out the last words of the amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IGOE to the amendment offered by Mr. BEE: Strike out the language "under regulations prescribed by the Bureau of War Risk Insurance."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent that subdivision (d) may be read as it would read thus amended.

The CHAIRMAN. Without objection, the section will be read as it would be amended if this amendment were adopted.

The Clerk read as follows:

(d) An illegitimate child, but, as to the father only, if acknowledged in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support.

Mr. DOMINICK. Mr. Chairman, has not an amendment already been adopted to this section, offered by the gentleman from Ohio [Mr. GARD]. I ask that the section be read as it would be as amended by that section and if the amendment of the gentleman from Texas was agreed to.

The CHAIRMAN. The gentleman from Ohio offered an amendment that was agreed to, and the gentleman from Texas offered an amendment, which is pending, to which an amendment is pending.

Mr. GARD. The Clerk did not read the amendment which I offered and which was adopted.

The CHAIRMAN. The Clerk will read the section as amended by the amendment of the gentleman from Ohio, as it would be if the amendment of the gentleman from Texas and the amendment to that amendment by the gentleman from Missouri were adopted.

The Clerk read as follows:

(d) An illegitimate child, but, as to the father only, if acknowledged in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri to the amendment offered by the gentleman from Texas.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs upon the amendment of the gentleman from Texas as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 4. That section 22 of the war-risk insurance act is hereby amended by inserting therein a new subdivision to be known as subdivision (4a) and to read as follows:

"(4a) The terms 'father' and 'mother' include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year: *Provided*, That this subdivision shall be deemed to be in effect as of October 6, 1917."

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the last word in order to express myself in favor of the amendment inserting a new division known as subdivision (4a). Many instances have been brought to my notice, not only in my district but throughout the country, where children have been adopted under the laws of Christianity but not under the laws of a State. Foster parents have clothed and fed these boys and educated them to be true American citizens. When they became of age and were drafted into the Army, they fought for the principles of our country and for the continuity of our Nation. They certainly should have had the privilege of naming those foster parents their beneficiaries, and it is our duty as Members of this Congress to see that their wishes are carried out and those named in loco parentis should certainly be recognized.

Mr. RAMSEYER. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Iowa?

Mr. WATSON of Pennsylvania. I do.

Mr. RAMSEYER. This is a question in regard to the parents, or those standing in loco parentis. The provision is for a period of not less than one year. It was construed by one speaker, I understood, that it was the period of one year before the war. Now it does not occur to me that the language bears that construction. For instance, one of these men stood in loco parentis for the year 1917 and was inducted into the service in 1918 and was killed, why those parents should be entitled to whatever benefit this act gives other parents. What is the gentleman's opinion?

Mr. DEWALT. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. DEWALT. May I inquire of the gentleman from Pennsylvania is he speaking to an amendment he proposed?

Mr. WATSON of Pennsylvania. I have not introduced an amendment. I am only speaking in favor of this section. The gentleman from Iowa asked me a question which I thought probably the gentleman from Pennsylvania intended to answer.

Mr. RAMSEYER. Will the gentleman answer my question now?

Mr. WATSON of Pennsylvania. I would state to an American soldier it would not make any difference whether he lived with his foster parents one year before the war or during the war if he wished them to be his beneficiaries. What difference would it make whether it was one year before or after the declaration of war, if he were under the care of his foster parents?

Mr. RAMSEYER. If the relation existed 1 year in the last 20 years and he was then disabled or killed during the war, his parents would be entitled to the benefits of this act?

Mr. HICKS. If the gentleman will permit, I will answer that by saying that the gentleman from Texas [Mr. RAYBURN] cleared that point very thoroughly when he was speaking by saying that this meant any year of the soldier's life; not immediately preceding the war, but any year.

Mr. RAMSEYER. I was seeking an explanation of that.

Mr. WATSON of Pennsylvania. That is what I stated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words. I do this for the purpose of making further inquiry with reference to the phrase as it appears in this section, in loco parentis. This same question came up in the war-risk insurance amendments in the Sixty-fifth Congress, and there were amendments adopted by the House at that time which did not become law. There does not seem to be any very distinct or plain understanding of just what is covered by that phrase. I asked at that time the gentleman from Texas various questions about the legal definition of that phrase and exactly to whom it would apply. These explanations do not seem to be included here, and I think it would be quite desirable if members of the committee would give us a legal definition under which this application would be made at the present time and just who would be covered by the phrase as it appears in line 21 of this amendment. I would like to ask for some little more definite information.

Mr. SWEET. Mr. Chairman, I have here Bouvier's Law Dictionary, and the definition given there is: "In loco parentis: In the place of a parent; as, the master stands toward his apprentice in loco parentis." One who stands in the place of a parent—in the relation of a parent.

Mr. TREADWAY. Will the gentleman allow me to inquire still further whether he would consider that it would be necessary to have a court procedure recognize this relation between the soldier and anyone with whom he may have lived?

Mr. SWEET. No, sir.

Mr. TREADWAY. It is simply recognition on the part of a person that he or she has taken over the young person and made a home for him.

Mr. SWEET. It is a relationship that exists as a fact between them.

Mr. TREADWAY. And not recognition through the courts?

Mr. SWEET. That is true.

Mr. TREADWAY. I thank you.

Mr. ROGERS. Mr. Chairman, I ask for recognition in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Massachusetts.

Mr. ROGERS. Along the line of the inquiry of my colleague I desire to read from the first volume of Words and Phrases, which defines through the medium of judicial decision the meaning of the phrase "in loco parentis." I read from the decision of the Supreme Court of Maryland in the case of Von der Horst against Von der Horst:

> The proper definition of a person "in loco parentis" to a child is a person who means to put himself in the situation of a lawful father to the child, with reference to the office and duty of making provision for the child, or, as defined by Sir William Grant, M. R., it is "a person assuming the parental character and discharging parental duties."
>
> The mere fact that a legacy has been given by a grandfather to his grandchild does not create the relation; there must be some indication in some form of an intention to establish it; it is a question of intention. (Von der Horst v. Von der Horst (Md.), 41 Atl., 124, 126.)
>
> A husband is not bound to accept into his family the children of his wife by a former husband, but if he does so voluntarily, so long as the relation is permitted to continue, he assumes the duties and obligations of a parent, so that it is said that a person "in loco parentis" means a person taking upon himself the duty of a father to make provision for the child. (Capek v. Kropik, 21 N. E., 836, 837; 129 Ill., 509.)

Mr. Chairman, it seems to me that those definitions which I have just read are very much more satisfactory for our purpose than the definition which was read by the chairman of the subcommittee from Bouvier's Law Dictionary. There is no question whatever that this language as it stands is so general as to be exceedingly dangerous. You can conceive of a case where 20 successive persons might claim that they had stood in loco parentis in the case of a given soldier. Take an unfortunate child who had gone from foundling asylum to foundling asylum for some years, staying in each one for at least one year. Each one of the superintendents or custodians of that child during its progress through those foundling asylums might claim that a special relationship had existed between him and the child. While that may not appeal to us as a very probable situation, nevertheless where there is a chance to get money from the Government we are extremely likely to have all sorts of claims set forth as a basis for the extraction of money from the Government. I have given a good deal of thought in an effort to safeguard this language and at the same time not defeat the very obvious and proper purpose to which the gentleman from Texas [Mr. RAYBURN] alluded. I am frank to say that I can not see how the language can be safeguarded. But I do think that in turning this question of definition, as we are, over to the Bureau of War Risk Insurance we ought in the course of this debate to indicate that in the use of the phrase "in loco parentis" we are using it in the strict legal sense and not in a loose, vague, and elusive sense, in which perhaps it would be used in ordinary conversation.

Mr. HARDY of Texas. Will the gentleman yield for a question?

Mr. ROGERS. Certainly.

Mr. HARDY of Texas. Under the language as contained in this bill would it not be possible for parties who had taken the child out of an asylum and kept him until bad treatment drove him away at, say, 14 years of age—nearly 10 years ago—to come under this law and claim its benefits?

Mr. ROGERS. It would be purely a question of definition by a War Risk official as to whether the "in loco parentis" status had been established. The case suggested by the gentleman from Texas, it seems to me, emphasizes the importance of what I have been trying to point out, namely, that we must make certain, if we can, that in a given case there shall be established the intention of the person to put himself in the situation of a lawful father to the child.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. WHITE of Maine. I suggested some doubt as to the appropriateness of this language, but on reflection I think the language ought to stay as it is. There are two safeguards as the language now stands. In the first place, there must be a designation by the soldier himself of the person whom he believes to have stood in the relation of parent to him.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I ask for two minutes more in order to permit the gentleman from Maine to complete his statement.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WHITE of Maine. As I say, in the first place there is a safeguard in the fact that the soldier himself must designate a person whom he believes to stand in this relationship to him, and there is the further safeguard that the department in passing on the question as to whether this is a proper designation or not must apply the legal definition of loco parentis to the designation already made by the soldier. It seems to me that properly safeguards it.

Mr. ROGERS. Bearing on the gentleman's first suggestion, take the case of a person claiming to be in loco parentis and seeking compensation because of that. I take it that there will be no designation of the soldier in that case. The person claiming to be in loco parentis could claim it without any intervention from the soldier, for the reason that the soldier would be already dead. It seems to me that the gentleman's suggestion has no value in compensation cases. So far as the second point is concerned, I am entirely in agreement with him. It is fundamental that the strict legal definition of this phrase should be applied. I think we are going to see a tendency to try to have the bars let down by the Bureau of War Risk Insurance in defining this particular phrase. To me it is of great importance that Congress should emphasize that it regards the phrase as meaning what the law writers and what the judges say it means and not what popular usage may indicate.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Pennsylvania [Mr. HULINGS] is recognized in opposition to the pro forma amendment.

Mr. HULINGS. Mr. Chairman, I offer an amendment, line 21, after the word "parentis," to insert the words "or as foster parent."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. HULINGS: Page 2, line 21, after the word "parentis," insert "or as foster parent."

Mr. HULINGS. Mr. Chairman, it seems to me the insertion of those words will clear up any doubt. The words "in loco parentis," I understand, have a limited legal restricted sense in law. The suggestion that there might be a great many foster parents, or persons in the relation of parents, I do not think is significant at all, for this reason——

Mr. GARD. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. HULINGS. Yes.

Mr. GARD. Does not the gentleman think that the language on line 20, "fathers and mothers through adoption," is the same as the language "foster parent"?

Mr. HULINGS. I do not think so, for the reason that those words, "by adoption," may signify by legal process, that a child has been legally adopted. But a foster parent is a person who has stood in the relation of parent, not through any legal adoption or the action of any court. Now, you say this law——

Mr. DEWALT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. HULINGS. Yes; I will yield.

Mr. DEWALT. Have the words "foster parent" any legal interpretation anywhere?

Mr. HULINGS. I do not know that they have.

Mr. DEWALT. Is it not a fact that the term "foster parent" and the relation as established under that term is largely a matter of custom which differs in different localities?

Mr. HULINGS. I think so; yes, sir.

Mr. DEWALT. If that be true, then, is there not a great deal of danger in inserting the words "foster parent"?

Mr. HULINGS. Not at all, for this reason: The soldier has the right to choose the beneficiary. It may be under the act a father or mother, a brother or sister; but "foster parent" was left out. I know some cases where the soldier has designated his foster mother as a beneficiary. That has been thrown out by the department, because he was not authorized to make any such designation. Now, if you introduce this language here and give that soldier the right to designate, he is not going to designate half a dozen parents. He may have a dozen foster parents, if you choose, but he has got the right to designate which one of them shall be the beneficiary.

Mr. DEWALT. Mr. Chairman, will the gentleman yield again?

Mr. HULINGS. Yes.

Mr. DEWALT. Would you not stand in great danger of having foster parents determined by different customs in different localities? For instance, in Ireland they have foster parents when they actually have their own parents. I suppose the gentleman knows that.

Mr. HULINGS. Well, suppose that is true, and suppose the soldier had half a dozen foster parents. The time comes for him to designate who shall be the beneficiary. This act is simply to give him the right to designate who the beneficiary shall be, and if he does not designate a beneficiary that is within the class he has no right under that insurance; that is, the named beneficiary has no right to that insurance.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. HULINGS. Yes.

Mr. HUDDLESTON. Will the gentleman allow me to call his attention to the fact that this is not only applicable to the insurance feature, but also is applicable to the allotment and allowance features, so that a foster parent under the gentleman's amendment might claim the Government allowance in addition to the allotment that the foster son might make to the foster parent.

Mr. HULINGS. That might be.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ESCH rose.

The CHAIRMAN. The gentleman from Wisconsin, chairman of the committee, is recognized.

Mr. ESCH. Mr. Chairman, I wish to say a few words in regard to the propriety of inserting the words "foster parent." Those words were used in the bill which passed the House in the Sixty-fifth Congress. When the bill reached the Senate, the Senate conferees unanimously objected to the use of the words. The Senate conferees were Mr. WILLIAMS of Mississippi, Mr. SMITH of Georgia, and Mr. SMOOT of Utah. The two Senators, WILLIAMS and SMITH, opposed the use of the words "foster parents" because they believed it might open the doors of the Treasury and might lead to fraud, the charge being that there might be lax family relationships or lax vital statistics or records in many sections that would make it impossible for the War Risk Insurance Bureau to follow up the matter and demonstrate the true relationship. Senator SMOOT, of Utah, joined these two Senators by saying that like objections would arise in the Western and Mountain States as to the Indians. There are 7,000 Indians that were enlisted in this war. Many of them have no family relationships. They have tribal relationships. If you open this up by the use of the language suggested by the gentleman from Pennsylvania [Mr. HULINGS], it may lead to possible frauds on the Treasury.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman, may I offer an amendment that is purely corrective? I call the gentleman's attention to it because I think it should be done.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 19, after the word "mother," strike out "include stepfathers and stepmothers."

Mr. GARD. Mr. Chairman, the reason I do that is that in the original act as it exists to-day subdivision 4 defines a parent to include "father and mother and stepfather and stepmother."

Mr. RAYBURN. Yes; that is exactly it. We are defining "father" and "mother" and not "parent." "Parent" includes "father and mother." Here we are defining "father" and "mother."

Mr. GARD. What is the object in doing that?

Mr. RAYBURN. So as to include "loco parentis."

Mr. GARD. The old definition determined "parent" as including "father" and "mother" and "grandfather" and "grandmother."

Mr. RAYBURN. I know; but we have not defined "father" and "mother."

Mr. GARD. Does the gentleman think that is necessary?

Mr. RAYBURN. Yes.

Mr. GARD. I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY: Page 2, line 22, after the word "forces," insert "at any time prior to his enlistment or induction."

Mr. CONNALLY. Mr. Chairman, this amendment is offered to line 22, page 2, in order to make it entirely clear that the relationship of "in loco parentis" should have continued at least a year prior to the soldier's or sailor's induction into the military or naval forces of the United States. I perhaps would not have been interested in this except that two very prominent and able members of the committee differed as to the construction of this section. It seems to me this language will make it entirely clear that the relationship must have existed prior to the induction or enlistment of the soldier.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. CONNALLY. Certainly.

Mr. SUMNERS of Texas. Is it the gentleman's idea that if this relationship existed 10 or 15 years ago and then terminated and the soldier ceased to recognize that relationship, still the money should be paid?

Mr. CONNALLY. In a case where there is no blood relationship the relationship of "in loco parentis" may have existed while the boy was a youth. He may have become 21 years of age and gone out into the world for himself, yet he should have the right in designating a beneficiary to designate the aunt or other person who is not even related to him if, as a matter of fact, she was for the period of one year at any time in the relationship of "in loco parentis" to him.

Mr. HARDY of Texas. I do not know that I caught the gentleman's amendment exactly. It seems to me that if it is intended to mean that the relationship of loco parentis must have immediately preceded the soldier's enlistment——

Mr. CONNALLY. That is not the intention.

Mr. HARDY of Texas. Then will the gentleman explain just what his amendment is?

Mr. CONNALLY. My amendment provides that anyone who at any time prior to the soldier's enlistment occupied the position of loco parentis for as long as one year shall be eligible to be designated as a beneficiary.

Mr. HARDY of Texas. Is the designation necessary?

Mr. CONNALLY. To be sure. Of course the soldier has to designate the beneficiary, but under the present law he has not the privilege of designating some one who stood "in loco parentis," as I understand it.

Mr. HARDY of Texas. Suppose the soldier is dead?

Mr. RUCKER. His insurance policy shows for whom he meant it.

Mr. CONNALLY. The gentleman from Missouri [Mr. RUCKER] is correct. I will say for the benefit of the gentleman from Texas [Mr. HARDY] that in some of the cases an attempt has been made to designate a foster parent, or some one who was in the relationship of "in loco parentis." The designation has already been made, but under the present law payment can not be made to such beneficiary unless the amendment proposed in this bill is adopted, making it legal.

Mr. HARDY of Texas. I may have misunderstood the bill, but I thought this was for the benefit of parents who had not been designated.

Mr. CONNALLY. Oh, no; I do not so understand it. I do not think the committee has any objection to this amendment.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. CONNALLY. Certainly.

Mr. BLAND of Missouri. If two or three persons have stood in the relationship of in loco parentis, would it not be better to insert in the bill a provision for designating the person who last stood in that relationship?

Mr. CONNALLY. No; I think in that case the soldier is the one who should have the right of designating which one of the persons who had stood "in loco parentis" should get the insurance.

Mr. STEVENSON. In the case of the allotment allowance the soldier does not designate, but it is automatic and involuntary.

Mr. CONNALLY. Yes.

Mr. STEVENSON. Does the gentleman propose to make that reach back to a case where a person was in loco parentis to a boy 10 years before the war?

Mr. BLACK. The gentleman from South Carolina overlooks the fact that only allotments to wives and children are compulsory, and the soldier must designate the beneficiary, where that beneficiary is in loco parentis.

Mr. CONNALLY. I thank the gentleman for making that statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I offer a substitute for the gentleman's amendment.

The CHAIRMAN. The gentleman from Ohio offers a substitute for the amendment of the gentleman from Texas. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. GARD as a substitute for the amendment of Mr. CONNALLY: Page 2, line 21, after the word "parentis," insert "before his enlistment or induction in the military or naval forces."

The CHAIRMAN. The question is on agreeing to the amendment in the nature of a substitute.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were 15 ayes and 43 noes.

So the amendment by way of substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. DEWALT. Mr. Chairman, I rise in opposition to the amendment. Let us be entirely sure as to what we are about to do before we do it. In the original provision in this section we find that the terms father and mother include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have stood in loco parentis to the member of the military or naval forces for a period of not less than one year.

Mr. RICKETTS. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. RICKETTS. I would like to know when that one year begins.

Mr. DEWALT. That is what I am getting at. If this provision is to be strictly construed in favor of the party who made the contract of insurance, to wit, the insurance company, and for the purposes of this argument we must take the Government as the insurance company, it would be construed to mean one year previous to the time designated, for a period of not less than one year previous to his induction or enlistment.

What we propose to do by this amendment is this: We now propose to say that it shall not be confined to a year previous to his induction or enlistment in the service, but that one year shall be one year at any time previous to his induction, to wit, the establishment of that relation may have been 15 or 20 years prior to that time.

Mr. RICKETTS. What would the gentleman say to an amendment in line 23 by striking out the colon and inserting a comma and this language, "prior to his induction into said service"? Does not that clarify the situation?

Mr. DEWALT. No; it resolves itself into this concrete proposition and this only, Does the House desire to confine this period to one year prior to the date of the induction and enlistment, or does it desire to leave that one year period indefinite and make it any one year during the lifetime of the enlisted man? This is the clear proposition. Suppose the enlisted man is 35 years of age. Suppose he went into the Army and prior to that time—20 or 25 years ago—there was a party who had stood in that relation or had assumed the obligation and responsibilities of loco parentis to this young man. Suppose for some reason best known to the parties themselves there was a change in that relationship. In other words, the party who stood in relation of a parent to him had gone out of the country and the young man had gone somewhere else, perhaps to an orphan asylum, 25 years before the young man ever went into the Army. The relation had ceased to exist. The responsibilities had not continued and had ceased to exist when the boy was 5 years of age. By your amendment you give the privilege to the enlisted man to designate anybody who has at any time assumed that relationship to him, and you open the door so wide that you give him the privilege of saying that anyone occupying that relation at any time, however long ago it may have been dissolved, however long ago it may have ceased to continue, to have the right to designate that person, and I say it is not an equitable proposition for the Government.

Mr. DAVEY. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. DAVEY. Suppose in the case the gentleman has just stated the relation existed from the age of 10 years to 21 years and then the obligation ceased. The boy went away into some other locality but still maintained his affection for the man or woman who stood in that relation to him. Does not the gentleman think he might designate that party?

Mr. WALSH. I do not agree with the gentleman's premises.

Mr. DAVEY. I have a case exactly in that condition.

Mr. DEWALT. My friend will agree in saying that the mere fact that the young man became 21 years of age does not determine the question of loco parentis. The man may be in the place of a parent to an individual over 21 years of age.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the argument of the gentleman from Pennsylvania [Mr. DEWALT] just now is based on the proposition that you construe this language most strongly in favor of the Government, strictly in its favor, it being the insurer. The rule, in so far as I am conversant with it, is that you always construe it most strongly against the insurer. That is the universal rule of construction, so far as I know. You take the language as it stands to-day and you construe it in that way, and it can reach back to the birth of the enlisted man. As it reads it is:

And persons who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year.

That means when you construe it most strongly against the Government—and that is the rule as to all insurance contracts—that they have stood in that relationship for a year any time before enlistment, and the amendment offered by the gentleman from Texas [Mr. CONNALLY] merely emphasizes that proposition and does not add anything to it at all except emphasis.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. CONNALLY. I call the attention of the gentleman to the fact that there is nothing in the section (4a) that prescribes that it must be before enlistment.

Mr. STEVENSON. That is the only useful function of the amendment which the gentleman has offered.

Mr. CONNALLY. That is the object of the amendment.

Mr. STEVENSON. The gentleman offers an amendment which does make it occur prior to enlistment, and it is useful to that extent.

Mr. CONNALLY. That is its only object.

Mr. STEVENSON. But it does not add anything to the reach backward.

Mr. CONNALLY. That is the only object of my amendment.

Mr. SUMNERS of Texas. Does not the proviso at the end of the subsection make it reach back beyond enlistment?

Mr. STEVENSON. I have been trying to understand the meaning of the proviso; but, as I understand it, that means this, that a man who entered at any time after the adoption of the war-risk insurance act should have the right to have the beneficiaries specified in this section, and that it does not mean that it must have occurred prior to that time.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BRIGGS. Would not the purpose be carried out by providing after the word "year," in line 23, the words "next preceding the date of enlistment or induction into the service"?

Mr. STEVENSON. That would carry out the idea of the committee as expressed by the gentleman from Pennsylvania [Mr. DEWALT].

Mr. BRIGGS. Is there anything now in this act by which it could be construed to mean any such thing as that.

Mr. STEVENSON. No; there is nothing in it now, as I have emphasized, that fixes any period at which this relation of loco parentis must have existed prior to enlistment, not even prior to enlistment, and, therefore, the amendment as suggested by the gentleman from Texas [Mr. BRIGGS] or the amendment suggested by the other gentleman from Texas [Mr.

CONNALLY] would necessarily limit it to a period prior to enlistment, or a period immediately prior to enlistment.

Mr. BRIGGS. Is not the purpose of the proviso here to correct a condition where a soldier has attempted heretofore to designate the person, and when the law did not give any authority for it, and this simply makes it retroactive—it validates that action.

Mr. STEVENSON. I understand it to be a provision to correct these difficulties and to open the door, so that all men can have that privilege.

Mr. BRIGGS. There are two such cases in my own district, where a soldier has designated his foster parents, where the soldier has died, and they are unable to collect the insurance.

Mr. RICKETTS. Does not the gentleman think that the proviso there fixes the time? It reads:

Provided, That this subdivision shall be deemed to be in effect as of October 6, 1917.

Does not the gentleman think this one year carries the date back from that date?

Mr. STEVENSON. It means that it may do so, and it means that a man who entered the service prior to or at that time, who at that time recognized the relationship, has a right to have these payments made in accordance with that recognition and designation made at that time but ineffective for want of this clause.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

Mr. ESCH. Mr. Chairman, I move that all debate upon this section and all amendments thereto be closed——

Mr. RAKER. Mr. Chairman, I do not yield for that purpose.

Mr. HUDDLESTON. I want 10 minutes.

Mr. ESCH. In 10 minutes.

The CHAIRMAN. The gentleman from California has already been recognized and refuses to yield for the purpose of that motion.

Mr. RAKER. Mr. Chairman, I understand the purpose of this amendment is this: There are young men who are in the service who have been treated by men and women as their children; stood in the relation of father and mother or mother or father.

They have taken care of them and provided for them. They have furnished them with schooling—in fact, assumed the rôle and relation of parent. The boy entering the service knew no other except this man or this woman as his father and his mother, because he supposed, by virtue of their care and treatment for many years he was in fact adopted—not legally, but that he was to be cared for. The question now is, not a year before his induction into the service but at any time, because it is very evident that some of these men were 25 years of age, some were 30, some were 23 or 24. The time they received their care and attention was when they were from 5 to 13, 14, and 15 years of age, sometimes running on to 19 or 20 years, when they were treated as the children of these people. The boy then went off to business or got married, as the case might be, and he would return to his foster parents for love and affection; but that relation created from his childhood was still with him, and he said when he entered the service that any benefit by virtue of his death, in the way of insurance, should go to that lady or to that gentleman. Now, that is the purpose of this bill. To defeat it would be to say the year before enlistment, or 2 years or 5 years or 10 years, for having stood in relation of parent to any of these men who entered the service one, two, or three, or five years, giving him love, giving subsistence, giving clothing and advice, and looking after him as a father and a mother should look after a child; and there are hundreds of cases where, if there should be an amount due as an allowance or claim, these foster parents should receive that money. I understand that that is the purpose of this amendment. It means that they must have held that relation for one year at any time during the boy's existence while they were acting as a parent; otherwise it would be very detrimental legislation.

I think the construction placed upon it by gentlemen is clear, but the amendment of the gentleman from Texas clarifies it so that there can be no possible question in regard to the proposed amendment. Why, there are many cases under the common law where a boy has been taken in a home and told, "We will make you our child; we will take care of you; we will provide for you." They have done so. Even the courts, not only in our State but in many States, upon the death of the parents, has directed that all the property, although a will has been made directing its disposition otherwise, if there has been no subsequent marriage, be conveyed to this child. And yet there is no legal adoption. There are cases of that kind when people realize that that can be done and has been done, and this Congress is to carry out what has been done repeatedly by the court in directing that property be conveyed to the child after the death of the parents when he has lived with them, has treated them as his parents, and they have treated him as their child and the legal formalities have been avoided or neglected. This ought to be amended as the gentleman suggests it ought to be. This amendment and the general purposes of this bill will give proper relief and correct many just cases so they can be paid.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. RAKER. I will.

Mr. BLAND of Missouri. The terms of the act now read:

Who have stood in loco parentis to a member of the military or naval forces for a period of not less than one year.

Mr. RAKER. That is all right; it should not be in the future.

Mr. BLAND of Missouri. That is in the past tense, is it not?

Mr. RAKER. Yes.

Mr. BLAND of Missouri. It is tautological if you say before enlistment——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on this section and amendments thereto close in 10 minutes.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 70, noes 10.

So the motion was agreed to.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. Would it be a parliamentary inquiry for me to ask this question? The gentleman from Texas has on all occasions this afternoon asked for a division of the House——

Mr. BLANTON. Mr. Chairman, a point of order. There is nothing before the committee.

Mr. KEARNS. And the Chair announces that a certain number of gentlemen voting when probably not half of the Members present have voted.

Mr. BLANTON. Oh, well, if the gentleman is going to continue to camouflage, I make the point of order that there is no quorum present.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BLANTON. I make the point of order that there is no quorum present, so that we will get an actual count of everybody here.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eleven gentlemen are present, a quorum. [Applause.]

Mr. KNUTSON. Mr. Chairman, the Chair's count would establish the veracity of the statement made by the gentleman from Ohio.

Mr. BLANTON. I only wished to show that there were less than——

The CHAIRMAN. There is nothing before the committee.

Mr. CANDLER. Mr. Chairman, I rise to oppose the amendment of the gentleman from California. I am opposed to striking out even two words. Mr. Chairman, I am heartily in favor of the provisions of this bill as well as the amendment offered by the gentleman from Texas [Mr. CONNALLY].

I think that this matter should be cleared up, and I think the amendment offered by the gentleman from Texas helps to accomplish that result. The provision of the bill under discussion certainly ought to be adopted, because throughout this country there are many deserving and meritorious cases which ought to be taken care of by just such a provision as is here proposed.

I know of a case myself where a boy was taken into a family when he was only 8 months old. He entered this family and grew up with the husband and wife, believing them his own father and mother, and in fact they were the only father and mother he really ever had, for he never knew any other; and when war came he volunteered when about 20 years old, did not wait to be drafted, but went into the service voluntarily, and crossed to the other side and made the supreme sacrifice upon the fields of France, and was buried in a lonely woods far from home, loved ones, and native land. In his application for insurance he designated that sweet name, "my mother," nam-

ing her in the application. When that noble, patriotic boy wrote those words, "my mother," in that application and paid each month out of his soldier's pay the premiums required, he believed this great rich Government would promptly pay that mother the $10,000 insurance which was issued to him, and this Government ought to and must pay it. [Applause.] Payment, however, in that case was denied by the War Risk Insurance Bureau because they contended, and rightfully contended, from the bare, naked legal and technical standpoint, that it could not pay that insurance because that boy had never been legally adopted; that is, he had never been adopted through the instrumentality of any order of court. His foster parents entered into an agreement of adoption with the orphans' home from which they secured the child. They signed what purported to be "articles of adoption" and the officers of the orphans' home signed them. They thought it was legal. The orphans' home thought it was legal. No one questioned or doubted it. They believed and the orphans' home believed the child had been legally adopted. When the question arose, when it was investigated, when the proof was offered in order to secure the payment of the insurance, it was shown that the adoption had not been accompanied by the necessary legal formalities, and hence the insurance has not up to date been paid. Certainly all cases like that one and similar to it happening throughout the country should be covered by the law so the insurance will be paid, and I am in favor of making the law broad enough so that these boys who were willing to go into the service of their country and fight beneath the flag and pay the supreme sacrifice on the field of honor should have their wishes carried out, and that those whom they have designated to receive their insurance should receive the benefit of it, for it has been purchased and paid for not only by the prompt payment of the premiums but also by the patriotic blood they shed in the defense of the country and to add new glory to our flag. [Applause.]

If the provision in this bill is not broad enough to cover such cases, let us here and now broaden it until its provisions will require the payment of all insurance taken out by these brave boys where they paid the premiums and made the noble, unselfish, and supreme sacrifice of their lives upon the sacred altar of their country. This Government can not afford to take their money in premiums and their patriotic blood and noble young lives on the "field of honor" and then deny their expressed wishes by refusing to pay their insurance. Let it be paid and thus show the gratitude and justice that this Government owes to every soldier who sacrificed his life. [Applause.]

Mr. PELL rose.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. PELL. Mr. Chairman, I just wanted to ask the chairman of the committee why it is that there should be any limitations on the beneficiary? Why should not a man taking out insurance be able to designate anybody he sees fit? It might be a friend or person who had helped him, not really anyone in loco parentis, or any person that he really thought needed it.

I know of a case of a constituent of mine who took out this insurance and named the American Red Cross as the beneficiary. That organization, naturally, not standing in loco parentis or being any relation of his, was denied the money.

I can see no reason why any person who pays insurance should not be permitted to designate whom he wishes. I am asking this question merely for information.

Mr. SWEET. The object of the Rayburn Act was to give insurance to those who entered the military and naval service and to protect those who were dependent upon the soldiers. That was the whole thought of the original insurance act. In this particular act we increased the permitted class of beneficiaries. We have added uncles, aunts, nieces, and nephews, brothers-in-law and sisters-in-law, and endeavored in section 4a to so extend the insurance as to include those standing in loco parentis. For instance, where a young man has designated a certain person who has stood in the position of a parent and that relationship is shown, that person will get the money.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. EMERSON. Why did you insert one year? Why was that?

Mr. SWEET. That was inserted there to guard against fraud. In other words, if there was not some limitation put in there a young man just prior to entering the service might endeavor to establish that relation—not as a fact but as a pretext. So is it not plain that the relationship should exist for one year before a person should obtain the benefits of this act?

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. KEARNS. What was in the minds of the committee in putting that at one year? One year during the life of the boy or during or preceding the time of enlistment?

Mr. SWEET. One year during the life of the boy and prior to enlistment.

Mr. BRIGGS. Is it not a fact that the committee has found that there are a number of cases where the soldiers have designated certain persons like foster parents, and the War Risk Insurance Bureau has been unable to pay them, but is desirous to do it, although those boys were acknowledged by those people as their children, because they had no legal adoption papers, and they have been unable to carry out what was really the will of the soldier?

Mr. SWEET. Absolutely. And this provision is put in so that the intent of the soldier may be carried out as to those who have supported and maintained him?

The CHAIRMAN. All time has expired. The question is on the amendment of the gentleman from Texas [Mr. CONNALLY].

Mr. BLANTON. Division, Mr. Chairman.

Mr. KEARNS. Mr. Chairman, before the Chair counts, could we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. BLANTON. Mr. Chairman, I withdraw the request for a division.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ESCH. I ask for a division.

The committee divided; and there were—ayes 48, noes 46.

So the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman——

The CHAIRMAN. There is another amendment on the Clerk's desk, offered by the gentleman from Ohio [Mr. GARD], which the Clerk will report.

Mr. GARD. I ask that the amendment be reported. It is one which I think the chairman will accept.

The Clerk read as follows:

Amendment by Mr. GARD: Page 2, line 2, after the word "through," insert the word "legal."

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes on this section.

The CHAIRMAN. On the section just passed?

Mr. HUDDLESTON. Yes; the section they have been considering.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may proceed for 10 minutes on the section just passed. Is there objection?

Mr. MERRITT. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

SEC. 5. That section 23 of the war-risk insurance act is hereby amended by the addition thereto of a new paragraph to read as follows:

"If any person entitled to receive payments under this act shall be an inmate of any asylum or hospital for the insane maintained by the United States, or by any of the several States or Territories of the United States, and no guardian or curator of the property of such person shall have been appointed by competent legal authority, the director, if satisfied after due investigation that any such person is mentally incompetent, may order that all moneys payable to him or her under this act shall be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under the order of the director and subject to his discretion, either to the chief executive officer of the asylum or hospital in which such person is an inmate, to be used by such officer for the maintenance and comfort of such inmate, subject to the duty to account to the Bureau of War Risk Insurance and to repay any surplus at any time remaining in his hands in accordance with regulations to be prescribed by the director; or to the wife (or dependent husband if the inmate is a woman), minor children, and dependent parents of such inmate, in such amounts as the director shall find necessary for their support and maintenance, in the order named; or, if at any time such inmate shall be found to be mentally competent, or shall die, or a guardian or curator of his or her estate be appointed, any balance remaining to the credit of such inmate shall be paid to such inmate, if competent, and otherwise to his or her guardian, curator, or personal representatives."

Mr. GARD, Mr. SWEET, and Mr. HUDDLESTON rose.

The CHAIRMAN. The gentleman from Iowa [Mr. SWEET] is recognized.

Mr. SWEET. Mr. Chairman, it is evident that we can not complete the work on this bill to-day, and I move that the committee do now rise.

Mr. GARD. Mr. Chairman, a parliamentary inquiry. It is understood by this procedure that the section will be subject to amendment when we meet again?

The CHAIRMAN. Certainly; it will be subject to amendment. It has just been read for that purpose. The question is on the motion of the gentleman from Iowa that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8778) to amend and modify the war-risk insurance act, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MEAD, until Thursday, September 11, on account of attending home coming of soldiers and sailors of city of Buffalo.

To Mr. MICHENER, indefinitely (at the request of Mr. CURRIE of Michigan), on account of death in his family.

STATEMENT AS TO VOTE.

Mr. BYRNS of Tennessee. Mr. Speaker, I have a general pair with the gentleman from Massachusetts [Mr. PAIGE], who has been absent for several days on account of business. On yesterday on the roll call on the bill making permanent admirals of Rear Admiral Benson and Rear Admiral Sims I voted "yea" by inadvertence, forgetting that I had this pair. I am sure the gentleman from Massachusetts [Mr. PAIGE] would have voted as I did, but as the RECORD shows I am paired with him I wish to withdraw my vote and be recorded as "present."

The SPEAKER. The gentleman has made his statement. The Chair does not think the gentleman can withdraw his vote.

Mr. BYRNS of Tennessee. I made the statement because the yeas were 245 and the nays were 9. It would not change the result.

The SPEAKER. The gentleman's statement can go in the RECORD.

ORDER OF BUSINESS.

Mr. GARNER. May I ask the gentleman from Wyoming if he expects to go on with this bill to-morrow?

Mr. MONDELL. No. The Calendar for Wednesday will be taken up to-morrow, and this bill will be taken up on the day following.

TICKETS FOR PERSHING PARADE.

The SPEAKER. May the Chair state to the House, inasmuch as it has come to his attention and it is of interest to the Members, that he understands that tickets are to be provided for the Members of the House for the parade on the stand north of the Treasury next Wednesday.

Mr. MONDELL. Am I correct in my understanding that there are to be four tickets for each Member?

The SPEAKER. The Chair was so advised informally. He does not think the number has been quite definitely settled yet, though probably so.

Mr. BANKHEAD. A parliamentary inquiry. I would like to know how the Members are to get those tickets.

The SPEAKER. The Members are being notified through the Sergeant at Arms.

SENATE JOINT RESOLUTIONS AND BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1447. An act to correct the naval record of Fred C. Konrad; to the Committee on Naval Affairs.

S. 1726. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of soldiers and sailors; to the Committee on Pensions.

S. 597. An act providing for an increase of salary for the United States marshal and district attorney for the western district and for the United States district attorney for the eastern district of Louisiana; to the Committee on Expenses in the Department of Justice.

S. 2811. An act for the relief of the York County Savings Bank, of Biddeford, Me.; to the Committee on Claims.

S. J. Res. 69. Joint resolution appointing a commission to report on conditions in the Virgin Islands; to the Committee on Insular Affairs.

S. 176. An act for the relief of John M. Francis; to the Committee on Claims.

S. 412. An act to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, temporary lieutenant, United States Navy, to the list of chief pay clerks, United States Navy, temporary lieutenant, Pay Corps, United States Navy; to the Committee on Naval Affairs.

S. 1473. An act granting pensions to certain members of the former Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

S. 2809. An act relating to compensation and war-risk insurance for members of the Philippine Scouts under the provision of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Interstate and Foreign Commerce.

S. 2875. An act to amend section 7 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919; to the Committee on Appropriations.

S. 2807. An act to correct the military record of Edward Sigerfoos; to the Committee on Military Affairs.

S. 2780. An act authorizing a military merit badge and additional pay based thereon; to the Committee on Military Affairs.

S. 2734. An act to authorize the transportation of civilians across the Atlantic Ocean upon Army transports under such rules and regulations and at such rates as the Secretary of War may prescribe; to the Committee on Military Affairs.

S. 2733. An act to provide for the training of officers of the Army in aeronautic engineering; to the Committee on Military Affairs.

S. 2469. An act for the relief of Edward Johnson; to the Committee on Military Affairs.

S. 2095. An act to authorize the President of the United States to appoint William Shelby Barriger captain of Cavalry; to the Committee on Military Affairs.

S. 610. An act for the relief of Henry J. Davis; to the Committee on Military Affairs.

S. J. Res. 83. Joint resolution to permit the payment for certain lands where requisition of the title thereto was duly served and possession taken thereunder or where a binding agreement was entered into followed by the taking possession thereof and erection of improvements thereon prior to July 11, 1919; to the Committee on Military Affairs.

S. J. Res. 42. Joint resolution authorizing national banks to subscribe to the united war work campaign; to the Committee on Banking and Currency.

S. J. Res. 72. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany; to the Committee on Public Buildings and Grounds.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. J. Res. 100. Making Wednesday, September 17, 1919, a legal holiday in the District of Columbia; and

S. 2622. An act to provide necessary commissioned personnel for the Army until June 30, 1920.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the White House for the approval of the President the following bill:

H. R. 6808. An act to incorporate the American Legion.

ADJOURNMENT.

Mr. SWEET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until Wednesday, September 10, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5786) granting a pension to John D. Andrews; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5886) granting an increase of pension to Jacob W. Cline; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 9137) granting to the members of the military and naval forces of the United States the same bonus accorded other Government workers; to the Committee on Appropriations.

By Mr. BROWNING: A bill (H. R. 9138) authorizing the Secretary of War to donate to the village of Chews, Camden County, State of New Jersey, two condemned cannon; to the Committee on Military Affairs.

By Mr. STEVENSON: A bill (H. R. 9139) to increase the limit of cost of the United States post-office building in Lancaster, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9140) to authorize the acquisition of a site and the erection of a Federal building at Winnsboro, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9141) to authorize the acquisition of a site and the erection of a Federal building at Cheraw, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9142) to authorize the acquisition of a site and the erection of a Federal building at Rock Hill, S. C., and to sell the present site; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9143) to authorize the acquisition of a site and the erection of a Federal building at York, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 9144) to provide for the completion of the purchase of certain real estate for ordnance storage at Raritan Arsenal; to the Committee on Military Affairs.

By Mr. HUMPHREYS: A bill (H. R. 9145) to declare Washington Bayou, Miss., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSON of Wisconsin: A bill (H. R. 9146) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. KLECZKA: A bill (H. R. 9147) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 9148) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 9149) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. LAMPERT: A bill (H. R. 9150) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. RANDALL of Wisconsin: A bill (H. R. 9151) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. FREAR: A bill (H. R. 9152) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. CLASSON: A bill (H. R. 9153) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. BROWNE: A bill (H. R. 9154) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. VOIGT: A bill (H. R. 9155) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Ways and Means.

By Mr. DALLINGER: A bill (H. R. 9156) to establish military justice; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 9157) to appropriate fund for the immigration inspection of the Department of Labor; to the Committee on Appropriations.

By Mr. WOODS of Virginia: A bill (H. R. 9158) amending section 9 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes," approved Mar. 3, 1917, so as to increase the tax on intangible property in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER: Joint resolution (H. J. Res. 199) providing for the survey of Lake Washington Canal, State of Washington; to the Committee on Rivers and Harbors.

By Mr. RHODES: Joint resolution (H. J. Res. 200) providing for the free use of surplus motor trucks, motor-propelled vehicles, rollers, and other surplus equipment of the War Department by the several States of the Union for permanent road building; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 9159) granting a pension to George E. Watson; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 9160) for the relief of Mrs. George H. Wise; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDS: A bill (H. R. 9161) to correct the military record of Benjamin F. Richardson; to the Committee on Military Affairs.

By Mr. HARDY of Colorado: A bill (H. R. 9162) granting a pension to Inezella Foy; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9163) granting an increase of pension to James Leming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9164) granting a pension to Laura A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9165) granting a pension to Anna Jenkins Dennis; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 9166) granting a pension to Mary Alice Burke; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 9167) granting a pension to Mike Feinstein; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 9168) granting a pension to Delphine F. Kistler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9169) granting an increase of pension to John Teeter; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 9170) granting an increase of pension to George Daniels; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 9171) granting an increase of pension to John W. Burks; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 9172) granting an increase of pension to George F. Albro; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9173) granting a pension to John W. Billingsley; to the Committee on Pensions.

By Mr. TINKHAM: Joint resolution (H. J. Res. 201) tendering the thanks of Congress to those who achieved the first trans-Atlantic flight in an airship from America to Europe; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Secretaria Govierno Municipal De Caguas, Porto Rico, relating to extension of Federal farm-loan act to Porto Rico; to the Committee on Banking and Currency.

Also (by request), petition of the American Legion of New York City, protesting against the soldiers' settlement bill, House bill 487; to the Committee on the Public Lands.

Also (by request), petition of O. C. Wilson, president, and Thomas F. Alford, secretary, of San Francisco, Calif., in favor of the treaty of peace and the league of nations; to the Committee on Foreign Affairs.

By Mr. CLEARY: Petition of Jewish Soldiers and Sailors' Veterans' League, protesting against the Governments of Poland and Ukraine; to the Committee on Foreign Affairs.

By Mr. KEARNS: Petition of W. A. Pepper of Portsmouth, Ohio, and Walter Gray, of Greenfield, Ohio, protesting against

the Siegel bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Alex Meis, of Portsmouth, Ohio, protesting against the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., favoring an extra bonus of $300 to those who served in the World War; to the Committee on Military Affairs.

Also, petition of clerks and letter carriers of Patterson Station post office, Baltimore, Md., favoring the passage of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Baltimore, Md., favoring a bill giving to ex-service men of the Army, Navy, and Marine Corps a bonus of $360; to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of Jewish Soldiers and Sailors' Veterans' League, protesting against the Governments of Poland and Ukraine; to the Committee on Foreign Affairs.

By Mr. ROWAN: Petition of Mrs. Florence S. Sullivan, of New York, protesting against the passage of the Smith-Fess bill; to the Committee on Education.

Also, petition of Washburn Crosby Co., of Minneapolis, Minn., protesting against the passage of House bill 7482; to the Committee on Coinage, Weights, and Measures.

Also, petition of Methodist Episcopal Church South, of Washington, D. C., favoring the passage of Army reorganization bill which provides for the promotion of chaplains upon the same terms that other officers are promoted; to the Committee on Military Affairs.

Also, petition of G. W. D. Briggs, of New York City, protesting against the passage of House bill 8078; to the Committee on Ways and Means.

Also, petition of the American Legion, of New York City, protesting against the passage of House bill 287; to the Committee on the Public Lands.

Also, petition of Charles N. Dowd, M. D., of New York, protesting against the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany H. R. 8525, for the relief of Frank J. Simmons; to the Committee on War Claims.

Also, petition of Wisconsin Retail Market Men's Association, of Milwaukee, Wis., protesting against the passage of the Kenyon bill, S. 2202, and the Kendrick bill, S. 2199; to the Committee on Agriculture.

Also, petition of Jewish Soldiers and Sailors Veterans' League, protesting against the Governments of Poland and Ukraine; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of Rotary Club of Grand Junction, Colo., urging the repeal of the tax on motion-picture and other theater tickets; to the Committee on Ways and Means.

By Mr. THOMPSON of Ohio: Petition of Bishop Post, Grand Army of the Republic, of Defiance, Ohio, urging passage of the Fuller bill, to give veterans of the Civil War an increase of $10 per month pension, to be paid monthly instead of quarterly; to the Committee on Invalid Pensions.

By Mr. YATES: Petition of Frederick Secord, of Chicago, containing protest against the Kenyon and Kendrick bills; to the Committee on Agriculture.

Also, petition of the following citizens of Lincoln, protesting against the Siegel bill: N. L. Gordon, Ryan & Purinton, W. E. Bouillon, Charles H. Wheeler, A. E. Brown & Son, and William E. Walters; to the Committee on Agriculture.

Also, petition of Griffith Chadwick, of Oak Park, Ill., containing protest against the Kenyon and Kendrick bills; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *September 10, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to perform the duties of this day in Thy fear. Thou hast not left us in the dark concerning the way of peace and prosperity. Thou hast not left us alone in the discharge of our duties that pertain to the rights of men. Thou hast revealed to us Thy will, and the history of all men bears the unchanging will of God. Grant us to-day to know Thy way and have in our hearts the supreme desire to do the will of God. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, September 8, 1919, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

WOMAN SUFFRAGE.

The VICE PRESIDENT presented a joint resolution passed by the Legislature of the State of Minnesota, ratifying the proposed amendment to the Constitution of the United States extending the right of suffrage to women, which was ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, announced that the House had passed the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. VOLSTEAD, Mr. MORGAN, and Mr. WEBB managers at the conference on the part of the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 2622. An act to appoint necessary commissioned personnel for the Army until June 30, 1920; and

S. J. Res. 100. Joint resolution making Wednesday, September 17, 1919, a legal holiday in the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a memorial of sundry Civil War veterans of the Neosho County Regiment, of Erie, Kans., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented resolutions adopted by Local Union No. 332, Iron Molders' Union, of Pittsburg, Kans., favoring the return to England of Miss Lillian Scott Troy, who was deported by the British Government, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Chanute, Kans., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Lehigh, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

He also presented a petition of the Jewell Baptist Association, of Oak Creek, Kans., praying for the enactment of legislation providing for the enforcement of prohibition, which was ordered to lie on the table.

Mr. ELKINS presented a petition of sundry citizens of Morgantown, W. Va., and a petition of sundry citizens of Sistersville, W. Va., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a petition of sundry citizens of Lynn, Mass., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented telegrams in the nature of memorials from sundry citizens of Boston, Mass.; a memorial of the Democratic city committee of Somerville, Mass.; and a memorial of sundry citizens of Butler, Ind., remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of Captain Lester S. Wass Post, No. 3, American Legion, of Gloucester, Mass., praying for the restriction of immigration, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the City Council of Lowell, Mass., favoring the independence of Ireland, which was ordered to lie on the table.

He also presented a petition of the St. John the Baptist Benefit Lithuanian Association, of Cambridge, Mass., praying for the independence of Lithuania, which was ordered to lie on the table.

Mr. CAPPER presented memorials of sundry citizens of Newton, Hillsboro, Syracuse, Moundridge, and McPherson, all in the State of Kansas, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 1926, United Brotherhood of Carpenters and Joiners, of Chanute, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, as in open executive session I report from the Committee on Foreign Relations the treaty of peace with Germany. Senators will find a copy on their desks showing the amendments. I also present the report of the committee and the reservations reported by the committee. Each Senator will find on his desk a copy, with his name upon it, which contains the maps. He will also find his copy of the treaty containing the amendments. He will also find data on the German peace treaty prepared by Maj. Reuben Clark, formerly of the State Department, with cross references; also a provisional draft of the economic clauses by Mr. Baruch, who was at the head of the commission at Paris in charge of the drafting of economic clauses of the treaty. Senators will also find copies of the hearings held before the committee.

I am sorry to say that we have not sufficient copies of the report of the committee containing reservations, which is a leaflet of one page, and copies of the committee report, which will now, of course, be printed under the rule. I had copies printed beforehand, in order to supply the Senate to-day, but I am sorry that most of these have been exhausted. The doorkeepers, however, have some copies for any Senator who desires them. The others will be here in a few hours.

I ask unanimous consent that the minority may have permission to present the views of the minority, and I desire to give notice that I shall ask the Senate on Monday next to take up the treaty for action. I shall endeavor, after it is taken up, to keep it before the Senate until disposed of.

The VICE PRESIDENT. Without objection, the permission requested for the minority to file views is granted.

Mr. LODGE subsequently said: Mr. President, I intended to ask that the report which I made this morning from the Committee on Foreign Relations and the report of the reservations also be printed in the RECORD. I do so now, and ask that they be printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Senate Report No. 176, Sixty-sixth Congress, first session.]

TREATY OF PEACE WITH GERMANY.

"Mr. LODGE, from the Committee on Foreign Relations, submitted the following report:

"The treaty of peace with Germany was laid before the Senate by the President on July 10, 1919. Three days were consumed in printing the treaty, which was in two languages and filled 537 quarto pages. The treaty, therefore, was not in the possession of the committee for action until July 14, 1919. The report upon the treaty was ordered by the committee on September 4. Deducting Sundays and a holiday, the treaty has been before the Committee on Foreign Relations for 45 days. The committee met on 37 of those working days, sitting whenever possible both in the morning and afternoon. The eight working days upon which the committee did not sit were lost, owing to unavoidable delays in securing the presence of witnesses summoned by the committee. In view of the fact that six months were consumed by the peace conference in making the treaty, in addition to a month of work by the various delegations before the assembling of the conference, the period of six weeks consumed by the committee in considering it does not seem excessive.

"These facts are mentioned because there has been more or less clamor about delay in the committee. This demand for speed in the consideration of the most important subject which ever came before the Senate of the United States, involving as it does fundamental changes in the character of our Government and the future of our country for an unlimited period, was largely the work of the administration and its newspaper organs, and was so far wholly artificial. Artificial also was the demand for haste disseminated by certain great banking firms which had a direct pecuniary interest in securing an early opportunity to reap the harvest which they expected from the adjustment of the financial obligations of the countries which had been engaged in the war. The third element in the agitation for haste was furnished by the unthinking outcry of many excellent people who desired early action and who for the most part had never read the treaty or never got beyond the words 'league of nations,' which they believed to mean the establishment of eternal peace. To yield helplessly to this clamor was impossible to those to whom was intrusted the performance of a solemn public duty.

"The responsibility of the Senate in regard to this treaty is equal to that of the Executive, who, although aided by a force of 1,300 assistants, expert and otherwise, consumed six months in making it, and the Senate and its Committee on Foreign Relations can not dispose of this momentous document with the light-hearted indifference desired by those who were pressing for hasty and thoughtless action upon it. The committee was also hampered by the impossibility of securing the full information to which they were entitled from those who had conducted the negotiations. The committee were compelled to get such imperfect information as they secured from press reports, by summoning before them some of the accessible experts who had helped to frame the complicated financial clauses, and certain outside witnesses. As an illustration in a small way of the difficulties in securing information, it may be stated that no provision had been made to supply the Senate with the maps accompanying the treaty, and it was necessary to send to Paris to procure them. The only documents of the many asked for by the committee which were furnished by the Executive were the American plan for the league of nations, submitted to the commission on the league covenant, and the composite draft made by experts of that commission.

"The treaties with Poland and with France as well as the Rhine protocol, all integral parts of the treaty with Germany, were obtained by the Senate, prior to their transmission by the President, from the documents laid before the House of Commons and the Chamber of Deputies early in July by the prime ministers of England and France. The records of the peace conference and of the conferences of the representatives of the five great powers were asked for by the committee and refused by the Executive. The committee had before them the Secretary of State, who was one of the American delegates and a signer of the treaty, and they also had the privilege of a meeting with the President at the White House which they had themselves requested. The testimony of the Secretary of State and the conversation of the committee with the President, published in the record of the committee hearings, have been laid before the country by the press, and it is not necessary to say anything further in regard to them, because the people themselves know how much information in regard to the treaty was received by the committee upon those two occasions.

"The character of the clamor for speedy action is well illustrated by the fact that it was directed solely against the Senate of the United States and its Committee on Foreign Relations. The treaty provides that it shall go into force when ratified by Germany and by three of the principal allied and associated powers, which are the United States, France, Great Britain, Italy, and Japan. Great Britain very naturally ratified at once, but no one of the other four has yet acted. Persons afflicted with inquiring minds have wondered not a little that the distressed mourners over delay in the Senate have not also aimed their criticism at the like shortcomings on the part of France, Italy, and Japan, an act of even-handed justice in faultfinding which they have hitherto failed to perform.

"Perhaps it is well also to note and to consider for a moment one of the reasons given for the demand for hasty action, which was to the effect that it was necessary to have prompt ratification in order to renew our trade with Germany, for even the most ardent advocate of unconsidered action was unable to urge that the channels of trade to the allied countries were not open. The emptiness of this particular plea for haste, now rather faded, is shown by the fact that we have been trading with Germany ever since the armistice. Between that event and the end of July we have exported to Germany goods valued at $11,270,624. In the month of June we exported more to Germany than we did to Spain. In July, by orders of the War Trade Board, the provisions of the trading-with-the-enemy act were set aside by the authorization of licenses to trade, and exports to Germany for the month of July amounted to $2,436,742, while those to Austria and Hungary were $1,016,518.

"It is an interesting fact that the exports in June to Germany, before the relaxation of the trading-with-the-enemy act, were much larger than after that relaxation, brought about by allowing licenses, was ordered, an indication of the undoubted truth

that our trade with foreign countries is not affected by the treaty, but is governed by the necessarily reduced purchasing power of all countries in Europe engaged in the war. As a matter of fact, therefore, we are trading with Germany, and it is a mere delusion to say that we can not trade with Germany until the ratification of the treaty, because in order to do so we require a new treaty of amity and commerce and the reestablishment of our consular system in that country. The United States, following the usual custom, was represented in Germany by Spain, both in the consular and in the diplomatic service, after the outbreak of the war, and we can transact all the business we may desire through the good offices of Spanish consuls until a new consular treaty with Germany has been made.

"Before leaving this subject it may not be amiss to remark that Mr. Lloyd-George has recently made two important speeches expressing grave apprehensions as to the social and political unrest and the economic troubles now prevalent in England. He seems to have failed to point out, however, that the ratification of the covenant of the league of nations by Great Britain had relieved the situation which he had described. He was apparently equally remiss in omitting to suggest that prompt action by the Senate of the United States in adopting the covenant of the league of nations would immediately lower the price of beef.

"In reporting the treaty to the Senate for action the committee propose certain amendments to the text of the treaty and certain reservations to be attached to the resolution of ratification and made a part of that resolution when it is offered.

"In regard to the amendments generally it should be stated at the outset that nothing is more groundless than the sedulously cultivated and constantly expressed fear that textual amendments would require a summoning of the peace conference, and thereby cause great delay. There will be no necessity of summoning the peace conference, because it is in session now in Paris, with delegates fully representing all the signatory nations, as it has been for six months, and it seems likely to be in session for six months more. Textual amendments, if made by the Senate, can be considered in Paris at once, and the conference would be at least as usefully employed in that consideration as they now are in dividing and sharing southeastern Europe and Asia Minor, in handing the Greeks of Thrace over to our enemy, Bulgaria, and in trying to force upon the United States the control of Armenia, Anatolia, and Constantinople through the medium of a large American Army. Still more unimportant is the bugbear which has been put forward of the enormous difficulties which will be incurred in securing the adhesion of Germany. No great amount of time need be consumed in bringing German representatives to Paris. The journey is within the power of a moderate amount of human endurance, and it is also to be remembered that Germany is not a member of the league and need not be consulted in regard to the terms of the covenant. When Germany enters the league she will take it as she finds it.

AMENDMENTS.

"The first amendment offered by the committee relates to the league. It is proposed so to amend the text as to secure for the United States a vote in the assembly of the league equal to that of any other power. Great Britain now has under the name of the British Empire one vote in the council of the league. She has four additional votes in the assembly of the league for her self-governing dominions and colonies, which are most properly members of the league and signatories to the treaty. She also has the vote of India, which is neither a self-governing dominion nor a colony but merely a part of the Empire and which apparently was simply put in as a signatory and member of the league by the peace conference because Great Britain desired it. Great Britain also will control the votes of the Kingdom of Hejaz and of Persia. With these last two, of course, we have nothing to do. But if Great Britain has six votes in the league assembly no reason has occurred to the committee and no argument had been made to show why the United States should not have an equal number. If other countries like the present arrangement, that is not our affair; but the committee failed to see why the United States should have but one vote in the assembly of the league when the British Empire has six.

"Amendments 39 to 44, inclusive, transfer to China the German lease and rights, if they exist, in the Chinese Province of Shantung, which are given by the treaty to Japan. The majority of the committee were not willing to have their votes recorded at any stage in the proceedings in favor of the consummation of what they consider a great wrong. They can not assent to taking the property of a faithful ally and handing it over to another ally in fulfillment of a bargain made by other powers in a secret treaty. It is a record which they are not willing to present to their fellow citizens or leave behind them for the contemplation of their children.

"Amendment No. 2 is simply to provide that where a member of the league has self-governing dominions and colonies which are also members of the league the exclusion of the disputants under the league rules shall cover the aggregate vote of the member of the league and its self-governing dominions and parts of empire combined if any one of them is involved in the controversy.

"The remaining amendments, with a single exception, may be treated as one, for the purpose of all alike is to relieve the United States from having representatives on the commissions established by the league which deal with questions in which the United States has and can have no interest and in which the United States has evidently been inserted by design. The exception is amendment No. 45, which provides that the United States shall have a member of the reparation commission, but that such commissioner of the United States can not, except in the case of shipping, where the interests of the United States are directly involved, deal with or vote upon any other questions before that commission except under instructions from the Government of the United States.

RESERVATIONS.

"The committee proposes four reservations to be made a part of the resolution of ratification when it is offered. The committee reserves, of course, the right to offer other reservations if they shall so determine. The four reservations now presented are as follows:

"'1. The United States reserves to itself the unconditional right to withdraw from the league of nations upon the notice provided in article 1 of said treaty of peace with Germany.'

"The provision in the league covenant for withdrawal declares that any member may withdraw provided it has fulfilled all its international obligations and all its obligations under the covenant. There has been much dispute as to who would decide if the question of the fulfillment of obligations was raised, and it is very generally thought that this question would be settled by the council of the league of nations. The best that can be said about it is that the question of decision is clouded with doubt. On such a point as this there must be no doubt. The United States, which has never broken an international obligation, can not permit all its existing treaties to be reviewed and its conduct and honor questioned by other nations. The same may be said in regard to the fulfillment of the obligations to the league. It must be made perfectly clear that the United States alone is to determine as to the fulfillment of its obligations, and its right of withdrawal must therefore be unconditional, as provided in the reservation.

"'2. The United States declines to assume, under the provisions of article 10, or under any other article, any obligation to preserve the territorial integrity or political independence of any other country, or to interfere in controversies between other nations, members of the league or not, or to employ the military or naval forces of the United States in such controversies, or to adopt economic measures for the protection of any other country, whether a member of the league or not, against external aggression or for the purpose of coercing any other country, or for the purpose of intervention in the internal conflicts or other controversies which may arise in any other country, and no mandate shall be accepted by the United States under article 22, Part I, of the treaty of peace with Germany, except by action of the Congress of the United States.'

"This reservation is intended to meet the most vital objection to the league covenant as it stands. Under no circumstances must there be any legal or moral obligation upon the United States to enter into war or to send its Army and Navy abroad or without the unfettered action of Congress to impose economic boycotts on other countries. Under the Constitution of the United States the Congress alone has the power to declare war, and all bills to raise revenue or affecting the revenue in any way must originate in the House of Representatives, be passed by the Senate, and receive the signature of the President. These constitutional rights of Congress must not be impaired by any agreements such as are presented in this treaty, nor can any opportunity of charging the United States with bad faith be permitted. No American soldiers or sailors must be sent to fight in other lands at the bidding of a league of nations. American lives must not be sacrificed except by the will and command of the American people acting through their constitutional representatives in Congress.

"This reservation also covers the subject of mandates. According to the provisions of the covenant of the league, the acceptance of a mandate by any member is voluntary, but as to who shall have authority to refuse or to accept a mandate for any country the covenant of the league is silent. The decision as to accepting a mandate must rest exclusively within the control of the Congress of the United States as the reservation provides and must not be delegated, even by inference, to any personal agent or to any delegate or commissioner.

"'3. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating to its affairs, including immigration, coastwise traffic, the tariff, commerce, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or to the decision or recommendation of any other power.'

"This reservation speaks for itself. It is not necessary to follow out here all tortuous windings, which to those who have followed them through the labyrinth disclose the fact that the league under certain conditions will have power to pass upon and decide questions of immigration and tariff, as well as the others mentioned in the reservation. It is believed by the committee that this reservation relieves the United States from any dangers or any obligations in this direction.

"The fourth and last reservation is as follows:

"'4. The United States declines to submit for arbitration or inquiry by the assembly or the council of the league of nations provided for in said treaty of peace any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone, and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.'

"The purpose of this reservation is clear. It is intended to preserve the Monroe doctrine from any interference or interpretation by foreign powers. As the Monroe doctrine has protected the United States, so, it is believed by the committee, will this reservation protect the Monroe doctrine from the destruction with which it is threatened by article 21 in the covenant of the league and leave it, where it has always been, within the sole and complete control of the United States.

"This covenant of the league of nations is an alliance and not a league, as is amply shown by the provisions of the treaty with Germany which vests all essential power in five great nations. Those same nations, the principal allied and associated powers, also dominate the league through the council.

"The committee believe that the league as it stands will breed wars instead of securing peace. They also believe that the covenant of the league demands sacrifices of American independence and sovereignty which would in no way promote the world's peace but which are fraught with the gravest dangers to the future safety and well-being of the United States. The amendments and reservations alike are governed by a single purpose, and that is to guard American rights and American sovereignty, the invasion of which would stimulate breaches of faith, encourage conflicts, and generate wars. The United States can serve the cause of peace best, as she has served it in the past, and do more to secure liberty and civilization throughout the world by proceeding along the paths she has always followed and by not permitting herself to be fettered by the dictates of other nations or immersed and entangled in all the broils and conflicts of Europe.

"We have heard it frequently said that the United States 'must' do this and do that in regard to this league of nations and the terms of the German peace. There is no 'must' about it. 'Must' is not a word to be used by foreign nations or domestic officials to the American people or their representatives. Equally unfitting is the attempt to frighten the unthinking by suggesting that if the Senate adopts amendments or reservations the United States may be excluded from the league. That is the one thing that certainly will not happen. The other nations know well that there is no threat of retaliation possible with the United States because we have asked nothing for ourselves and have received nothing. We seek no guaranties, no territory, no commercial benefits or advantages. The other nations will take us on our own terms, for without us their league is a wreck and all their gains from a victorious peace are imperiled. We exact nothing selfish for ourselves, but we insist that we shall be the judges, and the only judges, as to the preservation of our rights, our sovereignty, our safety, and our independence.

"At this moment the United States is free from any entanglements or obligations which legally or in the name of honor would compel her to do anything contrary to the dictates of conscience or to the freedom and the interests of the American people. This is the hour when we can say precisely what we will do and exactly what we will not do, and no man can ever question our good faith if we speak now. When we are once caught in the meshes of a treaty of alliance or a league of nations composed of 26 other powers our freedom of action is gone. To preserve American independence and American sovereignty and thereby best serve the welfare of mankind the committee propose these amendments and reservations."

[Senate Document No. 86, Sixty-sixth Congress, first session.]

DATA ON GERMAN PEACE TREATY.

DATA PRESENTED TO THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE, RELATING TO THE TREATY OF PEACE WITH GERMANY.

[Prepared by Maj. J. Reuben Clark, jr., formerly Solicitor of the Department of State.]

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles.

[NOTE 1. The "Principal Allied and Associated Powers" are the United States, France, Great Britain, Italy, and Japan. The "Allied and Associated Powers" are the foregoing powers and all other signatory of the Treaty, except Germany. The "High Contracting Parties" are all signatories of the Treaty. It is not clear who are designated as "Allies."

NOTE 2. The page references first given are to the two-language text (Senate Doc. 51, 66th Cong., 1st sess.). The *italic* page references are to the English text (Senate Doc. 49, 66th Cong., 1st sess.).

NOTE 3. The table below is designed to show side by side the property or rights given up by Germany, whether it be territory ceded or renounced, obligations assumed or acknowledged, rights renounced or abrogated, rights recognized, or property rights surrendered (placed in the left-hand column); and the credit, if any allowed, for such property on the general reparation account (placed in the right-hand column). As to items as to which it is expressly provided that credit shall be given, it is so stated in the right-hand column opposite the item. If it is expressly provided in the Treaty that no credit shall be given, this also is stated in that column. When the matter is doubtful, a question mark is placed in that column, after the entry. If no entry at all is made in the credit column, it means nothing has been found in the Treaty to indicate that any credit at all shall be given.

NOTE 4. Speaking broadly and generally the theory of the Treaty in the matter of the making up by Germany of damages and losses, appears to be this: Restitution shall be made of all Allied and Associated property taken by or coming into the possession of Germany since the war began, if the property is now in existence. In addition to this, reparation shall be made for property lost or destroyed and for civilian personal injuries caused by the war. The Reparation Commission is to make the adjustment for this, seemingly by making one bill against Germany covering everything and by then giving on this account credit for the assets turned over by Germany for which credit is to be allowed. No credit is allowed for the proportion of public debt assumed by cessionaries of territory.

NOTE 5. The Treaty also provides for the liquidation of all German property in Allied and Associated countries, and of the property of all nationals of such Powers in Germany, including the private securities held in Germany of companies of Allied and Associated Powers. All cash assets of such liquidation held by an Allied or Associated Power go to the payment of claims (in respect of property, rights, and interests) against Germany by the Powers' nationals, the balance, if retained by the Power, is to be paid to the Reparation Commission and credited on the reparation account.]

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
DAMAGES.	
Germany accepts the responsibilities of *Germany and her Allies* for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her Allies. (Art. 231, p. 249; *p. 91.*)	
Germany undertakes that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea, and from the air. (Art. 232, p. 249; *p. 91.*)	
The amount of such damage for which compensation shall be made is to be determined by the Reparation Commission and notified to Germany. (Art. 233, p. 251; *p. 92.*)	
Compensation may be claimed from Germany for damages under following heads (Art. 244, Annex I, p. 259; *p. 95*):	
(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians *caused by acts of war*, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war *by the two groups of belligerents wherever arising.*	
(2) Damage by *Germany or her Allies* caused to civilian victims by acts of cruelty, violence, or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment, or evacuation, of exposure at sea or of being forced to labor), wherever arising, and to the surviving dependents of such victims.	
(3) Damage caused by *Germany or her Allies*, in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work or to honor, as well as to surviving dependents of such victims.	
(4) Damage caused by any kind of maltreatment of prisoners of war.	
(5) As damages caused to the peoples of the Allied and Associated Powers, all pensions and compensations in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick, or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalized cost of such pensions and compensation at the date of the coming into force of the present treaty on the basis of the scales in force in France at such date.	
(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents.	
(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilized persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.	
(8) Damage caused to civilians by being forced by Germany or her allies to labor without just remuneration.	
(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which have been carried off, seized, injured, or destroyed *by the acts of Germany or her allies* on land, on sea, or from the air, *or damage directly in consequence of hostilities or of any operations of war.*	
(10) Damage in the form of levies, fines, and other similar exactions imposed by *Germany or her Allies* upon the civilian population.	
"The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances." (Art. 244, Annex II, par. 18, p. 275; *p. 101.*)	
Damage for repairing, reconstructing, and rebuilding property in the invaded and devastated districts, including reinstallation of furniture, machinery, and other equipment, will be calculated according to the cost at the dates when the work is done. (Art. 244, Annex II, par. 12 (e), p. 269; *p. 99.*)	
Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, or by bonds issued to the Commission, or under Article 243. The rate of interest shall be 5 per cent unless the Commission shall determine at some future time that circumstances justify a variation of this rate.	
The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921. (Art. 244, Annex II, par. 16, p. 273; *p. 100.*)	
RESTITUTION.	
Restitution in cash of cash taken away, seized, or sequestered; and restitution of animals, objects of every nature and securities taken away, seized, or sequestrated, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies. (Art. 238, p. 255; *p. 93.*)	"The following shall be reckoned as credits to Germany in respect of her reparation obligations: "(*a*) Any final balance in favor of Germany under Section V (Alsace-Lorraine) of Part III (Political Clauses for Europe) and Sections III and IV of Part X (Economic Clauses) of the present treaty: "(*b*) Amounts due to Germany in respect of transfers under Section IV (Saar Basin) of Part III (political clauses for Europe), Part IX (financial clauses) and Part XII (ports, waterways, and railways); "(*c*) Amounts which in the judgment of the Reparation Commission should be credited to Germany on account of any other transfers under the present Treaty of property, rights, concessions, or other interests. "In no case, however, shall credit be given for property restored in accordance with Article 238 of the present part." (Art. 243, p. 257; *p. 94.*) Article 238 relates to the restitution of cash or the identical property taken from the Allied or Associated Powers. And see Article 250, p. 307, *p. 112.*
Germany undertakes to devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers to the extent that these Powers may determine (Art. 244, Annex IV, par. 1, p. 283; *p. 104*) and	Germany shall be given credit on the Reparation Account for the value as assessed by the Reparation Commission of material handed over under Article VII of the Armistice of November 11, 1918, and Article III of the Armistice Agreement of January 16, 1919, and for any other material handed over in accordance with the Armistice of November 11, 1918, and all subsequent Armistice Agreements, for which, as having nonmilitary value credit should, in the judgment of the Reparation Commission, be allowed to the German Government. (Article 250, p. 307; *p. 112.*)
	No credit on compensation account. (Art. 243, p. 257; *p. 94;* Art. 250, p. 307; *p. 112.*)
	"The value of the property transferred and any services rendered by her under these Annexes (Part VIII) assessed in

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
to make direct application of Germany's economic resources to reparation as specified in Annexes III, IV, V, and VI (Part VIII, sec. 1) relating, respectively, to merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products. (Art. 236, p. 253; *p. 93.*) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guarantee by an equivalent issue of bonds, obligations or otherwise, in order to constituto an acknowledgment of the said part of the debt. (Art. 244, Annex II, par. 12 (a), p. 267; *p. 98.*)	the manner therein prescribed, shall be credited to her (Germany) towards liquidation of her obligations under the above articles." (Art. 236, p. 253; *p. 93.*)
APPLICATION OF GERMAN ASSETS. PRIORITIES. "Subject to such exceptions as the Reparation Commission may approve, the first charge upon all the assets and revenues of the German Empire and its constituent states shall be the cost of reparation and all other costs arising under the present Treaty, or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions. "Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission." (Art. 248, p. 305; *p. 111.*) "The priority of charges established by Article 248 shall, subject to the qualifications made below, be as follows: "(*a*) The cost of the armies of occupation as defined under Article 249 during the Armistice and its extensions. "(*b*) The cost of any armies of occupation as defined under Article 249 after the coming into force of the present treaty. "(*c*) The cost of reparation arising out of the present treaty or any treaties or conventions supplementary thereto. "(*d*) The cost of all other obligations incumbent on Germany under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto. "The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers." (Art. 251, pp. 307–309; *p. 112.*) The foregoing provisions do not affect the rights of the Allied and Associated Powers to dispose of enemy assets and property within their respective jurisdictions. (Art. 252, p. 309; *p. 113.*) "Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favor of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between Germany and the Allied or Associated Power concerned, by the German Empire or its constituent states, or by German nationals, on assets in their ownership at that date." (Art 253, p. 309; *p. 113.*) The successive installments paid over by Germany in satisfaction of the claims will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each. (Art. 237, p. 253; *p. 93.*)	
PROPERTY, RIGHTS, AND INTEREST. The Allied and Associated Powers reserve the right (subject to contrary stipulations in the Treaty) to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territories ceded to them by the present treaty. (Art. 297, p. 367; *p. 134*; and see also Art. 252, p. 309; *p. 113.*) This applies to industrial, literary, and artistic property dealt with under war legislation by the Allied and Associated Powers (Art. 298, Annex, par. 15, p. 385; *p. 141*), but rights of industrial, literary, and artistic property not so treated shall be restored, and rights which would have been established except for the war shall be recognized and established (Art. 306, pp. 415, 417; *p. 152*). The German owner shall not be able to dispose of such property, rights, or interests nor to subject them to any charge without the consent of that state. (Art. 297 (*b*), p. 367; *p. 134.*) Until the completion of the liquidation so provided for, the property, rights, and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them. (Art. 298, Annex, par. 9, p. 381; *p. 139.*) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage and injury inflicted upon their property, rights, or interests, including any company or association in which they are interested in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 2 of the Annex hereto. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory of or under the control of the claimant's state, which property may be constituted as a pledge for enemy liabilities under the con-	Price or amount of compensation fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated. (Art. 297 (*c*), p. 367; *p. 134.*) No credit on compensation account for the product of the liquidation of the property covered by these sections, except in so far as concerns any final balance in favor of Germany under Article 243. (Art. 242, p. 257; *p. 94.*) Compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an arbitrator appointed by that Tribunal. (Art. 297 (*e*), p. 369; *p. 134*; and see Art. 298, Annex, p. 4, p. 379; *p. 138*, opposite column below.)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
ditions fixed by paragraph 4 of the Annex thereto. The payment of this compensation may be made by the Allied or Associated state, and the amount will be debited to Germany. (Art. 297 (*e*), p. 369; *p. 134.*)	
All property rights and interests of German nationals within the territory of any Allied or Associated Powers and the net proceeds of their sale, liquidation, or other dealing therewith, may be charged by that Allied or Associated Power *in the first place* with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, or he being unwilling, by the Mixed Arbitral Tribunal. They may be charged *in the second place* with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights, and interests, within the territory of other enemy powers in so far as those claims are otherwise unsatisfied. (Art. 298, Annex, par. 4, p. 379; *p. 138*).	
Each of the Allied and Associated Powers reserves the right to impose limitations on industrial, literary, or artistic property, acquired before or during the war, or hereafter, of a character deemed necessary by the Power for national defense or the public interest, or except as to rights hereafter acquired, as a coercive or preventative measure against Germany, or for securing performance of the obligations of the present Treaty. But these provisions shall not apply to properties dealt with under war measures. (Art. 306, p. 419; *p. 152.*) Rights lapsed on account of nonperformance of any formality because of the war shall be revived. (Art. 307, p. 421; *p. 153.*) Such revival to be subject to regulations of war time.	
Rights of priority as to such property shall be extended. (Art. 308, p. 421; *p. 153*).	
Any claim for compensation in respect of damage or injury to property, rights, or interests by the application of measures of transfer shall be satisfied by the restitution of the said property, if it still exists in specie (Art. 297 (f), p. 369; *p. 135*); but such right of restitution is reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the Armistice. (id. (g) p. 371; *p. 135.*)	
Up to the time when restitution is carried out under Article 297, Germany is responsible for the conservation of property, rights, and interests of the nationals of allied and associated powers, including companies and associations in which they are interested that have been subjected by her to exceptional war measures. (Art. 298, Annex, par. 6, p. 381; *p. 139.*)	
All investments, wheresoever effected, with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever shall be annulled. These cash assets shall be accounted for irrespective of any investment. (Art. 298, Annex, par. 12, p. 383; *p. 140;* Art. 306, p. 417; *p. 151.*)	
Germany undertakes to transfer to any Power to which German territory in Europe is ceded and to any Power administering former German territory as a mandatory, under Article 22 of Part I (League of Nations) such portion of the reserves accumulated by the Government of the German Empire or of German states, or by public or private organizations under their control, as is attributable to the carrying on of social or state insurance in such territory, the funds transferred to be applied to the performance of obligations arising from such insurance. (Art. 312, p. 427; *p. 155.*)	
Without prejudice to other announcements in the Treaty the Reparation Commission may within one year from the coming into force of the Treaty demand that the German Government shall become possessed of rights and interests of German nationals in any public utility, undertaking or in any concession, operating in Russia, China, Turkey, Austria, Hungary, and Bulgaria or in the possessions or dependencies of these states or in any territory formerly belonging to Germany or her allies, to be ceded by Germany or her allies to any power or to be administered by a mandatory under the present Treaty, and may require that the German Government transfer, within six months of the date of demand, all such rights and interests and any similar rights and interests the German Government may itself possess to the Reparation Commission. (Art. 260, p. 317; *p. 116.*) The provisions of this article apply in the case of all agreements concluded with German nationals for the construction or exploitation of German works in the German oversea possessions, as well as any sub-concessions or contracts resulting therefrom which may have been made to or with such nationals. (Art. 123, p. 171; *p. 63.*)	Credit given on reparation account for the value assessed by the Reparation Commission of the transferred rights. (Art. 260, p. 317; *p. 116.*)
WAIVER OF CLAIMS BY GERMANY.	
To China and any Allied or Associated Government:	
All claims arising out of the internment of German nationals in China and their repatriation, and all claims arising out of the capture and condemnation of German ships in China or the liquidation, sequestration, or control of German property rights and interests in that country since August 14, 1917. (Art. 133, p. 177; *p. 65.*) Rights of individuals are protected under Part X of the Treaty (id.).	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

I. ELEMENTS AND PRINCIPLES OF GERMAN RESPONSIBILITIES AND LIABILITIES—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Siam: Germany waives all claims against the Siamese Government on behalf of herself and her nationals arising out of the seizures and condemnation of German ships, the liquidation of German property, or the internment of German nationals in Siam. (Art. 137, p. 179; *p. 66.*) Rights of individuals are protected under Part X of the Treaty (id.). *To Allied and Associated Governments:* Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss, or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent agreements. Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved, in which any of the Allied or Associated Governments or their nationals may have any interest either as owner, charterer, insurer, or otherwise, notwithstanding any decree of condemnation which may have been made by a prize court of Germany or her allies. (Art. 244, Annex III, pars. 8–9, pp. 281–283; *pp. 103–104.*) No claims or indemnities which may result from the annulment of concessions, privileges, and favors of any kind granted since August 1, 1914, to Germany or to a German national by Russia or a state or government of which the territory formerly constituted a part of Russia, shall be charged against the Allied or Associated Powers or the powers or states, governments, or public authorities which are released from their engagements by the present article. (Art. 293, p. 345; *p. 126.*) Without prejudice to the provisions of the present treaty Germany undertakes not to put forward directly or indirectly against any allied or associated power signatory of the present Treaty, including those which, without having declared war, have broken off diplomatic relations with the German Empire, any pecuniary claims based on events which occurred at any time before the coming into force of the present Treaty. The present stipulation will bar completely and finally all claims of this nature, which will be thenceforward extinguished whoever may be the parties in interest. (Art. 439, p. 535; *p. 193.*) No claim shall be made or action brought by Germany or German nationals in respect of any industrial, literary, or artistic property used during the war by any Allied or Associated Power or the nationals thereof, nor in respect of any sale, offering for sale, or use of any products, articles, or apparatus whatsoever to which such rights applied. (Art. 306, p. 417; *p. 152.*)	

II. ABSOLUTE CESSIONS OR RENOUNCEMENTS OF TERRITORY BY GERMANY.

TERRITORY CEDED.	
To Belgium: Morsenet neutre. (Art. 32, p. 55; *p. 21.*) Prussian Morsenet. (Art. 33, p. 55; *p. 21.*)	*No compensation beyond the assumption by the cessionary of a portion of the German pre-war debt in an amount equal* to that represented by the ratio between the pre-war revenues of the ceded area and the total revenues of the Empire or states, respectively. (Art. 254, p. 309; *p. 113.*)
To France: Alsace-Lorraine. (Art. 51, p. 93; *p. 35.*)	No credit on reparation account, but debt assumed. (Art. 39, p. 59; *p. 31*; Art. 254, p. 309; *p. 113.*)
To Czecho-Slovak State: Small area in Southeastern Silesia. (Art. 83, p. 119; *p. 44.*)	No credit on reparation account, and debt not assumed. (Art. 55, p. 95; *p. 36*; Art. 255, p. 311; *p. 113.*)
To Poland: Considerable portions of Eastern Germany, seemingly German Poland (boundaries can not be followed on maps available). (Art. 87, p. 123; *p. 46.*)	No credit on reparation account, but debt assumed. (Art. 254, p. 309; *p. 113.*)
To Principal Allied and Associated Powers: Free city of Danzig, with adjacent surrounding territory (Art. 100, p. 149; *p. 55*), to be placed under the protection of the League of Nations. (Art. 102, p. 151; *p. 56.*)	No credit on reparation account, but debt assumed, *minus* that portion thereof which represents cost of German colonization of Poland. (Art. 92, p. 137; *p. 51–52*; Art. 255, p. 311; *p. 113.*)
To Principal Allied and Associated Powers: All Germany's rights and titles over her oversea possessions. (Art. 119, p. 169; *p. 63.*)	No credit on reparation account, but debt assumed. (Art. 254, p. 309; *p. 113.*)
To Principal Allied and Associated Powers: Memel. (Art. 99, p. 147; *p. 55.*)	Debt not assumed. No credit on reparation account. (Art. 257, p. 313; *p. 114.*) No credit on reparation account, and debt assumed. (Art. 257, p. 313; *p. 114.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

III. CONTINGENT CESSIONS OR RENOUNCEMENTS OF TERRITORY BY GERMANY.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Belgium: Kreise of Eupen and Malmedy, final disposition determined by plebiscite. (Art. 34, p. 57; *p. 22.*)	No credit on reparation account, but debt assumed. (Art. 39, p. 59; *p. 23;* Art. 254, p. 309; *p. 113.*)
To League of Nations, as Trustee, with possibility in France: Saar Basin, final disposition determined by plebiscite (Art. 49, p. 67; *p. 25;* Art. 50, Annex, Chap. III, par. 34–35, pp. 87–89; *p. 33*), meanwhile governed by a Commission (Art. 50, Annex, Chap. II, par. 16–33, pp. 77–87; *pp. 29–33.*)	No credit on reparation account, and debt not assumed. (Art. 257, p. 313; *p. 114.*)
To Poland: Upper Silesia, a portion of, if plebiscite so determines. (Art. 88, p. 125; *p. 47.*)	No credit on reparation account, but debt assumed.
To Poland, or somebody else: East Prussia, portion of, if plebiscite so determines. (Art. 94, p. 141; *p. 52.*)	
To Poland or East Prussia: Kreise of Stuhm and Rosenberg, and a portion of the Kreise of Marienburg. (Art. 96, p. 145; *p. 53.*)	If to Poland, *minus* that portion thereof which represents cost of German colonization of Poland. (Art. 92, p. 137; *p. 51;* Art. 255, p. 311; *p. 113.*) No credit on reparation account but debt assumed. (Art. 254, p. 309; *p. 113.*)
To Czecho-Slovak State: Kreis of Leobschutz, a portion of, if a determination of Polish frontier isolates this from Germany. (Art. 83, p. 121; *p 44.*)	
To Principal Allied and Associated Powers: Schleswig, to be handed over to Denmark, if plebiscite so determines. (Art. 109, p. 155; *p 58;* Art. 110, p. 163; *p. 60.*) For purposes of plebiscite, the territory is divided into two zones. (Art. 109, p. 155; *p. 60.*)	No credit on reparation account but debt assumed. (Art. 114, p. 165; *p. 61;* Art. 254, p. 309; *p. 113.*)

IV. GERMANY'S RELINQUISHMENT OF EXTRATERRITORIAL AND ANALOGOUS RIGHTS.

With Siam: As from July 22, 1917. (Art. 135, p. 177; *p. 66.*)	
With Morocco: As from August 3, 1914, "renounces the régime of the capitulations." (Art. 142, p. 181; *p. 67.*)	
With Egypt: As from August 4, 1914, "renounces the régime of the capitulations." (Art. 147, p. 183; *p. 68.*)	
Samoa: Rights under the tripartite convention of December 2, 1899. (Art. 288, p. 341; *p. 125.*) No statement as to who receives these rights. [But see general overseas cession, Art. 118, p. 169; *p. 63.*]	

V. GERMAN RECOGNITION OF SPECIAL TERRITORIAL RIGHTS AND ACCEPTANCE OF CONSEQUENCES.

Morocco: Recognition of French Protectorate, and "accepts all the consequences of its establishment." (Art. 142, p. 181; *p. 67.*)	
Egypt: Recognizes protectorate proclaimed over Egypt by Great Britain on December 18, 1914. (Art. 147, p. 183; *p. 68.*)	

VI. GERMANY RECOGNIZES THE INDEPENDENCE OF CERTAIN STATES AND THE BOUNDARIES OR FRONTIERS THEREOF AS ALREADY OR HEREAFTER DETERMINED.

Austria: Germany acknowledges and will respect strictly the independence of Austria, which independence will be inalienable, except with the consent of the Council of the League of Nations, within the frontier fixed in a treaty between that State and the Allied and Associated Powers. (Art. 80, p. 117; *p. 44.*)	
Czecho-Slovak State: Germany recognizes the complete independence of the Czecho-Slovak State, which will include the autonomous territory of the Ruthenians to the south of the Carpathians, and recognizes the frontiers of this State as determined by the Allied and Associated Powers and the other interested States. (Art. 81, p. 119; *p. 44.*)	
Poland: Germany recognizes the complete independence of Poland, the boundaries not laid down in the treaty to be subsequently determined by the Principal Allied and Associated Powers. (Art. 87, p. 125; *p. 46.*)	
Russia and Russian States: Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914. Germany undertakes to recognize the frontiers of any State now existing or coming into existence which formed a part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of such States as determined by them and the Allied and Associated Powers. (Art. 116, p. 167; *p. 62.*)	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

VI. GERMANY RECOGNIZES THE INDEPENDENCE OF CERTAIN STATES AND THE BOUNDARIES OR FRONTIERS THEREOF AS ALREADY OR HEREAFTER DETERMINED—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
Allied and Associated Powers: Germany undertakes to recognize the full force of the Treaties of Peace and additional conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany, and to recognize whatever disposition may be made concerning the territories of the former Austro-Hungarian Monarchy, of the Kingdom of Bulgaria, and of the Ottoman Empire, and to recognize the new States within their frontiers as those laid down. (Art. 434, p. 525; *p. 196.*)	

VII. GERMANY RENOUNCES SPECIAL NAMED CONVENTIONAL RIGHTS OUTSIDE EUROPE.

To China:
"Benefits and privileges resulting from the provisions of the final Protocol, signed at Peking on September 7, 1901, and from all annexes, notes, and documents supplementary thereto," and in "favor of China," any "claim to indemnities accruing thereunder subsequent to March 14, 1917" ("Boxer Indemnity"). (Art. 128, p. 173; *p. 64.*) China not bound to grant to Germany the advantages of the arrangement of August 29, 1902 (regarding the new Chinese tariff) or the arrangement of September 27, 1905, regarding Wheng-Poo, and the provisional supplementary arrangement of April 4, 1912. (Art. 129, p. 173; *p. 64.*)

Leases under which the German concession at Hankow and Tientsin are now held. (Art. 132, p. 175; *p. 65.*)

With Siam:
All treaties, conventions, and agreements between Siam and Germany terminated. (Art. 135, p. 177; *p. 66.*)

With Liberia:
All rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German receiver of customs (no one named to exercise this right) are renounced (Art. 138, p. 179; *p. 66*) and all treaties and arrangements between the two countries terminated. (Art. 139, p. 179; *p. 66.*)

With Morocco:
All rights and titles and privileges conferred by the General Act of Algeciras of April 7, 1906, and the Franco-German Agreements of February 9, 1909, and November 4, 1911, are renounced. All treaties, agreements, arrangements, and contracts concluded with the Sherifian Empire are abrogated as from August 3, 1914. (Art. 141, p. 179; *p. 67.*)

German protected persons, semsars and "associes agricoles" no longer have a privileged status but are subject to the ordinary law. (Art. 143, p. 181; *p. 67.*) Germany will not intervene in any way in negotiations relating to Morocco between France and any other power. (Art. 141, p. 181; *p. 67.*)

With Egypt:
All treaties, agreements, arrangements, and contracts with Egypt are abrogated as from August 4, 1914. Germany will not intervene in any way in negotiations relating to Egypt between Great Britain and any other power. (Art. 148, p. 183; *p. 68.*) Germany consents to abrogation of the Khedival decree of November 28, 1904, relating to the Commission of the Egyptian Public Debt or to changes therein as the Egyptian Government may wish. Germany renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt. (Art. 151, p. 185; *p. 69.*)

To Japan:
All her rights, title and privileges which Germany acquired from China by the Treaty of March 6, 1898, and all other arrangements relating to the Province of Shantung. (Art. 156, p. 187; *p. 70.*)

To France:
All rights under the Conventions and Agreements with France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. (Art. 125, p. 171; *p. 64.*)

To Great Britain:
Transfer to Great Britain, of the powers conferred on his Majesty the Sultan, by the Convention signed at Constantinople on October 29, 1888, relating to free navigation on the Suez Canal. (Art. 152, p. 185; *p. 69.*)

VIII. GERMANY CONSENTS BEFOREHAND TO ANY TREATIES WHICH THE ALLIED OR ASSOCIATED POWERS MAY MAKE.

(See Memorandum No. 7.)

With Belgium:
Any treaties entered into by the Principal Allied and Associated Powers, Belgium, and Holland, to replace the Treaties of April 19, 1839. (Art. 31, p. 55; *p. 21.*)

With Luxemburg:
Germany accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy. (Art. 40, p. 61; *p. 23.*)

Russia and Russian States:
Germany will recognize all treaties or agreements entered into by the Allied and Associated Powers with states now existing or coming into existence in the future in the whole or part of the Empire of Russia as it existed on August 1, 1914. (Art. 117, p. 167; *p. 62.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

VIII. GERMANY CONSENTS BEFOREHAND TO ANY TREATIES WHICH THE ALLIED OR ASSOCIATED POWERS MAY MAKE—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
Allied and Associated Powers or one of them with any other Power: Germany will accept and observe all agreements made by these Powers relating to trade in arms and spirits, and to matters dealt with in the General Act of Berlin of February 26, 1885, the General Act of Brussels of July 2, 1890, and the conventions completing or modifying the same. (Art. 126, p. 173; *p. 64.*) *Turkey and Bulgaria:* Germany recognizes and accepts all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to the rights, interests, and privileges claimed by or for German nationals in those States. (Art. 155, p. 187; *p. 69.*) *New States:* Germany undertakes not to refuse her assent to conclusion of certain arrangements by new states. (Art. 283, p. 339; *p. 124.*) *Principal Allied and Associated Powers with Third Power:* Germany hereby undertakes to recognize and to conform to the measure and agreements taken by the foregoing powers to carry out the renouncement of Germany's rights, titles, and privileges whatever in or over territories which belonged to her or to her allies, and all rights, titles, and privileges whatever their origin which she held as against the Allied and Associated Powers. (Art. 118, p. 169; *p. 62.*) *Allied and Associated Powers:* Germany undertakes to adhere to any general conventions regarding international régime of transit, waterways, ports or railways which may be concluded by the Allies and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty. (Art. 379, p. 483; *p. 175.*) Germany undertakes to recognize the full force and effect of the Treaties of Peace and Additional Conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany. (Art. 434, p. 525; *p. 190.*)	

IX. GERMANY CONSENTS TO ABROGATION OF ALL TREATIES NOT SPECIALLY RESERVED, WITH RESULTING LOSS OF ALL ADVANTAGES APPERTAINING THERETO.

Multilateral Engagements: Multilateral treaties, conventions, and agreements of an economic character as enumerated in the Treaty shall alone be applied as between Germany and those of the Allied and Associated Powers party thereto. (Art. 282, p. 335; *p. 122.*) *Bilateral Engagements:* Each of the Allied or Associated Powers shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany. Only such bilateral treaties so notified shall be revived; all the others are and remain abrogated. (Art. 289, p. 343; *p. 125.*) *Austria, Hungary, Bulgaria, Turkey:* All treaties, conventions, or agreements concluded with these powers since August 1, 1914, to the coming into force of this Treaty "are and shall remain abrogated." (Art. 290, p. 343; *p. 125.*) *Russia, Roumania:* All treaties, conventions, or arrangements concluded with Russia, or any Russian state or Government, or with Roumania, either before August 1, 1914, or after that date until the coming into force of the present Treaty, "are and remain abrogated." (Art. 292, p. 345; *p. 126.*) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and all other treaties, conventions, and agreements entered into by her with the Maximalist Government in Russia. (Art 116, p. 167; *p. 62.*) *Belgium:* Recognizes neutralizing treaties of April 19, 1839, as no longer conformable to the requirements of the situation and consents to the abrogation thereof. (Art. 31, p. 55; *p. 21.*) *Luxemburg:* Germany "Adheres to the termination of the régime of neutrality of the Grand Duchy" established by the treaty of May 11, 1867. (Art. 40, p. 61; *p. 23.*)	

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.

1. GERMAN NATIONAL PROPERTY, IMPERIAL AND STATE, AND THE PRIVATE PROPERTY OF THE EX-EMPEROR AND OTHER ROYAL PERSONAGES. (COMPENSATION, WHERE MADE, IS TURNED OVER TO REPARATION COMMISSION.)

To Belgium: Moresnet neutre and Prussian Moresnet, such property in.	No credit or compensation. (Art. 39, p. 59; *p. 23;* Art. 256, p. 313; *p. 114.*)
To France: Alsace-Lorraine, such property in.	No credit or compensation. (Art. 56, p. 95; *p. 36;* Art. 256, p. 313; *p. 114.*)
To Czecho-Slovak State: Silesia, such property in small area in southeastern part of.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.—Continued.

1. GERMAN NATIONAL PROPERTY, IMPERIAL AND STATE, AND THE PRIVATE PROPERTY OF THE EX-EMPEROR, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Poland: Eastern Germany, such property in ceded portions of.	Credit on reparation accounts, *minus* valuation of buildings, forests, and other state property belonging to the former Kingdom of Poland. (Art. 256, p. 313; *p. 114;* Art. 92, p. 139; *p. 51.*)
To Principal Allied and Associated Powers: Memel, such property in.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*)
To Principal Allied and Associated Powers: Free City of Danzig, such property in.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*) But property shall be given to Free City of Danzig or to Poland as the owning Powers may determine. (Art. 107, p. 155; *p. 58.*)
To Principal Allied and Associated Powers: German Colonies, all such property in.	No credit on reparation account. (Art. 257, p. 313; *p. 114.*)
To Belgium: Kreise of Eupen and Malmedy, such property in, if area ceded to Belgium after plebiscite.	No credit on reparation account. (Art. 39, p. 59; *p. 23;* Art. 256, p. 313; *p. 114.*)
To League of Nations as Trustee with possibility in France: Saar Basin, such property in, if area ceded to France after plebiscite.	No credit(?) (See Art. 257, p. 313; *p. 114.*)
To Poland: Upper Silesia, such property in portions of, if area goes to Poland after plebiscite.	Credit if to Poland. (Art. 256, p. 311; *p. 114.*)
To Poland or somebody else: East Prussia, such property in portions of, if area goes to Poland after plebiscite.	
To Poland or East Prussia: Kreise of Stuhm and Rosenberg, and a portion of the Kreise of Marienburg, such property in, if area goes to Poland after plebiscite.	
To Czecho-Slovak State: *Kreise* of Leobschutz, such property in a portion of, if area goes finally to Czecho-Slovak State.	Credit on reparation account. (Art. 256, p. 311; *p. 114.*)
To Principal Allied and Associated Powers: Schleswig, such property in, if area goes to Denmark after plebiscite.	Credit(?) (Art. 256, p. 311; *p. 114; but see* Art. 114, p. 165; *p. 61.*)
To Great Britain: Canton, such property in the British Concession at Shameen.	Credit(?) (Art. 256, p. 311; *p. 114.*)
To France and China conjointly: Shanghai, property in German school at.	Credit(?) (Art. 256, p. 311; *p. 114.*)
To China: Tientsin and Hankow or elsewhere in Chinese territory, such property in German concession, enumerated in this instance by classes, diplomatic and consular residences or offices being excluded. *Shantung reserved also.*	Credit(?) (Art. 256, p. 311; *p. 114.*)
To Siam: All such property, *except* premises used as diplomatic or consular residences or offices.	"Without compensation." (Art. 136, p. 177; *p. 66.*)
To Maghzen (Morocco): *Sherifian* Empire, all such property in.	"Without payment." (Art. 144, p. 181; *p. 67.*)
To Egypt: Egypt, all such property in.	"Without payment." (Art. 153, p. 185; *p. 69.*)
To Japan: Kiaochow, all such property in.	"Free and clear of all charges and encumbrances." (Art. 157, p. 187; *p. 70.*)

2. GERMAN PROPERTY, NATIONAL OR PRIVATE, AND RIGHTS THEREIN, SUCH AS NATURAL RESOURCES, DEVELOPMENT OR EXPLOITATION WORKS, TRANSPORTATION SYSTEMS, CABLES, TELEGRAPH LINES, ETC., GIVEN UP BY GERMANY.

NATURAL RESOURCES.	
To France: Saar Basin, coal mines in (Art. 45, p. 63; *p. 24*), whether Government or private owned. (Art. 50, Annex, Chap. I, par. 2, p. 69; *p. 26.*) If Saar Basin goes ultimately to Germany, she repurchases mines for gold. (Art. 50, Annex, Chap. III, par. 36, p. 89; *p. 34.*)	"As compensation for the destruction of the coal mines in the north of France and as part payment toward the total reparation due from Germany for the damage resulting from the war." (Art. 45, p. 63; *p. 24.*)
Alsace-Lorraine, all rights regarding trade in potash salts, under the law of May 25, 1910, and any stipulation for the interruption of German organizations in the working of potash mines, as well as all rights under any existing agreements, stipulations, or laws with regards to other products. (Art. 71, p. 107; *p. 40.*)	Credit given on reparation account. (Art. 50, Annex, Chap. I, par. 5, p. 71; *p. 27.*) (See Art. 243 (*a*), p. 257; *p. 94.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.—Continued.

2. GERMAN PROPERTY, NATIONAL OR PRIVATE, AND RIGHTS THEREIN, SUCH AS NATURAL RESOURCES, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
To Japan: Mines, plants, and materials for exploiting mines, together with all rights and privileges attaching thereto, connected with Tsingtao-Tsinaufu Railway. (Art. 156, p. 187; *p. 70.*)	Seemingly no compensation. (Art. 156 (last paragraph), p. 187; *p. 70.*)
To Morocco: Mining rights recognized as belonging to German nationals. (Art. 144, p. 181; *p. 67.*)	Credit given on reparation account. (Art. 144, p. 181; *p. 67;* Art. 297 (*b*), p. 367; *p. 134;* Art. 243, p. 257; *p. 94.*)
PUBLIC UTILITIES, INCLUDING RAILWAYS.	
To France: Accessories and subsidiaries to Saar coal mines, particularly their plant and equipment, surface and underground extracting machinery, electric, coke and by-products plants, workshops, means of communication, electric lines, plant for catching and distributing water, lands, buildings as offices and dwellings for officers, managers, employees, and workmen, schools, hospitals, and dispensaries, stocks and supplies of every description, their archives and plans, and everything which those who own or exploit the mines possess or enjoy for the purpose of exploiting the mines and their accessories. (Art. 50, Annex, Chap. I, par. 3, pp. 69–71; *p. 26.*)	Credit on reparation account for value, determined by Reparation Commission. (Art. 50, Annex, Chap. I, par. 3, pp. 69–71; *p. 26.*)
Rights of German Empire over all railways, administered by the Imperial Railway Administration, which are in operation or under construction in Alsace-Lorraine. (Art. 67, p. 103; *p. 39.*)	No compensation. (Art. 67, p. 103; *p. 39.*)
Rights of German Empire over all railways and tramway concessions in Alsace-Lorraine. (Art. 67, p. 103; *p. 39.*)	No compensation. (Art. 67, p. 103; *p. 39.*)
To Luemburg (?): All rights in the exploitation of the railways. (Art. 40, p. 61; *p. 23.*)	Compensation (?).
To Cessionaries of German Territory: Belgium, France, Poland, Principal Allied and Associated Powers (for Denmark and Free City of Danzig and for themselves) and Czecho-Slovak State. Railways in ceded territory named above, complete and in good condition, with all the rolling stock thereto belonging, complete and in normal state of upkeep; if no rolling stock belongs thereto, a proportionate part of rolling stock of systems to which railway belongs. (Latter provision applies to railways of "former Russian Poland.") (Art. 371, p. 477; *p. 173.*)	Compensation (?). (See general provisions of Art. 243, p. 257; *p. 94.*)
To Japan: All German rights in the railways in Kiaochow. All German rights in the Tsingtao-Tsinaufu Railway, including its branch lines, together with its subsidiaries, of all kinds—stations, shops, fixed and rolling stock. (Art. 156, p. 187; *p. 70.*)	Seemingly no compensation. (Art. 156 (final paragraph), p. 187; *p. 70.*)
To the Power concerned: Where any Allied or Associated Power, Russia, or a state or government, of which the territory formerly constituted a part of Russia, which has been forced since August 1, 1914, by reason of military occupation or by any other means or for any other cause to grant or allow to be granted concessions, privileges, and favors of any kind to Germany or to a German national, such concession, privilege, and favors are *ipso facto* annulled. (Art. 293, p. 345; *p. 126.*)	
SHIPPING, OCEAN AND INLAND.	
To Allied and Associated Powers: All German merchant ships of 1,600 tons gross and upwards. One-half (½) such ships, reckoned in tonnage, of ships between 1,000 tons and 1,600 tons gross. One-quarter (¼) reckoned in tonnage of German steam trawlers. One-quarter (¼) reckoned in tonnage of other German fishing boats. (Art. 244, Annex III, par. I, p. 277; *p. 101.*) These to be transferred entirely, free from all encumbrances, charges, and liens of all kinds. (Id., par. 4, p. 279; *p. 102.*) Boats are regarded as German within the above provisions which (*a*) fly, or may be entitled to fly, the German merchant flag; or (*b*) are owned by any German national, company, or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or (*c*) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company, or corporation. (Id., par. 3, pp. 277–279; *p. 102.*) Germany agrees to take measures indicated by the Reparation Commission for obtaining full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags, without the consent of the Allied and Associated Governments. (Id., par. (7), p. 281; *p. 103.*)	While boats are for "replacement" of shipping lost, seemingly credit will be given on reparation account. (Art. 236, p. 253; *p. 93;* Art. 237, p. 253; *p. 93;* Art. 243 (c), p. 257; *p. 95.*)
To the Reparation Commission: To make good loss in inland navigation, from whatever cause arising, a portion of the German river fleet, up to the amount of the loss, but not to exceed 20% of river fleet as it existed November 11, 1918. (Art. 244, Annex III, par. 6, p. 281; *p. 103.*)	Seemingly credit given on reparation account, as boats go to Reparation Commission. (Art. 236, p. 253; *p. 93;* Art. 243 (c), p. 257; *p. 95.*)
To Allied and Associated Powers: A proportion of tugs and vessels remaining registered in the ports of the river systems referred to in Article 331 (the Elbe, Oder, Niemen, and Danube) after deducting those surrendered by way of restitution or reparation. Craft must be provided with fittings and gear, in good state of repair, in condition to carry goods, and selected from those most recently built.	Credit given on reparation account. (Art. 339, p. 449; *p. 163.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

X. GERMAN PROPERTY TURNED OVER, SURRENDERED, ETC.—Continued.

2. GERMAN PROPERTY, NATIONAL OR PRIVATE, AND RIGHTS THEREIN, SUCH AS NATURAL RESOURCES, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
Materials of all kinds necessary to the Allied and Associated Powers concerned for the utilization of those river systems. Number of craft, amount of material, and distribution determined by arbitrators appointed by the United States. (Art. 339, p. 449; *p. 163.*)	
To France: Tugs and vessels, from among those remaining registered in German Rhine ports after the deduction of those surrendered by way of restitution or reparation, or shares in German Rhine navigation companies, such tugs and vessels, together with their fittings and gear to be in a good state of repair, in condition to carry on commercial traffic on the Rhine, and to be selected from among those most recently built. Amount, specifications, and credit value of (in no case to exceed the capital expended in the initial establishment of the material ceded) such tugs and vessels to be determined by an Arbitrator appointed by the United States. (Art. 357, p. 463; *p. 167.*)	Credit on reparation account. (Art. 357, p. 463; *p. 167.*)
Installations, berthing, and anchorage accommodations, platforms, docks, warehouses, plant, etc., owned by German subjects or companies in Rotterdam August 1, 1914, and also shares or interests in such installations at the same date, possessed by Germany or German nationals, the credit value thereof to be determined by an Arbitrator appointed by the United States. (Art. 357, p. 463; *p. 168.*)	Credit on reparation account. (Art. 357, p. 463; *p. 167.*)
CABLES AND TELEGRAPHS.	
To Japan: German State submarine cables from Tsingtau to Shanghai, and from Tsingtau to Chefoo, with all the rights, privileges, and properties attaching thereto. (Art. 156, p. 187; *p. 70.*)	"Free and clear of all charges and encumbrances." (Art. 156, p. 187; *p. 70.*)
To Principal Allied and Associated Powers: All rights, titles, or privileges of whatever nature belonging to Germany or her nationals, in following submarine cables: Emden–Vigo: From the Straits of Dover to off Vigo. Emden–Brest: From off Cherbourg to Brest. Emden–Teneriffe: From off Dunkirk to off Teneriffe. Emden–Azores (1): From the Straits of Dover to Fayal. Emden–Azores (2): From the Straits of Dover to Fayal. Azores–New York (1): From Fayal to New York. Azores–New York (2): From Fayal to the longitude of Halifax. Teneriffe–Monrovia: From off Teneriffe to off Monrovia. Monrovia–Lome: From about lat. 2° 30′ N. long. 7° 40′ W. of Greenwich, to about lat. 2° 20′ N. long. 5° 30′ W. of Greenwich; and from about lat. 2° 48′ N. long. 0° 00′, to Lome. Lome-Duala: From Lome to Duala. Monrovia-Pernambuco: From off Monrovia to off Pernambuco. Constantinople-Constanza: From Constantinople to Constanza. Yap-Shanghai, Yap-Guam, and Yap-Menado (Celebes): From Yap Island to Shanghai, from Yap Island to Guam Island, and from Yap Island to Menado. (Art. 244, Annex VII, p. 299; *p. 110.*)	Credit on basis of original cost, less suitable allowance for depreciation, for such cables or parts thereof as are privately owned. (Art. 244, Annex VII, p. 301; *p. 110.*)
For three months from coming into force of this treaty, Germany will not use the high-power wireless telegraph stations at Nauen, Hanover, and Berlin for transmission of certain messages concerning naval, military, or political questions, without the consent of the Principal Allied and Associated Powers. The use of the stations for commercial purposes will be under the supervision of said governments. (Art. 197, p. 223; *p. 83.*)	
PUBLIC UTILITIES CONCESSIONS.	
Germany must acquire (on demand of Reparation Commission) rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary, and Bulgaria, or in the possessions or dependencies of these States, or in any territory formerly belonging to Germany or her Allies, to be ceded by Germany or her Allies to any Power or to be administered by a Mandatory under the present Treaty, and must if required cede the same to the Reparation Commission, and any similar rights and interests possessed by the German Government itself. (Art. 260, p. 317; *p. 116.*)	Credit on reparation account. (Art. 260, p. 317; *p. 116.*)
This rule shall apply also to all agreements concluded with German nationals for the construction or exploitation of public works in the German overseas possessions, as well as the subconcessions or contracts resulting therefrom which may have been made to or with such nationals. (Art. 123, p. 171; *p. 63.*)	

XI. GERMANY TO ISSUE BONDS, AND TO DELIVER UP GOLD, CASH DEPOSITS, SECURITIES, CONTROL OF FINANCIAL INSTITUTIONS, ETC.

BONDS.	
For Belgium: Bearer bonds, payable in gold marks, on May, 1926, or at the option of the German Government on any May 1 prior to May 1, 1926, for a sum equivalent to the sum Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, with interest on such sum at the rate of 5 per cent per annum, the amount to be determined by the Reparation Commission. This *in addition* to compensation for damages and is included in restoration of Belgium. (Art. 232, p. 249; *p. 91.*)	Credit on reparation account? (Art. 232, p. 249; *p. 91;* Art. 243 (c), p. 257; *p. 95.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XI. GERMANY TO ISSUE BONDS, AND TO DELIVER UP GOLD, CASH DEPOSITS, SECURITIES, CONTROL OF FINANCIAL INSTITUTIONS, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
For Allied and Associated Countries: To facilitate and continue the immediate restoration of the economic life of Allied and Associated countries, the Reparation Commission will take from Germany, by way of security for and acknowledgment of her debt, a first installment of gold bearer bonds free of all taxes and charges of every description established or to be established by Germany, gold bearer bonds as follows (Art. 244, Annex II, par. 12, pp. 267–269; *p. 98*): (1) Gold bearer bonds "issued forthwith" for 20,000,000,000 gold marks, without interest, payable not later than May 1, 1921. [These bonds are to be amortised by the payment of 20,000,000,000 marks in gold (or in commodities, ships, securities, or otherwise as the Reparation Commission may determine) during 1919, 1920, and first four months of 1921. (Art. 235, p. 253; *p. 93;* Art. 244, Annex II, par. 12–c. (1), p. 267; *p. 98.*)] If any bonds not redeemed, they shall be exchanged for new bonds (p. 267; *p. 98*). (2) Gold bearer bonds "issued forthwith," for 40,000,000,000 gold marks, interest at 2½ per cent from 1921–1926, and thereafter at 5 per cent, with 1 per cent additional for amortization after 1925 (p. 267; *p. 98*). (3) Undertaking in writing, "delivered forthwith," to issue when Commission is satisfied Germany can meet interest and sinking fund, 40,000,000,000 bearer gold 5 per cent bonds, time and mode of payment of principal and interest to be determined by the Commission (p. 269; *p. 99.*) (4) Further issue by way of acknowledgment and security may be required as the Commission subsequently determines from time to time (p. 269; *p. 99.*)	Credit on reparation account? *If bonds, etc., disposed of outright not by way of pledge,* to persons other than the several governments in whose favor Germany's original reparation indebtedness was created an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face. (Art. 244, Annex II, par. 12 (d), p. 269; *p. 99.*)
GOLD.	
To the Principal Allied and Associated Powers, to be disposed of as they see fit. (Art. 259, p. 315; *p. 115.*) (1) Gold deposited in the Reichsbank in the name of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government notes to be delivered within one month from coming into force of Treaty. (2) Gold payments for twelve years, as provided in the German Treasury bonds deposited by her in the name of the Council of the Administration of the Ottoman Public Debt as security for the second and subsequent issues of Turkish Government currency notes. (3) Gold deposit constituted in the Reichsbank or elsewhere representing the residue of the advance in gold agreed to on May 5, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government to be delivered in one month from coming into force of Treaty to such authority as the Principal Allied and Associated Powers may designate. (4) Any title Germany has to the sum in gold and silver transmitted by her to the Turkish Ministry of Finance in November, 1918, in anticipation of the payment to be made in May, 1919, for the service of the Turkish internal loan. (5) Any sums in gold transferred as pledge or as collateral security to the German Government or its nationals in connection with loans made by them to the Austro-Hungarian Government, to be delivered within one month from the coming into force of this treaty.	Credit on reparation account. Sums of money delivered under this article (p. 315; *p. 115*) to be disposed of as determined by principal Allied and Associated Powers. (Art. 259, p. 315; *p. 115.*)
CASH DEPOSITS AND SECURITIES.	
To France: All deposits, credits, advances, effected by virtue of the conventions and agreements between Germany and France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. (Art. 125, p. 171; *p. 64.*)	Credit on reparation account. (Art. 125, p. 171; *p. 84;* Art. 243 (c), p. 257; *p. 94.*)
Shares representing Germany's portion of the capital of the State Bank of Morocco, transferred to whomsoever France nominates. (Art. 145, p. 183; *p. 68.*)	Credit on reparation account. (Art. 145, p. 183; *p. 68.*)
All debts owing for products delivered from Saar Basin area before the entry into possession of the French State, and after the signature of the present Treaty, and all deposits of money made by customers. (Art. 50, Annex, Chap. I, par. 3, p. 71; *p. 27.*)	
Repayment in marks of exceptional war expenditures advanced during the course of the war by Alsace-Lorraine or by public bodies in Alsace-Lorraine, on account of the Empire. (Art. 58, p. 97; *p. 36.*)	
To Roumania or Principal Allied and Associated Powers: All monetary instruments, specie, securities, and negotiable instruments or goods which Germany received under the Treaties of Bucharest and Brest-Litovsk. (Art. 259; p. 317; *p. 115.*)	Credit on reparation account. To be disposed of as Principal Allied and Associated Powers may determine. (Art. 259, p. 317; *p. 115.*)
To each Allied or Associated Power: All securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights, or interests situated in the territory of that Allied or Associated Power, including any shares, stock debentures, debenture stocks, or other obligations of any company incorporated in accordance with the laws of that Power; and full information regarding all such property. (Art. 298, Annex, par. 10, p. 383; *p. 139.*)	Credit on reparation account, probably, but method of accounting to Reparation Commission not clear. (Art. 243, p. 257; *p. 94.*)
Germany undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities, and documents which have	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XI. GERMANY TO ISSUE BONDS, AND TO DELIVER UP GOLD, CASH DEPOSITS, SECURITIES, CONTROL OF FINANCIAL INSTITUTIONS, ETC.—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
belonged to nationals of the Allied and Associated Powers and which have been retained by the German authorities. (Art. 223, p. 241; *p. 89*, Part IV, Prisoners of War and Graves.)	
Germany undertakes to transfer to the Allied and Associated Powers any claims she may have to payment or repayment by the Governments of Austria, Hungary, Bulgaria, or Turkey, and, in particular, any claims which may arise, now or hereafter, from the fulfillment of undertakings made by Germany during the war to those Governments. (Art. 261, p. 319; *p. 116.*)	
To Brazil: All sums representing the sale of coffee belonging to the State of Sao Paulo in the ports of Hamburg, Bremen, Antwerp, and Trieste, which were deposited with the Bank of Bleichroder at Berlin shall be reimbursed, together with interest, at the rate or rates agreed upon, the reimbursement to be effected at the rate of exchange of the day of deposit. (Art. 263, p. 319; *p. 117.*)	No credit on reparation account. (Art. 243, p. 257; *p. 94;* Art. 239, p. 255; *p. 94.*)
CONTROL OF FINANCIAL INSTITUTIONS.	
Germany renounces all rights accorded to her or her nationals by treaties, conventions, or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, state banks, agencies, or other financial or economic organizations of an international character, exercising powers of control or administration, and operating in any of the Allied or Associated States, or in Austria, Hungary, Bulgaria, or Turkey, or in the dependencies of these States, or in the former Russian Empire. (Art. 258, p. 313; *p. 115.*)	

XII. GERMANY AGREES TO RESTORE PROPERTY SEIZED, OR TAKEN, OR COMING INTO GERMANY'S POSSESSION.

To Allied and Associated Powers: Boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals and which can be identified. (Art. 244, Annex III, par. (6), p. 281; *p. 103.*)	No credit on reparation account. (Art. 243, p. 257; *p. 94;* Art. 238, p. 255; *p. 93*),
Animals, machinery, equipment, tools, and like articles of a commercial character, seized or taken away by Germany. (Art. 244, Annex IV, par. 2 (*a*), p. 283; *p. 104.*)	No credit on reparation account. (Art. 243, p. 257; *p. 94;* Art. 238, p. 255; *p. 93*), except to extent animals can not be identified as animals taken away or seized. (Arts. 236, 237, p. 253; *p. 93;* Art. 244, Annex IV, par. 6, p. 289; *p. 105.*)
As immediate advance on account of such animals the following are to be furnished:	
To French Government: 500 stallions (3 to 7 years); 30,000 fillies and mares (18 months to 7 years), type: Ardennais, Boulonnais, or Belgian; 2,000 bulls (18 months to 3 years); 90,000 milch cows (2 to 6 years); 1,000 rams; 100,000 sheep; 10,000 goats.	
To Belgian Government: 200 stallions (3 to 7 years), large Belgian type; 5,000 mares (3 to 7 years), large Belgian type; 5,000 fillies (18 months to 3 years), large Belgian type; 2,000 bulls (18 months to 3 years); 50,000 milch cows (2 to 6 years); 40,000 heifers; 200 rams; 20,000 sheep; 15,000 sows. (Art. 244, Annex IV, par. 6, p. 289; *p. 105.*)	
To European Commission of the Danube: Germany shall make to Commission all restitutions, reparations, and indemnities for damages inflicted on the Commission during the war. (Art. 352, p. 457; *p. 166.*)	

XIII. GERMANY UNDERTAKES TO BUILD OR CONSTRUCT TRANSPORTATION FACILITIES, OR TO REFRAIN FROM BUILDING COMMERCIAL UTILITIES.

For Czecho-Slovak State: A railway line between the stations of Schlauney and Nachod in Germany. (Art. 373, p. 479; *p. 174.*)	Cost of construction borne by Czecho-Slovak State. (Art. 373, p. 479; *p. 174.*)
For Account of Allied and Associated Powers: Ships, tonnage to be laid down in each of five years not to exceed 200,000 tons gross, construction to be in accordance with specifications of Reparation Commission which also determines conditions of building, delivery, price per ton, etc. (Art. 244, Annex III, par. 5, p. 279; *p. 102.*)	Reparation Commission credits price of vessel to Germany's account on her reparation obligations. (See Art. 244, Annex III, par. 5, p. 279; *p. 102;* also Art. 243 (c), p. 257; *p. 95;* Art. 236, p. 253; *p. 93.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XIII. GERMANY UNDERTAKES TO BUILD OR CONSTRUCT TRANSPORTATION FACILITIES, OR TO REFRAIN FROM BUILDING COMMERCIAL UTILITIES—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
For Belgium: A deep-draught Rhine-Meuse navigable waterway, in accordance with plans communicated by Belgian Government, so far as such waterway runs through German territory, if Belgium decides to build the same within 25 years. (Art. 361, p. 467; *p. 169.*)	Seemingly no compensation cost of undertaking is divided among States crossed by waterway. (Art. 361, p. 469; *p. 170.*)
Germany shall not build any high-power wireless telegraphy stations in her own territory or that of Austria, Hungary, Bulgaria, or Turkey, within a period of three months from the coming into force of this Treaty. (Art. 197, p. 223; *p. 83.*)	

XIV. GERMANY UNDERTAKES TO DELIVER NATURAL OR MANUFACTURED PRODUCTS.

To France: Per year, for three years (options covering) delivered at the French frontier by rail or by water: Benzol, 35,000 tons. Coal tar, 50,000 tons. Sulphate of ammonia, 30,000 tons. Coal tar, may, at option of French Government, be replaced by corresponding quantities of products of distillation, such as light oils, heavy oils, anthracene, naphtalene, and pitch. (Art. 244, Annex V, par. 8, p. 293; *p. 108.*)	Credit on reparation account. (Art. 236, p. 253; *p. 93.*) The material is to be purchased at a price which shall be the same as that at which they are sold to German nationals. (Art. 244, Annex V, par. 9, p. 295; *p. 108.*)
Per year, seven million tons for ten years, and in addition, for ten years, coal equal to the difference between the annual output of the mines of the Nord and Pas de Calais before the war and the output of these mines during the ten years period. In place of coal, metallurgical coke may be accepted in the proportions of 3 tons of coke to 4 tons of coal (Art. 244, Annex V, par. 7, p. 293; *p. 107*), total delivery not to exceed 20,000,000 tons per year for the first five years, and 8,000,000 tons in any one year of the succeeding five years. (Art. 244, Annex V, par. 2, p. 291; *p. 106.*)	Credit on reparation account. (Art. 236, p. 253; *p. 93.*) Coal to be purchased by France under stipulations as to price. (Art. 244, Annex V, par. 6, p. 293; *p. 107.*)
To Belgium: Eight million tons of coal (option covering) annually for ten years with same privileges as to exchanging coal for coke that control with France. (Art. 244, Annex V, par. 3, p. 291; *p. 107.*)	Same conditions that control supply of coal to France. (*Supra.*)
To Italy: Coal (option covering) in the following quantities: July 1919 to June 1920, four and one-half million tons. July 1920 to June 1921, six million tons. July 1921 to June 1922, seven and one-half million tons. July 1922 to June 1923, eight million tons. July 1923 to June 1924, and each of the following five years, eight and one-half million tons. Two-thirds of actual deliveries to be land borne. Coal may be replaced by coke as in case of France. (Art. 244, Annex V, par. 4, p. 291; *p. 107.*)	Same conditions that control supply of coal to France. (*Supra.*)
To Luxemburg: Coal (option covering) equal to the prewar annual consumption of German coal in Luxemburg, if Reparation Commission so directs. (Art. 244, Annex V, par. 5, p. 293; *p. 107.*) Coal may be replaced by coke as in the case of France. If Reparation Commission determines that full exercise of foregoing options would interfere unduly with industrial requirements of Germany, the commission is authorized to postpone or cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace the coal from destroyed mines shall receive priority over other deliveries. (Art. 244, Annex V, par. 10, p. 295; *p. 108.*)	Same conditions that control supply of coal to France. (*Supra*).
To Reparation Commission: Dyestuffs and chemicals (option covering) as commission may designate, up to 50 per cent of the total stock of each and every kind in or under German control at date of coming into force of Treaty. "Dyestuffs and chemical drugs" includes all synthetic dyes and drugs and intermediate or other products used in connection with dyeing. This arrangement also includes cinchona bark and salts of quinine. (Art. 244, Annex VI, pars. 1 and 5, pp. 295–299; *pp. 108–109.*) Dyestuffs and chemical drugs each six months until January 1, 1925, up to an amount not exceeding 25 per cent of the German production of such dyestuffs and chemical drugs during the previous six months' period. (Id. par. 2, p. 297; *p. 109.*)	Credit on compensation account. (Art. 236; p. 253; *p. 93.*) Price fixed by Reparation Commission. (Art. 244, Annex VI, par. 3, p. 297; *p. 109.*)
To Allied and Associated Powers: Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture, and like articles of a commercial character which Powers desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of invaded areas. (Art. 244, Annex IV, par. 2 (b), pp. 283, 285; *p. 104.*)	Credit on reparation account. (Arts. 236–237, p. 253; *p. 93;* Art. 244, Annex IV, par. 5, p. 287; *p. 105.*)
Animals, machinery, equipment, tools, and like articles of a commercial character now in Germany which Governments desire to replace animals and articles of the same nature that have been seized, consumed, or destroyed by Germany or destroyed in direct consequence of military operations. (Art. 244, Annex IV, par. 2 (a), p. 283; *p. 104.*)	Credit on reparation account. (Arts. 236, 237, p. 253; *p. 93;* Art. 244, Annex IV, par. 5–6, p. 289; *p. 105.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles.—Continued.

XV. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS, GRANTS THE FOLLOWING RIGHTS, AND MAKES THE FOLLOWING OBLIGATIONS AS TO HER EXTERNAL COMMERCE.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.

Duties, Charges, Prohibitions, and Restrictions Affecting Allied or Associated States:

Importations into Germany from any such states, from whatsoever place arriving, of goods, the product or manufacture of such states, shall not be subjected to other or higher duties, including internal charges, or to the maintenance or imposition of other prohibitions and restrictions, than those to which are subjected like goods the produce or manufacture of any other such state or of any other foreign country. (Art. 264, p. 321; *p. 117.*)

The same principles apply as to exports from Germany and her duties, charges, prohibitions, and restrictions, levied thereon by Germany. (Art. 266, p. 323; *p. 117.*)

Germany shall not, in administrative régime, make any discrimination against the commerce of any of the Allied and Associated States, as compared with any other of the said states or any other foreign country, even by indirect means. (Art. 265, p. 321; *p. 117.*)

RECIPROCITY TREATIES.

Every favor, immunity, or privilege in regard to the importation, exportation, or transit of goods granted by Germany to any Allied or Associated State or to any other foreign country whatever shall simultaneously and unconditionally without request and without compensation be extended to all the Allied and Associated States. (Art. 267, p. 323; *p. 118.*)

CUSTOMS PROVISIONS.

To France:

For five years, all natural or manufactured products which both originate in and come from Alsace-Lorraine shall be admitted into German customs territory free of all customs duty. The French Government shall fix the amount of such importations for each year, which shall not exceed annually the average amounts of 1911–1913.

For the same period, Germany shall allow free export from Germany and reimportation to Germany exempt from all customs duties and other charges (including internal charges), yarns, tissues, and other textile materials or textile products of any kind and in any condition sent from Germany into Alsace-Lorraine, to be subjected there to any finishing process, such as bleaching, dyeing, pointing, mercerization, gassing, twisting, or dressing. (Art. 268 (a), p. 323; *p. 118;* Art. 68, p. 193; *p. 39.*)

Germany shall establish no railway or canal tariff which directly or indirectly discriminate to the prejudice of the transport of the personnel or products of the Saar mines and their accessories or subsidiaries, or of the material necessary to their exploitation, all of which shall enjoy the rights and privileges which are guaranteed to similar products of French origin. (Art. 50, Annex, Chap. I, par. 6, p. 71; *p. 27.*)

French customs régime shall apply to the Saar Basin. (Art. 50, Annex, Chap. II, par. 31, p. 85; *p. 32.*)

Products which both originate in and pass from the basin into Germany shall for five years be free of import duties. (Id.)

To Poland:

For a period of three years, the same privileges as to natural or manufactured products from Poland that are granted to France in respect of Alsace-Lorraine (supra) with analogous limitations. (Art. 268 (b), p. 325; *p. 118.*)

To Luxemburg:

The Allied and Associated Powers reserve the right to require Germany to accord freedom from customs duty, on importation into German customs territory, to natural products and manufactured articles which both originate in and come from the Grand Duchy of Luxemburg, for five years, subject to certain prescribed limitations as to amounts. (Art. 268 (c), p. 325; *p. 119.*)

For first six months after Treaty comes into force, German duties on imports from Allied and Associated States shall not be higher than the most favorable duties which were applied to imports into Germany on July 31, 1914. For a further period of thirty months, this provision applies to products which comprised in section A of the First Category of the German Customs Tariff of December, enjoyed rates conventionalized by Treaty (on July 31, 1914) with the addition of all kinds of wine and vegetable oils, of artificial silk, and of washed or scoured wool. (Art. 269, pp. 325–327; *p. 119.*)

The Allied and Associated Powers reserve the right to apply to German territory occupied by their troops a special customs régime as regards imports and exports, in the event of such a measure being necessary in their opinion in order to safeguard the economic interests of the population of these territories. (Art. 270, p. 327; *p. 119.*)

To Morocco:

Moroccan goods entering Germany shall enjoy the treatment accorded to French goods. (Art. 146, p. 183; *p. 68.*)

To Egypt:

Egyptian goods entering Germany shall enjoy the treatment accorded to British goods. (Art. 154, p. 185; *p. 69.*)

SHIPPING.

Allied and Associated Powers:

Vessels of, entitled to treatment of most-favored nation, in German territorial waters, as regards sea fishing, maritime coasting trade, and maritime towage (Art. 271, p. 327; *p. 119*), and as to fishing boats all rights of inspection exercised solely

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued

XV. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS, GRANTS THE FOLLOWING RIGHTS, AND MAKES THE FOLLOWING OBLIGATIONS AS TO HER EXTERNAL COMMERCE—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
by ships belonging to such Powers. (Art. 272, p. 327; *p. 119.*) These provisions are terminable in five years. (Art. 280, p. 333; *p. 122.*) New states without seacoast may have a merchant marine. (Art. 273, pp. 327-329; *p. 120.*) UNFAIR COMPETITION. *Allied and Associated Powers:* Goods of, to be protected from unfair competition by all legislative and administrative measures necessary, Germany to seize all fraudulently marked as to maker, origin, type, nature, or special characteristics (Art. 274, p. 329; *p. 120*), with special provisions relating to wines and spirits and their markings. (Art. 275, pp. 329-331; *p. 120.*) TREATMENT OF NATIONALS OF ALLIED OR ASSOCIATED POWERS. All measures relating to occupations, professions, trade, and industry must be equally applicable to all aliens and the same as enjoyed by the nationals of the most-favored nation; and all taxes, charges, and imposts direct or indirect, as to the property, rights, or interests of nationals or companies of such powers, and restrictions, must be those applied to German nationals and none other. (Art. 276, p. 331; *p. 121.*) Germany will recognize new nationalities acquired by her nationals under the laws of the Allied and Associated Powers. (Art. 278, p. 333; *p. 121.*) Germany will admit and permit to exercise their functions, consuls, appointed by the Allied or Associated Powers. (Art. 279, p. 333; *p. 121.*) Germany will extend to nationals of Allied and Asssociated Powers all rights and advantages of any kind which she has granted to nationals of Austria, Hungary, Bulgaria, or Turkey, by treaties, conventions, or arrangements concluded before August 1, 1914, so long as such treaties, etc., remain in force. (Art. 291, p. 345; *p. 125.*) Germany will give to Allied and Associated Powers the benefit *ipso facto* of the rights and advantages of any kind which she has granted by treaties, conventions, or arrangements to non-belligerent states or their nationals since August 1, 1914, until the coming into force of this Treaty, so long as such treaties, conventions, or arrangements remain in force. (Art. 294, p. 347; *p. 126.*)	

XVI. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS ON HER CONTROL OF INLAND COMMERCE AND NAVIGATION, AND THE INSTRUMENTALITIES THEREOF.

FREEDOM OF TRANSIT. Germany grants freedom of transit, including crossing of territorial waters by rail, navigable waterways, or canal, to persons, goods, vessels, carriages, wagons, and mails coming from or going to the territories of any of the Allied or Associated Powers, without subjection to any transit duty or undue delay, and to national treatment as regards charges, facilities, and other matters, all charges imposed in traffic to be reasonable and not dependent directly or indirectly on ownership or nationality of the vessel or other vehicle. (Art. 321, p. 435; *p. 157.*) Goods in transit shall be exempt from all customs and other similar duties. (Art. 321, p. 435; *p. 157.*) Transmigration traffic across Germany is to be free and unimpeded. (Art. 322, p. 435; *p. 158.*) *Importations and exportations:* Germany will make no discrimination or preference, direct or indirect, in duties, charges, and prohibitions on goods or persons entering or leaving her territory on account either of origin or destination. (Art. 323, p. 437; *p. 158.*) Germany will not establish, as against the ports and vessels of any of the Allied and Associated Powers, any surtax or direct or indirect bounty for export or import by German vessels or ports, or by those of another Power, for example, by means of a combined tariff; and goods or persons passing through ports or by vessels of the Allied and Associated Powers shall be subject to no formality or delay other than is incident to such traffic on German vessels or through German ports. (Art. 323, p. 437; *p. 158.*) Germany shall take all necessary administrative and technical measures to expedite transmission and forwarding of Allied and Associated goods, particularly perishable goods, equally with any other goods similarly routed and carried. (Art. 324, p. 437; *p. 158.*) Seaports of the Allied and Associated Powers shall enjoy all favors and all reduced tariffs granted on German railways or navigable waterways for the benefit of German ports or the port of another Power. (Art. 325, p. 439; *p. 159.*) And Germany must participate in the tariffs or combinations of tariffs intended to secure for ports of any Allied or Associated Power advantages similar to those granted by Germany to her own ports or the ports of any other Power. (Art. 326, p. 439; *p. 159.*) Nationals, vessels, and property of Allied or Associated Powers shall, without impediment, enjoy in all German ports and on the inland navigation routes of Germany, national treatment in all respects, with complete freedom of access to all places in Germany, and with national treatment as to port and harbor facilities, including stationing, loading and unloading, duties, charges of tonnage, harbor, pilotage, lighthouse,	

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XVI. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS ON HER CONTROL OF INLAND COMMERCE AND NAVIGATION, AND THE INSTRUMENTALITIES THEREOF—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.

quarantine and all analogous duties. Any preferential régime granted by Germany to any Power is immediately and unconditionally extended to all Allied and Associated Powers. (Art. 327, p. 441; *p. 159.*)

FREE ZONES.

Existing free zones in ports shall be maintained, and, with others to be established (Hamburg and Stettin, Art. 363, p. 469; *p. 170*), shall be subject to the Treaty régime. Goods entering or leaving such zones shall be subject to no import or export duty (except they leave the zone for consumption in the country where the zone is situated, or enter the zone for export, when the duties shall be the regular normal import or export duties Art. 330, p. 443; *p. 160*), except handling charges and specified statistical duty used for defraying the expenses of the port. (Art. 328, p. 441; *p. 160.*) All goods consumed in the zone shall be free of duty. (Art. 329, p. 443; *p. 160.*)

The foregoing stipulations and provisions are subject to revision at any time after five years by the Council of the League of Nations. Failing such revision, the privileges may be enjoyed only on a basis of reciprocity, unless the Council extends the period. (Art. 378, p. 481; *p. 175.*)

INTERNATIONALIZATION OF WATERWAYS.

Rivers Elbe, Vltava, Oder, Niemen (Russgrom-Memel-Niemen), and Danube are, as to certain parts thereof, declared international, and also all navigable parts of these river systems which naturally provide more than one state with access to the sea, together with lateral canals and channels, and any Rhine-Danube navigable waterway. (Art. 331, p. 443–445; *p. 161.*)

On international waterways, declared by the Treaty, nationals, property, and flags of all nations are on a perfect equality—no distinctions being made between shipping of riparian and nonriparian state to the detriment of the latter, except that Germany may not engage in traffic between the ports of any Allied or Associated Power without the consent of that Power. (Art. 332, p. 445; *p. 161.*) This article also is subject to review and adjustment by the council of the League of Nations, as above set out. (Art. 378, p. 481; *p. 175.*) Only maintenance charges may be levied for the use of such waterways (Art. 333, p. 445; *p. 161*), or for use of port facilities. (Art. 335, p. 447; *p. 162.*) Riparian states obliged to remove obstacles to navigation (Art. 336, p. 447; *p. 162*), and to erect no impeding work. (Art. 337, p. 447; *p. 162.*)

To France:

On the French frontiers, subject to the provisions of the Convention of Mannheim, or a substituted Convention, or the stipulations of this Treaty, France has the right to take water from the Rhine to feed navigation and irrigation canals, with the right to execute necessary works on the German banks, and the exclusive right to the power derived from the works of regulation on the river (subject to payment to Germany of half the power actually produced), the exercise of such rights not to impede navigation or involve increase to tolls, Germany undertaking not to allow construction of lateral canals on the right bank opposite French frontiers and recognizing France's right to use lands on right bank for necessary works, compensation being made to Germany therefor. (Art. 358, p. 465; *p. 168.*)

To Switzerland:

Equivalent rights as to her Rhine frontier if she demands. (Art. 358, p. 465; *p. 168.*)

To Belgium:

An equivalent right to take water to feed a Rhine-Meuse navigable waterway, if constructed. (Art. 358, p. 465; *p. 168.*)

Germany agrees to offer no objection to extending the jurisdiction of the central Rhine Commission, to designated portions of the Moselle, to additional portions of the upper part of the Rhine, and to lateral canals established to improve naturally navigable sections of the Rhine and Moselle, etc. (Art. 362, p. 469; *p. 170.*)

RAILWAY PROVISIONS.

German railway lines to carry goods of Allied and Associated Powers, either on through transit across Germany or to a destination in Germany, under the most favorable treatment as to rates, facilities, etc., accorded to any traffic by the railroads under similar conditions of transport, for example, length of route. The same treatment shall be accorded on request of any Allied or Associated Powers to specially designated goods coming from Germany to the Power. International tariffs involving through way bills shall be established. (Art. 365, p. 471; *p. 171.*) This article also subject to review and adjustment by the Council of the League of Nations as above set out. (Art. 378, p. 481; *p. 175.*)

Germany must cooperate in the establishment of a through ticket service (for passengers and their luggage) which any Allied or Associated Power may require; must accept trains and carriages coming from the territories of such Powers, forward the same at her best speed for long-distance trains, at rates no higher than for German internal service for the same distance. Most favorable tariffs must be applied to emigrant traffic going to or coming from ports of the Allied or Associated Powers. (Art. 367, p. 473; *p. 171.*)

Germany must not apply to such through service, or to emigrant service, any technical, fiscal, or administrative measures, such as customs examinations, general police, sanitary police, and control, which would impede or delay the service. (Art. 368, p. 475; *p. 172.*)

Table of cessions, renouncements, grants, deliveries, releases, waivers, recognitions, obligations, and undertakings by Germany, and of compensation for and credits against the same, under the treaty of Versailles—Continued.

XVI. GERMANY ACCEPTS THE FOLLOWING RESTRICTIONS ON HER CONTROL OF INLAND COMMERCE AND NAVIGATION, AND THE INSTRUMENTALITIES THEREOF—Continued.

Property and rights given up and duties and obligations undertaken by Germany.	Credit allowed for same.
Articles 367, 368 are also subject to review and adjustment by the Council of the League of Nations as above set out. (Art. 378, p. 481; *p. 175.*) German railway rolling stock must be so fitted with apparatus as to permit their inclusion in trains of such Allied and Associated Powers as are parties to the Berne Convention (May 15, 1886, modified May 18, 1907) without hampering the action of the continuous brake, which may within ten years be adopted by Allied and Associated Powers and the acceptance of Allied and Associated rolling stock in German trains, which rolling stock shall have on the German lines the same treatment as German rolling stock as regards movement, upkeep, and repairs. (Art. 370, p. 475; *p. 172.*) Germany's railway administration must make arrangements with contiguous states as to the working of interstate railways; if these fail to make an agreement, the points of difference will be settled by a Commission of experts, designated by the Allied and Associated Powers, on which Germany will be represented. (Art. 372, p. 479; *p. 173;* Art. 371, p. 477; *p. 173.*) For the present Germany must carry out instructions given her on behalf of the Allied and Associated Powers for the carriage of troops under the provisions of this treaty, and of material, ammunition, and supplies for any use, for the transportation of supplies for certain regions, for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organization of postal and telegraphic services. (Art. 375, p. 481; *p. 174.*) Disputes between the interested Powers regarding the "interpretation and application of the preceding articles" (seemingly articles 321–375) are to be settled as provided by the League of Nations (Art. 376, p. 481; *p. 174*), which may at any time "recommend the revision of such of these Articles as relate to a permanent administrative régime." (Art. 377, p. 481; *p. 174.*) KIEL CANAL. Kiel Canal and its approaches must be maintained free and open to vessels of commerce and of war, of all nations at peace with Germany on terms of entire equality. (Art. 380, p. 483; *p. 175.*) Vessels of all nations to be treated on an absolute equality as to charges and facilities and in all other respects, with vessels of Germany or of the most favored nation, without impediment as to movements of vessels or persons beyond reasonable and necessary police, customs, sanitary, immigration and emigration regulations. (Art. 381, p. 483; *p. 175.*) Charges levied are to be such only as are necessary for maintenance, improvements, and expenses incurred in the interests of navigation. (Art. 382, p. 485; *p. 176*) and no other charges shall be levied. (Art. 384, p. 485; *p. 176.*) Germany is bound to remove obstacles or dangers to navigation, to insure maintenance of good conditions, and not to undertake any works of a nature to impede navigation on the canal or its approaches. (Art. 385, p. 485; *p. 176.*) Violations of the foregoing or disputes as to the interpretations of these articles are to be referred "to the jurisdiction instituted for the purpose by the League of Nations," but small questions shall be settled in the first instance by a local authority established at Kiel by Germany. Complaints thereto may be presented by the consuls of the interested Power. (Art. 386, p. 485; *p. 176.*)	

"MEMORANDUM NO. 1.

"SPECIAL OBLIGATIONS OF GERMANY RELATING TO ALSACE-LORRAINE.

"Shall apply no special measures to German money or monetary instruments current in Alsace-Lorraine. (Art. 57, p. 97; *p. 36.*)

"Shall refund exceptional war expenditures advanced by Alsace-Lorraine or public bodies therein, beyond a proportional amount based on the ratio of the revenues of the Empire to the revenues of Alsace-Lorraine. (Art. 58, p. 97; *p. 36.*)

"Restore to Alsace-Lorraine all property rights and interests belonging to them November 11, 1918, and now in Germany. (Art. 60, p. 99; *p. 37.*)

"Shall bear expense of civil and military pensions earned on November 11, 1918. (Art. 62, p. 99; *p. 37.*)

"Pay damages for injuries suffered by the civilian population as if Alsace-Lorraine were an Allied or Associated Country. (Art. 63, p. 99; *p. 37;* Art. 244, Annex I, p. 259; *p. 95.*)

"For ten years, furnish electrical energy (power) under contracts in force, at a rate not higher than paid by German nationals. (Art. 69, p. 105; *p. 39.*)

"Property rights of Alsace-Lorrainers dealt with as if they had been during war on part of allied territory. (Art. 73, p. 107; *p. 40.*)

"France may retain and liquidate all German national and society interests, Germany compensating her nationals. (Art. 74, p. 109; *p. 40.*)

"France retains exclusive control over all questions of nationality of Alsace-Lorrainers. (Art. 79, Annex, p. 115 et seq.; *p. 43 et seq.*)

"Germany to cancel any contract notified by French Government between Alsace-Lorrainers and Germans or German States or Empire, save certain contracts partly performed before November 11, 1918; who makes the compensation not specified. (Art. 75, p. 109; *p. 41.*)

"Alsace-Lorrainers preserve full and entire enjoyment of industrial property rights in Germany. (Art. 76, p. 111; *p. 41.*)

"France may prohibit—

"Management or exploitation by Germans.

"Ownership of mines and quarries by Germans.

"German participation in metallurgical establishments.

"(Art. 70, pp. 105–107; *p. 40.*)

"Germany is to pay to the French Government such proportion of all reserves accumulated by the Empire or by public or private bodies dependent upon it, for the purposes of disability and old-age insurance, as would fall to the disability and old-age insurance fund at Strasbourg. The same shall apply in respect of the capital and reserves accumulated in Germany falling legitimately to other social insurance funds, to miners; superannuation funds, to the fund of railways of Alsace-Lorraine, to other superannuation organizations established for the benefit of the personnel of public administrations and institutions operating in Alsace-Lorraine, and also in respect of the capital and reserves due by the insurance fund of private

employees at Berlin, by reason of engagements entered into for the benefit of insured persons of that category resident in Alsace-Lorraine. (Art. 77, p. 111; *p. 41.*)

"MEMORANDUM No. 2.

"REDUCTION OF MILITARY, NAVAL, AND AIR FORCES.

"1. Military Clauses:

"Army must not exceed 100,000 effectives, who must be used only to maintain order in Germany, of whom 4,000 may be officers (Art. 160, p. 191; *p. 71*), the Army organization, equipment, armament, munitions, and material being specified by provisions and tables in the Treaty. (Arts. 160–162, pp. 191–193; *pp. 71–72*, and tables following Art. 180, p. 207; *p. 77.*) Compulsory military service is abolished and hereafter the German Army can be constituted and recruited by voluntary enlistment only. (Art. 173, p. 201, *p. 74.*) The period of enlistment of noncommissioned officers and privates is twelve consecutive years (Art. 174, p. 201; *p. 75*), and the period of service for officers is twenty-five consecutive years. (Art. 175, p. 201; *p. 75.*) Officers remaining in the service must serve till they are 45 years old, and officers previously in the service must not take part in any military exercise, theoretical or practical. (Art. 175, pp. 201–203; *p. 75.*) Provisions covering allowable military schools are inserted (Art. 176, p. 203; *p. 75*), and 'Educational establishments, the Universities, societies of discharged soldiers, shooting or touring clubs, and, generally speaking, associations of every description, whatever be the age of their members, must not occupy themselves with military matters. In particular they are forbidden to instruct or exercise their members or allow them to be instructed or exercised in the profession or use of arms.' (Art. 177, p. 203; *p. 75.*) All measures of or appertaining to mobilization are forbidden. (Art. 178, p. 205; *p. 76.*) Germany must not send or accredit to any foreign country any naval, military, or air mission, nor allow any such mission to leave her territory, and must prevent her nationals enrolling in the Army, Navy, or Air Service of a foreign power, or being attached thereto as instructors. No Allied or Associated Power must enroll in or attach to their armies or naval or air forces any German national as instructors, but this shall not affect France's right to recruit for the Foreign Legion under her laws. (Art. 179, p. 205; *p. 76.*) Maintenance of military forces or assembling them, or upkeep of permanent works of mobilization, are forbidden on the left bank of the Rhine or within fifty kilometers of the right bank. (Art. 43, p. 61; *p. 24.*) All surplus arms, munitions, and war materials, including aircraft, must be surrendered to the Principal Allied and Associated Powers. (Art. 169, p. 199; *p. 73.*)

"2. Naval Clauses:

"German naval forces in commission must not exceed after 2 months from coming into force of Treaty, 6 battleships, 6 light cruisers, 12 destroyers, 12 torpedo boats, but no submarines, and an equal number of vessels constructed to replace these (Art. 181, p. 211; *p. 78*), but replacement ships must not exceed a specified displacement (10,000 tons for armored ships), and except when a ship is lost replacement shall not occur except after 20 years for battleships and cruisers, and 15 years for destroyers and torpedo boats, counting from the launching of the ship. (Art. 190, p. 217; *p. 81.*) All other warships must be placed in reserve or devoted to commercial purposes. (Art. 181, p. 211; *p. 78.*) The navy personnel shall not exceed 15,000 officers and men, with a total officers' strength of 1,500, and including naval and military corps or reserves (Art. 183, p. 211; *p. 79*), all raised by voluntary enlistment, for periods of 25 consecutive years for officers and 12 consecutive years for petty officers and enlisted men; replacements shall not exceed 5 per cent per annum of totals; and no officer or man of the mercantile marine shall receive any training in the Navy. (Art. 194, pp. 219–221; *p. 82.*) All surface warships not in German ports, and all now interned in neutral ports or in the ports of the Allied and Associated Powers, 'cease to belong to Germany, who renounces all rights over them.' (Art. 184, p. 213; *p. 79.*) Eight named German battleships, 8 named light cruisers, 42 modern destroyers, and 50 modern torpedo boats chosen by the Principal Allied and Associated Powers. (Art. 185, p. 213; *p. 79.*) Surface warships now under construction are to be broken up (Art. 186, p. 215; *p. 80*) and certain named auxiliary cruisers and flat auxiliaries are to be disarmed and treated as merchant ships. (Art. 187, p. 215; *p. 80.*)

"All German submarines, submarine salvage vessels, and docks for submarines, 'including the tubular dock,' are to be delivered to the Principal Allied and Associated Powers. If any are unfit to proceed under their own power or to be towed to allied ports, they and all others in course of construction are to be broken up. (Art. 188, p. 217; *p. 80.*)

"No materials derived from any of this breaking up shall be used except for purely industrial or commercial purposes; they may not be sold or disposed of to other countries. (Art. 189, p. 217; *p. 81.*)

"The construction or acquisition of any submarine even for commercial purposes is forbidden. (Art. 191, p. 219; *p. 81.*)

"3. Air Clauses:

"The armed forces of Germany must not include any military or naval air forces and no dirigibles shall be kept. (Art. 198, p. 223; *p. 83.*) All military and naval aeronautical material (except 100 seaplanes, with a spare engine for each to be used in searching for submarine mines), must be delivered to the Principal Allied and Associated Powers. (Art. 198, p. 223; *p. 83.*)

"In addition to the foregoing clauses, others in this Part may be noted as follows:

"Within three months Germany must disclose to the Principal Allied and Associated Powers the nature and mode of manufacture of all explosives, toxic substances, and other like chemical preparations used or prepared for use by them in the war. (Art. 172, p. 201; *p. 74.*)

"Moreover, the importation into Germany and the manufacture for and export out of Germany of all arms, munitions, and war materials (Art. 170, p. 199; *p. 74*), the manufacture and importation of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices (Art. 171, p. 199; *p. 74*), the manufacture and importation into Germany of armored cars, tanks, and similar constructions suitable for use in war (id. p. 199; *p. 74*), the manufacture for and export from Germany of arms, munitions, or naval war material (Art. 192, p. 219; *p. 81*), and for a period of six months 'the manufacture and importation of aircraft, engines for aircraft, and parts of engines for aircraft' (Art. 201, p. 225; *p. 84*) is forbidden.

"All the forgoing clauses are carried out under inter-Allied Commissions (one for military matters, Art. 208, p. 229, *p. 85;* one for naval, Art. 209, p. 231, *p. 86;* and one for aeronautics, Art. 210, p. 233, *p. 86*) whose 'upkeep and cost,' and 'expenses of their work' shall be borne by Germany (Art. 207, p. 229, *p. 85*), which shall attach a qualified representative to each Commission, and which will give to the Commission 'all necessary facilities for the accomplishment of their missions.' (Art. 206, p. 229, *p. 85.*) At the end of three months, 'German laws must have been modified and shall be maintained by the German Government in conformity with this part of the present treaty.' (Art. 211, p. 233; *p. 87.*)

"4. Fortifications:

"No fortification on left bank of Rhine nor on right bank within 50 kilometers of the river. (Art. 42, p. 61; *p. 23.*)

"No fortifications in plebiscite areas of Kreise of Stuhm and Rosenberg and part of Kreise of Marienburg, if plebiscite gives them to East Prussia. (Art. 97, p. 147; *p. 54.*)

"Of Heligoland—destroyed—neither they nor any similar works shall be reconstructed. (Art. 115, pp. 165, 167; *p. 61.*)

"In territory occupied by Allied and Associated troops, disarmed and dismantled, and no new ones erected. (Art. 180, pp. 205–207; *p. 76.*)

"On east coast of Schleswig, Holstein, and north coast of Mecklenburg, existing fortifications demolished and guns removed, and no guns installed commanding maritime routes. (Art. 195, p. 221; *p. 82.*)

"Fortifications on southern and eastern frontiers maintained as now. (Art. 180, p. 207; *p. 76.*)

"Those already established within 50 kilometers of the German coast or on German islands off that coast (other than those specified in Art. 195) considered as of defensive character, and may remain where they are. (Art. 196, p. 221; *p. 82.*)

"5. Evacuation by Military Forces of Germany:

"From Poland, the German plebiscite area, within 15 days of coming into force of Treaty. (Art. 88, Annex I, p. 129; *p. 48.*)

"From East Prussia—the plebiscite area, within 15 days of coming into force of Treaty. (Art. 95, p. 141; *p. 52.*)

"From Kreise of Stuhm and Rosenberg and portion of Kreise of Marienburg—a plebiscite area—within 15 days of coming into force of Treaty. (Art. 97, p. 145; *p. 54.*)

"From Schleswig—designated portion—within 10 days of coming into force of Treaty. (Art. 109, p. 157; *p. 58.*)

"MEMORANDUM No. 3.

"COMMISSIONS AND ANALAGOUS BODIES ESTABLISHED FOR THE CARRYING OUT OF THE TREATY PROVISIONS (EXCEPT THE CLEARING OFFICES, THE REPARATION COMMISSION, AND THE MIXED ARBITRAL TRIBUNAL, WHICH ARE TREATED IN SEPARATE MEMOS.).

"1. Belgium Boundary Commission:

"A commission composed of seven persons—five appointed by the Principal Allied and Associated Powers, one by Germany, and one by Belgium—will be set up within 15 days from the

coming into force of the present Treaty and will settle on the spot the new frontier lines between Belgium and Germany, taking into account the economic factors and means of communication. Decisions will be taken by a majority and will be binding on the parties concerned. (Art. 35, p. 57; *p. 22.*)

"2. Saar Basin Boundary Commission:

"A commission composed of five members—one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other powers—will be constituted within 15 days from the coming into force of the present Treaty, and will trace on the spot the frontier line prescribed by the Treaty, taking into consideration so far as possible local economic interests and existing communal boundaries. The decisions of this commission will be taken by a majority and will be binding on the parties concerned. (Art. 48, p. 67; *p. 24.*)

"3. Saar Basin Governing Commission:

"The government of the territory of the Saar Basin shall be entrusted to a commission representing the League of Nations. This commission shall be composed of five members chosen by the Council of the League of Nations—one to be a citizen of France, one a native of the Saar Basin not a citizen of France, and three members belonging to three countries other than France or Germany. The members are appointed for one year and may be reappointed. They may be removed by the Council of the League of Nations, which will refill the positions so vacated. (Art. 50, Annex, Chap. II, pars. 16, 17, pp. 77, 79; *p. 29.*) The chairman, appointed from the members by the Council of the League, will act as the executive of the commission. (Id., par. 18, p. 79; *p. 30.*)

"Within the territory of the Saar Basin the governing commission shall have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials and the creation of such administrative and representative bodies as it may deem necessary. It shall have full powers to administer and operate the railroads, canals, and the different public services. Its decisions shall be taken by a majority. (Id., par. 19, p. 79; *p. 30.*)

"4. Commission of Experts:

"A commission of three experts—one nominated by Germany, one by France, and one, who will be neither a Frenchman or German, by the Council of the League of Nations—the decisions of the experts to be given by a majority, will determine the price in gold which Germany is to pay for France's right of ownership in the Saar Basin coal mines, which may be situated in such part of the territory of the Saar Basin as the League of Nations may decide favors a union with Germany as the result of the plebiscite to be held 15 years from the coming into force of the treaty. (Art. 50, Annex, Chap. III, pars. 34, 36, pp. 87, 89; *pp. 33, 34.*)

"5. Boundary Commission for Czecho-Slovak State:

"A commission composed of seven members—five nominated by the Principal Allied and Associated Powers, one by Poland, and one by the Czecho-Slovak State—will trace on the spot the frontier line between Poland and the Czecho-Slovak State. The decisions of this commission will be taken by a majority and shall be binding on the parties concerned. (Art. 83, p. 119; *p. 44.*)

"6. Boundary Commission of Poland:

"A commission consisting of seven members—five of whom shall be nominated by the Principal Allied and Associated Powers, one by Germany, and one by Poland—shall delimit on the spot the frontier line between Poland and Germany. The decision of the commission will be taken by a majority of five and shall be binding on the parties concerned. (Art. 87, p. 125; *p. 46.*)

"7. International Commission Exercising Authority over Poland Upper Silesia Plebiscite Area:

"A commission composed of four members designated by the following powers: United States of America, France, the British Empire, and Italy, will exercise authority over the plebiscite area of Upper Silesia. The commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation, and shall have the competence of interpreting its own powers, with authority to settle all questions arising from the execution of the commission clauses of the Treaty, which decision shall be taken by a majority vote. It shall be assisted by technical advisers chosen by it from among the local population. It shall conduct the plebiscite provided for by the treaty. (Art. 88, Annex, pars. 2, 3, pp. 129, 131; *p. 48.*)

"8. International Commission Exercising Authority over the East Prussia Plebiscite Area:

"A commission composed of five members appointed by the Principal Allied and Associated Powers shall have general powers of administration and in particular will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to insure its freedom, fairness, and secrecy. The commission will have all necessary authority to decide any questions to which the execution of these provisions will give rise and will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority. After the vote has been taken the Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region. (Art. 95, pp. 141, 143; *p. 52.*)

"9. Boundary Commission for Free City of Danzig:

"A commission composed of five members, three appointed by the Principal Allied and Associated Powers, including a High Commissioner as president, one appointed by Germany and one by Poland, shall delimit on the spot the frontier of the Free City of Danzig territory, taking into account as far as possible the existing communal boundaries. (Art. 101, p. 151; *p. 56.*)

"10. International Commission to Exercise Authority over the Northern Schleswig Plebiscite Area:

"A commission composed of five members, three designated by the Principal Allied and Associated Powers, one by Norway, and one by Sweden, or in the event of their failing to name the members, these two members also to be chosen by the Principal Allied and Associated Powers will exercise authority over the Northern Schleswig plebiscite zone.

"The commission will have general powers of administration, with the power to remove and replace German authorities and to take all steps deemed by it necessary to insure the freedom, fairness, and secrecy of the vote. It shall be assisted by German and Danish technical advisers chosen by it from among the local population. Its decisions will be taken by a majority. (Art. 109, pp. 157, 159; *p. 58.*)

"11. Schleswig Boundary Commission:

"A commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark, and one by Germany, shall be constituted within 15 days from the date when the final result of the vote is known, to trace the frontier line on the spot.

"The decisions of the commission will be taken by a majority of votes and shall be binding on the parties concerned. (Art. 111, p. 163; *p. 60.*)

"12. Military Inter-Allied Commission of Control:

"The Military Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the military clauses. (Art. 208, p. 229; *p. 85.*)

"The number of members composing this commission and its internal procedure are not provided for.

"The members of the commission are appointed by the Principal Allied and Associated Powers. (Art. 203, p. 227; *p. 85.*)

"13. Naval Inter-Allied Commission of Control:

"The Naval Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the naval clauses. (Art. 209, p. 231; *p. 86.*)

"The members are appointed by the Principal Allied and Associated Powers. (Art. 203, p. 227; *p. 85.*)

"The method of appointment and provisions for the internal government of the commission are not given.

"14. The Aeronautical Inter-Allied Commission of Control:

"The Aeronautical Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the air clauses. (Art. 210, p. 233; *p. 86.*)

"The members are appointed by the Principal Allied and Associated Powers. (Art. 203, p. 227; *p. 85.*)

"The number of members or the internal procedure of the commission are not provided for.

"15. Prisoners' Commission:

"A commission composed of representatives of the Allied and Associated Powers on the one part and of the German Government on the other will carry out the repatriation of German prisoners of war and interned civilians.

"For each of the Allied and Associated Powers a subcommission, composed exclusively of representatives of the interested Power and of delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war. (Art. 215, p. 237; *p. 88.*)

"The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present treaty and shall be carried out with the greatest rapidity. (Art. 214, p. 237; *p. 87.*)

"16. Commission on Graves:

"Germany agrees to recognize any commission appointed by an Allied or Associated Government for the purpose of identifying, registering, caring for, or erecting suitable memorials over the graves of soldiers and sailors buried in German territory, and to facilitate the discharge of the duties of such commissions. This provision seems to be reciprocal in favor of Germany. (Art. 225, p. 243; *p. 89.*)

"17. Commission on Social and State Insurance in Ceded Territory:

"A commission of five members, one appointed by the German Government, one by the other interested Government, and three by the governing body of the International Labor Office from the nationals of other States, shall determine the conditions of transfer of such portions of the reserves accumulated by the Government of the German Empire or of German States, or by public or private organizations under their control, as is attributable to the carrying on of social or State insurance in ceded territory, unless such transfer has been arranged by special convention within three months after the coming into force of the present treaty. (Art. 312, p. 427, 429; *p. 155–156.*)

"18. International Commission for the Elbe (Labe) River:

"The Elbe (Labe) shall be placed under the administration of an international commission which shall comprise four representatives of the German States bordering on the river, two representatives of the Czecho-Slovak State, one representative of Great Britain, one representative of France, one representative of Italy, and one representative of Belgium. Whatever be the number of members present, each delegation shall have the right to record a number of votes equal to the number of representatives allotted to it. If certain of these representatives can not be appointed at the time of the coming into force of the present Treaty, the decisions of the commission shall nevertheless be valid. (Art. 340, p. 451; *p. 164.*)

"This commission shall proceed immediately to prepare a project for the revision of existing international agreements and regulations (Art. 343, p. 453; *p. 164*), which project shall designate the headquarters of the commission, prescribe the manner in which its president is to be nominated, specify the extent of the commission's powers, particularly in regard to the execution of works of maintenance, control, and improvements on the river system, the financial régime, the fixing and collection of charges and regulations for navigation, and shall define the sections of the river or its tributaries to which the international régime shall be applied. (Art. 344, p. 453; *p. 165.*)

"19. International Commission for the Oder (Odra) River:

"The Oder (Odra) shall be placed under the administration of an international commission which shall comprise one representative of Poland, three representatives of Prussia, one representative of the Czecho-Slovak State, one representative of Great Britain, one representative of France, one representative of Denmark, and one representative of Sweden.

"If certain of these representatives can not be appointed at the time of the coming into force of the present Treaty, the decisions of the commission shall nevertheless be valid. (Art. 341, p. 451; *p. 164.*)

"This commission shall proceed immediately to prepare a project for the revision of existing international agreements and regulations (Art. 343, p. 453; *p. 164*), which project shall designate the headquarters of the commission, prescribe the manner in which its President is to be nominated, specify the extent of the commission's powers, particularly in regard to the execution of works of maintenance, control, and river improvements on the river system, the financial régime, the fixing and collection of charges and regulations for navigation, and shall define the sections of the river or its tributaries to which the international régime shall be applied. (Art. 344, p. 453; *p. 165.*)

"20. International Commission of the Niemen (Russstrom-Memel-Niemen) River:

"Upon request to the League of Nations by any riparian State, the Niemen (Russstrom-Memel-Niemen) shall be placed under the administration of an international commission, which shall comprise one representative of each riparian State and three representatives of other States specified by the League of Nations. (Art. 342, p. 453; *p. 164.*)

"21. International Commission for the Danube System:

"A commission shall be appointed composed of two representatives of German riparian States, one representative of each other riparian State, and one representative of each non-riparian represented in the future on the European Commission of the Danube, and shall be placed in charge of the administration of the Danube system referred to in Article 331 (p. 443; *p. 161*).

"If certain of these representatives can not be appointed at the time of the coming into force of the present Treaty, the decisions of the commission shall nevertheless be valid. (Art. 347, p. 455; *p. 165.*)

"This commission shall undertake provisionally the administration of the river in conformity with the principles of Articles 332 to 337 (pp. 445–447; *pp. 161, 162*) until such time as a definite statute regarding the Danube is concluded by the Powers nominated by the Allied and Associated Powers. (Art. 348, p. 455; *p. 165.*) This conference will be of the Powers nominated by the Allied and Associated Powers. (Art. 349, p. 457; *p. 166.*)

"22. Commission Free Zones in Northern Ports:

"A commission consisting of one delegate of Germany, one delegate of the Czecho-Slovak State, and one delegate of Great Britain shall decide as to the delimitation of the free zones in Hamburg and Stettin, which Germany shall lease to the Czecho-Slovak State for a period of 99 years (Art. 363, p. 469; *p. 170*) and the equipment of such areas, their exploitation, and in general all conditions for their utilization, including the amount of the rental. Such conditions shall be susceptible of revision every 10 years in the same manner and Germany declares in advance that she will adhere to the decisions so taken. (Art. 364, p. 471; *p. 170.*)

"23. Commission of Experts on Railways:

"Commission of Experts on Railways designated by the Allied and Associated Powers, on which Germany shall be represented, shall as regards railway lines, ceded by Germany to States obtaining part of her territory, where said railway lines have no special rolling stock, fix the proportion of the stock existing on the system to which the lines belong, which Germany shall hand over to the ceded system. These commissions shall also specify the locomotives, 'carriages,' and 'wagons' to be handed over in each case; they shall decide upon the conditions of their acceptance and shall make the provisional arrangement necessary to ensure their repair in German workshops. (Art. 371, p. 477; *p. 173.*)

"The High Contracting Parties agree that, in the absence of any subsequent agreement to the contrary, the chairman of any commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote. (Art. 437, p. 533; *p. 19.*)

"MEMORANDUM NO. 4.

"THE REPARATION COMMISSION.

"1. Constitution and Personnel of the Commission (Art. 244, Annex II, p. 261 *et seq.*; *p. 96 et seq.*):

"Each of the Powers named below will appoint one delegate and also one assistant delegate, who takes the delegate's place in case of the latter's illness or necessary absence, the assistant delegate at other times having merely the right to be present at proceedings without taking any part therein.

"These powers are the United States of America, Great Britain, France, Italy, Japan, Belgium, and the Serb-Croat-Slovene State. On no occasion shall more than five of the Powers have the right to take part in the proceedings of the commission and record votes, and the delegates of the United States, Great Britain, France, and Italy shall have the right on all occasions. The delegate of Belgium shall sit whenever the delegate of Japan (who sits on questions relating to damage at sea and the condemnation of concessions in Russia, China, etc., Art. 260, p. 317; *p. 116*, or the delegate of the Serb-Croat-Slovene State, who sits on questions relating to Austria, Hungary, or Bulgaria) does not sit.

"Any Government represented on the commission may withdraw upon 12 months' notice filed with the commission, the notice being confirmed in the course of the sixth month after the date of the original notice.

"Other interested Allied and Associated Powers may appoint a delegate to be present and act as assessor in respect to that Power's claims and interests when under examination or discussion, but the assessor has no right to vote.

"Proceedings of the commission are private unless the commission otherwise determines.

"There shall be a chairman or vice chairman of the commission holding office for one year and eligible for reelection.

"The German Government will accord to the members of the commission and its authorized agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly Powers and will pay the salaries

and expenses of the commission and of its staff. (Art. 240, p. 255; *p. 94.*)

"A member of the commission is responsible to his own Government for his acts of omission or commission, and no Allied or Associated Government assumes any responsibility in respect to any other Government.

"The commission shall be dissolved when all the amounts due from Germany and her Allies under the present Treaty or the decisions of the commission have been discharged and all sums received, or their equivalents shall have been distributed to the Powers interested. (Art. 244, Annex II, par. 23, p. 277; *p. 101.*)

"Powers and Jurisdiction of the Commission (Art. 244, Annex II, p. 261; *p. 96*):

"The commission is not bound by any code or rules of law or by any particular rule of evidence of procedure, 'but shall be guided by justice, equity, and good faith.' Cases involving the same principles and rules should be similarly decided. The commission will establish rules relating to methods of proof of claims and will act on any trustworthy modes of computation. (Par. 11.)

"The commission has the right to appoint all necessary officers, agents, and employees requisite for the executions of its functions and fix their remuneration; may constitute committees, whose members need not be members of the commission; take all executive steps necessary for the discharge of its duties; and delegate authority and discretion to officers, agents, and committees. (Par. 7.)

"'The commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this part of the present Treaty and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above (those appointing delegates and assessors) as the exclusive agency of the said Governments, respectively, for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this part of the present Treaty.' (Par. 12.)

"The Reparation Commission determines the amount of damage for which compensation is to be made by Germany after giving the German Government a 'just opportunity' to be heard (Art. 233, p. 251; *p. 92*), but Germany may take no part in the decisions of the commission, which shall also afford a similar opportunity to the Allies of Germany when it shall consider that their interests are in question. (Art. 244, Annex II, par. 10, p. 265; *p. 97.*)

"The following additional functions are worthy of note:

"The Reparation Commission shall—

"Draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of 30 years from May 1, 1921. (Art. 233, p. 251; *p. 92.*)

"Determine in its discretion when and to what extent the payments of Germany shall be extended or modified (Arts. 233, 234, p. 251; *p. 92*), and shall hear evidence and arguments on the part of Germany on any questions connected with her capacity to pay. (Art. 244, Annex II, par. 9, p. 265; *p. 97.*)

"Determine within the limits of rules laid down the amount of bonds or other obligations which Germany shall issue and as to when they shall be issued, which bonds are to be both a guarantee and an acknowledgment of the debt they cover. (Art. 244, Annex II, par. 12, p. 269, et seq.; *p. 99.*)

"Lay down the procedure under which shall be restored cash and property seized or sequestrated by Germany during the war. (Art. 238, p. 255; *p. 93.*)

"Receive from Germany the merchant ships and fishing boats which she must deliver. (Art. 244, Annex III, p. 277; *p. 102.*)

"Determines the specifications of the ships to be built by Germany for the account of the Allied and Associated Governments, the conditions under which they are to be built and delivered, the price per ton at which they are to be accounted for by the Reparation Commission, and all other questions relating to the accounting, ordering, building, and delivery of the ships. (Id., p. 279; *p. 103.*)

"Take title to that portion of the German River fleet which is turned over to make good the losses incurred during the war by the Allied and Associated Powers. (Id., p. 281; *p. 103.*)

"Consider the lists filed with it by the Allied and Associated Governments showing animals, machinery, equipment, tools, and like articles of a commercial character, which have been seized, consumed, or destroyed by Germany, or destroyed in direct consequence of military operations, which the Governments desire to have restored for meeting their immediate and urgent needs, as also of reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles which the powers desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of the invaded areas. The commission shall then determine the amount and number of materials and animals mentioned in the lists which Germany is to be required to furnish. (Id., Annex IV, pp. 283, 285; *p. 104–105.*)

"Give the representatives of the German Government an opportunity and a time to be heard on their ability to furnish such materials, articles, and animals. (Id., p. 287; *p. 105.*)

"Determine the value to be attributed to such materials, articles, and animals and the amount thereof to be credited against the reparation account. (Id., p. 287; *p. 105.*)

"Pass upon the amount of coal which Germany should be called upon to furnish under the options granted in the Treaty, as also the replacement of coke for coal, the delivery of benzol, coal tar, and sulphate of ammonia. (Art. 244, Annex V, p. 291, et seq.; *p. 106, et seq.*)

"Have the right to require the delivery of 50 per cent of the total stock of each and every kind of dyestuff and chemical drug in Germany or under German control at the date of the coming into force of the treaty, the price to be paid for such dyestuffs and so to be credited against the reparation account to be fixed by the commission. (Art. 244, Annex VI, p. 295, et seq.; *p. 108.*) Germany also agrees to deliver during any six months period up to January 1, 1925, up to 25 per cent of the German production of such dyestuffs and chemicals produced during the preceding six months, or 25 per cent of the normal production. (Id., par. 2, p. 297; *p. 109.*)

"Have the power to make exceptions to the priority distribution provided by the Treaty for the revenue of the German Empire and its constituent States. (Art. 248, p. 305; *p. 111.*)

"Determine the amount of the public debt (Empire or State) which cessionary States shall assume in respect to the territorial areas ceded to them, as also the method of discharging such obligation. (Art. 254, p. 309; *p. 113.*)

"Fix the value of all State property ceded by the Treaty to the Allied and Associated Powers, which property shall include the private property of the former German Emperor and other royal personages, such value to be paid by the acquiring States to the Reparation Commission for credit on the reparation account in favor of the German Government. (Art. 256, p. 311; *p. 114.*)

"May demand that the German Government become possessed of rights and interests of German nationals in public utilities and concessions in Russia, China, Turkey, Austria, Hungary, and Bulgaria or in the possessions or dependencies of these States or any territory formerly belonging to Germany or her allies to be ceded by Germany or her allies to any Power or to be administered by a mandatory under the present Treaty; and may require the German Government to transfer all such rights and interests to the Reparation Commission, which shall credit Germany on the reparation account the value of said rights and interests as assessed by itself. (Art. 260, p. 317; *p. 116.*)

"Is authorized to accept on account of the bill against Germany for the total amount of her damage (which shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of the Government's obligations) (Art. 233, p. 251; *p. 92*) chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes for gold being fixed at a fair and just amount by the commission itself, which shall have due regard in accepting such payments, for any legal or equitable interests of the Allied and Associated Powers or of neutral Powers or of their nationals therein. (Art. 244, Annex II, pars. 19, 20, p. 275; *p. 101.*)

"Determine the debt Belgium owes to the Allied and Associated Powers, incurred up to November 11, 1918, with interest at 5 per cent, and accept German bonds for this amount. (Art. 232, p. 249; *p. 91.*)

"Make decisions regarding cancellation of German debt (Art. 234, p. 251, *p. 92;* Art. 244, Annex II, par. 13, p. 271; *p. 99*), accompanied by a statement of reasons (Art. 244, Annex II, par. 12 (f), p. 269, *p. 99*), but any cancellation must be with the specific authority of the several Governments represented upon the commission. (Art. 234, p. 251; *p. 92.*)

"Require information from German Government relative to financial situation and operation and to the property productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals, also information regarding military operations. (Art. 240, p. 255; *p. 94.*)

"Determine credits to be made to Germany on account of transfers, rights, concessions, or other interests not specifically covered. (Art. 243, p. 257; *p. 94.*)

"Must take bonds and undertakings from Germany as stipulated. (Art. 244, Annex II, par. 12 (c), p. 267; *p. 98.*)

"May take into account in fixing total amount of debt against Germany, interest due on sums arising out of the reparation of material damages as from November 11, 1918, up to May 1, 1921. (Art. 244, Annex II, par. 16, p. 273; *p. 100.*)

"Make recommendation of action to be taken against Germany in case of default by Germany in performance of any obligation imposed by Part VIII. (Art. 244, Annex II, par. 17, p. 273; p. 100; and see Art. 430, p. 521; *p. 189.*)

"Indicate to German Government measures to be taken by it to secure full title to ships transferred to neutral flags during war, or now in process of such transfer without consent of Allied or Associated Governments. (Art. 244, Annex III, par. 7, p. 281; *p. 103.*)

"Determine amounts representing expenditures by the German Empire or States upon the Government properties referred to in Article 256. (Art. 255, p. 311; *p. 113.*)

"Determine value of Saar Basin property ceded to France. (Art. 50, Annex, Chap. I., par. 5, p. 71; *p. 27.*)

"Determine amount of German debt arising from measures adopted by the German and Prussian Governments with a view to German colonization of Poland. (Art. 92, p. 137; *p. 51.*)

"Approve estimates of French Government relating to deposits, credits, and advances effected under the agreements dealing with Equatorial Africa. (Art. 125, p. 171; *p. 64.*)

"Determine value of buildings, forests, and other State property which belonged to former Kingdom of Poland. (Art. 92, p. 137; *p. 51.*)

"Determine value of Germany's portion of the capital of the State Bank of Morocco. (Art. 145, p. 183; *p. 68.*)

"All proceedings of the commission shall be private, unless on particular occasions the commission shall otherwise determine for special reasons. (Art. 244, Annex II, par. 8, p. 265; *p. 97.*)

"MEMORANDUM NO. 5.

"CLEARING OFFICES.

"*Property, rights, and interests, including pecuniary obligations of German nationals in allied and associated countries and of the nationals of the Allied and Associated countries in Germany.*

"[See generally Part X, Sec. III, pp. 347–367, *pp. 127–133,* and Sec. IV, pp. 367–385, *pp. 134–141.*]

"*First.* As to the property of German nationals in Allied and Associated territory:

"Under the Treaty the Allied and Associated Powers reserve the right to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territory ceded to them by the present Treaty, this liquidation to be carried out in accordance with the laws of the allied or associated state concerned, the price to be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated. Proceeds of industrial property dealt with in the same way, unless legislation in force at the time of signature of treaty, otherwise directs. (Art. 306, p. 417; *p. 152.*) The German owner shall not be able to dispose of his property, right, or interests, nor to subject them to any charge without the consent of the State in which the property is located. (Art. 297 (b), p. 367; *p. 134.*)

"The Treaty also provides that as between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand all the exceptional war measures or measures of transfer (both of which terms are defined in the Treaty, see Art. 298, Annex, par. 3 and 4, p. 377, 379, *p. 138,* and cover roughly activities such as those of the Alien Property Custodian in the United States) or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex to Article 298 (pp. 375–377; *pp. 137–138*) shall be considered as final and binding upon all persons except as regards the reservations laid down in the Treaty.

"Paragraph 1 (p. 375; *p. 137*) of the Annex above mentioned amplifies this confirmation of the exceptional war measures or measures of transfer by the powers (and as to the provisions of paragraph 1, of Germany also). Paragraph 2 (p. 377; *p. 137*) provides further that no claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a Power by Germany or by any German national wherever resident in respect of any action or omission with regard to his property, right, or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws, or regulations of any Allied or Associated Power.

"The property, rights, and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them pursuant to the authorization above recited until the complete liquidation therein contemplated has been completed. (Art. 298, Annex, par. 9, p. 381; *p. 139.*)

"Furthermore all investments wheresoever effected with the cash assets of the nationals of the Allied and Associated Powers and Germany, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy property or having control over such administration or by order of such persons or of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investments. (Art. 298, Annex, par. 12, p. 383; *p. 140.*)

"Again compensation in respect of damages or injuries inflicted upon the property of the nationals of Allied and Associated Powers in Germany may be charged upon the property of German nationals within the territory or under the control of the creditor national's State. This German property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of the compensation may be made by the Allied or Associated State and the amount will be debited to Germany. (Art. 297 (e), p. 369; *p. 134.*)

"Finally Germany undertakes to compensate her nationals in respect of the sales or retention of their property, rights, or interests in Allied or Associated States. (Art. 297 (i), p. 373, *p. 136.*)

"*Second.* The property of the nationals of Allied and Associated Powers of Germany:

"In the first place the exceptional war measures and measures of transfer (defined as already indicated), taken by Germany with respect to the property, rights, and interests of the nationals of Allied and Associated Powers including companies and associations in which they are interested, *when liquidation has not been completed,* shall be immediately discontinued or stayed and the property, rights, and interests concerned restored to their owners who shall enjoy full rights therein as provided in the Treaty. (Art. 297 (a), p. 367; *p. 134.*)

"As to the confirmation (of paragraph 1 of the Annex to Art. 298, p. 375; *p. 137*) of the complete acts of the German Government instrumentalities (equivalent to the American Alien Property Custodian) there is this proviso: This confirmation will not apply to such of the measures mentioned as have been taken by the German authorities in invaded or occupied territory, nor to such of the mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void. (Art. 298, Annex, par. 1, p. 377; *p. 137.*)

"As to the property and rights of the nationals of the Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the armistice the following procedure may be had. (Art. 297 (f) (g), pp. 369–371; *p. 135.*)

"Whenever a national of such a power is entitled to property which has been subjected to a measure of transfer in German territory, and expresses a desire for its restitution, his claim for compensation shall be satisfied by the restitution of the said property, if it still exists in specie, free from any encumbrances or burdens with which it may have been charged after the liquidation, all third parties injured by the restitution being indemnified. Allied and Associated Powers must specify the property, rights, and interests as to which they intend to exercise this right of restitution which will be carried out by order of the German Government or of the authorities which have been substituted for it. (Art. 298, Annex, par. 7, p. 381; *p. 139.*)

"As to all such property, rights, and interests so restored Germany undertakes to restore and maintain such property in the legal position obtaining in respect of the property, rights, and interests of German nationals under the laws in force before the war, and not to subject any such property, rights, or interests to any measures in derogation of property rights which will not apply equally to property, rights, and interests of German nationals and to pay adequate compensation in the event of the application of these measures. (Art. 298, p. 373; *p. 136.*) These provisions apply also to property as to which exceptional war measures of transfer have been discontinued.

"Furthermore, the nationals of Allied and Associated Powers shall be entitled to compensation in respect of damages or in-

jury inflicted upon their property, rights, or interests, including any company or association in which they are interested in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI of Part X or by an arbitrator appointed by that tribunal. (Art. 297 (e), p. 369; *p. 134.*)

"Finally, Germany must, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights, or interests situated in the territory of that Allied or Associated Power, including any bonds, stocks, debentures, debenture stocks, or other obligations of any company incorporated in accordance with the laws of that power. (Art. 298, Annex, par. 10, p. 383; *p. 139.*)

"In brief, Germany is to cease all exceptional war measures and measures of transfer and restore to the nationals of the Allied and Associated Powers their property affected thereby; is to restore any of their property still existing in specie; is to grant compensation for all damages or injuries inflicted upon their property; and is to deliver to each of the Powers the securities held by Germans of any company created under the laws of the Power.

"*Third.* Disposition of the proceeds of enemy property:

"The net proceeds of the sales of enemy property, rights, or interests wherever situated carried out either by virtue of war legislation or by the application of the provisions of Article 297, and in general all cash assets of enemies shall be dealt with as follows:

"Two plans are provided—one for those not adopting the provisions of Section III and the Annex thereto (Part X) and the other that provided for by said section. (Art. 297 (h-1, 2) p. 371; *p. 135.*)

"A. Plan to be followed by those not adopting Section III of Part X:

"(1) Property of the nationals of Allied or Associated Governments held by Germany.

"The proceeds of property, rights, and interests and the cash assets of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government. (Art. 297 (h-2), p. 371; *p. 135*).

"(2) Property of German nationals held by Allied or Associated Powers.

"The proceeds of property, rights, and interests and the cash assets of German nationals received by an Allied or Associated Power shall be subject to disposal by such power in accordance with its laws and regulations and may be applied in payment of claims and debts defined by this article or paragraph 4 of the Annex hereto. (Art. 297 (h-2), p. 371; *p. 135.*)

"The provisions of paragraph 4 referred to are as follows:

"All property, rights, and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power *in the first place* with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged *in the second place* with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights, and interests in the territory of other enemy powers, in so far as those claims are otherwise unsatisfied." (Art. 298, Annex, par. 4, p. 379; *p. 138.*)

"Any property, rights, and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power, and if retained the cash value thereof shall be dealt with as provided in Article 243 (p. 257; *p. 94*)—that is to say, it will be credited to Germany in respect of her reparation obligations. (Art. 297 (h-2), p. 371; *p. 135;* and see Arts. 242, 243, p. 257; *p. 94.*)

"Liquidation effected in new States signatories of the present Treaty or in States which are not entitled to share in the reparation payments to be made by Germany. The proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235 (p. 253; *p. 93*) and 260 (p. 317; *p. 116*), be paid direct to the owner. If the owner be not satisfied and apply to the Mixed Arbitral Tribunal, such tribunal shall itself or by an arbitrator examine the case and if satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained shall have discretion to award to the owner equitable compensation to be paid by that State. (Art. 297 (h-2), p. 373; *p. 136.*)

"B. Powers adopting Section III (p. 347; *p. 127*) and the Annex thereto proceed as follows:

"It is in the first place to be observed that this section is entitled 'Debts' and apparently relates, primarily at least, only to the settlement and adjustment of *debts* between German nationals and the nationals of Allied and Associated Powers. It does not appear clear in what manner property, rights, and interests other than debts, which are covered by Section IV, which follows (p. 367; *p. 134*), are to be adjusted under Section III, although the plan for adjustment under Section IV is reasonably clear, and it seems in contemplation (Art. 296, p. 349; *p. 127*) that such property, rights, and interests mentioned in Section IV shall be accounted for under this procedure. Moreover, the class of debts which may be adjusted under this section are confined to the following (Art. 296, p. 347; *p. 127*):

"1. Debts payable before the war and running from a national of one of the Contracting Powers residing within its territory and due to a national of an Opposing Power residing within its territory;

"2. Debts which became payable during the war to nationals of one of the Contracting Powers residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;

"3. Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

"4. Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payments of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

"The settlement of these debts is accomplished under the following principles and plan:

"A. Each Government guarantees the payment of all such debts of its nationals except where the debtor was in a state of bankruptcy before the war or had given formal indication of insolvency or where the debt was due by a company whose business had been liquidated under emergency legislation during the war. This does not apply to territory invaded or occupied by the enemy before the armistice. (Art. 296 (b), p. 349; *p. 127.*) This guaranty is effective whenever for any reason a debt is not recoverable because of the reasons above mentioned or where the debt has been barred by the statute of limitations in force in the debtor's country. (Id., Annex, par. 4, p. 355; *p. 129.*)

"Within six months of the establishment of the Clearing Office, creditors must give notice of debts due them, and shall furnish the office with any document and information required of them. (Art. 296, Annex, par. 5, p. 355; *p. 129.*)

"A debtor Clearing House must credit a Creditor Clearing House with every debt admitted by the debtor even though it be unable to collect it. The Government concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted. (Id., par. 14, p. 359; *p. 131.*)

"B. Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts and also of communications between the interested parties with regard to the adjustment of said debts otherwise than through the Clearing Offices to be established. (Art. 296 (a), p. 349; *p. 127.*) Violations of this prohibition shall be punished with the same penalties which are provided by legislation for trading with the enemy (id., Annex, par. 3, p. 353; *p. 129*), and the parties to the Treaty agree to take all suitable measures to trace and punish collusion between enemy creditors and debtors and to communicate one with another any evidence and information which might help the discovery and punishment of such collusion. (Id., Annex, par. 5, p. 355; *p. 129.*) Moreover, each country must prohibit within its territory all legal processes relating to the payment of enemy debts except in accordance with the provisions of the Treaty. (Id., par. 3, p. 353; *p. 129.*)

"C. Each country shall establish a Clearing Office for the collection and payment of debts due to its nationals and for the collection for payment of debts due from its nationals to

nationals of the opposing party. (Art. 296, Annex, par. 1, p. 353; *p. 128.*) It moreover appears that by agreement between the Allied and Associated Powers, these Clearing Offices may similarly act with reference to the nationals of one resident in the other; that is, an American Clearing Office could act in the settlement of a debt running from a German to a Frenchman resident in the United States. (Art. 296 (f), p. 353; *p. 128.*)

"In appointing the personnel of a Clearing Office or of the Mixed Arbitral Tribunal due regard shall be paid to the knowledge possessed by the personnel of the language of the other country concerned. (Id., Annex, par. 21, p. 363; *p. 132.*)

"D. Each Clearing Office is both a debtor Clearing Office and a Creditor Clearing Office. As a creditor Clearing Office it notifies the Clearing Office of the other country (which for this purpose is a debtor Clearing Office) of all the debts which have been declared against the other Clearing Office. (Id., Annex, par. 5, p. 355; *p. 129.*) As a debtor Clearing Office it informs the Clearing Office of the other country (which for that purpose is a Creditor Clearing Office) of all debts which have been admitted and of debts which are contested, in the latter case giving the grounds for the nonadmission of the debts. (Id.)

"Or, differently stated, the American Clearing Office notifies the German Clearing Office of all debts claimed by American citizens against Germans and of all claims admitted by American citizens in favor of Germans; and the German Clearing Office notifies the American Clearing Office of all debts admitted by Germans in favor of Americans and of all claims made by Germans against Americans.

"If any person makes a claim which in whole or in part is not admitted, he must pay by way of fine, interest at 5 per cent on the part not admitted. If any person denies liability of the whole or part of a debt claimed he shall pay by way of fine interest at 5 per cent on the amount with regard to which his refusal is disallowed. (Id., par. 10, p. 357; *p. 130.*) The amount recovered from these fines applies on the expenses of the Clearing Office. (Id.)

"Where any debt is not admitted in whole or in part, the two Clearing Offices (debtor and creditor) examine the matter jointly and endeavor to bring the parties to an agreement. (Id., par. 8, p. 357; *p. 130.*) Seemingly, if creditor and debtor are unable to reach an agreement, the two Clearing Offices may undertake to reach an agreement. (Id., par. 16, p. 361; *p. 131.*)

"If the Clearing Offices do not reach an agreement, the dispute shall be either referred to arbitration on terms agreed to by the parties or referred to the Mixed Arbitral Tribunal provided for in the Treaty. However, if the creditor Clearing Office so requests, the dispute shall be submitted to the jurisdiction of the courts of the place of domicile of the debtor (that is, an American claim would go to the German courts). (Id., par. 16, p. 361; *p. 131.*) Sums found due by the Mixed Arbitral Tribunal or by the court or the tribunal agreed to by the parties shall be recovered through the Clearing Office, as if the sums were debts admitted by the debtor Clearing Office. (Id., par. 17, p. 361; *p. 132.*) In case an appeal is taken to the Mixed Tribunal from a decision of the Clearing Office, the appellant shall make a deposit against the costs. A fee of 5 per cent of the amount in dispute shall be charged in respect of all cases brought before the Mixed Tribunal and shall unless the tribunal directs otherwise be borne by the unsuccessful party. 'Such fee shall be added to the deposit referred to.' (Id., par. 20, p. 363; *p. 132.*)

"If the Clearing Offices or the Mixed Arbitral Tribunal hold that the claim does not fall within Article 296 (p. 347; *p. 127*), the creditor may prosecute the claim before the courts or otherwise as he may wish. (Id., par. 23, p. 365; *p. 133.*)

"Persons who have suffered injuries from acts of war and who admit owing debts shall not have their debts charged against them until the compensation due to such persons concerned in respect of such injuries has been paid. (Id., par. 14, p. 359; *p. 131.*)

"Unless an agreement otherwise is reached by the Governments concerned, debts shall carry interest in accordance with rules set out in the Treaty. (Id., par. 22, p. 363; *p. 133.*)

"Balances between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week. (Id., par. 11, p. 359; *p. 131.*)

"Statutes of limitation are suspended from the time of the presentation of the claim to the Clearing Office. (Id., par. 23, p. 365; *p. 133.*)

"Each Government defrays the expenses of the Clearing Office set up in its territory, including the salaries of the staff. (Id., par. 15, p. 361; *p. 131.*) Fines that may be levied (as above provided) are credited by the Clearing Office collecting them, which is responsible therefor to the other Clearing Office 'which shall retain them as a contribution towards the costs of carrying out the present provisions.' (Id., par. 10, p. 357; *p. 130.*) The expenses for postal and telegraphic communication through the intervention of the Clearing Offices by the debtors and creditors desirous of coming to agreement as to the amount of their debts shall be borne by the parties concerned. (Id., par. 5, p. 355; *p. 129.*)

"Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, of the British Dominions, of India, as may be concerned. If the debts are payable in some other currency, they shall be paid or credited in the currency of the country concerned, whether Allied or Associated Power, colony, protectorate, British Dominion, or India, at the prewar rate of exchange, which the treaty defines. If a contract provides for a fixed rate of exchange in the transaction, then the above provisions concerning the rate of exchange shall not apply. (Art. 296 (d), p. 351; *p. 128.*)

"The foregoing provisions may, however (as to matters provided for in Art. 297), be rendered inapplicable by notice to that effect to Germany on the part of the Allied or Associated Power concerned within six months of the coming into force of the present treaty. (Art. 296 (e), p. 351; *p. 128.*)

"The creditor Clearing Office pays to the individual creditor the sums due him out of the funds placed at its disposal by its own Government. (Art. 296, Annex, par. 9, p. 357; *p. 130.*)

"MEMORANDUM NO. 6.

"MIXED ARBITRAL TRIBUNAL.

"[Art. 304, and Annex, pp. 409–415; *pp. 139–151.*]

"Within three months of the coming into force of this treaty, the Mixed Arbitral Tribunal shall be established by each of the Allied and Associated Powers on the one hand and Germany on the other. Each tribunal is to consist of three members, one appointed by Germany, one appointed by the Allied and Associated Powers concerned, and the third, who is to be the president of the tribunal, shall be chosen by agreement of the two Governments, or that failing, by the Council of the League of Nations, and until that is set up, by M. Gustave Ador. The Council of the League and Mr. Ador shall name two other persons who may take the place of the president in case of need, and all three persons named by either of them must be nationals of powers who were neutral during the war.

"Where the number of cases before a tribunal justifies it, the personnel may be increased, and the tribunal may then sit in divisions.

"In case vacancies in personnel are not filled by the Governments concerned within one month, the members shall be chosen by the other Government from the two persons named as alternates for the presidency.

"Decisions shall be reached by a majority vote and shall be final.

"The jurisdiction of the tribunal shall relate to cases coming up to it from the Clearing Offices (provided for in Part X, Section III); cases in reference to compensation for damage done to nationals of the Allied or Associated Powers in Germany and also the adjustment of claims of nationals of new States and of States not entitled to share in the reparation payments made by Germany, and to cases arising under Sections V and III of Part X, none of which latter concern the United States because of reservations made in the Treaty.

"Each tribunal determines its own procedure, except as provided in the Annex to Article 304, which establishes the tribunal.

"Each Government pays the expenses of its own representative upon the tribunal and a proportionate part of the joint expenses, including the compensation, etc., of the president.

"The national courts of each of the parties are required to render all assistance in their power, particularly as regards transmitting notices and collecting evidence.

"There are no rules of law laid down by which the tribunals are to be guided, and the procedure is practically unprovided for on all matters pertaining thereto, except that it is stipulated that 'The tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.'

"The language in which the proceedings shall be conducted shall unless otherwise agreed be English, French, Italian, or Japanese, as may be determined by the Allied or Associated Power concerned.

"MEMORANDUM NO. 7.

"ADDITIONAL CONVENTIONS OR AGREEMENTS TO BE MADE.

"1. A further agreement to be made between France and Germany, dealing with the interests of the inhabitants of territories ceded to Germany in 1871. (Art. 53, p. 93; *p. 35.*)

"2. A special convention to determine the conditions for repayment, in marks, of the exceptional war expenditures advanced during the course of the war by Alsace-Lorraine, or by public bodies in Alsace-Lorraine. (Art. 58, p. 97; *p. 36.*)

"3. A special convention between France and Germany which shall be submitted to the approval of the Central Rhine Commission to fix the details particularly as regards financing of the administration of the port of Strasbourg and the port of Kehl. (Art. 65, p. 101; *p. 38.*)

"4. An agreement establishing frontier railway stations, it being stipulated in advance that on the Rhine frontier they shall be situated on the right bank. (Art. 67, p. 103; *p. 39.*)

"5. A special convention to determine the conditions and procedure of transferring of funds covering social insurance from the German Government to the French Government. (Art. 77, p. 111; *p. 42.*)

"6. A special convention between France and Germany, settling all questions not covered by the Treaty, as to competence, procedure, or administration of justice. (Art. 78, p. 113; *p. 42.*)

"7. Further convention between France and Germany covering all questions concerning Alsace-Lorraine, which are not regulated by Section V, and the Annex thereto of Part III, or by the general provisions of the Treaty. (Art. 79, p. 113; *p. 42.*)

"8. Subsequent agreements to decide questions not decided by the present Treaty which may arise in consequence of the cession of German territory to the Czecho-Slovak State. (Art. 86, p. 123; *p. 46.*)

"9. A treaty between the Czecho-Slovak State and the Principal Allied and Associated Powers, containing the provisions deemed necessary by the Powers to protect the inhabitants of the Czecho-Slovak State who differ from the majority of the population in race, language, or religion. (Art. 86, p. 123; *p. 46.*)

"10. A treaty between the Czecho-Slovak State and the Principal Allied and Associated Powers, containing such provisions as the Powers deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations. (Art. 86, p. 123; *p. 46.*)

"11. A treaty between Poland and the Principal Allied and Associated Powers containing provisions deemed necessary by the Powers to protect the interests of the inhabitants of Poland who differ from the majority of the population in race, language, or religion. (Art. 93, p. 139; *p. 52.*)

"12. A treaty between Poland and the Principal Allied and Associated Powers containing the provisions deemed necessary by the Powers to protect freedom of transit and equitable treatment of the commerce of other nations. (Art. 93, p. 139; *p. 52.*)

"13. Convention between Germany and Poland (differences to be settled by the Council of the League of Nations) securing to Germany and to Poland, respectively, full and adequate railroad, telegraphic, and telephonic facilities over one another's territories. (Art. 98, p. 147; *p. 55.*)

"14. An agreement between the Principal Allied and Associated Powers of the one part, the Polish Government of another part, and the Free City of Danzig of a third part, relating to customs, use of waterways, docks, basins, wharves, etc., railway administration, postal, telegraphic, and telephonic communications; to provide against discrimination within the Free City of Danzig to the detriment of citizens of Poland, and other persons of Polish origin or speech; to provide that the foreign affairs of the Free City of Danzig shall be taken care of by the Polish Government. (Art. 104, p. 153; *p. 57.*)

"15. Further agreements to settle all other questions which may arise from the cession of territory made by Germany to the Principal Allies and Associated Powers, in establishing the Free City of Danzig. (Art. 108, p. 155; *p. 58.*)

"16. International agreements between the Allied and Associated Powers and the Grand Duchy of Luxembourg, fixing their relations. (Art. 40, p. 61; *p. 23.*)

"17. Special agreements regarding the interest on debts (these not necessarily entered into.) (Art. 296, Annex, par. 22, p. 363; *p. 133.*)

"18. Special conventions between the German Government and the Governments concerned covering social and State insurance in ceded territory. (Art. 312, p. 427; *p. 156.*)

"19. General convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to waterways recognized in such convention as having international character. (Art. 338, p. 449; *p. 163.*)

"20. Régime for the Danube, formulated by a conference of the Powers. (Art. 349, p. 457; *p. 166.*)

"21. Revision of the convention of Mannheim. (Art. 354, p. 459; *p. 166.*)

"22. A new convention to replace the Berne convention of 1890, covering the transportation of passengers, luggage, and goods by rail. (Art. 366, p. 473; *p. 171.*)

"23. General conventions regarding the international regime of transit, waterways, ports, or railways, which may be concluded by the Allied and Associated Powers with the approval of the League of Nations. (Art. 379, p. 483; *p. 175.*)

"24. Subsequent agreements covering all matters, not covered by the present Treaty, relating to the occupation of German territory by troops of the Allied and Associated Governments. (Art. 432, p. 521; *p. 189.*)

"(And see Table, Section VIII, Germany consents beforehand to any other treaties which the Allied or Associated Powers may make.)

"MEMORANDUM NO. 8.

"CONVENTION OR AGREEMENTS MADE BUT NOT SUBMITTED.

"The agreement for the division by the Allied and Associated Governments, in determined proportions, of the sums paid by Germany in satisfaction of claims. (Art. 237, p. 253; *p. 93.*)

"2. Convention relative to aerial navigation concluded between the Allied and Associated Powers. (Art. 319, p. 433; *p. 157.*)"

Mr. HITCHCOCK. On behalf of the minority members of the Committee on Foreign Relations I desire to state that we hope to-morrow to be able to file our minority views in reply to the majority report of the committee.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 2976) relating to the issuance of passports; to the Committee on the Judiciary.

By Mr. PITTMAN:

A bill (S. 2977) to amend section 8 of an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, as amended by an act to repeal timber culture laws, and for other purposes, approved March 3, 1891; to the Committee on Public Lands.

By Mr. NEWBERRY:

A bill (S. 2978) to establish additional fish-cultural subsidiary stations in the State of Michigan; to the Committee on Fisheries.

By Mr. CURTIS:

A bill (S. 2979) to appropriate additional sums for Federal aid in the construction of rural post roads, and for other purposes; to the Committee on Post Offices and Post Roads.

A bill (S. 2980) granting pensions and increase of pensions to certain widows and former widows of soldiers and sailors of the Civil War;

A bill (S. 2981) granting pensions and increase of pensions to certain Army nurses; and

A bill (S. 2982) granting a pension to James W. Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 2983) granting an increase of pension to Robert L. Boseley; to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 2984) authorizing the acquirement of a site and the construction of a building for a post office at Greybull, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. SPENCER:

A bill (S. 2985) granting a pension to James W. Wilson; to the Committee on Pensions.

By Mr. NELSON:

A joint resolution (S. J. Res. 107) extending the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety"; to the Committee on the Judiciary.

CONTROL OF FOOD PRODUCTS.

Mr. DIAL submitted an amendment intended to be proposed by him to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. JONES of Washington, it was

Ordered, That the manuscript entitled "Discussion of river and harbor improvements by the United States, by Rinehart J. Swenson," presented to the Senate and referred to Committee on Printing, be withdrawn from the files of the Senate, there having been no adverse report thereon.

ARTS AND CRAFTS EXPOSITION AT ST. LOUIS.

Mr. SPENCER. Mr. President, there is to be held from October 15 to November 11 in the city of St. Louis an industrial arts and crafts exposition, the first of its kind in the United States. In behalf of my colleague, the senior Senator from Missouri [Mr. REED], and myself I ask for the adoption of the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 182) was read and unanimously agreed to, as follows:

Resolved, That the Senate learns with gratification of the proposed exposition of industrial arts and crafts which is to be held in St. Louis, Mo., from October 15 to November 11. The sole purpose of the exposition is to display manufactured and wrought articles combining beauty with utility for the purpose of arousing an interest in American designs and craftsmanship.

Particularly because it is the first exposition of its kind ever held in the United States it marks a step in advance in industrial art and deserves the support and approval of the American people alike from the standpoint of industry and from the standpoint of art.

Mr. SPENCER. Mr. President, I desire to lay before the Senate some facts in regard to this industrial exposition.

Every product of industry, the elements of utility and price being equal, possesses an additional commercial value in direct proportion to its attractiveness in appearance.

The rule is universal and applies to every industrial product—to furniture, to hardware, to clothing, to all things having practicable utility. Of any two articles, equal so far as utility and price are concerned, the one that possesses artistic merit has the more ready market.

In fact, it is often true that an article beautiful to look upon commands a far more ready sale than a competitive article of greater utility and strength that is unattractive to the eye.

It is as difficult to understand as it is unfortunate that in our industrial educational plans the United States has comparatively made no provision for art in industry. There are industrial schools that train for manufacture, that teach economy in production, but there is no provision for art in industry.

Other nations are forging ahead in this schooling. England has 40 schools of industrial arts and crafts; France has 30 industrial schools; Germany, before the war, led the world both in the number of schools of industrial art and in exploiting expositions; and what is true of these nations is strikingly true of Italy and of Japan.

Even the savage in primitive production seeks constantly for beauty and teaches his children, in the manufacture of pottery or beads or works of brass or articles of wear, to produce in color and in artistic lines an article that is beautiful to the eye as well as durable for usefulness.

The Industrial Arts and Crafts Exposition to be held in St. Louis for four weeks, beginning October 15, is the first such exposition to be held in the United States. It heralds a great national exposition along similar lines. It will call the attention of the country to our need of American industrial designers. We now depend upon Europe. There are 100 lines of trade in the United States that need to-day tens of thousands of designers for American patterns and for the development of American art, for at the present time our industrial enterprises either copy the designs of Europe or are almost entirely dependent upon industrial designers who have been educated in foreign schools.

This exposition will educate the people to appreciate and demand beauty in industrial production. It will make the stamp "Made in America" signify at once both beauty of design and efficiency of use. It will promote trade with the Latin Americans. Their love of the artistic is a hereditary characteristic. It will give added strength to our friendly competition with every other nation in the world in every industrial article man uses.

It is, Mr. President, from whatever angle you use it, a great step in American industrial progress and deserves the commendation which this resolution calls for.

If there is no objection, Mr. President, I ask that a few short articles upon this general subject may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE EXPOSITION.

[By F. E. A. Curley, secretary of the St. Louis Art League.]

"With general cooperation and the support of large interests in the city, the St. Louis Art League is organizing a St. Louis Exposition of Industrial Arts and Crafts, to open October 15 for four weeks, and a National Art Exposition to follow about a year later.

"For this year's big art show the league has engaged the old Southern Hotel Building, reminiscent of grand traditions, which with its spacious chambers and corridors offers remarkable opportunities for installation; and all will readily understand how St. Louis with the record of the greatest world's fair and other memorable civic achievements is going to set forth then and there an art exposition of outstanding and wide effect—how all the art spirit in this great community will be evoked and every means will be taken to make this the preeminent enterprise of the city—how the highest available forms of art will be displayed for their educational value and as public attractions; music and the varied forms of expressional arts which entertain as well as instruct will be drawn upon to the fullest extent to make a 'live show,' with the cooperation of the numerous specialized art organizations that lead in their respective art forms; how sentiment associated with the old St. Louis and the South and West, with pleasantly remembered forms of folk art, will be revived for this occasion.

"It will be recalled that Belgium had opened a big national exposition of industrial art at Brussels—Germany a gigantic International Kunstgewerbe Show at Cologne—and all Europe was quick with art spirit when the conflagration broke that has given America its wonderful opportunity to take leadership.

"The fact that this country is far behind as to availing itself of the arts of design makes it singularly appropriate that St. Louis, which appealed to the world with the trail-breaking Louisiana Purchase Exposition, should now undertake this greatly needed educational work of national import.

"Thus attempting a service to the country, we intend primarily a great educational influence upon ourselves, the people of St. Louis, and thus aspire to make our city a high place.

"In the work just outlined we strive for all possible cooperation, confident of the good will of patriotic Americans everywhere, and especially we believe that we shall serve the interests and deserve the cooperation of all those who have any business relationship with the arts.

"Follows a symposium by leaders whose qualifications to speak for the city will not be questioned."

GREAT OPPORTUNITY FOR ST. LOUIS.

[By George S. Johns, editor of the editorial page of the Post-Dispatch, chairman of the Exposition Committee.]

"The primary purpose of the Art League in originating and planning the St. Louis Exposition of Industrial Arts and Crafts is to awaken the business men to the importance of original designs in industry.

"Design is a fundamental necessity for industrial production. It enters as an essential factor in practically every branch of manufacture. The producer who considers utility only without regard to beauty will fail. He will be hopelessly handicapped in the market, because there is no purchaser quite so ignorant that he can not distinguish some marks or lines of beauty in the article he purchases, or judge between ugliness and sightliness. As public taste improves the demand for beauty combined with utility becomes more insistent and the judgment more critical.

"There are two phases of the question of providing original design in American industry: The first is the necessity of good design for ourselves for two reasons—one, the desirability of cultivating the taste for and the love of the beautiful in the articles that we use in everyday life, and thus adding to the joy of life; the other concerns the growing public taste among our own people and the satisfaction of this rising demand for good design in articles of common use.

"Another phase of the subject is the necessity of good design for American industrial products in competition for world trade.

"The close of the war marks the beginning of a tremendous opportunity for American business in the world market. We are now organizing branch banks and exchanges for the purpose of extending trade and carrying credits. Millions of dollars of investment will be put in banks, exchanges, shipping, industrial plants, commercial agencies, and all the factors necessary to American success in world trade. But of what avail will all of this organization and investment be if we can not deliver the goods? We must compete with the manufacturers of the world not alone in quality and price, but in design.

"Beauty of design, or line, form, color—the perfect combination of beauty and utility—is now a governing factor in salesmanship. Other things being equal, purchasers choose the more attractive and well-designed article. Many intelligent business men would rather have design than quality in the goods they sell. Attractive articles of inferior quality frequently sell better than unattractive articles of superior quality. The lines of an automobile is one of the principal arguments of the advertiser and the salesman. So with household furniture, clothing, every form of textile pottery, glassware, and a thousand other articles that might be mentioned.

"In preparing for this competition in the world market as well as the home market, where will the American manufacturer get the designs which he must have in order to compete successfully with the manufacturers of other nations? In the main hitherto we have either copied European designs or imported designers trained in European schools of design. We can do it no longer. Competition with copied designs will be a sorry failure. Europe no longer has the corps of designers from which we can draw; it has need of all its designers and is preparing to train many more. England has 40 schools of industrial arts and crafts. Craftsmanship is just as important as design. France has not less than 30. Germany before the war practically led all the rest in schools of design and in expositions of industrial arts and crafts. There is no doubt that this activity will be revived with tenfold intensity after the war.

"America lacks both schools of design and teachers of design. The few beginnings we have made in this direction are woefully inadequate to the needs of American industry. It has been estimated that there are at least 100 lines of trade in which original design is essential, and that we need now not less than 200,000 trained designers.

"American business men—for the subject is of vital interest not only to manufacturers but to all business men who handle their products—must awaken to the necessity of making adequate provision for this vital necessity.

"American industry should stand on its own feet hereafter and supply its own designs as well as its own goods. We should be wholly independent of any other nation. We should develop our own industrial arts and crafts—our own designers and craftsmen. .

"The St. Louis Art League proposes to begin the work of arousing the business men at home. We want to awaken the manufacturers and the business men in and around St. Louis. The first step is the St. Louis Exposition of Industrial Arts and Crafts. If this is successfully organized, it will demonstrate not only what St. Louis industries have, but what they need. If it does nothing more than demonstrate the needs of our industries in the way of designs and designers, crafts and craftsmen, it will accomplish a great end. It will be the beginning of better things.

"In order to make this exposition a success in fully covering the field which it occupies, it will be necessary to have the cooperation, not merely of the members of the Art League, but of all the industrial and business organizations in St. Louis and in the St. Louis industrial district. The best-laid plans will not succeed unless the manufacturers and business men vitally interested in this subject join with the Art League in making the exposition a thoroughgoing success.

"We need the backing of the business men. We need their moral and financial support. We need their cooperation in obtaining exhibits of St. Louis industries and of industrial products on sale in St. Louis. The exposition is limited only in name to St. Louis and the St. Louis industrial district; we shall not put up the bars against manufacturers who are interested in St. Louis or against designers or schools of design, or movements similar to the art-league movement in other cities.

"We hope in this preliminary St. Louis exposition to lay the foundation for a great national exposition, which will exhibit the industrial arts and crafts of the United States. We hope eventually to have an international exposition.

"For the Art League and the advisory committee I ask the active and liberal support and cooperation of all the interests and organizations in St. Louis and of all individual St. Louisans.

"The success of the exposition will be a long step forward toward industrial and commercial supremacy. Out of it undoubtedly will grow the adequate facilities for teaching and training designers and craftsmen who are necessary for our industries."

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THE INDUSTRIAL ARTS AND CRAFTS EXPOSITION.

[By Clark McAdams, chairman of the Executive Committee of the St. Louis Art League.]

"In undertaking the Industrial Arts and Crafts Exposition the St. Louis Art League is making the most ambitious effort in its career to prove itself useful to the community. What such an exposition will mean to the community is abundantly revealed upon other pages. What it will mean to the Art League is the thing which concerns us here. No other American art organization, so far as we know, has thus deliberately linked itself with business. Why this is so is difficult to understand. Surely American industry needs art. That need, as more than one writer in this issue points out, is to be the greater from this time on, when we shall seek to compete in foreign markets with an American marine. Where are the American designers coming from in such a development? How are we to compete with the industrial art products of Germany, France, Italy, and Japan without having first trained American designers in the art of making manufactured things beautiful? The whole country is awakening to a realization of this. We are to have ships—but what are we to ship in them? We had not thought of that. We are thinking of it now. Every big city is moving to a common end of preparedness, and the Art League has taken the initiative in this movement in St. Louis. It ought to mean to the league a usefulness even beyond the expectation of its founders. It ought to mean to it greater strength and power. It ought to mean to it a stronger support from the community. It will mean these things. The league shall never come out of the time ahead as it went in. It shall come out immensely strengthened and proven—a real citizens' body in the promotion of art. They say in Chicago and some other cities that St. Louis is the best organized city in art in America. That probably is true. If it is not quite true, we are going to make it true; and its fruits shall be beautiful."

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BLAZING THE PATHWAY.

[By Charles D. Platt, director of the St. Louis Exposition of Industrial Arts and Crafts.]

"My statement will deal only with some salient facts in relation to the St. Louis Exposition of Industrial Arts and Crafts as arranged by the St. Louis Art League, leading to a national exposition of similar character at a later date.

"From many sources and localities comes the testimony that the arts in America are coming into their own—a recognition brought about primarily through the war and its aftermath.

"In our work of rehabilitation, reconstruction, and looking forward into the future of world relations art looms up as one of the dominating factors.

"Art is destined to play a conspicuous part in the domain of world commerce, which beckons us with outstretched hands. For supremacy in design America is sadly in need of trained craftsmen. But first we must study our needs, deficiencies, and accomplishments.

"A decade ago we had here in St. Louis a distinguished citizen—the late Dr. Halsey C. Ives—whose life ambition was the furtherance of distinctive American art, not only in painting and sculpture, but also in the arts and crafts—the applied arts. To show what art meant in dollars and cents, he frequently carried with him a common railroad spike, worth intrinsically only a few cents, and a candleholder made from a similar piece of metal through art craftsmanship was enhanced in value several dollars.

"The St. Louis Art League, an outgrowth of the old art museum membership, proposes to carry out the ideas so long advocated by Dr. Ives in a practical manner through an industrial arts exposition here in the fall.

"In this exposition will be shown art in its various relations to the world of commerce, with the idea of stimulating craftsmanship and developing American style, so that 'Made in America' shall be synonymous with beauty as well as utility. Americanization can best be stimulated through the arts—the highest form for inculcating American ideas.

"To introduce beauty and the love of the beautiful into the lives of the people is the surest cure for social unrest. Take away the saloon and the substitution of beauty is imperative. 'Beautiful St. Louis' will be an asset second to none in drawing to itself and holding a gratified and contented people. Some cities, by making themselves less ugly, have increased real estate values 200 per cent. Beauty in the home means efficiency in the shop.

"No less an authority in practical matters than Charles M. Schwab pronounced in New York a few days ago that 'it is the duty of patriotic men and women to encourage movements which tend to develop the beautiful and the good. A successful civilization is one in which the love of the arts has been cultivated, and such a people need not fear Bolshevism.'

"Expositions of industrial art have been held successfully abroad, but St. Louis, the center of our population, will be the first city in America to blaze the pathway in this direction.

"Not only will there be 'still life' exhibits in this exhibition but processes will be illustrated; and it is proposed to have the arts deliver their messages to the public at the same time in various interpretations of music, drama, pageantry, interpretive dancing, etc., making a striking representation in this way of the things for which the St. Louis Art League stands in the community.

"There will be special lighting features and decorations, lecturers, and docents, talks on house planning and interior decoration, the 'city beautiful,' planting of shrubbery, and so

on. Rooms will be built up before your eyes and a singer placed at the piano to sing a song or two, the audience joining in the chorus. Community service in the arts will be exemplified. Educational displays from the public schools, the School of Fine Arts, and demonstrations from hospitals in occupational therapy will be featured.

"The industrial life of this region will be in touch with the exposition at every point, whether it be through architecture, building materials, house furnishing, lighting devices, floral displays, the graphic arts, art metals, art fabrics of all descriptions, including fashions, leather novelties, art furniture, hardware labels, laces and embroideries, glass products, lithography, art dyes, art tiles, ornamental iron and bronze, art paints, awnings, photography, plastic relief work, printing processes, automobile accessories, saddlery, art shoes, fancy goods, stamping and enameling, terra cotta, upholstery, woodenware, theater and movie arts, and so on down the line.

"The Latin-American countries in particular demand artistry in the articles of commerce presented for their approval.

"As expositions of similar character when properly set forth and exploited have invariably netted certain sums of money for the organizations promoting the same, it is confidently expected that some moneys for future art-league activities in furthering the national exposition from suitable headquarters will be forthcoming.

"The Industrial Arts Exposition will occupy the Southern Hotel Building. The Southern Hotel was one of the most famous hostelries in the United States. With parlors, ballrooms, cafés, buffets, its many high-ceilinged rooms, and immense corridors, it provides the variety of room and space so necessary to exhibition purposes. Extending from Broadway or Fifth Street east to Fourth Street and from Walnut to Elm Street, the Southern Hotel Building is easily accessible from all parts of the city."

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AMERICAN MADE FROM THE GROUND UP.

[By Jackson Johnson, chairman of the board of the International Shoe Co. and president of the St. Louis Chamber of Commerce.]

"The reconstruction of American business is bringing us face to face with many new conditions, the least important of which is by no means the question of designs. We can no longer look to Europe, with its training schools for applied art, to supply us designers. Their members have been greatly depleted by the war, and for the next decade Europe will retain all such well-trained men.

"America for the first time, and this is particularly true of St. Louis, is going forth to foreign nations of the world with her merchandise. There will be the keenest sort of competition between the greater nations of the world for this business. America will find herself selling to a class of trade that has been educated to seeking an article of utility plus one of appealing form and color. Usefulness, of course, is always the first essential, but our foreign customers, perhaps more than our domestic market, have been trained to seek articles expressed in design of pleasing form. Taste must be the keynote of American industry if we expect to compete successfully for our share of the vast foreign business. More especially does this apply to St. Louis, because we in this industrial center are making a bid for the big portion of Latin-American trade, which naturally belongs to us through the advantage of direct water-borne commerce. The Latin American is especially attracted and educated to the artistry of ordinary everyday merchandise.

"I construe art in industry to even extend to the manner in which we pack our foreign shipments. For instance, we have found through experience that this one small item has been one of the most serious drawbacks to an increase of foreign trading, because we did not understand the conditions under which the merchandise we were shipping would be handled and received; consequently the form in which we sent it was wholly unsatisfactory. This is all being changed through the application of our experience in this respect, and the successful packing and handling of our foreign shipments is, to my mind, but another phase of applied art in industry.

"The great industrial struggle for foreign trade must include the art value. The United States can not expect to create wares that will compete in the markets of the world so long as Europe dominates the field of designing art. Our goods must be after patterns and shapes of our own—distinctively American.

"We all know the advantage of a trade-mark, the big selling phase of a popularized brand. That is exactly the idea in truly American designs for our merchandise. I know, and all the business men know, the wonders which American minds accomplish once they assume the initiative. Once directed along the lines of applied arts, the style and design in which our goods will reach foreign markets will be such as to retain the trade once secured. The patterns and models will appeal to the people they are made for—that's America's way when once started—and this appeal will hold them to the distinctively American article, purchasable only on the American market.

"So you see that in the readjustment of world trade good designing will not only be an investment but an asset. The objects of manufactured production must from now on possess more and more the inspiration of original designs—truly American trade.

"Art and industry at first mention do not seem to have analogous meanings, mainly because in this country we have until now failed to actually associate the two as commercial factors. Although we pride ourselves on being strictly adaptable to new requirements, we still think of art as pictures, sculptures, architecture, or music. Yet gradually, under the guise of advertising, window displays, etc., we have been admitting art into our realms of commerce. But the so-called higher arts and the application of art to industry have interested me only casually, because I am not in any sense a connoisseur of either, as some of my experience along this line has proven. But recently the importance of applied art has been brought forcefully to my attention in a purely business way. For example, the subdivision of our members' conferences composed of tailors recently stated that they were faced with a serious shortage of designing tailors, because the supply coming up through the ranks was not sufficient for their needs. They stated that the tailoring business was almost wholly dependent upon the influx of immigrants for their supply of cutters and designers, and that the bulk of these men came from Russia, and consequently none have been available since 1914.

"A little investigation showed me that since the World War started approximately 5,000,000 foreigners have been cut off from immigrating into the United States. The majority of these were, of course, of the common labor variety, whose absence is not in this article under consideration; but numbered among them were the designers, tailors, the superskilled originators of industrial patterns, upon whom America has been, unfortunately, largely dependent for its manufacturing designs.

"Now, the tailoring business is but a very small portion of our commercial life which is being confronted with the same situation. To Americans manufacturing has truly meant 'big business'; in other words, achieving a large selling figure.

"We have gone pellmell after bulk production, producing our output largely after the design of foreign makers or after patterns furnished us in this country by foreign-trained applied artists.

"So many people believe that art in industry means fancy work or overelaboration. It has no such meaning. No filigree or gimcrack work, unless that so happens to harmonize with the entire lines of the article of manufacture.

"I understand that there are more than a hundred trades demanding designers—artists in industry.

"We make, for example, about 10 per cent of the furniture of the country, and artistry of design plays an important rôle in this industry. St. Louis's printing industry is about 12 per cent of the Nation's production, and graphic art, a closely allied trade, is one of the most emphasized among foreign applied-art schools. The same improvement of our leadership through arts and crafts training could be applied to all of our industries—shoes, hardware, tile, woodenware, jewelry, metal stamping, etc.

"To be sure, skilled craftsmen of this sort could not be produced overnight. In Europe it takes a six years' course, starting at 16 or 17 years of age, four years' general and two years' special training in applied art; but education along these lines seems our only remedy.

"An industrial-arts exhibit is to be held in St. Louis this year. This will go far toward demonstrating the necessity of combining beauty with utility in our St. Louis plants, all of whom, our own plants included, have paid but little heed to art's relation to commerce.

"An impression such as an exhibit of this sort is bound to make should foster a general demand for a great school of industrial art in St. Louis, an institution in which fundamental instruction in the art trades will augment in the Central West the number of high-class designers and original craftsmen, which will in turn increase our industrial domination and world trade.

"There are few such schools in America. With the Rankin Trade School, distinctively a St. Louis institution, and our two big universities to form the nucleus for such an American seat of applied-art learning, St. Louis could early establish an American leadership in this respect."

BUSINESS MANAGERS, ART, AND EFFICIENCY.

[By Sam Hellman, editor the Republic.]

"Among other natural causes of industrial unrest is the leveling of workers to the sordid task of reproducing ugly things. A sense of depression, a hopelessness, goes with the helpless reiteration of what is ugly and uninspiring. The laissez faire system that holds too much of manhood down toward mere machinery is a bad side of our vaunted industrial era. We have abandoned or neglected ideality in the arts because that quality was not inherent in the machines upon which we have come to completely depend—somewhat as a slave-owning people take an impress from the ostensibly subservient race that thus becomes an exaggerated Frankenstein. Absorbed in replacing sinews by stronger, quicker, cheaper, mechanical levers and bands for profit, we have somewhat overlooked the creative association of sinews with brains in the higher and more human industrial arts.

"Next to one who imagines and creates a beautiful thing is the one who enjoys it and helps to reproduce its beauty for the enjoyment of others. With every effort that has the ideal of beauty before it, is there not an exultation? Surely the joy of the worker in the production of a more beautiful thing, through higher workmanship and finer use of machinery, should be a vital factor in that contentment which captains of industry now desire.

"'The Lord looked upon what he had done and saw that it was good.' That was his recompense. Who can doubt that, could he look upon the work of his hand and recognize beauty, the industrial worker of America would consider it in some sort a recompense? He must indeed feel depressed and trodden down often enough in the thought that all his labor is for what has but the spirit of blind moneygrubbing—all for a short-sighted utilitarianism in whose eyes art is a ghost unbelieved in.

"It may not be so easy for business managers to see this. No doubt it is easier for them to understand the worker's stomach, which they know will not now be too content with the old tin pail, or his skin, which it is now understood responds glowingly to a cool shower bath, or even his end-of-the-day cousinship to 'the tired business man,' which calls for motion pictures and picnics; but has he not, too, his spirit, his soul?

"For some workers the need of individual expression, of spiritual expansion, is absolute. Shut in and bound about with conditions that may not prove onerous to their less imaginative coworkers, it is precisely these men and women of finer possibilities who are directly antagonized by a system ignoring the quality they would so gladly contribute. They are, indeed, an asset wasted and denied, the talent thrown away by the nation. Art in industry would open the door for this individual expression, this creative power, and in doing so would open the doors of the ports all over the world to the model products of the United States.

"In this latter fact, because the world loves beauty, is the far-reaching commercial appeal of the movement for better American design. The direct appeal to the 'practical minded,' both among business men and wage workers, is, of course, in this fact, that beautiful things are worth more money, and that those who make them can 'make more money.' Much is being said about the world's trade, looked upon now as in a state of flux and more than usually susceptible to influence, and the most obvious thing about the St. Louis Exposition of Industrial Arts and Crafts is that in educating the American manufacturer, the American workman, the American merchant, to an understanding of just how art can be utilized in commerce it will be a large factor in drawing trade, and better trade, to St. Louis.

"An adequate exposition of art in St. Louis will open the eyes of our people not only to the value of art in expanding commerce, but also to its subtler value, as it renders more worth the living the life that our industries and commerce buy. We should learn now what true art, public art, municipal art, community art, can do to make more beautiful the city, its common places, its homes, and its hours of work and play. In such an enterprise there is hardly an organization or group of St. Louisans without a place. The opportunities open before us. Let all the city join to bring them into the foreground of reality."

THE BASIS OF INDUSTRIAL ART.

[By John G. Lonsdale, president of the National Bank of Commerce in St. Louis.]

"'Art for the dollar's sake' may sound rather offensive to some aesthetic ears, but it is the one appeal which will develop the designers and craftsmen which industrial America needs in such large numbers. The artists' calling must be made more attractive from a material viewpoint. We must arrive at the point where the young man with his dream of money and fame will ask himself: 'What shall I be—lawyer, banker, artist, or merchant?' Under existing conditions how many ambitious young men will include, or can afford to include, the calling of artist in the list of vocations open to them? Yet industrial art, under proper conditions of remuneration, should attract an able and idealistic element of our young manhood, for the highest faculty of the mind is that of creation, and creation is the very basis of industrial art. Those who regard 'Art for art's sake' as the only proper conception of the subject need not be concerned over the movement to commercialize artistic efforts. There will be many graduates into the field of fine arts, just as reportorial work on newspapers is so often the beginning of literary careers.

"It is hard for the average person to conceive of anyone who bears the title of 'artist' as being necessary to the personnel of a manufacturing establishment. Art is popularly thought of as an avocation rather than a vocation. And yet the creative powers of the artist have had some part in the production of 99 per cent of the manufactured articles and implements which minister to the wants and desires of civilized man in this age.

"The human race has departed very far from the stage when clothing merely served to cover the body or when furniture was constructed solely for the purpose of answering simple household needs. It is not sufficient that a thing possess utilitarian value; it must also possess that kind of beauty which harmonizes with the use to which the thing is to be put. A steam engine is artistically constructed when its appearance reflects power; a racing automobile when it reflects speed; a summer garment when it looks cool and light; and a winter garment when it appears snug and warm. Every phase of business is based on selling, while every kind of selling is an appeal to human nature. And what, pray, is more inherent in human nature than love of the beautiful?

"Industrial America has been accustomed to borrow either artists or artistry from other countries. But we must cease to borrow. Europe has no man power of any kind to spare us; her supply is too badly depleted. And, too, we have plans for the invasion of foreign markets which make it essential that there be originality of design in our manufactured goods. We can not continue to rely on quantity production to hold our place in the export fields. In satisfying Latin-American industrial tastes, especially will there be need of industrial artists who can cater to broad racial preferences as to the designing and packing of goods.

"On the whole, the situation confronting us is very peculiar. The American public, though its artistic sense is not as highly developed as in some other countries, is yet influenced more than it knows in its day-to-day purchases by the work of the industrial artist. Nor are the leaders of industry themselves fully aware of the importance of originality of design and craftsmanship in the products of their factories. Hence we have the anomalous situation of needing an army of industrial artists and yet not being conscious of the need. Under such circumstances only one thing will answer: It is education.

"The interest of the public in art and beauty must be more thoroughly awakened. Leaders of business should be aroused to the essentiality of art in industry. Then will arise a demand for industrial artists at attractive salaries, which demand in turn will provide students for the art schools to be established.

"The Exposition of Industrial Arts and Crafts in St. Louis is but the beginning of the movement. This exposition will put St. Louis to the fore in a necessary and laudable line of national endeavor. It will attract wide attention and possess great advertising and educational value. It should be liberally supported."

INDUSTRIAL ARTS AND CRAFTS.

[By Edward J. Troy, secretary Manufacturers' Association of St. Louis.]

"The imminent expansion of the trade and commerce of the Middle West, not only in the domestic but also in the foreign field, has created an acute demand for an exposition of certain products of this section, which appears to those in touch with the situation to be as necessary as are well-considered plans for actual trade expansion.

"We may talk and preach until we grow hoarse and tired concerning our resources and extensive manufactured products, but if we do not see them and feel them in the concrete all our vocalized effort resolves itself into visions of indefiniteness and glittering generalities. Every living inhabitant of this section has an interest, directly or indirectly, in selling its products to the world, and he can not keep selling the idea if he has not seen that in which he is to have a part in exploiting.

"The Louisiana Purchase Exposition was the greatest school ever attended by our people of the Middle West, and prior to it was the highly prized Annual St. Louis Exposition. Their lessons require an up-to-date review, and the session of the Mis-

souri Legislature recently adjourned proposed to authorize a creditable exposition in St. Louis which would commemorate the admission of Missouri into the Union of States. Financial necessities only prevented the passage of the proposed legislation.

"Accordingly the plan of the St. Louis Art League for an industrial arts and crafts exposition can well be regarded as being not only opportune but in principle regarded as most desirable by our State legislators.

"During the period of war activity all efforts in the direction of exhibits and expositions were of necessity repressed, but the time has arrived when not only commercial necessity but the popular demand justifies the inauguration of enterprises of this character.

"It goes without saying that any creditable and complete presentation of the varied industrial art products of the manufacturing industries of this section will not only astonish and surprise visitors from our foreign-trade territory, but will also surprise and awaken our own citizens by the vast growth in quantity and variety of the output of the St. Louis industrial district."

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THE ARTS AND THE RETAILERS.

[By Melville L. Wilkinson, president of the Scruggs-Vandervoort-Barney Dry Goods Co., president of the Mermod-Jaccard-King Jewelry Co., president of the Associated Retailers of St. Louis.]

"The modern department store at its best represents the choicest wares and manufactured products that are to be obtained at home or abroad. We search the markets of the world, and always in our thought and scrutiny and study is that quality of attractiveness, beauty in form or design—things that will give pleasure and gratification not only for their usefulness but for their pleasing qualities to the eye and to the soul.

"In comparatively recent years the great windows of the modern stores set forth daily for the education and attraction of the passers by, in beautiful colors and in unique settings, the choice productions of the loom and of the factory. The art of window dressing has become a highly specialized function, and the great merchandise emporiums have corps of people, competent designers and craftsmen, under highly paid specialists, who create daily visions of beauty and art that make picture galleries and interiors of home and beautifully gowned figurines with a touch of flowers or autumn leaves added to the setting—or what you will—giving the 'one touch of nature.'

"It would seem that we have everything in America to make a happy, contented, and prosperous people. But now we must go a step further and add something to the national life for which we have relied upon European countries in the past, either in the form of designs or in the bringing here of foreign designers. Here we have a great country, but it must be great not only in bulk—which does not truly constitute greatness—but our country must be great in the finer things of life, the intangible things, what Marshal Foch called 'the imponderables,' the things of beauty and spirit.

"The modern store is a great educational influence when properly set forth and is a place of exhibition itself; but we need from time to time expositions which point out particular needs and phases of industrial life, getting from them the inspiration for higher ideals in the different forms of expression which make for advancement along lines of practical endeavor.

"One of the paramount needs of the moment in this country is for American designs and designers in the arts and crafts, and for that reason we need the St. Louis Exposition of Industrial Arts and Crafts at the Southern Hotel Building this fall under the management of the St. Louis Art League. This exposition will certainly open our eyes in more ways than one, for we will doubtless find that there are many things in which we are lacking as to purely American design. But there will be presented for our edification, entertainment, and instruction many forms of American art industry and the exemplification of the arts and crafts that we did not know were in our midst.

"It is for the manufacturers to awaken to the needs of our country and provide the means of filling these needs, and it is for the retailers to aid and abet them in every way possible. So let us have a splendid industrial arts exposition this year and a national exposition of like character the year following at St. Louis."

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THE WORLD APPRECIATION OF BEAUTY.

[By Frank W. Taylor, jr., managing editor of the St. Louis Star.]

"The decision of friends of art here to hold an exposition of industrial arts and crafts, showing the value of design in industries, is to be wholly commended and earnestly furthered by friends of St. Louis. Since the first caravan that bore the rich weaves of the East across to Europe, trade has followed the appeal to appreciation of the beautiful. When Venice could make this appeal the Italian mart succeeded Bagdad in drawing tribute from the trading world; when France drew out the wonderful spirit of her people and put it into myriad forms of useful things, the world yielded yet greater tribute; when practical Germany realized what France and England had done to beautify objects of household and personal use, and what was the influence of this process upon their relations with the world, the greatest human machine in history was set to the task of a similar development, and gradually the Koniglicher and Kaiserlichen institutions for the development of design in industry had their effect, and the slogan 'Made in Germany' rang round the world to keep the ministries of rival powers awake o' nights. This stage has again been brushed away, as the industrious spider's web might be, and the field is open now for American enterprise.

"It is to be a larger field than history has known, for the world is awakening to new desires, new appreciations, new idealties. Europe, now accepting American leadership in many things, will turn favorable eyes upon American industrial products if they combine attractiveness with economy. To the south is another great continent, which should look forward to the Delta of the Mississippi and to this great central city upon the river shores for many things. But the world contends for the trade of South America, and unless genuine American design replaces our ineffectual and indifferent following of French and German and other European art patterns in our manufactures all the propinquity which the Mississippi Valley possesses as compared with the Rhine will not prevail to turn into customers those down the river friends.

"We, too, must have schools of design. We also must have art-in-industry expositions. Our people, our workmen, our manufacturers, our salesmen, must learn discrimination between the fit and the ugly. Above all, perhaps, Americans must become familiar with the best that America produces and must come to a consciousness, whether reasoned or instinctive, of those consistencies in Americanism, those consistencies of spirit, which as they develop are destined to create an American art and command the admiration of the world.

"St. Louis in the Louisiana Purchase Exposition set an example of the expansion of the concept of art and, admitting artistic workmanship into the fine-arts department in an unexampled degree, brought nearer the day when the most appreciated art will be that which most serves the people through beautifying their environment, their utensils, their daily occupations.

"St. Louis now is to constitute better industrial design and workmanship a central idea in great art expositions, and out of this creative enterprise is to come a new American industrial era."

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BEAUTY AND UTILITY IN THE HOME.

[By Mrs. B. F. Bush, formerly State chairman for Missouri of the Woman's Committee of the Council of National Defense.]

"So much depends upon the home and the environment of the growing generation that too much thought can not be given to the means for making attractive our housing for home dwellers, not only inside the dwelling but also the immediate surrounding.

"The Europeans, especially the French people, are great lovers of the home, and this intensifies the love for the land of their birth and makes for an intense patriotism. There are so many furnishings used abroad to which the distinguishing touch of art has lent its attractiveness to the necessary articles of everyday life that on returning to this country we are apt to miss something of this innate refinement in taste which so much adds to the joy of life.

"During the war England found it desirable to stop right in the middle of war operations and provide suitable housing conditions for its groups of war workers, calling them 'garden cities,' wherein were provided many attractive features both as to beauty and recreation. Several hundred million dollars were spent in this way and proved a good investment, as the added efficiency of the workers amid proper home surroundings made them more capable in their avocations, thereby making more than good any labor and time expended in this direction during the tremendously stressful period of the World War.

"We have relied upon foreign designers and craftsmen hitherto for our artistic inspirations, which were carried out in the finished product. But now we are at a standstill with this channel of supply cut off. We are left to our own resources, and it is necessary that we rise promptly to the emergency, as we always have when confronted by obstacles, difficulties, and dangers. In no better way, in my estimation, can the resources and the lack of resources in the industrial arts and crafts be better shown than in the exposition of the St. Louis Art League, to be held in the Southern Hotel Building in October.

"When confronted with the problem of such magnitude as presents itself in the field of design in this country at this time,

the first thing to be done, from the standpoint of efficiency, is to make a survey of the arts and crafts as related to industry in this, our own regional district, thereby establishing a scale of display that can be properly and successfully utilized in furthering a national exposition of this character in St. Louis another year.

"The love of beauty is implanted in the human breast by the Creator of all things and can not be eradicated. It may be obscured or choked off or trampled upon by greed and shortsightedness, but it will rise, like truth, triumphant from the welter of base things and assume its true position in the universal plan for the enjoyment of mankind the world over.

"We must make of St. Louis a more beautiful city. We must make the homes of St. Louis and the immediate surroundings of the homes beautiful, for that is the only way to make of St. Louis the great city which natural location and advantages have destined it to be."

—

BEAUTY IN INDUSTRIAL PRODUCTS.

[By Casper S. Yost.]

"St. Louis is asked to step forward again as the leader in American art spirit. We are to encore our great performance of a world's fair that set a pace for the nations. An organization of St. Louisans has engaged an ample building, one intimately wrought with the fine old traditions that lie behind the "New St. Louis," and here we are to set forth in pictured and material array, with many attractive features to appeal to public interest, the invasion of art into a field which many Americans perhaps have fondly thought exempt or immune.

"We are to picture for ourselves and show the country what art means to industry and how it can expand the commerce of the United States. We have arrived where we should no longer be content merely to turn things out bigger and faster than anybody else, but must also make things better—must even make them beautiful. The world wants better things. Because of this the world has paid tribute to all the countries that have excelled in the arts, not in painting particularly, not in sculpture, but in weaving, in printing, in metal work, in pottery and ceramics—indeed, in a hundred, perhaps a thousand, directions of endeavor where attractiveness of design can be added to usefulness.

"It is truly time for American industrial captains to do more than consider the desirability of American leadership in this field, which the world regards as the finer and nobler side of manufactures and industries.

"We have not yet the strength to deny that the American business man has shrugged his shoulders somewhat at 'art'; it must be left to later writers, sustained by a background of achievement, to repel with indignation the charge that American business men could be so naive. But truly this shrugging of the shoulders has not been a criticism or denial of art, only a feeling that American industry had not yet attained the stage at which art should enter in. Of course, there could be no 'art' in a 'horseless carriage.' Art comes with the formation of character. It is indeed the business of art to interpret character in terms of beauty.

"But are we any longer in that 'horseless-carriage' stage of industrial advancement? Are we not, on the contrary, at the stage of the stream-line automobile, in which art and science find common voice and fulfill the spirit of the age in a harmonious expression of human aspirations and attainment?

"The arts of design will play a wonderful part in the America of immediately coming decades; and the American spirit, 'finding itself' in this illimitable vehicle of expression, modern art, will be felt as never before in every mart of the world. The St. Louis business men who are contributors to this symposium of St. Louis initiative and forethought put forth by the Art League will be proud of their foresightedness and of the leadership they have claimed for St. Louis. The St. Louis Exposition of Industrial Arts and Crafts should be made not only a national epoch marker but also a generative force for American supremacy in the world's new era."

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ARTS AND CRAFTS AND THE WOMAN.

[By Mrs. George Gellhorn, president of the Missouri Woman's Suffrage Association.]

"'Woman's sphere is the home and its surroundings,' is a truism in which women glory. The longing to establish and beautify her individual home, and the home group, the city, state, and nation, is as natural to her as any other instinct. It is only when war, or other circumstances that are too strong for her, deny her the fulfillment of this craving that we see the home destroyed and the social group to which it belongs become a potential menace.

"To fight and protect the home is an instinct common to man and woman alike. In the World War, men and women of every nation fought, in the final analysis, for their homes; to protect these homes, if possible, and to prevent their future destruction by war. This ideal inspired heretofore unimagined sacrifices. The war is ended. Women may go back to their normal pursuit of home-making.

"Now comes the question, What are we going to do with our homes, with our country, with our national life? The answer is, that the great problems coming to us as an aftermath of the war must be confronted with the same zeal, energy, foresight, and whole-heartedness, that characterized this country during the period of storm and stress through which we have passed. We are hungry, after the cruelty of the last four years, for a better and brighter future, and beauty in every form.

"Where are we to look for help to beautify our American homes and cities and the lives lived in them? We have counted too long on help from outside. Owing to the 'shut-off' in the supply of European designs and designers we now realize the need for American designers and craftsmen. We want to furnish suitable goods of artistic merit for our home markets, and also to make our goods stand second to none in the marts of the world, which are open and eager to receive our manufactured products, provided that in addition to other excellencies they have the artistic finish and style essential to satisfy critical tastes.

"For the purpose of surveying our needs in this direction for this district, the St. Louis Art League has inaugurated the St. Louis Exposition of Industrial Arts and Crafts, to be held in the Southern Hotel Building in October.

"The women of St. Louis will welcome this opportunity to study the arts in their application to home-making—some women will play an intimate part in the exposition as designers and exhibitors; all women will cooperate in working for the success of the undertaking. St. Louis is to be congratulated upon having such a vitally far-reaching movement."

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THE VALUE OF EXPOSITIONS.

[By John J. Burns, superintendent of the commercial department of the Laclede Gas Light Co.]

"A complete enumeration of the multifarious values of expositions that come to the mind of one after 12 years of personal experience with such enterprises would fill volumes. At best, therefore, the subject here can be discussed only in a general and rather summary manner.

"The benefits to be derived from an exposition usually can be classified in three distinct groups:

"First, its educational value to the community;

"Second, its commercial value to the exhibitors;

"Third, its financial value to the management.

"As a rule the success of any exposition is judged directly in the ratio of the benefits that accrue to each of these three interests. An exposition must first of all have a true educational value for the community, or at least for a large portion of it, before it brings anything of value to the exhibitors. The latter, in turn, must reap a tangible return for their investment in the shape of genuine publicity, business-meaning inquiries, or actual orders, before the undertaking may be considered a financial success by the managers.

"My experiences in the management of the first food show, in February of 1918, the second food show, in December, 1918, both conducted under the auspices of the Federal Food Administration, and the National Exposition and Household Show in May, 1919, conducted under the auspices of the St. Louis Community Kitchens Association, have convinced me that irrespective of the financial return to the management an exposition can not be considered a success unless it has engendered sufficient good will among both the public and the exhibitors to create a feeling of expectancy for a second performance. The St. Louis Exposition of Industrial Arts and Crafts leads up naturally to a national exposition a year later.

"The truly successful exposition does not merely afford entertainment for the curiosity seeking and an opportunity for souvenir or sample distribution for the exhibitor. That exposition is a genuine success which brings to its displays the worker, the business man, and the housewife seeking knowledge, not gifts, efficiency, not distraction. It is the latter exposition that has lasting and far-reaching effects. An educational feature of great value in the Industrial Arts Exposition will be the working 'processes' shown.

"It is my experience that the working exhibit is the most forceful kind. The wide-awake man and woman of to-day want to 'see how it is done.' The working exhibit leaves a correct and lasting impression. The still exhibit, on the other hand, is not to be derided; although leaving the method of opera-

tion at the mercy of the imagination of the visitors, it paves the way for understanding and appreciation.

"As to the St. Louis Exposition of Arts and Crafts, it occurs to me that its very location presages its success. There is a certain sentiment attached to the old Southern Hotel building that puts most St. Louisans in a receptive frame of mind. The mere sight or mention of the old building brings interesting recollections to many of us and this should be reflected in the quality and quantity of the attendance of an exposition here."

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[From the St. Louis Post-Dispatch, June 17, 1919.]

"INDUSTRIAL ART IN ST. LOUIS.

"The Exposition of Industrial Arts and Crafts which the St. Louis Art League has planned for October 15, in the Southern Hotel building, directs public attention to a subject of vital importance to American business. It ought to be of great value to St. Louis industry and trade.

"In extending its activities to the promotion of design and craftsmanship in industry, the Art League has placed St. Louis in the forefront of a nation-wide movement to this end. American leaders in finance, industry, commerce, and art have awakened to the necessity of providing original design and skilled craftsmanship to American industry. The purposes of the movement are several fold.

"One is cultural development of art standards and taste in articles of common use.

"Another is to meet competition in the home market and the world market.

"Design is a fundamental necessity of practically all industrial production. Good design—the combination of beauty with utility—is necessary to successful competition in trade. Other things being equal, the beauty of the model, the attractiveness of the design, is the winning point of salesmanship in all lines of trade, from clocks to chairs and from automobiles to stoves. It is one of the chief points of advertising. Hundreds of articles might be mentioned—architectural necessaries, house furniture, furnishings, and decorations, clothing, carpets, rugs, and other textiles; laces, brass, glass, and pottery—in which good design is essential to successful marketing. In a great variety of articles design takes precedence of quality.

"American business is preparing to enter competition in the world market on a large scale. We are organizing banks of exchange and credit systems and industrial plants and commercial agencies for the purpose. Of what avail will all these organizations and investments be if we can not deliver the goods that will sell?

"Hitherto American industry has copied designs from Europe for our domestic market or has used imported designers and craftsmen or American designers and craftsmen trained in European schools and by European teachers.

"Conditions have changed since the war. Europe has need of all her designers and is preparing to train many more. Great Britain has 40 schools of design and France at least 30 under Government encouragement. Germany before the war was a leader in schools of design and in exhibitions of industrial arts and crafts intended specifically to exchange ideas and stimulate originality of design and best combinations of beauty with utility in manufactures.

"In order to compete with Europe we must provide our own designers and craftsmen, and we ought to do it under any circumstances. American industry should stand upon its own feet and fight for business with its own standards of industrial arts and crafts. We must win supremacy in industrial art as we have won it in industrial organization and efficiency.

"The St. Louis exposition will give our manufacturers an opportunity to show what they have. If it also shows what they need and arouses them to a full realization of what our industry requires it will be invaluable. Out of it will come an effort to provide a sufficient supply of designers and craftsmen through adequate schools of design.

"It is understood that the exposition of next autumn is only preliminary to a greater exposition of national or international scope. Its success is dependent upon not only the interest but the active support and cooperation of business men. Surely they will realize how desirable it is that this first effort in this line of progress in St. Louis shall be an unqualified success."

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[From the St. Louis Globe-Democrat, July 11, 1919.]

"INDUSTRIAL ARTS AND CRAFTS EXPOSITION.

"The St. Louis Art League is receiving cordial responses from the multitude of organizations it has invited to cooperate in making the four weeks' exposition of industrial arts and crafts, to begin at the old Southern Hotel building October 15, such a success as will attract attention to St. Louis from every direction. This is a matter that really concerns everybody interested in the material welfare of St. Louis. Even such as shudder at the word 'art'—because it brings to mind long-haired youths of eccentric dress, more eccentric ideas and irregular habits and their weird products, taken for picture puzzles until 'interpreted'—can appreciate industrial arts and crafts. This form of art does not mean gewgaws and gaudiness. There are designs for some articles that are often riotous, without offense to the most esthetic taste. Wall paper, for example, contains flowers that would make a botanist fear he had delirium tremens. No mathematician could classify all the figures on rugs. But how monotonous rooms would become without this nature faking? There is practically no part of a building or its contents whose appeal to the eye is not due to artistic cunning. This is especially true of the things of simple, unostentatious beauty.

"But art is concerned with almost all finished products, although many may be as amazed at the fact as Moliere's character was at learning he had been speaking prose without knowing it. There is scarcely an article of commerce, except raw materials, that does not owe much of its attractiveness to the designer and the skill of manual or mechanical execution. This applies not only to all cloths, jewelry, and gimcracks, but to all fabrics of wood and metal. It applies also to containers of all kinds. There must be quality, of course, to make an article a permanent success, but it would be difficult to overestimate the selling power of 'looks.' Hence, designing becomes a thing of vast commercial importance and art becomes intensely practical.

"A great manufacturing center like St. Louis can not longer depend on imported talent for this purpose. Neither can America rely on Europe, if it is to take its proper place in world commerce. We must have our own distinctive designs and they must not fall behind those of Europe. The St. Louis exposition will be a revelation and an inspiration and it should receive universal support."

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[From the St. Louis Republic, July 13.]

"INDUSTRIAL ART.

"The Republic has been glad to support the big commercial and educational idea resulting in the St. Louis Exposition of Industrial Arts and Crafts, which is to be held in this city, opening October 15, for four weeks.

"The distinction comes naturally to St. Louis, of stepping into the country's leadership in this vital matter, and our city should the more whole-heartedly carry out a national service. St. Louis had a true public museum, an educational art institution, accessible to the people and open, free, every Sunday, in days when the Metropolitan Museum in New York (open except Sunday from 10 until 4) was 'public' but in name. In those early days, too, our St. Louis Museum had other unique, popular educational features, including free lectures to workmen and students on the application of art to industries. Later, the same spirit went out of St. Louis and its pioneer museum into the World's Columbian Exposition, when St. Louis lent its art director, Halsey C. Ives, to be chief of that exposition's art department, and the art department classification was broadened out, so as to include upon an equal basis of democratic spirit and fair appraisal all forms of application of the art principle in human works, without regard to media, but with all regard for excellence and originality.

There has been a vehement charge that democracy destroys art, and, therefore, is inimical to the high development of the race. Overleaping the fact that freedom ever has been the mother of true art, the charge rests upon certain obvious shortcomings of our own half-baked 'industrial era.' Democracy is viewed as a sort of leveling process, introducing a continuous social 'turnover' that unfortunately prevents the maintenance of a pet caste in contact with the beautiful and, therefore, capable of its appreciation. And democracy's answer is to spread beauty broadcast and make the beautiful accessible and appreciable by all, part of the environment of all.

"The first effect of modern machine production, of course, was to emphasize the argument against democracy by multiplying vastly the production of the commonplace. Yet ideality also can be served by the designer of machines, and some of the wonderful achievements in mechanical engineering have been in this field. The Jacquard loom, which may weave patterns at will in literally infinite variety, is but one example of a great development by which machinery can raise the standards of modern democracy above those of history, and in a double way freeing the worker from drudgery and anti-idealism, while bringing democracy and art together in the workshop and the home.

"The lands which are to claim the higher civilization, and whose works are to pervade and dominate the earth, are those whose machines are made to serve the ideals of the people, and not set up limitations upon ideality.

"More and more are machine products given purposeful form, and more and more does this purposefulness accommodate itself to—nay, insist upon—attractiveness and beauty.

"How far is our country to become a leader in this world movement? That issue is now being put to trial in St. Louis. Let us trust that, like the Chicago and St. Louis world's fairs, and perfecting what they and the old St. Louis Museum of Fine Arts began, the coming St. Louis Exposition shall mark an epoch of Americanization in art."

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[From the St. Louis Times, July 14.]

"ART IN INDUSTRY.

"The enterprise of St. Louis in staging at this time a great educational exposition of art in industry, we may say, is characteristic of the truest Americanism. St. Louis is solidly constructive. We build. We have shown the country, in past operations, how the spirit of democracy and culture, with the interests of commerce, should go hand in hand to make this the unblemished land of human aspiration. We of St. Louis gave the world the greatest of fairs, and in its building we made art the keystone of the arch, setting precedents which long established 'art centers' are fain to recognize.

"Our action then widened the domain of art in the appreciation of the people, so as to include its application in unexampled degree. Now we are laying before the country the St. Louis Exposition of Industrial Arts and Crafts, as a pioneer educational step toward the great renaissance of art which surely must come as the crowning of our industrial era. Modern manufactures as they approach perfection must aim for and attain beauty. Anything less means a slur upon our civilization. And anything less so far as the United States are concerned—let us speak practically, in light of facts—means that our industrial products shall suffer in open competition and shall be driven from the marts of the world, or enjoy but precarious foothold.

"The practical immediate purpose of the Industrial Design Exposition, inaugurated by the St. Louis Art League and fostered by the Chamber of Commerce, Washington University, and other industrial, educational, and civic bodies, and to be held in the Southern Hotel Building, opening October 15 for four weeks, is to present a survey of our present state in this field, bringing out for appreciation and encouragement all that is best, and leading to an adequately organized national movement, with appropriate expositions, museums, and schools of design, and the varied means that have been found effective by other countries seeking to make their industries supreme in the eyes of the world."

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[From the St. Louis Star, July 17.]

"AMERICAN ARTS AND CRAFTS.

"During recent years there has been growing thought along the line of developing an American school of design for the practical application of art in industry. For no apparent reason other than backwardness, America has left the creation of industrial design largely to European competitors. Europe continued a steady advance in the practical application of art in industry and America merely adopted the suggestions without any effort at American originality. More recently, however, American ideas have been emboldened to invade the field of industrial design. Now it is becoming the consensus of opinion that nothing except the necessary effort would be required to establish American preeminence in that field of endeavor.

"It is in the development of this movement that the St. Louis Art League is arranging for the St. Louis Exposition of Industrial Arts and Crafts to be held this fall. The exposition will be a pioneer affair. The plan is to follow it next year with a national exposition, after which, it is hoped, American schools of design will be established and industrial designing will become distinctively an American enterprise.

"It will be a pleasing distinction for St. Louis to be the pioneer in bringing about world-wide recognition of American types in art as embodied in industrial production. Once the American design in industrial art becomes firmly established, the American manufacturer will stand on an equal footing with manufacturers everywhere, in lines in which America heretofore has negligently taken second place to foreign competitors. The world is entering into a new industrial era, and it is particularly fitting that American industrial arts and crafts should have the benefit of every possible impetus. The exposition to be held in St. Louis will be an impetus of the needed kind."

[From the Reedy's Mirror, July 24.]

"FOR ART IN INDUSTRY.

"[By F. E. A. Curley.]

"Busy preparations are making for the pioneer St. Louis Exposition of Industrial Arts and Crafts, to be opened October 15, for four weeks' display at the Southern Hotel Building, under the initiative of the St. Louis Art League, with cooperation by the Chamber of Commerce, Washington University, and the other civic, educational, and business interests of the city.

"Indeed, two expositions are now in the making, the first a more distinctively local show in which the art that is in St. Louis will play a leading rôle, with exemplary exhibits from other parts of the country; the second, a more generally American and national show, for which this year's collection is to be the experimental forerunner and rehearsal. As the better American industries movement already is growing to be a first concern of reconstruction times, there may be vigorous competition yet for next year's event. At the moment, however, St. Louis leads, having been awake and waiting at the switch for the moment when its electricity could be turned on.

"In many a European city a beauty-in-every-day-things display beyond what St. Louis may get together would have been quickly assembled, and taken rather as a matter of course and routine—before the war. But in St. Louis, in America, we have had no expositions of design and workmanship. Most of us little realize 'what they are for.'

"A recent letter to Reedy's Mirror by Richard F. Bach, industrial arts associate at the Metropolitan Museum, New York, calling for united action to meet the urgent American business need for 50,000 designers, threw light upon this question. If the country must provide this number of industrial artists, St. Louis, for instance, should produce several thousand—but hardly is prepared to produce any. Yet a much larger number will be called for, as this vast country's business men wrestle seriously with the practical task before it, of competing 'on its own' with a deadly earnest world.

"Our museums will have to take a new progressive trend and a new lease on life to answer the requirements of a country that at last is finding the practical use for them. They must be modernized. The museum of to-morrow is to be as different from the museum of yesterday as the public library of to-day is different—radically, almost unrecognizably different—from the half-hearted, semi-hemi-demi-public institutions of several years ago, which was hedged about by restrictions and impracticalities separating it from popular utility. The American art school, too, must emerge from the stage in which it has sleepily imitated parent institutions that themselves represented only a narrow segment of art education abroad.

"A thorough stock taking of St. Louis as to art and all industrial refinement is to be one of the wholesome services of the more local exposition this year. A similar service for the country at large will, in itself, justify the more general national exposition next year.

"These pictures will not be wholly in somber colors. Admittedly far behind as to that practical appreciation of the beautiful which finds expression in attractive, self-advertising manufactures, Americans little realize how much fine art nevertheless has gone into American industrial productions, how many thousands of designers even now are utilized by our manufacturers and business men in the multifarious fields where beauty is a selling power, and how revealing an exposition we are destined to see this fall.

"It will be disclosed that, without waiting for the European war, the beginnings of an American renaissance in art already had come into view in the period following the World's Columbian and St. Louis World's Fairs. The war simply made the new movement a business necessity. Industries of creditable artistic merit have sprung up. The silk industries in New Jersey, the looms and furniture works of New York and New England, the furniture center at Grand Rapids, the Rookwood Pottery, the Newcomb Pottery, and various ceramic and glass works about the country, are examples. Miss Mary Powell, in a recent article in Reedy's Mirror, described a collection of silks and damasks from the Cheney Mills, of South Manchester, Conn., exhibited in her public library art department, as an incident of this development. These mills have worked up excellent designs by reproducing, adapting, and deriving from the work of other countries and times. How the museums may lend themselves to such industrial development is well instanced, for the New York, Boston, and Chicago museums contributed their stores of information to the Cheney designers.

"St. Louis has sporadically inaugurated better than she has continued in this field, again illustrating the need of organized support, such as is now undertaken. Thus there was, for a

time, in St. Louis, before the war, the Ozark Pottery, in which Robert Porter Bringhurst did good work. Grand fire porcelains also were turned out here by Taxile Doat, a master of glaze and color mechanism, and by Mrs. Adelaide Alsop Robineau, who added a fine intuitive quality to excellent craft knowledge. Some of the work in copper, bronze, brass, and silver by Charles Percy Davis is worthy of noble art collections. Ceramic decoration by Mrs. Katherine E. Cherry has been acclaimed in other parts of the country. Pottery made by Henrietta Ord Jones, of the School of Fine Arts, also has found its best recognition in the eastern exhibitions. Bookbinding by Miss Baker and Miss Bulkley is well executed. There have been good carvers here. Plastic relief work done in St. Louis compares well with the architectural ornament produced in New York. Some of the costumes designed for the unique dramatic enterprises for which St. Louis has achieved some fame have been remarkably effective. Stage settings extemporized here have shown that St. Louis designers are familiar with the later phases of that art. Jewelry design is carried on individually by a number of clever young women of School of Fine Arts training, as well as upon a larger industrial scale by firms whose products vie in quality with those of other cities. This may be said also of leather work, bookbinding, toys, and other industries where art has entered. The list might be extended indefinitely, but here is enough to justify exhibitions which would familiarize people with some of the possibilities of the handicrafts and the factories.

"St. Louis is active in its aesthetic thinking, and already has gotten around to several notable undertakings in art. Its public schools have led in preparing the ground for a widespread elementary cultural education. 'Art instruction better adapted to the needs of industry is what we want,' writes Dr. John William Withers in a contribution to Reedy's Mirror, and further: 'The national taste must be elevated and refined. I am inclined to think that nobody knows this better than the successful business men who have been showing an increasing appreciation of art values of this sort in the character of their advertising. To take a concrete example, compare the window advertising of the down-town stores of to-day with what this was 10 or 15 years ago.'

"That there are many colonial handicraft and industry products possessing distinguished art qualities one hardly need be reminded, and the same has been true in some degree of every period since, the trouble lying in the rarity of the good work, and, to be frank, in the absence of the superlatively beautiful either as to design or execution. One comes occasionally on American examples that are inspiring, but not comparable with the wondrous things of other countries into which proficient craftsmen have woven their lives. We have had, perhaps, no supreme workmen, and only occasional artists who could put ideality and spirit into creative workmanship. Yet the Art Industrial Exposition, with American examples as well as educational loan collections of foreign achievement, will show us how dependent upon design even now are our modern American industries.

"What is the answer? Education! We have deemed ourselves the land of popular education, but we must begin at the beginning in this field. Discrimination can come only of acquaintanceship. The people must be familiarized with works of quality. This is the task for expositions, museums, and continual minor exhibitions, the press and the schools; the work also of factory, store, and advertiser—of all agencies by which the public mind may be appealed to. As the public learns to appreciate, the manufacturer must be taught to supply. Here, no doubt, the public itself must be the great teacher, and competition the rod of instruction. But these must send the business man back to the exposition for comparisons, to the museums for research, and to the school of design for technical ability. The business man has publics other than our own to which he must respond—of the foreign lands where he must compete and of the artistically creative lands whence his competitors send forth the world's last word. The business man to-day is of the world, rather than of a State or city—of a world which has access to his customers as well as a world of customers he wants to reach. And his customers everywhere are becoming accustomed to ask for art."

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[From the Mississippi Valley Magazine for July, 1919.]

"SOUTH AMERICANS HAVE TASTES AND PREFERENCES—THEY CARE FOR ART, AND THEIR MARKET WILL PAY FOR ATTRACTIVE WARES—QUALITY, AS WELL AS QUANTITY, MUST BE A FACTOR IN OUR FOREIGN-TRADE DEVELOPMENT—THE ST. LOUIS EXPOSITION OF INDUSTRIAL ARTS AND CRAFTS.

"With its innumerable natural resources and illimitable opportunities for productive achievements by human labor, developing these resources to meet the needs of people everywhere, the problem of transporting its products to available markets forced itself into a position of first importance in the minds of people seeking the development of the Mississippi Valley, and their answer is the conversion of the valley into a tremendous artery of commerce.

"The outbursting pressure of millions of producers seeking markets became a great creative force, calling into being roads and railways and shipping until the valley States are bound together in a vast interlocking system of mutual support; producers ever asking improved transportation, and commerce requiring fuller and better production as a basis for expansion and service.

"With great achievements gained, we are looking farther south, beyond the valley, down what shall be an extension of this vast artery, and the pathway of future lines of commerce that are to bind together the Americas, industrially, as the States of the valley are bound to-day. What is to materialize these lanes of ships, these streams of cargoes? Simply the pressure of American industrial productions responding to the demands of the peoples, and seeking markets in the southern continent.

"But South Americans have tastes and preferences. They care for art. Their markets will pay for attractive wares, and they will turn from wares that are not attractive. Quality as well as quantity must needs be a great factor in this development.

"Two great industrial movements now dominate in the Mississippi Valley—the one a constant development of transportation to carry the products of the valley to a needy world; the other a constant improvement in productive power keeping the transportation facilities under pressure. Every forward step in either field, of course, affects the whole situation, and is of concern to all workers, in whatever branch of the infinite activities that make the valley States vital to the world.

"For these and many reasons it is peculiarly important that the big art industrial movement, now making itself felt in the country generally, should receive full attention here and have its full share of development along the Mississippi belt. These States so peculiarly linked up with the great continent to the south have a special interest in art as a feeder to industry and commerce, because the Latin peoples of the other Americas lay such stress upon attractiveness in the things they buy. More than our own people, they want and demand and insist upon good design in industrial products in form and color and lines. They insist that good judgment in these matters does not imply any deficiency in utility, but the contrary. Suitable color and finish and some refinement of form are regarded as evidencing the care and judgment necessary to guarantee good workmanship and satisfactory usefulness.

"As a matter of fact, the American public are becoming more and more of this same opinion, and home demand at last is greatly emphasizing the arguments of our prospective customers to the south. It is no secret that American manufacturers had a tendency to leave this side of their problem for future consideration while they concentrated upon quantitative production. It is equally certain that now the attention of the whole country is upon the importance of better quality, better design, and better workmanship in our industrial products.

"At the end of the war we find the United States with such a merchant marine as was undreamed of, and we talk of reaching all parts of the world, especially the southern continent, which peculiarly belongs to the Mississippi Valley, with the slogan 'Made in America.' 'We have the ships, we have the men, we have the money, too,' but not to the extent that we should have them—the commodities that our neighbors' ports are calling for!

"The St. Louis Exposition of Industrial Arts and Crafts, to be held in the Southern Hotel Building, opening October 15 for four weeks, therefore, will have vital bearings for readers of the Mississippi Valley Magazine. This exposition, initiated by the St. Louis Art League to modernize conceptions of art as well as industry, and backed by the chamber of commerce and other industrial interests, and by Washington University and educational and civic institutions of the city, and by numerous leading citizens as individuals, now is reaching out for the participation of the valley. Every industry and section should be represented, so far as possible, in this movement to fix attention upon present achievements as well as opportunities, in a direction upon which much stress is laid by millions of probable customers.

"In the Industrial Arts and Crafts Exposition, it is understood, all available products that have in them the element of design for appearance and beauty as well as the more obvious utility will be eligible for exhibition. As has been pointed out, the fact of representation in this exposition will be a sort of blue ribbon of industrial progress.

"The show to be held this autumn is preparatory to a great all-American display next year, and serves as an advance survey and stock taking for the Mississippi Valley in all fields of industrial refinement, and as a rehearsal for our part in the greater national exposition, which also is to be a Mississippi Valley enterprise.

"With these wide aspects, the St. Louis Exposition of Industrial Arts and Crafts is a timely revival in the art field of the western spirit of large achievement. When people think of what other countries have done in this great movement to perfect the modern industrial age through the practical application of art, it may seem surprising that it was left to the Mississippi Valley, and until now, to show the part that belongs to America.

"Yet it is not so surprising, for the West has shown the Nation in more ways than one how, contrary to outworn and shortsighted teachings, art belongs essentially to democracy and to our own times. Our World's Fair, where the art department was most visited and most popular of all, and where was raised a new and modern world standard for true art by admitting within the sacrosanct portals what formerly had been regarded as the 'humbler arts'; or again the wonderful Mardi Gras with which New Orleans has held the country's and the world's attention and kept alive a spirit of poetry and community art; or the Pageant and Masque of St. Louis, which was an art tribute to the history and the romance of the whole Mississippi Valley—these may stand out as illustrations. In the Sophie Newcomb College at New Orleans, with its beautiful and famous Newcomb pottery; in the pioneer development of the St. Louis School and Museum of Fine Arts under Halsey C. Ives, and in the Cincinnati Academy, the Art Institute of Chicago, and others, the Middle West has provided the country with splendid modern art educational institutions.

"All these past achievements associated with art and industry have been preparatory for the present movement to join together these elementary human objectives. The fact that we are undertaking a big national enterprise is clear when we but consider two things: The one, in how large a degree industrial and commercial leadership always have followed art leadership through the centuries; and the other, how essential it is that the new industrial era, which we hail as the achievement of modern invention and science, must at the very least rise to the standards of cruder ages as to quality. The day indeed has come to recognize that American quality must not be second rate, American products inferior in their story of human aspiring. The day is coming, if we may put the matter in the practical language of dollars and cents, when American commerce must go out into all the ports of the world, to win the respect and the trade of other countries, carrying American products that are not less but more attractive than those of other lands, and when we ourselves may acclaim and enjoy in the manufactures of our own land these finer attributes for which to-day we must yield the palm.

"That day is foreseen and prepared for in the Mississippi Valley's pioneer American art in industry exposition, now being staged for the present year and to be followed by the more general national exposition a year later, and by the establishment of American schools of design, all creating a much-needed impetus for that democratic and universal culture in which shall be embodied the essence of American art spirit."

INTERNATIONAL TELEGRAPHIC CONFERENCE (S. DOC. NO. 88).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

In view of the provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so," I transmit herewith for the consideration of the Congress and for its determination whether it will authorize the extension of the invitation, and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State with reference to the proposed international conference to be held in Washington during October next, or at such later date as may be convenient to the powers concerned, to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy, and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis.

WOODROW WILSON.

THE WHITE HOUSE,
10 September, 1919.

NATIONAL PROHIBITION.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STERLING. Waiving what the RECORD shows in regard to the previous action by the Senate, I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. STERLING, Mr. NELSON, and Mr. OVERMAN conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 6863. An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

The VICE PRESIDENT. The morning business is closed.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. KENYON. Mr. President, if there is no member of the Committee on Foreign Relations who desires to discuss the treaty and the league of nations this morning, and I am informed that there is none, I think it is perhaps no discourtesy to the committee if some one else goes ahead with the discussion in a general way, and as I have taken no time whatever in the discussion of the treaty or the league of nations, feeling it better to wait until the matter was before the Senate, I am going to occupy a little while in its discussion.

Those who have blazed the way in this discussion are entitled to the thanks of the American people as well as the Senate, and little can now be said to add to the views on both sides of this question heretofore presented so ably by Senators of marked ability. It would seem that into this discussion should come no question of politics, pride of opinion, arrogance, pique, or dislike for others. This most momentous question since the Civil War should be decided on broad lines, with an eye single to the welfare of the American Nation, and with thought likewise to the world with which our future must be somewhat intertwined. Let us face the situation as it is in this body. It has been charged that the American people are not having a square deal in the Senate; that there is an attempt to play politics; that there is dislike of the President entering into the question; that there is blind allegiance to him on the part of a large proportion of this body, and that they will not exercise any independent judgment; that there is unnecessary delay in the consideration of the treaty. Of course it is the finest indoor as well as outdoor sport in this country to pound the Senate of the United States. It may be true, unfortunately so, that there is some modicum of truth in these various allegations, but we have a practical situation here now that demands the attention of practical men and a solution by them, putting aside partisanship and every other immaterial question.

When the first covenant was presented, faulty and defective as it was, speeches were made showing the absolute perfection of the same. Blind party followers proclaimed it to be a perfect instrument. Some of our Democratic friends, realizing that the Democratic cupboard of issues was pretty bare, seized it at once as a political issue. Many Democrats upon that side of the Chamber commenced to burn incense to that particular covenant, even before they had read it. Prominent gentlemen who had been connected with various kinds of leagues in this country started out with liberal expense accounts to instruct the people. Meetings were held, resolutions passed demanding that Congress adopt the covenant just as then presented, although I venture to say that at most of these meetings there were not five people who had ever read the covenant of the league of nations, to say nothing of giving it any thought.

We were told that now we had the opportunity to secure something that would keep us out of war—not only during campaigns for President but permanently. Men who questioned that covenant were denounced as traitors. Some ministers suggested that they ought to be boiled in oil. We seemed almost to have returned to the days of the intolerance and hysteria of Salem witchcraftry. Those who always tell you the time of day when the President takes out his watch declared that the covenant as then presented simply must be adopted, because the President said so, and that the Senate had nothing

to do with it but to smile its approval; and yet in the face of all this the covenant was taken back to Paris and amended.

The eminent commissioners at Paris—the most eminent of whom had been appointed by himself in the face of the hostile mandate of the American people at the last election—proceeded to try and patch up this covenant and make it presentable. It was then brought to us and placed upon the Vice President's desk with but little information, and the Foreign Relations Committee seem to have been trying to secure information ever since and have fairly well succeeded.

The second coming of the covenant was but little better than the first. However, the Democratic national chairman went around the country assembling the faithful at the State capitals and made enthusiastic speeches for the league, trying to make it a test of real democracy, although the President in his western speeches now says it is no party question. Democrats immediately commenced to charge in the Senate and elsewhere that opposition to the league was merely playing politics. The wisest ones of that party have refused to make it a test of party fealty to their everlasting credit. The American people want no politics in the adjustment of this question. It is a greater question than partisanship; not, however, greater than the Government as the President is reported to have said in a recent speech. The people themselves have had no opportunity to vote on this question as they ought to have, but we have statistics presented every once in a while on the floor as to the straw vote of some institution organized for various and sundry objects, the purpose of which no one is ever able to decipher and whose existence consists largely of letterheads. I think in the State of Kentucky there was a vote on the question which swept a Republican into Congress in a strong Democratic district on the issue of a league of nations. I have not heard those figures given on the floor by any supporter of the league of nations in its present form.

But, passing from such considerations, what are we to do with this treaty and this league of nations? Must we accept the league covenant in its present form or have no treaty at all? The Senator from Missouri [Mr. SPENCER] yesterday referred to the fact that the President had raised that issue in his State—and he likewise raised it in mine—that the treaty must either be taken with the league of nations in its present form or be rejected. I join with the Senator from Missouri in his statement that that is an unfair and false issue. The American people can not be befogged by the intrusion of any such issue. It affords a certain advantage to the proponents of the treaty in this discussion, because the world is heart weary of war. It wants no more of it. It is attempting to solve almost unsolvable problems. It is burdened with debt, staggering under the load of taxation, and it can not start on the return road to stable conditions until we have peace. Men in the Senate who believe we must reach some conclusion speedily and help the world back on its feet, and yet do not believe that the league of nations in its present proposed form will make for peace, but rather for war, have a troublesome proposition to solve. They want peace just as much as anyone but they insist that the league covenant must be Americanized.

I am not influenced by the cry that we must ratify the peace treaty immediately in order to resume trade relations with Germany. I am not particularly concerned about trade relations with Germany. Articles made in Germany will find no place in my home if I am able to have anything to say about it. We can get along without goods made by the cruel Huns who have exceeded in cruelty any horrors of all time. They can take their goods to a much warmer country than this, so far as I am concerned. It is hard to awaken in our hearts any sympathy for Germany. We have given too many of the boys of America; we have seen too much of the heartless cruelty, not only of German warriors, but of the people of Germany, and no appeals to sympathy or to establish trade relations will move the American people to any deep shedding of tears. No treaty could be too severe for Germany.

We are presented also with the troublesome question as to Shantung. It is as infamous and unholy as anything in history. What a farce and what a sham; what a betrayal of liberty, of self-determination; what an exhibition of hypocrisy is the whole Shantung matter; and yet we know if Shantung is voted out of the treaty, it will perhaps make any treaty impossible for a long period of time. So men hesitate to keep the world in an unsettled condition until that problem can be worked out. They are rather persuaded to believe that Japan may keep its promise, and are not desirous of affronting Japan and possibly driving this Nation into a war. I would not be willing to see American boys killed for the whole of the Shantung peninsula; for everything involved in the proposition, infamous as it is. If the league of nations had not been intertwined in the peace treaty, the Shantung proposition and the overpreponderance of the voting power of Britain would have been practically the only thing to have seriously delayed the ratifying of the treaty. The treaty could have been ratified ere this, and the responsibility for the delay is not on the Senate.

Now, we are hearing from the President's speeches in the West that the high cost of living is due to the delay of the Senate in ratifying the treaty; also that Bolshevism is beginning to raise its head as a result of Senate delay. Yesterday at St. Paul he added something as to the opposition being pro-German. I suppose if there is a drought in Texas, it will be due to this delay, and an early frost on the corn certainly could be attributable to it if it should fit the particular locality in which the President happens to be speaking. What a wonderful thing the league of nations is going to be. If the cost of living is too high, the league of nations will lower it; if it is too low, the league of nations will raise it; if the country is threatened with Bolshevism, take a dose of the league of nations; if pro-Germans are raising their heads, reach for the league of nations bottle; it will cure anything from rust in the oats to hookworm in the South. How did we ever get along without it so long as we have? The great delay has been in the peace conference, and the Senate is not responsible for that. Nonsense, even if uttered by a President, is still nonsense.

When the President, the sole representative, pulling strings that moved the four automatons at Paris who were labeled as commissioners but were nothing but stool pigeons sharing in extensive expense accounts, did as he said in his New York speech he would, intertwine the league of nations with this treaty, so that it could not be disconnected; so that it would all have to be ratified or rejected, he issued a threat which he came very nearly, if not entirely, putting into execution, but which threat reflects no credit upon him. He is the agent, it is true, to make treaties, but the Constitution has placed in the Senate the power to advise and consent, which is fully as great a power as to act as agent.

If I have an agent to make a contract, and it is subject to my advice and consent, to me is the chief power in the transaction. If that agent deliberately makes a contract and so intertwines things with it with which I may not desire to comply, but in the meantime having held himself out as my agent, people have relied upon him and rights have grown up, as a conscientious man I am put in the position of trying to carry it out if possible in order that injury may not result to others through the breach of my agent's agreement. But what could be said of the agent who did this? Out of a thing of this character can anyone secure a permanent place in the confidence of the American people? Was it a square deal? Could anyone imagine Lincoln, McKinley, or Theodore Roosevelt deliberately doing a thing of this kind?

However, by this unfair action we now find ourselves in a position where the league of nations can not be divorced from the treaty, and the world and our United States are in a mess and a muddle because of the action of the peace conference in intertwining these things; and now, having gotten the country into this mess, we are told by Democratic leaders upon the floor and by other self-constituted guardians of the Nation throughout the country, many of whom having been mentioned for President gather upon their face a presidential look and walk with a presidential strut, that the Senate must accept the treaty exactly as it is written. That is the issue now made in the West. Since when, I wonder, did any one man get the power in this country or in the Senate to tell the American people what they must do? That is the language of autocracy and not democracy. Since when has it become a wrong to question any action of the President? Since when has the right been taken from the Senate to consider a treaty at all merely because the President says it is a perfect document? Since when has the doctrine of his speeches been established of gibbeting men who do not agree with him? There will need to be a very large number of gibbets erected in the Nation. Have we really reached the one-man power in this country? Are the people really to be awed by such presence of greatness? Possibly some of them, but not many. To deliberately put the situation in the condition it now is and then tell the Senate what they must do, and go out to the country, with private trains at public expense, to start a back fire upon Senators does not sound like good Americanism. Nor do the speeches now being made by the President in the West indicate that calm deliberation that should characterize one in such exalted position. They indicate rather that wrath has taken the place of sound judgment on the throne of his mind.

The Senate is not going to be bulldozed. It has its duty to do and it proposes to do it. Its conscience will be its master, and it will endeavor to work out a plan to safeguard the interests of the Nation, for the Senate still believes in the Govern-

ment of the United States of America, still has faith in the flag of the United States of America, still has confidence in the power and destiny of the United States of America, and, regardless of popular impression, the Senate of the United States is not composed of cowards, but of men fully as patriotic as the President, though perhaps less arrogant and more willing to concede the right of other people to do some thinking for themselves.

When this treaty first came up I think 80 per cent of the people of my State were for the league of nations. Some of the most powerful papers of the Republican Party were strongly advocating it, and are now. I set forth largely the same objections to it in March when out home that I raise now. It drew upon my head considerable of a flood of denunciation, especially from those who had not read the constitution of the league. It has always seemed to me wise to wait for the sound, sober, second judgment of the people, and that second judgment is generally right. And while it may be to-day that a majority of the people of my State are in favor of this covenant of the league of nations exactly as it is, I know there are not as many in favor of it as there were two or three months ago. A great majority of them favor some league to carry out the terms of the Paris conference. However, I say deliberately and measuring my words that if every man, woman, and child in the State of Iowa was for this covenant as now proposed, without any reservations, that I would not support it. Possibly it would be my duty to resign, and if I felt that my State was practically unanimously for it I would not hesitate to resign. But I say very frankly here and now that no amount of threatening, no talk about votes or elections, no attempted coercion will sway my judgment in the matter.

I have waited long and thought long and meditated much and my mind has reached a fixed conclusion that I would be a traitor to my convictions and that I would be doing an injury to the people of my State and my Nation to support this treaty with the proposed covenant of the league of nations as it now is. If my representation in this matter is not satisfactory to the people of my State, I will retire without any reluctance. There would be much more pleasure, anyway, in having a brick pile of your own than in being a target. I propose to live with myself and conscience for the balance of my life and to keep faith with it, and in doing so I shall vote for what seems to me best for the people of the whole United States and for the generations that are to come, regardless of what the sentiment in my State may be at this time; and if that is State treason, make the most of it. I have confidence to believe that in the years to come the people of my State will realize that a vote for the league in its present form, with no reservations safeguarding our country, would have been close to treason to my country.

Let us reason together about this matter. Nearly all the Republicans and some Democrats are pretty thoroughly united on the proposition that there must be reservations. A large proportion of the Republicans, I believe, are not willing to have the treaty slaughtered by every kind of an amendment being put upon it, but they are willing and most of them anxious for strong reservations that must be embodied in the ratification resolution; reservations that must be clear and mean something and not some innocuous resolution that amounts to nothing if passed, merely suggesting that we do not like the dose we are taking, but that we are going to take it. Mild reservations are cowardly reservations.

Now, why can we not unite as to these reservations that a great majority of the Senate believe in and quickly ratify? The Senator from Missouri [Mr. SPENCER] on yesterday uttered, I think, the sentiment of a great many men on this side of the Chamber, and I have never seen the matter better expressed than in a letter written by the Senator from Utah a few weeks ago to one of his constituents, which I had the privilege of reading. I wish that letter might be printed in the RECORD. It is not only one of the best statements of the situation but it is one of the most manly and courageous letters I have ever seen. I commend his courage when he wrote his constituent that he would do his duty in this matter as he saw it, even if he did not receive a vote in his State at the next election. If there were more of such spirit in the Senate, there would be more respect for it in the country. What do votes amount to, anyway, compared with conscientious performance of duty?

What reason is there that the Senate should not amend the treaty or adopt ratifications? Is the Senate not part of the treaty-making branch, or is it a mere automaton? Why have foreign nations any right to complain? They are held in international law to know the powers of the American Senate in treaty making. When they deal with this country in treaties they do so with full knowledge of that fact. They can not find fault with action upon the part of the Senate. Their hearts need not break if we exercise our constitutional rights. This doctrine was well expressed by Mr. Buchanan, Secretary of State, in instructions to Mr. McLane, minister to Great Britain, under date of February 26, 1846, when he said:

> The Federal Constitution has made the Senate, to a certain extent, a coordinate branch of the treaty-making power. Without their advice and consent no treaty can be concluded. This power could not be intrusted to wiser or better hands. Besides, in their legislative character, they constitute a portion of the war-making, as in their executive capacity they compose a part of the treaty-making power. A rejection of the British ultimatum might probably lead to war, and as a branch of the legislative power it would be incumbent upon them to authorize the necessary preparations to render this war successful. Under these considerations the President, in deference to the Senate and to the true theory of the constitutional responsibilities of the different branches of the Government, will forego his own opinions so far as to submit to that body any proposition which may be made by the British Government not in his judgment wholly inconsistent with the rights and honor of the country. Neither is the fact to be disguised that from the speeches and proceedings in the Senate it is probable that a proposition to adjust the Oregon question on the parallel of 49° would receive their favorable consideration.

I ask to insert in the RECORD without reading portions of a letter from Mr. Hamilton Fish, in 1869, to Mr. Motley.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

> It is wholly unnecessary to say to statesmen of the intelligence which always marks those of the British Empire that the rejection of a treaty by the Senate of the United States implies no act of discourtesy to the Government with which the treaty may have been negotiated. The United States can enter into no treaty without the advice and consent of the Senate; and that advice and consent to be intelligent must be discriminating; and their refusal can be no subject of complainant and can give no occasion for dissatisfaction or criticism.

Mr. KENYON. We have amended and had reservations in other treaties. The Jay treaty was amended, or rather the ratification was advised and consented to on condition that an article be added to the treaty whereby it should be agreed to suspend the operation of so much of the twelfth article as related to the trade between the United States and the West Indies. This was agreed to by the British Government and ratifications exchanged. The treaty was not again submitted to the Senate. It is entirely probable here that all of the reservations insisted on could be agreed to by the other nations within a short space of time. If the larger nations agree to them, there is no question but that the smaller ones will immediately follow suit.

In the treaty with Tunis, signed in 1797, the Senate attached a condition that article 14 should be suspended, and advised the President to enter into further negotiations on the subject of the article. These changes were made. It is true that President Adams resubmitted these articles to the Senate.

In the ratification of the convention with France of September 30, 1800, the Senate struck out article 2, and other instances might be cited.

Suffice it to say that the Senate has the power to freely exercise its coordinate jurisdiction in treaty making by reservation or amendment, and has done so as late as 1900. It has the right to consent to ratification only if certain amendments be adopted, and if the consent of the other parties is obtained resubmission is not necessary. Of course, the act of ratification itself is for the President. The Senate merely advises and consents. If the amendment is such as to be not acceptable to the other party, then, of course, it is the end of the treaty. The President is under no compulsion to support the reservations and may pigeonhole the whole treaty if he desires.

I desire to discuss reservations in general and, to some extent, those of the committee.

The first essential reservation should be to make clear just how the United States can get out of the league whenever we desire upon proper notice. That is the most important of all the reservations. No one need fear that the United States would do an unjust act, and if fairly treated and it was doing a real work in the league, there need be no danger of or apprehension as to its policy in leaving. If this reservation were adopted, and also one limiting article 10—which I shall later discuss, and the one with reference to domestic questions—I would be willing to support the league, because I feel that these reservations are the real essence of the whole matter. If reservations of this kind are not adopted, I shall vote against the treaty, regardless of consequences. There seems to be misapprehension as to whether the language is clear on the point of leaving the league. The Senator from Virginia charged that we could leave whenever we pleased. The President, I think, takes the position that while there is no legal obligation to remain there might be some moral one, though I am not advised exactly as to his position.

The American people have had no opportunity to vote upon the subject of entering this league. We have no right to bind them to something where they can not get out without the con-

sent of other nations. Making the matter clear gives them an opportunity to express themselves at the ballot box when this shall become an issue. And as sure as the sun rises and sets and the tide ebbs and flows this question will become a question for the American people to determine. Do you think you can deprive them of that right? "We, the people of the United States," formed this Government, and they will have something to say about changes in the structure of the Government. In my judgment, it is bound to be an issue in the next campaign, and it is our clear duty, in so much as we can not now secure a vote of the people upon this subject, to give them a chance to say they will go out of it without the aid or consent of any nation on earth and an opportunity to make that an issue in a campaign.

I do not mean that we must not have some alliance or entente to carry out the terms of the Paris treaty. We are involved in it now. We are in entangling alliances. It is nonsense to talk about keeping out of entangling alliances. We can not leave the situation at once and say we will have nothing to do with it, and we will not shirk our duty, but there is no reason why we should be bound up from now until eternity, compelled to take part in every squabble that Europe engages in and carry the world upon our back, for our shoulders are already somewhat heavy with war burdens. Our supreme duty, as I view it, is not to bind this United States so as to prevent the exercise of its free will. That is the all-important thing. The adoption of this reservation I have mentioned, and which is presented by the committee, would enable the American people to settle this question, and it is the only way they can have that privilege and at the same time have this treaty ratified within a reasonable period.

I do not raise the question that we must not give up some sovereignty. That is essential in every treaty, but I do insist that we shall not give up the exercise of free will to determine the affairs of our Nation. There is naturally much inquiry as to why we have to enter any agreement to go to the help of civilization. Have we ever entered such a thing in the past? Can we not be trusted? America by its policy has put itself in position where it could help save civilization. If it had been bound up by every kind of an entangling alliance, it might not have been able to have saved the world. For, while we may not say that the United States won the war, we can well say that without the United States the war would probably have been lost. But could we have done any better by France if we had had a treaty? Did France ever dream that 2,000,000 American boys would be fighting on their soil and helping to save their nation? Did we enter into any contract to go to the relief of distressed Cuba? Would it have been any stronger situation if we had? If civilization is perishing, must America enter a contract to do her part to save it?

France when at one time asked to enter a contract to help the Poles declined, thinking that she could best befriend them by reserving to herself her own freedom of will.

Lamartine in an address to the Poles on this subject in 1848, he being minister of foreign affairs, said:

> France owes you not only good wishes and tears, but moral and eventual assistance in return for the Polish blood with which you have bedewed every battle field in Europe during our great wars. France will pay her debt; rely on that; trust to the hearts of 36,000,000 Frenchmen. Only leave to France that which exclusively belongs to her—the season, the moment, and the form, of which Providence shall determine the choice and suitability to restore you without aggression or bloodshed to that place which is your due in the catalogue of nations.
>
> The provisional government will not suffer its policy to be changed by a foreign nation, however great the sympathy that may be inspired. Poland is dear to us, Italy is dear to us, all oppressed peoples are dear to us, but France to us is dearer than all, and the responsibilities of her destinies and possibly those of Europe rest with us.
>
> We as Frenchmen have not to consider the interests of Poland alone; we have to consider the universality of that European policy which corresponds to all the horizons of France.
>
> On the day when it shall seem to us that the moment has arrived for the resurrection of a nation unjustly effaced from the map we shall hasten to its assistance. But we have reserved to ourselves that which pertains to France alone—the choice of time, justice, and the reasons which would make it our duty to interfere.

Why should we not reserve to ourselves the time, justice, and reason which would make it our duty to interfere in the affairs of the world? Would we be in better shape to help? That thought can not be brushed aside by a wave of the hand. It will be ever recurring in this debate. In the Cuban affair and in the present war there was no one else to determine the course of the United States but the United States itself. Did it make a mistake? Is there any power on earth better able to determine what is necessary for humanity than the people of the United States? Do we need a council and an assembly to tell us when it is necessary to do our part of the world's work and advise us how to do it? When did we become so supine and powerless that we could not act on our own initiative? When has the world ever appealed for help in a righteous cause and America refused? It never will, but America must determine that question. No nation can do it as well, and league of nations or no league of nations, America will always determine it for herself. The greatest value that can come to any nation from the proposed league is that it would provide a method to talk things over before going to war. That is certainly helpful and desirous, and if it would result in delaying or avoiding war it would be worthy the object sought to be attained. We can not well pass up the opportunity for mutual discussion of wrongs and difficulties between nations.

Two other reservations are strongly advised—one to make the preservation of the Monroe doctrine certain and the other as to domestic matters.

The Monroe doctrine is a good deal of a fetish with the American people which they rather cherish. I have not been particularly alarmed about it with reference to this treaty because there is reference to it, and while it is called a regional understanding, yet there would be basis for the American people to claim that it is excluded. It seemed clear to me in the first covenant as presented that we absolutely surrendered the Monroe doctrine. It is not clear in this covenant, and true, like nearly everything else in the treaty, it is somewhat muddled, yet there is reference to it. I do not feel much alarm about that question.

Domestic questions should, of course, be protected and, I assume, will be. Nearly everyone agrees to that who is not an insane worshiper of forms.

The tariff, immigration, and other matters that might be suggested are purely within the domain of nations themselves, and I think there will be little difficulty in arranging that by satisfactory reservations.

ARTICLE 10.

I shall favor strong reservations to article 10. Its sponsors hardly seem to know what it means. Probably there is more controversy and feeling over it than any other provision of the treaty, except the Shantung infamy. If it is uncertain as to our obligations under article 10, why not make the language certain? Would it not be better to have some delay in the ratification of the treaty than to have misunderstandings provocative of future trouble? We hear from the proponents of this article that it is the keystone of the whole arch; that it gives confidence to smaller nations and prevents great nations from infringing on the rights of smaller ones. If that were all there was to article 10, there might be merit in it, but is that all? Does article 10 not preserve to the great powers, the monarchies of the world, everything that they have acquired? Does it not stifle the voice of oppressed people everywhere, and does it not blind their eyes in their struggle toward the light? Is it not more provocative of war than of peace?

Different constructions have been given to it by the various claimed authors. The highest authority, as I understand, on the subject suggests that it means a moral obligation and not a legal obligation. What is the use of pussyfooting around about article 10? What is the use of talking about moral obligations as distinguished from legal obligations with reference to international law? Of course, there is no way to force compliance with an international agreement by law. It is a moral obligation, enforceable only with battleships if the nations refuse to comply with it, but it is a high question of honor, and under article 10 we agree with other members of the league to undertake to respect and preserve as against territorial aggression the territorial integrity and existing political independence of all members of the league.

The President, in his Indianapolis speech a few days ago and others that he has made, refers to this article 10 as going to the heart of this whole bad business; that the council of the league will advise what shall be done to enforce respect for that covenant; and that there is no compulsion upon us to take that advice, except the compulsion of good conscience and judgment; and that there can be no advice of the council on such subject without a unanimous vote. It seems to me this is not playing fair with the American people. We have had enough of the violation of agreements in the history of Germany of considering treaties mere scraps of paper. If the President's contention is correct, then under article 10 we simply do as we please, which is, of course, true in any event should we desire to utterly disregard the obligations of solemn, binding agreements.

Article 10 means just what it says. The very fact that there is so much attempt to explain it and brush aside its force shows that its proponents can not candidly face the issue. And if the time ever comes under article 10 that there is external aggression against a member of the league it would be our duty to assist in meeting that aggression, even to the point of arms. What is the use of trying to deny it? Face it squarely. Are we willing to do this? If we enter into that solemn binding obli-

gation we must carry it out at whatever cost or else sacrifice national honor. If we do not propose to carry out this obligation let us say so now, and the Senate Foreign Relations Committee has said so in the reservation that they have proposed.

The President said in his Columbus address a few days ago that he had done the job over there in the way he promised the American people, and paid great tribute to himself for the way he had done it. And he said, "when this treaty is accepted men in khaki will not have to cross the seas again." In another speech on this trip our peripatetic Executive said, "will not have to cross the seas very soon." Again, if the newspaper reports are correct, quoting, "this league is the only arrangement which will prevent our sending our men abroad again very soon." What about this language? Is this a threat to the American people that if the league is not adopted there will be a sending of "our men" abroad again? And from whence does the authority come to the President to make such statement? Will "our men" have anything to say about it? Whose men are these that he talks about sending abroad to fight other people's battles? We have managed to get along for over 100 years without sending men abroad and there has been no league of nations. It would seem that even without a league of nations there was little necessity of sending men abroad. How easy it is to talk sacrifice for others. How easy it is to talk about sending other people's boys across the seas to fight in affairs with which we have no concern. The expense accounts now filed with us of the Paris commissioners do not indicate any great sacrifice. What sacrifice in the expense account of one technical adviser of $150,000? How hard it must have been to get along on that for six months. It is a sham to talk about sacrifice for others and not for ourselves.

Men stand here and argue that this treaty means perpetual peace, which everyone desires. And then when confronted with article 10, say, "Oh it is a mere moral obligation." Most men are stronger for carrying out moral obligations than legal obligations. As I view it, if the time ever comes when China tries to take back Shantung, assuming that Japan will not keep her word—which we all hope she will—we will find China and Japan arrayed against each other in war. China not only attempts to take back Shantung, but in the war invades Japan. Is there any question as to our obligation under article 10? Is there any doubt that it would be the duty of this country to assist Japan in fighting China? Of course, it may be answered that the matter must be submitted to arbitration or inquiry by the council. Suppose it does go to the council and the council is unanimous that Japan shall keep the rights she acquires in Shantung by this treaty. China refuses to comply with the report, and under article 12 she can go to war at the end of three months after the council makes its report. This seems to be the end of the road. China could, of course, be dropped from the league if she refused to obey the decree of the council, but is there anything left but war? Is there any question that it becomes external aggression against Japan? And there is only one way to preserve nations against external aggression, and that is by force of arms. And so under article 10 the situation may arise where the great Republic, dedicated to liberty, justice, and in these recent times to the doctrine of self-determination, finds itself in the position of trying to assist Japan in holding its stolen property. Where are the volunteers who will be pleased to go and fight in such a cause? We will need more alluring advertisements than those now posted for soldiers for Siberia. Will it be the men who sit in comfortable chairs, and especially those who have no boys to send? Will the boys in khaki go across the western sea this time? Will there be conscription to try and compel the boys of America to cross the sea and fight in the aid of other nations? Let us face it squarely and not dodge the question.

The President may ride through the country in his palatial de luxe train at the expense of the public and tell the people that section 10 does not mean attempting to send the boys of this country to fight for some boundary line in the Balkans or to repel an invasion of the kingdom of Hejaz, but the people are perfectly able to read section 10 and able to understand what territorial integrity and existing political independence and external aggression mean. They can not be permanently deceived. They believe in keeping a covenant once made. Talk to the mothers and fathers of America and see if they are willing that their boys shall be given for the cause of foreign nations? I had a letter a few days ago from a father in my State who had two boys in the war—one who had been blown to atoms in a shell hole. There was not enough left of him to pick up for burial, and the father stated in his letter he did not propose under article 10 to have his other boy sent to Turkey to police that country or to go anywhere else except he be sent in defense of the United States of America. He had a right to speak. He was not a member of any league where poll votes are taken once in a while and used on the floor of the Senate to show us that the people are in favor of the league of nations.

What concern is it of ours that Italy tries to secure Fiume? If gentlemen want to go and fight and help Italy secure Fiume that is their privilege, but they have no right to try and compel others who may not be so excited about the proposition to go and give up their lives if external aggression is exerted with relation to Fiume. In my judgment we have no power to conscript men and send them across the sea to fight for any nation but the United States. When they went across in this war they were fighting for the United States. The right of conscription would not have existed to send them across to fight for the 14 points.

Section 10 is said to be the keystone of the arch of this covenant. It is a rotten keystone and if the arch must depend upon this keystone it will go down. Red-blooded Americans, much as they desire peace, know that they have been deceived in being told that section 10 would make for peace. They know is has the seeds of war in it; that it is a war breeder. The soldiers who are returning from abroad know it and they are now protesting against it. They have seen enough of the jealousies of races. They are not willing to give their lives except for the United States of America, and when a foreign war becomes a war which involves our country as this one did, they are willing to go and they are willing to die, but they are not willing to die for other nations, and no man in Congress or elsewhere has a right to send them and compel them to give up their lives in the interest of some other nation and to fight other people's battles. "Our men," as the President calls them, are not merely waiting around to be told to go hither and thither wherever some foreign ruler may think it desirable and can influence the league of nations to that extent, and if this treaty is defeated our men will not be sent over the sea except in America's battles, and the President can not induce thoughtful Americans to believe otherwise. And mark it, presidential word or no presidential word, secret agreement or no secret agreement, these men who have something to say about their own life will not be coerced into fighting other nations' battles, and there is no power in heaven or earth that can make them do it. If they want to do it voluntarily, that is their own business, but no President is going to send them to do it, and the arrogance of such assertion becomes more a despot than the ruler of a free and enlightened people. The President is carried away by handclapping; by the desire of the people to pay respect to the great office; he has been carried to the point of abusing those who venture any opinions contrary to his.

We are told that article 10 does not prevent nations struggling to the light through revolution because it only applies to external aggression. When did any people throw off oppression and tyranny without the help of outsiders? Would we have been a Nation to-day without the help of France? Could Washington have succeeded at Yorktown without Rochambeau? Would he have had the spirit to go on and on without the gallantry of Lafayette? Was there not impetus to our cause in the French fleet appearing in New York Harbor?

If there had been a league of nations like the proposed one in those days, France could not have helped us. It would have been an external aggression upon English territory. When Cuba was struggling toward the light and the most barbarous practices were in vogue, her revolution could not have been successful without external aggression, and if we had had a league of nations then Cuba never would have been free.

When I went through Porto Rico a short time ago—she had been in the same situation as Cuba—and saw the American schools and the little children hungry for knowledge and development and progress and the getting of something for which the human heart yearned but knew not what it was, I thanked God that there had been no article 10 in any league of nations to have prevented the great American Republic from doing for mankind what it is doing for Cuba and Porto Rico. Tell me a revolution in all history that has not had external aid to make it successful.

These three reservations that I have suggested, namely, a way out without the aid or consent of any nation on earth, a limitation of section 10, and a clear statement as to domestic problems, will make the document worthy of trial. I shall also vote for an amendment to equalize the voting power of Britain and the United States. It would have been better, in my judgment, to have reduced the voting power of the British Empire rather than to have increased the voting power of the United States by amendment. That in itself is enough to arouse suspicion as to this whole proposition, and certainly a short-sighted policy on

the part of Britain, for it will raise an antagonism in this country that will make certain, in my opinion, the defeat of the whole plan of the league of nations as soon as the people get a chance to vote on the question of getting out of it when that becomes an issue in this country. You can not go before the American people and successfully argue to them, no matter how large an expense account the orator may have in his pocket or how de luxe a special train may be, that it is right or fair for this Nation of 110,000,000 people to have one vote in the assembly and for Britain to have six. What will you say to your constituents on this question? What can any man say in trying to defend the giving of Britain six votes in the league of nations and the United States one? Has anybody defended it? I should enjoy sitting in an audience with hard-headed farmers of my State and listening to the defense. I have looked in vain for some defense of it by the President on this trip. It can not be defended unless we assume that Britain is a six times greater nation than ours. To what pusillanimous cowardice and sycophantism have we come? Mr. President, tell the people why you consented to this.

I do not share in the attempts in this country to create a feeling against Britain. These English-speaking nations must stand together for the peace of the world and for the preservation of civilization. We have had our troubles with Britain. We have felt that at all times she has not treated us fairly, and that is true. Probably she has had the same feeling about us, and had reason therefor; but it is time to cease the creation of friction between these nations. The enemies of civilization could well rejoice if these great nations, devoted to the highest ideals, should engage in a contest of extermination with each other.

How can anyone seek to belittle the British Empire and to raise animosity against it when he reflects upon what Britain did in this war? Had it not been for the British Navy the war would have been brought to our coast. Anyone who ever had the opportunity during that war to see the British Grand Fleet and those hundreds of fighting vessels knew that there was the first line of defense and there was the salvation of our country as well as the world. The spirit of Britain was manifest in that terrific drive in March—when the world waited and trembled, and where the gallant Scotchman, Haig, sent a thrill and note of determination to the world when he said, "Our backs are against the wall; Britain, stand and die." And Britain was ready to stand and would have given the life of every man, woman, and child, if necessary.

I was told of a great mound behind the lines in France, a thousand unknown British soldiers buried there, and a tablet above the mound on which was inscribed, "Tell Britain, ye who pass, that we who rest here died content." That was the spirit of Britain. She is not a perfect nation. She is looking out for herself; she is nationally selfish, but down beneath it all is a firm bedrock foundation of justice and righteousness.

If during the war that little island of England had sunk into the sea and fathoms above it had come the German hosts to our shores, if there were any peaks left you would find them covered with British Tommies fighting for the salvation of civilization. England has done us wrongs in the past. She is looking after herself now. We forgive her for her wrongs as long as she shows the right spirit, and we admire Britain for looking after herself. Would to God that the United States of America had some of the wisdom of Great Britain to look after its own affairs as well as the affairs of the world. Britain can not object to our demands for equal representation in the league. She must recognize the justice of our demand. It is nothing but the doctrine of the square deal.

Every now and then we are chided because we talk about isolation and about progress through isolation. Of course, isolation was our policy for practically 100 years. God gave this country geographical isolation. There is always an isolation of eminence, of success, of achievement. That was ours as a nation. When we took the Philippines that policy was changed, but surely there is a course between complete isolation on the one hand and complete entanglement in all the troubles and wars of Europe on the other. Should we not take a middle way? We are traveling necessarily along new and strange pathways. Let us make sure of our footing and not be carried away by the light of flattery, but follow the clearer light from the lamp of experience. Are we willing that all the world's guides who have followed the trail shall be cast aside for the new ones? Have we any faith left in the wisdom and patriotism of Washington, Jefferson, Lincoln, McKinley, and Roosevelt? Are we willing to give them all up, together with the traditions of the Republic, for some new, untried, romantic ideals that no one can explain, because no one, not even the authors, seems able to understand? We must go forward, of course. Our heads may be in the clouds, but we had better keep our feet on the earth. We must accept certain world burdens and responsibilities. It is a new age. We must have agreements between nations.

The question is not whether we shall go in the league at all, but whether we shall change this league and protect American rights. In other words, how far shall we go? Because men insist there must be changes in the proposed covenant, that America must be protected, does not argue that men in favor of changes are against every kind of a league or alliance. The doctrine is pure demagogism that it must be this particularly worded covenant or nothing. The words "put up or shut up" as used in a recent speech of the President can hardly be termed the coining of a new phrase. It is not equal to the term "too proud to fight," nor to another one, reported to have been used a few days ago, "that whereas in the past we had attended to our own business, now we are going to attend to everybody's business." Mind your own business has been a pretty good American doctrine, and we should do enough only in the business of foreigners to make certain that our own business is properly cared for. Would it not be well to be careful in considering the question of a league that we include America as a part of the world; that in the great world view we are asked to take of this matter we forget not the United States of America? Would it not be well to be careful that the great giant of America is not so covered with burdens and weighed down with matters not of its concern that it can not carry the necessary burden of keeping its own country the greatest of the world? It can not pursue its policy of progress if it is blind to the claims of the world, nor can it if it is chained to the dead institutions and teachings of the past, as exemplified in the monarchies of the world. They have not been willing to walk our way. Hence we were compelled to walk alone. In insisting upon the reservations presented by the Foreign Relations Committee we are presenting a league of nations that the majority of this Senate, I believe, is willing to accept. The league is to some extent Americanized by the reservations. The President in one of his speeches in the West said that opponents should present something; "either put up or shut up," I believe, was the presidential language. Well, the Senate has now "put up" to it the kind of a league of nations that men believe will not be harmful and that may result in some good. Let the President answer as to these reservations. What fault does he find in them?

Some little time ago Lord Robert Cecil, in pleading with the American people to ratify the league of nations, said:

> I see it suggested in some places that the United States should not accept membership in the league of nations because it might involve some sacrifices of national sovereignty. It would be foolish to deny that if nations are to make any organization for peace each of them must be content to modify in some degree, however slight, is liberty of action. That is the inevitable result of cooperation, and I do not wish to underrate the sacrifice involved.
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> The United States, as some people are never tired of reminding us, came into the war at a comparatively late period, and, though she threw her whole heart into the struggle and spared no effort to victory, it necessarily followed that her actual sacrifices, both in men and material, were less than fell to the lot of some of her associates. On the other hand she declared at her entry that she sought no profit, either territorially or otherwise, and that declaration she has fulfilled. I doubt if there is any example in history of a nation which has taken part in a struggle of comparable magnitude which has at the end asked for no direct national reward. Yet America may feel that she has done this. That her national interests in the widest sense have been neglected is not true, for the greatest national interest of every civilized State is peace. America has striven for peace, but it has been peace without material reward. She has sought no territorial aggrandizement and no financial advantage.
>
> That is the glorious record, of which, if envy between our countries were possible, I should be envious. It would indeed be deplorable if, at the end of the conference, something happened to mar this record.

Of course, Sir Robert was interfering with our affairs a little before the proper time. He should at least have waited for the ratification of the league before trying to dictate the affairs of the United States. After such ratification, having six votes to our one, he might very properly have told us what to do and how to do it. Passing that, however, his closing words are worthy of consideration. "It would indeed be deplorable if, at the end of the conference, something happened to mar this record." Unworthy words! Is Britain now so shortsighted as not to see that while we have been her friend and will continue so, we do not desire to be her unequal partner? Does she not know that good friends might not so remain if compelled to be reluctant partners, especially unequal ones? Can we not remain friends without entering into partnership? Is it necessary to become partners with everyone in the world? The President seems to take the view that we must either be partners or antagonists. Well, if we must be partners, certainly we ought to be equal ones; but partnership is a relation to be entered into with care and with great consideration as to who the partners are to be. This

treaty is fraught with trouble for the future relationship of Britain and the United States, because if adopted with this unequal vote in the assembly it is done by an unwilling Senate merely to preserve the status of the world during these troublesome times, and with a deep feeling of resentment that the United States has been bunkoed in the transaction. "Mar our record"! When the call came for help; when France was near the end; when Britain's back was to the wall, who responded? The Republic of America. When it seemed to France that she could not hold another day; when at Cantigny and Chateau-Thierry the most tremendous issue of the world was involved, what was it brought new cheer and hope. The voice of America. When the troops pressed on through the Argonne Forest a new flag led—it was the Flag of the Republic of Freedom. When the assaults started all down the line; when new armies with new vigor pressed forward to the last undoing of Germany, what put new force and vigor into the offense? It was the power of America. When the peace treaty came and other nations were scrambling for spoils, what was it that attempted to infuse into the assembly the new thought of no indemnity, no spoils, nothing but justice? It was the soul and spirit of America. The record is made. It can not be marred. The boys who are sleeping in the cemeteries of France, the legless, armless, sightless heroes of America, have made the record to stand for all time and eternity, never to be marred unless by the base, pusillanimous, cowardly surrender of the ideals for which these men fought and died, and the giving up of Americanism and the will of America to the dominion of foreign powers.

I trust our friends on the other side of the Chamber may come out of the valley of stubbornness. There are the necessary votes here to ratify this treaty with substantial reservations. They are not here to ratify it without. The votes are here to defeat the whole treaty regardless of consequences if reservations are not adopted. Make no mistake about that. Why try to deceive yourselves about it any longer? Why do your leaders keep talking about enough votes to ratify without reservations, that it is a fight to the finish, and so forth? If that is your doctrine, the finish is here. It can not be ratified and will not be unless reservations are adopted substantially like those presented by the Foreign Relations Committee. Abuse and villification, even from the highest sources of the land, will not change the minds of men who have given long, conscientious, deep thought to this subject and believe that ratification in the present form of the league of nations is a betrayal of this country. In standing for reservations they are not standing against any plan to carry out the terms of the Paris conference, they are not "contemptible quitters," nor are they mere time servers. They are trying to Americanize this league. They may reply to presidential billingsgate, to the charge of "contemptible quitters," that the most contemptible quitters in the history of the world were those who assembled with high ideals at the Paris conference and permitted Japan to take over Shantung in violation of some of the 14 points and in violation of the doctrine of self-determination and in violation of God's eternal justice. Come out of your stubbornness and join the men on this side of the Chamber who will vote for reservations, and then vote to ratify the treaty.

Suppose you could by any possibility adopt the treaty in its present form. Can you imagine what the situation would be in this Republic? The forces of America would turn and rend you when they realized that the Senate had ratified a league of nations where it was doubtful if we could get out of it without the consent of other nations. When the great bills for expense roll in—and we have had a sample in the scandalous outlay of the people's money in the Paris conference—when the host of deserving politicians secure soft jobs and sinecures; when the large part of the burden of carrying it is placed on the backs of our people; when the attempt is made to send American sons into Siberia and into the Balkans and into the uttermost parts of the earth, to police quarreling nations with whose affairs we have no concern, then woe to the body and woe to the men who are responsible for involving the American people in this thing. If you should adopt this covenant as it now is, you would hear from the American people in no unmistakable terms; adopt it as it is, and they will speak at the ballot box next year in a way that will make the Republican defeat in 1912 look like a triumphant victory to those who are running on a platform indorsing the league of nations exactly as it is. The result would be the inauguration of an administration at Washington that, while not blinded to world affairs, would, at least, be safe for the United States of America. [Applause in the galleries.]

The VICE PRESIDENT. The occupants of the galleries are constantly violating the rule of the Senate against applause. They seem to pay not the slightest attention to the rules of the Senate or to the Presiding Officer. Applause is not only in violation of the rules of the Senate, but it is distinctly distasteful to the Chair. The Chair makes speeches where there are no rules against applause, yet nobody ever applauds him, and the Chair is not going to sit here and hear other men applauded where there is a rule against it. [Laughter and applause in the galleries.]

Mr. NEW. Mr. President, in the course of the very admirable address which has just been delivered by the Senator from Iowa [Mr. KENYON] he referred to the statement recently made by the President in Indianapolis, or if not there in one of the speeches delivered on his present tour, to the effect that under the league of nations no American troops would be sent abroad.

I am well aware of the fact that the league of nations has not yet been adopted, but, Mr. President, while that is true it is at the same time true that we are at present cooperating with our recent allies upon the theory and along the lines on which the league of nations is to be conducted; and it is a further fact that at the moment the President made that statement the Fifth Infantry had been ordered to Camp Meade to be recruited for service abroad and is now there awaiting being brought up to the point of full military strength previous to being sent to Europe. It still needs 1,500 men. The Fiftieth Infantry also has been ordered to Camp Meade in order that it may be recruited up to full military strength, it requiring 1,000 men to bring it up to that point. As soon as those two regiments are brought to that state of military perfection they are to be sent abroad, according to the official statement of the War Department.

MR. FORD AND THE PRESIDENTIAL TOUR.

Mr. SHERMAN. Mr. President, I ask unanimous consent to occupy the time of the Senate for about 10 minutes on a phase of the question relating to the address of the Senator from Iowa [Mr. KENYON].

Mr. President, I greatly regret that I must descend from the sublime level occupied by the Senator from Iowa [Mr. KENYON] in his very instructive address to the ridiculous of everyday procedure. In my State almost every newspaper outside of the metropolitan centers, meaning the down-State papers outside of Chicago, have received a notice or request which I desire to read. For instance, taking two samples of such newspapers, what is known as the Republican Leader of Marion, Ill., in the soft-coal belt in the southern part of the State, and the Evening Record, of Beardstown, Ill., in the Illinois River Valley, have received the same notice. It runs as follows:

TO THE EDITOR: The Mount Clemens (Mich.) News Bureau has arranged to send a correspondent with President Wilson on his special train when the speaking tour is made in behalf of the league of nations.

Daily reports of the reception accorded the President and his speeches will be furnished by the bureau in plate form of one or two columns free of charge, transportation paid, to such papers as desire them. A poll of the newspapers and a study of their interest in the President's efforts causes the belief that those papers which are advocating ratification of the covenant, but which do not receive wire reports, will find such a service of timely value to themselves and their readers.

There will be no connection with the work which the Mount Clemens News Bureau is doing on the Ford-Tribune libel case. The service will be confined exclusively to reporting the adoption by the country of the developments in the campaign for principles of a league of nations.

If you wish this service without cost to you, sign and mail the inclosed stamped order card at once so that you will be sure your name is on the list when the service starts.

Your, very truly,

WESTERN NEWSPAPER UNION.

This was on the 1st of August. Along about the 23d of August another notice was sent out, in substance the same, making a renewal of the request and explaining some delay that had occurred in the President's speaking tour as originally contemplated. The second notice I desire to have printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The notice referred to is as follows:

Because of the delay in the President starting his speaking tour on the league of nations, the Mount Clemens News Bureau has requested us to again offer you their service.

As stated in a previous letter, this bureau has arranged to send a correspondent on the train with the President.

Daily and weekly reports of the reception accorded the President and his speeches will be furnished by the bureau to such papers as desire the service in plate form of one or two columns free of charge, transportation paid.

The Mount Clemens News Bureau requests us to say that "there will be no connection with the work which the bureau has been doing on the Ford-Tribune libel case. The service now offered will be confined exclusively to reporting the developments in the campaign for the adoption by the country of the principles of the league of nations—that and nothing else."

If you wish this service without cost to you, sign and mail the inclosed stamped order card at once, as this will be the final order.

Yours, very truly,

WESTERN NEWSPAPER UNION.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. SHERMAN. Yes, sir.

Mr. LODGE. I received one of those cards from the Mount Clemens News Service. I understand that is Mr. Ford's news service; that he owns the Mount Clemens Service, whatever it is. Is not that the case?

Mr. SHERMAN. Yes, sir; I understand that that is correct.

Mr. LODGE. He is proposing to furnish the President's speeches in plate form free of charge to all the smaller newspapers of the country.

Mr. SHERMAN. Yes, sir; and I think every newspaper outside of Chicago in my own State has received a similar signed, stamped postal card making the request that they use the matter.

Mr. LODGE. So that the President's publicity is being paid for in part by Mr. Ford.

Mr. SHERMAN. Yes, sir; and I wish to say, commenting very briefly on this—I shall not occupy more than 5 or 10 minutes—that I have desired to place in the RECORD an article entitled "The President's Angel."

The Western Newspaper Union is offering "boiler-plate" matter concerning the President's second hegira from the seat of government at reduced rates. The first hegira was in December. Like a faithful Mohammedan, we begin to estimate time from the first or second hegira of the prophet and the flight of the faithful with him at that time. A casual reading of the offer, in fact, discloses that the only cost to the receiver is to sign and mail a stamped order card sent out by the news agency. The daily papers, outside of the metropolitan centers, are all besieged with offers to donate this gratuitous information. Almost anybody now can have the latest on what the President thinks on the peace treaty and the league of nations. This is no small boon, because what the President thinks to-day is no indication of what he will think to-morrow. The advantage of having daily bulletins on his mental processes and conclusions on or before sunrise is worth to the publisher of any country newspaper the trouble of signing the stamped card and depositing it in the United States mail.

An examination of the Western Newspaper Union, which I have taken the trouble to make, satisfies us that it is not an eleemosynary institution. Like other active news-gathering instrumentalities, it desires an income. While it recognizes that money is the root of all evil, it must pay rent and meet the customary demands of its employees. How it can do so by donating its news arouses curiosity. An investigation I have made. "We are pleased to announce," as the theatrical advertiser is wont to say, that Henry Ford is the financial angel that makes it possible for every household in the land to know what the Executive impresario is doing every day. Mr. Ford is commonly reputed to enjoy an annual income of $35,000,000. None of the performers in these acts need fear, therefore, any danger of being obliged to pawn their baggage or walk home. Henry's income is so ample that even the humblest member of the political chorus need have no fear. Mr. Ford is determined that the President shall have publicity. Stars often have difficulty in obtaining space in the newspapers. The very best of them at times have been compelled to resort to divers strategems to put something over on the wary advertising manager. They have been compelled to be robbed of their jewels, fall off the boat, wear bizarre raiment, and pose in sensational attitudes for the public press. None of these would be becoming to the Chief Magistrate of a free people, nor, I am pleased to say, will it be necessary, even, as long as Henry's income keeps up, for be it known that Mr. Ford and the President are two souls with but a single thought, two minds that blink as one. [Laughter.] The President is fortunate in such a promoter. Henry is intensely practical, possesses the aforesaid income, and cares not a whit for history, phrase making, or book learning of any kind. Indeed, he has frequently expressed his contempt for them. It has been intimated that Mr. Ford is short in supplies of this character. But no matter; the President is long on every kind of intellectual forage. Henry has the money, and our beloved President has the ideas. When the two combine, the public education can not suffer.

Henry himself had a most illuminating course of free advertising not long ago. The Chicago Tribune called him an anarchist and an ignoramus. There were some ornamental frills in addition to the foregoing undesirable epithets, but the backbone of the Tribune's misbehavior was the two named. Mr. Ford, on mature reflection, thought he could not stand the gaff. He had been very liberal in denouncing everybody else in paid advertisements, especially if they believed in preparing the country to defend itself; but, like most liberal distributors of invectives, he squeals louder than anybody else when he is given a stalwart dose of his own medicine. The more the Detroit jitney builder meditated the higher the damage to his character mounted. While nobody cared anything about whether he was an ignoramus, an anarchist, or just a plain pale-blue ass, yet when Henry sued the Tribune for a million dollars damages the public prepared to attend the exercises. No libel suit ever gave both plaintiff and defendant more publicity. Mr. Ford ought to be satisfied. I have no doubt the Tribune is. It could well afford to be generous in the matter of damages. What it proved about Henry ought to be enough to satisfy almost anybody. The jury reduced the damages considerably, discounting for cash, as it was admitted on the trial that the Tribune was solvent and would pay whatever was finally adjudged against it. The verdict of 6 cents allowed by a jury of the Tribune's peers—it would be difficult to find 12 men in the United States Ford's peers—will not go far on furnishing plate matter of the President's tour against the "contemptible quitters" on whom he lavishes his ornate vocabulary; but Henry's income from outside sources makes the venture reasonably safe. Any newspaper may confidently promise its readers a full set of the boiler plate of the President's latest trip, referred to in the insertions in the CONGRESSIONAL RECORD.

LEAGUE OF NATIONS AND TREATY OF PEACE.

Mr. HARDING. Mr. President, I wish to take advantage of the courtesy of the Senate to give notice that to-morrow, at the close of the morning hour, when I may be suitably recognized, I shall make some remarks on the question of the league of nations and the pending treaty.

Mr. SHERMAN. Mr. President, I wish to give notice that on Tuesday of next week, if I can at that time obtain the floor, I shall submit some remarks on the league of nations and the peace treaty.

Mr. TOWNSEND. Mr. President, everybody understands with what difficulty the United States Senate and the people of the United States have obtained information relative to the league of nations. We had hoped that what the President had not seen fit to divulge to the Senate he would, as he stated in his first speech on this present tour, give to the people. I have felt, in reading the newspaper reports, that we have received very little information from the President's speeches on the treaty. He stated frankly that he owed no duty of explanation except to the people. He wanted his hearers to understand that he owed no duty to the Senate. I this day received a copy of the Grand Rapids Herald, which contains an editorial written by a man who is in favor of the league, who has been very earnestly active in promoting a league as far as he could consonant with the safety and welfare of our country. I ask unanimous consent to insert this editorial in the RECORD in order that my colleagues at least may understand how wise, patriotic men look upon the disclosures which are being made by the President.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"AT ST. LOUIS."

[By A. H. Vandenberg, the editor, the Herald.]

(The Herald is undertaking, from day to day, to analyze President Wilson's speeches from the standpoint of that American majority which believes the treaty of peace should be ratified but only with effective American reservations which shall make "the league of nations" safe for the United States.—No. 3.)

"Bundling all who do not wholly agree with him into one condemned sect, President Wilson celebrated his third day out from Washington by branding this sect as 'contemptible quitters' if they do not unquestionably follow him into unlimited acceptance of his new world vision and his sled-length 'league of nations' experiment.

"The Herald is disinclined to compete with Mr. Wilson in a campaign of anathema. Mud is not argument. Indeed, resort to the former is frequently confession to lack of the latter. Furthermore, 'contemptible quitters' is a dangerous phrase to come from an Executive who is responsible for an American foreign policy toward Mexico (involving a problem infinitely nearer to us at present than this 'league') which invites the application of this humiliating phrase to the whole people of the whole United States.

"Be that as it may, let us see just what it is that the President's 'contemptible quitters' are 'quitting.' What is the new standard to which the President would hold us? In this essence it is bound up in the following sentences from his St. Louis speech:

"'The greatest nationalist is the man who wants his nation to be the greatest nation; and the greatest nation is the nation which penetrates to the heart of its duty and mission among the nations of the world. I want to point out to you that only those who are ignorant of the world can believe that any nation,

even so great a Nation as the United States, can stand alone and play a single part in the history of mankind.'

"In other words, we are 'contemptible quitters' who will not put America's duty to the world ahead of America's duty to America.

"Only a comparatively few short months ago this same earnest advocate—this same flaming crusader who scorns those whose eyes persist in lingering upon home concerns—this same President Wilson spoke as follows:

"'America ought to devote itself only to the things that America believes in, and, believing that America stands apart in its ideals, it ought not to allow itself to be drawn, so far as its heart is concerned, into anybody's quarrel.'

"A distinguished United States Senator, recently arguing for the 'league,' appealed 'from Philip drunk to Philip sober.' May we not borrow his metaphor? May we not appeal from Wilson to-day to Wilson yesterday? Any American citizen who seeks to follow Mr. Wilson's expedient philosophies must be a 'quitter'—'contemptible' or otherwise—at some point in his quiescent journey. If he accepts Mr. Wilson's foreign philosophy to-day (molded to fit the needs of an argument defending sled-length acceptance of unlimited 'league' obligations) he must 'quit' Mr. Wilson's foreign philosophy of yesterday (molded to fit the traditions of the Republic and the then posture of our notable Executive). One should scarcely be deemed entitled to epithet because he still believes as Mr. Wilson preached—and preached after this last great war was under way; and because he has not been agile enough to keep pace with swift-changing presidential front.

"We agree with Mr. Wilson that the old-fashioned western isolation is to be henceforth impossible for the United States, as a general proposition. We agree with Mr. Wilson that the United States must share in New World responsibilities, as a general proposition. We agree with Mr. Wilson that we owe it to humanity to participate in any adventure—like this 'league' adventure—which holds the slightest promise of lessening world wars. So far, so good. But we also agree with Mr. Wilson—with Mr. Wilson, mind you—that 'America stands apart in its ideals' and therefore that 'America ought not to allow itself to be drawn (automatically) into anybody's (and everybody's) quarrel.' Therefore we believe in ratifying this treaty without textual amendment and in joining this 'league'; and we also believe in the proclamation of American reservations which will not invalidate the treaty or hamper the 'league,' yet which will guarantee protection for those separate 'American ideals' (which were once close to Mr. Wilson's heart) and which will guarantee that America shall not become an automatic partner in all the quarrels of all the earth. If that means that we are among the 'contemptible quitters,' make the most of it. If in that attitude we are 'quitters,' then the President himself should be a 'quitter,' too, if he has the slightest interest in being consistent in his own program.

"So far as those Americans who believe with the Herald in effective American reservations are concerned, what is it that they would 'contemptibly quit'?

"These 'contemptible quitters' insist that 'the Monroe doctrine was proclaimed by the United States on her own authority' and that 'it always has been and always will be maintained upon her own responsibility.' (These quoted phrases, strange as it may seem, were uttered by Mr. Wilson on January 6, 1916.) Therefore these 'quitters' insist upon an American reservation which will officially say exactly that very thing. They refuse silent consent to language in the 'league' covenant which invites an alien-controlled 'league' Parliament to 'settle disputes which arise regarding the Monroe doctrine.' (This being England's announced interpretation.) Whatever else they are 'contemptibly quitting,' they are not 'quitting' the rock and the foundation of America's foreign policy for 100 years.

"Again, these 'contemptible quitters' insist that the 'league' covenant shall never be construed (as it otherwise might be) as giving an alien-controlled Parliament any jurisdiction over America's immigration and tariff laws. This goes to the heart not 'of the world' but of Columbia; and these 'quitters' insist that the United States owes no greater debt to Europe and Asia than it owes to its own posterity. So they 'quit' at the point where Europe and Asia might claim even a shadow of jurisdiction over our acceptance of Europeans and Asiatics into American citizenship.

"Again, these 'contemptible quitters' insist that the United States can not recognize a legal obligation (thanks to our Constitution) to enter foreign wars except as the American Congress, by free and untrammeled contemporary decision, shall declare war; and, therefore, that the United States must not, by silence, consent to 'an absolutely compelling moral obligation' (the President's own words) to join in the world's wars, willy-nilly, at the behest of any 'league' or any other authority which is not exclusively responsive to the will and the wish of the people of the United States. These 'contemptible quitters' refuse assent to an implied obligation which links our sons of to-morrow to military service, regardless of whether American concerns are involved or not, in behalf of Great Britain, Belgium, Bolivia, Brazil, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, Hejaz, Honduras, Italy, Japan, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Roumania, Serb-Croate-Slovakia, Siam, Czechoslovakia (all preliminary 'league' signatories), Argentina, Chile, Colombia, Denmark, Netherlands, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland, and Venezuela (all invited to become signatories). These reservationists 'quit' at the point of an automatic moral obligation to contribute American manhood to police the whole, round earth.

"Finally, these 'contemptible quitters'—remembering in our own history that a Civil War was precipitated over the question of whether a member of a union of States had a right to withdraw from that union—insist that the 'league' covenant is not explicit in its authority to a nation to withdraw on two years' notice because that authority is diluted by a conditioning phrase as follows: '*Provided*, That all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.' The President says our right of withdrawal will be absolute and unhampered. That—and that alone—is what reservationists would officially proclaim in a reservation. If our right of withdrawal is absolute, what does that qualifying 'provided' mean? Why is it there—unless as a deliberate but subtle veto lodged in the 'league'? When the President was asked that very question when he entertained the Senate Foreign Relations Committee at the White House, he said the 'proviso' was only 'an argument to the conscience of the nations.' Honestly, is that a fair answer? Is the 'conscience of the nations' suddenly become so perfectly reliable that it is permanently dependable? Of course not, else there would be none of this tremendous, pressing need (which the President magnificently emphasizes) for all of this 'league' machinery to harness the nations when their 'consciences' go wrong. Yet the President says at St. Louis that 'there isn't a phrase of doubtful meaning in the whole document'! Speaking of 'quitting,' in Heaven's name let us not 'quit' the verities in our debates!

"Mr. Wilson has yet to utter a single effective argument against a program of effective American reservations to make the 'league' safe for the United States. He complains that critics persist in attacking a 'few' weak spots in the covenant, ignoring the strong and appealing points. Countercomplaint is justified in saying that he persists in lauding the strong points (over which there is little real controversy) and ignoring the weak and the dangerous ones. Is it not logical that the debate should center upon questions in controversy?

"The Herald believes that a majority of the American people are ready for this adventure. From it we could not escape if we would. The Herald believes that a majority of the American people object—as they should—to the Senate committee's futile attempt to amend the text of the treaty. But the Herald also believes that a majority of the American people favor effective American reservations. They are vitally essential to that candid international understanding which must precede any hopeful peace experiment. More, they are vitally essential to complete protection of American self-determination while the experiment proceeds. More, their virtue can not be successfully denied by the President or any of his sled-length followers. More, their acceptance by the President would end this whole debate in 20 minutes, because the little minority which would defeat the whole undertaking could not stand for one second against the mobilized public opinion which would then command American ratification. More, there can never be ratification without reservations, as an unprejudiced analyst of the Senate must consent. Under all these circumstances is not the course of wisdom plain?"

CONTROL OF FOOD PRODUCTS.

Mr. HARRISON. Mr. President, has the unfinished business, the food-control bill, been brought up yet?

The VICE PRESIDENT. It comes down at 2 o'clock.

Mr. GRONNA. As there are only a few minutes remaining until the hour of 2 o'clock arrives, I ask unanimous consent that the unfinished business may now be laid before the Senate.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, con-

serving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

Mr. KIRBY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Spencer
Ball	Harding	New	Sterling
Beckham	Harris	Newberry	Thomas
Brandegee	Harrison	Norris	Townsend
Capper	Johnson, S. Dak.	Nugent	Trammell
Chamberlain	Jones, N. Mex.	Overman	Underwood
Curtis	Jones, Wash.	Page	Walsh, Mass.
Dial	Kellogg	Phelan	Walsh, Mont.
Elkins	Kirby	Sheppard	Watson
France	La Follette	Smith, Md.	Wolcott
Gronna	Lodge	Smoot	

The PRESIDING OFFICER (Mr. WATSON in the chair). But 43 Senators have answered to their names. A quorum is not present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER and Mr. WADSWORTH answered to their names when called.

Mr. HENDERSON, Mr. CUMMINS, Mr. NELSON, Mr. SWANSON, Mr. LENROOT, Mr. POMERENE, Mr. FRELINGHUYSEN, Mr. FLETCHER, Mr. SIMMONS, Mr. HITCHCOCK, and Mr. KENYON entered the Chamber and answered to their names.

Mr. KIRBY. The junior Senator from Louisiana [Mr. GAY] is detained on business of the Senate. The Senator from Georgia [Mr. SMITH], the Senator from South Carolina [Mr. SMITH], and the senior Senator from Louisiana [Mr. RANSDELL] are detained from the Senate on public business. The Senator from Arkansas [Mr. ROBINSON] is detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names, and a quorum is present.

Mr. NORRIS. Mr. President, the bill now before the Senate comes in response, as I take it, to the message of the President of the United States delivered to the two Houses on the 8th day of August, in which the President spoke of the high cost of living and asked that some amendments be made to the food-control act, and particularly an amendment fixing penalties.

Mr. President, I think the President of the United States was misinformed in several respects as to what the food-control act contained. This seems almost remarkable, because, as everyone knows, the food-control act was passed in accordance with the demands of the Executive and in the way that the Executive wanted it passed, containing what he wanted in the law.

Mr. CURTIS. Mr. President, will not the Senator state further that it was prepared by the attorneys of the Department of Justice?

Mr. NORRIS. Oh, yes; it was agreed upon long before it was even introduced in either branch of Congress. But in this message that the President delivered to us on the high cost of living on the 8th of August he said, on page 9:

> Let me urge, in the first place, that the present food-control act should be extended both as to the period of time during which it shall remain in operation and as to the commodities to which it shall apply. Its provisions against hoarding should be made to apply not only to food, but also to feed stuffs, to fuel, to clothing, and to many other commodities which are indisputably necessaries of life.

You can draw no other conclusion from the President's message than that the President was laboring under the impression that the food-control act applies only to food. He says:

> Its provisions against hoarding should be made to apply not only to food but to feed stuffs, to fuel, to clothing.

And so forth.

As a matter of fact, the food-control act applied to every article that the President mentioned in the message, with the exception of clothing.

The food-control act was approved August 10, 1917, so that it has been in force practically during the entire time that we have been engaged in war. In the first section of that act it is provided—

> That by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution and to facilitate the movement of foods; feeds; fuel, including fuel oil and natural gas; and fertilizer and fertilizer ingredients; tools; utensils; implements; machinery; and equipment required for the actual production of foods, feeds, and fuel, hereafter in this act called necessaries.

So when we read from this act—and I expect to quote from it—and find the word "necessaries," we must remember that under the very definition in section 1 of the act itself all the articles that I have enumerated are included in the term "necessaries." The President evidently thought there was nothing in it except "food." Later on in the same message, and on the same page of the message, the President uses this language:

> May I not call attention to the fact also that, although the present act—

That is, the food-control act—

> Prohibits profiteering, the prohibition is accompanied by no penalty. It is clearly in the public interest that a penalty should be provided which will be persuasive.

Of course, if there is not a penalty in the act, the President and his immediate advisers who drew the act are certainly responsible for the omission. But again the President shows in the official message that he is not familiar with what is contained in the act, because it contains, as I shall show, various penalties for all kinds of imaginable profiteering and hoarding.

While I have no particular objection to this bill, there are some amendments to it, proposed by the Committee on Agriculture, which I shall oppose. In my judgment there never was any necessity for it. The President has had since the enactment of the food-control act on August 10, 1917, all the necessary statutory definitions and punishments provided by law for the proper punishment of profiteering and hoarding, the thing that he now wants done in order to reduce the high cost of living.

I want to say just a word before I go further into that act about the high cost of living. I think it will be conceded, Mr. President, that the cost of living would be and is necessarily high for reasons that are beyond the control either of Congress or any other legislative or executive authority. There is no doubt, and I think everybody admits it, that we will have to be burdened as we are burdened, to some extent at least, with the high cost of living.

We must endure these burdens, and I think we are willing to endure them if they are not enhanced by any unnatural thing that takes place. We ought to relieve the situation just as much as we can, and one of the ways in which the situation can be relieved, that will help to reduce the high cost of living, is that as individuals and as representatives of the people and officials of the Government, in all capacities, both public and private, we should economize in every way. There ought to be an example of economy shown by the President himself. As the head of the Nation he ought to practice before the people of the country and before the people of the world all the economy that is possible, both as an individual and as a public official, and thus do his part toward the reduction of the high cost of living.

I think recent events have shown that the President has "spent money like a drunken sailor"; that he has absolutely disregarded every economy in the expenditure of money. He went over to the peace conference in a way and in a manner never before equalled, as far as expenditure and extravagance are concerned, in the history of the world. He cavorted around with the representatives of monarchies and used more money in his travels about the world than had ever before been expended by anybody in any country, by any prince, potentate, or monarch, since the beginning of civilization.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I yield to the Senator from Michigan.

Mr. TOWNSEND. As I noticed not a great while ago, it amounted to more than all the expenses put together of all the representatives of this Government at similar conferences since we became a Nation.

Mr. NORRIS. I am glad to have that contribution from the Senator from Michigan.

Mr. TOWNSEND. I simply state it as a newspaper item that I saw.

Mr. NORRIS. I had not seen the expenses compiled. I have seen some of it that has been officially reported, of which one item of $150,000 to Barney Baruch, who was one of the experts that went over with the President, is subject at least to momentary consideration.

Mr. HARRISON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. HARRISON. The Senator has criticized expenditures of this character as extravagant. Will the Senator point out wherein he would have had the President act differently and where he could have saved?

Mr. NORRIS. I would not have given Barney Baruch $150,000. I would not have built a glass roof on the *George Washington* when I went to Europe. I would not have gone to New York and taken the musicians out of the great Biltmore Hotel to play while I was eating on my way or the chefs to prepare the food. I would not have had an extra ship go in advance with automobiles so that they could be there to receive me when I landed, and so on.

Mr. THOMAS. Mr. President——

Mr. NORRIS. I would not have taken 1,500 or 1,600 people with me to advise me unless I expected to consider their advice when it was given. I yield to the Senator from Colorado.

Mr. THOMAS. I do not wish to interrupt the Senator. Many of his comments and criticisms may be very applicable. I do not know whether the President followed the advice of his

retinue or not. I imagine, however, that he did, and I know that he did in the case of Mr. Baruch. My purpose——

Mr. NORRIS. That is perhaps the reason why he paid him so much money, because he followed his advice.

Mr. THOMAS. My purpose in interrupting the Senator was to speak of that item of expense which, in my judgment, is remarkably reasonable, and if the Senator will permit me, I will tell him why.

The inference which one would naturally draw from the Senator's statement would be that this sum was paid to Mr. Baruch personally as compensation for his services. I know that Mr. Baruch has never received one dollar, directly or indirectly, for any services that he has rendered or tried to render the Government since the outbreak of the war. Mr. Baruch was requested to go to Paris to represent this Government upon the so-called reparations commission, a commission charged with the duty of ascertaining the extent to which injury had been inflicted upon Belgium and the devastated regions of France by the destruction of property, its transportation to Germany, the expense of its reconstruction, the extent to which the mines in the northeastern part of France had been injured, and also the financial resources and material capacity of Germany to make reparation. That, of course, involved the necessity of employing quite a large number of very competent people to inquire into and to determine those questions. Mr. Baruch did his work and did it well, he did it effectually, as he does all work to which he turns his hand.

While I sympathize, until I am better informed, with many of the criticisms which are aimed at different parts of this expense account, I am sure when the Senator makes inquiry he will discover that as to this item it is a very small amount, relatively speaking, and was money well expended.

Mr. POMERENE. Mr. President——

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. POMERENE. It is a very easy matter to criticize, and particularly where we are not familiar with the facts. I am going to give only one illustration.

Mr. Barney Baruch was one of the able, patriotic citizens who came to Washington and was known as a dollar-a-year man. When the armistice was signed and his bureau was dissolved, because of the delays of Congress there was not enough money to pay off the girls who had been employed in his bureau. Hundreds of them did not have money enough to pay their way home. Barney Baruch wrote his own check and paid the traveling expenses out of his own pocket for those girls.

Mr. THOMAS. Mr. President——

Mr. NORRIS. Does the Senator from Colorado wish to say something further?

Mr. THOMAS. I merely wish to add, since I have interrupted upon the subject, that when Mr. Baruch consented to act as the chairman of the War Industries Board, he divested himself of every possible interest which would conflict with his proper discharge of the duties of that very responsible position. He discovered, however, some time afterwards that an interest which he had in a large tungsten property had been overlooked, and was notified of a very generous dividend awaiting his disposition. It was somewhat embarrassing, but he divided that sum among the Red Cross, the Young Men's Christian Association, the Young Women's Christian Association, and one of the other associations which were formed to and which did minister to the comfort of soldiers. In addition to that, he paid to the Government of the United States the income tax out of that portion of his income separate and apart from the sum of which I speak.

I think a man who has given that illustration of his patriotism and disinterested service should, in any question of doubt as to his handling of public money, at least, have that doubt resolved in his favor. I have known Mr. Baruch for a great many years, and I have always found him, and particularly for a man in his business, one of the most capable, upright, and public-spirited men I have ever met.

Mr. NORRIS. Mr. President, both the Senators who have interrupted me have set up a straw man. They are defending the patriotism of Mr. Baruch, which has not yet been attacked. They are showing his philanthropy, which has not yet been questioned. They are probably anticipating. I had no intention to question Mr. Baruch's patriotism or his philanthropy. The only thing that makes me suspicious of it is that Senators are coming to his defense in those lines before there has been any attack made.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Nebraska yield further to the Senator from Colorado?

Mr. NORRIS. Certainly.

Mr. THOMAS. The Senator mentioned the receipt by Mr. Baruch of $150,000, and mentioned it in connection with other expenses, justifying the implication, to me at least, that the Senator believed or suspected that this money had been received by Mr. Baruch as compensation for services rendered to the Government. Of course if that was not the implication, I apologize to the Senator for having interrupted him.

Mr. NORRIS. I have an idea that if the Senator had permitted me to proceed——

Mr. THOMAS. I will not interrupt the Senator again.

Mr. NORRIS. He would have found it unnecessary to interrupt me. I did not want to refuse to be interrupted and I shall not decline interruptions, but I have a conviction that if Senators would not on the spur of the moment come to the defense of their favorites until some definite charge is made we would probably get along faster and I would get through more quickly.

As I said before, I had no intention of making any charge against Barney Baruch. I did not make any. I am willing to admit that all that is said about him is true. I do not know those things about him. I accept the Senator's word. I remember Barney Baruch more particularly as the most successful man in the country in collecting Democratic campaign funds during the last presidential campaign, a Wall Street man who was able to bring the money into the committee that helped to elect Woodrow Wilson President of the United States. It is probably natural that the President should feel kindly toward him. I remember him also as the man who, on Wall Street, made, I think, $470,000, as disclosed in the leak investigation——

Mr. HARRISON. Mr. President——

Mr. NORRIS. So he can afford to be good to the girls in his office and work for a dollar a year and pay an income tax, without any danger of going to the poorhouse. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator's charge touching Barney Baruch making $470,000 on the leak as a Wall Street speculator is, I imagine, about like his charges of extravagance made against the President. Does not the Senator know that during the last Congress, I think, in the House a Republican Member of Congress made a similar charge against Mr. Baruch and the Committee on Rules made an investigation.

The resolution was passed; the Speaker of the House appointed a special committee to go into all those facts; they spent weeks on the investigation; and they came out and made a unanimous report exonerating Mr. Baruch from those charges in toto. One of the Senator's colleagues, now on this floor, was a member of that committee; I happened to have been a member of that committee, and I know those to be the facts. There was no leak about it.

Mr. NORRIS. Mr. President, I am speaking from the testimony given by Mr. Barney Baruch himself before that committee. I read his testimony where he said he made, I think it was, four hundred and seventy-some thousand dollars. He most emphatically denied that he got any information from any one connected with the administration as to what was going to be done, and there was no proof that he had obtained such information; but that he made the money there was not any doubt. He himself admitted it on the stand.

Mr. HARRISON. But the Senator from Nebraska said——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. Yes; I yield.

Mr. HARRISON. But the Senator said that Mr. Baruch made $485,000 on a leak, and evidently——

Mr. NORRIS. This investigation is designated and ordinarily understood as the leak investigation.

The PRESIDING OFFICER. The Chair will suggest that Senators address the Chair.

Mr. NORRIS. There was a leak. Mr. Baruch, as he stated, guessed and guessed right and made the money. The committee did not find that he did anything dishonorable in doing so. He was a speculator on Wall Street, he bought and sold on his judgment; he made money on the transaction; and he himself told about it.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. Yes.

Mr. HARRISON. The Senator from Nebraska made the charge that Barney Baruch made $485,000 on that leak.

Mr. NORRIS. Yes.

Mr. HARRISON. The Senator evidently did not read the report of the special committee which was signed by the Republican members as well as by the Democratic members. It

was never denied by Mr. Baruch that he had made money on Wall Street, but the facts show that on that particular leak he had lost money, proving that he knew nothing at all about the leak.

Mr. NORRIS. Mr. President, I read Mr. Baruch's testimony and I made the statement on my recollection of his testimony taken before that committee that he made, I think it was $476,000—anyway, four hundred and some thousand dollars. He admitted it. I have not said that he stole it. I said I remembered Barney Baruch in two ways. I did not know him as did other Senators, but I remembered him as a very successful collector of campaign contributions for the Democratic national committee and also as figuring in the leak investigation, where he testified that he had made money on Wall Street. That is where I remember him more than anywhere else. I was identifying Barney Baruch in my recollection.

Mr. LENROOT. Mr. President——

Mr. NORRIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. If the Senator will yield, I think the Senator from Mississippi [Mr. HARRISON] is slightly inaccurate in saying that Mr. Baruch lost money on the leak. The fact is that during the period covered by the investigation Mr. Baruch stated that he had made, I think, $475,000. There was no evidence whatever before the committee that Mr. Baruch had any kind of information of the leak; but he also testified, as the Senator from Mississippi will remember, that while he had made $475,000 during that period, if he had had advance knowledge of the leak, he would have made a great deal more than he did.

Mr. HARRISON. And, Mr. President, if the Senator will permit me just one minute——

Mr. NORRIS. Well, I do not believe that I will take up a side issue, for I do not think it is very material. Senators protest too quickly, it seems to me. I have not made any charge of dishonorable conduct against Mr. Barney Baruch.

Mr. LENROOT. I asked the Senator from Nebraska to yield because the Senator from Mississippi [Mr. HARRISON] made what I think was an inaccurate statement, that Mr. Baruch had lost money in a leak, while the fact was that during that period he had made $475,000.

Mr. NORRIS. That is the way I read his testimony.

Mr. HARRISON. Will the Senator from Nebraska yield one moment?

Mr. NORRIS. I yield.

Mr. HARRISON. The Senator from Mississippi understood the Senator from Nebraska to charge that Mr. Barney Baruch made $485,000 on the leak.

Mr. NORRIS. Yes; I stated it in that way, and I think that is a fair charge. I think that might be ordinarily understood from his own testimony as it was disclosed before the leak investigation committee.

Mr. President, if I may pass on without any further defense and without making any accusation against Mr. Barney Baruch, when I was first interrupted by the Senator from Colorado [Mr. THOMAS] I gave as one of the items of extravagance the payment of $150,000 to Barney Baruch. The Senator from Colorado stated that it was very cheap for the work he was to do; that he was on the reparation committee and was trying to ascertain how much Germany ought to pay. Senators will remember I said that some of these things might be excused if when the President had appointed advisers he had shown any disposition to follow their advice. Nobody now knows how much Germany is going to pay or to be required to pay; it is an unknown quantity. To-day Barney Baruch does not know, or if he does he has not disclosed that fact. So the great investigation that he has made, costing $150,000 at least, has not brought any results, for the treaty does not fix the amount that Germany shall pay.

Mr. President, some of the supernumeraries the President took over there were probably necessary; he ought to have taken experts and other wise men to assist him and to advise him. If he had shown some disposition to advise with his advisers, to heed their words of wisdom, and to give some consideration to their investigations, there would have been some excuse for the expenditure of this money; but I know, Mr. President, and you know, the Senate knows, the country knows, the world knows, and God knows, that he did not pay any attention to any of them. So what was the use of the expenditure of all this money?

That is one place where we might reduce the cost of living. If the head of our great country would give an example of economy it would probably be followed by millions with a great deal of gratitude and satisfaction.

Mr. KENYON. Mr. President, I did not hear the Senator commence his discussion. I take it he is now discussing the item of $150,000 for the expenses of technical advisers.

Mr. NORRIS. Yes; I mention that incidentally.

Mr. KENYON. How was that $150,000 used?

Mr. NORRIS. The Senator from Colorado says it was used, as I judged from what he said, to investigate and find out what Germany ought to pay, which nobody as yet has determined.

Now let me go back where I would have been long ago if Senators would not be so jealous of this collector of Democratic campaign revenue—to the food-control act. The President says there is no penalty. Let us see. Section 5 of that act provides—

That from time to time, whenever the President shall find it essential to license the importation, manufacture, storage, mining, or distribution of any necessaries—

And remember I read a while ago what necessaries were. The President did not know what they were, but I read what the law said they were—

in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, manufacture, storage, mining, or distribution of any necessaries as set forth in such announcement unless he shall secure and hold a license issued pursuant to this section. The President is authorized to issue such licenses and to prescribe regulations for the issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees. Whenever the President shall find that any storage charge, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order, to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair storage charge, commission, profit, or practice. The President may, in lieu of any such unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice, find what is a just, reasonable, nondiscriminatory and fair storage charge, commission, profit, or practice, and in any proceeding brought in any court such order of the President shall be prima facie evidence. Any person who, without a license issued pursuant to this section, or whose license shall have been revoked, knowingly engages in or carries on any business for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under this section, shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

That looks like a penalty.

Mr. President, it would be interesting to know how many prosecutions have been commenced under this section, how many men have been arrested, and how often has the President tried to enforce this section, which gives to him greater power than was ever before given to any living man over the particular things covered by it.

Here is another provision in the same act:

SEC. 6. That any person who willfully hoards any necessaries—

And that includes food, fuel, and all the other things I have named—

shall upon conviction thereof be fined not exceeding $5,000 or be imprisoned for not more than two years, or both.

Then the act describes what hoarding means. I do not care to read it all in the RECORD, but I think probably I had better read some of the provisions defining the meaning of hoarding according to the act:

Necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time.

That is pretty broad. Has he prosecuted anybody under that law, which has been in force almost since the time we went into the war? And there is a penalty, a $5,000 fine, or two years' imprisonment, or both.

Let us see what the next definition of hoarding is:

(b) Held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production; or (c) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price.

There is a $5,000 fine and two years' imprisonment, or both. Has there been any prosecution under it? Do we need a penalty? Was the President properly informed as to what the law was when he gave that official message? Why, great heavens, Mr. President, Congress is not to blame because the administrative officers of the Government are not enforcing the law. We can not legislate wisdom into the appointees of the President and we can not make the appointments.

There are a great many others. I am not going to read all of them; but in section 8 it is provided:

That any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof be fined not exceeding $5,000 or imprisoned for not more than two years, or both.

Another penalty. That has been on the statute books since 1917. Evidently the President did not know it was there when he delivered this message. He did not know of the penalty?

Let me read section 9 of the same act:

That any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof shall, upon conviction thereof, be fined not exceeding $10,000 or be imprisoned for not more than two years, or both.

That is quite a penalty for profiteering. The President, I suppose, did not know it existed.

Section 13 of the same act gives the President a great deal of power, and it winds up in this way:

Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

In order to protect the officers and the agents whom the President appoints to carry out this act, section 17 says:

That every person who willfully assaults, resists, impedes, or interferes with any officer, employee, or agent of the United States in the execution of any duty authorized to be performed by or pursuant to this act shall upon conviction thereof be fined not exceeding $1,000 or be imprisoned for not more than one year, or both.

And so on, through the entire act, it is bristling with penalties for all imaginary possibilities of hoarding and profiteering. Has there been any prosecution under it? Have they tried the law, and has it failed in any way?

Let me read one more section—a sort of a basket clause. For fear something had been left out, this was put in:

SEC. 26. That any person carrying on or employed in commerce among the several States, or with foreign nations, or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation or member of a partnership carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

Another penalty, and rather broad. I can not imagine, Mr. President, if this law were enforced, of a possibility of hoarding or profiteering taking place within the limits of the United States or any of its possessions.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I do.

Mr. KENYON. I dislike to interrupt the Senator, because it interferes with the continuity of his remarks; but when the Attorney General was before the committee section 4 was taken up more especially. I think there are six acts prohibited under section 4. As I have analyzed the section, three of them carry penalties and three do not. For instance, take the proposition of charging an unreasonable price. There is no penalty as to that in section 4.

Mr. NORRIS. Not as it is defined in section 4; but I have read a penalty for unreasonably enhancing the price several times here which would cover that.

Mr. KENYON. Does not that come under the license system?

Mr. NORRIS. Some of it does; these last sections that I have read. I have read only one section that requires any license. For instance, the last one that I have read, I think, would cover that.

Any person * * * who * * * shall store, acquire, or hold, or who shall destroy or make away with any such article——

Mr. KENYON. That is section 8?

Mr. NORRIS. Section 26—

for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise—

Shall be guilty of this crime.

Mr. KENYON. But that section, the Senator will note, applies only to articles in commerce.

Mr. NORRIS. Yes; in commerce among the several States.

Mr. KENYON. While section 4, whether we have the constitutional power to do it or not, covers articles that are not in commerce.

Mr. NORRIS. Yes; that covers local articles.

Mr. KENYON. Local articles; so that the main thing is, under section 4, the fixing of an unreasonable price. While it is prohibited, there is no penalty attached to it; and the inquiry naturally arises, I think, to any lawyer, whether we can fix a penalty for an unreasonable price for something that is in no way connected with interstate commerce.

Mr. NORRIS. That may be a constitutional objection, that I do not care to go into now—whether we had authority to pass the law or not—but I do not think the Senator has heard me read all of the sections I have read that have a penalty attached. I can not conceive of an act of profiteering or of hoarding that is not covered, or, in one of the sections that I read, of making an undue profit. The President even had the right to fix the profit that any man could make in the selling of any necessaries, and that included food, fuel, fuel oil, natural gas, and all of the instruments that are used in the manufacture of such things; fertilizer, fertilizer ingredients, and so forth.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska further yield?

Mr. NORRIS. I yield; yes.

Mr. KENYON. Is not that because he could do it under the licensing system? Now, as I understand, the force by which the licensing system was enforced is dissolved, and there is no way of getting it together again.

Mr. NORRIS. Why was it dissolved? Did the Senator ask the Attorney General?

Mr. KENYON. No; I did not.

Mr. NORRIS. Let me ask the Senator a question. Did the Attorney General give to the Senator's committee any information as to how many prosecutions they had had? Had they tried to enforce any of these criminal statutes that I have read?

Mr. KENYON. I can not say as to that. I do not think he gave us any information in regard to that. I do not remember about that. The Senator from Mississippi [Mr. HARRISON] can answer that question better than I can.

Mr. HARRISON. Mr. President——

Mr. NORRIS. I yield to the Senator. I will state that I asked the Senator from Iowa whether the Attorney General, when he appeared before the committee, told the committee whether the Department of Justice had commenced any prosecutions under these various sections, and, if so, how many, and under what section.

Mr. HARRISON. I think the Attorney General said at that time that under the food-control act there had been no suits instituted, but that they desired to proceed immediately; and I was advised two or three days ago that they had instituted quite a number of suits, and that they were pending, and that some convictions had been obtained under the hoarding features of the food-control act.

Mr. NORRIS. Mr. President, in my humble judgment the Government of the United States, as now administered, is responsible more than any other one agency at least for not making an honest attempt to reduce the high cost of living. The armistice was declared on the 11th day of November last. At that time we had several millions of men under arms, and I understand that we had in France enough food to last 5,000,000 of men six months. Immediately after that day we commenced to demobilize and send those boys home, until within a few months there were comparatively few left on foreign soil; and those in the cantonments here, amounting to nearly 2,000,000, were rapidly sent home. We had that food on hand, enough to last 5,000,000 men for six months, consisting of all kinds of food. A great portion of it was in France. It would have been wise administration, it seems to me, especially when the people of the country were paying enormous costs for the very necessaries of life, to sell that food at reasonable prices to the consumers of the country.

I wish every citizen of the United States would read the testimony that was taken by a subcommittee of one of the House committees investigating this question, a committee of which Congressman REAVIS, of Nebraska, was chairman. I am going to read some of the testimony.

Although, Mr. President, it is conceded and admitted that the War Department had complete authority to dispose of this food, they made no effort to do it until the House of Representatives had passed a resolution demanding, in substance, that it be done, and until bills pending here in the Senate had been given some consideration. They not only did not take any steps to dispose of this food to the people of America, who had paid for it by their own money and by their own sacrifices, but I think the testimony before that subcommittee discloses the fact that the officials of our Government had made an agreement with the persons from whom they had purchased the goods that they would not put it on the market and bring it in competition with the products of the same persons and packers who had sold the food originally to the Government.

But when the House passed that resolution, and this investigation had been going on, and the evidence was disclosed, then

the President came before Congress and said, "We are going to sell this food right away." They could not even claim that they needed legislative authority to do it, because the witnesses before that subcommittee admitted under oath that no legislation was necessary.

But it seems, Mr. President, that the War Department, during all those months, with the soldiers going home, with no possible use for the food, were hoarding this food, when the American people were starving for it, food that the American people had once paid for, and which belonged of right to them.

It developed in this hearing, and probably some other hearing also, that Italy had purchased a large amount of food in the United States and had not taken it out of the United States at the time the armistice was declared. Of course Italy was demobilizing her army, and would have no use for it, and would have sold it on the open market in the United States. About that time the President wired from Europe his command to the Congress to appropriate $100,000,000 to send over there to buy food for the starving people of Europe. Some of that money, several millions of it—enough to take up the slack, at least—was used to buy of the Italian Government the food which they had purchased and which they had here, the effect of which was to keep it off the market of the United States and to send it to Europe.

During that time a good deal of the food perished or spoiled. Let me read a little from the testimony:

Mr. REAVIS. This meat is deteriorating?
Mr. HARE. I call it all perishable, and it should be sold within three months.
Mr. REAVIS. That does not answer my question. It is deteriorating?
Mr. HARE. Yes, sir.
Mr. REAVIS. In some localities to a marked degree.
Mr. HARE. It depends on the storage.
Mr. REAVIS. But in some localities it is deteriorating to a marked degree?
Mr. HARE. Yes, sir.
Mr. REAVIS. You have had some experience with deteriorated meats?
Mr. HARE. Yes, sir; I have taken meat into the woods on fishing trips and had it spoil.
Mr. REAVIS. I mean in your present capacity?
Mr. HARE. Yes, sir.
Mr. REAVIS. Haven't you had meat on your hands that spoiled?
Mr. HARE. Yes, sir.
Mr. REAVIS. Where?
Mr. HARE. In Baltimore; bacon.
Mr. REAVIS. Wasn't there some more than that in Baltimore?
Mr. HARE. I heard of ham also; and also I know of my own knowledge that subject to the temperature in wooden buildings the hams "smell" and "sweat" and deteriorate. That is the reason we can not give any guaranty back of the goods.
Mr. REAVIS. Isn't that true of the hams as well as the bacon?
Mr. HARE. Yes, sir.
Mr. REAVIS. Haven't you been compelled to sell ham, more than 2,000,000 pounds?
Mr. HARE. I do know there was a large amount of ham that was moldy and was sold at a sacrifice.
Mr. REAVIS. A large amount at Atlanta, Ga.?
Mr. HARE. At Norfolk.
Mr. REAVIS. And a large amount at Atlanta, Ga.?
Mr. HARE. Yes; but whether that has been sold or not I do not know.

At another place in the testimony the following occurred:

Mr. REAVIS. Therefore we will not have an opportunity to go into the matter as fully now as eventually we will have to go into it. I wish you would state in a general way who has charge of determining what will be the surplus of food products, who in the War Department?
Mr. HARE. The Chief of Staff. That does not come under my control in any way. Mr. Crowell and I have often tried to have the surplus determined more promptly and accurately. But first the Army was fixed at 1,000,000 men, and then brought down to 500,000 men, and Congress has said it should be 325,000 men. On these bases various surpluses have been declared. This meat surplus, I believe, was declared the 1st of May, but I think it was there and the Army——
Mr. REAVIS (interposing). Was there no meat surplus declared at all until the 1st of May?

You must remember, Mr. President, that the armistice had been declared November 11, and this vast supply had been held without declaring a surplus, and under the law, and the rules of the War Department, it was necessary that a surplus be declared before the Director of Sales could make a sale. I will repeat that question:

Was there no meat surplus declared at all until the 1st of May?
Mr. HALE. None; and I have no power over that. The director of sales only begins to function when a surplus is declared by the Army and its sale is directed, and then it is put into the hands of our department to make sales.
Mr. REAVIS. That is, the War Department, notwithstanding the armistice was signed in November, waited until the 1st of May before it declared that there was any meat surplus at all?
Mr. HARE. Yes, sir; I think that is correct. They started out making a surplus in March, and withdrew it because they thought they were inaccurate.
Mr. REAVIS. Notwithstanding the rapid demobilization of troops, the fact that the Army was being demobilized, no activity on the part of the War Department was manifest with reference to declaring a surplus of meats from November until the 1st of March?
Mr. HARE. None to my knowledge.
Mr. REAVIS. And then the surplus that was declared in March was subsequently withdrawn?
Mr. HARE. As being inaccurate, and the whole list gone over again——
Mr. REAVIS (interposing). So in fact there was no surplus declared for the purpose of sale until May?
Mr. HARE. Exactly so.

Mr. President, I want to read just a little evidence to throw some light upon the fact as to why there was not a surplus declared, why this product that the American people bought had not been put on the market and sold.

On page 21, of volume 1, you will find the minutes of a meeting called to decide on what should be done, to which I am now going to refer.

Before any of these sales, however, can take place an important question must be decided as to what price we are to market this vast store of foodstuffs for. It is obvious that if the price is made low enough and the articles sacrificed that all of it can be disposed of in this country. It must not be forgotten, however, that a very much better price can be secured through export.

I will give a little later the names of the advisory committee who were taking part in this meeting, and that will throw an important light upon it. Continuing:

It seems advisable, therefore, that we continue our present efforts to market as much of this surplus as possible in this country at the best prices obtainable and sell the remainder for export. It must be borne in mind, however, that if a low price is established here for domestic sales it will make it more difficult to secure a higher price for the same class of canned meats from exporters.

In view of these various statements and, further in view of the fact that it had come to the attention of the director of sales that Mr. Hoover had very recently purchased in this country for shipment overseas bacon held by the Italian and French Governments in this country it was decided advisable it get in touch with Mr. Hoover and ascertain whether he would not purchase a certain amount of the canned surplus meats held by the Army.

Immediately after this meeting a cable was sent to Mr. Hoover, through the United States Liquidation Commission, asking him whether or not he was in the market to purchase a proportion of the canned meats held by the Government.

And, as I understand it, he afterwards did purchase some of them. So they kept it off the American market until just recently, some of it was taken off permanently and shipped to Europe. When they were shipping this product to Europe, they had in France millions of tons of the same product that they could not use, and had no men there to eat, it seems to me it reduces itself to the proposition that they were determined that the American people, who were paying the enormously high prices for things, were not to be allowed to get any reduction in any way.

It will be interesting to know who composed the committee the minutes of which I have been reading. I know the Senator from Iowa [Mr. KENYON] will be interested in this, because it has some bearing upon the bill that bears his honored name, which is now pending before the Committee on Agriculture.

Besides the representatives of the War Department, there were several dollar-a-year men at that meeting, and I want to say to you, Mr. President, that every one of the five great firms of packers were represented by at least one man, and some of them by several. Let me read their names:

Mr. J. A. Hawkinson, represented Wilson & Co.
Mr. M. C. Plainer, represented Wilson & Co.
Mr. D. B. Russell, represented Morris & Co.
Mr. J. J. Deady, represented Armour & Co.
Mr. A. F. Peiffer, represented Armour & Co.
Mr. W. F. Wardwell, represented Armour & Co.
Mr. F. E. Wilbur, represented Cudahy & Co.
Mr. E. D. Baldwin, represented Libby, McNeill & Libby.

I do not need to tell the Senator from Iowa that Libby, McNeill & Libby are a subsidiary corporation to Swift & Co.

Mr. Burroughs represented Swift & Co., packers, of Chicago.

It seems to me, therefore, Mr. President, that it comes with poor grace, almost, with this law upon the statute book all these years, for the Government of the United States itself to hold off from the market the food products that the people, by their sacrifices, had paid for, especially at a time when they are almost all overburdened with the enormously high cost of living.

But, Mr. President, that is not all. I said a great deal of it spoiled. I have no doubt but what a good deal of it spoiled anyway. We will have to suffer those losses, and I do not know to what extent the particular incident that I am going to relate might not be explained in that way. But it is certainly an interesting proposition, and I wish to read what the Baltimore Sun reported about it. This is the article in the Baltimore Sun:

PILES OF FOOD BURNED—VAST STORES OF ARMY SUPPLIES MUST BE DESTROYED—SPOILED BY HASTY PACKING—SMOKE FROM GREAT DUMP NEAR RIVER VIEW BEARS TESTIMONY TO WASTAGE OF WAR.

Thousands of dollars' worth of foodstuffs of every kind are being burned as refuse at the Colgate warehouses of the United States Quartermaster Corps near River View, and the pity of it is, say the Government officials, that they are powerless to prevent the waste.

A visit to the warehouses yesterday disclosed the truth of persistent rumors that wholesale destruction of canned goods has been in progress for months. Just outside the wire palisade about the reservation, in

plain view from the River View car line, the smoke from the refuse was ascending. The ground to the extent of about an acre was strewn with empty tin cans, burst open, and their contents poured out in many places more than knee deep.

Three negro dump keepers were on the job, and the wheelbarrows in which the cans were trundled from the four big warehouses were close by.

SWAMP FILLED WITH THE CANS.

"That pile is nothing," one of them said in answer to a question. "All this ground we are standing on is filled with layers of tin cans several feet thick. You see, after we burn the stuff for a while and the pile gets big we cover it over with a layer of dirt and start a new pile. That swamp over there is several feet deep, and it is filled with cans, too."

The negro explained that he is one of the 16 men whose task it is to sweep up around the warehouses and wheel the condemned cans to the fire.

"Each warehouse has several inspectors, who go around every day and inspect tomatoes, peas, milk, and other goods, and as soon as they find bad ones they mark them, and we wheel them away," he said.

As to how long the destruction has been going on the negro was dubious.

"You see, I have only been here since February," he said. "I don't know how long it was going on before that, but I know that some of us have wheeled cans to the dump almost every day since I came here to work."

There was a great deal of evidence taken before that committee about canned goods; and, by the way, the packers are interested in canned fruit and vegetables as well as in canned beef. Here is an extract from the letter of the general who had charge of it, written to one of the canners:

No canned vegetables will be put on the domestic market during this season.

Listen to this testimony. Col. Davis was on the stand, and he said:

Col. DAVIS. As I stated before, Gen. Rogers, on his return from France, knowing that there was a large surplus of canned vegetables on hand, shortly after his arrival took up that question with a view to disposing of this surplus. This information at once reached the canners of the country, and Mr. Gerber, president of the National Canners' Association, together with several canners and the secretary of the association, whose office is here in Washington, called on Gen. Rogers and showed him a letter received from Gen. R. E. Wood—

That is the letter I quoted from just a moment ago—

Acting Quartermaster General, agreeing not to place on the market——

Mr. REAVIS (interposing). When was that?

Col. DAVIS. This was in the latter part of February or early in March that this meeting occurred.

Mr. REAVIS. You may continue your statement.

Col. DAVIS. Agreeing not to place on the market this large surplus until after the 1919 pack was made.

Mr. DONOVAN. And when would that be?

Col. DAVIS. That would be completed along in September or along about September.

Mr. DONOVAN. Of this year?

Col. DAVIS. Of this year; yes, sir.

Here is some more questioning along the same line:

Mr. REAVIS. I tried to get that from Mr. Hare yesterday and he passed the buck to you, and now you pass it to somebody else, and we will get him and get to the bottom of it.

Now, you say here, quoting your letter, "This will entirely dispose of our stock and eliminate surplus." Now, if that had been true, Colonel, you would have deprived the Government of the money that it would make from the sale of these canned vegetables?

Col. DAVIS. Mr. REAVIS, this was written this way, largely with a view of quieting the mind of the canner and the farmer as to the likelihood of this surplus being dumped on the market here, and they knew, and Mr. Gerber knew, that it did not in any way prevent or intend to prevent the sale which we expected to make of a portion of our canned goods on the other side of the water.

In other words, they were not going to sell them here, but they would sell them abroad.

Mr. REAVIS. Well, how would that permit you to make a sale of a portion of your goods when you say in your letter that this will consume all the surplus?

Col. DAVIS. That is what I say; that was done for the purpose of quieting the minds of the canner and of the farmer——

Mr. REAVIS (interposing). You did not mean it?

Col. DAVIS (continuing). As to the fact of any surplus being dumped in this country; it did not mean that we were not going to continue our efforts to sell some of our goods abroad. It would take us—with the strength of the Army that we had at that time it would take a long while to use the entire amount, and it was intended to show these people that there would be no surplus so far as they were concerned to harass the conditions in the United States.

Mr. REAVIS. That is, you mean that the American people would have no opportunity of buying this surplus?

Col. DAVIS. That is the point exactly.

Mr. REAVIS. And notwithstanding the distress occasioned by the high cost of living here the only people to get the benefit was the people abroad and not our own?

Col. DAVIS. That is it exactly.

Mr. REAVIS. And that was done to protect the canners and the farmers?

Col. DAVIS. Yes, sir.

Here is a little evidence to show that when Gen. Wood wrote that letter he was acting on authority higher up, and that the Secretary of War, in fact, was the man who was responsible for this policy:

Mr. REAVIS. Was there any definite conclusion arrived at at the first conference with reference to the disposition of canned vegetables?

Gen. ROGERS. Yes, sir.

Mr. REAVIS. What was the conclusion?

Gen. ROGERS. The conclusion was—after Mr. Thorne came into the office, I asked him if he knew anything about this letter of Gen. Wood, and he said that he did, and that the letter was not only written by Gen. Wood but had the approval of the War Department.

Mr. REAVIS. The approval of the War Department?

Gen. ROGERS. I think he made the statement "At the approval of the Secretary of War." I would like to change my statement and say, instead of the War Department, that it had the approval of the Secretary of War.

Mr. President, I might go on at any length with this evidence. I only wanted to call attention to the proposition that the solicitude that seemed to come all at once when Congress was officially asked to fix a penalty in the food-control act was more of a camouflage than anything else, that the administration has held back from the American people millions and millions of pounds of food, canned vegetables, and canned meats, when the people were suffering for them and anxious to get them. Food and meat that they had to pay for and were entitled to have were kept back from them simply because it was the policy of the War Department not to interfere with trade, and therefore they preferred that the people should continue to suffer from the high cost of living rather than that the market should be broken.

I think, Mr. President, if we made an investigation we would find the truth of some of the cruel rumors that seem to be well founded; that these agreements in regard to food were true in regard to everything else that we have bought; and we would find that there was an agreement by which our Government would not put automobiles upon sale because it would interfere with the millionaire manufacturers who had once made a profit on the automobiles which they sold to the Government. We had hundreds of thousands of them for which we had no use, and have now, spoiling and decaying and going to ruin. I think it would apply to practically everything, that to protect the packers we would not sell products upon the market in case the war ended, but would keep them out of the market; and everything that is done has indicated that that was the course pursued until the House of Representatives passed the resolution and brought about some action on the part of the War Department and this message on the part of the President.

Mr. OWEN. Mr. President, I observe that this bill, H. R. 8624, proposing to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food, forage, and fuel," approved August 10, 1917, has no provision in it for extending the provisions of the act, but that the act will, under the terms of the original act, cease to exist on the proclamation of peace. Section 24 provides that—

The provisions of this act shall cease to be in effect when the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President.

So this remedy which is being offered is proposed to be destroyed by its own terms certainly within 20 or 30 days. I am amazed that such an act should be brought into the Senate without extending it so as to make it effective for the purposes for which it purports to be offered. It evidently was overlooked, because surely the Attorney General of the United States would not recommend this as a means of protecting the people against an abuse and then have it expire by its own terms when the treaty is ratified and peace declared.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from South Carolina?

Mr. OWEN. I yield to the Senator.

Mr. DIAL. I should like to suggest the absence of a quorum, if the Senator will yield for that purpose.

Mr. OWEN. I yield for that purpose.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Jones, Wash.	Myers	Smoot
Beckham	Kellogg	Nelson	Spencer
Capper	Kendrick	Norris	Sterling
Chamberlain	Kenyon	Nugent	Swanson
Curtis	Kirby	Overman	Thomas
Dial	La Follette	Owen	Trammell
Gerry	Lenroot	Page	Underwood
Harris	Lodge	Sheppard	Watson
Harrison	McCumber	Simmons	
Johnson, S. Dak.	McNary	Smith, Ariz.	

Mr. SPENCER. I desire to announce that the Senator from New York [Mr. WADSWORTH], the Senator from Florida [Mr. FLETCHER], and the Senator from Indiana [Mr. NEW] are engaged on a committee hearing in the Committee on Military Affairs.

Mr. KIRBY. I wish to announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON] on official business.

Mr. CURTIS. I desire to announce the absence of the senior Senator from New Jersey [Mr. FRELINGHUYSEN] on official business.

Mr. GERRY. The Senator from Delaware [Mr. WOLCOTT], the Senator from Massachusetts [Mr. WALSH], the senior Senator from Nevada [Mr. PITTMAN], the junior Senator from Nevada [Mr. HENDERSON], the Senator from Montana [Mr. WALSH], the Senator from Maryland [Mr. SMITH], the senior Senator from Louisiana [Mr. RANSDELL], and the Senator from Georgia [Mr. SMITH] are absent from the Senate on public business. I wish also to announce that the junior Senator from Louisiana [Mr. GAY] is detained on business of the Senate.

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. CULBERSON, Mr. FLETCHER, and Mr. POMERENE answered to their names when called.

Mr. ROBINSON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. THOMAS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. FRANCE, Mr. MCLEAN, Mr. WILLIAMS, Mr. PHELAN, Mr. GRONNA, Mr. WADSWORTH, and Mr. NEW entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. OWEN. Mr. President, I wish to propose an amendment to this bill, to the effect that on page 4, after line 22, there shall be inserted:

That this section, with the interpretation of the term "necessaries," as set forth in the act approved August 10, 1917, shall not cease to be in effect upon the cessation of the existing state of war between the United States and Germany.

The principle which is set forth in that section 4, section 2 of the present proposed act, is this:

That it is hereby made unlawful for any person wilfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof.

I call the attention of Senators to the fact that this ought not to be repealed. It ought to remain the law of the land. It forbids men—

knowingly to commit waste, or wilfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution.

That ought to remain the law of the land. It makes it unlawful—

to hoard, as defined in section 6 of this act, any necessaries; to monopolize, or attempt to monopolize, either locally or generally, any necessaries.

That ought to remain the law of the land. It ought not to be repealed, and it is repealed by the original act in these words in section 24:

That the provisions of this act shall cease to be in effect when the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President.

Mr. President, the people of this country are seriously distressed by the high cost of living, and here is a declaration of principle that will help to abate the high cost of living. I ask Senators if they are willing to be responsible for repealing these principles, or having them repealed, when they have in their hands the power to prevent their being repealed?

The responsibility is on you. I propose the amendment.

Mr. KENYON. Mr. President, may I ask the Senator from Oklahoma a question?

Mr. OWEN. I yield.

Mr. KENYON. Does the Senator's amendment extend this act indefinitely?

Mr. OWEN. It extends only the principles of section 2, which are set forth on page 3 of the pending bill and make unlawful the destroying of necessaries of life for the purpose of enhancing the price or restricting the supply. That ought to remain unlawful.

Mr. KENYON. Of course this measure is enacted, as the Senator remembers, as a war measure.

Mr. OWEN. Oh, I remember that very well, but these fundamental principles are so just and so sound that they ought not to be set aside, and since it is very easy to make them effective with the amendment I have proposed I think it ought to go in the bill.

Mr. KENYON. I am afraid the Senator's amendment will possibly interfere with the passage of the bill.

Mr. OWEN. That may be.

Mr. HARRISON. Mr. President, it is a very easy matter to criticize, to find fault, especially at this time. Everything now is in a state of unrest, and criticism of the Government but adds to that unrest. It breeds discontent; aye, Bolshevism. I have listened with much interest to the speech of the Senator from Nebraska [Mr. NORRIS], a speech in which he criticized not only what we are about to do in this legislation, but he criticized the food-control bill, the President's trip to Paris, the management of the Quartermaster Department, and numerous things.

I shall not attempt to answer all of those charges, many of which misrepresented the facts; but the Senator stated, in speaking of Barney Baruch, that Baruch had made $485,000 on a certain "leak" on the New York Stock Exchange.

I hold in my hand the report made by the Committee on Rules in the Sixty-fourth Congress, acting under a resolution passed by the House of Representatives directing it to investigate certain charges made by a very—must I say—distinguished gentleman from Massachusetts, Mr. Thomas W. Lawson. What he stated in the newspapers was taken as correct by a certain member of the opposing party in the House of Representatives, and on those charges this investigation was made.

Among other charges that Representative WOOD at that time made, based upon the charges made by Mr. Thomas W. Lawson, was:

That a member of the Cabinet,' a United States Senator, and a banker were together interested in a speculative stock-market account, the profits of which they divided equally, the success of their speculation being promoted by advance information that a note either had been or was to be sent to belligerent nations of a character likely to promote the prospects of peace in Europe.

Meaning that that particular speculator was Barney Baruch. Here is what the committee in their report say touching that, and it was unanimously adopted. Every Republican as well as every Democrat signed this report. It was unanimously agreed to by the House of Representatives, so there can be no question as to the findings of that committee. It says:

The committee has examined under oath and by aid of counsel every person named or suggested by Mr. Lawson. Not one of them supported or corroborated these charges. On the contrary, every one of them contradicted him. Furthermore, as a result of a careful examination of the customers' accounts of New York brokers, no such account as was described by the witness was disclosed or even indicated.

Further on in the report appears the third charge made by Representative WOOD upon the suggestion of Thomas W. Lawson:

Third. That Bernard M. Baruch, a member of the New York Stock Exchange, and speculator, with offices in New York, had information regarding the President's note as early as Saturday, December 9, and on two or three different occasions had been seen in consultation with Joseph P. Tumulty, the President's private secretary, at the Biltmore Hotel in New York City—the obvious inference of the charge being that such advance information had been received by Mr. Baruch from Mr. Tumulty on some one or all of those occasions.

The committee unanimously reports:

As to the third proposition—

That is, the proposition touching Mr. Baruch—

Mr. WOOD laid before the committee a letter signed "A. Curtis," which contained the statement above referred to regarding Mr. Baruch and Mr. Tumulty.

The committee, however, were unable to find the author of the letter. The signature was evidently fictitious and the statements which it contained were unfounded. Both Mr. Baruch and Mr. Tumulty denied that they had ever met at the Biltmore Hotel or that they had been in conference regarding the President's note on any occasion before its publication. A careful inquiry by the committee failed to produce the slightest evidence to substantiate the charge.

While it appeared in evidence that Mr. Baruch was speculating during the week of December 18, he denied that he either had or was influenced by information in relation to the President's note, and no evidence was adduced or could be found indicating that he had any such information.

And the facts disclosed that on the day of the leak Mr. Baruch was selling stocks instead of buying them, and on that particular day lost money instead of making money. So much for the unwarranted charge against Mr. Baruch.

Now, as to the proposition advanced by the Senator from Nebraska, that the Army made a great mistake in retaining the surplus supplies of canned goods. I thought some time ago that the Army should have disposed of those goods before they did, but when I read the evidence before the committees of the Senate and of the House; when Mr. Hare, who was placed at the head of the sales department, stated that they had circularized this country by sending out 20,000 circulars trying to obtain purchasers for those goods; that they had consulted with the Red Cross representatives, the Young Men's Christian Association representatives, and the representatives of other organizations on the best method to dispose of them and tried to

obtain for the Government a just and reasonable price, I was convinced that those men were doing about all they could in this matter.

Mr. LENROOT. Mr. President, of course the Senator remembers from Mr. Hare's testimony and the circulars that those offers were only in very, very large lots, where the average man would have no opportunity whatever.

Mr. HARRISON. I think that is quite true, but I do not think that criticism should be hurled at the administration, especially the President. The advisory members of the Industrial Board, with but one exception, I am advised, were Republicans. That at least should be taken into consideration when these criticisms are hurled at the President by Members of the Senate as well as of the other body.

The Senator from Nebraska says that the President did not know what the food-control act contained when he delivered his message to Congress; that he recommended certain things in his message that were already in the law; and that the Department of Justice under the law as it was then on the statute books could have proceeded against the profiteers.

Here is what the President said in his message:

> Fortunately under the terms of the food-control act the hoarding of foodstuffs can be checked and prevented, and they will be with the greatest energy.

And yet one listening to the speech of the Senator from Nebraska would believe that the President would have the Congress believe that there was no penalty attached in the food-control act for hoarding, and that therefore the Department of Justice could not proceed against them. On the contrary, the President expressly stated in his message that they could proceed against hoarders under the food-control act, but that they could not proceed against individual profiteers in this country; and what he suggested was a penalty by which we might get at the individual profiteer, and that is what we have done in this legislation.

Under the food-control act there are several penalties provided for certain offenses if the parties are caught. There is a penalty against hoarding. That is embodied in section 6. There is a penalty in section 8 against any person who willfully destroys any necessaries, and so forth. There is a penalty against anyone who permits preventable deterioration of any necessaries, and so forth. But there is no penalty in the food-control act for an individual who goes out and charges unreasonable and exorbitant prices for necessaries, and there is no penalty in the present food-control act against those who would make unreasonable and exorbitant profits on wearing apparel. In other words, while under the food-control act you can get at a combination, you can prosecute a set of men who agree among themselves to charge an exorbitant and unreasonable profit, you can not under the present law get at an individual who makes an exorbitant or unreasonable profit.

All of us know the condition in this country respecting shoes. The prices have soared from $8.50 a pair to $10 and $12 a pair; they have soared from $6 a pair to $16 and $17 a pair; and these pirates who have been robbing the people throughout the country by exacting exorbitant and unreasonable profits should be brought to the bar of justice and punished. And if the Congress of the United States fails to assume the responsibilities in passing appropriate legislation that will ferret out these profiteers and give the Department of Justice the weapons whereby they can be punished, then we must make an accounting and must answer to the American people. These unconscionable gougers have already too long fleeced the people. They have grown fat at the expense of the many.

The Department of Justice, acting under its head to-day, is doing everything in its power, using every weapon at its command, in order to punish those fellows who are violating the law. In the various cities throughout the country men who are hoarding necessaries are being indicted and are being punished. Hundreds of cases have already been placed upon the dockets awaiting trial. Many of these men have already been tried and punished. But they were tried and they were punished under those provisions of the food-control act that made it unlawful to hoard necessaries in this country. The other House have already done their duty in the matter, although of course I can not say that they would have done it had it not been for the President, whom the Senator from Nebraska seems to criticize, because that body was on the eve of adjourning—it had passed its resolution on the 5th day of July to adjourn, the leaders in this body had agreed to it, and were going to allow them to go home, when the President, desirous that these profiteers should be brought to the bar and punished, respectfully suggested to them to remain in session that appropriate legislation might be passed. They did remain in session; they did pass this legislation. That has been some four of five weeks ago. And here we are just now about to pass the legislation that the President weeks ago requested us to pass immediately, the legislation that the Attorney General advocated before the Committee on Agriculture some three weeks ago and urged us to give immediate favorable consideration to. Although we have been slow in doing it, we have embodied in this legislation everything requested by the Department of Justice.

Mr. DIAL. What is the life of this bill?

Mr. HARRISON. The bill will die when peace is proclaimed; when the treaties are ratified.

Mr. DIAL. The only theory on which you ask for this legislation is on the ground that it is a war measure?

Mr. HARRISON. Yes.

Mr. DIAL. And the war is practically over.

Mr. HARRISON. I do not know about that. We have not asked for it to be extended. The Department of Justice did not ask for it to be extended, but the Attorney General came to us and said, "Gentlemen, I can not get at the profiteers unless you write into this law 'wearing apparel,' and at the same time fix a penalty, so that I can get at the profiteer in this country." He requested simple amendments, and we—or, I might say, some of us—gladly gave them to him. I am not in favor of extending this bill beyond the proclamation of peace. I think we are getting on dangerous ground when we do it. I do not know that we have the constitutional authority to do it. I do not think we have the constitutional authority to do it, because this does not deal wholly with interstate commerce. This deals with the individual in a State who is doing business intrastate, as well as interstate, and so I am opposed to that particular amendment—the amendment suggested by the Senator from Oklahoma——

Mr. CURTIS. May I ask a question of the Senator?

Mr. HARRISON. I yield.

Mr. CURTIS. To what amendment did the Senator say he is opposed? Is it a committee amendment?

Mr. HARRISON. I said I was opposed to the amendment suggested by the Senator from Oklahoma, that this should be extended beyond war times. It is not a committee amendment. There was another amendment that was embodied in this legislation that was not incorporated in the bill as passed by the House of Representatives, and that is found on page 3 of the bill.

The amendment reads:

> Or to exact unreasonable and excessive prices for a lease or sublease, rent or subrent of any dwelling house, dwelling room, or apartment, either furnished or unfurnished, in the District of Columbia.

No one would doubt the jurisdiction of Congress to pass such legislation as that. No one who has lived in Washington can doubt the necessity for some legislation that will restrain the hand of these piratical landlords in the District of Columbia. Those who have kept up with the hearings before the subcommittee of the Committee on the District of Columbia of the Senate are bound to be convinced that men have been robbing the people in the District of Columbia in too high and too excessive rents.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. HARRISON. I yield.

Mr. POMERENE. In this connection I may suggest that not more than a week or 10 days ago a woman who is a renter called at my office and stated, among other things, that she sought to rent an apartment in a building which is under the control of one of the leading landlords of this city, who very graciously promised to show her through the apartments. The conversation was by telephone. But after he had arranged to show her through the aparments he asked the question, "Did you take advantage of the Saulsbury Act?" And she replied, in substance, "Indeed, I did." Then he said he did not care to have her come to the apartment house. Another one said, in substance, "Just wait until the Saulsbury resolution expires by limitation and then the apartment house owners will make money." That is the present situation.

Mr. HARRISON. It is an awful condition, and cases on cases could be enumerated that would show that appropriate legislation should be passed to remedy that situation. I heard of one case where a woman had paid $30 a month for an apartment and had leased it out, or subleased it, for $150.

These people should be prevented from doing that. Whenever we make it possible to reduce the high rents in the District of Columbia we will reduce the high cost of living immeasurably to the people who live here. It is a duty we owe them, and we should grant them immediate relief.

Mr. PHELAN. Mr. President, I am cooperating with the Committee on the District of Columbia on the very matter to which the Senator refers. I notice that the bill contains a pro-

vision forbidding unreasonable and excessive prices for subleasing, and so forth. That is for the determination of the court as to what is unreasonable?

Mr. HARRISON. It is.

Mr. PHELAN. And the court might possibly be moved by considerations of the law of supply and demand, so it would be no remedy at all.

Mr. HARRISON. I do not know by what the court might be moved. Of course in order to convict one under it they would go into court. The jury would finally pass upon that proposition.

Mr. PHELAN. Does the Senator think that in the case of landlords offering their apartments for rent at public auction that would be a wise determination of the public value of the property, and hence determine whether it was reasonable or unreasonable?

Mr. HARRISON. A lot of things might enter into the proposition of whether it was reasonable or unreasonable, but may I ask the distinguished Senator a question? Is he in favor of any legislation affecting rents in the District of Columbia?

Mr. PHELAN. I have been acting with the Committee on the District of Columbia——

Mr. HARRISON. That is why I am anxious to know how the Senator feels.

Mr. PHELAN. For the very purpose of in some way regulating profiteering, more particularly in the matter of subletting, because the owner of the property does not get the advantage of the increased value of the property by reason of the excessive demand, but some middleman does.

Mr. HARRISON. Unquestionably that is true in some cases.

Mr. PHELAN. But what is in my mind is that the person investing his savings, if you please—let me say, to make it more sympathetic, a poor man investing his savings in a house instead of in a farm, for the purpose of having a little income in his old age, finds the arm of the Government restraining him in the collection of the natural revenue from the property, whereas the man who invests in a farm is given unlimited opportunity to profiteer because he is a farmer.

Mr. HARRISON. I think the Senator has greatly exaggerated that situation. I have had a great deal of experience in the courts, not only on the side of the prosecution, because it was my pleasure once to serve for five and one-half years as prosecuting attorney, but on the side of defense also, and while sometimes there is a miscarriage of justice, it is very, very seldom, and the juries do not generally convict an innocent man.

In the first place, the question of the man who is charged with making an unreasonable and exorbitant profit in the leasing of his house is passed on by the grand jury. They pass on it first, and then he is tried before a jury of his peers, and they must agree before conviction on all the facts presented that the charge is unreasonable. It seems to me it is almost impossible for an innocent man to be convicted under the proposition. Does not the Senator from California think so?

Mr. PHELAN. I am thinking of the proposition of relieving the tense situation in the District by encouraging the construction of more buildings. I saw a prospectus the other day of an apartment house to cost a million dollars, and they had to borrow something like $750,000 in order to construct it. They held out the expectation of returns to investors in the stock and in the bonds. Knowing the situation here, I would be very loath to make an investment in the stock or bonds, and if they are not sold the apartment house will not be constructed. I will be loath because Congress is trying to invest apartment houses and even dwellings with the character of a public use, and hence it would be impossible for those projectors of apartment houses to dispose of their securities. If you will leave them alone they will put up apartment houses and naturally their zeal to collect the very high rents which exist now will cause an abatement of the high-rent situation and it will pass away.

Mr. HARRISON. If you let them alone they will continue to bleed the people just as leeches bleed human beings.

Mr. PHELAN. If there are more apartment houses it will have a tendency to lower rents.

Mr. HARRISON. But apartment houses have been going up quite rapidly during the last few years in Washington, much more rapidly than in any other city in the United States, and rents have been going up even much more rapidly.

Mr. PHELAN. It is because people come to Washington more numerously on account of war conditions, and, of course, it was possible during war conditions to take this extraordinary step. But the war is over. We are undertaking to make it possible for investors to construct buildings in Washington, and this is not an adequate and permanent way to cure the cost of living.

Mr. HARRISON. This is not permanent legislation.

Mr. PHELAN. No; it is only war-time legislation.

Mr. HARRISON. It only applies to this bill——

Mr. PHELAN. But the Senator has an amendment before the Senate by which he really endeavors to make it permanent. It seems to me to be wrong economically.

Mr. HARRISON. I am very much in hopes that the Senate and the House will adopt this provision, thereby giving some immediate relief to the people of the District, and that the committee of which the distinguished Senator is a member will bring out some permanent legislation that will not only remedy some unfortunate cases under the Saulsbury law, but will extend this provision and make it permanent law, so that the strong arm of the Department of Justice can punish those who deal unjustly with the people in this city and whose whole ambition is to add unreasonable and exorbitant rent charges on the already heavy-burdened shoulders of thousands of wage earners in Washington.

Mr. PHELAN. I think the most logical method of relief would be found in the Government paying its employees, who necessarily have to live in Washington, a sufficient salary. There are a lot of sightseers and cave dwellers who need not live here. The Government should compensate its employees sufficiently to meet this new demand, and reduce the compensation when the rents fall to meet those conditions. But why should the individual property owner be made to bear the additional burden of tax? He pays on his excess receipts 80 per cent in most cases to the Government as an excess war tax, and why should he be singled out to pay this added burden? Why should not the Government itself, representing all the people, compensate its employees adequately to meet not only the high cost of living but the high cost of sleeping?

Mr. HARRISON. I am seeking to put this burden on him because he has been putting the burden on the people of the District too long.

Mr. PHELAN. You wish to punish him?

Mr. HARRISON. I wish to do justice by him but compel him to do justice toward the public.

Mr. PHELAN. But this is not a penal statute.

Mr. HARRISON. I am quite sure that no jury will convict any man unless he is charging an unreasonable and exorbitant price for his dwelling or apartment or his rooms.

Mr. PHELAN. I want to cure the bill, but I want to do it in a permanent and logical way.

Mr. HARRISON. The Senator has not suggested a cure, and he will certainly aid the unfortunate people in the District if he will assist to write this much into the law at the present time.

Mr. DIAL. Mr. President——

Mr. HARRISON. I yield to the Senator.

Mr. DIAL. Does not the Senator think his purpose could be accomplished in a separate bill governing the rents in the District of Columbia?

Mr. HARRISON. Yes; I really think so.

Mr. DIAL. The Committee on the District of Columbia is preparing such a bill, which will be placed before the Senate in a day or two. It is a very comprehensive bill along that line, and it seems to me it would be better to let the matter be covered in a separate bill.

Mr. HARRISON. I think it would be better to have the whole thing embodied in a separate bill, but since I have come to Washington as a Member of the House and as a Member of the Senate, I have heard it suggested time after time to put this off and put that off, defer and procrastinate touching legislation, and finally we get nothing. Let us meet the conditions as they arise—meet them promptly and effectively.

Here is an opportunity to give relief to these people by incorporating it in this bill, and the question that should guide us is whether or not we are in favor of it. If we are in favor of it it will become the law, and we can give immediate relief. If we wait we may give them no relief.

There is one further proposition to which I desire to address myself briefly. There is an amendment offered by the Senator from Colorado [Mr. THOMAS], or in which, I believe, he is interested. It was not incorporated in the bill as it passed the House. It is known as the Smith amendment, and was placed in the bill by the Senate committee. It was intended to be placed there as a measure or as a standard whereby juries in arriving at their verdict could have something on which to base their verdict. It reads as follows:

And provided further, That to make unjust or unreasonable a rate or charge in handling or dealing in or with any necessaries, except where there has been a conspiracy, combination, or arrangement with reference to prices, such rate or charge must be in excess of the rate or charge fixed by a fair-price committee, and the Department of Justice is authorized to provide for the appointment of fair-price committees.

That is the Senate committee amendment. I expect at the proper time to ask the Senate to disagree to that amendment. I believe it weakens the legislation. I believe it will make it al-

most impossible to prosecute some of these fellows whom we are trying to get under the provisions of the law.

It is quite true that the Attorney General, when he appeared before the Committee on Agriculture and Forestry of the Senate, stated that these committees in the various sections of the country that have fixed prices under the licensing system had been requested to reorganize, and that they expected to organize these fair-price committees all over the country, having thereon a representative of the consumers, a representative of labor, a representative of the retail dealers, and probably two other additional disinterested persons. In my opinion, whenever you indict a party for profiteering, charging an unreasonable and exorbitant price under this bill, the astute lawyer that will be employed to defend under this amendment would probably in every case interpose the objection that the fair-price committee was not legally appointed, that it had no authority to fix prices, and innumerable propositions would be advanced to becloud the issue before the jury and prevent justice being done.

For my part, rather than leave it to a fair-price committee over the country to fix the price of the necessaries and publish that price list in the paper and have it as a measure for the jury to go by in arriving at its verdict, I would prefer to leave it to the jury to ascertain all the facts and pass on the proposition of whether or not it was an unreasonable and exorbitant charge. In other words, I would rather leave it to the 18 men who form the grand jury and the 12 men who make up the petit jury to say what is an unreasonable and exorbitant profit than the fair-price committees over the country.

So I shall at the proper time make a motion to disagree to that particular amendment. I sincerely hope that the provision or the amendment touching rents in the District of Columbia will prevail, and that the other amendments brought in by the Committee on Agriculture and Forestry of the Senate, with the exception I have stated, will prevail.

Mr. DIAL obtained the floor.

Mr. LENROOT. May I ask the Senator from Mississippi just one question before the Senator proceeds?

Mr. DIAL. Certainly. I yield for that purpose.

Mr. LENROOT. The Senator from Mississippi [Mr. HARRISON] stated, as I understood him, that in the original law there was no penalty whatever for profiteering. The Senator did not mean that?

Mr. HARRISON. No; I did not state that. I said there was no provision in the food-control act for a penalty against the individual who made an unreasonable or exorbitant charge.

Mr. LENROOT. That is just the point.

Mr. HARRISON. Yes.

Mr. LENROOT. The Senator from Mississippi certainly recognizes that there is such a provision in the original law. The very section which this bill seeks to amend—and I am not opposing the bill, I will say to the Senator—applies to all dealers in food and fuel, and a penalty is provided for an unreasonable profit if the President exercising the power under the act requires licenses, and there is a penalty of not more than $5,000 nor more than two years imprisonment for violation of the order of the President.

Mr. HARRISON. I think the Senator from Wisconsin is absolutely mistaken about that. If he is not, the committee is mistaken and the Attorney General is mistaken. There is a penalty in that act against certain things, but not against the individual who makes an exorbitant and unreasonable charge.

Mr. LENROOT. Let me say—and I am sorry to take the time——

Mr. DIAL. I yield.

Mr. LENROOT. But I want the record to be straight. A portion of section 5 of the original act reads:

> Any person who, without a license issued pursuant to this section, or whose license shall have been revoked, knowingly engages in or carries on any business for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under this section, shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

The only difference being that the license system must be put into operation to make it apply.

Mr. HARRISON. That is very true. We do not differ about that in its relation to the license system. However, they have demobilized their forces in that department; they have ceased to operate under the license system; and they have stated that it would take some 60 days if they had to reorganize and start over.

Mr. LENROOT. I wished to correct the statement that there was no penalty.

Mr. HARRISON. Yes; to that extent there is.

Mr. KELLOGG. Mr. President, may I ask the Senator from Mississippi a question?

Mr. DIAL. I yield to the Senator.

Mr. KELLOGG. Do I understand that the jury in each case, if this amendment were stricken out, would decide what an unreasonable price was?

Mr. HARRISON. That is the idea.

Mr. KELLOGG. Suppose there were two retail dealers in the same town charging the same prices who were both arrested and had separate trials, and that in one case the jury held the price was excessive and in the other case the jury held that it was not excessive; how is a man to know whether or not he is charging an excessive price?

Mr. HARRISON. The fellow who is convicted in that case would be very unfortunate, but I might say to the Senator that that is true in a great many instances. I have seen a man convicted by one jury and another man under the same state of facts turned loose.

Mr. KELLOGG. Is it not a fact that the law must point out a way, so that the individual may know whether or not he is violating it?

Mr. HARRISON. I would say to the Senator, in connection with that, that that is why the amendment known as the Smith amendment gave the Attorney General the power to appoint a fair-price committee, so that prices might be fixed which could be taken as a standard. That is why that provision was included.

Mr. KELLOGG. I understood the Senator was going to move to strike that out.

Mr. HARRISON. I was going to move to strike it out, but I may say that the majority of the committee was against my view on that proposition.

Mr. DIAL. Mr. President, during war times it made no difference whether or not an act was constitutional or legal, whatever the Government wanted the people were willing to let it have. Now the war is practically over—not legally over, but to all intents and purposes it is ended—and it occurs to me it is time to stop extending any war measures. I know of no ground upon which this proposed law can be based except as a war measure, and we hope that the present condition even of legal war will not continue longer than a very few days or a very short time at most.

Mr. President, I am opposed to hoarding; I am opposed to profiteering; I am opposed to robbery in any shape; but this bill goes further than the war measure, for it includes articles that were not included in the original food-control act. To that extent, I certainly think this bill ought not to be passed. The country has become accustomed to the former law, but now here it is proposed to include wearing apparel. The enactment of the bill will disorganize business; legitimate affairs of the people would be tampered with and all thrown out of gear for some considerable time.

Under this bill the people would be liable to be haled into court, prosecuted, and tried upon an indefinite charge and under indefinite definitions of what profiteering is. I do not know what it is. What would mean profiteering to one person would not appear to be profiteering to another person. So I am utterly opposed to disturbing the business conditions of this country and allowing our people to be harassed with this unnecessary law, as I take it to be. Certainly it ought not to be extended under any circumstances to include articles not enumerated in the existing law. It would result in having men haled before a court, their reputations besmirched for some act that even the courts would not know the definition of, and would never be told until after the jury passed upon it. I repeat, what would be profiteering to one man would not be profiteering, perhaps, to another.

To have a fair-price commission go around over the country—a commission composed of inexperienced men—would greatly disturb business, and I hope that will not be done. I have offered an amendment to strike out the words "wearing apparel," on page 2, line 4.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. DIAL. Yes.

Mr. HARRISON. The Senator realizes, I presume, that if wearing apparel should be stricken from this bill we would not be able to get at the profiteers who are making big profits on shoes.

Mr. DIAL. The trouble, Mr. President, and the chief cause of the high cost of living is that people have quit the farms and have gone to town. They want to get into houses, instead of working outdoors. I left here the other night on a train. A gentleman happened to be sitting by me in the smoker who, as it turned out, was a former client of mine. He was a manufacturer of shoes; he owned a shoe factory; and he told me the other day his wife bought a pair of shoes which cost her $6,

and that was the highest price she had ever paid for a pair of shoes. In a day or two his stenographer came in wearing a new pair of shoes and he asked her what her shoes cost, and she said they cost her $16. He told her she was not able to pay that much for shoes, but she answered that she made the money and she was going to buy such shoes as she desired to buy. That is one reason why the cost of living is high; it is high living. People are spending money unnecessarily.

The other day I heard of a colored man stepping into a store in my adjoining county and asking to see some shirts. They showed him a $2 shirt and he said that was not fine enough. Then they showed him a $6 shirt and he said that was not good enough. He was next shown a $10 shirt, and he said he would take three of those; and he pulled out three $10 bills and paid for them. That is one reason for the high cost of living.

I heard a man say the other day he stepped into a store where they had a pile of shirts as high as his head. A youth entered the store and asked the merchant the price of the shirts. The merchant told him they were $6, and if he wanted any of those shirts he had better pick his out pretty soon to get the pattern he wanted. My informant inquired who bought such shirts, and was told the boys in the mills.

I dined with a friend the other day, a very rich man, whose salary, I think, is $25,000 a year, who said that he stepped into a store the other day with the idea of purchasing a silk shirt. He said that he had never owned one before. He asked the clerk the price of the shirt, and was told $12. He said, "I would consider it a reflection on my intelligence to pay $12 for a shirt." He asked the clerk "who buys that kind of shirts?" and was told the barbers and the hack drivers and the boys who want to blow in. That is the trouble with this country; the people have quit work and are going to the towns, and yet we expect prices to go down. What we need is to have our people get some tools and go back on the farm and produce something to eat.

I am not going to take up much time in the discussion now, but we all know of the inflated condition of the currency; we know of the war destruction and everything of that sort, and we know that prices are bound to be high for a considerable time. I am not a merchant, and the provisions of the bill will not interfere with me at all except in a general way, but I think that the way to bring about natural and normal conditions is to quit being abnormal and to quit passing unnecessary laws and to adjourn the Senate as soon as we can get the treaty ratified and some much-needed reconstructive laws enacted. That would do as much to quiet this country and satisfy our people as anything else that could be done. I would not appear critical of my colleagues, but it is my honest opinion that every legitimate interest would be served if the sessions of Congress were shorter, say not longer than four months in the year. I think then there would not be so much unrest in this country.

I hope this proposed law will not be extended any further than to articles originally embraced in the food-control act. Let us get back to normal and not enact so much legislation in Washington. We have set a good many bad examples here. The way to do is to let the people go back to the country, pay their debts, pay for the expenses of the war, and forget about it.

CITY POLICE AND LABOR UNIONS.

Mr. THOMAS. Mr. President, I had intended to discuss some of the features of this bill to-day, but I am informed that some Senators desire a short executive session, and I shall therefore postpone that duty until to-morrow. I shall, however, before the executive session is held refer briefly to dispatches reaching the city this afternoon, informing the public of conditions in Boston, where a strike of policemen, called day before yesterday and fixed for 5.30 yesterday afternoon, is now in full operation. I had occasion yesterday to express some anxiety about that situation, and I fear that my apprehensions, as the facts now disclose, are fully justified.

At 5.30 to 6 o'clock yesterday afternoon 85 per cent of the metropolitan police force of the city of Boston and belonging to the police union of that city, previously affiliated with the American Federation of Labor, surrendered their weapons, laid down their clubs, and suspended their activities, the grievance being the discharge of some of the force by the State police commissioner for retaining their federation membership contrary to the order of that official. The papers this morning outlined a somewhat grave situation but carried the encouraging news that the citizens of Boston had taken up the work of their recalcitrant officials and were engaged in policing the city as best they could.

The Evening Star, of Washington, in its last edition devotes the first column of its front page to the subject, and, with the permission of the Senate, I will read the Associated Press dispatches as they there appear.

The first dispatch is very short, announcing that Mayor Peters had taken over the control from Commissioner Curtis, a State appointee—and who, by the way, has not been removed, although the governor has been petitioned by the American Federation of Labor to remove him for disciplining disobedient members of the force—and had called upon the State guard organizations to assist in maintaining order.

Then follows the Associated Press dispatch:

BOSTON, *September 10.*

Gov. Coolidge early this afternoon called out the Fourth Brigade of the State guard, made up of the Eleventh, Twelfth, and Fifteenth Regiments, and the machine-gun company of the Fourteenth Regiment. The troops were ordered to report to Mayor Peters forthwith.

That is a very serious order, Mr. President. It indicates that a very grave condition existed or it would not have been made. The remainder of the dispatch informs the public of that situation:

BOSTON, *September 10.*

Lawlessness was rampant in Boston to-day. Without adequate police protection, private citizens were left to their own resources to protect their lives and property.

Since the police struck at 5.45 o'clock yesterday afternoon there has been no organized police power able to cope with the situation that last night approached anarchy and to-day appeared to grow more serious as the inadequacy of the makeshift arrangements intended to preserve public order became obvious to the criminally inclined.

At 11.15 a. m. to-day the State guard had not been called out, and, so far as could be learned, only a handful of higher officers in the police department and an indefinite number of "volunteers" were making an effort to prevent disorder.

Virtually nothing of what was proposed at the city hall or statehouse could be learned this morning. Mayor Peters was said to be "in conference with prominent citizens." Gov. Coolidge was said to be still standing back of Police Commissioner Curtis. At the commissioner's office it was said he had turned the recruiting of an emergency force over to former superintendent of police, William H. Pierce, who was busy swearing in volunteers.

CITY ABANDONED TO HOODLUMS.

Last night the city was virtually abandoned to the hoodlum and criminal. For some reason not publicly explained the volunteer force which it had been expected would go on duty when the police quit was not called out until this morning.

The banks and larger mercantile institutions were protected by their own guards, but the small retailer was at the mercy of mobs, which included in their number all elements, from the purely mischievous to the downright criminal. Store windows to a number estimated at 300 were smashed in and goods by the armful carried away. Police Superintendent Crowley placed the damage done during the night at $300,000.

Supt. Crowley said this morning that his emergency force, made up of a few faithful policemen and volunteers, totaled between 600 and 700. This was less than one-half the number of the regular police force.

DESTRUCTION IN DOWN-TOWN BOSTON.

Down-town Boston presented a sad picture this morning. The systematic looting had ceased apparently with the coming of daylight, but evidences of last night's lawlessness were plentiful. On Washington Street near School Street the whole glass front of a haberdashery had been smashed. Around the corner, on School Street, Walton's cafe looked as if it had been struck by a cyclone. All 10 of the Walton cafes in the city, where there is a strike on, were looted.

Crowds gathered early, as on a holiday, and surged through lower Washington Street and the other narrow thoroughfares of the congested business district. They generally had the spirit of merry-makers, but there was something ominous in the steady augmentation of the idle and the freedom from restraint.

The cross streets, with few exceptions, were unguarded. The reckless motor-car driver was in his glory and pedestrians made dangerous crossings at their peril.

A walk from Boylston Street through Tremont to Bromfield and north through Washington to Court Street revealed only one person who was making any show of authority.

Now listen, Senators:

ATTACKS ON WOMEN FREQUENT.

Attacks of women throughout the night were frequent and atrocious. In numerous parts of the city there were villainous assaults. The vicious element suffered the most, but according to reports no woman was safe in the little-frequented districts or where the streets were not brilliantly illuminated.

Two women were pursued by a mob and found refuge in the city hospital. With a boldness almost unbelievable the mob attempted to force its way into the institution and was only stopped by a handful of officers who had arrived a moment before with a man who had been shot.

WALKOUT SIGNAL FOR ROWDYISM.

Rowdyism started almost with the walkout of the patrolmen last night. Thousands of persons gathered about the police stations before 6 p. m., and when the officers emerged in civilian clothes or without insignia or equipment they were greeted with cheers and jeers, and at some stations youths with grudges against certain officers threw mud, sticks, and stones. These crowds were dispersed by superior officers and loyal patrolmen.

In south Boston rowdyism and looting started early and continued through the night. Windows in whole blocks of stores were broken and their contents scattered. Those who could not get near the windows were able to buy rare bargains in wearing apparel and cheap jewelry from others who were overstocked.

A sailor in an Avoy Street crowd carried a fully dressed store dummy. Without leaving the street he took off his uniform and donned the "civies," even to the collar and tie.

Some one sold him an expensive velour hat for 35 cents, and he departed with his uniform under his arm. Reports that sailors were prominent in the disturbances brought armed guards from the navy yard.

The police strike began shortly before 6 o'clock. The patrolmen reported at the evening roll call and turned in their revolvers, clubs, and patrol-box keys.

Mr. President, I shall not occupy the time of the Senate with reading the remainder of this article. It recites the shooting of three men and the stabbing of one, and gives the immediate cause of the strike as the refusal of Commissioner Curtis to sanction the policemen's union because of its affiliation with the American Federation of Labor, the union voting 1,134 to 2 to call the strike.

To me, Mr. President, this is the logical consequence of the affiliation of the officers of the law with private organizations of whatever character. It is an inescapable fact that when the officials of government assume obligations or enter into covenants which may contingently interfere or conflict with the discharge of their duty they at once became subject to a double allegiance, the fruit of which is inevitable in this imperfect world. Since the Master said, centuries ago, that no man could serve two masters, no man ever has or ever will successfully do so. The conflict of interests and of obligations is absolutely irreconcilable. Mr. President, this is a step which if accomplished will not end with the so-called unionizing of the police forces of America. Already efforts are being made to unionize the Army; and if it is legitimate to unionize the police, it is equally legitimate to unionize the soldiers of the Republic.

The second column of the paper from which I have read contains a most enthusiastic account of the reception given to the immortal Pershing and the equally immortal First Division by the people of the great city of New York. Within 200 miles of each other, there is the contrast—a contrast representing much that is good and all that is sinister in the relations of men to their National and State Governments. I can well imagine how, if this tendency goes unchecked, the splendid record of achievement of the expeditionary force which has written its name in letters of gold upon the imperishable pages of American history may, through its influences, be tarnished by the assumption of obligations inimical to duty and to allegiance.

I have no reason for assuming that Boston will be the only victim of these disturbances. This is but the beginning; and just as surely as the movement is permitted to develop, just so surely will there be repetitions of them in every city in the country.

In the editorial pages of the Star there is expressed the timid hope that these disorders may not visit the Capital City. Why, Mr. President, it is the duty of the press of this city, it is the duty of the press of the United States—a duty which it owes to the people of America—to become the leaders in the effort to suppress official lawlessness, to sound the alarm, and to see that this spirit, now so rampant, shall not be converted into an agency for the destruction of the social fabric.

The Washington Post this morning saw fit to criticize, and criticize somewhat severely, my comments upon the action of Mr. Justice Gould in issuing an injunction against the Commissioners of this District. I am taken to task for using my high position upon this floor, for exercising my privilege as a United States Senator, in expressing some disapprobation of the judicial conduct of a great judge. I have done here what I have done elsewhere under analogous conditions, and what I shall continue to do when occasion demands it so long as I live.

Mr. President, I have always respected the bench; I always shall, as long as it maintains its present lofty standards; but I have had occasion more than once during the long course of practice at the bar and in the discharge in my humble way of some of the functions of a citizen, to criticize and to condemn the attitude of some of the courts of my country. To illustrate, I once felt bound to do so, when the supreme court of my own State imposed a fine upon my former partner some time ago for a criticism, the notorious truth of which he offered to prove. The facts were that the court, with one solitary and honorable exception, had deliberately surrendered to the interests of the public utilities of my home city.

I have had occasion upon this floor to express dissent from certain decisions of the Supreme Court of the United States, and particularly one which read a word into a statute which had been deliberately excluded therefrom by the Congress, and I shall not now hesitate to continue the same course when confronted by another judge wrongfully assuming jurisdiction of a mighty proposition and tying the hands of the only body invested with authority to solve it. It will be a sorry day for the people of America when our courts become immune to criticism. Public opinion is the one great corrective of their assumptions of power or their misapplication of the law.

I want to say to the people of the Capital City of the United States that if the Boston condition is to be duplicated here, and that is what this decision contemplates, sooner or later they will be confronted with the same consequences. The time will inevitably come when, as in Boston, the women of this city will be unsafe upon the streets of the American Capital, when its stores will be looted, when its citizens will be shot down, and when the middle-class citizen will have to shoulder his gun, take up the baton of the policeman, and patrol the streets for the protection of his property and his family and for the vindication of the law.

We must meet this situation, and if it be true that it is the logical development of conditions which we can not suppress or prevent, then, Mr. President, we and our children can at least have the consolation of knowing that when the crisis confronted us we did not flinch, but sought to meet it, and to meet it like men.

Mr. President, I do not know what this court will do to-morrow. It may make the injunction perpetual. If it does, it ties the commissioners hand and foot and delivers them to the police union. The District Commissioners may see fit, in their judgment, or through the advice of counsel, to submit to that iniquity. I hope they will exercise their prerogative whatever the consequence. But if they shall bow to the court decree and leave the judges responsible for results, then the duty of the Congress becomes the more insistent. I affirm that an awakening courage and a reviving Americanism in the Senate and House of Representatives, too long repressed, is now quickening into life. May it now assert itself, prove equal to the crisis, and reestablish the conviction that this Republic, equal to every danger which may confront it, is yet capable of accomplishing its destiny through the devotion, the heroism, the sacrifice of its people.

NEW ASSISTANT SECRETARY OF AGRICULTURE.

Mr. SMOOT. Mr. President, I wish to take just a moment to call the attention of the office of information of the United States Department of Agriculture to what I consider a useless waste of money and a useless waste of time. The other day the Senate confirmed Mr. James R. Riggs, who was nominated for Assistant Secretary of Agriculture, and the office of information sent out this advertisement and publicity:

NEW ASSISTANT SECRETARY OF AGRICULTURE.

WASHINGTON, D. C.

The new Assistant Secretary of Agriculture, James R. Riggs, whose nomination has just been confirmed by the Senate, is a farmer—not merely by way of interest in the subject, but by life-long, practical application. Farming has been his primary occupation all his life. More than that, he is a farmer by heredity. So far as the available record shows, the Riggs line from which he is descended has been made up of farmers all the way. His grandfather, Hezekiah Riggs, was born on a farm in Loudon County, Va., in 1791. When he was 22 years old he moved to Sullivan County, Ind., and engaged in farming and live-stock growing. There Commodore Perry Riggs, father of the Assistant Secretary, was born, and there he spent his life as a farmer and stock grower. All of his sons and all of his sons' sons have been farmers.

Among the several sons of Commodore Perry Riggs was James R. Riggs. He was born at Shelburn, Sullivan County, Ind., February 17, 1865. For two years after graduation from the Sullivan County High School, in 1882, he was deputy county treasurer and bookkeeper for hardware and lumber firms. In 1885, when he was 20 years old, he began his career as a farmer. He made his first purchase of land in 1888. From that time until the present he has continued in the active management of his farms.

While devoting his energies primarily to farming operations, Mr. Riggs has found time both for other business enterprises and for public affairs. He was elected county auditor in 1894. For a number of years he was active in the development of the coal, oil, and gas industries of his section. For 12 years he was president of a trust company. He has been connected with the construction of more than 200 miles of improved highway. Since 1912 he has been engaged in the manufacture of drain tile.

Mr. Riggs was married in September, 1895, to Miss Bessie Lewman, of Clark County, Ind. They have three daughters.

Mr. THOMAS. Mr. President, that sounds very much to me like a biographic extract from the Congressional Directory.

Mr. SMOOT. Yes; only a little longer; and this is issued, Mr. President, with the hope that it is to be published in all the papers in the United States. I want simply to say to the office of information of the United States Department of Agriculture that it seems to me this is an absolute waste of paper, a waste of time, is costly to the Government, and their labors ought to be directed in a far better channel.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, September 11, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 10, 1919.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

First Lieut. Farrar B. Parker, Medical Corps, to be captain from November 24, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 10, 1919.

AMBASSADOR EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

William E. Gonzales to be ambassador extraordinary and minister plenipotentiary to Peru.

COLLECTOR OF CUSTOMS.

Herbert C. Comings to be collector of customs for customs collection district No. 2, with headquarters at St. Albans, Vt.

ASSISTANT APPRAISER OF MERCHANDISE.

Thomas J. Burns to be assistant appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N. Y.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders, for temporary service:

Louis J. Roth,
Clarke Withers,
Tunis A. M. Craven,
Samuel S. Thurston,
Philip C. Ransom,
Jerome A. Lee,
Alfred H. Donahue,
John D. Jones,
William Masek,
Edmund S. McCawley,
Langdon D. Pickering,
Andrew L. Haas,
Franklin B. Conger, jr.,
Lloyd H. Lewis,
Samuel N. Moore,
William G. B. Hatch,
Valentine Wood,
Leo H. Thebaud,
James R. Webb,
Horace W. Pillsbury,
Walker Cochran,
Julian B. Timberlake, jr.,
Laurence W. Clarke,
Michael Hudson,
Gordon Hutchins,
Henry F. Floyd, and
Joseph H. Hoffman.

The following-named lieutenants (junior grade) to be lieutenants, for temporary service:

William J. Russell,
Arthur C. Leonard,
Emil F. Linstrom,
Edwin V. Wilder,
Ola F. Heslar,
Louis M. Palmer,
Henry Plander,
Henry E. Cressman,
Benjamin F. Blume,
Robert Anderson,
Roscoe C. Bright,
Simeon L. Owen,
Edo S. Carfolite,
George H. Wheeler,
Daniel Campbell,
J. Walter Eaton,
Albert L. King,
Ray P. Helm,
William P. Turner,
Laurie C. Parfitt,
Leo Mead,
Ray H. Watkins,
Alfred R. Boileau,
Herbert Wycherley,
Manuel J. Cayton,
Warren A. Northrup,
Grover A. Miller,
George Stone,
James E. Drever,
William I. Denny,
Frank Dobie,
William J. Poland,
Thomas Fertner,
Ellis H. Roach,
Olaf J. Dahl,
Warren W. Wesley,
August Skolasky,
Werner E. Follin,
Frederick Bense,
Carter E. Parker,
Walter H. Thomas,
Lester M. Harvey,
Adolph J. Hofman,
Edward Eger,
William Johnson,
Harlie H. Brown,
Emmett M. Wanner,
Alfred L. Johnson,
James F. Cooper,
Frank J. McManamon,
Walter F. Marriner,
Oliver P. Kilmer,
August A. Bressman,
Walter J. Fanger,
Richard L. Reuling,
Eldred J. Richards,
Jacob M. Gibson,
Martin J. Werner,
Arthur G. Somers,
George A. Gast,
Marion C. Erwin,
Arthur P. Spencer,
Robert T. Bamford,
Lewis A. Yancey,
Haden H. Phares,
James Moran,
Emil H. Petri,
Ralph F. Streitz,
Stephen J. Drellishak,
Edwin F. Bilson,
James J. Morgan,
Carl E. Nelson,
Charles M. May,
Frederick G. Lemke,
Edmond F. Sale,
Edward L. Moyer,
Thomas C. Ryan,
John Erikson, jr.,
Garrison Payne,
Walter H. Stuart,
Leo E. Orvis,
Harold E. Fosdick,
Archie O. Mundale,
John C. Hicks,
Charles W. Henckler,
Henry Quinton,
Harvey C. Brown,
Joe S. Wierzbowski,
George W. Allen,
Edmont T. Coon,
George H. Turner,
Frederick A. Ruf,
Thomas M. Arrowsmith,
William R. Giddens,
Ernest C. Marheineke,
John D. Cornell,
Carl I. Ostrom,
James Williams,
William H. Newman,
George Enos,
Fred P. Brown,
Thomas E. Orr,
Harry L. Thompson,
John D. Lennon,
Edward V. Brown,
William A. Reynolds,
Leslie K. Orr,
Frank Mogridge,
Chub J. Smith,
John A. Rayhart,

Ira A. White,
Elmer B. Robinson,
Albert L. Bishop,
Harold Bye,
Nels E. Smith,
Mauritz M. Nelson,
Orie H. Small,
William B. Anderson,
William P. Crowley,
Louis M. Biller,
Robin Southern,
Elmer A. Posey,
John F. McConalogue,
Joseph K. Konieczny,
Christian V. Pedersen,
Henry Eismann,
Walter E. Sharon,
Herman G. Mecklenberg,
Earle S. Nason,
Robert De Bellefeuille,
John H. Burke,
George E. Comstock,
Ralph M. Jeffries,
Frank L. McClellan,
Frederick L. Rose,
William A. Blazo,
Herbert G. Haynes,
Harry L. Ritchie,
Roy E. Hall,
Leon W. Thomas,
George W. Haynes,
Charles Braun, jr.,
Clyde Morrison,
Joseph A. Curzon,
Emil Roeller, and
Edward D. Berry.

The following-named ensigns to be lieutenants (junior grade), for temporary service:

Edwin W. Hartzell,
Richard G. Berger,
Fred C. Shoebridge,
Walter S. Hayes,
James H. Mitchell,
Malcolm J. Otis,
William H. Parker, jr.,
Emmett J. Driscoll,
William P. Thomas,
Earle Walton,
Samuel B. Ogden,
Benjamin Allen,
Arthur F. Folz,
Warren M. Robertson,
Julian F. Greeley,
Robert V. Anderson, jr.,
William O. Tait,
Harry H. Fisher, jr.,
Alfred Pedrick,
Lowell McCutcheon,
Arthur F. Morrill,
James D. Griffin,
Samuel Temple,
William R. Squire,
Luther S. Phillips,
Lloyd S. Kinnear,
Francis D. H. Eaton,
Donald B. Caldwell,
Matthew K. Coleman,
Norman F. Thompson,
Ernest A. Scholze,
Hallett W. Thorne,
Palmer M. Gunnell,
Andrew J. McElhinney,
Robert F. McNally,
Edward DeM. Payne,
George M. Stevens,
Joseph C. Newman,
Clarence E. Knapp,
Paul F. Hittinger,
Alvin E. Loucks,
Robert L. Atwell,
Roland N. Calkins,
Fred A. Hardesty,
Everett W. Edwards,
Charles W. Hickernell,
Edward W. Duggan,
John H. Duncan,
Jeremiah F. Sullivan,
Edgar F. Wilson,
Donald G. Beachler,
Everett L. Cole,
Arthur J. Grant,
Bernard C. Decker,
Daniel S. Brierley,
Edgar W. Upton, jr.,
Stewart R. Whitehurst,
Henry F. Massnick,
John A. Cronin,
William H. Bloeser,
Philip M. Woodwell,
Charles S. Seely,
Samuel M. Hunt,
Leo B. Tyson,
Ira W. Truitt,
Milton F. Smith,
George Paille,
Louis B. Raper,
John M. Schmissrauter,
Dougald E. Martin,
Truman E. Ayers,
Lewis E. Shaw,
John J. Dem,
James L. Freese,
Charles F. Adams,
Edgar J. Hayden,
Christopher Bell,
Thomas R. Jones,
Edward A. O'Neill,
William W. Brougham,
William T. Van Voris,
Allen P. Judson,
Maitland Bakewell,
William E. Phillips,
Thomas Ryan, jr.,
Clovis N. Fontaine,
John Q. Chapman,
Ryder H. Gay,
Frank E. Vensel, jr.,
James H. Woodward,
Clayton R. Jones,
Walter H. Stanton,
Arthur F. Anderson,
Theodore C. Junkins,
Earle H. Strickland,
Eliot F. Landon,
Joseph L. Cassidy,
Arthur C. Torrey,
Abram L. Hopkins,
Frank H. Wright,
John P. Hildman,
William H. Mann, jr.,
Franklin E. Cook,
Froebel A. Lawrence,
George W. Travis,
Meares B. Cartmell,
Francis F. Martin,
Myron T. Grubham,
Richard L. Jones,
Werdebaugh Ramsay,
Hafford C. Southall,
James P. Steedley,
Joseph M. Jensen,
Theodore D. Case,
Fred Ford,
William F. Roessler,
Russell D. Richardson,
Roy Jackson,
Raymond G. Deewall,
Oscar Henrichsen,
Manning W. Hodgdon,
Joseph A. Kelly,
Jesse G. Hughes,
John De Rue,
Stanley Limont,
Frank W. Rasch,
Louis P. Ledoux,
Harry F. Newton,
Harry C. Rohlfs,
Lyle Turner,
Charles M. Johnson,
Clarence E. Wardell,

Joseph L. Marshall,
Franklin P. Early,
Peter Talbot,
Henry L. Pitts,
Charles F. Waters,
Sylvester T. Moriarity,
Charles W. Van Horn,
Glenn F. Degraves,
Clarence A. Suber,
Emory F. Hosmer,
Edward J. Lysaught,
Henry F. Mulloy,
Frederick Keil,
Frank L. Lanham,
Donald B. McClary,
Chickering Nelson,
Charles R. Dunne,
Alva Henderson,
Levi C. Houston,
Albert A. Elliot,
Peter P. Zeller,
Grover F. Coulson,
Jesse E. Jocoy,
Earl B. Brix,
Elmer E. Watkins,
Perle M. Lund,
Van Buren Jarvis,
James G. Finton,
Bernard C. Parker,
Leonard S. Moore,
John E. Vollmer,
Miles Brazil,
George Harris,
Adolphus M. Dryden,
John O. Crom,
Ernest N. Joly,
Glen R. Ringquist,
William L. Wagner,
Algy R. McCartney,
Percy C. Reed,
Julius A. Egenhoff,
Gurney E. Patton,
Anthony F. Threm,
Percy A. Decker,
John E. Landers,
Claude M. Rice,
Lewis B. Hubbel,
Harvey A. Harrison,
Clyde Knight,
Clyde B. Dahlman,
Carl Axelson,
William S. Johnson,
John R. J. Le Roy,
Cornelius J. O'Connor,
William G. Sullivan,
Ernest C. Fiedler,
Frank E. Powers,
John F. Welch,
Thomas J. Costello,
Charles R. Jeffs,
Frank P. Moore,
Glenn C. Provost,
Charley F. Martin,
Merion E. Hair,
Clinton W. Gray,
George L. Morin,
Luttie E. Tappen,
Harold M. Jones,
Warren R. Hastings,
John H. Conroy,
Lester Carpenter,
Burt Ketcherside,
Montie Wood,
Oliver C. Morse, jr.,
Oscar R. Doerr,
John H. Lopez,
De Forest L. Trautman,
John P. Campbell,
William B. Kerr,
Neville Levy,
Robert F. A. Benson,
Rae C. Nichols,
Earle B. Earhart,
Walter E. Andrews,
Julian T. Lett,
Carl F. Lindstol,
Robert P. Dodds,
Frederick A. Olsen,
John J. Dallier,
John F. Shea,
Clyde W. Jordan,
Charles E. Carlson,
Edward B. Peterson,
Thomas J. Quinn,
Albert J. Wheaton,
Arthur Brown,
Arthur S. Fenton,
Julius J. Lorzing,
Edward L. Gench,
William R. Simpson, jr.,
Philip L. Emerson,
Howard A. McKee,
Daniel F. Kelly,
Alfred C. Headley,
Thomas J. Coffee,
Howell O. Jones,
Kenneth Cartwright,
Lewis R. Madison,
Albert Lorch,
Andrew Carnegie,
John W. Lane,
John L. Taylor,
Joseph G. Enzensperger, jr.,
Halsey E. Crosby,
Joseph H. Davis,
Caleb R. Crandall,
David LeF. Dodd,
William C. Landis,
Wellington S. Morse,
Frank E. Kennedy,
James E. Arnold,
Palmer S. Mock,
Walter B. Holder,
Clifton M. McAfee,
Arthur H. Adams,
Loring P. Jones,
Raymond E. Farnsworth,
Frank A. Mullen,
Reginal C. Ramsay,
Clarence D. Williams,
Robert I. Mayorga,
William J. Shackelford,
Paul D. Clyde,
Roger P. Adair,
Ralph J. Crosby,
Harvey T. Collins,
Harry F. Parks,
John F. Grimm,
Donald E. Robertson,
Gurth Williams,
Joseph B. Carr,
John T. Roach,
Lewis F. Leventhal,
Wallace S. Wharton,
Rowland McK. Stover,
Alfred M. Geis,
Clarence F. Eddy,
Robert B. Ryder,
John E. Dingwell,
Albert B. Bennett,
Eli B. Parsons,
John G. Coffin,
Frank Eggert,
Leslie E. Gehres,
Edwin W. Holden,
Fletcher H. Dutton,
Arthur C. Dunn,
Lester T. Forbes,
John W. Buttrick,
Roland S. Bailey,
Bernard A. Sullivan,
Lewis B. Beatty,
Harold W. Scott,
Paul A. Thompson,
John B. McGovern,
John W. Loman,
Robert K. Jefferies,
Frank E. White,
Lester W. Preston,
Leroy M. McCluskey,

William P. Downing,
Robert E. Crowley,
Edwin F. Thrall,
Samuel L. Oliver,
Charles S. Allen,
Eldred W. Christie,
Ralph T. Brengle,
John D. Kennedy,
Arthur G. Crafts,
Rea C. Newman,
Hibbert W. Moss,
William T. McCargo,
Wilbur C. Dyer,
Frederick R. Avery,
Czar J. Dyer,
Norman E. Millar,
Ralph L. Chisholm,
Louis S. Walsh,
John L. Flynn,
Louis L. Burden,
Clarence E. Dimmitt,
Kenneth J. Van House,
Earle G. Brooks,
Coe A. Boardman,
William C. Eubank,
Lloyd C. Eddy, jr.,
Charles W. Proctor,
Harold B. Summers,
Harold E. Richardson,
Elmer J. Tiernan,
Hugh M. Kitchen,
Whitney W. Miller,
Edward M. Hope, jr.,
William F. Whitlow,
Howard G. Wheaton,
Howard W. Neely,
Julius C. Kinsky,
Benjamin S. Brown,
Solomon T. Sutton,
Earle C. Peterson,
Milton P. Hall,
Francis E. Matthews,
Mortimer B. Carraher,
Harold D. Scott,
Lewis P. Harris,
William F. Burton,
Leo B. McNulty,
Paul L. Hughes,
Louis F. Edelman,
Willis C. Doane,
Charles J. Naumilket,
Ralph A. Light,
Charles W. Scribner,
Albert W. Liddle,
Aaron Mandel,
Llewellyn K. Winans,
Gordon McSwain Lupo,
Albert K. Rumsey,
Selden H. Oviatt,
Harold J. Dunne,
Richard F. Richardson,
John J. Cooney,
Thomas A. O'Connor,
Cecil G. Simpson,
Walter W. Miller,
Lester J. Calender,
Albert P. Sherr,
David W. Jones,
Ralph S. Mangham,
Carl C. Chandler,
Edward R. Powell,
Lawrence K. Beaver,
Lewis H. C. Johnson,
John O. Jenkins,
Franklin R. Uhlig,
Benjamin H. Corning,
Joseph W. McColl,
Carlton M. Hammond,
Donald G. Davis,
Christopher P. Schlaeter,
Daniel H. Kane,
Charles C. Beck,
Luther C. H. Beighey,
William J. O'Hara,
Raymond E. Daniels,
George L. Hart,
George C. Wrentmore,
Leonard P. Kane,
Elie A. F. Lavallette,
Asher A. Howell,
Fred A. Luenser,
Charles E. Chamberlain,
Guy R. Bostain,
Roy A. Jones,
Walter A. Irwin,
Wilfred G. Lebeque,
George R. Milbourne,
Charles C. Gillis,
Philip H. Taft,
Joseph R. Tobin,
Carleton H. Crawford,
Arthur F. Peterson,
George O. Augustine,
Edward L. Garnett,
Arthur E. Maginiss,
Denis J. Kiely,
John H. Kevers,
Wade Lash,
Lewis F. Kepple,
William R. Schimmeyer,
Mortimer Laurence,
Herman A. Berch,
William Pfeffer,
Edward G. Nolan,
Walter F. A. Dixon,
Edward A. Stein,
William R. Ross,
George E. Hummer,
Arnold Hanchett,
Charles F. Grisham,
Reginald G. Seger,
Raymond F. Tillman,
Cleophas G. Harris,
Lawrence C. McEnerney,
Clyde W. Haskins,
Calvin A. Cole,
Leo L. Waite,
Lawrence S. Tichenor,
Christian W. Manegold,
Frank L. Burgess,
Elmer D. Lundberg,
Carl B. Fields,
Ford K. Lucas,
Abraham S. Lewis,
Hermann P. Knickerbocker,
John A. Manfrin,
Samuel M. Thompson,
Philip L. Reid,
Otto Gmelich,
Charles E. Reynolds,
James N. McTwiggan,
Frederick W. Ickes,
Joseph Mather,
Marshall Anderson,
Elmer T. Marr,
Ira D. Spoonemore,
Walter G. Neal,
Lester E. Auger,
Charles R. Hoffecker,
Samuel A. Katz,
Angus V. Chisholm,
Ralph E. Thomas,
Richard W. Thompson,
John H. Thomas,
William Hartenstein,
Jesse F. Cordes,
Joe R. Robson,
John S. Hawkins,
Erastus E. McClaine,
Reuben F. Davis,
Charles H. Trask,
Alfred J. Butler,
Walter E. Stephen,
Leonard Sicer,
Henry L. Burmann,
Edward J. Tyrell,
Virgil D. Duke,
Charlie S. East,
William C. Betzer,
Byron Williams,

Thomas Downs, and
George J. Tansey.

The following-named warrant officers to be ensigns, for temporary service:
Cecil E. Godkin,
Charles H. Ahrens,
Charles A. Brown,
Earl E. Reber,
Walter D. Bonner,
William Wilkinson,
Arthur S. Billings, and
Albert E. Baker.

The following-named officers of the United States Naval Reserve Force to be ensigns, for temporary service:
Frederick S. Beach,
Roland E. Krause,
Herbert C. Behner,
George E. Weigel, and
Raymond F. Taylor.

Ensign John W. Dupaquier, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service.

Medical Inspector Herbert O. Shiffert to be a medical director with the rank of captain, for temporary service.

Medical Inspector John H. Iden to be a medical director with the rank of captain, for temporary service.

Surg. Howson W. Cole, jr., to be a medical inspector with the rank of commander, for temporary service.

Surg. Abraham H. Allen to be a medical inspector with the rank of commander, for temporary service.

Surg. Earle P. Huff to be a medical inspector with the rank of commander, for temporary service.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons with the rank of lieutenant (junior grade), for temporary service:
Joseph A. Meledy,
John R. Marshall,
Joseph MacDonald,
Paul R. Heber,
Thomas M. MacLachlan, and
Thomas O. Cole.

Lieut. Edward Frothingham, of the United States Naval Reserve Force, to be an assistant surgeon with the rank of lieutenant (junior grade), for temporary service.

The following-named officers of the United States Naval Reserve Force to be assistant dental surgeons with the rank of lieutenant (junior grade), for temporary service:
Carl E. Reynolds,
Charles S. Weigester,
Lester B. Lang,
Clarence L. Gorcia, and
Theodore P. Donahoe.

Lieut. Ary E. D'Armona, of the United States Naval Reserve Force, to be an assistant dental surgeon with the rank of lieutenant (junior grade), for temporary service.

Lieut. Charles L. Tompkins, of the United States Naval Reserve Force, to be an assistant dental surgeon with the rank of lieutenant (junior grade), for temporary service.

Passed Asst. Paymaster Thomas DeF. Harris to be a pay inspector with the rank of commander, for temporary service.

Passed Asst. Paymaster Frank T. Watrous to be a pay inspector with the rank of commander, for temporary service.

Acting Pay Clerk Carl R. Fatzer to be an assistant paymaster with the rank of ensign, for temporary service.

The following-named officers of the United States Naval Reserve Force to be assistant paymasters with the rank of ensign:
Chester T. Pohling and
Harvey E. Wathen.

The following-named boatswains to be chief boatswains, for temporary service:
William McClain,
Samuel Watson,
Coenraad Lichtendall,
Hubert George, and
George L. Kennedy.

Chief Boatswain Albert R. Mulkins, United States Naval Reserve Force, to be a chief boatswain, for temporary service.

The following-named gunners to be chief gunners, for temporary service:
Chester C. Culp,
Russell K. Young,
Charles H. Ripley,
Charles Edlund,
Grover Williams,
Ottie B. Taylor,
James J. Lowe,
Orbla O. Peterson,
Warren S. MacKay,
Everett T. Proctor,
John Gordon, and
Thomas M. Flattley.

The following-named machinists to be chief machinists, for temporary service:
Harry W. Bailey,
Albert A. Golay,
Alfred Ward,
Michael Connors,
Einar Boydler,
Horace L. Taylor,
Howard J. Randall, and
Bayard K. Brown.

The following-named carpenters to be chief carpenters, for temporary service:
William G. McIntyre,
Dion W. Taylor,
Hugh McAlmond, and
William E. Redfern.

The following-named pharmacists to be chief pharmacists, for temporary service:
Charles A. Adelmann,
George R. Hensen,
Ernest W. Herrmann, and
James J. Farrell, jr.

Pay Clerk (temporary) Russell H. Sullivan to be a chief pay clerk, for temportary service.

The following-named acting pay clerks to be chief pay clerks, for temporary service:
Edward H. Kallinich and
John A. Zinsitz.

Lieut. Commander George F. Neal to be a commander.

Lieut. Garret L. Schuyler to be a lieutenant commander.

Lieut. Weyman P. Beehler to be a lieutenant commander.

The following-named lieutenants (junior grade) to be lieutenants:
Elroy L. Vanderkloot and
Earl H. Quinlan.

The following-named ensigns to be lieutenants (junior grade):
Leighton Wood,
Russell S. Berkey,
Clinton E. Braine,
William F. Boyer,
Byron S. Dague,
Thorwald A. Solberg,
John A. Vincent,
Charles J. Wheeler,
Robert J. Walker,
John D. Price,
Thomas J. Keliher,
William F. Loventhal,
Carroll W. Hamill,
Woodbury E. MacKay,
Augustus J. Selman,
John M. Bloom,
Theodore T. Patterson,
Charles T. Gilliam, and
Isaiah Parker.

The following-named assistant surgeons to be passed assistant surgeons with the rank of lieutenant:
John Harper,
Paul Richmond, jr.,
Grover C. Wilson,
Richard H. Miller,
George W. Taylor, and
Virgil H. Carson.

Asst. Surg. Eugene W. Torrey, United States Naval Reserve Force, to be an assistant surgeon with the rank of lieutenant (junior grade).

Passed Assistant Paymaster William R. Van Buren to be a paymaster with the rank of lieutenant commander.

Lieut. (temporary) Lewis N. Moeller to be an assistant civil engineer with the rank of lieutenant (junior grade).

Boatswain Jerry C. Holmes to be a chief boatswain.

Gunner Stephen A. Farrell to be a chief gunner.

Boatswain Charles C. Beach (retired) to be a chief boatswain on the retired list.

Gunner Edgar A. Roble (retired) to be a chief gunner on the retired list.

Major Oliver C. Hine, Marine Corps Reserve, to be a captain in the Marine Corps, for temporary service.

The following-named captains to be first lieutenants in the Marine Corps, for temporary service:

Harold D. Shannon,
Robert M. Johnson,
Louis R. Jones,
Ramond J. Bartholomew,
Bruce B. MacArthur,
Claude A. Larkin,
Erwin Mehlinger,
William B. Croka,
Lothar R. Long,
Amos R. Shinkle,
Bruce Gootee, jr.,
George H. Morse, jr.,
Marc M. Ducote,
Wesley W. Walker,
Lewis B. Freeman,
William H. Taylor, jr.,
Lucian W. Burnham,
William K. Snyder,
Shaler Ladd,
Robert M. Montague,
John A. Willis, jr.,
Charles Z. Lesher,
John C. Wood,
Thomas R. Jewett,
William T. Evans,
George D. Hamilton,
Charles I. Emery,
Clyde P. Matteson,
Rolla R. Hinkle,
Nathaniel H. Massie,
Richard H. Jeschke,
Francis P. Mulcahy,
Frederic C. Wheeler,
Thomas E. Kendrick,
Albert A. Le Boeuf,
Alfred W. Ogle,
William Van D. Jewett,
Robert S. Lytle,
Paul E. McDermott,
Donald J. Kendall,
Harold St. C. Wright,
Leonard Stone,
Alton A. Gladden,
Lewis B. Reagan,
Dudley S. Brown,
Robert H. Pepper,
Robert L. Nelson,
John B. Wilson,
James McB. Sellers,
James D. Colomy,
Galen M. Sturgis,
Carl W. Meigs,
Joseph W. Knighton,
Charles I. Murray,
George L. Maxwell, jr.,
Joseph C. Bennet,
James A. Mixson,
Cecil B. Raleigh,
William H. Hollingsworth,
Oakley K. Brown,
Charles D. Roberts,
Gus L. Gloeckner,
Graves B. Erskine,
Leo F. S. Horan,
Felix Beauchamp,
Philip A. Murray, jr.,
John H. Craige,
Reginald C. MacK. Peirce,
Claude M. Bain,
Thomas A. Tighe,
David Bellamy,
Richard O. Sanderson,
Louis S. Davis,
Howard B. Freeman,
Edward D. Kalbfleisch,
Chaplain G. Hicks,
Leo D. Hermle,
Lee H. Brown,
Robert E. Mills,
Earle F. Swett,
Paul S. Hanway,
Allan C. Perkinson,
Robert D. Evans,
Herman R. Anderson,
Clarence M. Ruffner,
Chester L. Fordney,
Hu H. Phipps,
Walter E. Lawson,
James H. Williamson,
Carroll F. Byrd,
Clifton B. Cates,
William W. Ashurst,
Richard F. Boyd,
Ralph McN. Wilcox,
Clement A. Berghoff,
Walter S. Hallenberg,
Charles A. Etheridge,
Wallace A. Bell,
Willis Brodhead, and
Harold Moore.

The following-named officers of the Marine Corps Reserve to be first lieutenants in the Marine Corps, for temporary service:

William J. Crosson,
Thomas R. Shearer,
Louis J. Hughes,
Donald M. Taft,
James Maguire,
Harold C. Major,
George A. Plambeck,
John H. Weaver,
William S. Hilles,
Edward W. Franklin,
Samuel F. Birthright,
Horace W. Mitchell,
Frank H. Fleer, jr.,
James H. Legendre,
William M. Radcliffe,
Basil G. Bradley,
Ivan P. Wheaton,
Richard Livingston,
Charles J. Lohmiller,
Henry F. Adams,
Howard M. Peter,
Charles W. Henkle,
Solon B. Kemon, and
Gwendell B. Newman.

The following-named captains to be first lieutenants in the Marine Corps, for temporary service:

Sidney R. Vandenberg,
Louis W. Bartol,
George L. Maynard, jr.,
David C. Levy, and
Samuel F. Milliken.
Martin Canavan,
Charles G. Haas,
Archie W. French,
Sparling B. Anderson,
James Diskin,
Lee Carter,
Charles D. Baylis,
Alfred Dickerson,
Forest J. Ashwood,
Eugene E. Brong,
Harry H. Shepherd,
Albert B. Sage,
Gustaf A. Brodstrom,
Fred B. Hoyt,
John F. Cassidy,
Sydney J. Handsley,
Thomas J. Kilcourse,
Thomas M. Cummings,
Charles W. Lavlett,
Charles B. Loring,
David R. Nimmer,
David L. Ford,
Emil M. Northenscold,
Silas M. Bankert,
Henry S. Hausmann,
Joseph I. Nettekoven,
Sherman L. Zea,
Harold W. Whitney,
Herbert G. Joerger,
John H. Parker,
Nicholas F. Clauson,
Stewart P. Corning,
James P. Schwerin,
Daniel L. Clifford,

William J. Mosher,
Vernon Bourdette,
Robert I. Avery,
Edward T. Bayman,
Paul A. Lesser,
Arnold C. Larson,
Joseph N. Shaw,
Edward F. O'Day,
Tom E. Wicks,
Jacob J. Kesel,
Charles F. Morrison,
Muri Corbett,
William P. Grow,
Harry P. Crouch,
Amor L. Sims,
Oscar DeV. Keown,
Richard H. Schubert,
Ogbourne A. Hill,
George W. Hopke, and
Frederick Israel.

The following-named temporary and reserve officers to be second lieutenants in the Marine Corps, for temporary service:

Robert D. Foote, jr.,
John W. Mueller,
John F. McVey,
Charles C. St. Clair,
John Waller,
Otto Salzman,
Harry V. Shurtleff,
Harry W. Gamble,
Robert F. Slingluff,
Thomas Quigley,
Patrick W. Guilfoyle,
Frank Z. Becker,
Nathan E. Landon,
Eugene L. Mullaly,
John J. Mahoney,
Albert J. Phillips,
William O. Corbin,
John P. McCann,
Harry A. Ellsworth,
Warren C. Barnaby,
Maurice C. Gregory,
Gustav F. Bloedel,
John Strong,
Thomas Dwight,
John J. Haley,
Frank D. Creamer,
Harry E. Horner,
Robert W. Maxwell,
William F. Thalheimer,
Benjamin F. Fogg,
Howell Cobb,
Thomas F. Joyce,
William Frederick Brown,
James W. Lattin,
Henry A. Riekers,
Edward McEvoy,
Charles D. Meginness,
Eugene B. Mimms,
Henry Baptist,
Robert W. Williams,
Wilbur G. Gunn,
Carl E. Clark,
Michael Kearney,
Edward H. W. Holt,
Bror G. Brodstrom,
Joseph Watson,
John P. Harvis,
Harry H. Couvrette,
John Angus McDonald,
Clate C. Snyder, and
Frank F. Zissa.

The following-named first lieutenants to be second lieutenants in the Marine Corps, for temporary service:

Joseph B. Carhart,
Laurens H. Reyburn,
Oscar E. Kelly,
Moses J. Gould,
Harvey J. Rice,
Corlies Adams,
Basil H. Pollitt,
John Groff,
Prentice S. Geer,
George W. Walker,
Arthur L. Whiteside,
George Draine,
George R. Rowan,
Theodore H. Cartwright,
Lucas I. Bruns,
Walter S. Farley, and
Grover C. Moore.

The following-named reserve officers to be second lieutenants in the Marine Corps, for temporary service:

Harmon J. Norton,
Stanley Klos,
Frank L. Lamb,
Manson C. Carpenter,
Amos P. Booty,
William R. Affleck,
Harry W. Miller,
Bert Van Moss,
James Gallivan,
Goodyear W. Kirkman,
Walter V. Brown,
Lawson H. M. Sanderson,
Edward C. Smith,
Jacob F. Plachta,
Jacob Makohin,
Ocia K. Manahan,
Harold E. Rosecrans,
Joseph L. Moody, jr.,
Fred T. Molthen,
Glen W. Chamberlain,
Samuel P. MacNeill,
Richard L. McAdams,
Harold H. Titus,
Charles R. Ford,
Robert F. David,
Christian F. Schilt,
George L. Murray,
Carl J. Norstrand,
Cecil J. Widdifield,
John T. Foster,
William J. Whaling,
Curtis T. Beecher,
Walter Sweet,
Willard R. Enk,
Minter L. Lowther,
Gerald C. Thomas,
Erwin F. Schaefer,
Wilbur Summerlin,
Carl F. Merz,
Harry C. Moore,
Charles P. Hill,
Frank D'Ippolo,
Lester M. Folger,
Maurice R. Gustavus,
Walter B. Casey,
Edgar G. Kirkpatrick,
Joseph R. Caldwell,
Austin W. Boden,
John D. O'Leary,
Grover C. Darnall,
Lloyd R. Pugh,
Harry D. Barger,
Duncan W. Lewis,
Roy Wiedemer,
Arthur L. Caperton,
Hans O. Martin,
Charles McL. Lott,
Albert E. Benson,
William G. Kilgore,
John D. Brady,
James G. Bowen,
Leo Sullivan,
Horace D. Palmer,
Hayne D. Boyden,
Eugene Rovegno,
Harold J. Adams,
Raymond W. Conroy,
Russell E. Stephens, and
Franklin G. Cowie.

POSTMASTERS.

CONNECTICUT.

Charles F. Greene, Bridgeport.
Hugh Hearns, Naugatuck.
John P. Murphy, Norwich.
Ella B. Binney, Sound Beach.
Adele P. Brush, West Cornwall.

NEW JERSEY.

Ellen E. Showell, Absecon.
Hunn Livingston, Allentown.
Maude V. Richer, Audubon.
Alfred Christie, Bergenfield.
James D. Magee, Bordentown.
Miles W. Hargrove, Browns Mills.
Joseph L. Hammell, Burlington.
Theodore A. Bishop, Carteret.
Walter S. Terrell, Chatham.
Alonzo P. Green, Chester.
Charles E. Crane, Clayton.
Edward W. Walker, Cranbury.
Abraham C. Hulsizer, Flemington.
Carl L. Richter, Fort Lee.
Fred P. Crater, Gladstone.
Bayard C. Stavely, Haddonfield.
Louis J. Langham, Hammonton.
Addison Robbins, jr., Hightstown.
James C. H. Sherwood, Hohokus.
Arabella C. Broander, Keansburg.
Carl Shurts, Lebanon.
William Fehrs, Little Ferry.
Marcellus Parker, Manasquan.
Charles C. Stewart, Mays Landing.
Frank McMurtry, Mendham.
Edward W. Townsend, Montclair.
Gustav H. Rottgardt, Montvale.
Francis H. Reed, Mount Holly.
Sadie P. Miller, Netcong.
George N. Harris, Newton.
Alexander H. Sibbald, Park Ridge.
James F. Beardsley, Pompton Lakes.
Isaac Klein, Salem.
James W. Rea, South Amboy.
William B. Lance, Stanhope.
Jennie Madden, Tuckahoe.
George W. Baldwin, Summit.
Robert L. De Camp, Westfield.
John A. Smith, Wrightstown.
James D. Carpenter, Woodbury.
James J. Davidson, Swedesboro.

NEW YORK.

John W. McKnight, Castleton.

PENNSYLVANIA.

Archie W. Leech, Beaverdale.
James P. Van Etten, Milford.

UTAH.

Furnessia A. Le Cheminant, Garfield.
Daniel McMillan, Heber.

REJECTION.

Executive nomination rejected by the Senate September 10, 1919.

POSTMASTER.

George R. Hughes to be postmaster at Frankfort, Ky.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 10, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

Almighty God, our sincere prayer is that our beloved America by her patience may win her soul. Give us as a people in our racial relationship charity, in our industrial difficulties cooperation, in our social differences sympathy, in our civic problems earnestness, in our governmental activities justice, and in the outreach of our international influence honor and integrity and helpfulness to the right. Guard us against the evils of peace as well as of war. Keep us from the dangers of prosperity as much as from those of adversity.

Lord God of hosts, be with us yet,
Lest we forget.

Thus may we as a people live and grow a blessing to ourselves and the world and a power pleasing in Thy sight. Bless to this end our national leaders, and especially the Members, officers, and servants of this House of Representatives. Day by day may we give whole-hearted homage to the principles of the kingdom of heaven as set forth by our Lord and Master Jesus Christ, in whose name we pray. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. GARD. Mr. Speaker, the Journal as read by the Clerk discloses that Mr. VOLSTEAD, of Minnesota, asked for a conference on the bill "6808." The number is H. R. 6810. It is my understanding that that should be corrected.

The SPEAKER. Without objection, the correction will be made.

Mr. GARD. There is some question about what the Senate messaged over in regard to that bill, whether or not the official papers containing the message carried with them a request for a conference on the amendments of the Senate to the House bill. However, I do not desire to make any question about it.

The SPEAKER. The Chair is advised that they did not request a conference.

Mr. MONDELL. The gentleman from Ohio having mentioned the matter, I think it is perhaps as well to say that the Senate in passing the prohibition-enforcement bill agreed to a motion which was made that the Senate insist upon its amendments and ask for a conference; but in messaging the bill over no reference was made to that action of the Senate, and the House acted in accordance with the record which it had before it; and as the record did not indicate that the Senate had asked for a conference the gentleman from Minnesota [Mr. VOLSTEAD], in making his final request, asked for a conference. I assume that when the bill reaches the Senate, the Senate, without regard to its former action, will agree to the conference requested by the House.

Mr. GARD. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARD. The House had no official notice of what was really the action of the Senate, or what the Senate intended to do, except that the Senate had passed the bill.

Mr. MONDELL. The only notice that the House had officially, of course, was the notice carried in the message, and the announcement made by the messenger from the Senate, and the House acted properly in view of the information that it had in the notice that was given it.

Mr. GARD. But with the subsequent information it developed that the House did not act properly, because it had no authority to do that which it did do.

Mr. MONDELL. I would not want to admit that the House did not act properly, because I think the House always acts properly when it acts in accordance with the official information before it. The House is not chargeable with the fact that the CONGRESSIONAL RECORD indicates that the Senate moved to insist upon its amendments and ask for a conference. No such notice as that was served on the House, and therefore the House had to act, and properly did act, on the information which it had.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. Is not that an unusual procedure, where the Senate amends a House bill and then insists upon its amendments and asks for a conference before the bill is returned to the House?

Mr. MONDELL. Not specially unusual. That action is sometimes taken by both the House and the Senate.

Mr. FESS. Sufficiently unusual, however, so that unless we had that information we could not act otherwise than as we did.

Mr. MONDELL. Whether it was unusual or not, we are not assumed to know anything about the action of the Senate except what is conveyed in the papers that are delivered to us.

Mr. CLARK of Missouri. If that is true, how does it happen that we are carrying on this conversation here?

Mr. MONDELL. It was not my purpose to refer to the matter at all, but the gentleman from Ohio did refer to it, and I thought that, reference having been made to it, the correctness of the action of the House should be made clear, in case any reference should be made to the matter elsewhere.

Mr. GARD. The request of the gentleman from Minnesota was to disagree to the Senate amendments and agree to the conference asked by the Senate.

Mr. MONDELL. That was his first statement, but that was objected to, and his final statement, and the request submitted by the Chair, was in accordance with the facts as they had been presented to the House by the message.

Mr. GARD. This is what he said, as it appears on page 5081 of the RECORD:

Mr. VOLSTEAD. Mr. Speaker, I renew the request to take from the Speaker's table the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, with Senate amendments thereto, disagree to the Senate amendemnts, and ask for a conference.

Mr. MONDELL. Yes. That request was in accordance with the information we had as to the status of the matter, and that was the action taken. The Chair submitted that request just as the gentleman from Minnesota presented it, and the action of the House was correct. It remains for the Senate to take whatever action, if any, they may deem necessary to correct the mistake of the officer of the Senate who transmitted the papers.

Mr. GARD. The gentleman is of the opinion that the error should be corrected upon the other side of the Capitol?

Mr. MONDELL. Entirely so. Notwithstanding the action of the Senate when the bill passed, I assume the Senate may now simply agree to the conference the House has asked.

The SPEAKER. Without objection, the Journal will stand approved.

There was no objection.

Mr. RUCKER. Mr. Speaker, I desire to call attention to a statement in the speech delivered by the gentleman from Nebraska [Mr. MCLAUGHLIN], but as the gentleman is not present I will defer what I have to say until the gentleman is present.

NATIONAL-BANK SUBSCRIPTIONS TO WAR WORK CAMPAIGNS.

The SPEAKER. To-day is Calendar Wednesday, and the call rests with the Committee on Banking and Currency. When the House adjourned last Wednesday House joint resolution 87, authorizing national banks to subscribe to the united war work campaign, was under consideration in Committee of the Whole, and that is the unfinished business. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of that joint resolution, and the gentleman from Connecticut [Mr. TILSON], who was then in the chair, will resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the House joint resolution 87.

Mr. PLATT. Mr. Chairman, I want to inquire how much time there is left for general debate?

The CHAIRMAN. The Clerk has gone for the book in which is kept the record and will be back in a moment.

Mr. WINGO. Mr. Chairman, I was advised informally at the desk that there was 30 minutes remaining.

Mr. PLATT. My recollection is that there was some time remaining.

The CHAIRMAN. The Chair's recollection is in accord with the gentleman from New York. The gentleman from Illinois [Mr. CANNON] had the floor when the House adjourned.

Mr. STEVENSON. Mr. Chairman, I controlled the time on this side and there has been 18 minutes used on this side—the gentleman from Tennessee [Mr. GARRETT] 10 minutes, I used 3 minutes, and the gentleman from Illinois [Mr. CANNON] 5. I offered him 10, but he declined to accept but 5. I do not remember the time on the other side.

The CHAIRMAN. The Chair is informed that the gentleman from New York [Mr. PLATT] has 37 minutes remaining and the gentleman from South Carolina [Mr. STEVENSON] 32 minutes remaining.

Mr. PLATT. Unless somebody else wants to speak, I call for the reading of the bill.

Mr. STEVENSON. Mr. Chairman, I will take such time coming to me as I find necessary. In reference to this measure, it is one of the left-over difficulties of the war. The subscription of money out of funds of the banks, which are trust funds in the hands of the directors of the bank, is certainly an extraordinary proceeding by the directors. For this body to authorize it it is necessary that we have extraordinary reasons for granting the authorization. While the war was in process of fighting we did grant to the banks authority to subscribe to the Red Cross fund. Then the claim came up that we should grant the same power with reference to the war-work campaign. A whirlwind campaign was put on and a great many banks did promise to subscribe. The Comptroller of the Currency notified them that while they did not have the authority that he would not object if Congress proposed to give them the authority and if they subscribed and Congress ratified it he would approve it. That was the situation.

My opposition to it is that it is a diversion of the trust fund, and I have been against it from the very start. In so far as the banks subscribed and promised to pay if given the authority and the war-work committees have anticipated and used the funds, I am not adverse to the banks having the authority to carry out the subscription because it is common honesty with them to do so, and I will not oppose it in that shape if it is also conditioned on the approval of the stockholders.

But if you pass this in the shape in which it is there will be another whirlwind campaign and the bankers all over the country will be dragooned almost into subscribing in every community to the fund now, and therefore I think that the chairman of the committee should offer an amendment providing that this shall be permitted only where subscriptions were made before the date when the peace treaty was signed. If that is done, it will remove that particular objection and the banks that have subscribed when the peace treaty was signed will have permission to carry out the moral obligation and other banks will not be subjected to the inconvenience of solicitation of funds under conditions that their conscience will say, "Do not give it," and the public clamor will be after them to give it.

Mr. BOX. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BOX. The gentleman said before the peace treaty was signed. Does he mean the armistice?

Mr. STEVENSON. No; before the peace treaty was signed in France. That was as late as they have solicited contributions.

This is an outgrowth of the war and one of the instances and inconveniences and troubles that grow out of every war. Certainly it should be one of the things which should agitate us in considering how to avoid wars in the future.

I am going to digress just a little while to discuss some features of the propositions that are now before the American people to avoid wars in the future.

I am going to cite a very respectable authority as to how that should be done, and I think it is an authority that will be accepted, possibly, with a good deal of consonance on both sides of the House.

Disarmament of the free and liberty-loving nations would mean merely insuring the triumph of some barbarism or despotism, and if logically applied would mean the extinction of liberty and of all that makes civilization worth having throughout the world. But in view of what has occurred in this war, surely the time ought to be ripe for the nations to consider a great world agreement among all the civilized military powers to back righteousness by force.

Such an agreement would establish an efficient world league for the peace of righteousness. Such an agreement could limit the amount to be spent on armaments and after defining carefully the inalienable rights of each nation, which were not to be transgressed by any other, could also provide that any cause of difference among them or between one of them and one of a certain number of designated outside non-military nations should be submitted to an international court including citizens of all these nations, chosen not as representatives of the nations but as judges, and, perhaps, in any given case the particular judges could be chosen by lot from the total number

This is the crux of the whole matter.

To supplement and make this effectual it should be solemnly covenanted that if any nation refused to abide by the decision of such a court the others would draw the sword on behalf of peace and justice and would unitedly coerce the recalcitrant nation.

Now, that embraces certainly the heart of the league of nations, up now before the American people. It suggests a court to determine the right. It suggests disarmament as one of the things that would tend to prevent it, and so it is a league of nations. "It suggests that men who are selected to determine controversies between nations be called judges. It provides that if any member of such league shall refuse to conform to the judgment of the court constituted by itself that the other members of the league shall draw the sword to enforce the mandates by the power of the combined nations that are in the league.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. CAMPBELL of Kansas. What section of the league of nations proposes the establishment of a court of adjudication of differences between the nations?

Mr. STEVENSON. I am glad the gentleman asked that question. Let us see what the league of nations provides.

Mr. LAZARO. Whom does the gentleman quote?

Mr. STEVENSON. The gentleman asks me whom I quote. I quote Theodore Roosevelt in the Outlook of September 23, 1914. [Applause.] Let us see what court is provided. In the first place there is a court of arbitration. If the United States has an interest and is afraid to stand by the court of arbitration, then there is the court of the executive council, in which each of nine nations has a representative chosen, as Mr. Roosevelt says, as judges to determine the issue, and on which no interested nation's representative will have a vote. If they are not satisfied with that, then there is the assembly of the representatives of all the nations in the league. You have got three tribunals. Now let us see about the court of arbitration——

Mr. CAMPBELL of Kansas. Will the gentleman yield further?

Mr. STEVENSON. Yes, sir.

Mr. CAMPBELL of Kansas. Is there anything in the nature of a judicial process before either one of the tribunals to which the gentleman referred?

Mr. STEVENSON. There is no judicial process as between nations, but the nations will be entitled to resort to the court of arbitration, and the same distinguished author from whom I quoted at least had in mind that very court. I read from the same article:

> What has occurred in this war ought to bring home to everybody what has of course long been known to all really well-informed men who were willing to face the truth and not try to dodge it. Until some method is devised of putting effective force behind arbitration and neutrality treaties, neither these treaties nor the vague and elastic body of custom which is misleadingly termed international law will have any real effect in any serious crisis between us and any, save, perhaps, one or two, of the great powers.

And therefore the distinguished author, Mr. Roosevelt, was dealing absolutely with the court constituted as one of the courts that is provided for in the league of nations or the arbitration court which he said should have force and power behind it when it comes to its enforcement.

Mr. KING. Will the gentleman yield?

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. STEVENSON. I will yield to the gentleman from Kansas.

Mr. STRONG of Kansas. Does the gentleman believe, in view of the fact that the President of the United States and the leader of the gentleman's party has just said in St. Louis that he wished both parties were smothered in their own gas, it would be well for us to abandon the league of nations for to-day and proceed with the consideration of this bill?

Mr. STEVENSON. The gentleman from Kansas might be correct, but the discussion of this league of nations has gone on and a day or two ago was taken up very elaborately by the gentleman from Nebraska [Mr. McLAUGHLIN] on that side, and therefore I am not bound by his ruling here.

Mr. KING. Will the gentleman yield for a question?

Mr. STEVENSON. I yield to the gentleman from Illinois.

Mr. KING. Does the gentleman find anything in that article that suggests that one country should have six delegates against the United States' one?

Mr. STEVENSON. I am glad that the gentleman asked that question. Let us look at the formation of the nations' court. In the assembly one nation has six delegates and all the others have one, according to the construction that is put there by some people, but let us see, if a nation is interested its member can not vote on any of those questions and none of its members can, and therefore it is disqualified. Now, I wish gentlemen would look at another thing.

Mr. BLANTON. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. BLANTON. Does the gentleman understand by the interjections that the gentlemen from Kansas [Mr. STRONG and Mr. CAMPBELL] and the gentleman from Illinois [Mr. KING] are against this league of nations to enforce peace in this world?

Mr. STEVENSON. I do not undertake to understand what any gentleman means. Now, I want to proceed without interruption for a few minutes.

Mr. FESS. Will the gentleman yield for a question?

Mr. STEVENSON. For one question.

Mr. FESS. The gentleman is on the committee?

Mr. STEVENSON. Yes, sir.

Mr. FESS. Is he aware that on Calendar Wednesday debate must be confined to the bill?

Mr. STEVENSON. Yes, sir; I am aware of that. If the gentleman makes the point of order, I shall ask unanimous consent. I have been a Member of this body for three years and have never trespassed for half an hour on its time since I have been here.

Mr. FESS. The gentleman on his feet will not make the point of order, because he enjoys the gentleman's speech too much.

Mr. STEVENSON. Yes; I know the rule and I am prepared to conform to it, if anybody makes an objection, and then I shall ask unanimous consent to proceed.

Mr. LONGWORTH. Will the gentleman yield for a brief question?

Mr. STEVENSON. Yes, sir.

Mr. LONGWORTH. Far from taking the gentleman off his feet, I want to give him a little good news. I want to tell him that yesterday the league of nations was indorsed by the National Undertakers. [Laughter.]

Mr. STEVENSON. Then, it has gone from the cradle to the grave, and the only people that are opposed to it are the phrase makers that are sitting at the other end of the Capitol. They are the people who are opposing it, and I am informed that the undertakers are patiently waiting for them. [Applause.]

Now, Mr. Chairman, gentlemen bring in the question of some nations having more votes than others. Now, I want to call your attention to the fact that these people, and they are following the plan of Mr. Roosevelt, are selected as judges, and they are not supposed to represent merely the nation they are put there for. You take the situation in the Capital, with the State of Ohio having two members on the Supreme Bench and the State of West Virginia without any. Does the State of West Virginia object when its controversy with Ohio upon natural gas comes up to the Supreme Court, because, forsooth, Ohio has two members and the State of West Virginia none? Not at all. Why, the most acrimonious and most important lawsuit, I will state, in which I have ever been engaged was between the State of South Carolina and a citizen of Illinois and a citizen of Ohio, citizens of States one of which had a Chief Justice and another an associate justice. We did not object to the Supreme Court hearing that case with those men on it, because they were citizens of the same States as those of the men who were litigating, while South Carolina had no representative. They are chosen as judges, and therefore, under the very language of Mr. Roosevelt, they are there as judges and not as partisan representatives of any nation.

Well, the gentleman has asked what court. Now, I have shown you. Here is the arbitration court, here is the executive council, and here is the assembly, and if one of the nations is not satisfied with one it can go to the other until it gets satisfaction or what is coming to it—probably justice.

There is another feature of this matter I want to discuss for a minute. We hear a great deal of talk about the Shantung settlement and the strangulation of Pekin, and I want to call your attention to the fact that the importance of the Shantung settlement, the Shantung acquisition by Japan, is very well illustrated by a map in the Christian Science Monitor, which shows that it puts a strangle hold on Pekin, in the center of China, and it does this by virtue of the fact that Korea and Manchuria are already in the possession of Japan and are being monopolized by her and being ground to the earth by her.

A friend of mine not long ago was driving across a railroad track in Korea, and his automobile was struck by a train and his wife and a friend who was with them were killed, and instead of their having anything done to the railroad people they took the missionary up and tried him and sentenced him to pay $25 for involuntary manslaughter in killing his wife. That is the kind of justice they have over in Korea, and we do not hear so much boasting about that.

Now, I want to show you that we had an obligation as to Korea in 1905, and I will read it to you. We had this obligation:

> That if other powers dealt unjustly or oppressively with either Government—

That is, Korea and the United States—

> the other would exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their good feeling. (Treaty of 1882–3.)

Now, what happened? In the Russo-Japanese War Japan went through Korea to get at Russia. She agreed to get out. She agreed that she would guarantee the independence of Korea and would get out when the thing was over. What did she do? Why, when the time came she said, "No; we will not get out." She subverted the Government of Korea. She took charge, and to-day she has her courts and her machinery, and she rules Korea in a most despotic manner, as I indicated awhile ago when I told you about the missionary, Dr. Bell, of Kentucky, who was treated in so summary a manner when a train ran over his automobile and killed his wife. That is the way they get the strangle hold on Pekin. Korea sent her representative here to the administration, and they refused to see him; they refused to hear his plea. They said, "This matter has gone into the hands of Japan, and we will have nothing to do with it," and they refused to carry out the terms of our treaty. Yet, forsooth, we hear a great deal about our enforcing the rights of China. Let us see whether that was approved or not by the great party that was then in power. I just want to read you. This is from the same article from which I quoted a while ago, by Mr. Roosevelt:

> Korea is absolutely Japan's. To be sure, by treaty it was solemnly covenanted that Korea should remain independent. But Korea was itself helpless to enforce the treaty, and it was out of the question to suppose that any other nation with no interest of its own at stake would attempt to do for the Koreans what they were utterly unable to do for themselves.

I ask you now, if China is not able to enforce her rights with Japan, under what more powerful compulsion are we to go and enforce her rights than America was when we had an abso-

lute contract with Korea to see that her rights were maintained?

Moreover, the treaty rested on the false assumption that Korea could govern herself well. It had already been shown that she could not in any real sense govern herself at all.

China has had three or four governments in the last two or three years. I read further:

Japan could not afford to see Korea in the hands of a great foreign power. She regarded her duty to her children and her children's children as overriding her treaty obligations. Therefore, when Japan thought the right time had come, it calmly tore up the treaty and took Korea, with the polite and businesslike efficiency it had already shown in dealing with Russia, and was afterwards to show in dealing with Germany. The treaty, when tested, proved as utterly worthless as our own recent all-inclusive arbitration treaties—and worthlessness can go no further.

So that the assumption of power in the subversion of the Korean Government was not only connived at at the time in 1905, and not only was there a refusal to assert the rights that we agreed to assert under our treaty, but it was actually condoned and approved by Mr. Roosevelt after the beginning of this war in 1914, as I have read you.

Gentlemen say that we must not become entangled in foreign alliances, and yet they insist that we must go over and get Japan out of China. That is what you mean. Is there any logic in the position? Absolutely none, and the inconsistency of that position becomes all the more glaring when you put it alongside the fact that the very party that makes that clamor was particeps criminis in the subversion of the Government of Korea and is to-day responsible for it, because if it had not gone back on its word it could have prevented it. See the absolute hollowness and hypocrisy of the position of these gentlemen who are waiting for the undertaker to carry them away after the eulogies!

Now, there is another thing that I want to say about that. In speaking of foreign alliances we hear a great deal suggested about Washington's Farewell Address—"Avoid entangling foreign alliances." Why did he say so? He said if we do—

We will avoid the necessity of these overgrown military establishments which under our form of government are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty.

[Applause on the Republican side.]

In other words, the fundamental proposition of the league of nations was the reduction of armaments, and they quote George Washington on the question of entangling alliances, but they absolutely dodge the position where he said that the most hostile thing in a republican government is a large standing army. I stand with George Washington on the proposition that anything that will bring about a reduction of armaments, that will justify a reduction of armaments, and reduce the autocratic power that grows up under the manipulation of any great war department that handles great armies—I say that doing away with that is a first step toward the preservation of the liberties of any republic, and George Washington put that right alongside as the reason why we should not become entangled in foreign alliances and foreign affairs in Europe. [Applause on the Democratic side.]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from South Carolina reserves seven minutes.

Mr. PLATT. Mr. Chairman, I understand I have 37 minutes remaining.

The CHAIRMAN. Thirty-seven minutes.

Mr. PLATT. I yield 10 minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. McFADDEN. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McFADDEN. I ask unanimous consent to proceed out of order for 10 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAPES having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2472. An act to amend the act approved December 23, 1913, known as the Federal reserve act.

NATIONAL BANK SUBSCRIPTIONS TO WAR-WORK CAMPAIGNS.

The committee resumed its session.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, on the 15th day of February, and again July 14, 1919, I introduced here a resolution for the appointment of a special committee to investigate the official conduct of John Skelton Williams, Comptroller of the Currency. I subsequently sought the action of the Rules Committee to the end that the promptest possible consideration might be obtained by this House of my resolution. At the request of the chairman of the Rules Committee of this House, on Saturday, the 19th day of July, I appeared before that body to press upon its favorable consideration the special rule referred to. In taking these steps I was exercising my privilege and performing my duties as a Member of this body.

Mr. Chairman, there has come to my possession information which I solemnly declare has convinced me that John Skelton Williams has been guilty of malfeasance in office. I presented for the consideration of the Rules Committee of this House a statement respecting one such matter.

While the Rules Committee of this House had under consideration the subject I have just referred to, and before it had acted thereon, the Comptroller of the Currency demanded, in intemperate and vituperative language, that I, a representative in Congress, should appear before a committee of that other honorable body of the Congress of the United States, namely, the Senate Committee on Banking and Currency, and there submit the charges relating to the misconduct in office of Mr. Williams and the proof in support thereof, and in connection with that demand of the Comptroller of the Currency a Member of that other body, Senator GRONNA, submitted to the Senate committee remarks, which, as published in the public press, carried with them a criticism of my conduct as a Representative. Mr. Chairman, it is my firm belief that having introduced a resolution in this House, and having appeared in connection with the question of the consideration of that resolution before the Rules Committee of this House, it would be unseemly for me to transfer the consideration of the subject, certainly prior to the action of the Rules Committee and of the House of Representatives, to the Senate Committee on Banking and Currency. I have the highest respect for the Senate committee and for its Members. I have the highest respect for the honorable Senator whose remarks I have risen to bring to the attention of this body. I must believe that there momentarily escaped his attention the fact that a high committee of this House was considering the matter of investigation into Comptroller Williams's official conduct, and that the statement which I had made, and which the honorable Senator referred to, had been made by me before the Rules Committee of this House. I very respectfully, but earnestly, insist that no criticism can be justly made at my failing to transfer from the Rules Committee of this House to the Senate Committee on Banking and Currency the present consideration of the matters I have referred to.

I have been present as a spectator at several sessions before that committee. Of course, its members have been conscientiously seeking for information on the subject of the fitness of John Skelton Williams for the office of comptroller, but such information as has been submitted, either in opposition to or in support of Comptroller Williams, has been contained in voluntary statements of persons not sworn, and has been governed by no rules of evidence.

Mr. Chairman, I believe that the conduct of John Skelton Williams requires the most searching investigation and careful consideration. That character of investigation I have sought by the resolution submitted to this House. I have believed, and still believe, that while the report of a rule for the consideration of that resolution is before the Rules Committee of this House, and prior to the action of the House itself thereon, it would not be within the bounds of propriety for me to present the questions involved in the resolution before a committee of the other House, the Senate.

I rise now, Mr. Chairman, in justice to myself and because of the seriousness of the question presented by the criticism of my conduct, to say that if, in the opinion of the Rules Committee of this House, I should, prior to a disposition here of the resolution I have referred to, and while the Rules Committee is considering the matter presented to it, appear before a committee of the Senate, and thereby transfer from a committee of this House to a committee of that House my charges against Comptroller Williams, I shall do so.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. No; I can not yield for the present.

The CHAIRMAN. The gentleman declines to yield.

Mr. McFADDEN. Until and unless the Rules Committee votes that that course of conduct, in its judgment, would be the proper one for me to pursue, I must consider that the pendency of the question here makes inappropriate my appearing before a committee of the other House in connection with the same question.

I have received from the Comptroller of the Currency a communication of the most insulting and scurrilous character ever directed by an executive officer to a Member of the legislative branch of the Federal Government. Indeed, Mr. Chairman, that officer has said that a Member of the House of Representatives who makes charges in this House and before the Rules Committee thereof is a "licensed slanderer" unless he will consent to appear before a committee of the Senate in support of those charges. That executive officer has said that he purposely made his communications to me as "stinging" as he possibly could. Neither scandalous communications nor stinging insults from an intemperate and incompetent autocrat will deter me from the performance of my official duties as I see them, or tempt me to the impropriety of transferring from the consideration of a committee of this body to one of the other body of Congress a question of which, at my instance, the former has taken cognizance.

Meantime I respectfully submit, sir, that neither inadvertently nor otherwise should a Senator of the United States adversely comment on the conduct of a Representative in presenting to a committee of his own House for its consideration charges against the Comptroller of the Currency merely because that Representative does not prior to action here go before a Senate committee with the same charges.

It is in no light spirit that I call upon the comptroller to prove his own rectitude, because rectitude once destroyed can scarcely be regained; also because I deplore the shock which comes to the public when they lose confidence in exalted officials of the Government.

Not long after Mr. Williams became comptroller rumors of strange operations began going the rounds, but lately they have taken concrete and astounding form. Statements have been submitted to me in my capacity as a Member of Congress which were so definite in their suggestion of irregularity that they founded the basis of the introduction of the resolution of investigation, to which I have already referred.

The last session of Congress adjourned before action was taken, but the Senate took cognizance of the situation by holding up Mr. Williams's confirmation for a second term until the truth or falsity of the rumors could be established. His vindication would be a personal triumph and redound to his honor and further prestige. If he is not innocent of deviating from the path of upright conduct, he must pay the penalty attaching to one who has failed to observe the sound principle that a public office is a public trust, and in the case of the official who occupies a fiduciary relation to the accumulated funds of the business world, funds intrusted to the 8,000 national banks of the country, such a lapse is even more reprehensible than when an ordinary administrative officer falls short in his conception of his public duty. No man in this country is so high that he is above the law. No official of the law may meet that law with defiance, with impunity.

All the officials of the Government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system. Our Government—and every man who by accepting office participates in its function—is only the more strongly bound to submit to that supremacy and to observe the limitations which it imposes upon the exercise of the authority which it gives.

If the fact that Mr. Williams holds his office by the appointive power of the President, and is, therefore, strongly intrenched in possession and can administer the law as he sees fit, without regard for the law, it savors of tyranny, and tyranny has no existence in the monarchies of Europe nor in any other Government which has a just claim to well-regulated liberty and the protection of personal rights.

In this connection Mr. Justice Brewer said in his decision of the Kansas City Stock Yards case that—

> It has been wisely and aptly said that this is a Government of laws and not of men; that there is no arbitrary power located in any individual or body of individuals; but that all in authority are guided and limited by those provisions which the people have through the organic law declared shall be the measure and scope of all control exercised over them.

Mr. Justice Matthews has said:

> When we consider the nature and theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power.

It is, indeed, quite true that there must always be lodged somewhere and in some person or body the authority of final decision; and in many cases of mere administration the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts Bill of Rights, the government of the Commonwealth "may be a government of laws and not of men."

I again quote Mr. Justice Matthews:

> For the very idea that one man may be compelled to hold his life, or the means of living or any material right essential to the enjoyment of life, at the mere will of another seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.

And further:

> Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

I also quote from an editorial appearing in the August 22, 1919, edition of Financial and Commercial Chronicle, the leading financial journal in the United States, which journal sets forth its views in no uncertain terms in regard to Comptroller Williams. I quote from page 416 of that issue, as follows:

> When Comptroller Williams, in the exercise of the ministerial duty of the supervision of banking conduct, goes so far as to declare that rates of interest charged by a certain class of banks are excessive, when he engages in public controversies with banks and bankers over question of individual internal conduct (though seemingly provoked thereto by general attacks on the efficiency of his administration and his fitness and fairness in office) thus revealing to the public special corporate deficiencies which in his protection he is bound to prevent, does he not add a personal element to his service that exceeds the limitations of his office, if and unless he is empowered to declare the rates of interest and is required publicly to know and point out special banks for public examination? Have any of these things been done in the recent course of official conduct? If they have, however well meaning and wise, are they in line with a strict construction of "the public service"?
>
> It is our consent—the public—not the consent of elected officials, which declares national and, if you will, international principles, and defines domestic procedures of public service. There can arise out of our negligence an autocracy of officeholders presenting us plans and theories of government after the fact that will finally shackle the electorate and cause us to live under the dominance of a "service" we are powerless to control.

The comptroller affords a shining example of the autocratic spirit which has grown up in the executive branch of our Government, but upon which I need not further expatiate at this time except to say that he tolerates no opposition to his rule. He intends his ipse dixit to be as final, as though it emanated from a ruler possessed of absolute power. He assumes to be master, not servant, of the people. Criticism, even when offered in a wholesome constructive spirit, excites him to furious reprisals. He usurps a prerogative of the Lord by making vengeance his own.

The original reports concerning the questionable activities of the comptroller pertain to the misuse of public funds, and it has already been shown at the hearings before the Senate committee that Treasury cash and the sacred funds belonging to the Red Cross have been distributed for the special benefit of particular individuals and banks, and favored banks in the city of Washington and elsewhere have been the recipient of these favors at the hands of Mr. Williams. Whether these favors have been distributed with an eye to the personal profit and building up of financial relations beneficial to Mr. Williams and his family and business associates I leave you to decide, but if current reports are to be relied upon there has been during his administration a remarkable rehabilitation in the Williams' family fortunes. This in itself is startling enough, but it is especially shocking in view of the profession of probity and unctious morality we have heard from this particular source. These deposits apparently, from the evidence submitted to the Senate committee, were made with amazing audacity and brazen defiance of public sentiment, particularly that manifested in banking circles.

For other banks to presume to protest against such favoritism and arbitrary and anomalous use of public funds was to invite attack by the comptroller, and he made examples of enough of them eventually to intimidate practically all, for bankers, being the custodians of other people's money, are proverbially timid about incurring the hostility of the official who under the law has supervision of their institutions, and this cautiousness is quite natural. Many a banker, could he divest himself of his responsibility to his depositors, would unhesitatingly have asserted his manhood when unjustly assailed by the comptroller, but in the interest of those whose funds he was safeguarding and investing he was compelled to submit in an apparent craven fear to bullying and browbeating and insults of a shameful

character. The result is that the comptroller has the national banks of the country terrorized. They tread lightly in his presence, but carry no big stick, for safely ensconced in his office, buttressed about with the almost limitless power of the Federal Government, he simulates a ferocious courage toward men who would maul him all over the lot did he dare to affront them in any other environment.

Sitting in austere majesty on the dais of authority, like Jove he hurls his thunderbolts at men who in private life are his peers, but who as bankers and the custodians of other people's wealth fear to retaliate even to defend themselves. Intrenchd as he has been and possessed of the implements of sabotage which national bankers most dread, his reputation for vindictive ferocity has spread to the field of State banks and trust companies, and more than all other men and influences combined he has been the obstacle to the unification of our monetary system. When Congress passed the Federal reserve act it took only the first step toward the formation of a genuine national banking system. Coordination with institutions chartered by the States was essential to its proper and full development, but it has been delayed largely as a result of the comptroller's extremely bureaucratic methods and his savage and irreconcilable personality. True, a few trust companies, responding to patriotic impulses when we entered the war and hoping that eventually a more normal person would succeed to the comptrollership, joined the Federal Reserve System, but nearly all have held back, although I predict that when Mr. Williams retires, the movement to consolidate and unify will proceed rapidly and we will soon have the ideal system of the world. At this juncture, when the United States is expected to play a vital part in the resuscitation of Europe, enfeebled by more than four years of terrible war, and when its financial resources are ready to be mobilized in response to the needs of other continents besides our own, and when our exigencies in the matter of readjustment and reconstruction can scarcely be comprehended by even the collective mind of Congress, there should be hearty, frank, and wholesome cooperation among all factors that are able to contribute to the success of this gigantic task.

The administration should be the last to check this amalgamation of effort, this unification of energy, this essential coordination of banking power. Yet the renomination of Mr. Williams as comptroller acts as a deterrent; it brings dismay to elements of great strength which otherwise would cheerfully join the Federal Reserve System and bring to the stage of human perfection a system already producing marvelous results. I do not indulge in hyperbole when I speak of the comptroller as an obstacle to the development of our banking system, as resolutions adopted at various bankers' conventions show:

Resolved, That the National Association of Supervisors of State Banks, in convention assembled, extend their congratulations to the State banking institutions of the United States upon their splendid record during the war and the strength and stability which they have evinced, notwithstanding the stress and strain incident to the unprecedented financial requirements of the National Government and the necessity at the same time of financing the business and commerce of the Nation. These institutions have fully performed every patriotic duty and responded to every demand made upon them. We confidently rely upon them to maintain the credit of the country and aid in extending its commerce in the days of reconstruction that are before us. We deprecate the attempt to create distrust of these institutions on the part of an official of the National Government. If the duties of the office of the Comptroller of the Currency were limited to the supervision of the national banks, and that officer confined himself to his duties, we should recognize the impropriety of any criticism on our part; but as that officer is a member of the Federal Reserve Board, and State banks and trust companies are members of the Federal Reserve System, which was designed to unify the banking resources of the country, and as the office of Comptroller of the Currency is no longer needed, we recommend to Congress the abolition of that office, without regard to the personality of the incumbent, in order that his powers may be exercised by the Federal Reserve Board and the Federal Reserve System freed from the danger of political control, which has from its inception been recognized by financiers as its greatest possible weakness. Be it further

Resolved, That the secretary of this association is hereby instructed to forward to the President, both Houses of Congress, and the Federal Reserve Board copies of this resolution.

The Mississippi Bankers Association at its thirty-first annual convention, held at Clarksdale, Miss., May 13 and 14, adopted the following resolution:

Whereas the Comptroller of the Currency, Hon. John Skelton Williams, has from time to time given statements to the press of the Nation, in which statements he frequently gives comparisons contrasting the safety and growth of national banks as compared with the State banks; and

Whereas this association believes that such statements are not only not helpful to the national banks, but that they tend to closely draw the lines between the two classes of banks, to create antagonism where none should exist, and to promote discord between the two classes of financial institutions; and

Whereas we believe such a policy is detrimental to the banking interests of the entire country, for the reason that banks of each class should work in entire harmony, all of them giving the strength of their resources to the development of our common Nation, and all of them as a unit serving the people in their respective spheres: Therefore be it

Resolved by the Mississippi Bankers Association, That we deprecate such statements on the part of one occupying the high official position of Comptroller of the Currency, and that the representatives of this association to the American Bankers Association be requested to present to that association suitable resolutions, to be adopted by it, urging the comptroller to desist from the giving out of statements which are not taken from the official report to Congress and which are likely to produce feeling and antagonism among the financial institutions of our country. (Carried.)

PETERS TRUST CO.,
Omaha, March 17, 1919.

Hon. L. T. MCFADDEN,
President First National Bank, Canton, Pa.

DEAR MR. MCFADDEN: I have been interested in reading the account of your fight against the confirmation of the reappointment of John Skelton Williams, and I am wondering what the Nebraska bankers can do to help you.

I know it is the unanimous desire of every banker in our State, regardless of whether he is engaged in the national banking business or the State banking business, that you succeed. I think I am in position to get resolutions passed by our group meetings and State Bankers Association commending your action if you desire it.

I shall be glad to hear from you.

Yours, very truly,

W. S. WESTON.

To the Officers and Members of the Arkansas Bankers Association:

We, your committee on resolutions, to whom was referred the attached circular from the office of the Comptroller of the Currency, wish to make the following report:

That all bankers surely appreciate receiving from the comptroller's office circular letters from time to time giving statistical and other information of direct interest to the profession.

A careful reading of the circular dated May 7, attached to the resolution, seeks to draw the inference and to make a distinction which might easily be construed as being unfavorable to banks and trust companies operating under a State charter. This inference may be construed as being entirely unfair, although perhaps not intended in that manner. Your committee would respectfully suggest that the comptroller be furnshed with a copy of this resolution, indicating the feeling of this association upon that subject.

Respectfully submitted.

JACK BERNHARDT, *Chairman.*

Let me cite an example or two to illustrate and prove Mr. Williams's autocratic tendency. At a recent convention of bankers, the head of a great New York bank, not a member of the national system, questioned the accuracy of a statement of the comptroller which reflected upon the relative safety of trust companies as compared with national banks. It was a temperately expressed difference of opinion and met with the cordial concurrence of the audience, composed entirely of bankers. What happened? The New York banker was as viciously assailed as though he had accused the comptroller of stealing the gold reserve in the Treasury vaults, and this unwarranted onslaught, spread broadcast throughout the country by the comptroller's agencies of publicity, was followed by the withdrawal of $75,000,000 of deposits from the bank in question, one of the greatest, most successful, and safest banks, not only in the United States but in the whole world, with assets of three-quarters of a billion dollars. Those funds had been deposited by railroads, and Mr. Williams, in his capacity as chairman of the Finance Division of the United States Railroad Administration, arbitrarily withdrew them and deposited the money in banks of his own choosing, not only as a punishment of the institution because its president had dared to resent the comptroller's slur on the trust companies of the United States but as a warning to other bankers not to criticize him, no matter what the provocation might be. Such an iniquitous act would have seriously embarrassed the average bank, but this institution is so impregnable that it withstood the loss of that prodigous sum without a tremor. The sense of outrage throughout financial and business circles caused by the comptroller's unspeakable action was so great that unsolicited fresh deposits poured into the institution from every quarter, and they exceeded the funds withdrawn, stupendous as the sum was.

I will digress for a moment to recall to the attention of the House that before he entered public life Mr. Williams was in the railroad business. He was the head, or at least the controlling factor, in what is now known as the Seaboard Air Line. For reasons which I shall not take the time now to detail, he lost control of the road to a group of eastern financiers, some of whom are now identified with this same New York bank. Mr. Williams made most desperate efforts to regain control of the road, but without avail, and his failure embittered him deeply. Would I be rash to say that perhaps deep in the recesses of the comptroller's seething brain was the grim thought that in thus penalizing this New York trust company he was getting even for what he regarded as an old grievance? And the mention of the Seaboard Air Line further reminds me of what very likely was the original animus of the comptroller's sensational attack upon the Riggs National Bank of this city. In due time, following his loss of the control of the railroad, another financial group in the East obtained possession of it, the National City Bank interests of New York among them.

There is a close business alliance between the National City Bank and the Riggs Bank. Although deposed as the head of the railroad in the operation first mentioned, Mr. Williams was permitted to serve as a director, but when the new group took hold it displaced him with Mr. Milton E. Alles, a vice president of the Riggs Bank. It is a matter of common knowledge that Mr. William's rage against both the National City Bank and Riggs Bank knew no bounds, but he was helpless against them until he became comptroller, and then he quickly sought his revenge.

The House knows the story of how he drew upon every vestige of power lawfully vested in him to harass and badger these two institutions, but it does not yet know how far beyond lawful limits he went in seeking vengeance for a grievance which began when he was a private citizen. And he has had the effrontery to try to conceal his vicious, unholy motives behind the cloak of sanctity, and while denouncing reputable financiers on a general ground of their wealth, he and his friends have been busy using the power of the Government to amass fortunes of their own and to form alliances with great financial interests.

We have heard even the President compliment the comptroller on "his subjugation of Wall Street." What has he done? I challenge him to point to a single solitary improvement or reform, and if he is able to show one I will show half a dozen instances where he has closed his eyes to alleged iniquities or abuses which he proclaimed he was engaged in uprooting. He makes a boast of having put an end to failures of national banks. What is the truth in this? It is that during the first four years of his administration in office there were 58 failures of national banks under his administration, whereas under the previous four years' administration there were 23 failures of national banks. Now, in this connection it is interesting to note that in the first Federal reserve district and the ninth Federal reserve district, the Federal reserve banks located in both of these districts are in a serious controversy with the Comptroller of the Currency at the present time over the chartering of banks in localities where banks are not needed and in many instances where the State bank department has refused to grant charters. For what purpose is Mr. Williams granting charters to banks in isolated territories like these unless it be to show that the system is so popular and thus to permit him to boast of the large number of organizations of national banks, when as a matter of fact he has chartered many banks in localities where a national charter should never have been issued? As I have indicated before, the comptroller has developed from a swaggering autocrat into a mad terrorist. An autocratic régime is obnoxious enough and not to be tolerated in this country, but when it grows into government by terrorism we can not act too quickly to destroy it.

Congress has been urged to vote millions of dollars to enable the Department of Justice to wipe out terrorism from among a certain element of our population. The vast punitive machinery of that department is moving rapidly and I trust ruthlessly to eradicate this poisonous growth from the American system. Many of those against whom the department is proceeding are misguided men whose mental processes are so primitive that they have but a vague or distorted idea of our democratic institutions and at most a meager comprehension of what constitutes free and orderly government. Some of these men do not realize that this is the land of boundless opportunity for their own kind, and that most of our famous and most useful citizens have risen to eminence from poverty and obscurity. I am sorry for benighted people who fall under the influence of unscrupulous demagogues, who from places of comparative security spur their deluded victims to deeds of violence and anarchy.

But the underlying principles and the history of our democracy are no closed book to the Comptroller of the Currency. He knows this is a government by law, not a government by personal whim. Yet contemplate the example of lawlessness which this high official sets to the ignorant man of alien political notions. The comptroller becomes a terrorist the instant the law fails to serve his radical or personal purposes. He immediately adopts the perverted and discredited Hun doctrine that might makes right. He has spread terror through the banks of the country, not for the mere joy of watching the bankers shiver and squirm, but to intimidate them in order to further dark and devious schemes of his own. I have mentioned specific instances of his terroristic methods and will allude to another.

Because I was bold enough to ask for an investigation of his office at the last session of Congress, the comptroller entered upon a plan of persecution of the bank of which I am president, and might have ruined it had not the United States court of the middle district of Pennsylvania, to which the bank appealed, intervened and restrained him from further efforts to undermine it. He deliberately and maliciously spread false and sensational rumors about the bank, intimating that its solvency was in question when he knew it was perfectly solvent, and caused a run on it which led frightened depositors to withdraw between 12 and 15 per cent of its aggregate deposits, and caused the bank a loss of thousands of dollars in earnings. He connived with a rival bank, whose president was summoned to Washington for a conference with him, to stampede the depositors of our bank, and as they, bewildered by the spurious reports of alleged insolvency, withdrew their funds they were herded into the rival bank and there solicited to deposit their money. But, as I have said, our bank stood the strain, great as it was, and remained solvent, as it always has been. But not knowing what other diabolical means the comptroller would adopt next to accomplish its ruin, having thus far failed, the bank, as I have indicated, appealed to the United States court, which promptly enjoined him from any further machinations against its continued existence and prosperity. I herewith insert the order of the District Court of the United States for the Middle District of Pennsylvania:

[In the District Court of the United States for the Middle District of Pennsylvania. First National Bank of Canton, complainant, v. John Skelton Williams, defendant. In equity No. 275. May term, 1919.]

On reading the original bill of complaint herein and the verified bill of complaint supplemental thereto and the exhibits thereto annexed and the supporting affidavits submitted therewith, and it clearly appearing from the specific facts shown thereby that immediate and irreparable loss or damage will result to the complainant before the matter can be heard on notice and that prima facie the complainant is entitled to a temporary restraining order enjoining the defendant herein from the acts threatened and complained of;

Now, on motion of the said complainant, it is

Ordered that the defendant, John Skelton Williams, show cause, if any he has, before the District Court of the United States for the Middle District of Pennsylvania at the court room of said court in the city of Harrisburg, county of Dauphin and State of Pennsylvania, on the 9th day of May, 1919, at 10 o'clock a. m. of said day, why the preliminary injunction, as prayed for in the said bill of complaint, should not issue;

And in the meantime it is hereby ordered that the defendant, John Skelton Williams, his agents, subordinates, deputies and attorneys, and all persons acting by or under his authority, direction, or control, and each of them be, and hereby is, restrained and enjoined until the hearing and determination of said application and the entry of an order thereon as follows, to wit:

1. From calling and continuing to call for, or attempting to enforce his call for, the alleged special reports mentioned in said John Skelton Williams's, the defendant's letters dated April 15, 1919, April 16, 1919, April 21, 1919, and April 28, 1919; and in the letter of Bank Examiners Roberts and Stauffer, dated April 19, 1919, respectively; and from assessing or collecting, or attempting to assess or collect the penalties against the complainant for failure to file such alleged special reports.

2. From calling for any special report or reports from the complainant for the private and personal purposes of the defendant, or for the purpose of harassing or persecuting the complainant in the manner alleged in the bill of complaint, or for the purpose of obtaining information for public distribution with a view to injuring, impairing, or destroying the reputation and credit of the complainant or its president, LOUIS T. MCFADDEN, or for the purpose of instituting prosecutions against the complainant, or its said president for alleged offenses, or for the collection of penalties in order to destroy the reputation, credit, and business of the complainant and its said president, as alleged in the bill of complaint herein; and from calling for or attempting to enforce his call for any other special report or reports from the complainant when the same are not bona fide within the meaning and purpose of sections 5211 and 5212 of the Revised Statutes of the United States and reasonably necessary to a full and complete knowledge of the complainant's condition and expressly authorized by said sections; and from exercising any visitorial or inquisitorial power over the complainant or its officers except as expressly authorized by law.

3. From opening or causing to be opened the private papers, letters, and packages of customers of the said complainant, left in charge of the said complainant for safe-keeping or from interfering with the same in any manner whatsoever.

4. From disclosing to the officers, directors, agents, stockholders, or employees of the Farmers National Bank of Canton, Pa., any information with respect to the private business or affairs of the complainant or its officers.

5. From disclosing the private business and affairs of the complainant or its officers to banks, bankers, individual Members of Congress, representatives of the public press, or to the public generally for the purpose of injuring the complainant or its officers and of impairing or destroying its or their credit and reputation or for any other purpose except pursuant to law.

6. From disclosing to the stockholders, depositors, or creditors of the complainant and to the members of the community in which the complainant is established information with respect to the affairs and business of the complainant or its officers intended and calculated to create alarm or apprehension with respect to the credit and solvency of the complainant or any of its officers, and from distributing such information and from spreading or causing to be spread reports with respect to the complainant or any of its officers intended or calculated to cause the withdrawal of deposits from the complainant by its depositors.

7. From inciting or attempting to induce any person or persons whatsoever to present and press claims against the complainant or any of its officers and from inciting litigation against it or them.

8. From demanding or attempting to enforce the compulsory production or exposure of the private books or papers or affairs of the complainant or its officers for the purpose of attempting to subject it or them to any penalties or forfeitures or criminal prosecutions or of compelling them to be witnesses against themselves.

9. From using the powers of the office of the Comptroller of the Currency over the complainant or its officers for the private and personal purposes of the defendant, without reference to the proper duties and functions of the said office, and in particular for the purpose of impairing or destroying the credit and reputation of the complainant and its president and its and his property and business in the manner set forth in the bill of complaint.

10. From calling, or attempting to enforce in calling, for any special report or reports from the complainant or any of its officers as to any of the details relative to the filing of this suit or any privileged communications between the complainant or its officers and its or their attorneys relative thereto or for the purpose of defending the same.

And it is further ordered that the service hereof may be made by delivering a copy of this order certified under the hand and seal of the clerk of this court and also a copy of the papers upon which it was obtained to the defendant personally, if found within this district, and if not so found to the United States attorney for the middle district of Pennsylvania, and by mailing such copies by registered mail to the defendant, addressed to the office of the Comptroller of the Currency at Washington, D. C.; and that service hereof in the manner hereinbefore specified on or before May 5, 1919, shall be sufficient.

And it further appearing to the satisfaction of this court that the defendant, John Skelton Williams, is not now personally within this district, it is ordered that service of the bill of complaint herein and of the bill of complaint supplemental thereto and of the process of subpœna issued thereon, may be made by delivering a copy thereof to the defendant, John Skelton Williams, wherever he may be found, or by mailing such copy by registered mail to said defendant, addressed to the office of the Comptroller of the Currency at Washington, D. C., and by delivering a copy thereof to the United States attorney for the middle district of Pennsylvania on or before the 5th day of May, 1919.

Complainant to furnish bond in the sum of $500.

CHARLES B. WITMER, *District Judge.*

Dated at Scranton, in the middle district of Pennsylvania, this 1st day of May, 1919.

Mr. Chairman, these are but random examples of the terrorism which the comptroller practices whenever it suits his purpose or whim. I stand here unterrorized, and so shall I always stand.

Mr. Chairman, Mr. Williams attempts from time to time to make the public believe there are practically no banks or others who are opposed to his methods of administration. In addition to what I have already placed in the RECORD, I desire to insert an editorial from one of the leading financial journals of Chicago, which article appeared in the September issue, and is as follows:

CRITICISM OF JOHN SKELTON WILLIAMS.

As a result of the recently published statement of Comptroller of the Currency John Skelton Williams, in which the safety of national banks was emphasized and figures were presented tending to discredit the State banks, a letter was prepared a few days ago by Otto L. Klauss, State auditor, and Charles W. Camp, chief of the State bank department of Indiana, criticizing the Washington official for his "odious and ill-timed comparisons."

The letter sent Mr. Williams reads:

"As the official of Indiana, charged for the time being with the supervision of all the banks and trust companies of this State, other than the national banks, I resent the efforts that are continually being made by your office, through the press, to discredit our State financial institutions by lauding the standing of national banks.

"I am of the opinion that the State banks of Indiana—779 in number—taken as a whole, are as ably managed and supervised as are the 240 national banks, and give as my reasons that, while four of our institutions have been closed in the past four years, no loss has been sustained by any depositor.

"In view of the fact that our banks have stood shoulder to shoulder with the national banks in the purchase of each issue of Liberty bonds and United States certificates of indebtedness, I am inclined to believe that your comparisons are odious and ill-timed."

I also want to append hereto copy of an editorial appearing recently in the San Francisco Chronicle, as follows:

A DEMOCRATIC SCANDAL.

Whether Comptroller of the Currency John Skelton Williams interested himself to help his brother to make a big sale to the Government or not, and whether, if he did, is a matter for Congress to determine. Representative MCFADDEN says he did, and Comptroller Williams says that Representative MCFADDEN is another.

But that the Senate should reject the nomination of Williams for another term of office is certain. It is possible to find men, and even Democrats, who will honestly and effectively administer the office of Comptroller of the Currency without being eternally in a rumpus and making themselves hated and feared by the entire national-bank fraternity.

Comptroller Williams is not merely an autocrat. That would be expected. This is an autocratic administration. But he is so arrogant and disagreeable in the administration of his autocracy that the Senate would be inexcusable to permit him to serve another term.

I also insert a letter from the editor of Leslie's Weekly:

LESLIE'S ILLUSTRATED WEEKLY NEWSPAPER,
New York, March 28, 1919.

Hon. L. T. MCFADDEN, M. C.
Washington, D. C.

MY DEAR CONGRESSMAN: I read with much interest your correspondence with the Treasury Department. I believe that Mr. Williams is absolutely unfitted for his place. He should go!

Very truly, yours,

JOHN A. SLEICHER, *Editor.*

Mr. Chairman, in view of the attack which John Skelton Williams has made upon me, I ask your forbearance by inserting in the RECORD copy of the resolution passed by group 4 of the Pennsylvania Bankers' Association, assembled in annual meeting on May 30, 1919. This is an organization of bankers comprising the banks in and around my congressional district. The resolution is as follows:

Group 4, Pennsylvania Bankers' Association, assembled in annual meeting, hereby puts of record an appreciation of the character and reputation of Hon. LOUIS T. MCFADDEN, Member of Congress from the fourteenth district of Pennsylvania, and a member of this group.

We have always found Mr. MCFADDEN a zealous advocate in Congress of all constructive and remedial legislation affecting the interests of banks and other financial institutions; always courteous and helpful to the members of our business fraternity, and faithful in the discharge of his duties, and an efficient member of the Banking and Currency Committee of the House.

As a member of our group we have always found him kindly in all relations to his fellow bankers. And he has lent distinction to our group in being honored as president of the Pennsylvania Bankers' Association, an office which he adorned, and through which he advanced the interests of all bankers in Pennsylvania.

Resolved, That this minute be spread upon the minutes of our group as an expression of our confidence in, and warm admiration for, our fellow worker, Hon. L. T. MCFADDEN.

Mr. Chairman, I also insert in the RECORD at this time a letter from Bird W. Spencer, president of a bank in New Jersey, which is typical of many letters I have received, but because I do not want to encumber the RECORD, I insert this as a specimen without further comment:

PASSAIC, N. J., *March 17, 1919.*

Hon. L. T. MCFADDEN,
Care First National Bank, Canton, Pa.

MY DEAR SIR: I have read with a great deal of interest your controversy with John Skelton Williams, present Comptroller of the Currency, and I sympathize with you and desire to offer you any support in my power.

I am largely interested, and vice president of the Carlstadt National Bank, a small bank located 2 or 3 miles distant from this city. I have noted that the unusual requirements of the comptroller's office have been very burdensome and annoying to our people.

When this institution, with the other institutions in New Jersey, entered the Federal Reserve System, we insisted, so far as we could, that while we were willing to subordinate ourselves to the Federal Reserve System, we could not join if there were any possibility of our coming under the control of the present Comptroller of the Currency.

The writer was treasurer of the Erie Railroad Co. for a number of years, and has kept in close touch with that company's management, especially as relates to its treasury, and is aware of the annoyances and exactions created by the policy of Mr. Williams while financial director of the Federal Railroad Administration.

We have no personal acquaintance with Mr. Williams, and our opinions are formed entirely on what we see and hear, but they are sufficiently positive to express the hope that he will be eliminated from the control of the banking system of the country or any part of it.

Senator FRELINGHUYSEN and EDGE, of this State, I think understand the situation. I have written to them, as a member of the executive committee of the New Jersey Bankers' Association, urging that Mr. Williams be relieved of his job.

Please command me if I can serve you in any way.

Very truly, yours,

BIRD W. SPENCER.

Mr. Chairman, in concluding, I want to call attention to the fact that it has been clearly proven in the hearings, which have been conducted by the Senate committee, that John Skelton Williams has violated the law wherein he has not complied with the requirements of the law in examining all of the national banks of the country twice each year. This evidence proves that he did not do this in the District of Columbia, and I have no doubt that if the truth were known that there are many banks in the United States which have not been examined twice in each year of his administration, and in some instances not even once.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. PLATT. Does the gentleman from South Carolina [Mr. STEVENSON] want to use some more of his time?

Mr. STEVENSON. I do, but I am not quite ready. Will the gentleman use some of his time?

Mr. PLATT. I will yield 15 minutes to the gentleman from Ohio [Mr. FESS].

Mr. STEVENSON. Before the gentleman does that, I will yield seven minutes to the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from Arkansas is recognized for seven minutes.

Mr. WINGO. I do not know whether it is worth while to take even seven minutes of the time of the House to discuss the questions that have been raised by the gentleman from Pennsylvania [Mr. MCFADDEN]. The House and the country are familiar with the personal controversy that has been going on between those gentlemen for many, many months. You could not even in seven minutes, if it were thought worth while to take up the time of the House, go into the merits of that controversy.

As I gathered from the gentleman's statement, it was in answer to the suggestion of the Comptroller of the Currency, made in the public press, that if the gentleman from Pennsylvania [Mr. MCFADDEN] had any evidence to support the charges that he has made against the comptroller he should go before the committee of the Senate that is now, and has been for many months, investigating these very charges and investigating the character and the fitness and the qualifications of Mr.

Williams, with a view to voting upon the confirmation of his reappointment as comptroller.

The gentleman from Pennsylvania says that it is beneath the dignity of a Member of the House to go before a committee of another body. Well, be that as it may, there are no strings upon the gentleman. His party has been in power here for four months in both branches of the Congress. He has charged, and he has charged deliberately, upon his responsibility as a Member of this House, the Comptroller of the Currency with conduct which, if he can support by evidence, will support impeachment charges. Why does not the gentleman from Pennsylvania either "put up or shut up"? If he can get the backing of the Republican Members of this House, why does he not introduce resolutions of impeachment? He has back of him a Republican majority.

The reason is very simple, gentlemen, and it is because he can not get even a majority of the Republican side of this House to support the charges that he is making against the Comptroller of the Currency, much less a sufficient vote on both sides of the House to sustain impeachment charges.

Now, Mr. Chairman, I think I am justified in making that statement, because the gentleman has gone before his own Committee on Rules. The gentleman's attack here this morning is not simply a repetition of his attack upon the Comptroller of the Currency but, as a matter of fact, it is an attack upon the Rules Committee of this House.

And however much we might differ with the judgment of the members of the Rules Committee upon both sides of this House, we regard the membership of the Rules Committee, both Democrat and Republican, as being composed of the ablest, most patriotic, level-headed Members of this House; and if the gentleman has not sufficient evidence to support his charges against the Comptroller of the Currency, and if he can not get the Rules Committee of this House to accept the proof that he offers there, then why should he continue to annoy this House and to repeat his charges against the Comptroller of the Currency? It is nothing more than a personal grievance, and I say that with all kindness to the gentleman from Pennsylvania [Mr. McFADDEN]. I hold no brief for the Comptroller of the Currency. I differ with him upon detail questions of policy possibly as much as does the gentleman from Pennsylvania; but in spite of whatever faults John Skelton Williams may have, there is one thing that even his enemies admit, that he is Comptroller of the Currency and he is enforcing the laws that you and I have made; and most of the criticisms against John Skelton Williams are criticisms against the laws that you and I framed, and which we permit to remain upon the statute books; and I for one appreciate the fact that he has the courage to discharge his duties and to enforce the laws. If those laws are wrong, if it is vicious for the American Government through the Comptroller of the Currency to supervise the conduct of the great national-banking system of this country, then as Members of Congress we ought to have the courage to repeal those laws and not be continually nagging at the Comptroller of the Currency because he carries out the letter of the law. It is not an attack upon the character of John Skelton Williams, it is an attack upon the efficiency of John Skelton Williams's conduct that is troubling the gentleman from Pennsylvania [Mr. McFADDEN] and some other bankers throughout this country.

Oh, Mr. Chairman, it is easy to stand here and attack a public official. It does not require any particular courage to do that—for a Member of Congress to get up here and attack a public official whose mouth is closed and who can not be heard upon this floor; and I for one am sick and tired of it. If his enemies have the proof, they have their remedy. They have raked the four corners of this Republic, they have spent months in trying to find some ground upon which they can refuse to confirm his renomination. The gentleman from Pennsylvania [Mr. McFADDEN] has had months and months and months. Let him have the courage to stand up here and prefer impeachment charges against the Comptroller of the Currency and offer the proof, and then we will vote upon the merits of the case aside from any personal prejudices that may exist between the two gentlemen. [Applause.]

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. WINGO. I yield to the gentleman.

Mr. MOORE of Virginia. Is there anything in the precedents of the House that would make it undignified or improper for a Representative here who believes that he has relevant information upon the subject to go before the Senate committee and present it?

Mr. WINGO. Not only is there nothing to the contrary in the precedents but I want to say, and I think it is the judgment of every Member of this House, that if the nomination of any man is sent to the Senate for the filling of any important public position, if any Member of this House knows of any reason why he should not be confirmed, if he knows of facts which demonstrate that that man is unfit for public place, it is not only his right but it is his duty to go before the Senate committee and give them the benefit of his information. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. PLATT. I yield 15 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. FESS. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman and gentlemen of the committee, all the country is interested, historically as well as otherwise, in the famous trip the President is now making over the country, chiefly because it is an effort to compel the Senate to obey the presidential decree to ratify the treaty just as he hands it to that body. Some of us are sufficiently interested to read all the speeches of the President as they are reported from day to day. The interest grows not alone in the issue that is being discussed—because it is a one-string violin so far as this tour goes, discussing but one issue in the main, the league of nations—but we are also interested in the character of utterances of the Chief Executive and in the general response that the public is giving to our distinguished and capable head of the Nation. Is the response given to the sentiment in approval or to the spirit of the gladiator or to the President of the Nation?

A great many people have thought that great outpourings on such occasions are significant of approval of all that is said. Others say it is that response which greets the man in the ring, because the people applaud a fighter, while still others declare that whenever the President, especially the President with a mission, as he thinks, in times of great excitement over a great issue, goes to the country carrying a cause that he wants to espouse, and for which he is willing to suffer, it naturally brings great crowds, no matter whether the people indorse what the President says or not. So the country might be divided on those lines, that the significance of the great gatherings now in progress greeting President Wilson is not necessarily conclusive evidence that those who gather approve of the position he takes. I, as a Member of the House, share in that judgment, that wherever the President will go he will have, and ought to have, not only a respectful hearing but a great outpouring to hear him. That is due the office he holds without much regard to who holds it.

That was true in 1866. There had been a very severe dispute between the Executive and the legislative growing out of the questions inherited by the Civil War. It was so acute that it soon reached an open rupture of national concern. The veto power was employed freely, and the overriding of the veto was very general. Finally, on August 28, 1866, the President carried his cause to the people. It had been widely heralded weeks before that the President would make a tour of the country and lay the cause of the protection of the Constitution and the restoration of the Union before the American people.

It was well understood that he was stating his method to compel Congress to accept his plan of reconstruction. He had refused to call Congress in special session after his inauguration, on the 15th of April, 1865, and between that date and the meeting of Congress in December he proceeded to reconstruct the States as an Executive rather than a legislative function. This was the point of difference which he proposed to carry to the country. He left this city the latter part of August, 1866, traveling to Philadelphia on the main line to New York, from New York to Buffalo, from Buffalo to Cleveland, thence over the overland line to Toledo, thence to Detroit, thence to Chicago, from Chicago through Springfield, Ill., to St. Louis, St. Louis back to Indianapolis and Louisville, then to Cincinnati, Columbus, Steubenville, and Pittsburgh, and Harrisburg, and on back to Washington.

Mr. ROSE. He stopped at Johnstown, for I saw him there.

Mr. FESS. Yes. Now, I have the files of the New York Times giving a description of the wonderful ovations and outpourings

that greeted President Johnson. At Cleveland the outpouring was so tremendously enthusiastic that the correspondent makes this statement in the Times which was printed September 4:

There can be no adequate description of President Johnson's reception to-day. From the time he arrived at Buffalo until he reached Cleveland his reception by the people all along the route was an ovation of unparalleled magnitude, which culminated at this point with a tremendous explosion of enthusiasm. Without any exaggeration I consider the mass of human beings assembled together this evening in front of the Kinnard House the largest collection of people that I have ever seen at any one time.

Mr. DEWALT. Will the gentleman allow an interruption?

Mr. FESS. In a moment, but not at this point. At Detroit the statement of the New York Times says the enthusiasm remained unabated. At Erie, Pa., the statement was that the oldest citizens are reporting that there is at least one-half greater crowd than ever was seen in this city before. The same thing at Chicago. The New York World says that there were 80,000 people at the grounds where the Douglas monument was being dedicated, which, as Members know, was the occasion for the President's trip. However, the President extended his trip to take in St. Louis.

Similar outpourings that I do not care now to read but will make a short insertion, within the rules of the House, indicate that there was no point that the President did not have a wild demonstration from the populace.

Mr. DEWALT. Will the gentleman yield now?

Mr. FESS. I will.

Mr. DEWALT. Has the gentleman read the account as published by Rhodes in his history of the reception to President Johnson at Cleveland?

Mr. FESS. Rhodes, the historian? I think I have.

Mr. DEWALT. In which he says the reception given to Johnson at Cleveland was far from enthusiastic, and that he was hooted at that time in Cleveland.

Mr. FESS. If I should say that I would be charged with partisan utterance. That is the reason I do not read from the New York Tribune or the Independent. I am reading from the New York Times, a Democratic paper.

Mr. DEWALT. History, as indicated by Mr. Rhodes, says he was not received with much enthusiasm.

Mr. FESS. The Times says that it was a magnificent ovation. It is the Times which to-day seems to attach so much significance to the demonstrations accorded President Wilson, and while the editorial staff is not the same, I take it that it desires to be regarded as accurate in its conclusion now as it claimed to be then. I quote from the Times, September 10, 1866:

The reception of President Johnson and his party yesterday by the people of St. Louis constituted the most brilliant ovation ever tendered an American citizen by the American people, and was the most magnificent spectacle ever witnessed in the West.

I further quote from the Times:

At Alton the entire population and some twenty thousand people from St. Louis assembled upon the levee to participate in the presidential welcome.

The Times reported that at Louisville "over 150,000 people had gathered early to greet the President." The same sort of enthusiasm greeted him at Cincinnati, Columbus, and Pittsburgh.

I think that is sufficient to indicate that there was no lack of enthusiasm on this journey.

Mr. WINGO. Will the gentleman yield?

Mr. FESS. Yes.

Mr. WINGO. I appreciate the statement that the gentleman wanted to be nonpartisan, and this leads me to hope that he will bring the record down to date and read extracts of the tremendous reception that President Roosevelt got when he went over the country denouncing the political porch climbers of the Republican Party. That would constitute a perfect record. [Laughter on the Democratic side.]

Mr. FESS. The gentleman in control of the floor is trying to show that the make-believe of the Democratic side of the House—or, rather, Members of that side—of the demonstrations shown to Mr. Wilson are not conclusive as to the popularity of the position he has taken. On that basis of judgment President Andrew Johnson, according to the Democratic Times, was the most popular man in America at the very moment he was undoubtedly the most widely distrusted Executive we have ever had. It is this feature I am calling to the attention of the country.

That is the purpose of this [applause on the Republican side], and I am leaving the Democratic side of the House to draw its own conclusions on this matter, reading only the facts as detailed in the Democratic press and not the Republican press.

Mr. POU. Will the gentleman yield?

Mr. FESS. I do.

Mr. POU. I would ask the gentleman from Ohio if anything has been said about these crowds on this side of the House? I have not heard it.

Mr. FESS. Many things have been said to me personally. I think most of the Members are afraid to say anything publicly. [Laughter on the Republican side.]

Mr. POU. I have not heard one single comment on this side of the House in reference to the size of the crowds.

Mr. FESS. I arose for an additional purpose. In addition to indicating that the great demonstration given to the President on his famous swing around the circle is not significant of their approval I want also to indicate that his line of utterances in the form of argument between this tour that is now being made and the tour made in 1866 is not different; that the argument now is quite similar to what it was then. Yesterday I read that the President stated that if his removal was necessary he would be willing to sacrifice his life. I am sorry that statement was made. I am not making it as a criticism. I think, however, that all of us wish that that statement had not been made. It can not produce good results. Now, let me read from a speech on the first swing around the circle. At Niagara Falls this statement was made by President Johnson:

Let the Union be restored and harmony and prosperity be again given to the land. When this is done I would, like Simeon of old, after he had seen the babe of Bethlehem, exclaim, "Lord, I have seen Thy salvation, now lettest thy servant depart in peace."

[Laughter on the Republican side.]

At Erie, Pa., he said:

If it is my life they ask; if it is my blood they want as a last offering upon the altar of my country, they can take it.

An utterance this morning, reported in the Post, indicates that the President informs the country that the opposition to the league is largely pro-German, another very unfortunate statement to emanate from the head of the Nation. Let me read what President Johnson said:

We who fought and gave our blood to perpetuate this Union will not permit it to be severed by Sumner, Thad Stevens, and their coconspirators.

Let me read what he said at Cleveland. I quote from the Times:

As I go round the circle having fought traitors at the South, I am prepared to fight traitors at the North.

At St. Louis, he said:

I shall stand by the Constitution and with your help and God being willing all the powers this side of the infernal regions combined can never drive me from the discharge of my duty.

These are but samples of his utterances, bitter in character, defiant in purpose, and confident in ultimate result, which indicate his determination to dominate Congress. All through President Johnson's speeches we find that dissatisfaction and impatience that reach a point almost of petulance, if not of uncontrolled temper.

This will introduce what I did not want to inject when my friend and colleague, Mr. DEWALT, of Pennsylvania, interrupted me. President Johnson had a great outpouring at Cleveland, as he had in all other stopping places. At Cleveland some one in the audience put a question to him that threw him off his guard. He took it as a personal offense and launched out in a very bitter strain, in ungoverned language, assailing all the people who opposed him on the basis of disloyalty and actuated with a desire of personal animosity. For a time the demonstration was so vociferous and offensive that the President could not continue. This unfortunate event was precipitated by President Johnson himself. It was very noticeable that the bitterness of his language increased with the tour and that fact seemed to arouse his audience, as was shown on the route, since the enthusiasm that was provoked by his utterances was unbounded. The President employed the ad hominem argument everywhere, declaring he was willing to leave the issue with the people, who could always be trusted even when their Government was not to be—

Through your honored chairman, gentlemen, please accept my sincere thanks for this cordial welcome. It will not be expected of me to make a speech on this occasion. I can only return my thanks and say that I feel gratified for this demonstration of respect for one who has at least tried to serve you faithfully. Your chairman has alluded to the Constitution—

And this last sentence is the closing sentence with which Mr. Johnson usually finished his speeches at most places.

I leave the Constitution in your hands. I leave it with you, the people in whom I have always confided. The Constitution of the Union and the flag of the country are in your hands. There I know that they will be preserved. Thanking you—

And so forth.

Everywhere the President went he breathed this assurance. He was charged with the future welfare of his country and its people, and would succeed in spite of its enemies, the Con-

gress. I am right, and the cause that I represent must be justified. I leave it with the people, assured that I will be vindicated by the repudiation by them of the Congress which strives to block the way of restoration of the Union. I think that President Johnson in the midst of this struggle was stimulated by meeting the people on his famous tour to believe his contest could have but one ending—a sweeping victory. I am also absolutely certain that President Wilson to-day is firm in his own conviction that the position he has taken on compelling the Senate to come to his view of the league of nations must win, because he is not accustomed to confess a mistake. His habits of mind argue any position he takes is right, and he undertakes, like Andrew Johnson, to carry the contest before the country to prove it a struggle between the people and the Senate, in which he represents, as he believes, the cause of the people of the country, and everywhere he is willing to leave it to the people. This plea of Wilson is very much on the plane of that made by Johnson, and to like crowds. I give it to you as my closing thought that President Wilson is fighting a losing game. His attitude toward the coordinate treaty-making body is only one of the many items in his efforts of Executive superiority in his relation to the other coordinate branches of the Government. This attitude is more than mere impulse. It is policy with him. He but attempts to practice his theory. The President becomes sometimes out of humor and impatient with any sort of opposition, notwithstanding that opposition is not only justified but a constitutional duty of Senators, and, as one Member of this House, I now declare that the time is here, gentlemen of this House, for genuine Americans who are Members of this House to let the country know that the legislative body is still in existence and no one man, be he our President or not, can dictate his will as law, even by the threat that he will take it to the whole people. [Applause on the Republican side.] And I now wish to advise our Democratic friends that these people who have insisted that the demonstrations of President Wilson are conclusive of the support that he is to receive on a disputed measure are destined to become embarrassed, for such an argument would prove that Andrew Johnson was more popular than President Wilson, because he got greater crowds than did President Wilson. I simply throw this out to my friends on the Democratic side that the President's tour will not be a determinant, except to arouse the American people to speak their minds when the time comes, as they surely will do when they decide whether we are to preserve American sovereignty and independence. [Applause on the Republican side.]

Mr. PLATT. Mr. Chairman——

Mr. MOORE of Virginia. Will the gentleman from New York [Mr. PLATT] give me two or three minutes?

Mr. PLATT. I yield. I understand I have but five minutes left, but I yield to my friend from Virginia.

Mr. WINGO. Mr. Chairman, I ask that the gentleman yield to the gentleman from Virginia three minutes.

Mr. PLATT. I yield three minutes.

Mr. MOORE of Virginia. Mr. Chairman and gentlemen, the gentleman from Ohio, the chairman of the Republican congressional committee, has just made a speech which is in line with a newspaper interview he gave out the other day, in which he undertakes to draw a parallel between Andrew Johnson and Woodrow Wilson. He makes the point that because Mr. Johnson had great audiences and Mr. Wilson has great audiences, it is to be deduced that Mr. Wilson will suffer the fate which overtook Andrew Johnson. Why does he not draw a parallel with reference to 1912, when Mr. Wilson's speeches were heard by great audiences, and not with any adverse result, but with the result of the Republican Party carrying but two States in the Union, the two small States of Vermont and Utah? [Applause on the Democratic side.]

Then, in 1916, Mr. Wilson again made speeches to great audiences and with the same force and same charm which mark those he is delivering now, and again the Republican Party went down to defeat and Mr. Wilson was elected to the Presidency. [Applause on the Democratic side.] When he draws a parallel—and he is a historian of high scholarship, the author of a historical work which he wrote when at the head of Antioch College, before he came into the arena of active partisanship—why does not he and the other critics tell us of the great audiences that greeted George Washington in his day, when the people poured out to show their appreciation of him and their devotion to him, and yet, then in the second term of his Presidency and in his second year—note the coincidence—Washington was so bitterly vituperated and assailed by his enemies, just as Wilson is now, that he has left on record the fact that he felt all the pain and humiliation which was conceivable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Virginia. Will the gentleman let me have a minute or two more?

Mr. PLATT. I can not yield to the gentleman any more time.

Mr. MOORE of Virginia. As a very new Member I ask unanimous consent to continue for a minute or two more.

Mr. RUCKER. Five minutes.

Mr. MOORE of Virginia. Yes.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the debate be continued for five minutes longer.

The CHAIRMAN. The Chair will state that the rule of Calendar Wednesday is that more than two hours can not be taken in debate.

Mr. RUCKER. Can not the committee extend the time five minutes, if it is done by unanimous consent?

Mr. POU. It can be done by unanimous consent, Mr. Chairman.

Mr. RUCKER. I ask unanimous consent.

The CHAIRMAN. The gentleman can proceed, and if anybody raises objection——

Mr. JOHNSON of Washington. I object, Mr. Chairman.

Mr. PLATT. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, personally I regret that the time of the gentleman from Virginia [Mr. MOORE] was not extended, because he made a most excellent speech. There is only one point of it to which I desire to refer. He speaks of the parallel between the present tour of the President and the President's tour in 1912, when, the gentleman from Virginia said, his delightful oratory won a result of which he is very proud and apparently which he desires to have repeated. Allow me to call the attention of the gentleman from Virginia to the fact that as a result of the speeches made by Mr. Wilson in 1912 he only got about a third of all the votes cast at that election. [Applause on the Republican side.] If the gentleman desires to have that result repeated, I think he can find a hearty response on this side of the House.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. MOORE of Virginia. There is a question I desired to propound to the distinguished chairman of the Republican committee. We have heard talk without much cessation, going to the very extreme of criticism not only in reference to Mr. Wilson but in reference to the league of nations, and I would like to ascertain whether the gentleman from Ohio, representing his party or his party behind him upon that side of the House, approves or disapproves of the league of nations.

Mr. LONGWORTH. Is the gentleman referring to me or to my distinguished colleague?

Mr. MOORE of Virginia. To the gentleman from Ohio [Mr. FESS]. We were told the other day by the gentleman from Illinois [Mr. MASON] that it is entirely proper for this House to consider a resolution in respect to foreign affairs. If this endless criticism of the league of nations is not to continue, but is to reach some crisis, why does not the dominant party in this House bring forward a resolution expressing its condemnation of the league of nations and furnish us an opportunity to vote upon it? [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Ohio [Mr. LONGWORTH] has expired.

Mr. PLATT. I yield to the gentleman another minute.

Mr. LONGWORTH. I yield to the chairman of the congressional committee.

Mr. FESS. In reply to the gentleman from Virginia [Mr. MOORE], whose judgment and personality I very much admire, I would say that the resolution that he suggests this House should bring before it would probably not be regarded in order, because it is a matter for the Senate. Speaking for myself, I am positively and uncompromisingly opposed to Mr. Wilson's league of nations and in favor of the Americanism of the reservations of Senator LODGE. [Applause on the Republican side.]

Mr. LONGWORTH. Mr. Chairman, it is not unnatural that opposition would be developed to a league drafted by a gentleman who, having appealed to the people for support, having gone to the country with a request that a Democratic Congress be given to him in both branches, received as an answer from the American people an adverse majority of more than a million votes. [Applause on the Republican side.]

Mr. PLATT. Mr. Chairman, I understand I have four minutes remaining?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. PLATT. Mr. Chairman, I do not desire to take any part in this discussion over the league of nations. I have sometimes

felt very much disposed to criticize the President of the United States, and sometimes I have felt very much disposed to support him and have very strongly supported him, even when members of his own party did not support him. [Laughter.]

I have reserved a few minutes just to bring back the committee for a moment or two to the consideration of the joint resolution before us, and to state that I think that the opposition to it, or most of it, has passed; and I wish to call attention to the fact that the resolution refers back to the Red Cross act. It is limited to the continuance of the war now existing, and requires each association to report to the Comptroller of the Currency, within 10 days after making any contribution, the amount of such contribution and the amount of net earnings in excess of such contributions.

Now, the only possible question raised in the debate last Wednesday was as to the limit of time for contributions. To meet that question or objection, such an amendment as this might well be adopted at the end of the resolution, adding it as a proviso:

Provided, however, That for the purposes of this act the war shall be considered to have ended when the treaty of peace was signed.

That would limit the period of contributions to last May or June, when the treaty was signed, and not to the time when the treaty will be ratified, so that no further contributions can be made or solicited.

We all know that these organizations did splendid work. Many of our troops were still in Europe until after last May. The peak of the returning crowd did not come until June. Those organizations did splendid work while our troops were there. I think they were entitled to such support as they could get in this or in any other way, and they were dependent, to a certain extent, upon the contributions that they supposed they were sure to get from a number of national banks. A good many of the national banks have not contributed, as I am informed, and there will be no possible pressure put upon them in future to make them contribute.

Now, Mr. Chairman, I ask that the resolution be read.

The CHAIRMAN. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That it shall be lawful for any national banking association to contribute to the united war-work campaign in the same manner and under the same conditions they are authorized to contribute to the American National Red Cross by section 1 of the act entitled "An act authorizing national banks to subscribe to the American National Red Cross," approved May 22, 1918.

With committee amendments, as follows:

In line 4, after the word "campaign," strike out "in the same manner and," and in line 5 strike out the word "as" and insert "and limitations under which."

The CHAIRMAN. The question is on agreeing to the first committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "in the same manner and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Page 1, line 5, after the word "conditions," strike out the word "as" and insert "and limitations under which."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. What is the amendment? Is it a committee amendment?

The CHAIRMAN. Yes. Without objection, the Clerk will again report the committee amendment.

The committee amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PLATT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. PLATT: At the end of the resolution add the following: "*Provided, however*, That for the purposes of this act the war shall be construed as to have ended when the treaty of peace was signed."

Mr. PLATT. Mr. Chairman, as I have already explained, this resolution refers to the Red Cross act passed May 22, 1918, which is limited to the continuance of the state of war then existing. Now, it might be held and is held technically that the state of war still exists, and will still exist until the treaty of peace is ratified. So I have offered the amendment providing that the war shall be considered to have ended for purposes of this act when the treaty of peace was signed.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARRETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT: Page 1, line 3, after the word "association" insert "by and with the consent of, or when authorized by, the majority of its stockholders."

Mr. GARRETT. Mr. Chairman, this is the amendment of which I gave notice when this resolution was under discussion on last Calendar Wednesday. It strikes at what I believe to be the inherently erroneous principle involved in the resolution. I do not believe that it is wise or proper for the Congress of the United States to let down the bars and authorize the national banking associations, through their directors, to contribute the funds belonging to their stockholders without the consent of those stockholders, even though it be to worthy causes such as are involved in the United War Work Campaign.

Last Wednesday I undertook to point out a difference between the Red Cross organization, to which the national banks were authorized to contribute, and the organizations that compose the one engaged in this United War Work Campaign, namely, that the Red Cross is a Federal incorporation, chartered by a special act of Congress. Its powers are fixed in the terms of its charter, and the purposes for which it is authorized to raise funds are fixed in the charter. Those can not be changed except by act of Congress itself. But the organizations which make up this United War Work Campaign are not, I think, incorporated organizations, and if any of them is incorporated, or if all of them consolidated are incorporated under the laws of some State, there will be no control by the Congress over them. They can change their plans and methods at the whims of the individuals who control them whenever the State will permit. That difference exists. But the fundamental thing here is that we are giving authority to directors to take funds of which they are trustees without consulting the cestui que trust and contribute them. I do not think that is right, and for ha reason I have offered his amendment.

Mr. VENABLE. Mr. Chairman, I ask unanimous consent to speak for five minutes in favor of the amendment.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes in favor of the amendment. Is there objection?

There was no objection.

Mr. VENABLE. Mr. Chairman, as I understand it, the directors of a corporation are simply the agents both of the corporation and the shareholders. By a fiction of law the property of the corporation belongs to the corporation and not to the shareholders, and hence it may be argued that, technically, when you authorize the directors to give away this money they are giving the money of the corporation and not of the stockholders, and that they are the only existing officers of the corporation and under the charter have full power and control over the corporation funds. But that is a legal fiction, just as a corporation itself is a legal fiction, and really the directors of a corporation are simply the agents of the shareholders and the property of the corporation, in substance, is the property of the shareholders. Here it is proposed to tell the agents that, without consulting the people who own the property, without regard to their wishes, perhaps directly contrary to their wishes, these agents shall take their property and do what they please with it. That can not be right or just or fundamentally sound as a matter of justice. If I be your agent, having control of your property, deriving all my authority from you, my only duty being to serve you, surely no one would argue that it would be right and proper for some outside agency to authorize me to take your property and divert it contrary to your wishes. Yet that is what we propose to do in the bill as drawn. I do not think it is fundamentally sound as a matter of justice or as a matter of right, particularly in view of the fact that the money is being given away. A man should have the right to say whether he shall give his own or not, and that right should not be conferred upon some one who does not own the property, whose property it is not, and who has no sort of right or title in it. For that reason I trust that the amendment offered by the gentleman from Tennessee [Mr. GARRETT] will be adopted.

Mr. MACCRATE. Will the gentleman yield?

Mr. VENABLE. I yield to the gentleman.

Mr. MACCRATE. Is there anything in the bill compelling the directors of a bank to make this payment?

Mr. VENABLE. There is not.

Mr. MacCRATE. Will not the stockholders of the bank have the right to object to the action of the directors of the bank?

Mr. VENABLE. Yes; they might object; but the directors, under this act, could make this contribution, contrary to the objection of the stockholders. This confers power.

Mr. MacCRATE. This Government of ours, by act of Congress, has loaned billions of dollars to foreign nations. The people have never been consulted about that. We are their agents.

Mr. VENABLE. Well, that is a loan. A bank loans money and gets it back with interest. The Government loans money and gets it back with interest; but here you are proposing to give away the money of others.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent to modify my amendment by inserting after the word "majority" the words "in interest."

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to modify his amendment as stated. Is there objection?

There was no objection.

Mr. GARRETT. Let it be reported as modified, so that Members may see how it will read.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. GARRETT: Page 1, line 3, after the word "association," insert "by and with the consent of or when authorized by the majority in interest of its stockholders."

Mr. PLATT. May I ask the gentleman from Tennessee if he will have any further objection to the bill if this amendment is adopted?

Mr. GARRETT. No; I will be satisfied with it with that amendment.

Mr. PLATT. I am inclined to agree with a good deal that the gentleman says. Therefore I do not object to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 80, noes 1.

Accordingly the amendment was agreed to.

Mr. PLATT. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House as amended, with the recommendation that the amendments be agreed to and that the joint resolution as amended do pass.

Mr. LONGWORTH. If the gentleman will pardon me, was there another amendment to be offered?

Mr. PLATT. I think that amendment was adopted.

The CHAIRMAN. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 61, noes 1.

Mr. BLANTON. Mr. Chairman, may I ask the gentleman who it was who voted in the negative? There was no gentleman who voted in the negative.

The CHAIRMAN. Some gentleman was standing on the left of the Chair.

Mr. BLANTON. I understand him to say that he did not do it. I just ask for information.

Mr. RICKETTS. I make the point of order that that is not a parliamentary inquiry.

Mr. BLANTON. A point of order. There was no gentleman voted in the negative.

The CHAIRMAN. Some gentleman on the left of the Chair was standing.

Mr. WINGO. I make the point of order that the point of the gentleman from Texas is dilatory. There is nothing involved.

The CHAIRMAN. The motion is agreed to; and the committee determines to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration H. J. Res. 87 and had directed him to report the same back to the House with amendments, with the recommendation that the amendments be agreed to and that the joint resolution as amended do pass.

Mr. PLATT. I move the previous question on the joint resolution and the amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time and was accordingly read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 103, noes 3.

Accordingly the joint resolution was passed.

On motion of Mr. PLATT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

WOMAN SUFFRAGE.

The SPEAKER laid before the House a communication from the secretary of state of the State of Minnesota announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

The amendment was received with applause.

CHANGE OF REFERENCE.

By unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (S. 2875) to amend section 7 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919, and the same was referred to the Committee on Appropriations.

FARM LOANS.

Mr. PLATT. Mr. Speaker, I call up H. R. 9065, to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act.

The SPEAKER. The gentleman from New York calls up H. R. 9065. This bill is on the Union Calendar. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of a bill which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. PLATT. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Mr. Chairman, the report on this bill gives very full information as to just what it is. It makes sundry amendments in the Federal farm-loan act to make the act more workable and to take out what the farmers call in many cases red tape, principally in the working of the farm-loan associations. Several sources of delay have developed, which many farmers seriously object to, and which drives some of them to private loaning agencies rather than to wait for the time it takes to get a loan approved by the farm-loan association and then carried up to the land bank.

The first section of the bill, as anyone will see by looking at it, provides for the appointment of an assistant registrar in each land-bank district. The registrar occasionally gets sick or is absent, and if he is not there nobody is now authorized to perform his duties and it makes delay. One of his chief duties is to receive applications for loans.

Section 2 provides that when a man's loan is approved he shall become a member of the farm-loan association to which his application is made, instead of getting the association together and voting on his name, which makes another delay, because it is often not easy to get the members together.

Section 3 strikes out the provision requiring that all three members of the loan committee of a farm-loan association shall be required to join together in signing a report showing that all three had visited the land of an applicant and made an appraisal. Their appraisal does not govern, anyway. An appraiser is sent from the land bank, who goes over the farm, and it is his report that governs the loan. All the loan committee really needs to do is to testify as to the character and solvency of the applicant and have a report made with regard to the value of his farm. In the country, generally speaking, a man knows his neighbors and knows their character and solvency, and it is not necessary to get all members of the loan committee together in a report showing they have visited the land. This amendment allows them to have the work done by an appraiser if they wish to.

Section 4 of the bill amends section 12 of the act in reference to the restrictions on loans. The first part of it refers to the payment of loans. We provided in the farm-loan act that after five years anyone could pay as much as he wanted on his loan in multiples of $25. It seemed to those of us who had some part in framing the bill that $25 was the most convenient small

payment that could be made. But, as it worked out, such a fixed payment upsets the amortization scheme. The amortization scheme adopted contemplates a payment of 6½ per cent, 5½ of which goes for interest and the rest payment on the principal, so that in about 34 years the loan is paid up. If you pay an amount like $25 you upset the whole scheme. We have provided simply that advance amortization payments may be made.

We have made a little change in the purposes for which loans are made. I shall offer a committee amendment adding to that, for I think we have taken out something that we did not intend to take out. This system is one with many privileges, and the act provides that loans can only be made for certain purposes, for the purchase of land for agricultural uses and to provide for the purchase of equipment, fertilizer, live stock, and so forth, and to provide buildings for the improvement of the farm lands; also to liquidate existing indebtedness, if incurred for one of the above-mentioned purposes or if existing as a mortgage at the time the first farm-loan association of the county was organized. In making some change in this provision the committee inadvertently struck out the clause allowing loans to take up mortgages already on the property when the first association of the county was formed, and I shall later offer a committee amendment to restore that.

Of course, it would be impossible to go into the purpose for which a mortgage of long standing was made. That would greatly narrow the application of the act and hamper its usefulness.

Section 5 of the bill simply strikes out the very small denominations of bonds which have become unnecessary to small investors since the advent of the $50 Liberty bond. Few of the small bonds have been issued, and there is a tendency to use them as currency, thus creating inflation.

Mr. MORGAN. Will the gentleman yield?

Mr. PLATT. I will.

Mr. MORGAN. What is the provision where there is a limit—that no bonds shall be issued less than $50?

Mr. PLATT. Less than $100, as we have it in the bill.

Mr. MORGAN. Now, what is the object of that?

Mr. PLATT. Because there are $50 Liberty bonds, which fill the purposes of a bond for small investors; scarcely any of those small farm-loan bonds have been sold. If a man takes a $25 bond, he is likely to consider it practically as currency and not an investment. It simply adds to inflation in too many instances.

Mr. MORGAN. Is it supposed that the Government expects to sell additional Liberty bonds?

Mr. PLATT. No; I think not. But they are in the market and anybody can buy them for less than par.

Mr. MORGAN. Then what is the object of this change—to enhance the price of the Liberty bond?

Mr. PLATT. Well, I would hardly say that. It saves the expense of the Government in printing bonds which are not being sold and which are not necessary, either for the small investor or for the system.

Mr. MORGAN. Now, it is the theory of the measure—and I think that is true in such banks in Europe—that bonds are issued in small denominations for the purpose of encouraging and educating persons of small means to invest in such bonds. Now, there are many persons who may have $25 but who would not have $50 to invest, and the object of this system is to encourage thrift and the investment in these standardized securities.

Mr. PLATT. Anybody who has got $25 can buy a $100 bond exactly as well as the $25 bond.

Mr. MORGAN. Why so?

Mr. PLATT. By putting it up at the bank as collateral and paying as he can save the money. That is what we want to get the people to do.

Mr. MORGAN. Maybe that would be so with Liberty bonds, but it is not so in farm-loan banks' bonds.

Mr. PLATT. Does the gentleman mean to say that the national banks do not consider farm-loan bonds good collateral?

Mr. MORGAN. A man has to make some arrangement with the bank to loan the money. That is a process that is necessary.

Mr. PLATT. It is a very simple process, which every man ought to know how to do, and a good many do not know how to do, and what we want to teach them to do. This Farm Loan System shows how a man with $2,500 can buy a $5,000 farm. In the same way a man with $25 can buy a $50 or a $100 bond.

Mr. MORGAN. The expense of printing these bonds would be very small after they are sold. I think it is a very doubtful amendment there, and I do not see how it would be of any great value after it is put in.

Mr. PLATT. I do not think it is of very great consequence one way or the other, but the Farm Loan Board recommends it and says that the bonds are not selling in considerable number in these small denominations since the Liberty bond issues; that they are not being purchased to any extent by the small investors.

Mr. MORGAN. The Farm Loan Board probably is relying upon the moneyed institutions to buy these bonds. That is not the theory. The theory is that people generally all over the United States should be encouraged and educated to buy these bonds everywhere and not rely chiefly upon banking institutions. I think the Federal Farm Loan Board so far has relied too much upon the banks to buy these bonds. However, I am not criticizing them.

Mr. PLATT. There may be some truth in the gentleman's criticism, but at the same time the gentleman knows the bonds have certain privileges that make them attractive to large investors.

Mr. MORGAN. I think we ought to cultivate the purchase of these bonds as investments by the great mass of the people. Now, of course, the gentleman knows that there have been a large amount of these bonds sold and invested in by the masses of the people, and——

Mr. PLATT. Yes; I think that is true, but not in the very small denominations. I think we want to limit the size of these bonds. My experience in the Liberty-bond campaigns leads me to believe that if a man can buy a $50 bond he can buy a $100 bond. If he gets a $100 bond, he considers it as something of an investment, as it brings him in a return that he can see, whereas if he gets a $50 bond he considers it as a very small business—considers it but as currency and passes it out very likely for something that he wants, or thinks he wants. He goes into a store and sees something for sale for $45, and if the salesman says he will take a Liberty or a farm-loan bond he will probably pass it over and lose $5. Take these little bonds for $25, the average man does not consider them as an investment; it is so small he can not see it. A workingman earning $20 or $25 a week or more nowadays can buy a bond larger than $25 or $50.

Mr. HAUGEN. He would have to make arrangements with the bank to borrow the money.

Mr. PLATT. Not necessarily. He could put the money in the savings bank until he gets $100.

Mr. MORGAN. That will help the savings bank; maybe that is the purpose of it.

Mr. PLATT. It ought to be so, for a man making $30 or more a week as a farm laborer in the gentleman's neighborhood should be able to buy a $50 or a $100 bond rather than buy a $25 bond.

Mr. MORGAN. I will ask the gentleman this: If in his investigation of this subject in Europe these institutions issue bonds of small denominations for the purpose of enabling them to make sales to persons of small means; is not that true?

Mr. PLATT. I think it is true; but whether that is going to be continued with such accumulations of Government bonds, I do not know. It was true before. I do not know what the smallest denomination was. I doubt if it was below $25.

Mr. PELL. Will the gentleman yield?

Mr. PLATT. I yield.

Mr. PELL. I rather agree with the gentleman who has just spoken. It seems to me it is a very good thing to provide not only one attractive and excellent investment to the people in the form of Liberty bonds, but to give them as varied a choice of investments as possible in order to make the country at large realize the use of bonds. The gentleman says that a man will get a $50 Liberty bond and will spend it for $45 worth of merchandise——

Mr. PLATT. They do it right along.

Mr. PELL. Now, you are not going to take a $1,000 Liberty bond and spend it for $900 worth of stuff. Of course, we understand about bonds and own them; but people who are not accustomed to such investments ought to be able to learn their value. The great need in this country to-day is thrift and economy. And it seems to me that a really varied list of possible investments, in which the people can not possibly be swindled, would provide the best conceivable education for the American public in economy and thrift.

Mr. PLATT. I agree with the gentleman fully, but at the same time the gentleman knows that a small bond is too often not regarded as anything but currency. The small investor has postal-savings banks and other savings banks to put his money into until he can buy a bond of some size; also he can deposit $25 or any multiple thereof with any farm-loan association for conversion into farm-loan bonds. A 5 per cent return on $25

is so small that the average workman who makes $25 or $30 a week does not consider it anything. He makes more money in half a day than the return on that bond will be.

Mr. MORGAN. Did the Secretary of the Treasury recommend the change in the bonds in any way?

Mr. PLATT. No; I think not, unless he may be considered to have recommended what the Federal Farm Loan Board, of which he is a member, recommended.

Mr. MORGAN. Then, I understand that there has been no recommendation by the Treasury Department or the Secretary of the Treasury to change the denominations of those bonds?

Mr. PLATT. No direct recommendation, to my recollection.

Mr. BRIGGS. This bill does not include any feature as to increasing the amount of loans to be made, does it?

Mr. PLATT. We had such a feature before the committee, and we decided not to approve it. At some future time it may be brought up. There was a good deal of discussion about that.

Mr. BRIGGS. There seems to be in my locality a considerable number that find the amount too low—the restriction.

Mr. PLATT. I think there is something to be said for that. At the same time, the gentleman knows the act was intended to help the small farmer, who might be and often was the prey of various money lenders, and could not easily make arrangements for borrowing money. If a man has a farm worth $40,000 or $50,000, he ought to be able to take care of himself.

Mr. BRIGGS. The limit now is what? Ten thousand dollars?

Mr. PLATT. Ten thousand dollars.

Mr. BRIGGS. They could increase the limit to $20,000 and make the farm-loan banks much more useful, and enable very many more of the farmers to develop and improve the holdings they have, and which now have to be neglected because they have not money enough with which to tide them over.

Mr. PLATT. The larger farmers can go to the joint-stock banks and pay just a little higher interest, offset by quicker service.

Mr. BRIGGS. That is the trouble. They have to pay higher interest. Has it been found in the study by the Banking Committee that the rate of interest now charged for these loans is such that the earnings are sufficient to enable a reduction in the loan rate to be made at some early time?

Mr. PLATT. That may be made at some time. The system started with 5 per cent loans, but the rate had to be increased to 5½. The banks are expected to return to the Government the revolving fund which was originally given to them.

Mr. BRIGGS. The act does not require that?

Mr. PLATT. Yes; it does, and it should be done, certainly.

Mr. BRIGGS. What percentage of this surplus goes back to the retirement of the revolving fund, if any, and that is not distributed in dividends?

Mr. PLATT. I can not answer the gentleman's question fully without looking up the act, but the act requires that 25 per cent of earnings shall be carried to surplus, and after that the return goes to the farm-loan associations, who pay it to the borrowers in dividends. And then after the capital of the bank equals a certain amount—$750,000 in subscriptions from the associations—a portion of the money goes back to pay the Government off. Several banks are already paying back to the Government.

Mr. BRIGGS. It has not been determined yet, however, whether or not the committee will recommend an increase of the loan amount?

Mr. PLATT. It has not been determined yet, and I think it is somewhat doubtful whether it will be done unless in connection with something else, possibly in connection with a bill, to assess the expenses of the Farm Loan Board on the banks. I want to say to complete my explanation that the last paragraph of the bill, section 6, simply provides for the appointment of a vice president to sign bonds in case the president is not able to do so, for the purpose of avoiding delay.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. PLATT. I will.

Mr. THOMPSON of Oklahoma. As I understand, the Federal farm-loan bank pays out the dividends to the stockholders in these local farm-loan organizations?

Mr. PLATT. Yes.

Mr. THOMPSON of Oklahoma. Now, my information is that the farm-loan bank will not pay out these dividends to the stockholders of the local association if there is any one of the stockholders in arrears as to interest, or there is a foreclosure proceeding pending. They hold back the dividends until all the stockholders have made good their loans. Am I correct in that?

Mr. PLATT. The farm-loan associations?

Mr. THOMPSON of Oklahoma. Yes. They are treated by the banks, in other words, as I understand it, as an entity; and if a single stockholder is in arrears in interest, or a foreclosure is pending against him, the farm-loan bank does not send out the individual checks of the stockholders in the local association.

Mr. PLATT. You mean that the local association does not send them out?

Mr. THOMPSON of Oklahoma. No. The Federal farm-loan bank in that particular district. These dividends are declared by the farm-loan bank.

Mr. PLATT. Payable to the farm-loan association, which in turn makes its own distribution.

Mr. THOMPSON of Oklahoma. They will not, therefore, send them down to the farm-loan association so long as there is one man belonging to the farm-loan association who is in arrears and who has not paid his interest.

Mr. PLATT. That may be. It is news to me and very interesting.

Mr. THOMPSON of Oklahoma. They construe that, I will say to the gentleman——

Mr. PLATT. The farm-loan association is a cooperative association, and the members are supposed to be able to put pressure upon a delinquent member to get him to pay up.

Mr. THOMPSON of Oklahoma. The farm-loan bank, as I understand it, treats the farm-loan association as an entity, and therefore they send these dividends down to the farm-loan association to be distributed among its members; but they will not send them down as long as there is a single member of that association who is in arrears, or who is in a position where foreclosure has commenced.

Now, section 2 provides "That the third paragraph of section 8 be amended by striking out the words 'if the application for membership is accepted and the loan is granted.'" Then I notice here in your report on the bill that you say:

> Section 2 of the bill amends section 8 of the act, a section which has reference to the farm-loan associations, the cooperative associations of borrowers. None but borrowers on farm mortgages can be members, but the act at present appears to require that an association shall vote upon an application for membership, besides approving the loan applied for.

Now, if I understand the procedure at this time, the local farm-loan association appoints a committee, and that committee of three passes on the loan?

Mr. PLATT. Yes.

Mr. THOMPSON of Oklahoma. You are changing that by providing that it is not necessary for all three to act and the three, or a majority of the three, may act through some one party that they may designate. I do not find any fault with that, but the question presented to my mind is this: In the first place, the man must be accepted by the association as a member. They have authority to keep out or prevent any man from becoming a member of the association. If your amendment is adopted here, the question of membership does not cut any figure. In other words, they can not keep him out. If he has the security and he joins he is entitled to a loan.

Now, there are two things to be considered in making all loans: Not only the collateral to secure the loan, but also the moral risk of the borrower. For instance, down in my district I know that at this time there are foreclosure suits pending where the security, the land, is worth four or five times the amount of money advanced, but the mortgagor was not a good moral risk.

Mr. PLATT. If I might interrupt the gentleman right there——

Mr. THOMPSON of Oklahoma. Let me get through with the question. He fails to make payment of the interest at maturity, and therefore the bank has been compelled to start foreclosure proceedings on those particular loans, although they are amply secured. In consequence of that situation, all dividend checks are being withheld, although there are 150 or 200 members of the association, and notwithstanding the fact that the security is ample. Now, if you strike this out——

Mr. PLATT. There must still be report as to the character and solvency of the applicant. A man's neighbors are supposed to know his character.

Mr. THOMPSON of Oklahoma. You make it possible when you adopt section 2 here and when further sections of this bill are agreed to for a third party to be appointed by this association loan committee to go out and report on what? Simply the value of the security. The security may be ample, the loan may be well secured, and still the moral risk may not be good, and in that event under the ruling of the Farm Loan Board it is possible that all of the dividends going to the various stockholders of the local farm-loan association may be withheld simply because a suit is filed or some member has failed to meet the interest on his loan at maturity.

Mr. PLATT. The gentleman knows it is comparatively easy in a farming community, where people know each other, when

a man's character or reputation is known to be bad—it ought to be easy or possible under this arrangement to keep him off. The present arrangement is a prolific source of delay. A man has a mortgage due next month and he goes to the farm-loan association and tries to get that off; he can not get it in a month. He has to go somewhere else to borrow the money.

Mr. THOMPSON of Oklahoma. I will say to the gentleman that down in my country the farm-loan associations are usually coincident with the county. They usually form one in a county, and the membership is scattered over the entire county.

Mr. PLATT. Exactly. That is the general rule.

Mr. THOMPSON of Oklahoma. Now, it may be impossible for the local farm-loan association committee of three to go out and examine these loans. I think the gentleman is right in providing that another party may be designated to make the examination. But here is a man who wants to join the association, and when you adopt section 2 you provide, in effect, that the association has no right to pass upon the question of his membership; in other words, you repeal their authority to negative his election. Then one man, the examiner, goes out to any part of the county and makes an examination and comes back and reports on the value of the security offered. You have stricken out the provision that requires the vote of the membership of the local farm-loan association before he can become a member of the association and in that way you are likely to increase these foreclosure suits and these failures to pay interest, by admitting to membership bad moral risks. You are likely to bring the whole system into disrepute and render it unpopular among the stockholders by withholding these dividends.

Mr. PLATT. The gentleman's statement does not show that the present provisions of the law have prevented people of that kind from getting into the association.

Mr. THOMPSON of Oklahoma. Just the moment you commence to withhold these dividends will not the stockholders commence to inquire why? And then you come back and say, "The reason the dividends are withheld is that you people permitted men who were not good moral risks to come into the association; you must remedy that yourself." The object of the farm-loan act was to enable people to meet and form their association and cooperate with each other.

Mr. PLATT. The gentleman is making a good point, but I hope he will not take up all my time. It seems to me the provisions of section 3 pretty well cover it by providing—

That whenever an application for a mortgage loan is made through a national farm-loan association the loan committee provided for in section 7 of this act shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant and sufficiency of the security offered, and cause written report to be made of the result of each investigation.

If they report that a man is a bad character and carry that up to the land bank, or that the man is of doubtful character, I am sure the bank will not make the loan.

Mr. STEVENSON. And is not that in addition to section 10? There is no provision in section 10 as it stands, is there, about looking into the moral risk? This is really a safeguard on that, is it not?

Mr. THOMPSON of Oklahoma. No; the local association, under the law as it exists, must vote to accept him. The membership of the association in accepting a borrower as a member pass on his moral character. If they are careless and make a mistake they are the ones who suffer by having their dividends withheld.

Mr. CANNON. I want to ask a question.

Mr. PLATT. I yield to the gentleman from Illinois.

Mr. CANNON. Is there anything in the act, or in the proposed amendment, that makes a master of morals—to say that this shall be the moral code?

Mr. PLATT. Of course, there is not.

Mr. CANNON. Or a just code, or a good code?

Mr. PLATT. No; but this is a cooperative association, and there is some force in the gentleman's argument that, being a cooperative association, the people who belong to the association should have something to say about whom they take in, but there are associations were they have tried to keep men out. For instance, a new man comes into the neighborhood, and people do not like his looks, and so they have tried to keep him out.

Mr. CANNON. Has anybody been kept out on account of religious differences?

Mr. PLATT. I do not think religious differences have entered into the matter so far.

Mr. THOMPSON of Oklahoma. I do not know of any political questions or moral questions that have been injected. I am simply stating the condition and calling attention to it.

Mr. PLATT. In the last publication of the Farm Loan Board, the Borrowers' Bulletin, the gentleman will find a case of that sort cited; not where a religious question was involved but where a new man came into a neighborhood and the people did not seem to like him. The man who had owned the farm before him had not had a very good reputation, and the farm had a bad name, and the local farm-loan association turned him down. But the new man who had come in managed to get his case before the land bank, and they sent an appraiser down who looked the farm over and found that everything was all right. The appraiser was convinced that the new man was a good moral risk and persuaded the local association to take him in, and the whole thing turned out well.

Mr. HAUGEN. Will the gentleman yield?

Mr. PLATT. I yield to the gentleman from Iowa, chairman of the Committee on Agriculture.

Mr. HAUGEN. On page 8 of the bill is the following:

Such bonds shall also contain in the face thereof a certificate signed by the Farm Loan Commissioner to the effect that it is issued under the authority of the Federal farm-loan act, has the approval in form and issue of the Federal Farm Loan Board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority.

Has the committee given any attention to the question of taxing these bonds?

Mr. PLATT. Not in this bill.

Mr. HAUGEN. It is provided that the bonds shall state that they are not taxable by National, State, municipal, or local authority.

Mr. PLATT. That is the present law, simply repeated in order to incorporate the amendment we have made to another part of the paragraph.

Mr. HAUGEN. Has the committee given any consideration to the subject of repealing the exemption of these bonds from taxes?

Mr. PLATT. A number of bills have been introduced, one or two bills at least, for the repeal of the exemption on farm-loan bonds, but the committee has never taken up those bills. I have no objection to saying personally that I do not think that as yet the exemption ought to be repealed. Ultimately, when the system gets well established, I think farm-loan bonds might be put on the same basis as Liberty bonds are; but for another year or two yet, until the taxes on Liberty bonds are reduced, and until the system is pretty firmly established, I do not think they ought to be subject to taxation, which would greatly interfere with the sale of the bonds. I do not think the system ought to be hampered in that way. Of course, when this act was passed nobody had any idea that Government bonds would ever be taxed, and the trouble is really that we have taxed Government bonds rather than that we have exempted them. What we ought to do is to bring down to some extent the tax on Government bonds by lowering the surtaxes.

Mr. HAUGEN. I have had a number of inquiries and I wanted to know the views of the committee.

Mr. HULINGS. Will the gentleman yield?

Mr. PLATT. I yield to the gentleman from Pennsylvania.

Mr. HULINGS. Does this bill provide for an additional number of officials for these banks?

Mr. PLATT. A vice president and a registrar.

Mr. HULINGS. And one or more land-bank appraisers?

Mr. PLATT. Oh, no.

Mr. HULINGS. I see this provision here:

Farm-loan registrars, deputy registrars, land-bank appraisers, and land-bank examiners appointed under this section shall be public officials.

Is this loading up the whole institution with a lot more officials?

Mr. PLATT. There is nothing new provided except the deputy registrar and the vice president and I believe an assistant secretary in the land banks.

Mr. HULINGS. Does this bill provide for the taxation of these bonds?

Mr. PLATT. No; it does not.

Mr. HULINGS. They go free of tax now, do they?

Mr. PLATT. Yes; they go free of tax now.

Mr. HULINGS. One more question.

Mr. PLATT. Mr. Chairman, how much time have I?

The CHAIRMAN. Twenty-two minutes.

Mr. PLATT. I will answer one more question.

Mr. HULINGS. The present limitation on a loan is $10,000?

Mr. PLATT. Yes.

Mr. HULINGS. Is that limit increased?

Mr. PLATT. No; we have not put anything about that in this bill. We had it in the bill originally but struck it out.

Now, Mr. Chairman, having answered all questions about the bill pending, I want to make a brief statement with regard to the Farm Loan System. I have taken great interest in the

system, because I was a member of the subcommittee of the Sixty-third Congress which, after the passage of the Federal reserve act, began the consideration of a rural-credit system. We held extensive hearings and went into the whole subject very fully. At that time, as many of you know, there had been a commission appointed which went to Europe. There was also a commission from the Southern Commercial Congress, some of whose members went to Europe and studied the question of rural credits very fully. One of the members of the commission who went to Europe was the Hon. Ralph Moss, of Indiana, a Member of this House who has now passed away, to whom perhaps more credit should be given for the adoption of the Federal Farm Loan System than to any other one Member of the House. I say that, although he was a Member of the other side of the House. Mr. Moss had been and was a farmer himself, a genuine farmer, not a political farmer, and a genuine, whole-souled, manly man, and also a very faithful student of economics. He worked as very few Members of this House ever do work, although a good many more men in the House are harder workers than people give us credit for. He worked very hard in the preparation of the bill which was first known as the Moss bill, and afterwards as a member of the commission which drafted the Federal Farm Loan System and still later as a member of the Banking and Currency Committee and of the conference committee in putting the bill in final form.

The subcommittee which in the Sixty-third Congress first took up the matter of rural credits did not indorse the Moss bill but proceeded to prepare a new bill, which was known as the Bulkley bill, a bill which we had to turn down finally because of certain Government-aid provisions which were considered unsound. I was one of those who joined with the then chairman of the committee, Mr. Glass, now Secretary of the Treasury, in turning down that bill because of certain provisions. The Bulkley bill, although never reported by the Banking and Currency Committee, containing many good features, represented a lot of hard work extending over many months, and was largely the foundation of the bill prepared by the joint commission appointed as the result of a special resolution passed at the end of the Sixty-third Congress. Mr. Bulkley is entitled to a share of the credit though he insisted on retaining the feature which caused the rejection of his bill.

In the Sixty-fourth Congress the report of the joint commission was ready and we took it up first in subcommittee and worked out what is now the Federal farm-loan act. I was a member of the conference committee which put the final touches on the act in conference between the House and the Senate, a conference which lasted for several weeks.

Having said this much to show my interest in the subject and perhaps my right to speak in regard to it, I want to say briefly that the system has been very successful. Considering the way the bill was built up, it is really surprising that practically nothing in it has been found unworkable. The last report of the Federal Farm Loan Board goes down only to November 30, 1918, and there has been a great deal of growth since this report has been made. The capital of the 12 land banks had grown during the year covered by this report of November, 1918, from $10,488,230 to $16,250,000, and on August 31 last had reached $20,978,236.50, of which $12,622,647.50 came from the farm-loan associations. The amount of loans outstanding had grown from $29,816,000 to $149,004,000, and on August 31, 1919, to $252,958,976. The total amount of farm-loan bonds authorized up to August 31 is $285,600,000. The number of borrowers August 31 was 101,000, and the average loan $2,500. The net earnings of the system were up to the end of August $889,360.78, an increase of $169,809.29 during the month, as compared with the statement of July 31. Of these earnings $190,477 was carried to reserve and $287,458.40 had been paid out in dividends to farm-loan associations, leaving $411,427.38 undivided profits on hand.

These figures are enough to show the success of the system which we are now trying to make still more successful for the farmers. The indirect benefit of the system to all borrowers on farm security, furthermore, has been great in that it has brought down interest charges of private individuals and mortgage companies. I have so far been speaking only of the cooperative system, the land banks and the farm-loan associations, but the so-called joint-stock land banks, provided for in the act, have been also remarkably successful, their number having grown from 9 last November to 23, and their loans from $7,380,734.07 to $34,145,216.87 on July 31.

There have been a good many more loans made in my own neighborhood in New York State than I supposed would be made in competition with the great mutual savings banks, the loans in my own county amounting to some $300,000, and I think still larger in the adjoining county of Orange in my district. We have always had the benefit of comparatively low interest rates, and mortgages have generally been allowed to run on from year to year without renewal involving commissions, so I think the amortization feature must be the chief reason people are taking to the system in my neighborhood and in other States where the interest rates have been low. Take, for instance, Iowa, where the rates are low, and where it was supposed the system would be of little benefit; it has been remarkably popular there, due to the amortization feature that gives a man an opportunity to pay a small installment on his principal every year, which he can easily do. As he goes on paying from year to year, and pays off a considerable part of his mortgage, his personal credit improves and he can more easily obtain accommodation from the commercial banks.

In conclusion I may add that I am proud of having been of some service in the preparation of the bills establishing the Farm Loan System and in furthering their passage. I rejoice in the success of the system and shall do what I can by sound amendment, as chairman of the great committee which reported the farm-loan bill, to make it more workable and more successful.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. PLATT. Yes; now I will yield.

Mr. THOMPSON of Oklahoma. These farm loan bonds issued draw 4½ per cent, but then there is another per cent allowed for overhead expense?

Mr. PLATT. Yes; 4½ and 5 per cent. The bond rate was raised to 5 per cent in May, 1918, and is still 5 per cent. There was a "spread" of 1 per cent between the bond rate and the mortgage rate.

Mr. THOMPSON of Oklahoma. It is the difference between the 4½ per cent or 5 per cent at which they sell the bonds and the 5½ per cent which they charge the farmer, or 6 per cent. Does not the gentleman think that that 1 per cent is very high for overhead charges? Does the gentleman think it could be reduced?

Mr. PLATT. I think that at present it is only one-half per cent. Any profit made goes to the farm-loan association. It is simply returned to the borrowers through dividends. Of course, there are two ways the thing can be done—either cut down the interest or they can pay larger dividends.

Mr. THOMPSON of Oklahoma. Does the investigation that the gentleman has made of the system enable him to speak with information with regard to whether or not it can be reduced?

Mr. PLATT. I think it could not be reduced at present. They started lower, with 5 per cent mortgage interest, but had to raise to 5½ per cent because of the increase of interest rates due to the war financing.

Mr. YOUNG of North Dakota. One-half of 1 per cent.

Mr. PLATT. Yes; they increased the rate one-half of 1 per cent.

Mr. BRIGGS. Will the gentleman yield?

Mr. PLATT. I will.

Mr. BRIGGS. To what extent are the facilities of the joint-stock banks being used as compared with those of the farm-loan banks?

Mr. PLATT. The joint-stock banks charge 6 per cent interest, I believe, but there is more freedom, so much of the red tape is cut, as compared with the other, and they are very prosperous. For instance, if a man has made an application to a joint-stock bank, the appraisals are quickly made and he gets his money in a few days. The farm-loan associations operate more slowly of necessity.

Mr. MORGAN. Right along the line of my colleague from Oklahoma, these banks have 1 per cent margin between the rate of interest they pay and the bonds and the rate of interest they charge the borrowers?

Mr. PLATT. They did leave 1 per cent spread, but I think it is now one-half per cent.

Mr. MORGAN. Now, the gentleman is aware in European institutions they do not have anything like 1 per cent for expenses, and I would like to know if the gentleman has made any inquiry as to whether or not those banks, those Federal farm-loan banks, are being operated economically; that is to say, what about the salaries they are paying to their officers and all their employees, and are they being run economically? Because, of course, the borrowers have to pay those expenses. Has the gentleman made any investigation of that?

Mr. PLATT. I have made considerable inquiry. I think they are paying some pretty fair salaries, but I would not say they were not justified. Salaries in the banking business run pretty high, as officers have to keep up their end with other financial institutions. Farmers do not want their banks to

look like 30 cents alongside of other banks, and they like to have men to represent them properly, which I think is all right.

Mr. THOMPSON of Oklahoma. The gentleman, in answer to the interrogatory proposed by myself a moment ago in reference to 1 per cent between the interest the bonds drew and the interest charged to the farmer, said that it did not make any difference, because it went back in the way of dividends. I call his attention to the fact that the dividends are limited to 6 per cent.

Mr. MORGAN. I think not.

Mr. THOMPSON of Oklahoma. My understanding is they are limited to 6 per cent, and even if that were not true, my colleague's suggestion would result in this, that the piling up of a large surplus is calculated to make men who work for a bank demand larger salaries and make them extravagant.

Mr. PLATT. The system is growing very rapidly, and all the banks except two eastern banks are making money, and several of them are returning or beginning to return money to the Government. The Government capital, on which no interest or dividends are paid, has been cut down from $9,000,000 to $8,265,809. The two eastern banks have not come up to the others yet, but they are coming forward rapidly. It seems to me it is pretty strong testimony to the success of the system that they are able to compete at all in these eastern neighborhoods, where farmers can obtain credit from savings banks and other institutions. For instance, I was over at Frederick, Md., some time ago talking to the president of a bank there that has a large number of deposits from the farmers, and the president of the bank said to me that if a man came in who had a farm worth $10,000 and wanted to borrow $5,000, he did not even ask him for a mortgage, but let him have the money.

I reserve the balance of my time, Mr. Chairman.

Mr. WINGO. Mr. Chairman, the gentleman from New York has explained the bill very fully. I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I was not present some minutes, being unavoidably detained, when the gentleman from Pennsylvania [Mr. MCFADDEN] made his remarks in connection with himself and in animadversion of Mr. John Skelton Williams, the present Comptroller of the Currency.

It is not my purpose to reply to these remarks, except to say in passing that it is regrettable that the gentleman usually selects a forum of attack in which Mr. Williams can make no defense. It is not a very ennobling performance for a public official to shoot from ambush.

Mr. Chairman, I arose primarily to say to the committee that Mr. John Skelton Williams has been known by me for 25 years. He is an honored resident of the city of Richmond, and a constituent of mine. He possesses courage, industry, probity, fidelity, honesty, and ability to a very extraordinary degree, qualities which I submit constitute the best attributes of a public official.

In the administration of his public duties his "spear knows no brother." Perhaps it has been this rigid and austere performance of duty that has provoked the criticisms of himself which seem to have gained some currency here and there—criticisms, I submit, that emanate in nearly every instance from some form of personal dissatisfaction, which at this time I do not wish to discuss. It is due Mr. Williams, to his family, and to his friends and associates, who have unbounded confidence in his integrity, in his inflexible fidelity to public duty, and in his courage in the discharge of that duty, that I say what I have said, and which I submit to the fair, disinterested consideration of this body. [Applause.]

Mr. Chairman, I yield back the residue of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. WINGO. Mr. Chairman, I yield 20 minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman, I wish to take the 20 minutes in discussing the proposition of farms for soldiers, in connection with a bill to be administered by the Secretary of the Treasury and the Farm Loan Board.

The movement to provide farm homes for our soldiers and seamen who served in the recent war against Germany had its origin in the desire of the American people to express their appreciation and in some substantial way manifest their gratitude for the great services rendered and the heroic sacrifices made by these men in the defense of our Nation, its honor, the rights of its people, the principles upon which it was founded, and the cause of justice, liberty, and right.

Every man who went into our fighting forces offered his life for the vindication of his country's cause and placed himself at the command of his Government for whatever sacrifice might be necessary. The patriotic, courageous, and daring manner in which they met every test and discharged every duty is now a matter of history and known to the world.

Now, if the prime purpose of the proposed legislation is for the country to express its gratitude to our returning army, and to do this in such a way as to be of some material assistance to the men composing that army, then the main object to be sought is their benefit and welfare. Therefore we should avoid laying the foundation for any sort of future land speculation, and no opportunity should be given for any man or set of men to unload on the Government in the name of or at the expense of the soldier.

That Congress earnestly desires in some practical and businesslike manner to aid those who have served in our naval and military forces by placing at their disposal opportunities whereby they may acquire rural homes and become the owners and proprietors of the soil they till is an accepted proposition. So far as I know, there is no difference of opinion on this subject. There are some gentlemen who do not believe that we should stop with the farm-home proposition, but that aid for the acquisition of urban homes should also be extended to those who choose to live in the large cities and industrial centers.

Recent developments in this country have furnished proof more convincing than ever that those living in the towns and cities are largely dependent for their prosperity and economic existence upon the people engaged in agricultural pursuits, and that there should be some inducement offered that would have a tendency to shift the population from the congested centers back to the country. The development of the agricultural interests and resources of this Nation by an independent, self-reliant, and prosperous rural population who are the owners and proprietors of their own homes is absolutely essential to its continued peaceful economic existence. The streaming flow of our population from the country districts to the towns and cities has for many years been alarming. This movement, which is depleting our rural districts of the forces most needed for their development, could, in my judgment, be checked by making farm life more attractive and more successful, and by encouraging and assisting every farmer to become the owner of his home and the master of his surroundings.

A close study of this question has resulted in the general opinion and conviction that everything possible should be done to attract a maximum percentage of our returning soldiers and seamen into agricultural pursuits and to induce those who went from the farms at the call of their country to resume their former occupation. So the question here in Congress is to work out the best method by which this may be accomplished. With this in view many plans have been proposed, several bills have been introduced, and much testimony taken by the Committee on Public Lands. However, as a general proposition, I do not believe that the soldiers or the public have had the opportunity to analyze these measures, though the plan of Secretary Lane, embodied in the bill introduced by Mr. MONDELL, of Wyoming, has had wider publicity and greater consideration than any other of the proposed laws.

I have studied this question very closely and with the earnest desire to assist the soldiers and at the same time enable them to become important factors in the welfare of their country in peace as in war, and with the view of placing no unnecessary burden upon the taxpayers, of whom they must form an important part. With this end in view I have framed and introduced a bill, H. R. 5395, and which I discussed before the Committee on Public Lands, with the hope that the principles and provisions embodied and set forth therein might be adopted and included in its report. The report of the committee indicates that it considered all the bills presented, but only the Mondell bill, H. R. 487, received the approval of a majority of the committee.

THE MONDELL BILL.

This bill provides in substance that the Secretary of the Interior may acquire and reclaim by drainage, irrigation, or by other means, areas of land of sufficient extent for the establishment of independent communities, which are termed "Soldiers' settlement projects." The lands out of which these projects or colonies are to be developed are usually referred to as waste lands, cut-over lands, unused swamp or marsh lands, or arid lands. The lands composing the projects are to be reclaimed and made habitable and productive by drainage, irrigation, clearing, the removal of stumps, or other means, as the case may be. Each project is to be divided into farms, each suitable for the support of a family, and houses are to be built, all by and at the expense of the Government and out of the appropriation of $500,000,000 authorized by the bill.

In all this work discharged soldiers are to be employed in so far as practicable. Soldiers are to have the preference in purchasing the farms thus established, and as between soldier applicants preference will be given those who have rendered

material service in the development of the projects. The sale to the soldier-settler will be made at a price sufficient to cover the original price of the land, the expense for reclamation and buildings and any other expense incurred in the process of development. Where a soldier has purchased his farm tract and desires to make his own improvements, he may borrow from the fund established by this bill three-fourths of the amount necessary, provided the loan to him shall not exceed $1,500 for that purpose. He may also borrow from the fund $1,200 for the purchase of live stock and equipment, provided this amount does not exceed 75 per cent of the purchase price of live stock and 60 per cent of the cost of the equipment. This bill has nothing in view except the use of large areas of land for the purpose of community settlements. In stating the purposes and objects of this bill in hearings before the committee, Mr. MONDELL said:

Now, briefly, as to the plan and purpose of this bill, it is proposed to secure by purchase, gift, deed, or in some other manner, areas of land from the various States, and in all the various States where such lands are available in sufficient areas, when divided into farms, to form complete and comparatively independent communities. The community settlement idea is at the bottom of this legislation. It is believed that development of communities is essential; that only in that way can we reclaim large areas of land that are now comparatively useless, but contain all the essential elements of fertility when they are made available. I am emphasizing this feature of the matter because that is the very base of this soldiers' settlement bill—the community idea. If the thought on which this bill is based, and on which practically all the bills have been based, as I understand it, is carried out, no developments will be attempted where there is not available a sufficient area of suitable land for a good-sized, comparatively independent community, and the development will be with such reservation for towns and community centers as may be necessary to foster and develop and maintain the community idea.

Evidently the plan and purpose of this bill could not be met or accommodated except by the use of a very large area of land for each project. The hearings show that such areas may be found in several States, namely, those having arid lands, cut-over lands, swamp and marsh lands, or waste lands.

As to just what extent it would be necessary to purchase these large tracts of land from private owners, corporations, or individuals, the hearings do not show. The acquisition of the land for each project after the price and conditions of transfer have been agreed upon by a representative of the governor of the State in which the land is situated, an appraiser designated by the Federal Farm Loan Board, and the Secretary of the Interior; the plans and method of reclamation; the subdivision into farms; and the regulations governing the development of the settlement and the distribution of homes or "farm tracts" among the purchasers; and all expenditures and loans are under the control of the Secretary of the Interior. An approved applicant for the purchase of a farm must make an initial payment of 5 per cent, the remainder to be paid in not exceeding 40 years, with interest on the unpaid portion of the purchase price at the rate of 4 per cent per annum. The time for reclamation of one of these projects according to the hearings would be from two to five years, and the cost of each farm would be on an average of from five to six thousand dollars. Discharged soldiers who are already the owners of farms or rural homes would not be eligible as purchasers of a farm in one of these community settlements.

In my judgment there are many serious objections to the Mondell bill as reported by the committee, chief among which may be stated as follows:

First. It authorizes the purchase from private owners, individuals, or corporations of large tracts of land known as waste or unused lands, and therefore without any or little present value, and the expenditure of large sums of money taken from the United States Treasury for the purchase and reclamation of same without knowing to just what extent the soldiers will be benefited.

Second. It is evident that only a small number of our returning soldiers will ever be willing to abandon their present homes and surroundings to be settled in these Government colonies.

Third. It affords no assistance or encouragement to the soldier who is already the owner of farm land, but on the other hand makes him ineligible to acquire the ownership of one of these farms purchased and reclaimed at the expense of his Government.

Fourth. It deprives the soldier of the right to exercise his own initiative and enterprise in the acquisition, development, management, and improvement of the farm which he is to own and occupy as a home.

Fifth. It deprives the soldier of any immediate Government assistance to acquire a farm if he desires to do so.

Sixth. Even after one of these projects is reclaimed at Government expense, before the soldier can become a purchaser his application must be approved by the Secretary of the Interior, and he is therefore deprived of the right of unrestricted choice, and made subject to the dictates of a bureau established in Washington.

I do not believe this plan will meet the approval of either our soldiers and sailors or of the American public, which is so much interested in their welfare.

This bill may have much merit as a reclamation measure, but I have been unable to reach the conclusion that it carries any important or outstanding benefits for our soldiers. The ex-service man is not seeking to become a ward of the Government or to place his new power and efficiency resulting from his war training and experience under the control of some bureau in Washington. He simply wants an opportunity to get started, to get a foothold, and having this he should then be allowed the greatest freedom for the exercise of individual initiative and enterprise. If we are going to give him this opportunity, then why limit and restrict him to Government settlements, Government projects, and Government colonies and deprive him of the right of self-determination.

I have endeavored to solve the problem of farm homes for our returning soldiers by the introduction of H. R. 5395, and very earnestly urged before the Committee on the Public Lands the adoption of the plan therein set forth. The substance of this bill may be stated as follows:

Section 1: The title is "The Soldiers' and Sailors' Farm Settlement Act."

Section 2: Authorizes the Secretary of the Treasury for and on behalf of the United States Government to make loans secured by first mortgage on farm lands to all those who served in our military and naval forces during the war against the German Government, and also to Americans who served in the armies of our associates in this war.

Section 3: The Federal land banks established under the Farm Loan Act are designated as the financial agents of the Government in making these loans, and are granted all necessary and additional powers not given in the Farm Loan Act.

Section 4: All loans are made payable to the Federal land bank of the district in which the land is situated. Each Federal land bank is authorized to select or designate as its agent for the purpose of carrying out the provisions of this act the secretary-treasurer of any national farm loan association, or such other agents as it may deem necessary, and to charge not exceeding one-half of 1 per cent of the amount loaned for the services rendered by such agent.

Section 5: Provides that loans may be made for the following purposes:

(a) To provide for the purchase of land for agricultural uses.

(b) To provide for the purchase of equipment, live stock, and other things necessary for the operation of the farm.

(c) To provide buildings for the improvement of farm lands either acquired or owned by the soldier.

(d) To pay and discharge debts already existing against the land or improvements to be acquired or already owned by those receiving the benefits of this act.

Section 6: Each loan shall not exceed 100 per cent of the value of the land and the permanent insured improvements. The amount of loans to any one borrower shall not exceed $5,000 nor be less than $100. Interest rate shall not exceed 4 per cent per annum, the loan to run for not exceeding 40 years. Payments falling due for the first two years may be deferred. In the event of the sale of the land to any person not entitled to receive the benefits of this act, the entire amount of the loan may become due and payable within six months, or the purchaser may execute new notes at the same rate of interest now charged under the Farm Loan Act, at the option of the Secretary of the Treasury.

Section 7: Authorizes the appropriation of $50,000,000 a year for the next three years, for the purposes of the act.

In substance this bill provides for a loan to the soldier farmer in the sum of $5,000 for the purchase, improvement, and equipment of farm land, or for the improvement and equipment of such land already owned by him, and up to the value of the land and security offered. It is provided that the payments falling due during the first two years may be deferred; this will give time and opportunity to place the land in productive shape.

It is proposed to utilize the existing machinery of the Farm Loan Board for administrative purposes and thereby avoid the creation of any additional offices or bureaus with their attendant expenses. Hence every dollar appropriated will be available for the benefit of the soldiers and will be used only as required by them upon their own applications.

Under this bill the beneficiaries may purchase and improve farms in the community or locality of their choice and carry out

their own plans for the establishment and improvement of the properties which are to be their homes. The loans will not depend upon the securing of funds by the sale of bonds, but the appropriations for this purpose will be made direct.

The number of our returned soldiers who will desire to engage in agricultural pursuits is a very uncertain proposition, and while we hope to attract others to the soil and are offering the same opportunity to all, yet in the very nature of things we all know that the greater percentage of them will be those who were either engaged in farming at the time of their call into the military or naval service and those who had previously lived upon farms and had agricultural experience. Since the armistice was signed my own experience has been that, as a general rule, the soldiers have sought to return to their former employment or occupation. And especially has this been true of the boys who went from the farms. Many strong appeals have been made by fathers who were unable to manage and conduct their farming operations without the assistance of their sons, for whose return they felt free to ask as soon as the war was over. And likewise the boys themselves asked for discharge in order to return to the old homestead and take up where they left off at the country's call to service. In many other cases the soldiers already owned farms and had families. No doubt these farms suffered in the way of loss of equipment and attention during the war. There are many others who have in view the lands they would like to purchase in the communities where they have lived and who are anxious to settle among their neighbors, friends, and relatives. Now, it occurs to me that our hope to advance and develop the agricultural interests of the country and to materially assist the discharged soldiers to become farmers and home owners lies chiefly with this class of the men whom we are so earnestly endeavoring to assist. They have the experience and are already accustomed to rural life and can easily adapt themselves to farming as an occupation with every chance for success, and all that is needed is liberal assistance in the way of credit for the purchase of lands and for improvement and equipment, and this the Nation can afford to give freely, and do it at the present time.

The effect of the war upon American character has been to revive and intensify its original quality, hence the returned soldier is just like any other normal American citizen. He is not seeking charity. His first desire is to become an important independent factor in the community in which he lives, to operate upon his own initiative, to formulate and carry out his own plans for the development of his farm or other business, and he is therefore not seeking to be colonized and is not likely to accept any assistance from the Government, if in order to do so he is required to abandon his home surroundings, the association of his friends and comrades, and go to some distant reservation which is to be developed and controlled by regulations of governmental bureaus, and it will be very much to his credit that he prefers to act upon his own responsibility and work out his destiny by his own methods and in his own way, not restricted and hedged about by governmental supervision of those affairs which make up his daily life and occupation.

Centralized power and control is a condition essential to the successful prosecution of a war, even by a republic. The American citizen readily adjusts himself to this condition when a state of war exists in which his country is involved. But in peace time his normal attitude is antagonistic toward all forms of paternalism. Fortunately for the country, our returning soldiers are bringing into the life of the Nation anew the original spirit of American individualism. I was very much impressed with this fact while talking with a soldier from my own State, who had returned from Europe, about these bills providing farms for soldiers. He had heard of them, and asked for information. I explained to him as best I could the main features of the Lane plan, or Mondell bill; also my own plan set out in the bill I have introduced. He spoke, with some feeling and emphasis, about as follows:

> I propose to be a farmer, but I do not want to work for myself under Government regulation, and do not want to be placed on a Government reservation or be colonized. I own a small tract of farm land and would be glad to have some financial assistance in order to improve it. I had just begun these improvements when the war came on; was called in the first draft, waived all claims for exemption, and was trained and went early to France, and was there fighting in the Argonne when the armistice was signed. The war is over now, and I am going to be discharged, and when I get back to work, unless another war breaks out, I would like for the United States to let me alone for awhile.

I am not sure but what this husky young farmer soldier expressed the feelings and voiced the sentiment of many of the boys who went out and did the fighting and finished the job, and likewise of the American public in general, which is restless for a complete release from war conditions and a shift back to normal life in all industries and all occupations as soon as possible. We can not have this if we continue to make burdensome appropriations calling for more taxes for the extension of the power and authority of the Government bureaus for those activities which in the main should be left to private enterprise.

Another feature of the matter which makes the segregated, independent farm proposition preferable to the reclamation, community settlement measure is that there is to-day an abundance of good agricultural land available without the necessity of spending hundreds of millions of public funds on great areas of waste, swamp, marsh, and cut-over lands in the way of reclamation before they could be converted into farms.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. WILSON of Louisiana. Yes.

Mr. BLANTON. I understand that what is known as the Mondell bill is absolutely dead and sidetracked. So why does the gentleman waste his time in discussing incidentally the features of that measure?

Mr. WILSON of Louisiana. I am not possessed of that information. It may be that it has been sidetracked, but it is still being discussed here.

Mr. BLANTON. It was sidetracked by the Republican steering committee, but I have not heard anything from them. I supposed it had died a natural death.

Mr. WILSON of Louisiana. Well, I hope that is true; unless it could be materially amended or some proper substitute for it adopted. We would be glad to see the owners of these lands reclaim and develop them, and in most instances they are quite able to do so without taxing the rest of the public for that purpose. I do not undertake to speak definitely about other sections of the country, but in my own State there is a vast acreage of good farming land, uncultivated, but highly fertile, and which needs no reclamation. All that is necessary to make good farms is for good farmers to get on the land and develop it. These lands may be had at reasonable prices, and the way can be made easy for our returning soldier to acquire such land, which will always be ample security for the Government.

Let me cite you to an instance just what occurred in south Louisiana near the town of Jeanerette recently. Here two plantations, comprising 1,700 acres in all, were divided into small farm tracts and sold to about 20 farmers, who were practically without capital. This was done through the assistance of the Farm Loan Board on a basis of 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the permanent insured improvements.

It is fair to assume that private enterprise assisted in this transaction, as it often occurs where the land is to be improved, cultivated, and used as a home by the purchaser that the seller is willing to take second mortgage for one-half of the purchase price, but this demonstrates the great value of the Farm Loan System, and how its present machinery may be used to assist farmers in acquiring homes. Now, under the liberal provisions of the bill to aid discharged service men, which I am advocating, these things could be even more easily accomplished, since it provides on their behalf for a loan for the full appraised value of the property which they may desire to purchase or improve.

Mr. Chairman and gentlemen of the House, I am thoroughly convinced that we can best solve the problem of farm homes for our soldiers by enacting legislation of this character, whereby through the agency of the Farm Loan System, already established and in successful operation, the loans may be made to former service men, permitting each soldier, sailor, or marine to make his own selection and exercise his individual choice as to his tract of land and the locality for his home, and to carry out his own plans and methods for improvement and development.

This course will best insure the much-needed increase in production so essential in bringing the cost of living to the proper level, and serve to retain and develop in our citizenship those elements of character and the spirit of independence that must be our safest reliance against the destructive teachings of Bolshevism and the red flag of anarchy. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILSON of Louisiana. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Under the leave granted to extend these remarks, I am printing herewith a copy of H. R. 5395, to which I have referred:

A bill (H. R. 5395) to provide soldiers, sailors, and marines with capital for agricultural development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be cited as "The soldiers' and sailors' farm-settlement act."

SEC. 2. That the Secretary of the Treasury be, and is hereby, authorized, in the name and on behalf of the United States Government, to make loans, secured by first mortgage, on farm lands to all persons who have served in the military or naval forces of the United States during the present war against the German Government, and who, at any time subsequent to April 6, 1917, have resigned or been discharged under honorable conditions, or, in the case of reservists, been placed on inactive duty; to all citizens of the United States who served with the military or naval forces of any of the nations allied against the German Government and its allies and have since been discharged under honorable conditions; and to all former citizens of the United States who served with the military or naval forces of any of the nations allied against the German Government and its allies and have since been discharged under honorable conditions and repatriated.

SEC. 3. That the Federal land banks established under the Federal Farm Loan Act approved July 17, 1916, shall be designated as financial agents of the Government of the United States for the purpose of making and collecting farm loans herein provided for. Such agencies are granted all additional powers necessary to administer the present act. These powers shall be exercised, as nearly as practicable, in accord with the provisions under which the Federal Farm Loan Act is administered. All loans made under this act shall be made in the same manner as and subject to all provisions of the above cited act and regulations prescribed thereunder except as herein otherwise specially provided.

SEC. 4. That all loans made under the provisions of this act shall be made payable to the Federal land bank of the district in which the mortgaged land is situated, as financial agent for the United States Government, and the principal and interest shall be payable to the Government at such Federal land bank.

Each Federal land bank, for the purpose of discharging its duties as financial agent of the Government under the provisions of this act, may designate the secretary-treasurer of any national farm loan association, or such other agent as it may deem necessary, to receive applications for loans as herein provided for, such agents to be approved by the Federal Farm Loan Board, to be required to give surety bond in such sum as the Federal Farm Loan Board shall prescribe for the proper handling of all funds, and to be authorized to collect from borrowers a charge not exceeding one-half of 1 per centum of the amount loaned as compensation for receiving the application and performing such services as may be required of them in the closing of loans.

SEC. 5. That such loans may be made for the following purposes and no other:

(a) To provide for the purchase of land for agricultural uses;

(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm, the term "equipment" to be defined by the Federal Farm Loan Board;

(c) To provide buildings and for the improvement of farm lands, the term "improvement" to be defined by the Federal Farm Loan Board; and

(d) To liquidate all incumbrances constituting a charge upon the land to be mortgaged and all other indebtedness for the owner of the land mortgaged existing at the time of his application for the loan and indebtedness subsequently incurred for purposes mentioned in this section.

SEC. 6. That each loan shall be subject to the following conditions:

First. Each loan may equal but shall not exceed 100 per cent of the value of the land mortgaged and 100 per cent of the permanent insured improvements thereon.

Second. The amount of loans to any one borrower under this act shall not exceed a maximum of $5,000, nor shall any loan be for a less sum than $100.

Third. The interest rate on farm loans made under the provisions of this act shall not exceed 4 per cent per annum on the unpaid principal, from which interest as collected the Secretary of the Treasury is authorized to allow the several Federal land banks to retain a sum not exceeding one-half of 1 per cent per annum on the unpaid principal as a charge for administration.

Fourth. The installments for the repayment of any loans made under this act which, through the amortization plan become due during the first two years following the loan, may be deferred in whole or in part to such later date as the Federal land bank of the district shall recommend. No such extension shall be granted until the recommendation therefor has been approved by the Federal Farm Loan Board. Such deferred payments shall continue to bear a rate of interest not in excess of 4 per cent per annum on the unpaid principal.

Fifth. In case of the sale of the mortgaged land to anyone other than a person qualified under section 2 of this act, the mortgage shall, at the option of the Secretary of the Treasury, become within six months thereafter due and payable. The Secretary of the Treasury may, however, upon the recommendation of the Federal land bank of the district, permit the mortgage indebtedness of the vendor to be assumed by the purchaser, but in such cases the purchaser shall be required to execute a new note and mortgage subject to the same rate of interest as that prescribed at the time for persons receiving loans under the Federal farm loan act approved July 17, 1916.

SEC. 7. That for the purposes of this act the sum of $50,000,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for each of the fiscal years ending June 30, 1920, June 30, 1921, and June 30, 1922. Such sums shall be, under the direction and in the discretion of the Secretary of the Treasury, allotted to the several Federal land banks for the purpose of making loans as herein provided, and at such times and in such amounts as he shall deem expedient and necessary for the purpose of carrying into effect the provisions of this act.

Mr. WINGO. Mr. Chairman, I yield 20 minutes to the gentleman from Arkansas [Mr. CARAWAY].

The CHAIRMAN. The gentleman from Arkansas is recognized for 20 minutes.

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, before I commence I want to ask unanimous consent to revise and extend my remarks, because I expect to make one speech and to print another. [Laughter.]

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CARAWAY. Mr. Chairman, the gentleman from Ohio [Mr. MURPHY], on this floor on the 29th ultimo, delivered an unseemly philippic against President Wilson. He took for a text, "Tell the truth."

His speech, however, disclosed that he had but an academic interest in his text, for his remarks were entirely at variance with it. The text served him merely as a vehicle to deliver a tirade against the President of these United States, the treaty of peace, and the league of nations.

There is, however, food for thought in his text, although none whatever is found in his remarks. [Laughter on the Democratic side.]

This extraordinary session of Congress, which convened on May 19 last, was called for two purposes—primarily to pass needed appropriation bills killed by the Republican filibuster in the last days of the Sixty-fifth Congress, and to enact legislation to enable the workingmen of this Nation to know whom their employers were to be and under what conditions and at what wage they should toil, and to assure them the necessities of life should be brought within their means.

The body at the other end of the Capitol—the Senate—was more particularly charged with the duty of ratifying the treaty with Germany, so that the world might once again draw its breath in peace.

We at this end of the Capitol so far have failed. The Senate has more signally failed, if, indeed, there be degrees in failure.

After we had been in session for weeks and accomplished nothing an agreement for a recess was had. President Wilson again called the attention of Congress to the necessity of enacting legislation which would reduce the ever-increasing cost of living and reduce the mounting discontent and unrest throughout the country.

This request was made more than a month ago. It has been responded to by talk. Day in and day out we sit here, for the most part engaged in making political speeches that no one reads. No one reads these speeches, because the unrest in this country is industrial, not political. Therefore there is no interest in mere academic discussion of political issues.

"TELL THE TRUTH."

The Republican Party in this House seeks to beguile itself and fool the country by engaging in a pretense of enacting tariff legislation. It passes through this House tariff bills which it knows will never become law. These bills each deal with but a single item. For instance, the first, chemical glass; the second, tungsten ore; the third, buttons—pearl buttons.

There are more than 4,000 items in our tariff schedules. Under this method of passing tariff legislation, item by item, since it requires approximately a day and a half to pass a single bill, it would take more than 6,000 days to revise the tariff laws, or a bit more than 16 years, if a general revision is to be had, and you Republicans say that you intend to revise the tariff. [Laughter on the Democratic side.]

Is the country, then, to be kept in this unsettled condition while you thus "revise the tariff"?

Are all the demands for remedial legislation to await this political camouflage that goes on here day by day?

Do you hope to deceive the people and induce them to believe their hunger satisfied by reading these Republican speeches on the tariff?

Do you believe all the thousands who ask merely for an opportunity to work at a wage that will provide them and theirs with the necessities of life can be satisfied by these shopworn Republican generalities about protecting the American workingman; that by raising the tariff $2,000 a ton on certain ores a sufficient supply of which it is exceedingly doubtful ever can be produced in this country, or by putting a duty on pearl buttons of 250 to 300 per cent, that the people will think their requirements have been met, their rightful demands granted, and that the opportunity to purchase the necessities of life at a price they are able to pay has been afforded them? [Applause on the Democratic side.]

Do you believe the patriotic American citizens, the honest, working, sober-thinking people, are deceived by that clamor that goes up in the Senate pretendedly against the provisions of the treaty of peace and the league of nations?

Do you believe they will forget their real needs and wants and aspirations in watching that sham battle?

They will not, because everyone who has read the treaty of peace and the league of nations knows that the speeches of those

in that body and in this against the provisions of the treaty and the league of nations are not against the terms of the treaty or those of the league of nations, but against their author—President Wilson. [Applause on the Democratic side.]

Mr. BLANTON. Mr. Speaker, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. This is such an extraordinarily good speech that I think the gentleman from Arkansas ought to have a quorum. Does he want it?

Mr. CARAWAY. No.

Mr. BLANTON. Then I will withdraw that.

The CHAIRMAN. The gentleman from Arkansas will proceed.

Mr. CARAWAY. "Tell the truth."

Had the same documents been laid before the Senate by a representative of the Republican Party—had the people been so unwise as to have placed that party in power in 1916—we would have found all you and them who now oppose it praising it.

You and they take the desperate chance of destroying the world that a Republican administration may be elected in these United States. Whether you are to win by that gamble is yet to be determined. If you do you will do so at the price Samson paid to avenge himself upon his enemies—by pulling down the temple on your own heads. [Applause on the Democratic side.]

"Tell the truth."

Say you seek to defeat the treaty and the league of nations in order to destroy the influence and prestige of its author, President Wilson; that you are willing to delay its ratification months and months, thereby keeping our soldiers longer in Europe; that you are willing to imperil civilization itself and plunge the world again into war, if you may by that means secure a political victory. [Applause on the Democratic side.]

"Tell the truth."

No cause is worth fighting for unless you can fight for it in the open, truthfully and honestly. A motive that has to be cloaked and disguised is an unworthy motive. A fight that has to be won under false colors is one that ought not to be won, ought not to be waged.

You won a Republican victory last November by misrepresentation and an appeal to sectional prejudice, and now are in control of the legislative branch of this Government. What use have you made of that victory other than to gather the spoils of patronage that goes with it?

Is it wise now to neglect all our country's interests to prepare for another such struggle? The time is more than a year till the next election.

Fulfill your past pledges before you assume new vows.

In God's name lay aside political wrangling in this House long enough to legislate wisely for the people who suffer under the disturbed conditions growing out of the war.

Let us do whatever Congress may to lighten the burden of those who pay the enormous taxes levied.

Let us check and punish the profiteer and bring the necessities of life within the reach of those who consume them.

In speaking of the high cost of living, most people have more immediately in mind the things which they eat. Other things—clothing, implements with which they toil, and many others—enter into this question; but, as I said, most people think only, or primarily, of the things which they eat.

And now is the harvest time of the farmer, who has toiled through the weary months to produce those things which sustain life. It is necessary that he shall receive for these products a price sufficient to reward him for their production. It is equally necessary that the consumer shall receive them at a price he can afford to pay.

To accomplish this legislation is necessary.

The gamblers in futures are now robbing the farmer of the fruits of his toil, and the profiteer is enhancing the price at which the consumer must purchase these products.

I know when one asserts that those who gamble in futures—the products of the farm—despoil the farmer, certain gentlemen here, representing certain interests, question it. To know that gambling in futures does rob the producer—the farmer—one needs but to examine the market reports from day to day. Even those gamblers themselves will admit it, except when they appear before legislative committees.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. PLATT. Just why is it that the gentleman from Arkansas and other gentlemen from other cotton States object so strenuously to gambling in futures when cotton is going down and do not object at all when cotton is going up?

Mr. CARAWAY. Well, inasmuch as "no gentleman" occupies that position, I am not compelled to answer that question.

Mr. MACCRATE. Mr. Chairman, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. MACCRATE. Under the provisions of section 13 of the food act, can not the President shut up every such gambling exchange in the country if he wants to?

Mr. CARAWAY. No. If the gentleman will read that act some time he will be able to answer his own question. [Laughter.]

As an illustration, I quote the following, which appeared under a New York date line of July 21:

> A liquidating movement on a large scale, mostly from Wall Street houses, influenced by a break in stocks, caused another violent drop in cotton prices to-day. The selling movement reached its climax in the afternoon, when October dropped to 33.52 and December 33.70, or 80 points.

It is here admitted that Wall Street interests beat down the price of cotton—cotton not then made and not now harvested—$4 a bale, or struck from the price of cotton that is to be harvested this fall in these United States more than $45,000,000 in one day.

Since the opening of this cotton year, these speculators, these gamblers in futures, have beaten down the price of the cotton crop that is yet to be gathered approximately $40 a bale, or $451,200,000, if our crop does not exceed 11,280,000 bales.

Has the consumer profited by this? No. The price of cotton goods has constantly climbed. Between the gambler who thus destroys the price of the product in the hands of the farmer and the profiteer who despoils the consumer, both the producer and the consumer perish.

Both the gambler and the profiteer exist by reason of the action—or, rather, inaction—of this Congress.

As an evidence of the enormous profits that come to those who reap but toil not, who gather but sow not, a seat on the New York Exchange—a mere opportunity to gamble in that which other men's toil has produced—brought, on the 7th of June last, $90,000.

The profiteer likewise has availed himself of his opportunity to plunder the people.

A Member of this House told me that he knew a man who last year, on stock he owned in a cotton mill, received a dividend of 150 per cent; upon an investment of $100,000 he received in one year a dividend of $150,000.

These gamblers and these profiteers both exist, because, as I said, we have been unwilling that they should perish. Congress could, if it would, strike both down. He who eats his bread in the sweat of other men's faces, living by destroying, and he who takes such enormous profits as this man who owns the stock in that cotton mill, prey upon those who produce the raw material, upon the laborer who manufactures it, and upon the consumer who uses it. They should have no protection under our law.

The food hoarder likewise adds to the price of the things people eat and produces nothing but want and misery. Under a Paris date line of September 3, Herbert Hoover, whose name has become a household word throughout the world, said that food gamblers were responsible for the high prices of food in America; that they not only were compelling us to pay extortionate prices for what we eat, but were withholding from the suffering peoples of Europe the supplies shipped them, hoarding these necessities of life—while men, women, and children fought and starved for them—in order that their profits might be enhanced.

Laws should be enacted to prevent these men from taking profit of suffering, want, and misery anywhere, everywhere. There is no reason why the manufacturer who changes the raw material into the finished article should not be compelled to stamp upon the article the price he paid for the raw material, the cost of its manufacture, and the price for which he sells it. If this were done, the consumer who must buy it would know what the profits of the manufacturer and the middleman were. These profits should be fair, but certainly not exorbitant. No one dealing at this time in the necessities of life should be permitted to take a profit—as this cotton-mill man did—of 150 per cent, nor a tenth part of that.

Efforts to enact legislation to curb these evils seem to be decried in this Congress. It is said to be an unwarranted invasion of private business.

Private business is entitled to protection so far only as it is honest business. If it is honest and fair in its dealings, it has no objection to publicity. If it is dishonest and unfair, it has no right to be shielded.

The world to-day is not the world that was. A new era has come. Whether it will be a better or a worse world depends on whether we meet these new conditions with a spirit of fair-

ness and sanity. If old privileges are sought to be enjoyed still under these new conditions, disaster confronts us all.

It is necessary for big business and little business—for all of us—to realize there is a kinship between those who toil and those who direct, those who produce and those who consume. Each is accountable to the other; each has a right to demand of the other fair treatment.

The farmer who tills the field and the laborer who stands at the forge each now apparently receives more for the products of his toil, though in reality neither is as well paid as under previous conditions.

Enormous profits are taken. But these profits are taken by the gambler and the profiteer—the men who produce not, yet take profit of everybody's industry and add nothing to the wealth of the world.

Recently, in one day, the packers in Chicago beat down the price paid the stock raisers for hogs and cattle $1.50 a hundred pounds. Since then a further fall in these prices has been registered. No corresponding decline has been seen in the markets where consumers buy. This drop of $1.50 at one time, and other declines since, has been absorbed by some one between the stock grower who lost this decline and the consumer who bought the finished product.

Legislation should be enacted to disclose who was the beneficiary of this decline.

It could be done. It should be done. It will be done. If we refuse, others will sit in our seats who will respond to this just demand. There is a jail for the profiteer. If we refuse to incarcerate him, others will be found who will.

Tell the truth.

It has been tried, and tried sufficiently to demonstrate beyond cavil, that so-called fair-price fixing by committees will not secure the result aimed at.

I have been grieved each time a so-called fair-price-fixing committee has been appointed here in the District of Columbia to observe that as soon as it organizes and issues its fair-price list the price rises on every necessity of life. I do not speak of luxuries, but of meat, bread, sugar, and those other things everyone must buy.

For illustration, sugar was selling in the District of Columbia recently at ten and ten and a half cents a pound. Then a fair-price committee was organized and issued its fair-price list—sugar was eleven cents a pound and other things were in proportion.

The expediency, therefore, of attempting to fix prices and thus restrict profits and bring the necessities of life within the reach of the people has failed. These committees, in many instances, it must be confessed, have been composed of those who were partly or wholly in sympathy with the profiteers. But I doubt if otherwise constituted, relief would have been obtained.

It is apparent then that nothing but legislation—new legislation—can bring the people the relief they are entitled to receive. This legislation must come from Congress, and Congress seems unwilling to enact it.

Again the text: "Tell the truth."

Tell the country these so-called tariff revisions that occupy the major part of the time of this House are not tariff revisions in reality. These bills are not expected to be enacted into law. They are simply bait cast upon the political waters in the hope of again deceiving the people and bringing another Republican victory.

Tell the people the truth: That the attack upon the treaty of peace and the league of nations is not an attack upon the treaty of peace and the league of nations as such, but a political attack upon its author, President Wilson, and the party to which he belongs.

Tell the people the truth: That this Republican Congress is not trying to solve the industrial problems that confront the people, but is prolonging the unrest that now so profoundly disturbs the peace of this Nation and threatens its very existence, that political advantage may be coined out of this unrest.

Tell the people the truth: That until they cease to be moved by these denunciations of political opponents, the waving of bloody shirts, the false pretense that the protection of American industries protects American labor, and thereby are induced to vote for men and measures regardless of their real merit—that no Congress so elected will answer their cry of anguish in hours such as these.

Tell the truth.

Especially tell the returned soldiers the truth: That this Republican Congress promises to do nothing to provide them with homes; that the so-called Mondell bill, which was fathered by the Republican Party, not as a legislative program but as a bid for the soldier vote, is not to be enacted into law; that the Republican party never expects it shall be considered on the floor of this House; that if enacted into law in its present form it is but a cheat and a sham. Tell them that the proponents, even, of the measure cite as its chief merit that it has been made so unattractive that not exceeding 2 per cent of the soldiers will take advantage of its provisions; that those who shall do so, and wade through all the meshes of its red tape and make all the sacrifices demanded by it, will be compelled to work longer to secure a farm home under its provisions than Jacob toiled for the hand of Rachel. [Applause on the Democratic side.]

Tell the soldier the truth; tell him that this bill has been framed to meet the demands of those who want the waste places of the earth reclaimed at the expense of the blood and the toil and the blasted hopes of the soldier.

Tell him that its chief advocates are found among those who took the soldier's place in the factories and mines in the Northeast, at $5, $10, and even $15 per day, when the soldier went to war with a promise that he should have his old place back again when he should return; that they are now unwilling to surrender those places and wish these soldiers, who fought and dared that liberty might live, to go into the deserts and the swamps, and there—if perchance they may—find homes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. BLANTON. There is one question that I would like the gentleman to answer for the benefit of the country. If the apparent popularity and indorsement of the President of the United States is not real, as the distinguished Republican campaign chairman [Mr. FESS] would have us believe this morning, why is it that he is so apprehensive about it and so concerned with it?

Mr. CARAWAY. Well, I think the question answers itself. If the gentleman from Ohio, who is referred to by the gentleman from Texas, did not realize that the President was impressing the country, he would not take the time of this House to denounce the President. [Applause on the Democratic side.]

Tell the soldier the truth: That the Mondell bill offers, in its present form, but a pretense of a reward for the sacrifices he made, for the time he gave his country, for the opportunities he lost, for his dreams that are vanished and his hopes that are dead.

Tell him that when he asks for bread he shall be given a stone.

Tell him the truth; tell him this; or else put this bill on its passage and permit amendments to be adopted that will give him a real opportunity to own the fields he tills, the roof that shelters him and his, and that will provide this home for him where he himself shall choose to have it be.

Tell the soldier the truth; tell all the people the truth: That legislation to relieve the sufferings of the oppressed, to lighten the burden of those who toil, to reward those who fought is not to be had at the hands of this Congress.

Tell them the truth, and tell them this, or cease your political wrangles, your political camouflage, and enact legislation that will reduce the cost of living, that will destroy the gambler, that will imprison the profiteer, that will reward honest labor, and that will not compensate, for nothing could do that, but will in the main keep faith with the soldier.

In conclusion, then, Tell the truth.

That unless this Congress keeps all its pledges and sustains the hopes of those who live beneath and love our flag it will become a byword and a scoff.

Will we do this?

Our action must be our answer. [Applause on the Democratic side.]

I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The gentleman has consumed all of his time. The gentleman from New York [Mr. PLATT] is recognized.

Mr. PLATT. Has the gentleman from Arkansas used all his time?

The CHAIRMAN. He has 11 minutes remaining.

Mr. WINGO. I doubt if we will use any more. The gentleman from New York can go ahead.

Mr. PLATT. Mr. Chairman, I yield to the gentleman from New York [Mr. MACCRATE].

Mr. MACCRATE. Mr. Chairman, the gentleman from Arkansas [Mr. CARAWAY] a few moments ago expressed a doubt as to the information I had concerning section 13 of the food-control act. For his information I will read it. Section 13 provides:

SEC. 13. That whenever the President finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may

either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

If there are evil practices on stock exchanges or grain exchanges to-day, let the President of the United States close them, as he has the right to do under this law. [Applause.]

Mr. PLATT. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. EDMONDS].

The CHAIRMAN. The gentleman from New York yields to the gentleman from Pennsylvania eight minutes.

Mr. WINGO. I yield to the gentleman seven minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. EDMONDS. Mr. Chairman, a number of Members of the House have been making inquiries of the chairman and members of the Committee on the Merchant Marine and Fisheries as to what we have been doing in the way of legislation to keep our ships upon the seas. I have prepared a short statement of the work of the Committee on the Merchant Marine and Fisheries, which I hope will answer these questions. Then, if I have any time, I shall be glad to answer any questions which any Member wishes to propound.

On June 6, 1919, the House of Representatives passed a resolution giving to its Merchant Marine Committee full and ample powers to investigate and prepare such legislation as may be found advantageous in helping to keep our greatly enlarged merchant marine upon the high seas. And I thought that the Members of the House would like to be informed as to what the committee has in contemplation to accomplish the purpose of the House in giving to it the powers conferred by the resolution.

It must be understood that there was no purpose proposed by the promoters of this resolution to in any way investigate the past operations of the Shipping Board only so far as would be necessary for them to familiarize themselves with the workings of the board and to secure from that investigation such information as could be of use in accomplishing the reconstruction work.

Since the passage of the resolution the committee has been diligently at work, both as a whole and through its subcommittees, securing, as far as possible in the time used, much valuable and interesting data, which has now placed it in a position to have a fair idea of the problem and of the many necessary branches in which some helpful legislation can be framed.

The committee itself has had hearings covering two or three weeks into the present workings of the divisions of the Shipping Board having to do directly with the operations of ships. Included in these were the division of operations, the division of port and harbor facilities, the division of planning and statistics, and the manning of vessels. These hearings are now being printed and will no doubt make instructive reading for those who are interested. The division of operations has, during the last six months, under the management of Mr. John H. Rosseter, rapidly assumed, in my opinion, and I believe that of most of my colleagues, good shape. From the inquiry we made through the present department of its past performance, I am very doubtful if anything like its present condition could be shown. Of course, up until January 1 war conditions prevailed, and the constant interruption of the commercial work by the necessities of the War and Navy Departments must have led to considerable confusion and loss. However, as the most important work of the committee now is in the future, the past can wait until we have more time to look into its deficiencies.

The subcommittees have been holding hearings upon many varied subjects, including marine insurance, revision of the navigation laws, load-line legislation, necessity of an American registry bureau, manning of vessels, and will in due time report their results, with, we hope, such success as will make and keep the American flag flying on our merchant vessels in every quarter of the globe.

It must be understood by the House that there are many questions vital in accomplishing this purpose that are not now, nor will they for some few months become, pressing. Shipping to-day is profitable owing to the great demand for vessels from all the nations that have been deprived of their normal supplies during the war period. When this demand has been filled and the business returns to normal, undoubtedly, with the enormous increase in tonnage, such competitive measures as have in the past been in vogue will again become actively in force; and then will come our vital test, such a test of our ability that it will take the best thought of all concerned in the business and of Congress to keep our ships upon the high seas. We have made some gains, however, through the war in that we can now build ships as cheaply, if not more cheaply, than the other nations. The wages of the white sailors of all nations are more nearly equal now than ever in our history.

And we have trained up a large body of men who know the life, and are interested in it, and would like to see it maintained.

When I stated there was no haste for legislation along certain lines owing to the necessity of securing details which will not become in any way reliable until shipping is operated upon a more settled basis, I did not mean that there was no work the committee could do at the present time. I did mean that legislation that would depend upon settled conditions would have to be studied over, and the outlines of general policies and plans decided upon. To all of this the committee is giving close attention, and all legislation that will be useful and can be concluded now will be suggested as rapidly as possible for your consideration.

It is very probable the first legislation proposed by the committee will have to do with the sale of ships, the most important question the committee has to deal with at the present time.

In 1914 the United Kingdom and its colonies owned about 43 per cent of the world's carrying capacity, and of our imports and exports overseas we carried 9.7 per cent. In the same year we had 755 sea-going merchant ships with a gross tonnage of 2,128,731 tons; on June 30, 1919, our fleet had increased to 2,058 vessels of 7,300,022 gross tons, an increase of 200 per cent; and when the building program of the Shipping Board is completed in 1921 the Government itself, outside of private owners, will own a merchant fleet of 2,439 vessels of 13,898,106 dead-weight tons, less such vessels and tonnage the building of which may be canceled after April 30 of this year, and sales to private parties, shipping losses. This increase of tonnage by the Government in itself will nearly double the tonnage of our merchant fleet.

The problem before the committee is to arrange in some manner to make an investment in shipping as attractive as a mortgage would be upon real estate. At present this is not so on account of the superior position that liens and other liabilities have over bonds or mortgages against the ship. This prevents investment in ships' bonds and is greatly to the detriment of the operator of a small number of ships whose welfare should be our first thought. If we do not make investment in shipping attractive, the business would gravitate into the hands of a few large corporations who are able to float bond issues on their corporate whole, on account of their size and ability to meet the liabilities. The large number of vessels under their control would not be subject to the high percentage of loss a smaller concern would have.

There is more necessity for quick action in connection with the sale of ships than any other matter before the committee. Voicing my own diagnosis, it is very probable that from 50,000,000 to 55,000,000 gross tons of shipping will be all that will be required in the carrying trade of the world after the transport and other extra services occasioned by the war are completed. Shipbuilding is rapidly approaching this tonnage, as on June 30 of this year, according to Lloyds, there were under construction in the shipyards of the world 2,526 merchant vessels of 8,017,767 gross tons.

Personally I do not believe it is the intention of Congress to encourage Government ownership and operation of our vessels, and the present appears to me to be the time to dispose of them to American shippers. When we consider this question we must arrive at a conclusion which I wish to present to the House; that is, in order to sell and place into operation with American shippers any large number of the vessels of this enormous fleet, the present policy of the Shipping Board of endeavoring to secure a price of about cost or of from $200 to $225 a dead-weight ton is not going to be successful. The reason for this is apparent. The Government should sell these ships at a price, made after due consideration and investigation as to the availability of the ships for the various enterprises, reasonable enough to allow such a depreciation that when times return to normal, which will be in the near future, the purchaser will not be burdened with unusual capital charges in competing with his foreign competitors. It will be far more advantageous to both the Government and the shipper if we take our loss now and avoid a much greater loss at a later date.

Mr. KINKAID. Will the gentleman yield?

Mr. EDMONDS. I yield to the gentleman from Nebraska.

Mr. KINKAID. Will it be possible for the ships to be sold for a price equal to what they cost?

Mr. EDMONDS. Some few ships have been sold.

Mr. KINKAID. At what price? At cost?

Mr. EDMONDS. They claim in some cases at above cost.

Mr. KINKAID. Was that before the war ended or since?

Mr. EDMONDS. No; several within the last two months.

Mr. KINKAID. There must have been a very great demand.

Mr. EDMONDS. Probably so.

This brings before us the question as to what action the President and the Shipping Board will take in order to make such a price as will encourage shippers to buy. It must be realized that the board certainly will endeavor to hold the ships at as high a price as possible and it is in their power to do so. They may refuse to sell the ships below the average cost of building, and, in my opinion and in the opinion of many of my colleagues on the committee, this can only result in Government ownership and operation. With that in view I introduced a resolution, which I hope the committee will favorably report, authorizing a commission composed of three members of the House Merchant Marine Committee, three members of the Senate Commerce Committee, and three members appointed by the Shipping Board to have charge of the sale of the Government-owned vessels and to approve of the terms of contracts of sale. This will remove the criticism which it is evident is feared by the department; and although it places the responsibility of accepting the great losses that must occur upon Congress, personally I feel that it would be far better to accept the responsibility than it would be to accept the responsibility of encouraging by nonaction the inevitable Government ownership and operation which will occur, with all the contingent troubles and losses which Government ownership results in.

The subcommittee, under its efficient chairman, Mr. LEHLBACH, has been making a complete and exhaustive investigation of marine insurance. Some of the apparent results of this investigation will be rather startling.

With the enormous capital invested in insurance companies it is surprising that so few companies have entered into marine business. Last year over $70,000,000,000 worth of policies were written in this country, exclusive of the insurance carried by the Government. Surely a business of this size must be attractive to American capital, and from the results of the experiment of the Shipping Board in carrying its own insurance upon its owned hulls it must be highly profitable. The investigation being made has not as yet secured all the returns desired, but it will show it is estimated that less than one-third of this business is written by American companies, the large sums of money paid in premiums being mostly turned over to foreign companies.

I will say that in 1916 the sum of $160,000,000 was sent to Europe in the form of premiums on fire insurance policies.

Mr. EMERSON. Is it possible for the gentleman's committee to assist in the establishment of an institution in this country similar to the Lloyds?

Mr. EDMONDS. Unfortunately, I do not believe it is, on account of the fact that we have so many different State laws. There have been concerns established in this country something on the order of the Lloyds, but they have generally turned back into regular companies after a short time.

It is the opinion of the subcommittee, of which I am a member, that our American companies could fairly be charged with lack of enterprise if such a condition were to continue to exist after the matter is brought to their attention, which will be done in the most complete report on marine insurance, now being compiled by the committee. In connection with this hearing, we were informed by the Director of the War Risk Insurance Bureau that that bureau had virtually retired from the marine insurance business, both as to sailors' liability and cargo; their force has been depleted and only sufficient employees are retained to close up the outstanding business.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. EDMONDS. Yes.

Mr. KINKAID. Are the sales to be restricted to American purchasers?

Mr. EDMONDS. Under the emergency shipping law the President can sell to foreign buyers. Under the shipping act the sales are restricted to American purchasers, without the consent of the Shipping Board.

The subcommittee of navigation, under the chairmanship of Mr. ROWE, will within a short time present a bill having to deal with the manning of vessels and some other modifications of the navigation laws found advantageous and necessary during the speeding up of shipping, caused by its great expansion.

The subcommittee of registry, under Mr. SCOTT, has under consideration at the present time the necessity of load-line legislation, and will probably report at an early date.

Of course, these particular subjects are not all that are being considered by either the main committee or the subcommittees; there are a thousand and one different and some very vital propositions that necessarily will have careful consideration.

Almost any legislation proposed by the committee will find many and very active opponents. Under the operation of our present laws, which have virtually never been brought up to meet modern conditions, there has grown up a large body of men connected with the business who now will most strenuously object to anything new being tried or even to a revision of these laws.

The answer is so apparent that I hesitate to mention it. For 70 years under the operation of these laws the merchant marine of our country has steadily declined until we carried in our own bottoms less than 10 per cent of our trade. When a business is such a failure, certainly any new management would not look to revive it upon the past performance with favor, but would cut and hew to the bone and endeavor to, by new methods, make success.

This we must do, and no matter how it may hurt, if we are to accomplish our object we must steadily progress upon the lines of advanced legislation, trusting that our shipping and shipbuilding people will realize that it will be our endeavor to keep the ships upon the sea, ready to meet the competition of all comers, and in so doing to eventually benefit all in the business. [Applause.]

Mr. Chairman, I ask leave to extend my remarks in the RECORD by inserting a letter from the Shipping Board showing the present conditions of shipbuilding.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The document referred to is as follows:

SHIPPING FACTS.
(Second edition.)

SALIENT FEATURES IN ACTIVITIES OF THE UNITED STATES SHIPPING BOARD FROM SEPTEMBER, 1918, TO SEPTEMBER, 1919.

On August 29, 1919, the total seagoing ship tonnage under control of the United States Shipping Board was as follows:

Built by the United States Shipping Board.

	Number of vessels.	Tonnage.	
		Gross.	Dead-weight.
Steel	777	3,511,918	5,267,983
Wood	315	728,079	1,100,218
Composite	15	35,000	52,500
Seized from—			
Germany	94	567,490	601,003
Austria	1	8,312	6,500
Purchased from—			
Japan	15	85,880	128,820
Austria	5	30,521	29,506
Requisitioned from private owners	58	346,580	519,870
Total	1,280	5,313,780	7,706,400

The foregoing tabulation does not include 122 steel ships of 465,745 (dead-weight) tons and 63 wood ships of 246,982 (dead-weight) tons sold recently to private owners by the United States Shipping Board nor seized foreign vessels that had been sunk.

America's rapid advance from an inconsequential place among the maritime nations to the post of leadership in shipbuilding was not only phenomenal but is a fair augury for the permanence of its new merchant marine built under the stress of war. At the outbreak of the world struggle merchant marine construction had almost become a lost art in this country. To-day this nation has more ship workers, more shipyards, more shipways, more vessels under construction, and is turning them out more rapidly and in greater numbers than now issue from all the shipyards of all the world.

As the premier shipbuilding nation of the world America attained her place in one giant stride. Up to the outbreak of the war we had only 15 vessels of 1,000 tons and over engaged in oversea trade. To-day the American flag floats from 1,280 ocean-going steamships, 1,107 of which had been built by the United States Shipping Board within the last two years.

In June, 1914, the total gross tonnage under the American flag, including coastwise shipping and the fleet operating on the Great Lakes, was 4,287,000 tons.

In June, 1919, its gross tonnage was 11,983,000, an increase of 278 per cent, chiefly in ocean-going steamships.

The steam tonnage under the American flag is now 24.8 per cent of the steam tonnage of the world. The figures are shown in the following tables.

The world steam tonnage of 100 gross tons and over on June 30, 1919, as reported by Lloyds, was:

Number of vessels.	Tonnage.	
	Gross.	Dead-weight.
24,385	47,897,000	71,845,500

American steam tonnage of 100 gross tons and over on June 30, 1919, including tonnage on Great Lakes, was:

Number of vessels.	Tonnage.	
	Gross.	Dead-weight.
3,687	11,983,600	17,974,500

Per cent of world steam tonnage of 100 gross tons and over under United States flag June 30, 1919:

Per cent of number	15.1
Per cent of tonnage	24.8

The above percentage figures include tonnage on the Great Lakes.

In the four years preceding the war the shipyards of this country turned out a total of 107 seagoing vessels (of 1,500 tons and over, chiefly coastwise). This construction represented 805,037 dead-weight tons.

During 1918, a period when the Shipping Board was getting into its stride, there were launched from the yards under its control a total of 4,216,656 dead-weight tons, five times more than had been built in the four prewar years. During the year 1918 shipyards under control of the Shipping Board delivered 3,107,093 dead-weight tons of completed ships.

From January 1, 1919, to August 29, 1919, 3,983,135 dead-weight tons of shipping have been launched and 3,845,140 dead-weight tons delivered, a total for the 20 months (since the beginning of 1918) of 8,199,791 tons launched and 6,952,233 delivered.

The original construction program contemplated the building in this country of 17,807,071 dead-weight tons of shipping—2,105 steel steamships of 14,351,971 dead-weight tons, 1,017 wood steamships of 2,978,100 dead-weight tons, 50 composite ships of 175,000 dead-weight tons, and 43 concrete ships of 302,000 dead-weight tons, a total of 3,215 ships.

Of this program there have been—

Delivered (inclusive of 1917, 1918, 1919).

	Tonnage.	
	Gross.	Dead-weight.
889 steel steamships of	3,822,415	5,733,622
378 wood steamships of	892,735	1,339,103
15 composite of	35,000	52,500
1,292 Total	4,750,150	7,125,225

Fitting out in wet basins.

	Tonnage.	
	Gross.	Dead-weight.
408 steamships	1,280,483	1,920,724

On the ways.

	Tonnage.	
	Gross.	Dead-weight.
389 steel steamships of	2,010,403	3,015,605
99 wood steamships of	138,000	207,000
9 concrete steamships of	42,333	63,500
497 Total	2,190,736	3,286,105

Under contract, work not begun.

	Tonnage.	
	Gross.	Dead-weight.
227 steel steamships of	984,407	1,476,610

Contracts, canceled and suspended.

	Tonnage.	
	Gross.	Dead-weight.
121 steel steamships of	2,051,956	3,077,935
101 wood steamships of	741,233	1,111,850
32 composite steamships of	74,667	112,000
29 concrete steamships of	142,333	213,500
886 Total	3,010,189	4,515,285

After subtracting 3,010,189 gross tons (4,515,285 dead-weight) of cancellations and suspensions, in order to complete the original program this work yet remains to be done:

	Tonnage.	
	Gross.	Dead-weight.
Completion of vessels launched but not delivered	1,280,483	1,920,724
Completion of vessels whose keels have been laid	2,190,736	3,286,105
Completion of vessels under contract	984,407	1,476,610
Total	4,455,626	6,683,439

Monthly deliveries since Aug. 31, 1918.

	Steel.		Wood.		Composite.		Total.		
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
1918.									
September	46	178,430	25	50,334	1	2,333	72	240,097	360,145
October	47	200,739	29	69,467	1	2,333	77	272,539	408,808
November	54	215,121	10	22,667			64	237,788	356,682
December	30	156,260	15	36,467	1	2,333	46	195,060	292,591
1919.									
January	17	88,070	7	16,667	1	2,333	25	107,070	160,604
February	27	129,933	8	16,900	2	4,667	37	151,500	227,250
March	31	136,017	11	28,700			42	162,717	244,075
April	78	290,580	36	85,800	1	2,333	115	379,713	569,570
May	89	407,733	53	129,500	2	4,667	144	541,900	812,850
June	71	279,572	51	118,767	1	2,333	123	400,672	601,008
July	72	327,005	63	145,933	1	2,333	136	475,271	712,908
August (29)	56	235,050	37	84,867	2	4,667	95	344,584	516,875
Total	618	2,664,510	345	814,069	13	30,332	976	3,508,911	5,263,366

Up to and including Aug. 31, 1918, delivered to the United States Shipping Board.

Number.	Steel.		Wood.		Composite.		Totals.	
	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
296	1,243,784	33	78,666	2	4,668	331	1,327,118	1,990,676

Total deliveries since Shipping Board was organized.

Number.	Steel.		Wood.		Composite.		Totals.	
	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
914	3,008,294	378	892,735	15	35,000	1.307	4,836,029	7,254,042

This table includes 15 steel steamships of 85,880 gross tons delivered from Japanese shipyards.

LAUNCHINGS.

In shipbuilding annals the month of July, 1918, was made notable by the record established that month in the launching of 124 steamships representing 635,800 tons (dead-weight). That record was exceeded in May of this year when 141 steamships, aggregating 723,958 tons (dead-weight), were launched.

Table shows the launchings by months from Aug. 31, 1918.

	Steel.		Wood.		Composite.		Total.		
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
1918.									
September	59	241,100	31	73,934	3	7,000	93	322,034	483,050
October	47	199,183	33	70,534			80	269,717	404,575
November	49	210,067	32	73,967	3	7,000	84	291,034	436,550
December	50	258,233	29	54,400	[1] 1	2,000	80	314,633	471,950
1919.									
January	36	143,150	27	59,667			63	202,817	304,225
February	52	213,797	15	30,300	2	4,667	69	248,764	373,145
March	68	280,238	22	42,800			90	323,038	484,558
April	73	299,277	42	88,767	2	4,667	117	392,711	589,066
May	87	375,905	51	97,067	[2] 3	9,666	141	482,638	723,958
June	65	280,267	33	52,966	[1] 1	5,000	99	338,233	507,350
July	83	365,372	29	46,833	[1] 1	2,333	113	414,538	621,808
August (29)	52	219,450	20	28,233	1	5,000	73	252,683	379,025
Total	730	3,086,039	364	719,468	17	47,333	1,111	3,852,840	5,779,260

[1] Concrete. [2] 2 concrete.

Launched up to and including Aug. 31, 1918, for the United States Shipping Board.

Steel.		Wood.		Composite.		Total.		
Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
390	1,654,624	176	414,934	7	16,333	573	2,085,891	3,128,836

Total launching since Shipping Board was organized.

Steel.		Wood.		Composite.		Total.		
Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Dead-weight tons.
1,120	4,740,663	540	1,134,402	24	63,666	1,684	5,938,731	8,908,096

The rate of progress, showing when million-point marks were reached.

KEEL LAYING.	Tons laid (dwt.)
July, 1917 (the first million)	1,038,206
November, 1917	2,259,201
February, 1918	3,294,881
April, 1918	4,288,761
June, 1918	5,223,706
August, 1918	6,498,889
September, 1918	7,010,439
November, 1918	8,129,628
February, 1919	9,230,154
April, 1919	10,235,248
June, 1919	11,361,426
August 26, 1919, reached	12,000,000

LAUNCHINGS.	Tons launched (dwt.)
March, 1918 (the first million)	1,251,471
June, 1918	2,075,506
August, 1918	3,128,836
October, 1918	4,016,461
January, 1919	5,229,186
March, 1919	6,086,889
May, 1919	7,399,913
July, 1919	8,529,071
August 30, 1919, rounded	9,000,000

DELIVERIES.	Tons delivered (dwt.)
May, 1918 (the first million)	1,101,846
September, 1918	2,277,831
November, 1918	3,005,706
April, 1919	4,481,581
May, 1919	5,294,331
July, 1919	6,608,347
August 25, 1919, passed	7,000,000

Seagoing personnel, United States Shipping Board.

Deck officers	4,592	
Engineer officers	4,592	
		9,184
Deck force	15,720	
Engine and fire room	18,720	
		34,440
Steward's department		7,936
Total		51,560

Organization of Shipping Board: John Barton Payne, chairman; Raymond B. Stevens, vice chairman; John A. Donald, commissioner; Henry M. Robinson, commissioner; Thomas A. Scott, commissioner.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RICKETTS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STERLING, Mr. NELSON, and Mr. OVERMAN as the conferees on the part of the Senate.

FEDERAL FARM-LOAN ACT.

The committee resumed its session.

Mr. PLATT. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

SEC. 4. That section 12 of said act be amended by striking out in the second provision the words "additional payments in sums of $25, or any multiple thereof for the reductions of the principals, or the payment of the entire principal, may be made on any regular installment date," and inserting in lieu thereof the words "the mortgagor may, upon any regular installment date, make in advance any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan," so that the provision as amended will read:

"Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan at a rate not exceeding the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding 1 per cent per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than 5 years nor more than 40 years: *Provided*, That after five years from the date upon which a loan is made the mortgagor may, upon any regular installment date, make, in advance, any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan, under the rules and regulations of the Federal Farm Loan Board: *And provided further*, That before the first issues of farm-loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank, subject to the provisions and limitations of this act."

And that the fourth provision in said section be amended by striking out in subdivision (d) all after the word "mortgaged" and inserting in lieu thereof the words "contracted for any of the purposes enumerated in one of the subdivisions (a), (b), and (c) above," so that the provision as amended will read:

"Fourth. Such loans may be made for the following purposes and for no other.

"(a) To provide for the purchase of land for agricultural uses.

"(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm; the term 'equipment' to be defined by the Federal Farm Loan Board.

"(c) To provide buildings and for the improvement of farm lands; the term 'improvement' to be defined by the Federal Farm Loan Board.

"(d) To liquidate indebtedness of the owner of the land mortgaged contracted for any of the purposes enumerated in one of the subdivisions (a), (b), and (c) above."

Mr. PLATT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment. Page 7, after the third line add a new subdivision (e), as follows:

"(e) To liquidate mortgage indebtedness existing at the time of the organization of the first farm-loan association established in and for the county in which the land is situated."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 32, noes 0.

Accordingly the amendment was agreed to.

Mr. PLATT. Mr. Chairman, on page 5, line 1, I ask to make two typographical corrections. I move to amend the bill by striking out the letter "s" from the word "reductions" and the letter "s" from the word "principals."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PLATT: Page 5, line 1, strike out the "s" from the words "reductions" and "principals."

Mr. WINGO. Does the gentleman propose to strike out the "s" from both words?

Mr. PLATT. Yes. Both are typographical errors.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. Division, Mr. Chairman.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, the gentleman ought to get all the Democrats to stand up.

Mr. BLANTON. Oh, there is a good big bunch over here.

Mr. DOWELL. I can count three.

The committee divided; and there were—ayes 35, noes 1.

Accordingly the amendment was agreed to.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Nebraska: After subdivision (e), page 7, insert the following:

"And that the seventh provision in said section be amended by striking out the figures '$10,000' and inserting in lieu thereof the figures '$25,000.'"

So that the provision as amended will read:

The amount of loans to any one borrower shall in no case exceed a maximum of $25,000, nor shall any loan be for a less sum than $100.

Mr. BLANTON. Mr. Chairman, I desire to oppose this amendment, and I would like to have time either from the chairman of the committee in charge of the bill or the presiding Chairman——

The CHAIRMAN. The gentleman proposing the amendment has five minutes in which to discuss it.

Mr. PLATT. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order against it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. Mr. Chairman, the farm-loan act was originally designed for the benefit of the farmers, not large landowners worth three or four million dollars who incidentally may have some acres in farms on their holdings, yet who would like from time to time to come in under this act and get big loans from the Government at a low rate of interest and on the time prescribed under this act. This is an attempt to infringe upon this act and to extend its provisions not on behalf of the farmers——

Mr. TINCHER. Is the gentleman making a parliamentary inquiry?

Mr. BLANTON. I did not understand the gentleman from Kansas.

Mr. TINCHER. Is the gentleman arguing the point of order?

Mr. BLANTON. I was arguing the point of order. In brief, Mr. Chairman, the amendment is not germane to the purpose either of the original farm-loan act nor to the purposes of this bill amending that act. It is seeking to extend this right to an entirely different class of citizens of the land—citizens who do not need it.

Mr. WINGO. Oh, Mr. Chairman, while I am opposed to this amendment, there is no question that the proposed amendment is in order. It proposes to change the figures of the original act. This bill proposes amendments to several sections of the act, and, although I am opposed to the amendment, I desire to say, to save time, I do not think there is any question but that it is germane.

The CHAIRMAN. It is clear to the Chair that the gentleman from Arkansas has stated the effect of this amendment; and, if that be correct, the amendment is certainly in order, and the Chair overrules the point of order. The gentleman from Nebraska.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, in one sense I regret to be constrained to offer this amendment, in view of the fact that several members of the Committee on Banking and Currency have expressed themselves as being opposed to it. However, it seems to me, based on the very purposes of the act itself, namely, to help the farmers, and based on the volume of letters and petitions that have been coming in from the great agricultural States where the bulk of the products of this country are grown, that in simple justice to the farmers the maximum amount of $10,000 should be increased so as to accommodate those who need to take advantage of the provisions of the act.

Now, Mr. Chairman, the facts are these: That in the great producing sections of this country the farms average in size from 200 acres up—I think, to be correct, it is about 237 acres to the farm—and the average price of land in the corn belt is $200 an acre. This $10,000 maximum is such that it can only accommodate the man with an 80-acre farm in that part of the country. In some sections of the United States the $10,000 maximum is all right, but we want to provide that in those sections of the country where a man who may be just as poor proportionately on 160 or 320 acres as the man is on 80 acres can be properly taken care of. It is just as essential that the man on the large farm be privileged to pay off the higher-rate mortgage he is now carrying and have funds to tile and improve and stock his farm as it is to accommodate the smaller landholder. The agitation on the subject of the high cost of living is so critical that we must give the farmer every possible encouragement in his efforts toward increased production. Now, Mr. Chairman, I have not the time under the five-minute rule, but had I the time I could give instance after instance that has come to my attention where men are unable to finance their farms on the maximum allowance of $10,000. In such cases they are forbidden to take advantage of this act and are compelled to go out and borrow at a higher rate of interest from private concerns and renew their mortgage every five years, paying a liberal commission on the loan every time it is renewed. It is these higher-rate loans that are proving a burden to these farmers

and will cause many of them to give up the battle if they do not get relief. If we really propose to adopt something which will be of advantage to the producer, we need to increase this maximum to $25,000. The argument will be used, Mr. Chairman, that the Government is loaning its money to these men in order to accommodate the poor man. That is not the case at all. These farmers are loaning this money to themselves. The Federal farm-loan bank is not a benevolent institution at all, but it is a business proposition. Under this small maximum the farmers out in Iowa, Nebraska, Kansas, the Dakotas, and these other great corn-producing States where the farms are from 160 to 320 acres or more, get absolutely no benefit whatever from this act.

The act as it now stands accommodates only the 80-acre man, and it is a well-known fact that in the real producing parts of the country an 80-acre farm is such an exception that it is almost a curiosity; so when we ask for this increase to $25,000 we are asking only for that which will serve the purposes for which the act was originally intended.

If the House does not see fit to adopt my amendment at this time, I sincerely hope that when the chairman of the Banking Committee brings out his separate bill providing for a larger maximum, which he assures me he will do, that favorable action may be had. For the consideration of Members of the House I wish to print in connection with my remarks a letter that I received from D. P. Hogan, president of the Federal Farm Land Bank of Omaha, together with a concrete case illustrating the handicap of an Iowa farmer occasioned by this inadequate $10,000 maximum. I commend this letter to the serious attention of the Members of the House:

THE FEDERAL LAND BANK OF OMAHA,
Omaha, Nebr., July 19, 1919.

Hon. M. O. McLAUGHLIN,
House of Representatives, Washington, D. C.

DEAR Mr. McLAUGHLIN: The Federal Farm Loan Board has in its two annual reports recommended an amendment to the Federal farm-loan act, providing for an increase in the maximum loan limit to one borrower from $10,000 to $25,000. The need of such an increase is, I am sure, apparent to you. You are familiar with farming conditions throughout our district, composed of Iowa, South Dakota, Nebraska, and Wyoming.

In order to give a practical example of the necessity for this increased loan limit I have in the inclosed typewritten pages written the true story of a friend of mine, whom I have called William Collins, which is typical of thousands of other farmers in Iowa, Nebraska, and South Dakota.

While this sketch describes a corn-belt farmer, our investigations show that in order to carry on a reasonably profitable ranch or mixed farming proposition in western or northwestern Nebraska a large amount of capital is required also.

I think many people are of the opinion that because corn-belt lands are selling at high prices, most if not all corn-belt farmers are rich. You and I know that most farmers are struggling hard to pay for the farms upon which they live.

I wish you would give this article careful consideration, and after you have read it write and tell me what you think of it. I think the present law works a rank injustice in obliging men like Mr. Collins to pay this $2,026.31 into the pockets of stockholders of joint-stock land banks, instead of being allowed to make their loans through the Federal Land Bank of Omaha.

I think some Congressmen fail to distinguish between Federal land banks, which return all profits to borrowers and furnish borrowers with loans at actual cost, and joint-stock land banks, in which all profits are paid to outside stockholders.

Hoping you will give this matter consideration and help to secure an amendment providing for an increase in the loan limit to at least $25,000, I remain,

Yours, very truly, D. P. HOGAN, *President.*

WILLIAM COLLINS, A FARMER OF ADAIR COUNTY, IOWA, WISHES INFORMATION—HE CAN NOT UNDERSTAND WHY HE IS NOT ALLOWED TO SAVE $2,026.31 BY MAKING HIS LOAN THROUGH THE FARMERS' BANK—THE FEDERAL LAND BANK OF OMAHA.

[By D. P. Hogan, president of the Federal Land Bank of Omaha.]

Mr. William Collins is a farmer living in Adair County, Iowa. I knew him 20 years ago as a farm hand, and he attracted my attention on account of his honesty and industry. He was not yet 21 years of age at that time, but had saved enough from his wages to buy a team and a set of harness. I loaned him enough to buy another span of horses, some farm machinery, a little start in brood sows, a couple of cows, seed corn, horse feed, and some household furniture and asked the merchant to give him credit for such groceries and work clothes as he would need until he grew a crop.

He set to work with right good will. His sister kept house for him and he had splendid prospects for a good crop, when on the 25th day of July his entire crop was utterly destroyed by a hailstorm that devastated that locality. He had just cut a couple of rounds of his oat crop. The rest along with the growing corn and hay was beaten into the ground.

The next day he came to town thoroughly discouraged; told me he was worse off than nothing, that his property would not bring what he owed, but that he would turn everything over to me to pay as far as it would go and then go to work again as a farm hand and earn enough to pay the balance.

I told him to brace up, go back to the farm, make the best of it, keep his stuff, and prepare for another year. I loaned him enough more money to purchase several young cows and their milk paid for his living for another year.

The next year was a good one, prices were good and he got on his feet again. The teacher of the nearest school boarded with him and his sister. Before another year he and the school teacher were married. They were both thrifty, industrious, and economical. They worked hard and saved every dollar possible, doing without everything except the barest necessities, but they were happy and cheerful, taking pleasure in their work, in their growing children, and in watching the growth of the fund they were saving to purchase a farm home of their own.

William went to the fields early and worked late, cheered on by his helpful wife, who had most of the chores done when he returned from the fields in the evening and helped him milk the cows when the flies ceased to pester them after supper. She was also fond of chickens and raised several hundred every year, and in that way added to the fund with which to buy their farm.

After several years they managed to accumulate sufficient money to make a payment on 160 acres of land, the seller of the land taking a mortgage back for about three-fourths of the purchase price. They continued to work hard and live very modestly, not even buying a Ford until two years ago, though many of their neighbors had cars, and a car would have been a great convenience to them to drive to town in the evenings after work, go to church, visit the neighbors occasionally and their home folks, who lived 20 miles away.

It was necessary to spend considerable money draining the farm, and they were anxious to reduce the mortgage, so they did without many things they wished. They now have a family of four boys and two girls, the two oldest boys being old enough to work in the fields and each do almost a man's work during the farming season. The other two boys will soon be able to work on the farm.

Mr. Collins desires to keep his family with him, and when the children are old enough to provide farms for them. Even now there is hardly enough work for himself and two boys on the 160-acre farm. Unless he buys more land he realizes that the boys will soon leave home and seek employment either as farm hands or otherwise.

A farm of 80 acres, adjoining his 160 is for sale at $200 per acres. He thinks the price is high, but it is close by, is a good farm, and is worth more to him than land farther away. He thinks he will never be able to buy it any cheaper.

He has made inquiries to see if he could secure the necessary $16,000 with which to purchase the farm. Still having $4,000 remaining unpaid on the original 160 acres, he would require $20,000 on the 240 acres. Upon inquiry of the nearest secretary-treasurer of a National Farm Loan Association, he was told that the law limits loans to not more than $10,000 to one borrower, and for that reason he could not be accommodated by the Federal land bank of Omaha.

He made inquiries elsewhere and found the best he could do was a loan of $20,000 on the amortization plan at 6 per cent per annum, from a joint-stock land bank, operating under the Federal Farm Loan System, or a loan from another institution engaged in the farm-loan business at 6 per cent per annum with an added commission. Joint-stock land banks are allowed to loan any amount to any person for any purpose, while Federal land banks may only loan to actual farmers operating the land and are limited to $10,000 to one borrower.

Before deciding upon what was best to do Mr. Collins had his wife, who was a school-teacher, figure out the difference in the cost to them at the end of 10 years on a loan of $20,000 at 6 per cent from a joint-stock land bank and a loan of the same amount, if he could secure that amount, from the Federal Land Bank of Omaha at 5½ per cent.

After figuring the matter over, Mrs. Collins reported to him that there was an annual difference of $100 the first year, and this difference would decrease slightly annually during the 10 years on account of the amortization payments. She figured the total difference, counting compound interest on the amount saved annually, would amount at the end of 10 years to $1,216.19 in favor of the Federal land-bank loan.

She was told that the Federal Land Bank of Omaha was now making net earnings at the rate of 12 per cent per annum, which belonged to borrowers, which would provide an additional saving of $810.12, making a total saving of $2,026.31 under the Federal farm-loan plan.

Now, Mr. Collins can not understand why he is obliged to pay this $2,026.31 to another farm-loan institution, when he could save that amount by making a loan with the Federal Land Bank of Omaha.

He has a boy now 11 years of age, and he and Mrs. Collins think it would be a nice thing to save this $2,026.31 to start this boy for himself when he becomes 21 years old; or, if the boy was otherwise provided for, it would be a nice dowry for one of their daughters, now 9 years of age, when she becomes 18 and possibly soon after marries some farmer boy in the neighborhood.

Upon investigation Mr. Collins has found that both joint-stock land banks and Federal land banks obtain funds for loans by the same tax-free bonds. He has learned that all stock in Federal land banks belong to borrowers, and that all net earnings go to them, while in joint-stock land banks all profits go to private investors.

He inquires quite naturally what becomes of the $2,026.31. He reaches the conclusion that if he is not allowed to save this $2,026.31, it will go into the pockets of the stockholders of other farm-loan concerns. He has been told that the Federal Farm Loan System was established for the benefit of farmers like himself. He can not help but believe that in his case it works to the benefit of the stockholders of joint-stock land banks.

This is a very important matter to a man like Mr. Collins, who with his family works hard, denies himself many conveniences, and desires to provide for his family and see them started out in life under more favorable circumstances than was he himself.

The United States census shows that there are many thousands of farmers in the Omaha Federal land-bank district situated the same as is Mr. Collins. This $2,026.31 that he is caused to lose may be multiplied many times to show the losses to actual farmers by reason of this provision limiting maximum loans to $10,000.

Farmers in the Omaha Federal land-bank district are unorganized. Other institutions engaged in the farm-loan business are well organized. They are permitted to and are now furnishing Members of Congress with a full and complete statement of the case from their standpoint.

I am not a politician and do not wish to use objectionable political methods to place this matter before Congress. All that I wish is that Congress be fully informed. I do not think the average Congressman knows that the Federal farm-loan act as it stands on the statute books to-day works such great injustice to the actual farmer who is operating his own farm.

I can not believe that if the Members of Congress knew the exact state of affairs they would for a minute tolerate the present law, whereby a worthy farmer like Mr. Collins is discriminated against in the interests of stockholders of joint-stock land banks, which enjoy the tax-free features of the Federal farm-loan act.

I am confident that Federal land banks would not be accused of pernicious political activity if they collaborated in laying before Con-

gress evidence that farmers operating the most profitable and productive farm units are refused the opportunity of obtaining loans at lower rates through Federal land banks.

This farm of Mr. Collins is a typical corn-belt farm. Farm lands in the corn belt are now worth upwards of $200 per acre. The present loan limit of $10,000 will only benefit the man who owns an 80-acre farm. Unquestionable statistics prepared by agricultural experts prove what every practical banker and farmer knows—that an 80-acre farm in the corn belt under the present conditions can not be operated at a reasonable profit.

Is it right that the thousands of worthy farmers like Mr. Collins, operating their own farms, working hard through good conditions and bad in order to provide homes for their children, should be refused loans through Federal land banks at 5½ per cent and be obliged to obtain loans through joint-stock land banks or other farm-mortgage institutions at 6 per cent and more?

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word of the gentleman's amendment.

Mr. STRONG of Kansas. Mr. Chairman——

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO], a member of the committee.

Mr. WINGO. Mr. Chairman, the gentleman from Kansas who has asked for recognition is a member of the committee.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas at the present time.

Mr. STRONG of Kansas. Mr. Chairman, I hope this amendment will not prevail. The purpose and object of this whole act is that men of small means, small farmers, may secure a loan at a reasonable rate of interest. It is not the purpose of this bill to furnish money in order to let rich men increase their holdings and become large landowners. The amount that can be loaned under this act was purposely put at $10,000 in order to help the small farmer and not to encourage the purchase of large amounts of land. Now, I come from an agricultural district, and my ambition is to faithfully serve those interests, but it is not to the best interest of either the real farmer of my district or of this Nation to encourage either speculation in land or the purchase of land by men who are acquiring large tracts, for such men generally become landlords. What this Nation needs is home owners and not renters. A loan up to $10,000, which is the limit allowed in the present law, will take care of the requirement of any farmer who needs the help of the Government in getting money at reasonable rates of interest. Men who have property on which to borrow more than that can take care of themselves.

The average farm loan in my State is but $3,132. The average loan made in the State of the gentleman who has just spoken, in Oklahoma, is $1,680. That being a fact, and for the reasons I have just given, the committee was very much opposed to increasing the amount of loans that could be made to $25,000. This matter was taken up before the committee, and after being carefully considered it was unanimously decided it would not be raised above $10,000, and I do hope that the members of the committee will not increase that amount.

Mr. TINCHER. What, if any, objection was there to raising it?

Mr. STRONG of Kansas. Simply because it allows men to go out and mortgage their holdings and buy a large amount of land. It defeats the purpose of the act, which was to accommodate the small borrower.

Mr. TINCHER. But it takes more money to buy a farm now than when this bill was enacted into law. Does not the gentleman know that in his State the law is evaded now, and they are making loans where a man makes a loan of $10,000 and his wife makes a loan of $10,000?

Mr. STRONG of Kansas. I do not know it, and I do not think the gentleman knows it.

Mr. TINCHER. Well, I do.

Mr. DICKINSON of Iowa. And would not the increase of this to $25,000 assist many men that are now renters in making a small payment and buying a farm on the easy-payment plan by Federal loan?

Mr. STRONG of Kansas. It will not help a renter any, because he does not borrow $25,000 to buy a farm.

Mr. DICKINSON of Iowa. Suppose he had $3,000 to pay down, and could borrow $20,000?

Mr. STRONG of Kansas. Whenever a renter has $3,000 and borrows $20,000, he is hopelessly swamped at the start.

Mr. DICKINSON of Iowa. They are doing it in Iowa.

Mr. STRONG of Kansas. They can not do it under this law.

Mr. TINCHER. Does the gentleman want to say that you can buy a farm but you can not buy a good farm?

Mr. STRONG of Kansas. I do not want to say anything of the kind, but I do not want to say to the renter, "We will furnish you enough money so that you can never pay the interest and will finally be foreclosed and lose what you have," and we do not want to say to the rich man, "We will furnish you money to buy the land and prevent the tenants from becoming home owners." This is a bill to help the small farmer, the small borrower, and there should not be an amendment brought in here to enable a man to borrow $25,000 in this way.

Mr. HUDSPETH. Then it is the idea to keep the small farmer always a small farmer, under this bill?

Mr. STRONG of Kansas. My idea is that the best thing we can have in this land of ours is a lot of small landowners.

Mr. SMITH of Illinois. Is it not a fact that under this bill you have to have $25,000 of actual capital, an equity of $25,000, before you can borrow $25,000?

Mr. STRONG of Kansas. That is true; only the very well to do could borrow over $10,000.

Mr. SMITH of Illinois. If that is true, we had better loan them all the money.

Mr. STRONG of Kansas. I can not agree with my colleague. The purpose of this act was to enable the small farmer to borrow for his needs, not for purposes of speculation, and to help him to so borrow at reasonable rates of interest and save him high commissions; he alone is the one who needs help, for the rich farmer or speculator has credit which enables him to borrow readily and secure fair rates. I hope this amendment will be defeated.

Mr. LUCE. Mr. Chairman, there are so many arguments against this amendment that it is useless in five minutes to cover them all, and so let me center my attention upon one that has not been emphasized.

There never was a time in the history of the United States when it was more dangerous and more unwise to expand facilities for credit. All those who understandingly discuss the drop in the purchasing power of money—for by speaking of it thus its equivalent, the high cost of living, can be more intelligently explained—all those who understandingly discuss the drop in the purchasing power of money say that one of the great causes, and perhaps the greatest of all the causes, of our troubles to-day is the expansion of credit. This began long before the war. It had been encouraged by a course of legislation extending over years, and notably by the creation of the Federal reserve bank system. To the enormous growth of the credit structure has been in great measure due the increase in the cost of living, or, in other words, the drop in the purchasing power of money.

To-day's newspapers report the President of the United States as saying at Minneapolis what he had previously said in this room—that there is a relation between the delay in action upon the peace treaty and the cost of living. Sir, my warrant in addressing myself to this subject is that I have been the chairman of two commissions on the cost of living, one of which sat nine years ago. I cite it simply to recall that nine years ago, long before the war, the fall in the purchasing power of money had led various States, as it led the Senate of the United States, to take up this subject and to inquire as to the reasons. It was then shown that the basic fundamental cause at work has been the inflation of the currency, for the greater part of which consists of instruments of credit.

As a result we to-day see in every corner of the land symptoms of coming disaster. We see the speculative spirit invading every home. We see the people indulging in wild extravagance. We see refusal to work. We see all the indications of approaching crisis. At such a time no man can be true to the best interest of his country if he rashly commits himself to any proposal that will help speculation, that will still further inflate the bubble, that will increase the calamity sure to come when the bubble bursts.

Mr. PLATT. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 27 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Mr. Chairman, I reserve two minutes to myself.

Mr. WINGO. Mr. Chairman, I think it might be well for the committee to get down to fundamentals on this proposition. Let us see what was the justification for the farm-loan act. It was not the mere furnishing of a Federal agency to accommodate the citizens generally throughout the country. The only justification for the farm-loan act was this: The farmers of the country who have small farms and want small loans under the conditions that prevailed before we enacted the law were without any facility to get their credits at a reasonable rate. Then in order to help, not them primarily but to safeguard the economic welfare of the country and to promote the increased production of foodstuffs, we said, "We will set up a Federal agency to mobilize these small-farm credits of the Nation that now have no facility by private financiering or private loan companies."

That was the justification for the enactment of that legislation. Those of us who were here when the act was originally passed

know that $10,000 was regarded by everyone who had studied the philosophy of the question as being too high, but we were "held up" and had to agree to $10,000.

Mr. SNYDER. Mr. Chairman, will the gentleman yield to a question right there on that matter of $10,000?

Mr. WINGO. Yes.

Mr. SNYDER. A moment ago in the debate I heard some one say that under the act as it is now a loan had been made for $10,000 to a man owning a farm, and also a loan of $10,000 had been made to his wife.

Mr. WINGO. I do not know about that; but if I did know that, I would not think I had discharged my duty until I had gone to the Farm Loan Board and had advised them of that subterfuge.

Mr. SNYDER. There is nothing in the original act to prevent that?

Mr. WINGO. There is nothing in the original act to prevent it, but undoubtedly that is a subterfuge. Under the present existing system a man who gets a loan of $25,000 must have a farm plant worth near $75,000, because we limit the loans to 50 per cent of the value of the land and 20 per cent of the improvements. When you figure out a farm that would be entitled to a $25,000 loan, you would find it would be based on a plant worth in many cases $60,000 to $75,000.

I ask what justification is there for the Federal Government to set up a Federal paternalistic agency to assist the man who has a farm worth $75,000? Can he not stand alone? What public interest is subserved by putting a governmental agency to work in helping a man who is in that position?

The truth is that in Nebraska, except one portion of it, and in Kansas, Illinois, Iowa, and in Indiana they said when the original act was passed, "We are not interested in this legislation, because we have already full facilities for financing loans at a low rate." In Iowa and Kansas and Illinois millions of dollars are loaned on farms by insurance companies and private loan companies at a low rate. But the fact is that the insurance companies and private loaning companies have been confining their loans to what they call "cream loans," and left the small man without a market at a fair rate for his loans, and that is the reason why we enacted the farm-loan act. The man who has a farm upon which he is entitled to a loan of $25,000 can go to a private agency and get them to make a loan at the same rate that the farm-loan bank makes him. If the gentleman says it is not true of a farmer that he knows, I will put him in touch with an institution which I know will give him a loan on his $50,000 farm. There is land speculation in Iowa and in every other State of this Union. Why, I recently read a statement where a man has made $87,000 by buying and selling his farm several times over. If you make this a Federal paternalistic scheme and go into competition with the private loaning companies of the country, you can not answer the legitimate criticisms that can be made of it. [Applause.] Let us keep the system for the benefit of the men who can not get loans at a reasonable rate because their loans are too small to be handled by the private companies, and let the independent, large landowner, who is able to care for himself and needs no Federal aid in order to survive, depend upon private sources which are ample and reasonable to finance his legitimate needs. [Applause.]

Mr. BLANTON. Mr. Chairman, I am not in favor of debauching the farm-loan act in behalf of the big borrower of the country. If I were to selfishly consider merely the interest of some of my good friends in my own district, I would be in favor not merely of increasing the maximum loan from $10,000 to $25,000, but I would be in favor of raising it to $100,000, because I have in my district some very large landowners who own even as much as 200,000 acres of land, and who have little farms scattered over their holdings, who in the stress of times would be glad to borrow $100,000 from this Government. I am ready to look after their interests when the time comes under a proper bill that is meant to take care of their interests. But I am not ready and am not willing, even though it is to the interest of some of the big landowners in my district who are my friends and constituents, and who helped to send me here, to debauch this bill and this measure, which was passed in behalf of and in the interest alone of the farmers of our land—the men who have had trouble in the past in getting credit and in getting loans.

Take a man who needs over $10,000 in a loan and he is ready to go out of the farming business. It is to the detriment of a man to farm in the ordinary sense of the term if he has to borrow more than $10,000. Why, what does $10,000 represent in the way of a farm? It means 200 acres of land mortgaged to the extent of $50 an acre. Is not $50 an acre enough money for this Government to loan on 200 acres of land? Is not 200 acres of land enough land for any farmer on God's green earth to attempt to cultivate, and cultivate properly, and do it to the best interest of himself, his family, and his Nation? If this amendment is passed, the large landowners all over the country will bring themselves within the provisions of the act and each borrow the maximum of $25,000, thus flooding the money market with such loans, and it would not be very long until it would be impossible for a small farmer who frequently needs help and credit most of all to get a loan or to borrow any money at all, and the purposes of this farm-loan act would be thwarted. It was passed for the benefit of the needy farmers. We must jealously protect it in their behalf. The good farmer is the intensive farmer, and is not a land speculator. I sincerely hope that the amendment will be defeated.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, the Farm Loan Board have had called to their attention the fact that in some cases loans have been made to various members of the same family in excess of the $10,000 limit as a total. In so far as is possible they have stopped that practice entirely, so that it does not need longer to be considered.

I do not agree with some gentlemen who have spoken as to the object of this legislation. The object of this legislation primarily was the reduction of the interest on farm loans. It has had that effect. A secondary result which was desired and which has been secured has been the equalization of loans throughout the United States in so far as the interest rate was concerned. That result has been largely achieved.

The total effect of the operation of this law has been in every way beneficent. Gentlemen say it was intended alone for the small farmer. I do not agree with that statement. It is principally for the benefit of the small farmer, because he has needed the benefit more than the large farmer, but it was for the large farmer as well, and the prosperous farmer as well. Do you intend here to-day to put a handicap upon the successful farmers of the United States? Do you intend to put a handicap on the farmers in the State of Iowa who have raised the average price of their lands to $200 an acre? The average farm in Iowa is 157 acres. It means that one-half of the farms in Iowa are larger than 157 acres. It means that one-half of the farms in Iowa are smaller than that. Do you intend to put a handicap upon those who have larger farms? Is that the object of this legislation? It seems to me you can not properly do so.

The average 160-acre farm in Iowa to-day is worth $32,000. Are you going to say that because it has such large value you are going to put a handicap on the man who owns it and who by his energy and industry has made it successful and has made his business successful? It is as important for him to have a cheap rate of interest as it is for the smaller man. And, gentlemen of the committee, is it wise for us to establish two standards of interest, one smaller than the other? Is it best for us to say, "If you desire a loan of over $10,000, you must pay a larger rate of interest for it than the man who desires a smaller loan?" Certainly there is no economic justice in that argument. It occurs to me that we ought to take consideration of the fact that since this farm-loan act was passed there has been a great increase in the value of the best farm lands of the United States. Certainly we should not do anything here that would take away from those men the desire to make farming prosperous in the United States. To reduce the rate of interest helps the production of the United States, whether it is on large farms or on small farms.

I desire to say this much more also: The men who derive the most from an acre of ground in the United States are not the men who own the smallest farms in the United States. They are the men who own farms that on the average are greater than 160 acres of land, the men who by the employment of capital can secure the necessary help and the necessary machinery to make every acre of land productive to its utmost capacity. Intensive farming is as practicable on a large farm in the United States as it is upon a small farm, and the people who buy the farmers' products are benefited in a like ratio.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. TOWNER. I yield to the gentleman from South Carolina.

Mr. STEVENSON. The gentleman thinks there ought not to be a limit below $25,000. Now, why put any limit at all upon the amount of the loan if it is merely for the purpose of reducing the interest rate to the farmer who farms his own land?

Mr. TOWNER. I think that argument can hardly be regarded of very great weight. We are trying here to establish a standard that will apply reasonably and fairly to farming conditions in the United States. I think that is carried out by the amendment of the gentleman from Nebraska [Mr. MCLAUGHLIN].

The CHAIRMAN. The time of the gentleman from Iowa has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States, by Mr. Latta, one of his secretaries, was received, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On August 31, 1919:

H. R. 8076. An act authorizing the county of Montgomery, Tenn., to construct a bridge across the Cumberland River within 7 miles of Clarksville, Tenn.; and

H. R. 8117. An act for the construction of a bridge across the Susquehanna River at or near Falls, Wyoming County, Pa.

On September 3, 1919:

H. R. 7594. An act relating to the creation of the office of general of the armies of the United States.

AMENDMENTS TO FEDERAL LOAN ACT.

The committee resumed its session.

Mr. MORGAN. Mr. Chairman, so far as this amendment is concerned, it would not materially affect my district, because the land there is not so high in price, and I think a limit of $10,000 is high enough to meet the wants of the farmers in my district. But I really see no serious objection to adopting this amendment. Some gentlemen seem to have the idea that these are Government loans, and therefore should not help those who are well to do. These are not Government loans. The farmers, the borrowers themselves, furnish the capital for all of these loans. It is true that originally the Government gave these banks $750,000 temporary capital, but already that is being paid back. In a few years the Government of the United States will not have one single dollar invested in the capital of these banks. The borrowers furnish the entire capital, and all the Government has done is to permit them to organize these banks, to pass a law creating these banks.

Now there is and could be but one valid objection to increasing the amount of these loans. The number of loans which the Federal land bank can make depends upon the sale of bonds. Temporarily the Government bought a large block of those bonds, but it is not and will not be the policy of the Government to buy those bonds. So that the number of loans and the amount of loans which the bank makes will depend upon its ability to sell these bonds on the money markets of the Nation. Evidently if the loans are large you can accommodate a less number of men. That is the only real objection. It does not injure the $10,000 borrower at all for some other man to borrow $25,000. In fact, it will decrease his rate of interest, if anything, because the overhead charges are levied upon the entire outstanding loans, and it is to the interest of every borrower to have those outstanding loans as large in amount as possible, because the more loans there are the less percentage will have to be levied upon each man to pay the administrative expenses. I think that States like Iowa and Nebraska, and some other States, where lands are high have a good appeal to make to this Congress.

Coming from a State where loans are small, I shall not object to having those loans increased so as to make it useful where places are of high value.

Mr. KINKAID. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. KINKAID. Will the gentleman state the maximum loan of the joint-stock land bank? Is there any?

Mr. MORGAN. My memory is that there is no limit.

Mr. KINKAID. No; why should there be with the Federal farm-loan banks.

Mr. PLATT. I will say there is no limit in law, but by regulation they are allowed to loan only $50,000.

Mr. KINKAID. That is the statement I wanted to make.

Mr. MORGAN. The Federal land bank ought to be able to compete with the joint-stock land bank. If I had my way, I would wipe out the joint-stock bank. I never thought that they should be created. We ought to give the Federal land banks, which are owned by the borrowers, which are cooperative institutions, the right so that they can compete in business and do business in competition with the joint-stock bank, which are money-making institutions organized for profit, and all the profit goes to the stockholders of those banks, whereas the profit of the Federal land banks go back to the borrowers, not that the Government or any private capitalist gets one cent of those profits, and I see no reason why we could not to some extent enlarge these loans.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I do not know what reason prompted the average Member of the House when we voted to enact the Federal farm-loan act. According to my notion, when we approached the passage of that bill we approached it from an entirely different angle from that from which we approach ordinary legislation. I think everybody who has had occasion to observe recognizes that the owned home is the foundation upon which government rests. [Applause.] There is a limit upon the land that is suitable for agricultural homes, and there is a limit upon cheap credit. Now I submit to you as statesmen who love your country, do you not look with apprehension upon the drift of this country toward absentee landlordism and large individual ownerships of farm lands? I say to you, gentlemen, that instead of doing something to help the man who has three or four hundred acres to get this cheap money to buy a piece of land which some poor man might otherwise get, I would like to see a legislative policy which would make it difficult for him to do it. I warn you to-day, gentlemen, that if you pass this amendment and embark upon a legislative policy like this, the day will come when you will have to do something radical to undo that which you to-day begin. [Applause.] I live in a country where land is high. I live in a country where landlordism is on the increase. In my State over 52 per cent of the farmers do not own their land. The chief importance of this is not due to the fact that it is a matter of primary concern to the tenant, though that fact makes it important. It is its vital concern to the great State of Texas as a government which makes it so important. The very foundation upon which its structure rests is involved. I urge you, gentlemen, that the Federal farm-loan act is not legislation enacted primarily to help man make more money; it is legislation enacted primarily to build stronger the foundation upon which the Government rests. [Applause.] And when you amend that act so as to aid a man with 200 acres of land, in competition with some man who is not so well fixed, who is trying to buy a little home for himself, you violate the whole philosophy and purpose of the act. You propose by this amendment to help that man with private credit behind him, who has two or three hundred acres of land—you propose to loan him $25,000 to go into the market for more land. What chance has the little fellow got under such a legislative policy in competition? Gentlemen, you are legislating to-day not for the man in Nebraska who owns a farm there and wants to buy more land, not for the man in Dallas County, Tex., where land is worth $200 or $300 an acre, and who could use $25,000 cheap money to buy more land, but you are legislating to-day to help that man who desires to own a home in which to raise his children; we are legislating to-day to help improve conditions in the United States; we are legislating not out of consideration for individuals, but because of concern for our Nation, which to-day is becoming weakened—the very foundations upon which it rests is becoming weakened by loss of its owned homes. Let us strike out this amendment, and let us help to build beneath the structure of our Government a foundation of owned homes, rather than to help the man who already has a home to deprive some other man of the right to have a home. Build beneath any form of government the foundation of owned homes and its citizens will guard and guide it through any crisis which may befall. This is the chief duty of our statesmen, and should be the chief concern of our citizens. [Applause.]

Mr. PLATT. Mr. Chairman, I do not know that it is necessary for me to use any further time after you have listened to the excellent speech of my friend from Texas [Mr. SUMNERS]. I just want to say that this is a question which the committee will take up by itself and consider somewhat further. Of course, we ought not to increase the limit to $25,000. This Federal farm-loan system is a system subsidized by the Government, which furnishes the initial capital, pays all the appraisers and registrars, pays the whole expense of safeguarding and supervising, and there is no reason why we should extend it to reach the rich landowners. Now, the average loan is less than $3,000, showing that the very people we intended to benefit are being benefited. There is no reason why we should extend it and add to the speculation in land which is now in progress in several States of the Middle West.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That section 20 of said act be amended by striking out $25 and $50 in line 2 of paragraph 1, and also by inserting after $1,000 the words "and such larger denominations as the Federal Farm Loan Board may authorize," so that the paragraph as amended will read:

"SEC. 20. That bonds provided for in this act shall be issued in denominations of $100, $500, $1,000, and such larger denominations as the Federal Farm Loan Board may authorize; they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after five years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and terms to be fixed by the Federal Farm Loan Board. They shall bear a rate of interest not to exceed 5 per centum per annum."

Mr. MORGAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 10, after the word "of" insert the following, "$25, $50."

Mr. WINGO. Mr. Chairman, will the gentleman permit a suggestion? His amendment is but a negative of the proposal he seeks to amend. I do not want to make the point of order. I know what the gentleman wants to do, he wants to move to strike out section 5. His proposal as read will restore the existing law and therefore it would be out of order, because it is the negative of the pending amendment.

Mr. MORGAN. Mr. Chairman, if that is the parliamentary situation——

Mr. WINGO. I do not want to shut the gentleman off.

Mr. MORGAN (continuing). Then I will withdraw the amendment and ask to strike out section 5.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MORGAN: Page 7, line 4, strike out all of section 5.

Mr. MORGAN. Now, Mr. Chairman and members of the committee, section 20 of the original act starts out in this way:

Bonds provided for in this act shall be issued in denominations of $25, $50, $100, $500, and $1,000—

And so forth.

Now, this proposal is to strike out the provision which authorizes the issuing of bonds of denominations of $25 and $50. That is the change that is made.

Now, I interrogated the chairman of the committee when he was discussing this amendment, and I have read the report. Apparently the only excuses they give are, first, that but few of these bonds of small denominations have been sold; that there is no demand for bonds of small denominations; and, second, they say that to issue bonds of small denomination will encourage inflation, and therefore they have decided it will be best to strike out that provision and permit no bonds to be issued of denominations under $100.

Now, we ought not to change an original act until experience has demonstrated that it should be changed. This is a new law. These are new institutions, untried in this country. In constructing the original act Congress followed largely the institutions of Europe. Now, the times have been abnormal. Before these banks had hardly got started the war came. The war monopolized the money market, so to speak, and these banks have not had a fair chance yet to develop so that we can ascertain just what they can do. Now, this I know, and every man who has studied the history of European institutions knows it, that in those countries these bonds are purchased, and universally they are issued in small denominations, the idea being to have them so that men of small means can purchase them.

Now, after all, what is the problem our Federal land bank must solve in the future? It is largely a question of securing a market for these bonds. They have been in operation now three years. Two hundred and thirty-eight million dollars of loans have been made. The Government furnished a market and purchased $80,000,000 of those bonds, I think. The American public does not yet understand these bonds. So far they have been relying on banks and moneyed institutions as a market for the purchase of the bonds. And I fear that this amendment is made in the interest of the banks. I am afraid that the object in keeping their denomination up to $100 is——

Mr. SMITH of Michigan. Will the gentleman yield? I understood the gentleman to say that the average loan was $3,000. Can the gentleman give the committee any information as to the initial cost to the borrower of such a loan as that?

Mr. MORGAN. That is foreign to the subject that I am trying to impress upon the House. I do not think I could, offhand, answer the question. But the question is, Will we amend to-day this original act, untried as it has been, and say that these banks shall not issue bonds in denominations under $100? What good can come from that? What purpose is to be served? The fact is that these banks must go out and educate the American public to buy these bonds.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. CAMPBELL of Kansas. Is it not true that these bonds were so popular that the Farm Loan Board had to withhold them from the market in order to keep them from being taken in preference to the Government bonds?

Mr. MORGAN. I do not know whether that is true or not. I do know that the Secretary of the Treasury practically required that they should cease to sell bonds, because he said that in time of war the whole money market and credit power of the Nation should be put into that war, and he did not want to be embarrassed with the sale of these bonds.

Mr. CAMPBELL of Kansas. These bonds were popular because they were exempt from taxation, while the Government bonds were not.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN. May I have three minutes more?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for three minutes.

Mr. PLATT. I shall not object to three minutes, but there is no use of debating this proposition, inasmuch as it is so simple. I shall object to any further extension.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MORGAN. It may be a very simple proposition and not debatable, and I think so myself. For that reason I can not understand why the committee should bring in such a bill. I asked the chairman if the Secretary of the Treasury had been called upon to make the recommendation upon this point, and he said not that he knew of. And why should we make a material and important amendment of this kind that goes to the very foundation of this loan system without some advice from the Secretary of the Treasury or without some thorough investigation? We have nothing but theories to lead us into this. What does this mean? It simply means that you are taking from these banks an avenue by which they may sell bonds. You are taking away from them part of the credit which they have under this. Why? Because a man must have $100 before he can buy a bond, and so the $50 man and the $25 man can not be an investor in these bonds. I say you are destroying the fundamental principle on which this act was built, namely, that these bonds should become of universal circulation, so to speak; that they should be purchased by men and women all over this land. And it was not the idea that banking institutions should constitute the chief market for these bonds, but that they should be sold to the public generally, and the real problem of those banks in the future is to secure the market for the bonds; and we are restricting the market if we pass this amendment. Therefore, I appeal to every man who is in sympathy with this to vote against this amendment. It can accomplish no good purpose; it may accomplish a bad purpose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MORGAN. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma asks for a division.

The committee divided; and the Chairman announced that 15 gentlemen had risen in the affirmative.

Mr. MORGAN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and three gentlemen are present, a quorum.

The committee was dividing when the gentleman from Oklahoma demanded a quorum. The Chair will order the vote taken again. Those in favor of the amendment will rise and stand until they are counted. [After counting.] Fifteen gentlemen have risen in the affirmative. The "ayes" will be seated and the "noes" will rise and stand until they are counted. [After counting.] Fifty-eight gentlemen have risen in the negative. On this vote the ayes are 15 and the noes are 58, and the amendment is rejected.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, I regret not knowing this bill was going to be considered to-day. It was only reported five days ago. Had I known that the Banking and Currency Committee was considering amendments to the farm-loan act, I would have availed myself of the opportunity of going before the committee and offering certain other amendments. I shall not now have the opportunity of doing so.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I will be glad to.

Mr. PLATT. The gentleman was a former member of the Banking and Currency Committee?

Mr. HASTINGS. Yes; I was when the original farm-loan act was prepared, reported, and passed.

Mr. PLATT. There will probably be other opportunities.

Mr. HASTINGS. I hope there will be other opportunities. I am glad to have that assurance from the gentleman from New York [Mr. PLATT], chairman of the Banking and Currency Committee. I did not arise to discuss the amendments before the House. I do not regard them of very great importance and do not believe that they will materially strengthen the farm-loan act in any particular.

I now want to take occasion to point out what I regard as the weakness of the farm-loan act. I think the act is a great piece of constructive legislation. The Banking and Currency Committee, of which I was a member at the time the act was passed, gave much thoughtful consideration to the provisions of the same. It was approved July 17, 1916. I stated to the committee then that the greatest trouble with the administering of the law would be found in the compulsory organization of local loan associations. I endeavored to get the committee to insert an amendment providing for the appointment of local representatives of the farm land banks throughout the country, through whom applications could be made for loans under the act. I presented such an amendment to the House when it was in the Committee of the Whole considering the original farm-loan act, but it was not adopted.

I am impressed with the necessity for such an amendment and hope that the Banking and Currency Committee will at an early date give earnest consideration to the matter. It will do away with the organization of local loan associations and permit local agents or representatives to be appointed, authorized to receive and forward all applications for loans. If this were done it would greatly popularize the act and would make it, as it was originally intended, one of the greatest pieces of legislation enacted by the Sixty-fourth Congress. Since its passage we have been largely engaged in passing war measures and have not been able to secure amendments to the act or give them the consideration they merit. Before the passage of the act I pointed out, as I do now: First, that the organization of local loan associations is unnecessary, and that the appointment of a local agent to perform functions similar to the work now done by the secretary of the local loan associations in advising farmers how to apply for loans, how to prepare their papers, and how to do all necessary things with reference to making an application, will better serve the interests of the farmers desiring to borrow money; second, the appointment of local agents would do away with the interminable delays now experienced.

Delay in securing favorable action upon loans is the chief drawback to the success of this splendid law. If local agents were appointed who are familiar with the law and familiar with the requirements of the farm-land banks served by them, they could expedite action very much upon all applications for loans. When an application for a loan was then presented to an agent, he would see that it was made out in the proper form, that the note, mortgage, and all accompanying papers met the requirements of the farm-land bank, and that an abstract accompanied the papers. If anything were omitted he would be able to satisfactorily explain the matter to the applicant, so that when the application went forward everything would be complete and in correct form.

In my judgment the disappointment experienced in the administering of this law is due to the failure to adopt this or a similar amendment. The local loan associations serve no useful or helpful purpose. In many counties through the United States there are no local associations. Hence an applicant has no opportunity to apply for a loan. When a number of farmers get together to organize an association they are not familiar with the necessary details as to how the organization should be perfected, which necessitates much correspondence and many meetings by them. All this results in long delays.

The statistics in my State show that it took from three to six months to secure loans from the farm-land banks. This is inexcusable and will, of course, nullify all the good effects of the act. No one who wants to buy a farm or who wants to secure a loan can afford to wait in a state of uncertainty for such a length of time. The owner of a farm and a prospective purchaser meet and agree upon a price. The prospective purchaser explains to the owner of the farm that he purposes getting a part of the money through the farm-land bank, but the owner of the land, knowing how uncertain it is about getting the money and the delays encountered, will not enter into a contract. The purchaser, rather than lose the trade, pays from 2 to 3 per cent additional interest to a local loan agent.

If this farm-loan act is to be made a success, and it should and can be, all causes of delay must be eliminated. Intelligent agents, who in a few moments could look over the papers, would forward them to the farm-land banks of the respective districts, have the abstracts examined within a day or two after receipt, and notify the local appraisers, so that the farmers making the applications could be advised within a week or 10 days whether or not the loans would be allowed.

The farmers constitute one of the greatest producing classes in the United States. Every one of them ought to be encouraged to own his land. It is the ambition of every tenant to own his farm. If this legislation were perfected it would enable each honest, hard-working farmer to acquire a home. It can be done by borrowing 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the permanent insured improvements. Any farmer with the reputation of being economical, honest, and hard working should be able by means of this act to acquire a home by making a first mortgage to the farm-land bank and giving the money to the owner of the land and by making a second mortgage to secure the balance of the purchase price. Hundreds of thousands of tenant farmers should secure homes in this way and be able to pay for them. The first mortgage would be on long time, and the loan could be paid on easy payments. Every payment would reduce the principal and make both mortgages better security.

There are approximately 6,500,000 farmers in the United States. If every one owned his land, he would have better improvements and his place would be beautified. He would see that every foot of land is placed in cultivation and cultivated in the crops that are best adapted to his particular soil. The improvements would be kept in good repair. He would raise more stock and poultry. His land would be kept up by a rotation of crops and by the use of fertilizers, making his farm more productive and greatly increasing the quantity of grain and other things produced. The farmer would be able to live better and easier, and a home would make him more contented. The man who owns his home is deeply interested in churches, schools, and good roads, and he stands for law enforcement. He usually convicts, when he is on a jury, where the evidence shows the defendant is guilty.

I want to see this act popularized in every way. Its advantages have not been appreciated in my State. Everybody knows that it is to the interest of the farmer to borrow money upon long terms, payable in amortized payments, rather than secure it upon short loans and pay a larger rate of interest. By securing a loan under this act the farmer pays the principal along with the interest in such small amounts that he really does not know he is paying the principal. Under this act 1 per cent is added to the interest to pay off the principal. There is absolutely no chance for the Government to lose if the law is honestly and intelligently administered. With an intelligent agent, an expert in the examination of titles, and an honest, intelligent appraiser there is no chance for a loss to the Government. The Government loans only 50 per cent of the appraised value of the land and 20 per cent of the appraised value of the insured permanent improvements, and each year the security is greater as the loan is paid. In addition, it must be remembered that every farmer who owns his land, by taking proper care of it, fertilizing and rotating the crops, makes the land more valuable and the security better. There is no chance for the Government to lose.

All that the Government is doing under this law is to extend its credit. In return we have in prospect a very much larger number of farmers throughout the country owning their lands. We see beautiful houses, well-kept yards, gardens filled with vegetables, plenty of stock and poultry, and the farms cultivated in crops best adapted to the soil. We see a happy, contented, prosperous people. We see production greatly increased throughout the country, as all tillable soil will be cultivated. All this must add to the prosperity of the people everywhere. As the farming class of people are made more prosperous, bank deposits will be added to. The farmers will trade more with the merchants and give more employment to labor. They will raise more and better stock. This condition of prosperity can be brought about by an amendment to this act that will avoid delays in securing loans.

I am going to be a little personal in the matter. I recently made inquiry of the farm-land bank serving my district and found that local associations have been organized in only three of the eight counties. Of course, loans are only made to the members of these organizations. The farmers complain about the interminable delays and prefer to pay a larger rate of interest upon loans rather than to experience the delays and uncertainties of making application to the farm-land bank. Let us do

away with these delays. The chairman of the Banking and Currency Committee has assured me that another opportunity will be offered to present amendments. I want to press upon all proper occasions the importance of this matter. I was reared in the Indian Territory—now Oklahoma—where the people have experienced many delays in administering Indian affairs. They are unwilling to have these delays occur when making application for loans.

The enactment of the farm-loan act has been of great advantage to farmers throughout the country in securing reduced rates of interest. Since the passage of the act they have been able to get more liberal terms from companies loaning money. I think that I am safe in saying the interest on such loans in my State has been reduced 2 or 3 per cent. The farmers have been given the option of paying the loans in whole or in part upon any interest-bearing period. The law ought to be amended and administered so as to enable the farmers to secure favorable action upon applications for loans with the least possible delay, so as to give every tenant farmer a chance to own his home. If this is done it will increase the prosperity of the country and greatly develop it, as well as strengthen our citizenship. It will give employment to untold thousands. The farm-land banks can lend money at a lower rate of interest than any private company, because of the exemption from taxation privileges extended to the bonds. Their bonds are as safe as Government bonds. They are well secured and carry a greater tax exemption than Government bonds. The land banks therefore can secure an unlimited amount of money to supply the needs of all farmers.

If an amendment, such as I have suggested, were adopted and local agents appointed and delays in securing loans avoided, I assure the House and the country that it would popularize the farm-loan act such as nothing else can do. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. PLATT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The question is on the motion of the gentleman from New York.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 74, noes 0.

Accordingly the motion was agreed to.

The committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PLATT. I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 108, noes 7.

Accordingly the bill was passed.

On motion of Mr. PLATT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair declines to recognize the gentleman, and lays before the House a message from the President of the United States.

WIRE AND WIRELESS COMMUNICATION CONFERENCE (S. DOC. NO. 88).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying document, was ordered to be printed and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

In view of the provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so," I transmit herewith for the consideration of the Congress and for its determination whether it will authorize the extension of the invitation and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State with reference to the proposed international conference to be held in Washington during October next, or at such later date as may be convenient to the powers concerned, to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy, and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis.

WOODROW WILSON.

THE WHITE HOUSE,
10 September, 1919.

Mr. PLATT. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the bill to amend the Federal farm-loan act may have permission to revise and extend their remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that all who have spoken on the bill under consideration to-day may have the right to revise and extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. PLATT. I ask unanimous consent that H. R. 6806, which is No. 32 on the House Calendar, lie on the table, an exactly similar bill having passed the House.

The SPEAKER. The gentleman asks unanimous consent that H. R. 6806 lie on the table. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, when a Member of the House seeks to ascertain proper information from the Chair, and in a respectful manner rises in his place and addresses the Chair, stating that he desires to make a parliamentary inquiry, is or is not the Member entitled to recognition by the Chair?

The SPEAKER. He is not. It is entirely in the discretion of the Chair whether he will recognize a Member for a parliamentary inquiry. The Chair recognizes that at certain times it is for the advantage of the business of the House that a Member should be recognized for a parliamentary inquiry.

Mr. BLANTON. I only wanted to know the ruling of the Speaker on the matter.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Has it been agreed that the House shall meet at 11 o'clock to-morrow?

The SPEAKER. It has.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

An act (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

ADJOURNMENT.

Mr. PLATT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until Thursday, September 11, 1919, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation for the purchase of a site for a post office at Mount Olive, N. C. (H. Doc. No. 246); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting supplemental estimate of appropriation required by the General Land Office for protecting public lands, timber, etc., from forest fires, fiscal year 1920 (H. Doc. No. 247); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ELLSWORTH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9091) granting the consent of Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River, reported the same without amendment, accompanied by a

report (No. 301), which said bill and report were referred to the House Calendar.

Mr. STRONG of Kansas, from the Committee on the Territories, to which was referred the bill (H. R. 8953) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes, reported the same without amendment, accompanied by a report (No. 304), which said bill and report were referred to the House Calendar.

Mr. DALLINGER, from the Committee on Education, to which was referred the bill (H. R. 6870) to provide for a library information service in the Bureau of Education, reported the same with amendment, accompanied by a report (No. 302), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SELLS, from the Committee on Pensions, to which was referred the bill (H. R. 9182) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 303), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUDSPETH: A bill (H. R. 9174) for the relief of the immigration inspection of the Department of Labor and to make an appropriation for the efficient enforcement of all immigration laws; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9175) making additional appropriation for the purpose of carrying out the Federal road aid act, approved July 11, 1917; to the Committee on Appropriations.

By Mr. ALMON: A bill (H. R. 9176) to increase the limit of cost of public building at Decatur, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. CANDLER: A bill (H. R. 9177) to prevent profiteering by regulating the distribution profits on and prices of foods, clothing, fuel, and other necessaries of life, and for other purposes; to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 9178) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; to the Committee on Reform in the Civil Service.

By Mr. HICKS: A bill (H. R. 9179) granting preference in civil-service appointments to persons honorably discharged from the military or naval service, and to their widows and wives in certain cases; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 9180) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against the Central Powers; to the Committee on Ways and Means.

By Mr. BUTLER: A bill (H. R. 9181) authorizing the Secretary of War to deliver to East Coventry Township and Parker Ford, Pa., a captured cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 9182) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. TILSON: A bill (H. R. 9183) authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: Joint resolution (H. J. Res. 202) tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 9184) granting an increase of pension to Sarah A. Youngblood; to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 9185) granting an increase of pension to Grace Filkins Marix; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 9186) granting a pension to Harriet A. Green; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 9187) granting a pension to William Wade; to the Committee on Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 9188) granting an increase of pension to Mary Kinne; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 9189) granting a pension to Michael Zwicky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9190) granting a pension to John David Watkins; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 9191) granting an increase of pension to George T. Keith; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 9192) granting a pension to Harriet J. Bailey; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 9193) granting an increase of pension to Samuel Zarley; to the Committee on Invalid Pensions.

By Mr. McLANE: A bill (H. R. 9194) granting an increase of pension to Albert J. Ackerley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9195) for the reimbursement of Mrs. Thomas Murphy; to the Committee on War Claims.

By Mr. REBER: A bill (H. R. 9196) granting an increase of pension to Vastina Burger; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 9197) for the relief of Frances Martin; to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 9198) granting an increase of pension to James Robison; to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 9199) granting an increase of pension to William H. Hazzard; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9200) granting an increase of pension to Israel Redinger; to the Committee on Invalid Pensions.

By Mr. WHITE of Kansas: A bill (H. R. 9201) for the relief of David Parritt; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CROWTHER: Petition of numerous residents of the city of Schenectady, N. Y., praying for the repeal of the tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. DALLINGER: Petition of Lithuanian Society of Immaculate Conception Women of the City of Cambridge requesting the United States Government to compel Poland to withdraw her army from the Lithuanian territories; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Petition of Jewish Soldiers' and Sailors' Veterans' League protesting against the Governments of Poland and Ukraine; to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of Local No. 6, International Brotherhood of Boiler Makers, Iron-Ship Builders, and Helpers of America, of San Francisco, Calif., urging amendment of section 10 of the proposed league of nations; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of 15 prominent people from Pittsburgh, Pa., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. O'CONNELL: Petition of Charles P. Miller, of New York City, favoring the passage of H. R. 5011, 5012, and 7010, providing for the betterment of conditions governing the operation of the United States Patent Office; to the Committee on Patents.

Also, petition of board of directors of the American Association of Woolen and Worsted Manufacturers, favoring the enactment of liberal protective tariff rates upon imported dyes; to the Committee on Ways and Means.

By Mr. SANDERS of New York: Petition of post-office clerks, carriers and rural carriers associations of Orleans, Niagara, and Genesee Counties, N. Y., favoring the passage of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

Also, petition of 26 citizens of Rochester, N. Y., favoring the passage of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

Also, petition of Local 215, National Federation of Postal Employees, and Branch 210, National Association of Letter Carriers, of Rochester, N. Y., favoring the passage of Senate

joint resolution 84; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Sidney F. Hoar Camp No. 4, United Spanish War Veterans, of Providence, R. I., indorsing H. R. 2, to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

By Mr. WHITE of Maine: Petition of citizens and merchants of Auburn, Me., protesting against the so-called Siegel bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *September 11, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we know that every line of human activity leads to Thy throne. Not only the great but the small things of life count with Thee. Thou dost not only take notice of the uprise and downfall of nations but of the hearts of men. Thou dost discern their secret thoughts. We pray that this day we may be kept by Thy grace in perfect conformity to Thy will, that we may do that which is pleasing in Thy sight, and work out Thy divine plan for us as individuals and as representatives of the Nation, and for the Nation as well. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

AFFAIRS IN MEXICO (S. DOC. NO. 89).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Acting Secretary of State transmitting a translation of a communication from the United Press of Guadalajara, Mexico, in regard to the relations existing between Mexico and this country. The communication and accompanying paper will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communication is as follows:

DEPARTMENT OF STATE,
Washington, September 10, 1919.

The VICE PRESIDENT,
United States Senate.

SIR: I have the honor to transmit herewith, for the information of the Senate, a translation of a communication, dated August 16, 1919, from the United Press of Guadalajara, Mexico, in regard to the relations existing between Mexico and this country. The American consul at Guadalajara was requested by the organization mentioned to forward this translation to the Senate of the United States.

I have the honor to be, sir,
Your obedient servant,

WILLIAM PHILLIPS,
Acting Secretary of State.

(Inclosure: Translation from the United Press of Guadalajara, Mexico, dated August 16, 1919.)

AMERICAN CONSULAR SERVICE,
GUADALAJARA, MEXICO.

[Translation.]

To the PRESIDENT OF THE SENATE OF THE AMERICAN UNION,
Washington, D. C., United States of America:

At this time, when the American Senate is studying the Mexican question with a view to give a decision in the delicate international situation which has come up, this body desires to bring to the mind of the representatives of the Union a message of conciliation and calmness. The interventionist tendency, inspired mainly in material reasons, is a menace for the two countries and a serious danger to Pan American solidarity and balance. In the name of the ideals of justice and right postulated by all the free countries and subscribed to in the international peace conference, we beg to ask that your institution, in this decisive hour, proceed with that equity worthy of the people who have fought so much for democracy and liberty. The intellectual body which we represent hopes for a moderate and friendly action from that honorable body, and deposits in the American Senate its confidence for a high and righteous attitude which may solve, peacefully, the international crisis we are facing, and which may bring back, definitely, the cordial friendship that must exist between our two Nations.

Unity, fraternity, and justice.

Guadalajara, Mexico, August 16, 1919.

THE UNITED PRESS OF GUADALAJARA,
(Signed) J. M. M. SOTOMAYOR, *President.*
(Signed) ADOLFO HERNANDEZ MARIN, *Secretary.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 9065. An act to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act; and

H. J. Res. 87. Joint resolution authorizing national banks to subscribe to the United War Work Campaign.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Banking and Currency:

H. R. 9065. An act to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act; and

H. J. Res. 87. Joint resolution authorizing national banks to subscribe to the United War Work Campaign.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on the District of Columbia, to which was referred the bill (S. 2945) regulating the height of buildings that may be erected on land confronting Meridian Hill Park on the south, reported it with an amendment and submitted a report (No. 178) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 2251) for the appointment of Lieut. Thomas White to the permanent Dental Corps of the Navy, submitted an adverse report (No. 177) thereon, and the bill was postponed indefinitely.

Mr. BALL, from the Committee on the District of Columbia, submitted a report (No. 179), accompanied by a bill (S. 2992), to create a rent commission in the District of Columbia.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, as in open executive session, I present, on behalf of the members of the minority of the Committee on Foreign Relations, their views on the pending treaty, which I ask may be treated in the same manner as the majority report was treated.

Mr. LODGE. I asked to have the majority report printed in the RECORD. I did not have it read.

Mr. HITCHCOCK. I will ask to have it printed in the RECORD.

Mr. LODGE. And also the same number printed as of the majority report.

Mr. HITCHCOCK. Yes.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

The views of the minority, this day submitted by Mr. HITCHCOCK, are as follows:

"[Senate Report No. 176, Part II, Sixty-sixth Congress, first session.]

TREATY OF PEACE WITH GERMANY.

"Mr. HITCHCOCK, from the Committee on Foreign Relations, submitted the following views of the minority:

"The undersigned members of the Foreign Relations Committee unite in urging the early ratification of the pending treaty of peace without amendments and without reservations.

"We deplore the long and unnecessary delay to which the treaty has been subjected while locked up in the committee, whose majority decisions and recommendations were from the start a foregone conclusion. They could have been made in July as well as in September and would have been the same.

"The industrial world is in ferment, the financial word in doubt, and commerce halts while this great delay in the peace settlement has been caused by the majority of a committee known to be out of harmony with the majority of the Senate and the majority of the people. This is government by obstruction as well as by a minority.

"Our export trade already shows the undeniable effects of delay and doubt in treaty ratification and peace settlement. For the first seven months following the armistice our exports averaged almost seven hundred millions per month, but in July they fell to $570,000,000. Europe undoubtedly wants our products, but can only take them in full quantity if our financial institutions provide the credit to bridge over the period neces-

sary to restore European industry to productiveness. This private credit can not and will not be furnished as long as the peace settlement is in doubt. Public credit has heretofore carried this great balance of trade. Since the armistice was signed our Government has advanced to European Governments nearly $2,500,000,000, which was almost enough to cover the balance of trade during the eight months' period.

"Our Government, however, has about reached the end of its authority given by Congress and will advance but little more. From now on, if we are to keep up our commerce with Europe, private enterprise must furnish the credit to cover the trade balance till European industries get started and are able to pay us with their goods. Peace settlement delays and doubts paralyze this revival. If uncertainty continues, depression is inevitable.

"The claim by the majority of this committee on page 3 of their report that we have exported over $11,000,000 worth of goods to Germany since the armistice and without a peace settlement is do doubt true. To other countries during the same period we exported over five thousand million dollars' worth. What was exported to Germany, as stated by the majority report, was practically nothing. It is only 14 cents' worth of American products for each person in Germany in seven months, or 2 cents per person per month, yet the majority report boasts of it as evidence of trade revival in spite of treaty delay. The same statesmen gravely assure us that their figures prove that it is a mere delusion to say we can not trade with Germany till a peace settlement is made. Two cents per month per capita is hardly trading with Germany.

"Referring to the action of the majority of the committee, we unite in opposing and condemning the recommendations both as to textual amendments and as to proposed reservations. As far as the proposed textual amendments are concerned, we see no reason to discuss their character at length. In our opinion they have no merit, but whether they be good, bad, or indifferent their adoption by the Senate can have no possible effect except to defeat the participation of the United States in the treaty. None of them could by any possibility be accepted even by the great nations associated with the United States in the war, and none of them could by any possibility be dictated to Germany. To adopt any one of them, therefore, is equivalent to rejecting the treaty.

"The suggestion on page 4 of the majority report that the peace conference is still in session in Paris and could consider any textual amendments to the treaty made by the Senate, and that German representatives could be brought to Paris for that purpose, indicates a total misconception of the situation. The peace conference has acted finally upon this treaty. Great Britain has ratified it, France is about to do so, and with the action of one other power it will in all human probability be in actual operation even before the Senate of the United States reaches a decision. Moreover, the peace conference possesses no further power to 'bring German representatives to Paris.' The power of compulsion has been exhausted. Germany was told where to sign and when to sign and when to ratify, and Germany has closed the chapter by signing and by ratifying. Germany can not be compelled to do anything more or different with regard to this treaty by being confronted with an amended treaty, whether once a month, day, or week. There must be a finality to ultimata in a treaty by compulsion. If an amended treaty is not signed by Germany, then it is in none of its parts binding on her.

"To adopt an amendment or to reject the treaty means that the United States will sacrifice all of the concessions secured from Germany by a dictated peace. While these concessions are not so large as those which other nations associated with us secure in reparations, they are nevertheless of tremendous importance and could only be secured under a dictated peace. Among the concessions which the United States would sacrifice by the adoption of any amendment or the rejection of the treaty may be included the following:

"First. Germany's acknowledgment of responsibility for the war and her promise to make restitution for damages resulting from it.

"Second. Germany's promise to us in the treaty that she will not impose higher or other customs duties or charges on our goods than those charged to the most favored nation and will not prohibit or restrict or discriminate against imports directly or indirectly from our country.

"Third. Germany's promise to us in the treaty that she will make no discrimination in German ports on shipping bearing our flag and that our shipping in German ports will be given as favorable treatment as German ships receive.

"Fourth. That for six months after the treaty goes into effect no customs duty will be levied against imports from the United States except the lowest duties that were in force for the first six months of 1914.

"Fifth. Germany's agreement with us that the United States shall have the privilege of reviving such of the treaties with Germany as were in existence prior to the war as we may alone desire.

"Sixth. Germany's promise to us to restore the property of our citizens seized in Germany or to compensate the owners.

"Seventh. Germany's very important agreement validating all acts by the United States and by the Alien Property Custodian by which we seized and proceeded to liquidate $800,000,000 worth of property in the United States belonging to German citizens.

"Eighth. Germany's agreement that the proceeds of the sale of these properties may be used to compensate our citizens in Germany if Germany fails to do so, or to pay debts which Germany or Germans owe to American citizens, or to pay American prewar claims against Germany for property destroyed and lives taken similar to the losses because of the destruction of the *Lusitania*.

"Ninth. Germany's agreement that she will compensate her own citizens for property, patents, and other things belonging to them in the United States seized during the war by our Government.

"Tenth. Germany's agreement that no claim can be made against the United States in respect to the use or sale during the war by our Government, or by persons acting for our Government, of any rights in industrial, literary, or artistic property, including patents.

"Eleventh. Germany's agreement that the United States shall retain over 500,000 tons of German shipping seized in American ports which much more than compensate us for shipping lost during the war.

"Twelfth. We would lose our membership on the reparations commission, which will be the most powerful international body ever created and which will have enormous control over the trade and commerce of Germany with the rest of the world for years to come. It not only supervises the use of German economic resources and the payment of reparations, but it can restrict or expand Germany's imports and distribute much of her desirable exports, including dyes. In no way can the United States assure itself against discrimination in German imports and financial policies unless we have a member upon this great reparations commission.

"These are some, but by no means all, of the valuable concessions which the United States would inevitably sacrifice by failing to ratify the treaty. This failure would be just as complete if we adopt an amendment to it as if we rejected the treaty absolutely. In either event, we would find ourselves at the end of the war, it is true, but without any peace or terms of peace with Germany. We would have abandoned our disgusted associates and we would be reduced to the necessity of seeking a negotiated peace with an angry Germany on such terms as she would be willing to accord.

"We are, therefore, without any qualification against amendments.

"We are aware that the claim has been set up that one of the proposed amendments which relates only to the league of nations does not require the assent of Germany. This is based on the fact that Germany is not yet a member of the league of nations and may not be for several years. The answer is, however, that the league covenant is a part of the treaty, and the league which is mentioned in many places in the treaty has much to do with German affairs, even though Germany is not a member. Germany, in agreeing to the treaty, has assented to the provisions of the covenant, and one of the provisions is that it can only be amended by the action of the league, which has not yet started, ratified by all the members of the council, which has not yet organized, as well as by a majority of the members of the assembly. It is obvious, therefore, if it is to be amended in any other way, Germany's assent will be just as necessary as to any other article of the treaty.

"RESERVATIONS.

"The reservations proposed by the majority of this committee are of such a character as at once betray their authorship. They are the work of Senators organized for the purpose of destroying the league and, if possible, defeating this treaty. Their phraseology is such as make this purpose plain. They are in no sense interpretative reservations to be used to make clear language in the treaty that might be considered doubtful, but they are so framed as to receive the support of Senators who desire the defeat of the treaty. While masquerading in the guise of reservations they are in fact alterations of the treaty. They have all the vices of amendments and the additional vice of pretending to be what they are not. Presented

as parts of the resolution to ratify the treaty, they would in fact, if adopted, result in its defeat. All of them apply to the league of nations section of the treaty. Those who oppose the league of nations realize that it is invincible on a square fight and they hope to destroy it by this indirection.

"The league of nations has stood the test of world-wide criticism and unlimited attack. It stands to-day as the only hope for world peace. After all the assaults of many months its purposes and provisions stand out clearly defined, unaffected by criticism and unyielding to attack.

"THE LEAGUE OF NATIONS.

"The league of nations proposes to organize the nations of the world for peace whereas they have always heretofore been organized for war. It proposes to establish the rule of international justice in place of force. It proposes to make a war of conquest impossible by uniting all nations against the offender.

"It is the first international arrangement ever made by which small and weak nations are given the organized strength of the world for protection.

"It is a covenant between many nations by which each agrees not to do certain things which in the past have produced wars and to do many things which have been found to preserve the peace.

"It is a working plan for the gradual reduction of armament by all members simultaneously in proper proportion and by agreement.

"It sets up arbitration as a friendly method of adjusting disputes and inquiry when arbitration is not agreed to. In both cases it provides a cooling-off period of nine months during which the differences may be adjusted.

"It preserves the territorial integrity and political independence of each member and leaves to each the exercise of its sovereign rights as a nation.

"It will save the world from wars and preparations for wars. It will reduce armies and navies and taxes.

"It will help to remove the discontent with government in all countries by making government beneficient and devoting its revenues to constructive rather than to destructive purposes.

"It is the only plan proposed to redeem the world from war, pestilence, and famine. The only one by which a stricken world can be redeemed from the disasters of the late war and the dangers of impending international chaos. Those who dally and delay as they seek with miscroscopes to find some petty flaw in its structure have nothing themselves to propose. They have appealed to every prejudice and resorted to every desperate method of attack to destroy this great international effort to establish peace, but they suggest nothing in its place.

"They denounce the public demand for energetic action as 'clamor.' They rail at the President who with the representatives of many other nations has devoted months of hard work to a great constructive effort to settle the terms and reorganize the world for peace. Finally, unable to stem the tide of public demand for the league of nations they resort to so-called reservations in the hope that they can destroy by indirection what they have found unassailable by direct attack.

"We renew our recommendation that the work of the peace conference be confirmed, the will of the people fulfilled, and the peace of the world advanced by the ratification of this treaty—'the best hope of the world'—even if like all human instrumentalities it be not divinely perfect in every detail.

"GILBERT M. HITCHCOCK.
"JOHN SHARP WILLIAMS.
"CLAUDE A. SWANSON.
"ATLEE POMERENE.
"MARCUS A. SMITH.
"KEY PITTMAN."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRELINGHUYSEN:

A bill (S. 2987) granting a pension to George H. Fox; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 2988) granting an increase of pension to John J. Hogan; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 2989) for the relief of Walter I. Whitty (with accompanying paper); to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 2990) granting an increase of pension to William H. Savage (with accompanying papers); and

A bill (S. 2991) granting an increase of pension to John J. Scheitler (with accompanying papers); to the Committee on Pensions.

COUNCIL AND ASSEMBLY OF LEAGUE OF NATIONS.

Mr. ASHURST. Mr. President, I introduce a bill to provide for the election of the representatives of the United States on the council and the assembly of the league of nations. I was undetermined as to which of six committees named it should go, but on reflection it seems to me that it should go to the Committee on Foreign Relations.

The bill (S. 2986) to provide for the election of the representatives of the United States on the council and the assembly of the league of nations, and for other purposes, was read the first time by its title.

Mr. ASHURST. Mr. President, the proposed bill provides that the President shall nominate, and by and with the advice of the Senate shall appoint, the representative of the United States on the council of the league of nations and shall nominate, and by and with the advice of the Senate appoint, the delegates on the assembly of the league of nations, and that these appointees shall serve, unless withdrawn, until March 4, 1921.

The bill further provides that the electors chosen at the presidential elections hereafter shall also, immediately after they have balloted in their respective States for President and Vice President, proceed to ballot for one representative of the United States on the council of the league of nations, and then, after having taken those ballots, that they shall proceed to vote for the representatives on the assembly of the league of nations, and that in every instance the person receiving the highest number of votes shall be declared elected; but in case two or more persons shall have an equal number of votes, then the House of Representatives shall immediately elect, in such manner as it shall see fit, the representatives of the United States.

I have no pride of expression in the bill, but I ought to inform the Senate that I gave the bill three weeks of careful thought and have had the assistance of two experts.

Senators, of course, know that such a bill must become a law simultaneously with the ratification of the peace treaty—in whatsoever form the peace treaty shall be ratified—because we ought at least to support the President far enough to give him the authority to nominate the delegates, and I assume that every Senator here will agree that if we enter the league at all we should have delegates in the league.

Mr. JONES of Washington. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. JONES of Washington. I did not hear the first statement of the Senator from Arizona, but from what he later said I take it that it is a bill to regulate the manner of the selection of our representatives in the council and in the assembly.

Mr. ASHURST. Yes.

Mr. JONES of Washington. I am glad the Senator has taken such care in the preparation of the bill. I myself introduced a bill several days ago carrying out the same idea, but I had not given it the attention so far as the details of the bill are concerned that I know the Senator has given to it. I agree with him that something along those lines ought to be done, and it ought to be done promptly.

Mr. ASHURST. The experts I consulted told me they had read the Senator's bill, and while in some respects they disagreed with it, it had the germs of some very fine ideas and suggestions.

Mr. JONES of Washington. Apparently it had exactly the same ideas expressed in the Senator's bill, but the details in his bill are carried out much better.

Mr. ASHURST. I regret that my proposed bill is so long, but it is impossible to set up machinery for elections by the Electoral College unless certain suitable verbiage is employed.

Now, there is one question of law. May the Congress of the United States impose on these electors this duty of electing the American delegates? In other words, has Congress the power under the Constitution to say to the electors that they may or shall vote for these representatives? As to the power of Congress to lay this duty on the electors there can be no doubt. The electors are purely State officials, and by decisions of many courts the electors are held to be analogous to the legislatures when they sat to elect United States Senators, and the courts have therefore held that the electors who are State officials may perform this duty, but they may refuse if they see fit. We could not compel the electors to sit. We could not by any writ known to our laws compel the electors to ballot for President and for Vice President. Likewise we could pass no law that would require the electors to perform this function.

Let me remind the Senate that when the selective-service law was challenged it was held by the Supreme Court of the United States that it was too obvious even for discussion that Congress could lay duties upon certain State officials which the State officials could perform.

Mr. HITCHCOCK. I ask the Senator whether the bill provides any limitation upon the powers of the American member of the council?

Mr. ASHURST. None whatever, except that he may be removed or impeached just the same as may any civil officer of the United States.

Mr. HITCHCOCK. Does not the Senator think it would be wise to place some limitation on his power or at least require a submission to the Government at Washington of certain questions which the council might be called upon to consider?

Mr. ASHURST. I thank the Senator for raising that question. The truth is I was pressed so hard for time with reference to the legal question in the bill that I did not go into that field. I felt that the Foreign Relations Committee ought to suggest such amendment thereto. I have dealt simply with the legal phases and with the task of setting up the machinery of the election. The terms of the delegates are coterminous with that of the President and expire on the 4th of March, 1921, and every four years thereafter. Their compensation is $20,000 per annum and 5 cents per mile from their home to the seat of the league and back.

Mr. JONES of Washington. May I state to the Senator that in the bill I introduced I had a provision in substance providing that the representatives should not give their consent to any proposition that involved the use of the military or naval forces of the United States without first submitting the matter and getting action by Congress? Is there any provision of that sort in the Senator's bill?

Mr. ASHURST. I think the Senator's suggestion is good, but that is now the law, and no treaty that could possibly be made could take the power from Congress to declare war. It would be impossible to make such a treaty. I felt that it was surplusage, but I am glad to have the suggestion made.

Mr. JONES of Washington. That could not be if the treaty should be ratified as it is?

Mr. ASHURST. Oh, no.

Mr. JONES of Washington. Under the treaty our representatives in the council and in the assembly could give their consent to such action without waiting for action by Congress. That is the reason why I thought, in line with the suggestion of the Senator from Nebraska [Mr. HITCHCOCK], we ought to put something in the legislation requiring them before consenting to such important things to submit them to Congress. Of course, we know they could not declare war, but they could give their consent to a proposition that would practically compel Congress to declare war or subject our country to great humiliation.

Mr. ASHURST. I have no objection to such an amendment, but it is so axiomatic, so clear, and so positive that none of our representatives abroad could embroil us in war without submitting it to Congress that I did not even think it necessary to put it in. Congress alone declares war.

Mr. JONES of Washington. I wish to ask the Senator another question. I had a provision in the bill I introduced that the United States will withdraw from the league in two years unless all the other members of the league within that time shall have abolished by due and regular legislative authority the policy of conscription for the maintenance of their armies during times of peace.

Mr. ASHURST. A wise suggestion; but it is a field into which I did not go because it is surplusage. Every Senator here knows that Congress can abrogate a treaty whenever it sees fit. Congress abrogates a treaty whenever it wants to do so.

The VICE PRESIDENT. The bill, having been read the first time, will lie on the table.

NEUTRALIZATION OF TRANSPORTATION IN CHINA.

Mr. LODGE submitted the following resolution (S. Res. 183), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, requested to send to the Senate a copy of the report made by Mr. Paul Whitham on "Neutralization of transportation in China."

FOREIGN CREDITS.

Mr. WALSH of Massachusetts submitted the following resolution (S. Res. 184), which was read and referred to the Committee on Foreign Relations:

Whereas the credits established by the Secretary of the Treasury in favor of foreign Governments at the close of business September 2, 1919, had reached a total of $9,684,272,567.84, divided as follows:

Belgium	$343,445,000.00
Cuba	10,000,000.00
Czechoslovakia	55,330,000.00
France	3,047,974,777.24
Great Britain	4,316,000,000.00
Greece	48,236,629.05
Italy	1,618,775,945.99
Liberia	5,000,000.00
Roumania	25,000,000.00
Russia	187,729,750.00
Serbia	26,780,465.56

and

Whereas it is anticipated by the Treasury Department that further credits will be required for the purpose of enabling certain of these governments to meet their commitments already made in this country in connection with the prosecution of the war; and

Whereas the President in a recent address expressed the opinion that an estimate of four or five billions as the additional sum which the United States will be called upon to advance for the rehabilitation of credit and industry on the other side of the water is a reasonable and conservative estimate; and

Whereas in the opinion of the Senate the rivalry of nations in the increase of armaments is a most prolific cause of war, and a continuance of such rivalry at the present time is totally subversive of the principles and theories upon which the Senate is urged to ratify the league covenant and the treaty of peace, and therefore such increases of armament should not be added or made possible by loans of the resources or credit of the United States: Therefore be it

Resolved, That it is the sense of the Senate that no further advances of the money or credit of the United States should be made to any foreign government except upon satisfactory evidence that no part of such advances, and no part of the funds of the government soliciting them, is being used, or to be used, for the increase of armaments or for any military purpose aside from a reasonable and publicly declared provision for security against internal violence and disorder or for carrying out the military obligations incurred in the war against Germany and her allies.

AGREEMENT BETWEEN GREAT BRITAIN AND PERSIA (S. DOC. NO. 90).

Mr. LODGE. Mr. President, I ask to have printed in the RECORD, and also as a Senate document, the agreement between His Britannic Majesty's Government and the Persian Government. A portion of it has been printed in the record of the hearings of the Foreign Relations Committee. It is not very easily accessible. It contains also the agreements relating to the loans to be made to Persia and correspondence between the British representative and His Highness Vossug-ed-Dowleh, all of which I think it would be well to have in a convenient form for the consideration of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

"AGREEMENT BETWEEN HIS BRITANNIC MAJESTY'S GOVERNMENT AND THE PERSIAN GOVERNMENT, SIGNED AT TEHERAN, AUGUST 9, 1919.

"NO. 1.—AGREEMENT BETWEEN THE GOVERNMENTS OF GREAT BRITAIN AND PERSIA.

"*Preamble.*—In virtue of the close ties of friendship which have existed between the two Governments in the past, and in the conviction that it is in the essential and mutual interests of both in future that these ties should be cemented, and that the progress and prosperity of Persia should be promoted to the utmost, it is hereby agreed between the Persian Government on the one hand and His Britannic Majesty's minister, acting on behalf of his Government, on the other, as follows:

"1. The British Government reiterate, in the most categorical manner, the undertakings which they have repeatedly given in the past to respect absolutely the independence and integrity of Persia.

"2. The British Government will supply, at the cost of the Persian Government, the services of whatever expert advisers may, after consultation between the two Governments, be considered necessary for the several departments of the Persian administration. These advisers shall be engaged on contracts and endowed with adequate powers, the nature of which shall be the matter of agreement between the Persian Government and the advisers.

"3. The British Government will supply, at the cost of the Persian Government, such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military experts, British and Persian, which shall assemble forthwith for the purpose of estimating the needs of Persia in respect of the formation of a uniform force which the Persian Government proposes to create for the establishment and preservation of order in the country and on its frontiers.

"4. For the purpose of financing the reforms indicated in clauses 2 and 3 of this agreement, the British Government offer to provide or arrange a substantial loan for the Persian Government, for which adequate security shall be sought by the two Governments in consultation in the revenues of the customs or other sources of income at the disposal of the Persian Government. Pending the completion of negotiations for such a loan the British Government will supply on account of it such funds as may be necessary for initiating the said reforms.

"5. The British Government fully recognizing the urgent need which exists for the improvement of communications in Persia, with a view both to the extension of trade and the prevention of famine, are prepared to cooperate with the Persian Government for the encouragement of Anglo-Persian enterprise in this direction, both by means of railway construction and other forms of transport, subject always to the examination of the problems by experts and to agreement between the two

Governments as to the particular projects which may be most necessary, practicable, and profitable.

"6. The two Governments agree to the appointment forthwith of a joint committee of experts for the examination and revision of the existing customs tariff with a view to its reconstruction on a basis calculated to accord with the legitimate interests of the country and to promote its prosperity.

"Signed at Teheran, August 9, 1919.

"NO. 2.—AGREEMENT RELATING TO LOAN OF £2,000,000, AT 7 PER CENT, REDEEMABLE IN 20 YEARS.

"Preamble: Contract between the British Government and the Persian Government with reference to an agreement concluded this day between the said Governments. It is agreed as follows:

"ARTICLE 1. The British Government grant a loan of £2,000,000 sterling to the Persian Government, to be paid to the Persian Government as required in such installments and at such dates as may be indicated by the Persian Government after the British financial adviser shall have taken up the duties of his office at Teheran, as provided for in the aforesaid agreement.

"ART. 2. The Persian Government undertakes to pay interest monthly at the rate of 7 per cent per annum upon sums advanced in accordance with article 1 up to March 20, 1921, and thereafter to pay monthly such amount as will suffice to liquidate the principal sum and interest thereon at 7 per cent per annum in 20 years.

"ART. 3. All the revenues and customs receipts assigned in virtue of the contract of May 8, 1911 (see No. 3), for the repayment of the loan of £1,250,000, are assigned for the repayment of the present loan with continuity of all conditions stipulated in the said contract and with priority over all debts other than the 1911 loan and subsequent advances made by the British Government. In case of insufficiency of the receipts indicated above, the Persian Government undertakes to make good the necessary sums from other resources, and for this purpose the Persian Government hereby assigns to the service of the present loan, and of the other advances above mentioned, in priority and with continuity of conditions stipulated in the aforesaid contract, the customs receipts of all other regions, in so far as these receipts are or shall be at its disposal.

"ART. 4. The Persian Government will have the right of repayment of the present loan at any date out of the proceeds of any British loan which it may contract for.

"Signed at Teheran, August 9, 1919.

"NO. 3.—ARTICLE 5 OF CONTRACT BETWEEN THE PERSIAN GOVERNMENT AND THE IMPERIAL BANK OF PERSIA RELATING TO THE PERSIAN GOVERNMENT 5 PER CENT LOAN OF £1,250,000 OF MAY 8, 1911. (INCLUDED FOR REFERENCE.)

"5. The Imperial Government of Persia specially assigns to the service of the loan, and as a first charge thereon, subject only to prior charges amounting to £15,714 1s. 10d. per annum for three years, and £30,278 12s. 7d. per annum from the year 1913 to the year 1928. The full net customs receipts of every description which the Government now is, or at any time hereafter may be, entitled to collect and receive at all ports or places in the Persian Gulf, including Bushire, Bunder Abbas, Lingah, Mohammerah, and Ahwaz, which receipts are hereby made payable to the bank, and the Imperial Government of Persia hereby engages forthwith after receipt thereof to pay to the bank all such customs receipts as aforesaid without deduction other than for actual expenses of administration of the customs of the said ports disbursed prior to the date of such payment.

"(a) The Imperial Government of Persia undertakes that throughout the continuance of the loan all sums collected by the customs administration shall be paid to the bank at the ports of collection, or at its nearest branch, week by week, for meeting the prior charges referred to above and for the service of the loan, and an account of such receipts shall be submitted to the Persian Government by the bank at the end of each month.

"(b) The bank shall, out of the moneys so collected, pay the prior charges, above mentioned, and the interest and sinking fund of the loan, and shall hold the surplus at the disposal of the Imperial Government of Persia.

"(c) The bank undertakes, out of the moneys so received, to pay on behalf of the Imperial Government of Persia the half-yearly coupon in London, and supervise the working of the sinking fund and service of the loan free of charges connected with the same.

"(d) In the event of the customs receipts of the above-mentioned ports for any three months falling short of the amount required for the prior charges and the service of the loan, either for interest or amortization, the Imperial Government of Persia binds itself to make good such deficiency from other sources of Government revenue, and, further, should receipts from these sources fall below the amount required, as above, the Persian Government hereby assigns for this purpose the revenue derived from the receipts of the telegraphs—this assignment to constitute a second charge on the said telegraph receipts up to the year 1928, after which the telegraph receipts will be free.

"NO. 4.—SIR P. COX TO HIS HIGHNESS VOSSUG-ED-DOWLEH.

"BRITISH LEGATION,
"*Teheran, August 9, 1919.*

"YOUR HIGHNESS: I trust your highness has been able, during your successful direction of affairs of the Persian State, to convince yourself that His Britannic Majesty's Government have always endeavored to support to the utmost the efforts of your highness's cabinet on the one hand to restore order and security in the interior of the country and on the other to maintain a policy of close cooperation between the Persian and British Governments.

"As further evidence of the good will by which the cabinet of London is inspired, I am now authorized to inform your highness that, in the event of the agreement regarding projects of reforms which your Government contemplates introducing in Persia being concluded, His Britannic Majesty's Government will be prepared in due course to cooperate with the Persian Government with a view to the realization of the following desiderata:

"1. The revision of the treaties actually in force between the two powers.

"2. The claim of Persia to compensation for material damage suffered at the hands of other belligerents.

"3. The rectification of the frontier of Persia at the points where it is agreed upon by the parties to be justifiable.

"The precise manner, time, and means to be chosen for pursuing these aims shall be discussed, as soon as practicable, by the two Governments.

"I have, etc.,

"P. Z. COX.

"NO. 5.—SIR P. COX TO HIS HIGHNESS VOSSUG-ED-DOWLEH.

"BRITISH LEGATION,
"*Teheran, August 9, 1919.*

"YOUR HIGHNESS: With reference to the second desideratum indicated in my previous letter of to-day's date, it is understood and agreed between the two Governments reciprocally that on the one hand His Majesty's Government will not claim from the Government of His Majesty the Shah the cost of the maintenance of British troops which His Majesty's Government were obliged to send to Persia owing to Persia's want of power to defend her neutrality, and that on the other hand the Persian Government will not claim from the British Government an indemnity for any damage which may have been caused by the said troops during their presence in Persian territory.

"It is to be understood, however, that this agreement of the two parties does not in any way affect the claims of individuals and private institutions, which will be dealt with independently.

"A note from your highness informing me that you accept this position on behalf of the Persian Government will suffice to record the agreement of the two Governments on this subject.

"I have, etc.,

"P. Z. COX."

CITY POLICE AND LABOR UNIONS.

Mr. MYERS. Mr. President, I desire to read a few headlines from an article in the Washington Post of this morning in relation to the results of the strike of the Policemen's Union in Boston now in existence. I read:

Kill three in Boston riot—Two men and boy dead; troops use machine guns—Many others are wounded—Woman shot in arm and aged policeman badly beaten up—Cavalrymen hit by bottles in Scollay Square disturbances—Guardsmen forced to fire on mob in South Boston—Threat of labor unions to join police in sympathetic strike causes alarm.

Then follows an Associated Press article which describes the looting, robbery, and criminality of nearly every kind which is now in full sway in Boston. Alongside of that article the Post prints another article advocating the unionization of the police forces of the country. Looking now to the column which contains the index to to-day's issue of the Post, the first item which I read is "Police get aid of Wilson." The next item is "Fatal rioting in Boston." I ask that the portion of the article which I have marked be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the Washington Post, Thursday, Sept. 11, 1919.]

[By the Associated Press.]

BOSTON, *September 10.*

Two men and a boy were killed to-night in turbulent riots growing out of the police strike. There were numerous injuries of a minor nature to members of mobs, police officers, and State guardsmen.

The most serious disturbances were in the vicinity of Scollay Square and South Boston. Cavalrymen charged the crowds, and a machine gun was used, one man being killed and several wounded by its fire. At a late hour the mob was still uncontrolled.

Property damage was slight compared to that inflicted by the wild rampage of hoodlums last night.

FEAR SYMPATHETIC STRIKES.

One of the most serious elements in the complicated outlook was the possibility of sympathetic strikes by labor unions which have declared their support of the policemen's union. Like the patrolmen's organization, most of these unions are affiliated with the American Federation of Labor. The State branch of the federation, at its annual convention in Greenfield to-day, instructed all Boston unions to vote to-morrow night on the question of action to back up the policemen.

Scollay Square was thronged all day and well into the night. The crowd early became riotous and cavalrymen were sent to disperse it.

WOMAN WOUNDED IN ARM.

The mob surged in and out of the square. Shots were fired and an unidentified man was killed. A woman was wounded in the arm, a middle-aged volunteer policeman was so badly beaten up that he was removed to a hospital and three cavalrymen were hit over the head by bottles and other missiles, and also were given hospital treatment. After Infantry reinforcements arrived the square was finally cleared.

The South Boston district, which was so turbulent last night, was considered one of the worst danger spots, and a large force of troops was thrown in there early in the night. For some time they held in check the mobs of polyglot residents of the peninsula section, but late at night conditions were so menacing that a machine-gun crew was rushed over aid them.

STONES HURLED AT SOLDIERS.

So fierce was the resistance of the angry crowd to the efforts of the guardsmen to preserve some sort of order that guns were leveled and the machine gun was put in position. All sorts of missiles were hurled at the guardsmen. A shower of stones so endangered the soldiers that that the machine-gun crew was ordered to fire. One man was killed and several were wounded.

Windows were broken in different parts of the city but there was little looting.

FIVE THOUSAND TROOPS HOLD STREETS.

Boston was under military rule to-night. After 24 hours of lawlessness such as the city has never before experienced, a sense of security was afforded an outraged public by the appearance in the streets of 5,000 soldiers under orders to restore order and protect life and property at any cost.

A troop of State Guard Cavalry, dashing at full sped in company front with drawn sabers, cleared Scollay and Adams Squares to-night of thousands who had jammed those places since early to-day. Both squares had been the scenes of intermittent rioting and when the Cavalry approached a small group of loyal police officers were maintaining a semblance of order with the greatest difficulty.

BAYONETS DRIVE GAMBLERS.

Gangs of gamblers who have infested Avery Street between Washington and Tremont since last night were driven out at the point of the bayonet by a company of State guardsmen to-night. There were 15 dice games in progress, with about 2,000 participants and spectators, when the troops arrived. At double-quick time the soldiers drove the crowd before them and then stationed guards, closing the street.

Fifty-three members of the Metropolitan police force who have been on emergency duty during the strike and who were ordered to patrol Scollay Square, to-night refused and were immediately suspended. They marched in a body to headquarters of the policemen's union and took out applications for membership.

MAYOR ASKS FOR MORE TROOPS.

It was noon to-day when Mayor Peters assumed control of what was left of the police department and called upon the commander of the Tenth Regiment of the State Guard to assist him in preserving order. At the same time he asked Gov. Coolidge for additional troops from outside the city. The governor immediately called out the Fourth Brigade, comprising men from cities and towns in the metropolitan district, and this evening he ordered out the Fourteenth Infantry from the Cape and the Twentieth Infantry from western Massachusetts. Boston also furnished a motor transport corps, a troop of cavalry, and an ambulance company.

GOVERNOR REBUKES MAYOR.

A wave of public indignation against the city and State officials followed the excesses of last night, when the city virtually was abandoned to hoodlums. From the governor's office came an implied rebuke in the statement that the governor had been ready for two days to meet a request for assistance from the mayor. Mayor Peters in a statement accused the governor of trying to place upon him a responsibility that rested with Police Commissioner Curtis, an appointee of the governor. The mayor said Curtis had assured him that the aid of the State Guard was not needed, and that he (the mayor) had no authority to call for troops until disturbances had actually occurred.

Scarcely a district in the city failed this morning to show evidences of lawlessness.

In some instances trucks were backed up to stores whose windows had been smashed and deliberately loaded with loot. Numberless persons were robbed. Dice games for varying stakes were boldly opened in the streets and on Boston Common, where professional gamblers found men with money. One man on the Common had just pocketed gains of $200 when he was knocked in the head and his "roll" taken. Other crimes of a revolting nature were committed. Unprotected women were brutally assaulted.

CRITICISMS START FIGHTS.

Criticism of the police and of the city officials, who were accused of not acting promptly and firmly, led to frequent fist fights, in which many joined. The nerves of the people seemed to be on edge, and it didn't take much provocation to start a row.

The municipal courts had all the business to which they could attend. Many persons were given sentences of six months for rioting or because loot was found upon them.

Secret-service men who watched the railroad stations carefully to-day said that crooks were coming into the city by every train. One officer said that he recognized a criminal whom he had not seen for five years, and that a large number of the crooks were "old timers."

Mr. MYERS. Without reading the article in its entirety, it having been put into the RECORD of yesterday, I quote some headlines from the Evening Star, of this city, of last evening. The headlines which I read are the headlines to the Star's Associated Press dispatch about the looting and crime in Boston, growing out of the policemen's strike. I read as follows:

[From the Evening Star, Washington, D. C., Wednesday, Sept. 10, 1919.]

State guards called to suppress disorder due to police strike—Boston authorities unable to stem the tide of lawlessness—Looting of stores goes on unchecked—Scenes approaching anarchy frequently observed in the important business districts.

Some other headlines in the body of the article are: "City abandoned to hoodlums"; "Destruction in downtown Boston"; "Attacks on women frequent"; "Walkout signal for rowdyism"; "Three men shot, one stabbed"; "Volunteers on beats hooted." Some excerpts from the article are:

Lawlessness was rampant in Boston to-day. Without adequate police protection private citizens were left to their own resources to protect their lives and property.

Since the police struck at 5.45 o'clock yesterday afternoon there has been no organized police power able to cope with the situation, that last night approached anarchy and to-day appeared to grow more serious as the inadequacy of the makeshift arrangements intended to preserve public order became obvious to the criminally inclined.

Last night the city was virtually abandoned to the hoodlum and the criminal.

Downtown Boston presented a sad picture this morning. The systematic looting has ceased apparently with the coming of daylight, but evidences of last night's lawlessness were plentiful. On Washington Street near School Street the whole glass front of a haberdashery had been smashed. Around the corner, on School Street, Walton's Café looked as if it had been struck by a cyclone. All 10 of the Walton Cafés in the city, where there is a strike on, were looted.

Attacks on women throughout the night were frequent and atrocious. In numerous parts of the city there were villainous assaults. The vicious element suffered the most, but according to reports no woman was safe in the little-frequented districts or where the streets were not brilliantly illuminated.

Rowdyism started almost with the walkout of the patrolmen last night. Thousands of persons gathered about the police stations before 6 p. m., and when the officers emerged in civilian clothes or without insignia or equipment they were greeted with cheers and jeers, and at some stations youths with grudges against certain officers threw mud, sticks, and stones. These crowds were dispersed by superior officers and loyal patrolmen.

In South Boston rowdyism and looting started early and continued through the night. Windows in whole blocks of stores were broken and their contents scattered. Those who could not get near the windows were able to buy rare bargains in wearing apparel and cheap jewelry from others who were overstocked.

Threats that the street car, telephone, and lighting systems will be tied up if necessary to force matters for the police have been made, and the possibilities of the resulting situation were described as appalling by many to-day.

Mr. President, there you have the results of unionization of police forces. There is a sample. I think no argument against it other than these newspaper articles is needed. I think it is apparent that if anything is done to stop the unionization of the police force of the District of Columbia it must be done by Congress. I have appeared before the Committee on the District of Columbia, to which was referred my joint resolution to prevent the payment of salaries to any policemen of the District of Columbia who remain in a union which is affiliated with a superior body of organized labor. I have appeared before the committee and urged prompt and favorable action on my joint resolution, and that is all I can do. The next step must be taken by the Committee on the District of Columbia.

I have no more interest in this matter than has any other Senator; I am not a member of the Committee on the District of Columbia; but there has been considerable talk on the floor of the Senate and in the cloakrooms of the Senate about the dangers that confront us from threatened unionization of police forces. It appeared to me that somebody should undertake to start action against those dangers, and I took it upon myself to do so. Unless Congress interferes it is evident that within a short time the police force of the District of Columbia will be unionized and affiliated with the American Federation of Labor. If that be permitted to take place, I predict that in 60 days the police force of every city and town in the United States of 5,000 population and upwards will be unionized and affiliated with the American Federation of Labor. When that step is complete, I predict that the next step will be the unionization of the Army and Navy of this country.

Mr. THOMAS. Mr. President——

Mr. MYERS. I yield to the Senator from Colorado with pleasure.

Mr. THOMAS. I presume the Senator from Montana saw the telegram in the morning paper from Mr. Tumulty, representing the President, the effect of which is to turn the police force of the District over to the American Federation of Labor?

Mr. MYERS. I did, and I have just remarked, which the Senator probably did not hear, because he was otherwise engrossed, that it is evident if anything is to be done to prevent the police force of the District of Columbia from being unionized and affiliated with the American Federation of Labor it must be done by Congress; and I think it is time for the Committee on the District of Columbia and Congress to act.

As I was saying when interrupted, when the police forces of this country are unionized, which I predict will be inside of 60 days, unless something is done by some branch of the Government to stop it, the next step will be to unionize the Army and Navy. It would be no more inconsistent in principle with the genius of our institutions for the Army or Navy to be unionized than for the police forces of the country to be unionized; I can see no difference whatever. The police forces of the country have no more right to be unionized and to put themselves under a superior body of organized labor than has the Army.

When the police forces of the country and the Army of the country are unionized, the next thing will be a soviet form of government for this Nation. Unless something be done to stem the tide, I predict that within two years we will have a soviet form of government here. The Democratic and Republican Parties are busily engaged now in scheming to carry the next presidential election, but if things keep on going the way they are now going we may have a soviet government in this country before the next presidential election.

I believe that an ominous condition of affairs confronts our country. The workers in the steel industry have already called a strike for the 22d of this month. I believe that it will soon be followed by a nation-wide strike of the railroad employees of the country and then by a nation-wide strike of the coal miners' unions of the country. I do not believe that the conference which is to be called here in October between the leaders of labor and capital will prevent those occurrences, unless every demand of the railroad workers and the coal miners be granted. I believe the railroad employees and coal miners will not compromise one iota. I believe that some of the more radical of their leaders and agitators are purposely making demands which they know can not be granted, in order to bring on nation-wide railroad and coal miners' strikes at the beginning of winter, in order that the people of this country may be confronted with freezing and starving conditions. Then, with the police forces of the country unionized and the Army probably by that time unionized, it takes no stretch of the imagination to realize what may become of this country before next spring. Therefore, I believe Congress should act, and act promptly.

I am not unfriendly to organized labor within its legitimate sphere and so long as it confines itself within the bounds of reason; but I am not in favor of a government of labor unions, for labor unions, by labor unions, to which the District of Columbia appears to be rapidly drifting. In fact, the whole country seems to be headed that way.

To my mind it is no more improbable that the Army will be unionized in the near future than that the police force will be, I have always regarded the policemen of this country as being as intelligent and as faithful and sensible and loyal as its soldiers. I do not believe that all of the policemen of this country have been struck by an identical thought at the same psychological moment and that they simultaneously and voluntarily decided to unionize. There are efforts on foot now, I understand, to unionize the police forces of 50 cities of this country. I do not believe that, in a psychological moment or wave of psychic thought, that idea occurred to the police forces of all those cities at the same time. I believe somebody else is back of this movement and putting the policemen up to it. I believe that they have had it put into their heads by some other influence, and the same influence, if it succeeds in unionizing the police forces of the entire country, is very likely to undertake to inject the same ideas into the Army of the country. The time to stop the movement is now.

CALLING OF THE ROLL.

Mr. HARDING obtained the floor.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. HARDING. I do.

Mr. McNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Lodge	Sheppard
Ball	Hale	McCumber	Smith, Ga.
Bankhead	Harding	McKellar	Smith, Md.
Brandegee	Harris	McLean	Smoot
Capper	Harrison	McNary	Spencer
Chamberlain	Henderson	Myers	Sterling
Colt	Hitchcock	Nelson	Swanson
Culberson	Johnson, S. Dak.	New	Thomas
Cummins	Jones, Wash.	Newberry	Townsend
Curtis	Kendrick	Norris	Trammell
Dial	Kenyon	Overman	Wadsworth
Dillingham	Keyes	Page	Walsh, Mass.
Edge	Kirby	Phipps	Watson
Frelinghuysen	Knox	Pomerene	Williams
Gerry	La Follette	Robinson	

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], the Senator from California [Mr. PHELAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Arizona [Mr. SMITH] are absent from the Senate on official business. I wish also to announce that the senior Senator from Louisiana [Mr. RANSDELL] and the senior Senator from South Carolina [Mr. SMITH] are detained from the Senate on public business, and that the junior Senator from Louisiana [Mr. GAY] is detained on business of the Senate.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

THE LEAGUE COVENANT.

Mr. HARDING. Mr. President, if it were not for seeming indifference in an hour of imperiled nationality, I believe I should be content to rest my expression on the pending treaty wholly to the report of the Committee on Foreign Relations. I say this with propriety, I think, because I had no part in its writing, though I was a participant in the conclusions reached. My judgment is that it is one of the American documents well worthy of preservation.

Mr. President, every day of discussion, presidential utterances included, and every hour of study combine to persuade me that the league of nations venture in the form in which the covenant has been negotiated is one of peril to the Republic. To accept it unaltered would be a betrayal of America. It is not for me to consider constitutional inhibitions. There is probably nothing to prevent a nation undertaking self-destruction by indirection or otherwise if the treaty-making powers are in accord about the desirability of such a course. Nor is it for me to discuss the finer points involved in international law and diplomatic niceties, because once the league is established it becomes the maker of international law and diplomacy ends in league autocracy.

Such impressions as I wish to offer are the very simple ones of an American who is jealous of the Republic's nationality and fears paralysis in that internationality which is the league's loftiest aim. Submerged nationality and supreme internationality are more to be expected than the proclaimed permanency of peace, which first caught the sympathy and support of a peace-loving world.

Mr. President, I know the natural aspirations of civilized humanity and share them. I know how the heart of the world, torn and bleeding and anguished and palpitant in the cataclysmal war, throbs in hunger for assured tranquillity. I pity him who has not felt the yearnings within his own breast. No real American is so bereft of feeling. There is no monopoly of the love of peace, and there is no exclusiveness in concern for humanity's sake. Neither is there a limited circle of those who act in patriotic devotion nor restricted groups in loving our common country. I say these perfectly obvious things because it is time to clear up some mistaken impressions. The proponents of the Wilsonian league of nations have no more claim to an exclusive desire for the peace of our country and the world than the opponents of this league have exclusive claim to patriotic devotion to our own Nation. And the considerable numbers who are grieving that there is involved in the treaty-making power a portion of the Senate which is impelled by partisan bias ought to revise their judgment, because it is as unfair and uncomplimentary to one side as the other and challenges the wisdom of popular government. However, if disagreement with the Executive, now that the war is won, is to invite the charge of narrow partisanship, I welcome it and am content to let it go at that.

It was the truth, last year, two years ago, three and four years ago, the people of this country were heedlessly and overwhelmingly for a league of nations, or a society of nations, or a world court, or some international association which should develop a fraternity of action among civilized peoples and save humanity not only from the sorrows and sufferings like those which came with the war now ended, but from the involvements of which we are not yet emerged. Many leaders of the party represented on this side of the Chamber were conspicuous in its advocacy, and thousands less notable joined the chorus. Among the latter I joined in writing a favoring declaration in the platform of the Republican Party in Ohio, which I think fairly voiced the aspirations of the people of that State. In the popular thought was the wish to abolish war and promote peace and make justice supreme, and it was believed that the world, war wearied and drenched with the blood of millions of devoted nationalists, would be ready for the committal. Our people were thinking of the thing desired, and never pondered the method or the cost of its making. Nobody stopped to think of the involvements then. We are only learning them now.

It would have been well to have counseled with one another before the covenant was fashioned. The people voted such a preference most emphatically last November. Most people thought there would be counseling, and it ought to have been done. When the armistice brought humanity's greatest sigh of relief since fellowship engirdled the earth, it was the common thought that sympathy would inspire and justice would impel and safety would demand some created agency of the conscience of the world that should contribute to the furtherance of peace and maintained tranquillity. But the immediate task was the settlement of the war suspended by the armistice. The manifest yearning was for recovery from madness and destruction and waste and disorder, and the instincts of self-preservation called for speedy restoration. No one doubted that the measureless cost and unspeakable suffering would awaken the consciences of nations to take stock of their relationships and readjust them to guard against recurrent horrors. But the pressing call was for peace, peace among the belligerent powers, peace for convalescence, peace for deliberation, peace for that understanding which is the first essential in undertaking a world-wide covenant which mankind had never effected heretofore.

No one can doubt the advantageous position of this Republic when the armistice was signed. We had proven our unselfishness. We alone had not won the war, but our entrance into the conflict in April, 1917, saved the waning morale of allied nations which bore the brunt of German attack, and our first expeditionary forces in the summer of 1917 revived the drooping spirits of the fighting forces of France and England, and in 1918 the sons of this Republic turned the sweeping tide of battle backward. It is not unseemly to say our forces were an absolutely essential factor in the winning, though our 2,000,000 of fighting and irresistible Americans were only a partial expression of our resources and our resolution that Germany and her allies must be brought to terms. It is a glorious record which calls for no recital here. I am trying only to call to mind our advantageous position—the gratitude of the powers with whom we were associated, the belated realization and respect of the Central Powers, the tardy awakening of Germany, who learned the lesson that Americans could and would fight, and the world's understanding of our unselfishness in the defense of our national rights.

The loftiness of our position was correctly and creditably appraised, notwithstanding the excessive proclamation of democracy and humanity. The latter was mainly for home consumption. It may be taken as one of the inevitable things in popular government, it was distinctly a symptom of our neglect of the American spirit. Those who stop to analyze know, of course, that if the German assault had been aimed at the world's democracy—our defense of democracy ought to have answered with every American gun when Belgium was invaded. And the same analytical thought must have persuaded the thinking American that if it was our duty to make war for humanity's sake, duty called loudly above the horrified exclamation of the world when the *Lusitania* was sunk without pity for dying humanity on her unsuspecting decks. I am not indulging in belated complaint, because I knew the tremendous seriousness of plunging the Republic in war, and I knew then our unreadiness of spirit for such a committal. The point I am aiming at is to clarify our purpose in entering the war in order to emphasize our favorable position when it came to an end. The everlasting truth is that we were lashed by German ruthlessness to a defense of our national rights, and we did defend them, until Germany's power for ruthlessness has been destroyed beyond recovery for generations to come. We defended only our rights, and we know now, if we did not realize before, that the nation which does not defend its national rights does not deserve to survive. We did not ask more, except to help in righteous restoration, and the world correctly appraised the unselfishness which marked our efforts.

It was a very simple course to have taken. Ours was a commanding voice in the adjustments of peace, willingly and gladly heeded. It was ours to pass judgment on the terms of peace and speed their conclusion. I must confess, Senators, I could find no fault with the President going to the peace table. The world had never seen before such an opportunity for service, and I thought it fitting that the first citizen of the Republic should go and utter the unbiased advice of America amid the embitterments and prejudices that had grown out of twenty centuries of European conflict. I do not share the criticism that he invited no Members of this body, which must approve every treaty to which the Republic is committed. I do complain that in this most extraordinary and unparalleled wreck in the wake of world-wide war he consented to counsel and advise with none who have sworn duties to perform, and devoted, essentially alone, his talents and his supreme influence to reformations and restitutions, and the establishments of governments and the realizations of ambitions and the fulfillment of dreams which human struggles and battling peoples and heroic sacrifices have not effected since the world began, and never will be realized until that millennial day that marks the beginning of heaven on earth. The situation presented intensely practical problems, and he clung mainly to lofty theories.

Sometimes I think a very capable writer of history is very much spoiled for the making of it. I can recall now my reverent regard for Julius Cæsar when I struggled with his recital of the wars in Gaul. It required a wider reading before I realized that the great commoner of that day was making history and recording it for the effect it might and did have south of the Rubicon. It is easy to understand the perfectly natural and laudable ambition to do the superlative thing which history is waiting to record, which superlative thing was in the historian's mind, but it needed penetrating vision to meet the pressing, practical problems which were awaiting solution, by very practical men.

One can conceive the idealist who is blind to the bald realities of secret covenants and selfish bartering incident to the alliances wrought amid the anxieties and necessities of so stupendous a war. Nations were battling for their very existence, and they made pledges with little reckoning of the future. It was assumed our Government knew the details, but the assumption was a mistaken one. The President frankly said he did not know. Merely fighting in our own defense, it was excusable for us not to know, for we should have given to our utmost of lives and treasure regardless of the aftermath. But in joining the struggle professedly for democracy's sake, we ought to have had some forecast of democracy's fate in the pregnant aftermath. More, to meddle effectively in the affairs of the world, we ought to have known the world's promises. Herein lies the weakness of our whole part at the peace table.

The war had its inception in German ambition, expanded domain, if not world domination, all conceived in drunkenness with power. It was met in self-defense—righteous self-defense—but there was inevitable consideration of the spoils of victory. They became the inspiration and consideration of alliances, and there were understandings, written and unwritten. We should be blind not to recognize the necessity and naturalness of it. The pity is that we did not recognize the evident truth and speak with the confident voice of justice, and hold ourselves aloof from any committal which savored of unrighteousness. If Europe, in the stress of war or out of it, will barter in territories and peoples, we can not hinder, but we need not approve and surely we must not guarantee.

Whether the President knew the details of negotiated selfishness while the war was raging, it was inevitable that he soon learned when he made his triumphant landing on the friendly soil of France. It was not then too late to hold aloof. We were seeking only peace. We sought no territory, no mandatory, no reparation—nothing was asked. Our unselfishness was genuine, to the everlasting honor of this Republic. But the glory of the league of nations—an appealing conception—filled the American commission's vision, while distinctly American interests—aye, sacred American interests—were ignored and forgotten in a new and consuming concern for the world.

Empires and sovereign States, autocratic, imperial, or democratic, had fought and sacrificed and bargained and covenanted—and we had fought with them—and they craved peace and we craved peace. But they wanted annexations and extensions and creations, and they wanted this Republic, with its resources—with its wealth of men and materials—to guarantee the changes they had wrought, and wanted the United States of America in their unselfishness to guarantee in perpetuity the selfishness of the Old World.

They had nothing to offer us but the phantasmal thing, taking the elusory shape of the image of peace, a promise deeply appealing to the aspirations of ourselves and the world, for tranquillity and the banishment of war. And we bargained for it, and then they fashioned it into a reality, suited to serve Europe and the Orient as the seal of righteousness on all to which the allied powers had agreed.

Mr. President, I grant the worthiness, the loftiness of the ideal when we look above and beyond the immorality which it cloaks. One must concede the good which is aimed at. No one who is sincere can question the desirability of closer fraternity among the nations of the earth. No thoughtful citizen of any country will dispute the need of the clarification and codification of international law. Such a thing might have saved us from involvement in the European war, unless Germany was madly determined to effect her own destruction.

International arbitration and a world court for justiciable disputes appeal to all who think justice is sustained in reason

rather than in armed dispute. The establishment of an agency for the revelation of the moral judgment of the world can never be amiss. These things might well have come out of the combined consciences of the nations awakened to new ideals amid the sufferings of war, and they will yet come. But it does not require a supergovernment to effect them, nor the surrender of nationality and independence of action to sanction them.

It is my deliberate conviction that the league of nations covenant, as negotiated at Paris and signed at Versailles, either creates a supergovernment of the nations which enter it or it will prove the colossal disappointment of the ages. Though it would be vastly more serious as the former, I can not believe this Republic ought to sanction it in either case. Why proclaim a promise that will embitter the world's disappointment?

Let us note, first, the probability of disappointment. Does it effect disarmament? The member nations decide for themselves the necessary size of their armed forces, which are not to be increased except with the league's approval. Of course there is to be studied recommendation for reduction, but any two powers in concerted action may reject the entire program. Who has heard of a proposal to diminish the great British Navy, which holds Great Britain undisputed mistress of the world's seas? Few will question Great Britain's wisdom in her well-known attitude. Surely no British subject will question it. She has an empire to defend and a commerce to guard, without which England's glory is at an end.

Only a few days ago the cabled news told us that France will maintain a larger army than that Republic possessed when she entered the World War. Doubtless France's security demands it, in spite of the negotiated alliance which calls the United States and Great Britain to her aid in case of a renewed German assault. We know little about Japan, but we do know that Japan may fix her own limitations as to army and navy, "taking into account geographical conditions and national safety," until under this treaty we give our sons and our resources to the enforcement of international agreements by common action under articles 8 and 10.

Is disarmament looming as a hope realized? Look for an instant at home. With the league confidently expected, with all its blessings of peace, limited only by "interpretations," we are contemplating an army of a half a million, seven times our previous establishment in peace, and the men, in Congress or out, who would cut our program for an expanded navy are few and far between. More, the man who would suggest it would be unmindful of our security. Verily, he who sees world disarmament in this league covenant has a faith which surpasses understanding.

Will nations arbitrate their differences under the league covenant? They will if both parties to the dispute are agreed, and they can do that without it. Under the covenant one party may decline, then the council takes the case, and we have recently come to know the recommendations of the council constitute its judgment only as to a "moral" obligation.

We have heard much lately about "moral" obligations. When a thing is covenanted it is difficult for me to distinguish between moral and legal obligation. For this Republic either or both ought to be solemnly binding. The nation which ignores either is losing the conscience which is essential to self-respect and respect among nations. It was Germany's contempt for a "scrap of paper" that made her an outcast in the eyes of the civilized world.

There has been a curious conflict of meaning in the use of the word "moral." When Senators, speaking in this Chamber in defense of the league covenant, found opposition developing to the powers conveyed in article 10, they hastened to say the council's call to war, armed or economic, in defense of any member was not binding—"only a moral obligation." I have heard the term quoted again and again and in the recorded conference between members of the Foreign Relations Committee and the President it was declared by the President that we were not bound to go to war on recommendation of the council, that there was "only a moral obligation," on which we should have to pass judgment for ourselves. Later on, in the record of the meeting, the President emphatically declared a moral obligation the most binding of all. Let every man make the distinction that he prefers. A contract is a contract, a covenant is a covenant, and if this Republic does not mean to do as it promises, it has no business to make the promise.

There is no language in the covenant more plain than article 10. Either it means what it says, and obligates the member nations to go to war in defense of a member nation, or it means nothing at all. If it leaves any member nation free to exercise its own judgment as to the merits of any attack, it does not guarantee the territorial integrity or peace of any nation. It is worse than phantom; it is the mirage that lures nations thirsting for peace to the very desert of cruel destruction. The pity of it is that no reservation will cure the ill. Without the power which is clearly expressed, "the league is a rope of sand," as the Senator from Connecticut described it, and with the power established, as it must be to make the league effective, we have surrendered our own freedom of action to a council whose members will represent the prejudices, ambitions, hatreds, and jealousies of the Old World, or to the assembly, where we are outvoted 6 to 1 by Great Britain and her colonies, and we still remain a party to the racial, geographical, and inherited enmities of Europe and the Orient.

Many have written me, and Senators have spoken and the President has argued, that we are no longer isolated from the Old World, that we have a duty to humanity, and we can not escape our manifest duty to world civilization. It is urged that we struck down the barriers when we sent the sons of the Republic to war, and there can be no withdrawal now. One can not dispute our ever-widening influence; none would narrow it. It began when we unsheathed the sword literally in behalf of humanity for the first time in the world. That was when we went to war to liberate Cuba and expanded to the Philippines. It is easy to recall the outcry against imperialism then by the very adherents of world sponsorship to-day—aye, by those who only three years ago would have furled the flag there, and promise it now, after our contribution to one defenseless people's progress unmatched in all history.

Ours is truly an expanded influence and a world interest, but there is yet for us a splendid isolation. The sons of America, 2,000,000 of them, crossed the seas in spite of submarine ruthlessness and every danger Germany could devise, and 2,000,000 more were ready, and 5,000,000 more would have prepared if needed, and they heroically fought and effectively taught arrogant Germany to respect American rights and left a wholesome impress on the remainder of the world. The soldiers have in the main returned, and, having accomplished our righteous purpose, it was vastly more easy to have severed our involvement than it was to bring the boys home and turn to the pursuits of peace again. The people of this Republic were not concerned with governing the universe. Their interests, their hearts, their hopes, their ambitions, their weal or woe—all of these are in the United States of America. We wanted nothing abroad but respect for our just rights, and that we mean to have, in peace or war, no matter who threatens.

It would have been so easy, if our commission had thought of America first, to have said to the allied powers, "Look here, friends and allies—yes, and to enemies as well—we came over and helped you bring an outlaw to terms, because he trespassed our rights beyond endurance. He is humbled now, and it is yours to restore order and make a just and abiding peace. We want peace, and we want to go to work and replace the waste of war. We will advise, if we can and you wish it, but we are asking nothing, and we will go back home and see to our own affairs. We do not mean to mix in again, unless some bully in making a row infringes our rights and murders our citizens and destroys our lawful property. In that event we will be forced to come back, but we will come more promptly the next time." That would have left a good impression, and we would have been at peace, and so would Europe, months ago.

Mr. President, the first official of our Government is touring the country to invite the people of the Republic, the great mass whose heart is ever right in ultimate decision, to the support of this untouchable and unamendable and supposedly sacred document. He visited the capital of the State which I have the honor to represent, and was received with the respect becoming his great office, and was applauded, as often happens to appealing speech, of which he is the master. He has spoken and is speaking elsewhere, and the people of our State are reading, in common with the reading people of America. I am not finding fault with the tour, even if it is not wholly purposed to promote the league covenant. One may not assume that it involves a feeling of the political pulse of the country, but if it is, if it is to test popular feeling about putting the Presidency permanently in the hands of one equipped to direct the world aright and at the same time merge this Republic in a supergovernment of the world, my partisan prejudices would be rejoicing. But the President told the reverent people of Ohio that he had only to report to them—in a broad sense, the people—and it so happens that I, too, as insignificant as my position is, relatively, have to report to the same people, and I want them to have not only the truth but all the truth; not only fine generalities but illuminating details.

Mr. President, the treaty is being expounded by its chief author to the people with vastly more freedom of utterance than this body has known, notwithstanding our solemn responsibility in making it a binding covenant on the part of this Republic.

Perhaps it does not matter, because we have before us the treaty itself, and we know what it says, though we do not have all the collateral covenants and do not know all to which we are pledged or to what ratification commits us. Yet we have had the advantage, or disadvantage, if you prefer, of hearing also from others of the peace commission, from experts who drafted many of its articles, and alas, we have heard from many who spoke for those who pleaded for their rights at Paris and who declared they were not heard, no matter what is said now about this being the first consecration of international conscience to the rights of helpless peoples and small nations.

Let me digress for a moment to suggest some of my own impressions gathered during the hearings granted to the American representatives of the aspiring peoples of Europe and Asia and Egypt, whose aspirations and long-deferred hopes of liberty and nationality are alleged to have been safeguarded in this supercreation of humanity. It was futile, of course, for a Senate committee to assume to answer prayers or comply with protest, for our function is not one of negotiation. However, there were citizens crying to be heard, after a denial at the fount of justice in Europe, and we listened. They begged amendment or rejection to save their liberties or to preserve their nationalities or to maintain their homogeneous peoples. Spokesmen for China cried out against the rape of the first great democracy of the Orient, and the plea was eloquent with recited sacrifices and noble assistance in the winning of the war. We uttered our chagrin that the spokesmen for the American conscience—aye, for the "conscience of civilization"—had sanctioned the confessed immorality of the Shantung award to satisfy a secret covenant against which we righteously proclaimed, and we did all we can do to right the wrong.

We heard the Americans speaking for their kinsmen of Greece, our allies in war, protesting the award of Thrace and its Greek peoples to Bulgaria who fought for German domination. We listened to those who were Croats or Slovenes or Serbs utter their despair over "the rectifications of history" under territorial awards arrived at for Jugo-Slavia, and Americans of Italian origin or ancestry presented the appeals of Italians for unsevered relationship from the motherland. More, Americans who originated in Egypt, with its traditions and ancient civilization, begged that we shall not sanction their transfer from Turkey and Germany to Great Britain, but save them their inherited freedom and their right to becoming aspirations. Hungarians prayed for restored enfranchisement amid the racial inspiration of the Magyars; and the irrepressible advocates of Irish freedom made the plea before the Senate committee which could not be heard at Paris. I have not named them all, but enough to reveal the utter futility, the hopeless impracticability of this Republic attempting to right the cumulative wrongs of history and satisfy the perfectly natural ambitions and aspirations of races and peoples. One can not wave the wand of democracy, even of excessively proclaimed American democracy, and do for Poland in a day or a year or a generation what centuries of sacrifice and warfare and self-determination have not done.

Does any thinking man stop to measure the colossal and endless involvement before which the sublimest unselfishness and most confident altruism must falter? Contemplate for a moment only the mandatory for Armenia. It is very appealing to portray the woes, the outrages, the massacres, the awakening hopes of Armenia, and visualize the doubts and distresses and sacrificed lives while "the Senate waits." I know the appeal that touches the heart of Christian America in its concern and sympathy for Armenia. It easily may be made to seem as if the sympathetic Son of God had turned to the Omnipotent Father to send this twentieth-century defender of the New Testament to succor those stricken believers in the great Trinity. But the big, warning truth is little proclaimed. Our Armies—sons of this Republic, the youths from American homes—are wanted there. Armenia calls and Great Britain is urging, insisting. A hundred thousand soldiers are needed. More American soldiers for Armenia than we heretofore maintained under the flag in any of the years of peace. Answer the call, and we station this American Army at the gateway between Orient and Occident, to become involved in every conflict in the Old World, and our splendid isolation becomes a memory and our boasted peace a mockery. This is not the way to peace. This is the avenue to unending war.

Mr. President, I am not insensible to the sufferings of Armenia, nor am I deaf to the wails forced by the cruelties of barbarity wherever our ideals of civilization are not maintained. But I am thinking of America first. Safety, as well as charity, begins at home. Selfishness? No. It is self-preservation. Measureless as our resources are, large as our man power is, and chivalrous as our purposes may be, we are not strong enough to assume sponsorship for all the oppressed of the world. No people, no nation is strong enough for such a supreme responsibility. We in America have the Republic to preserve. And in this very program of meddlesome assumption, in some instances bordering on presumption, we are endangering our own Republic. It is not alone the abandonment of security, so much warned against by the founding fathers, which suggests alarm. I am thinking of divided citizenship at home that must attend our attempted reorganization of the world.

Turn back for a moment to the appealing citizens who appeared before the Foreign Relations Committee in prayer or protest. They fairly represented a large proportion of American citizenship. We have no racial entity in this Republic. We are polyglot of tongue, which generations will not wholly change. The involvement in the World War found us divided in spirit. The founding fathers were eager to share their freedom and speed development of our incalculable resources, and they asked the world to come, and the world did come—the oppressed, the adventurous, the industrious; but there was neglected consecration of citizenship.

In the travail of war the American soul was born, and we have preached and practiced Americanization ever since, and we mean to go on and make this Republic American in fact as well as in name. No republic can endure half loyal and half disloyal; no citizenship is of permanent value whose heart is not in America. I had thought the war worth all it cost, in spite of its unutterable expenditure in lives and treasure, to have found ourselves. It was an inspiration to find the adopted sons of the Republic consecrated to the common cause. Yet, sirs, the unhappy aftermath is resurrecting the old lines of divided citizenship. We are restoring hyphenism under internationalism.

One can not complain at the revealment, but I am lamenting the cause. It is all directly traceable to our assumption of world sponsorship. One can little blame the American of Italian origin for being concerned about the affairs of those bound by ties of blood, or find fault with the American of Greek origin for deep feelings about the fate of those of kin in Thrace, or criticize the American son of the old sod who finds in his heart an undying echo of the Irish cry for freedom. Instead of effacing the native interest, instead of merging the inherited soul in exclusive Americanism, we have already embarked on a program that awakens every racial pride, every Old World prejudice, every inherited aspiration, and are rending the concord of American spirit which once promised to be the great compensation for all our sacrifices. This is no idle fancy. Justice, only simple justice, and liberty, God's own bequest of liberty, were on every lip, and there was no perfunctory utterance among those who appealed to the Senate through our committee. There was deep feeling no words could belie and that sincerity for which men die, and as I listened I deplored the eloquence of speech unperformed, which leads hope to flame high, then die in disappointment. And, sirs, I doubly deplored the proposals and pretenses that open anew the cleavage in the consecration of our adopted American citizenship.

Senators, it is a great thing to be eloquent and persuasive in speech, but it is also a very dangerous thing. I mean to be quite as respectful as I am sincere when I say that our present involvement and our further entanglement and most of the world's restlessness and revolution and threatened revolution are largely traceable to prewar utterances and war-time pronouncements. Once before in this Chamber I challenged some of the statements as to why we went to war. I speak of it again now, because the President told the people of my State that our soldiers were "drafted for the very purpose of ending war," and this league as negotiated is the only thing that will do it. It does not seem to have occurred to anyone that we might appeal to the pride of the peoples of the earth. Still more recently a very eminent authority has proclaimed all opponents of the covenant as "contemptible quitters if they do not see the game through."

Mr. President, I turned to the RECORD of Congress for that fateful 6th of April, 1917, when this body voted the declaration of war against Germany. It had occurred to me that perhaps the resolution itself would give the official reason for going to war as Congress would prefer history to record it. I turned to the preamble to the official declaration, and there is given the reason in the simplest language that words can express:

> Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America, therefore be it resolved,

And so forth.

There is the whole story. Nothing there especially proclaiming democracy or humanity, because both had been fighting,

sacrificing, and dying for more than two and a half years and we neither saw nor heard.

Let me clarify by further quotation from the President. I omit the official proclamation of neutrality in August of 1914, but want to reveal the conscience of America as spoken by him in the following January, when Belgium was devastated, and France was bleeding, and Britain was sacrificing her volunteer defenders. I quote from a speech made at Indianapolis, scene of the more recent admonition to "put up or shut up." Search the quotation for democracy, humanity, "the end of all war," or "the rectified wrongs of history":

Only America at peace! Among all the great powers of the world only America saving her power for her own people. Do you not think it likely that the world will some time turn to America and say, "You were right and we were wrong. You kept your head when we lost ours."—The President, Indianapolis, January 8, 1915.

More than three months passed, and still the conscience of the Republic was unchanged. I quote from the New York speech of the Chief Executive, delivered on April 20, 1915:

I am interested in neutrality because there is something so much greater to do than fight; there is a distinction waiting for this Nation that no nation ever got. That is the distinction of absolute self-control and self-mastery.

Let us, as an act of courtesy, pass the Philadelphia address, delivered three days after the *Lusitania* sinking, when humanity's cry was muffled by the ocean's depths and democracy was too shocked to speak. In December we still "stood apart, studiously neutral—it was our manifest duty." Thus the President spoke. But it is especially interesting to quote from an address delivered at Des Moines, Iowa, on February 1, 1916, at the same place where the "quitters" were so recently gibbeted:

There are actually men in America who are preaching war, who are preaching the duty of the United States to do what it never would before—seek entanglements in the controversies which have arisen on the other side of the water—abandon its habitual and traditional policy and deliberately engage in the conflict which is engulfing the rest of the world. I do not know what the standards of citizenship of these gentlemen may be. I only know that I for one can not subscribe to those standards.

It was an unspeakable thing to abandon our "habitual and traditional policy" and seek entanglements in Old World controversies then, when actual conflict was threatening our very safety, but "only the selfishness or ignorance or a spirit of Bolshevism" is debating it now. Surely the American people will not compare without understanding.

We went to war precisely for the reason uttered in the preamble which I quoted, forced to action by the conscience and self-respect of the American people. Perhaps the people were greater than their Government in conscience and self-respect, but they were not great enough to overcome the costly months of delay. But once we were committed it was unalterable. "Quitters" in Congress? They were trampled deep beneath the forward march. Congress submerged itself, abdicated, to give limitless power to the Commander in Chief. No finer surrender of power is recorded in history, no lawful dictatorship offers parallel in the story of free government. I am not complaining, I am commending! It was necessary to speed the winning.

"Quitters" among the people? Not one among the millions of patriotic Americans. We pledged all we had, our wealth, our lives, our sacred honor. It was the committal unalterable. Germany was making war on us, and had to be brought to terms. Let me record it for all time—the unquitting resolution of these United States. Suppose poor, weak but proud and brave Serbia had been trampled to earth and utterly destroyed; suppose brave, heroic Belgium had been driven wholly into the sea and none but her enslaved people remained to cherish the story of her opening guns of defense; suppose Italy, resolute and courageous, in spite of her difficulties, had been brought to terms; suppose Russia in her betrayal had joined her German masters and sought to destroy the world's civilization as she did her own; suppose noble, heroic, self-sacrificing, respiritualized France had been brought to her knees, wounded unto death; suppose determined, fearless, and powerful Great Britain had been starved and brought to terms as the Central Powers had planned; suppose all these disasters had attended, then, even then, this Republic would have gone on and on and on until Germany was brought to terms, because without established American rights there could be no American Nation, and we had rather perish than fail to maintain them.

No, Senators, there were no "quitters" after the task was once assumed. We finished in triumph. An arrogant, offending military Germany is no more. That job was well done. But after it was done, having no concern for Europe's affairs, seeking nothing of territory, nothing of reparation—and getting none, let it be said—the sons of the Republic wanted to come home, and the people of the United States wanted them home, and it was in the great heart of the Republic to turn to the restoration, reestablish our normal pursuits, and make the earliest recovery possible from the ravages and extravagances and wastes and sorrows of war.

That is not a "quitter's" program. That was distinctly and becomingly the American policy, the wish of highest American devotion. We had never entered any alliances. The treaty speaks again and again of the "principal allied and associated powers." We were the "associated power," because when Germany committed her acts of war against us, we joined the warfare of the Allies against her and made common cause against the common enemy. We had no compacts, no covenants, no secret arrangements. Alas! We did not even know the secret agreements the Allies had. It would have little mattered, perhaps, had we not proclaimed overmuch against secret agreements and proposed a new birth for all the world.

We did cooperate. We fought under French command, and our soldiers were comrades to French, to Italian, to Belgian, and to British, because we were battling for the defeat of a common enemy. We paid our own way to the last farthing. We gave of treasure without reckoning, and Americans died not as allies but as Americans. That was the one supreme consolation in every hero's last living thought. Crusaders seeking a human relationship that God himself has not wrought? No! They were heroic defenders of these United States.

It may be recorded, Senators, that America finished the task for which her sons were sent to Europe, and the unfinished work which is now alleged is an afterthought, to which America was never committed, about which our people were never consulted, concerning which our very peace commissioners were not advised. No one questions the lofty aims of President Wilson, no one would hinder consistent endeavor for all desirable attainment. No one opposes because the American participation is exclusively Wilsonian or because the covenant is of British conception. It is the covenant itself and the effect of our committal which calls for consideration.

It is appropriate, however, to dispel some of the illusions about it being the expressed hope and guaranteed security of small nations and struggling peoples. They had no voice in its making. Their protests were stifled at the moment of its adoption. Eye witnesses to the submission of this superconcept to the peace commissioners testify that this "covenant is a perversion of what men who really favored a league of nations intended and wished for." I quote Mr. Frank P. Walsh, once its ardent supporter, now protesting its adoption. When Mr. Walsh appeared before our committee he was asked if the assembled peace commissioners, representing nations, great or small, expressed any surprise when the covenant was presented. Mr. Walsh replied:

Oh, it was very marked. They jumped up all over the place to make protests. Man after man got up. You know there was an awful censorship upon this whole business.

There was no debate. It was the offering of the Big Four, the autocracy of peace, not submitted to debate by the commissioners signing, and is now too sacred for modification by this body which must speak for America. I believe it designed to establish supergovernment, and no explanation nor apology has altered my opinion. It may consider any question affecting the affairs of the world, and the council's decision is a binding thing, else language has no dependable meaning. Supergovernment was the great dream, and the very essentials of supergovernment were incorporated. If one believes in surrendered nationality, if one prefers world citizenship to American citizenship, which I delight to boast, the covenant is ideal. But it ends democracy instead of promoting it, and it means international autocracy for all who accept it without specific reservations.

The authority, as written, is limitless. Any national sovereignty may be invaded. The authority which can prevent war can make it, and it will. The President has said the council may even consider internal controversies which threaten world peace, and he holds out the promise that the league will correct the injustices of the peace commission which created it. If that does not mean the assumption of power to extend to limitless authority, the promise is not sincere. On the other hand, it means abandoned self-determination for every member nation, and unending interference and invited conflict with nations outside the autocratic circle.

No one has made the venture to estimate our possible obligations. Only last Saturday the cable told us how a member of the French Chamber of Deputies had advocated that the league of nations should assume a proportion of the French war debt. It does not matter that we renounced all reparation ourselves, it does not matter that we expended without measure, it nevertheless appears that in the new idealism there is a "touch" of the practical. Europe is calling for our soldiers and we are sending, though our task was ended last November. Europe wants our sponsorship, to enforce the new alignments, and

wants our treasure to lighten her own burdens. Involvement piles upon involvement and responsibility upon responsibility, until independence of action fades into precious memory and nationality becomes a lost inheritance.

Senators, no one in all the land has greater pride than I feel in having this Nation and our people exert a becoming influence on the progressive march of civilization. We can not hope to remain utterly aloof, and would not choose a complete isolation if such a course were possible. We are the exemplars of representative democracy, and have seemingly developed the most dependable popular government in the world. We know that no pure democracy ever survived, and we know that republics have failed before. We ought to and do realize that the fundamentals of the United States are not of new discovery, and we are yet but a child among the nations in point of years, though our achievement would glorify centuries of development. My point is that civilization is not exclusively ours, or justice solely an American conception, or righteousness wholly a new world development. We are committed to them all, and we are the best exemplars of unselfishness in the world.

Our merits are appraised and our weaknesses are known. We have power and wealth and conscience; we do have lofty sentiments and high ideals. We would have ours the best example of national righteousness in all the world, and influence the world according to the confidence and respect we command. We do not need Europe or Asia to define our moral obligations, we do not need the Old World to quicken the American conscience. The obligations to civilization are not designated by men, they are written by the hand of divinity which records the onward march. No league, no council of any league, no assembly of any league can ever appeal to the American conscience as will the voice of intelligent and deliberate public opinion. Aye, and if we proclaim democracy to the world, we must not crush it at its hearthstone.

Must we have this particular covenant to save us from European broils and Old World conflicts, as the President asserts? In a hundred years of American development and growing influence no war involved us, though 126 wars are recorded in that period. We were not involved in 1898; we went because conscience was impelling. I quite agree that Germany might have preferred to respect our rights than to involve us in the late World War if she had believed we would answer affront with armed defense, but the President was too busy then keeping us out of war to utter a vigorous American warning. Germany held us in a contempt which one militant American voice in authority might have dissolved, but we delayed until 2,000,000 fighting sons of the Republic shot Germany to respectful understanding.

We have settled it for all time, league or no league, peace or no peace, war or no war, the rights of this Nation and the rights of our citizens must and will be respected at home or abroad, on land or sea, everywhere an American may go on a lawful and righteous mission under the shining sun. To adopt any other policy, to call an international council to destroy the American spirit, would rend the life of the Republic. It may be very old-fashioned, sirs, it may be reactionary, it may be shocking to pacifist and dreamer alike, but I choose for our own people, a hundred millions or more, the right to search the American conscience and prescribe our own obligations to ourselves and the world's civilization.

Let us pause for a moment to note the tendency of the propagandists of the hour and the proponents of the league. There is a drive to nationalize industry, to denationalize governments, and internationalize the world. All are contrary to everything that made us what we are, all stamp failure on all we have wrought, and propose paralysis instead of the virile activity which sped us on to achievement.

Nationalism was the vital force that turned the dearly wrought freedom of the Republic to a living, impelling power. Nationalism inspired, assured, upbuilded. In nationalism was centered all the hopes, all the confidence, all the aspirations of a developing people. Nationalism has turned the retreating processions of the earth to the onward march to accomplishment, and has been the very shield of democracy wherever its banners were unfurled. Why, Senators, nationality was the hope of every appealing delegation which came to our committee in the name of democracy. It was nationality that conceived the emergence of new nations and the revival of old ones out of the ashes of consuming warfare. Nationality is the call of the heart of liberated peoples, and the dream of those to whom freedom becomes an undying cause. It was the guiding light, the song, the prayer, the consummation for our own people, although we were never assured indissoluble union until the Civil War was fought. Can any red-blooded American consent now, when we have come to understand its priceless value, to merge our nationality into internationality, merely because brotherhood and fraternity and fellowship and peace are soothing and appealing terms?

Oh, sirs, I know it is denied. I can understand the indignant denial. I will not challenge its sincerity. It would be very disheartening to believe that any American in official position, or who donned the garb of an armed defender, knowingly assents to surrendered nationality. I may be wrong, but I elect to take no chances. If this league as negotiated can do all that its proponents have promised, it can tighten its grip on the destiny of nations and make our inspiring nationality only a memory. Extravagant utterance? Well, establish the council without strong reservations protecting our freedom of action, and establish the assembly with its powers unhindered by reservations, and no man can foresee the exercise of authority by the league of great powers, against whom small nations will protest in vain. Suppose it proves all that is claimed in discouraging war, which many honestly doubt. Let me say in passing that an able and experienced officer of the Army, stalwart in his Americanism and his love of country, whose devotion has been proven again and again, and who not only fought in the late war but is a student of European affairs, said to me not a month ago: "Senator, as a military man I ought to favor this league because it means war after war and constant activity in the work for which I am trained. But I pray in my American heart you will never commit us to it, because I can see involvements and regrets unending."

But suppose it makes for the promised peace, I still prefer, and the great majority of Americans still prefer, to be the keepers of our national conscience and let Europe pass upon its moral obligations while we righteously meet our own.

Only the other day the President called upon the opponents of this league to "put up or shut up." Among opponents he classes reservationists as well as those who would destroy it all. A good many people have been "putting up" in this country. Perhaps they have a right to speak. But in modified terms the President is uttering that very familiar demand, "If you won't have this, what have you to offer?" It is the well-known call for constructive proposals in place of obstructive discussion. There are times when obstruction justifies the call for something constructive. But this situation, Senators, calls for action preservative. When some one proposes an impossible thing, it is not fit challenge to demand a constructive substitute. The preservation of American safety is the main thing. A safeguarded inheritance is infinitely better than the wasted riches of nationality.

Nobody is going to "shut up." Democracy does not demand such a surrender. Men in this body have a sworn duty to perform, no less important to ratification than presidential authority is to negotiation. A Senator may be as jealous of his constitutional duty as the President is jealous of an international concoction, especially if we cling to the substance as well as the form of representative democracy. The dictatorship was for the war only, and does not abide in the aftermath.

Members of this body are not insensible to the criticism of their actions, official criticism, and the complaints of constituents. There are expressions of approval, too. Men have not been blind to the unusual mail from home; they have appraised letters inspired, letters perfunctory, letters from the heart, letters urging support, letters breathing deep alarm. I have heard the charge of partisanship and the threat of destroyed party and the prophecy of individual political ignominy. But I record it now, because it ought to be recorded: The soul of this discussion is splendidly patriotic. It is not confined to one side of the Chamber nor to one side of the pending issue. I yield the belief in sincerity even to those who do not grant it. More, the radical, unalterable opponents of the league and the treaty have rendered a real service to this country. I do not agree to all they urge in opposition, but I credit them with the awakening of America, without which the Republic might have been unconsciously betrayed.

To what conclusion am I leading? Speaking for myself alone, voicing no faction, no group, no party, I do not see how any Senator can decide upon his final vote till the disputed amendments and proposed reservations shall have the stamp of the decision of a Senate majority. I can never vote to ratify without safeguards. I am not yet persuaded to cast a ratifying vote without amendments. I have listened to the committee's earnest discussions. I bear witness that there was no fixed program of action in advance. I have sought to retain a fairly open mind, withholding unalterable utterance in the face of the charge of wabbling indecision.

I mean to vote for the amendments proposed by the committee. They ought to be accepted. If the President is correct in declaring the proposed reservations will send the treaty back, then amendments will not unduly delay. Suppose there is delay. Civilized peoples are not supposed to move unthinkingly in creating the surpassing covenant of all the ages. This is an epoch-making treaty, no matter what its terms prescribe.

America need not fear the ill will of our allied covenanters. Their need for our cooperation is not so critical as when the German armies were battering the western battle fronts, but Europe needs us infinitely more than we need Europe. The aftermath is little less difficult than the problems of war itself. We can carry the banners of America to the new Elysium, even though we have to furl them before we enter.

It is well to do any job right. It is imperative to do a mighty job right, especially when it involves the fate of all civilization. If the world is to start all over, it ought to start with the square deal. The treaty has not written it; the square deal was reserved for informal promises not uttered in the supreme document. Though we performed a great service in armed battling for preserved civilization, we have yet a greater service to render to the same civilization by making the covenant of peace everlastingly righteous.

All fair men realize the embarrassment incident to the Shantung award. Perhaps we can not change it. No one believes we mean to go to war to restore to China what Germany looted and Japan traded for. But we need not be a party to an international immorality that challenges our every utterance about lofty purposes and the reign of justice. I want it recorded, for all the world to read, that America esteems her unarmed friend no less than she respects her armed associate.

If reservations are to send the German treaty and league covenant back, we ought to amend fully, we ought to write into the text the things which America is thinking. There has been inclination to yield some points rather than necessitate prolonged delay. We now know there are to be reservations, unmistakable reservations, else there will be no treaty. They must speak in clearest terms. The covenant is unthinkable without them. These reservations must be strong and unmistakable. I could no more support "mild reservations" than I could sanction mild Americanism. These reservations come of a purpose to protect America first, and still save a framework on which to build intelligent cooperation. These reservations come of a desire to offer opportunity for a clearing house for the consciences of peoples. These reservations declare that we hold for ourselves the right to maintain our own peace, and are willing to encourage Europe's effort toward the great desideratum. But in these reservations there must be no surrender of the basic things on which this Nation was builded to the present-day height of world eminence.

Without the amendments we shall be remiss in uttering the conscience of the Republic; without any reservations we shall be recreant to duty. This is not the universal thought. There is dispute about it being the majority thought of the American millions, but I believe it will become the deliberate judgment of America.

If such a course delays reconstruction, let reconstruction wait. It awaited the long negotiation at Paris, it waited amid barter, it can await correction where the blunder was made. You have heard the call of finance, voicing its impatience. Let finance recall that fundamental Americanism transcends its importance for to-day and the morrow, too. Industry calls for normal conditions of formal peace. Let industry remember that nationalism is its fostering influence, and internationalism means to merge its interests with the industries of the world. Momentous achievements are not wrought in impatience.

Out of the ferment, the turmoil, the debts, and echoing sorrows; out of the appalling waste and far-reaching disorder; out of the threats against orderly government and the assaults on our present-day civilization, I think I can see the opening way for America. We must preserve the inheritance and hold sensitive the conscience which has guided our national life. We must cling to just government and hold to intelligent and deliberate public opinion as shield and buckler to representative democracy. We must hold to civil liberty, no matter who assails or in what garb he appears, and we must hold equal opportunity and the reward of merit no less vital to a living Republic than liberty itself.

We do not need and we do not mean to live within and for ourselves alone, but we do mean to hold our ideals safe from foreign incursion. We have commanded respect and confidence, commanded them in friendship and the associations of peace, commanded them in the conflicts and comradeships of war. It is easily possible to hold the world's high estimate through righteous relationships. If our ideals of civilization are the best in the world, and I proudly believe that they are, then we ought to send the American torch bearers leading on to fulfillment. America aided in saving civilization; Americans will not fail civilization in the deliberate advancements of peace. We are willing to give, but we resent demands.

I do not believe, Senators, that it is going "to break the heart of the world" to make this covenant right, or at least free from perils which would endanger our own independence. But it were better to witness this rhetorical tragedy than destroy the soul of this great Republic.

It is a very alluring thing, Mr. President, to do what the world has never done before. No republic has permanently survived. They have flashed, illumined, and advanced the world, and faded or crumbled. I want to be a contributor to the abiding Republic. None of us to-day can be sure that it shall abide for generations to come, but we may hold it unshaken for our day, and pass it on to the next generation preserved in its integrity. This is the unending call of duty to men of every civilization; it is distinctly the American call to duty to every man who believes we have come the nearest to dependable popular government the world has yet witnessed.

Let us have an America walking erect, unafraid, concerned about its rights and ready to defend them, proud of its citizens and committed to defend them, and sure of its ideals and strong to support them. We are a hundred millions and more to-day, and if the miracle of the first century of national life may be repeated in the second the millions of to-day will be the myriads of the future. I like to think, sirs, that out of the discovered soul of this Republic and through our preservative actions in this supreme moment of human progress we shall hold the word American the proudest boast of citizenship in all the world. [Applause in the galleries.]

The VICE PRESIDENT. The Chair has a word to say to the Senate of the United States. The Senate has a rule and placed the enforcement of it on the Chair to maintain order in the galleries. The occupants of the galleries pay no more attention to this rule than if it were a last year's bird's nest. There is no way for the Chair to enforce the rule except to clear the galleries, and I am going to put it up to the Committee on Rules of the Senate as to whether they want to have the rule enforced. If they do not, well and good. If they do, the next time a violation of the rule occurs I shall clear the galleries, provided the Senate will stand back of me.

CONTROL OF FOOD PRODUCTS.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 8624.

The Senate, as in Committee of the Whole, resumed the consideration of the bill H. R. 8624, an act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

Mr. ASHURST. Mr. President, last week I proposed an amendment to a bill then pending, which amendment was the soldiers' settlement bill for soldiers settling on public lands and other lands in the United States. In the course of my discussion I referred to the fact that various sums of money had been expended upon the arid and irrigable lands of the West. I took occasion to say that the money was being repaid to the United States Government. That statement was not challenged on the floor of the Senate, but it has been challenged elsewhere. I did not at that time have a statement as to the exact amount of money that has been advanced from the reclamation fund, nor did I myself know the exact sums that have been repaid by the people who are cultivating the reclaimed lands. For instance, the reclamation law was signed, I believe, on the 17th of June, 1902, therefore it is not 20 years old. Since the day the bill was signed $154,127,905 has been expended in the arid and irrigable West, and of that expenditure over $35,000,000 has been repaid to the Government, or nearly 20 per cent.

I have a statement from Mr. Davis, the Director of the Reclamation Service, signed yesterday, which contains full data showing the amounts of money expended on the various reclamation projects in the United States, showing all the credits and repayments and the amount of the net investment that the Government now has in the projects. I ask unanimous consent to incorporate this tabular statement in the RECORD, together with a letter from the director, because it contains definite and valuable information.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., September 10, 1919.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR: In accordance with telephone request from your office I am sending herewith a tabulation of investments in Government reclamation projects up to the close of the past fiscal year. This shows in each case the total investment of the United States and the reimbursement and other credits against these investments and the net investment on that date.

These are the figures you want, as I understand it, but there is a word of caution in connection with any such statistics. The operations involved in the construction and management of large irrigation projects are so varied that it is difficult or impossible to express all of the financial facts in a few simple terms. For example, the figures given for total investments include actual cash disbursements from the reclamation fund, appropriations for "increase of compensation," and other special appropriations, such as that of a million dollars for the Elephant Butte Dam by the act of March 4, 1907, for judgments of the Court of Claims, etc. This also includes the agreed value of machinery, equipment, materials, etc., transferred from one project to another, in which case we make book credits and debits of appropriate amounts. For all projects such transfers amount to upward of $7,300,000 in the inclosed statement.

Similarly the column of reimbursements and credits includes the other side of such transfer entries, as well as actual cash collections for construction charges, operation and maintenance repayments, water rentals, and miscellaneous items for the sale of electricity, abandoned equipment, etc.

At the bottom of the table you will notice a number of other items added to bring the figures in agreement with our book totals. The "secondary projects" include the great number of possibilities that have been surveyed and examined more or less completely, in addition to the projects actually undertaken. For example, in Arizona this includes the San Carlos, San Pedro, Sentinel, and other propositions that will occur to you.

Jackson Lake, in Wyoming, we converted into a reservoir for one of our constructed projects. Later the storage was enlarged mainly for the benefit of private projects in the same drainage basin, and the companies thus interested deposited in advance the funds used in this later construction. These were deposited to the credit of the reclamation fund and disbursed in the usual manner. The account has not been finally closed out, and there is a small balance remaining to the credit of these companies, which accounts for the item marked "deduct" in tabulation.

The item of general expense includes headquarters offices at Washington and Denver, legal services, and many other items which can not readily be allocated to particular projects except in bulk from time to time on the basis of expenditures or other similar criterion.

This is the largest item included under the head of "Transfers" already mentioned.

The item entitled "Indian projects" represents expenditures from the reclamation fund reimbursed by the Indian Bureau.

I hope the inclosed tabulation and this explanation will give you what you want. If not, and I can give you any further information, please let me know.

Very truly, yours, A. P. DAVIS, *Director.*

Reclamation project investments to June 30, 1919.

State.	Project.	Total investment of United States.	Reimbursements and credits.	Net investment of United States.
Arizona	Salt River	$14,738,768.28	$4,597,289.88	$10,141,478.40
Arizona-California	Yuma	10,491,156.17	1,384,435.55	9,106,720.62
California	Orland	1,142,775.82	262,285.10	880,490.72
Colorado	Grand Valley	3,638,306.40	123,755.05	3,514,551.35
Do	Uncompahgre	7,500,573.50	941,185.43	6,559,388.07
Idaho	Boise	13,818,129.69	2,065,497.76	11,752,631.93
Do	King Hill	653,828.22	17,837.55	635,990.67
Do	Minidoka	7,152,963.40	2,500,397.80	4,652,565.60
Kansas	Garden City	402,424.80	59,014.76	343,410.04
Montana	Huntley	2,322,584.94	771,833.28	1,550,751.66
Do	Milk River	3,448,555.50	155,623.91	3,292,931.59
Do	St. Mary storage	2,696,879.42	134,175.64	2,562,703.78
Do	Sun River	4,040,415.07	390,854.44	3,649,560.63
Do	Lower Yellowstone	3,577,571.06	258,244.93	3,319,326.13
Nebraska-Wyoming	North Platte	11,924,724.39	1,825,559.61	10,099,164.78
Nevada	Newlands	7,195,680.51	1,015,471.89	6,180,208.62
New Mexico	Carlsbad	1,720,306.28	515,728.93	1,204,577.35
Do	Hondo	407,745.12	35,750.26	371,994.86
New Mexico-Texas	Rio Grande	10,396,711.35	1,100,746.60	9,295,964.75
North Dakota	North Dakota Pumping	1,376,345.42	417,859.85	958,485.57
Oklahoma	Lawton	14,774.99	877.13	13,897.86
Oregon	Umatilla	2,951,431.20	655,256.24	2,296,174.96
Oregon-California	Klamath	3,454,702.40	749,301.66	2,705,401.74
South Dakota	Belle Fourche	4,104,082.40	800,031.64	3,304,050.76
Utah	Strawberry Valley	3,908,218.17	555,605.22	3,352,612.95
Washington	Okanogan	1,128,384.53	209,960.55	918,423.98
Do	Yakima	12,935,413.10	4,033,299.44	8,902,113.66
Wyoming	Shoshone	6,631,353.38	1,013,007.04	5,618,346.34
Various	Secondary	1,362,125.54	211,853.08	1,150,272.46
Subtotals		145,136,931.05	26,802,740.22	118,334,190.83
Wyoming	Jackson Lake enlargement	850,945.96	856,706.44	[1] 5,760.48
General expense		4,992,981.79	4,899,407.55	93,574.24
Indian projects		3,147,046.68	3,145,068.66	1,978.02
Total		154,127,905.48	35,703,922.87	118,423,982.61

[1] Deduct.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Oklahoma [Mr. OWEN].

Mr. GRONNA. Mr. President, that is a very important amendment, and I believe we ought to have a quorum here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll, and the following Senators answered to their names:

Ashurst	Gronna	Knox	Simmons
Ball	Hale	La Follette	Smith, Ga.
Bankhead	Harris	McKellar	Smith, Md.
Beckham	Harrison	Myers	Smoot
Capper	Henderson	New	Spencer
Chamberlain	Hitchcock	Newberry	Thomas
Colt	Johnson, S. Dak.	Norris	Trammell
Curtis	Jones, N. Mex.	Nugent	Underwood
Dial	Jones, Wash.	Overman	Wadsworth
Dillingham	Kellogg	Page	Walsh, Mass.
Edge	Kendrick	Phipps	Williams
France	Kenyon	Robinson	Wolcott
Frelinghuysen	Kirby	Sheppard	

Mr. NEWBERRY. I desire to announce that my colleague [Mr. TOWNSEND] is detained in a conference committee.

Mr. McKELLAR. I notice in the RECORD that on Monday, Tuesday, and Wednesday I was reported as absent and no explanation was made. I was absent from the city on those days upon official business.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present. The question is on the amendment of the Senator from Oklahoma [Mr. OWEN].

Mr. HARRISON. A parliamentary inquiry, Mr. President. The committee amendments have not yet been voted on. Is it in order first to vote on committee amendments or on individual amendments?

The PRESIDING OFFICER. There was no order made first to take up committee amendments.

Mr. HARRISON. May I ask unanimous consent that we may first proceed to the consideration of Senate committee amendments?

The PRESIDING OFFICER. There is an amendment pending, which has been offered by the Senator from Oklahoma [Mr. OWEN], the Chair is informed. That amendment is now before the Senate.

Mr. HARRISON. Could we not change the order by unanimous consent and vote on Senate committee amendments before we vote on individual amendments?

The PRESIDING OFFICER. The Senator from Oklahoma himself is not now present.

Mr. McKELLAR. I ask that before it is voted on the amendment proposed by the Senator from Oklahoma be stated, so that we may understand what we shall be voting on.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. Mr. OWEN proposes, on page 4, after line 22, to insert as a separate paragraph the following:

That this section, with the interpretation of the term "necessaries," as set forth in the act approved August 10, 1917, shall not cease to be in effect upon the cessation of the existing state of war between the United States and Germany.

Mr. GRONNA. Mr. President, I ask that the language which this amendment affects be also read.

The SECRETARY. Section 2 of the bill reads as follows:

SEC. 2. That section 4 of the act entited "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, be, and the same is hereby, amended so as to read as follows:

"That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries."

On page 3, line 15, after the word "necessaries," the committee propose to insert:

Or to exact unreasonable and excessive prices for the lease, sublease, rent, or subrent of any dwelling house, dwelling rooms, or apartments, either furnished or unfurnished, in the District of Columbia;

The section further reads:

for any necessaries, or to aid or abet the doing of any act made unlawful by this section. Any person violating any of the provisions of this section upon conviction thereof shall be fined not exceeding $5,000 or be imprisoned for not more than two years, or both: *Provided*, That this section shall not apply to any farmer, gardener, horticulturist, vineyardist, planter, ranchman, dairyman, stockman, or other agriculturist, with respect to the farm products produced or raised upon land owned, leased, or cultivated by him: *Provided further*, That nothing in this act shall be construed to forbid or make unlawful collective bargaining by any cooperative association or other association of farmers, dairymen, gardeners, or other producers of farm products with respect to the farm products produced or raised by its members upon land owned, leased, or cultivated by them.

On page 4, line 15, after the word "them," the committee propose to insert:

And provided further, That to make unjust or unreasonable a rate or charge in handling or dealing in or with any necessaries, except where there has been a conspiracy, combination, or arrangement with reference to prices, such rate or charge must be in excess of the rate or charge fixed by a fair-price committee, and the Department of Justice is authorized to provide for the appointment of fair-price committees.

Mr. OWEN offers an amendment, following section 2, which reads as follows:

That this section, with the interpretation of the term "necessaries," as set forth in the act approved August 10, 1917, shall not cease to be in effect upon the cessation of the existing state of war between the United States and Germany.

Mr. GRONNA. Mr. President, I believe I ought to say that I feel that if this amendment is adopted I, as one Member of this body, can not vote for the bill.

I had believed, Mr. President, that the war was about over; that we were about to get back to normal conditions; and that there would be less interference by the Government in the affairs of honest business. Further than that, I consider that it is an indictment of those who deal in agricultural products to single out that one industry, for this amendment deals, of course, only with "necessaries" as defined in the food-control law, and that law is somewhat limited.

Now, if we are to proceed in the future to place the affairs of the individual under governmental control, let us include all industries; let us not single out the farmer and the producer of food products and say that they have been the only violators of the law; that they are the only men who have been the beneficiaries and have been the profiteers. It is unthinkable to me, Mr. President, at this time, when not only the United States of America is so much disturbed but all the countries of the world are in chaos that we shall enact a permanent law—not a war measure, but a law which shall continue upon the statute books and shall authorize officials of the Government to dictate the economic policy of the producers of the country.

I can hardly believe that the Senate of the United States will undertake to enter upon such a policy as that.

During the war, Mr. President, it was probably necessary to give plenary power and full authority to those in control of the affairs of the Government to say what should or should not be done with reference to profits and with reference to economic questions, but to say that that shall be the permanent law, as the proposed amendment does, seems to me to be unreasonable.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. GRONNA. I yield.

Mr. McKELLAR. Have we any constitutional authority to legislate in regard to a matter of this kind except during war and for war purposes?

Mr. GRONNA. I should say not.

Mr. McKELLAR. I do not think so; I think we have no such power whatsoever.

Mr. GRONNA. I should accept the judgment of the Senator from Tennessee rather than my own on that question.

I do not believe, Mr. President, that even the passage of this bill is going to add very much to the authority of our Government officials; but I am willing, and so stated in the committee and to the press, if the Attorney General insists on this proposed legislation, I am willing that it should be enacted. If he believes that it will aid him in enforcing the law and reaching those who are unduly profiteering, then I am willing it should be passed; but I am not willing to say that for all time to come the great industry of agriculture, the great industry of those who produce clothing, the cotton men of the South, the grain men of the North and West, shall be branded as the only ones who have been making undue profits.

Mr. DIAL. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. GRONNA. I yield.

Mr. DIAL. If this proposed act is based upon the theory that it is a war measure—and that is the only ground upon which it can be based—and when peace is declared the act would die, then there would be no constitutional provision to perpetuate the amendment or the idea of the Senator from Oklahoma. If his idea is a good idea it would be well to embrace it in a separate law, if it is legal and constitutional, and not engraft it on this bill, would it not?

Mr. GRONNA. I will say to the Senator that I would be unwilling to pass it as a separate measure.

Mr. DIAL. I say, even if it were necessary. I am opposed to it in any event.

Mr. GRONNA. I agree with the Senator.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. GRONNA. Yes.

Mr. HARRISON. Is it not a fact that the Attorney General, when he came before the committee, made no request for the existing law to be extended, and that we gave to him those things that he desired?

Mr. GRONNA. Yes; that is absolutely correct.

Mr. President, I have stated, and I again state, that I am perfectly willing to let this measure pass, although I believe that the Attorney General has all the power and all the authority that Congress can possibly give him to enforce the law against profiteering; but, if that be true, there can be no good reason why I should object to this bill.

I wish to be perfectly frank to the Members of the Senate; I do not believe in this legislation; I was not favorable to it in the committee; but when a majority of the committee voted that it should be reported I believed that it was my duty to report it and to support it, although there are some provisions in it which I do not believe I can support. I believe it should be amended; I think that it can be improved; and I am under the impression that the amendments submitted will not meet with any opposition from the Attorney General's office.

Mr. President, I do not wish to delay or further take up the time of the Senate. I only appeal to the Members of this body to vote against the amendment proposed by the Senator from Oklahoma.

Mr. HITCHCOCK. Mr. President, before the Senator takes his seat I should like to ask a question for information. I understand the Committee on Agriculture, of which the Senator from North Dakota is chairman, has been holding extended hearings upon certain proposed legislation and have developed some considerable testimony.

Mr. GRONNA. Yes, sir.

Mr. HITCHCOCK. Is there any testimony before the committee which tends to show the tendency of prices of agricultural products at the present time?

Mr. GRONNA. Yes, sir; we have had a great deal of testimony along that line. Undoubtedly the prices of agricultural products are being very much reduced at the present time.

Mr. HITCHCOCK. I should like to read a telegram and ask the Senator whether there is any information along the line

indicated and what is the explanation of it. The telegram is addressed to me from Omaha and reads as follows:

[Telegram.]

Universal complaint among farmers regarding decline in value of farm products. Corn has dropped 40 cents per bushel since July 28. During same time supply in terminal elevators has been reduced from over 3,000,000 bushels to about 1,000,000. Supply and demand has nothing to do with present prices, and * * * have taken advantage of Government's campaign to reduce prices and are throwing all the decline on farms. Something should be done to stop these bears from making money at expense of producers. Why not suggest that an investigation be made to find out why price of corn continues to decline and at same time visible supply continues to disappear? The suggestion of an investigation by the Senate will stop these speculators and save millions to producers.

ARTHUR F. MULLEN.

I should like to inquire of the Senator whether the investigations indicate a decline in other agricultural products during the last few months?

Mr. GRONNA. Yes; I will say to the Senator that a great many witnesses who appeared before the Committee on Agriculture and Forestry have testified that there is a great decline in the price of cattle, the price of hogs, the price of grain, and the price of corn. I believe the telegram read by the Senator fairly presents the facts.

Mr. HITCHCOCK. Does the testimony indicate whether it is the result of any organized effort on the part of any interests, or is it simply the result of the agitation for a reduced cost of living?

Mr. GRONNA. It has been stated by a great number of witnesses that they believe the agitation is the cause of it. Of course, it might be said that the Director of Grain has a tremendous power. I do not know whether there is an embargo on the exportation of grain at the present time or not.

Mr. HITCHCOCK. That hardly seems to be implied here. This telegram indicates that the visible supply has been reduced.

Mr. GRONNA. Yes; that is true.

Mr. HITCHCOCK. And yet the price has gone down instead of rising, as it ordinarily would.

Mr. GRONNA. That is true; yes.

Mr. HITCHCOCK. So I hardly think any embargo could be in force. Can the Senator state whether the testimony before the committee indicates that there has been any decline in the retail price of foodstuffs to correspond with the decline of which the farmers complain as excessive?

Mr. GRONNA. The committee has tried to go into that matter quite thoroughly; but while some of the witnesses have testified that there has been a small decline in the prices to the consumer, I do not think any member of the committee is satisfied that the decline to the consumer is as large as the decline has been to the producer, or, in other words, to the farmer. For instance, the decline in cattle has been between four and five dollars a hundred during the last three weeks. The decline in pork has been very large, at least $4. We have not been able to ascertain whether the consumer is getting the benefit of that reduced price or not. Some of the witnesses have testified, especially some of the butchers and the retail dealers, that they have reduced prices to the public substantially. I will say to the Senator from Nebraska that we know that Mr. Barnes stated that he was going to make every effort possible to reduce the price of grain. I am satisfied that he has succeeded. Wheat, for instance, was commanding a premium of from 40 to 60 or 65 cents a bushel.

Mr. HITCHCOCK. What does the Senator mean by a premium?

Mr. GRONNA. That is the price paid above the price fixed by the Government. It was selling in all the markets throughout the country at a premium of from 40 to 60 cents a bushel. That premium has been practically wiped out, so that the laws of supply and demand are not functioning so far as the farmer is concerned. There have been a great many farmers before our committee who have complained most bitterly because many of them have bought expensive cattle to feed; they have bought them, as they say, at the request of Government officials, because they wanted to win the war, and they have not been able to dispose of them. They are not even able to dispose of them at the prices which they paid for them. I had a letter yesterday, I think, from a farmer in Virginia, stating that on 200 head of cattle his loss would be at least $5,000. All throughout the country, where the farmers and the stockmen purchased cattle at the going price six months or a year ago, they undoubtedly will be heavy losers.

Mr. THOMAS. Mr. President, I shall vote against the amendment offered by the Senator from Oklahoma, principally upon the ground suggested by the Senator from Tennessee. I am unable to discover in the section anything which affects the farmer, and consequently I do not regard it as class legislation from the standpoint of the Senator from North Dakota. The vice of the section, not only as it is proposed to be amended but as it exists in the bill, is its exemption of practically all of the agricultural interests of the country from its operation.

Mr. GRONNA. Mr. President, will the Senator yield?

Mr. THOMAS. Certainly.

Mr. GRONNA. I am well aware that the farmer is exempted from the provisions of this particular section; but if the prices of the secondary products are reduced it will as a natural sequence follow that the prices must be reduced to the farmer, and that is the reason why I stated it in the way that I did. The farmer will be the only man who possibly can lose, because the man who deals in secondary products may make a larger percentage at a low cost than at a high cost, but ultimately it will react upon the producer.

Mr. THOMAS. I can not agree with the Senator entirely in that statement. Perhaps it is because I do not comprehend the object and the purpose of the section, which makes it unlawful for any person willfully to destroy any necessities for the purpose of enhancing the price or restricting the supply, or knowingly to commit waste, and so forth. If this destruction or waste is committed by the middleman for the purpose of justifying a higher price to the consumer upon the remainder of the product, the loss does not fall upon the farmer, and neither does he gain anything by it. But I am unable to perceive the justice of a law which punishes John Smith, the merchant, for destroying the necessities of life to enhance the price or restrict the supply, but says to the farmer that he can do it if he wants to; and that is virtually the effect of this section, not as it is proposed to amend it, but as it actually is upon the statutes.

We got into the habit some time ago of indulging in class legislation, of which this is a conspicuous instance; and in order to protect the consuming public against the consequences of waste and destruction we enacted this penal statute, but we said that it should not apply to the farmers, either in their individual capacity or among their associations. The exception is the logical deduction, I presume, from the Clayton bill, whose inhibitory clauses very carefully exclude all organizations of labor and of agriculture from its provisions. To attempt to regulate so important a subject as the food supply of a nation by imposing penalties which are not universally applicable is not only to legislate unjustly and unfairly but also to legislate unconstitutionally, and, I may add, needlessly, since if it be desired in the interests of a high and rising market to destroy some proportion of the foodstuffs of the country, if you make an exception at all, the way will be found through the operation of that exception to accomplish the evil that is legislated against.

That circumstance, I think, has been to blame, in some degree at least, for the unsatisfactory operation of the so-called food and fuel supply act enacted when we entered the war. A criminal statute that is not universal is an outrage upon the public. It makes no difference whether such a statute exists in a republic or in an autocracy. The only justification of a criminal statute is its need and its universality, and we can not legislate to exempt institutions and individuals from the operation of our laws and expect to give satisfaction. The system is wrong. It is one of the outgrowths of partisanship, which prompts appeals to certain elements of society in order to secure their political influence and support. It is one of the things against which Gen. Washington warned us in his Farewell Address.

Frequent reference has been made to that address during the discussion of the league of nations, but the reference has been confined to his warning against foreign alliances. Washington warned the country on two occasions in that immortal state paper against certain consequences of party spirit, far more dangerous to the integrity of the union, in my judgment, than a foreign alliance can be, and well exemplified in this sort of legislation.

A middle man or a commission merchant, or even a consumer, does not feel very good to be assured that if he violates a statute he is subject to fine and imprisonment, but that if his neighbor, who is a farmer, violates it, he can do so with impunity. The flagrant and outrageous injustice of such a statute—and I do not care what the particular element is that is exempted from it—need only be stated to be appreciated. So that I am opposed, Mr. President, to the perpetuation of any such statute, I care not how beneficial it otherwise might be.

Equality before the law is a fundamental postulate of republican government. Inequality before the law produces the very conditions which confront the public to-day, for the great majority of the causes which underlie and justify the existing social, political, and industrial ferment is a nonrecognition of the right of every man to be equal before the law. And its begin-

nings, of course, were in the somewhat distant past, but at present it is exceedingly difficult to enact a general statute on any subject without first ascertaining whom it is going to hurt the most, and then exempting that particular influence.

I do not blame the average man for feeling discontented, and for sometimes voicing that discontent in an unlawful manner, when face to face with such conditions. The strongest indictment that I have heard made against this Government by its opponents is that it has practiced, and continues to practice, class legislation. We have done it for the corporations; we are doing it for classes of individuals; and we may continue to do it, making the exemptions as our political interests or inclinations shall dictate. Let us avoid it wherever we can, and we can do so by declining to incorporate a section like this permanently into the statutes of the country.

Mr. President, this bill, taken as an entirety, does not appeal to me, nor did the bill to which it is a proposed amendment, at the time of its consideration. I am unable, perhaps because of lack of intelligence, to understand how a legislative body can successfully enact a statute against a natural law, and there are natural laws in economics as they are in physics, as immutable, as unavoidable, and as constantly operative. We can not legislate July into January very well, nor enact a statute providing that from any day after the 1st of October next water shall run up hill, nor incorporate a transportation company to operate between the earth and the moon. A Senator introducing such a bill would justly subject himself to the suspicion of lunacy. But we do not hesitate for a moment, when something goes wrong somewhere in the country, to attribute it either to the injurious operation of an existing law or to the absence of a statute which should be enacted with all due expedition. We have encouraged that sort of thing to such an extent that the citizens of the United States all over the Nation instinctively and invariably appeal to Congress for relief whenever confronted by conditions that are unsatisfactory or injurious, well illustrated by a telegram just read into the RECORD by the senior Senator from Nebraska [Mr. HITCHCOCK]. One of his constituents complains that the market price of corn has declined 40 cents a bushel, something which ordinarily would be regarded just now in other parts of the country as decidedly good news, because we can not effectuate a decline in prices unless we reduce the price of the commodities whose units compose the mass of foodstuffs in the country. When I first heard in the reading of the telegram that corn had declined 40 cents, I began to feel pretty good. But it seems that the sender of the telegram is complaining. He wants to know why his commodity is going down, and he is not only dissatisfied, but he says if we will make an investigation it will go up; and I suppose it is in order now to have another investigation to ascertain the causes of this remarkable phenomenon, and by our investigation cure it, so that corn, instead of taking a back seat, will come to the front again, and, of course, bring a certain amount of joy back to the hearts of those who raise it and who own it.

I quite agree that a forced decline in some commodity, artificially produced, and for sinister purposes, should be prevented, provided it can be done. I quite agree that wages and salaries should be very high, and everything that the wages and salaries buy for sustaining life and obtaining comfort should be made very low. I am in favor of it. I believe that if a man wants to jump out of the window he ought to be able to do so without any resulting injury, and, instead of falling, float away gracefully like a machine on the atmosphere. I would like to legislate, if possible, so as to produce that very happy consequence. But how are we going to do it?

We are not confronted with anything new. Years ago, when I was a boy, I heard Wendell Phillips lecture upon The Lost Arts. In that celebrated lecture Mr. Phillips stated that every modern economic, sociologic, and political question had been discussed in Egypt 2,000 years before the birth of Christ.

The other day I saw an extract from an old Greek writer of about the time of Plato. I can not recall his name, but this extract consisted of a dialogue between two men upon the subject of socialism and the division of all property among the sons of men. But for the fact that I knew it was ancient, I could readily have understood that it had been taken bodily from the day before yesterday's New York Call, a daily socialist paper.

Every question which confronts us, Mr. President, has arisen in other lands, and due to precisely the same causes. During the French Revolution, when scarcity of production on the one side and a debased currency on the other caused an enormous rise in the prices of necessities, with its consequent suffering, and the turbulence which always follows in the wake of such conditions, the French Assembly sought to regulate and control the situation by the enactment of decrees. Among others, the assembly decreed death to any man refusing to exchange his goods for the French assignats at their face value. That is pretty severe legislation. It was in one respect better than ours, because nobody was exempted from its operation; it was universal. If anything in the world would make me or you accept worthless money for our goods, it would be the certainty of death if we refused to do it. Yet that statute, Mr. President, proved wholly impotent to accomplish its purpose. A few men and women were guillotined, and that was about its only consequence. It was entirely beyond the power of man to accomplish, because it sought to strike in the face an everlasting, eternal, and unavoidable economic law.

England was faced with the same conditions after the Napoleonic wars, and long before then on more than one occasion the Parliament sought to deal with these insistent problems, which men and women instinctively feel can be remedied by legislation.

I affirm, Mr. President, without the slightest hesitation, that no act of man in any country anywhere has ever been able, except temporarily, to stem the tide of the operation of conditions whose existence is unquestionably manifest.

We know that all the world over, without any exception anywhere, there is at present a terrible conflict between rising prices and the ability to meet them, accompanied by a prosperity—artificial in character, of course—and a consequent luxurious expenditure that seems upon the face of it to be an absolute contrast to such an unfortunate condition. And we are expected, by legislation in America, to correct the operation of these laws here, and by that means produce a condition wholly at variance with and preferable to that which prevails the world over. We can not do it. We can try, of course; and we can succeed as to the profiteer.

Mr. President, the profiteer is like the poor, who, Holy Writ tells us, are always with us. He is not a peculiar conscienceless genus, as we are prone to imagine him. He is the ordinary individual with an opportunity, of which he takes advantage, and however much we may condemn him—and I do condemn him—we have to deal with the fact that he is a product of human nature. We can control him, but we can not suppress him any more than we can suppress the commission of laches or of murder or of any of the other offenses constantly occuring under all forms of government.

I saw a statement yesterday about conditions in France. The circulating medium there has been increased to $7,000,000,000, about three times the amount in circulation when the war began. Prices are three or four times as high for practically everything as they were when the war began. French people are demanding relief from the French Government. There is turbulence in France and suffering, much injustice, and a natural feeling that an all-powerful Government can and must remedy the situation. The increase of the currency in Great Britain is not quite so much, but is more than double the amount in circulation when the war began. That is true, relatively at least, in all the countries of the world. The credit of every country, including the neutral nations, has been necessarily distended by war conditions, which is another factor contributing to what we call high prices, but which in reality means the lowering of the value of the purchasing power of money. We are paying $6,000,000,000 in taxes this year which is $500,000,000 a month, or nearly $17,000,000 per day. That sum is equal to the value of the entire agricultural product of 1913. With the exception of some of the income taxes, the inheritance tax and possibly one or two other forms of tax, this vast sum is passed on to the consumer and is added to the cost of everything that he buys to consume, sometimes with a nice little profit added.

When we consider that that sum, at least to the extent of two-thirds, is added to the otherwise normal prices of all the commodities in which we deal, what wonder that the price which the most ordinary but necessary article now commands when stated in dollars and cents is so appallingly high? How can it be corrected except by the removal or reducing of the causes which are responsible for the situation? If we could reduce the circulating medium of this country to 50 per cent of what it is, if we could contract our inflated credit to some degree and reduce our taxation prices would fall, but with that fall would come a degree of suffering and disaster more appalling than that of which such loud complaint is now made.

Of all the evils that afflict civilized society, the most severe and long-continued result from a deflated currency. Every great panic that has cursed this country has been the direct and dire result of a somewhat suddenly contracted currency circulation. Of course, a different class would suffer then. The wage earner, the man who received a fixed-priced income, whether of salary or of interest, would prosper. Such classes always prosper when money is scarce, and the large portion of the community now

suffering when money is plentiful would suffer a great deal more because of that condition. They have always also been accompanied by appeals to the legislative authority for relief, as though legislation were something superhuman and contained some subtle quality about it, self-executing in character, to bring the desired relief.

So, Mr. President, when we come to consider even briefly the merits of the bill, I wish to warn the public that its enactment and subsequent operation will prove disappointing, just as disappointing as the act of which it is amendatory. It will result in some convictions, unquestionably, and ought to. It will result in some investigations that will prove salutary, I hope. But that it will seriously or sensibly affect the general market and business conditions is altogether too much to be expected of it.

We are trying to accomplish the impossible. Any law which assumes to deal with prices, and which does not include every commodity that mankind uses, will operate unjustly and unequally, for there can be such a thing as class legislation as to things as there can be as to persons. When the price of wheat was provided for in the bill of which this is amendatory, I objected to it unless, instead of being confined to wheat, it should be extended to all commodities. I thought, and so did others in the Chamber, that if wheat were held at a fixed price, the substitutes for wheat, because of the increased demand upon them, would at once rise in value or at least in price, and that what was lost by the arbitrary prohibition of the statute regarding one commodity would be compensated for through the opportunity given by the absence of that prohibition upon other commodities, and that is precisely what occurred. We all remember that during the war, when we were paying something like $2 a bushel for wheat, rye and corn and barley and even rice mounted beyond that figure, because there was nothing to restrain the situation and everything to encourage it.

So a fundamental objection to this bill, apart from those to which I have referred very hastily, lies in its failure to include all commodities. There are some Senators who object to the inclusion of wearing apparel, and perhaps to some of the other things that are mentioned here, their objection being that it will decidedly interfere with, if not cripple, the business related to those articles.

However, if we do not exclude them, what happens to those other commodities that are brought within the purview of the law? How shall we answer the complaints of men and women engaged in those pursuits when they accuse us of discriminating against them and in favor of their neighbors, and particularly when they supplement the complaint by the assurance that the bill has done no good?

I do not wish to see the enactment of a bill like this without calling attention before it passes to certain elementary economic facts, which seem to me to be contrary to the purpose sought to be effected by the legislation.

Moreover, the uncertainty of the bill in many respects is subject to criticism. Here is a prohibition against the exaction of unreasonable or excessive prices for leases, subleases, rents, or subrents, of any dwelling house in the District of Columbia. That is a most desirable provision, or perhaps I should say more correctly that the purpose sought to be subserved by the provision is a most necessary and desirable one. Of course, whether the landlords are correct or not in their assumptions and assertions as to the profits which they are realizing, the fact remains that rents in the District are diabolical, and they crowd hardest upon those who are least able to bear it. Legislation, if it can accomplish anything, should certainly there be applied.

What criminal law can be relied upon, the application of which, both as to the law and the facts, must be within the purview of a jury? I do not believe that a legislature has the power—it ought not to have it—to legislate crimes by general language. A man ought to know or, at least, be presumed to know, if he has ordinary intelligence, from the recitals of the statute what he is doing when he commits a crime. An unreasonable rent is a good deal like an unreasonable toothache—some man may bear a toothache that is much more severe than one which some other man could bear—or a reasonable price for a suit of clothes or a reasonable distance. The word, Mr. President, does not admit of specific definition so as to apply and operate equally and justly in all cases. Therefore I do not think, much as this legislation is needed, that we should enact it in this general form of phraseology, under the operation of which John Smith may be guilty to-day of a violation of the statute and John Jones to-morrow, who charges the same price, may be entirely exempt from its operation. That sort of legislation is not congenial to free institutions, and I do not think any reasonable court on earth would enforce it.

My friend the Senator from Georgia [Mr. SMITH] makes an effort to correct these general terms of criminal import by the following proviso——

Mr. KENYON. Before the Senator from Colorado gets away from that other proposition, may I ask him a question?

Mr. THOMAS. Certainly.

Mr. KENYON. The question the Senator has been discussing was a troublesome one in the committee.

Mr. THOMAS. I have no doubt of that, and I sympathized with the committee.

Mr. KENYON. They needed the Senator's sympathy. The Sherman Act has now written in it by judicial decision that it must be an "unreasonable restraint of trade." Does the Senator believe that with those words actually written into the statute it would be void as a criminal statute by reason of uncertainty; and if not, what is the difference between unreasonable restraint of trade and reasonable and fair prices?

Mr. THOMAS. Of course the Senator's question tempts one to enter into a rather extended field of discussion. I shall try, however, to avoid the temptation. The Senator knows that I was one who protested very vigorously against legislation by judicial decree effected through the insertion of a word in a statute that Congress deliberately refused to insert in the bill at the time of its enactment; but, answering the Senator as well as I can, I would say that while it is necessary to use general terms like the one he suggests and like the term "unfair competition," through the difficulty of specific recital, they can support and do support the infliction of penalties, but they never should be used for the purpose of indicting and convicting men of felony. I say they never should be; perhaps that is too strong a statement; but they should not be if it can be avoided.

Mr. KENYON. That question was raised in a case with which the Senator is familiar, which is known as the Nash case.

Mr. THOMAS. Yes.

Mr. KENYON. In 221 Supreme Court Reports, where the contention was that inasmuch as the court had heretofore written into the statute by judicial decree that it must be an unreasonable restraint of trade, consequently the statute is void for uncertainty; and the Supreme Court said no. That is the only comfort I have been able to find in trying to sustain the theory of unreasonable price.

Mr. THOMAS. I hope that the comfort which the Senator obtains will be so substantial that it may be enjoyed also by the victims of the rent system now prevalent in the District of Columbia.

Mr. KENYON. It comforts me enough to be willing to vote for this proposed law only for the time of the war or until peace be declared, which I hope is not far away. If there was any permanent policy proposed, I should not be willing to vote for it.

Mr. THOMAS. I am satisfied of that. I do not think any one, with the possible exception of the Senator from Oklahoma [Mr. OWEN], who wants to see a provision of that kind inserted as a part of the permanent statutes of the country, would be willing to vote for it. I certainly should not be.

It has been some time, Mr. President, since I have done much at the bar and a very considerable time since I have engaged in the practice of criminal law; but I have a general recollection that it is a fundamental principle in criminal jurisprudence that a defendant must know of what crime he is accused, and that the crime must be one specified in the statute at the time of and before its commission. If this language has been given by the Supreme Court sufficient potency to meet that requirement, then I am mistaken and it can be enforced.

Mr. SMITH of Georgia. Mr. President, will the Senator from Colorado pardon me for a moment?

Mr. THOMAS. Certainly.

Mr. SMITH of Georgia. I do not think it has. There is a vast distinction, I think, between illegal conduct defined by the Sherman antitrust law, to which the Supreme Court added the term "unreasonable" and a bill which simply undertakes to define as a crime something which is unreasonable without further description. The feature of the offense under the antitrust act was the illegal combination. There were two elements of the offense—illegal combination, constituting the offense, and conspiracy to restrain trade. The Supreme Court added that it should have an unreasonable effect. But there was a definite act by the defendant with which he must be charged entirely outside of the supplementary feature of unreasonableness.

Mr. THOMAS. But a definite act made contingently indefinite by judicial interpretation.

Mr. SMITH of Georgia. Made contingently indefinite by the Supreme Court's interpretation. I find no case, or at least I recall none, in which the mere charging of an unreasonable

profit has ever been made a crime. While the Senator is on this subject, would he mind my calling attention to the decision?

Mr. THOMAS. Not at all.

Mr. SMITH of Georgia. It is the decision of Mr. Justice Brewer in 52 Federal Reporter. In so many words he decided that in order to constitute a crime the act must be one as to which the party is able to know in advance whether or not it is criminal, and he held "the criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable." There must be some definiteness and certainty to sustain the act.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. WILLIAMS. I do not want to interrupt the Senator. I thought he had finished.

Mr. THOMAS. I shall be very glad to yield to the Senator, for I may speak for 20 minutes yet.

Mr. WILLIAMS. I had rather wait until the Senator is through, as I want to do a little talking myself.

Mr. THOMAS. When interrupted, Mr. President, I was about to refer to the amendment proposed by the Senator from Georgia, which I shall read:

And provided further, That to make unjust or unreasonable a rate or charge in handling or dealing in or with any necessaries, except where there has been a conspiracy, combination, or arrangement with reference to prices, such rate or charge must be in excess of the rate or charge fixed by a fair-price committee, and the Department of Justice is authorized to provide for the appointment of fair-price committees.

Mr. President, I hesitate somewhat about criticizing this proposed amendment because of my respect for the well-known legal ability of the Senator from Georgia; he will no doubt propound this amendment in a very interesting and learned, if not a convincing, way; but, with all due respect to the Senator, I am unable to perceive how this proposed amendment helps the situation, nor can I escape the conclusion that it complicates it very much. It adds another element of uncertainty, certainly another element of circumlocution to the commission of the offense. In order to justify the charge of unreasonable rates the Department of Justice is required to appoint fair-price committees, and then such committees are to fix fair prices which become the standard. If John Smith sells some commodity at a price in excess of that fixed by a roving committee or committees appointed for that purpose by the Department of Justice, he is guilty not of a violation of the statute but of a violation of a decree of an irresponsible committee. Men may be sent to the penitentiary or fined very heavily because, forsooth, they have violated a standard which is set by a committee appointed for that purpose. But the plural is used, and inasmuch as this proposed statute is universal, if it is to be made effective in that way, then the Attorney General must appoint at least one fair-price committee in every State, which would make 48 such committees, and he ought to appoint one fair-price committee in every considerable community in the United States, in which event they would number thousands.

The fair-price committee for the city of New York might fix one price and that for Jersey City, across the river, might fix another; that for the city of Washington might fix one price and that for the city of Baltimore another. Then the violation of the law would very largely depend upon the residence of the offender. What he does unlawfully in Baltimore might be perfectly lawful in Washington, and what he does unlawfully in Washington might be perfectly lawful in New York, and so on.

If that would bring satisfaction and settle a very serious problem confronting the people, well and good; but if, on the other hand, it would multiply the confusion already existing besides introducing another very grave constitutional question, to wit, whether a committee can legislate which has no authority and no legislative power except by delegation so as to subject citizens of the United States to criminal prosecution, I do not think it ought to be done, if it can be done.

A few years ago the courts held that it could not be done. Since then they have recognized the potency of regulations of the Interior Department and have punished men and women for violating them, so I hesitate to express the positive opinion that the proposed amendment is unconstitutional; yet I do believe that there is a distinction between a regulation made by the Secretary of the Interior or other Cabinet officer with reference to some matter within his jurisdiction and regulations made throughout the country and differing in character by committees of the departments appointed for that purpose. The regulation of the Secretary of the Interior upon any subject is general and applies to everybody; the regulation of the price committee of Baltimore applies to that city and may differ entirely or largely from that in other places.

I hesitate, Mr. President, even if I felt this were a legitimate solution of the situation to introduce it as a precedent in the criminal legislation of the country. We have already too many penal statutes. If we continue to legislate upon all of the activities of men, the Department of Justice will be the busiest of all of the departments of the Government. It is very difficult to-day, although it is easier than it was prior to the 1st of last July, for a man to walk with decorum from here to Baltimore without stumbling into half a dozen penal statutes. They are not only before us and behind us, but, like the guns of Balaklava, "they thunder to the right of us and to the left of us." Every time anything happens that is out of the way the Government is asked to pass some more penal statutes, to the end that all citizens may be required to walk more rigidly in the straight and narrow path and to forsake as far as possible those practices which have interfered with the rights of others.

Mr. POMERENE. Mr. President, is the Senator quite sure that they stumble into these criminal statutes going from Washington to Baltimore? I thought it was the other way.

Mr. THOMAS. I said both ways—in front of us and behind us. Of course, the distribution now is not so impartial as it was, but I think it is there just the same.

So, Mr. President, I am unable to give my support to this bill as it now stands. I might occupy the attention of the Senate with regard to some of its details which I have not touched, but the Senator from Mississippi [Mr. WILLIAMS] wants the floor, and I have already talked almost to the extent of my physical capacity; so I shall surrender the floor after making reference to an incident which was brought into this discussion yesterday by the junior Senator from Nebraska [Mr. NORRIS]. I refer to his criticisms of the items of expenditure with which the Senate has been furnished by the President relating to the work of the peace congress in Paris.

The Senator referred particularly to the item of $150,000 given to Mr. Bernard M. Baruch, who was one of the experts attending the President upon going to Paris last December. I do not claim that the Senator made any charge against Mr. Baruch; he did not, but he certainly can not plead not guilty to innuendoes, which are sometimes perhaps less defensible than direct charges. I hold no brief for Mr. Baruch. I have known him in a business way and socially for a great many years, and I am, therefore, able to bear testimony to his abilities, to his capacity, and to his integrity as a citizen.

It is true, I think, that Mr. Baruch has been engaged, as was stated yesterday, in raising campaign funds for the Democratic Party; and it may be, as the Senator insinuates, that because of that service he was honored with the position which was given to him as a member of that delegation. But, Mr. President, when campaigns come around, and funds are needed to meet the expenses which they necessarily involve, the Democratic Party is not the only party which resorts to men like Mr. Baruch for comfort and financial aid. Indeed, I may say that the distribution of Baruchs between the parties is grossly, and sometimes very unfairly, unequal. In other words, where the Democratic Party has one, it is safe to say that the Republican Party has a half dozen of such gentlemen; and their contributions, while criticized in off years, are welcomed and applauded most heartily when campaigns are on.

Last year I offered upon the floor an amendment to the revenue bill providing for a tax of 100 per cent upon all contributions in excess of $1,000 per man for political purposes. It passed the Senate. I do not know whether the Senator from Nebraska voted for it or not. He probably did. It passed the House, and was then killed in conference. If my recollection serves me right, I was the only man who defended it against the conference report on the floor after it came back. I do not mean to say that if I had had support I would have endeavored to defeat the conference report, because the bill was one of enormous importance; but I do say that if Congress would legislate as it has the power to legislate against this evil, the Democratic Party could stand it, in all probability, a great deal better than the Republican Party.

This $150,000 was allotted to Mr. Baruch for the payment of necessary expenses in the performance of one of the most important duties entailed upon the congress of Versailles. It was his duty, and he performed it well, in conjunction with representatives of other governments, to ascertain, as far as it were possible, the extent and character of the injuries inflicted upon Belgium and France by the German armies, and the ability of the German people to make response in damages, either in money or in kind. When I tell the Senate that out of that sum Mr. Baruch was able to perform his task by the expenditure of but $35,000, not including his own expenses, every cent of which he paid out of his own pocket, I think I may

fairly conclude that the record of that gentleman as a patriotic and self-denying citizen in our recent great time of trouble and of crisis will compare at least favorably with that of others occupying important positions in the United States during the period of the German war.

TREATY OF PEACE WITH GERMANY.

Mr. WILLIAMS. Mr. President, when Thomas Jefferson, the sage of Monticello, received at his country home a letter from James Monroe submitting to him the proposition made by Canning, then premier of Great Britain, to our minister, Benjamin Rush, then representing us at the Court of St. James, to ward off the Holy Alliance from America, he in substance said:

This proposition confronts my intelligence with the greatest question with which it has been faced since the consideration of our own independence.

We are faced to-day with a greater question than the Monroe doctrine, a greater question than any other except, perhaps, our own independence; so that we may place ourselves in Thomas Jefferson's shoes and repeat substantially what he said.

This is not a time, Mr. President, for idle insolence of opinion. This is not a time for partisanship or littleness. This is not a time when men should give heed to their hates. It is a time when we are considering whether or not the great principle of universal love and justice and mutual honorable treatment can or can not enter into the affairs of the world through some sort of international agreement made by the peoples of the world—not merely by their Governments, but by them—an agreement amounting to an "amphictyonic council" of the civilized world.

In the face of all that, there went out this morning upon the wings of the American press—for I may well compare it to a great eagle, with outspread wings, taking a flight almost beyond any other force in the world—the report of the Committee on Foreign Relations, the reputed author of which is the Senator from Massachusetts [Mr. LODGE]. Mr. President, the insouciant audacity with which the Senator from Massachusetts posits himself toward any proposition, no matter how world-widely important, and the cool insolence with which he proportions himself toward any other force or any other man or set of men, even men like David Lloyd-George and Clemenceau and Woodrow Wilson, the latchets of whose shoes he seems to have convinced himself that he is thoroughly worthy to untie, was never better illustrated than in this so-called report.

Mr. President, the Senator from Massachusetts has faced this entire situation in that report, as he has in previous relationships in which he has posited himself toward the question, just as if he were discussing a bill to pave Connecticut Avenue, and certain amendments that the Senate wanted to place upon a House bill that had come to us for that purpose. The soul and the spirit of "the great adventure" seem never to have gone into his consciousness, while he dabbles with the letter of it just as he would dabble with the materials of a pavement for Connecticut Avenue. In his view it is as if all that is necessary is for the Senate to amend the House bill and send it to conference.

Every possible amendment that we may seek to make to this great instrument we can make after we have ratified it, if it is right to make it.

The Senator from Pennsylvania [Mr. KNOX] has boldly and bravely taken the position after much hesitation and vacillation which was originally taken by the Senator from Idaho [Mr. BORAH] and the Senator from Washington [Mr. POINDEXTER], that he wants to beat the treaty; that he does not take any stock in altruism, he does not take any stock in idealism, he does not take any stock in the spirit of Jesus Christ that there may come a time when men may rather be associated together by bonds of love than mutually watching one another with suspicion. He wants "America to work out her own destiny in her own way," regardless of the world. The Senator from Massachusetts did not have the courage to take that position, if he wanted to take it. I do not know whether he did or not; but, at any rate, he offers here amendments which will kill this treaty, if adopted, deader than an out-and-out vote for its dissolution.

Mr. President, I hold before me—and that is the main object of my rising—an article in the New York World of September 11, which is headed "LODGE'S Prussian report," and the editor did well so to denominate it. It breathes the insolence and the brutality of Prussianism all the way through it except that it substitutes for Prussianism, the spirit that "Germany shall rule the world," a hybrid chauvinistic Americanism, expressing the idea that America must have the sole and the final say on every question which relates to her and to the balance of the world. Now, Mr. President, there may be Americanism gone mad, just as well as there was Prussianism gone mad, and we must avoid it. We must hold ourselves as high above it as we are high above the Prussians and remain superior to them as citizens of a free Republic as compared with their docility as slaves to an autocracy. Patriotism! Yes, the grandest feeling in the world; pride in the Government and pride in that flag for all that it emblemizes. But when you begin to make a thing to worship of that flag in itself, as a representative merely of our force and our will, regardless of right and justice, then you have not only disgraced yourself but you have disgraced the flag; you have hauled it down from its high place in the world and you have dragged it in the slime of chauvinism.

Mr. President, when God created this world it is true He set aside the different peoples by lines of demarcation. But He made them, after all, the inhabitants of one earth, and He gave them certain laws, and a man who enters into the consideration of the relation of man to man or of nation to nation with the idea that the standpoint that he ought to take, or that his country ought to take, is one of suspicion and fear and constant watchfulness against suspected treachery, instead of one of entertaining and as far as possible teaching love and confidence amongst the sons and daughters of men, can not in his own nature arise, as Milton expressed it, "to the height of this great argument."

The World calls this committee report "LODGE'S Prussian report." It bristles with Prussianism. He seems to think he is the only "American" in America, or that those who follow him are the only Americans in America. There are some more of us. He is not "the only pebble upon the beach." He is not the only descendant of Abraham, as some Jew reproached another once with pretending to be. This whole comic act of his was displayed to the American public in comic opera before the Senator took his place upon the floor and said, "I am American; I am national, and national I must remain. National I choose to remain."

The cool insolence of the assumption; and yet the opéra bouffe of it, too. Remember the captain in Pinafore, "For I am an Englishman"; and then the gallery chorus sings, "For he is an Englishman."

We are all acquainted with Pinafore.

Song and chorus go on:

In spite of all temptations
To belong to other nations
He remains American.
He might have been a Russian, a Frenchman or a Prussian,
Or Italian;
But in spite of all temptations
To belong to other nations
He remains American.

Some of the balance of us remain American, too, for the simple reason that we were born that way and could not very well have helped it; and for another reason greater than that, because we love the flag, and the Constitution, and the Declaration of Independence, and the civilization and independence and liberty of America.

The cool, diabolical insolence which has been indulged in by more than one man upon the other side of the Senate in saying that those of us who advocate the league of nations and the ratification of this treaty of peace overlook the "independence" and the "sovereignty" of the United States, thereby accusing us of a lack of patriotism because our view gets a little bit beyond our borders and far beyond their power of vision, is resented by me for one as not only uncalled for but absolutely untrue, and known by the men who make the statement to be untrue.

Mr. President, this opéra bouffe Americanism is something we must avoid. Let us not indulge in these little comic opera airs, "I am American; I remain American." There might have been a great temptation to belong to some other nation—I do not know consciously, but I do not believe there could have been in my own case, and I can not imagine any real choice in the case of the gentlemen who talk that way. I say I am as good an American as any of them—a better one. I learned to love America and Americanism, not by staying here at home, but by being thrown abroad, where I learned to criticize and disavow and disapprove of things that were not American, and the longer I stayed the more I loved my own land, although I was the son of a Confederate soldier, who had fought against the Stars and Stripes and for the stars and bars.

Mr. President, I am going to ask unanimous consent to insert this editorial from the New York World of to-day as a whole in the RECORD as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"LODGE'S PRUSSIAN REPORT.

"Senator LODGE'S report as chairman of the Senate Committee on Foreign Relations is a masterpiece of misstatement and bad taste. Never before was any treaty reported to the

United States Senate in the scolding, undignified, offensive manner in which the Senator from Massachusetts has presented this most important of all treaties.

"Senator LODGE begins by attacking everybody who has complained about the needless delay of the committee in reporting out the treaty of peace. It was a 'wholly artificial' demand, which was 'largely the work of the administration and its newspaper organs,' assisted by 'certain great banking firms which had a direct pecuniary interest in securing an early opportunity to reap the harvest which they expected from the adjustment of the financial obligations of the countries which had been engaged in the war.' 'The third element in the agitation for haste was furnished by the unthinking outcry of many excellent people who desired early action and who for the most part had never read the treaty.' Well-meaning folk, possibly, but fools.

"France, Italy, and Japan have been waiting to see what the Senate would do with the treaty; so why have not 'the distressed mourners over delays in the Senate' also aimed their criticism at these nations as 'an act of even-handed justice in fault-finding'? Moreover, Great Britain has ratified the treaty and there are still industrial disturbances in England pending reconstruction. In the opinion of Senator LODGE, Lloyd-George must have been 'remiss in omitting to suggest that prompt action by the Senate of the United States in adopting the covenant of the league of nations would immediately lower the price of beef.'

"If argument is made that textual changes in the treaty would require the summoning of the peace conference and would mean further delay, Senator LODGE takes pains to insult the conference by remarking that 'the conference would at least be as usefully employed in that consideration as they now are in dividing and sharing southeastern Europe and Asia Minor, in handing the Greeks of Thrace over to our enemy Bulgaria, and in trying to force upon the United States the control of Armenia, Anatolia, and Constantinople through the medium of an American Army.'

"As for the matter of having to submit the amendments to Germany, that is a 'bugbear.' As Senator LODGE sees it, 'no great amount of time need be consumed in bringing German representatives to Paris. The journey is within the power of a moderate amount of human endurance.' That is all this issue, with its opportunities to German diplomacy to drive a wedge between the United States and the Allies, means to the chairman of the Committee on Foreign Relations.

"OTHERS' RESERVATIONS.

"In the same tone of studied insolence Senator LODGE discusses the amendments themselves and the reservations. 'This covenant of the league of nations is an alliance and not a league.' It makes no difference what this country does; the other nations must submit, regardless of right or justice or fair dealing or anything else. 'The other nations know well that there is no threat of retaliation possible with the United States.' 'The other nations will take us on our own terms, for without us their league is a wreck and all their gains from a victorious peace are imperiled.' 'This is the hour when we can say precisely what we will do and exactly what we will not do.' 'When we are once caught in the meshes of a treaty of alliance or a league of nations composed of 26 other powers our freedom of action is gone.'

"To say that this is the language of Prussianism is to speak incorrectly perhaps, for Prussianism at least adhered to the ordinary courtesies of diplomacy in foreign affairs. It is worse than the language of Prussianism; it is the spirit of Prussianism—arbitrary, mendacious, dictatorial, and insolent.

"No other such offensive document has ever come out of a Committee on Foreign Relations. It is an exploit in counterfeit chauvinism which recalls the worst days of shirt-sleeve diplomacy. It is a parody on patriotism, and to put it forth at this time when the whole world is staggering under the wounds of the most terrible war that was ever fought is to degrade Americanism and smear with the slime of partisanship the glorious records of the American people in this supreme tragedy."

Mr. WILLIAMS. Mr. President, I am going to read some parts of this editorial, because it seems to me that I ought to read them. But before I go to that, Mr. President, I saw an indication the other day of this thought that seems to me to be right; that if, as the Senator from Massachusetts says, the covenant of the league of nations "will breed wars instead of stopping them," or having a tendency to do that, then why should the Senator from Massachusetts [Mr. LODGE] or anybody else, including the Senator from Iowa [Mr. KENYON], bother himself about reservations? The more the reservations, and the less they are agreed to by other nations, the more occasion there is to breed war from mutually discordant interpretations. A man who was willing to accept this treaty with reservations which merely explain and interpret, if what he says be correct, ought to be able to accept it without them; if they do more than explain and interpret they are a self-confessed false pretense, for "explanation and interpretation" are the open doors of false pretense through which they seek entry.

Here is a part of the language of Senator LODGE. Now permit me to go on and read a part of this editorial. This is the language:

As Senator LODGE sees it, "no great amount of time need be consumed in bringing German representatives to Paris."

Hear the cool sarcasm and insolence of it. If it had been a Prussian, we would have said the brutality of it.

The journey is within the power of a moderate amount of human endurance.

A great people, seventy millions of population, whipped to their knees, received an ultimatum and were told to "sign upon the dotted line," and they signed because they could not do anything else. The Senator from Pennsylvania the other day, not I, spent quite a while of the Senate criticizing the severity of this treaty. I do not think it deserves that criticism, because it is not a bit too severe to go with the German crime. But here comes the Senator from Massachusetts, Mr. KNOX's colleague on the committee, and with cruel insolence, if not brutality, uses this language about this defeated people:

No great amount of time need be consumed in bringing German representatives to Paris. The journey is within the power of a moderate amount of human endurance.

That is humor; it is wit! Noncombatant wit! Call them up every week and give them another ultimatum, until you have given them about a dozen ultimata, and when you have gotten through delivering ultimata of various sorts, if you have found that you have not taken all the flesh that you could from around the Venetian merchant's breast, ask, like Shylock, for more!

Mr. President, I wanted to whip Germany as badly as any man in the world. I wanted to rebuke and forever make to cease to exist in this world her autocracy, her insolence, and her audacity. But there must be a finality even to ultimata, even to treaties extorted by compulsion, and when you have told a fellow that one thing will satisfy you one week you have not a right to go back every next week and tell him that you demand something more and then to add, with cool insolence, that "the labor of the journey" in coming to sign again upon dotted lines will not be "any great test of his physical endurance."

The Senator lightly passed over the necessity of sending back amendments to the text of the treaty to our Allies and associates in the war, though he could not even do that without insolently insulting them, and saying that they would be better occupied doing that than in "dividing Thrace and giving part of it to our enemy Bulgaria instead of our friend Greece." The spirit of insult is oozing out toward everybody in the world with whom we were allied. The Senator from Pennsylvania insulted nearly everybody except Germany. The Senator from Massachusetts has gone him one better and added Germany to the list.

Ah, Mr. President, you and I have a quarrel. You whip me, you whip me to my knees; I agree to quit or, in the other case, I whip you and you agree to quit. But to make me first say one thing and then make me say another, and then make me say a third or a fourth—there must be an end to this thing unless I am unwilling to die for honor's sake.

But suppose, Mr. President, that Germany declined to sign on the dotted line. Suppose there were just enough manhood and courage left in Germany for her to say, "No; I accepted your terms; you have amended the terms; you have made a new treaty out of it, and I decline to sign it." What are you going to do? Are we to start this whole World War over in order to make the opinions of a few Senators of the United States concerning verbal reservations, and comparatively unimportant amendments, the law of the civilized peoples of the world?

Are we to summon our own boys with those of stricken Belgium and devastated France and exhausted England and starved and disease-stricken Serbia once more into the trench lines, not to enforce the treaty which we placed before Germany and had her sign but to enforce new amendments to it to be drawn up by the Senator from Massachusetts, the Senator from Iowa, the Senator from California, the Senator from Washington, and the Senator from Pennsylvania mutually supporting one another—all to save the pride of opinion of each. On second thought I leave the Senator from Pennsylvania out, because he is willing to beat the whole business and be done with it, because in what he asks us to do his course is better than that of the others, not

only braver and more manly, but it is better; would do less harm to the world.

Suppose Germany does say "I will not sign"—and, Mr. President, there is such a thing as pressing a proud though a defeated people to the point of where they say "no." Germany is not only the land of Bernhardi and of Ludendorff and of Hindenburg and of this miserable, cowardly Kaiser, who deserted his army and his people in the time of their direst need, but it is the land of Heine, and of Goethe, and of Schiller, and of König, and of that great philosopher, the first apostle of peace, the author of the transcendental philosophy, "Pure Reason," and of a world peace, Emanuel Kant; the land of Von Arndt, and of Lessing, and of Uhland.

Mr. President, why play with fire in a magazine? I am not fool enough to believe that the Senator from Massachusetts was fool enough to believe that he did not know what he was doing. I accuse him—and if I am mistaken I am sorry—of wanting to defeat the league of nations and the treaty of peace, and wanting to do it indirectly if he could not do it directly; and under all the plausible utterances of that report I think I see that intent sticking out between the lines all over this Prussian "report." It seems to me the author was attempting, deliberately and with ulterior motive, to make people—our late associates in war—angry, with intent to force them to defeat the league. Japan has been insulted, the council has been insulted, Germany is politely told that the only thing between her and the utmost degree of humiliation that can be inflicted upon her now, after she is defeated and on her knees and holding up her hands and begging for peace, is "the physical endurance that it takes to go from Berlin to Paris." That is the spirit of this thing, miscalled a committee report.

As I said a moment ago, the Senator has never risen to "the height of this great argument"; he has never seen the soul and the purpose of this great proposition, unexcelled in its world-wide importance. He merely sees the letter. I scorn to discuss, as he does, these little reservations of one sort or another, though I may sink to that depth for expediency's sake at a later date. I am talking now about rising to the height, standing up high where one can see over the valley, viewing a forest instead of picking quarrels with the leaves upon the trees soiled by the dust blown by the winds.

There is another part of this editorial I want to read. The Senator says:

> The covenant of the league of nations is an alliance and not a league.

It was Shakespeare who said that "a rose by any other name would smell as sweet," and a thing that is not a rose could smell just as bad if you gave it another name. Who cares for that little picayunish announcement? Call it a "league," call it an "alliance," call it a "confederation," call it a "concert," anything you please, there is the thing—the league or what not—whose language speaks for itself. It is a great and sublime effort to bring the civilized and free world into concert of action for the preservation of the peace of the world and the protection of the lives and the perpetuation of the civilization and the progress of mankind. If it be urged that it is not a perfect thing and we "can not do it," the answer is, "Well, it is worth the trying." Nothing human was ever born full grown, and "faint heart ne'er won fair ladie."

When they wrote to Thomas Jefferson, men like Patrick Henry and Samuel Adams, the heroes who were the very Samsons in the fight of the Revolution, who opposed the adoption of the Constitution of the United States, and suggested that it would have to be amended, the old sage of Monticello, as he came later to be known, wrote back: "Let us adopt it first and amend it later." The methods of amendment of the league of nations are simpler and easier than the method of amendments to the Constitution of the United States. We have had 18 amendments to that and every one of them, except one, in my opinion, has made it a better instrument. Our ancestors adopted Thomas Jefferson's idea, and the various States said "we must have a bill of rights. You have protected the States and the Nation, but you have not protected the individual against all forms of government. We must have that." What was the consequence? The unanimous adoption of the first 10 amendments, which cured the defects in the Constitution.

Do you suppose "there will be no more cakes and ale because you love them not"? Do you suppose human wisdom is going to stop when this instrument is signed? Do you suppose human wisdom is going to stop and cease to exert its influence in connection with great world affairs when the Members of this Senate expire by the grace of God, even including the Senator from Massachusetts? Was there ever a man born yet in the world that was born a grown man? All of them are born children, and they had to grow up to be men. Was there ever a human instrument or document in the world signed by any set of human beings that did not have to be perfected after those who had drawn it up and submitted it to the world thought they had approached as near perfection as they could? You can not even live by Magna Charta in its original form nor by the Declaration of Independence nor by the old Constitution of the United States, and you have even a little difficulty living by the present one; even it will need more amendments.

Listen to this; does not this sound like Kaiser Wilhelm talking about Germany and a place in the sun and saying, "I must be consulted" and "Germany must be consulted about every important event that takes place on this earth?" This is the language of the Senator in his report:

> The other nations will take us on our own terms, for without us their league is a wreck, and all their gains from a victorious peace are imperiled.

Take us on our own terms or do not take us at all! We do not want to meet you and "reason together in brotherly love," as St. John advised!

We meet together here, dictate the terms of peace and living together on earth by one branch of the Federal Government with an accidental majority. That is not all he said; he added:

> This is the hour when *we* can say precisely what *we* will do and exactly what we will not do.

What will the balance of you, France, Great Britain, Belgium, and Italy, "scullions in my kitchen," "base slaves in my household," do against not the will of America but the will of a temporary majority in the United States Senate—arrived at by political logrolling? The World says:

> To say that this is the language of Prussianism is to speak incorrectly perhaps, for Prussianism at least adhered to the ordinary courtesies of diplomacy in foreign affairs.
> It is worse than the language of Prussianism—
> The World says—
> It is the spirit of Prussianism, arbitrary—

And then an adjective which I leave out because it is unparliamentary and ought not to have been inserted, but leaving it out and reading further:

> Dictatorial and insolent. It is a parody upon patriotism—
> Speaking of the report—
> And to put it forth at this time when the whole world is staggering under the wounds of the most terrible war that was ever fought is to degrade Americanism and smear with the slime of partisanship the glorious record of the American people in this supreme tragedy.

Oh, Mr. President, one can not express one's self properly. Does the Senator from Massachusetts [Mr. LODGE], does the Senator from Iowa [Mr. KENYON], who is generally so conservative in his language, recall the state of the world that led to this great tragedy? If there were any Americans who wanted their boys killed in Europe, I was not one of them. I was glad to see mine go, because it showed that they were worthy of all their ancestors except myself—for all of them except myself had gone at one time or another to the defense of some flag in which they believed—but it was a dernier resort, it was a choice between two evils, and there was hardly a night during the whole long spell that I did not think of the possibility of the next telegram bringing me news that an almost beardless boy would have to be sent back to the plantation to be buried at the feet of his grandfather. If I felt that way—cynic as I am—how do you suppose tender women felt, how do you suppose sisters and sweethearts and wives felt?

But to come back to this report, by its language it does not make any difference, when we once announce our wills these scullions of ours in Europe have got to obey, and if they do not the whole league will go to pieces, as the Senator from Massachusetts says, and for what little he says it appears that he would not care much or at all if it did.

Give up the hope of peace, even though it be a dream, and go back to the absolute necessity and actual affrontation of horrible war? It is easy to be a critic; it is easy to be verbally smart; it is easy to say little things that will go out and be taken up by the paragraphers in the press; it is easy to rise, as a man here in another wing of this Capitol did the other day, and bravely denounce the President of the United States as "seeking to be a king." It is easy to arraign him as if he were a felon, when the worst that could be said about him by the veriest enemy he ever had, if said with truth, would be that he dreamt a dream and tried to put it on paper, and that "he was not a good dreamer nor a sound one." That is not much of an indictment. I could draw it up in due legal form against our Lord and Saviour Jesus Christ. His dream has not yet come true "on earth as in heaven."

Are you going to substitute American chauvinism for the flagrant, blind, brutal, and insolent Prussian chauvinism that we have just gotten rid of or that we flatter ourselves that we

have gotten rid of by the cost of millions of lives and billions of dollars? I put in that condition because I am not certain that we have gotten rid of it, because if this league of nations fails we have not gotten rid of it.

The Senator from Massachusetts says this is "an alliance and not a league." So be it, if he chooses to use the word, but there will be another alliance unless this league of nations is put into operation and becomes effective, and that will be between Germany and Russia and Japan, with 400,000,000 Chinamen governed and drilled by German and Japanese officers, with German and Japanese discipline. There will be your "yellow peril," sure enough, not mere Japanese and Chinese immigration in America and Canada, but the brutal hordes of Timerlane with big guns, poison gas, and airplanes. Just give them time. Germany never would have gone into this war at all if she had known she had to meet these associated powers which the Senator from Massachusetts now calls an alliance and to which he denies the name of league. But the minute that alliance, or league, or whatever you choose to call it, ceases to exist, she will go to recuperating, as she did after the Napoleonic war, and the sympathies of the Germans, those of German birth in the Tyrol and in Austria will be with her; the Maygars will be ready to strike; the Bulgars will probably be there, too. Turkey, unless the league of nations divides out Turkey among the mandatories of great powers, will be still upon the map. Russia—a broken giant, blind, seeking a way out, stupid, corrupt in its upper classes and ignorant in its lower, fit subjects for German propaganda—will still be upon the map and ready for any alliance which will bring order and food—"order and food" which we can not give her, because the Senator from California and others think it illiberal, if not unholy, for us or Britons to fight Bolshevism outside of our own country.

Japan is in Siberia now. The President has been very much criticized because he wanted to make the force there not exclusively Japanese but international by having some British and some Americans go along. Why? To prevent another excuse for another Shantung incident of "conquest and accomplished fact." Japan will still be in Siberia. What is the man going to do who is not willing to fight for the liberty of the world in an international brotherhood by concert and friendly action, who is not willing to let his boys go to fight for that purpose—what is he going to do when it comes to freeing China and Russia from Japanese and German autocracy? Do you suppose that he can or will rise to the heights of *that* great argument, either?

Mr. President, I have just referred to the American press as being, perhaps, the greatest force in the world. I read part of an editorial in the New York Times as follows:

"The statesmen with whom Mr. Wilson was in conference at Paris have prepared a plan of such promised effectiveness that it has the world's approval to forestall our entanglement in the broils of Europe *by preventing* the broils."

This is in criticism of what the Senator from Massachusetts [Mr. LODGE] said about our becoming "embroiled in all the troubles of Europe." The Times continues:

"They substitute their own plan"—

"They" as used there refers to the Senators who want to bring about amendments and reservations—

"They substitute their own plan, which would make great wars as certain as anything can be"—

How make them certain? If in no other way, by going back to the status quo ante bellum, to the condition of things which existed in 1913 and 1914. The Times goes on—

"which would inevitably immerse and entangle us in conflicts of unknown magnitude and unforeseeable outcome. The Versailles treaty organizes one world at peace"—

Mark that. I continue reading—

"the Senate committee would call into being a world divided, always necessarily armed for war, and frequently engaged in war."

Why, Mr. President, we have just two horns of this dilemma: Adopt this league of nations for peace or go back to the condition before this world tragedy; go back to July, 1914, and then have more sense if the old condition is going to last than you had then, and arm yourselves as a nation cap-a-pie, with an Army of a million men upon a war footing and an Army of 4,000,000 or 5,000,000 potentially in reserve ready to be called, with all the Navy and all the munitions that you can summon in the world, then we can stand out with the same degree of reasonable chauvinism and say, "Whatever we say has got to be done," and then we can say it in the pride and insolence of our strength and our armament if we are going to say it at all. "Teddy" Roosevelt said that you must never bluff unless you are prepared to have the bluff called. There is an old saying out West, "Never pull your gun unless you are going to use it." There is a saying down South, also, that "a man is a fool who either talks about his gun or pulls it unless he is going to use it." If you are going to talk about your gun and talk about your isolation and talk about your self-sufficiency and talk about the other people having to do whatever you tell them and your own unlimited and unlimitable sovereignty, to do what you will, regardless of all other opinion—if you are going to say, "You can not use the word 'must' to the United States," as the Senator from Massachusetts does in this report, but that we can use it to the entire balance of the world, then not only must we have our gun ready, Mr. President, but have it loaded and have our finger upon the trigger. Then we must go to work at once and build up the greatest Navy, not excepting that of Great Britain; build up the greatest Army, not excepting that of any other two nations united, and say, "Here I stand upon my two feet, proud, isolated, chauvinistic America. The only trouble with Prussianism was that they did not have the power, but we have it and we defy the entire world"; and we say, in the language of the Senator from Massachusetts, "that if you do not like it," as he says to Germany, "'it is not a very great feat of physical endurance to come to Washington when I ask you and sign on the dotted line.'"

Mr. President, did the boys who died die for nothing? I notice that in Paris they erected a cenotaph to the dead side by side with a monument to the living and returning soldiers. There was an inscription, "These dead are also walking with you under the arch of triumph to-day." It was not only Flanders fields that they enriched with their blood, but they enriched with their blood and with the memory of it all the future of this world, all the aspirations and all the idealism and all the proud courage of their kindred in every nation under the sun. Their blood served more than as a fertilization for poppies and other flowers. It served as a fertilization of idealism and high dreams of liberty and peace. That British battalion that went into action in Flanders whose war cry was "Never again, never again, never again," expressed not only the true soul of that conflict but of this covenant of nations. Defective, of course, it is; all human instrumentalities are, simply because they are human. Even the word of God becomes imperfect by the mere translation of it by man. Let men mount to "the height of this great argument"; let them cease to be muck rakes, raise their eyes from the ground and seek the stars of hope in the heavens, and chief amongst those stars let them look at the star which yet twinkles in memory of the nativity of the Prince of Peace—the star of Bethlehem.

What care I if there be made a mistake here and there in this "great adventure"? It is the body that counts, not the raiment; it is the soul that counts, and not the word of the mouth; it is the dream and aspiration that count, and not the mere practical temporary accomplishment, which falls short so often. Speaking for myself, I believe that if I were condemned to live forever in a world with the same conditions which faced us in 1914 or die right now I would prefer to give up immortality on earth and die right now. There would not be much to my dying right now, anyhow; but there would be very much to having my children and grandchildren and their great-great-grandchildren to the utmost generation live under a cloud of international suspicion, fear, and hate, while every nation went armed, not because it wanted to fight, but because of abject fear that some other nation did want to fight and might at any moment call upon her to do so.

Mr. President, before I came to Congress I was a lawyer. I defended several men who killed others, but I never defended in all my life but one man who ever killed another who did not kill him because he was afraid of him. Very few nations go armed, very few nations go to war except out of fear of some other nation. So that bloodthirstiness and brutality are more or less allied with another and a meaner and a littler thing, to wit, abject cowardice.

Are you afraid to trust your fellow men? Before this war we might have seen some excuse for it. People spoke with contempt of the "Wop" and the "Dago," but they came out mighty well on the field of battle. You had been taught to believe in "French decadence," had you not; but they came out magnificent heroes, from the day that they faced the Germans upon the Belgian border to the time that they drove them back, following the two battles of the Marne. Every prejudice that hyphenated Americans of one description and another could raise against the Briton took the form of denunciation and contemptuous remarks, but the British bulldog, from the retreat before Mons down to and following up the last victory upon the battle field, proved that he was worthy to be a son and descendant of Richard Coeur de Lion, of the men who marched to the Crusades, the men who settled America, the men who gave the world Magna Charta, the men who gave it the Bill of Rights,

the men who gave it Shakespeare and Milton, who gave it Keats, the sweet singer; Robert Burns, sweeter singer yet; who gave it Macaulay, Hume, and Gibbons to write the annals of the world; who gave it Huxley and Darwin and Tyndall and Newton to originate and follow up the science of the world; who gave it Stephenson to invent the steam engine; who gave it the man who revolutionized industry by the invention of the spinning jenny. These descendants of all these—Scotch, English, Welsh, and Irish—are just as honest as you are, just as good and just as honest as any miserable hyphenated so-called American who ever breathed to fight the league of nations and is now fighting it—Scotchmen and Welshmen, Englishmen and most Irishmen, too—all worthy of our confidence and worthy of our praise—intelligent in peace and brave in battle—as were the French, as were the Italians, and as were the poor, huddled, victimized, stricken people of Belgium, as were the Serbians, whom we have despised, but whose annals in this war have not been equalled, much less excelled, by Briton, Frenchman, Belgian, or Italian.

Why imagine, then, that you are superior to everybody else, and that your word must be the dictum, and that you do not even need to enter into concert with the other man, not even consult with him; that you can not even agree with him to leave yours and his mutual controversies to arbitration; or, when you do not think the matter of controversy is one for arbitration, you do not need to leave cooling time so that the decent opinion of the world may operate upon him and you before you go a l'outrance?

Mr. President, I now ask permission to insert, as a part of my remarks, the editorial headed "Defiant Recklessness," quoting this language from the report of the Senator from Massachusetts:

> The other nations will take us on our own terms—

And so forth. They have got to do it, I reckon, or the Senate of the United States will put on armor and lick them. There is something worse than being "a contemptible quitter," and I am not adopting that language; that is, being contemptibly insolent in your comparison of yourself with another man, or comparison of the men of your tribe with the men of all other tribes. This tribal insolency is the spirit that runs through this report. That is the spirit that runs through these speeches being made by the "trailers" of the President—"trailers," God save the mark! They can not other than follow after.

These Members of this august body seem to say, "Here I am. I worship myself. Therefore, I suppose, God Himself worships me. I am one of the chosen people," as the Kaiser said to the Germans about themselves—"Ye are the chosen people." "This committee is the anointed of the Lord," as the Kaiser imagined he was, "to point out the way for the chosen people."

Mr. President, did I secure permission to print as a part of my remarks this editorial?

The PRESIDING OFFICER. Without objection, leave will be granted.

The editorial referred to is as follows:

[From the New York Times of Thursday, Sept. 11, 1919.]

"DEFIANT RECKLESSNESS.

"'The other nations will take us on our own terms, for without us their league is a wreck and all their gains from a victorious peace are imperiled.'

"These words from the report of the Senate Committee on Foreign Relations submitting amendments to the treaty, words of terrible import and colossal insolence, will be read with profound regret by every American whose eyes are raised above the strifes of party, with deep pain by every friend of America in those foreign lands with which we are newly come into relations of closer friendship. They are not words spoken thoughtlessly in the heat of debate. They are part of a report prepared with deliberation, carefully considered and approved by the Republican majority of the committee, Mr. McCUMBER being the only majority member who withholds his assent, and they are submitted to the Senate and published to the whole world.

"There can be no misunderstanding the meaning of the sentence we have quoted. The Republican authors of the report declare that in the attempt to force upon other nations the treaty amendments they have framed they are willing to wreck the league of nations, the world's only safeguard against the recurrence of destructive war; they are willing to put in peril the 'gains from a victorious peace' that has cost millions of lives and an expenditure of $200,000,000,000. They have the full courage of their hardihood; they are inflexible in their purpose—for their amendments do wreck the league. Even though they should be accepted by all the other nations, the league would be a maimed and nerveless pact, its very heart plucked out, the ultimate sanction and power set up for the enforcement of its resolves altogether destroyed. This report of the Foreign Relations Committee, if the Senate shall act in the sense of that shocking passage, sets the world back a hundred years. It does destroy the gains of victory; it does annihilate the league of nations; it repudiates not only all that was won by the war but the declared purpose for which the nations poured out their blood and treasure. The Allies and the United States took up arms to check the mad ambition of Germany; to destroy her dangerous military power they fought her until that purpose was achieved. They fought that nations and men might be free, that the world might be governed by law and justice, not by the will of autocrats; and in the peace council they drew up the covenant of nations to safeguard what they had won at such immense cost. All is sacrificed, all is lost, if these reckless men of the Foreign Relations Committee have their way.

"The passage we have quoted, a brazen disclosure of the defiant spirit in which the committee prepared its report, is of such overtopping importance that comment upon details seems hardly necessary. That passage controls the whole document. The report declares that the treaty is 'the most important subject that ever came before the Senate of the United States.' Yet, though the happiness of mankind and the destinies of nations are involved, the committee's report asks the Senate to treat the matter purely as though it were a question of party interest. The report speaks of 'a solemn public duty;' it declares that the United States can best serve the cause of peace 'by no permitting herself to be fettered by the dictates of other nations or immersed or entangled in all the broils and conflicts of Europe.' If this report had emanated from a committee of a board of aldermen, intelligent men would dismiss these expressions as mere canting humbug. Coming from a committee of so august a body as the Senate of the United States, in the known circumstances which have called them forth, we recognize such utterances as the fruit in part of partisan calculation, in part of vindictive passion. But we read the purpose of the committee in its acts. The definite things it recommends to the Senate for adoption are perfectly in keeping with the spirit of the burning passage in which it is declared that peace may go to wreck and ruin and the gains of victory be thrown to the dogs, but these perversely minded men of the committee must have their way.

"They say that the other nations 'will take us on our own terms.' On whose terms? Not the terms imposed by the people of the United States or approved by them, but a program of fatal amendments to the covenant and the treaty drawn up by nine Republican members of a committee which a Republican ex-President of the United States declared was expressly packed against the league of nations. They talk about the danger that the United States may be 'immersed and entangled in all the broils and conflicts of Europe.' We have been embroiled in a conflict fought in Europe, but whose scope embraced the United States. It has cost us some $25,000,000,000 in expenditure and 100,000 lives. The statesmen with whom Mr. Wilson was in conference at Paris have prepared a plan of such promised effectiveness that it has the world's approval to forestall our entanglement in the broils of Europe by preventing the broils. That plan the Republicans who drew up this report would destroy utterly. They substitute their own plan, which would make great wars as certain as anything can be, which would inevitably immerse and entangle us in conflicts of unknown magnitude and unforeseeable outcome. The Versailles treaty organizes one world at peace; the Senate committee would call into being a world divided, always necessarily armed for war, and frequently engaged in war."

CONTROL OF FOOD PRODUCTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

Mr. KENYON. Mr. President, I want to urge on the Senate that we consider this rent bill and profiteering bill and get through with it this week. We are going to find ourselves on Monday in the situation of coming up against the treaty; and both the measures are of tremendous importance, of course. The Attorney General and the President appealed to Congress something like three weeks ago for this legislation. While we have doubts about it as a permanent policy, it is only to apply until the end of the war, or until peace is declared; and it seems to me, in view of the situation we will be in on Monday, that we ought to dispose of this legislation one way or the other this week.

I am not going to take up any time, but I hope we can take up the amendments now.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, I also hope very much that we will dispose of the little banking bill that I tried to get up here on last Saturday. There was only one objection to it. I am going to try to make it the unfinished business immediately after we dispose of this bill. It ought not to take an hour.

Mr. KENYON. I think we all want to clear the decks for action next week.

Mr. HARRISON. Mr. President, does the Senator from Georgia desire to proceed this afternoon?

Mr. SMITH of Georgia. If you wish me to do so, I will proceed this afternoon.

Mr. HARRISON. Would the Senator object to our passing upon these other amendments, and then the amendment that he has?

Mr. SMITH of Georgia. Not at all.

Mr. KENYON. Are we not to vote on the Owen amendment now?

Mr. SMITH of Georgia. Certainly; I think we are ready to vote on the Owen amendment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from Oklahoma [Mr. OWEN].

Mr. JONES of Washington. Let it be stated.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 4, at the end of section 2, it is proposed to insert the following:

That this section, with the interpretation of the term "necessaries," as set forth in the act approved August 10, 1917, shall not cease to be in effect upon the cessation of the existing state of war between the United States and Germany.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was rejected.

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Johnson, S. Dak.	McNary	Stanley
Beckham	Jones, Wash.	Myers	Swanson
Capper	Kellogg	Norris	Thomas
Chamberlain	Kendrick	Page	Townsend
Curtis	Kenyon	Phipps	Trammel
Dial	Kirby	Pomerene	Wadsworth
France	Knox	Robinson	Walsh, Mass.
Gerry	La Follette	Sheppard	Walsh, Mont.
Harris	Lodge	Smith, Ga.	Williams
Harrison	McKellar	Smoot	

Mr. GERRY. The Senator from Louisiana [Mr. RANSDELL] and the Senator from South Carolina [Mr. SMITH] are absent from the Senate on public business. The Senator from Arizona [Mr. ASHURST], the Senator from Nevada [Mr. HENDERSON], the senior Senator from North Carolina [Mr. SIMMONS,] and the junior Senator from North Carolina [Mr. OVERMAN], are detained from the Senate on official business. The junior Senator from Louisiana [Mr. GAY] is absent on business of the Senate.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. GRONNA answered to his name when called.

Mr. FLETCHER, Mr. SPENCER, Mr. NUGENT, and Mr. NEW entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 12, 1919, at 12 o'clock, meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 11, 1919.*

The House met at 11 o'clock a. m.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

God in heaven, Thy revolving earth brings those to the east of us to the rest of night while it awakens to a new day "our brethren 'neath the western sky," thus the shining of light encircles the world. We pray that likewise the gleaming of truth and love may sweep over all until the repose and the activities of all men may be governed by Thy will. Bless the churches, the schools, the constructive agencies of Governments, the movements of uplift, and the united efforts of all noble men and women that make for brotherhood, justice, and clean living. As of old, Thou didst call to young Samuel in the night silence of the tabernacle, so search our hearts and call to us in the inner chambers of our being, that we, too, may feel ourselves chosen to Thy service. Then may we answer Thee, "Speak, Lord, for Thy servant heareth." We ask this for the sake of this needy world, which Christ died to save. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENSON, for two weeks, on account of important business;

To Mr. TAYLOR of Tennessee, until Wednesday, September 17, on account of important business.

WOMAN SUFFRAGE.

Mr. BURROUGHS. Mr. Speaker, I ask unanimous consent to proceed for 15 seconds in order to have a telegram read.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to proceed for 15 seconds. Is there objection?

There was no objection.

Mr. BURROUGHS. Mr. Speaker, I am very glad to have received a telegram from Hon. Edwin C. Bean, secretary of state for the State of New Hampshire, which I send to the Clerk's desk and ask to have read in my time.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

CONCORD, N. H., *September 10, 1919.*

SHERMAN E. BURROUGHS, M. C.,
Washington, D. C.:

Suffrage passed house 212 yes, 143 no; senate 14 yes, 10 no.

EDWIN C. BEAN.

ORDER OF BUSINESS.

The SPEAKER. Under the order of the House, by unanimous consent, the gentleman from Texas [Mr. BLANTON] has permission to address the House for 40 minutes.

Mr. BLANTON. Mr. Speaker, I think I shall be able to yield back a great part of this time if I can get unanimous consent to extend my remarks in the RECORD, and I make the request.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I suggest that the gentleman prefer his request later. For the present I shall object.

Mr. BLANTON. Mr. Speaker, before proceeding with my discussion, I want to mention a serious situation. The policemen of Washington have formed a union and have affiliated with the American Federation of Labor.

The benefit to be derived from affiliation with the American Federation of Labor is the sympathetic strike of all unions backed up by force to compel compliance with the demands that may be made by the affiliating union. Sympathetic strike means simply this, that all affiliated union men have sympathy with the separate causes of each and all other unions, that they will stand together and by force compel compliance with demands.

When policemen strike, it is an invitation to all thugs and lawbreakers to proceed without hindrance to loot, murder, and rape. Policemen affiliated with all other unions simply means that when any union men strike and break the law they will not be opposed by sympathizing policemen brothers. The first fruit and immediate result of all strikes is disregard for and the breaking of laws. To illustrate the ridiculous situation of a police strike I merely have to insert here the following report from yesterday's Washington Star:

STATE GUARDS CALLED TO SUPPRESS DISORDER DUE TO POLICE STRIKE—BOSTON AUTHORITIES UNABLE TO STEM THE TIDE OF LAWLESSNESS—LOOTING OF STORES GOES ON UNCHECKED—SCENES APPROACHING ANARCHY FREQUENTLY OBSERVED IN THE IMPORTANT BUSINESS DISTRICTS.

BOSTON, *September 10.*

Mayor Peters announced at noon to-day that he had taken over control of the police department from Commissioner Curtis, a State appointee, and had called upon the State guard organizations to assist in maintaining order.

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BOSTON, *September 10.*

Gov. Coolidge early this afternoon called out the Fourth Brigade of the State guard, made up of the Eleventh, Twelfth, and Fifteenth Regiments, and the Machine Gun Company of the Fourteenth Regiment. The troops were ordered to report to Mayor Peters forthwith.

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BOSTON, *September 10.*

Lawlessness was rampant in Boston to-day. Without adequate police protection, private citizens were left to their own resources to protect their lives and property.

Since the police struck at 5:45 o'clock yesterday afternoon there has been no organized police power able to cope with the situation that last night approached anarchy, and to-day appeared to grow more serious as the inadequacy of the makeshift arrangements intended to preserve public order became obvious to the criminally inclined.

CITY ABANDONED TO HOODLUMS.

Last night the city was virtually abandoned to the hoodlum and criminal. For some reason not publicly explained the volunteer force, which it had been expected would go on duty when the police quit, was not called out until this morning.

The banks and larger mercantile institutions were protected by their own guards, but the small retailer was at the mercy of mobs which included in their number all elements from the purely mischievous to the downright criminal. Store windows to a number estimated at 300 were smashed in and goods by the armful carried away. Police Superintendent Crawley placed the damage done during the night at $300,000.

DESTRUCTION IN DOWNTOWN BOSTON.

Downtown Boston presented a sad picture this morning. The systematic looting had ceased apparently with the coming of daylight, but evidences of last night's lawlessness were plentiful. On Washington Street near School Street the whole glass front of a haberdashery had been smashed.

ATTACKS ON WOMEN FREQUENT.

Attacks on women throughout the night were frequent and atrocious. In numerous parts of the city there were villainous assaults.

Are we to sit quietly and permit this disgraceful scene to happen in our beautiful Capital of the Nation? What is our remedy? For however many obstacles have been thrown in the path of and temporarily obstructed the proper action of the District Commissioners attempting to prevent this evil, we still have a remedy. It is upon Congress, after all, the responsibility rests. All we have to do is to provide in the next appropriation bill that no part of same be paid to any employee who is a member of a union when such union is in any way affiliated with any other union. Or, better still, by a direct act we may prohibit all peace officers and employees of the Government from joining a union that affiliates with any other union. The burden rests upon us. The people of the United States are expecting us to act. What are we going to do is the vital question?

But I must get to my main discussion.

Mr. Speaker, for a subject, I propound this inquiry: What is there in, behind, or connected with the Department of Labor that has buffaloed the House of Representatives? Has this department grown so great that its creator is now impotent? Has it come to pass that Congressmen, who are directly responsible to the people for initiating legislation appropriating public money out of the people's Treasury, are arrogantly denied the right to know how public money which they have appropriated has been expended? Has the servant become greater than the master? Are we mere puppets, outwardly camouflaged with power, yet wearing caps and bells underneath?

Is it possible, Mr. Speaker and colleagues, that the House of Representatives of the United States of America is reluctant and afraid to enforce its proper mandates against the Secretary of Labor, because, forsooth, he is intrenched behind Mr. Samuel Gompers and the American Federation of Labor, which autocratic powers have threatened to put out of Congress every legislator opposing their will? I have too much respect and high regard for this Congress to believe any such piffle.

On the 5th day of June, 1919, the House of Representatives by an overwhelming vote passed House resolution No. 65, introduced by me, directing and requiring the Secretary of Labor to promptly furnish to the House the names of all of its employees holding dual positions and having near relatives in the same family employed by the Government. The Secretary of Labor was then furnished with a form of a questionnaire to be answered by employees, which would elicit the information sought, which questionnaire could have been delivered to all employees at the same time, answered by the next day, and within 24 hours said Secretary of Labor could have been in possession of all information requested, which by his ample, in many instances idle, office force could have been assembled and reported to the House within a very short time and with practically no expense. Yet months have passed, and no effort whatever has been made by the Secretary of Labor to furnish this information to the House, but, on the contrary, he has arrogantly and insolently disregarded and ignored its mandate.

As a ridiculous excuse for not complying, the Secretary of Labor claimed that it would be necessary for him to have a huge appropriation to expend, intimating that he was under the impression that he would have to propound the questionnaire to all of his 9,500 employees, which he claimed were scattered all over the world, while as a matter of fact the record made during the passage of said House resolution 65 clearly and unmistakably showed that it applied only to the employees here in Washington. The following are his remarkable communications:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 11, 1919.

MY DEAR MR. SPEAKER: Receipt is hereby acknowledged of House resolution 65, dated June 5, and you are advised that the department will comply with the terms of the resolution as soon as it is possible for it to do so. You are doubtless aware that the force of the Department of Labor, approximately 9,500 employees, is scattered over the United States, Alaska, Porto Rico, the Hawaiian Islands, and England, France, and China, and it is going to take considerable time to get response from these officers. The handling of this questionnaire is placing an additional burden on the force already hard pressed to perform its duties, and an additional number of clerks will be necessary in order to perform the work of forwarding, receiving, and tabulating them within a reasonable time. Accordingly, I have submitted to the Secretary of the Treasury a detailed estimate amounting to $1,541, so as to provide the necessary clerical force, printing, and envelopes.

Cordially, yours,

LOUIS F. POST,
Assistant Secretary.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, June 11, 1919.

MY DEAR MR. SECRETARY: Transmitted herewith is an estimate of appropriation of $1,541, to enable the Department of Labor to furnish the information requested by the provisions of House resolution 65. To comply with this resolution without an addition to its clerical staff will seriously delay not only the work of the department but the furnishing of the information requested in the above resolution. There are approximately 9,500 employees of the Department of Labor scattered in all parts of the United States, Alaska, the Hawaiian Islands, Porto Rico, and in England, France, and China.

It is estimated that the work of forwarding these questionnaires, receiving replies, arranging and tabulating the same will require the services of six clerks for two months:

1 clerk, at $1,800	$300
1 clerk, at $1,600	266
4 clerks, at $1,200	800
Printing	100
Envelopes	75
Total	1,541

Of course, there will be no means of estimating the cost of the time lost by the bureau, section, and other chiefs distributing, or by the employees filling out, these questionnaires; but the above is the actual estimated additional cost to the department.

Cordially, yours,

LOUIS F. POST,
Assistant Secretary.

Mr. Speaker, in order to save the reading of a lot of facts to the membership, I hope my friend [Mr. WINGO] will not object to my extending them in the RECORD. I can save a great deal of time that way. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WINGO. Mr. Speaker, I have no objection to the gentleman extending his remarks by printing an official communication such as he suggests.

Mr. BLANTON. There are several matters here containing facts and figures that bear out my argument.

Mr. WINGO. If the gentleman will ask leave to extend his remarks by inserting such facts and figures and communications, I shall not object.

Mr. BLANTON. And certain communications connected with my speech that I could read.

Mr. WINGO. If they are official communications, I shall not object.

Mr. BLANTON. They are not all official communications. There are other facts and figures.

Mr. WINGO. If they are facts and figures, and not vituperation and abuse.

Mr. BLANTON. I shall not insert anything that is improper.

Mr. WINGO. I have no objection to anything that shows facts and figures.

Mr. BLANTON. And communications that bear out my argument, that do not abuse, that are not vituperation and abuse.

Mr. WINGO. Anything in temperate language that gives information to the House I have no objection to.

Mr. BLANTON. That is exactly what the documents seek to give—absolutely information to the House on very serious subjects.

The SPEAKER. The gentleman will proceed under the limitations suggested.

Mr. BLANTON. Now, Mr. Speaker, the above merely illustrates the inefficiency, wasteful extravagance, and utter unreliability of the Department of Labor. According to statement, it had 9,500 employees on the Government pay roll. It is well known that it is just as well equipped with typewriters, adding machines, mimeograph machines, multigraph machines, stenographers, stationery, and office supplies as any other department, and that there are more idle employees there than anywhere else in Washington. Yet this Department of Labor could not do what the Interstate Commerce Commission did. Let us

examine Document No. 190, Sixty-sixth Congress, first session, which embraces the report of this department of Government, accompanied by the following communication:

EMPLOYEES OF INTERSTATE COMMERCE COMMISSION.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The Interstate Commerce Commission has the honor to transmit herewith, in response to House resolution 71, June 5, 1919, the following statements:

Statement 1.—The names of all Government employees of said department who are employed by any person, firm, or corporation, the name of such employer, the hours of service given to such employer, and the amount of compensation received by such employee per month for such outside service.

Statement 2.—The names of all employees of the Interstate Commerce Commission whose spouse (wife or husband), father, mother, sister or sisters, or brother or brothers are in the civil employ of the Government, their names, department of service, hours of service, and amount of compensation per month, respectively, received by each and all of said relatives.

Very respectfully, CLYDE B. AITCHISON, *Chairman.*

On the first page of the above report it gave the names of 53 employees of this Government in that department alone who at the same time were also employed by outside persons, firms, and corporations. Of the hundreds of employees named in said department as having relatives employed by the Government Mr. George F. Graham, jr., who himself received $325 per month, was shown to have four near relatives employed in departments, to wit, his father, George F. Graham, sr., at $100 per month; his mother, Mattie M. Graham, at $95 per month; his sister, Nettie F. Graham, at $100 per month; and his brother, William S. Graham, at $250 per month, totaling $870 per month drawn by this one family, not counting their $240 additional bonus allowed by law. It was purposely sought to avoid disclosing to Congress the identity of the 9,500 employees in this Labor Department that the Secretary of Labor interposed his ridiculous excuse.

Mr. VAILE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I have not the time to yield. Of course, the time that was taken up in the colloquy between the gentleman from Arkansas and myself will not be taken out of my time.

The SPEAKER. No. The gentleman declines to yield.

Mr. BLANTON. I wish I had the time to yield, but I have not. I do not want to waste the time of the House. [Laughter.] Well, let us see about that. Am I wasting the time of the House?

Mr. VAILE. I do not think so.

Mr. BLANTON. My good friend from Colorado does not think so. The gentleman from Wyoming [Mr. MONDELL] very kindly asked that the House meet an hour earlier to-day; otherwise it would not have met until 12 o'clock.

Mr. BEGG. Oh, go ahead.

Mr. BLANTON. I am sure my colleague would not have the country believe that I am wasting time, when we have met here an hour earlier, and you did not have to come here unless you wanted to. I am very glad that you are here, however.

If the Interstate Commerce Commission, without asking for a dollar of expense, could by using its own office force, its own typewriters, mimeograph, and multigraph machines, comply with the resolution of the House, and in its report furnish the specific information requested of it by the House, why could not the Department of Labor have done likewise? When employees are continually coming to Congress for raises and contending that each must receive a salary large enough to maintain a family, is it not an important thing for Congressmen to know that the members of one family are drawing already $870 per month in salaries from the Government, besides the $240 bonus allowed by law in addition thereto? It is just such information as this in a department employing 9,500 employees that the Department of Labor has denied us.

But this is not the only turning down he has arrogantly given the House of Representatives. He has repeated the dose several times since.

On June 27, 1919, the House of Representatives passed by an overwhelming vote House resolution 128, introduced by me, requiring the Secretary of Labor to promptly report to the House what connection John B. Densmore had with the case of Thomas J. Mooney, attaching copies of his report thereon, and what later connection therewith the Department of Labor had with said case, and the expenses relating thereto itemized, and other requests. The Secretary of Labor paid no attention to this resolution until I introduced another to compel him.

During this time it was known that Fremont Older, a radical sympathizer with anarchists, had on November 1, 1918, published in his newspaper in San Francisco what purported to be a complete copy of John B. Densmore's report on the Mooney case. And it was well known that by reason of the misinformation given to the President on this case he recommended commutation, and Mooney's death sentence was commuted to life imprisonment.

I want to call the attention of the Congress to the fact shown in the report by the distinguished gentleman from Kentucky [Mr. LANGLEY] on the housing corporation bill, filed some time ago, where he shows that since the armistice had been signed a bunch of employees, about $1,200 men in some instances, have had their salaries raised by the Secretary of Labor, one of them even as high as to $9,996 per year. He refuses to tell us how many of such men he has.

Let me call your attention to the record of these facts connected with that report. Mr. Densmore first tells us here in the report introduced by Mr. BANKHEAD that neither he nor any person connected with the service had anything to do with the Mooney case, and yet when we have taken this report out of the Secretary's hands by resolution we find the first sentence of that report reads to this effect:

The Secretary of Labor:

Pursuant to instructions received from time to time during the past six months, I have the honor to report that I have conducted a secret and altogether informal inquiry into the Mooney case, and beg leave to submit herewith the results of my investigation.

And this report is signed by Densmore as director general of the United States Employment Service, and dated November 1, 1918.

He then goes on to tell how he feloniously installed a dictograph machine in the office of the district attorney in California, not to detect and punish criminals, if you please, but in order to assist a convicted anarchist to escape just punishment.

Let us now turn our attention to my House resolution No. 225, which the House of Representatives passed by an overwhelming vote on August 14, 1919, requiring the Secretary of Labor, whether he deemed it incompatible with the public interest or not, to forthwith furnish to the House information theretofore requested and unheeded, together with other information.

It will be remembered that when the Secretary of Labor sent his communication embracing the Densmore report on the Mooney case to the House, although it was dated July 22, it was presented July 23, and the Speaker on July 23, 1919, in the House referred it to a committee, and it was published as House Document No. 157. It will also be remembered by the press that on that very day John B. Densmore released from the Department of Labor a six-page, legal-cap, mimeographed statement, headed:

Department of Labor, Wednesday, July 23. Immediate release.

in an attempt to have the newspapers explain away the whole report. This mimeograph matter becomes especially important because it identifies another important document coming from the Department of Labor.

Now, after my fourth resolution, House resolution 225, was passed by the House, on August 14, 1919, demanding of the Secretary of Labor that he furnish the information sought, nothing of interest transpired in connection therewith until, on August 21, 1919, there was addressed to the Speaker of the House and to other Congressmen and some Senators a communication signed "C. H. Mathews, Capitol Park Hotel, Washington, D. C.," viciously attacking me, and claiming that three union-labor men belonging to the American Federation of Labor had worked a frame up on me by having one of their number send me anonymous letters signed "Safety first," attempting to detail improper matters in the United States Employment Service, and offering to furnish me proof by procuring and sending me certain files out of said department if I would put a personal notice signed "Helen" in the Star asking for same. Said Mathews's communication was so very libelous in its nature that none of the newspapers would agree to handle it for the interested parties, hence their chagrin may be imagined.

Immediately upon said letter offering to procure said files for me reaching my office my secretary called my attention to it, and I promptly told him that it was undoubtedly an attempted frame up, but to see what there was in it, and whether genuine or not, and to find out who was behind it. We would give them some rope by apparently accepting the information as bona fide and sincere, but I instructed my secretary that it would be unlawful for files to be removed. So in putting the personal in the Star it merely requested that copies be obtained, and no request was made for files. Now, a little later on I will show you exactly which of John B. Densmore's tools he used in this attempted frame up.

On August 29, 1919, the Secretary of Labor filed with the Speaker of the House his attempted compliance with the requirements made upon him by my said House resolution No.

225, passed in the House on August 14, 1919, which by the Speaker was referred and printed as House Document No. 209.

Notwithstanding that Densmore began his Mooney report as follows:

SAN FRANCISCO, CALIF., *November 1, 1918.*

Hon. W. B. WILSON,
Secretary of Labor, Washington, D. C.

SIR: Pursuant to instructions received from time to time during the past six months, I have the honor to report that I have conducted a secret and altogether informal inquiry into the Mooney case, and beg leave to submit herewith the results of my investigations.

Yet when the Secretary of Labor is requested to send the House copies of such instructions, which said Densmore said on November 1 he had received from time to time during the last six months, the Secretary of Labor says all such instructions were oral, although Densmore was in San Francisco and the Secretary in Washington, the following being Secretary Wilson's exact language in his report:

The only instructions issued to John B. Densmore in connection with the Mooney case were oral instructions that he (Mr. Densmore) should get any additional information that might be of value in securing a full understanding of the case for submission to the President and if necessary to the governor, and to utilize the services of the immigration inspectors assigned to him for the investigation of frauds in immigration cases for that purpose.

And when the Secretary was asked to give—

The names of all persons who, under the direction of any branch of the Department of Labor, had anything to do with the investigation of Thomas J. Mooney, charged with and convicted for heinous crime in California, stating in detail their respective activities, the amount of compensation paid them, respectively, and the expenses of such investigation itemized in detail during the six months between May 1 and November 1, 1918—

he arrogantly tells the House of Representatives of the United States—

It is not deemed compatible with the public interest to make public the names of these persons or to itemize their expenses.

We Congressmen are the representatives of the people who turned the people's money over to the Secretary of Labor in blanket appropriations for certain lawful purposes, yet after the Secretary of Labor has unlawfully misapplied this public money in behalf of a convicted anarchist, and we ask him for an itemized account, and the names of the parties who spent it, he tells us to go to the devil. And having Samuel Gompers and the American Federation of Labor behind him, we sit here supinely and let him do it.

And when we asked the Secretary in this resolution No. 225 to state—

What connection in behalf of the Department of Labor, if any, since the punishment of said Thomas J. Mooney was commuted to life imprisonment, and since November 1, 1918, has any employee of the Department of Labor had with said case of Thomas J. Mooney, stating such activities in detail, the expense of same itemized in detail, and upon what authority of law, attaching copies of all reports made thereunder to the Department of Labor—

this absolutely independent servant of the people again arrogantly tells the House of Representatives of the United States—

It is not deemed compatible with the public interest to disclose at this time its activities in detail, to itemize its expenses in detail, or to attach copies of reports thereunder to the Department of Labor.

And based upon his statement at Atlantic City, when addressing the American Federation of Labor convention, likewise attended by Mrs. Rena Mooney, wife of the anarchist, wherein Secretary Wilson, concerning the Mooney case, said:

Every effort that the national administration was able to put forth was put forth for the purpose of trying to secure that new trial, and we are not through with it yet. We are still working on it. [Applause, long and continued.]

Yet when in said section No. 225 the House of Representatives asked him to state—

What activities, if any, are now being conducted in behalf of Thomas J. Mooney—

this wily public servant, the Secretary of Labor, again arrogantly tells the House of Representatives of the United States—

It is not deemed compatible with the public interest to make public the present activities of the department that affect the case of Thomas J. Mooney.

What is the House of Representatives going to do about it? The people of the United States expect proper action to be taken. They know all about the junketing trips to France and other places taken by so-called investigating committees, and they are not going to be camouflaged with any excuse for not properly investigating and cleaning up this department in Washington.

But, Mr. Speaker, the Secretary of Labor did furnish some information, though possibly unwittingly. When he was asked to attach copy of letter of instructions sent to H. L. Cobb after Cobb was sent to Texas on a propaganda trip for the Employment Service, and expense of trip itemized in detail, the Secretary answered as follows:

H. L. Cobb was not sent to Texas on a propaganda trip. He was sent on official business of the Employment Service. No instructions were sent by John B. Densmore to H. L. Cobb after Cobb was sent to Texas. The itemized expense account of Mr. Cobb is herewith attached.

Itemized statement of expenses of Harvey L. Cobb, May 27 to June 25, 1919, on trip to Texas, via Detroit, paid out of the appropriation War Emergency Employment Service, 1919.

Date.	Character of expenditure.	Amount.	Total.
1919.	Per diem from May 27 to June 25, 1919, inclusive, 30 days, at $4		$120.00
	Transportation		195.25
May 26	Left Washington, official station, 11.40 a. m.; arrived Detroit 9.30 a. m.; railroad fare $17.97 (LE43256); Pullman, Washington to Detroit, $2.80 (LE43257).		
	Pullman porter fee	$0.25	
26	Taxi fare necessary on account of working in office till 11.16, and 2 pieces official baggage, typewriter, and data, express to railroad station	1.00	
26	Lunch on train $1, dinner $1, tip 25 cents	2.25	
27	Car fare, Detroit, official business	.10	
28	Phone O/B 15 cents, checking baggage 2 days	.55	
29	Left Detroit 12.20 a. m.; arrived Dallas 2.10 p. m. 31st; railroad fare $35.22 (LE43258); Pullman, Detroit to Dallas, $7 (LE43259).		
	Porter fee	.25	
30	Checking baggage St. Louis between trains	.30	
	Porter fee	.20	
31	Car fare 20 cents, phone 15 cents, checking baggage 20 cents	.55	
31	Railroad fare, Dallas to San Antonio, $8.74; arrived 7.30 a. m. (LE43260); Pullman, Dallas to San Antonio, $2 (LE46111).		
	Pullman porter fee	.15	
June 1	Car fare 40 cents, phone 20 cents	.60	
2	Phone 5 cents, car fare 25 cents	.30	
3	Phone and car fare	.15	
4	Car fare 30 cents	.30	
5	Phone and car fare	.25	
	Railroad fare $7.75; Pullman fare $2 (LE46115), left San Antonio 11.30 p. m.; arrived Galveston 8 a. m. (LE46116).		
	Pullman porter fee	.25	
	NOTE.—LE46112-3 canceled account instruction to change itinerary after ticket bought.		
6	Car fare 30 cents, phone 15 cents, check baggage 20 cents	.65	
7	Phone 15 cents, car fare 20 cents	.35	
8	Electric car from Galveston to Houston (receipt attached $1.25, plus tax 10 cents); reason for taking electric quicker, cheaper, and save time	1.35	
8	Checking official baggage	.30	
8	Car fare 35 cents, phone 10 cents	.45	
	Left Houston 8.15 p. m.; arrived Cleburne 6.45 a. m. (LE46116), railroad fare $8.20, Pullman $2 (LE46117).		
	Pullman porter fee	.25	
	Left Cleburne 6 p. m.; arrived Abilene 7 a. m. (LE46118).		
	Railroad fare Cleburne to Abilene, $6.80.		
	Pullman Fort Worth to Abilene, $1.22 (LE46119).		
	Transfer S. C. S. F. depot to T. P. at Forth Worth	.50	
10	Pullman car fee	.25	
	Left Abilene 11.30 p. m.; arrived Dallas 10 a. m.; railroad fare, $5.78 (LE46121).		
	Pullman, Abilene to Fort Worth, $1.22 (LE46120).		
	Pullman car tip	.25	
12	Car fare 30 cents, phone 15 cents, check baggage 20 cents	.65	
13	Car fare 20 cents, phone 10 cents	.30	
14	Left Dallas 9 a. m.; arrived Waco 2.10 p. m.; railroad fare, $2.99 (LE46122).		
	Telephone 15 cents, car fare 40 cents	.55	
15	Left Waco 4.50 p. m.; arrived Dallas 8.40 p. m.; railroad fare, $2.99 (LE46123).		
16	Car fare	.20	
17	Left Dallas 11 p. m.; arrived San Antonio 7.30 a. m.; railroad fare, Dallas to San Antonio, $8.75 (LE46125).		
	Pullman, $2, Dallas to San Antonio (LE46124).		
	Pullman car fee	.25	
18	Car fare 40 cents, phone 20 cents	.60	
19	Phone 10 cents, car fare 20 cents	.30	
20	Left San Antonio 7.45; arrived Austin 10.30 a. m.; railroad fare, San Antinio to Austin $2.59 (LE46126)		
	Car fare	.35	
	Checking baggage	.20	
20	Left Austin 11.30 p. m.; arrived Houston 8.17 a. m.; railroad fare, Austin to Houston, $4.94 (LE46127).		
	Pullman, Austin to Houston, $2 (LE46128).		
	Pullman car tip	.25	
21	Car fare 20 cents, phone 15 cents	.35	
22	Left Houston 8 a. m.; arrived Waco 5.10 p. m.; railroad fare, $5.55 (LE46129).		
	Pullman seat, Houston to Bremen (point of transfer), $0.75 (LE46130).		
23	Left Waco 1.15 p. m.; arrived Dallas 5 p. m.; railroad fare, $2.99 (LE29371).		
	Car fare	.20	
24	Car fare 35 cents, phone 15 cents	.50	
24	Left Dallas for official station 4.15 p. m.; railroad fare, Dallas to Washington, $42.90 (LE29372).		
	Pullman, Dallas to Memphis, $2.60 (LE29373).		
25	Pullman porter tip	.25	
25	Pullman, Memphis to Washington, $5.50 (LE29374).		
	Pullman porter tip	.25	
26	Breakfast on train, $1; lunch, $1	2.00	
	Arrived Washington, D. C., 2 p. m.		9.10
	Total		334.35

Now, is the Secretary of Labor absolutely accurate when he says that no instructions were sent to Cobb, and that Cobb did not go to Texas on a propaganda trip? Let us see.

First as to the instructions. Read the notation in the $334.35 account of H. L. Cobb for trip to Texas under date of June 5, 1919, wherein it is stated:

NOTE.—LE46115 (meaning transportation) canceled account instructions to change itinerary after ticket bought.

Whence came such instructions? Did not Cobb, as claimed in this account, leave Washington for Texas via Detroit? Rather a direct route to Detroit from Washington to Texas, was it not? I imagine that it would not have been compatible with the public interest for the Secretary of Labor to have sent us this account if he had not had very good reason to believe that I already had a fac simile copy of it, and that I would produce it, as I did copies of the four Pullman coupons which disappeared from the vouchers of Miss Densmore until it was known that copies were in existence, and then John B. Densmore produced the originals, and as I produced before the Joint Committee on Labor in June, 1919, the travel account of $742.48 paid to Miss Jeanette Densmore, sister of said John B. Densmore.

Cobb says in his account that it was upon instructions that he canceled his transportation and changed his itinerary. It is also interesting to note that when he changed his itinerary he jumped across the State to my home city of Abilene, Tex., where he stayed two days, notwithstanding the office there was then run by the chamber of commerce at no expense to the Government.

Now, as to the propaganda. Let me call your attention to a few excerpts from newspapers in Texas, which I put in the hearings before the Joint Labor Committee last June, pages 183 to 187 of part 1, relative to Cobb's propaganda, to wit:

Continuation of the United States Employment Service, organized during the war as a war emergency and maintained during the so-called reconstruction period following the armistice by voluntary subscription, is to be made a permanent institution in the Department of Labor, despite the efforts of Congressman THOMAS L. BLANTON, of Texas.

This is the statement of Harvey L. Cobb, Washington representative of the service, in Waco yesterday.

Also again note the following:

OLD OPPOSITION LOSING HOLD.

"Opposition to the Federal Employment System, which has been bitter on the part of the fee agencies and Congressman THOMAS L. BLANTON, because of his antipathy toward the Department of Labor, is not being found by the country at large," declared Mr. Cobb.

"This is demonstrated by the fact that throughout the United States more than 500 offices have been maintained the past two months by voluntary subscription. Also by the vote on the floor of the United States House of Representatives, last week, when the deficiency bill, providing $300,000 for the continuation of the service during the month of June, was voted on and received the support of the entire House with the exception of two votes."

And it is interesting to note that after jumping clear across the State to San Antonio, in the extreme southwest, this employment agent then jumped several hundred miles from San Antonio to Galveston, the great seaside resort of Texas, where he remained getting inspiration from the sea waves from June 5 until June 8, 1919. Most of his itinerary was long jumps across Texas. Why did he stay two days in my home city of Abilene? Does not his newspaper article while in Texas show that he had me specially in mind?

But, Mr. Speaker, now we come to the most interesting chapter of all. On the same day that the Secretary of Labor sent this last report to the Speaker of the House, at the same time there came from the office of the gentleman from California [Mr. NOLAN], who is generally understood to be organized labor's spokesman here, to the press gallery, for distribution to all newspapers, mimeographed copies of the documents heretofore mentioned as having been sent to the Speaker and others on August 21, 1919, signed C. H. Mathews. And these copies show to be upon the same paper and mimeographed upon the same Government machine in the Department of Labor as the former statement for release to the press, which was handed out by the Department of Labor July 23, 1919, with the Mooney report, thus disclosing that all of same emanated from the Department of Labor. But we have more proof than this. None of the newspapers would carry this Mathews article, because it was viciously libelous and also because they could not locate Mathews. And this specially prepared article, designed to injure me, was not published in the press as intended. Then, in its behalf, to the press gallery first came A. D. Chiquoine, urging its publication. Then likewise came H. L. Cobb, urging its publication without avail. And then came together Mr. Luther C. Steward, president of the Employees' Union, and Mr. George Parsons to see what they could do about it. Now, who are these gentlemen? To fully identify Mr. Steward we will again have to insert the statement of our good United States auditor in the Shipping Board, to wit:

WASHINGTON, D. C., *June 9, 1919.*

Hon. THOMAS L. BLANTON,
United States Representative, City.

DEAR SIR: Answering, as requested, in detail your specific inquiries, will state:

My name is Charles H. Burroughs; live at 221 B Street NE.; am now one of the auditors in the United States Shipping Board, employed in room 1046, Munsey Building, Washington, D. C.

First, I would like to state that in answering your inquiries I am not volunteering information; that I am dependent upon my position for a livelihood, and hope that you will not cause me to lose my position with the Government.

You are correct in stating that formerly I was Chief of Transportation and Revolving Fund Section of the United States Employment Service. I voluntarily left such position.

Relative to your inquiry concerning record of travel vouchers of Special Representative Luther C. Steward for the months of July, August, September, October, November, and December, 1918, wherein Mr. Steward claimed and there was allowed to him for travel expense: For July, $134.45; for August, $127.25; for September, $87.50; for October, $113.25; for November, $120.50; and for December, 1918, $127.50, per vouchers numbered, respectively, 197, 2450, 6248, 9656, 14331, and 18495. I am familiar with such departmental matters. Numerous parties connected with the service were furnished with transportation books containing printed requests and stubs in same, and such parties would present such requests, filled out by them, to the railroads and get transportation, and their books with the stubs, were supposed to be returned to the department. The claim of Mr. Steward was in addition to such transportation furnished by the railroads. Thousands of dollars were absolutely wasted in this way. I doubt whether one-third of these books were ever returned and filed with the department. It can not be shown that it was necessary for Mr. Steward to make these trips. He was receiving in the neighborhood of $3,500 or more from the Government and at the same time drew about $2,750 from the Employees' Union, and for a time, at least, his wife worked in the Munition Building at about $1,100. If this service is properly audited, it will be found that thousands of vouchers were issued in irregular and unnecessary transportation, and it will also be found that there were numerous details made from stations merely to enable parties to draw their $4 per diem in addition to their salaries and travel transportation. It was wholly unecessary for Mr. Hibbard and Mr. Harry H. Stone to take that expensive trip to France. Mr. Harry S. Parks took many unnecessary trips at great expense. Relative to the transportation voucher and three Pullman tickets issued to Miss Jeanette Densmore, sister of the director general, from New York to Atlantic City on July 4, 1918, and the return by Miss Densmore from Atlantic City to New York on July 7, 1918, will state that is only one of hundreds of such trips such agents took on the expense of the Government. In my opinion, the business management of the whole department was rotten. Answering your inquiry, will state that, in my judgment, had Congress allowed the proposed $10,000,000 appropriation requested in February that at least two-thirds of same would have been wasted. It would be a waste of public money for Congress to allow this United States Employment Service any more appropriations until the whole service has been properly audited and investigated and reorganized on proper business lines. It has been continually stated that much has been done and is being done for the returning soldier. Reports of this work are padded and is mostly propaganda, as I do not believe that returning soldiers have received any benefit from the great bulk of the enormous expenditures wasted by this service. I was absolutely disgusted with the system and practice.

Answering your inquiry, I believe that you can depend upon Mr. J. Stuart Brand, of 1477 Newton Street NW., and Mr. J. E. Leemon, now employed by the Federal income tax, to tell what they know about this service.

If the department is properly investigated, Congress will be astounded at the revelation awaiting accounting.

Very sincerely, yours,

CHARLES H. BURROUGHS.

P. S.—If you can get him to do so, Mr. Lynn could give you some very valuable information.

This excerpt from the RECORD will further identify him.

Now, bear in mind that Mr. Luther C. Steward's official station was Washington, D. C., and, as stated by Auditor Burroughs, had no occasion to travel; yet, in addition to his salary of $3,500 drawn from the Government, he drew the above average travel allowance of $118.60 each month additional. Possibly the following newspaper item will give us some light on the matter:

[News item from Washington Times, June 28, 1919.]

"UNITED STATES EMPLOYEES' HEAD RETURNS FROM MEETING.

"Luther C. Steward, president of the National Federation of Federal Employees, returned to-day from New Orleans, where he attended the annual meeting and festival of Local No. 22 of the federation. Mr. Steward was the guest of honor at a banquet tendered him, and he was presented with a handsome gavel."

And this Mr. George Parsons, Mr. Speaker, is the same George Parsons whom John B. Densmore had to assist him in San Francisco when he burglariously installed a dictagraph in the district attorney's office there trying to help Mooney escape justice.

Now these two, Luther C. Steward and George Parsons called together in the press gallery the representatives of the Universal Press and the United Press, and one other, and wanted to know why this Mathews article was not published. And through questions these reputable press representatives drew from Luther C. Steward the fact that no such person as W. J. Mathews existed, but that he was a myth, and that the letters signed Safety First and W. J. Mathews were written and so signed by said George Parsons, whereupon they were told that such a transaction would not be published.

Have I yet to convince my colleagues that this whole Department of Labor needs cleaning up? Is it not a ridiculous situation

when a Director General of the United States Employment Service will feloniously install a dictagraph machine in the district attorney's office for the purpose, not of ferreting out and punishing crime, but for the express purpose of assisting a convicted anarchist to escape? Is it not strange and ridiculous when this same official of the Department of Labor will stoop to a conspiracy to send anonymous letters through the United States mail to Congressmen and Senators of the United States seeking to affect a disreputable frame up upon a Member of Congress in the hopes of hindering him in his efforts to clean up the wrongs existing in the Department of Labor?

Since May 31, 1919, there has been pending before a committee of this House, resolution 91, introduced by me, the substance of which is as follows:

Resolved, That an expert auditor be, and he is hereby, employed and directed forthwith to audit all funds expended by the United States Employment Bureau, and within six months to report all irregularities, if any, found in such expenditures; that said auditor be, and he is hereby, authorized to examine all books, papers, and records of said service; administer oaths and examine witnesses; and is to be furnished by the Department of Labor with a suitable office, furniture, and typewriters.

What excuse has this House to offer to the people for not having this audit made? Numerous witnesses, employees of this Government, have testified that much public money has been wasted and misapplied here. Is all of it to be ignored? If so, why? We surely are not afraid of Mr. Samuel Gompers and the American Federation of Labor, which has threatened to put us out of Congress if we opposed.

But I must go to the other branch of my discussion.

Mr. Speaker, we have been so continually besieged with union-labor demands, and have had our mails so flooded daily with union-labor propaganda, while we have heard practically nothing from the masses, until I am afraid that we have forgotten the existence of about 100,000,000 unorganized peoples of the United States. Therefore for months I have been pleading their cause before Congress, and I realize that in doing so I have made enemies.

There is but one way that a Member of Congress may become popular and well liked by all of his colleagues, and that is for him to remain silent, vote for every measure any one of them is personally interested in, never vote against any measure championed by any one of them, be passive at all times, and oppose nothing. If a fellow will just draw his salary and do nothing else his personal popularity will be assured. But he will not be worth a damn to his constituents.

Unfortunately, upon every measure presented in Congress there are at least two interests vitally affected. One is the common interest of all the people. The other is the interest of some particular person, class, or combination. The representatives of the latter are always highly partisan and resent opposition. He who seeks to protect the interests of the people immediately becomes the target for their vicious darts.

On last Friday the following occurred:

Mr. CANDLER. Mr. Speaker, is it the purpose of the gentleman to take up the Private Calendar to-day, this being Private Calendar day?

Mr. MONDELL. It is. I intend to ask unanimous consent to take up bills on the Private Calendar that are not objected to.

THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker. I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar not objected to, and bills objected to to retain their place on the calendar for future consideration.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, and pending that asks unanimous consent that bills unobjected to be considered and that bills objected to remain and retain their place on the calendar.

Mr. BLANTON. Mr. Speaker, a point of order. I understood the gentleman to ask unanimous consent instead of moving.

The SPEAKER. The Chair stated unanimous consent—that he asked unanimous consent for the latter part. Is there objection?

Mr. GARD. As a matter of fact, Mr. Speaker, the gentleman did not ask unanimous consent, he moved.

The SPEAKER. The Chair thinks the gentleman has no right to move, and so the Chair stated that as a matter of unanimous consent.

Mr. WINGO. Mr. Speaker, that being true, as the Chair holds, that he has no right to move, but simply determines the matter by unanimous consent, then a motion would not be in order as a substitute.

I intended to move a substitute that the House resolve itself into the Committee of the Whole House for consideration of bills on the Private Calendar without restriction. But if it is not by unanimous consent that would not be in order.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for consideration of bills on the Private Calendar, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for consideration of bills on the Private Calendar.

The above clearly shows, Mr. Speaker, that no motion whatever was put to the House, but that by unanimous consent the House resolved itself into the Committee of the Whole House for the purpose of considering bills on the Private Calendar not objected to, meaning, of course, that any bill objected to would not be considered.

Whereupon, Mr. Speaker, without objection from anyone, the following bills were considered and agreed upon, to wit: H. R. 683, for the relief of William E. Johnson; H. R. 400, Sioux Tribe of Indians; H. R. 396, damages by Rosebud Indian Reservation; H. R. 685, relief of Frank S. Ingalls; H. R. 974, relief of W. T. Dingler.

And then the bill H. R. 6413, to pay $549.12 to Clara Kane, was called, based upon an accident to a civil employee, William A. Yenser, in Philadelphia a long time before our recent war occurred. I insert from the RECORD the following excerpts:

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Chairman, this is a bill to which I gave very careful consideration in the last term of Congress and filed a minority report, in which I set forth that it should be reduced to $480, because under the evidence submitted the amount of compensation could not under any circumstances amount to more than $480. Would the gentleman——

Mr. EDMONDS. Mr. Chairman, in answer to the gentleman from Texas, I would like to state that the committee gave Mrs. Clara Kane, the aunt, a full year's pay, as was customary. But if the gentleman wishes to raise that objection, I am perfectly willing to reduce the amount to $480.

Mr. BLANTON. If the gentleman states he will reduce it to $480, I will not object.

[Report No. 632, Sixty-fifth Congress, second session.]

"CLARA KANE.

"Mr. BLANTON, from the Committee on Claims, submitted the following minority report:

"This is a case where my colleagues on the committee, through the favorable majority report, seek to pay to claimant $69.12 more than she asks. Under the law she is entitled to nothing, and has no legal claim against the Government. Whether she is paid anything depends entirely upon the Government's bounty. She asks for only $480. The bill (H. R. 6406) was introduced in the Sixty-fourth Congress to pay her $480. In her letter dated February 28, 1916, addressed to Congressman WILLIAM S. VARE, she, Clara Kane, states:

"'William Yenser, the deceased, contributed an average of a little over $10 per week, but I returned to him sufficient to buy his clothes from the amount he contributed, leaving a net balance of $480 for the past year. As you will see, this shows that he spent about $50 or $60 for clothes, and I did not feel that I was entitled or should ask for that which he had spent on his clothes, and confined myself to the actual net amount received.

"'Trusting this will be satisfactory, I am,

"'Very truly, yours,

"'Mrs. CLARA KANE.'

"William Yenser received only $1.76 per day. If he spent $50 or $60 per year on clothes he could not have contributed even $480 net per year to Mrs. Kane, for he had to have food, and a year's food must have cost him or Mrs. Kane something.

"But in the face of the above evidence the committee, with that liberality for which it is noted, recommends that Congress pay more than the claimant desires, and that she be given $549.12 instead of the $480. Mrs. Kane was related to William Yenser neither by affinity nor consanguinity. I respectfully submit that this allowance should be reduced to $480, the full amount asked for.

"THOMAS L. BLANTON."

Under the law this claimant is entitled to nothing. To be legally entitled to anything she would have to be the mother of the said William Yenser, and even if she were his mother she would then be entitled only to such part of his salary for one year as he usually contributed to her support.

His yearly earnings amounted to only $549.12, out of which it is admitted that he supported himself and only contributed part to Mrs. Kane.

The following is Mrs. Kane's statement of her claim, wherein she shows that under no circumstances would she be entitled to more than $480, and she only asks for that sum of $480; yet this committee and my colleague from Texas [Mr. BEE] are so liberal with the public money of the people that they seek to give her $69.12 more than she wants. It is not so much the insignificant amount involved, but the precedent we will set by such action, and unless the chairman will assure me that he will reduce this amount down to $480 in the passage of this bill I shall be compelled to object to its consideration under this unanimous-consent rule.

MRS. KANE'S STATEMENT OF CLAIM.

Hon. WILLIAM S. VARE,
Washington, D. C.

DEAR CONGRESSMAN: Replying to your letter of February 16, in reference to the Clara Kane matter, beg to say that the amount of $480 claimed as compensation is made up as follows:

William Yenser, the deceased, contributed an average of a little over $10 per week, but Mrs. Kane returned him sufficient to buy his clothes from the amount he contributed, leaving a net balance of $480 for the past year.

As you will see, this shows that he spent about $50 or $60 for clothes, and she did not feel that she was entitled or should ask for that which he had spent on his clothes and confined herself to the actual net amount received.

Trusting this will be satisfactory, I am,
Very truly, yours,
Mrs. CLARA KANE.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, unless the chairman of the committee will assure me that he will reduce the amount to $480.

Mr. EDMONDS. It has been customary in the case of the death of an employee to give one year's pay. The year's pay of this man was $549.20. The aunt of the man, the only person to whom this money could be paid, agreed that he spent a certain amount of money during the year for clothes, and that deducting that amount from the $549.20 would leave $480, which she claimed ought to be paid to her. Now, if the gentleman is going to object, then, rather than postpone the claim any longer, it having been here for a number of years, I will move to make the amount $480.

And, Mr. Speaker, in the face of the agreement made by the chairman to reduce the claim to $480, the amount the claimant wanted and requested, without which agreement I would have objected to its consideration and thus prevented it from being taken up, the comparatively few members present in the committee, many of whom were interested in private claims to be considered, disregarded such agreement and put the amount of $549.12 in the bill when the claimant asked for only $480.

Whereupon, concerning other private bills, I made the following announcement:

Mr. BLANTON. I will state to my friend from Oklahoma that I could have prevented the last bill from coming up, but I had a distinct agreement with the chairman of the committee that in passing the last bill he would assure me that he would reduce the amount to $480, which the claimant wanted and asked for. No one has given this bill closer investigation than the chairman and myself, and in overriding our agreement, I feel that the House did not keep faith with me and therefore on other bills coming up I do not think that they should come up when we can not depend upon an agreement made between the chairman and a Member, especially when by objecting that Member could prevent the bill from coming up. I shall therefore object to other bills being considered now, as several are wholly unmeritorious.

And, Mr. Speaker, realizing that otherwise many unmeritorious private claims involving thousands of dollars of the people's money would be rushed through without argument or consideration, I objected to the present consideration of each and every one of the remaining 46 private bills on the calendar.

Then in the face of the fact that we were still in the committee under the unanimous-consent agreement to consider only such bills as were not objected to, the presiding chairman of the committee [Mr. LONGWORTH] ruled that we could nevertheless take up said private bills, even though objected to, and consider same without going to the House for authority. While his ruling was clearly erroneous I was forced to abide by it, and the committee then considered and voted to favorably report back to the House several bills theretofore objected to. And notwithstanding the fact that some newspapers, including the Houston Post, Dallas News, and Fort Worth Star Telegram, usually very accurate and reliable, erroneously reported that all of said 46 bills were then passed by the House, as a matter of fact, Mr. Speaker, none of them passed, for as soon as the committee rose and the House resumed business I made the point of no quorum, and there not being a quorum present the House adjourned without acting on any of the said bills.

But while in the committee, Mr. Speaker, I felt that the presiding chairman [Mr. LONGWORTH] wrongfully permitted the gentleman from Pennsylvania [Mr. DEWALT] to criticize me concerning my efforts put forth in the House during the past months of this session, my efforts being an endeavor to properly save the people's money from being wasted out of the Treasury, and insisting on the Members leaving their private affairs long enough to furnish a quorum to transact business in the House after it meets every day at noon. I also felt that such chairman had no right to resort to side-bar criticism of me himself.

Since both the gentleman from Pennsylvania [Mr. DEWALT] and the gentleman from Ohio [Mr. LONGWORTH] disapproved of my work here and questioned my statesmanship, I will be excused in offering the following as rebuttal evidence from the people of the country whom we serve here:

The following indorsements of my work here came voluntarily and spontaneously from citizens of the United States outside my district:

WEST SIXTY-EIGHTH STREET,
Chicago, Ill., August 9, 1919.

CONGRESSMAN BLANTON: Would to God that you were representing this district so that I could vote for you. The Labor Trust is the whole cause of the present unrest and high cost of living.

Truly, yours,

J. P. EASTMAN.

—

NEW YORK, *August 9, 1919.*

REPRESENTATIVE BLANTON: Glad we have at least one man in Washington with backbone. You used the right word when you said "truckling." The great majority have been bluffed by labor. Now, what is it to be, the Government or the labor unions? I congratulate you on your stand.

Yours, truly,
165 Wall Street.

G. F. BRADLEY.

—

SANTA MONICA, CALIF., *August 15, 1919.*

DEAR MR. BLANTON: I am a stranger to you, but nevertheless I write to congratulate you on your fearless and manly stand in Congress on various issues of the day. If we had more public men like you enemies of good government would soon vanish, and Bolshevism would be a thing of the past. I am a Democrat who, with you, believes in a clean Government.

Yours, truly,

H. H. HUGHES.

—

HOTEL ARAGON,
Atlanta, Ga., August 8, 1919.

REPRESENTATIVE BLANTON: The sane element of our country thank God that there is at least one man in Congress with spunk enough to fight Bolshevism. At a discussion here to-night it was moved and adopted that we request you to urge that Stone, Morrison, and Plumb be deported to Russia forthwith. God bless you.

A. B. WINTERS
(And 10 others).

—

PITTSBURGH, PA., *August 10, 1919.*

REPRESENTATIVE BLANTON, of Texas: You hit back and covered Congressman WILLIAM J. BURKE'S case all right. Good. I believe that you can floor him every time. Like the Bolsheviks of Russia, these railroad unions want to get the benefit of the work and savings of others, the result of long years of toil and thrift, through the so-called nationalization of railroads. Slick piece of robbery, this!

Very truly,

J. M. SMITH.

—

BERWICK, LA., *August 8, 1919.*

MY DEAR MR. BLANTON: We have noticed with considerable pride your record in Congress, as we have been watching your efforts, and feel that you are taking the right course. It is high time that some one should have the courage to do the right thing. Our country needs more statesmen, not politicians. You have demonstrated to our entire satisfaction that you are in the former class, and we wish you God-speed.

Yours,

W. J. LOWRANCE.

—

DAYTON, OHIO, *August 4, 1919.*

DEAR MR. BLANTON: May I assure you that your efforts in behalf of law and order and the constitutional rights of nonunion workingmen are appreciated in this section.

Assuring you of regard and appreciation,

Very truly, yours,

A. C. MARSHALL.

—

INDIANAPOLIS, IND., *August 5, 1919.*

REPRESENTATIVE BLANTON: You may be glad to know that Indiana people are watching your efforts, and your course is causing much favorable comment among all classes of citizens.

Sincerely,

W. R. DUNKLE.

—

[Members Chicago Board of Trade, Chicago Stock Exchange, New York Produce Exchange, St. Louis Merchants Exchange.]

C. H. CANBY & CO.,
STOCK BROKERS AND COMMISSION MERCHANTS,
208 South La Salle Street, Chicago, August 9, 1919.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR SIR: I heartily thank you for your courage in introducing the joint resolution referring to conditions of anarchy in the United States. We have permitted affairs to drift from one thing to another until we have reached a point where the activities of the country are threatened, and the very life of our system of government is at stake. The Congress should take the lead, and with no uncertain sound, make it plain and clear that all those who attempt to nullify the laws of the land, or to interfere with the orderly process of government and the right of each and everyone to labor as they please, will be classed where they belong—as traitors to the United States. There is no half-way ground, and an immediate end should be put to the condition wherein everything that is vital to the people of this country is partially controlled by various aggregations of organized conspirators.

A wave of resentment against all these things is sweeping over the country. The people are only waiting for an opportunity to make this point clear. It is the worst kind of politics to cater to these elements of disorder and lawlessness. Sentiment all over the country is overwhelmingly in the other direction. I remain,

Yours, very truly,

C. H. CANBY.

—

ADA, OKLA., *August 6, 1919.*

Hon. THOMAS L. BLANTON,
Washington, D. C.

DEAR SIR: I have been watching with a great deal of interest your fight upon some of the high-handed methods of organized labor. It looks as though this fight is going to go to every nook and corner of the earth.

Yours, very truly,

ROBT. W. WIMBISH.

—

SPRINGFIELD, MASS., *September 6, 1919.*

CONGRESSMAN BLANTON: Please mail me a copy of your illuminating speech, "Hit 'em again."

Yours, truly,

JOHN SHARROCKS,
1400 State Street.

—

BIRMINGHAM, ALA., *August 6, 1919.*

CONGRESSMAN BLANTON: We have for some time noted a general and ever-increasing favorable comment among the thinking people of this district upon your courageous and independent struggle in Congress against the tyrannical and insolent attitude of organized labor in attempting to dictate all essential legislation for the general public of this country.

It is indeed refreshing to find even one Representative in the Halls of Congress who has the courage of his convictions and is not afraid to make them known.

It is a well-known fact that the useless, inefficient, and expensive United States Employment Bureau was administered solely in the interest of the American Federation of Labor.

We wish to congratulate you upon your fearless fight on all these vexing problems.

Yours, very truly,

B. A. MONAGHAN.

—

SHERIDAN, *August 13, 1919.*

CONGRESSMAN BLANTON: I heartily indorse your work in Congress. Your resolution is none too strong and only states a fact. At the first alarm of war organized labor seized the country by the throat and have never yet let loose. Their protestations of loyalty and patriotism are nauseating. BLANTON for President.

Respectfully,

LEW CHAMBERLAIN.

715 SOUTH DEARBORN STREET,
Chicago, Ill., August 21, 1919.

CONGRESSMAN BLANTON: You are doing a fine and much-needed work. In these times when self-seeking politicians, demagogues, and grafters are attempting to dismantle civilization it is refreshing and makes a true American proud to find one like you, with courage and ability, to present to the country a picture of true and false Americanism. I thank you for giving me the opportunity to say so.

Yours, truly, W. H. FRENCH.

CHAMPAIGN, ILL., *August 15, 1919.*

CONGRESSMAN BLANTON: I am a Republican, but congratulate you on your straight-from-the-shoulder comments on the present situation. I have many acquaintances in your State; one Joseph Hirsch, of Corpus Christi.

Sincerely, yours, D. F. HARRIS.

ADA, OKLA., *August 2, 1919.*

CONGRESSMAN BLANTON: I want to thank you for your masterful exposure of the United States Labor Bureau published in the CONGRESSIONAL RECORD July 28. I have just finished reading the astonishing mass of evidence piled up against Densmore. Fight that Nolan bill to a finish and tell my Congressman, TOM D. MCKEOWN, to help you.

With very best wishes for your success in this fight, I am,

Very truly, yours, THOMAS P. HOLT.

RICHMOND, VA., *August 22, 1919.*

CONGRESSMAN BLANTON: Will you accept the writer's congratulations on your speech on the "Blanton plan." I feel that you have covered every phase of the subject, and it is the most logical condemnation of the Plumb plan yet offered.

I really believe the criticism offered by you against the Plumb plan voices the sentiment of every true and patriotic American citizen.

Yours, very truly, T. C. CROUCH.

LOUISVILLE, KY., *August 7, 1919.*

CONGRESSMAN BLANTON: You seem to be the only man in Congress that is not afraid of the labor unions. I most heartily indorse your course. Our Nation has pampered and encouraged this dragon until the monstrous thing has grown to such proportions that it wants to devour the wealth of the Nation. The Labor Trust is the most criminal of all. May you long continue your good work.

Yours, truly, E. H. MORRISON,
2827 South Parkway.

BIRMINGHAM, ALA., *August 7, 1919.*

Hon. THOMAS L. BLANTON,
House of Representatives.

DEAR SIR: I feel that I would not have done my duty had I failed to write you a letter of commendation for your work in Congress.

Your position is being discussed by the public, and I have not heard a single person who has not praised you. As a matter of fact, the public is sick and tired of being bulldozed and is in no mood to put up with it longer.

I earnestly hope that you will carry on the work you have started, and I think that I am pertectly safe in saying that the Nation as a whole is back of you.

Yours, very truly, R. I. INGALLS.

WM. C. HALBERT,
JUDGE TWENTIETH JUDICIAL DISTRICT,
BOYD, GREENUP, AND LEWIS COUNTIES,
Vanceburg, Ky., August 6, 1919.

Hon. THOMAS L. BLANTON,
Washington, D. C.

DEAR SIR: As a fellow American citizen, I write to congratulate you over your efforts to protect the rights of an American State and its courts to enforce its own laws against anyone who violates them within the State, although the violator may be a member of the I. W. W., a socialist, or even worse, a Mooney, and therefore immune from prosecution in the State courts. The acts and conduct of Mr. Densmore in this Mooney case is one of the darkest blots on the national administration at Washington, and unless his department is investigated thoroughly and he is divorced from any connection with the Government the administration itself will not be held blameless for his most reprehensible conduct.

There are altogether too many socialists in office under this administration to suit a conservative Democrat anyhow, and the party stands to lose far more than it will gain by an alliance with such people and their acts when given a place under the administration for which the party must, of course, be held responsible.

You are entitled to and I believe will receive the commendation of good men of all parties for your efforts to unravel the acts of Densmore in the Mooney case and to bring to bear to same the pitiless publicity every decent man and woman wishes brought to any official act of an agent of the National or State Government that tends to interfere with or corrupt the pathway of justice to all men and all women regardless of race or creed or party.

Thanking you for your interest in this matter and your effort to sustain the rights of the State courts, and wishing you every success, I remain,

Fraternally, yours, WM. C. HALBERT.

HOTEL MARLEY,
87 Third Street, San Francisco, Calif., August 3, 1919.

REPRESENTATIVE BLANTON: I have noted your record with pleasure. Increased wages forced by strikes is only another form of holdup.

Is this country safe for democracy, or are we to be governed by terrorism of I. W. W.'s, anarchists, and labor unions? To take by force and fear what you can not take by law is kaiserism pure and simple.

I am glad to see you stand for Americanism. I hope to see a law passed making strikes a felony and thus prevent interference with interstate traffic and commerce. Congratulating you on your efforts, I am,

Yours, truly, W. LINDSAY.

H. G. S. ANDERSON,
MINING AND METALLURGICAL ENGINEER,
Hurley, N. Mex., August 5, 1919.

Hon. THOMAS L. BLANTON, M. C.,
Washington, D. C.

DEAR SIR: Permit me, an ordinary citizen, to congratulate you upon your stand, publicly taken, in regard to the railroad unions' attempt to forcibly grab more loot from the country.

Many other citizens think as I do, but few presume to express their thoughts.

If you are ever in need of "two-fisted" backing, you may depend on me for one, and there are many others that will be available.

Hoping that you will still continue to call these footpads by their proper names, I am,

Very truly, yours, H. G. S. ANDERSON.

PLEASANT VIEW FARM,
Oscar P. O., La., Point Coupee Parish, August 6, 1919.

Congressman BLANTON, of Texas:

Please accept my personal thanks for your record in Congress. I wish that you represented my district, as it would be a pleasure to vote for a man who has grasped the situation so clearly and who has the courage of his convictions.

I am, yours, very truly, THOMAS H. HEWES.

NEW YORK, *August 12, 1919.*

REPRESENTATIVE BLANTON: While I am a Republican, yet I wish to commend your work. There must be no more truckling. We need more men like you, with backbones, and fewer of the kind who jump at the crack of the autocratic unions' whip. Many a favorable comment has been made on the Americanism you have shown. Keep the good work up.

Respectfully, GEO. C. BLANKNER, *60 Wall Street.*

FELIX ROTHSCHILD & CO.,
329 South Franklin Street,
Chicago, Ill., August 11, 1919.

MY DEAR CONGRESSMAN BLANTON: I can not refrain from complimenting you on your efforts in Congress.

I have traveled to the Pacific coast from Chicago twice each year for the past 30 years and have come in contact with a great many railroad employes. There is not another element of workers in the United States as well paid.

In your speeches you have hit the nail on the head, and if other Congressmen would take a like stand things would be much better.

I told Mr. Werner, of Fort Worth, Tex., who is visiting us, that men who live in your district should be only too willing to go 250 miles out of their way during a rainstorm to vote for you on election day. Hurrah for Texas!

Yours, very truly, FELIX ROTHSCHILD.

---

262 MONCADA WAY, INGLESIDE TERRACES,
San Francisco, Calif., August 5, 1919.

CONGRESSMAN BLANTON: I have noticed your course in Congress for several months, and I write to express my appreciation of it. I am glad to see some one in public life who is not afraid. I wish you success, and more power to you.

Yours, very truly, THOMAS NELSON.

BIRMINGHAM, ALA., *August 7, 1919.*

REPRESENTATIVE BLANTON: The business men of this district have noticed with a great deal of interest the good work you are doing in Congress, and we wish to express our appreciation, as we believe your work will be beneficial to the whole country.

If we only had the whole House of Representatives filled with men, such as yourself, who have the courage of their convictions, our country would not be intimidated at all times by threats from groups. Assuring you of our hearty cooperation and support,

Yours, very truly, GEORGE M. MORROW, Jr.

MARENGO, IND., *August 12, 1919.*

DEAR MR. BLANTON: I have been reading the record of your work, and I am with you at heart.

Very truly, yours, MARTIN GILLIATT.

HOTEL SAVOY,
Kansas City, Mo., August 8, 1919.

DEAR MR. BLANTON: Congratulations to you on your work. I am thankful that the country has at least one Representative with a backbone.

I am a traveling man, covering 10 States, and most of our half million traveling men work and ride trains 18 instead of 8 hours, and the average one can't afford to live in as good style as the average railroad conductor. The great body of patriotic American citizens are at your back.

Yours, B. BECKHAM.

MORRILLTON, ARK., *August 9, 1919.*

CONGRESSMAN BLANTON: We appreciate your efforts and want to tell you that all of the live people way back here in the sticks know the situation, realize that it has to come to a show-down, and don't want to drift along trying to plan for the future with this damn menace hanging over us, gathering volume as time goes by. Men who you would think were ignorant of the situation are eager to shoulder a musket and march under the Stars and Stripes to rid our country of this red monster. If Congress doesn't support you, they will be doing worse than fiddling while Rome burned.

Yours, truly, J. S. MOORE.

SALEM, OREG., *September 5, 1919.*

CONGRESSMAN BLANTON: I believe that I am voicing the sentiments of virtually all of the people outside of the unions when I say that I am thankful that we have one lawmaker in Washington who has the courage to express his convictions regardless of consequences. These questions involve every channel of trade and commerce in our Nation. President Wilson is the greatest man in the world, but he did make a mistake when he truckled to unions, as with them it is rule or ruin, and the sooner the issue is tested the better it will be for our people

and Nation. The brotherhoods are becoming more arrogant all the while, and in time America will become Russianized unless some prompt action is taken.

I wish that our Congress was composed of more men like yourself, that dare to express their views, instead of truckling and trying to prevent those that have the courage of their convictions to express themselves. Your efforts are awakening the people from their lethargy and will have an effect. I am a lifelong Democrat. With best wishes, I am,

Yours, truly,

L. H. SUTER.

—

ROANOKE, VA., *September 8, 1919.*

CONGRESSMAN BLANTON: I have read your addresses from start to finish, and it certainly indicates a situation not at all creditable to this country. It shows the need of some drastic action on the part of the Government with regard to labor matters, as well as some investigations and actions being taken with regard to other matters. I would like to have a half dozen copies of the CONGRESSIONAL RECORD for July 28.

Yours, very truly,

EDWARD L. STONE.

—

253 CORNWALL STREET,
San Francisco, Calif., September 5, 1919.

CONGRESSMAN BLANTON: Inasmuch as we are strangers, I must introduce myself. I was in the Fifty-fourth Congress. I refer you to Congressman CURRY. My son is Senator JOHNSON of California. I have read in the CONGRESSIONAL RECORD your speeches regarding the tyranny of labor unions and the wickedness of Densmore, and indorse all of them. You sized up the Mooney case, and Fremont Older, its editorial scavenger, in proper style. I inclose you documents from which you will see the estimation in which Older was and is held in San Francisco.

Very truly, yours,

GROVE L. JOHNSON.

—

NORTHFIELD, MASS., *August 11, 1919.*

DEAR MR. BLANTON: I am a Republican and you a Democrat, yet I desire to congratulate you on your efforts in Congress.

I am acquainted with the conditions of railroad employees in New England, and I know that they eat sirloin steak, buy expensive clothes, own automobiles, and in general live like prosperous nabobs. The rest of us go without necessities. Burdens must be made more equal.

We need fighters in Congress—men who are not afraid of being defeated for reelection. We need more men who will stand in the open and denounce wrong and injustice. Strike hard and never let up. Drop party label in this common fight.

Yours, for victory,

C. S. WARNER.

—

PYLE INVESTMENT CO.,
401 Kennedy Building, Tulsa, Okla., August 9, 1919.

REPRESENTATIVE BLANTON: I want to congratulate you. The citizenship of this Nation are in accord with you, and I have heard numbers of the best men in this community express satisfaction on your course.

The time has come when this Government must assert itself instead of permitting soviet organizations to dictate to it.

Yours, very truly,

W. E. BLANTON.

—

NEBRASKA-IOWA WHOLESALE FRUIT
DEALERS' ASSOCIATION,
W. H. YOUNG, MANAGER,
Fremont, Nebr., August 9, 1919.

MY DEAR CONGRESSMAN BLANTON: May I be permitted to express my hearty approval of your efforts. I wish we had more men in Congress who would have sufficient courage to express their convictions in matters affecting labor, especially when it concerns a labor autocracy, which is not satisfied with fair wages but demands that Congress rob 95 per cent of the people in order that their particular pockets may be fattened.

Very sincerely, yours,

W. H. YOUNG.

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
428 Federal Building, Denver, Colo., August 9, 1919.

REPRESENTATIVE BLANTON: I think Congress was primarily to blame for passing the infamous Adamson law, which you justly characterized as "truckling" to the railroad unions. I thought it a duty to write you this note and let you know that the people are not willing to do any more truckling to this dangerous anti-American power that has of late years risen amongst us and which represents not the real American laborer but the soviet class of Europe.

Yours, truly,

EDWIN H. PEERY.

—

HAWK ISLAND, LAKE PLACID,
New York, August 9, 1919.

REPRESENTATIVE BLANTON: Have been reading your speeches on unions. I am president of the Luce Furniture Co., Grand Rapids, Mich., and the P. C. Fuller Co. Have been in business 38 years, employed large numbers of men, and have never had a strike. Any concerns I am connected with nail up the doors before they will recognize the "closed shop." It is impossible to work now with the unions. The unions are for themselves only. Any man that lives for himself, and himself only, is a failure. We have just found out that any nation that lives for itself, and itself only, is sure to fail. Germany is the last that history will record of the many.

As you state, the Adamson law was a "colossal blunder." If I were in Grand Rapids instead of an island, would show that a stenographer is mightier than a poor pen; but this is only to congratulate you on your work. I am willing to stand forth against the politicians that will truckle for the labor vote.

Yours, with respect,

PHILO C. FULLER.

—

BRINKERHOFF-FARIS TRUST & SAVINGS CO.,
Clinton, Mo., August 27, 1919.

CONGRESSMAN BLANTON: I have been reading with very great interest the CONGRESSIONAL RECORD, showing your splendid stand for economy and against willful waste, and against the uncalled-for and un-American stand of unions. I hasten to congratulate you on the splendid cards you are playing in the Halls of Congress. May you be continued there, to keep up your fight for the right and for proper administration of our governmental affairs. I am patting you on the back and bidding you a hearty Godspeed.

Sincerely,

H. P. FARIS.

—

ATLANTIC CITY, N. J., *August 20, 1919.*

Representative BLANTON,
Dallas, Tex.:

You are doing a splendid work in Congress, and not only Dallas but the whole country ought to be proud of you.

AN APPRECIATIVE AMERICAN.

—

THE M. C. LILLEY & CO.,
J. W. WOODWORTH, GENERAL MANAGER,
Columbus, Ohio, August 22, 1919.

CONGRESSMAN BLANTON: Please send me 1 dozen copies of the CONGRESSIONAL RECORD, Sixty-sixth Congress, volume 58, No. 56, for Monday, July 28, 1919, containing speech made by you. Thanking you for same.

Yours, truly,

J. W. WOODWORTH.

—

S. CHENEY & SON,
Manlius, N. Y., August 28, 1919.

REPRESENTATIVE BLANTON: We have noted with a great deal of pleasure your exposure of the trade-union activities in some of the departments in Washington. It is certainly very refreshing to find a public man who is not afraid to speak out on a matter of this kind. In our opinion, Congress has been very cowardly on these labor matters.

Keep the good work up, for the people know how this labor-union class legislation is a menace to the life of our Republic.

Yours, very truly,

W. W. CHENEY, *President.*

—

409 LEVY BUILDING,
Shreveport, La., August 24, 1919.

DEAR MR. BLANTON: I am glad to know that there is one man in Congress who has the courage to speak for the good of the 110,000,000 people of the United States. You have been looking after the interests of all the people, and not merely those who elected you to office, and for this reason I am writing you.

Whether you have the whole people of your district behind you or not, certainly you have many, many Americans behind you in these United States; and perhaps you have many colleagues in Congress who may openly criticize you and yet secretly admire you. So long as you continue to think clearly, speak plainly, and say the thing that ought to be said, the people will be behind you.

Yours, sincerely,

BRADFORD HEARN, *Manager.*

—

BOSTON, MASS., *August 9, 1919.*

DEAR MR. BLANTON: Although a dyed-in-the-wool Republican, and hence probably persona non grata to you, I am taking the liberty to write to express my sincere concurrence in your sentiments and opinions on the subject of labor generally and the demands of railroad men in particular. I not only agree with and applaud your opinions on these subjects but admire your fearlessness in expressing them. This required not only courage but patriotism as well. Unfortunately, your efforts are not calculated to increase your popularity, but you may rest assured that the responsible, intelligent, and patriotic people of the country—most of whom, unfortunately, are dumb—agree with your views, and admire your temerity in publishing them.

Very respectfully, yours,

CHARLES F. AYER.

—

MEMPHIS, TENN., *August 4, 1919.*

REPRESENTATIVE BLANTON: Please accept the writer's congratulations on your having the backbone to tell organized labor the truth about itself. The idea was fast becoming prevalent in this section that our Government is mostly for members of labor unions.

Yours, truly,

T. B. CABELL.

—

HUNTINGTON, W. VA., *August 3, 1919.*

REPRESENTATIVE BLANTON: You are on the right track exactly. I thank, commend, and compliment you in your work. If there were fewer politicians and more statesmen of your type, who had the courage of their convictions, a very different status of affairs might obtain in this country, and the future look more stable and promising.

It is my sincere wish that through your efforts that many of your colleagues may assume a similar attitude.

The situation has now reached an alarming state, and I believe that there are hundreds of thousands of citizens of the country who are heartily in accord with the stand you have taken.

I am only one of many thousands who greatly appreciate the service that you are rendering your country in this crisis, and trust that you will keep up the fight for the good of your countrymen as a whole.

Most sincerely, yours,

FRED A. WARE.

—

MALDEN, MASS., *August 3, 1919.*

REPRESENTATIVE BLANTON: Permit one who does not yet despair of continuing to be proud of his native land to voice his appreciation of your efforts. Is it possible that Congress may be held up by an organized band? I hope the manhood of our Congressmen will prevent such a disgrace.

Very truly, yours,

A. J. STEVENS, M. D.

—

CREWE, VA., *August 4, 1919.*

REPRESENTATIVE BLANTON: I have read of you with interest. I am glad to think that there is yet one man in Congress who has the courage to sound a warning note. Take it from me that no man ever got nearer the truth than you did. There must be a conclusive show-down.

Very sincerely, yours,

W. F. BERGMAN.

—

CHELMSFORD STOCK FARM,
Poolesville, Md., August 5, 1919.

DEAR MR. BLANTON: I wish to congratulate you on your efforts in the House. It is high time for organized labor to cease dictating to Con-

gress. Here is strength to your arm. If in need of votes at the next election, I will be glad to communicate to my personal friends in Texas my desire for them to help a man who is not afraid.

Yours,

A. D. TRUNDLE.

—

543 FULLERTON PARKWAY,
Chicago, Ill., August 3, 1919.

CONGRESSMAN BLANTON: Permit me to express admiration for your independence and courage in your work. Your speeches have put into words just what thousands of serious men have been thinking the past three years, while the supernumeraries at Washington have yielded or passed the buck every time any demand was made by labor delegates.

It is an "endless chain," just as you say, and like a falling row of bricks, affects every department of our private and public life.

There is a limit beyond which the demands of an employee become an extortion, a holdup, and no man realizes this so well as an employer who worked for years to create a business, and incidentally has borne the responsibility of finding the cash for the pay roll, often with the knowledge that the money did not come from profits, but was an additional deficit to other losses. Meantime the care-free employee arrives by the clock in the morning and departs gayly when the hour strikes in the evening, while the boss sticks around trying to figure out how to collect certain bills or how to convert slow merchandise into some cash to meet the next pay roll.

Yours, sincerely,

WINFIELD S. BRAINERD.

—

CANTON, OHIO, *August 23, 1919.*

REPRESENTATIVE BLANTON: I have read with much interest your speeches in the House of Representatives. I would like it very much if you could send me a few copies of the CONGRESSIONAL RECORD for July 28, 1919, volume 58, No. 56, United States Employment Service measure.

I want to compliment you on the fearless stand you have taken. It is certainly a revelation to the laymen to learn how public money is squandered by Congress, and the tentacles of unionism are reaching forth into every branch of the Federal Government. You have truly said, "Whither are we drifting?"

Yours,

F. E. KOHLER.

—

MILTON, PA., *August 20, 1919.*

CONGRESSMAN BLANTON: We have read with pleasure and profit your speeches in the CONGRESSIONAL RECORD. Send us half dozen copies to hand to our friends.

Thanking you in advance, we are,

W. H. BECK,
Vice President Samuel J. Shimer & Sons.

—

BIRMINGHAM, ALA., *August 21, 1919.*

REPRESENTATIVE BLANTON: Inclosed please find a copy of the resolution of executive committee of Alabama Manufacturers and Operators Association. The documents inclosed will serve to show you that when Congressman BANKHEAD objects to just criticism of Secretary Wilson, the Department of Labor, and the United States Employment Service, he is at variance with the opinion of the vast majority of the employers of labor in his own State, and in this particular, like Secretary Wilson, is representing organized labor only. Would it be asking too much to request that you put us on your mailing list?

Yours, very truly,

HARDIE-TYNES MANUFACTURING CO.

—

LOS ANGELES, CALIF., *August 9, 1919.*

CONGRESSMAN BLANTON: Have been watching your work. You are on the right track. Go for these anarchists in our Government and the people of our country will applaud you.

Yours, in sympathy,

B. SUNDAE.

—

RICHMOND, VA., *August 23, 1919.*

CONGRESSMAN BLANTON: I sympathize most heartily with your efforts and am glad that there is at least one man in the Democratic Party that is not bound hand and foot by the American Federation of Labor, and that he can see some defects in labor unions and has the courage of his convictions. We wish you success in your fight. I am not opposed to union labor, but am very strongly of the opinion that there are a few others in the United States that deserve attention.

Yours, very truly,

ROBT. S. CRUMP, *President.*

—

JESSE FRENCH & SONS' PIANO CO.,
Newcastle, Ind., August 22, 1919.

CONGRESSMAN BLANTON: Your speech in the CONGRESSIONAL RECORD July 28 is the first plain, unvarnished statement of facts on the Employment Bureau that I have ever seen from Washington.

You have my best wishes in your good work, and may you succeed over the present obstacles, which seem to become more numerous.

Yours, truly,

JESSE FRENCH.

—

OHMER FARE REGISTER CO.,
Dayton, Ohio, August 22, 1919.

CONGRESSMAN BLANTON: You have struck a popular chord leading to the hearts of at least 90 per cent of the American people.

If all the Members of the House and Senate were as keenly alive to the situation and were not afraid to assert themselves in combating the pernicious activities of union labor organizers the chaotic conditions of unrest throughout the country would soon be reformed. I thank you for your efforts.

Yours, very truly,

JOHN F. OHMER, *President.*

—

EMPLOYERS' ASSOCIATION OF PITTSBURGH,
Pittsburgh, Pa., August 25, 1919.

CONGRESSMAN BLANTON: Our experience prompts us to say that the United States Employment Service is both extravagantly and inefficiently administered.

We have no difficulty in securing the help, when the same is available, through our own efforts. This association maintains for its members a free employment bureau. We make no charge to the applicants. At our own expense we advertise for labor, and our position is that this whole matter of the placement of labor should be done by those directly interested and not as a burden upon the Public Treasury.

We feel it is due you from us, the largest employers of labor and representing the greatest manufacturing industries in the Pittsburgh district, to write you this brief letter of commendation on your splendid and fearlessly worded remarks.

Yours, very truly,

THE EMPLOYERS' ASSOCIATION OF PITTSBURGH,
E. B. MORELAND, *Secretary.*

—

DENT, MINN., *August 16, 1919.*

CONGRESSMAN BLANTON: I am here on a short vacation. My home is in Missouri. I write to commend your work and efforts respecting the Densmore report. Secretly sending this man to California by a Cabinet official shocks our sense of common decency and propriety and deserves to be rebuked.

J. M. SANDUSKY.

—

CLEVELAND, OHIO, *August 22, 1919.*

CONGRESSMAN BLANTON: Thank God, we have one Representative in Congress who has the courage of his convictions. Texas should feel proud of you. But your admirers are not all confined to that State. More power to you. Allow me to express my highest esteem toward you.

J. B. ORRISON,
President, 7418 Franklin Avenue.

—

RICHMOND, VA., *August 21, 1919.*

CONGRESSMAN BLANTON: I want to congratulate Texas on having a man in Congress who is not afraid of his convictions. I believe that the people at large are solidly in accord with your ideas.

Yours,

W. J. SCHAEFER,
Late Captain, O. M. C., U. S. A.

—

EVANSTON, ILL., *August 5, 1919.*

DEAR MR. BLANTON: I am not one of your constituents, and have not always agreed with you politically, but I want to thank you for your attitude concerning labor demands.

The "tail has certainly wagged the dog" long enough, and it is time that all the people were being considered instead of accepting the fiats of the labor oligarchy and falling in with their program of terrorism and force.

I am a great believer in the union, but I have little use for the unions that now fill our land with disunion and discord.

Very respectfully, yours,

W. P. TURNER.

—

AURORA, MO., *August 2, 1919.*

DEAR MR. BLANTON: It is a pleasure to know that we have a Representative in Congress who has the courage to back up his convictions in such a fearless and masterful manner. As a small "unit" of this country of ours, I thank you for showing up the Department of Labor.

F. S. STEVENSON, M. D.

—

SHARONVILLE, OHIO, *August 4, 1919.*

CONGRESSMAN BLANTON: I was just about to write the President when I read your record of the brotherhoods. Never were truer words uttered in the Halls of Congress. Railroad employees are better paid than any other laborers in the United States. Millions of families are living on less than one-third of what the average railroad employee gets. Russian Bolshevism is a mild name for the labor revolutions labor agitators are endeavoring to inaugurate in this country. It will require wiser statesmanship than ever applied since the birth of this Republic.

Along with millions of others, I congratulate you for the bold utterances regarding a subject that it requires a braver man to tackle than ever crossed No Man's Land, in the name of decency and democracy.

Yours, very truly,

T. J. WYSCARVER.

—

WEST CHESTER, PA., *August 5, 1919.*

CONGRESSMAN BLANTON: I want to commend you on the stand you have taken with the unpatriotic slackers—the railroad agitators. They are not only a menace but a public nuisance. If they strike we will fill their places with men who shot rifles at Hun enemies for $1 per day, while these slick fellows drew $5 to $10 per day.

EDWARD M. MCFADDEN,
203 West Chestnut Street.

—

2323 GREENWOOD, *August 4, 1919.*

CONGRESSMAN BLANTON: Just a word of hearty encouragement in the great fight you have been and are now making in behalf of millions of oppressed Americans. The trouble is pure Bolshevism. Our loyal soldiers will stand by Congress.

Yours,

J. L. WOODBRIDGE.

—

OMAHA, NEBR., *August 22, 1919.*

CONGRESSMAN BLANTON: I have read a good deal of your work in Congress during the past few weeks, and want to congratulate you most sincerely on the independent and courageous stand you have taken in dealing with the various questions that have come up in the House. I was more than pleased when the House sustained your use of the word "truckling." The writer believes that the vote of the House had much to do with shaping the President's letter to the Director General of Railroads, and also in shaping his last address to Congress. Jewell's threats approach treason and sedition. I believe from reading your speeches in the House that you take the same view.

Yours, very truly,

JAMES C. KINSLER.

—

ST. LOUIS, MO., *August 22, 1919.*

CONGRESSMAN BLANTON: I wish to commend you for your fearless expressions. It seems to me that never before in the life of this Nation did it need more of fearless speaking. It is indeed time for thought. Any time that you can place before the Nation such evidence as you did recently, you have served the public well.

Cordially, yours,

R. H. WEBSTER, *President.*

COLUMBUS, GA., *August 22, 1919.*

MY DEAR MR. BLANTON: I have read of your work with great interest and benefit. Strength to your heart and tongue.

Yours, very sincerely,

FRED B. GORDON.

—

SUMMERDALE, ALA., *August 28, 1919.*

CONGRESSMAN BLANTON: If they continue autocratic, fight unionism till hell freezes over and then fight it on the ice. We must prepare for the civil war that is at our door.

W. A. GALUSHA.

—

PITTSBURGH, PA., *August 28, 1919.*

CONGRESSMAN BLANTON: I congratulate you, and only wish there was a majority in Congress that had the interests of the people at heart instead of politics, to support you.

Yours, very truly,

R. J. WILSON,
Secretary Wilson-Snyder Manufacturing Co.

—

THE BROWN PAPER CO.,
Fort Madison, Iowa, August 23, 1919.

CONGRESSMAN BLANTON: Your speeches are very gratifying to us. We are glad there are at least a few men in Congress who dare to speak the truth, and we hope that you will be able to shame Representatives into fighting Bolshevism.

Yours, respectfully,

A. P. BROWN, *President.*

—

CINCINNATI, OHIO, *August 12, 1919.*

CONGRESSMAN BLANTON: I want to congratulate and thank you for the stand you have taken on labor matters, and particularly on the gross and impudent demands made by the four brotherhoods. The principles of our Government are now being rapidly undermined and overthrown by labor unions.

I think we are very fortunate to have one man in Congress who has the courage and patriotism to stand up against this monstrous evil which is seeking to overtake us. I deem it a great pleasure and privilege to write to you approving your course. I have observed your actions not only on this occasion but on others, in which you intervened for the interest of the United States and our people, and I wish to thank you.

Very sincerely, yours,

L. C. BLACK.

—

LUNING, NEV., *August 10, 1919.*

CONGRESSMAN BLANTON: Do you realize by your statements that the great labor vote is likely to be antagonized? You seem to place the public interests above party. I only wish for the country's sake there were more Democrats at Washington who had some of your independence.

Yours, respectfully,

E. C. WATSON.

—

BOSTON, MASS., *August 13, 1919.*

CONGRESSMAN BLANTON: Thank God for a real man! We are everlastingly grateful to you for your courageous speeches opposing the insolent demands of union labor. Unfortunately, we must look to the West and the South for virile statesmanship and vision, for New England's Representatives appear to be able to look only to the past and are unable to look at things as they are.

Very truly, yours,

CLARENCE B. WOOD.

—

445–457 WEST THIRTY-FIRST STREET,
New York, August 5, 1919.

CONGRESSMAN BLANTON: Permit me to congratulate you on your gallant fight against the exactions of unions. Would there were more public men with your courage.

Yours, very truly,

ROBT. L. CHAMBERLAINE.

—

NEW ORLEANS, LA., *August 11, 1919.*

CONGRESSMAN BLANTON: Permit me to congratulate you for your work in opposition to radicalism, which is being openly advocated by various organizations and individuals throughout the country.

Yours, very truly,

WALTER VAN BENTHUYSEN.

—

PALO ALTO, CALIF., *August 11, 1919.*

CONGRESSMAN BLANTON: I want to express my admiration for the fearless work you are doing and your refusal to be intimidated. If we had some more men with your insight and courage in the House, unionism would be given to understand that the Government is not going to be coerced.

Very truly,

L. C. BEACH.

—

BOSTON, MASS., *August 14, 1919.*

CONGRESSMAN BLANTON: If available for distribution, I should very much like to receive a few copies of the splendid address recently delivered by you in the House of Representatives relative to the demands of the railroad brotherhoods.

Permit me to offer my congratulations on the position taken by you in this matter.

Sincerely, yours,

D. A. BELDEN.

—

ADA, OKLA., *August 14, 1919.*

CONGRESSMAN BLANTON: Being an old Texan and very much in sympathy with your stand against the unlawful and arbitrary acts of organized labor, I would like very much to have a copy of your speeches on this very important subject.

Yours, very truly,

P. A. NORRIS,
President First National Bank.

—

20 RIVERSIDE DRIVE,
Binghamton, N. Y., August 4, 1919.

CONGRESSMAN BLANTON: Allow me to congratulate you. I know railroad men pretty well and feel [illegible] them, but their course is subversive of the [illegible] claims unjust. Considering the short time it takes them to learn their business and the amount of education required, they are about the best paid men in the country.

Respectfully,

E. R. MASON.

—

AUGUST 13, 1919.

CONGRESSMAN BLANTON: I greatly admire your record in Congress. It seems that the powers can neither bulldoze nor buy you. With the best of regards,

Very truly,

R. L. HARVIN.

—

SIESTA DEVELOPMENT CO.,
Sarasota, Fla., August 10, 1919.

CONGRESSMAN BLANTON: Your speeches suit me and meet my opinion exactly. When the Adamson law was allowed to be bluffed through, the corner stone was laid for all this trouble.

Yours, truly,

HARRY L. HIGEL.

—

HOTEL STRATHCONA,
Victoria, British Columbia, August 1, 1919.

CONGRESSMAN BLANTON: From the Victoria Colonial to-day I inclose you quotation from the dean of St. Paul, wherein he says that labor unions have become huge capitalistic concerns, engaged in financing raids upon the people. He says: "With them it is not a struggle between the rich and poor; it is open brigandage against the community. They are a privileged class, determined that these privileges shall not go outside themselves. They are shutting down employment not only against discharged soldiers but wounded men."

I trust that you will continue your fight for freedom of the individual to work and labor as he wills under the law.

Respectfully,

D. W. BELL.

Mr. Speaker, the foregoing is a fair sample of the many letters I have received from citizens all over the United States, living in States other than Texas, indorsing my work in Congress and approving my efforts to clean up certain departments and to rid our Nation of lawlessness and Bolshevism. I have received hundreds of such letters from my constituents in my own district, none of which I have put in this RECORD. But inasmuch as my Texas colleagues might be interested in learning the sentiment on these issues expressed by their constituents, I will now exhibit a sample of the letters I have received from numerous citizens of Texas outside of my own district, as follows, to wit:

BURGESS, BURGESS, CHRESTMAN & BRUNDIDGE,
ATTORNEYS AT LAW,
Dallas, Tex., September 1, 1919.

Hon. THOMAS L. BLANTON, M. C.,
Washington, D. C.

MY DEAR SIR: I have just finished reading your extended remarks under date of Monday, July 28, in the CONGRESSIONAL RECORD regarding the Nolan-Kenyon United States Employment Service measure. I read it all. I have also been reading in recent issues of the public press accounts of your activities in Congress in behalf of the "common people" as distinguished from the labor unions.

I wish to congratulate you upon your stand in Congress, and the fact that you appear to be one of a very few, if, indeed, there are any others, in Congress who has the courage to stand up for what is right and to oppose what is wrong, even though the wrong be in high places in the national administration.

I commend your stand, and I have heard many others say that they also commend it—men who never heard of you until recently. Your fame is spreading not only throughout Texas but throughout the Nation. Keep after the grafters, whether in low or high places, and you will receive the support and backing of the honest people of this Nation.

Very truly, yours,

J. L. BURGESS.

—

CHARLES SCRIBNER'S SONS,
PUBLISHERS-IMPORTERS, TEXAS REPRESENTATIVE D. S. FURMAN,
Dallas, Tex., August 9, 1919.

Hon. T. L. BLANTON, M. C.,
Washington, D. C.

MY DEAR BLANTON: I take pleasure in sending you a clipping from the Dallas News of to-day. You do not know with how much interest and pleasure your Texas friends are watching the splendid fight that you are making in Congress for the preservation of the people's rights. It does one good to see that there is one Congressman who is willing to take the lead against the Bolsheviki spirit which is animating the labor unions in this country. You are exactly right, and I want you to know that the people in Texas who have any nerve are with you to the last ditch in this contest. Everywhere I go I hear your action discussed and only words of praise for the stand you are taking.

I want you to know that I am with you and for you for anything that you may want; not only because of our long and intimate friendship but because I believe you have both the brains and the nerve to stand up for what is right against any wrongs and against any opposition. Keep up the good fight, because you are doing a grand work not only for the State of Texas but for the Nation as a whole.

I have intended for some time to write you, expressing my appreciation of all that you are doing, but after I read this morning's paper I could not delay writing any longer. I feel sure you know that you have my best wishes in both your personal and political careers. If you should come to Dallas at any time, be sure to look me up, because it is always a pleasure to see you.

With best wishes, I am,

Very truly, yours,

D. S. FURMAN.

—

[Telegram.]

SAN ANGELO, TEX., *August 11, 1919.*

THOMAS L. BLANTON,
Washington, D. C.:

Ninety per cent of the citizenship worth while are with you in your fight for justice to the citizens that are developing the industries of the United States, and they should be protected against the class that is not competent to manage it.

SAM H. HILL.
R. C. FERGUSON.
J. S. ALLISON.

EL PASO, TEX., *August 4, 1919.*

DEAR MR. BLANTON: I can't keep from admiring the only man in Washington who has guts to come out in the open and stand up for what is right. At one time I was foolish enough to think that organized labor was patriotic and stood for what was right. Now, I know that they are the most dangerous trust in existence in the United States to-day.

Everybody is suffering from these hard times now, it is the price we paid for victory. Most of us are waiting for times to adjust themselves, but the traitors can't wait. While we boys were fighting for $30 per month the Government had to raise the traitors' wages every 30 days to keep them in line and then throw an insult at us by telling the dynamiters how patriotic they were.

Don't grant their unjust demands. If necessary call for volunteers to guard and operate the railroads. They made soldiers out of us in 30 days, we can learn to run the railroads in the same time. Stand up for the right and keep off the civil war, I am for you. With best regards, I am,

Yours, truly,

COLBERT COLDWELL.
1121 Los Angeles Street.

—

SAN ANTONIO, TEX., *August 21, 1919.*

REPRESENTATIVE BLANTON: I am greatly pleased with the honest and frank manner in which you discuss public questions. Would that all of our Congressmen were equally frank. However, it is a great pleasure to know that we have at least one representative in Congress who has the courage to call a spade a spade.

With best wishes for your future success, I remain,

Sincerely, yours,

W. F. MILLER,
821 Mason Street.

—

THE OZARK CIDER & VINEGAR CO.,
PARIS, TEX., *August 9, 1919.*

REPRESENTATIVE BLANTON: We strongly admire the courage you have displayed in standing up for the rights of the public. The feeling of the public generally is in accord with the stand you have taken.

Yours, very truly,

MAURY ROBINSON.

—

GRANBURY, TEX., *August 9, 1919.*

REPRESENTATIVE BLANTON: You seem to be the only man in Congress. Our hat is off to you. May you live long and happily. Here's to you for United States Senator when the next vacancy occurs.

Sincerely,

J. H. DOYLE.

—

FORT WORTH, TEX., *August 9, 1919.*

REPRESENTATIVE BLANTON: As a citizen who believes in protection to property, and a fair deal for all the people, permit me to express to you my high appreciation for the invaluable work you are doing in Congress against anarchy, Bolshevism, and a thousand other ills with which the country is now afflicted.

I do not live in your district but feel proud that we have one man in Congress, at least, that will stand up and defend the principles that our country has heretofore stood for.

Yours, kindly,

H. H. HARDIN.

—

WICHITA MILL & ELEVATOR CO.,
Wichita Falls, Tex., August 12, 1919.

Hon. THOMAS L. BLANTON,
Care House of Representatives, Washington, D. C.

MY DEAR MR. BLANTON: I can not refrain from expressing to you my personal appreciation of the position taken by you with reference to the demands of the railroad brotherhoods for the passage of their so-called "Government Ownership Railroad Bill." I am sure that your attitude and the views expressed by you are harmonious with the attitude and views of an overwhelming majority of our Texas people. The only difficulty about the matter is, that too many of our people are willing to let matters of this kind go by unnoticed, and then later complain of the injustice that has been done.

I sincerely hope the very courageous example set by you in opposing this monstrous injustice which is sought to be forced roughshod on our American people may be followed by a sufficient number of Democratic and Republican Congressmen to assure the overwhelming defeat of this vicious measure.

With kindest regards, I beg to remain,

Very truly, yours,

J. C. MYTINGER.

—

BELLVILLE, TEX., *August 9, 1919.*

CONGRESSMAN BLANTON: I am not one of your constituents, but am a native Texan, and desire to say that I have read of your efforts in the House with great pleasure. I always admire a man who has the courage to openly express his honest convictions.

Your stand with regard to the railroad men is absolutely correct.

I stood in front of the post office to-day when the papers came, and heard at least a dozen men indorse your efforts, and praise you for your courage and fearlessness. I tell you that it is bad that we haven't at least 300 more men like you in Congress.

The political cowards must be sent to the political junk pile, and the people will no doubt do it.

In these strenuous days when our Government has been put to an expense unheard of, every person ought to stand by the Government and reduce the expense.

Again expressing my appreciation, and with kindest wishes, I am,

Very truly, yours,

C. G. KRUEGER.

—

S. E. MCASHAN GRAIN CO.,
Houston, Tex., August 6, 1919.

CONGRESSMAN BLANTON: Simply want to say that I am watching your work in Congress with pleasure. The H. C. of L. and the labor question go hand in hand and both are now exactly where they ought to be, before Congress, where they should be thrashed out. The issues must be faced and decided to save the Republic.

With best wishes,

S. E. MCASHAN.

SHUTTLES BROS. & LEWIS,
Dallas, Tex., August 9, 1919.

CONGRESSMAN BLANTON: I should feel recreant to a duty if I did not write and commend you for the stand you are taking regarding organized labor.

I am heartily in sympathy with labor and prepared to go a long ways toward dividing profits with them, but it is impossible to satisfy them.

If a few more of our Congressmen and Senators had the courage that you have, it would soon bring about much better conditions in this country.

I believe all thinking people are with you and hope that you will be successful in your efforts.

Yours, truly,

R. H. SHUTTLES, *President.*

—

AUSTIN, TEX., *August 7, 1919.*

CONGRESSMAN BLANTON: I note in the papers your stand with reference to labor unions, and I want to congratulate you, as it occurs to me you are the only one so far that has nerve enough to tackle this combination and trust. You are on the right road, according to my opinion, and I hope that good results will follow your onslaught on this combination.

Yours, truly,

W. R. SMITH.

—

WACO, TEX., *August 20, 1919.*

DEAR MR. BLANTON: I read your speech, "Whither are We Drifting?" in the CONGRESSIONAL RECORD with a great deal of interest. It is almost as interesting as one of Dumas's novels, and I am so pleased with the methods you pursue in this and other matters of a similar character that I can not resist telling you and congratulating you.

Very truly, yours,

CHARLES HAMILTON.
Bankers Trust Building.

—

HUMBLE OIL & REFINING CO.,
Fort Worth, Tex., August 7, 1919.

Hon. THOMAS L. BLANTON,
Washington, D. C.

MY DEAR SIR: You never saw or heard of me before, and I am an utter stranger to you.

Nevertheless, I hope I may not be exceeding the privileges of even the humblest citizen in writing you to express to you my deep admiration and my heartfelt sympathy in the stand you have been and are taking against the unreasonable demand and inordinate arrogance of federated labor.

I am in complete sympathy with labor itself, as I know you and all other good men are; I am a laborer myself, though my labor is not manual. But organized labor is under arms and marching. The time is not far distant when it must crush or be crushed. It is as relentless and as selfish as the Hun; if victorious, it will be as ignorant and chaotic, as vicious as the Russian Bolsheviki.

For years past I have been hoping that conditions might raise some dauntless giant who would have the courage and the force to lead a fight against this growing tyranny of federated labor. Three years ago I was disappointed when even our great President had the opportunity, but not the courage, to do it.

And until you took up the gauntlet I had almost lost hope that any of our public men would be brave enough to join battle in behalf of that greater and more numerous, but less noisy and aggressive force, the great American public, which some day is going to rise in its wrath and sweep the present labor organizations from the face of the earth. I am praying for more strength to your arm.

I resided for 22 years at Ballinger, and in my heart still call it home; I consider myself as one of your constituents; your district is my home, and I am very proud if it shall prove that my home district in Texas shall raise up the David who shall defeat this arrogant Goliath. I am,

Very respectfully, yours,

ROBERT L. BENNETT.

—

GREENVILLE, TEX., *August 9, 1919.*

CONGRESSMAN BLANTON: I note with much interest the bold stand you have taken in favor of the enforcement of the law against organized anarchy. It is indeed regrettable that so few of our public men have the nerve to denounce wrong when it may jeopardize their political prospects. I want to express my admiration of the courage which you have manifested since you became a Member of Congress.

I have some acquaintance with your distinguished sister, Miss Annie Webb Blanton, our efficient State superintendent of public instruction, and knew of you as a former district judge in western Texas.

Respectfully,

V. W. GRUBBS.

—

ORANGE, TEX., *September 4, 1919.*

CONGRESSMAN BLANTON: I was in the office of Mr. Lynch Davidson in Houston yesterday and found him reading "the most interesting document he had seen in years." Questioning him, I found it to be a CONGRESSIONAL RECORD containing your exposé of the Department of Labor. Would consider it a special favor if you would kindly send me a copy of this RECORD.

Yours, very truly,

F. H. FARWELL, *General Manager.*

—

MOSHER MANUFACTURING CO.,
Dallas, Tex., August 7, 1919.

DEAR MR. BLANTON: I wish you to know that I have heard many favorable comments on your work in Congress from business men not only in Texas but in my travels North and East, where my business takes me frequently.

Yours, very truly,

W. S. MOSHER.

—

BEE COUNTY ABSTRACT CO.,
Beeville, Tex., August 7, 1919.

REPRESENTATIVE BLANTON: As far as I can see from the press, you are the only man in Congress that has the nerve to raise your voice against the Bolshevist, anarchy, and labor unions, which are more menacing to this Government to-day than anything else since the Declaration of Independence.

Yours, truly,

DAN TROY.

THE R. H. SWARTZ CO.,
Houston, Tex., August 6, 1919.

CONGRESSMAN BLANTON: Please allow me to congratulate you. You represent not only the sentiments of the masses of this State but also the interests of the country at large. I am sorry that so few of your colleagues have the courage to say what they think and know to be right. Thanking you again, and wishing you success.

Yours, very truly,

R. H. SWARTZ.

—

DALLAS, TEX., *August 9, 1919.*

CONGRESSMAN BLANTON: The writer wishes to congratulate you on your efforts. You are one of the few men who are not afraid to think and to say what you think. If this country had more Congressmen who were of the fearless type you are our problems would not have reached such a critical state.

Trusting you will continue your good work, and thanking you for what you have done,

Yours, truly,

J. H. BRILLHART.

—

VAN HORN, TEX., *August 9, 1919.*

CONGRESSMAN BLANTON: After reading your speeches on union labor, I have felt it to be my duty to thank you for the stand you have taken.

Yours, very truly,

T. R. OWEN.

—

DUBLIN, TEX., *August 11, 1919.*

CONGRESSMAN BLANTON: Permit me to commend you for your courage and efforts. What you have said everybody knows is true, but nearly everybody is afraid to "open his head" about it. Believe me, organized labor has got fangs and is showing them. The average legislator has not seen that this great upheaval on high cost of living is not of the plain people.

Very truly, yours,

C. G. FOUST.

—

DALLAS, TEX., STATION A, *August 11, 1919.*

CONGRESSMAN BLANTON: I have carefully read the CONGRESSIONAL RECORD for years. I feel in my deepest heart to write you that we sorely need BLANTONS to fill our congressional seats in both Houses. The holding up of our Government, the robbing of our masses by classes drawing fat salaries is the crime of the ages, and a disgrace to our Representatives. To stop the infamy of the Adamson law, it is only necessary to get the facts before the people. Once the masses get to see this infamous bulldozing of our Nation, they will put men in Congress who will see that we have a real Government. Go ahead. The people are with you.

W. A. JARREL.

—

SAN ANGELO, TEX., *August 7, 1919.*

CONGRESSMAN BLANTON: I want to compliment you and commend your efforts against allowing labor unions to dominate Congress and our Government. The consensus of opinion here outside of unions is that you are the only man in Congress that has had the guts to fight for the rights of the people. Thinking men know that there must be a change.

Yours, very truly,

R. H. HARRIS.

—

LAGRANGE, TEX., *September 4, 1919.*

CONGRESSMAN BLANTON: You are making a wonderful fight, and I realize that the labor element is undermining our very institutions. I have never voted anything but a Democratic ticket in my life, but it strikes me that it is high time that house cleaning be had. Labor is dominating the party, and are demanding whatever capricious scheme that may suggest itself to them, whether right or wrong. There never was a time when we were in greater need of strong, bold, fearless men in Congress, who know the right and are willing to defend it.

Keep up the fight. Every true American is with you.

Very sincerely,

GEORGE E. LENERT.

—

6016 LINDELL STREET, DALLAS, TEX., *August 7, 1919.*

CONGRESSMAN BLANTON: I don't know what district you represent in Congress, but I want to congratulate a constituency whose Representative has the courage to speak his convictions, even when those convictions run counter to those of a body of men whose will to rule or ruin is so manifest.

I am a railroad man myself, but the world has not yet grown so old that a railroad man must of necessity be a Bolshevik, and so I am opposed to the Plumb plan of running the railroads. Nor do I find that any of the railroad men with whom I have talked are in favor of it. I sincerely hope that the President and Congress will not make an abject surrender as was done in the case of the Adamson bill.

Very truly, yours,

CHARLES F. STEELE.

—

EL PASO, TEX., *August 4, 1919.*

DEAR MR. BLANTON: Fight on, and keep your eyes skinned. One hundred million Americans are with you to the bitter end.

T. F. JONAH.

—

RICHMOND, TEX., *August 22, 1919.*

CONGRESSMAN BLANTON: I have been watching your record in Congress for many months and must congratulate you for your strong and fearless individuallty.

As things now stand Texas has at least one Representative in Congress.

Yours, very truly,

T. HANNON.

—

EL PASO, TEX., *August 4, 1919.*

CONGRESSMAN BLANTON: I have noted with interest your speeches. I believe that the time for calling a halt is upon us. I appreciate the stand you have taken, and also appreciate the fact that Texas has one Representative in Congress who has the moral courage to voice his convictions. I hope you will continue to soak this bunch of highbinders until the people can get in touch with their Representatives in Congress. The people are becoming more and more disgusted with this bunco game, and unless Congress takes action without further delay, the people are going to act. You may rest assured that the people who believe in a square deal for all and special concessions to none will always be found backing you.

Yours, very truly,

B. PROCTOR.

202 East San Antonio Street.

—

PARIS, TEX., *August 20, 1919.*

CONGRESSMAN BLANTON: Good work. Stand behind your artillery and shoot straight. Good work. I salute you. You are a real all-wool-yard-wide Texan and a Representative of the United States.

Yours, very truly,

A. M. RILEY.

Box 116.

—

BRYAN, TEX., *August 7, 1919.*

CONGRESSMAN BLANTON: I admire your efforts on the labor situation, and am sorry that I am not in your district so that I could vote for you. Whenever I can be of service call on me.

J. WEBB HOWELL.

—

DALLAS, TEX., *August 6, 1919.*

CONGRESSMAN BLANTON: Congratulations. You are just exactly right. Keep up the good fight.

Yours, very truly,

J. E. FARNSWORTH.

—

FORT WORTH, TEX., *August 20, 1919.*

CONGRESSMAN BLANTON: I have just read your speech in the Dallas News and desire to congratulate you.

As I understand it, there are something like three to six million organized laborers, and possibly 100 real rich men furnishing the surplus capital for carrying on organized commercial manufacturing and industrial pursuits, and I am rather of the opinion that they are standing in together. Only a few years ago Mr. George L. Bennett, who controlled the Strawn coal mines, was very much opposed to organized labor and would not let his miners organize. He was also the controlling interest in the Acme Pressed Brick Co. at Bennett, Tex., and some of his friends at Alton, Ill., were also interested with him in that enterprise, and during a trip to Alton one of the coal-mine organizers slipped into Strawn and organized the miners into a union, and when Mr. Bennett returned he found them all out on a strike, and on inquiry he found that the superintendent had discharged a man who had almost beaten a mule to death down in the mine, and the miners demanded that he be taken back, and on the refusal of the superintendent the miners struck.

When Mr. Bennett located the trouble and was unable to get the miners to work until this fellow was taken back, he called the miner into the office and told the superintendent to put him back to work, but the first time he beat a mule again to kill him and the company would see that he was cleared of the crime. This was a real good joke on him, and I was telling it on Mr. Bennett a year or two later, and he says, "Hell, I am in favor of organized labor now," and I asked him why, and he stated that in negotiations with the Miners' Union in Indianapolis a month or so prior to that, and they had been in conference for two or three weeks and had not arrived at a settlement, and one of the union men got up and stated that he was badly fooled in the class of men—the mine owners—that they were dealing with, that he thought they were shrewd business men. Mr. Bennett stated that he got up and told them that he was an ordinary damphool, but he wanted to know wherein he had acted a damphool in this instance, and the miners' representative asked him the question, what difference did it make to him or the mine owners what price they paid the miners for mining the coal, as the consumer eventually had to pay it anyhow. The miner stated that they were only asking for 5 cents a ton increase and suggested that "you mine owners can easily agree to pay this and then go home and raise the price of coal 25 cents a ton, telling the consumers that you were forced to do this on account of having to increase the pay to the miners for mining the coal."

Mr. Bennett stated that he told them that he was agreeable, that he was a simple damphool, and that he was ready to settle right now and pay the advance and follow the suggestion of the miner, which was done. Mr. Bennett stated that they had contracted for two years on this basis, but when that contract was out with the miners he was in favor of making the contract for only one year, so that they could increase their profits every year instead of every two years.

The nerve of the union labor as suggested in what is known as the Plumb plan for controlling the transportation of this country is collossal, and our Congressmen should stand by the gun and fight such a suggestion on every occasion.

Union or organized labor has for years been intimidating our legislators, our Congress, our courts, and even the Supreme Court of the United States. Look what they have done in the Mooney case, and I for one believe it is time to stop such proceedings in this country if we propose to be free people.

There is everything against union labor and nothing in its favor, and I congratulate Texas on having a representative with nerve enough to get up and fight it in Congress.

For the above reasons, I am of the opinion that the Congressman or Senator who looks after the interest of the public, even if he has to go up against organized labor, will be the man that will be in public favor in the end, as the public is beginning to wake up to the conditions brought about by organized labor in the high cost of living.

Yours, very truly,

H. B. DORSEY.

—

EL PASO, TEX., *August 5, 1919.*

CONGRESSMAN BLANTON: I heartily agree with you that something must be done or this country will face a condition of anarchy. Labor is but human and becomes a tyrant as well as the capitalist. Trusting that we may soon be released from threatened anarchy, I am,

Very truly,

M. M. WINNINGHAM.

STERLING CITY, TEX., *September 1, 1919.*

CONGRESSMAN BLANTON: I have read and studied carefully the brave stand you have taken before Congress and the American people against the cowardly, selfish, unarchistic aggressions of labor unions.

As an American, and therefore a natural born rebel against wrong, regardless of its source, I want to thank you for your manly stand. I think it is magnificent. All decent, self-respecting Americans are and will be with you.

Within the past four or five years America—my country and yours—has absorbed more Kaiserism, more imperial German rottenness, than we will be able to get rid of in many years.

Sincerely and respectfully,

JEFF D. AYRES.

—

PARIS, TEX., *August 22, 1919.*

CONGRESSMAN BLANTON: Your attitude certainly meets with the hearty approval of the good citizenship of this State, and I congratulate you on having the nerve to express yourself.

Sincerely,

R. W. WORTHAM.

—

WEATHERFORD, TEX., *August 9, 1919.*

CONGRESSMAN BLANTON: I am following your course in Congress with interest and pleasure. With best wishes, your friend,

H. L. MOSELEY.

—

TECK, TEX., *August 19, 1919.*

CONGRESSMAN BLANTON: About everyone is with you and telling of the good work you are doing against governmental extravagance, and for America and all Americans.

Very respectfully,

LEOARD ECK.

—

DALLAS, TEX., *August 6, 1919.*

CONGRESSMAN BLANTON: I hope that I shall have an opportunity to vote for you some time, for it is a real pleasure to know that we have one statesman representing the people of the United States that rises above the mere politicians that have filled the legislative halls for so long—the politicians who have pampered the labor unions for fear of losing a few votes until these unions have decided that they can now dictate the kind of government we will have. The time has come for the Government to stop the hold-ups, else we might as well turn things over to Lenine and Trotsky.

If you receive letters from all who approve your efforts, the Postal Department couldn't handle your mail.

And on that daylight-saving law, Mr. BLANTON, you are right again. I will bet everything I have that 98 per cent of the people of Texas are against it.

With best wishes for your success, yours, sincerely,

JOHN J. MILLER.
4121 Worth Street.

—

COLLIN COUNTY MILL & ELEVATOR CO.,
McKinney, Tex., August 28, 1919.

CONGRESSMAN BLANTON: Kindly permit me to congratulate you. If there were more Representatives of your kind in Congress, this Nation would feel a security which it does not now feel.

In our present-day affairs, when people are generally thinking more of themselves than of anyone else, it is certainly very refreshing to find a man who, perhaps, lays aside his personal advancement for the cause of humanity and good government, like you have done. I believe that you are entirely correct in the things which you have said in Congress.

I hope that some time I may have the opportunity of voting for you for United States Senator. I have found in the last few months hundreds of people in the State of Texas, and for that matter outside of the State of Texas, who heartily indorse the things which you have said and done.

It would seem like you and my good friend, SAM RAYBURN, from this district, are the only Democrats from the Southwest who have had the courage of their convictions, and who stand loyally by the people who have elected them, regardless of whether or not they belong to labor unions.

With every good wish, I am,

Yours, very truly,

J. PERRY BURRUS.

—

ROSEBUD, TEX., *September 5, 1919.*

CONGRESSMAN BLANTON: As an ex-soldier I wish to commend you and show my appreciation of your efforts in Congress, knocking out the big appropriation for the United States Employment Bureau, and your fight against wasting the people's money.

You are right, Mr. BLANTON. Congress has truckled to unreasonable labor demands while we soldiers served in the Army for a dollar a day, and all suffered, and many died in France, during which labor struck and shirked on the jobs, when munitions and ships meant life and blood. You are right. Labor frequently acted the part of traitors. I wish you success in your efforts and sincere endeavors.

Yours, truly,

J. ARTHUR MINIER, *Route 2.*

—

DALLAS, TEX., *August 6, 1919.*

CONGRESSMAN BLANTON: We want to applaud and commend you. We are with you to the last ditch.

Yours, truly,

C. A. HART, *President.*

—

WICHITA FALLS, TEX., *August 28, 1919.*

CONGRESSMAN BLANTON: We want to assure you that we are entirely with you. We hope that others will join you in your efforts to call a halt.

Yours, very truly,

LESTER JONES, *Cashier.*

—

DALLAS, TEX., *August 21, 1919.*

CONGRESSMAN BLANTON: Keep up your good work. I inclose editorial from to-day's Dallas News re BLANTON. Papers all over the State are now sitting up and taking notice. You are receiving more editorial notice than any other Representative or Senator, according to my observations. The people are beginning to watch BLANTON. We need a man like you for Senator. With best wishes.

F. J. STUART,
Superintendent Curtis Publishing Co.

GRANBURY, TEX., *August 26, 1919.*

MY DEAR MR. BLANTON: The whole of Texas is beginning to realize that you are making a fight for the honest masses.

Respectfully,

W. F. JULIFF.

—

HOUSTON, TEX., *August 8, 1919.*

HON. THOMAS L. BLANTON,
Washington, D. C.

MY DEAR MR. BLANTON: It is encouraging to note that at this period when the American Federation of Labor seems to be in fancied control of the legislative and executive branches of the Government that there is at least one Member of the House of Representatives who is unafraid of this un-American and menacing organization. The papers give us a brief outline of the resolution which you introduced in the House on yesterday, and I wish to congratulate you upon your timely act.

Whatever may be the effort of the Government to regulate the relations between employer and employee and the conditions of labor throughout the Republic, it ought not to be undertaken solely for the purpose of creating a privileged class. The Congress some years ago attempted to relieve the labor organizations of all obligation to the Republic and of all respect for private property rights. In amending the antitrust laws labor organizations were exempted, thus discriminating between citizens, and the belief then became almost universal that by this act and other acts the Congress had recognized the labor unions as incapable of doing any wrong. The Supreme Court, however, exploded this theory to a certain extent in the case of Hitchman Coal & Coke Co., against John Mitchel et al., page 229, Sixty-second Lawyers Edition, United States Supreme Court Reports, and other cases in the same volume. These opinions were dissented from by Justices Brandies, Clark, and Holmes, as might have been expected.

One vicious element in this legislation as in other similar legislation is that the lawmakers do not differentiate between the employments of different organizations in so far as they affect the public interest. Men engaged in conducting the activities and operations of quasipublic corporations owe the public a duty differing from the duty owed by men engaged in private employment, but this duty has never been recognized in legislation. It ought to be.

Men engaged with corporations performing a public duty, such as transportation, whether upon the steam railroads or other line, and men engaged in all of the activities which we know as public utilities, owe the public a duty, whereas men engaged in private employments do not owe the public the same duty. It is the privilege of every American citizen to take employment where he chooses and quit when he pleases. This right can not be abridged. It may be that American citizens would enjoy this right in their collective capacity so far as private employment is concerned, but they ought not to be privileged to exercise such right in so far as public employment is concerned. Every man who accepts an engagement with any railroad, street railway, telephone, telegraph, or public utility knows that the employing corporation owes the public a certain duty, and that he in accepting such employment assumes the performance of such duty, and he ought not to be permitted to quit that employment of his own will but only for good reasons which involve a proper consideration for his obligation to the public.

Since there has been legislation bestowing extraordinary powers on labor unions in the matter of resorting to force for the purpose of carrying their demands, then there should be legislation limiting the exercise of this force in every instance where the employing corporation owes a duty to the public. There is no better time than now to give consideration to this serious omission in our legislation because of recent efforts of certain potential organizations to demand a ransom of millions or billions of dollars from the Congress, or otherwise these organizations would wreck society through a tie-up of all the transportation facilities of the Republic, which have rendered the public mind capable of thoughtful and sane action.

It is not probable that the Congress would undo the legislation heretofore carried in the effort to render labor organizations supreme in all industrial matters, but Congress ought to be willing, in the public interest, to divide these organizations into the classes in which they belong and require those engaged in public vocations which are essential to the comfort, happiness, and progress of the people, to perform their duties with some regard to the public welfare. I believe if you would take up this question and think out remedial legislation that you would be performing a service of tremendous national value and adding substantially to your already well-earned reputation as an old-fashioned Democrat who believes in equal opportunity for all and special privilege to none.

With assurance of my high regard and with a just pride in the fight you are making, I am,

Very sincerely, yours,

JNO. H. KIRBY.

—

DALLAS, TEX., *August 20, 1919.*

CONGRESSMAN BLANTON: I have been trying to get a chance to write you for several weeks expressing my approval of your efforts. Suffice it to say you are doing something all patriots should do, but which few have the courage to do. You are doing right without fear, but you are going to lose nothing; like all cases where men do their duty, you will be remembered and honored and rewarded. Keep it up.

Sincerely, yours,

E. M. BAKER, *Attorney.*

—

GRANBURY, TEX., *August 19, 1919.*

CONGRESSMAN BLANTON: I wish hereby to heartily indorse your efforts. You have my heartiest support.

Very truly, yours,

ROY H. HIGHTOWER.

—

PLAINVIEW, TEX., *August 19, 1919.*

DEAR MR. BLANTON: I read with considerable interest of your work in the House. You are right. We have had enough of this socialistic doctrine and threats.

Yours,

L. B. BAIN.

And, Mr. Speaker, I have received numerous unsigned commendatory letters from all over the United States, and insert the following as a fair sample of them:

UNION, S. C., *August 16, 1919.*

CONGRESSMAN BLANTON: The people know that the high cost of living is largely the result of demand after demand made by labor unions since war began. Congress must call a halt. We all appreciate your self-sacrificing, valuable work. I would vote for you for President. Your heart is with all the people.

A LABORER.

SEATTLE, WASH., *August 13, 1919.*

Hon. THOMAS L. BLANTON,
Washington, D. C.

DEAR SIR: The United States Employment Service should be investigated here. Shortly after this office opened there were seven men drawing $3,000 a year each, because they were union men and would not send anyone without a union card. We have six labor bureaus in Seattle, all spending public money. Mr. Shells, of the city bureau, will tell you that Federal Director Lawrence Wood and his office are a joke. On July 1 his monthly allowance was reduced to $1,500, but he had rented half of his floor space to the Knights of Columbus for $300 per month. I am a civil-service employee, hence can't sign my name.

ONE ON THE INSIDE.

—

TRENTON, N. J., *August 13, 1919.*

DEAR REPRESENTATIVE BLANTON: Keep up your patriotic work in the interest of a square deal for all the people. I am inclosing you an article published in the newspaper from Dr. A. C. Kniskern, of Mechanicsville, dated August 12, wherein he says no labor union member is starving or in any way suffering, but that the cost of production has increased through wage increases and restrictions demanded, and that industry, dexterity, and efficiency are discouraged, while shiftlessness, incompetency, and sloth are protected.

FIXED INCOME.

—

WASHINGTON, D. C., *August 15, 1919.*

DEAR MR. BLANTON: I am much interested in your good work. Keep it up and clean up these departments. At 1310 Pennsylvania Avenue SE. there are four members of the same family drawing salaries from the Government. Is it right for the law to be ignored?

A HELPER.

—

PORTLAND, OREG., *August 12, 1919.*

Representative BLANTON, of Texas.

DEAR SIR: I desire you to know that I commend your stand and the work you have done in Congress.

There is hardly a Government institution connected with industry, outside of farming, that has not been given over to the control of labor unions. You doubtless know that the employment agencies have been turned over to them. It is idle for the Secretary of Labor to say that union men can deal fairly with unorganized labor, as it is an impossibility. It is your efforts and fight to clean up the party that will keep us Democrats in it who are now ready to quit if the old policy is pursued. To sign my name would invite attacks.

A TAXPAYER.

—

WASHINGTON, D. C., *August 30, 1919.*

CONGRESSMAN BLANTON, of Texas: Unions will not let men work when, where, and for whom they please, or an employer employ whom he pleases, but is a gigantic trust crushing the freedom and life out of this Nation. Where is the business man, newspaper, or clergyman who dares tell the truth about it? Is there left among our public men in this country an old-time, honest American, who like Henry Clay would rather be right than be President? Gold help us, I fear not, unless it is you.

AMERICAN.

—

WEST SIXTY-EIGHTH STREET,
New York, August 16, 1919.

DEAR MR. BLANTON: I feel impelled to write you this letter, congratulating your work in Congress.

Since the brotherhoods thrust their "Plumb-to-hell plan," as it is characterized by the Hon. Martin W. Littleton, of this city, on Congress, there is fast developing a movement that might be called a government of the labor unions, by the labor unions, and for the labor unions.

The time has arrived when the American people should call a halt on the activities and holdup methods of the labor organizations of this country. They must fight back to again establish that freedom of action and that freedom from domination that is the inalienable right of every American citizen and which privilege he holds so dear.

I therefore rejoice that there is at least one Representative in Congress who has the courage to stand up in his place and make a most emphatic protest against the most vicious measure that has ever been presented to Congress, and which would invest in a class the power to control the most important element of our national life.

The result may be a revolution, but it won't be on the Plumb plan. Wishing you success in your work, I am,

DEMOCRAT.

—

CAMDEN, N. J., *September 5, 1919.*

DEAR CONGRESSMAN BLANTON: I read the CONGRESSIONAL RECORD and you are the only Member in the House who really stands up for the people, and I want to extend my humble praise to you for doing so. If there were more Representatives like you, the country would be a great deal better off. Being a Republican of the Roosevelt type, it goes against my grain to have anything to do with or say to a Democrat, but you are such an exceptionally honest and clean Democrat, to say nothing of your fearlessness, it kinder pulls me near to you as you fight to protect the interests of all the people. Some of your colleagues ought to go back home and knock their damn blocks off, for they are no earthly use either to their constituents, who have been damn fools enough to send them to Congress, or to their Government. If some of your colleagues would spend half the time helping you that they waste in opposing your good fights, something would be accomplished.

You keep on with your good work and the decent people of the country will with one accord say, "God bless TOM BLANTON, of Texas; well done thou good and faithful servant"; and we will forgive you for being a Democrat.

FIRST DISTRICT, N. J.

—

MADISON, WIS., *August 19, 1919.*

DEAR MR. BLANTON: I am in hearty sympathy with your work in Congress. After forcing the Adamson law on the people in 1916, all branches of organized labor followed suit, and through threats and force have reached the dollar-an-hour basis. Now, they are to solve the high cost of living by reducing the price of all farm products. Unions raise the price of farm machinery and lower the price of farm products and makes the "tiller of the soil" a slave to labor organizations. I note that you are representing all of the people alike and not a small class.

REPUBLICAN FARMER.

994 FOURTEENTH STREET,
Boulder, Colo., September 4, 1919.

MY DEAR MR. BLANTON: Your speeches in the House on Americanism, particularly your opposition to class legislation demanded under threats by certain organizations, should be read by every red-blooded American who holds the interests of the whole country to be above the desires of a small clique of agitators, most of whom were permitted to evade military service and who labored for their country at from $8 to $10 per day, while others of us served our country by fighting in the trenches of Europe at $33 per month. Gompers says organized labor won the war. If labor was so essential to the winning of the war, why was it not conscripted to work at the same remuneration paid men who were laboring on the battle fields of Europe? We who have served in France sometimes wonder just who are real Americans.

ROY H. FLAMM.
County Road Superintendent, Alamogordo, N. Mex.

—

MONTROSE, COLO., *September 3, 1919.*

Congressman BLANTON,
Washington, D. C.

DEAR MR. BLANTON: I read the CONGRESSIONAL RECORD with more interest than any magazine, and I take a dozen, and I am wonderfully interested in your splendid campaign against bureaucratic iniquities prevalent in Washington. I am not asking any special assistance at this time in this matter, but thought you would like to know some of the latest developments in this rotten war bureau.

Permit me to say that your name in the CONGRESSIONAL RECORD always attracts me to something worth reading. I am no Democrat, but Senator THOMAS's views, as well as your own, of bureaucratic or governmental unions are my own. They are nothing less than treasonable.

Yours, truly, F. D. CARLIN.

—

WILLIAMSTOWN, MASS., *August 10, 1919.*

DEAR MR. BLANTON: I am glad to think there is one Congressman who is not intimidated by the threats of those who talk of tying up the railroads, starving our cities, and killing industrial life if the Government doesn't do their bidding. The misfortune is there are not more men in Congress with your backbone. It would certainly be better for the country.

Wishing you great success.

A BUSINESS MAN.

Mr. Speaker, inasmuch as the gentleman from Pennsylvania [Mr. DEWALT] expressed so vigorously his disapprobation of my efforts in this House I will insert a few excerpts from a few leading newspapers, giving information as to the view of at least some impartial newspapers on the issue involved:

[Honey Grove Signal.]

We don't know THOMAS L. BLANTON, Congressman from the Abilene district, but we are hoping his voice will never grow weaker than it is now and that the supply of sand for his gizzard will never be cut off. BLANTON is saying things out loud that many men have long been thinking in secret. Yea, BLANTON is saying things other men know they ought to say and would say if their backbones could be stiffened a little.

[Wills Point Chronicle.]

Say what you may of Congressman THOMAS L. BLANTON, of the Abilene district, he is one man who would go to jail, if need be, for opinion's sake. Right or wrong, he is a fighter who never squawks when the cold steel of an opponent strikes him. Game to the last; that's TOM BLANTON.

[Athens Review.]

BLANTON is a strong man. He is not only representing his own district but is doing most of the fighting in Congress for Texas. The Review places him in nomination for governor next year. We would like to hear a second to the nomination.

[Ledger.]

That would be great for Texas but a sacrifice on the part of Mr. BLANTON and the seventeenth district, a sacrifice our east Texas friends should not exact. The governor of Texas draws the princely sum of $4,000, and the people, through their prejudice and ignorance, recently said it was sufficient. Yes; Texas needs a man of BLANTON'S backbone and ability for governor, but the Nation needs him in Congress, and it is up to Texas and the seventeenth district to keep him there.

[From the Houston (Tex.) Post, p. 6, Apr. 23, 1919.]

MR. BLANTON AND MR. GOMPERS.

When Mr. Gompers in his recent statement to the Associated Press suggested Congressman BLANTON'S "utter incapacity of understanding the plainest propositions of right, justice, freedom, and democracy," he invited a rejoinder from the Texas Congressman that may be taken as one of the preliminaries of some very plain speaking in the American Congress.

Mr. Gompers need not expect to dismiss the Texan in so summary a manner. Mr. BLANTON is plenteously endowed with understanding. There need be no fear on that ground, and he is very apt to be heard from on the floor of Congress.

Mr. BLANTON is not lacking either in intelligence or courage, and in the general discussion of war matters, which is very apt to follow the coming investigations, he may be depended upon to exhibit an understanding that will satisfy Mr. Gompers on that score.

Mr. Gomper's labor activity has never placed him in touch with the great agricultural classes of America. Mr. BLANTON is very much in touch with a quarter of a million of just that sort of population. And probably before very long there will be a very close inspection by Congressmen of the agricultural demands of the country, for some of the very things that Mr. Gompers is now boasting of achieving happen to be things that are not viewed with any great enthusiasm by the agricultural classes and the great unorganized bourgeoisie of the country.

Mr. Gompers is a man of great ability and determination, but what he has achieved during the war must eventually come up for review, because the great majority of the workers of the country were not included in the benefits, but certainly are included among the payers of the cost of such benefits.

And when we say these achievements must come up for review we do not say that they must be set aside. But it is evident that the permanent adjustments, so far as the Government is concerned, and so far as all private activity is concerned, must include all classes of workers, organized or otherwise.

Agriculture will not pay these mounting tolls upon its energies without a hearing or without full consideration. It is slowly awakening, as Mr. BLANTON knows, and it is going to contend for an application of the principle of equal and exact justice to all. When the sleeping giant awakes, Mr. Gompers will be surprised to see how many Congressmen will cease to regard him as the Colossus he has appeared to be for 30 years past. He may be sure there has been little genuine regard for him personally, and quite as little for some of his achievements during the war which unquestionably outraged the sense of propriety of many a Congressman who was too timid to risk anything by open rebellion against Mr. Gompers's mastery of the labor vote.

With the farmers awake, the tongue-tied element in Congress will be quick to emulate Mr. BLANTON'S example of courageous speech. Practically every district in the South and two-thirds of those in the Middle West and Southwest are in the final analysis dominated by the farmers. These people are far from satisfied in all respects with the various war adjustments so far as labor is concerned.

They are going to have a say in the payment of these vast tolls upon their primary industry. They are not objecting to just wage schedules, but as the ultimate payers of both capital and labor they are going to have their own status investigated and fixed upon a basis of equal justice.

And the man who threatens them with any calamity whatsoever will be a fit subject for the insane asylum. They are not to be frightened. They are holding the pantry keys and the wardrobe keys of the world, and they are going to ascertain why they are not considered in the adjustments between capital and labor.

So far, therefore, from exhibiting a lack of understanding, Representative BLANTON has shown a most acute understanding of what is in the mind of millions, but which has remained unsaid during the war period for various reasons. This will become more and more apparent as the weeks go by. Party control is losing its effectiveness and men will not fear to speak out.

[From the Dallas (Tex.) News, p. 1, Aug. 23, 1919.]

COTTON KEPT OUT OF FOOD CONTROL BILL—TEXAS MEMBER'S POINT THAT IT IS NOT GERMANE SUSTAINED.

WASHINGTON, *August 22.*

Cotton was kept out of the food-control bill to-day by a point of order made by Representative BLANTON, of Texas, to an amendment offered by Representative NEWTON, of Minnesota, which proposed to render raw cotton subject to the same regulations made applicable to wearing apparel, etc. The House had voted into the bill the regulation of rents, which was later eliminated. Representative HAUGEN, chairman of the Agricultural Committee, made a point of order, but reserved action pending a discussion of the Newton amendment, whereupon Mr. BLANTON renewed the point, insisting that cotton was not germane to the subject of the legislation.

"The prime purpose of the bill is to protect the producers of raw material in their right to collective bargaining," said Mr. BLANTON. "Labor is not included, and no one would offer an amendment to do so, and we have a right to assume that the producers of raw materials will not be relieved of their natural rights. Cotton is not clothing."

"You raise cotton in Texas, don't you?" asked Mr. LAGUARDIA, of New York.

"Yes; and you have your collective bargaining by labor in New York, too," replied Mr. BLANTON.

REPUBLICANS WANT COTTON INCLUDED.

Against the point of order Republican Members argued that the inclusion of cotton would tend to make sure an adequate supply of clothing and as a raw material ought to come under the regulatory power as well as the finished product.

Representative TEMPLE, of Pennsylvania, occupying the chair in Committee of the Whole, sustained the point of order.

[From the Dallas (Tex.) News.]

DR. J. B. CRANFILL'S CHRONICLE—HE DISCUSSES THE RAILROAD PROBLEM AND REFERS INCIDENTALLY TO OTHER IMPORTANT AND ABSORBING MATTERS.

It seems to me that the American press and people have not lived up to their inherent feelings of gratitude and duty with reference to the four brotherhoods on what is called "the Plumb plan." In Russia the Bolsheviki took it all; but the Plumb plan only contemplates taking half. It is thus seen that the American soviets are more considerate than the Russian soviets were. Of course, the four brotherhoods have not given bond that they will not take the other half later on; but thus far no intimation has been given that they will commandeer all of the railroads as soon as they secure their demands for half of them, or rather a half interest in them. Moreover, the beauty of the plan seems to have escaped many writers and publicists. It is this way: The American soviet, represented by the four brotherhoods, not only contemplate taking over a half interest in all the railroads through the Plumb plan but they participate only in the profits. If there are any losses, the Government is to pay the losses, as it is doing now. If there are any profits, the brotherhoods take the profits on their half and seem at the present writing to be willing for the other two groups of owners to take the other half. That is what I call downright liberal, and the American people should be duly grateful to the brotherhoods for the fact that they have spared up to this writing half of the railroads and have not as yet demanded 40 acres and a mule for each one, as was the case in certain circles after the close of the Civil War.

Naturally, all of us feel sorry for the brotherhoods. They are a down-trodden and oppressed element in our population. Congressman BLANTON, who represents the Abilene district in Congress, has recently made public the salaries for July of engineers and conductors. I quote from a report that appears in a special telegram in the News:

"For the month of July freight engineers received $392.35 a month; passenger engineers, $376.85; passenger conductors, $313.90, and freight conductors, $308.55."

Representative BLANTON goes on to make some comparisons, which I quote:

"The governor of Texas only receives $333.33 per month, and a colonel in the Army receives the same rate of pay. A lieutenant colonel gets no more than $291.66, a major $250, and a captain $208.33. In other words, members of these two brotherhoods get more than does the governor of the great State of Texas or a colonel in the United States Army."

I repeat that we are naturally sorry for these brotherhood men, because of the oppression under which they now slave. This terrible oppression of which they are the victims began at about the time America entered the World War. At that time W. G. Lee and the other three heads of the brotherhoods went to Washington and demanded the passage of the Adamson law, which I have not now time to analyze. Moreover, they made demands for increases in wages, coupled with the threat that unless these demands were at once complied with they would precipitate a nation-wide strike, tie up all the railroads of the country, and paralyze every branch of American industry.

Later on, when we were in the very crisis of our struggle with Germany, these demands for increased wages were renewed, and our President, wisely, as I believe, acceded to them. These brotherhoods did not mean very much by these demands. They only meant that if we did not grant the demands, they would tie up the railroads; but they were unmindful of the fact that the effect would be to give us over to the enemy. And no one who knows the heart of the walking delegate doubts that Germany would have overswept the world if the American Government, in the most critical hour of the world's history, had not allowed these men to pile up their salaries until they are now what Representative BLANTON has disclosed.

All of this shows such a spirit of patriotism and unselfishness on the part of these brotherhoods that all of us, whenever we hear a locomotive engine whistle, should take off our hats. If we do not take off our hats, they will take them off for us a little later on, and all the balance of our clothes.

In passing, allow me to say that every true American of the ninety-four millions of our people who are not members of the American Federation of Labor, should honor and revere Congressman BLANTON. He has made a national reputation, which he well deserves, by standing four-square for the rights of the American people as against the unreasonable demands for the confiscation of our railroads on the part of the four brotherhoods. There may be other Congressmen in the House and Senate who think as Congressman BLANTON thinks, but he is the only man in our American halls of legislation who has the nerve to stand against the encroachment of these walking delegates, who are bent upon the confiscation of American property in order that they may fatten upon wealth which they do not own and to which they have no right.

For this very gratifying state of affairs, we are indebted to the four brotherhoods, and, if by any means they should succeed in becoming the owners of our lines of transportation, I for one would extend my walk, and instead of attempting to board a train, I would hoof it to Chicago and Battle Creek the next time I went, or ride in some passing automobile.

Leaving all persiflage and irony aside, the American people have reached a monumental crisis in their history. The common man, the day worker, and the owner of property must confront the fact that his liberties are not only imperiled but every dollar's worth of property he owns hangs in the balance in free America. The resolutions that are being passed by the different local unions of the American Federation of Labor, approving the Plumb plan, are but indices of the smoldering volcano upon which the American people are walking day by day. We had an exemplification of this in what is called the Mooney case. This man was convicted of murder in California, and the labor unions of the country came very near precipitating a nation-wide strike, because the jury of this man's peers had assessed his punishment at death. I know nothing of the facts in the case except those disclosed through the press reports, but the incident furnishes us with a warning that even a blind man should not ignore. The American Federation of Labor, through its walking delegates and leaders, are determined to either rule or ruin this country. They are determined to own it through one plan or another. Of course, they can soon own it on the salaries they are drawing, if they will keep quiet and mind their own affairs; but that will be rather too slow a process for the average walking delegate. The property, and incidentally the life, of every owner of property in America is in danger. We will be blind to the fact of world events if we do not see our American peril.

For one, I am caught up on the whole bunch of them. I am in favor of allowing all of them to strike whenever they want to, and the rest of us will take care of ourselves the best we can. I am in favor of liberty of conscience and freedom of speech and action, and if our brave boys fared forth to defend the civilization of the world against the Huns, it is far more important for us to defend our own American civilization against the encroachments of the soviets here at home. A man's life will not be worth a groat in America if we allow this strike mania to encroach upon us further. It is an amazing fact that in view of all that we know, much of which the average American has hidden from his eyes, that only one man in either the Senate or the House of Representatives at Washington has had the courage to stand for untrammeled freedom of thought, action, and purpose, and that man hails from the western part of Texas.

I think we have reached the limit; and while I am absolutely and always a friend to every true laboring man, we have had enough of this strike business, which seems to be epidemic in many sections of the country. There ought to be a getting-off place somewhere, and for my part, I feel that the American people have about reached the terminal station.

On the labor question in general, the late Andrew Carnegie stated some fundamental principles that all of us should always keep in mind. I will not discuss them, for they speak for themselves. I simply quote them as follows:

"Labor, capital, and business ability are the three legs of a three-legged stool; neither is first, neither is second, neither is third; there is no precedence, all being equally necessary. He who would sow discord among them is an enemy to all."

I am for the league of nations and Woodrow Wilson up and down and around and around. There are some things the President has done that I would not have done, I think; but that is no reflection on him. I would never have vetoed that daylight-saving law. This getting up at 3 o'clock in the morning and going to bed before sundown has never appealed to me at all.

J. B. CRANFILL.

[From the Abilene (Tex.) Daily Reporter, p. 2, Aug. 26, 1919.]

PRAISES THE WORK OF CONGRESSMAN THOMAS L. BLANTON.

The following article was furnished the Reporter from Richmond, Va., with the request that it be published:

"As my business requires me to keep close track of the CONGRESSIONAL RECORD I have been forced to take notice of the activities and speeches of the Hon. THOMAS L. BLANTON. I never met him in my life and am in no way connected with any corporation or political or 'capitalistic' scheme, but I have been impressed by his dauntless and conspicuous courage, his tenacity of purpose, and his foresight. He is so near my idea of what a statesman is and a Member of the House of Representatives ought to be that I am writing this as an outside and impartial observer to try to do a mite toward making sure that the people of his district will keep him in Washington. There are too few of his kind, and the country can not afford to spare any of those few. I do not live in Texas,

nor anywhere near it, have never been in the State but three or four times, and probably never have been in his district. This is written without suggestion from or consultation with him or any of his friends—absolutely off my own bat.

"On several occasions I have observed that he stood alone, voted by himself after insisting on a division on some proposition, and with the whole House against him. That may seem to some ridiculous. I confess I admire it. Doubtless to many people the stand at the Alamo and the rush at San Jacinto seemed ridiculous, but the men who stood and the men who rushed live in everlasting glory while millions of the prudent counters of noses and chances are forgotten long ago.

"Judge BLANTON—I see by his speeches and his biography in the Congressional Directory that he is 'Judge'—probably will be fought by organized labor. Any man with the nerve to oppose any of its demands and methods may expect to be fought with all the power of unlimited command of money and of men for open and secret work. He has put himself up as a target and he will be shot at all right. His overthrow would be a warning to all others in politics to grovel and worship before the labor leaders, as most of the politicians of both parties have done. His reelection would be notice that, in Texas at least, courage and independence are honored.

"I am a friend of organized labor—a friend too sincere to applaud its errors or connive at or accept its sins. During the 30 years I was in business for myself, an employer on a small scale, I employed only organized labor, never had a strike or serious dispute, and was an honorary member of the union with which I had to deal. I have aided strikes when I thought they were justified and helped fight them when I believed them to be unjustified, my position in that regard being that of the average unorganized American citizen. In my opinion organized labor is as much a necessity for our time and stage of civilization as combinations of capital or cooperation of churches. It seems to me, however, to be in a transition stage, just about where a big, strong boy is when he feels within him the strength of a full man, but has not learned to realize a man's responsibilities and need for cooperation with other men for the general welfare and his own. All of us know that a boy at that stage is prone to fall into foolishness and devilment, and that sometimes the more virility and ambition he has the worse he is. Most of us have seen young men of that age given too much money or power go straight to destruction and do endless harm. We know, too, that put under vicious or foolish influence and leadership they are likely to go very far wrong and that their most faithful friends are those who advise them against their inclinations and anger them by opposing their progress toward ruin.

"It seems to me that is precisely what Judge BLANTON has been doing. He has been trying consistently to balk the unions in wrongdoing, to prevent them from undertaking to establish in this country a new and dangerous tyranny, to hinder and overthrow the law-defying, unscrupulous, and reckless leaders. Probably three-fourths of the Members of Congress know in their hearts he is right, but few of them have the nerve to stand with him. I confess that plodding, as I have to do, through the pages of debates and speeches, the clear, challenging, bugle-call crow of this Texas gamecock amid the barnyard wheezings and squawkings and quackings of those around him comes as refreshing as martial music. He sounds like somebody looking at the horizon while others scratch for worms and scraps. Almost single handed he exposed and overthrew the money-squandering, humbugging Employment Bureau, and he is now dragging to light the attempts of the Department of Labor to use the United States Government to invade the most sacred rights of the sovereign State of California and rescue a man convicted of the most hideous of murders by thrusting aside the orderly action of the State's courts. Because this attempt was made behind the disguise of organized labor few Members of either House dared condemn or criticize action which ought to set every old-fashioned State rights Democrat afire."

"Crazed by success and the subserviency of politicians, the labor leaders have gone too far. Congress begins to hear now from the 15,000,000 voters on the farms and otherwise outside organized labor that they are tired of being run over and having national policies dictated, at their cost, by the scant 3,000,000 inside the unions—or, rather, by the few hundreds who presume to speak for those 3,000,000 and to hold their votes as trading assets. Judge BLANTON is gaining a good many recruits these days, judging from the reports in the newspapers. A great number of gentlemen are seeing that he has been right all along. This outsider believes the number will increase steadily. I am asking the use of your columns, Mr. Editor, to warn and exhort the people of his district to stand by the Constitution and laws on which our Government and our civilization are founded and by the time-tried and time-honored principles of democracy, and begin to make sure now that Judge BLANTON shall come back by bigger majority than ever, if possible.

"I do not sign this simply because I am not seeking publicity and my name would mean nothing to your constituents. I am just a plain, old-time Democratic citizen and Virginian, dearly loving truth and courage and these United States. You are authorized to give my name—and address, too—to anybody who wants it."

[From the Clyde Enterprise.]

Congressman THOMAS L. BLANTON, of Abilene, is determined that at least a quorum of the Congressmen of the United States shall be on the job at the regular sessions of Congress in Washington. We'll wager dimes against ginger cakes that they are all there on pay day. To solve the problem of quorums we suggest that Congressmen be paid by the day immediately following the daily sessions. No charge is made for this suggestion.

[From Daily Post (Tex.), editorial page, Sept. 7, 1919.]

We have tried to tame Representative BLANTON down to the accepted standards of American statesmanship, but in vain. His combination of exuberance, irrepressibility, iconoclasm, waspishness, and all-round obstreperous and impudent disregard of tradition is making him persona non grata in Congress, especially among the herd of logrollers and bunk peddlers who cut their capers far from the eyes of their constituents.

Not one of these men who are incensed at BLANTON would dare to attempt in a State legislature what they actually do in operating these private legislation mills in Washington. The history of private pension legislation during the past 50 years is a reproach to Congress. The reeking dishonesty of tens of thousands of these enactments constituted not only an outrage upon the taxpayers of the United States, but an insult to the heroic and patriotic Union soldiers who served their country with courage and patriotism.

There is no reason why men who even pretend to represent the hard-working people of the American democracy should not attend to the business which they were sent to Washington to transact. It is not unreasonable to expect a quorum to be present at all times Congress is in session, voting away the taxes of the people at the rate of $20,000,000 a day for every day in the year.

There is no reason why every measure carrying an appropriation should not be subjected to more scrutiny than it obtains in committee.

And it is nothing short of a crime the way the great supply bills carrying billions are rammed through the house practically as prepared in the committee, because the Members of the House are given neither the time nor opportunity to examine and discuss them.

The brief period of consideration that ensues when the House is sitting as a Committee of the Whole House, with the raw Members firing their political guns for consumption at home, and filling the RECORD so often with fake speeches, affords no opportunity for investigation of appropriation bills. There could be no more ludicrous travesty upon the solemn function of apportioning the hard-earned tax money of the people to the public service.

The customs, systems, and practices which the execrated BLANTON has denounced have made the American Government the most extravagant, wasteful, and corrupt that ever existed on the face of the earth; they have lowered the tone of American public life and introduced conditions into the lives of the people themselves that constitute already a problem of baffling complexity; and they are directly responsible for an artificiality and shallowness in current political and social ideals that promise no good for the Republic.

If the men on Capitol Hill in Washington can behold no connection between the unrest, discontent, and rebelliousness among the masses and their frivolous sense of responsibility in the matter of expending the taxes of the toilers of the Nation, then they are strangely blind to the "state of the Union" which they periodically consider.

Mr. Speaker, the gentleman from Pennsylvania [Mr. DEWALT] states that he was elected to Congress by a plurality of 5,037 votes. He might be interested in knowing that with three opponents last year, one an ex-Congressman and the other two State legislators, I received not a plurality but a majority over all three of them of 15,212 votes, defeating ex-Congressman Callaway in his home county—Comanche—by 1,191 votes.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. BLACK. I understand that Oscar Callaway did not in reality make an active campaign. I hope the gentleman will make that clear in fairness to him.

Mr. BLANTON. He made what is called a "pussy-foot campaign" and spoke in the various precincts of his home county. [Laughter.] He started out early in the campaign, when I was here attending to the people's business, as I did not leave here until about a week before the election. He tried to begin speaking in one of my counties, at Gorman, Tex., and he got upon a truck before a lot of my constituents who knew me when I was a judge there, and they advised him that he could not make that kind of a speech there in Gorman, Tex.

The gentleman from Ohio [Mr. LONGWORTH] is now serving his fifteenth year in Congress. I am only serving my third year here; yet I challenge each of these gentlemen, since they have expressed violent disapproval of my work in Congress, to show that during their long terms of officeholding either has received more real, bona fide, sincere indorsements sent us by our respective constituents prior to last Friday, when they criticized me, commending us for individual effort exerted in behalf of the beneficial interests of all the people of the United States alike, than I have received this year. Unless they can do this it little becomes them to criticize me and condemn my work and statesmanship when it is approved by the people whom, after all, and not our colleagues, we represent. The gentleman from Pennsylvania [Mr. DEWALT] accused me of wasting urgent time in demanding quorums. Last Monday, on page 5061 of the RECORD, appears the following:

Mr. GARD. Is there no further regular business for the day, may I ask?
Mr. LONGWORTH. So far as I am informed, there is no further legislative business for to-day.

The above, Mr. Speaker, occurred exactly at 3.55 o'clock in the afternoon, after which the balance of the session was wasted in partisan political perorations; and it has frequently occurred that at the instance of the majority leader the House has adjourned on Friday afternoon not to meet again until Tuesday noon, which illustrates how much the gentleman was camouflaging when he spoke of wasting time. We have now been in session continuously since May 19, and only two pieces of constructive legislation have been considered.

The time has been wasted with such class legislation as the chemical glass and surgical instrument bills, the tungsten-ore bill, the pearl-button bill, and the zinc-ore bill, considered and passed by a handful of Members present, and designed to take millions of dollars out of the pockets of the poor people of this country and place same in the pockets of multimillionaires. It would have been better for the people had the House not been in session at all. If the gentlemen will look on pages 5048, 5049, and 5050 of last Monday they will learn that in the consideration of important legislation in the House, upon my demanding a division in order to ascertain how many votes we could muster, the various votes stood: Ayes 22, noes 4; ayes 28, noes 2; ayes 12, noes 27, and the bill was finally passed by a vote of ayes 47, noes 0. Do not the gentlemen know that

the people of the United States are of the opinion that the above is ridiculous, when there are 435 Members of Congress on the pay roll? And on the adoption of the rule making it in order to consider the measure conferring the rank of Admiral on Admiral Sims and Admiral Benson, deemed so urgently important by the gentleman from Pennsylvania [Mr. DEWALT], page 5051 of the CONGRESSIONAL RECORD for last Monday shows that when I called for a division, again to find out how many votes we could muster in the House on such an important measure, only 53 Members of Congress voted. And page 5059 shows that in finally framing this measure, upon a division, called for by me again to ascertain how many votes we could muster, the vote stood, ayes 77, noes 0; and pages 5059 and 5060 show that when the majority leader and the Republican steering committee was going to let this measure pass by such a little handful of Members I made the point of order that this bill, the first of its kind in the whole history of the United States Republic, conferring the permanent rank of Admiral of the United States Navy upon two individuals, to draw $13,500 each per annum, should be passed by a quorum, and thus forced a roll call, upon which, out of a membership of 435 Congressmen, the vote stood, yeas 345, nays 9, present 1.

I love every one of my colleagues in the House of Representatives, even the gentleman from Pennsylvania [Mr. DEWALT] and the gentleman from Ohio [Mr. LONGWORTH], who presided against me.

Mr. LONGWORTH. What does the gentleman mean by "presiding against"?

Mr. BLANTON. By making side-bar remarks of a reflecting nature, which is wholly unwarranted by any presiding officer.

I even love the gentleman from California [Mr. NOLAN], who sought by sending these infamous documents to the press to injure my character and reputation, and were his life or the lives of any of my colleagues in danger I would risk my own to protect them.

I feel that it is the disposition on the part of many of the older Members here to be jealous of and resent all attempts of newer Members to take an active part in the proceedings. The gentleman spoke of it when I first came to Congress. I was then given to understand that I was expected to be seen and not heard until I had been here several sessions.

Mr. JUUL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I will have to yield to the good gentleman from Illinois; he is so affable always. [Laughter.]

Mr. JUUL. I thank the gentleman. I want to ask him whether, from the statement he is making here to us, it is likely that Texas will go Democratic at the next election? [Laughter.]

Mr. BLANTON. Yes; just as sure as you live. Now, when I was advised that I was expected to be seen and not heard until I had been here several sessions, I said, "To hell with such bunk!" I represent over 300,000 highly intelligent people of the United States. I am their only Representative here. They look to me and depend upon me, whatever my limitations are, and not upon other Congressmen to represent them. I draw just as big a salary as each and all of the other 434 Congressmen draw. I am allotted the same number of garden seeds and cedar chests each session. My people expect me to give them just as much and just as valuable service as any other Congressman renders to his constituents and Nation. And by the eternals, neither the "once over," the "twice over," nor the hundred times the "thrice over" attempted to be administered to me by such gentlemen as the ones from Pennsylvania and Ohio will check or prevent me from at all times making every effort within my power to give my people and country just as valuable service, to the limit of my maximum efforts and limited ability, as that rendered by any other Congressman, from our distinguished Speaker down to the very deserving, excellent, ever-wiggling Republican whip, whom I greatly admire and with whom I rejoice to fraternize. I am not so well endowed with greatness as the gentleman from Pennsylvania [Mr. DEWALT], and am not so renowned as the gentleman from Ohio [Mr. LONGWORTH], I not having the distinction, unfortunately, of being the son-in-law of an ex-President of the United States, but what I lack in ability and renown I try to make up by being present on the floor of the House at all times when public business is being transacted and being ever alert to the interests of my constituents and Nation. I have been present at every roll call during this session of Congress, and have been actively present while all business has been transacted, and to my colleagues who have become angry because I have forced them to attend the House by insisting on a quorum being present, I might say that if they will stay in their seats and furnish a quorum the public business can be attended to without a single point of no quorum being made. My colleagues know that out of over 100 roll calls the gentleman from Pennsylvania [Mr. COSTELLO] answered only one. The rules of the House require that all business be transacted by a quorum. The people of the United States are interested in having a quorum present and this rule observed. We have entirely too many committee laws passed, without any consideration or suggestions whatever from the membership of Congress. If Members were permitted to take more part in the proceedings, fewer mistakes would be made and fewer bad laws passed.

In conclusion, Mr. Speaker, let me say that I crave the good will, commendation, and friendship of each and every one of my colleagues in this House. But, Mr. Speaker, if by doing my full duty here under my oath to my people I represent, and to my country, according to the lights and dictation of my own conscience, I thus lose the kindly feeling of any or all of my colleagues, I am doomed to such a great sacrifice, as I came here to serve my constituents and my country and not my colleagues, however much I cherish them.

Possibly those whom I have aggrieved will like me better later on. May I remind you of a little true story. When our well-beloved gentleman from Arizona [Mr. HAYDEN] was sheriff there, he arrested an unusually aristocratic, high-toned offender. When the Chinaman who fed the prisoners brought this autocrat his dinner of boiled cabbage and sow-belly, a potato, hunk of corn bread and cup of black coffee, he pushed it aside in disdain, and ordered it taken away. This action seemed to tickle the fancy of the witty oriental, when the following colloquy occurred:

CHINAMAN. Muche good food. You no likee?
AUTOCRAT OFFENDER. No. Damn it, take it away.
CHINAMAN (grinning). Allee righte. Takee away. But maybe-so bye-um-bye you likee.

On his arrival in New York our martial hero of the hour was by Secretary Baker handed his commission as General of the United States Army. In the great ovation which followed, Gen. Pershing handed this valuable commission to his inferior officer, Sergt. Warren Pershing. During the surges of the immense crowd, the general and the sturdy little sergeant became separated. After an anxious hunt the young officer was found, when the following occurred:

Gen. PERSHING. Warren, have you still got the commission?
Sergt. WARREN. Yes; safe and secure, General.
Gen. PERSHING. Warren, see that you hold on to it.

May I say that the commission given me by the people of the seventeenth congressional district of Texas means to me the same thing that this commission of general meant to little Sergt. Warren Pershing—duty. As long as I hold this commission this one word which Gen. Pershing has made synonymous with the United States Army—duty—will ever be paramount with me.

But in conclusion I want to say this to you: If you think we can camouflage the people of this country you are mistaken. They come here and sit in this gallery, and they can see when there are only 25 or 30 men here. I want to say to my good Democratic colleagues and to my Republican colleagues just what my good moose-hunting friend from Minnesota [Mr. KNUTSON] said to you in Republican caucus the other night: God knows you ought to come here and attend to the people's business when you are sent here for that purpose. I thank you. [Applause.]

LEAVE TO ADDRESS THE HOUSE.

Mr. NOLAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. NOLAN. To make a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent that on next Tuesday after the reading of the Journal and the disposition of business on the Speaker's table I may have 40 minutes to reply to the gentleman from Texas [Mr. BLANTON] in his statements made here to-day, as well as certain statements that were made in his extension of remarks covering 22 pages of the RECORD recently.

The SPEAKER. The gentleman from California asks unanimous consent that he may address the House for 40 minutes on next Tuesday immediately after the reading of the Journal and the disposition of business on the Speaker's table. Is there objection?

Mr. LONGWORTH. Reserving the right to object, I would very much regret to be compelled to object to the gentleman's request. The Ways and Means Committee expect to have up on Monday and Tuesday a very important bill to protect the dyestuff industry. Under the arrangement suggested by the gentleman from Wyoming that the House meet at 11 o'clock I have no objection.

Mr. NOLAN. We can get that consent later.

Mr. LONGWORTH. Then I withdraw the reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

QUESTION OF PRIVILEGE.

Mr. WINGO. Mr. Speaker, I rise to a question of privilege, and I offer a privileged resolution.

The SPEAKER. The gentleman from Arkansas presents what he claims to be a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Whereas in the record of the proceedings of the House of Representatives of September 5, 1919, as the same appears in the CONGRESSIONAL RECORD, on pages 4942 and 4943, there appears in the remarks of the gentleman from Pennsylvania [Mr. DEWALT] what purports to be statements made by the gentleman from Texas [Mr. BLANTON], as follows, to wit:

"He is mad because I will not permit him to ruthlessly waste and misappropriate the people's money from the Treasury.

"I ask the Chair to keep the gentleman in order without forcing me to continually interrupt him. If he were not protected under the rules of this House, as construed by the present occupant of the chair, he would not dare to thus abuse me. He is now applauded by Members who have in their pockets private bills seeking to take public money out of the Treasury and put it into the pockets of private individuals and corporations without argument and without proper consideration, and they are all mad because I blocked the proceedings. The gentleman from Pennsylvania [Mr. DEWALT] imagines that he will injure me with my constituents. He does not know west Texans. They will size up his bunk, and in the next election I will get 10 votes to every 1 he gets.

"The gentleman's statement is untrue. He is mad because I have forced him to come to the House of Representatives occasionally.

"Against such childish abuse repeatedly continued in violation of the Chair's ruling and the rules of this House. The gentleman knows he is not stating the truth, for it was only by such objections that I prevented numerous pernicious and unmeritorious measures from passing, which angered certain friends of such legislation.

"Falsely and wrongly. When he knows he is not stating the truth.

"The gentleman is maliciously and willfully abusing me personally, when he would not dare do it off the floor of the House, and is willfully violating the rules of the House."

And

Whereas the said statements were not, as a matter of fact, made by the gentleman from Texas [Mr. BLANTON] upon the floor, but were by him without the knowledge of the gentleman from Pennsylvania [Mr. DEWALT], and without the leave of the House, inserted by interlining the typewritten copy of the stenographer's notes furnished to the Government Printing Office; and

Whereas the greater part of said statements so injected were unparliamentary, out of order, and a violation of the privileges of the House; and if the same had been uttered upon the floor of the House would have been subject to a point of order: Now, therefore, be it

Resolved by the House of Representatives—

First. That it condemns the said falsification of the records of its proceedings; and

Second. That the said remarks of the gentleman from Texas [Mr. BLANTON] be stricken from the RECORD.

Mr. WINGO. Mr. Speaker, the youngest Member of the House is familiar with the rules and practices of the House with reference to the revision and extension of remarks in the RECORD; but for the purposes of the RECORD, so that those who read it may understand, I will direct the attention of the House to the method of procedure in such cases. The House has its Official Reporters of Debates—shorthand reporters—who take down in full the utterances of each Member as they are delivered upon the floor. These shorthand reports are transcribed on the typewriter. When any gentleman wishes to revise his remarks he gets the typewritten sheets of the report of the House proceedings before they go to the Printing Office and makes the proper changes. Now, under the rules and practice of the House, when a gentleman makes a speech, or when he makes remarks in the course of debate here upon the floor, he is permitted by common practice to correct any grammatical errors, or, if he thinks proper, he may change the wording so as more clearly to express his thought, but in no instance is he permitted, without the permission of the House, to insert new matter. If he engages in colloquy with another gentleman and then desires to do what I have stated, the rules and practice of the House for obvious reasons require him to submit the proposed changes to the gentleman with whom he engaged in the colloquy. If he wishes to extend his remarks and put anything into the RECORD not spoken on the floor he must get the consent of the House, and give to the House when demanded information as to what he intends to put in the RECORD. I think that is a fair statement of the rules and practice of the House in that regard.

Now, as the resolution recites, the gentleman from Texas [Mr. BLANTON] while the gentleman from Pennsylvania [Mr. DEWALT] had the floor, repeatedly interrupted him. After the remarks of the gentleman from Pennsylvania [Mr. DEWALT] had been transcribed by the Official Reporters and the typewritten copy made for the Public Printer, the gentleman from Texas [Mr. BLANTON] interlined in certain statements that he interjected into the remarks of the gentleman from Pennsylvania the interlined and objectionable and unparliamentary language which I have set out in the resolution and which the Members may find upon pages 4942 and 4943 of the RECORD of last Friday's proceedings.

It is apparent to every Member of the House that it violates every rule I have recited. In addition to that, the greater part of the language is unparliamentary, it is disorderly, and if the gentleman had seen fit to make the remarks on the floor it is reasonable to suppose that some gentleman, in order to protect the orderly proceedings of the House, would have raised the point of order and moved to have stricken from the RECORD the greater part of the gentleman's remarks.

I think that is a fair recital of the facts. I think if gentlemen will read the RECORD they will see that the great bulk of the remarks are disorderly and calculated to provoke a breach of the good order of the House and destroy the good opinion that people should have for the legislative body.

I want to be fair to the gentleman from Texas, and if he desires to answer or call attention to any error in the matter I will yield to him. I will yield five minutes to the gentleman from Texas [Mr. BLANTON] and reserve the balance of my time.

Mr. BLANTON. Mr. Speaker, the RECORD will show that upon certain statements unparliamentary, as the gentleman from Arkansas will admit, being made against me by the gentleman from Pennsylvania [Mr. DEWALT], I raised a point of order. The Chairman presiding sustained my points of order, which, under the practice in all parliamentary bodies, eliminates the objectionable matter. Under all of the rules of parliamentary procedure when a point of order is made against anything and it is sustained, the objectionable matter goes out.

I asked the reporter when the remarks of the gentleman from Pennsylvania [Mr. DEWALT] came in to give me an opportunity to look at them. I looked at them for the express purpose of seeing whether or not the unparliamentary language had been taken out by the gentleman from Pennsylvania, who was a State senator of his State for six long years and who should be familiar with parliamentary usage and practice. The matter had all been gone over by him for correction, and not a single one of the unparliamentary statements, against which I made the point of order and had been sustained by the Chair, had been eliminated from his speech.

I want to say that I want the man here to rise in his seat who will state to this House that he has never made an interlineation in his speech since he has been in Congress without the express permission of the House. Is there a man on the floor of this House who has never made interlineations expressing his sentiments which in the excitement on the floor and the hurry of debate he omitted? If there is such a man, I want to see him rise. I have been told by Members time and again when I have made unanimous-consent requests to extend and revise my remarks, "You have a right to do that anyway; it is only when you go outside and put in extraneous matters not connected with the debate that you want consent of the House."

Mr. KNUTSON. Will the gentleman yield?

Mr. BLANTON. Not for a minute; I have only five minutes and I want to continue first. I did not see the record of the remarks of the gentleman from Pennsylvania until late. I had been working all day, had more hard work to do that night, and I worked in my office and at home until past midnight. The remarks of the gentleman from Pennsylvania was brought to me at my home. What was I to do; let these unparliamentary statements that had been objected to by points of order, and on such points of order sustained, remain in the RECORD without any explanation, without any reply, without giving my side of the matter in any way? I leave it to the fairness of my colleagues. I know that some of you now are incensed at me; but you are just men. I am not afraid to leave my case, even though some of you are incensed against me, for your determination. I leave it to you if it was right and just that those remarks of the gentleman from Pennsylvania should go in without explanation when the Chair had sustained me time and time again, and no change was made in the Chairman's ruling.

Mr. KNUTSON. Will the gentleman yield now?

Mr. BLANTON. I will yield to the gentleman. Did the gentleman never make an interlineation in his remarks?

Mr. KNUTSON. I never tried to doctor up the RECORD to make myself appear to say something that I never said.

Mr. BLANTON. Oh, it illy becomes the gentleman to say that, even in his official Republican capacity on the floor. The argument that the gentleman gives us is not worthy. If he wants to indulge in good argument he must let the facts come out. I was not the one who brought in the abuse; it was started by the gentleman from Pennsylvania. And I will leave it to him, as a legislator, if his remarks were not unparliamentary when he took the floor, protected by the sympathizing Chairman,

and he proceeded to abuse me. What was I to do? Well, I could not go out and ram the words down his throat, which I would probably have done in west Texas if a man had said those things to me. [Laughter.] I had to sit here in the House and obey the rules.

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. Mr. Speaker, I would like to have one minute more.

Mr. WINGO. Mr. Speaker, I yield the gentleman one minute.

Mr. BLANTON. The Chairman ruled against me; and after we had by unanimous consent gone into the committee to consider only bills not objected to, the gentleman from Ohio [Mr. LONGWORTH] knows that even though we had been in the committee under such a unanimous-consent agreement as that, when the gentleman from Wyoming [Mr. MONDELL] stated that it was to consider only bills unobjected to, he ruled that nevertheless we could take them up and consider them; and while I did not agree with him, I obeyed him, because he was my superior officer. Even though I do not agree with my superior officer, I obey him, because I believe in law and order, and I believe in conformity to the rules and regulations.

I leave this matter with my colleagues. I am willing to have my remarks go out; but I suggest to the gentleman from Pennsylvania [Mr. DEWALT] that he owes it to me and to his colleagues here, even though he is incensed at me because of things he did not like that interfered with his private affairs, to be fair enough to join with me in asking that it all go out. I will shortly retire from the Chamber and not take further part in the discussion and vote on this resolution.

Mr. WINGO. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Speaker and gentlemen of the House, how exceedingly fortunate it is for me that I am not within the confines of the great State of Texas, because again I have heard that if I were there this gentleman would ram down my throat the words that I have uttered. In other words, he again addresses this House in the same old style, by saying to a Member of the House of Representatives, "If I disagree with you and you happen to disagree with me, I shall take personal vengeance upon you, and if I can not do it in the House of Representatives or in the District of Columbia, I shall wait until I get in the Lone Star State and meet you there." I do not know that my journeys will ever carry me down there, but if they do I shall be very pleased to recognize the position in which the gentleman is, and take care of myself to the best of my ability, in spite of the threat that he is going to ram the words down my throat.

There is nothing personal in this matter to me, not a particle. When these words were interlarded into the RECORD by the gentleman from Texas [Mr. BLANTON] they must have been so interjected after I had received a copy of the colloquy between us. I received the reporter's transcript at the Burlington Apartments, where I live, early in the evening. I did not change one word or sentence except that I struck out, I think, one short sentence which I though was not grammatical and which was superfluous, and the original transcript will show that. The transcript evidently then was taken to the gentleman from Texas, and the next morning, when it was published, certain gentlemen came to me and called my attention to what was therein stated and asked me to rise and have the RECORD corrected. I then said to those gentlemen, "No, I do not feel like doing that." Why? I said, "To me it is personally of no account whatever what the gentleman does say in regard to me; I do not consider it of sufficient moment to pay any attention to it." Then one of the gentlemen said, "But it is of larger moment than that. While you care nothing about it personally, it is a matter for the House. There has been an evident falsification of the RECORD, and you as the person interested ought to take advantage of the matter and appeal to the House for the correction of the RECORD." Again I said no, that I would not do that. Why? I said then, "The gentleman from Texas might think that I was hounding him, that I was persecuting him, and I do not propose to do that." The gentleman from Arkansas [Mr. WINGO] and the gentleman from North Carolina [Mr. POU], and I think the gentleman from Texas [Mr. BEE] will corroborate me in every word that I have uttered in regard to this matter.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WINGO. Mr. Speaker, I give the gentleman two more minutes.

Mr. DEWALT. I shall need a good deal more time than that.

Mr. WINGO. Five minutes.

Mr. DEWALT. Therefore I took no part in this matter whatever. So far as the request and resolution are concerned, I have had absolutely nothing to do with them. The matter is of moment just in this way, and this way only: While my good friend from Texas [Mr. BLANTON], and he now claims to be my good friend—and we will let that go without argument—claims that he has the right to revise remarks after they have been taken down by the Official Reporter, and claims that he has the right to interject therein whatever he pleases, simply because somebody else made unparliamentary remarks, he is not correct from any point of view. Why not? He had the undoubted right at the time I made any unparliamentary remarks to request that they be taken down, and that they then and there be stricken from the RECORD. The attention of the gentleman from Texas was called to that fact by the distinguished gentleman who was then in the chair, Mr. LONGWORTH. He either neglected or refused to avail himself of that privilege. He then took the extraordinary means, the unwarranted means, the unparliamentary method of putting into the RECORD that which he never uttered upon the floor of the House. Why? Does he do that in order to rebuke me? No. Does he do that in order to inform the House of his position? No. He does it more for the purpose, in my judgment, of sending down to his constituents in Texas his version of the affair, and if that sort of thing is to be permitted in the House, then any man at any time can put into the RECORD just what he pleases.

So far as the gentleman from Texas is concerned and his remarks in regard to me, I again repeat that I care very little. So far as the number of friends that he has and the number of friends that I have is concerned, I again care very little. I am glad to know that he has so many and in his estimation I have so few, because I am very frank to say that if my friends were to be judged by the standard of the gentleman from Texas the probabilities are that I would be obliged to recognize them as my enemies instead of my friends. [Applause.]

So far as my service in the State Senate of Pennsylvania is concerned, so far as my record here is concerned, those are matters for your judgment, not for his nor for mine. In the pit of this great House of Representatives every man must stand upon his own feet. It matters little what his record has been back home, it matters less what his record may be in the future. Every tub stands on its own bottom here. It makes no difference whether he was the governor of a State, a State senator or an ex-Senator of the United States, this is a judgment here to be passed by his peers, and upon that judgment I am willing to stand. [Applause.]

Mr. WINGO. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the proper limitations of the privilege of revising one's remarks are well understood by the House, have been well defined by precedents, and were very clearly stated by the gentleman from Arkansas [Mr. WINGO]. Under that privilege one may correct one's grammar, and some of us are wont to do that frequently; one may embellish one's thought somewhat, and some of us are frequently tempted to do so; one may improve the phraseology of debate, and some of us are able to make fairly good speeches in the RECORD by so doing. But, Mr. Speaker, this privilege, so highly prized and of such value to the membership of the House, must be carefully guarded, and clearly under such a privilege one can not be and is not justified in putting into the RECORD statements not uttered on the floor, and particularly such as are of an offensive and personal character. In any event, while there is ground for difference of opinion how much statements made on the floor by a Member in the course of his remarks may be properly edited, there can be no difference of opinion relative to the insertion of statements of an offensive, personal, and unparliamentary character. I think it is very clear to all of us that the gentleman from Texas in revising his remarks violated the rule, and it is the duty of the House, a duty which it owes itself, owes to every Member, to insist upon having those remarks, thus improperly placed in the RECORD, expunged therefrom.

Mr. WINGO. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, the gentleman from Texas [Mr. BLANTON], who has professed love for me, which, even though it sounds somewhat vampish, is nevertheless greatly valued, was certainly in error in two statements: First, that the Chair sustained points of order made by himself during the course of debate the other day, and, second, that the rules of the House provide that where a point of order made against language is sustained, that language, without any further motion, is erased from the RECORD. Now, as a matter of fact, the Chair

never once sustained a point of order during that debate made by the gentleman from Texas. The Chair did on several occasions state that, in his judgment, the language of the gentleman from Pennsylvania verged upon the unparliamentary, and cautioned him to proceed in order, but never during the course of debate did the Chair specifically sustain a point of order made by the gentleman from Texas. The Chair came nearer sustaining a point of order in one case than in any other, and I will read:

Mr. BLANTON. Mr. Chairman, I again make the point of order against the language. The gentleman is maliciously and willfully abusing me personally, when he would not dare do it off the floor of the House, and is willfully violating the rules of the House.

This is as it appears in the RECORD, and I desire particularly to draw attention to it:

The CHAIRMAN. The gentleman from Texas, the Chair thinks, is correct in questioning the language. The gentleman from Pennsylvania is instructed to proceed in order.

Now, what the gentleman from Texas really said was this:

Mr. Chairman, I again make the point of order against the language.

And he stopped there. The Chair thereupon instructed the gentleman from Pennsylvania to proceed in order, but if the gentleman from Texas had said, as in this RECORD he claims to have said but which he did not say as a matter of fact, "the gentleman is maliciously and willfully abusing me personally, and he would not dare do it off the floor of the House, and is willfully violating the rules of the House," if the gentleman from Texas had said that, the Chair, without motion from the floor, would have declared him out of order. [Applause.]

Now, these are the facts of the case. The Chair did not once specifically sustain a point of order made by the gentleman from Texas; and even if he had, the gentleman from Texas knows, or at least ought to know if he pretends to be a parliamentarian, that the mere sustaining by the Chair of his motion would not have stricken out the words from the RECORD. The gentleman knows, or ought to have known, that he had his remedy, to which the Chair later called his attention—that if he objected to any language used by the gentleman from Pennsylvania or anybody else, he had the right to demand that that language should be taken down, but he failed to do it. And the proposition that, having failed to take advantage of his rights, he thereupon had the privilege of interlining the RECORD and putting in things that he never said and which if he had said would have been in strict violation of the rules of this House, causes me to have some opinions which I will not express on the floor of this House. I regret very much that the incident should have to be referred to again. The gentleman from Texas during his speech said something about my presiding "against" him. The Chair, as a matter of fact, was attempting to preserve order under the rules of the House. He agreed with the gentleman from Texas occasionally that the gentleman from Pennsylvania ought to proceed in order, and on other times he believed that the gentleman from Pennsylvania was absolutely in order; and the only thing that the Chair was presiding against, if the Chair could have presided against anything, was the persistent effort on the part of certain gentlemen on this floor to impede the proper transaction of the public business of the House. [Applause.]

Mr. WINGO. Mr. Speaker, I do not care unnecessarily to delay proceedings. The gentleman from Ohio [Mr. GARD] desires five minutes and I yield him five minutes of time for debate.

Mr. GARD. Mr. Speaker and gentlemen of the House, legislation is rounded by contact with many minds. That is the course of legislation in all assemblies. Men are rounded in the same way. They are rounded by contact with their fellow men, in the association of man with man. In the comradeship of legislative bodies rough edges are worn away; therefore we must view tolerantly things which technically may invade parliamentary rights but are the result of heated debate.

So I address myself now to the good sense of the membership of this House of Representatives. If it may be called speaking on behalf of the gentleman from Texas [Mr. BLANTON], then I speak on his behalf. I was present when this colloquy was had the other day. I had made preparation in regard to a number of these bills on the Private Calendar. I did not approve the objections—made in pique—of the gentleman from Texas to the bills on the Private Calendar. I do not think he should have objected to some of them. I do not think objection should have been made in the way it was made. But there arose this question: A dispute arose on the floor between the gentleman from Pennsylvania [Mr. DEWALT], who can take care of himself very well, and the gentleman from Texas [Mr. BLANTON], and the language used by each of these gentlemen, as the Chairman of the committee said, was perilously near the unparliamentary. This is what the Chairman of the committee said at one time to the gentleman from Pennsylvania [Mr. DEWALT]:

The Chair thinks that the gentleman from Pennsylvania is running perilously close to the line, and the Chair will ask him to proceed in order and not to mention gentlemen by name.

Then, again, the Chairman said that he had not ruled directly in favor of the gentleman from Texas. He is in error. On page 4942 it is stated:

Mr. BLANTON. Mr. Chairman, I make the point of order against the gentleman, and I ask the Chair to protect me from such abuse. If he can not, then I shall protect myself.

The CHAIRMAN. The Chair thinks the gentleman from Texas is right in that last remark, and he will ask the gentleman to proceed in order and not to use language which tends to hold a Member of the House in contempt.

That was the proceeding—two men angry at one another, engaged here in a verbal passage at arms, and neither one following very nicely the parliamentary technique of the books. But that is not a matter which would call the condemnation of the House of Representatives upon either of these gentlemen. The Chair did rule, sometimes in favor of the gentleman from Texas [Mr. BLANTON] and sometimes against him, on his points of order, and the thing did proceed, and reply was made, and in the correction of the record certain matters were interpolated. I grant the interpolations were made substantially as alleged. Probably they should not have been made. They were made, and I have no objection to striking them out; I have no objection, at least, to striking out the greater part of them. In fact, I do not care to analyze what the gentleman from Arkansas [Mr. WINGO] has in his resolution, although I think some of the things here should not be stricken out.

But the gentleman from Arkansas makes the resolution read:

Be it resolved by the House of Representatives, That it condemns the said falsification of the records of its proceedings.

Now, that is not correct, and I say it not in any offensive sense, but I say it because it was all a matter of running debate; it was a matter of give and take. It is the old passage at arms, and everybody who has been in argument knows that you can not be too thin-skinned in that game. And everybody who asserts a right, everybody who asserts his individual right, knows that he has to bare his breast to the blows of his opponents, and in the game of give-and-take one man is as good as another.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GARD. If I have time, I will yield.

Mr. HUDDLESTON. Does the gentleman think there is anything about this game that calls on a man not to be a gentleman or not to be treated as a gentleman in the course of debate?

Mr. GARD. I do not.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WINGO. Mr. Speaker, I yield to the gentleman two minutes more.

Mr. GARD. Therefore, it is my purpose, Mr. Speaker and gentlemen, to ask a separation of this resolution. As I say, I realize what was done. This interpolation of language was probably not authorized strictly by the parliamentary rules of the House, and on motion we should strike it out. But I do not go so far as to agree with the gentleman from Arkansas [Mr. WINGO] in his resolution, when he asks the House to condemn the falsification of the RECORD; because, technically, it is not a falsification. It is simply a matter of the conclusion of a running debate here. And when we come to protect the RECORD, if there is any man who can protect the CONGRESSIONAL RECORD, he can do something which no man who has ever been in Congress has been able to do, because self-appointed guardians of the RECORD rise and sit down again, and every year somebody tries to forestall the placing in the RECORD of things entirely extrinsic to debate, and every year the same things go rolling in over and over again.

So I submit to the calm judgment, to the serious and best consideration of the membership of this House, that in striking out this unparliamentary language it shall have done its full duty and that it do not act favorably upon this part of the resolution condemning it as "falsification" of the RECORD.

Mr. WINGO. Mr. Speaker, I usually have a very high regard for the logical processes and the reasoning of the gentleman from Ohio [Mr. GARD], but candidly upon this occasion I can not grasp his mental processes, when he tells the House, frankly in behalf of the offending Member, that his offense at best is but a technical violation of the rules of the House. I do not know what standard the gentleman has, but I do not regard it as a technical violation of the rules of the House for a gentleman who is engaged in a colloquy with me on this floor, at arm's length, as the gentleman said, with the right to take care of himself, and yet, after the House has adjourned and after the heat and the passion of the moment have died away, goes to his apartment hours after it has passed, and then,

after the other man has examined the RECORD and not interlineating anything in it, he himself interlines a charge of falsehood against that man, when he has no opportunity to deny it, and embeds it in the official record of the House of Representatives. If that is a "technical" violation of the rules of the House, tell me what is a serious violation of the rules of the House. But the gentleman overlooks the fact that it is not a question between the gentleman from Pennsylvania [Mr. DEWALT] and the gentleman from Texas [Mr. BLANTON]; it is a question of the integrity of the proceedings of this House.

The gentleman from Pennsylvania [Mr. DEWALT] can take any course he sees fit to pursue to protect himself in his personal rights; but it has gone beyond that. The gentleman from Texas [Mr. BLANTON] admits that he has falsified the RECORD. He enters a plea of confession and avoidance. What is his plea? His plea is, "Yes; I did it. I did it in the midnight hour. I did it deliberately. I did it because I saw that the other gentleman had left out something. I recalled that I had made a point of order against something."

Ah, the gentleman knew, and he was so advised that day, before he made this interlineation, when he sought to raise the question of personal privilege. The Chairman of the Committee of the Whole, the gentleman from Ohio [Mr. LONGWORTH], had told him he had his right, and that was to move to strike out any language that was objectionable. He did not elect to do that. He can not plead ignorance, because he was specifically advised by the gentleman from Ohio as to what his privilege was.

What next? If that had been this situation, instead of "bandying words in the RECORD," as the gentleman from Ohio suggests, with the gentleman, instead of putting things in the RECORD that were insulting and which the ordinary man who reads the RECORD will say were lacking in decency and honor and respect, such as one would naturally look for in the House of Representatives—no man challenges the proposition that what he could have done and should have done would have been to rise in his place the next morning and call attention to the fact that he had made a point of order and that the Chair had sustained it, and yet the objectionable words remained in the RECORD. But he did not do that. The gentleman permitted it to remain in the RECORD.

The gentleman from Texas states that I have waited quite a bit before calling this to the attention of the House. I am not performing this duty of my own volition only, because gentlemen on both sides of the aisle have called my attention to the offense. I do not know why they suggested that I take it up. I raise the question without entertaining any ill feeling for the gentleman. I am jealous of the rules, and I am jealous of the procedure of the House. We all know that the rules of this House, like the rules of conduct that have been recognized between honorable gentlemen, have to a large degree grown out of the experience of those who have gone before us, and when we break down those rules and quietly and sympathetically permit a flagrant violation of them to pass uncondemned it tends to bring disorder in this House and it tends to bring this House into disrepute.

What is the proposition of the gentleman from Ohio [Mr. GARD]? That we do not condemn it, but that we strike it out? I do not want to vote to strike out anything from the RECORD that I have not the moral courage to condemn by my vote. [Applause.]

There are precedents for this action, although, as has been said by others, there are not many. The House has censured men by condemning them. Is not this a falsification of the RECORD of the most flagrant kind? If the gentleman from Texas had seen fit to make a statement that might merely be questioned, nobody would complain. But I assert that any man who under the claim of revising his remarks inserts insulting language, charging another man with being actuated in his conduct by unworthy and private motives instead of the public good, commits a flagrant breach of the rules. I would rather have applied to me any other epithet on this floor than to be charged with looting the Treasury and voting against the public good for a private gain. [Applause.]

That is the reason why the gentleman from Texas gets letters commendatory of his conduct on this floor. That is the reason why men throughout this land stand up and criticize the House of Representatives, because too often there is disorder here, too often we forget that we here are the Representatives of the greatest people on earth, commissioned with the commission which the gentleman from Texas boasts he is proud of and which we are all proud of, and yet sometimes we forget the dignity and responsibility that go with that position and we do things that bring us into disrepute. I have protested against it with those with whom I have been in colloquy at times and I protest against it now. I would have protested if the offense had come from the gentleman from Pennsylvania and I would have done it if it had come from any gentleman from my own State—to so flagrantly falsify the RECORD, as has been done in this case.

Some gentlemen say this is not objectionable. I submitted it to the Speaker, and he has compared it with the stenographer's notes. The gentleman from Texas does not deny it. He justifies it. The offense was so flagrant; he not only interlined some statements, but he injected something bodily in there where he was not recognized and had not said a word. Do you call that a technical violation of the privileges of this House? Gentlemen, it may be a mere technical violation of propriety to charge a man with falsehood, but it is not so in my country. [Applause.] It is not a technical violation of propriety in west Texas either, and the gentleman from Texas boasts that it is not.

Let us see what kind of a proceeding is the action of the gentleman. Remember it is not what the gentleman from Ohio [Mr. GARD] said it was—a colloquy on the floor of the House. I grant you, then, that it is primarily the duty of the man engaged in the colloquy to call the other man down. But in this case we had no opportunity to protest against this, because it was not spoken in our presence. It was put in the RECORD without our knowledge and spread to the world without our knowing anything about it.

Let us suppose that down in west Texas, where the gentleman has been a judge—and a man who has been a judge ought to be more cautious and discreet and is to be presumed to have learned something by his experience on the bench—let us suppose that a case had been brought before the gentleman from Texas in Texas, and the custom was there, as in every other jurisdiction, after the conclusion of a case the attorney for the successful litigant prepared the precept for the clerk to write up the judgment. Suppose in the gentleman's court the gentleman from Ohio [Mr. GARD] had appeared as the representative of the successful litigant and he had submitted the precept to the opposing counsel and the opposing counsel had O. K.'d it, and he had submitted it to the judge and the judge had O. K.'d it, and then later, in the quiet hours of the night, the gentleman from Ohio had decided that he wanted to put something else into that judgment before it was handed to the clerk to be written up. You know what would happen. The gentleman from Texas would not have waited for the membership of the bar to protest. He would as judge have directed the public prosecutor to file disbarment charges against the lawyer, and I can imagine the gentleman from Texas in his capacity as judge excoriating the culprit as he stood before the bar. You can imagine what that scene would have been. [Applause.] And yet the gentleman from Ohio [Mr. GARD] says it is a mere "technical violation." But you can not remedy this by merely striking it out of the permanent RECORD.

I want this House to do one of two things, either condemn this language or else let it stay. As far as I am concerned, if you vote the condemnation of a confessed wrong, I will never do anything more to try to protect the House, and I will tell you what will happen. Zealous men will say, "Oh, well, I can put this in. Maybe I can get by with it. Anyway, all they will do at the most is to strike it out." Let us serve notice on everybody that if a man tampers with the public record of this House by putting disorderly and insulting remarks into the RECORD, after the RECORD is made up and just before it goes to the printer, this House will condemn that conduct. That is what this vote means. On the other hand, if you want to say to every Member who in his zeal may overlook what I do not see how any man can overlook, that he can with impunity falsify the records of this House, then vote to accept the gentleman's proposition. I stand upon the proposition that we must condemn that which is confessed and that which is obviously wrong, and strike the wrongful matter from the RECORD.

Mr. Speaker, I move the previous question.

Mr. BLACK. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman.

Mr. BLACK. Referring to the words—

Resolved, That it condemns the falsification of the records of its proceedings.

Does not the gentleman think that the word "falsification" is of itself a violation of the rules of the House?

Mr. WINGO. Oh, no. Suppose we bring a man before the bar of the House because he has been guilty of conduct such that we ought to expel him from the House. Suppose we accuse him of having been guilty of larceny; why certainly it is offensive to accuse a man of the thing that he has committed, but if he is guilty of it he ought to be accused. If he is innocent, let him show it. But in this case he confesses that he did the wrong charged, which was a falsification of the solemn written

records of this House; and I for one am opposed to sitting quietly by and allowing a Member of this House to do that without condemnation.

Mr. BLACK. Does not the gentleman think it would be better to say that the House condemns the interlineations and additions to the remarks that were made? That, of course, would call attention to the fact that they were interlineations and additions, and would not put us in the attitude of condemning a Member for falsifying.

Mr. WINGO. The gentleman from Texas knows I love him, and I can appreciate his viewpoint; but I have studied this matter carefully, and I for one have come to the point where I say the House ought either to assert its rights and condemn this falsification—because that is what it is—or else let the whole thing go, and let down the floodgates and have no protection against this sort of practice.

I move the previous question.

Mr. RUCKER. Before the gentleman moves the previous question I should like to ask him a question.

Mr. WINGO. I withhold the motion and yield to my friend.

The SPEAKER. How much time?

Mr. WINGO. I yield for a question.

Mr. RUCKER. I merely want to ask the gentleman a question. I have listened to the debate and the resolution, and it is not necessary for me to state any views I may have upon it; but I want to submit to the gentleman that some intemperance of language has been manifested here to-day, and some intensity of feeling by gentlemen on both sides of the aisle.

Mr. WINGO. I can not agree with the gentleman. There was no intemperance or intensity of feeling on my part, except the feeling that naturally comes to every honorable man when in the presence of reprehensible conduct.

Mr. RUCKER. A jury in court before passing upon questions so vital to the interests of one of our colleagues would retire for deliberation. The gentleman has invoked court procedure. Let me invoke it and ask him if he does not believe that the House would preserve every one of its rights and protect its records better by a more deliberate course, by moving that a special committee be appointed by the Speaker to consider these various matters and recommend to the House the elimination from the RECORD of such as are bad, and if any of them are not objectionable, leave those alone?

Mr. WINGO. The gentleman overlooks this fact which I call to his attention, that it is confessed that every bit of the language contained in the resolution was deliberately inserted in the RECORD without being spoken and that you can not point to a single bit of it that does not violate the rules of the House; and if it had been spoken on the floor, the Member referred to would have been entitled to call the Member to order for the utterance of such words. If there were anything for a committee to consider I would be in favor of letting them consider it; but the facts being confessed, the only thing for a committee to consider would be whether the House shall protect its rights and the rights of its Members, or whether we will vote—I will not say cowardly—whether we will vote to let the whole thing go and have no protection against such practices.

Mr. RUCKER. But consideration by the committee would be deliberate consideration by gentlemen chosen from both sides of the aisle, who would report back to the House their recommendation for its approval or disapproval.

Mr. WINGO. If there were denial of the facts, if there were any dispute about a question of fact, then I would want it to go to a committee; but there is not a dispute about a single question of fact. It is a question whether or not gentlemen are willing to condemn a confessed wrong that upon its face is a violation of the privileges of the House and a falsification of its records. That is the only question for gentlemen to vote upon.

Mr. RUCKER. Every gentleman is not as well acquainted with parliamentary law as is the gentleman who has the floor, and I suggest that to the gentleman as being the more deliberate course, and I believe the wiser course for the House to pursue.

Mr. WINGO. I move the previous question.

Mr. BLACK. Mr. Speaker, a parliamentary inquiry. Will it be in order to offer an amendment?

The SPEAKER. It will, if the previous question is not ordered.

Mr. BLACK. Then I ask to be recognized to offer an amendment now.

The SPEAKER. The gentleman from Arkansas has moved the previous question, and he is entitled to the floor. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CLARK of Missouri. Mr. Speaker, may we have the resolution reported?

Mr. GARD. I ask for a separate vote on each of the two subdivisions of the resolution.

The SPEAKER. Without objection, the resolution will be again reported.

The Clerk read as follows:

Whereas in the record of the proceedings of the House of Representatives of September 5, 1919, as the same appears in the CONGRESSIONAL RECORD, on pages 4942 and 4943, there appears in the remarks of the gentleman from Pennsylvania [Mr. DEWALT] what purports to be statements made by the gentleman from Texas [Mr. BLANTON], as follows, to wit:

"He is mad because I will not permit him to ruthlessly waste and misappropriate the people's money from the Treasury."

"I ask the Crair to keep the gentleman in order without forcing me to continually interrupt him. If he were not protected under the rules of this House, as construed by the present occupant of the chair, he would not dare to thus abuse me. He is now applauded by Members who have in their pockets private bills seeking to take public money out of the Treasury and put it into the pockets of private individuals and corporations without argument and without proper consideration, and they are all mad because I blocked the proceedings. The gentleman from Pennsylvania [Mr. DEWALT] imagines that he will injure me with my constituents. He does not know west Texans. They will size up his bunk, and in the next election I will get 10 votes to every 1 he gets."

"The gentleman's statement is untrue. He is mad because I have forced him to come to the House of Representatives occasionally."

"Against such childish abuse repeatedly continued in violation of the Chair's ruling and the rules of this House. The gentleman knows he is not stating the truth, for it was only by such objections that I prevented numerous pernicious and unmeritorious measures from passing, which angered certain friends of such legislation."

"Falsely and wrongly." "When he knows he is not stating the truth."

"The gentleman is maliciously and willfully abusing me personally when he would not dare do it off the floor of the House, and is willfully violating the rules of the House."

And

Whereas the said statements were not, as a matter of fact, made by the gentleman from Texas [Mr. BLANTON] upon the floor, but were by him, without the knowledge of the gentleman from Pennsylvania [Mr. DEWALT], and without the leave of the House, inserted by interlining the typewritten copy of the stenographer's notes furnished to the Government Printing Office; and

Whereas the greater part of said statements so injected were unparliamentary, out of order, and a violation of the privileges of the House, and if the same had been uttered upon the floor of the House would have been subject to a point of order: Now, therefore, be it

Resolved by the House of Representatives—

First. That it condemns the said falsification of the records of its proceedings; and,

Second. That the said remarks of the gentleman from Texas [Mr. BLANTON] be stricken from the RECORD.

Mr. GARD. I ask for a separate vote.

The SPEAKER. The gentleman demands a division of the resolution.

Mr. LONGWORTH. I make the point of order that the two questions are not separable, that this is one resolution, and that the proper way to have accomplished what the gentleman from Ohio now seeks to accomplish would have been by amendment; that no such amendment was offered, and that the gentleman's request comes too late. I make the point of order that the vote must be had on the entire resolution.

The SPEAKER. The Chair is disposed to think that this resolution is fairly divisible, that it presents two separate questions, each of which by itself would offer a distinct subject on which the House could vote, and that the House can properly have a division. Therefore the vote will come on the first proposition, which, without objection, the Clerk will report.

The Clerks read as follows:

First, that it condemns the said falsification of the record of its proceedings.

The question was taken, and the resolution was agreed to.

The SPEAKER. The question now recurs on the second proposition, which the Clerk will report.

The Clerk read as follows:

Second, that the said remarks of the gentleman from Texas [Mr. BLANTON] be stricken from the RECORD.

The question was taken, and the resolution was agreed to.

On motion of Mr. WINGO, a motion to reconsider the two votes just taken were, upon his motion, laid on the table.

APPOINTMENT OF POSTMASTERS.

Mr. LEHLBACH. Mr. Speaker, I present a privileged report from the Committee on Reform in the Civil Service.

The Clerk read as follows:

House resolution 270.

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the House of Representatives the following facts:

1. List of vacancies occurring in the position of postmaster at offices of the first, second, or third classes as the result of death, resignation, removal, or on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change

shall be made, since March 31, 1917, being the date of the Executive order directing the Postmaster General to submit to the President the name of the highest-qualified eligible for appointment as certified by the United States Civil Service Commission, and dates when such vacancies occurred.

2. List of such vacancies certified by the Postmaster General to the Civil Service Commission, in accordance with Executive order of March 31, 1917, and date of such certifications.

3. List of certifications of the result of examinations held to fill such vacancies by the Civil Service Commission, in accordance with said Executive order, and the dates when such certifications were received.

4. List of names and the offices to be filled submitted by the Postmaster General to the President, in accordance with Executive order of March 31, 1917.

Mr. LEHLBACH. Mr. Speaker, the purpose of this inquiry is to ascertain how widespread throughout the country is a condition that is detrimental to the efficiency of the Post Office Department, and which is the result of the willful and contumacious refusal of the Postmaster General to obey the order of the President of the United States.

On the 31st of March, 1917, the President of the United States promulgated the following order:

EXECUTIVE ORDER.

Hereafter when a vacancy occurs in the position of postmaster of any office for the first, second, or third class as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday shall be given the examination herein provided for.

WOODROW WILSON.

Dated March 31, 1917.

Now, Mr. Speaker, the purport of this order is that wherever by reason of death, resignation or removal, a vacancy is to be filled in the post office of first, second, and third class postmasters, the vacancies shall be certified to the Civil Service Commission, who after examination make up a list of eligibles. And it is mandatory on the Postmaster General to submit for appointment the name of the highest applicant, unless by reason of his residence or personal character he is disqualified. The order places it under the jurisdiction of the Civil Service Commission to conduct examinations and make the ratings. It makes it mandatory on the Postmaster General to submit the highest name on that list for appointment.

Mr. RAKER. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. RAKER. There has been a number of examinations in my district and I want to ask the gentleman whether or not there is any testimony before his committee where the Postmaster General appointed anyone who did not receive the highest rating of the Civil Service Commission, unless there was some question of loyalty or residence.

Mr. LEHLBACH. As a permanent appointment? I know of no such case where a permanent appointment has been made in violation of this order. Nor do I know of any instance where the appointment has been made in compliance with this order, and as a result there are hundreds of post offices now in charge of men not qualified to act as postmasters and not appointed as such throughout the country.

Mr. RAKER. Would not the gentleman amplify his last statement? I do not get it.

Mr. LEHLBACH. It is my purpose in taking the floor to amplify the situation under the facts disclosed in the committee.

Mr. RAKER. I will not take the gentleman's time, then, but it was my observation that in my district in every instance the man who stands highest in examination has got the office, and I wondered whether or not it was different in other districts.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. LEHLBACH. Yes.

Mr. RUCKER. I understood the gentleman to say to the gentleman from California that he did not know of any case where a permanent appointment had been made in accordance with the Executive order of the President.

Mr. LEHLBACH. Oh, there are probably a few, but very few, scattered throughout the country.

Mr. RUCKER. In Brookfield, in Missouri, one of the best offices in my district, for a second-class office there were 10 applicants. Eight were Democrats and two were Republicans. One of the most cantankerous Republicans in that bailiwick made the highest rating. I fought him for years, but to-day he holds the postmastership under the appointment of President Wilson.

Mr. LEHLBACH. There are 10 vacancies in the State of New Jersey that have not been filled, where the offices are being administered by appointees of bondsmen of deceased postmasters.

Mr. RUCKER. For a number of years in my district, where vacancies have occurred since the order of the President, the appointment has been made in strict conformity with the order.

Mr. SNELL. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SNELL. I have an office in my district where it has been about 16 or 18 months since the examination was held, and the man who stands at the head of the list I have tried to get appointed. I have been told, I think by the First Assistant, that he would send in the name immediately, but "immediately" has never come up to the present date, and, as I said, I have done my best to get the man appointed.

Mr. RUBEY. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. RUBEY. The gentleman says he has no knowledge or no knowledge has come to his committee of any appointment having been made in accordance with the order.

Mr. LEHLBACH. May I interrupt the gentleman? The resolution of inquiry is for the purpose of inquiring where such appointments have been made, and there is no use in the gentleman taking up time in pointing out specific instances.

Mr. RUBEY. Let me give the gentleman three instances that occurred in my district. There are only three vacancies that have occurred there, presidential postmasters, and in each and every one of these cases the highest man has been appointed, and in each and every one of these cases the high man has been a Republican. As far as I am concerned, I do not object to the gentleman's getting the information, and I hope that it will result in getting rid of that sort of an order issued by our President. [Laughter and applause.]

Mr. LEHLBACH. Mr. Speaker, that the Postmaster General himself admits that he has no jurisdiction in revising the ratings made by the United States Civil Service Commission, and that the order to submit for appointment the highest man on the list is mandatory, is shown by a letter addressed to me by the Postmaster General under date of August 4, which I will read:

DEAR MR. LEHLBACH: This is to acknowledge the receipt of your letter of July 31, relating to the postmastership at Cedar Grove, N. J. The postmaster at Cedar Grove, as you no doubt know, died on July 17, and the Civil Service Commission will, in due time, give out at that office information regarding the examination which it will hold for the vacancy in the postmastership at that place; and upon receipt of a certification a postmaster will be appointed as required by the terms of the Executive order of March 31, 1917. Of course, in order to receive the appointment Mrs. Cowie will have to qualify and be first on the list of eligibles certified by the Civil Service Commission.

That is an acknowledgment that the Executive order necessitates a rating by the Civil Service Commission, and that the rating is binding, and that the submission of the name is mandatory upon the Postmaster General.

The Postmaster General is considering a vacancy in the post office in the city of Newark, in New Jersey, in my congressional district, and it is because of my knowledge of that situation that I was prompted to call the matter to the attention of my committee, and it is that which has prompted me to introduce this resolution of inquiry. The postmaster at Newark died on May 1, 1918. At the request of his bondsman, who went surety, his son, John F. Sinnott, was appointed temporary administrator of that office. The Civil Service Commission was notified of the vacancy, held an examination, and on February 17, 1919, certified a list of eligibles, with their ratings, to the Postmaster General. The list read as follows:

Frank J. Bock, 75; Charles A. Entemann, 74.40; Elwood S. Armitage, 74; John F. Sinnott, jr., the representative of his father's bondsman, who is at present temporarily in the office, 70.00—

The fourth man on the list.

From that time to this, although the order is plain, the Postmaster General has refused to submit the name of F. J. Bock for appointment. There is no question as to his eligibility, because he served a full term as postmaster in the city of Newark, the latter part of which was under the administration of Woodrow Wilson himself. The Postmaster General in writing to me in reference to the Newark situation, under date of August 23, 1919, said:

It is also contended by the First Assistant Postmaster General that the rating given Mr. Bock and Mr. Entemann do not accord with the papers on file in this case. Mr. Bock has a business rating of 75, which seems to have been given to him on the ground that he was formerly postmaster, and without any attempt to establish whether he personally discharged the duties of his position at that time, or whether the condition of the Newark post office was due to any work on his part. At the same time Mr. Charles A. Entemann, who has been post-office inspector

for 24 years and is capable and efficient, was given a business rating by the commission of only 75, notwithstanding the fact that he was Mr. Bock's superior officer and had charge of the post offices of the district in which Newark is located.

In the judgment of the First Assistant Postmaster General—

In his judgment, mind you!—

these ratings can not be reconciled, and when attempting to secure the most competent for the position of postmaster to appoint one * * * who in the judgment of the department is not entitled to the highest rating would be to defeat the purposes for which the Executive order was issued. This matter has been taken up by the First Assistant Postmaster General in personal discussions with the commission, but they have adhered to their original ratings.

This is the situation. If the ratings fixed by the United States Civil Service Commission do not suit the Postmaster General, he submits them for rerating to the Civil Service Commission, and if the Civil Service Commission has the temerity to insist upon its ratings, he refuses to carry out the Executive order and submit the highest name on that list for appointment—in direct violation of the Executive order. That he knows that that course is wrong is shown in a statement which he issued on September 9, 1919, a copy of which was sent me by special messenger. I read a paragraph from this statement by the Postmaster General:

At no time has the Postmaster General addressed a communication to the Civil Service Commission with a view of improperly controlling a post-office appointment, and the Postmaster General has at no time spoken to the members of the commission with a purpose to control their action in filling a post-office vacancy.

Mr. Burleson solemnly in writing gives out that statement to the public and writes at the same time under date of August 23 with regard to the appointment of the Newark postmaster:

This matter has been taken up by the First Assistant Postmaster General in personal discussions with the commission, but they have adhered to their original ratings.

Therefore, this statement is deliberately, unqualifiedly false, that he has not taken up or his department has not taken up with the Civil Service Commission these ratings of prospective postmasters with a view of getting them to change them, to suit the views, convenience, and desires of the Post Office Department.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. CLARK of Florida. I understood the gentleman to read that the Postmaster General said that he had never taken this matter up with the Civil Service Commission with the idea of controlling or influencing their action.

Mr. LEHLBACH. Correct.

Mr. CLARK of Florida. Does he state there in his letter to the gentleman that the First Assistant was discussing these matters with the Civil Service Commission for the purpose of controlling or influencing their action?

Mr. LEHLBACH. Exactly.

Mr. CLARK of Florida. Read that part of it again, will you?

Mr. LEHLBACH. I have read, as the gentleman will recall, a long dissertation as to the respective ratings that ought to be given from business experience to Mr. Bock and Mr. Entemann. Bock got 75 and Entemann got 75. Still it was supposed that Entemann, being the post-office inspector at Newark, would rank Bock as his superior and therefore should have the highest rating. That is the subject matter that immediately precedes:

This matter has been taken up by the First Assistant Postmaster General in personal discussions with the commission, but they have adhered to their original rating.

Now, if that does not mean that this matter was taken up with a view of having them change their rating, I do not know what English means.

Mr. CLARK of Florida. But it does not say that; that is the gentleman's construction.

Mr. LEHLBACH. It does say that this matter has been discussed with the commission and they have adhered to their rating. Now, if the intention was not to make them change their rating, what was it? But it states that they have adhered to the rating notwithstanding our discussion with them.

Mr. CLARK of Florida. Might not the discussion have been to the effect that the Post Office Department conceived that there had been too much percentage allowed one man for business reasons and not allowed another? Would the gentleman construe that to mean an attempt improperly to influence the commission?

Mr. LEHLBACH. I submit that the language of the Executive order is plain and instructs the Postmaster General with respect to the fact that the Civil Service Commission has sole and exclusive jurisdiction to make these ratings, and it is not within his province to make suggestions as to changes or criticisms of them at all. He is absolutely bound by them. He has no deliberative function and must take the persons as named by them.

Mr. CLARK of Florida. Once more will the gentleman pardon me?

Mr. LEHLBACH. Yes.

Mr. CLARK of Florida. The gentleman's contention is that whenever they are examined under presidential order it is the duty of the Postmaster General to see that the high man is appointed?

Mr. LEHLBACH. That is the plain language of the Executive order. I am not discussing the merits of that order, but I say that is what the order is.

Mr. CLARK of Florida. Suppose it should appear that the highest man according to the rating was of unfit character?

Mr. LEHLBACH. Oh, that is provided for in the Executive order.

Mr. CLARK of Florida. Would the gentleman think that the Post Office Department, although that fact was known to them, should appoint that man anyhow, because the commission——

Mr. LEHLBACH. No; that is provided for in the Executive order. I have not the Executive order here; some one seems to have carried it off; but it says that unless said applicant is disqualified by reason of residence or character. Now, it is not alleged in this case, or in any other case that I know of, where the appointment is held up that there is anything against the personal character of the highest applicant.

Mr. CLARK of Florida. But this I want to call to the attention of the gentleman, because I understand he is taking the position that whenever an examination was held it was the duty of the Post Office Department to see that the high man was appointed.

Mr. LEHLBACH. It is, unless they know something against the personal character or if he is a nonresident of the postal district.

Mr. CLARK of Florida. They investigate that feature of it.

Mr. BRAND. Will the gentleman yield for a question for information?

Mr. LEHLBACH. Yes.

Mr. BRAND. Considering the question of character and residence, can the gentleman name a single case since that order was promulgated where the applicant who received the highest rating was turned down and it was given to one who did not receive the highest rating?

Mr. LEHLBACH. No; I do not say that in any case somebody else received the permanent appointment; but I do say that wherever the highest eligible under the civil service did not suit the Postmaster General he ignored the order and has made no appointment. As an illustration, the city of Newark, with a population of over 400,000, with a post office that pays $6,000 a year, has been without a permanent administrator of that office for one and a half years, a condition which makes for inefficiency in the service; a condition which the people of Newark are not entitled to have foisted upon them.

Mr. BRAND. I am not approving of that kind of postal procedure, but I have been told time and again at the department that the highest rating, whether it be a Democrat or a Republican, gets the appointment if there is nothing against his character.

Mr. LEHLBACH. My committee will know more when we receive an answer to this inquiry; but the informal information is that in a vast majority of instances when vacancies have occurred since March 31, 1917, the highest eligible has not received the appointment.

Mr. BRAND. The gentleman means by that there was no appointment made?

Mr. LEHLBACH. Where they can not appoint whom they like—some one who is satisfactory to the Post Office Department.

Mr. LUFKIN. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. LUFKIN. Has the gentleman any information with reference to the delay in the appointment of the postmaster at Boston?

Mr. LEHLBACH. It is in the same category with that of Newark, N. J.—the highest eligible does not suit, and therefore he refused to make the appointment. The office is being administered by the representative of the surety company which went on the deceased postmaster's bond.

Mr. LUFKIN. I want to call the attention of the gentleman to the fact that at Boston the postmaster died nearly a year ago; that an examination was subsequently ordered and held. There were something like from 15 to 18 people who entered to take the examination, but up to date no appointment has been made, and the newspapers have announced again and again that the papers were being reexamined and being revised. But the current report is that the three highest men, as the result of that

examination, were all prominent Republicans in Boston, and the office is still vacant.

Mr. LEHLBACH. That is the information that comes to the committee and which we seek to have in official form by means of this resolution.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. CLARK of Missouri. Is this whole hullabaloo based on the one case up there in Newark?

Mr. LEHLBACH. No; there are 10 similar cases in New Jersey, and there is a case in Boston, Mass. The public press has stated the fact that there are over 200 such vacancies that are unfilled throughout the country, and as a result of the refusal to carry out the President's order by the Postmaster General we have a disrupted Civil Service Commission.

Mr. CLARK of Missouri. Another thing. Suppose you get this information, what are you going to do with it when you get it?

Mr. LEHLBACH. Well, we will cross the bridge when we get to it.

Mr. CLARK of Missouri. You will cross it some time when you know what you are going to do.

Mr. LEHLBACH. Would not that depend somewhat on what the information discloses?

Mr. CLARK of Missouri. I do not know whether it would or not.

Mr. LEHLBACH. I think it would; and therefore we will consider, when we get the information, what course we ought to suggest to the House, if any.

Mr. CLARK of Missouri. I would like to ask you another question.

Mr. LEHLBACH. Surely.

Mr. CLARK of Missouri. Does not the gentleman know that the practice of the Post Office Department, right or wrong, is that where a man has discharged the duties of a postmaster acceptably he is reappointed in a kind of an automatic way?

Mr. LEHLBACH. This does not include reappointments at all. This is only where vacancies occur that are not to be filled by reappointment—either death, resignation, or removal for cause, or at the expiration of a term when it is deemed inexpedient to make the reappointment.

Mr. CLARK of Missouri. Is this man who is acting as postmaster ad interim up there at Newark making a good officer?

Mr. LEHLBACH. There is no question about the manner in which he is filling the office; nor is there a question as to his personal character; nor is there any dissatisfaction amongst the people of Newark. I am very glad to say that for him.

Mr. CLARK of Missouri. The whole thing resolves itself in the fact that a postmaster has not been appointed at Newark?

Mr. LEHLBACH. If the gentleman will permit, I will read what former Civil Service Commissioner Galloway said the other day:

> My resignation was forced because I would not cooperate with Postmaster General Burleson in debauching the civil service and making a sham of the merit system. Herman W. Craven, the Republican member, and I, a Democrat, were ousted from the commission because we were not willing that the commission should be a mere adjunct of the Post Office Department and subservient to it, especially with reference to the examinations for presidential postmasters under the Executive order of March 31, 1917.

Now, there is Democratic testimony from an official source as to why it is expedient or proper to get the information with regard to this deplorable situation throughout the entire country, and not at Newark alone.

Mr. CLARK of Missouri. Is not that exactly the same kind of a squeal everybody puts up who is forced from the public trough?

Mr. LEHLBACH. If the gentleman will allow me, I will answer him in this way:

If this order has been reasonably carried out and if appointments have been made in accordance with the directions of the President, and the information received in response to this resolution so shows it, nobody will be harmed. If, on the other hand, it is a fact that the Postmaster General has debauched the service under him in violation and in contumacious insubordination to the President's order, for the purpose of playing politics, it is highly important the House should know it.

Mr. CLARK of Missouri. If the gentleman will permit me, I will state to him that this order has been enforced all over Missouri, which is considerable of a State, and Republicans have gotten into some of those places. I lost 16 votes at one small polling place because they put a Republican in, and lost 8 at another, and the truth is that order you are jumping on gave you this House and gave you the Senate [applause on the Democratic side], and instead of bullyragging Burleson for the order you ought to thank God for it.

Mr. LEHLBACH. If this were followed more strictly, we ought to have more in the Senate and in the House.

Mr. CLARK of Missouri. You ought to run the thing with some sense.

Mr. EMERSON and Mr. BEE rose.

Mr. LEHLBACH. I yield to the gentleman from Ohio [Mr. EMERSON] first.

Mr. EMERSON. Under what rule of law, or why, do you appoint an administrator of these postmasters?

Mr. LEHLBACH. The bondsmen of a deceased postmaster have the right to suggest to the office the name of some one to administer the affairs of the deceased postmaster and protect their financial interests, and if the intermediary is acceptable, he is appointed until a permanent postmaster can take charge, but it is not contemplated that such a representative of the bondsmen shall administer the office for a year and a half, as is the case in the city of Newark.

Now I yield to the gentleman from Texas [Mr. BEE].

Mr. BEE. I understand the gentleman's contention to be that the Postmaster General in not following this order of the President is disobeying the civil-service act?

Mr. LEHLBACH. In not submitting for appointment the highest names on the civil-service list.

Mr. BEE. Let me then ask the gentleman this question: In case your party should come into power completely, and I should be in Congress when the gentleman wants a postmaster appointed by the Republican President, will you ask to have your remarks on this occasion expunged?

Mr. LEHLBACH. I will not.

Mr. BRAND. Will the gentleman permit another question?

Mr. LEHLBACH. Yes.

Mr. BRAND. Is it not the rule of the Post Office Department in these appointments and filling of various vacancies in first, second, and third class post offices throughout the Nation to send them in only twice a pear, on the 1st of January and on the 1st of July?

Mr. LEHLBACH. No; it is not.

Mr. BRAND. Whenever there is a vacancy——

Mr. LEHLBACH. That applies to reappointments, I will tell the gentleman.

Mr. BRAND. Is it not also true that when there is a vacancy by death or resignation that the bondsmen select a man temporarily until a permanent one is appointed, and that the permanent appointment is not sent in until the 1st of January or the 1st of July?

Mr. LEHLBACH. Not necessarily, but his name is certainly submitted for appointment by the President.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. LEHLBACH. Yes.

Mr. RAKER. The gentleman has before him the Executive order. Will he read that part of it that contains the exception? Then I want to ask him a question.

Mr. LEHLBACH. Yes. "Unless it is established that the character or the residence of such applicant disqualifies him for the appointment."

Mr. RAKER. Does the gentleman construe that, or does the Civil Service Commission construe it, solely and entirely as to the personal character of the man, or does it relate to his character as to business qualities as well as mental and moral qualities?

Mr. LEHLBACH. Certainly, it refers only to his personal character. Otherwise it makes a nullity of the preceding part of the order, which says that the technical fitness of the applicant should be determined by the examination of the Civil Service Commission.

Mr. KREIDER. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. KREIDER. The civil-service examination has nothing to do with the character, because that is the only basis on which they can avoid appointing the highest rated man. The civil-service examination is supposed to be entirely free of politics. I was very glad to hear the gentleman from Missouri [Mr. CLARK] state that so many men making the highest marks in the examination out in his district and State were Republicans. It only confirms my opinion of the intelligence of the Missourians, whom I have always held in high esteem. It shows how difficult it is for our Democratic friends to find Democrats that can pass these examinations. [Laughter on the Republican side.]

Mr. RAKER. That is hardly a fair question. We do not want to discuss that now.

Mr. KREIDER. I find it so in my county and in my town. They told me they could appoint one of three applicants. They delayed the matter until nearly two years had passed, and then

they appointed a Republican because they had no Democrats in the town who could pass the examination. [Laughter.]

Mr. LEHLBACH. Mr. Speaker, permit me to say to the House that there may be other legislation pending. I would like to cut this short, if possible, but I will yield for a question or two.

Mr. WELTY. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WELTY. I will ask the gentleman from Pennsylvania [Mr. KREIDER] whether the examiners were not Republicans instead of Democrats?

Mr. KREIDER. Certainly, because it takes intelligent men. [Laughter on the Republican side.]

Mr. RAKER. I want to ask the gentleman a specific question on this matter.

Mr. LEHLBACH. Very well.

Mr. RAKER. It has been a question in my mind. The department, so far as my information has gone, has appointed the highest man, provided the character, business, and residence, and otherwise was all right. This does not say "personal character," so far as morals are concerned.

I want to ask the gentleman if it is not a fair interpretation that, notwithstanding the report of the Civil Service Commission, it may be ascertained whether the business character of the man is absolutely unfit for him to fill the position, and it ought to be the duty of the Postmaster General to ascertain as a matter of fact when the business character of the man is not such that he can do the work. Does not the gentleman believe that?

Mr. LEHLBACH. The gentleman addresses that question to my judgment, and I say unqualifiedly that it does not apply to his business capacity or business history or business qualification. It is his personal and moral character, simply and solely.

Mr. RAKER. Very well. I think it ought to come out here. What percentage in the rating does the Civil Service Commission give to a man's business experience?

Mr. LEHLBACH. Business experience 80 per cent, education 20 per cent, are the weights given to the two subjects broadly dealt with in the examination.

Mr. REED of West Virginia. Mr. Speaker, will the gentleman yield for a short question as to the examination?

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. DAVIS of Tennessee. Does not that leave it practically to the arbitrary opinion of the examiners as to who should be placed first?

Mr. LEHLBACH. That is where the President's order leaves it. The gentleman is quarreling with the President's order if he does not like that feature of it.

Mr. DAVIS of Tennessee. I may say I have that quarrel, but I ask this question in order to elicit information. Does not the gentleman know that the examiners, all of them, with but one exception, are Republicans?

Mr. LEHLBACH. I can only answer that by saying that if toward the close of the second administration of the party in power they still have in inferior positions men who do not properly fulfill the duties of their offices and perform those duties to the detriment of the political welfare of the administration, it is a pitifully weak administration. [Applause on the Republican side.]

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield for another question?

Mr. LEHLBACH. Yes.

Mr. DAVIS of Tennessee. I will ask you if it is not a fact, and if that situation does not disclose it, that the Civil Service Commission had all been Republicanized before the Democratic administration came into power, and instead of a Democratic administration having done anything, as charged, to debauch the Civil Service Commission, the situation that still exists at the end of six years of the party in power shows that they have not even protected their own party by having any members of it placed in these positions?

Mr. LEHLBACH. I will answer that by saying that if the situation exists, as the gentleman suggests, it is plainly the province of the President to revoke the order by which such system is carried on under this administration.

Mr. DAVIS of Tennessee. Does not the gentleman believe that in case his party should succeed in electing the next President one of the first official acts he would perform would be to annul that order?

Mr. LEHLBACH. I would say that if the President still adheres to this order, he has a contumacious Postmaster General whom he ought to discipline. On the other hand, if the President does not approve the order, he ought to be man enough to rescind it. That is the logic of the situation.

Mr. WELTY. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WELTY. Suppose there are three candidates for a post office; one is a rural mail carrier and another a clerk in the office at $45 a month; another one has been at the head of a large business concern for 10 years, and then the examiner—and the gentleman from Pennsylvania [Mr. KREIDER] says they have intelligent examiners—the examiner says that the $45 man is eligible. Do you say that the commissioners should accept a conclusion of that kind?

Mr. LEHLBACH. I say that the Executive order of the President demands that the Postmaster General accept that conclusion. If you do not like the conclusion the order should be annulled.

Mr. WELTY. If the examiners are Republicans and they tried to get a Republican in who had not the necessary education?

Mr. LEHLBACH. Anybody who is guilty of malfeasance in office can be removed and should be removed at an instant's notice.

Mr. WELTY. Why not investigate the Civil Service Commission instead of the Post Office Department?

Mr. LEHLBACH. Because the Civil Service Commission is not in conflict with this order, while the Postmaster General is.

Mr. WELTY. Of course they can pass upon these facts, and then they can say a man is intelligent because of those things.

Mr. LEHLBACH. Mr. Speaker, I do not care to transgress upon the time of the House longer, and unless some gentleman desires to have time I will move the previous question.

Mr. RUCKER. I should like to have five minutes.

Mr. REED of West Virginia. Will my colleague yield to me for a question?

Mr. LEHLBACH. I will yield for a short question, and then I will yield to the gentleman from Missouri [Mr. RUCKER] five minutes; and then, in deference to the expressed wish of a good many Members who desire to consider important legislation, I think I ought to move the previous question.

Mr. REED of West Virginia. The gentleman has stated, as I understood him, that acting postmasters are named by the bondsmen.

Mr. LEHLBACH. Yes.

Mr. REED of West Virginia. Is the bondsman very often a New York corporation?

Mr. LEHLBACH. Yes.

Mr. REED of West Virginia. If the bondsman for a Missouri postmaster is a New York City corporation, that means that the acting postmaster in that Missouri post office is named by that New York corporation, does it?

Mr. LEHLBACH. The corporation has the right to do that subject to the approval of the Post Office Department.

Mr. GODWIN of North Carolina. I should like to ask the gentleman from New Jersey whether it is his intention to move the previous question upon the conclusion of his remarks?

Mr. LEHLBACH. I just stated that if anyone wished me to yield him time I would be glad to yield time before moving the previous question; but I also stated that it was the desire of a good many Members of the House to consider important legislation, and I would not like to trespass too much on the time of the House. Of course, I will yield time to the gentleman if he desires it.

Mr. GODWIN of North Carolina. I wish to state that just a few gentlemen on this side have asked for time.

Mr. LEHLBACH. Will the Chair inform me how much time I have remaining?

The SPEAKER. The gentleman has 20 minutes remaining.

Mr. GODWIN of North Carolina. I suggest to the gentleman that he reserve 10 or 15 minutes for Members on this side who desire to speak.

Mr. LEHLBACH. I will do this, if it is agreeable: I will yield five minutes to the gentleman from North Carolina [Mr. GODWIN], ranking minority member of the Committee on Reform in the Civil Service. I will yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD], the ranking Republican member of the committee, and five minutes to the gentleman from Missouri [Mr. RUCKER], who was first to request time; and at the conclusion I will reserve five minutes for myself, which I probably will not use, and then at the conclusion of the time will move the previous question.

The SPEAKER. To whom does the gentleman first yield?

Mr. LEHLBACH. I yield to the gentleman from Missouri [Mr. RUCKER] five minutes.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] is recognized for five minutes.

Mr. RUCKER. Mr. Speaker, during the course of the remarks of the gentleman from New Jersey [Mr. LEHLBACH] he used the term "contumacious" three different times with reference to the Postmaster General. If the Postmaster General is contumacious and willful in his disobedience of the President's order, that is a trouble of ours that the gentleman need not worry himself about. The gentleman a few moments ago made the statement plainly, as I understood him, that up to date his committee has no information that the Postmaster General in a single instance had conformed to the plain requirement of the President's order. I called his attention to one instance; my colleague, ex-Speaker CLARK, called his attention to others; my colleague, Mr. RUBEY, to other instances in which the Executive order has been literally obeyed; and I assume that this is true in every State in the land. But I want to say to the gentleman that if he means to denounce Gen. Burleson as guilty of "contumacious" conduct in putting off until the last hour the appointment of a Republican postmaster under a Democratic administration, then I for one applaud his act in doing it. If I were the Postmaster General I would put it off in every case until the 3d day of March after a Republican had been previously elected President before I would appoint a single darned Republican postmaster of any city in this country. [Laughter.]

Mr. LEHLBACH. Will the gentleman yield?

Mr. RUCKER. Make it short.

Mr. LEHLBACH. To the detriment of the Postal Service——

Mr. RUCKER. Oh, no, no; of course not.

Mr. LEHLBACH. Does the gentleman think that a surety company in New York City is the best judge of who ought to be postmaster in a post office in Indiana?

Mr. RUCKER. No.

Mr. LEHLBACH. That is the result when the Postmaster General refuses to comply with the President's order.

Mr. RUCKER. Make your complaint against the acting postmaster, if you have cause for complaint. Let me say to you that in my district, in one of the best towns in it—and no gentleman will accuse me of harshness, because if there be any place under the shining sun where really good Republicans live, it is in my district. I eat with them. I visit in their homes. They are my friends, and I am proud of them, but every one of them knows that I am a Democrat and that I believe, the President's Executive order to the contrary notwithstanding, that under a Democratic administration we ought to have Democratic Federal officers; and, if I had the power, there never would be a Republican postmaster in Newark, N. J., but your postmaster there would be a Democrat of the most pronounced type—so pronounced that the gentleman [Mr. LEHLBACH] would not want to see him there. [Laughter.] Of all the President's official acts—most of which I applaud and approve—the only one I disapprove is his action in issuing that abominable order that you civil-service advocates have led him to issue.

I have protested against it, and protest against it now, and so far as I am concerned I would never willingly render obedience to it. I only submit to it because I have to. Gentlemen congratulate themselves that in my district and in the district of my friend CLARK and in the district of my friend RUBEY Republicans make the highest grades. But oh, my Lord, let me tell you there is something in it, gentlemen, and every one of you on the Republican side knows there is something in the fact that most of the inspectors are Republicans. Even my good friend, my genial young friend from Illinois, Uncle JOE, knows that it means something in this day and hour to be a Republican post-office inspector. Does it not, Uncle JOE? It means a whole lot.

Mr. CANNON. I do not think there are any in my district.

Mr. RUCKER. Oh, there is no occasion for them to go into your district.

Mr. CANNON. I am not kicking about the postmasters in my district.

Mr. RUCKER. Of course you are not. You are too loyal a partisan Republican to kick against it, because you are getting the benefit of the President's order. These men who go over the country inspecting and examining the qualifications of postmasters—every devil of them is a Republican. [Laughter.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. RUCKER. Mr. Speaker, I want to talk about five minutes more; this is the first chance I have had to speak on this subject.

Mr. LEHLBACH. I only have five minutes, and I have reserved that for myself.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to proceed for five minutes without taking it out of the time of the gentleman from New Jersey.

The SPEAKER. The Chair does not see how that can be done.

Mr. RUCKER. I ask unanimous consent that the time of the gentleman from New Jersey be extended 10 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the time of the gentleman from New Jersey be extended 10 minutes. Is there objection?

There was no objection.

Mr. RUCKER. Now, will the gentleman give me five minutes?

Mr. LEHLBACH. Mr. Speaker, I have 15 minutes remaining, then, and I yield 5 minutes to the gentleman from Missouri.

Mr. RUCKER. In the city in my district to which I have referred there were several applicants. One of them started out in life as a school-teacher, and he taught three or four sessions of a district school, then served for a time as city mail carrier, then for several years as clerk in the post office. That was his business experience. Against him was a man who served as a school-teacher three or four different terms in the country and subsequently as teacher in the high school in his home city; then served with distinction for four or six years, consecutively, as prosecuting attorney of the county, followed by 10 or 15 years in active practice as a lawyer in all the courts, including the supreme court of the State, dealing with all of the problems and intricacies that would come up in such practice, and yet the Republican post-office inspector gave the highest grade to the applicant first described.

I have no single word of complaint against the personal character of the successful applicant. He is my personal friend, a splendid man, and no reason could be suggested in opposition to his appointment except his politics. No man stands better, and therefore no words can escape my lips assailing his personal character. It is as good as that of any man in the State. But he is a Republican. If Woodrow Wilson was a candidate for constable in that township against a Republican, even though he be a rather bad Republican, this man commissioned by Woodrow Wilson as a postmaster would vote for the Republican candidate.

Why should we, when the people of this country have decreed by their vote that the country shall be controlled for a few years by people of the Democratic faith, why should we fill all the post offices of the country with Republicans? In the case I speak of the high man was that young Republican, whose personal character is extremely good, but his political character is as bad if not the worst I ever knew. [Laughter and applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. LEHLBACH. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Speaker, it is certainly very interesting to have a Democrat admit that the President is wrong in his judgment upon some things, at least, and particularly when it is something that interferes with his own personal desire.

Mr. RUCKER. Not personal desire, but personal sense of duty.

Mr. FAIRFIELD. Now, seriously as to the question before us. From what I gather from the colloquy there has been an arraignment of the inspectorship of the Post Office Department. It is not only Republican but venal as well, and not content with that arraignment they have carried it up as far as the Civil Service Commission, accusing it perhaps not of venality, but at least of incompetency. These are very grave charges to make, gentlemen, against one of the most important departments of the Government. It would seem strange after nearly seven years of a Democratic administration that they have been so inefficient that the whole civil-service organization has been turned into a political organization to secure jobs for recalcitrant Republicans; to say the least, gentlemen, it is a humiliating statement to come from the other side.

Now, as a matter of fact, very few would take issue with the gentleman on the fact that at least the more important Federal offices should be administered by the party in power.

What we object to is perhaps not hypocritical intent, for I would not accuse the President or the Postmaster General of hypocrisy in the case, but that the party should undertake to get credit for unusual nonpartisanship, and yet every member of that party defends every act of the great head of the department in nullifying the very thing that was intended to protect the civil-service organization.

Personally I have long thought that it would be best for this country that never again should appointments in the post office become party spoils. It would be better for you men on the Democratic side and for you on the Republican side; but to trifle with it, to issue an Executive order which declares that

so far as the examination is concerned, save with regard to residence and moral character, the certification of the Civil Service Commission shall be final, and then to state here boldly on the floor of the House that you stand behind the nullification of the law, is, in my judgment, unworthy of the men who are stating it. Never before, it seems to me, have we reached the time when it is so important that public officials should begin to say that whatever the law is they will enforce it, for if we do not, then the Republic is already gone. [Applause.]

Mr. LEHLBACH. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. GODWIN].

Mr. GODWIN of North Carolina. Mr. Speaker, I see no objection to the resolution in its present form. I think it will tend to clarify and straighten out the whole situation. In my opinion the Executive order of the President of March 31, 1917, was a very serious mistake as it was issued. It attempted to put the appointment of presidential postmasters under the Civil Service Commission, whereas in fact it did not. Instead of putting presidential appointments under the civil service it put them under the post-office inspectors and representatives of the Civil Service Commission. I want to state as a fact here that the recommendations that are certified by the Civil Service Commission and the Post Office Department are themselves of nonassembled examinations. That means that the representatives of the Post Office Department and of the Civil Service Commission go to a city or town, remain there for a few days, making quiet investigations, and then report the result of their free will and their own opinion as to the suitability and fitness of the various candidates for the position. It simply means that the inspectors make the appointments. I would favor the appointment of presidential offices by a competitive civil-service examination. I believe they ought to be placed upon an examination that is not a sham and a delusion.

This resolution is the first step, in my opinion, to clarify the situation and adjust the entire difference between the Executive and the Civil Service Commission. The Executive order ought to be repealed immediately, or the President ought to strengthen the Executive order so as to put these examinations upon a competitive basis, in the open, and have the result certified according to the grade. Then the selection should be made from the three highest, and not from one man, regardless of his fitness or character.

I yield the remaining two minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, I do not intend to oppose the resolution because I do not think any Member on this side has any objection to it. I am sure that the Post Office Department has none, but I think that some of the reasons that have been advanced in support of the resolution are not tenable and are not borne out by the facts. It is true that by order of the President on the 31st of March, 1917, it was required that the first-named eligible should be appointed unless some allegations were made against his character or personal standing. Are we to assume that that order is as unchangeable as the laws of the Medes and the Persians? If facts come to the knowledge of the Postmaster General that the ratings of the Civil Service Commission are erroneous, should he not make that fact known to the commission? It is but natural that when it is made known in the community as to who the first eligible is complaints shall begin to come in to the Postmaster General. If there are any, and when he investigates those complaints, if he finds that they are well founded, that the rating for business ability is not justified by the facts, it is not only his privilege but it is his duty to take that up with the Civil Service Commission and ask for another rating. That is all that the Postmaster General has done. The Postmaster General stated in the letter from which the gentleman from New Jersey [Mr. LEHLBACH] read that he had not undertaken to improperly influence the Civil Service Commission, and I submit that not one fact or statement has been shown in this debate that the Postmaster General has attempted to improperly influence the Civil Service Commission. What he has done is this: When his investigation of the facts connected with the report of the post-office inspector and civil-service inspector, who made the report on the applicant, convinced him that the rating given the applicant on account of his previous experience was erroneous, he has then taken it up with the Civil Service Commission and asked that another rating be made. I submit that is proper, and shows a lively interest in the public service, and the man who does that is the kind of public servant that we ought to have in charge of the public business.

Mr. LEHLBACH. Mr. Speaker, I hold no brief for the Executive order of March 31, 1917. I do not care whether in the judgment of the gentleman it should be modified. I know what it means as it stands to-day, and I have referred to the Postmaster General as being contumacious and insubordinate for the simple reason that I assume that when the President issues an order he means it, and I further assume that when the President changes his mind as to the desirability of carrying out an order he will say so and rescind the order. I do say, however, that either the order should be carried out or that it should be rescinded; but the difficulty lies in this, that because the order nominally exists, and because the appointments in conformity are not made, and because appointments in no other way can be made, there exists in numbers of communities in this country a situation where the post office is without a permanent administrator, and where it is in the hands of the representative of the bondsman or a subordinate employee of the post office who is administering the office in the interim. These places are entitled to a permanent postmaster, and either he should be appointed in compliance with the order or the order should be rescinded, and the appointment made in compliance with some other procedure which the President may prescribe; but they ought to fish or cut bait, one or the other, for the benefit of the communities that are entitled to postmasters.

Mr. ROMJUE. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. ROMJUE. I understand the gentleman is criticizing because he believes the order is not being carried out. Am I correct in that?

Mr. LEHLBACH. Yes.

Mr. ROMJUE. I also understand that the gentleman criticizes about the bonding companies naming temporary postmasters.

Mr. LEHLBACH. Oh, no, I am not criticizing that procedure. I say that in a great many instances that is a fact, and I say that people in those localities are entitled to the appointment of a postmaster at the hands of the President.

Mr. ROMJUE. Does the gentleman not know that before the issuance of this order the postmaster was appointed directly and that no temporary postmaster was appointed until the order became effective, and that when the order became effective, as a part of the order it was required that the bonding company name the temporary postmaster pending the examination?

Mr. LEHLBACH. That is not part and parcel of the Executive order at all. That may be the procedure determined upon independent of the order or because of the order, but it is not part of the order. But I have to move the previous question in accordance with an agreement with other gentlemen—however, I will yield to the gentleman just for a question.

Mr. ROMJUE. I was just going to say to the gentleman that they could not appoint a permanent postmaster until the examination is made under the order, which would necessarily take some time and which of necessity taking some time requires the appointment of some temporary postmaster. That is left to the naming of the bonding company.

Mr. LEHLBACH. On the 17th day of February of this year the list of eligibles of the highest rating was certified to the Postmaster General regarding the vacancy in the city of Newark, N. J. It is the 11th of September, 1919, now, and the administration of the post office is still in the hands of the representative of the bondsmen and the examination was held seven months ago.

Mr. CANNON. Will the gentleman yield just for a question?

Mr. LEHLBACH. I will.

Mr. CANNON. As near as I can get at it this is the situation: The administration, the President at the head of it, the House in harmony by word of mouth [laughter]; in other words, the condition here is that somehow or other in the administration they pretend one thing, and, to coin a new word that I once heard from a witness on the stand, they "protend" another. [Laughter.]

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the previous question was ordered.

Mr. LEHLBACH. And pending that, Mr. Speaker, I desire to make a unanimous-consent request that I be permitted to amend the resolution by striking out the word "date," in line 1, page 2, and inserting in lieu thereof the word "dates."

The SPEAKER. The Chair will say to the gentleman that it is too late——

Mr. LEHLBACH. But I am asking unanimous consent, before proceeding to agree to the resolution, to make the word "date," in line 1, page 2, in the plural. It is a typographical error.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the amendment which the Clerk will report:

The Clerk read as follows:

Page 2, line 1, strike out the word "date" and insert in lieu thereof the word "dates."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House proceeded to divide; and the Chair announced that there were—ayes 81——

Mr. BLANTON. Mr. Speaker, I think we ought to have a roll call on this, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present, and apparently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 20, answered "present" 7, not voting 157, as follows:

YEAS—246.

Ackerman	Esch	Lee, Ga.	Sanders, Ind.
Almon	Evans, Mont.	Lehlbach	Sanders, N. Y.
Andrews, Md.	Evans, Nebr.	Lesher	Schall
Ayres	Evans, Nev.	Little	Scott
Baer	Fairfield	Lonergan	Sells
Barbour	Ferris	Longworth	Shreve
Bee	Fess	Luce	Siegel
Begg	Fields	Lufkin	Sinnott
Benham	Fisher	Luhring	Sisson
Black	Focht	McAndrews	Smith, Idaho
Bland, Mo.	Freeman	McClintic	Smith, Mich.
Bland, Va.	French	McCulloch	Smithwick
Blanton	Gallagher	McDuffie	Snell
Boies	Gandy	McFadden	Snyder
Bowers	Gard	McGlennon	Steagall
Box	Garner	McKenzie	Stedman
Brand	Glynn	McLane	Steele
Briggs	Godwin, N. C.	McLaughlin, Mich.	Stiness
Brinson	Goodall	McLaughlin, Nebr.	Strong, Kans.
Brooks, Ill.	Goodwin, Ark.	MacCrate	Summers, Wash.
Brooks, Pa.	Goodykoontz	MacGregor	Summers, Tex.
Browning	Green, Iowa	Mansfield	Sweet
Buchanan	Greene, Mass.	Mapes	Swope
Burke	Greene, Vt.	Martin	Temple
Burroughs	Griest	Mays	Thomas
Butler	Hamilton	Merritt	Thompson, Ohio
Caldwell	Hardy, Colo.	Miller	Thompson, Okla.
Campbell, Kans.	Hardy, Tex.	Minahan, N. J.	Tilson
Campbell, Pa.	Haskell	Monahan, Wis.	Timberlake
Candler	Hastings	Mondell	Tincher
Cannon	Haugen	Montague	Towner
Caraway	Hawley	Moore, Ohio	Treadway
Carew	Hayden	Moores, Ind.	Vaile
Carss	Hays	Morgan	Vare
Chindblom	Hernandez	Murphy	Venable
Christopherson	Hersey	Nelson, Mo.	Vestal
Clark, Mo.	Hersman	Newton, Minn.	Vinson
Coady	Hickey	Newton, Mo.	Voigt
Cole	Hicks	Nolan	Walters
Collier	Hoch	Oldfield	Watkins
Crago	Holland	Oliver	Watson, Pa.
Crowther	Howard	Osborne	Watson, Va.
Cullen	Huddleston	Overstreet	Weaver
Currie, Mich.	Hull, Iowa	Padgett	Webster
Curry, Calif.	Igoe	Parrish	Welling
Dale	James	Pell	Welty
Dallinger	Johnson, Ky.	Peters	Whaley
Darrow	Johnson, Wash.	Platt	Wheeler
Davey	Jones, Pa.	Porter	White, Kans.
Dewalt	Jones, Tex.	Purnell	White, Me.
Dickinson, Mo.	Juul	Raker	Williams
Dickinson, Iowa	Keller	Ramseyer	Wilson, Ill.
Doughton	Kendall	Rayburn	Wingo
Dowell	Kinkaid	Reber	Winslow
Drane	Kitchin	Reed, N. Y.	Wood, Ind.
Dunbar	Kleczka	Reed, W. Va.	Woods, Va.
Dupré	Kraus	Ricketts	Woodyard
Dyer	Kreider	Rodenberg	Young, N. Dak.
Eagan	Lanham	Rogers	Young, Tex.
Echols	Larsen	Romjue	Zihlman
Edmonds	Layton	Rose	
Elliott	Lazaro	Rowe	

NAYS—20.

Alexander	Cleary	Lankford	Robinson, N. C.
Aswell	Connally	McKinlry	Rucker
Bankhead	Dominick	Moon	Sims
Blackmon	Ganly	Park	Wilson, La.
Booher	Johnson, Miss.	Quin	Wright

ANSWERED "PRESENT"—7.

Byrns, Tenn.	Fuller, Ill.	Knutson	Randall, Calif.
Emerson	Hull, Tenn.	Pou	

NOT VOTING—157.

Anderson	Ashbrook	Barkley	Bland, Ind.
Andrews, Nebr.	Babka	Bell	Britten
Anthony	Bacharach	Benson	Browne
Brumbaugh	Graham, Pa.	McPherson	Rowan
Burdick	Graham, Ill.	Madden	Rubey
Byrnes, S. C.	Griffin	Magee	Sabath
Cantrill	Hadley	Maher	Sanders, La.
Carter	Hamill	Major	Sanford
Casey	Harrison	Mann	Saunders, Va.
Clark, Fla.	Heflin	Mason	Scully
Classon	Hill	Mead	Sears
Cooper	Houghton	Michener	Sherwood
Copley	Hudspeth	Mooney	Sinclair
Costello	Hulings	Moore, Pa.	Slemp
Cramton	Humphreys	Moore, Va.	Small
Crisp	Husted	Morin	Smith, Ill.
Davis, Minn.	Hutchinson	Mott	Smith, N. Y.
Davis, Tenn.	Ireland	Mudd	Steenerson
Dempsey	Jacoway	Neely	Stephens, Miss.
Denison	Jefferis	Nelson, Wis.	Stephens, Ohio
Dent	Johnson, S. Dak.	Nicholls, S. C.	Stevenson
Donovan	Johnston, N. Y.	Nichols, Mich.	Strong, Pa.
Dooling	Kahn	O'Connell	Sullivan
Doremus	Kearns	O'Connor	Taylor, Ark.
Dunn	Kelley, Mich.	Ogden	Taylor, Tenn.
Eagle	Kelly, Pa.	Olney	Taylor, Colo.
Ellsworth	Kennedy, Iowa	Paige	Tillman
Elston	Kennedy, R. I.	Parker	Tinkham
Fitzgerald	Kettner	Phelan	Upshaw
Flood	Kiess	Radcliffe	Volstead
Fordney	Kincheloe	Rainey, H. T.	Walsh
Foster	King	Rainey, J. W.	Ward
Frear	LaGuardia	Ramsey	Wason
Fuller, Mass.	Lampert	Randall, Wis.	Webb
Gallivan	Langley	Reavis	Wilson, Pa.
Garland	Lea, Calif.	Rhodes	Wise
Garrett	Linthicum	Riddick	Yates
Goldfogle	McArthur	Riordan	
Good	McKeown	Robsion, Ky.	
Gould	McKinley	Rouse	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. BLAND of Indiana with Mr. SMALL.

Mr. DENISON with Mr. OLNEY.

Mr. FREAR with Mr. O'CONNELL.

Mr. FULLER of Illinois with Mr. ASHBROOK.

Mr. HADLEY with Mr. PHELAN.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MADDEN with Mr. CRISP.

Mr. MAGEE with Mr. LINTHICUM.

Mr. McARTHUR with Mr. SISSON.

Mr. McPHERSON with Mr. MAJOR.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. PAIGE with Mr. BYRNS of Tennessee.

Mr. STEPHENS of Ohio with Mr. UPSHAW.

Mr. WALSH with Mr. CARTER.

Mr. KNUTSON with Mr. BELL.

Mr. EMERSON with Mr. MOONEY.

Mr. GARLAND with Mr. ROWAN.

Mr. HULINGS with Mr. NICHOLLS of South Carolina.

Mr. ELLSWORTH with Mr. SCULLY.

Mr. WARD with Mr. BENSON.

Mr. ANTHONY with Mr. WILSON of Pennsylvania.

Mr. GOULD with Mr. JOHN W. RAINEY.

Mr. COPLEY with Mr. TAYLOR of Arkansas.

Mr. IRELAND with Mr. KINCHELOE.

Mr. ANDREWS of Nebraska with Mr. WISE.

Mr. FORDNEY with Mr. SANDERS of Louisiana.

Mr. KENNEDY of Iowa with Mr. JACOWAY.

Mr. BRITTEN with Mr. TILLMAN.

Mr. BACHARACH with Mr. WEBB.

Mr. KELLEY of Michigan with Mr. KETTNER.

Mr. KIESS with Mr. HUDSPETH.

Mr. TINKHAM with Mr. BYRNES of South Carolina.

Mr. KENNEDY of Rhode Island with Mr. HUMPHREYS.

Mr. KELLY of Pennsylvania with Mr. JOHNSTON of New York.

Mr. HUTCHINSON with Mr. LEA of California.

Mr. KING with Mr. HEFLIN.

Mr. ELSTON with Mr. SAUNDERS of Virginia.

Mr. HOUGHTON with Mr. O'CONNOR.

Mr. GRAHAM of Pennsylvania with Mr. HENRY T. RAINEY.

Mr. HUSTED with Mr. NEELY.

Mr. NICHOLS of Michigan with Mr. DOREMUS.

Mr. SLEMP with Mr. MAHER.

Mr. SMITH of Illinois with Mr. McKEOWN.

Mr. STEENERSON with Mr. CLARK of Florida.

Mr. DAVIS of Minnesota with Mr. STEPHENS of Mississippi.

Mr. GOOD with Mr. RIORDAN.

Mr. VOLSTEAD with Mr. BRUMBAUGH.

Mr. CRAMTON with Mr. STEVENSON.

Mr. TAYLOR of Tennessee with Mr. CANTRILL.

Mr. COSTELLO with Mr. SULLIVAN.

Mr. DEMPSEY with Mr. SMITH of New York.

Mr. BROWNE with Mr. TAYLOR of Colorado.

Mr. DUNN with Mr. SEARS.

Mr. LAMPERT with Mr. HARRISON.

Mr. FOSTER with Mr. SABATH.
Mr. STRONG of Pennsylvania with Mr. CASEY.
Mr. KAHN with Mr. DENT.
Mr. RHODES with Mr. BABKA.
Mr. MORIN with Mr. GALLIVAN.
Mr. MCKINLEY with Mr. GRIFFIN.
Mr. MUDD with Mr. FITZGERALD.
Mr. OGDEN with Mr. DONOVAN.
Mr. NELSON of Wisconsin with Mr. EAGLE.
Mr. RAMSEY with Mr. DAVIS of Tennessee.
Mr. LANGLEY with Mr. HAMILL.
Mr. MASON with Mr. GARRETT.
Mr. RADCLIFFE with Mr. DOOLING.
Mr. REAVIS with Mr. BARKLEY.
Mr. SANFORD with Mr. MOORE of Virginia.
Mr. SINCLAIR with Mr. MEAD.
Mr. MANN with Mr. GOLDFOGLE.
For to-day:
Mr. WASON with Mr. RUBEY.

Mr. EMERSON. Mr. Speaker, did my colleague, Mr. MOONEY, vote?

The SPEAKER. He did not.

Mr. EMERSON. I am paired with my colleague [Mr. MOONEY], and I wish to withdraw my vote of "yea" and answer "present."

Mr. KNUTSON. Mr. Speaker, I desire to withdraw my vote of "yea" and answer "present." I am paired with Mr. BELL.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. LEHLBACH, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

CHANGE OF REFERENCE.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to have transferred from the Committee on Appropriations the bill H. R. 447 to the Committee on Rivers and Harbors. I have the consent of the two chairmen, and the parliamentary clerk agrees that the change ought to be made.

The SPEAKER. The gentleman from Oregon asks unanimous consent to have the bill referred to transferred from the Committee on Appropriations to the Committee on Rivers and Harbors, this with the consent of the chairmen of both committees. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, what is the bill about?

Mr. HAWLEY. It is about the construction of a dredge, and it belongs to the Committee on Rivers and Harbors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. VAILE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. VAILE. To make a unanimous-consent request. I ask unanimous consent that I be granted leave to extend my remarks in the RECORD on the subject of an address given by my associate, Mr. HARDY, at Edmonton, Canada, on August 2.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, what is the request?

Mr. VAILE. To insert in the RECORD an address of my colleague, Mr. HARDY, at a meeting of the National Editorial Association at Edmonton, Canada, on August 2. There is nothing political in the address.

Mr. GARD. What is it about?

Mr. VAILE. About the relations between the United States and Canada.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

WAR-RISK INSURANCE.

Mr. SWEET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8778.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8778. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8778, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8778, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8778) to amend and modify the war-risk insurance act.

The CHAIRMAN. When the committee rose yesterday section 5 had been read. It is now open to amendment.

Mr. IGOE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IGOE: Page 3, line 7, after the words "United States," insert "or any political subdivision thereof."

Mr. IGOE. Mr. Chairman, I would like to have the attention of the gentleman in charge of the bill. I would like to call the attention of the gentleman from Iowa [Mr. SWEET] to the language of the bill as it is reported. These institutions would have to be conducted either by the United States or by a State or Territory.

Now, we have this situation in St. Louis: An asylum for the insane is maintained by the city of St. Louis. It is a large institution, perhaps one of the best in the country, and there are several thousand patients in that sanitarium, many of them soldiers who have been discharged from the service during this war. Now, as this bill reads and as it is reported by the committee, that institution could not be covered by the bill. The institution is a public institution, and these men are there, near their homes and near their friends, and it seems to me the committee ought to agree to extend the benefits of this section to institutions that are maintained by counties or by cities, because they come within the same class as those maintained by the States or by the United States.

Mr. SWEET. Let us hear the amendment again.

Mr. IGOE. The amendment is, after the words "United States," in line 7, to add "or any political subdivision thereof."

Mr. SWEET. I see no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARD. Mr. Speaker, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

Mr. GARD. On page 4, line 4, after the word "if" and before the word "competent," insert the word "mentally." I presume that is what is intended. The word "mentally" is used in another part of the bill, and I suggest that it be used here.

Mr. SWEET. We have no objection to that, although I think the text is correct as it stands now.

Mr. GARD. The word "mentally" is used on the first line.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: On page 4, line 4, after the word "if" and before the word "competent," insert the word "mentally."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the provisions of section 29 of the war-risk insurance act shall not be operative with respect to insurance converted under article 4 of such act.

Mr. GARD. Mr. Chairman, I desire to offer an amendment, to strike out all the language in section 7.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 4, line 12, strike out all of section 7.

Mr. GARD. Mr. Chairman, it seems to me that every man in this House, every man in the Congress, and every good, thinking citizen of the United States, desires to afford every possible benefit to those who were in the military and naval service of the United States in the Great War in which the United States played such a prominent and victorious part. But I do not believe we should go so far as to include in any United States benefits those who were traitors or guilty of treason, mutiny, and spying, under any part of the insurance law. Section 29 of the existing law, which this section provides shall not be operative, says—

That the discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien, conscientious objector, or a deserter, as guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct shall terminate any insurance granted on the life of such person under the provisions of article 4.

That is the existing law. In other words, the United States will give no benefit under these provisions to a man who is a traitor, to a deserter, or one who has been guilty of treason

or spying or any offense involving moral turpitude. Now, it is stated here that insurance converted under article 4 shall not be affected by the provisions of section 29. In other words, if a man is a traitor, or if he be a spy in the interest of the enemy and procures converted insurance, or if he be a mutineer and he has insurance, then section 7 would provide that section shall not be operative.

Now, it is my idea that every honorable soldier and sailor in the war should be fully protected in this bill, but I do not think that the United States of America should go so far as to say that merely because one has converted a term insurance into an old-line insurance policy he should continue to have the benefits of the generosity of the United States. It is my idea that a man who deserts, who is a traitor, who is guilty of any kind of treason, is not only not deserving of anything in the United States, but he should not be permitted even to reside in the United States.

Mr. RAYBURN. Would the gentleman say that if a man were in the Army and owned a piece of property and was adjudged guilty of deserting or spying he should be deprived of the ownership of that property?

Mr. GARD. Oh, no.

Mr. RAYBURN. This question of converted insurance is entirely in line with that, if the gentleman will allow me to say it.

Mr. GARD. The gentleman's contention is that the ownership of real estate is a parallel case. I submit that it is not. A man owns real estate by a private contract. He buys a piece of real estate from John Jones. If he pays for it, it becomes his, and I submit that there is nothing which can deprive him of that except some alienation under process of law. But if a man takes out a policy of insurance with the United States, if the United States says to a man, "Because you were a soldier in the war I give you a policy of converted insurance for 30 per cent less than you can get it in an old-line company, which is a valuable thing for you to have simply because the United States makes it valuable for you and continues to levy a tax upon the people of the United States in order to provide cheap insurance for you," then I say it is not a parallel case that if that man be a traitor, if he be guilty of the highest and grossest treason, he should not have the benefit of this act; and therefore I insist that section 70 of the existing law should remain in force and that there should be no difference in regard to converted insurance.

Mr. BEE. Will the gentleman yield?

Mr. GARD. Yes.

Mr. BEE. Do I understand that if this insurance is converted and if the man is proven guilty of these offenses under the forms of law, then under your theory that conviction cancels this insurance?

Mr. GARD. I would say it should cancel it; yes.

Mr. BEE. I agree with the gentleman; but under those circumstances ought we not to remit to him the premium he has paid?

Mr. GARD. I am not exceedingly worried about remitting anything to men who are traitors to my country.

Mr. BEE. Except to keep the law straight by a proper amendment.

Mr. GARD. I think we can keep the law straight and the country straighter by keeping them out than by keeping them in.

Mr. RAYBURN. Mr. Chairman, the question that I put to the gentleman from Ohio presents a question entirely parallel to this. Of course, when we were in war and when the Government was carrying 90 per cent of the risk on the man's life, when it was carrying all of the war risk, this should have applied, and the man really had a very small, if any, vested right in the policy. But now the war is over. A man instead of investing his money in a house or in bonds or in real estate, prefers to invest it in insurance. Will the gentleman, then, argue that after that man has gone along and paid the premiums on this policy for four or five years, and it is probably all the property he has, we can properly divest him of that property that he has paid for? We are not carrying any war risk whatever on the converted insurance. The only thing that makes the policy 15 or 20 per cent cheaper is that the Government carries the overhead charges. We are not carrying any war risk any longer. The man is paying exactly what the policy is worth minus the loading that the Government carries. I can see no reason why this restriction should be thrown around it, or why we should attempt to do a thing that I do not believe legally we can do. Certainly, in my opinion, we are trying to deprive the man of property, the same as if he owned a piece of real estate.

Mr. GARD. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. GARD. Does not the gentleman think that under our existing laws we not alone can, but ought to, deprive a man of any insurance benefits if he is openly and notoriously treasonable to his country?

Mr. RAYBURN. During war, yes; and when the Government was carrying all of the war risk, yes; but this man now has a contract with the Government for converted insurance, and whatever value that policy has is his and ought to remain his.

Mr. GARD. No traitor can have an honest contract with the Government.

Mr. SWEET. Mr. Chairman, I hope the amendment will not be adopted. The House must remember that this is after the war and that this section applies solely to converted insurance. It does not apply to compensation or any other of the provisions of the war-risk insurance act. The reason that that section was put in the bill was because we looked upon converted insurance as an investment, as the gentleman from Texas [Mr. RAYBURN] has well explained, and it seems to me that under all the circumstances, the war being over and it being an investment, it is a proper section to be placed in this bill.

Mr. GARD. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. GARD. Even conceding that it is an investment, does the gentleman think it should be the policy of the United States to give its beneficial investment to men who are traitors to the country?

Mr. SWEET. At this time, when the war is over, it is difficult to have traitors.

Mr. GARD. But assuming that a man is affirmatively a traitor, then he should not, I take it, have a policy of insurance carried for him by the Government.

Mr. SWEET. As to the term insurance, I think the gentleman is right; but when the insurance is converted and the man has a property right in that policy, I do not think it should be taken from him.

Mr. GARD. Does the gentleman state that the individual's property right is greater than the right of his Nation?

Mr. SWEET. I do not; but here is a vested right, and I say the Government should not have the right to take away that property.

Mr. GARD. It certainly has that right.

Mr. HULINGS. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. HULINGS. This whole scheme of insurance is a beneficence that the Government gives to the soldier by giving him reduced rates?

Mr. SWEET. The term insurance; yes.

Mr. HULINGS. Any part of it—it is a beneficence on the part of the Government, is it not?

Mr. SWEET. Not altogether. The soldier pays for it.

Mr. HULINGS. The Government gives him the insurance for less money than he can get it any place else. The Government undertakes by this bill to give the soldiers insurance at a less rate than they could get it from the old-line insurance companies, does it not?

Mr. SWEET. It does.

Mr. HULINGS. If the soldier was drafted and held himself out to be a loyal soldier and the Government engages to give him this benefit, would it not be the proper thing to call it off when they found out that he was disloyal?

Mr. SWEET. Does the gentleman believe that it is a proper thing for the Government to take the money that was paid by this man for the converted insurance?

Mr. HULINGS. Yes; if he has been a traitor.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOWELL. As I understand it, this insurance is given to the soldier because he was a soldier in the Great War, and that it is for his benefit especially, and that no other good loyal citizen can take this insurance, because it has been especially reserved for the soldier. He can only get the converted insurance by reason of the fact that he had term insurance. Does the gentleman believe that this Government ought to exclude all others except the soldier and then give the traitor the same benefits that it gives to the soldier who fought loyally for his country?

Mr. SWEET. This man has a vested right the same as if he owned real estate or any other property.

Mr. DOWELL. So far as I am concerned, I am not in favor of giving to the traitor any special benefits by the Government under any statute. [Applause.]

Mr. RAYBURN. Would the gentleman be willing to cancel a man's insurance on the ground of misconduct?

Mr. DOWELL. I think that is another question.

Mr. RAYBURN. The gentleman from Ohio has moved to strike out the whole section.

Mr. DOWELL. I believe that where a man has shown himself to be a traitor to his country the Government ought not to give him any special benefit whatever.

Mr. RAYBURN. It is not giving him any other benefit under the converted insurance.

Mr. ESCH. Mr. Chairman, the original provision in section 29 denied the term insurance to such as are discharged and dismissed from the Army on the ground of being an enemy alien, conscientious objectors, and spies, and under conditions involving moral turpitude.

The war is over; the term insurance will be over under the terms of the original act within five years after the proclamation of peace. There can be now, therefore, no longer an enemy alien. There can be now no longer a conscientious objector. There can be now no longer a deserter or spy. This provision applies to the converted insurance, and converted insurance is a new contract. In that connection I wish to read the testimony given before the subcommittee of Mr. Macfarlane explaining the attitude of the War Risk Insurance Bureau on this project of insurance. Mr. Macfarlane said:

That provision in the act was a very good provision on the term insurance and during the war only, and the idea of the act in making that applicable to the converted insurance was this: A man has term insurance and he is in the Regular Army, an officer in the Regular Army; two years from now he applies for one of these ordinary life policies; he keeps it, say, for five years, and he has acquired an equity which the Government should not take away from him. Then he does one of these things, he deserts, or something of that kind, and we would have to cancel his insurance. Now, in effect, we want to issue an incontestible policy, because if that were not done some time in the future that man's equity might be taken from him, which would affect the whole program. That is the only effect it would have on the converted insurance; it really applies to men in the Regular Army who may apply for ordinary insurance and for which they are paying the full premium for the risk covered.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. ESCH. Yes.

Mr. DOWELL. Under the law, under section 29, when he is discharged from the service as a traitor his insurance is canceled?

Mr. ESCH. Yes; his term insurance is gone.

Mr. DOWELL. Under the general law he has no right to the converted insurance except he held the term insurance?

Mr. ESCH. He makes a new contract.

Mr. DOWELL. But the policy has been canceled?

Mr. ESCH. The term policy has.

Mr. DOWELL. You reinstate the converted policy. He could not convert the term insurance, but you permit him to take other insurance, and it is a new enactment?

Mr. ESCH. He has nothing in the term insurance but has in the new policy.

Mr. DOWELL. Not until after it is permitted by a new law?

Mr. ESCH. Yes; he can take it at any time within five years.

Mr. DOWELL. Unless you permit him to take the other insurance he is excluded?

Mr. ESCH. Yes; but this gives him that right.

Mr. DOWELL. Does the gentleman believe that a traitor should be given any more consideration in another policy than he was given in the term insurance? You cancel the term insurance because he is a traitor, and now you let him come in and give him a right to take other insurance?

Mr. ESCH. This has application to the converted insurance, and we make it incontestable just as we make a policy in an old-line company incontestable.

Mr. DOWELL. You first cancel the policy because he is a traitor?

Mr. ESCH. No; the gentleman is wrong; he is discharged because he is a deserter.

Mr. DOWELL. He is barred from all rights of compensation after he is discharged?

Mr. RAYBURN. There can be no other policy issued to a man after he has been discharged on account of being a traitor and his insurance canceled.

Mr. DOWELL. Then why section 7?

Mr. RAYBURN. Because it might come up hereafter that the man had a policy and had never been guilty of any of these things.

Mr. DOWELL. Section 29 definitely defines whose policy shall be canceled, and if he is discharged because he is a traitor it is canceled. The gentleman now says that he can not get other insurance unless he has the term insurance.

Mr. RAYBURN. That is it; he has nothing to convert.

Mr. DOWELL. But under section 7 is he not permitted to do it?

Mr. RAYBURN. No.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word. This section 7 applies only to converted insurance; it has no application to any other kind. It does not affect section 29 with reference to any other kind of insurance, so that if the section was adopted as proposed in the bill it would merely provide that when a soldier had converted his insurance and still remained a soldier, after it became the same as property to him, he should not be deprived of the benefit of the insurance on account of the provisions of section 29.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Not now. Section 29 provides that the discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien, a conscientious objector, and so forth, or any offense involving turpitude, shall terminate the insurance. His insurance is terminated, because he has been discharged upon the ground that he has been guilty of some of these offenses. He has not been given a trial in the ordinary sense of the word. Conditions have merely been found to exist in Army circles sufficient to authorize his discharge. Suppose some of the men in the Regular Army after this war is over should have been discharged upon the ground of offense involving moral turpitude. A man thus found guilty is discharged. Another man who has not the insurance is discharged for the same offense. Do we propose that the soldier shall have an additional penalty, depriving him of the property right in his insurance because he has taken the insurance? It is not only the protection of the soldier. This is for the protection of the dependents of the soldier to a large extent. Are we going to add additional penalties against the dependents of the soldier? They have nothing to do with the matter; they are entirely innocent. Are we going to penalize them in addition to the discharge of the soldier? Here is what would be called in ordinary criminal trials double punishment. Is it possible that we are going to establish the matter of double punishment when you do not even have the ordinary safeguards of a criminal trial? An Army officer is first tried and then discharged, and those trials very frequently are very summary. The fact is that it does not take much to cause a discharge in the Army. Then we propose by this law to add additional penalties against the soldier and his dependents.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. GREEN of Iowa. Mr. Chairman, I have no disposition to take issue with the gentleman. I merely wanted to inquire a little further and make one point in the gentleman's position clear. My colleague [Mr. DOWELL] assumes that the effect of this provision would be to reinstate some of the soldiers' insurance which has heretofore been forfeited. I can not see how that could be done.

Mr. SANDERS of Indiana. The gentleman from Iowa [Mr. DOWELL] is in error in that assumption. It applies only to converted insurance. It would not reinstate anybody and it does not apply to term insurance. He would have no right to convert his insurance unless he had such a record as would authorize him to convert it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. GARD. This is the position as I understand it. When term insurance is changed into converted insurance, then by this section 7 you make the converted insurance absolutely incontestible, although after he got the converted insurance a man be guilty of acts of the highest treason.

Mr. SANDERS of Indiana. Yes.

Mr. GARD. That is what you intend to do?

Mr. SANDERS of Indiana. Yes.

Mr. GARD. I do not think that should be done.

Mr. SANDERS of Indiana. And in further response to the gentleman, I call his attention to the fact that if he is guilty of treason he will be tried and convicted?

Mr. GARD. Yes.

Mr. SANDERS of Indiana. And punishment will be given him. Should he be given any greater punishment because he

has taken out this insurance than the man who has been tried and convicted and who has not taken out this insurance?

Mr. GARD. The man is found to be guilty of treason and put up against a wall and shot. I contend that he and any one under him should never have the benefit of insurance by the United States of America given to honorably discharged soldiers and sailors.

Mr. SANDERS of Indiana. If the gentleman from Ohio has that opinion, why did he not so frame his amendment as to reach that particular instance. The gentleman by his proposed amendment strikes out all of section 7, which would make all of section 29 apply to converted insurance.

Mr. GARD. Absolutely, just as it does to-day.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. BEE. Following the suggestion the gentleman just made, why does not the gentleman from Ohio [Mr. GARD] confine it to treason and not have the man deprived of converted insurance who is charged with moral turpitude? Why should a man's family be disgraced and deprived of the support that they are entitled to because a man has been discharged from the Army on account of moral turpitude?

Mr. SANDERS of Indiana. Why should a soldier have an additional penalty imposed?

Mr. BEE. I agree with the gentleman about treason, but not as to moral turpitude.

Mr. SIEGEL. Mr. Chairman, there is only one case where the charge is treason in all of the 384,000 courts-martial and summary court cases, and that case is about to be reversed by the Judge Advocate General's office, because there is not sufficient testimony to substantiate the charge, and it was made against a volunteer. It is a theoretical argument that we are listening to here this afternoon.

Mr. DEWALT. Mr. Chairman, the confusion arising in the minds of gentlemen who are advocating the amendment of the gentleman from Ohio [Mr. GARD] is just this: They confuse term insurance with converted insurance. Term insurance was for and during the period of the war, and applies to all men who were in the service, to wit, about 4,000,000. Converted insurance will apply to those men hereafter who go into the Regular Army or into the regular naval service. It will not apply to anyone else.

Mr. SUMNERS of Texas. Will the gentleman yield for just a question?

Mr. DEWALT. In just a moment. It will apply to those who had existing policies which were taken out and converted them during that time. Now, what does this amendment propose to do? Let us see the effect of it. A is in the Regular Army now. He had what we call "term" insurance during the period of the war. He proposes to convert that insurance into the old-life plan or, we will say, under the 20-year plan. He makes as his beneficiaries his wife and, we will say, two children, naming them specifically in the contract. Now, remember, gentlemen, you are dealing with a contract between the insuring company, to wit, the Government, and the insured. The insured pays his regular premium from time to time. For what? For the beneficence of his wife and his two children. He continues to pay those premiums for 19 years, and some time during the nineteenth or the twentieth year he is found guilty of moral turpitude or he is found guilty, if you please, by a court-martial of treasonable conduct, and by the amendment of the gentleman from Ohio you propose to say that in spite of the fact that he has been a good soldier for 19 years and has paid 19 years of premiums, only 20 per cent less than what he would have been obliged to pay in a regular company, that all the money that he has paid is lost and that his wife and two children are prevented from getting that beneficence in case of his death during the twentieth year.

Now, I agree as to the flat proposition that no man should receive any benefit from this Government who has been guilty of treason or of conduct unbecoming an officer which leads to a disorganization of the forces; but I can not for the life of me see as a lawyer how you can violate a contract that has been duly entered into by A and B by the subsequent act of B, which has no relation whatever to the contract as originally constituted.

Mr. SUMNERS of Texas. Will the gentleman now yield?

Mr. DEWALT. Yes.

Mr. SUMNERS of Texas. Simply for information. If it should be written into the law to-day that if a man guilty of treasonable conduct can not collect the policy, would not that be one of the conditions in the policy at the time he took it out? Would it be any breach of contract on the part of the Government if it failed to pay the insurance if he had violated that condition?

Mr. DEWALT. The gentleman is entirely correct. That would be one of the terms of the policy then and a portion of the contract. It is certain that the Government could stand upon that.

Mr. SUMNERS of Texas. The gentleman thinks, as a matter of fact, that it ought to go into this law somewhere?

Mr. DEWALT. I agree basicly that no such man should get the benefit given by the Government, but let us look at this proposition also. Here is a man paying within 20 per cent, according to the testimony of Mr. Macfarlane, of the established rate of one company in this country, the Traveler's Co., which is one of the cheapest and best they say, and he continues to pay that for 19 years, yet by conduct of his own his family is held responsible, his two children and his wife may be deprived of this benefit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. I ask that the gentleman may be given two minutes so that I may ask him a question.

Mr. RUCKER. Make it three minutes, as I want to ask one myself.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Now, the gentleman has been discussing the difference between "term" and "converted" insurance. Let me see if I am straight on the matter. As I understand term insurance was that in force during the war.

Mr. DEWALT. Yes.

Mr. HASTINGS. And converted insurance is, of course, for a longer period and since the war.

Mr. DEWALT. Yes.

Mr. HASTINGS. What is the difference in principle in the application of the Government toward a man for term insurance and converted insurance? As I understand it, so far as term insurance is concerned, he pays a smaller amount than he does for converted insurance. Now, you have section 29, which applies during the war. If he violates the terms, if he is convicted of moral turpitude, if he is dismissed from the Army, if he is convicted for treason, then his family is penalized and he suffers the "double jeopardy," as our friend from Indiana would have us believe. Now, I can not see a bit of difference in principle between term insurance and converted insurance, except one is a shorter and the other a longer term. For the term insurance you pay less and for the converted you pay more. You get the same benefit from the Government in either case, because the converted insurance costs the same as the old-line insurance with the overhead expenses taken off. In other words, you pay 25 or 30 per cent less for converted insurance, as has been explained here on the floor. Now, what is the difference in principle between the Government standing behind the man on term insurance and converted insurance, except one is short and the other is a longer term; that one pays less and the other pays slightly more; and where is the family penalized any more in the one case than the other?

Mr. SNYDER. Will the gentleman allow me to interpose one thought?

Mr. HASTINGS. I will yield to the gentleman.

Mr. SNYDER. Does the gentleman say, Where is the family penalized?

Mr. HASTINGS. Any more in one case than the other.

Mr. SNYDER. If a soldier had a wife and child during all the 19 years that he has been paying the insurance, the family would have been penalized during all of that period.

Mr. HASTINGS. Allow me to answer that. Suppose this war had been going on for 19 months; suppose under the short-term insurance he had paid for 18 months and suppose then he was discharged. Under section 29 the short-term policy is canceled. Where is the family penalized any more by the cancellation under the converted than it would be penalized by the cancellation under the short term? That is the point I am making.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GARD. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 11, noes 48.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That a new section is hereby added to the war-risk insurance act, to be known as section 31, and to read as follows:

"SEC. 31. That no person is in active service in the military or naval forces of the United States within the meaning of this act until he has been examined by the proper medical officer or officers of such

forces at the camp or other place of mobilization, and upon such examination, accepted and enrolled for active service: *Provided*, That if after induction by the local draft board, but before being accepted and enrolled for active service, the person dies or becomes disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct, of an existing disease or injury, he or those entitled thereto shall receive the benefits of compensation payable under article 3: *Provided further*, That any insurance application made by a person after induction by the local draft board but before being accepted and enrolled for active service shall be deemed valid."

Mr. SNYDER and Mr. SWEET rose.

The CHAIRMAN. The gentleman from Iowa [Mr. SWEET], in charge of the bill, is recognized.

Mr. SWEET. Mr. Chairman, I would like to make a few corrective amendments to this section. These were made at the suggestion of my good friend from Michigan [Mr. DOREMUS].

On page 4, line 18, strike out the word "is" and insert in lieu thereof the following: "shall be deemed to have been."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Page 4, line 18, strike out the word "is," and insert in lieu thereof "shall be deemed to have been."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SWEET. On page 4, line 20, strike out the word "until" and insert in lieu thereof the word "unless."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SWEET: Page 4, line 20, strike out the word "until" and insert in lieu thereof the word "unless."

Mr. HUDDLESTON. Mr. Chairman, I would like to be heard on the subject of this amendment, unless the gentleman wishes to press it.

The CHAIRMAN. The gentleman from Alabama wishes the floor, unless the gentleman from Iowa [Mr. SWEET] wishes to take the time. If not, the Chair will recognize the gentleman from Alabama [Mr. HUDDLESTON] for five minutes.

Mr. HUDDLESTON. Mr. Chairman, this is a very important section of this bill, and one which should have the very careful consideration of every member of the committee of the House as well as the Committee on Interstate and Foreign Commerce.

Those of us who have had to do with the business of the Committee on Pensions, or who have had claims before the Pension Office, have been confronted many times with certification by the War Department in discharging a soldier that his disability was incurred before he entered the service. And that certification has defeated many righteous claims for pensions, for it is practically impossible for the claimant to overcome it by proof.

The tendency of the Pension Office, as it is in the Bureau of War Risk Insurance, is to resolve doubts in favor of the Government, and that tendency has created a practice in the Pension Office and is creating it in the bureau, to put the burden of proof on a claimant to show that at the time he entered the service he was in sound physical condition. This proof is nearly always hard for the claimant to make, and because of that requirement many righteous claims for pensions have been defeated.

Now, the law as it was originally passed by Congress left the possibility for this kind of construction to the bureau. To cure that defect in the law, at the very first time that we started to amend the soldiers' and sailors' insurance act we changed the law so as to provide that the soldier should be held and taken to have been in sound physical condition at the time he was examined, accepted, and enrolled in the Army. And in that condition is the law to-day.

Now, I have gathered from what the members of the committee have said in their remarks on this bill that this is a composite bill, made up of suggestions that have come from a good many sources; that many gentlemen have had ideas as to what amendments should be made to this law, and have introduced bills embodying those ideas, and they have been formulated together into this bill. I venture to say that no Member of the House will take the responsibility of having introduced a bill to bring about this amendment embodied in section 31. And I venture to charge, from my knowledge of the subject and how these things are usually done, that this amendment comes from the bureau itself in response to that tendency, to which I have called attention, of these bureaus to justify their existence and these officers to show they are earning their salaries by standing between the claimant and the Government.

The purpose of section 31, I believe, is to take away the right secured by the first amendment that I referred to. I am sure that no Member of the House conceived the thought that he would put the burden of proof on these boys who were in the service to show that they were in sound physical condition at the time they were examined and sent to the front by the local boards. That, I imagine, is the conception of the bureau. Congress has all the while intended to show the greatest generosity to those who served our country in the Great War.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. I ask unanimous consent for five minutes more.

The CHAIRMAN. The timekeeper informs the Chair that the time has expired. Is there objection to the request of the gentleman from Alabama for five minutes more? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Congress has always shown a disposition to deal with the claims of the soldiers with the greatest generosity. Congress has intended to be liberal, but we have always had to deal with these influences in the bureau that took away with one hand what Congress gave with the other. Sometimes they have had to relent, by virtue of the pressure of public opinion, but they inch up and inch up a little further from time to time to cut off a dependent family or a disabled soldier, with one technically specious reason or excuse after another. They are confronted with a statute passed by this House, that a man shall be considered to have been in good physical condition at the time he was sent to the front, and they come up here with an amendment which would put it in the law, so that the soldier will have to show, if he should be eventually turned down on his final examination at the camp, that in fact he was in good physical condition at the time he was inducted into the service.

Now, I have in mind the case of one of my own constituents. A soldier was examined and inducted into the Army, having been first duly examined by the physicians of the local board and found to be sound physically. He was sent to camp. On his way there he got wet in a rain, and as they had no way to take care of the boys adequately when they got there, there being a big crowd of boys sent in, he caught cold and suffered from some acute inflamation of the lungs, and was sent home when finally examined by the camp surgeon. Tuberculosis developed. He is now in the West trying to get well of this tuberculosis. He presented his claim to the bureau, and they say, "Oh, you were only in the service 11 days, and the presumption is that you had tuberculosis when you were sent to camp, notwithstanding the examination by the physician of the local board." His claim stands rejected.

Now then, these claims are being held up. That is not the only one. Eventually they have got to allow them, because the law requires that that shall be done. But they are being held up, and in the meantime here comes this amendment, which will cut off that soldier, or which will put the burden on him of showing that he did not have in him the seeds of tuberculosis when he was sent to camp—that he was sound.

You all know that the bureau when it comes to make a decision of his case upon issue thus made up will make decision against him. I plead for him, and I plead for all others similarly situated. I contend that there should arise a strong presumption, when the soldier is inducted into the service, when he is sent into camp, having been pronounced sound by the medical officer of the local board and fit to enter the service of his country—a strong presumption ought to be indulged that he was fit for service, and that the disease from which he suffers is a thing of later occurrence and development. The burden of proof should not be on him to show that he got his disease after he was sent to camp. That is the thing I insist on.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes; I yield to the gentleman.

Mr. VAILE. I think the gentleman's remarks are sound and admirable, and I agree with all that he has said. I want to add that the soldier is in the service as long as he is notified that his services are required. He could be tried by a court-martial.

Mr. HUDDLESTON. Yes; and he is guilty of desertion if he fails to show up in response to the order of the local board.

Mr. VAILE. Yes; and he is construed to be in the service for every purpose.

Mr. HUDDLESTON. Yes; for every purpose except for receiving the benefit of the generosity of the people and the Congress of the United States.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. GREEN of Iowa. Without discussing the merits of the proposition of which the gentleman speaks, I do not understand how this changes the provision of the law. It provides that there shall be an examination.

Mr. HUDDLESTON. I will explain to the gentleman how it does. Under the present law when a soldier is inducted into service he is conclusively presumed to be in sound physical condition, and although he should subsequently, in consequence of another examination, be rejected from the service, he is entitled to compensation. That is the law as it now is. The burden of proof will be on the soldier under the provisions of this section of the bill to show that he was in sound physical condition at the time he was inducted into the service if it shall develop at the time of his final examination in camp that he has a disease and is unfit for the service. I will say to the gentleman from Iowa [Mr. GREEN] that sometimes several weeks elapse between the time when a man is sent to camp and the time he is finally examined and assigned for service. In the particular case I have cited 11 days elapsed. I know of cases where more than a month had elapsed. But in all these cases it is proposed to put the burden on the soldier, who was examined by the local board through its physicians at home and pronounced sound and fit—it is proposed to put the burden on him to show that he was actually and in point of fact sound and fit. I submit there should arise a presumption in his favor and that the burden of proof ought to be on the Government to show that in fact when he was inducted he had the physical disability for which he was finally discharged.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. RAYBURN. I fail to get the gentleman's viewpoint. This does not change the law.

Mr. HUDDLESTON. What I have said has no relation to the amendment of the gentleman from Iowa [Mr. SWEET]. What I want to do is to get this matter before the House at the beginning.

Mr. RAYBURN. I am talking about all of section 31.

The CHAIRMAN. The time of the gentleman from Alabama has expired. The time is in charge of the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, I would like to dispose of these amendments before we take up other amendments.

The CHAIRMAN. The gentleman can proceed in a parliamentary way. The gentleman does not need to be instructed by the Chair.

Mr. SWEET. I have offered an amendment.

The CHAIRMAN. The gentleman from Iowa has offered an amendment, and the debate is exhausted on that amendment.

Mr. ROGERS. Mr. Chairman, I do not desire to abridge the debate on the present amendment, but I would like to offer an amendment before the section is disposed of by the committee. I understand the gentleman from Iowa has several corrective amendments, and I would like to have them all placed before the committee, in order that the committee might have exactly in mind what the purpose is as sought by the gentleman.

Mr. SWEET. Mr. Chairman, I ask that they be considered, because they are all related.

Mr. ROGERS. I suggest to the gentleman, if he will permit, that they be offered for information, and then that discussion be had before the amendments are disposed of. I am not sure that the current amendment is anything more than verbal.

The CHAIRMAN. Does the gentleman from Iowa prefer a unanimous request that these amendments be read for information?

Mr. SWEET. Yes.

Mr. SNYDER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNYDER. That will not stop a further amendment to the whole section?

The CHAIRMAN. It will not. Only one amendment can be pending at a time, and one is now pending. The gentleman from Iowa asks unanimous consent that a series of amendments to perfect the text may be read for the information of the committee. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, Mr. Chairman, may I ask the gentleman what his disposition is to allowing somewhat liberal debate on other amendments?

Mr. SWEET. There will be plenty of opportunity for other amendments.

Mr. HUDDLESTON. The other day I was cut off.

Mr. SWEET. I realize that. It was not intentional on my part.

Mr. HUDDLESTON. I have an amendment that I want to submit.

Mr. SWEET The gentleman will have the opportunity.

The CHAIRMAN. The gentleman from Iowa will submit the amendments he proposes to make.

Mr. SWEET. On page 4, line 20, I move to strike out the word "has" and insert in lieu thereof the words "shall have."

Page 4, line 25, strike out the word "dies" and insert in lieu thereof the word "died."

Page 5, line 1, strike out the word "becomes" and insert in lieu thereof the word "became."

That simply changes the tense of the verbs.

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from Iowa [Mr. SWEET].

Mr. ROGERS. Mr. Chairman, I move to strike out the last word. During the course of the general debate I sought to learn from the gentleman from Pennsylvania [Mr. DEWALT] what was intended to be accomplished by the first portion of this new section 31, namely, that portion which provides—

That no person is in active service in the military or naval forces of the United States within the meaning of this act until he has been examined by the proper medical officer or officers of such forces at the camp or other place of mobilization, and upon such examination, accepted and enrolled for active service.

The substance of the answer of the gentleman from Pennsylvania [Mr. DEWALT], who, as we all know, is very well informed, was that that substantive provision meant little or nothing, and that the real meat of this section was to be found in the proviso. It seems to me it is of great importance that we be precise and scientific in our use of language in a matter of this nature, and certainly we ought to have a uniform rule, so that we may know whether a man at a given moment is in the military service of the United States or is not in the military service of the United States. This provision says that a man is not in the military service of the United States, under this act at least, until he has been medically examined at a camp and has been accepted. I have in my hand a copy of an order of induction into the military service of the United States, which is very brief, and which I will read in this connection:

ORDER OF INDUCTION INTO MILITARY SERVICE OF THE UNITED STATES.

THE PRESIDENT OF THE UNITED STATES.

To _____

Order No._____ Serial No._____

Greeting: Having submitted yourself to a local board composed of your neighbors for the purpose of determining the place and time in which you can best serve the United States in the present emergency, you are hereby notified that you have now been selected for immediate military service.

You will, therefore, report to the local board named below at _____, at_____m., on the_____day of_____, 19—, for military duty.

From and after the day and hour just named you will be a soldier in the military service of the United States.

_____

*Member of Local Board for*_____

Report to local board for_____

_____

_____

Date_____

That is the official order of induction into the military service which was used by the Adjutant General and his subordinates throughout the war. That says that a soldier was in the military service from the moment of his induction. This bill says that the soldier was not in the military service until a period which might easily be weeks after the moment when he was inducted. My inquiry is, What is the purpose of the subcommittee in making that extreme distinction between the two kinds of commencement of military service?

Mr. SWEET. In answer to the gentleman from Massachusetts I will say that the War Risk Insurance Bureau, in administering the act, laid down the rule as provided in this bill, and the question whether a man was in the service or not was determined along the lines stated in this bill. Now, in order to cover the period from the induction of the soldier by the draft board, when he was first taken by the Government, up to the time that he came into the active service, it was necessary to define in the act what the Bureau of War Risk Insurance had determined upon as constituting active service. After having determined that we then put two provisos in the bill. The first relates to compensation and covers the period between induction by the local draft board and the time intervening before being accepted and enrolled for active service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SWEET. And in that connection the same position is taken relative to the second proviso, which relates to insurance. Now, if during that period, between the induction by the local draft board and the time intervening before he was accepted

and enrolled for active service, as defined in this act, application was made by the soldier for insurance, he will be entitled to the insurance.

Mr. ROGERS. Will the gentleman permit me to ask him a question?

Mr. SWEET. Yes.

Mr. ROGERS. Wherein does the status of a soldier under the war-risk insurance act differ, before he has been examined physically at the point of mobilization and after he has been examined physically at the point of mobilization?

Mr. SWEET. He is inducted into the active service at the place of mobilization; but when the draft law went into effect, he was passed upon by the draft board and transported some distance, perhaps, to the camp or place of mobilization where he was examined, accepted, and enrolled for active service.

Mr. ROGERS. But are his financial privileges or other privileges increased under the war-risk act at the moment when he is physically accepted at the point of mobilization?

Mr. SWEET. The moment that he was examined, accepted, and enrolled for active service at the camp or place of mobilization he was entitled to the benefits of the war-risk insurance act, provided he desired to take advantage of the same. Before that time he was not entitled to avail himself of the benefits of the act under the law as it now exists.

Mr. ROGERS. I think I understand the gentleman's contention; but if my reading of this section and my understanding of the facts is correct, the meaning of this section will be precisely the same if you begin to read after the word "if," in line 23, and eliminate the first six lines of the section altogether. In other words, it seems to me that the effect of your substantive statement at the outset of the paragraph is completely wiped out by your provisos, and therefore it would be in the interest of clarity in framing this law if we, in pursuance of the meaning, eliminated the substantive provision and leave only the provisos.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SWEET. It seems to me, in reply to the gentleman, that it leaves the law in great uncertainty because in this bill we define what active service is, taking the soldier at the time he is inducted by the local draft board to the time he enters active service. If active service were undefined in the bill it would leave it in great uncertainty.

Mr. ROGERS. As the bill now stands, there will be a worse condition than uncertainty; there will be a square conflict between the War Department and the War Risk Bureau as to when "military service" shall be deemed to have begun.

Mr. SWEET. The question of what constitutes active service, as far as war-risk insurance is concerned, is absolutely settled in this bill.

Mr. ROGERS. I think we ought to deem the man actually in the military service at the same moment, both in the view of the war-risk law and of the general military law.

Mr. IGOE. They are not all inducted by the local boards.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. GREEN of Iowa. The gentleman from Massachusetts will notice that there is a difference in the wording. It speaks of the military service, and the term used in the first part of this section is "active service." I have always understood, and I think correctly, that there is quite a difference from being in the military service and being in the active service. When I first read the section I got the same idea that the gentleman from Massachusetts has, that the first part might as well be omitted and the language of the proviso alone used.

Mr. ROGERS. In answer to the suggestion of the gentleman from Iowa, a distinguished member of the subcommittee, Mr. DEWALT, said in answer to my question that as far as he could see, the first part of the section meant nothing, and that all the meaning was in the provisos. What the fact is I do not know. I did not suppose anyone would seek to draw so narrow a line as that suggested by the gentleman from Iowa, namely, between active service, on the one hand, and military service, on the other. I do not think there is or ought to be any such line of demarcation.

Mr. ANDERSON. An officer when commissioned is in the service but he is not in the active service until called.

Mr. ROGERS. My thought is that from the moment of the induction the man is to be entitled to all the benefits of the war-risk insurance. I am not at all clear what this section really means to do, but I do not think that is the fact. If it is a fact, I am perfectly satisfied.

Mr. BEGG. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman. I am not certain about this proposition. These boys went into the service not of their own volition. Are they protected? Suppose a young man left town to go to a mobilization camp and the train was wrecked, or something happened to incapacitate him. I do not know that there was a train wreck but there may have been; plenty of things happen where he might be incapacitated. Is such a boy protected?

Mr. SWEET. He is.

Mr. BEGG. Then I am satisfied, but from the way it reads to me he is not.

Mr. CAMPBELL of Kansas. In what way is he protected?

Mr. SWEET. Because this section provides—

That if after induction by the local draft board, but before being accepted and enrolled for active service, the person dies or becomes disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct, of an existing disease or injury, he or those entitled thereto shall receive the benefits of compensation payable under article 3.

Mr. CAMPBELL of Kansas (reading)—

Provided further, That any insurance application made by a person after induction by the local draft board but before being accepted and enrolled for active service shall be deemed valid.

The gentleman is right as far as that is concerned but suppose, as the gentleman from Ohio suggested, on the way to mobilization, before he was regularly inducted, perhaps before the medical examination provided for, he has been injured and loses a limb?

Mr. SWEET. That is the very proposition we are carrying. This proviso takes care of these men between the time and up to the time they are in active service. For instance, if a young man left his home town and was going to the mobilization camp for examination and the train was wrecked and he was under military orders to go there he would be entitled to compensation. If during that period before being taken into active service he made an application for insurance the application would be good. It is good in case he is disabled, and we have another provision which carries automatic insurance.

Mr. BEGG. Mr. Chairman, the point I would like to bring out further than that is, if what the chairman of this committee said is an actual fact—and I do not mean to say that I do not absolutely think what he says to be true—but if that be the fact, what is wrong in saying that active service shall begin at the time the draft board ordered him to a demobilization point. Then there will be no question and no doubt about the man's service. I can see nothing in this proposition, unless it is, as the gentleman from Alabama says, to make it more difficult for the man who is actually injured in this service to secure some kind of an adjustment.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. RAMSEYER. What is the meaning of "induction by the local draft board?" In rural counties the draft board was located at the county seat. The boy is ordered by such an order as the gentleman from Massachusetts [Mr. ROGERS] read to go from say some 10 or 12 miles to the county seat to report to the local draft board. He is injured on the way to the county seat. He has not been inducted into the service?

Mr. BEGG. In my judgment he has not.

Mr. RAMSEYER. So if anything happens on the way to the local draft board——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. So, if the young man is on his way from his home under order of the military authorities to the local draft board and becomes injured, he would not be protected?

Mr. BEGG. He would not be. That is the way that I interpret it. Mr. Chairman, before the two minutes are gone I call the attention of the committee to another phase of this proposition. The most bitter time in the life of the boy and of his parents was the time when he was compelled to leave his home, and if there is a time when he is deserving the consideration and the protection of this Government it is at that time before he had really become hardened to military life. I can see no excuse nor any reason for not making it specific that his time of active service begun the very minute that he reported at the place he was ordered to report. As far as I am concerned, I am not in sympathy with the difference between active service and inactive service. For the purpose of the boys in this Army there were no moments of inactive service. The hour he reported was the most active hour of his whole military career, not even excepting the zero hour when he went over the top, if I am able to understand the feelings of these boys and of the parents in going about the country as I did, seeing thousands of them

leave. I am not in sympathy with anything that leaves even a question of doubt, and I know it can be made clear if you will use the word I have suggested that the active service begins the hour that he was ordered to report to the local draft board.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SNYDER. Mr. Chairman, I have an amendment which I desire to offer which I send to the desk and ask to have read.

The CHAIRMAN. There is an amendment already pending, and the gentleman's amendment can not be considered at this time.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word on the amendment.

Mr. VAILE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama has already been heard upon this proposition and the Chair will, therefore, recognize the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Chairman, I want to call the attention of the House to what I think is dangerous language in the use of this term "active service." The gentleman from Ohio [Mr. BEGG] has said appropriately that there ought not to be any distinction, for the purpose of this act, between active and inactive service. We have an example upon this very subject. Take the act providing pensions for Spanish War Veterans. The substance of the language is this, that the widows of volunteers in the Spanish War get pensions no matter where they served, but as construed by the Pension Department—and probably correctly under the wording of the act—the widows of the Regulars do not get the pensions unless they were in active service, which they call service at the front. For instance, I was a soldier in the Spanish-American War, a volunteer. Friends of mine enlisted in the Regulars for the purpose of serving in that war. My widow could have obtained a pension if I had left a widow at that time, whereas the widows of these other boys could not, because the term "active service," as construed by the Pension Department, meant service at the front. We are injecting into this bill the same kind of statement which may be construed in the same way. Why should there be a distinction between active and inactive service when the soldier is bound to perform any service that may be required of him, from the moment that he is ordered to report for duty after his induction notice? It has been developed in this discussion that everything that every one wants is in those particular lines in this section following the proviso.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. ROGERS. The suggestion has been made by the gentleman from Missouri [Mr. IGOE] that that is not true, because the provisos of this section refer only to draft men, whereas the substantive part of the provision at the beginning of the section refers to men who came into the service by voluntary enlistment, and therefore something like the first language of section 31 is necessary to take care of those men who volunteered and the beginning of whose service it is necessary to establish.

Mr. VAILE. I think the gentleman is correct in that criticism, but at all events the commencement of the soldier's service should be the time the man is first ordered to report for duty under the order of the draft board.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. PLATT. I got a letter from a man who was sent down to camp and who was immediately rejected, and he thinks that he is entitled to the bonus.

Mr. VAILE. He would be entitled to it, because he would have been subject to trial and to imprisonment on the ground of desertion if he had not answered the call.

Mr. PLATT. Why should he get $60 for riding on a train as far as the camp? If he was injured, I agree that he should have been compensated, but he was not.

Mr. VAILE. It may possibly be urged that we should have limited that proviso to apply only to those who had given 3 months or 10 months of service, but, as a matter of fact, it was intended to apply to all soldiers.

Mr. PLATT. But he was not a soldier until he was accepted by the organization that he was sent to.

Mr. VAILE. He was a soldier from the minute that he got that notice, because he could have been tried by court-martial and imprisoned for desertion.

Mr. PLATT. He was not a soldier until he was accepted by the organization that he was sent to.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman permit me to suggest a concrete case, which came to my notice? A boy was sent by the local board to the place of mobilization. On his way there the armistice was signed. He made application for the $00 bonus but was refused, because he was not inducted into the service.

The boy arriving at the camp an hour previous to the signing of the armistice received the $60 bonus. The question is whether the boy who was en route for the place of demobilization was inducted into the service according to the gentleman's philosophy.

Mr. VAILE. According to my philosophy he was a soldier from the minute he was ordered.

Mr. WATSON of Pennsylvania. And should he not receive the $60 bonus?

Mr. VAILE. And he should receive the compensation. It is not his fault if he did not render service.

Mr. WATSON of Pennsylvania. The bureau has denied such cases.

Mr. VAILE. I think the bureau is wrong.

Mr. EMERSON. I understand the $60 bonus was not paid to a man unless he had been sent by the draft board to the place of mobilization and was accepted.

Mr. VAILE. That may be correct but it ought not to be. He is a soldier from the minute he gets that notice.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last two words. The Judge Advocate General has made a decision as to when a soldier is held to be in the service and in making that decision has referred to the selective-service regulations, sections numbered 159D and 174. He holds, in substance, that from the moment the local board enters in column 24 of the classification list the time when the drafted man is to report for entrainment and mails to him notice to report, as required by the selected-service regulations, that from that moment, not from the receipt of the notice, not from the actual entraining, but from that moment, he is a soldier of the United States Army and is subject to orders just as any other soldier and is liable as a deserter if he fails to obey the order to appear for entrainment. Now, that makes a certain definite time at which the registrant becomes a soldier, and the point I am insisting on, whether I have made it clear or not, is that from that moment there should arise the presumption that the soldier was in sound physical condition and that he is entitled to compensation for any disability which may subsequently develop. Of course, it may be that his disability previously existed; it may be that the medical officer of the local board did not make a thorough examination; but there should at least arise from that moment the presumption that he was in sound physical condition when he is sent to the camp; and some weeks or maybe a month afterwards, when he has undergone the hardships referred to by the gentleman from Ohio [Mr. BEGG] and is then found to be physically disqualified, he ought not to be turned out unprotected, as this bill would leave him, unless he is able to make affirmative proof that his disability was incurred after he was inducted into the service. I simply want to make myself clear on that point, and I hope I have done so.

Mr. HASTINGS. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. HASTINGS. Does the gentleman think the burden of proof would be on the soldier if this language were adopted?

Mr. HUDDLESTON. I do indeed; and I say further to the gentleman that if the gentleman will observe the language of the proviso it protects merely the drafted man so far as it protects anybody. There is no protection in section 31 for the man who volunteers. He may be on his way to camp, suffer disability, and yet under that language the man who volunteers unless he is actually examined and enrolled at the camp is cut off entirely and can not get any compensation for his injury or from any disability which he may be found to be suffering from upon his final examination.

Mr. HASTINGS. I was not making any distinction——

Mr. HUDDLESTON. I know; but I wanted to call attention to that defect because it is a most glaring defect in this section and shows we ought not to adopt it. I am in favor of making a change in the language of that section along the line suggested by the gentleman from Ohio [Mr. BEGG] and strike out that part preceding the proviso and substitute therefor something like this: "A person shall be deemed to be in the active service from the time he is inducted, or if he volunteers, from the time he entrains for camp under order of the recruiting officer." That seems to me to be fair.

Mr. IGOE. The difficulty is the gentleman may go too far by simply saying "induction." There have been cases of induction where a man was allowed to remain at home for 30 days.

Mr. HUDDLESTON. No; induction carries with it the order to entrain.

Mr. IGOE. Not necessarily.

Mr. HUDDLESTON. There can not be an induction as held by the Judge Advocate General unless the man is ordered to entrain. That is what it takes to make induction.

Mr. IGOE. I think the gentleman is mistaken about that.

Mr. HUDDLESTON. No; no, indeed; that is right, I will say to the gentleman.

Mr. BEGG. I should like to read this amendment, which I shall offer if I get the opportunity, to see if it does not cover the very point the gentleman is talking about. Strike out, in line 18, the word "no" and insert "a." "That a person"——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. I ask that the gentleman be given two minutes. I want to ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BEGG. Then I would insert the word "a," and I will read it. "That a person is in active service in the military or naval forces of the United States within the meaning of this act," and then strike out further down the provisio, and insert this: "At the hour when he presents himself to his local draft board for transportation to the mobilization camp."

Mr. HUDDLESTON. I think that is excellent; much better than what I have suggested.

But I would suggest to the gentleman that he compare his language there and find out whether or not it is consistent with the amendments that have already been offered by the gentleman from Iowa [Mr. SWEET]. He has introduced some language to this section, I do not know exactly what it is, and it may be that the language proposed by the gentleman is not consistent with it. I would be very glad to have the gentleman offer the amendment. I hope it will be adopted, because I am afraid we will do a very serious injury to a great number of men, patriotic and fine fellows, unless we make some such provision for them.

The decision of the Judge Advocate General to which I have referred is contained in a letter which I recently received from the Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, September 5, 1919.

Hon. GEORGE HUDDLESTON,
House of Representatives.

MY DEAR MR. HUDDLESTON: I have the honor to acknowledge receipt of your letter of August 20 1919, addressed to the Judge Advocate General requesting information as to when a drafted soldier becomes a member of the Army, and to inform you that section 3 of the act of May 18, 1917, provides in part as follows:

"All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, * * *."

Sections 159D and 174 of the selective-service regulations (2d ed.) provide:

"SEC. 159D. Induction by local boards is accomplished by entering in column 24 of the classification list opposite the name of each registrant to be called for entrainment the day and hour on which the registrant is to report to the local board and by mailing, at the same time, to each such registrant an order (Form 1028, sec. 301, p. 250) to report to the local board for military duty at the hour, day, and place specified in said order, which shall be the same as that appearing in column 24 of the classification list after the name of such registrant. From and after the day and hour thus specified each such registrant will be in the military service of the United States, and either the entry of such date after the name of any such registrant on the classification list or the mailing to any such registrant of the order into military service shall constitute the giving of notice to such registrant that from and after such day and hour he will be in the military service of the United States."

"SEC. 174. Persons inducted into military service who fail to report to their local boards for military duty when ordered by their local board to do so or who shall absent themselves from entrainment or from their party en route to a mobilization camp are deserters and shall be proceeded against under section 140."

Beyond thus quoting the statute and regulations as above, little, if anything, by way of pertinent reply can be said, for every case of the nature suggested must be determined with due regard to all the peculiar facts and circumstances involved.

Very respectfully, yours,

P. C. HARRIS,
The Adjutant General.

Mr. SHREVE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it seems there should be no difficulty in determining the exact date upon which the activity of the soldier should be considered as having begun. That is very clearly set forth in the notice that was read by some gentleman just a few minutes ago, when he stated that the soldier's induction into the military service occurred on a certain day and hour mentioned in the notice. Now, from that very minute the soldier was absolutely out of control of the draft board. There was no authority in any State, unless it might be The Adjutant General, that could reach him. I presume that every member here has had more or less experience in trying to get some of the boys out of the military service after their induction, but found it was absolutely impossible. When they were once inducted into the service they were in the active service to all intents and purposes, as much as after they had gone to camp and passed examination and been assigned to some company. Now, if the young men were in the service at that moment, why should not all their benefits under this insurance act date back to the date of their induction into the military service, and why should not the act very clearly and specifically make that statement?

Mr. ROGERS. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. ROGERS. I quite agree that there is no difficulty in determining when a draftee's military service began, but will the gentleman tell me how we can determine the moment of the beginning of the military service in the case of a voluntary enlistment?

Mr. SHREVE. I am talking about the young man inducted into the service by way of the draft board.

Mr. ROGERS. The gentleman does not want to discriminate against the voluntary enlistment man, does he?

Mr. SHREVE. That is a different case entirely. I am speaking of the young man that is drafted, and I believe he is as much in the military service on the day and hour shown in his notice of induction as he ever was or will be in all his life. And then why should not all of his benefits under this act begin from the day and hour of his induction into the military service?

Mr. HULINGS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HULINGS. I wish to oppose the amendment. Everybody is getting a crack at this, and I think I will take a crack at it, too. My suggestion would be that we amend this thirty-first section so that it shall read:

That no person is in active service in the military or naval forces of the United States within the meaning of this act until he has received notice to report to the local draft board for induction and has in fact reported to said board, or, in case of a volunteer, from the moment he is sworn into the service.

It seems to me that would clear up this question. The Adjutant General in his decision as to when a person is in the military service is right in line with the notice which the President served on all these draftees, that at the time they served that notice they were in the military service, and the distinction brought up here between active service and inactive service I have never heard before. I have heard of a man being in the military service or in the retired service, but as to a man who is part in the service and part not in the service, inactive, I do not understand the distinction. I wish to bring to the attention of the committee his amendment, which I shall offer when an opportunity is given.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word for the purpose of asking a question.

The CHAIRMAN. The gentleman from Iowa moves an amendment, and is recognized for five minutes.

Mr. DOWELL. I desire only a moment. I want to make an inquiry of the committee. I notice the section under consideration merely applies to those inducted into the military service by the local draft board. When is a person in the service who volunteers his service? Is there a ruling upon that question to determine definitely when he comes within this act?

Mr. SWEET. That question does not arise, because if a man volunteers he is immediately inducted into the active service. He is examined and put into the active service; he goes immediately into that service. But in connection with the draft law he went before the draft board; and then, of course, he was inducted by the local draft board. He was then transported to the camp or other place of mobilization, where he was examined, accepted, and enrolled for active service.

Mr. DOWELL. This does not apply to anyone except in the draft. What I am inquiring about is where does the one who volunteers come in?

Mr. SWEET. He is inducted directly into the active service, and then comes under the provisions of the war-risk insurance act.

Mr. DOWELL. As soon as he takes the oath?

Mr. SWEET. Yes, sir.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SWEET].

Mr. VAILE. Mr. Chairman, let us have it reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Iowa.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. SWEET: Page 4, line 20, after the word "he" strike out "has" and insert "shall have."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 25, after the word "person" strike out the word "dies" and insert in lieu thereof the word "died."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 1, strike out "becomes" and insert "became."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SNYDER. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 5, line 10, after the word "valid" insert "*Provided further*, That every person inducted by the local draft board after October 11, 1918, who subsequently was rejected and not enrolled for active service at the place of mobilization, or who was recalled before acceptance and enrollment by reason of the signing of the armistice, shall, for the purposes of this act, be deemed to have been in active service for the period between such induction and rejection or recall."

Mr. SNYDER. Mr. Chairman, it seems to me that if the opinion of the gentlemen present here is correct there should be some provision made for the class of men mentioned in the amendment I offer. They are men who were called, possibly on the 9th of November, and who were entrained and traveled part of the way to camp, and were then returned and discharged from the service without opportunity to take out insurance or without opportunity, on account of their short period in the service, to make application for compensation for any accident which might have occurred to them on their way back and forth. It also contemplates taking care of a man who had some accident befall him after he had been received at camp and rejected.

I do not understand that this section 31 takes care of this type of man except in a limited way. In other words, if a draftee had opportunity and had taken advantage of it and applied for insurance between the 18 or 20 hours he was on the train going to the camp, he would be entitled to be an applicant for this governmental insurance, but not having taken advantage of that, or not having had opportunity to take advantage of it at that time, he is now estopped for applying for that insurance.

Now, I had some boys in this war, and there were a good many boys up in my country who went, and it is my belief that up to this discussion here and now every single mother and father or sister or daughter of a man who went believed that he was a soldier of the United States Government the minute he was called by the draft board and sworn in.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. SWEET. What date has the gentleman placed in the amendment?

Mr. SNYDER. The date I have placed in the amendment, so far as it shall be retroactive, is one month previous to the signing of the armistice.

Mr. SWEET. That would be October 11, 1918.

Mr. SNYDER. Yes; October 11, 1918, one month previous to the signing of the armistice. I would make it retroactive to that extent only.

Mr. SWEET. And your amendment, as I understand it, simply relates to insurance?

Mr. SNYDER. No; it relates to insurance and also to compensation. I do not attempt to define what was active service or when a man is a soldier, as interpreted by the War Department. But I desire to have these two types of men which I have mentioned placed in the attitude in regard to this bill where they would have been if they had been actual soldiers under the ruling of the War Department.

Mr. REED of West Virginia. Would they be entitled to the bonus?

Mr. SNYDER. No; they would not be entitled to the bonus unless some other act should pass to place them in the same position as my amendment would. They would be then entitled to the bonus.

I want to say here it is my judgment and belief that the people of this country would be pleased if the Congress would put those men who were drafted and sent to camp, even if they were recalled before they reached it, in the position where they might receive the bonus the same as those who went to war.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GREEN of Iowa. Mr. Chairman, so far as the purpose of the gentleman's amendment is concerned, I am not particularly opposed to it; but the gentleman's amendment says that "the persons covered by the proviso shall be deemed to be in the active service," while those named in the proviso as it stands are not in active service; also, others under the military law are not in active service.

Mr. SNYDER. If the gentleman will yield, I may say I am not responsible for what is in the bill now, but I am trying to correct what is in the bill by my amendment.

Mr. GREEN of Iowa. If the gentleman's amendment provided that the persons named in his proviso should be entitled to compensation or insurance—whichever it may be—or both, as may be indicated, I do not know that I would oppose it. But as it stands now, it simply upsets all military law and all rules and regulations that we have now; and it would produce all sorts of confusion.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. RAMSEYER. So far as insurance is concerned, I will say to my colleague from Iowa that the first class of persons is covered by section 401, on pages 10 and 11.

Mr. SNYDER. It does not cover that.

Mr. GREEN of Iowa. The gentleman from Minnesota [Mr. ANDERSON] calls my attention to the same thing, so that this amendment covers that matter. It may be in conflict with some other provision.

Mr. SNYDER. It may be in conflict, but this amendment does not do what my amendment proposes to do.

Mr. HULINGS. Mr. Chairman, I would suggest to the gentleman that the inconsistency he has pointed out in this part of the amendment would be cured by an amendment that I have to offer.

Mr. GREEN of Iowa. Is it an amendment to the amendment?

Mr. HULINGS. No; it is not an amendment to the amendment. It is in the first part of the bill, whereas the gentleman's amendment is to add it to the bill. Section 31 should be amended so that a person shall be deemed to be in the active service in the military or naval forces of the United States within the meaning of this act who has received notice from the local draft board for induction, and who has in fact reported to said board, or in the case of a volunteer, from the moment he is sworn into the service.

Mr. GREEN of Iowa. The question I wanted to come to is this—and I regard it as very important: I do not think we ought to meddle with this matter of active service. It is not necessary to determine whether the soldier is entitled to insurance or not that we should use the term "active service" at all.

We could fix the time when he would be entitled to compensation or insurance; and I say that time ought to be as soon as he received any order from the Government, or as soon as he acted under orders from the Government. From that time he should be entitled to compensation and insurance while acting in pursuance of those orders.

Mr. BEGG. Will the gentleman yield?

Mr. GREEN of Iowa. If I have time.

Mr. BEGG. This question should be addressed to the Chair as a parliamentary inquiry: Is it possible to offer another amendment, that I think does what you want to do, before this question is disposed of?

Mr. GREEN of Iowa. I understand—although the Chair is the final authority—that the adoption or rejection of these amendments will not prevent the offering of other amendments, unless they are absolutely in conflict with an amendment already adopted.

The CHAIRMAN. The Chair will answer the gentleman's parliamentary inquiry by saying that no amendment can be offered, except an amendment by way of substitute, until the amendment of the gentleman from New York [Mr. SNYDER] is disposed of.

Mr. ROGERS. I have an amendment in the nature of a substitute.

Mr. GREEN of Iowa. My time is slipping away, and I want a word more on this subject. It really seems to me as if this whole section ought to be redrafted, and that it would be a good plan to pass it over for that purpose. I doubt whether the section is as broad as the majority of the members of the committee

would like to have it, and it could be expressed in very simple language, that the right of the soldier to insurance or compensation was to begin from the moment that he was acting under any orders from the Government.

Mr. ROGERS. Mr. Chairman, I offer a substitute for the amendment of the gentleman from New York [Mr. SNYDER].

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Substitute by Mr. ROGERS: Strike out all of lines 18 to 25, inclusive, on page 4, and all of lines 1 to 10, inclusive, on page 5, and insert in lieu thereof the following: "That an inducted person shall be deemed to have been in active service in the military or naval service of the United States within the meaning of this act from and after the moment of induction."

Mr. ANDERSON. I make the point of order that that is not a substitute for the amendment offered by the gentleman from New York [Mr. SNYDER].

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULINGS. Mr. Chairman, I offer an amendment.

Mr. ANDERSON. Let us have a vote on the pending amendment.

Mr. HULINGS. I offer the following substitute.

The CHAIRMAN. No vote can be taken on the amendment of the gentleman from New York as long as substitutes are properly presented. The gentleman from Pennsylvania offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. HULINGS: Page 4, line 20, after the word "have," strike out all down to the word "*Provided*," in line 23, and insert in lieu thereof the following: "Received notice to report to the local draft board for induction, and has in fact reported to said board, or in case of a volunteer, from the moment he is sworn into the service."

Mr. ANDERSON. I make the point of order that the amendment is not in order as a substitute.

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from New York [Mr. SNYDER].

The question being taken, the amendment of Mr. SNYDER was rejected.

Mr. BEGG. Mr. Chairman, I have an amendment to offer.

Mr. HULINGS. I now offer my amendment.

Mr. BEGG. That was offered as a substitute.

Mr. HULINGS. I now offer it as an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. HULINGS: Page 4, line 20, after the word "have," strike out all down to the word "*Provided*," in line 23, and insert in lieu thereof the following: "Received notice to report to the local draft board for induction, and has in fact reported to said board, or in case of a volunteer, from the moment he is sworn into the service."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. SWEET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SWEET: Page 4, line 18, after the words "section 31," strike out all down to and including the word "*Provided*," in line 23, page 4.

Mr. SWEET. Mr. Chairman, this will take out of the discussion all matter with reference to active service.

Mr. DEWALT. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. DEWALT. Is the gentleman quite sure that by doing that he will take care of volunteers other than drafted men—officers and volunteers?

Mr. SWEET. Yes; I will say to the gentleman that I took this matter up with the Treasury Department as to whether this section applies simply to drafted men, and was informed that the question would not arise as to a man enlisting in the Navy or as to a volunteer in the Army, for the moment he took the examination he was inducted into the active service. That was the statement made to me.

Mr. OSBORNE. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. OSBORNE. I ask for information. Every discharged soldier has a discharge which shows on its face when he enlisted and when he was discharged. Does this bill in any way mix up those dates? Would not the date which shows on the face of the discharge be the date that would control in this matter?

Mr. SWEET. I do not think that would affect it.

Mr. OSBORNE. In other words, the War Department has a method of deciding when a man went into the military service, and that date should be the controlling date and they ought not to be mixed up.

Mr. SWEET. That is not for the purposes of this act; that is for military purposes.

Mr. OSBORNE. Then I understand that the date upon which certain rights accrue under this bill might be a different date from that which the department certifies is the date of the man's entering into the service?

Mr. SWEET. Yes; it might.

Mr. OSBORNE. I should think that would be very awkward.

Mr. SNYDER. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. SNYDER. In case the gentleman's amendment prevail and that part of the section be stricken out, whether or not a man who, on his way either to the camp or back from the camp, in case he was recalled before he had an opportunity to be inducted into mobilization, was injured, whether or not he would have an opportunity under this act to make application for compensation?

Mr. SWEET. I do not think it interferes with it at all.

Mr. SNYDER. Would he have the right to do so?

Mr. SWEET. Yes.

Mr. SNYDER. Would he have the right to apply for insurance?

Mr. SWEET. No; but if he had made application for insurance during that period it would be valid under the provisions of this bill.

Mr. SNYDER. That was the very point of my amendment.

Mr. SWEET. The gentleman must remember that every enlisted man had 120 days to apply for insurance, and if he did not apply he is not entitled to it.

Mr. SNYDER. But the man who was drafted and sent to camp and returned without being inducted into mobilization did not have 120 days to apply for insurance.

Mr. SWEET. That is true; but if he made application between the time of induction by the local draft board and before being accepted and enrolled for active service, then that insurance application is good. We further provide for automatic insurance during that period if he died or was totally disabled, and his dependents will get $25 a month in case of his death.

Mr. SNYDER. The thing I am trying to cover, and this does not seem to do it, is of a man who was called back by the armistice, and who during the day and night he was on his way had no opportunity to make application for insurance, and now he has got out of it.

Mr. SWEET. The gentleman is trying to make provision for men on the way to camp on the 11th of November, 1918?

Mr. SNYDER. That is the point; I think any man that was called at that time and put into the service is entitled to have at this late day the right to make application for Government insurance.

Mr. ROGERS. Mr. Chairman, I would like to ask the gentleman from Iowa, if his amendment prevails, if the proviso will change existing law; and if so, in what way? If the gentleman's amendment prevails, there will be portions of the sections which are now provisos but which will become substantive. Wherein will that portion of the section change existing law?

Mr. SWEET. At the present time the War Risk Insurance Bureau in administering the act holds that a man is in the active service as defined in the provision that I am about to strike out. That is the rule they follow. When the rest of this section is adopted, when it is passed, it will take care of men between the time they were inducted into the service by the local draft board up to the time they entered active service as construed by the War Risk Insurance Bureau.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. Mr. Chairman, I move to strike out the last word. I want to say by way of apology that I hesitate to oppose anything that comes from the chairman of any committee, but it strikes me as rather ludicrous to offer a section in any bill that seeks to point out the kind of application, if you please, or the remedy for some ill or injury suffered, then to incorporate in that paragraph two provisos making an exception, and then finally to have the chairman offer an amendment to cut out everything except the two provisos. I do not believe, if you cut out everything except the provisos, that you have done what you are trying to do. By the provisos you at least place the burden of proof upon the soldiers, and I do not believe that any further proof is needed than to show that the soldier has been examined by his local draft board and has been accepted and ordered to report at a certain place at a certain hour for a definite purpose. It seems to me that that ought to be absolute and conclusive proof, while on page 5 and in both of your provisos you say, provided he can prove that it was not due to willful neglect on his part. I do not believe that is accomplishing what we want to do.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. DALLINGER. Suppose the amendment of the gentleman from Iowa is adopted and then an amendment is offered, which I had intended to offer, striking out the words "contracted or injury suffered in the line of duty," leaving in simply the words "not due to his own willful misconduct," and striking out all of the words beginning with "or" down to "injury" in the fifth line, so that it would read:

the person dies or becomes disabled as a result of disease not due to his own willful misconduct those entitled thereto shall receive the benefit.

And so forth. Would not that answer the very purpose we are after?

Mr. BEGG. That might answer it, but it seems to me there can not be anything any simpler than this proposition, and I want to say to the gentlemen of the committee, if the defining of what is "active service" is a bugaboo and is something we should not tamper with, we can leave it out and leave the language in the first part, providing that any person who is in the military service subject to the provisions of compensation and insurance and so on down to the word "act," and then insert "at the hour when he presents himself to his local draft board for transportation to the mobilization camp." If you do that, you do not leave a question of doubt, if I can understand the English language, and you have covered every case that you have been talking about, and you have not eliminated any of them, nor is the language complex or capable of being contested and interpreted in two or three different ways. I believe you are making a mistake if you hurriedly go into this thing and cut out the whole of the proposition and leave your proviso. That seems to me to be absolutely wrong and contrary to all of the practices that we have studied in composition.

Mr. HULINGS. Does that provide for the enlisted man, the volunteer?

Mr. BEGG. The volunteer is taken care of in the language—

that any person shall be deemed to be in the military service subject to the provisions—

And so forth.

Mr. HULINGS. But the volunteers did not report to any board.

Mr. BEGG. They reported to somebody.

Mr. HULINGS. But you say the board.

Mr. BEGG. I do not say that. I say "at the hour when he presents himself for transportation to his mobilization camp."

Mr. HULINGS. The bulk of the volunteers belonged to organizations and half of the organizations were taken in intact and sworn in, and they were then in the service.

Mr. ESCH. Mr. Chairman, I move that the debate on this section and all amendments thereto be now closed.

Mr. FESS. In two minutes.

Mr. ESCH. Make it in two minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin that all debate upon the section and all amendments thereto close in two minutes.

The motion was agreed to.

Mr. REED of New York. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. There is an amendment pending. The gentleman can present his amendment after debate is exhausted. Does the gentleman wish to speak to the amendment?

Mr. REED of New York. I would just like to speak about two minutes.

The CHAIRMAN. Without objection, the amendment will be read for the information of the committee.

There was no objection.

The Clerk read as follows:

Amendment by Mr. REED of New York: On page 5, line 3, after the word "misconduct," insert the words "involving moral turpitude"; and insert after the word "misconduct," in line 4, the words "involving moral turpitude."

The CHAIRMAN. The gentleman from New York is recognized for two minutes.

Mr. REED of New York. Mr. Chairman, I can see that it is the wish of every Member of this House to do absolute justice to the soldier. I am satisfied that there is no man here who wants to split hairs. As the language of the bill now reads, there is likely to be a great injustice done. Under the law, as it now reads, considerable injustice has been done. We know that the American boy has initiative and we know for that reason that he often transgresses the rules, which, of course, is construed as willful misconduct, if it results in disability under this act. I want to give just two examples: In France they had a rule that boys could not leave a train, but when they came into a small town many of them would leave the train and run across the way to get a sandwich. One of the boys was a little late in getting back, the door was closed on him, and both legs were cut off at the hip. Under the law, as it now reads, that accident resulting in disability happened as the result of his own willful misconduct and he was absolutely cut off from insurance or compensation. Another case on the other side was where an American boy was flying. They had established a certain zone near the front and beyond which he should not fly. He happened to get over the line, fell a thousand feet, and there was a total disability. Under the wording of the law he could not receive any compensation, he could not receive any insurance. Now, I have known cases, and there will be any number of them, where boys have transgressed the rules, not involving moral turpitude, which deprives them of the benefit of this law. I believe there should be some discretion given in such cases, and by agreeing to this amendment you will see that justice is done in a great many cases, which will not affect discipline now that the war is over. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 5, line 3, after the word "misconduct," insert the words "involving moral turpitude"; and after the word "misconduct," in line 4, insert the words "involving moral turpitude."

The question was taken, and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. RAYBURN) there were—ayes 35, noes 13.

So the amendment was agreed to.

Mr. FESS. Mr. Chairman, I offer an amendment on page 5 line 7, to strike out the word "further."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 7, after the word "*Provided,*" strike out the word "further."

The question was taken, and the amendment was agreed to.

Mr. IGOE. Mr. Chairman, I have been trying for about an hour to get this amendment before the committee, and I would like to have it reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 7, after the numeral "III," insert:

"*Provided*, That if any person after registration, but prior to induction, shall die or become disabled as the result of a surgical operation submitted to by order of a local draft board, or whose physical disability is aggravated by reason of such surgical operation, he or those entitled thereto shall receive the benefits of compensation payable under Article III."

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. IGOE) there were—ayes 19, noes 32.

So the amendment was rejected.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Page 5, line 1, after the word "disease," strike out "contracted or injury suffered in the line of duty and," and in line 3, after the word "misconduct," strike out the words "or as a result of the aggravation in the line of duty and not because of his own willful misconduct, of an existing disease or injury."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That the second paragraph of section 204 of the war-risk insurance act is hereby amended to read as follows:

"The family allowance shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than four months after the termination of the present war emergency. No family allowance shall be made for any period preceding November 1, 1917. The payment shall be subject to such regulations as may be prescribed relative to cases of desertion and imprisonment and of missing men."

Mr. HUDDLESTON. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HUDDLESTON: Page 5, line 16, after the words "the service," strike out the remainder of the sentence "but not for more than four months after the termination of the present war emergency."

Mr. HUDDLESTON. Mr. Chairman, the purpose of this section as it is reported by the committee is to cut out the present

allowance and allotment feature of the soldiers' and sailors' insurance act. In other words, after the expiration of four months after the present emergency no allowance would be paid to a soldier's dependents. That is the purpose of the bill as reported by the committee. The purpose of my amendment is to retain that allowance feature during the future.

We have 110,000 men who have enlisted since the armistice was signed. A great many of those men went into the service having dependents. Practically every one of these went into the service with the expectation that during his period of service his dependents would receive the allowances given by the Government as provided by the existing law. If we cut off allowances to the dependents of all those soldiers, a great deal of suffering will result. A great many of these soldiers are men who served during the emergency, who were taken into the service as volunteers or as conscripted men. They re-enlisted, and have expected to continue to derive the same benefit they enjoyed theretofore, and to get the Government allowance for their dependents. There was a promise of these allowances held up to these men to induce them to enlist, and they enlisted in the expectation of getting them. There is a moral contract between the Government and these men who have enlisted under the existing law to pay these allowances to their dependents during the existence of their present period of enlistment. If we take away these allowances from these men who have enlisted, we will not only work a great hardship upon their dependents and cause a great deal of suffering among their wives, children, and mothers, but we will have broken the faith of our Government with these men. We will violate the implied pledge that we made them; we will change the terms of their contract; we will take away thereby a part of the compensation which they expected to get and which they would get under the existing law.

I submit we can not afford to take away these allowances unless we give these men who enlisted with the expectation of receiving them for their families the option of receiving their discharges. We ought to put them back in the same situation as when they enlisted. If we change that moral obligation, whether we violate a legal contract or not, we will do violence to good faith, and that we can not afford to do. These men may be called upon to undergo arduous service, perhaps to suffer a great deal. Their dependents at home will be caused to suffer by taking away these benefits that they had the right to count on. So that it seems to me we can not afford to put this law upon the books.

Mr. SANDERS of Indiana. Mr. Chairman, the answer to the argument by the gentleman from Alabama is found by merely reading the part of the old law that is proposed to be amended. The law as it exists at present is as follows:

The family allowance shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than one month after the termination of the present war emergency.

The gentleman has appealed to us that we want to keep our contract, the agreement of our Government, with the soldier. Now, the gentlemen who prepared this bill not only proposed to keep our contract with the soldiers, but they went further and provided in the present proposed section, in the place of one month, the following:

But not for more than four months after the termination of the present war emergency.

So that the mere reading of the old section and the present proposed amendment answers all of the argument of the gentleman from Alabama.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. I have yielded the floor, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HUDDLESTON. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama asks for a division.

The committee divided, and there were—ayes 6, noes 78.

So the amendment was rejected.

Mr. HULINGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULINGS: Page 5, line 15, strike out all after the word "enlistment," in line 15, down to and including the words "to death in," and insert in lieu thereof the following: "until one month after the death of the soldier while in service."

Mr. HULINGS. Mr. Chairman, it seems to me the section as it is presented here permits the family allowance to be paid in case of death up until that time, but if a soldier remains in the service the family allowance is paid for one month after his discharge, so that if the amendment should be adopted the section would read as follows: "The family allowance shall be paid from the time of enlistment until one month after the death of the soldier or after his discharge from the service," putting both the cases, one in case of death and the other in case of survival, on the same ground exactly.

Mr. ESCH. This is the language of the statute.

Mr. HULINGS. We are making a statute here now.

Mr. ESCH. Let us see if we are.

Mr. HULINGS. I suppose if the committee does not favor this very sensible and practical amendment it will go out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That a new section is hereby added to article 2 of the war-risk insurance act, to be known as section 211, and to read as follows:

"SEC. 211. That all family allowances and allotments payable by the Bureau of War Risk Insurance under the authority of this article shall be discontinued at the end of the fourth calendar month after the termination of the present war emergency, as declared by proclamation of the President of the United States, and thereafter all allotments of pay shall be voluntary and shall be made under such regulations as may be prescribed by the Secretary of War and the Secretary of the Navy, respectively."

Mr. WEBSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Arkansas.

The Clerk read as follows:

Amendment offered by Mr. WEBSTER: Page 6, line 9, after the word "respectively," insert "Sec. 10½. That the second paragraph of subdivision (g) of section 301 of the war-risk insurance act is hereby amended to read as follows: 'If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from service, the United States shall pay for funeral expenses and the return of the body to his home a sum not to exceed $100, as may be fixed by regulations.'"

Mr. WEBSTER. Mr. Chairman, the second paragraph of subdivision (g) of section 301 of the war-risk insurance act as it now stands reads as follows:

If the death occur before discharge or resignation from service the United States shall pay for burial expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulations.

It will be noted that this language is prospective in its operation only. The Bureau of War Risk Insurance very properly has held that it is not retroactive, and that in order for these funeral expenses to be allowed or awarded the death must have occurred subsequent to the taking effect of this act, which was on October 6, 1917. By that ruling there is an interim of six months between the declaration of war and the taking effect of the war-risk insurance act, where no funeral benefit is allowed, so that we have this incongruous situation: In cases where the soldier died subsequent to October 6, 1917, the Government makes this award not to exceed $100. If he died in the service of his country subsequent to the declaration of war but prior to October 6, 1917, no award is made.

It seems to me that if it is the policy of the Government to see to it that those men who died in the service of their country are afforded a suitable burial, there should be no discrimination, but the law should be made applicable to every soldier who gave up his life in the service of the country. The amendment proposed accomplishes this purpose.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WEBSTER. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman's amendment appears to me at first blush to be a very proper one, and I want to ask if it is a committee amendment, or if it is accepted by the committee?

Mr. WEBSTER. I have submitted the amendment to the chairman of the subcommittee [Mr. SWEET], to the ranking minority member [Mr. RAYBURN], to the chairman of the Committee on Interstate and Foreign Commerce [Mr. ESCH], and it meets with their approval.

Mr. SWEET. Mr. Chairman, we have no objection to the amendment of the gentleman from Washington [Mr. WEBSTER].

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Washington.

The amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Insert after line 9, page 6, the following:

"SEC. 10a. That a new section is hereby added to article 2 of the war-risk insurance act, to be known as section 212, and to read as follows:

"SEC. 212. That whenever an application for family allowance has been, or shall hereafter be, presented to the Bureau of War Risk Insurance by or on behalf of any person within class A, and it shall after due investigation be determined that the necessary relationship existed between such person and an enlisted man in the active military or naval service at the time when the application was made, and that compulsory allotment has not been waived or exemption therefrom granted, a family allowance shall be awarded and paid for the full period defined in section 204 hereof or for such part of said period as it shall be shown that the relationship existed, notwithstanding the fact that no deductions from the pay of the enlisted man for compulsory allotment in favor of such person have been made, and notwithstanding the further fact that the enlisted man has been discharged from the military or naval forces of the United States. (Wherever it appears that an enlisted man has been discharged from the service without having had deducted from his pay all or any part of the allotment which is made compulsory by the terms of the act, the amount of such allotment shall nevertheless be paid by the Bureau of War Risk Insurance to the person or persons entitled thereto out of any appropriation which may hereafter be made for the purpose of paying such allotments.) Any awards heretofore made which are inconsistent with the provisions of this section may upon application be reopened and made to conform herewith."

Mr. TREADWAY. Mr. Chairman, the purpose of this amendment is to accomplish what I also tried to accomplish through the submission of a claims bill some weeks ago. That claims bill was presented by the chairman of the Committee on Claims [Mr. EDMONDS] to the department, and received an indorsement from the Secretary of the Treasury, from which I should like to read extracts.

Perhaps I should first explain the circumstances. They are these: A man entered the service about the time the war broke out. He had had a quarrel with his family. He left a wife and four children. He made no allotment to his wife. The wife claimed the compulsory allotment under class A. The marriage certificate, as well as the birth certificates of the children, were submitted to the department, and I have copies of them here. The pay—$15 per month—which should have been allotted to the wife would have carried with it the family allowance, the proper allowance according to law for the wife and children. The man's commanding officer was notified twice to check this compulsory allotment against the man's pay, the law providing, as you well know, that the allowance could not be paid unless the allotment was first deducted. For some unknown reason that allotment was never checked against the man's pay, and he was discharged in May last without a cent having been deducted for the allotment as provided by law.

The Secretary of the Treasury, Mr. Carter Glass, under date of September 6, goes very minutely into the details of this case, and for the purpose of explaining the amendment which I have presented I will read the conclusion of his letter. If any Member desires the whole letter inserted in the RECORD I shall be very glad to put it all in. Secretary Glass says:

In conclusion, I would say that the bureau has before it quite a number of cases similar to that of Mrs. Beaudry, and of no less merit respecting the facts, and I would call to your attention H. R. 8074, which was introduced by Mr. TREADWAY on July 31, 1919, and referred to the Committee on Interstate and Foreign Commerce. The bill purports to give relief in all cases such as the one under consideration, and it would seem that if relief were to be granted in cases of this nature it would be more appropriate and just to do so by a general act rather than by separate bills covering only individual cases.

Perhaps I should also read one other extract in reference to the notification sent by the department to check against the man's pay:

The delay from September 25, 1918, when proofs of relationship were completed, to March 24, 1919, when notice was sent to check Beaudry's pay for allotment to his family, was, it must be admitted, in part without apparent excuse.

Now, all the time this man was in the service his wife was deprived not alone of the allotment which under the law was compulsory to be made, but also of the family allowance, through no fault of hers.

The Secretary of the Treasury confirms the fact that the delay was, in part, without apparent excuse. He also says that instead of presenting the claim such as I did, by special bill, it would be fairer and more in keeping to present a general bill to cover all such similar cases. Consequently I asked for a further opinion from the Secretary of the Treasury, and I have this letter:

THE SECRETARY OF THE TREASURY,
Washington, September 11, 1919.

Hon. ALLEN T. TREADWAY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN:

(1) H. R. 8151 for the relief of Mrs. Emma Beaudry.

(2) As to general amendment to war-risk insurance act to cover Beaudry and similar cases.

Responding to your request, by telephone, that I inform you respecting my views as to the advisability of an amendment to the war-risk insurance act which would give relief in all cases similar to that above noted, allow me to say:

1. That in my judgment such an amendment would afford relief to many worthy persons whose claims to allotment and allowance lack merit in law only and not in fact, and hence is desirable as a matter of justice.

2. That while H. R. 8074 is appropriate in a measure to accomplish the result above indicated as being desirable, yet it is not entirely so, nor in some respects is it aptly worded; and that if you so desire I shall take pleasure in having drawn and in submitting to you an amendment such as, in my judgment, would more adequately and appropriately meet the situation.

Sincerely, yours,
CARTER GLASS.

Conforming to the letter of the Secretary I have introduced an amendment prepared by his office. It was submitted to me this morning with the following letter:

TREASURY DEPARTMENT,
Washington, September 11, 1919.

Hon. ALLEN T. TREADWAY,
House of Representatives, Washington, D. C.

MY DEAR MR. TREADWAY: I am forwarding to you herewith a draft of a proposed amendment to H. R. 8778, to take the place of a typewritten amendment which, I understand, was drafted by Mr. SWEET and submitted to the Treasury Department this morning. The draft submitted is intended to accomplish the same purpose, but is believed to meet the situation more adequately and definitely. It is very broad in its terms and imposes a liability upon the United States, which is much broader than that imposed by the war-risk insurance act as it has been interpreted in the past by the bureau. It is not broader than it should be in order to do justice in such cases as the Beaudry case and others of a similar nature.

Very truly, yours,
R. H. HALLETT,
Acting Director.

The amendment I have submitted, Mr. Chairman, is the one referred to by Acting Director Hallett, and which, in his letter, he says is no broader than justice of such cases as this requires.

I have submitted these papers to the subcommittee—perhaps I have overburdened them in regard to this matter, but in a sense it seems quite important. The only question of difference between the subcommittee and myself is whether or not the allowance and the allotment should both be included in this form of an amendment. I claim they both should be included, because the beneficiary is entitled to the allotment from the soldier, and the papers of the department very clearly show in this case, as quite likely they do in similar cases to which it refers, that it is no fault of the beneficiary that the allotment has not been deducted and checked against the soldier's pay.

The whole question involved is whether or not we will protect the Government to the extent of not paying that allotment twice, or whether we would see that justice is done to such a woman as the wife to whom I have referred and to whom the department says payment should now be made. Therefore I submit the amendment in the form that it was drawn by the department for consideration by the committee.

Mr. BLACK. Mr. Chairman, I offer an amendment to the amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK to the amendment of Mr. TREADWAY: After the words "United States" strike out the following language: "Wherever it appears that an enlisted man has been discharged from the service without having deducted from his pay all or any part of the allotment that is made compulsory by the terms of the act, the amount of such allotment shall, nevertheless, be paid by the Bureau of War Risk Insurance to the person or persons entitled to it out of any appropriation which may hereafter be made for the purpose of paying such allotment."

Mr. BLACK. Mr. Chairman, I am in thorough and hearty accord with the first part of the amendment of the gentleman from Massachusetts [Mr. TREADWAY], but I think the second paragraph of the amendment, which provides that the Government shall pay the compulsory allotment that was not deducted from the pay of the soldier and that was paid to him at the time of his discharge should be stricken out. In many cases this amount had been withheld from the soldier until the time of his discharge, but it was then included in the final settlement and, according to the view I take, became a closed transaction. I do not think there is any difference of opinion among any of us that the Government allowance ought to be paid to the wife and children, notwithstanding the soldier made no compulsory allotment and notwithstanding that fact was not discovered until he was released from the service. The gentleman from Massachusetts [Mr. TREADWAY] cites a case that makes rather a strong appeal, where there was an estrangement between the wife and husband, and he willfully failed to make an allotment, and there was no checkage against his pay, and none could be made after his discharge, and therefore under present law no allowance can be paid to the wife and children. That would be one of the classes of cases that we would expect to come up under an amendment of this kind, but I have a case in my own district that presents an entirely different phase of the matter, and which phase ought to be considered in determining whether or not we adopt this amendment offered by the gentleman from Massachusetts or amend it as I propose. The case that was

brought to my attention was a case of this kind: The soldier went into the Army in July, 1918. On July 30, 1918, he filed his allotment application and stated he had no dependents. He married August 25, 1918, after he had gone into the service, and of course under the law the wife was entitled to receive a compulsory allotment and a Government allowance, and the young man executed, so he says, a supplementary application in which he disclosed that he was married, but it seems the application was lost and never reached the War Risk Insurance Bureau. Finally the young fellow went overseas with the American Expeditionary Forces, and still the wife received no allotment and allowance, and in December, 1918, she took the matter up with me as her Congressman and asked me to assist her in getting it straightened out. I promptly brought the case to the attention of the War Risk Insurance Bureau. They looked up their files and found no allotment had been made and that the only application they had on file in his case was the one of July 30, 1918, which stated he was unmarried. They communicated with his officer over there in France about the checkage of his pay.

Along in January and again in February I wrote again and still no report, and letters passed to and fro between the War Risk Insurance Bureau and the War Department until finally in May, 1919, the soldier was discharged, paid off, and went back home to his wife, and inasmuch as there had been no deduction from his pay to pay allotment to his wife, there can now be no payment of the Government allowance until an amendment is adopted authorizing it. He has been paid, and yet if we adopt this amendment without my amendment the Government of the United States will pay the allotment, notwithstanding it has no fund belonging to the soldier to pay it from. There was no estrangement between the wife and the husband. There was no effort on his part to evade the payment. The Government, through the combination of facts which I have stated, did not succeed in making a check-up on his pay, and no allotment and allowance was paid, and the soldier received all of the money that was due him and went home to his wife and presumably took the money home that was paid him on final settlement. Are we to say that the Government ought to make an appropriation to pay that compulsory allotment for each and every month that the soldier was in the service after the marriage relation was assumed?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. The position I take is this: All that the Government owed as a debt was the allowance. It unquestionably owed that. The money that it should have paid as an allotment was the money that the soldier owed. The Government of the United States owed it to the soldier and the soldier owed it to his wife, and the Government stood there as the custodian of the fund, and would have paid it over as a compulsory allotment but for the fact that it was one of those cases that were not straightened out until after the soldier's discharge.

Cases have arisen of the two kinds that we have mentioned where the soldier willfully failed to do his duty, and cases where errors crept in, and of course there may be other cases of still a different combination of facts; but my contention is that all that the Government is morally responsible for, and it unquestionably is responsible for that, is to pay the allowance from the very time that the wife and children were entitled to receive it.

Under the law in the case cited by the gentleman from Massachusetts, the wife and four children would be entitled to receive, I believe, $52.50 as Government allowance per month.

Mr. TREADWAY. That would include the allotment, would it not?

Mr. BLACK. Possibly so. I am not exactly clear about the amount unless I should take the time to refer to the act, but any way, whatever it is, the Government ought to go back and make a checkage of it and pay the entire allowance. I do not think there is any dispute about that. The only effect of the amendment I have offered would be to so change the amendment of the gentleman from Massachusetts [Mr. TREADWAY] that the War Risk Insurance Bureau would go back and check up all of these cases and pay the Government allowance, but would not undertake to pay the compulsory allotment that has already been paid to the soldier in his final settlement at time of his discharge.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. SMITH of Michigan. As I understand the gentleman, the law allowed this to the wife? The wife was entitled to receive the allotment under the law?

Mr. BLACK. Yes.

Mr. SMITH of Michigan. But the Government did not pay it to the wife because of the construction they put on the law at the War Risk Insurance Bureau? Why did they not pay it to the wife?

Mr. BLACK. If the gentleman will permit me, the situation is this: The Government did not pay the allowance, because it had no authority under the law to pay the allowance unless the compulsory allotment was made. Many cases were like this: The soldier went into the Army a single man and filed his application, showing that he had no dependents, and then subsequently he married. Also there were cases where the soldier deliberately concealed the fact that he had a wife or children. There were probably not many cases of that sort, but there were some.

Mr. SMITH of Michigan. The law only allowed on the application.

Mr. BLACK. No; the allotment was compulsory to wife and children, but unless the soldier disclosed these relations in his application the War Risk Bureau had no way of knowing. The truth of the matter is that the wife should not be cut out of the allowance; that is quite clear.

Mr. MACCRATE. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MACCRATE. I ask that the gentleman may have two more minutes to answer a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MACCRATE. Does not the gentleman think that a wise limitation on all of these payments would be to put in a provision that no money shall be paid to anyone if they have made no claim during the war?

Mr. BLACK. I do not. I think the wife very clearly and unmistakably is entitled to the allowance, unless the soldier was granted an exemption from compulsory allotment in accordance with provision of the present law. Of course, there are cases where the soldier was entitled to exemption and she should not benefit——

Mr. MACCRATE. The gentleman does not quite understand. If the Government has already paid to some one else the allotment, and the wife, as in the case of the gentleman from Massachusetts, made a claim, she certainly should get it, but had she made no claim during the period where the money had been paid to some one else, does the gentleman think the Government ought to make a duplicate payment?

Mr. BLACK. My position is this: I think if a man was legally married and did not have the right to be exempt from compulsory allotment, the wife and the children are absolutely entitled to the Government allowance without qualification.

Mr. RAYBURN. Mr. Chairman, my colleague has so thoroughly covered this proposition that I do not desire to take up the time of the committee very long, but I do seriously urge upon the committee the consideration of this proposition and I do trust that the amendment of the gentleman from Texas to the amendment of the gentleman from Massachusetts [Mr. TREADWAY] will be adopted. Now, if this amendment of the gentleman from Massachusetts is adopted in toto, then it matters not. The man and his wife may not be living separate after he comes back from the war and he has drawn $30 a month and spent it. If this is enacted into law, then he and his wife, when they get back together, will draw $15 a month more pay from the Government for every month he served added to the allowance they would have gotten from the beginning at the time that the award should have been made and further proof made. It seems to me as if we were becoming just a little bit reckless here in passing money around.

Mr. TREADWAY. Will the gentleman yield for one question?

Mr. RAYBURN. I will.

Mr. TREADWAY. It is largely based on the statement made by his colleague from Texas relative to the payment to a man being his wages. I personally would like to ask the gentleman's view as to whether or not he considers the law providing that this money, $15 a month, must be taken out of his pay for his wife and family is the man's pay? I do not so consider it. I consider she as the wife has a lien on that amount of his wages. We raised the pay of the men during the war for the purpose of caring for their families at home.

Mr. RAYBURN. But the wife did not get the money.

Mr. TREADWAY. Through no fault of hers.

Mr. RAYBURN. The Government does not have the money; the man got the money and spent it; therefore I do not see why the further allowance provided in the first part of the gentleman's amendment should be paid by the Government, but the House can do as it pleases about this matter; I am simply calling attention to the matter that we are a little reckless.

Mr. SANDERS of Indiana. The Government merely became the agent of the soldier by which this part of his pay was transferred to his wife?

Mr. RAYBURN. That is true.

Mr. SANDERS of Indiana. Now that the man spent all of the money and did not use the Government as his agent, ought it to be retroactive?

Mr. RAYBURN. I think not.

Mr. FIELDS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FIELDS. To oppose the amendment offered by the gentleman from Texas.

The CHAIRMAN. Debate has already been exhausted. The question is on agreeing to the amendment to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was then taken, and the Chair announced that the ayes seemed to have it.

Mr. TREADWAY. Mr. Chairman, I think I would like to ask for a division on that.

The committee divided; and there were—ayes 35, noes 6.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The vote is on the amendment of the gentleman from Massachusetts as amended.

The amendment as amended was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. NEWTON of Minnesota. I rise to offer an amendment to section 10, offering it as a new section.

Mr. SWEET. Mr Chairman, I move that the committee do now rise.

Mr. NEWTON of Minnesota. With the understanding, of course, that this amendment can be offered to-morrow.

The CHAIRMAN. The gentleman will be in the same position as he is now in, so far as that is concerned. The question is on the motion of the gentleman from Iowa [Mr. SWEET], that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8778) to amend and modify the war-risk insurance act. had come to no resolution thereon.

DEFICIENCY APPROPRIATIONS.

Mr. GOOD, from the Committee on Appropriations, presented a bill (H. R. 9205) making appropriations to supply deficiencies for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, which, with the accompanying report was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BLANTON reserved all points of order.

RECEPTION TO GEN. PERSHING.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to present a report of the joint committee appointed to arrange a joint session of the House and Senate to welcome Gen. Pershing.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to present a report of the joint committee referred to. Is there objection? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

Mr. MONDELL presented the following report from the joint committee appointed to arrange for a welcome to Gen. John J. Pershing.

The joint committee appointed in accordance with the provisions of House concurrent resolution 29, consisting of five Members of the United States Senate and seven Members of the House of Representatives, for the purpose of making arrangements for appropriate exercises in welcome of Gen. John J. Pershing, general of the Armies of the United States and commander in chief of the American Expeditionary Forces during the World War, with instructions to report to the Senate and House of Representatives such program and procedure as the joint committee deems fitting and appropriate, begs leave to report as follows:

The joint committee recommends that there be held, in the Hall of the House of Representatives, at 2 o'clock in the afternoon of Thursday, September 18, 1919, a joint session of the Congress, at which session it is suggested that the Vice President, or in his enforced absence, the President pro tempore of the Senate, shall make an address of welcome on the part of the Senate and the Speaker of the House of Representatives shall make an address of welcome on the part of the House. It is further suggested that in the event of the passage of the pending resolution authorizing the gift by the Congress of a sword of honor to Gen. Pershing, the Hon. CHAMP CLARK, a Member from the State of Missouri and former Speaker of the House of Representatives, be selected to make an address of presentation.

The joint committee suggests that invitations be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court, and such officers of the Army, Navy, and Marine Corps as the Secretary of War and the Secretary of the Navy, respectively, may suggest. The joint committee further recommends the adoption of a concurrent resolution which will permit the completion of the arrangements for the holding of the joint session.

JAMES W. WADSWORTH, Jr.
FRANCIS E. WARREN.
SELDEN P. SPENCER.
GEORGE E. CHAMBERLAIN.
CHARLES S. THOMAS.
FRANK W. MONDELL.
JULIUS KAHN.
FRANK L. GREENE.
FIORELLO H. LAGUARDIA.
CHAMP CLARK.
S. HUBERT DENT, Jr.
WILLIAM J. FIELDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution to carry out the recommendation of the joint committee.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the immediate consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 31.

Resolved, etc., That a joint session of the Senate and House of Representatives be held in the Hall of the House of Representatives at 2 o'clock on the afternoon of Thursday, September 18, 1919, in welcome of John J. Pershing, General of the Armies of the United States and Commander in Chief of the American Expeditionary Forces of the World War. That the program and procedure at such joint session shall be in accordance with the report of the joint committee of the Senate and House appointed under House concurrent resolution 29. That the said committee is hereby authorized to make all necessary arrangements for such joint session, and that all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I do not think it is necessary to discuss the resolution at length. It is simple and clear in its provisions and I do not care to detain the House unless some gentleman desires to make inquiries with regard to it.

Mr. RAYBURN. One question, Mr. Speaker. There is in that resolution or in the report something about the Secretary of War and the Secretary of the Navy inviting folks here. We have been getting one ticket to the gallery, and if they invite everybody who seeks to be invited by them, I do not know where we are going to put them.

Mr. MONDELL. I would say for the information of the gentleman that the chairman of the joint committee has addressed a communication to each of the Secretaries—has written such a communication and will send to each of the Secretaries if the House adopts this resolution a letter—advising these gentlemen of the action of the House and suggesting that they name a specified number of officers. Those officers will be provided for on the floor of the House. They will not occupy seats in the galleries.

Mr. RAYBURN. One other question. We have been getting one ticket heretofore on the average—each one of us gets one ticket—and somebody has 100 or 200 tickets over each time. It looks to me as if these galleries might be big enough to permit two tickets to be given each Member of the House and Senate. There are not enough seats to seat that number of people, but each time I see people standing in the galleries, and I thought those people who stood in the galleries might as well come in on our tickets as on the tickets of some one not a Member of the House.

Mr. MONDELL. The resolution as presented, of course, has nothing to do with the gallery seats.

Mr. RAYBURN. I understand. I thought I would just make that suggestion.

Mr. MONDELL. The gentleman knows that the seating capacity of the galleries covers exactly one seat for each Member and each Senator, or nearly exactly. I believe there are two seats over or two seats short; I have forgotten which. In addition there are at times and have been at times some extra tickets issued, with a view to having a certain number of people occupy seats in the aisles.

Mr. Speaker, I ask for the consideration of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DEWALT, for five days, on account of important business.

To Mr. JOHN W. RAINEY, at the request of Mr. GALLAGHER, indefinitely, on account of death and sickness in his family.

To Mr. SABATH, for five days, on account of death in his family.

EXTENSION OF REMARKS.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of my trip to France.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the subject of his trip to France. Is there objection?

There was no objection.

OBSERVANCE OF LEAVE TO PRINT.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Is there any parliamentary method properly to be pursued to prevent the insertion in the RECORD, under leave to print, of a matter clearly without the conditions of the consent granted by the House?

The SPEAKER. The Chair is not certain. Of course, ordinarily that rests with the honor and conscience of the gentleman who has the leave. At the same time, if the question were raised, the House could equally prevent it, presumably. Inasmuch as the House can certainly strike from the RECORD any violation of the leave, it strikes the Chair at first blush that if it is brought to the attention of the House the House could equally prevent it. At the time the House gives the leave to print, it is given with a condition, and it is presumed, I suppose, that the Members would observe that condition. I do not see how it could be proved that a Member did not intend to observe it.

Mr. LONGWORTH. Suppose it comes to the knowledge of a Member of the House that a matter is intended to be printed in the RECORD that is clearly without and outside of the conditions whereunder express leave is granted. Has a Member no remedy until the time that matter shall appear printed in the RECORD? Is there no way of preventing the clear violation not only of the rules but of the consent given to the Member by the House of Representatives, and so stated by the Speaker?

The SPEAKER. The Chair supposes the House could prevent anything being printed in the RECORD. The Chair would say that at first blush.

Mr. TREADWAY. Mr. Speaker, would it not be much easier for the Chair to rule, and very much more to the enlightenment of the House, if a concrete case were actually before the Speaker and the House—such a case as the gentleman from Ohio obviously has in mind?

The SPEAKER. Undoubtedly it would.

Mr. LONGWORTH. The "gentleman from Ohio" will be glad to state what he has in mind. The recollection of the gentleman is very clear, although he has not that part of the record before him, where consent was given to the gentleman from Texas [Mr. BLANTON] to print certain matters in connection with the speech he was delivering, to wit, the speech criticizing the conduct of the Department of Labor and referring to a number of persons connected with the Department of Labor and to the persecution which he alleged he was being subjected to by officials of that department. He thereupon asked consent, in order not to take up the time of the House, to print certain matters relative to the matter which he was discussing. The gentleman from Arkansas [Mr. WINGO] thereupon arose and objected, whereupon the gentleman from Texas hoped that the gentleman would not object because he only intended, as he said, to print such matters, letters, figures, and facts as related to the speech that he was making.

After some little debate the gentleman from Arkansas [Mr. WINGO] withdrew his objection, in consideration of the fact that the gentleman from Texas [Mr. BLANTON] agreed to print only such matters as related to his speech, consisting of facts, figures, and letters, and, as I understood it, not mentioning any Member of the House. The Speaker thereupon said, "Under such conditions leave is granted." If I am wrong about that, I shall be glad to be corrected.

Mr. BLANTON. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Texas.

Mr. BLANTON. I have not my notes, but I have been trying to get them since the gentleman has raised the question. If the gentleman will show me anything to which he objects in the part of my speech that was not delivered on the floor, I will gladly eliminate it. I thought I had cut out every single thing to which the gentleman could possibly take exception.

Mr. LONGWORTH. I will say to the gentleman that this is not a personal matter with me.

Mr. BLANTON. If there is anything in there that the gentleman does not like, I will gladly eliminate it.

Mr. MONDELL. This is not a question of "anything the gentleman from Ohio does not like."

Mr. LONGWORTH. This is a matter far beyond any personal feeling. I have no personal grievance in the matter, absolutely none. My only interest is as a Member of this House to see that the rules and etiquette of debate are preserved, particularly in the matter of the extension of remarks in the RECORD, where the House gives a Member leave to print certain things, specifying them, and eliminating others, which leave is a courtesy to the Member. Under those circumstances I think gentlemen should be most scrupulous in carrying out not only the letter but the spirit of the consent granted by the House.

The SPEAKER. Has the gentleman from Ohio a copy of the part which violates the rule?

Mr. LONGWORTH. I have one paragraph.

Mr. BLANTON. I should like to know what there is that the gentleman states is without the rule. I should like to have him put me on notice of the indictment he makes.

Mr. LONGWORTH. I shall be very glad to read it, or I will show it to the gentleman and leave it for him to determine.

Mr. BLANTON. If you will just show it to me, I will be glad——

Mr. LONGWORTH. I think the House ought to know about it.

The SPEAKER. The Chair will state that if the gentleman reads it it will go into the RECORD.

Mr. BLANTON. That is the reason——

The SPEAKER. That is the very thing the gentleman is endeavoring to prevent.

Mr. LONGWORTH. Then I will move to strike it out of the RECORD.

Mr. BLANTON. If the gentleman will submit it to me, I will gladly eliminate it if it is wrong.

The SPEAKER. It seems to the Chair that that would be the easiest way.

Mr. BLANTON. In eliminating this, I do it at the suggestion of the gentleman from Ohio; but in so doing I do not admit that it in any way violated the rule or the consent, because I believe the Chair would hold that it comes within the terms of the consent as limited by the gentleman from Arkansas [Mr. WINGO]; but to meet the suggestion of the gentleman from Ohio I will gladly eliminate it.

Mr. LONGWORTH. That will be satisfactory to me.

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House adjourned until Friday, September 12, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEELE, from the Committee on the Judiciary, to which was referred the bill (H. R. 1187) authorizing the several district courts of the United States to appoint official stenographers and prescribe their duties and compensation, reported the same without amendment, accompanied by a report (No. 305), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (S. 2624) to provide travel allowances for certain retired enlisted men and Regular Army reservists, reported the same without amendment, accompanied by a report (No. 307), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 202) tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces, and for other purposes, reported the same without amendment, accompanied by a report (No. 308), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOOD, from the Committee on Appropriations, to which was referred the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, reported the same without amendment, accompanied by a report (No. 309), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 9202) providing subsistence for the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. STINESS: A bill (H. R. 9204) to increase the pay of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. CARSS: A bill (H. R. 9228) to authorize the establishment of a Coast Guard station on the coast of Lake Superior in Cook County, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Resolution (H. Res. 292) to provide for the immediate consideration of Senate bill 2624; to the Committee on Rules.

Also, resolution (H. Res. 293) to provide for the immediate consideration of House bill 161; to the Committee on Rules.

Also, resolution (H. Res. 294) to provide for the immediate consideration of House joint resolution 175; to the Committee on Rules.

Also, resolution (H. Res. 295) to provide for the immediate consideration of House joint resolution 202; to the Committee on Rules.

By Mr. HICKS: Joint resolution (H. J. Res. 203) to equalize the pay and allowances of officers and enlisted men of the Coast Guard with those of the Navy; to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Joint resolution (H. J. Res. 204) authorizing the disposition of certain property by the Shipping Board; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 205) extending the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety"; to the Committee on Foreign Affairs.

By Mr. EMERSON: Joint resolution (H. J. Res. 206) to pay $50,000 to Roberta McKenzie Osborne for damages resulting from the explosion at the Mare Island Navy Yard Jan. 1, 1917; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 9206) granting an increase of pension to George Smith; to the Committee on Pensions.

By Mr. EVANS of Montana: A bill (H. R. 9207) for the relief of William O. Mallahan; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 9208) granting an increase of pension to James Thomas; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 9209) granting a pension to Jennie D. Matteson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9210) granting an honorable discharge to Benjamin McNinch; to the Committee on Military Affairs.

Also, a bill (H. R. 9211) granting a pension to Jane Lewis; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 9212) granting an increase of pension to Anna A. Pearson; to the Committee on Invalid Pensions.

By Mr. HARDY of Texas: A bill (H. R. 9213) for the relief of Lieut. Col. John R. White; to the Committee on Military Affairs.

By Mr. HERSMAN: A bill (H. R. 9214) for the relief of the estate of Fannie B. Fithian, deceased; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 9215) granting an increase of pension to John A. Ott; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 9216) granting an increase of pension to Oscar Weil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9217) for the relief of Luke Ratigan; to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL: A bill (H. R. 9218) granting a pension to Louisa Taylor; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 9219) granting a pension to Carries S. Warner; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 9220) granting a pension to Noah L. Gibbons, helpless and dependent son of Jacob Gibbons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9221) granting an increase of pension to Logan Mize; to the Committee on Invalid Pensions.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 9222) for the relief of Charles Hatch, alias Charles H. Lord; to the Committee on Military Affairs.

Also, a bill (H. R. 9223) granting a pension to Ezra Shanks; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 9224) for the relief of the heirs of John Brown; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 9225) for the relief of James J. Dailey; to the Committee on Claims.

By Mr. WILLIAMS: A bill (H. R. 9226) for the relief of Frank Pulaski; to the Committee on Naval Affairs.

Also, a bill (H. R. 9227) granting an increase of pension to Stephen F. Fuller; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWERS: Petition of the citizens and patrons of the Morgantown post office of Morgantown, W. Va., asking for an increase of 35 per cent in the pay of all postal employees; to the Committee on the Post Office and Post Roads.

By Mr. CLEARY: Petition of the New York State Federation of Labor, indorsing the efforts of Senator MOSES and postal employees in securing a wage sufficient to maintain themselves and families and educate their children; to the Committee on Education.

By Mr. ESCH: Petition of National Association of Commissioners of Agriculture, urging an additional appropriation in addition to funds already available; to the Committee on Agriculture.

By Mr. JOHNSTON of New York: Petition of employees serving under the surveyor of the port of New York, appealing for relief to meet the increased cost of living by suitable action through Congress in the matter of salary increases to the customs employees at New York customhouse; to the Committee on the Post Office and Post Roads.

By Mr. McGLENNON: Petition of P. R. Griffin, city commissioner of the city of Hoboken, N. J., favoring the 35 per cent increase in salary of the post-office employees as advocated by Hon. GEORGE H. MOSES; to the Committee on the Post Office and Post Roads.

By Mr. KEARNS: Petition of the Prant & Appel Co., of Lucasville, Ohio; the Atlas Co., of Portsmouth, Ohio; and Sommer Bros., of Portsmouth, Ohio, protesting against the passage of the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of H. E. Johnston, of Cohoes, N. Y., favoring the passage of House bills Nos. 5011, 5012, and 7010; to the Committee on Patents.

By Mr. RAKER: Petition of Helen L. Dorsey, Mary Ellen Kersleaw, Caroline G. Lane, Ottillie C. Buehler, A. L. Manson, Olivia Nilsson, Daisy Lemon, Hannah R. Davison, and M. R. Clark, all of San Diego, Calif., indorsing the bill giving rank to the Army Nurse Corps; to the Committee on Military Affairs.

By Mr. ROWAN: Petition of Charles P. Miller and Ralph H. McKee, of New York City, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of H. E. Johnston and others, of New York, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. THOMPSON of Ohio: Petition of the Retail Merchants' Association of Defiance, Ohio, protesting against House bill 8315, by Mr. SIEGEL, of New York, and Senate bill 2904, by Senator JONES of Washington, as detrimental to retail merchants everywhere; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of Indiana: Petition of sundry citizens of Whiting and Hammond, Ind., protesting against the enactment of the Smith-Towner educational bills into law; to the Committee on Education.

SENATE.

FRIDAY, *September 12, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for giving to us the supreme privilege of living under a banner that stands for Thy thought in human life and human government. Thou hast given our fathers wisdom to guide the affairs of this State, and we pray that Thou wilt give to us the same wisdom, that with due regard to the unchanging principles of righteousness as Thou has revealed them unto us we may conduct the business of this Nation, and thus lift humanity to higher levels of life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, in order to save time by having the routine morning business transacted at once, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Nelson	Stanley
Ball	Harris	Newberry	Sterling
Bankhead	Harrison	Nugent	Thomas
Capper	Henderson	Overman	Townsend
Chamberlain	Johnson, S. Dak.	Page	Trammell
Colt	Jones, Wash.	Phipps	Underwood
Culberson	Kellogg	Pomerene	Wadsworth
Dillingham	Keyes	Robinson	Walsh, Mass.
Edge	Kirby	Sheppard	Watson
Fletcher	McCumber	Sherman	Williams
France	McKellar	Smith, Ga.	Wolcott
Frelinghuysen	McLean	Smoot	
Gerry	Myers	Spencer	

Mr. SMOOT. I was requested to announce the absence of the Senator from Montana [Mr. WALSH] and the Senator from Kansas [Mr. CURTIS] on official business. I wish also to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained by illness in his family.

Mr. FRANCE. I desire to announce that the Senator from Iowa [Mr. KENYON], the Senator from Wyoming [Mr. KENDRICK], the Senator from North Dakota [Mr. GRONNA], the Senator from Oregon [Mr. MCNARY], and the Senator from Nebraska [Mr. NORRIS] are absent on official business, engaged in committee work.

Mr. KIRBY. I announce the unavoidable absence of the junior Senator from South Carolina [Mr. DIAL] on official business.

Mr. GERRY. I wish to announce that the Senator from Oklahoma [Mr. GORE] is detained by illness. I ask that this announcement may stand for the day. I wish also to announce that the Senator from Arizona [Mr. SMITH] is necessarily absent from the Senate on official business.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a concurrent resolution providing that a joint session of the Senate and House of Representatives be held in the Hall of the House of Representatives at 2 o'clock on the afternoon of Thursday, September 18, 1919, in welcome of John J. Pershing, General of the Armies of the United States and Commander in Chief of the American Expeditionary Forces of the World War, etc.; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the governors' conference at Salt Lake City, Utah, relative to Federal aid for highway construction, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHERMAN. I present resolutions of the Grand Lodge of Maryland, Independent Order of Odd Fellows, relating to the holiday to be declared in honor of Gen. Pershing, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Be it resolved, That we, the Grand Lodge of Maryland of the Independent Order of Odd Fellows, on behalf of the entire Order of Odd Fellows, a fraternal organization founded on the Bible and representative of every trade, craft, and calling, do hereby in the true spirit of the order as enunciated by the moral precepts of friendship, love, and truth and those of its component bodies manifesting themselves in a spirit of malice toward none and love toward all do petition the Congress of the United States to set aside the 18th day of September, A. D. 1919, as a legal holiday for the purpose of paying homage and tribute in the true American spirit to Gen. Pershing and the heroes of the First Division.

Done this 10th day of September, A. D. 1919, and the one hundred and forty-third year of the Declaration of Independence. Whereas we have hereunto set our hands and seal.

JOHN B. SPENCE, *Grand Master.*

Attest:
WILLIAM A. JONES,
Grand Secretary.

Mr. SHERMAN. I also present three letters which I wish to have printed in the RECORD without reading them. They are all dated September 10, 1919. One is from Mr. E. de St. Giles, special agent of the Massachusetts Mutual Life Insurance Co., of Springfield, Mass. Another is from H. S. Vail & Sons, of Chicago, Ill. They are life insurance actuaries. The other is from Simon S. Day & Co., of Chicago, who are grain, stock, and provision brokers of that city. These three letters, two of them coming from widely different points in the United States, relate to the same subject, to wit, the immediate ratification of the peace treaty.

I call attention to the singular coincidence of two human minds so widely separated as Springfield, Mass., and Chicago, Ill., writing letters to me couched in precisely the same language. I am not so much a believer in telepathy or in the mysterious communications of the human mind yet unsolved by modern science, but this is a most remarkable piece of evidence that something of that kind must exist which has not yet been solved by psychology. I present these three letters for telepathists hereafter to take note of.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SPRINGFIELD, MASS., *September 10, 1919.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate Chamber, Washington, D. C.

DEAR SENATOR: In our business we come in contact daily with those citizens who earn an income above necessary expenditure. We have peculiar opportunities for learning the opinions of successful men, and in the light of our gathered information we have no hesitancy in saying that in the opinion of men of affairs in Chicago the supreme need of the hour is the ratification of the peace treaty.

The peace treaty may not be perfect, but it is the utmost that could have been obtained. Necessarily, it arose from compromises, but its main purpose is clear, and that purpose is to prevent future wars.

We conceive it to be the duty of the constructive statesmen to support what can not be met with an alternative of higher value. There is no such alternative to the peace treaty. What the people demand is an absence of partisanship and prompt action by the Senate.

We call upon you as one of our Senators to use your power to the utmost to secure the ratification of this treaty by the Senate of the United States without alteration or amendment that may threaten its adoption by the other powers.

May we rely upon you to do your utmost to bring about this result?

Yours, very truly,

E. DE ST. GILES.

—

CHICAGO, *September 10, 1919.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate Chamber, Washington, D. C.

DEAR SENATOR: In our business we come in contact daily with those citizens who earn an income above necessary expenditure. We have peculiar opportunities for learning the opinions of successful men, and in the light of our gathered information we have no hesitancy in saying that in the opinion of men of affairs in Chicago the supreme need of the hour is the ratification of the peace treaty.

The peace treaty may not be perfect, but is the utmost that could have been obtained. Necessarily, it arose from compromises, but its main purpose is clear, and that purpose is to prevent future wars.

We conceive it to be the duty of the constructive statesmen to support what can not be met with an alternative of higher value. There is no such alternative to the peace treaty. What the people demand is an absence of partisanship and prompt action by the Senate.

We call upon you as one of our Senators to use your power to the utmost to secure the ratification of this treaty by the Senate of the United States without alteration or amendment that may threaten its adoption by the other powers.

May we rely upon you to do your utmost to bring about this result?

Yours, very truly,

H. S. VAIL & SONS, *Actuaries.*
R. S. VAIL.

—

CHICAGO, *September 10, 1919.*

Hon. L. Y. SHERMAN,
United States Senate Chambers, Washington, D. C.

DEAR SENATOR: In our business we come in contact daily with those citizens who earn an income above necessary expenditure. We have peculiar opportunities for learning the opinions of successful men, and in the light of our gathered information we have no hesitancy in saying that in the opinion of men of affairs in Chicago the supreme need of the hour is the ratification of the peace treaty.

The peace treaty may not be perfect, but it is the utmost that could have been obtained. Necessarily, it arose from compromises, but its main purpose is clear, and that purpose is to prevent future wars.

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We call upon you as one of our Senators to use your power to the utmost to secure the ratification of this treaty by the Senate of the United States without alteration or amendment that may threaten its adoption by the other powers.

May we rely upon you to do your utmost to bring about this result?

Yours, very truly,

J. GEO. R. GRAHAM.
WINFIELD S. DAY.

Mr. CAPPER presented memorials of sundry citizens of McDonald, Hartford, Jewell, and Crawford counties, all in the State of Kansas, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

Mr. TOWNSEND presented petitions of sundry postal clerks and letter carriers of Escanaba, Mich., Port Arthur, Tex., and of the Wisconsin Rural Letter Carriers' Association, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. KEYES presented a petition of sundry citizens of Berlin, N. H., praying for the repeal of the tax on ice cream, sodas, and soft drinks, which was referred to the Committee on Finance.

Mr. PAGE presented a petition of Local Grange No. 321, Patrons of Husbandry, of Chester, Vt., praying for the ratification of the league of nations treaty, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy, reported it with an amendment and submitted a report (No. 181) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 1448) for the relief of Jacob Nice, reported it without amendment, and submitted a report (No. 183) thereon.

CHINCOTEAGUE ISLAND (VA.) BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably, with amendments, the bill (S. 2961) authorizing the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland, and I sumit a report (No. 184) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 4, after the word "operate," to insert ", at points suitable to the interests of navigation"; in line 6, after the words "Cockle Creek," to strike out "Queens Sound" and insert "Queen Sound"; and in line 7, after the word "and," to strike out "Blacks Narrows" and insert "Black Narrows," so as to make the bill read:

Be it enacted, etc., That the county of Accomac, in the State of Virginia, be, and it is hereby, authorized to construct, maintain, and operate, at points suitable to the interests of navigation, six highway bridges and approaches thereto across Mosquito Creek, Cockle Creek, Queen Sound, Wire Narrows, Black Narrows, and Chincoteague Channel for the purpose of connecting Chincoteague Island to the mainland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEVELOPMENT OF WATER POWER.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 3184) to create a Federal Power Commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, and I submit a report (No. 180) thereon.

I desire to give notice that at the first opportunity I shall call up the bill for consideration, and if necessary try to make it the unfinished business, so that if there should be any time when the league of nations is not being considered we might consider this proposition.

The VICE PRESIDENT. The bill will be placed on the Calendar.

LOAN OF TENTS.

Mr. KIRBY. I report from the Committee on Military Affairs the joint resolution (S. J. Res. 95) authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919, with an amendment in the nature of a substitute. It provides for the loaning of tents and other equipment to the Confederate reunion to be held in Atlanta, Ga. I ask unanimous consent that the joint resolution may be immediately considered.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I ask that the amendment of the committee be read.

The amendment was to strike out all after the resolving clause and to insert:

That the Secretary of War be, and he is hereby, authorized to loan, in his discretion, under such rules and regulations, including a cash deposit, should the Secretary deem such necessary, as the Secretary may prescribe, to the reunion executive committee of Atlanta, for the use of the United Confederate Veterans, in their encampment to be held in Atlanta from October 7 to October 10, 1919, such tents, cots, blankets, and other camp equipment as the Secretary of War, in his discretion, deems sufficient for the purpose of the encampment: *Provided*, That no expense shall be caused the United States Government by delivery and return of said property, the same to be delivered to said committee at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman and treasurer of said committee: *Provided further*, That the Secretary of War, before delivering said cots, tents, blankets, and other camp equipment to the committee, shall take from the chairman and treasurer of said reunion executive committee of Atlanta a bond with good and sufficient security for the safe return of said property in good order and condition, the same to be without expense to the United States Government.

Mr. HARRIS. Mr. President, I hope there will be no objection upon the part of any Senator to the consideration of the joint resolution. This is probably the last time we shall ever come before the Senate with a request for such legislation. Last year in my campaign in Georgia for the Senate loyalty to the Government was the issue, and in a hundred counties I challenge any man to show that the son or the grandson of a Confederate soldier was a slacker or in sympathy with a slacker. I hope the joint resolution will pass without any objection.

Mr. SMOOT. I merely want to ask one question of the Senator reporting the joint resolution. I notice it includes a provision for the loan of blankets. Are blankets generally included in such resolutions?

Mr. KIRBY. Not generally, but the idea was that there is secondhand equipment at a cantonment in that vicinity which can be used. It is provided that the Secretary of War may lend them because there is no possibility of holding the reunion unless blankets can be provided. The town is full, and the reunion could not otherwise be held. The Secretary of War may require a cash deposit for the renovation of the blankets that are to be used if they are loaned and to cover any damage that may be done to them.

Mr. SMOOT. I want the Senator to know that I have no objection at all to the joint resolution covering tents and such other supplies, but in former resolutions we have, I think, never included the loan of blankets.

Mr. KIRBY. They are only to be used under the provisions of the joint resolution, which requires a cash deposit.

Mr. SMITH of Georgia. Mr. President, there are several instances where that has been done. I have copies of similar resolutions.

Mr. SMOOT. I can not recall any of them.

Mr. SMITH of Georgia. I have two or three of them here before me.

Mr. SMOOT. I am not going to question it. I take it for granted that if the blankets are loaned whatever damage may be done to them may be repaired under the cash deposit.

Mr. SMITH of Georgia. The committee in charge of the reunion are required to make a deposit of cash which will avoid any trouble that might ensue if bond merely was required, and anything that is found to be lacking after the reunion is over can be replaced from their deposit.

Mr. KIRBY. That is the idea.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SIOUX INDIAN CLAIMS.

Mr. JOHNSON of South Dakota. From the Committee on Indian Affairs I report back favorably without amendment the bill (S. 1018) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, and I submit a report (No. 185) thereon. There is no objection anywhere to the bill, which has been delayed in the committee for three months on account of inadvertence on my part. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I wish to ask the Senator reporting the bill if there has been a favorable report on it submitted by the Commissioner of Indian Affairs?

Mr. JOHNSON of South Dakota. Yes; the bill has been favorably reported upon by the Secretary of the Interior, and has passed the Senate twice heretofore.

Mr. SMOOT. I wondered whether this was the bill that passed the Senate previously.

Mr. JOHNSON of South Dakota. It is the same bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Sioux Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Calims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Sioux Tribe or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF STEAM VESSELS.

Mr. JONES of Washington. I submit a favorable report from the Committee on Commerce on a bill of considerable importance, but one that is very simple.

Under title 52 of the navigation laws the ships of the merchant marine navigating in waters of the United States are subjected to certain forms of inspection. A controversy has arisen as to whether or not the ships owned and controlled and operated by the Shipping Board are subject to these regulations. These are merchant ships, doing merchant business, and there is no reason why they should not be subjected to the same restrictions and the same limitations in the interest of protecting life and property as similar ships doing the same kind of business in private hands. The bill that I am reporting is a bill that subjects them to these provisions. I will say that the bill has the hearty approval of the Shipping Board and also of the Department of Commerce; and therefore I ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Washington makes a favorable report on a bill, the title of which will be stated.

The SECRETARY. A bill (S. 633) extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That all steam vessels owned or operated by the United States Shipping Board, or any corporation organized or controlled by it, shall be subject to all the provisions of title 52 of the Revised States of the United States for the regulation of steam vessels and acts amendatory thereof or supplemental thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRELINGHUYSEN:

A bill (S. 2993) authorizing the payment of certain sums of money to Michael Bohle, Allen P. Myers, Alexander L. McMillan, Edward N. Riley, E. S. Tucker, Harry B. Landgraf, and Christopher Lehmkuhl; to the Committee on Claims.

A bill (S. 2994) to provide revenue, and for the regulation and supervision of cold-storage warehouses, and the conservation, storage, sale, and distribution of food and food products; to the Committee on Agriculture.

By Mr. CAPPER:

A bill (S. 2995) granting an increase of pension to Susan A. Hackett (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 2996) granting a pension to Johanna Mary McElliott; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 2997) to provide quarters or commutation thereof to commissioned officers in certain cases; to the Committee on Military Affairs.

COUNCIL AND ASSEMBLY OF LEAGUE OF NATIONS.

Mr. ASHURST. I ask that the bill I introduced yesterday be now given its second reading.

The bill (S. 2986) to provide for the election of the representatives of the United States on the council and the assembly of the league of nations, and for other purposes, was read the second time by its title and referred to the Committee on Foreign Relations.

EMPLOYMENT OF STENOGRAPHER.

Mr. McNARY submitted the following resolution, S. Res. 185, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

RAILROAD PASSES.

Mr. SHERMAN. I also present—I had almost overlooked it—the news item, dated August 30, 1919, taken from the Washington Star, announcing the sad misadventure of Robert H. McAdoo, whose railroad pass over the steam railways of the United States and his Pullman pass were by some sacrilegious thief stolen and have been in constant use at various points in the United States since then. He is not connected, so far as I know, with the railway service, and it seems to be a case of governmental favoritism which the rest of us do not receive. I thought it ought to be noted. I ask that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"TOURS WEST DE LUXE ON RAILROAD PASS STOLEN FROM M'ADOO.

"PHILADELPHIA, *August 30, 1919.*

"Somebody is having an extended vacation on a railroad pass stolen from Robert H. McAdoo, son of the former Director of Railroads. When last heard of the thief was visiting the Grand Canyon of Arizona. Earlier in the season he was in the Yellowstone and Yosemite Parks. He was traveling in a Pullman, too, for he had not failed to take the pasteboard that gave Robert the right to ride apart from plebeians.

"Believing the thief will not consider his vacation itinerary complete without a visit to Atlantic City the Railroad Administration has posted notices in conductors' rooms in the Camden terminals to be on the lookout for the stolen passes.

"In the meantime Robert has had issued to him another pass that gives him the right to ride free over the railroads."

RAILROAD CONTROL.

Mr. SHEPPARD. I present the article, which I send to the desk, on transportation, national ownership, and private operation, which I desire to have referred to the Committee on Printing with a view to having it printed as a public document.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

INDUSTRIAL WORKERS OF THE WORLD.

Mr. FRELINGHUYSEN. Mr. President, I have before me a communication from counsel of one of the large industrial plants of New Jersey calling attention to a general strike which was ordered in that plant by the Industrial Workers of the World. It has resulted in a complete shutdown of this industry. In the letter from my correspondent is inclosed a copy of the application for membership in the organization referred to. I send it to the desk and ask to have the Secretary read it for the information of the Senate. In presenting it I quote a portion of the letter from the lawyer, who writes me as follows:

I send you herewith copy of the application for membership which is being circulated among the employees. So far as we can ascertain trouble of this kind comes chiefly from aliens. If there is any hesitation upon the part of Congress about adopting a strict deportation law, applications of this kind ought to convince them that we are playing with fire.

We have appealed to the Department of Justice in Perth Amboy and also in New York, but they feel that the matter is one for the local police and that no Federal law is being violated. The general purport of the application seems to me to be an appeal to the workingman to destroy property; that is, to overthrow capital.

I ask that the application blank referred to may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

APPLICATION FOR MEMBERSHIP.

[Application No. —. Membership Card No. —.]

Date ——— ———, 19—.

The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people and the few who make up the employing class have all the good things of life.

Between these two classes struggle must go on until the workers of the world organize a class, take possession of the earth and the machinery of production, and abolish the wage system.

We find that the centering of the management of industries into fewer and fewer hands makes the trade-unions unable to cope with the ever-growing power of the employing class. The trade-unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping defeat one another in wage wars. Moreover, the trade-unions aid the employing class to mislead the workers into the belief that the working class have interests in common with their employers.

These conditions can be changed and the interest of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all.

Instead of the conservative motto, "A fair day's wages for a fair day's work," we must inscribe on our banner the revolutionary watchword, "Abolition of the wage system."

It is the historic mission of the working class to do away with capitalism. The army of production must be organized, not only for the everyday struggle with the capitalists, but also to carry on production when capitalism shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old.

Do you agree to abide by the constitution and regulations of this organization?

Will you diligently study its principles and make yourselves acquainted with its purposes?

Name, ——— ———. Industry, ———.
Occupation, ———.
Street address, ———.
City, ———. State, ———.

The above applicant, having subscribed to the principles of the preamble and having answered in the affirmative to the questions, expresses this desire to become a member of the "Industrial Workers of the World," and is therefore recommended for membership.

To Local Union No. ———. By ———.
Initiation, ———.
Dues, ———.
Hospital, ———.
Total, ———.

Mr. THOMAS. Mr. President, that circular is the old familiar one of the I. W. W. The information which was conveyed to the Senator from New Jersey of the activities of aliens in this propaganda is doubtless correct, but it is not confined to aliens, by any means. Nearly all of the promoters of the I. W. W. were Americans, and its principal leadership is of native origin. The circular is, I think, in common use with that organization and has been for a number of years. No doubt in these troublous times it appeals more readily to discontent than heretofore; but the thought which I rose to express was that while we should, in the revision of our immigration laws, take note of these things and prevent this country in the future from becoming a dumping ground for nondesirable classes, we should not overlook the fact that the same poison is working with American-born citizens, and that they, too, must be taken note of in such legislation as we may see fit to enact upon the subject.

Mr. MYERS. Mr. President, a few days ago upon the floor of the Senate Chamber I expressed the opinion that the unionization of Government employees had already gone too far. In this morning's Washington Post I find an article which is headed:

FEDERAL EMPLOYEES BACK POLICE UNION—MORAL AND FINANCIAL AID PROMISED.

The article in question is, in part, as follows:

The Federal Employees' Union, with a membership of 35,000 Government workers, will give the Washington City Policemen's Union "undivided and unswerving support," that organization was told at a meeting last night in Musicians' Hall, 1006 E Street NW.

B. W. Payne, representing the Federal Employees' Union in the Central Labor Union of the District, urged the policemen to continue their fight to preserve their affiliation with the American Federation of Labor.

Payne told the members of the policemen's union that his organization will support the police "morally and financially."

If that does not breathe defiance and insubordination, I do not know what would. With an era of crime, an orgy of looting, criminality of all kinds rampant, hoodlumism, rowdyism, lawbreaking of every character, a state of terrorization and of law defiance prevailing in the city of Boston, we are told by one of their spokesmen that 35,000 unionized Government employees of this city are in favor of bringing about a condition in the District of Columbia that might give rise at any time to the same state of affairs in this city.

It is claimed that the charter which has been granted by the American Federation of Labor to the policemen's union of this city is a nonstrike charter; but that charter could be amended at any time so as to make it a strike charter, and, if permitted to stand, if the policemen's union of the city be permitted to continue under that charter, I predict that within 60 days thereafter it will be so amended as to be a strike charter.

It is said that the Boston policemen's union had a nonstrike charter, but the policemen struck. I affirm that the action of the policemen's union in Boston in going on a strike with almost no notice and subjecting the people of that city to an orgy of crime, looting, rapine, terrorization, destruction of property and life, and lawbreaking of all kinds, is one of the most dastardly acts of infamy that has occurred in this country since the days of Benedict Arnold; and yet we are told that the unionized employees of this city to the number of 35,000, affiliated with a labor organization of a superior character, are in favor of bringing about in the District of Columbia a condition which might give rise any day to a like state of anarchy in this city. Even so good a friend of union labor as is the President of the United States says that it is wrong for a policemen's union to strike; but we are told that the employees of this Government, who are paid by Government money, favor having here a policemen's union affiliated with a dominating body of organized labor—a condition which might bring about at any time the same state of terrorization that to-day prevails in Boston, to the shame and disgrace of this country.

Mr. JOHNSON of South Dakota. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. MYERS. I yield, with pleasure.

Mr. JOHNSON of South Dakota. I want to ask the Senator from Montana, or any other Senator on the floor who is better posted than I am on those things, if in his judgment the Government employees, in taking the position which this report claims they have taken, are not committing treason?

Mr. MYERS. I would not regard it as treason under the definition of the Constitution, Mr. President; but I think such conduct is highly improper and partakes of insubordination and defiance of law and order; and I think it amply vindicates my assertion, made on the floor of this Chamber a few days ago, that the unionization of Government employees had already gone too far.

Mr. STANLEY. Mr. President, will the Senator yield for a question?

Mr. MYERS. I yield, with pleasure.

Mr. STANLEY. Does the Senator believe that the Government employees would attempt any such thing as that, or take any such liberties as that with the patience of Congress, were it not that they feel that civil service has put them in a status where they can do no wrong?

Mr. MYERS. I do not think the civil-service law is any justification for such a stand as has been taken by the spokesman of the 35,000 unionized Government employees of this District.

Mr. STANLEY. If the Senator will pardon me, have they not carried the civil service to such a point that it means practical life tenure, and they feel absolutely secure behind that cloak to take any position they please on any matter, without regard to fear of losing their positions?

Mr. MYERS. Oh, I think the Senator is absolutely correct in that. I did not at first understand his question. I think he is undoubtedly correct; Government employees under the civil

service feel absolutely safe. Yet these 35,000 Government employees in the District of Columbia, who are reported by their spokesman to have taken this defiant stand, are continually besieging Congress for concessions and favors in the way of increased wages, shorter hours of work, Saturday half holidays the year around, civil-service pensions, and other concessions. I will say, for one, that in taking such a stand as they are reported to have taken, they are taking the wrong course to get any further concessions by my vote. I think what the city of Boston needs is an Ole Hanson for mayor, and I think there needs to be a few Ole Hansons in the Congress of the United States. I think a few Ole Hansons in the Senate of the United States would improve this body.

The VICE PRESIDENT. Is there further morning business? [A pause.] Morning business is closed.

LEAGUE OF NATIONS.

Mr. JONES of New Mexico. Mr. President, I desire to state that on Monday next, after the routine morning business, I shall submit some remarks on the league of nations, and I should like to have the attention of the Senate at that time.

BILLS OF EXCHANGE.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKellar	Smith, Ga.
Bankhead	Hale	McNary	Smoot
Beckham	Harding	Myers	Spencer
Capper	Harrison	Newberry	Stanley
Colt	Henderson	Nugent	Swanson
Culberson	Johnson, S. Dak.	Phipps	Thomas
Dillingham	Jones, N. Mex.	Pomerene	Walsh, Mass.
Edge	Jones, Wash.	Robinson	Walsh, Mont.
Fletcher	Kellogg	Sheppard	Watson
France	Keyes	Sherman	Williams
Frelinghuysen	Kirby	Simmons	

Mr. GERRY. The Senator from Louisiana [Mr. RANSDELL] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on public business. The junior Senator from Louisiana [Mr. GAY] is absent on business of the Senate.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. PAGE answered to his name when called.

Mr. CUMMINS, Mr. TOWNSEND, Mr. WOLCOTT, Mr. HARRIS, Mr. WADSWORTH, Mr. KNOX, Mr. GRONNA, and Mr. MCLEAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-two Senators having answered to the roll call, there is a quorum present. The Senator from Georgia [Mr. SMITH] moves that the Senate proceed to the consideration of House bill 7478.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

Mr. SMOOT. I wish to ask the Senator from Georgia if there is another print of the bill other than the calendar print, No. 126? I ask the question, I will say to the Senator from Georgia, because the digest of the Library of Congress upon the bill does not conform to the calendar print, and I was wondering whether the Senator has a different print.

Mr. SMITH of Georgia. It is House bill 7478.

Mr. SMOOT. H. R. 7478 was reported from the Committee on Banking and Currency August 15, 1919. That is the calendar print referred to at the top, and then in their digest the first is "Addition of clause beginning with 'including,' page 1, line 14." There is no line 14 on page 1, but I find it has reference to the word "including" on page 2, line 2, and no suggested amendment as reported by the legislative reference service conforms to the calendar print. I wondered whether there was another print that is not noted on the calendar.

Mr. SMITH of Georgia. I have in my hand the print in the report of the Committee on Banking and Currency by the Senator from Vermont [Mr. PAGE], and I also have H. R. 7478, the bill to which you refer, calendar No. 146.

Mr. SMOOT. That is the print I have. The legislative reference service in their digest of the bill do not conform to the print before us.

Mr. SMITH of Georgia. I have not any other print except these two.

Mr. SMOOT. I was wondering whether the Senator had another print.

Mr. SMITH of Georgia. No.

Mr. SMOOT. I will have to go through the bill and mark it up according to the report of the legislative reference service.

Mr. SMITH of Georgia. The chairman of the committee, the Senator from Connecticut [Mr. MCLEAN], has entered the Chamber, and I will yield to him, if he prefers. I wish to say to the Senator from Connecticut that in his absence, and with his approval already given, I have called up House bill 7478, and if he desires to explain it to the Senate I will yield to him.

Mr. MCLEAN. No; I prefer that the Senator from Georgia should continue his explanation.

Mr. SMITH of Georgia. Then, Mr. President, I wish to say that this bill embodies certain recommendations made by the Federal Reserve Board. It was reported favorably by the Committee on Banking and Currency of the House and passed the House, and is now before the Senate on a favorable report from the Committee on Banking and Currency of the Senate.

The first addition contained in the bill to existing law is found in the report of the Senator from Vermont [Mr. PAGE], on page 2. The law as it now reads is that—

> The discount of bills of exchange drawn in good faith against actually existing values—

Shall not be counted as a part of the 10 per cent of the capital stock and surplus loaned by any national bank to a single individual, firm, or corporation. To that language is added:

> Including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of the kinds described in section 13 of the Federal reserve act.

Those securities in section 13 are already exempt, and this is merely a definition and explanation, as I regard it, of the meaning of the term already in the banking law, which is that—

> The discount of bills of exchange drawn in good faith against actually existing values—

Shall not be counted as part of the 10 per cent of the capital stock and surplus limit.

The next amendment to the existing law, No. 2, as found in the pending bill, is the existing law:

> The discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same.

The existing law provides that that shall not be charged as a part of the 10 per cent of capital stock and surplus which limit loans. The additional language is—

> (3) the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title covering readily marketable nonperishable staples, including live stock, when the actual market value of the property securing the obligations is not at any time less than 10 per cent of the face amount of the bills secured by such documents and when such property is fully covered by insurance.

As a part also of that provision, we must go further down to the provision that—

> the total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including the liabilities upon bills and notes secured in the manner described under (3) hereof, shall not at any time exceed 25 per cent of the amount of the association's paid-in and unimpaired capital stock and surplus. The exception made under (3) hereof shall not apply to the bills or notes of any one person, company, corporation, or firm for more than 6 months in any consecutive 12 months.

That is to say, all the latter language is a limitation of the third provision, which limits the amount of the total loaned by any bank even on agricultural products secured by warehouse certificates of 110 per cent of the value of the loan, to 25 per cent of the bank's capital stock, and it can only continue for six months in any one year. That is practically the whole of the amendment provided by the bill.

Mr. HENDERSON. Mr. President, I propose an amendment to the bill, which I send to the desk and ask that the Secretary may read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. Strike out all of section 1 and insert:

> That section 5200 of the Revised Statutes of the United States as amended by the acts of June 22, 1906, and September 24, 1918, be further amended to read as follows:
>
> "SEC. 5200. The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per cent of the amount of the capital stock of such association, actually paid in and unimpaired, and 10 per cent of its unimpared surplus fund: *Provided, however*, That (1) the discount of bills of exchange drawn in good faith against actually existing values, including drafts and bills of exchange secured by shipping documents conveying or pledging title to goods shipped,

and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of the kinds described in section 13 of the Federal reserve act; (2) the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same; (3) the discount of notes secured by warehouse receipts or other such documents conveying or pledging title covering readily marketable nonperishable staples, including live stock, if the actual market value of such staples is not at any time during the continuance of the liabilities secured thereby less than 110 per cent of the face amount of such notes, and if such staples, other than live stock, are fully covered by fire insurance; and (4) the discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section; but the total liabilities to any association, of any person, or of any company, corporation, or firm upon any note or notes discounted by such association and secured by such bonds, notes, or certificates of indebtedness, shall not exceed (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) 10 per cent of such capital stock and surplus fund of the association, and the total liabilities of any association, of any person, or of any company, corporation, or firm for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof shall not at any time exceed 25 per cent of such capital stock and surplus fund of the association. The exception made under (3) hereof shall not apply to the notes of any one person, company, corporation, or firm for more than 6 months in any consecutive 12 months."

Mr. POMERENE. Mr. President, I regret exceedingly that this bill is presented. In its present form, however, it gives an opportunity for an amendment to the Federal reserve act, which perhaps may be justified. I wish to call the attention of the Senate to these changes and to take a few minutes of the time of the Senate to analyze the bill.

It will be noticed that the first part of the bill is a reenactment of the old law, which limits the amount that a borrower can get from the bank to 10 per cent of the paid-in capital stock and surplus. Then there is added a proviso which seeks to take away a good many of the safeguards which are given to the depositors by the first paragraph, to which I have just referred.

There are four classes of paper subject to discount by this proposed amendment. The paragraph designated (1) relates to the discount of bills of exchange. The old law contained this language:

(1) The discount of bills of exchange drawn in good faith against actually existing values.

That is the old law as it now is. To that the draftsman has added the following language:

Including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of the kinds described in section 13 of the Federal reserve act.

All of that is new matter. Paragraph 2, as I recall, is a reenactment of the old provision:

The discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same.

Paragraph 3 is entirely new. It relates to—

the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title covering readily marketable nonperishable staples, including live stock, when the actual market value of the property securing the obligations is not at any time less than 110 per cent of the face amount of the notes secured by such documents, and when such property is fully covered by insurance.

This gives practically the same privileges to the discount of notes that are given to the discount of bills of exchange defined in paragraph 1, except that it carries a 25 per cent limitation later in the section.

Paragraph 4 is substantially a reenactment, possibly a reenactment of paragraph 3 as contained in the present law.

Last year or the year before we sought to extend the borrowing privileges of the borrower when he could furnish Government bonds or certificates as collateral. Then we provided thus:

The discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States.

When thus secured they were not to be included within the limitation of 10 per cent of the capital stock and surplus of the banks; but there was added a further limitation to the borrower even when he had United States bonds as collateral. No. 4, which was No. 3 in the old law, provides:

The total liabilities to any association, of any person, or of any company, corporation, or firm upon any note or notes purchased or discounted by such association and secured by bonds, notes, or certificates of indebtedness as described in (4) hereof shall not exceed (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) 10 per cent of such capital stock and surplus fund of such association.

The situation is this: The ordinary borrower can go to the bank and can only get 10 per cent of the capital stock and the surplus; but if he goes with collateral in the form of United States bonds, by permission of the Congress—I mean the legislative permission of Congress—he can get an additional 10 per cent of the capital and surplus. In other words, he is limited to 20 per cent; but under the provisions authorizing the Comptroller of the Currency and the Secretary of the Treasury to extend this privilege, it has been since extended so that one may borrow $100 for every $105 of bonds which he hypothecates at the time he makes the loan. That is done by administrative processes.

But now think of this situation: If one takes to a bank a draft or a bill of exchange such as is defined in section 1, he can get 100 per cent not only of the capital and surplus but 100 per cent of the deposits as well by the mere discount of that kind of paper, if it comes to the paper discounted under paragraph 2. Again, the only limitation upon one's borrowing capacity is the contents of the vault of the bank—100 per cent, less of course legal revenues.

When it comes to paragraph 3, a limitation is provided which is 25 per cent of the amount of the capital stock and surplus; but the borrower must give $110 worth of security, which may be of cotton or of wool, which may or may not be correctly graded; or it may be a bunch of mavericks from the West which are being shipped, and he can get 25 per cent of the capital stock and surplus.

It may be said that as this is drawn against existing values the risk is negligible. I beg to differ in that behalf from my friends who are advocating this measure, and I want to say just a word in that regard. I confess to something of a pride in the Federal reserve act. In a very modest way I served on the committee that had in charge that legislation. I thought we had secured everybody, including the depositors. I recognize that that legislation is susceptible of a perfecting process as we go along; but I submit that we ought not to decrease the safeguards which the banks should observe when it comes to the loaning of the money of the depositor.

I want to appeal to Senators with the thought that we are now going through a day of inflation, and there is the risk. The Federal reserve act was so good——

Mr. SMITH of Georgia. Mr. President, these provisions were in the old national-bank act.

Mr. POMERENE. I do not care where they have been. You are extending them; you are spreading them out. It is true that a part of them have been in the law for some time, and I propose to say something about that.

Mr. NORRIS. Mr. President, will the Senator from Ohio yield to me?

Mr. POMERENE. Yes.

Mr. NORRIS. May I ask the Senator a question?

Mr. POMERENE. Yes.

Mr. NORRIS. I am led to ask the question by the Senator's suggestion that we are passing through days of inflation, a consideration which I think ought to appeal to all of us; but even if we admit, for the sake of argument, that all of the new provisions of this proposed law are absolutely correct, still would it not follow, even after that admission is made, that the result of this legislation would be a great deal of inflation?

Mr. POMERENE. It will add to the process of inflation.

Mr. NORRIS. Yes; that is what I mean.

Mr. POMERENE. There can not be any doubt about it.

Now, Mr. President, just think of this situation. The Congress allows an increase of the amount of money that one can borrow on Government bonds to 20 per cent—the comptroller has seen fit to increase that amount, as I stated a moment ago—but when it comes to the discounting of notes secured by bills of lading, it may be by warehouse receipts; then one can get 25 per cent plus the 10 per cent, or 35 per cent in all. In other words, we are depreciating the value of Government bonds as collateral and increasing the value of warehouse receipts and bills of lading. That is one objection to this bill in its present form.

Now, let us see where we are leading to. Several years ago I introduced here the bill-of-lading bill which later became the law of the land. I remember very well when we had the extensive hearings upon that subject that those who were most insistent upon legislation of that character were the chambers of commerce from the South and the West. Why? Because at that time commercial men were going through the South and through the West buying cotton, or cattle it may have been, and then going to freight agents, and, by one means or another, persuading the freight agent to issue a bill of lading before the freight was actually delivered to the carrier. Then they would go to a bank and discount such paper. The Supreme Court held in the Friedlander case that because such bills of lading were issued ultra vires by the freight agent, therefore there was no liability on the part of the common carrier to the banker who may have been defrauded by discounting such a draft with a

bill of lading attached. That has been corrected, so that if a bill of lading is issued within the apparent scope of the authority of the freight agent the common carrier is liable to the holder of the draft which is secured by that bill of lading; but it does not do away with the possibility of extensive forgeries. Let me illustrate: Within a year last past the grand jury in the southern district of Ohio indicted one of these gentlemen who goes about the country defrauding people and forging bills of lading. One such individual went to a bank and cashed a draft with a bill of lading attached. He was indicted by the grand jury; but the United States District Court for the Southern District of Ohio sustained a demurrer to that indictment, because, as the court held, that provision of the bill-of-lading act was unconstitutional. Later the case went to the Supreme Court, and within the last 60 days that court handed down a decision sustaining the constitutionality of that act and remanded the case for further proceedings; but the man who cashed that draft got $30,000 of the bank's money.

I refer to that for this reason: There is not any limitation placed in this bill or in the old law upon the amount of money that one of these fellows can get if he goes to a bank with a draft or a note and has attached to it a bill of lading or warehouse receipt. Still Senators come in here and attempt to let down the bars so that an agreement can be made between the man who presents the draft and the cashier of the bank to accept that kind of paper.

Mr. President, it is said that we can not finance our crops if we do not let down the bars. Let me say that, while this legislation is being urged by those who come from one section of the country, it is neither more nor less important to them than it is to any other section of the country. It is not a question of cotton raising or cotton selling or wheat raising or wheat selling; it is a question of sound banking. That is the only question that we should consider here. I have been told by Senators—and I have no doubt we will hear the argument urged—that when it comes to the buying of wheat or the buying of cotton the purchaser goes around and makes an arrangement at one bank to present his drafts with bills of lading attached, and then can discount paper of that kind to an extent limited only by the deposits of the bank.

Now, Senators, if you are more interested in helping along some cotton or wheat buyer than you are in security for your depositors, then I can understand your position.

Let me call attention to another significant fact. My very good friend the Senator from Georgia [Mr. SMITH] and my very good friend the Senator from South Carolina [Mr. SMITH] repeatedly on the floor of the Senate have called attention to the manner in which the South suffered because of the gambling on the cotton exchanges, because their cotton was not properly graded, because cotton is up one day and down another day. While I never follow the markets, I am told that in the last few days or few weeks, at least, there has been a substantial decline in cotton. That will occur, as it has occurred in the past; and now if there is some difficulty about the grading of cotton or if the value of the cotton declines because of the manipulation of the cotton exchanges, what is going to happen to the small bank that has all its money tied up in that kind of security? What is going to happen to the bank in the West that has all of its funds tied up by some cattle buyer? What is going to happen to the bank in my own State when the manufacturer presents his drafts, with bills of lading attached, representing certain machinery?

Why, Mr. President, I dare say there is not a prosperous county in the South that has not two or three or four banks in it. If your cotton buyer or you wheat buyer or your stock buyer can not get all the financial accommodation that he wants at one bank, is there any serious embarrassment to him, after he has carefully established his line of credit, in dividing up and going to one bank and getting 50 per cent of his accommodation there and 50 per cent of it at another bank?

Mr. President, I do not know what the Senate is going to do with this bill, but I suggest that if there is to be any change in this law at all the 25 per cent limitation ought to apply to class 1 and class 2 as well as class 3; and I understand that there will not be any serious objection to that even from the Federal reserve officials.

We are talking now throughout the country about the value of the dollar. Its purchasing power has decreased materially. We are, as I said a moment ago, in an era of inflation. Now, let us see what the situation may be.

Let us assume that we have a bank with $100,000 capital and $100,000 surplus and $1,000,000 of deposits. Under the general provisions of the law the borrower can get $20,000. Under this paragraph 3 the man who is buying cotton or wheat or hogs can get 25 per cent of the $200,000, or $50,000, in addition to the $20,000, or $70,000; but if he has a draft or a bill of exchange of the class described in paragraph 1 or paragraph 2, if the bank has all of its funds in cash in its vaults, it can get $1,200,000, less legal reserves, simply by discounting that paper. I do not believe in that kind of banking.

The Congress was so careful about this law when it was first adopted that when it came to the sale of the vast amount of bonds necessary for the purpose of carrying on the World War, Congress said: "We will only increase the 10 per cent loans allowed by the law by another 10 per cent, though we will allow the Comptroller of the Currency and the Secretary of the Treasury to expand that amount if they wish; but when it comes to the dealings described in the new paragraph 3"—which is entirely new so far as the old law is concerned—"we are going to let you have 25 per cent, provided you give a 10 per cent margin on the kind of collateral that you are shipping."

Mr. President, that may be sound banking. It may be that I do not comprehend it, but I think I know what the depositors in your banks will say about it. There is not any bank in the world that is interested in having one borrower only. That bank is safest that distributes its funds around and has many borrowers.

For the reasons that I have suggested, Mr. President—and I do not care to occupy the time of the Senate further—I shall oppose the bill.

Mr. McLEAN. Mr. President, before the Senator takes his seat, I should like to ask him if he knows of any other country in the world that puts any limit on the amount of a loan that shall be given to one individual or corporation?

Mr. POMERENE. Mr. President, I have not studied the lines of loans which are made by banks in other countries, but I think I know our civilization, and I think I know the risks of the banking proposition; and I do not think you have heard of very many borrowers or very many merchants who have not been able to get all the money they want, and all that they need, if they have proper collateral.

Mr. McLEAN. The Senator said, as I understood him, that there was no other country in the world that would permit such a large loan to a single individual.

Mr. POMERENE. I do not think I referred to any other country; did I?

Mr. McLEAN. I understood the Senator to say so.

Mr. POMERENE. I do not think I did.

Mr. McLEAN. My impression is that there is no other country than the United States that puts any limit on the amount of loans to a single individual.

Mr. POMERENE. I think the Senator was the only one who referred to any other country. I am sure I did not in that way. I did not even have it in mind.

Mr. NORRIS. Mr. President, may I ask the Senator a question of which I am reminded by the suggestion of the Senator from Connecticut?

Mr. POMERENE. Yes.

Mr. NORRIS. I think we will agree, probably—at least, I want to ask the Senator if that is not his idea—that this limitation of the amount of money that can be loaned by a bank to one individual has two objects in view. One the Senator has mentioned, and that is that it goes toward the safety of the bank, and it is better to have the bank loan its money to many men than to put it all in one basket. But is it not true also that the law has another object in view, and that is that every bank is a semipublic institution, and one of the reasons why we legislate about it and surround it with laws and regulations is that it may perform its function in the community, and do its part in carrying on the business of the community, and that by loaning all of the funds to one man it is failing to perform its commercial function in the community where it exists and that this limitation has a tendency to keep alive? In other words, if all of its funds could be loaned to one man, a bank might be organized by some one for the purpose of borrowing the depositors' money.

Mr. POMERENE. If I may answer the Senator in my own way, I will suggest that some years ago a very elegant and a very pious gentleman said, when it came to the formation of combinations, that it was a very good thing to have them, just as it was a very good thing to pinch off all the rosebuds that were on a given bush so as to make the one full rose a perfect bloom. Now, there may be some people who think it is very wise to have one great big man in one community who can borrow all the money of the bank, when the other little fellows can get nothing. That may be so, but I doubt the wisdom of it.

Mr. McLEAN. Mr. President, may I call the attention of the Senator from Ohio to the fact that if his fears in the line he has just suggested are well founded I think it would be well for him to have the laws of his own State amended, because I

think that under the statutes of Ohio all the State banks are permitted to loan to a single individual to the extent of 25 per cent of their capital and surplus.

Mr. POMERENE. Twenty-five per cent?

Mr. McLEAN. Twenty-five per cent.

Mr. POMERENE. Well, if that is true, the law has been changed very recently.

Mr. McLEAN. More than that, Mr. President, I think the average throughout the country is from 20 to 25 per cent. I am sure that the New York limit is 25 per cent, and the same is true in all the large States.

Mr. POMERENE. I have not had occasion to look at the Ohio banking law for some time, but I think the Senator from Connecticut is mistaken.

Mr. NORRIS. I would like to ask the Senator from Connecticut, if that is true, and if that is an indication of good banking, as I judge he thinks it is from his asking the question, would it not be wise for Congress, then, to limit in this bill the amount that can be loaned to one person to 25 per cent? This goes away beyond that.

Mr. McLEAN. To what portion of the bill does the Senator refer?

Mr. NORRIS. I am not going to discuss the bill.

Mr. McLEAN. I understand the contention of the Senator from Ohio is directed to the clause which extends the present limit from 10 to 25 per cent of the capital and surplus.

Mr. NORRIS. The Senator from Ohio has clearly pointed out that some of the securities could run to 100 per cent and would not be limited to 25 or 10.

Mr. SMITH of Georgia. Mr. President, I will reply very briefly to the Senator from Ohio [Mr. POMERENE]. There are really two amendments to this bill that are important. The first is a description of a provision now in the law, and it does not really extend the credits of the bank. The law now provides that the discount of bills of exchange drawn in good faith against actually existing values shall not be counted as a part of the 10 per cent of the capital loaned. Why? Because it is not really a loan; it is not really a credit. The cattle owner in the West ships his cattle to Chicago and draws his sight draft with a bill of lading attached, which is paid in Chicago at once and goes to the credit of the local bank in the Chicago bank.

The wheat owner ships his wheat to St. Paul or Minneapolis or Kansas City and draws his sight draft with a bill of lading attached, which is cashed at once by his bank, the bank sends it on, and the amount of the credit at this central distributing point is placed to the credit of the bank cashing the draft.

The cotton holder in the South ships his cotton, perhaps, to Savannah or to New York or to Boston and draws his sight draft with bill of lading attached. It is not a loan to him. It is a cashing of a sight draft. That is practically what it is. That is practically all of section 1.

Mr. POMERENE. Mr. President, if the language of description adds nothing to the scope of section 1, why is it there?

Mr. SMITH of Georgia. Because the view has grown up recently in the comptroller's office that broader language is necessary. That practice has been in existence for years and the drafts have been cashed. But a recent view of the comptroller's office questions the soundness of the policy, and the language is recommended by the Federal Reserve Board and by the comptroller to make it clear.

Mr. POMERENE. The Senator from Georgia also says that when money is gotten from the banks it is not really a loan. Of course, one of two things may happen: The draft may be paid, and if it is paid, then the bank sustains no loss. But suppose the draft is not paid; then what?

Mr. SMITH of Georgia. Then the bank would sustain a loss. But, Mr. President, there is the bill of lading attached. A good bank, if it had the slightest doubt about the man who drew the draft or about the party at the other end, would telegraph to know whether the draft was good.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. If the Senator desires to ask me a question, well and good. I have only 10 minutes.

Mr. POMERENE. All I wanted to do was to ask the Senator a question. The thought has been suggested to me—and, of course, it is quite apparent—that this may happen: Suppose a trainload of cattle is sent from Texas, or it may be from one of the far-western mountain States. It is valued at the time of the shipment at $100,000. By the time it gets to Chicago it may be worth only $80,000. It may be that the credit is extended solely because of the bill of lading. If so, then there is a difference of $20,000 between the amount of credit granted the borrower and the amount which is realized upon his shipment.

Mr. McLEAN. It is insured.

Mr. SMITH of Georgia. Mr. President, that might be true. The Senator from Ohio says that one of these bills of lading might be forged. Any indorser's name might be forged on a note. The Senator from Ohio is afraid of a forgery. That is a matter that every bank has to watch in all of its transactions. It does not apply to a transaction of this kind any more than it does to any other.

Mr. POMERENE. No; but, Mr. President, it limits the amount of the money which he can get on forged paper.

Mr. SMITH of Georgia. But, Mr. President, ordinary paper is not secured as this paper is. Ordinary paper is not a sight draft. The distinction between a sight draft and a paper due at 60 or 90 days or 6 months makes all the difference. These drafts simply are drawn without any care by the bank where the bank knows they will be cashed. With the ease of communication by telegraph, no bank properly managed would cash a draft unless its officers knew the money was at the other end to meet it or that the drawer of the draft was good for the amount. It is a line of business that has been going on for years. It is essential to move the crops of the country, and I have heard nothing of any losses in this line of business by the banks in any way greater than in their ordinary business.

It is not a loan. I deny that it is a loan. It is the cashing of a sight draft. It is the transfer of the money at the bank to some central point, as a rule. Smaller banks throughout the country draw with bills of lading on neighboring distributing points.

Who has the best knowledge of this business? The Federal Reserve Board and the comptroller. Our original banking law contained a provision which largely covered it. It is only an explanation and a clarifying of existing language.

I come now, Mr. President, to the second provision. That is contained in number 3. Number 2 is a mere recitation of the existing rules. Number 2 is that the discount of commercial or business paper actually owned by a person, company, corporation, or firm negotiating the same shall not be counted as a part of the 10 per cent.

This third provision is intended really to facilitate the handling of farm products. Let us see what it is. It does not add the 25 per cent to the 10 per cent and make it 35 per cent, as I understood the Senator from Ohio to state.

Mr. POMERENE. I so said.

Mr. SMITH of Georgia. I do not understand that it means anything of the kind. It limits specifically the total amount to the 25 per cent.

What is the effect of that language? It provides:

> The discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title covering readily marketable nonperishable staples, including live stock, when the actual market value of the property securing the obligation is not at any time less than 110 per cent of the face amount of the notes secured by such documents and when such property is fully covered by insurance.

What further is contained in the bill? A limitation of that privilege in advance. It says—

> Shall not exceed * * * 10 per cent of such capital stock and surplus fund of such association.

That is the old language. This provides that—

> The total liabilities to any association, of any person or of any company, corporation, or firm for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof, shall not at any time exceed 25 per cent of the amount of the association's paid-in and unimpaired capital stock and surplus.

So not only the amount borrowed under section 3, with the warehouse receipt as security, but the total amount, this provision declares, of the money borrowed by a particular company or person or individual, including other loans and the loan made with the warehouse receipt attached, shall not exceed 25 per cent. The total can not exceed 25 per cent. It further provides that—

> The exception made under (3) hereof shall not apply to the notes of any one person, company, corporation, or firm for more than 6 months in any consecutive 12 months.

The limitation is made of 25 per cent for total loans to not more than 6 months in any 12 months. That provision was put in to make certain the fact that the borrower did not run a continuous loan, but that he settled up. He must sell his agricultural product that he has given in the shape of a warehouse receipt as security. He must sell out and close up, and can not more than 6 months in any 12 months make these loans.

But the Senator says that banks were only permitted to advance on Government bonds to the extent of 20 per cent of their capital stock, and that was wise and prudent. The Government

bond held by a purchaser is something that he may not sell at all. It facilitates a continuous and long-time loan. These staples, warehoused, are for sale. The one means something in the nature of a permanent loan, a continuous loan. The other is upon a commodity that the owner will dispose of and rapidly change into cash.

The Government bonds are perfect security. They do not take the shape of commercial transactions, as this class of security provided in title 3 takes. The holder of these securities covered by title 3 contemplates sale. They are intended for sale. They are going into commerce, and lest there should be any doubt about their going into commerce, the bill provides that these loans shall not be for more than six months in a year, the total time. There is no such restriction as to an advance on bonds. I do not think I have paid the bank with which I do business all the note that I gave for the first Liberty bonds that I bought. I certainly owe in bank for part of the bonds I bought. I paid them enough to make the bonds good. And that is the case with a great many people.

Mr. POMERENE. The bank no doubt regards it as an exceptional asset to have the Senator's name there, and that is the reason for it. It is better than the bond.

Mr. SMITH of Georgia. The Senator flatters me. I am afraid that is not true. I mentioned that simply to show the difference in the nature of the loans. The loans on the Government bonds are not commercial transactions. They are made to help the customers of the bank to carry the bonds, and the bank that sells needs the protection of the limitation of the quantity, while these warehouse receipts are commercial paper, and will undoubtedly change into cash speedily, and that they may certainly be made to change to cash speedily this provision has been added to at the close:

The exception made under (3) hereof shall not apply to the notes of any one person, company, corporation, or firm for more than 6 months in any consecutive 12 months.

That is to say, you must close out your goods in the warehouse and pay up your bank if you borrow under title 3. You can not run it, as most of us have run our loans, secured by Liberty bonds.

Mr. President, 25 per cent of the capital stock as a loan, as has been suggested by the Senator from Connecticut [Mr. McLEAN], is the rule in a great many States as to the State banks. This is a measure that is deemed advisable by the Federal reserve bank and the Comptroller of the Treasury to aid and facilitate the handling of crops.

The one in which my section is especially interested, much more than in this, is the sight draft. The Senator from Ohio [Mr. POMERENE] dwells upon cotton, seeming to think that cotton being interested perhaps Senators from other States would be prejudiced against the measure.

Mr. POMERENE. Oh, Mr. President, the Senator has no right——

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

Mr. POMERENE. Oh, Mr. President, I simply desire to say, in answer to what the Senator stated in that behalf, that he placed a wrong construction upon what I said; and he is not justified in it. I referred in the same way to wheat and to live stock from the West and to the industrial products of my own State.

Mr. SMITH of Georgia. The Senator is mistaken when he says he referred to them in the same way. When the record of his remarks is read to-morrow morning he will find that he did not refer to them in the same way. He emphasized the one, which was cotton, and finally brought the others in incidentally. I am glad to hear him state that it was not his purpose, by the manner in which he made the reference, to create any prejudice in that way, because I was not gratified at the manner of his speech.

Mr. President, I have finished what I desired to say on this subject. I have called attention to the fact there are only two propositions in the bill. There is nothing of inflation about it, nothing whatever. The first facilitates, by more specific description, the power already in the law of the banks cashing a sight draft with bill of lading attached. I think they can do it now, but there has been some question about it at the office of the comptroller, and this language makes it clear.

The second was intended to take care of farm products, and to permit, with wise restriction, loans up to the extent of 25 per cent where warehouse receipts to the extent of 110 per cent of the amount of the note secure the loan, and to keep the bank in use of quick assets the transaction must be closed out, and not more than for 6 months in any 12 months can the borrower use this basis of credit to extend his loan beyond 10 per cent of the capital stock of the bank making the loan.

Mr. HENDERSON. Mr. President, in connection with the matter that has just been under discussion, I send to the desk a letter which I have received from Gov. Harding of the Federal Reserve Board, referring to the amendment which I have proposed, and I ask that the Secretary may read the letter.

Mr. SMOOT. I understand that the unfinished business is before the Senate.

The VICE PRESIDENT. It is before the Senate. The Secretary will read the letter, if there is no objection.

The Secretary read as follows:

FEDERAL RESERVE BOARD,
Washington, September 5, 1919.

Hon. CHARLES B. HENDERSON,
United States Senate.

MY DEAR SENATOR: I acknowledge receipt of your letter of the 3d instant inclosing a revision of House bill 7478, which I understand it is your purpose to introduce in the Senate. My opinion is that you have improved materially the wording of the House bill and have made its meaning much clearer without altering the substance.

I would call your attention to a typographical error in line 17 of page 2, where the word "is" is used when obviously "if" is the proper word. I would suggest also that in line 6 on page 3 the word "and" be stricken out, and that a period take the place of the comma immediately preceding that word, and that the word "the" in line 7 begin with a capital letter, thus beginning a new sentence.

In my opinion it would be wise to substitute your draft for the bill as passed by the House.

With kind regards, I am,
Sincerely, yours,

W. P. G. HARDING,
Governor.

Mr. HENDERSON. I ask unanimous consent that the changes referred to in the letter just read be made in the amendment which I have proposed and which has been read.

Mr. SMOOT. I understand that the letter is from Gov. Harding?

Mr. HENDERSON. Yes; relative to the amendment which I proposed to the bill. He has suggested a few minor changes which I ask unanimous consent to have made.

The VICE PRESIDENT. The Senator has a right to modify his amendment.

Mr. SMOOT. I listened to the reading of the Senator's amendment as closely as I could, but there was so much confusion in the Chamber that I did not hear it all. If I understand the Senator's amendment correctly, I can not understand why Mr. Harding says that it does not change the substance of the bill as it passed the House.

Mr. HENDERSON. It does in one particular, and that is relative to the insurance of live stock.

Mr. SMOOT. That is a very important point.

Mr. HENDERSON. I expected to explain it to the Senate to-day, but in view of the fact that the unfinished business is now before the Senate I will defer the explanation until a later time.

CITY POLICE AND LABOR UNIONS.

Mr. THOMAS. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the New York Times of this date entitled "The way to deal with police strikes," and I trust it will receive the consideration of all the powers that be in the city of Washington.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"THE WAY TO DEAL WITH POLICE STRIKES.

"Irrespective of the shadow of politics that hung over the Boston police strike, since a Republican legislature has vested in the governor, and not the mayor, the appointment of the Boston police commissioner, and irrespective of the initial well-intentioned but grave mistake of Mayor Peters and his committee of citizens in wishing to submit to compromise an issue that could not be compromised instead of heartily supporting 'the commissioner in the execution of the laws,' as Gov. Coolidge told the mayor, the police strike and the mobs of hoodlums and looters, 'miscellaneous ruffians,' and crooks that have rushed in from other cities to share in the feast of misrule, have been handled in essentially the right way. It could not be expected that volunteer policemen, particularly detested by the hooligans as 'scabs,' and some of them guilty of the atrocious crime of being well-to-do and educated men, could deal with ferocious gangs of rioters, operating in various parts of the city and concentrating their forces on little knots of amateurs.

"The State troops were called out promptly; more and more were sent as the severity of the outbreaks made itself felt. These troops are in command of a competent officer, Brig. Gen. Cole, who led the Twenty-sixth Division in France. Cavalry

and infantry have been used and will be used to advantage. If the State troops can not put down the mobs, the governor, at the mayor's request, will ask President Wilson for Federal troops, and martial law will be proclaimed.

"Whatever sympathetic strikes are called in Boston must incur the disgrace of abetting lawlessness and crime, and must be mostly impotent for evil, since the temper of all the decent and orderly elements of the community is stern against them, since the temper of the troops must constantly grow fiercer under innumerable provocations and the strain of duty, and since 'the sullen guns that know no doubts' will be the ultimate masters; and even the most radical of the leaders know it. The law will be enforced and order restored relentlessly. So far as union labor leaders put obedience to the will of the union before obedience to the laws, they are following a dangerous and a criminal course. The violence that they have fomented will redound to their discredit and will be stamped out by the forces that are the final guaranty of the reign of law and order.

"If there is any city whose mayor and police commissioner have ever shown a disposition to coquet with organized disorder, to put into the police under their control no hearty disposition to suppress it, to tolerate its beginnings or encourage it, this Boston essay in Bolshevism should remind them of the error of their ways. The spirit that prefers the union to the law, executes private punishment upon offenders against the commands of the union, and sows recklessly the seeds of mob law, pillage, and destruction of property, will not be tolerated by America. Wherever it shows itself it will be put down. To yield to it or to dally with it is merely to provoke more disastrous consequences. In the end the law will speak the last word."

CONTROL OF FOOD PRODUCTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harrison	McNary	Smoot
Beckham	Henderson	New	Spencer
Brandegee	Johnson, S. Dak.	Newberry	Sterling
Capper	Jones, N. Mex.	Nugent	Swanson
Culberson	Jones, Wash.	Overman	Thomas
Curtis	Kellogg	Page	Townsend
Dillingham	Kenyon	Phelan	Trammell
Edge	Kirby	Phipps	Underwood
Fletcher	Knox	Pomerene	Walsa, Mass.
Frelinghuysen	Lodge	Sheppard	Walsh, Mont.
Hale	McCumber	Sherman	Wolcott
Harding	McKellar	Simmons	
Harris	McLean	Smith, Ga.	

Mr. McKELLAR. The Senator from Rhode Island [Mr. GERRY], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Kentucky [Mr. BECKHAM] are detained from the Senate on official business.

Mr. KIRBY. I announce the unavoidable absence of the Senator from North Carolina [Mr. DIAL] on official business.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Fifty Senators have answered to their names. A quorum is present. The unfinished business is before the Senate as in Committee of the Whole.

Mr. HARRISON. I ask unanimous consent that the amendments of the Committee on Agriculture and Forestry may be considered first.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will report the first committee amendment.

The SECRETARY. The first amendment of the Committee on Agriculture and Forestry is, on page 2, line 14, after the word "war," to insert:

And to prevent in the District of Columbia unreasonable profits on dwelling houses, dwelling rooms, and apartments held for lease, sublease, or rent.

Mr. SMOOT. Mr. President, I wish to ask the Senator from Illinois [Mr. SHERMAN], the chairman of the Committee on the District of Columbia, whether the amendment suggested to this food-control bill relative to the prevention in the District of Columbia of unreasonable profits on dwelling houses, dwelling rooms, and apartments held for lease, sublease, or rent in any way would interfere with the bill which has already been reported to the Senate upon this same subject matter?

Mr. SHERMAN. Mr. President, I think it would. The two cover precisely the same ground. The bill that has already been reported by the committee—on yesterday, I think—has somewhat elaborate provisions for the regulation of rents, providing for a reasonable rent charge only, and covers exactly the same ground that this amendment does.

Mr. SMOOT. As this bill provides no way of carrying these particular provisions into effect, I desire to ask the Senator from Mississippi if it would not be better to disagree to these two amendments? As I understand, the rent bill will follow this bill for consideration.

Mr. HARRISON. I will say to the Senator from Utah that the amendments were placed in the bill with the concurrence of every Member of the committee who was present; it was unanimously done. The object was to take care of the situation at least until the provisions embodied in the bill reported by the committee, of which the Senator from Illinois [Mr. SHERMAN] is chairman, might be enacted into law.

The Senator from Utah knows that it is not difficult perhaps to pass a bill of this character through the Senate, but that it is very difficult to pass District legislation through the other House. There they have certain days, which are far apart, for the consideration of such legislation, and they very often set aside District legislation. It is my opinion that unless the amendments to this bill relating to the subject are adopted it will be a long time, although I hope that may not be true, before we get some permanent legislation touching rents in the District. I hope it will not be very long before such legislation is passed, however; and I congratulate the Senator from Illinois and his committee on the work which they are doing along that line. The adoption of the amendments is not going to conflict in the slightest degree with any law which Congress may subsequently enact. I understand the purpose of the bill which has been reported from the Committee on the District of Columbia to be about the same as that embodied in the amendments, except that the bill is broader and deals with the Saulsbury law as well as getting at profiteers who make unreasonable rent charges in the District.

I submit since we have an opportunity to incorporate these provisions in this bill that we ought to do so. The Senator from Utah [Mr. SMOOT], if he has kept informed as to the consideration of the food-control bill in the other House, is aware that there was a provision offered there, which was agreed to by a pretty large vote in the Committee of the Whole, embracing rents throughout the United States. Of course, I do not think the House had any authority to do that in such a bill; and when the bill got back into the House from the Committee of the Whole House that provision was stricken out because it did apply to the whole United States. We have been very careful in these amendments to make them apply merely to the District of Columbia. The adoption of the amendment could not do any harm, and in my humble opinion it would do a great deal of good. I therefore sincerely hope that the Senate will back up what the Senate Committee on Agriculture has done in embodying this provision in the pending bill.

Mr. SMOOT. Mr. President, of course the Senator from Mississippi knows that if we agree to them the House of Representatives will have to pass upon these amendments as to rent charges in the District of Columbia just the same as they would have to pass upon the rent bill which I expect will pass the Senate, perhaps, to-day or to-morrow. As the other bill is more comprehensive and covers the whole question, I really feel that it ought to be passed and that these amendments should be rejected, because then the House Members, as the Senator has said, could not say, "Well, we have legislated upon the subject and therefore there is no need of hurrying this bill through."

I believe that every Member of the House recognizes that there ought to be some legislation regulating rents in the District of Columbia and, indeed, throughout the United States, if it were possible for us to do so; but particularly that they should be regulated in the District of Columbia. I can not conceive of anyone trying to block the bill that will come before the Senate, and which, as I say, will probably pass either to-day or to-morrow. I do not know whether or not there would be any conflict between the provisions of the pending measure and the law which we hope to pass.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I yield.

Mr. TOWNSEND. I desire to ask either or both of the Senators who have just spoken—for I am not well informed on the subject—whether if this provision were adopted and the other bill also were passed there would not be a conflict in this respect. The provisions of the pending bill, as I understand, are enforceable by the Department of Justice while the provisions of the

other bill when it becomes a law are to be enforced by a commission to be created in the District of Columbia for that purpose. Is not there liable to be a conflict which will result in disaster to the very object which we are all so anxious to accomplish if we now place the same subject under the control of two different agencies?

Mr. HARRISON. Mr. President, I think it would be the easiest kind of matter when the other bill comes up for consideration to write a provision into it that it shall repeal the rent provisions of the pending measure; but this can be operating under the circumstances for the time being.

Now, I desire to say to the Senator from Utah, who stated it would be possibly just as easy to pass the bill which has been reported out of the District Committee as to adopt this amendment, that I can not agree with him. The food-control legislation has been put up to us as being very urgent. If we pass it this afternoon, it will go to the other House to-morrow, and they will probably agree to it.

I have talked with a great many Members of the other House and they have expressed themselves to the effect that if the Senate would put such a provision as this amendment into the pending bill they would concur in our action. I do not think there is any doubt about their doing so. However, we do not know when the bill pertaining to rents in the District of Columbia will come up for the consideration of the Senate. I understand that on Monday we are to take up the peace treaty; the minds of Senators will be on that treaty for quite a while; and no one can tell when we shall pass any more legislation touching the rent situation.

Then, when it comes to the other House, as the Senator from Utah knows, the District of Columbia Committee there is called on the calendar twice a month, I believe. Very often, however, in the other House they set aside the District calendar day. It does seem to me, therefore, that, since we have this opportunity, we ought to pass this provision in the pending bill and give some immediate relief to the citizens of the District, for when we reduce the price of rents in the District of Columbia we shall very materially reduce the cost of living here. We can agree to this amendment to this bill; let it become a law very quickly; and operate under its provisions.

Mr. SMOOT. I have no objection whatever to the amendment reported by the committee. The only thought in my mind was that there would be a conflict.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I yield.

Mr. KENYON. How can it possibly do any harm? When the other bill is considered, as the Senator from Mississippi suggests, could we not write a clause in that bill repealing the rent provision in the pending bill? And if they are inconsistent, in any event, the latter expression of Congress would repeal the former.

Mr. SMOOT. I do not know whether it would or not, because of the fact that the provisions of the amendment reported by the Committee on Agriculture are to be administered by the Department of Justice, while the provisions of the bill reported from the Committee on the District of Columbia are to be administered by a commission.

Mr. KENYON. But in any event we could insert in the bill reported from the Committee on the District of Columbia when it is considered a clause repealing the rent provisions in the pending bill.

Mr. SMOOT. I understand that; but there is not such a clause in the bill as it has been reported to the Senate from the Committee on the District of Columbia.

Mr. KENYON. Does the Senator really believe that the rent bill can be passed here to-morrow night?

Mr. SMOOT. I sincerely hope that it will be.

Mr. KENYON. I had supposed that the banking bill and the pending measure would probably consume all of the time until to-morrow night, and then, in all probability, there would be no further legislation on this subject until after the treaty is disposed of.

Mr. SMOOT. I do not know how long the pending bill is going to take, but I understand there is but one other Senator who desires to make a speech upon it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. Yes.

Mr. McKELLAR. The pending bill having already passed the House and the bill reported from the Committee on the District of Columbia not having even been presented to the House, is it not perfectly manifest that if the pending bill, embodying the two amendments, is passed this afternoon it will become a law long before the Ball bill could possibly become a law? The Senator says, as I understand, that he has no objection to these two provisions and thinks they ought to be a part of the law, and I think we all agree to that. They provide merely a penalty against the exaction of unreasonable profits in connection with the rental of "dwelling houses, dwelling rooms, and apartments held for lease, sublease, or rent" here in the District. It seems to me that the sooner we get such a law the better it will be, and I think we all agree that it is a wise provision that ought to be in the law.

Mr. LODGE. Mr. President, I should like to inquire whether the Ball bill could not be inserted as an amendment to the pending measure in lieu of the provisions in the pending measure concerning rentals in the District of Columbia?

Mr. McKELLAR. I see no reason in the world why that could not be done. I have not examined the Ball bill as it has been reported.

Mr. LODGE. Neither have I; but from what I have read concerning it in the papers I think it is a worthy measure.

Mr. McKELLAR. I think so, too.

Mr. SMOOT. The only thought I had was to secure action and get a rent bill passed as quickly as possible, and have that bill cover the whole subject matter. I do not believe, from what I can learn, that there is any opposition in the House to a rent bill such as has been reported to this body by the Committee on the District of Columbia. I can not conceive of any Member of the House trying to hold up a bill of that character in view of the situation here in the District to-day.

Mr. McKELLAR. I will say to the Senator——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. I yield.

Mr. McKELLAR. I will say to the Senator that, so far as I am concerned, if he will permit these two amendments to be adopted—and I think we all agree that they ought to be adopted, that being the most expeditious way of managing the matter—when the Ball bill comes in I will join him, as I believe all Senators who are interested in this question will join him, in seeking to have that bill enacted into law as soon as possible.

Mr. HARRISON. With the permission of the Senator from Utah, may I ask the Senator from Illinois a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. HARRISON. Did the bill reported out of the Committee on the District of Columbia have the unanimous support of the members of that committee?

Mr. SHERMAN. Yes, sir.

Mr. HARRISON. Was it a unanimous report of the committee?

Mr. SHERMAN. Yes, sir; although some of the committee were polled, not having been present.

Mr. HARRISON. I have not had an opportunity to read the Ball bill, and know of it principally from what I have seen in the papers; but is there a penalty attached along the lines of the particular provisions of the pending bill against persons profiteering in rents?

Mr. SHERMAN. There is a penalty for an excessive charge.

Mr. HARRISON. May I ask what is the penalty in the Ball bill?

Mr. SHERMAN. A penalty is imposed of a fine not less than $100 nor more than $5,000, or, in the discretion of the court, imprisonment, or both fine and imprisonment—one or the other, or both.

Mr. President, I am going to make a suggestion which the Senator from Washington [Mr. JONES], who is also a member of the committee and who has been working with us, has proposed to me, namely, that I offer Senate bill 2992, the Ball bill, to which reference has been made, as an amendment to or substitute for the amendment of the Senator from Mississippi as reported in the pending measure—to insert the whole bill as reported from the Committee on the District of Columbia.

Mr. HARRISON. Mr. President, so far as I am personally concerned, I hope the committee will accept the bill referred to by the Senator from Illinois as a substitute for the provisions in regard to rents contained in the pending bill, if it will save discussion.

Mr. SMOOT. Then let me ask the Senator from Mississippi to request that the two rent provisions in the pending bill be passed over, and in case the Ball bill is agreed to as a part of the pending measure, then we will disagree to the amendments in regard to rentals reported on the pending bill.

Mr. HARRISON. Very well. I may say to the Senator that all I want to do is to get some results, and get them quickly.

Mr. SMOOT. That is exactly what I had in mind.

Mr. HARRISON. I so understand.

The PRESIDING OFFICER. Let the Chair suggest that the pending bill will remain in force only during the present war, while the Ball bill, as the Chair understands, is intended to be permanent legislation. That fact ought to be considered in framing the amendment.

Mr. SMOOT. That is true as to the provisions of this bill as it stands as they relate to other questions, but the Ball bill, which is, I understand, to be offered as an amendment, provides, I believe, that it shall not expire with the end of the war.

Mr. SHERMAN. If the amendment offered by me is adopted, it will leave Senate bill 2992 still pending, but its provisions will have been incorporated in the pending measure by way of amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily passed over.

Mr. JONES of Washington. Mr. President, I just want to suggest to the Chair, in view of the suggestion made by the Chair, that the Ball bill, if proposed as an amendment and accepted, will expressly provide that it shall continue for a certain specific time.

The PRESIDING OFFICER. The Chair wanted to call the Senate's attention to that fact, so that it might be covered; that is all.

The Secretary will state the next amendment of the committee.

The next amendment of the Committee on Agriculture and Forestry was, on page 4, line 9, after the word "him," to strike out the words "And provided" and insert "*Provided further.*"

The amendment was agreed to.

The next amendment was, on page 4, line 15, after the word "them," to insert a colon and the following proviso:

And provided further, That to make unjust or unreasonable a rate or charge in handling or dealing in or with any necessaries, except where there has been a conspiracy, combination, or arrangement with reference to prices, such rate or charge must be in excess of the rate or charge fixed by a fair-price committee, and the Department of Justice is authorized to provide for the appointment of fair-price committees.

Mr. KENYON. Mr. President, I offer a substitute for this proviso. I will say that it merely makes it clearer and plainer. The proviso in this bill now presented by the committee is an absolutely unworkable proposition. This covers the idea as the committee intended to cover it, and I offer it at the request of the chairman of the committee.

The PRESIDING OFFICER. The Senator from Iowa offers a substitute for the amendment reported by the committee, which will be stated.

The SECRETARY. In lieu of the committee amendment on page 4, line 15, it is proposed to insert:

And provided further, That except where there has been a conspiracy, combination, agreement, or arrangement with reference to prices, a rate or charge made in handling or dealing in or with any necessaries in a territory in which a just or reasonable rate or charge has been fixed by a fair-price committee shall not be deemed unjust or unreasonable unless it exceeds the maximum rate or charge fixed by such fair-price committee, and the Department of Justice is authorized to provide for the appointment of fair-price committees.

Mr. SMITH of Georgia. Mr. President, I am not very enthusiastic about any kind of legislation which contemplates substituting artificial means in fixing prices for the ordinary course of business based upon supply and demand. Of course, I am in perfect sympathy with that legislation—and, if necessary, criminal procedure under it—which prevents illegal combinations or conspiracies to produce profiteering; but where legislation goes beyond reaching a combination to put up prices, I think as a permanent proposition we will do better if we let the ordinary competition in trade work out the prices, and stimulate more production to meet consumption. I think if all the people engaged in labor in the United States would work a few more hours each day, whether upon the farm or in the cities and towns, and increase production, and in the meantime economize in expenditures, we would be following a course more likely to bring about beneficial results than from legislation seeking to interfere with normal courses in trade.

Mr. President, I desire to say the claim that no existing provision is found in the food law for controlling profiteering, or for enforcing the provisions of section 4 of that law, is unfounded. The original bill was prepared with some care. Section 4 defines a number of acts as being illegal. Later on in the law, section 6 handles the problem of hoarding, defines it elaborately, and provides for its punishment. Sections 8 and 9 provide for the punishment of other things made illegal by section 4, but there was one thing made illegal by section 4 which at that time it was not deemed proper to make a crime. Section 4 provides that it shall be illegal to make an unjust and unreasonable rate or charge in the sale of a commodity. Now, this bill adds to foodstuffs wearing apparel, and it is proposed to make it a crime to sell any foodstuffs or any wearing apparel at a price indefinitely described as "unjust or unreasonable."

What does that mean? What is the offense? When this bill was before the committee during the war and before the Senate, we did not think we should make that language a crime, or at least we did not undertake to do so; but in section 5 the amplest means were given to enforce it. Under section 5 the President was permitted to organize a system of licensing all lines of business engaged in handling foodstuffs and to prescribe rules and regulations fixing the profits. Section 5 authorized the representatives of the President, whenever their rules and regulations as to profits were violated, to notify the parties so violating, and, unless they promptly complied after notice, the license to conduct business could be forfeited. To do business without a license was a crime.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. SMITH of Georgia. I do.

Mr. JOHNSON of South Dakota. I simply desire to ask the Senator from Georgia if he contends that section 5 applies to an individual?

Mr. SMITH of Georgia. Certainly.

Mr. JOHNSON of South Dakota. Does the Senator contend that the license provision applies to anyone doing less than $100,000 worth of business a year?

Mr. SMITH of Georgia. Oh, no.

Mr. JOHNSON of South Dakota. Then how are you going to reach the ordinary retailer?

Mr. SMITH of Georgia. The ordinary retailer does a business of over $100,000. There are very few retailers anywhere whose gross sales do not amount to $100,000 a year.

Mr. JOHNSON of South Dakota. Mr. President, I differ entirely with the Senator on that point. I think the majority of the retailers from whom the people buy their goods do less than $100,000 worth of business a year. I believe that the majority of retailers in the United States can not be reached by this section, and that this law as it stands and as I read it will not operate at all against that class.

Mr. SMITH of Georgia. Mr. President, there are very few retail grocery merchants who do a business of less than $100,000 gross; and when we fixed the limit of $100,000 a year gross we fixed that limit because we felt that we reached a large majority of them, and we did not desire to go out hunting for those merchants who were doing only a small business. We felt sure that if we carried the rule to those doing a business of $100,000, the competition between them and the smaller men would make it impossible for the smaller men to sell at prices above those regulated and controlled by section 5. Undoubtedly the majority of the grocery stores in this city do a gross business of over $100,000 a year. If you look at their stores, if you look at their clerk hire, if you look at their automobiles for delivery, you can see that their fixed charges are so large they must necessarily do a business of more than $100,000 a year or they could not do business at all. Now, then, if we have 20 retail grocery stores in Washington, regulated under section 5, compelled to sell at certain reasonable prices, certain low prices, any man who did a business of less than $100,000 could not live at all if he undertook to put his prices at higher figures than theirs.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia further yield to the Senator from South Dakota?

Mr. SMITH of Georgia. For a question; yes.

Mr. JOHNSON of South Dakota. All that I wanted to say was this: I do not understand that this law applies only to the cities. I speak of the country in general; and I contend, and still believe, that the majority of the retailers of the United States do a business of less than $100,000 a year.

Mr. SMITH of Georgia. That was not the complaint about this law. I do not agree with the Senator. My own observation is that in an ordinary city or small town of 2,500 inhabitants in my own State the retailers do a business of over $100,000 a year. Several in those places where the complaint of exorbitant prices has principally been made were reached by section 5; and why was its enforcement abandoned? I do not know. The only trouble is that section 5 has been abandoned.

When this bill was before the House I opposed giving the President the powers given him under this law, and the Senate amended the bill as it came from the House of Representatives and provided for a board of three, one of whom should be the president of a college of agriculture, to enforce this law. We knew the President could not do it. It was just one of those hysterical acts, unwise and foolish at the time, giving him

power which he could not perform. If we had created a board, and put the responsibility upon it, and made it accountable to the people of the country, instead of conferring this with the other vast, vast powers upon the President that he never has performed and could not perform, that he delegated first to one person and then to another, there would have been no occasion for this bill. We are partly to blame for passing that kind of foolish legislation.

The Senate provided, when the bill was before the Senate, that a board of three should administer this law. In conference we were forced to recede. I say "we"—I was on the conference, and I never did change my vote; but three of the Senate committee yielded and went with the House and gave the power to the President. If section 5 had been enforced there would have been no occasion for additional legislation. We did not make it a crime to charge an unreasonable profit, because language of that kind can not create a crime.

It is too indefinite. It is too uncertain. Now, let us see what we would do if, with the bill extending to the sale of wearing apparel, we, without further language, make it apply to an unfair or an unreasonable profit or price. You hold up every merchant in the land. You hang over every merchant selling wearing apparel or selling food the doubt as to what is a fair profit. What is a reasonable profit? Here are two merchants just across the street from each other. One may have been unusually bright in his purchases and obtained his goods at a lower price than did his rival across the street. Must he undersell him? Must he run him out of business? What is a reasonable profit? Mr. President, I am opposed to putting upon the statute books language so indefinite, and hanging the threat of criminal prosecution over the business men of this country, with no language of greater certainty to indicate to them what they are authorized to do.

I call attention to the decision of Mr. Justice Brewer in Fifty-second Federal Reporter, in which, where prosecution and conviction had been had against certain men under a statute which defined as a crime an unreasonable preference, without further language, Judge Brewer held:

> In order to constitute a crime, the act must be one which the party is able to know in advance whether it is criminal or not. The criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty.

Therefore we have added an amendment which is now subject to objection. The amendment which the committee added was that to make unjust or unreasonable a rate or charge in handling or dealing in or with any necessaries, except where there has been a conspiracy, combination, or arrangement with reference to prices, such rate or charge must be in excess of the rate or charge fixed by a fair-price committee, and the Department of Justice is authorized to provide for the appointment of fair-price committees.

Mr. President, the amendment offered by the Senator from Iowa [Mr. KENYON] limits the application of that doctrine, as I understand it, to a place where there is a fair-price committee, so that if there is no fair-price committee at the locality you can prosecute a merchant, charging him with having made an unreasonable profit, indict him for it, and take him up on a warrant, without giving him any standard whatever as to what is a reasonable profit. I can not vote for the amendment of the Senator from Iowa, because I really do not believe in making criminal at all so indefinite a charge as that one has made an unreasonable profit.

I agree with the view of Judge Brewer that such language is too indefinite to constitute a crime. The case in the Fifty-second Federal Reporter was before the Supreme Court on one occasion, and while they neither affirmed it nor overruled it they discriminated the case then before the Supreme Court from the case ruled on by Judge Brewer. I regard it as too indefinite, and am opposed to such language attached to a crime. I am opposed to making criminal conduct any language so uncertain that every man engaged in business is left in doubt as to what are his rights, and as to whether he is complying with the law or violating the law.

I do not desire to discuss this subject elaborately. I wish to state my views, and to call attention to the fact that the original act, as it now stands, gives ample opportunity to prevent profiteering, to prevent unreasonable charges. Unfortunately, again I repeat, we did not create a commission to administer the law. If we had, it would have been administering the law now. But Mr. Hoover found it necessary to go abroad to take care of the world and left his responsibilities here. I am not sure that it was a great loss to our country. I would be afraid to say it was not a loss if the Senator from Missouri [Mr. REED] were here. I really have not made up my mind whether his leaving was a loss or a gain to the country. But, at any rate, he left, and section 5 ceased to be enforced about eight or nine months ago, and the difficultly is not with the lack of legislation; it is with the abandonment of legislation, if any such line of conduct was necessary.

Mr. JONES of Washington. Mr. President, may I ask the Senator a question?

Mr. SMITH of Georgia. I yield.

Mr. JONES of Washington. I may be mistaken, but I understood that Mr. Hoover's duties here were terminated by Executive order. I would like to know whether the Senator has the same understanding?

Mr. SMITH of Georgia. I do not know. They were started by Executive order and they may have been stopped by Executive order. As I said before, my own view was that Executive order ought not to have had anything to do with it. We ought to have created our own commission, responsible to the public, as public officials, to discharge the duties that Congress placed upon them.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute offered by the Senator from Iowa [Mr. KENYON].

Mr. HARRISON. Mr. President, I desire to submit a parliamentary inquiry.

Mr. KENYON. Let me explain the matter to the Senator. This is a substitute for the proviso on page 4, merely making plain the situation. That proviso is absolutely unworkable. This is a substitute for it.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. KENYON. Certainly.

Mr. SMITH of Georgia. Is it not the effect of your substitute that in any place where there is no fair-price committee the provision making an unfair or unreasonable profit a crime would be enforced without a standard?

Mr. KENYON. Yes; I will have to say that is so.

Mr. SMITH of Georgia. That is the effect of it?

Mr. KENYON. That is the effect of it.

Mr. SMITH of Georgia. Where there is a fair-price committee, then their standard would limit prosecution?

Mr. KENYON. Yes.

Mr. SMITH of Georgia. Where there is no fair-price committee you would leave them to be prosecuted under the indefinite description of an unreasonable or unfair profit?

Mr. KENYON. Can the Senator suggest any remedy for that?

Mr. SMITH of Georgia. I am opposed to any of it unless you have a standard.

Mr. KENYON. I am not enthusiastic about any of it.

Mr. SMITH of Georgia. I just am not willing to vote for a provision that will make it a crime in any community for a merchant to make what the statute would call an unreasonable or an unfair profit without furnishing him any kind of standard of measurement as to what are unreasonable profits.

Mr. KENYON. Mr. President, to draw our attention and thought right to the question involved as to this substitute, does the Senator object to the substitute?

Mr. SMITH of Georgia. I object to it.

Mr. KENYON. I thought it was simply making it better. Under the Senator's provision the fair-price committee in New York might fix a price, and a prosecution might be in Iowa or Illinois, and the defense could take the price as fixed by the fair-price committee in New York. That is why I say the matter is absolutely unworkable.

Mr. SMITH of Georgia. That is objectionable if the Senator's construction is right. Let me turn to the language for a moment.

Mr. KENYON. I really do not believe, I will say to the Senator from Georgia, there is much use in spending much time upon it, because I think the proviso is going to be beaten.

Mr. SMITH of Georgia. Both of them?

Mr. KENYON. I mean the Senator's proviso is going to be beaten, apparently.

Mr. SMITH of Georgia. I do not know. I do not believe the Senate as a whole, if it really voted upon it, would vote in favor of making a crime out of the term "unreasonable or unfair." I do not believe if the attention of the Senate is called to the fact that with the provisos beaten they are passing an act hanging over the head of every merchant in this country the possibility of criminal indictment, without telling him what constituted the offense, it will vote for it. I can not believe the Senate will vote for it. I think they will beat the whole thing if their attention is called to it, especially when they see that section 5 provided a full measure of relief, without making criminal so indefinite a charge.

Mr. KENYON. Mr. President, I do not like this proposed legislation. I do not think anybody is very enthusiastic about it. It is difficult legislation. If it was to be permanent legislation, it would not secure my vote. But the Attorney General has come to Congress, and the President has done so, asking for this legislation. It is only going to be a period of perhaps 30 days, and in the meantime the Attorney General may be able to accomplish something by it. That is the only justification that I can get into my mind for voting for it.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from Iowa.

On a division the substitute was agreed to.

Mr. JONES of Washington. Now, should not the committee amendment as amended be submitted to the Senate?

The PRESIDING OFFICER. It was a substitute, and was adopted.

Mr. SIMMONS. I understood that the Senator from Iowa offered a substitute for the amendment proposed by the committee.

The PRESIDING OFFICER. It was a substitute for the committee amendment.

Mr. SIMMONS. The Senate adopted the substitute offered by the Senator from Iowa. Does the Chair hold that that ends the matter?

The PRESIDING OFFICER. The substitute was adopted.

Mr. SIMMONS. The effect of that was simply to substitute for the committee amendment the amendment offered by the Senator from Iowa, and the vote now is upon the amendment as amended.

Mr. BRANDEGEE. Mr. President, I suggest that where a substitute is offered for another amendment and it is adopted it is simply an amendment in the nature of a substitute, and then the question must be upon agreeing to the amendment as amended by the substitution.

Mr. HARRISON. Mr. President, I think that, without question, the Senator from Connecticut is correct. I am in this position: I voted for the substitute offered by the Senator from Iowa, although I am against the Senate committee amendment as it is amended. I am placed in the attitude now of having voted for something I am against. I ought to have the right to vote against the proposition as amended.

Mr. SMITH of Georgia. Mr. President, I intend to support now the substitute of the Senator from Iowa. It does not go as far as I would like to go, but I am obliged to concede that those who are opposed to the amendment are entitled to a vote on it.

The PRESIDING OFFICER. The Chair thinks when a substitute is offered it takes the place of the amendment. It was not offered as an amendment, but it was really a substitute in the nature of an amendment; and to relieve any question the Chair will put the question on the amendment as amended by the substitute.

On a division the amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment on page 2, which was passed over.

The SECRETARY. On page 2, line 14, the amendment was passed over relative to the prevention in the District of Columbia of unreasonable profits on dwelling houses, dwelling rooms, and apartments held for lease, sublease, or rent.

Mr. SHERMAN. Mr. President, I move to amend, on pages 2 and 3, by striking out the amendments relating to unreasonable and excessive prices charged for rents or the items named in the amendments, and to substitute for those amendments what will be known as section 4. I will state that the proposed section 4 contains all the sections of the District bill referred to here as the Ball bill. I have so changed the draft of the bill that it will constitute one section to be known as section 4.

Mr. SMOOT. Will the Senator please read the provision specifying the life of the measure?

Mr. SHERMAN. It is on page 12.

It is also declared that section 4 hereof shall be considered temporary legislation and that it shall terminate upon the expiration of four years from the date of its passage, unless sooner repealed.

Mr. SMOOT. That is all right.

Mr. SHERMAN. Section 4 includes the whole of the so-called Ball bill. I ask for the adoption of my amendment.

The PRESIDING OFFICER. The Chair would suggest that the committee amendments be voted on and voted down, and that this be offered to come in at the end of the bill as a separate section.

Mr. HARRISON. Mr. President, that course is thoroughly agreeable to me. I am in favor of the amendment offered by the Senator from Illinois. I have not had occasion to read it nor to study it, but it is a step in the right direction. It is effective for at least four years. I hope the Senate will adopt it and that the conferees will agree to it, so that we can get the legislation on the statute books at a very early date.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment, on page 2, in line 14.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the second committee amendment on page 3, in line 13.

The amendment was rejected.

Mr. SHERMAN obtained the floor.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. SHERMAN. I yield to the Senator.

Mr. SMITH of Georgia. I wish to reserve for consideration in the Senate the amendment and the substitute offered by the Senator from Iowa.

The PRESIDING OFFICER. That reservation will be noted.

Mr. SMITH of Georgia. I think he and I have worked out something better, or he has worked out something better than the substitute which was adopted, and an amendment to the committee amendment would be much better than either of them.

The PRESIDING OFFICER. The record will show that the vote is reserved as requested by the Senator from Georgia.

Mr. SMITH of Georgia. If the Senator from Illinois will pardon me a moment, we could move to reconsider it now while the Senator from Iowa [Mr. KENYON] is here. I will state to the Senate what his suggestion is, and I am ready to accept it. On page 4, in line 21, after the word "committee" insert the words "of the locality," so that it will read "by a fair-price committee of the locality."

Mr. KENYON. I think that is a good suggestion.

The PRESIDING OFFICER. Without objection the vote by which the substitute was adopted will be set aside. The Chair hears no objection, and it is so ordered.

Mr. SMOOT. Really I do not understand that amendment. If I construe it the way I think it will read, I am not in favor of it.

Mr. SMITH of Georgia. It frees a man from prosecution if he has not charged more than the price fixed by the fair-price committee, and it gives him some standard by which he can do business and know that he will not be subject to prosecution.

Mr. SMOOT. The original amendment does that without adding the words "in the locality."

Mr. SMITH of Georgia. Mr. President, the Senator from Iowa suggests that a price fixed in New York might be applicable to other places. If he adds "in the locality" to the designation of the fair-price committee, then it will require that a fair-price committee in the locality shall fix prices before a man can be prosecuted.

Mr. SMOOT. That means there will be a fair-price committee in every locality.

Mr. SMITH of Georgia. Or else they will not be prosecuted under that provision. I am really opposed to prosecuting under that provision at all.

Mr. SMOOT. I think it is a very unwise suggestion. No matter what fair-price committee you have, it certainly will have to take into consideration where the goods are sold in determining what is the value of the goods; but this means that there shall be a fair-price committee in the community in which the goods are sold.

Mr. SMITH of Georgia. And if there is no fair-price committee in that locality, then it will not be effective.

Mr. HARRISON. It might be no crime whatever.

Mr. SMOOT. I think it is a very unwise suggestion.

Mr. SMITH of Georgia. My object is to hinder prosecution, and to prevent prosecution where a merchant has no standard from which he can tell what is a violation of the law. I simply do not believe that we ought to turn loose upon the merchants of this country an act which will make it criminal to charge an unreasonable or an unfair profit without in any way indicating to the merchant what is a reasonable or fair profit. I regard such a description of an offense as too indefinite to be fair to the men engaged in business throughout the country.

Mr. SMOOT. I sympathize with the Senator's position, but I believe that adding the words suggested by the Senator from Iowa will be held to mean that there may be nothing to it at all.

Mr. SMITH of Georgia. I would rather there should be nothing to it at all than what the unrestricted language would mean; but let me just make this suggestion to the Senator from Utah. If there were a community in which profiteering or ex-

tortion was taking place, then there could be a fair-price committee named at that place, and that fair-price committee could fix the standard; and if a merchant charged no more than that standard, he would be free from any danger of prosecution. I think, under the bill as it would stand with the proposed amendment, that there would be a great many communities in which no prosecutions could be conducted, and I do not think they ought to be conducted there. I do not think they ought to be conducted anywhere without giving a merchant more definite information as to what we mean shall constitute a crime than the simple declaration that he is charging an unfair or unreasonable profit.

Mr. SMOOT. If I thought this legislation was going to be enforced in the United States very many months—I do not mean a year, I mean months—I never would support it. I never would vote for such a bill as this if I thought that; but, really, if we are going to do a thing, let us do it. If it is bad, let it be bad and do not let us try by putting in some words to make it a perfectly useless thing.

Mr. KENYON. The Senator is not quite right about making it perfectly useless. Here is a community, we will say, that has no fair-price committee. Gouging and profiteering are going on, and the Attorney General is trying to get at it. They take the matter up with the Attorney General, and he arranges for one of these committees. Then they are in a situation to stop it. If the profiteering is not bad enough in the community for them to take it up with the Attorney General, then nobody will be particularly hurt. It will accomplish it, if this kind of a law can accomplish it. I have a great deal of sympathy with what the Senator says, and if this were for years, or even many months, I would not support it; but I am supporting it now merely as an emergency measure.

Mr. JONES of Washington. Mr. President, I want to ask some member of the committee why exacting unreasonable profits by one person is a crime and not made a crime when exacted by some other person. I find here that any person exacting an unreasonable rate or charge in handling or dealing in necessaries is a crime, provided, however, that it shall not apply to the farmer, the dairyman, the gardener, the ranchman, the stockman, and so on. I have a great deal of sympathy with farmers, dairymen, and stockmen, but if they charge unreasonable and excessive prices, it seems to me it is just as bad in them as it is in anybody else. Yet here we are, in a legislative way, saying that when one man does an unfair thing it is a crime, while if another man does the same unfair thing it is not a crime.

Mr. KENYON. The chairman of the committee unfortunately is not here to answer that very simple, but very perplexing question. I will do it as best I can.

Mr. ROBINSON. Where is the language to which the Senator from Washington refers?

Mr. KENYON. On page 4, in the proviso, beginning in line 10. No one justifies what might be termed class legislation. The way that is answered is this: We are trying to reduce the cost of living. We have got to get back, in the judgment, I think, of the wisest men, to more production. That is fundamental. We are not going to be able to do very much by law, although the people seem to think we can remedy all these things by statute. The object of this proviso, which was put in by the House, is that we should do nothing in a measure of this character to retard or discourage production. We have to be mighty careful in this kind of legislation. Any legislation is dangerous that tends to discourage the farmer or the producer, because it may accomplish just the opposite of what we are trying to do. For my part I am very much afraid of the whole business working out that way.

Mr. JONES of Washington. I wish to ask the Senator from Iowa if, as a lawyer, he thinks the courts will sustain legislation that makes the identical act a crime in the case of one man and not in the case of another?

Mr. KENYON. I have not any doubt about it, because it covers a class and does not apply differently to one portion of a class than to another portion, but takes in the class as a whole. I think the courts have very generally sustained that kind of legislation; and the Senator will notice that this is limited.

Mr. ROBINSON. Do I understand——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. KENYON. Yes.

Mr. ROBINSON. The purpose of the exception, then, is to encourage rather than to discourage production?

Mr. KENYON. Yes; to encourage production.

Mr. ROBINSON. The authors of the bill thought that if they made a penalty of this nature applicable to those who are engaged in the work of production it would greatly diminish production and have the effect of increasing the difficulties of the problem which we have learned to know as the high cost of living.

Mr. KENYON. Exactly. The great trouble with the whole thing is production; as somebody said here, getting back to work. We do not want to do anything to discourage production. That is the theory of it, whether anybody agrees with it or not.

Mr. ROBINSON. I think that is a very correct explanation of the provision.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. JOHNSON of South Dakota. I come from a farming section of the country and am a member of the Committee on Agriculture and Forestry; but I neither countenanced nor voted for this provision. I do not believe in a law which applies to some and exempts others. I do not think that that is good logic. That is what the amendment which it is proposed to put into the law does. If you are going to give a bonus to encourage production, give it; but do not pass a law that will exempt one class of people and strike at another class. Again, this bill will not affect the farmers, for they are the only people in the world who can not profiteer. They have to sell their product at what they are offered for it, so they can not be profiteers if they want to.

Mr. KENYON. I have said all I care to say upon the subject.

The PRESIDING OFFICER. The vote on the amendment was by unanimous consent reconsidered, and the question now is upon the original committee amendment, which the Secretary will state, together with the modification of the amendment, as suggested by the Senator from Georgia.

The SECRETARY. On page 4, line 15, after the word "them," it is proposed to insert a colon and the following proviso:

And provided further, That to make unjust or unreasonable a rate or charge in handling or dealing in or with any necessaries, except where there has been a conspiracy, combination, or arrangement with reference to prices, such rate or charge must be in excess of the rate or charge fixed by a fair-price committee—

The amendment suggested by Mr. SMITH of Georgia, following the word "committee," in line 21, is to insert the words "of the locality"—

and the Department of Justice is authorized to provide for the appointment of fair-price committees.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. ROBINSON. I should like to ask the Senator from Georgia what is the meaning of the words "of the locality," and what construction would be placed upon those words by a court?

Mr. SMITH of Georgia. I will state to the Senator what I think the insertion of those words would do. Such a committee appointed in the District of Columbia would be a fair-price committee of this locality, but it would not be of Alexandria; it would apply to Washington and not to Alexandria. The effect would be simply that unless conditions in a community were such as to require it, there would probably be no fair-price committee; and where there was not a fair-price committee, there could be no criminal offense growing out of the charge that an unreasonable profit or an unfair profit had been made.

Mr. ROBINSON. I think the Senator from Georgia has correctly interpreted his amendment, and in view of the interpretation which he has placed on his own amendment, I intend to vote against it, for I believe that its adoption would destroy the effectiveness of the bill.

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment was rejected.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and still open to amendment.

Mr. KENYON. Mr. President, there are a number of textual amendments which ought to be made to the bill to preserve the symmetry of its structure, but which do not change its meaning, and to which I think there will be no objection. On page 1, line 3, after the word "That," I move to strike out the words "the first paragraph" and to insert "section 1."

The amendment was agreed to.

Mr. KENYON. On page 1, line 7, after the numerals "1917," I move to strike out the words "be, and the same"; and, in the same line, after the word "amended," to strike out the words "so as."

The amendment was agreed to.

Mr. KENYON. In section 2, at the bottom of page 2, line 23, I move to strike out the word "the" and to insert the word

"such"; and in the same line, after the word "act," where it occurs the first time, to strike out the remainder of line 23 and lines 24, 25, and line 1, on page 3; and, on page 3, before the word "August" to insert the word "of."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2, page 2, line 23, it is proposed to strike out the word "the"; in the same line, after the word "act," where it occurs the first time, to strike out the words "entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.' approved"; and, on page 3, before the word "August," to insert "of," so that if amended the section will read:

SEC. 2. That section 4 of such act of August 10, 1917, be, and the same is hereby, amended so as to read as follows:

The PRESIDING OFFICER. Without objection the amendment is agreed to. The bill is before the Senate as in Committee of the Whole and still open to amendment.

Mr. HARRISON. Mr. President, did not the Senator from South Carolina [Mr. DIAL] on yesterday offer an amendment, or is there not an amendment lying on the table which has been offered by him?

Mr. SMOOT. I desire to say to the Senator from Mississippi that the Senator from South Carolina desires to offer an amendment to strike out the words "wearing apparel," but he did not ask me to offer it.

The PRESIDING OFFICER. If the Senator from Utah will yield a moment, the Chair will state that he is informed that the Senator from South Carolina offered an amendment which has been printed and which will now be stated.

The SECRETARY. On page 2, line 4, Mr. DIAL proposes to strike out the words "wearing apparel."

Mr. HARRISON. Mr. President, if the words "wearing apparel" are stricken from this bill, we will, of course, be unable to reach those who are profiteering in shoes and other articles which fall under the term "wearing apparel," and it would very materially affect the bill if it should be adopted.

Mr. SMOOT. Why confine the suggestion to shoes? Why not include ordinary dresses which used to sell for about $12 and which are now selling for from $75 to $80?

Mr. HARRISON. That is quite true.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina.

The amendment was rejected.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add as a new section the following:

SEC. 4. That when used in this section, unless the context indicates otherwise—

The term "rental property" means any building or any part thereof in the District of Columbia rented or hired for dwelling purposes, and the furniture or furnishings therein; but does not include hotels or apartments.

The terms "owner," "agent," "lessor," "tenant," "lessee," and "person" mean individuals, partnerships, joint-stock companies, associations, corporations, guardians, trustees, executors, administrators, and receivers.

The term "true value" means the actual market value of the property at the time in question.

The term "controversy" means any difference or dispute between an owner, lessor, or sublessor of any rental property, hotel, or apartment and the lessee, sublessee, or occupant thereof, with respect to the rent payable therefor or the right to possession thereof.

The term "jurisdiction" means the exercise of the powers, authority, and duties conferred upon the commission by this section.

The term "commission" means the Rent Commission of the District of Columbia.

That a commission is hereby created and established, to be known as the Rent Commission of the District of Columbia, which shall be composed of three commissioners not owning or representing owners of rental property, hotels, or apartments, or who are experienced in rental and housing problems, who shall be appointed by the President, by and with the advice and consent of the Senate. No person who has not been a bona fide resident of the District of Columbia for at least two years immediately preceding his appointment shall be appointed as a commissioner. The terms of all commissioners shall be two years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

All the powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed.

That each commissioner shall receive a salary of $6,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of $3,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such employees as it may from time to time find necessary for the proper performance of its duties, and as may be from time to time appropriated for by Congress.

With the exception of the secretary, a clerk for each commissioner, and such special experts as the commission may from time to time find necessary for the proper performance of its duties, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

All of the expenses of the commission shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission. Until otherwise provided by law, the commission may rent suitable offices for its use.

That the assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. It shall be the duty of such assessor, whenever requested by the commission, to supply to the commission any data and information contained in the records of his office. He shall receive, for the performance of the duties required by this section, a salary of $2,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

That for the purposes of this section the commission or its duly authorized agent or agents shall at all reasonable times have access to, for the purpose of examination, and the right to copy any books, accounts, records, papers, or correspondence dealing with any controversy which has been submitted to the commission; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such controversy. Any member of the commission may sign subpœnas, administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the District of Columbia at any designated place of hearing within such District. In case of disobedience to a subpœna the commission may invoke the aid of the Court of Appeals of the District of Columbia in requiring the attendance and testimony of witnesses and the production of such books, accounts, records, papers, and correspondence. Such court, in case of contumacy or refusal to obey a subpœna issued to any person, may issue an order requiring such person to appear before the commission, or to produce books, accounts, records, papers, or correspondence, if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

That it is declared that (a) all apartments and hotels and (b) all rental property within the District of Columbia are affected with a public interest, and that all rents or charges collected or made and all terms or conditions imposed for the occupancy of such property under lease, sublease, or other contract of hiring shall be fair and reasonable. The commission, upon complaint setting forth the existence of a controversy with respect to any such apartment or hotel or rental property shall determine whether the rent or charge therefor is excessive or whether the terms and conditions of lease or hiring are fair and reasonable; and if the commission shall determine that such rent or charge is excessive or that such terms and conditions are unfair or unreasonable, it shall determine and fix a fair and reasonable rent or charge therefor, which will permit the owner or lessor to obtain a fair return upon the true value of his property, and or shall determine and fix such fair and reasonable terms and conditions. The commission shall also, on complaint setting forth a controversy respecting the right to possession of any hotel accommodation, apartment, or rental property, determine the issue involved.

That the commission shall promptly hear and determine the issues involved in all controversies submitted to it. After such hearings the commission shall make and file its findings of facts and its decision and shall issue and cause to be served on either or both parties an order requiring either or both parties to comply with the commission's decision within a specified time. Unless within 30 days after the filing of the commission's decision either party shall appeal therefrom to the Court of Appeals of the District of Columbia, the findings and the decision of the commission shall be final and binding upon both parties to the controversy. If such an appeal is taken from the decision of the commission, the record before the commission shall be certified by it to such court and shall constitute the record before such court, and the commission's decision shall not be modified or set aside by such court, except for errors of law. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original decision, with the return of such additional evidence. In the proceedings before such court on appeal from a decision of the commission, the commission shall appear by its counsel or representatives and submit oral or written arguments tending to support the findings and the decisions of the commission: *Provided*, That no proceeding to evict or dispossess any person from (a) any hotel accommodation or apartment, or (b) any rental property shall be commenced or prosecuted in any court of the District of Columbia pending the determination by the commission of a controversy involving the rights of such person to occupy said accommodation, apartment, or property.

That every lease, sublease, or other contract of hiring of (a) any apartment or hotel, or (b) any rental property, or any part thereof, in the District of Columbia entered into after September 15, 1919, shall be voidable, at the option of the lessee or sublessee, to the extent that the rents or charges, or other terms or conditions thereof, are unfair or unreasonable.

That any lessee, sublessee, tenant, or hotel guest claiming to be damaged by any lessor or sublessor or hotel proprietor or owner, by reason of any unfair or unreasonable rents or charges, or other unfair or unreasonable terms or conditions of renting or hiring imposed upon such lessee, sublessee, tenant, or hotel guest under a lease, sublease, or other contract of hiring entered into after September 15, 1919, or imposed subsequent to such date in the absence of any lease, sublease, or contract of hiring, may file a complaint with the commission briefly setting forth therein the facts involved. Thereupon a statement of

such complaint shall be forwarded by the commission to the lessor, sublessor, or hotel proprietor, or owner complained against, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such person within the time specified shall make reparation for the damage alleged to have been done, such person shall be relieved of further liability to the complainant. If such person shall not satisfy the complaint within the time specified, it shall be the duty of the commission to hear and investigate the issues involved, under such procedure as it shall from time to time by general order prescribe. As soon as the commission shall have reached a decision in such proceeding, it shall make a report in writing in respect thereto, which shall state the conclusions of the commission, together with its decision in the premises, and, in case damages are awarded, such report shall include the findings of fact on which the award is made and shall include an order directing the person complained against to pay the complainant the amount to which he is entitled on or before a day named.

If such person does not comply with such order for the payment of money within the time limit prescribed in such order, the complainant, or any person for whose benefit such order was made, may file in the court of appeals for the District of Columbia a petition setting forth briefly the causes for which he claims damages and the order of the commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the commission shall be prima facie evidence of the facts therein stated, and except that the complainant shall not be liable for costs in the court of appeals of the District of Columbia nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the complainant shall finally prevail, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the suit. All such complaints shall be filed within two years from the time the cause of action accrues, and not after, and a petition for the enforcement of an order for the payment of money shall be filed in the court of appeals of the District of Columbia within one year from the date of the order, and not after.

That the commission shall, by general order, from time to time prescribe the procedure to be followed in all proceedings under its jurisdiction authorized by this section, except as otherwise provided herein. Such procedure shall be as simple and summary as may be practicable, and the commission and all parties appearing before it shall not be bound by the technical rules of evidence or of pleading.

That no tenant, subtenant, lessor, or sublessor shall sublet any rental property without the written consent of the owner or his duly authorized agent, unless the commission, upon application, expressly authorizes such subletting in a particular case.

That any person who violates any provision of this section or willfully neglects or refuses to comply with any lawful order, regulation, or decision of the commission shall, upon conviction, be punished by a fine of not less than $100 or more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

That the public resolution entitled "Joint resolution to prevent rent profiteering in the District of Columbia," approved May 31, 1918, is hereby repealed, to take effect 30 days after the passage of this section, and all laws or parts of laws in conflict herewith are hereby repealed to the extent that they are in such conflict: *Provided, however*, That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available to carry out the provisions of this section, one-half thereof to be paid out of money in the Treasury of the United States not otherwise appropriated and the other one-half out of the revenues of the District of Columbia.

That if any clause, sentence, paragraph, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

That it is hereby declared that the provisions of this section are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in a scarcity of housing facilities in the District of Columbia, and giving rise to serious abuses practiced by owners, lessors, and sublessors, who have taken undue advantage of the increased demand for housing facilities. It is also declared that section 4 hereof shall be considered temporary legislation, and that it shall terminate on the expiration of four years from the date of its passage unless sooner repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. POMERENE. Mr. President——

Mr. SHERMAN. The Senator from Ohio, I understand, wishes to offer an amendment to the amendment?

Mr. POMERENE. Mr. President, no doubt this amendment will require a renumbering of the sections.

Mr. SMOOT. The numbers of the sections as they appear in the proposed amendment can be stricken out and the entire amendment appear as section 4.

Mr. POMERENE. I desire to offer an amendment to what is known as section 13 as it now appears in the pending amendment. On page 11, at the end of line 15, I move to amend the proposed amendment by inserting the following:

Provided, however, That if the tenant or tenants shall comply with the terms of tenancy, whether under a written or oral lease or by operation of law, and pay the rent as provided thereby, or shall pay such rent as may be fixed by the rent commission of the District of Columbia, or on appeal by the Court of Appeals of the District of Columbia, said tenant or tenants may not be dispossessed.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from Illinois what the basis of his amendment is. As I understood it when read, the occupants of apartment houses may be exempted from the operation of its provisions.

Mr. SHERMAN. No, sir; that is an error, as the Senator will see if he will read the entire amendment. I can understand how he might fall into that error. Property is classified so as to put some of it in the innkeeper's class and some in the class of private dwelling houses in which rooms are rented.

Mr. THOMAS. Very well; I understand now.

Mr. SHERMAN. I accept the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Then the Senator from Illinois offers it as a part of his own amendment?

Mr. SHERMAN. I accept the amendment offered by the Senator from Ohio.

Mr. HARRISON. Mr. President, may I ask would that amendment affect this kind of a case: Suppose that the owner of a home had rented his dwelling, or the lessee of an apartment had leased his apartment, as the case might be, for a certain length of time, and at the end of that time desired to obtain possession of the dwelling house or apartment; under the provisions of the Senator's amendment, as I understand, the tenant could not be ousted, even though the lease had expired. Is that what the amendment would accomplish?

Mr. POMERENE. I was not expecting this matter to come up at this particular time; it was only after I came into the Chamber that I understood it was planned to offer the amendment which is now pending and which has been presented by the Senator from Illinois. It is not my desire to prevent the man who is a bona fide purchaser of property for residential purposes getting possession for the use of himself and his family. I have no such desire as that at all; I think that would be very unfair.

Mr. HARRISON. Does the amendment include that, does the Senator think?

The PRESIDING OFFICER. The Chair will suggest that the amendment again be stated from the desk.

Mr. POMERENE. Yes; let it be read. It is probably comprehensive enough to include what the Senator from Mississippi suggests.

The SECRETARY. It is proposed to amend the amendment offered by the Senator from Illinois on page 11, line 15, after the word "conflict," by inserting the following proviso:

Provided, however, That if the tenant or tenants shall comply with the terms of tenancy, whether under a written or oral lease or by operation of law, and pay the rent as provided thereby, or shall pay such rent as may be fixed by the rent commission of the District of Columbia, or on appeal by the Court of Appeals of the District of Columbia, said tenant or tenants may not be dispossessed.

Mr. HARRISON. Mr. President, it would seem to me, according to the reading of the provision, that it would prevent one who owns a home and who wants to secure possession of it from getting possession if the commission should say that the rent paid was reasonable. I am afraid it would work hardship in some cases. May I ask the Senator from Illinois if the bill known as the Ball bill takes care of such a situation as that?

Mr. SHERMAN. I think it does. I think, under the entire bill, a bona fide owner, even under a recent conveyance, can obtain possession of his property. The commission, however, will have power to examine into the circumstances of the conveyance, and if it is merely a colorable conveyance and made for the purpose of evicting the tenant, the commission would have power to ignore such a conveyance.

Mr. HARRISON. Would not that take care of the very situation which the Senator has in mind?

Mr. SHERMAN. No, sir; it would not, I am quite sure. If I understand the Senator's amendment correctly, a number of tenants have held over under what is known as the Saulsbury joint resolution. In doing so they have been compelled to incur the ill will of many of the landlords or owners of property. If no provision is made, there would be discrimination against those tenants and they would not be permitted even to rent on the same terms as other tenants. In fact, threats of that kind have been made—they have come to me very commonly—so that all who have held over under the Saulsbury joint resolution would be evicted. Even if they offered to pay the same rent under the same terms of the lease, it would not make any difference. They would go out because they are personally objectionable to the landlords for having claimed their rights under the Saulsbury resolution; and, if I understand the amendment correctly, it is to cover a case of that kind.

Mr. SMOOT. It will cover more than that.

Mr. POMERENE. It is to cover that; but may I suggest this thought to the Senator—and I am obliged to depend upon the Senator from Illinois to construe properly the amendment which he presented, as I have not had the opportunity to study the last draft of it.

The Senator from Mississippi [Mr. HARRISON] puts this state of facts to me: If an individual should make a bona fide purchase of a residence for his family, and so forth, and it should then be occupied by a tenant, could the purchaser get possession of that home which he had just purchased?

Mr. SHERMAN. That is to say, as the grantee of property, could he get possession of his own property under this provision?

Mr. POMERENE. That is it.

Mr. SHERMAN. I think, under the whole bill, he could; but I am perfectly willing that it shall be made specific in the amendment that this shall not apply to the bona fide purchaser of property in the District.

Mr. SMOOT. Mr. President, the amendment offered by the Senator from Ohio must have some change made in it, or else if the owner of a piece of property, his own home, rented it, say, four months ago for a term of six months and at the end of the six months he desires his home, if the amendment offered by the Senator from Ohio is adopted without some modification he would not be able to get his home provided the tenant is willing to pay the rent that the commissioners may say is reasonable.

Mr. POMERENE. Mr. President, I think the amendment which I have just offered should be altered so as to care for the situation suggested by the Senator from Mississippi as well as that suggested by the Senator from Utah.

Mr. McKELLAR. Mr. President, if the Senator will yield, I suggest that after the amendment offered by the Senator from Ohio the following be added:

Provided further, That a bona fide owner of a house who desires to occupy it himself or herself shall have the right to possession of such house upon giving 10 days' notice of his or her desire to occupy the same.

Mr. POMERENE. Allow me to make the further suggestion that the Senator say "that the bona fide owner or purchaser."

Mr. McKELLAR. "Owner or purchaser"; yes.

Mr. POMERENE. Would not that take care of the situation suggested by the Senator from Mississippi?

Mr. McKELLAR. I think it would, and I offer that as an amendment.

Mr. THOMAS. Why not make it "dwelling house"? It applies to a house and not to an apartment.

Mr. McKELLAR. Yes; make it apply only to a dwelling house.

Mr. ROBINSON. Why do you add the word "purchaser," may I inquire? The purchaser of a house, if in good faith, is the owner of it.

Mr. McKELLAR. I think so, and I think it is immaterial. I just added it at the request of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Tennessee will send up his amendment and let it be stated.

Mr. McKELLAR. I have just sent it to the desk.

The SECRETARY. It is proposed to add to the amendment of the Senator from Ohio the following:

And provided further, That a bona fide owner of a dwelling house who desires to occupy it himself or herself shall have the right to possession of such house upon giving 10 days' notice of his or her desire to occupy the same.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon agreeing to the amendment as amended.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator from Illinois a question. I gather from the hearings taken by the subcommittee and from other information that has come to me that threats have been made by landlords, especially those who are renting apartments to tenants, that unless they signed up contracts of leases by the 1st of October, or before that time, after the Saulsbury law is repealed they would be made to suffer, and that contracts had been signed already under those conditions. Is there anything in this amendment that would meet a situation like that? I see that it covers leases made after September 15, but if there is any way in which we could cover a situation like that, I should like to see it done.

Mr. SHERMAN. There is a condition of that kind existing, and I think a section ought to be added to cover it, if it is not already covered. I had understood that there was a provision of that kind in the bill. I have not seen the print. I am just running through it now. The Senator has prepared a section of that kind.

Mr. JONES of Washington. I submitted a rough draft of a proposition of that kind to the chairman of the committee on yesterday. I have been busy myself, and I understood that it had been turned over to the drafting expert to be put in proper shape, and understood that it was going to go in the bill, but the only provision I see is the provision limiting it to September 15. I have not here the draft that I prepared. I will ask the Senator this question: Does the Senator think the commission that is provided for here could, to use a common expression, overhaul a lease of that kind?

Mr. SHERMAN. I have not any doubt of it.

Mr. JONES of Washington. And, if it found that the rents were unreasonable, readjust them?

Mr. SHERMAN. Yes, sir.

Mr. JONES of Washington. If that is the case, I think that would take care of the situation pretty well.

Mr. SHERMAN. I will say that I have no doubt that the powers of a rent commission here are of such a plenary character that they could investigate a transaction of that kind and readjust it.

Mr. JONES of Washington. I think that would take care of the situation.

Mr. SHERMAN. I will say that if that is not found to be covered upon the printing of the entire bill, it will be covered in the conference committee, because it was the unanimous desire of the members of the District of Columbia Committee that such a provision be inserted.

Mr. JONES of Washington. Very well. I do not think there will be any point of order made against any conference report which covers that.

Mr. ROBINSON. Mr. President, I have been unable to follow very accurately the amendments which have recently been adopted to this provision, and I want to ask some one who has charge of the measure whether, under the amendment last agreed to, the owner of a property or the purchaser of it can recover possession of his house if he desires to occupy it himself, but in order to recover possession of it he must occupy it, and will not be permitted to lease it or rent it to another? Is that the policy of the legislation that is proposed here?

The PRESIDING OFFICER. The Senator from Ohio can answer that question.

Mr. POMERENE. My mind was occupied with another question, and I was not following the query of the Senator from Arkansas.

Mr. ROBINSON. I have stated that it was quite difficult, in the confusion that existed at the time the amendment of the Senator from Ohio was adopted, to determine the effect of its provisions; and I desire to know whether the amendment as now proposed or as modified by the amendment of the Senator from Ohio will permit a bona fide owner or purchaser of property to recover possession of it if he desires to occupy it himself, but deny him the right to lease or rent his property?

Mr. McKELLAR. My interpretation of the amendment is that as long as the tenant pays his rent, and it is a reasonable rent, the owner of the property will not be permitted to take it away from him and rent it to some one else.

Mr. ROBINSON. Even though he may have purchased it recently?

Mr. POMERENE. No, no; if the purchaser or owner desires it for his own home, he can get possession.

Mr. McKELLAR. Oh, he can get possession right away; but, in other words, he will not be allowed to profiteer on taking it away from one tenant and giving it to another tenant because the other tenant will pay more rent.

Mr. ROBINSON. Very well. Assuming that the Senator from Tennessee purchased a residence in the city of Washington yesterday, and that there is a tenant occupying the property under an existing lease, or under existing law, then the Senator from Tennessee can not eject the tenant, however objectionable that person may be, or however objectionable the terms of the lease of that person may be, even though the Senator from Tennessee purchased the property but yesterday.

Mr. POMERENE. Mr. President, this expressly provides that he must comply with all the terms of the lease—that goes to the question of keeping it in repair and in proper order—and not be guilty of any unseemly conduct in the premises, and must pay such rent as is provided for, either by the lease itself, under the operation of the Saulsbury law, or the rent as it may be fixed under the provisions of the pending bill. The especial reason for this is that I am satisfied from what I have heard—and my information I believe to be authoritative—that there is an understanding among some of these apartment-house owners that they will eject anybody, if they can, if they know that he has taken advantage of the Saulsbury law. That is the situation; and the manager of one of the great apartment houses in this city told me that it was his belief that there was such an understanding as that.

Mr. ROBINSON. Mr. President, may I ask a question of the Senator from Ohio?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. POMERENE. I do.

Mr. ROBINSON. A case was recently stated to me by a citizen of Washington, who, some years ago, made a lease upon a home in this city to a tenant. That tenant has rented rooms

in the home for an amount exceeding the total rent that is paid under the contract with the owner of the home, and is enjoying the occupancy of the home practically without any compensation whatever. Now, does the Senator mean to tell me that the owner of that home can not recover the possession of his home under such circumstances under the law that it is proposed to enact, and that his tenant will be permitted to profiteer as the circumstances of that case plainly imply that he is profiteering?

Mr. POMERENE. No; that is expressly cared for by the amendment which is offered by the Senator from Tennessee.

Mr. McKELLAR. And it is expressly cared for, in addition, by the provisions of this whole act.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. SHERMAN. I think, taking the entire act, together with the amendment, the owner can recover possession of the property for his own use.

Mr. McKELLAR. Unquestionably so.

Mr. SHERMAN. There is not any question about it.

Mr. McKELLAR. None whatever.

Mr. SHERMAN. The commission has very full powers on a question of that kind.

Mr. ROBINSON. I understand that. I ask the Senator from Illinois whether, under the case I have stated, in order to recover, the owner of the home must occupy it himself? Or I will ask the Senator from Tennessee that question.

Mr. McKELLAR. Of course.

Mr. ROBINSON. The Senator answers, "Of course." It is not so patent to me that there is justice in a proposition that would permit the existing tenant to hold over under a provision of law when that tenant is manifestly profiteering out of a lease that was made under conditions which existed years ago.

Mr. McKELLAR. I agree entirely with the Senator about that.

Mr. ROBINSON. What I am anxious to know is whether the provisions that the Senators are attaching to the bill will enable the owner of the home to secure substantial justice and protect the owner against the profiteering of the tenant in such cases.

Mr. McKELLAR. It will certainly protect the owner against the profiteering of the tenant. The bill provides for that very thing. I am not one of the authors of the bill; I am not on the committee; but as I read the bill it will absolutely protect the owner, and not only the owner but the public, against the profiteering of a tenant in such case as the Senator from Arkansas describes. There is no doubt in the world about the fact that the public ought to be protected against that kind of profiteering, and that is what the commission is created for, with full authority to provide against the very thing the Senator from Arkansas so well describes.

Mr. THOMAS. Mr. President, I want to state this sort of a case—I understand it is an actual one—to the Senator from Tennessee and ask if under the provisions of the bill relief will be given: An owner of rented property in the District made a lease to a person living outside the District for $30 or $35 a month. This nonresident made a sublease to a subtenant for $75 per month, thus securing a profit of more than 100 per cent on the investment monthly. The owner is cognizant of the fact and is anxious to relieve the subtenant but unable to do so. Under the provisions of the bill will the owner have a remedy whereby he can put an end to that injustice?

Mr. SHERMAN. I think so, under section 6 of the bill, lines 5, 6, and 7, on page 6, which provide that—

> If the commission shall determine that such rent or charge is excessive or that such terms and conditions are unfair or unreasonable, it shall determine and fix a fair and reasonable rent or charge therefor, which will permit the owner or lessor to obtain a fair return upon the true value of his property, and shall determine and fix such fair and reasonable terms and conditions.

Mr. THOMAS. I am very glad to know that.

Mr. SHERMAN. I think that is to cover such cases.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. THOMAS. I send the following amendment to the desk and ask to have it read.

Mr. ROBINSON. To what does the Senator's amendment apply—to the proposed amendment to the pending bill or to the bill itself?

Mr. THOMAS. To the rent amendment itself.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 2, line 16, after the word "commissioners," insert "not owning or representing owners of rental property, hotels or apartments, or who are."

Mr. THOMAS. Mr. President, the section, if the amendment is adopted, will read as follows:

> That a commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, not owning or representing owners of rental property, hotels or apartments, or who are experienced in rental and housing problems.

My reason for offering the amendment is to prevent the appointment of three landlords as commissioners, and I am sure that the bill will give greater satisfaction if it is so framed as to exclude the possibility of that sort of a commission. In offering it I do not want to be understood as reflecting upon the integrity of the landlords beyond the fact that we all are actuated by our personal interests, and it would be more than human to expect a commission thus organized, and composed of men who are landlords, or engaged in renting property for themselves or others, to occupy the same attitude in the community as others on such an important subject.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. THOMAS. I yield.

Mr. ROBINSON. What are the qualifications which the Senator prescribes for these commissioners?

Mr. THOMAS. I make no change in the qualifications fixed by the bill, but limit it to those who have those qualifications and who are not landlords themselves.

Mr. ROBINSON. It excludes landlords from membership on the commission?

Mr. THOMAS. Yes.

Mr. ROBINSON. I see no objection to the amendment of the Senator from Colorado, as far as I am concerned.

Mr. McKELLAR. Mr. President, I think this is a very proper amendment. I do not see how it can be objected to. I do not believe it will be, and I hope the chairman of the committee will accept the amendment.

Mr. THOMAS. I am perfectly willing to make it read "not more than one of whom shall," but that can be fixed in conference.

Mr. McKELLAR. Let it go as it is.

Mr. THOMAS. Very well.

The PRESIDING OFFICER. The amendment to which the Senator offers an amendment was agreed to. By unanimous consent the vote by which the amendment was agreed to will be reconsidered, and the vote will then be taken upon the amendment as amended.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

WELCOME TO GEN. PERSHING.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

> *Resolved by the House of Representatives (the Senate concurring)*, That a joint session of the Senate and House of Representatives be held in the Hall of the House of Representatives at 2 o'clock on the afternoon of Thursday, September 18, 1919, in welcome of John J. Pershing, General of the Armies of the United States and Commander in Chief of the American Expeditionary Forces of the World War; that the program and procedure at such joint session shall be in accordance with the report of the joint committee of the Senate and House appointed under House concurrent resolution 29; that the said committee is hereby authorized to make all necessary arrangements for such joint session; and that all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. SPENCER. Mr. President, on behalf of the Committee on Military Affairs I move that the Senate concur in the resolution.

Mr. SHERMAN. Mr. President, I do not want to make any objection to the resolution, but I wish to make a statement to the Senate before we act on it. I am quite sure it will not delay the matter; it is not for that purpose; it is to state an embarrassment that has arisen in fixing the date. I do not think the Secretary of War, or whoever was officially responsible for fixing the date, understood the conflict that has arisen.

The Grand Lodge of the Independent Order of Odd Fellows hold their centennial celebration for the United States and Canada at Baltimore, Md., on the 17th day of September, the same day that is fixed for the celebration of the return of Pershing and his soldiers. I understood that some of the officers of the Grand Lodge had conferred with the Secretary of War, and had made arrangements by which the conflict would not occur; but I am certain that the date is the same, because I presented a resolution from the Grand Lodge of Odd Fellows of the State of Maryland covering the same question, and there is a conflict.

There are about 2,000,000 of those members. There will be some thousands of them in Baltimore on the 17th. It will prevent their attendance, and they very much wish to attend the

occasion here in honor of Pershing and his soldiers. They can not do both, because the two occasions being fixed on the same day at different points, it is an irreconcilable conflict.

I only wish that some way might be suggested by which the conflict could be remedied. This centennial celebration of the Odd Fellows is a matter reaching back for many years, and is fixed by the calendar, on the date of the founding of the order. Not only will it interfere with the Baltimore bands and the music that is to be furnished here, but a great number of citizens from Baltimore and the State of Maryland and adjacent States who are members of the Independent Order of Odd Fellows can not attend. I wish to ask the Senator from Missouri [Mr. SPENCER] if there is any way he knows by which these dates can be changed; or have the arrangements so proceeded that they can not be changed?

Mr. SPENCER. Mr. President, I regret to say to the Senator from Illinois that the date seems to be fixed. It was only after consultation with Gen. Pershing and after consideration of conditions in Baltimore in regard to the Odd Fellows' parade that it seemed as if 2 o'clock on the 18th was the only available hour. We hoped that the arrangement here, occupying so short a space of time, might still leave either the morning or later in the afternoon and the evening for Baltimore, because the joint meeting here will be a brief occasion, and the ceremonies will commence at 2 o'clock, in order that they may be over early in the afternoon.

Mr. SHERMAN. On the 17th?

Mr. SPENCER. The joint meeting of the two Houses will take place on the 18th.

The PRESIDING OFFICER. The question is on concurring in the resolution of the House of Representatives.

The resolution was unanimously concurred in.

CONTROL OF FOOD PRODUCTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

Mr. HARRISON. Mr. President, I rise to make a parliamentary inquiry. There is a Senate committee amendment in lines 4 and 5, page 2, that is not in italics, but is a committee amendment to the bill as passed by the House. The amendment covers the words "wearing apparel, containers primarily designed or intended for containing foods, feeds, or fertilizers." The Senate has agreed to that amendment.

The PRESIDING OFFICER. The Senate has not. The Secretary will report the amendment. The Chair will state to the Senator from Mississippi that the words are not printed in italics, and the amendment offered by the Senator from South Carolina [Mr. DIAL] was rejected. It was an amendment to strike out those words.

Mr. HARRISON. I knew that amendment had been rejected, but it is a mistake that the words are not printed in italics. It is a Senate committee amendment, and it ought to be agreed to.

The PRESIDING OFFICER. Without objection, it will be regarded as an amendment, and will be agreed to. The Chair hears no objection. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SMITH of Georgia. I understood that the amendment of the Senator from Iowa [Mr. KENYON] was adopted as a substitute for the committee amendment and remained in the bill; that the effort to reconsider was defeated.

The PRESIDING OFFICER. The Senator from Georgia is mistaken. The amendment was reconsidered by unanimous consent and the question was then submitted on the original committee amendment, as amended by the amendment of the Senator from Georgia, and that amendment was defeated. So as the bill now stands neither the amendment offered by the committee nor the substitute offered by the Senator from Iowa is contained in the bill.

Mr. SMITH of Georgia. Then I thought the substitute of the Senator from Iowa was adopted by the Senate. I thought we went back to it.

The PRESIDING OFFICER. It was not considered afterwards. The Secretary will state the amendment proposed by the Senator from Georgia.

The SECRETARY. The Senator from Georgia proposes in lieu of the amendment reported by the committee, on page 4, after line 15, to insert:

And provided further, That except where there has been a conspiracy, combination, agreement, or arrangement with reference to prices, a rate or charge made in handling or dealing in or with any necessaries in a territory in which a just or reasonable rate or charge has been fixed by a fair-price committee shall not be deemed unjust or unreasonable unless it exceeds the maximum rate or charge fixed by such fair-price committee; and the Department of Justice is authorized to provide for the appointment of fair-price committees.

Mr. SMITH of Georgia. Mr. President, one or two Senators say they do not know what the amendment is about. It simply provides that where there is a fair-price committee in existence, no one shall be considered guilty of having charged an unfair or unreasonable price if the price is not in excess of the price fixed by that fair-price committee. It is simply a fair-price committee which furnishes the merchant a standard by which he can conduct his business knowing that he will not be subject to indictment.

Mr. POMERENE. May I ask the Senator from Georgia a question? Does he mean by fair-price committee a committee that is appointed in pursuance of law?

Mr. SMITH of Georgia. In pursuance of the act itself. It allows the Attorney General to name the fair-price committee.

Mr. POMERENE. I was not clear in my mind whether the Senator meant a fair-price committee that might be named by authority of some law, or a general fair-price committee that might be appointed by virtue of some action which has been taken by a community. I do not think the latter should be done.

Mr. SMITH of Georgia. There were fair-price committees under the food-control law. The Attorney General has requested those fair-price committees to resume their work, and this amendment provides that a fair-price committee may be named by the Attorney General.

Mr. McKELLAR. I desire to ask the Senator from Georgia if the result of his amendment would not be practically turning over the enforcement of this act to the various fair-price committees?

Mr. SMITH of Georgia. No.

Mr. McKELLAR. Would it not have that tendency, at least? It would weaken the act very much, it seems to me.

Mr. SMITH of Georgia. In the first place, I think it will make the act valid. I do not think there is any possibility of the conviction of anybody under a statute so general as one containing provisions making unreasonable or unfair profits a crime. I think it is absolutely necessary, in order to make it effective, that some definite language should be used and something should be furnished to give a standard for what is unfair or unreasonable. The Attorney General has requested in various cities the old fair-price committees who cooperated in the matter of food control to go back to work, and in most of the large cities they have done so. The committee went further than this amendment.

Mr. KIRBY. What is the difference between the amendment the Senator proposes and the amendment proposed by the committee?

Mr. SMITH of Georgia. There is just this difference. Under the committee amendment, wherever there was no fair-price committee there could not be a prosecution at all. Under the amendment offered by the Senator from Iowa, wherever there is a fair-price committee the standard fixed by that committee would exempt from prosecution if the charge was not in excess of the price fixed by that fair-price committee. Where there is no fair-price committees, then the question as to whether the profit was unreasonable or unfair would be left without a standard. In the one case there could be no prosecution unless there was a fair-price committee. In the other case, the standard only exists where there is a fair-price committee and there can be prosecutions elsewhere.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. SMITH].

The amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, and for other purposes."

The PRESIDING OFFICER. What is the pleasure of the Senate with reference to the bill 2992 as reported from the District Committee? Shall it remain on the calendar or shall it be indefinitely postponed?

Mr. SMOOT. I suggest that it remain on the calendar.

The PRESIDING OFFICER. Without objection, it will remain on the calendar.

THE RAILROAD PROBLEM.

Mr. SHEPPARD. Mr. President, I have a short article on the railroad problem, which I would like to have inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Reprinted from Manufacturers' Record, May 29, 1919.]

A PLAN SUGGESTED AS "THE KEY TO THE SOLUTION OF THE RAILROAD PROBLEM."

[W. A. Jarrel, D. D., LL. D., Station A, Dallas, Tex.]

"Having been a close, watchful student of the railroad problem the last 30 years, the following seems clearly to me the key to its solution. Maybe not in every particular, but substantially its solution. Its solution must be not by Government ownership but by Government regulation. Of course, as there can be no regulation without the control that is necessary to effect regulation, in the sense of the necessary control for regulation, regulation and control practically are identical. The key to the solution of the railroad problem is a wisely and fairly constituted railroad commission. Such commission must—

"1. Numerically fairly represent the people and the railroads. At least the railroads ought to, within one, have an equal number of members on every commission. The only argument for the roads not having an equal number to the people of representatives on the commission is to prevent a tie-up of the commission; one or the other side should have one majority; and while the roads are as fairly entitled to that one majority as are the people, the people are as fairly entitled to it as are the roads, and public sentiment would not consent to the roads having it. One of the greatest of railroad attorneys tells me that the roads will be satisfied for the one majority to represent the people. If it be said that this is an invidious classification, the answer is politicians' war on the roads long ago—not all politicians have waged this war—arrayed the people and the roads against each other. Such a commission is so self-evidently fair to both sides that to conceive of any fair-minded person objecting to it is seemingly impossible, and consequently its regulations would commend themselves to both parties so as to affect the desirably amicable relation between them.

"2. Let each side select its part of the commission. If not by election, at least allow the railroads to nominate the proportion of commissioners for which the law provides.

"3. The railroad representation in the commission to be composed of such a number of practical railroad men as the railroads deem necessary. Although the roads would look after this, yet better to provide for it by law specifically. That railroad business without practical management can no more prosper or survive than can any other great line of business is self-evident, and that practical management, as a rule, must be by men who are practical railroad managers is equally self-evident. Even receivers of railroads who are not practical railroad men, and of such railroad directors as are not practical railroad men, are essentially dependent on the judgment of practical railroad men.

"4. Subject to removal, for good cause, such as provided for by law, the members of the commission to serve for life, just as the United States Supreme Court judges. This insures only the most practical railroad commissioners. Even railroad men are made as commissioners more efficient by experience—prevents their being influenced by frequent election contests, and keeps them and the commission out of politics.

"5. Provide by law that the commission make all tariff rates so that they allow neither unreasonable profits on railroad investment, nor such low rates as to prevent keeping the roads in first-class condition for public use; and that, in any case, tariff rates do not permit sufficient money to put and to keep them in the necessary condition, the Government make up the lack. That these great arteries of commerce and travel are so vital that money to the people is saved even when necessary for them to pay high tariff rates, or even taxes, to put and to keep them in the most healthy and efficient condition admits of no denial. The 'skin game' of reducing railroads to starvation efficiency that other lines of business may be fat and sleek partakes more of the nature of the outcry of Bolshevism against corporations than it does of civilization. To every interest of our people it is suicidal. The crippled condition that the war found our railroads and their necessary rescue by the Government from the commissions that caused these conditions, that it lick the Kaiser, of this leaves no room for doubt.

"6. For intrastate matters, State commissions; for interstate, United States commissions.

"7. Inasmuch as the United States commission is farther from local influence, provide that in matters of controversy between State and United States commissions the latter is to give the final decision. Among other advantages, this provision will prevent the vexations and railroad crippling that are the inevitable result of conflicting decisions of the commissions of the several States.

"8. Whether all decisions of these commissions—without any appeal to the courts—should not be final is suggested for consideration. With the fairness and ability of such commissions, why should not both sides trust them as well or even better than the courts, since they know far more of all matters involved than the courts can know?

"9. Such commissions will be such masters of all that pertains to railroad wages and all other railroad matters, constitute them arbiters of not only all controversies and disputes between the people and the roads, but arbiters of all matters between the roads and their employees. Backed by all Government authority and power, make all the decisions of the commissions final.

"In conclusion, so efficient and so satisfactory will be such commissions that the railroads will be taken out of politics and meet our necessities."

BILLS OF EXCHANGE.

Mr. ROBINSON. Mr. President, with respect to the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, which the Senate considered for some hours to-day on motion of the Senator from Georgia [Mr. SMITH], some of us very much desire to proceed now to the consideration and final disposition of that bill, but the Senator from Oklahoma [Mr. OWEN], we are informed, has an amendment which he desires to offer to the bill, and the Senator from Utah [Mr. SMOOT] has indicated, as has also the Senator from Ohio [Mr. POMERENE], that, in their opinion, it would not be practicable to reach a final conclusion concerning the bill to-day. On consultation with the Senator from Georgia [Mr. SMITH] I have learned that it is his expectation that the Senate will be asked to proceed to the consideration of this bill during the morning hour on Monday next, and with that understanding, realizing that it will be difficult, if not impossible, to secure final action on the bill to-day, for my part I am willing that the measure shall go over until Monday.

Mr. POMERENE. I shall not interpose any objection to that course, but I think the measure should be disposed of one way or another.

Mr. HARRISON. Mr. President, there have been several attempts to get up the bill in the past two weeks. It is a very urgent and a very necessary measure. If the Senate adjourns from to-day until Monday and the treaty is taken up on Monday, we will stand little chance of getting up the bill for consideration. I can see no reason why we should not meet to-morrow and try to pass the bill and finish it so that we can proceed Monday to the consideration of the treaty.

Mr. SMOOT. Mr. President, the rent bill, so called, was put upon the bill just passed, and it was tentatively agreed if that were done we would adjourn over until Monday. Quite a number of Senators are out of the city, even at this time, and it would be very difficult to get a quorum to-morrow. A number of Senators have left now to meet Gen. Pershing, who arrives in the city at 4 o'clock to-day. I think we will make headway and no one will be interfered with at all if we devote to-morrow to our own personal affairs, letters, other business, and to attending committee meetings that I know are to be held. I think we will make just as much time as if we were to hold a session to-morrow.

Mr. HARRISON. Does the Senator think we can get this bill up on Monday?

Mr. SMOOT. I have not any doubt of it in my mind.

Mr. SMITH of Georgia. The Senator from Utah assures me that we will get it up Monday during the morning hour, and if we do not finish it then that it can be considered in the morning hour on Tuesday; and with the assurance of the Senator from Ohio [Mr. POMERENE] that he will help us to get up the bill, I think the difficulties are out of the way.

Mr. POMERENE. The Senator from Georgia is always so amiable that I could not resist his appeal.

ADJOURNMENT TO MONDAY.

Mr. SMOOT. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, September 15, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September 12, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

Almighty God, Lord of Hosts, we thank thee for the readiness with which men have been willing to face hardship and danger, yea even death, in a soldier's or a Navy man's life whenever our Nation has been threatened. We are grateful for all our war leaders of the past, men like our Washington, our Perry, our Grant, our Farragut, our Sheridan, and our Dewey; and especially to-day for our gallant Gen. Pershing and all who planned for and led our forces in the dread months of the war just ended.

And now we ask Thy blessing upon every man, black or white, who served under the Stars and Stripes in that war. May every American appreciate what they have done and were willing to do not only by loud huzzahs and striking pageants, but chiefly by courtesy, justice, and kindness. We ask also, O Lord, that those who return to civil pursuits may continue to show their love of the country by being good men, useful laborers, and worthy citizens.

Let the rest of us see to it that they are returning to a country worth loving. May those who spent the years of war at home devote themselves to the public good with a service as faithful and unselfish as that of the humblest private watching in darkness, loneliness, and peril his remote post in the rains of France or the snows of Siberia. Thus may we have a country of men and women united in mutual helpfulness and consecrated to the things that are good and beautiful and true. For Jesus' sake, amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE IN DATE OF ADDRESS.

Mr. TOWNER. Mr. Speaker, by the favor of the House I was granted unanimous consent to address the House on the 17th, the anniversary of the adoption of the Constitution, on constitutional government. Since then the House has decided to have a recess over that day, and as the next day also will be occupied with the proceedings for the reception of Gen. Pershing I ask unanimous consent that the date may be changed from the 17th to the 19th.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the leave granted him by the House be transferred from the 17th to the 19th. Is there objection?

There was no objection.

HOUR OF MEETING ON TUESDAY NEXT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next it adjourn to meet at 11 o'clock a. m. on Tuesday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns on Monday next it adjourn to meet at 11 a. m. on Tuesday. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, I would like to ask the gentleman why and wherefore?

Mr. MONDELL. We expect to have a considerable amount of debate on Tuesday in connection with the business before the House.

Mr. CLARK of Missouri. What about?

Mr. MONDELL. We will probably have up a revenue bill at that time, and there is likely to be a considerable amount of debate, and I thought it would be better to meet at 11 o'clock.

Mr. CLARK of Missouri. Does the gentleman refer to a deficiency bill?

Mr. MONDELL. No; probably the dyestuff bill will be brought up on that day.

Mr. CLARK of Missouri. When are we going to have the deficiency bill considered?

Mr. MONDELL. Either to-morrow or Monday. It depends on when the committee is ready.

Mr. CLARK of Missouri. Is this extra hour the gentleman is asking for going to be devoted to jimcrack speeches or not? [Laughter.]

Mr. MONDELL. I should not want to characterize the speeches in advance. [Laughter.]

Mr. DYER. Reserving the right to object, when are we to have the railroad bill, if the gentleman knows.

Mr. MONDELL. The gentleman will have to ask the committee which is working so industriously and continuously on that subject. I am sure we all hope that the committee will bring the bill in as soon as it is consistent with a thorough consideration of that important matter.

Mr. EMERSON. I would like to ask the gentleman if the cold-storage bill is coming up next week.

Mr. MONDELL. I hope very soon; but it is impossible to say when.

Mr. BANKHEAD. Reserving the right to object, what is the probability about bringing up the so-called Mondell settlement bill?

Mr. MONDELL. There are other matters some of which have been on the calendar longer than that bill and we can not say just now when the bill will be taken up.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PERSONAL EXPLANATION.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I am informed that each Member of the House and perhaps of the Senate, received a copy of a newspaper published in New York called the New York Call, of the date of August 29. This paper charges that the leaders of the Republican Party are in conspiracy with Mexican bandits for some purpose or other. [Laughter.]

The paper offers as proof of the conspiracy a letter purporting to have been written by some Mexican with an unpronounceable name, now in Cuba, and a facsimile of the letter is published in order to show the real gravity of the offense.

Mr. GOODWIN of Arkansas. Does the paper offer a reward for the capture and apprehension of the gentleman from Kansas?

Mr. CAMPBELL of Kansas. No; no offer of reward has as yet been made. The letter purports to have been written in Habana on the 28th day of July, 1919. The letter is not addressed to me, although the paper says that it is addressed to me, introducing one William Gates, who appeared before the committee.

The letter was written in Habana on the 28th of July. If it ever reached Washington I do not know it; I never saw the letter nor a copy of it. I did not know that such a man existed as the purported writer. The letter was never presented by Mr. Gates or anyone else to me, or to any member of the committee to my knowledge. Mr. Gates appeared and gave his testimony before the Committee on Rules on the 28th day of July in Washington—on the same day this letter purports to have been written in Habana.

The article in the New York Call assumes that this Mexican bandit introduced his friend, Mr. Gates, to me as the chairman of the Committee on Rules, and that the conspiracy was thus completed through introduction by the letter. As a matter of fact, Mr. Gates appeared before the committee voluntarily, as a number of others did. He did not appear with a letter from this Mexican bandit. He appeared probably four days before the letter could have reached Washington, so there is nothing in the conspiracy. It may be that the committee was somewhat taken in by this fellow Gates. As soon as it was discovered through the publication of some letters that Gates had connections with some factions in Mexico, the committee dropped Mr. Gates.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to proceed for three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. In other words, this entire statement is false from beginning to end?

Mr. CAMPBELL of Kansas. False from beginning to end; yes.

Mr. GARNER. But there is one statement in it that is correct, I think, and I insist that it is correct, and that is that the gentleman from Kansas is one of the Republican leaders.

Mr. CAMPBELL of Kansas. That part of it may or may not be true. Mr. Gates's testimony was published in the same pamphlet with Ambassador Fletcher's testimony—only 500 copies were published. The records of my office show that less than 20 copies were sent out—several persons called at the office and got copies—the remainder of them are still in my office. I do not say that the New York Call viciously published the letter referred to and sought to show a fault on the part of anyone. I

think the paper has been imposed upon, and I am satisfied that it will make the corrections that this statement calls upon it to make. I believe the Call will be fair to me and to the Committee on Rules and to the leaders of the Republican Party by publishing the fact that Mr. Gates appeared before the committee without knowledge by any member of the committee that the letter of which it publishes a facsimile had ever been written or had any knowledge of the alleged bandit who wrote it.

THE RECORD.

Mr. RUCKER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER. Mr. Speaker, I desire to make a request for the correction of the RECORD, but want to do so only if the gentleman from Nebraska, Mr. MCLAUGHLIN, is present.

The SPEAKER. Is the gentleman from Nebraska, Mr. MCLAUGHLIN, present this morning?

Mr. RUCKER. Mr. Speaker, he does not seem to be present now. I have been attempting to bring this matter to the attention of the House for several days. I give notice now that tomorrow, upon the convening of the House, I shall ask to correct the RECORD with reference to the remarks made by the gentleman a few days ago and I hope that he will be present at the time.

WAR-RISK INSURANCE ACT.

Mr. SWEET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8778, amending and modifying the war-risk insurance act.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8778, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. When the committee rose last evening section 10 had been read and was still open for amendment.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota: Page 6, line 9, as a new paragraph insert the following:

That section 301 of the war-risk insurance act, as amended, shall be deemed to be in effect as of April 6, 1917: *Provided, however*, That before compensation thereon shall be paid there shall first be deducted from said sum so to be paid the amount of any payments such person may have received by way of gratuities or payments under pension laws in force and existence between April 6, 1917, and October 6, 1917.

Mr. FESS. Mr. Chairman, on that I reserve the point of order.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen of the committee, five years ago to-day the Germans were in full retreat on the Marne, and the redoubtable Joffre sent forth a message describing it as an "undoubted victory." Paris was saved. Civilization and republican institutions still hung in the balance, however, as the German army again assumed the offensive, retaining it until reinforced by American troops the Allies regained it at the second battle of the Marne in the summer of 1918.

Then followed a series of offensives in which we were to assume adequate part. The first was a drive on the St. Mihiel salient. A celebrated British officer had said that our new Army would be massacred if it attempted to take its impregnable position. For four years its defenses had remained unbroken. At midnight, one year ago to-day, this attack was launched with the most effective artillery bombardment in history—for in four hours 1,000,000 rounds had been fired. Then at break of day the American doughboy "jumped off," speedily driving the Hun out of the salient.

Then followed the Argonne, with like success, the capture of Sedan and the envelopment of Metz, the peace of victory, and, lastly, home.

Some did not reach the last objective. Thousands remained where they fell, under the lilies of France. Others, more fortunate, are back home, but disabled and incapacitated.

I know it is the sense of this House that as a matter of justice and humanity the disabled fighting man and the dependent loved ones of those called to a higher service should be adequately provided for.

The war-risk insurance act passed on October 6, 1917, was so designed and enacted; but as to disability compensation it was wholly insufficient.

Briefly, this act sought to provide the following:

First. A family allowance while in the service, to be paid jointly by soldier and Government.

Second. (a) Compensation to disabled soldier, to be paid by Government. (b) Compensation to dependent relatives of deceased soldiers, to be borne by the Government.

Third. Insurance against death or total permanent disability, to be paid for by the soldier at reduced rates.

I desire to call attention to the classes referred to in the second subdivision.

The total disability compensation provided for in section 302 of the act, as follows, should be raised, as proposed in the committee bill:

	Per month.
(a) If no wife nor child	$30
(b) Wife, but no child	45
(c) Wife and one child	55
(d) Wife and two children	65
(e) Loss of both hands, both feet, or both eyes	100

The above amounts are for total disability. I have in mind several cases in my district, the city of Minneapolis, where boys have lost a leg and have been otherwise injured. They have been rated as 80 per cent disabled and entitled to 80 per cent of $30, or $24. They are also insured and are being urged and desire to retain their insurance. They can not do it and live. Under the pension law in existence when the war-risk act was passed repealing it they would have been entitled to at least $55 or $60. If the law is not changed, they are worse off than if the war-risk act had never been passed. I hope, therefore, the committee amendments raising the schedule as follows will prevail:

	Per month.
(a) If no wife nor child	$80
(b) If a wife, but no child	90
(c) If a wife and one child	95
(d) If a wife and two children	100
(e) Loss of both hands, both feet, or both eyes	200

In this manner a grateful people can in some measure express its gratitude for those who suffered that the Nation might live.

The monthly compensation to dependents in section 301 of the war-risk act provides the following:

	Per month.
(a) Dependent widow	$20.00
(b) Dependent widow and child	35.00
(c) Dependent widow and two children, with $5 additional for each additional child up to two	47.50
(d) No widow, but one child	20.00
(e) No widow, but two children	30.00
(f) Dependent widowed mother	20.00

The act was passed on October 6, 1917. The pension laws then in force provided monthly pensions as follows:

(a) Dependent widows	$12
(b) Dependent children, each	2
(c) Dependent mother	12

Note the substantial difference in amounts in favor of the war-risk insurance act.

We went into the war just six months before this law was enacted, April 6, 1917. Our Army already numbered over 1,000,000 men. Some of the men composing this Army had already been disabled by injury or disease and from two to three thousand had died. In May of 1917 the American Navy had destroyer and battleship fleets in the North and Irish Seas. Many of our merchant vessels were furnished rifled cannon manned by American bluejackets. In the Navy alone upward of five or six hundred deaths had occurred in the first six months. These boys got into the game early. A majority were volunteers. They were in all respects the comrades of their more fortunate brothers in the cause who later fell at the second Marne, St. Mihiel, or the Argonne. They, too, left dependent loved ones.

Mr. Chairman, are they or their loved ones, because death or disability came during the first six months of the war, to be given less consideration? Is the dependent mother of one to receive $12 and the other $20? No. To ask it is to answer it. But as the law now stands such is and will be the case unless the committee bill is amended. I am advised by the Pension Department that there have been filed up to date 846 claims under the pension act involving death or disability claims arising after April 6 and before October 6, 1917. If this act is not amended as suggested their loved ones will be given about one-half the benefits to which they in justice are entitled. One hundred and nineteen of these have already been allowed. My amendment, if adopted, makes section 301 retroactive to April 6, 1917, and provides for the surrender of any moneys received under the then existing pension law before the provisions under the proposed amendment are available to such person. I shall also support a similar amendment as to disability compensation, making that retroactive. I therefore move the adoption of the amendment.

Mr. SNELL. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. I will.

Mr. SNELL. I am unable to tell just exactly what this does. I have read over the amendment and it does not seem to me it is clear, and I do not think it is to the other members of the committee.

Mr. NEWTON of Minnesota. I will try and explain it.

Mr. SNELL. Just what does it do for the soldier?

Mr. NEWTON of Minnesota. If the gentleman will turn to page 20 of the original act, article 3, section 301:

That if death result from injury, if the deceased leaves a widow or child, or if he leaves a widowed mother dependent upon him for support, the monthly compensation shall be the following amounts.

Then appears widow alone, $25; widow and one child, $35, and so on. Now, this law was passed on the 6th day of October, 1917. It would apply to all disability and dependency cases occurring after October 6, 1917. My amendment would bring the act back, in so far as section 301 is concerned, to the 6th of April, 1917, and provides for the dependents of those who died in the service preceding the 6th of October, 1917, the date of the passage of this war-risk insurance act.

Mr. SNELL. Does the gentleman's amendment provide for giving the soldiers anything?

Mr. NEWTON of Minnesota. My amendment provides for the payment of this allowance of $25 per month to the widow, which is the same allowance that is now given to the widow of a soldier who died after October 6, 1917.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAVIS. I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Will the gentleman yield to me?

Mr. NEWTON of Minnesota. Certainly.

Mr. REAVIS. In answer to the gentleman from New York, the gentleman said he wanted to amend this act so that those who died previous to April 6—the gentleman did not mean that.

Mr. NEWTON of Minnesota. No; previous to October 6.

Mr. REAVIS. The gentleman stated previous to April 6.

Mr. NEWTON of Minnesota. I misspoke then.

Mr. REAVIS. The gentleman means that he wants to provide the same compensation for those who died between April and October as for those who died after October?

Mr. NEWTON of Minnesota. Exactly. I think we should treat all men in the service uniformly, and that we should not give the widow of the man who died during the first six months of the war $12 and the widow of the man who died thereafter $25. There is no reason for the discrimination.

Mr. KNUTSON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. KNUTSON. The gentleman speaks about giving compensation to the widow. Now, if there is no widow, and there are dependent parents, they would occupy the same position?

Mr. NEWTON of Minnesota. It would apply in the same way. I might also say that I have taken this up with the members of the committee on both sides of the House, and they have been considering it. I hope they will not object; I think it is a very just amendment to the act. I might say that I have safeguarded it to the extent that if dependents have already received the $12 per month pension that any such payments shall be deducted before they can come under the terms of the proposed amendment.

Mr. McLAUGHLIN of Michigan. Will the gentleman read that amendment again?

Mr. PURNELL. Mr. Chairman, a parliamentary inquiry.

Mr. NEWTON of Minnesota. I yield to the gentleman from Michigan. [Reading:]

That section 301 of the war-risk insurance act as amended shall be deemed to be in effect as of April 6, 1917: *Provided, however*, That before compensation thereunder shall be paid there shall first be deducted from said sum so to be paid the amount of any payment such person may have received by way of gratuities or payments under pension laws in force and existence between April 6, 1917, and October 6, 1917.

Mr. PURNELL. I merely wanted to ask what became of the amendment which was offered yesterday embodying this same proposition?

Mr. NEWTON of Minnesota. I was on my feet at the time of the adjournment yesterday with this amendment—I think the gentleman has in mind the same amendment——

The CHAIRMAN. The amendment was not received; the committee rose without having received the amendment.

Mr. PURNELL. I did not know who offered the amendment. I thought we had adopted it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CHINDBLOM. I ask that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. I observe the gentleman uses the term "said sum." I suggest that ought to be "any sum" in the amendment as a matter of phraseology.

Mr. NEWTON of Minnesota. Just one moment. I do not agree with the gentleman, because it pertains to the amount that is to be paid under this amendment.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. GREEN of Iowa. I wanted to inquire with reference to the use of the word "pension." The gentleman referred in the amendment to pension laws. Does he mean under this war-risk insurance——

Mr. NEWTON of Minnesota. No. I used the term "gratuity" and "pension" advisedly, because that is the term that is used in section 312 of the war-risk insurance act when it referred to the then existing pension law. That is the reason for using the term.

Mr. GREEN of Iowa. I did not just understand how these men could come to be under that pension law which did not apply to them.

Mr. NEWTON of Minnesota. The pension law was in force and effect up to the passage of this act, on the 6th of October, 1917, and under it the dependents of the deceased soldier would get $12 a month. A dependent widow would get $12 per month.

Now, when this law went into effect it repealed that pension law, in so far as future cases were concerned, and referred to that pension law with the words "gratuity" and "pension." That is the reason for the use of that term.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. [Cries of "Vote!" "Vote!"] There is a point of order pending.

Mr. FESS. Mr. Chairman, I will not make the point of order. I will withdraw it.

The CHAIRMAN. The point of order is withdrawn.

Mr. SWEET. Mr. Chairman, the committee makes no objection to the amendment proposed by the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. BROOKS of Illinois. Mr. Chairman, I would like to have it read again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN (Mr. CAMPBELL of Kansas). The question is on agreeing to the amendment of the gentleman from Minnesota [Mr. NEWTON].

The question was taken, and the amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Committee on Interstate and Foreign Commerce deserves great credit for bringing in an excellent bill, amending in many important respects the so-called war-risk insurance act. It is a sensible and practical bill formed on broad and liberal lines. It provides far more comfortably than we have ever tried to do before for soldiers, sailors, and marines who have been disabled in the service. The man who went away sound and well only to return maimed, crippled, and thus heavily handicapped for life, should ever receive the highest consideration; likewise the dependents of those who went but did not return. These should be our first concern, just as they are first in the thoughts of every one the man who served in his country's uniform.

Toward those who have returned in the vigor of full health also we feel a deep and sincere gratitude that should never fail. They went forth to fight our battles and theirs. They have returned to join us in the unceasing battles of peace by which we hope to maintain this as the best country in all the world to live in. Let us not forget that these men have returned to their own country. It was theirs before they went away. It is theirs in a more sacred sense now. What they did can not be paid for in terms of dollars. There can be no cash equivalent for a patriotic duty faithfully performed. There is not enough in the Treasury if we took it all to pay such a debt. They now ask that their disabled comrades be placed back as nearly as possible where they were, so far as earning a living is concerned, or if that be impossible then a reasonable compensation. The bill under consideration aims to do this. They ask that the dependents of those who fell be cared for and this bill seeks to do it.

As we consider these matters touching very closely the interests of those who served in the Great War, it is appropriate to recount very briefly something of what they did and the cir-

cumstances under which they did it. It is peculiarly appropriate and fitting to speak of these things on this the first anniversary of the very brilliant affair at St. Mihiel, which began on September 12, 1918, and was the first strictly American battle of the war planned and executed by our own officers and men.

It was just five years ago that the great German flood of invasion was stemmed at the southern bank of the Marne and turned back to the Aisne and the Somme. For three years, with varying degrees of success, the German was held in northern France and Belgium, but was permitted to crush Russia and most of the Balkan States.

In 1917 it was apparent that with the resistance on the eastern front entirely removed the time had come for the Germans to win the war, and that this event probably could not be postponed beyond 1918.

Meanwhile we had come into the war in April, 1917, but our tragic state of military unpreparedness was such that it was a whole year before we were able to strike a single blow. This year of impotence after we had declared war is one of the darkest periods of our national history. May we never forget it and may we never permit our country to come into that sad condition again.

With the United States in the war it was clear to all who studied the military situation that 1918 was Germany's only remaining chance to win the war, and it was an excellent chance, unfortunately. In the early spring of 1918 only a few American divisions were in France, and they were in a large measure armed and supplied by the French and English. In this situation the great drive into Picardy was begun in March, and the other great offensive operations of the Germans followed. It was not thought by our enemies to be possible for the United States to mobilize, train, arm, equip, and transport across the ocean a sufficient force to seriously affect the military situation. Never did an enemy so deceive himself or so misjudge the capacity of a foe. [Applause.]

As I had so often proclaimed from my place on this floor, arms, ammunition, and equipment can not be improvised overnight, nor in a year for that matter. Then there were the usual number of mistakes and blunders, and many additional ones, in an effort to supply the necessary materials of war. Even the United States could not do the impossible, and so our country failed in many ways to place upon the fighting front such airplanes, machine guns, artillery, and other matériel as are necessary for the proper use and protection of men in battle.

What we lacked in guns and airplanes, however, our men made up in courage and devotion to duty. The record of the American soldier in France is one of which we are justly proud. As I have said, he was not adequately equipped with the modern engines of war. His training had necessarily been brief. He was opposed by a veteran army of the best-trained soldiers in the world, and yet on every field he distinguished himself, not only for aggressiveness and courage in battle, but for resourcefulness as a fighter and the capacity for maintaining a point once gained in the face of cruel punishment from the enemy. [Applause.]

These are the qualities of the men who represented us in the great struggle, and they are the qualities which forced complete victory in 1918 instead of prolonging the awful struggle until this year, as was expected would be the case.

Three months ago I had the privilege of walking over the ground where our men fought in France. I observed with deep interest the places where our own American boys had borne the brunt of the battle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes longer.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman may proceed for three minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Quite naturally I made special inquiry concerning the positions, advances, and attacks of units containing Connecticut boys, and the result of my inquiries were all of the most gratifying character. Everywhere they had acquitted themselves like men. I went along the line from Chateau Thierry to Belleau Wood, through Vaux, Bouresches, and Torcy, where the Twenty-sixth, or Yankee, Division began its advance in the second great Battle of the Marne. I traveled the same road that this division advanced over when the St. Mihiel salient was wiped out. This advance was a brilliant feat and occurred just a year ago to-day. I went through the Argonne Forest and across the Aire Valley to the Meuse, following the bloody footsteps of our American boys. It made my heart swell with grateful pride to think of them as "our boys."

Happily their work is now finished. They have come back to us bearing their honors modestly, each conscious of a sacred duty faithfully done. If I correctly judge them, they have come home—those who went overseas and those who were still in training here—to live for their country as they were willing to die for it. They know better than ever before how precious it is.

The war has left us many difficult and perplexing problems. After such a world-wide cataclysm it requires time to even approximate again the normal. The unbelievable expense of the war has left a heritage of debt that will require years of burdensome taxation. This burden has been piled upon the already heavy load of living expenses. Everyone feels the burden and no one is exempt from its effects. As a result the country is restless and uneasy. There is no panacea that will cure our troubles immediately, so they must be borne with patriotic patience, while every possible effort is being made to supply the remedy.

Fortunately our returning soldiers have already shown their patriotism. We know that we can rely upon them to support and defend the institutions of their country, insist upon a square deal, and a fair chance for all; that they will resist every attempt to destroy free government and real liberty in this country and that they will join in preserving America as the land of freedom and opportunity.

I have referred to some of the great problems facing the Nation upon the return of our conquering heroes, but I refer to them in the full hope that with the same indomitable spirit with which they faced the foe in battle they will also face these problems and that they more than any other equal number of men will help to solve them. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SWEET. Mr. Chairman, I move that all debate close on section 10.

The CHAIRMAN. The gentleman from Iowa moves that all debate on section 10 be now closed.

Mr. FESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. Would that close debate on a new section that would be offered?

Mr. SWEET. It would if it was an amendment to that section.

The CHAIRMAN. What was the inquiry of the gentleman from Ohio?

Mr. FESS. The gentleman from New York desires to offer an amendment inserting a new section following section 10. Would the gentleman's motion forbid debate on that?

The CHAIRMAN. If a new section were offered, following section 10, it would be in the nature of an amendment to the bill rather than to the section, and it would be in order, but not debatable.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I am sure the Chair will remember when this very question was discussed while the distinguished gentleman from Iowa [Mr. GOOD] was in the chair, and he held that any amendment in the way of an additional section was part of the preceding section, and the debate would be closed under such a request as that made by the gentleman from Iowa [Mr. SWEET]. I am sure the Chair will remember that. The matter was thrashed out at some length. I think that constitutes a precedent.

The CHAIRMAN. If the amendment suggested by the gentleman from Ohio as a new section followed section 10 it would not be precluded.

Mr. BLANTON. I merely call to the attention of the Chair the fact that that is in direct conflict with the previous ruling of a previous Chairman.

The CHAIRMAN. The question was whether or not the amendment would be in order?

Mr. BLANTON. No; whether or not debate would be closed.

The CHAIRMAN. Whether or not debate would be in order on the amendment?

Mr. FESS. Whether or not debate would be in order on the amendment if the motion of the gentleman from Iowa to close debate now should be passed.

Mr. BLANTON. It was held by the gentleman from Iowa [Mr. GOOD] that it would preclude debate, even if it were put in as a new section.

Mr. SANDERS of Indiana. Unless the Chair should hold that the debate would be closed as to a particular section, it would

certainly open up the way for all debate that can be desired by any gentleman by merely proposing to make a new section of his amendment by way of something in the nature of a proviso. It would be very difficult to close debate unless the Chair should hold that debate should be closed on the new proposed section at that point.

The CHAIRMAN. The Chair understood the motion of the gentleman from Iowa to be to close debate on section 10.

Mr. BLANTON. The ruling made by the gentleman from Iowa [Mr. GOOD] was that where a motion to close debate on a section has carried, any subsequent amendment following that section, even though offered as a new section, is deemed merely an amendment to the section involved by the motion, and that no debate is allowable thereon.

The CHAIRMAN. The Chair will state his understanding of the motion of the gentleman from Iowa to close debate on section 10. The motion did not include "and all amendments thereto," as the Chair understood.

Mr. SWEET. Mr. Chairman, there are no amendments pending.

Mr. FESS. There will be one if it is not precluded.

Mr. TREADWAY. Mr. Chairman, if I may be heard a moment——

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. SWEET. If there is any question on it, I will amend the motion by moving that the debate close on the section and all amendments thereto.

Mr. TREADWAY. Is there any distinction, Mr. Chairman, between whether or not the debate shall be closed and the opportunity to offer amendments? The motion of the gentleman from Iowa would not preclude the offering of a still further amendment, but it would preclude the possibility of debate thereon.

The CHAIRMAN. When the Chair was interrupted by the parliamentary inquiry of the gentleman from Texas [Mr. BLANTON], he was just about to say that amendments could be offered.

Mr. TREADWAY. But no debate thereon.

The CHAIRMAN. But no debate thereon, if the motion of the gentleman from Iowa should prevail.

Mr. TREADWAY. I think the ruling referred to by the gentleman from Texas is binding in the situation in which we find ourselves, because the Chair will readily see that otherwise it would be possible to offer amendments, even though they be designated as new sections, and there would be no limit as to the point at which amendments could be offered to any section simply by renumbering or relettering them. Therefore it seems to me the point is well taken.

The CHAIRMAN. In answer to the parliamentary inquiry of the gentleman from Ohio, if it would preclude the offering of a new section, the Chair holds that it would not, but the amendment would not be subject to debate if the motion of the gentleman from Iowa should prevail.

Mr. FESS. I move, Mr. Chairman, to amend the motion of the gentleman from Iowa [Mr. SWEET] that debate close in five minutes, giving the gentleman from New York [Mr. REED] a chance to present his amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the motion of the gentleman from Iowa.

Mr. SWEET. I move as a substitute that debate close in 10 minutes.

Mr. FESS. I accept that.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Pending that, Mr. Chairman, I wish to inquire, Was it the ruling of the Chair that even though the debate be closed by a motion it would be in order to amend by a new section at any time?

The CHAIRMAN. Yes; but such amendment as might be offered would not be subject to debate.

Mr. RAYBURN. If the ruling is to stand, it seems to me we would be in a position where we might never reach another section of the bill for the simple reason that a man having an amendment could number it as a new section and have it debated.

The CHAIRMAN. But the new section offered by way of amendment would not be subject to debate if the motion of the gentleman from Iowa should prevail.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. TILSON. We are in that situation all the time, where, after debate is closed on any section, amendments can be offered indefinitely, and, following out the gentleman's theory, we would never advance to another section if there were enough amendments and Members kept offering them to the end of time. We are in no worse situation if we agreed that a new section could be introduced than we are now, when new amendments can be offered, even though debate is closed on that section. So under the Chair's ruling on that I do not think we are in worse condition than we were before.

Mr. RAYBURN. I wanted to get the Chair's ruling clear in my mind.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa [Mr. SWEET], that debate close in 10 minutes.

The motion was agreed to.

Mr. REED of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REED of New York: Page 6, after line 11, insert a new section as "Sec. 10a. That section 300 of the war-risk insurance act is hereby amended to read as follows: 'That for death or disability resulting from personal injury suffered or disease contracted in the line of duty by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided, but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct involving moral turpitude.'"

Mr. SWEET. Mr. Chairman, I reserve a point of order on the proposed amendment.

The CHAIRMAN. The gentleman from Iowa reserves a point of order on the amendment. The Chair would call the attention of the gentleman from New York to the fact that the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY] was numbered section 10a, as the Chair recalls, while the gentleman from New York offers his as section 10a also.

Mr. REED of New York. I offer it as section 10b.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. SWEET. Mr. Chairman, I believe the amendment is to be inserted at line 11. An examination will show that line 11 is a part of section 11.

Mr. REED of New York. I ask unanimous consent to change it to come in after line 9.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. TREADWAY. As long as corrections are being made to conform to previous amendments, why not say that this amendment shall follow the two amendments already adopted? The gentleman from Washington [Mr. WEBSTER] inserted an amendment and I had an amendment inserted at the same point yesterday. The gentleman desires to have his follow.

Mr. REED of New York. Mr. Chairman, the amendments were adopted which took care of the young man who was injured while going from the draft board to the point of mobilization. That is, if he violated some rule that involved moral turpitude, he is not protected under those amendments.

You may recall that I referred to the case yesterday of a young man who was flying in France and who flew beyond the zone prescribed by the military authorities. He fell and had his spine injured by a violent twist, resulting in total disability. Under the law as it stands this boy could receive no compensation. It was the average boy's initiative, it was the same spirit that led him over the top, it was the same spirit that led him to fight the 47 days in the Argonne Forest, it was the same spirit that you saw in the young man of Kansas, whom you may recall, by the name of Orth, and who had been in the Johns Hopkins Hospital for weeks. He was out on post duty and while there his pal was buried by the explosion of a shell. This boy Orth was ordered back but refused to go back and began to dig out his chum under fire with his own helmet. After a time he was taken back, and I suppose there was a "willful misconduct" under the law as it now stands.

What I am trying to do is to see that every American boy gets justice. Another example is a boy who enlisted in the Navy. He served for months, and while on shore leave was invited to take a glass of wine. That glass of wine undoubtedly contained menthol alcohol, and he was made totally blind; totally blind as the result of willful misconduct under the law. He served long, faithfully, and well.

By an examination of section 300, simply adding the words "involving moral turpitude" will take care of these cases. The law as amended yesterday does not take care of these men. If this amendment is made, it is going to clear up a number of cases where they are suffering injustice. I trust that the gentleman will not insist on his point of order. We want to give every American boy a square deal and not deprive him or his

dependents of these benefits. I submit that it is only fair that this amendment should be adopted. [Applause.]

Mr. ESCH. Mr. Chairman, there is very much that appeals to our sympathies in cases of this kind, but I remember that orders were issued by the Navy Department that in case of a submarine attack other vessels in the convoy should not stop to give aid to the vessel that was torpedoed. That was the rule of the English Navy and possibly in other navies. It was founded on justice and upon a due consideration for the safety of life. It may have been a sympathetic thing, possibly a heroic thing, you may say, for a vessel that was in the same convoy to stop and give assistance, but the Army regulations, rules, and laws are of no avail unless they are rigidly enforced.

The young man to whom the gentleman from New York has referred did a heroic thing, although it was disobedience of orders. Personally—I do not speak for the committee—I feel that the point of order should be insisted upon.

The CHAIRMAN. Does the gentleman from Wisconsin make the point of order?

Mr. SWEET. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. Does the gentleman from New York concede the point of order?

Mr. REED of New York. No; I think I do not.

The CHAIRMAN. The Chair would like to hear from the gentlemen from Iowa and Wisconsin.

Mr. SWEET. Mr. Chairman, section 300 is not mentioned in this bill at all, and it seems to me, taking the whole matter into consideration, that it is not germane to the bill we are considering.

Mr. SNELL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. SWEET. Yes.

Mr. SNELL. In what way is it not germane? This bill deals with conditions under which we are granting insurance to the soldiers, sailors, and marines of the late war.

Mr. SWEET. Only on the proposition that section 300 is not mentioned in the bill.

Mr. SNELL. This states the conditions under which you are considering the bill.

Mr. SWEET. The title says "to amend and modify the war-risk insurance act," and then it specifies the various conditions under which the soldiers, sailors, and marines shall receive insurance.

Mr. REED of New York rose.

The CHAIRMAN. The Chair does not care to hear more on the gentleman's side until he hears some reason why the amendment should go out.

Mr. SNELL. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Chair is ready to rule. It is well established by precedents that where it is proposed in a bill to amend an act in a number of its sections, an amendment to amend another section of the act is in order. A number of cases have occurred in the consideration of this bill where amendments have been offered which were not germane to any section included in the present bill but were clearly germane to sections in the original law. It seems clear to the Chair that this amendment is germane to a section of the original law, which under the precedents may be repealed or amended in this bill. The Chair therefore overrules the point of order.

Mr. BEE. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from New York.

There was no objection, and the Clerk again reported the amendment of Mr. REED of New York.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ESCH rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ESCH. Mr. Chairman, as I understand the amendment, it amends only a part of section 300. Is it proposed to amend the proviso?

Mr. REED of New York. No.

Mr. ESCH. The gentleman evidently has taken the original section 300. That was amended more recently by the act of June 25, 1918, and includes the following provisos:

Provided, That for the purposes of this section said officer, enlisted man, or other member shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service: *Provided further*, That this section as amended shall be deemed to become effective as of October 6, 1917.

As far as I am concerned personally—and I do not speak for the committee—I would have no objection to the amendment, provided the gentleman incorporated the two provisos which I have just read. I ask unanimous consent that the amendment of the gentleman from New York may be modified by adding the two provisos which I have just read, and which are incorporated in section 300 of the act of June 25, 1918.

The CHAIRMAN. Is there objection to the modification of the amendment of the gentleman from New York as indicated by the gentleman from Wisconsin?

Mr. HAYDEN. Mr. Chairman, might I suggest the action of the House making section 301 retroactive to the date of the declaration of war, and that the same date be used in the proviso, rather than October 6—in other words, April 6, 1917?

Mr. ESCH. Mr. Chairman, I would rather reserve that for a little consideration, and the gentleman could bring it up later.

Mr. SMITH of Michigan. Mr. Chairman, let us have the amendment read as modified.

The CHAIRMAN. The Chair will state that it seems well-nigh impossible for the Clerk to state the amendment as it would stand without considerable work in bringing it together.

Mr. RAYBURN. Mr. Chairman, I think if the Clerk will read the addition which appears at the end of section 300, the House would understand it after the explanation of the gentleman from New York [Mr. REED], without reading the whole thing.

Mr. JUUL rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. JUUL. For the purpose of making a motion, if in order, that the Clerk be authorized to alter the amendment in conformity to the statement made by the gentleman from Wisconsin.

The CHAIRMAN. That could only be done by unanimous consent. It seems to the Chair it might be better to pass it over for a short time and recur to it rather than to take chances at doing anything so loosely.

Mr. TEMPLE. Mr. Chairman, I ask that the amendment be reduced to writing.

The CHAIRMAN. The gentleman from Pennsylvania asks that the amendment be reduced to writing.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Where a gentleman offers an amendment not in writing and it is required to be placed in writing, has the Member the right to be given time to place that in writing?

The CHAIRMAN. Undoubtedly the committee would give the Member reasonable time within which to do so.

Mr. ESCH. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from New York [Mr. REED] section 300 of the act approved June 25, 1918, with the addition of the words "involving moral turpitude" at the end of the word "misconduct" appearing just before the first proviso, and I send the act to the Clerk's desk so modified to be reported.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment by way of substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by way of substitute by Mr. ESCH:

"SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted in the line of duty by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department the United States shall pay compensation as hereinafter provided, but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct involving moral turpitude: *Provided*, That for the purposes of this section said officer, enlisted man, or other member shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service: *Provided further*, That this section as amended shall be deemed to become effective as of October 6, 1917."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Wisconsin.

Mr. ESCH. Mr. Chairman, this is to follow the amendment offered by the gentleman from Washington [Mr. WEBSTER], the gentleman from Massachusetts [Mr. TREADWAY], as amended by the amendment of the gentleman from Texas [Mr. BLACK].

Mr. SANDERS of Indiana. Mr. Chairman, I do not think the record is quite accurate. The amendment offered by the gentleman from Wisconsin as read by the Clerk commenced as follows:

SEC. 300. That for death or disability—

And so forth.

As a matter of fact, it is a substitute for the amendment offered by the gentleman from New York [Mr. REED], which includes the preliminary language which I do not just recall.

Therefore with the consent of the gentleman from Wisconsin I would like to ask unanimous consent that the proposed substitute be amended by inserting prior to the language read by the Clerk the following:

Section 300 of the war-risk insurance act is hereby amended to read as follows:

And that that be numbered section 10b.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the substitute amendment offered by the gentleman from Wisconsin be modified as stated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JUUL. For the purpose of requesting unanimous consent that the section as amended may be again reported.

Mr. RAYBURN. Mr. Chairman, I object. It has been read three or four times, and all that it adds to the section now is the language "involving moral turpitude." That is all the amendment is, and we have been half an hour on this.

The CHAIRMAN. Objection is made. The question is on the substitute amendment offered by the gentleman from Wisconsin.

The question was taken.

Mr. TEMPLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. TEMPLE. I call attention to the fact that the substitute as offered by the gentleman from Wisconsin has not been reported at any time by the Clerk.

Mr. RAYBURN. Mr. Chairman, I call attention to the fact that the gentleman is mistaken. The gentleman from Wisconsin carried it over and handed it to the Clerk, and he has just read it.

Mr. BANKHEAD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. The committee was dividing when this interruption took place, and the affirmative vote has been taken. I call for the regular order.

Mr. TEMPLE. Mr. Chairman——

Mr. BANKHEAD. Wait a minute——

The CHAIRMAN. The gentleman from Alabama makes the point of order.

Mr. TEMPLE. And I wish to reply to the point of order. The facts are that the gentleman from Indiana asked unanimous consent to modify the resolution offered by the gentleman from Wisconsin and that modification has never been reported from the desk.

Mr. BANKHEAD. It does not make any difference what the situation is, I think the point of order is well taken.

The CHAIRMAN. The Chair must overrule the point of order made by the gentleman from Alabama upon the state of facts known to the Chair to exist, that the affirmative vote had just been ordered and not completed. The negative vote had not been taken at all. Under these conditions the gentleman rose and was recognized, and the Chair believes was properly recognized. The point of order made by the gentleman from Alabama is therefore overruled.

Mr. JUUL rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois [Mr. JUUL] rise?

Mr. JUUL. Mr. Chairman, I rise for the purpose of stating I fail to understand why Members——

The CHAIRMAN. Debate has been exhausted.

Mr. JUUL. I am not going to debate——

Mr. RAYBURN. Mr. Chairman, I object.

Mr. JUUL. I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman can not proceed. Debate is out of order——

Mr. REAVIS. Mr. Chairman, but the gentleman asks unanimous consent——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. REAVIS. I rise for the purpose of making a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REAVIS. The gentleman from Illinois just asked unanimous consent to proceed for two minutes.

The CHAIRMAN. The Chair did not hear it.

Mr. REAVIS. That was the request that he just made.

The CHAIRMAN. If the gentleman asks unanimous consent to proceed, the Chair will submit that request.

Mr. JUUL. Mr. Chairman, I have asked unanimous consent, and I hope that the time will be granted, to proceed for two minutes.

The CHAIRMAN. The gentleman from Illinois has asked unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. Mr. Chairman, here is an important amendment in which we are all interested. Four times this amendment has been changed, and I maintain that it is only just and proper that the membership of this House should be permitted to learn what it is upon which we are asked to vote. I ask that the amendment as finally amended and agreed on by the various gentlemen who have spoken upon this floor be reported, so that we will know what we are finally voting on. The gentleman on the other side objects to our finding out what it is. Probably he knows all about it, but there are a number of men who probably do not know.

Mr. RAYBURN. Mr. Chairman, I shall object again if the gentleman makes that very generous statement.

Mr. JUUL. I do not know why the gentleman objects to the membership finding out what is going on on this floor.

Mr. RAYBURN. I will object to anything when I am lectured by any Member of this House.

The CHAIRMAN. The Chair has ascertained from the Clerk that the amendment has not been read by him in its entirety. The substitute amendment was read, but the introduction clause was not read, and therefore the amendment has not been read in its entirety and the Clerk will report the amendment.

Mr. JUUL. That is satisfactory.

The Clerk read as follows:

Amendment offered by Mr. ESCH as a substitute to the amendment offered by Mr. REED of New York, to appear on page 6, line 9. After the amendment of Mr. TREADWAY, Mr. WEBSTER, and Mr. NEWTON of Minnesota add a new section, known as section 10b.

"SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided, but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct involving moral turpitude: *Provided*, That for the purposes of this section said officer, enlisted man, or other member shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service: *Provided further*, That this section, as amended, shall be deemed to become effective as of October 6, 1917."

The CHAIRMAN. The question is on agreeing to the substitute amendment.

The question was taken, and the substitute amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAWLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 31.

Resolved, etc., That a joint session of the Senate and House of Representatives be held in the Hall of the House of Representatives at 2 o'clock on the afternoon of Thursday, September 18, 1919, in welcome of John J. Pershing, General of the Armies of the United States and Commander in Chief of the American Expeditionary Forces of the World War. That the program and procedure at such joint session shall be in accordance with the report of the joint committee of the Senate and House appointed under House concurrent resolution 29. That the said committee is hereby authorized to make all necessary arrangements for such joint session, and that all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 95. Joint resolution authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for use of United Confederate Veterans in their convention from October 7 to 10, 1919.

WAR-RISK INSURANCE.

The committee resumed its session.

The Clerk read as follows:

SEC. 11. That section 302 of the war-risk insurance act is hereby amended to read as follows:

"SEC. 302. That if disability results from the injury—

"(1) If and while the disability is rated as total and temporary, the monthly compensation shall be the following amounts:

"(a) If the disabled person has neither wife nor child living, $80.

"(b) If he has a wife but no child living, $90.

"(c) If he has a wife and one child living, $95.

"(d) If he has a wife and two or more children living, $100.
"(e) If he has no wife but one child living, $90, with $5 for each additional child up to two.
"(f) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent."

Mr. EMERSON. Mr. Chairman, a parliamentary inquiry. When can we offer amendments to this section?

The CHAIRMAN. After the completion of the reading of the section.

Mr. EMERSON. How far does it go?

The CHAIRMAN. It ends with line 18, on page 10.

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. Would it not be possible, by unanimous consent, to consider this section by paragraphs, as it is a very long section?

The CHAIRMAN. That is the only way it would be possible.

Mr. DOWELL. Mr. Chairman, in view of the fact that amendments should be made to the paragraphs as they are read, I ask unanimous consent that we consider this section by paragraphs, and that amendments be submitted as each paragraph is read.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that this section be considered by paragraphs. Is there objection?

Mr. SWEET. Mr. Chairman, I feel that I must object to that.

The CHAIRMAN. The gentleman from Iowa objects. The Clerk will proceed with the reading.

The Clerk resumed and completed the reading of the section, as follows:

"(2) If and while the disability is rated as partial and temporary, the monthly compensation shall be a percentage of the compensation that would be payable for his total and temporary disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per cent.
"(3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however,* That the loss of both feet, or both hands, or the sight of both eyes, or the loss of one foot and one hand, or one foot and the sight of one eye, or one hand and the sight of one eye, or becoming helpless and permanently bedridden, shall be deemed to be total, permanent disability: *Provided further,* That for double total permanent disability the rate of compensation shall be $200 per month.
"(4) If and while the disability is rated as partial and permanent, the monthly compensation shall be a percentage of the compensation that would be payable for his total and permanent disability equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per cent.
"A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as 100 per cent. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau shall from time to time readjust this schedule of ratings in accordance with actual experience.
"(5) If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $20 per month, as the director may deem reasonable.
"(6) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including wheeled chairs, artificial limbs, trusses, and similar appliances as the director may determine to be useful and reasonably necessary, which wheeled chairs, artificial limbs, trusses, and similar appliances may be procured by the Bureau of War Risk Insurance in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided,* That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.
"(7) Where the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation shall be apportioned as may be prescribed by regulations.
"(8) The term 'wife' as used in this section shall include 'husband' if the husband is dependent upon the wife for support.
"(9) That the Bureau of War Risk Insurance is hereby authorized to furnish the medical, surgical, and hospital services and the supplies and appliances provided by subdivision (6) hereof to discharged members of the military or naval forces of those Governments which have been associated in war with the United States since April 6, 1917, and come within the provisions of laws of such Governments similar to the war-risk insurance act, at such rates and under such regulations as the Director of the Bureau of War Risk Insurance may prescribe; and the Bureau of War Risk Insurance is hereby authorized to utilize the similar services, supplies, and appliances provided for the discharged members of the military and naval forces of those Governments which have been associated in war with the United States since April 6, 1917, by the laws of such Governments similar to the war-risk insurance act, in furnishing the discharged members of the military and naval forces of the United States who live within the territorial limits of such Governments and come within the provisions of subdivision (6) hereof, with the services, supplies, and appliances provided for in such subdivision; and any appropriations that have been or may hereafter be made for the purpose of furnishing the services, supplies, and appliances provided for by subdivision (6) hereof are hereby made available for the payment to such Governments or their agencies for the services, supplies, and appliances so furnished at such rates and under such regulations as the Director of the Bureau of War Risk Insurance may prescribe.
"(10) That section 302 of this act as amended shall be deemed to be in effect as of October 6, 1917."

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 10, line 16, after the word "prescribe," insert the following as a new paragraph:
"Any member of the military forces of a nation associated with the United States in the war with Germany who, at the request of the United States Government, was detailed by his Government to instruct any unit or units of the United States Army in training within the United States, and who between April 6, 1917, and November 11, 1918, while in the line of such duty and, without fault on his part, was injured, shall be deemed entitled to the benefits of the compensation provisions of the war-risk act and amendments thereto: *Provided, however,* That the acceptance of the provisions of this paragraph shall operate to extinguish all claims for damages as a result of such injuries."

Mr. RAYBURN. Mr. Chairman, I reserve a point of order against that amendment.

The CHAIRMAN. A point of order is reserved by the gentleman from Texas.

Mr. ROGERS. I am content to have the question of the soundness of the point of order determined at this time. I think the amendment is not subject to a point of order. If the Chair has any doubt about it, I should like to be heard.

The CHAIRMAN. Does the gentleman from Texas desire to debate his point of order?

Mr. RAYBURN. Yes; I do. We are passing an act here which compensates members of the naval and military forces of the United States, and not members of the naval and military forces of any other country. Therefore I do not see how soldiers enlisted under another flag would be eligible under a law to compensate or pension the soldiers of our own country, or how an amendment to do so would be germane.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. ROGERS. Mr. Chairman, I should like to call the attention of the Chair to the fact that this very section does specifically provide for men who were in the military service of our cobelligerents during the war. Subsection 9, which begins on line 13, page 9, provides—

(9) That the Bureau of War Risk Insurance is hereby authorized to furnish the medical, surgical, and hospital services, and the supplies and appliances provided by subdivision (6) hereof, to discharged members of the military or naval forces of those Governments which have been associated in the war with the United States since April 6, 1917,—

And so forth.

That subsection (9), already in the bill, proposes one way by which the United States Government shall minister to members of the associated armies who have some particular claim upon the United States Government. The amendment which I have just offered simply provides another way by which a certain group of men who have been in special relation to the United States Government shall be cared for. Therefore I submit that the amendment is clearly in order.

Mr. RAYBURN. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. RAYBURN. I will admit that if a point of order is made against subsection (9), it is clearly subject to a point of order.

Mr. ROGERS. The point of order was not made.

Mr. RAYBURN. But it does not go to the compensation. It only goes to the question of rehabilitation.

Mr. ROGERS. I think the gentleman will agree that it does not make very much difference what the nature of the relief is in determining the validity of the point of order. The question is whether or not there is relief provided; and as the committee itself has inserted this provision in the bill, and as no point of order has been made against it, I submit that the amendment which I have proposed is clearly in order.

Mr. BEE. Will the gentleman yield for a question?

Mr. ROGERS. Certainly.

Mr. BEE. As I understand the gentleman's amendment, it provides compensation for members of the associated armies who were on duty with the United States forces during the war, and were injured without fault on their part.

Mr. ROGERS. And in the United States.

Mr. BEE. And in the United States. Now, does the gentleman know whether those men would be cared for under the compensation laws of their own countries? If so, would not that give them double compensation?

Mr. ROGERS. I think that does not have any bearing upon the point of order. If the point of order is overruled, I shall be very glad to discuss that particular point.

Mr. BEE. That is true, but I ask the question for information.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. SANDERS of Indiana. How much additional relief would the gentleman's proposed amendment give to the foreign soldier?

Mr. ROGERS. That question again bears upon the merits of the amendment rather than upon the point of order.

Mr. SANDERS of Indiana. I want to know for the benefit of this point of order, because the gentleman's amendment is rather long, and I have not a copy of it.

Mr. ROGERS. I shall be glad to furnish the gentleman with a copy of the amendment. I want to be entirely frank with the House, and to say that as far as I know there is just one man who would be affected by this amendment.

The United States Government in 1917 requested the British and French Governments to send men to the United States to instruct our troops. One of them, Lieut. Frank Barber, lieutenant in the British Army, who had fought for three years in the trenches, was sent over because of his fine record in the war. He was training our troops and was stationed at Macon, Ga. A machine gun exploded. As the court of inquiry found, without fault on his part, the man was totally blinded. Relief has been recommended by the Secretary of War, by the Surgeon General, and by the Judge Advocate General. A relief bill has already been passed by the Senate five times; it has been recommended unanimously by the House Committee on Military Affairs three times; but it has come up in the House as a special bill under a status which required unanimous consent, which I have not been able to obtain. Therefore, Mr. Chairman, I am submitting it in the form of an amendment to this bill.

Now, members of the committee will naturally ask whether the pending amendment does not apply to other British officers or French officers who assisted our troops in training in the United States during 1917. I can not inform them with positiveness on that point, but the British Embassy tells me that this case is the only one of which it has any record. The French Embassy tells me that it has no knowledge of any similar case which has occurred to a French officer or soldier during the war. So I think—and, as I say, I want to be frank with the House—that the case of Frank Barber, the blind officer, is the only case which will be covered by this amendment. And I hope that the Chairman will overrule the point of order and that the committee will adopt the amendment.

I want to call the attention of the Chairman in connection with the point of order, however, to a circumstance to which he has already alluded, and which I do not need to emphasize, and that is that this bill is extremely general in its terms. It provides a great many amendments to a great many sections of the war-risk insurance act. It proposes a great many altogether new provisions of law which have not previously been dealt with in any way under our war-risk insurance legislation. The bill deals with insurance, with compensation, with allotments, and allowances, and with the personnel of the War Risk Bureau. It is as broad an omnibus and amendatory act as can easily be conceived. I submit that under the precedents of the House there can be no doubt as to the propriety and germaneness of the amendment which is at the Clerk's desk.

Mr. SANDERS of Indiana. Mr. Chairman, an examination of paragraph 9 of this section will disclose that the soldiers of foreign Governments are only mentioned in connection with a reciprocal arrangement which the bureau is authorized to enter into with the other Governments. Also, the training of medical, surgical, and hospital officers, and supplies to such soldiers. It reaches the case where the soldier is stationed here and needs temporary relief. Subsection (9) provides:

That the Bureau of War Risk Insurance is hereby authorized to furnish the medical, surgical, and hospital services and the supplies and appliances provided by subdivision (6) hereof, to discharged members of the military or naval forces of those Governments which have been associated in war with the United States since April 6, 1917, and come within the provisions of laws of such Governments similar to the war-risk insurance act, at such rates and under such regulations as the Director of the Bureau of War Risk Insurance may prescribe; and the Bureau of War Risk Insurance is hereby authorized to utilize the similar services, supplies, and appliances provided for the discharged members of the military and naval forces of those Governments which have been associated in war with the United States since April 6, 1917, by the laws of such Governments similar to the war-risk insurance act, in furnishing the discharged members of the military and naval forces of the United States who live within the territorial limits of such Governments and come within the provisions of subdivision (6) hereof, with the services, supplies, and appliances provided for in such subdivision; and any appropriations that have been or may hereafter be made for the purpose of furnishing the services, supplies, and appliances provided for by subdivision (6) hereof are hereby made available for the payment to such Governments or their agencies for the services, supplies, and appliances so furnished at such rates and under such regulations as the Director of the Bureau of War Risk Insurance may prescribe.

Now, that deals altogether with a reciprocal arrangement, and no doubt the reason which induced such legislation was the benefit that might accrue to the American soldiers similarly situated. It has nothing to do, if the chairman please, with the question of compensation. The compensation, so far as the war-risk insurance act is concerned, takes the place of the pension system. There is not a single line in the entire act, and not only this act, which is amendatory of the Bureau of War Risk Insurance act, but there is not a single line in the entire act that deals with the question of affording compensation to soldiers of foreign governments; and, of course, it was a very wise provision, because the foreign governments are able to take care of their own soldiers, and will want to do so. Now, it is proposed by this amendment to give to the soldier of a foreign government the right to our compensation laws. Of course, the gentleman from Massachusetts [Mr. ROGERS] says he has just one case, but if you are going to open up the door and pension all soldiers of foreign governments, if we get the league of nations, we will be pensioning all the soldiers of all the governments.

Mr. SNELL. Mr. Chairman, I would like to be heard on this point of order. I believe the amendment is purely subject to a point of order under clause 7 of Rule XVI, which reads:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Now, what we have under consideration in this bill is the question of allotments, insurance, and so forth, to soldiers, sailors, and marines, American citizens, of our Army in the late war. And it has always been ruled by Chairmen that an amendment that changed the scope, intent, and purpose of the original act was not in order. I maintain that when you are considering pensions that are applicable purely and simply to the American soldier, it is not in order to bring in an amendment that applies to a foreign soldier. Therefore, the amendment is purely out of order at this time, on the ground that it changes scope and intent of the original act.

Mr. ROGERS. Mr. Chairman, may I make one final suggestion?

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. ROGERS. I desire to refer to the argument of the gentleman from Indiana [Mr. SANDERS] that subsection 9, upon which I have relied as indicating beyond peradventure that my amendment was in order, was reciprocal in its terms and that therefore my amendment, which was not a reciprocal amendment, was not made in order by the provisions of subsection 9. Of course, in fact, subsection 9 is not a reciprocal provision at all. It authorizes, on the one hand, the Bureau of War Risk Insurance to extend this relief to discharged members of the military and naval forces of our cobelligerents and, on the other hand, as an entirely independent and unrelated proposition, it authorizes the Bureau of War Risk Insurance to utilize similar services provided by other Governments.

In other words, there is no correlation between the two sides of the transaction. It is not a bargain. It is simply an authorization to the bureau to do certain things for the other soldiers and a similar authorization, if the occasion arises, for the bureau to accept from other Governments along similar lines. But there is no trade about it. So that, it seems to me, in determining the point of order, the Chair should look only to the authorization extended under subsection 9 to assist the soldiers of other powers and should regard that as an analogy for the amendment which I have offered and which the Chair is considering.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. ROGERS. Yes, indeed.

Mr. SNELL. Does the gentleman think it would naturally follow in the discussion of a bill granting pensions to American soldiers and sailors that we should grant pensions to foreign soldiers?

Mr. ROGERS. It would depend upon the construction of the bill.

Mr. SNELL. Exactly. Here we are talking about granting pensions and allowances to American soldiers. Can you see anything in that where there would be a natural sequence to grant pensions to soldiers of a foreign country?

Mr. ROGERS. I very much question if a simple pension act for our own soldiers and sailors would authorize an amendment for the pensioning of soldiers and sailors of other armies.

One other suggestion: While I do not know that this has any bearing on the point of order, I do know it has a bearing on the merits of the question.

Mr. SNELL. This is not a question of the merits but of the rules of the House.

Mr. ROGERS. Just a moment. I have the floor. The Secretary of War has said, in recommending this very action to Congress, that this man was practically a part of the military force of the United States at the time he was rendering this service. He was within the United States, and he was with our Army, and he was subject to the discipline of our Army. In other words, while he technically was not under the allegiance of the United States yet for all practical purposes he was under the allegiance of the United States. So far, indeed, Barber has been unable to get any relief from his own Government, and it seems likely that if any relief whatever for his blindness is afforded it must come from our Government.

As I say, that suggestion may not have any relation to the point of order. On the other hand, the gentleman's inquiry has no bearing upon it, because the committee has chosen, in its wisdom, to go outside of the purely American forces and has made specific provision for the cobelligerent forces.

Mr. SNELL. Has it gone outside of the lines and main purposes of this bill?

Mr. ROGERS. You can not say what are the main objects and purposes of the bill. There are all kinds of objects here. It does not make any difference, in determining the point of order, what the amount of the obligation is.

Mr. SNELL. I may say that the intent and purpose of the bill confines it to American soldiers and sailors.

Mr. ROGERS. There are about 30 different objects on the bill.

Mr. SNELL. They are all confined to American soldiers and sailors.

Mr. ROGERS. Oh, no.

Mr. SNELL. So far as insurance and allotments are concerned.

Mr. ROGERS. That makes no difference.

The CHAIRMAN. The Chair is ready to rule. The case presented by the gentleman from Massachusetts [Mr. ROGERS] is a case calling possibly for legislation in this body. It is surely a case that appeals to the emotions of every person. It is a very pathetic case, and a case in which the United States may not be entirely free from blame or obligation.

The state of our emotions, however, does not of itself make the matter germane to this bill. The bill under consideration is one to amend the war-risk insurance act, which provides for soldiers, sailors, and marines of the United States, insurance, compensation for the disabled, allowances for dependents, and so forth. There is no paragraph in the original act or any amendment thereto that is concerned with insurance, compensation, or anything else for the soldiers, sailors, or marines of any other nation than our own.

If this amendment is in order, it must rest entirely upon subsection 9 of section 11. Subsection 9 of section 11 is as follows:

(9) That the Bureau of War Risk Insurance is hereby authorized to furnish the medical, surgical, and hospital services and the supplies and appliances provided by subdivision (6) hereof, to discharged members of the military or naval forces of those Governments which have been associated in war with the United States since April 6, 1917, and come within the provisions of laws of such Governments similar to the war-risk insurance act, at such rates and under such regulations as the Director of the Bureau of War Risk Insurance may prescribe; and the Bureau of War Risk Insurance is hereby authorized to utilize the similar services, supplies, and appliances provided for the discharged members of the military and naval forces of those Governments which have been associated in war with the United States since April 6, 1917, by the laws of such Governments similar to the war-risk insurance act, in furnishing the discharged members of the military and naval forces of the United States who live within the territorial limits of such Governments and come within the provisions of subdivision (6) hereof, with the services, supplies, and appliances provided for in such subdivision; and any appropriations that have been or may hereafter be made for the purpose of furnishing the services, supplies, and appliances provided for by subdivision (6) hereof are hereby made available for the payment to such Governments or their agencies for the services, supplies, and appliances so furnished at such rates and under such regulations as the Director of the Bureau of War Risk Insurance may prescribe.

The gentleman from Massachusetts is correct in his contention that the first substantive proposition in this subdivision is not necessarily correlated with anything that follows. The Chair is unable to see in the first part of the subsection just read anything that is related to the matter of compensation, insurance, allowance, or compensation provided for in the original act or in this bill.

The rule as to germaneness is a simple one, but not an easy one to apply. It is always subject to the individual judgment of different Chairman, so that in its application similar facts may form the basis for different conclusions. In so far, however, as the present occupant of the Chair has been able, from a hurried examination of the precedents, to ascertain, there is no precedent that warrants the Chair in holding this amendment in order, and the Chair therefore sustains the point of order.

Mr. CANNON, Mr. EMERSON, Mr. OSBORNE, and Mr. HAYDEN rose.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to proceed for 30 seconds.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CANNON. Mr. Chairman, I think the ruling of the Chair is correct. If the facts are as the gentleman from Massachusetts [Mr. ROGERS] has stated, I have no doubt that the House would promptly pass a special bill, and I think that is the proper way to get at it.

Mr. OSBORNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OSBORNE: Page 7, line 22, after the word "disability," strike out the remainder of line 22 and all of lines 23 and 24, embracing the following words "but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per cent."

Mr. OSBORNE. Mr. Chairman, this paragraph 4 of section 11 provides—it is the paragraph devoted to describing disability and how it shall be allowed for—

If and while the disability is rated as partial and permanent, the monthly compensation shall be a percentage of the compensation that would be payable for his total and permanent disability equal to the degree of the reduction in earning capacity resulting from the disability.

Then follows the language that I desire to have stricken out.

My reason for offering this amendment is that I can see no good reason why a permanent disability, even below 10 per cent, should not be taken into consideration. As to a disability of that kind, as all who have looked into the matter of soldiers' disabilities will concede, what is less than 10 per cent now will in all probability become progressive, and very shortly it may be more than that.

Under the scale that we have adopted in the preceding section, of $100 per month for total permanent disability, a man with a disability of 9 per cent ought to be entitled to receive $9 a month. If he has a 9 per cent disability or a 5 per cent disability, why should he not receive corresponding compensation?

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. OSBORNE. I will.

Mr. SMITH of Michigan. Is it not true that soldiers who were injured in the Civil War received as low a pension as $4 a month, sometimes, to start with?

Mr. OSBORNE. Indeed, that is true.

Mr. SMITH of Michigan. Or even less?

Mr. OSBORNE. That is true; and there is no reason why the soldiers of this war should not be treated equally well.

There is another point which bears indirectly on this, to which I wish to call attention, and that is that a soldier wounded in this war, a young boy who desires to finish his education, can not receive the benefit of the education provided by the law on that subject unless his disability is as great as 10 per cent. If his disability is rated at 11 or 12 per cent, he may receive the benefit of that education. If rated at 10 per cent or less, he can receive no consideration. That seems to me to be a very unjust discrimination.

I have in mind a case that came to my attention within the last two or three days. A young man who lives in my district went into the service at 19 and acquitted himself with honor. He was wounded at the Argonne Forest. He was carrying dispatches. A shell burst near him and wounded him severely in the leg. He was taken to a hospital, but would not permit himself to be cared for until the dispatch had been sent forward. For this act he received the croix de guerre. He was in the hospital about two months and then returned to duty. Now he is home, is 21 years old, and he is anxious to finish his education. He has not the means to do what he would like to do. He would like to take advantage of the Government provision for soldiers under the disability act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OSBORNE. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. OSBORNE. He has been examined, and the examining board have decided that his disability is less than 10 per cent. I hope that if this amendment is adopted, as I think it ought to be, an amendment will follow to the other act, which will give

such boys as this one an opportunity to receive the education which they ought to receive, in view of the fact that they have lost two years' time out of their young lives.

Mr. RAYBURN. I did not hear all that the gentleman said, and I do not understand just what is the concrete case to which he calls attention.

Mr. OSBORNE. The boy was carrying dispatches in the Battle of the Argonne, and a shell burst near him and lacerated his leg but did not break it. He refused medical attention until his dispatches were forwarded. For this devotion to duty he was awarded the croix de guerre. He was in the hospital for about two months and then returned to duty. He was discharged in May. He took the examination to decide the degree of disability, and it was decided that the disability was less than 10 per cent.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAYBURN. Mr. Chairman, we discussed this question quite a good deal in the committee. After we found that the bureau had decided to give very generous ratings for the slightest disabilities we came unanimously to the conclusion that a man who was not rated at least as high as 10 per cent by the bureau could certainly not claim to be disabled in any degree that would even inconvenience or embarrass him in the slightest. I know from the testimony of those who are to administer this law, and who have made up these tables, that if a man loses any part of any member of his body he is going to be rated most generously on the basis of $100 a month for total disability and given a corresponding percentage of that.

The gentleman says that disabilities which are rated at less than 10 per cent may within a few years increase in the degree of disability until the man would probably not be in a position to perform all his functions. I call the gentleman's attention to the fact that the act itself provides that a man may be reexamined, and if a disability rated below 10 per cent develops upon a later examination to be more than 10 per cent, then that man is taken under the act, as he would originally have been taken in.

Mr. MACGREGOR. Will the gentleman yield?

Mr. RAYBURN. In a moment. My opinion is that if we do not stop at some definite percentage, then we will be flooded with special claims; and not only that, but the bureau will all the time have applications for reexamination for the slightest apparent impairment.

Mr. MACGREGOR. Would the 10 per cent be a 10 per cent decrease in earning capacity?

Mr. RAYBURN. That is about as good language as we could use, although I know it is not exactly fair language. A man may come out of the Army with a leg off. That would not reduce the earning capacity of a great many men. It would reduce the earning capacity of a man who worked on a farm, but in all probability it would not reduce the earning capacity of a lawyer, a banker, a bookkeeper, or a man occupying such a position. Yet it is a permanent partial disability, for which a man should be paid a percentage of $100 a month, and it will continue all through his life, regardless of the degree to which the individual may overcome his specific handicap.

Mr. MACGREGOR. But that is the theory, that it will decrease his earning capacity 10 per cent?

Mr. RAYBURN. Yes.

Mr. MACGREGOR. On that basis it would decrease the man's capacity $120 a year.

Mr. RAYBURN. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Texas [Mr. RAYBRUN] be extended two minutes. Is there objection?

There was no objection.

Mr. ROGERS. I should like to ask the gentleman a question which seems to me to be very fundamental throughout the discussion of this whole section. Subsection 2 provides that the compensation shall be paid in an amount equal to the degree of the reduction in earning capacity. Subsection 4 makes the same provision. Then at the top of page 8 there is a definition of what shall constitute earning capacity. I have repeatedly said, as I have spoken about these war-risk cases, that there are two kinds of impairment of money-getting capacity when a soldier has been disabled: First, the job-getting impairment; and secondly, the wage-earing impairment after the man gets the job. It has struck me that the original law with these amendments deals only with the second kind of impairment—namely, the wage-earning capacity after the man gets a job. It seems to me, therefore, that we ought to insert some provision to indicate the legislative intent that the War Risk Bureau, in fixing the schedules of disability, should include the job-getting impairment as well as the wage-earning impairment.

Mr. RAYBURN. The theory of that, I think, is that the bureau has taken the case of a man who would be put in the worst position. As I stated a moment ago, some man who lost one arm would not have his earning capacity impaired as a bookkeeper, or if he had lost one leg. But a man in some employment could not work at his former employment perhaps until he was educated for another business. I know the bureau's idea, and I know it is at least my idea, that it takes the case of a man who would be put in the worst situation by the loss of a member of his body—place him in a position the worst he could be placed in to rate his disability.

Mr. ROGERS. Take a man whose face had been largely shot away. Perhaps his wage-earning ability is little, if at all, affected; but, lamentable as it may be, his job-getting capacity is greatly affected. I wondered if the gentleman would approve an amendment somewhere in the first paragraph, on page 8, reading something like this:

> The bureau in adopting this schedule of ratings of reduction in earning capacity shall consider the impairment in ability to secure employment which results from such injuries.

It may be that the bureau officials are doing that now, but it seems to me that if they are doing it, however beneficially they are doing it, they are doing it outside the color of the law.

Mr. RAYBURN. My objection to that amendment would be its total impossibility of administration. I do not see how instructions like that to a bureau of the Government could possibly be carried out.

Mr. ROGERS. I understood the gentleman to say that they were applying that definition now.

Mr. RAYBURN. No; I said that they were applying the personal disability to a man who would be placed in the worst position in the business that he had been in the habit of performing. I doubt if the gentleman's amendment could be administered.

Mr. BEGG. If the gentleman will pardon me, if a man is so badly disfigured facially—and there are some—I think it is the worst kind of a wound a man can have in preventing him from getting a position. In the application of the law as it is now would not they consider him disabled so many per cent according to his former ability?

Mr. RAYBURN. I have no doubt but that the bureau would be generous along those lines.

Mr. BEGG. I can not see how there could be any other interpretation. If a man can not get a job because of disfigurement in the face that was not there when he went to war, is not that a physical handicap in the earning capacity?

Mr. RAYBURN. Yes; but in all probability without any suggestions in the law the bureau officials would be generous along that line.

Now, further, in reference to the 10 per cent, I asked Mr. Macfarlane——

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. RAYBURN. I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAYBURN. I asked Mr. Macfarlane about the 10 per cent rating and how they were drawn, and also asked Mr. Arthur Hunter, who is the main actuary of the New York Life, and Mr. Macfarlane is his assistant, who has been loaned to the Bureau of War Risk Insurance—I asked him about the 10 per cent, and he said he thought there ought to be some percentage in order to prevent confusion arising from it, but he said "you may rest assured that the man who is turned away from this board as rejected for having less disability than 10 per cent there will be nobody that will be able to complain."

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. NEWTON of Minnesota. In reference to the question propounded by the gentleman from Ohio I wish to call attention to the fact that the English act gives as high as 100 per cent for a bad facial disfigurement, and then for a bad facial disfigurement they give 80 per cent of the total disability. So there seems to be a precedent for adopting such a suggestion as was made by the gentleman from Ohio.

Mr. RAYBURN. If the gentleman will turn to page 34 of the hearings in the schedule of ratings he will find in the percentages that are given there are two ratings for facial wounds.

Mr. ROGERS. And those ratings are also in the report.

Mr. RAYBURN. Yes.

Mr. OSBORNE. If the gentleman will yield, I want to ask this question. I put this case. I was talking within the hour to an old soldier of the Civil War from my State, and I asked him if he did not think this change ought to be made. He said he did think so, that he had a friend who lived in Santa Barbara, Calif., who was shot during the Civil War through the wrist, breaking no bones, but injuring and severing the cords, and so on. It did not come within the provisions of the pension law and he never has been able to get a pension for this disability.

He finally got a service pension. Undoubtedly a wound of that kind would reduce a man's capacity for physical work. He says that as a matter of fact this man suffered in some degree, though not extreme, but did suffer in some degree from the wound all of his life and does yet. Does the gentleman think that because that might be rated at less than 10 per cent of total disability, it ought to be disregarded in the pension laws?

Mr. RAYBURN. Mr. Chairman, if a man had a wound in the arm, even though it did not break a bone, and he suffered pain from it all of his life, it ought not to be rated under 10 per cent, and I do not think he would be rated unless it was rated above 10 per cent. I think in all probability the case the gentleman cites is one in which there was a flesh wound, and it closed up and the man who examined him could not determine in any way that he was discomforted by the wound.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that his time be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I was over to Walter Reed Hospital last Sunday and I there saw a soldier from Mississippi who had lost both of his legs and one arm. All of the amputations were close to the body. I notice in the report of the committee here that you have stated what the loss would be for two eyes and two legs and two arms and two hands, but you do not state what such a loss as that soldier suffered would entitle him to. Can the gentleman tell what the loss of two legs and one arm would be?

Mr. RAYBURN. We have not made any specific rate above $100, except in what we call a case of double total disability, and that would be for both hands and both feet, for both hands and both eyes, or for both feet and both eyes.

Mr. SMITH of Michigan. Then he would not draw a larger rate of pension than if he had lost only both legs.

Mr. RAYBURN. Double total disability is rated at $200 and single total disability would be allowed $100.

Mr. ESCH. And then he would be allowed for a nurse.

Mr. RAYBURN. Of course he would be allowed so much for an assistant, a nurse, because he could not take care of himself.

Mr. GREEN of Iowa. Mr. Chairman, as I understand it, and as the committee has prepared the bill, the rate depends upon the reduction of earning capacity resulting from the disability. If the disfigurement would reduce the earning capacity, it would seem to me this clause covers it, and they would be entitled to take that into consideration.

Mr. RAYBURN. I say without that being specifically called to the attention of the department in the bill, I think these things are going to be most generously handled by the bureau, and that they are going to set a standard of percentages pretty soon that will control and be at least a precedent.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REAVIS. Who determines the percentage of disability? Is it done by the bill or is it within the discretion of the department?

Mr. RAYBURN. It is done within the discretion of the department in a way. They are set by a board which they select and I do not know who that board is going to be.

Mr. REAVIS. It is not done under the terms of the bill.

Mr. RAYBURN. No.

Mr. REAVIS. It rests within the discretion of the department directly or through an agency appointed by the department.

Mr. RAYBURN. Yes.

Mr. REAVIS. The case called to the attention of the gentleman by the gentleman from California [Mr. OSBORNE] is unfortunate, but it is reasonable to suppose that the War Department will be actuated by generosity, and that it will be a very slight injury that does not amount to a 10 per cent disability.

Mr. RAYBURN. Yes, it would.

Mr. REAVIS. And if the injury is of that degree that disables a man in any particular from earning a living, in all human probability the department will rate it at more than 10 per cent.

Mr. RAYBURN. Absolutely, and I will state to the gentleman further that I tried to make it plain in the hearings that we intended that that should be done by the bureau.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. OSBORNE. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OSBORNE. The gentleman says undoubtedly the war-risk insurance authorities will be generous in their interpretation of the law, but does not the gentleman know that the Pension Bureau ever since its establishment has been extremely strict in the interpretation of the law, as they ought to be, and that the war-risk insurance authorities are very likely to be extremely strict.

Mr. RAYBURN. My candid opinion is, in the case that the gentleman presents, that in all probability that man did not deserve a pension. He may have later in life, but as I say, I do not think the examiner for the Pension Bureau would have denied him a pension if he had suffered inconvenience from this wound all of his life.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. OSBORNE) there were—ayes 18, noes 28.

So the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HAYDEN: Page 10, line 18, strike out "October 6, 1917," and insert in lieu thereof "April 6, 1917: *Provided*, That any person who is now receiving a gratuity or pension under existing law shall not receive compensation under this act unless he shall first surrender all claim to such gratuity or pension."

Mr. HAYDEN. Mr. Chairman, the amendment offered by the gentleman from Minnesota [Mr. NEWTON] made retroactive to April 6, 1917, section 301 of the war-risk insurance act, which applies to compensation for death. My amendment makes retroactive to the date of the declaration of war section 302, which applies to compensation for injury. The argument in each case is the same. Soldiers who enlisted in the service after the declaration of war, served up to the 6th of October, and suffered injury in the meantime, unless this amendment is to be adopted, are to be compensated under the general pension laws instead of the bill now before the House. If it is proper to take care of those who are the widows and children of such soldiers, the soldier himself should certainly receive equal consideration.

The rates provided for in this bill are higher than the existing rates of pension. For instance, for the loss of a hand and a foot the present pension law would allow $60 a month. The pending bill allows $100. The same is true of the loss of both hands or both feet, wherein the existing pension law provides but $31.25 a month, while this act would allow $100 a month. One who is helpless and permanently bedridden will receive a monthly compensation of $100, while the maximum pension is $72.

There will be comparatively few cases affected by this amendment. I am informed that there have been filed in the Pension Office but 846 claims up to this time for death and injuries incurred in line of duty between April 6 and October 6, 1917, the date the war-risk insurance act went into effect, 565 from the Army and 281 from the Navy. Of that number 64 claims for disability have been allowed to date by the Pension Office. The comparatively small number of these pension claims is due to the fact that the Army was not recruited to full strength until after October 6, 1917. You will remember that the first draft was not called until September of that year. The Navy suffered heavier losses in proportion, owing to the activities of the German submarines.

You will note that the amendment provides that if any person is receiving a pension at the present time for a disability incurred between April and October, 1917, he must surrender his pension before he can receive compensation. In view of the action that the committee has taken in making section 301 retroactive we must in good faith do the same

with section 302. All those who served in the war against Germany and her allies should receive the same treatment, whether their service was at the beginning or at the end of that conflict. No discrimination of any kind or character should be permitted which would affect the men who joined the American Army, Navy, and Marine Corps to fight for the same cause. The compensation for disabilities incurred in line of duty should be equal and be paid in the same way.

Mr. SWEET. Mr. Chairman, I would like to have the amendment read again. I have tried to get a copy of it. I do not know that I have any objection to it.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. SWEET. The committee has no objection to that amendment.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 8, line 10, after the period Insert: "The bureau in adopting the schedule of ratings of reduction in earning capacity shall consider the impairment in ability to secure employment which results from such injuries."

Mr. ROGERS. Mr. Chairman, my amendment is designed to make perfectly clear that the War Risk Bureau shall consider—and, still more important, shall have the right to consider—the impairment not merely in the earning capacity after the disabled soldier once gets a position, but the impairment in his ability to get a position. The gentleman from Texas [Mr. RAYBURN], in the course of debate a few moments ago, referred to the fact that the Bureau of War Risk Insurance was inclined to be very liberal. That may or may not be. I have looked over the schedule of ratings which is contained in the report. There are some ratings which seem to me to be indefensible providing the bureau shall consider the ability of the man to get a job as well as his ability to earn a living after he gets the job. Take, for example, on page 5 of the report, the ratings for epilepsy. We find that if fits occur daily impairment and disability are rated at 100 per cent, but that if fits occur periodically at intervals of from two to four days the rating is 80 per cent. I submit that while a man has epileptic fits every other day may be theoretically able to earn 20 per cent of normal wages, no employer will take him on. It may be that the employer ought to take him on, but as a practical matter it is not likely that he will. So that a man who has epileptic fits occurring every other day is in fact totally disabled.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. ROGERS. I do.

Mr. HUDDLESTON. It would be very dangerous for a man of that kind to accept employment if he had fits every other day.

Mr. ROGERS. Exactly. The important feature is, while that rate is entirely defensible from the earning point of view, it is indefensible from the ability to get a job point of view.

Mr. HUDDLESTON. The man who is subject to epileptic fits at irregular intervals really is totally incapacitated.

Mr. ROGERS. He certainly is if they occur at very frequent intervals. Again, on the next page we find ratings on what are called "objective conditions." Injury to the face, involving marked paralysis of the facial nerves, is given a disability rating, a flat rating, of 20 per cent. Additional injuries to the face are given disability ratings from 10 per cent to 40 per cent. Forty per cent seems to be the highest rate for injuries to the face. I think Members of this House will agree that a man whose face is largely shot away is one of the most pitiful sacrifices and sufferers of this war. It may be that if he could get the right kind of employment he could earn within 10 to 40 per cent of normal; but what he can earn depends upon whether he can get lucrative employment. As a rule and on the average that man will not be able to get lucrative employment. So I submit that there, too, the bureau ought to consider not merely his earning capacity once he is in a job, but should also consider the detriment which he has sustained in trying to get occupation. I find on the same page of the report that total deafness is given a rate of 50 per cent.

The same argument applies there. It may be that a totally deaf man, once in a position, can earn as much as 50 per cent of the normal wage, but what employer is going to take on a totally deaf man. The same rate of 50 per cent is given for a man who is totally dumb. Fifty per cent for a man who has completely lost the power of speech. That man can not get a job. A patriotic employer may now and then take one on, but on averages a totally deaf or dumb man can not get a job. In articulate speech, due to trauma is given a rating of only 10 per cent and so on. I could go through these ratings. I think these ratings are perhaps sound, as I say, and will repeat to weariness, if we take the plight of the man only from the aspect of his loss of earning capacity——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask for two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Only from the aspect of his earning capacity once he has secured a desirable position. But we can not in fairness to the soldier look at that aspect alone. We must, in all propriety and fairness to the soldier, consider also his ability to get employment. If he is totally deaf or totally dumb or has epileptic fits or inarticulate speech, whatever it may be, that man can not get employment and his rate of disability should be higher than the war-risk insurance construing the present law has seen fit to award.

Mr. Chairman, the gentleman from Texas has said that in practice—I do not wish to misquote him; I think that is what he said—that in practice the War Risk Bureau reaches the same result and does include the job-getting element in determining the degree of disability. It may be that they are doing that today under the present law. I submit they have not the right to do it, and one of these days a new director, or a new Comptroller of the Treasury, may come along and point out the fact that they have been operating without the law. We ought to consider this element. If it is being considered now, why should we not write it into the law; why should we not adopt an amendment that specifically says the impairment in job-getting ability shall be an element of disability?

Mr. RAYBURN. Mr. Chairman, I have no objection and shall not oppose the amendment of the gentleman from Massachusetts. My only fear is that the administration of it is going to be practically impossible. So far as I am concerned, I do not offer any objection.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I have listened to what the gentleman from Massachusetts [Mr. ROGERS] has had to say with a great deal of sympathy. I have had a case of this kind, one of my constituents while serving as a soldier suffered an accident which caused epilepsy. He has fits at irregular intervals—of 10 days, or 2 weeks, or something like that. His mentality has degenerated until now perhaps it is that of a 12-year old child, and he is going down steadily. The medical authorities say that he will continue to degenerate mentally until he will become imbecile, and will probably die after an interval of 10 or 12 years.

That boy is now receiving $30 a month compensation. It is all I have been able to get the Bureau of War Risk Insurance to give him, notwithstanding a very diligent and earnest effort on my part. Furthermore, that boy took insurance while he was in the service, and although I have presented his claim for benefits under it on account of his disability—epilepsy—incurred in the line of duty, his claim has been denied. The bureau holds that to entitle him to benefits under his insurance—it being payable only in case of a total and permanent disability—he must be "bedridden and helpless"—using those words.

Now, something ought to be done in that kind of cases. That boy is incapable of doing any work. He is incapable of earning money to take care of himself, and, furthermore, nobody knows when he is going to fall in one of his fits. It is unsafe to leave him alone, to let him go out on the streets without company. He really requires that some one be with him all the time, some one to keep him under constant observation. In that kind of a case the disabled soldier ought to have the maximum compensation paid him. That is the kind of a case in which benefits should be paid to the disabled soldier from his insurance. Of course, the question of insurance does not come up here under this amendment, but I am calling the attention of the members of the committee to it in order to urge that they present proper legislation to assure that justice shall be done in extreme cases of that kind.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question was taken, and the amendment was agreed to.

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. EMERSON: Page 6, line 18, after the word "living," strike out "$90" and insert "$100."

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. EMERSON. Mr. Chairman, I find on page 6, section 11, subdivision (a), that if a disabled person has neither wife nor child, he gets $80; if he has a wife and no child, $90. That gives him $10 a month in case he has a wife. It seems to me that is a small allowance. I have also sent to the desk two other amendments, one increasing the $95 to $110 and increasing the $100 to $120. I do not care to discuss the matter, but it does seem to me that if a man who has no dependent is entitled to $80 a month, if he has a wife he is entitled to more than $10 a month additional, and if he has one child he is entitled to more than $5 a month for that child. We all know that $5 a month will not keep a child for a week nowadays. Therefore I suggest these three amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. EMERSON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

Mr. SMITH of Michigan. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will be reported again.

The amendment was again read.

Mr. EMERSON. Mr. Chairman, I ask unanimous consent that the Clerk read the other two amendments and that we have them all considered at once.

The CHAIRMAN. Without objection, the other amendments will be reported.

The Clerk read as follows:

Page 6, line 19, after the word "living," strike out "$95" and insert "$110."

Page 6, line 21, after the word "living," strike out "$100" and insert "$120."

The CHAIRMAN. A division is asked for. The question is on the amendments offered by the gentleman from Ohio [Mr. EMERSON].

The committee divided; and there were—ayes 6, noes 27.

So the amendments were rejected.

Mr. OSBORNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. OSBORNE: Page 7, line 7, strike out the figures "10" and insert "5." Also, on page 7, line 24, strike out the figures "10" and insert "5."

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. OSBORNE. Mr. Chairman, I ask unanimous consent that the two amendments be considered together in order to save time.

The CHAIRMAN. Without objection, it will be so ordered.

Mr. OSBORNE. Mr. Chairman, I have no desire to repeat the remarks that I made a few moments ago on this same subject. The committee has decided against the motion that I made amending this section, so that the limit of 10 per cent should not cut off all compensation. Now, if the committee does not desire entirely to eliminate the limit, I entertain the hope that it will see the propriety of making it 5 per cent. I can see no good reason why a soldier whose earning capacity has deteriorated to the extent of 9 per cent should not be entitled to the same consideration, proportionately, as one who has lost his earning ability to the extent of 11 per cent. I can see some reason in the argument that there should be a limit, but I think the limit of 10 per cent is too high. It ought not to be placed higher than 5 per cent.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California [Mr. OSBORNE].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. OSBORNE. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from California asks for a division.

The committee divided; and there were—ayes 17, noes 24.

So the amendment was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment to page 6, line 23, to strike out the last two words, "up to two."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 6, line 23, strike out the words "up to two."

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, it occurs to me that where a person has more children than one, and $5 is allowed for that one child, it is wrong to stop the compensation simply by allowing it for that one child; there may be a family of 3 or 4 children, and it would not make any difference if there was a family of 10 children, if $5 is allowed for one it ought to be allowed for each child.

I think the language of this section should be so amended that a man who was totally disabled and who has no wife should receive $5 for each one of his children, whether he has one or two or more, and for that reason I ask the words I have indicated be stricken out. Under this bill if he has no wife, he is entitled to payment for each additional child up to two. That would be one. His wife is dead, he is disabled, and has a family. It seems to me he ought not to be limited to $5 for one child. If he receives $5 for one child, he ought to receive a like $5 per month for each child.

Mr. SANDERS of Indiana. Mr. Chairman, what is the gentleman's specific amendment?

Mr. SMITH of Michigan. To strike out the words "up to two" and give $5 for each child, whether it be one or more, and the more the better.

The time has long since passed, if there ever was a time, when any potent argument can be made against insurance of either life or property. One of the best forms of life insurance is that provided for the American soldiers of the great World's War. Issued and guaranteed by the Government, there can be no question over the solvency of the policies. It provides easy payments, is liberal in its terms, and at reduced rates. It gives to those who enlisted and offered their lives for their country a special opportunity to provide for dependents and relatives. Policies can be converted and taken out by the soldier in any amount between $1,000 and $10,000, provided he had taken out a policy while in the service. The war-risk insurance law grants to the soldier an opportunity to obtain life insurance on easier terms than those provided by any other company. It has more liberal terms and lower rates than other old-line companies, its one universal requirement being that the insured was a soldier who enlisted or served in the cause of his country after war was declared against Germany and had applied for a policy 120 days after enlistment. During the war nearly all the soldiers took out policies and carried insurance, but since the armistice was signed it is reported that nearly three-fourths have allowed their policies to lapse and given up their insurance.

I think in so doing they made a mistake, and there must be some reason why they did not keep up their insurance. One reason may be the inconvenience of payment. Monthly payments come regularly, and drafts, checks, money orders, or cash must be sent to Washington with the regularity of a clock. If payment could be made at a bank or at the post office, it would add to the convenience. Then, $6.50 every month amounts to $78 per year, and is considerable where a soldier is out of work or working at a low wage. I am in favor of every soldier carrying a policy of insurance. Insurance to the amount of $10,000 is a considerable sum, and larger in amount than the ordinary business man carries, in my judgment. I think every soldier can and ought to carry a policy of at least $1,000 at the low rates and favorable terms offered by the Government. This will aid in settling up his estate after his decease and pay the expenses of his last sickness. After his policy is converted into a straight life or endowment policy, the payment for a small amount of insurance will not be burdensome or expensive.

Mr. Chairman, I call attention to the difference in the compensation now paid to disabled soldiers and the members of their families, and what will be paid under this bill when it becomes a law. The provisions of the present law are hereby inserted:

PRESENT LAW.

(1) If and while the disability is total, the monthly compensation shall be the following amounts:
(a) If the disabled person has neither wife nor child living, $30;
(b) If he has a wife but no child living, $45;
(c) If he has a wife and one child living, $55;
(d) If he has a wife and two children living, $65;
(e) If he has a wife and three or more children living, $75;
(f) If he has no wife but one child living, $40, with $10 for each additional child up to two;
(g) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each.

Under this bill, these compensations will be considerably increased and I herewith include in my remarks a copy of the compensation in proposed bill:

PROPOSED BILL.

(1) If and while the disability is rated as total and temporary, the monthly compensation shall be the following amounts:
(a) If the disabled person has neither wife nor child living, $80;
(b) If he has a wife but no child living, $90;
(c) If he has a wife and one child living, $95;
(d) If he has a wife and two or more children living, $100;

(e) If he has no wife but one child living, $90, with $5 for each additional child up to two;

(f) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent.

No other pension or benefits are allowed for disability or injuries received in the Army, Navy or Marine Corps. It is conceded on all hands that the terms are liberal and just, and it is believed will meet with the universal favor of the soldiers themselves as well as the country.

For partial disability a percentage of the above compensation is determined and allowed, and I herewith incorporate the compensation provided for in this bill for some of the major losses and injuries:

Total deafness, 50 per cent of total disability.
Loss of both eyes, 100 per cent.
Loss of both hands, 100 per cent.
Loss of both feet, 100 per cent.
Loss of hand, 60 per cent.
Loss of foot at ankle, 35 per cent.

From these major injuries given in the report a compensation is made for any injury received in line of duty, which impairs the earning capacity of the soldier.

Mr. RAYBURN. Mr. Chairman, that argument has been made every time we have discussed the bill. That argument has been before us every time we have considered amendments to this bill. It was the opinion of the committee when this law was first written that we should stop somewhere, and it has been our intention always to try to stop at $100 for a family.

This language that the gentleman moves to strike out gives $80 a month the man and $5 for each child up to four children. If he has no wife and one child, he will get $90. If he has no wife and three children, he will get $100.

It was our intention to try to hold this within $100. The truth of the business is we have got to stop somewhere. Before this amendment was offered a man himself was given $30 a month. Now we raise him up to $80. When he was getting $30 we made it $100, so as to include his parents. If a man had a wife and children enough to get $100, his parents would get nothing. In this law we have given $80 to the man and he and his wife and children will raise it to $100 and the allowance to his parents is not made dependent on the allowance made to his wife and children, so that a man with wife and children and dependent parents would get $120.

It is a question of stopping somewhere. Of course, I presume, if we had started in to pay $100 a month to a man who was permanently disabled, my friend from Ohio [Mr. EMERSON] would probably have offered to amend and raise it to $105. If we had made it $150 a month, no doubt some gentleman would have proposed to amend it and make it $155. If we had made it $200, no doubt some gentleman would have sought to raise it to $205. But the committee has considered this thing carefully and thought we ought to stop somewhere, and so we held it within the limit of $100.

Mr. HICKS. Mr. Chairman, I favor the amendment of the gentleman from Michigan [Mr. SMITH], and I move to strike out the last two words in order to speak upon it.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. HICKS. I have been very much interested in the remarks of the gentleman from Texas [Mr. RAYBURN], and, realizing the vast amount of study he has given to the subject and his deep knowledge of the matter, I hesitate to oppose the views stated by him. But at the same time, from the argument he has made, I take it that the committee have arbitrarily fixed the total amount to be paid not because of any particular justice in the case but simply because that has been a point set beyond which they do not think it wise to go.

It seems to me that this amendment offered by the gentleman from Michigan [Mr. SMITH] is clearly in the interest of a man who has a large family, and unless we give him this $5 per child the man with a large family is discriminated against in comparison with the man with a small family. It seems to me in all justice, and considering the efforts we are making in this country for an increase of population, we should sustain the amendment offered. Representing in this Congress the district of Theodore Roosevelt, I should be the last man to oppose that amendment, and therefore I favor it. [Applause.] Let me add in general, Mr. Chairman, that I feel a liberal policy should be adopted toward all who served their country in its need.

In the darkest hour of the world's history the sterling manhood of America, steadfast in purpose and independent in character, crossed the seas in a crusade for the liberation of humanity. By their actions they have left for future generations a splendid heritage of heroic achievement and noble devotion to duty. Unstinted praise is due also to their comrades in arms who did not receive the opportunity of going abroad, but whose courage and determination was manifested in the cantonments and training camps on this side of the water. We must not forget either the men and women at home who contributed the moral force behind the men on the line, furnishing the material supplies, making sacrifices, and rendering service for the winning of the war, and giving undivided support in unselfish cooperation for the complete vindication of our institutions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I offer an amendment on page 8, line 17, to strike out the figures "20" and substitute therefor the figures "40."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Page 8, line 17, strike out the figures "20" and substitute therefor the figures "40."

Mr. TREADWAY. Mr. Chairman, this is a commendable paragraph. It seeks to care for the totally disabled person. It says the person "so helpless as to be in constant need of a nurse or attendant," and then it provides that the pay for such a nurse or attendant shall be at the rate of $20 per month.

It is, of course, ridiculous to suppose that any sort of a nurse or attendant can be secured for $20 per month. If we are going to recognize the right of the man to have a nurse, we certainly ought to offer some sort of commensurable salary. The $20 a month means that if the nurse is procured for a man a large part of the wages of that nurse must come out of the man's own allowance, given to him not because he is absolutely helpless but in accordance with the other provisions of the act. If he is not totally disabled, he can get $80 per month, whereas you are simply adding $20 if he is absolutely bedridden.

I do not think the figures of the committee are at all commensurate with any assistance that we want to give toward securing a nurse for an absolutely helpless soldier. I therefore offer the amendment in the hope that the nurse may be recognized as being worth at least $40 per month.

Mr. GREEN of Iowa. Mr. Chairman, I was one of those who contended for the consideration before the Committee on Interstate and Foreign Commerce of an amendment to the present law raising the present rates and allowances. In fact, I had a bill pending before that committee for that purpose. I thought they ought to be very much raised, because they were not as large as those of the soldiers of the Civil War. They are raised now to a point far beyond those of the soldiers of the Civil War, far beyond anything they ever thought of getting, and clear out of sight of what the soldiers of the Civil War received at the time when the Civil War closed. To this I have no objection. On the contrary, I entirely approve the action of the committee; but if we are to proceed as we did on this last amendment we will not have very much of a bill left here. The last amendment has thrown this bill out of joint. It does not fit with the rest of the bill, and, in my judgment, is not at all logical. There is no reason that I can see, except a mere matter of charity or generosity, why we should give more compensation to a man because he has four children than to another man who has not. He has not suffered a greater disability by reason of having more children, and that is what this bill is paying him for.

Mr. LAYTON. But has he not more to maintain?

Mr. GREEN of Iowa. Yes; but let the gentleman follow that up a little further. If we were to grade it in that kind of a way we could grade it by what it costs the man to live, which would require different rates for different parts of the country. There are some parts of the country where it would cost a man twice as much to live as in other parts of the country. There are some places where it would cost a man with only one child more than it would cost a man to live with two children in another part of the country. But we can not base the compensation on that. That would be neither logical nor right.

Mr. SANDERS of Indiana. Under the pension system applying to the Civil War veterans, the dependents were never given anything until the soldier had died.

Mr. GREEN of Iowa. Not until the soldier had died.

Mr. SANDERS of Indiana. And then the dependents were paid.

Mr. GREEN of Iowa. Yes, a small sum at first. Only a fraction of what will be paid under this bill.

Mr. SANDERS of Indiana. There have been some exceptions in reference to helpless children, but before this law there never was any provision for the dependents of soldiers, and that fact was never taken into consideration in granting pensions.

Mr. GREEN of Iowa. There are Members here—and I am one of them—whose fathers went to serve their country in the Civil War for $13 a month. My father went leaving six children, and not one penny was given to them or his wife or an allowance of any kind. The cost of living, too, was even greater than it is now.

Mr. SANDERS of Indiana. What justification can we have for pursuing this course with reference to this bill without at the same time going over all the pension laws and treating the children of crippled Civil War veterans and Spanish-American War veterans in the same way?

Mr. GREEN of Iowa. None, and we will have to revise all of the pension laws.

Now gentlemen can point out inequalities in this bill. It would be impossible for the Interstate Commerce Committee to get up a bill in which there were not inequalities in certain cases, because they can not apportion all these matters with perfect fairness to everybody. In certain instances they have got to fix what looks like an arbitrary sum, but there is no other way to do it. That is why they took 10 per cent as the lowest amount of disability where any compensation would be allowed. They had to fix a standard somewhere. So all along here they have had to take some certain sum as a standard. They have taken $100 a month as the standard for permanent total disability. For temporary total disability they have taken a smaller sum, as they should do. If we revise these sums for temporary disability we ought to revise the amount allowed for permanent disability. I think the committee have done excellent work. I am in favor of liberal allowances to the soldiers and I have done my best before the committee to get these allowances liberalized; but I think we ought to be very careful how we interfere with the work of the committee lest we destroy the general harmony of this bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. OSBORNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OSBORNE: Page 7, line 7, strike out the figure "10" and insert "7"; also on page 7, line 24, strike out the figure "10" and insert "7."

Mr. OSBORNE. Mr. Chairman, I first endeavored to have this minimum of 10 per cent disability stricken out altogether, and then I tried to have it reduced to 5 per cent. I gained on the second proposition, and I hope this time to be able to have the amendment adopted. Without further remark, I will submit it to the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California [Mr. OSBORNE].

The question being taken, on a division (demanded by Mr. OSBORNE) there were—ayes 18, noes 24.

Mr. OSBORNE. Mr. Chairman, I ask for tellers.

Tellers were refused, nine members supporting the demand.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 12. That section 401 of the war risk insurance act is hereby amended to read as follows:

"SEC. 401. That such insurance must be applied for within 120 days after enlistment or after entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within 120 days thereafter and while in such service. Any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service, and before the expiration of 120 days after October 15, 1917, or 120 days after entrance into or employment in the active service, becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each, unless he refuses or has refused to apply for insurance; and any person inducted into the service by a local draft board after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service, and before being accepted and enrolled for active military or naval service, becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each. If he shall die either before he shall have received any of such monthly installments or before he shall have received 240 of such monthly installments, then $25 per month shall be paid to his widow from the time of his death and during her widowhood; or if there is no widow surviving him, then to his child or children; or if there is no child surviving him, then to his mother; or if there be no mother surviving him, then to his father, if and while they survive him: *Provided, however,* That no more than 240 of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid. The amount of the monthly installments shall be apportioned between children as may be provided by regulations."

Mr. RAMSEYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAMSEYER: Page 11, strike out all after the word "who" in line 5, and all of lines 6, 7, and 8.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, I explained this amendment last Tuesday while we were under general debate. The committee having this bill in charge have been fair and generous in trying to cover all cases that were not covered by the original act or the amendments that have heretofore been considered and become a part of the law; but I think they have overlooked one class of men to whom I shall call attention for just a moment. They are the men who died on the battle field, who at the time of their death did not have any insurance. Last Tuesday when I spoke I referred to several cases. Since that time other Members who heard me have told me of about a dozen more cases. All those who would be beneficiaries under my amendment are men who died in France between April 6, 1917, and November 11, 1918.

Now, let us see how my amendment affects the reading of this particular section.

You know when the war-risk insurance act was first passed we extended the time for applying for term insurance from October 15, 1917, for 120 days. After that the time was extended for something like a month, or perhaps 60 days. But after that time—that is, from February or March, 1918—there were no days of grace.

Persons taken into the military service were supposed to apply for insurance at once. But if a man did not take term insurance, he had no automatic insurance; he had no insurance whatever. For some reason the committee has seen fit to make the act retroactive, so as to give every person inducted into the service prior to November 11, 1918, 120 days' grace. So, the soldier who enlisted in April, 1918, and was killed within 115 days, or died, by this retroactive provision is given automatic insurance, while the person who was killed or died 125 days after he was inducted will not get the automatic insurance.

The effect of my amendment will be to give every person in the military and naval service of the United States between April 6, 1917, and November 11, 1918, who died without insurance the benefits of automatic insurance.

Mr. SMITH of Michigan. How large a policy would you give them?

Mr. RAMSEYER. The payments are provided for in the automatic insurance, $25 a month for 240 months. The rest of the section provides for all that. The words I move to strike out in lines 5, 6, 7, and 8 read as follows:

While in such service, and before the expiration of 120 days after October 15, 1917, or 120 days after entrance into or employment in the active service.

So that it will read:

Any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each, unless he refuses or has refused to apply for insurance.

Tuesday, after I got through presenting my views on this amendment, several members of the Committee on Interstate and Foreign Commerce came to me and said that the act already provided for that; that the proposed section in the bill provided that. They evidently had that impression, because the committee in its report implies that. If you would read only the report of the committee, not the bill, you would get the impression that every person who died in the military service between April 6, 1917, and November 11, 1918, was automatically insured by this section.

Mr. IGOE. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. IGOE. Would not the effect of the gentleman's amendment be to give insurance permanently to all these men, because the way the committee has it if he dies within a certain time it applies, but if you follow the language on it says "dies or has died."

Mr. RAMSEYER. This is limited.

Mr. IGOE. The man gets his insurance, and if he dies in the future——

Mr. RAMSEYER. This automatic insurance is only payable under certain conditions.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWEET. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. SWEET. Does the gentleman know about how many men will be affected by his amendment?

Mr. RAMSEYER. I do not know; I have been unable to get the figures either from the War Department or from the Bureau of War Risk Insurance. In fact, the figures of deaths during the war, as the War Department has it, is less than the number of death claims as reported by the Bureau of War Risk Insurance, which, of course, is ridiculous. I know of cases of boys who died in the service that did not have this insurance. I heard a Member stating the other day that it was 300 or 400, but I did not ask the gentleman where he got his figures. I do not know whether that is correct or not. I personally know of 2 cases and 10 other cases I have heard spoken of by Members of the House.

Mr. SMITH of Michigan. I know of a worthy case, but of those who died in the Army, of course, a great many had taken out insurance.

Mr. RAMSEYER. Yes; it would be a very limited number affected by this amendment. It would only benefit the mothers of these boys who died on the battle field in France. A case I have particularly in mind is a case where a young man volunteered for the Army right after the declaration of war by Congress, in April, 1917, and he was taken to France in June, 1917. Because of the fact that he developed into a crack marksman he with other men in the squad were sent to different places in France to train other men in rifle practice. Whether this boy ever had an opportunity to take out insurance I do not know. The only thing we do know is that after he was reported killed we could not find any record of an insurance policy in the department. This young man had a most excellent record. He was in the first fight with the Americans, he was through the leading engagements during the war, and he was killed in October, 1918, on the field of battle.

Now, if you do not cover a case like this you will not be doing full justice. His mother can not get a cent under this section. On the latter part of page 11 you give the benefit of automatic insurance to a man who died, as a number did last fall, who were inducted into the service and died of the "flu" after they got to camp and before they took out insurance. The mothers of those young men who died of the flu, and who had no insurance, are going to get $25 per month. They died a noble death. They died for their country. I do not underestimate the manner of their death; I exalt it; but certainly young men that I have in mind who died on the battle fields of France had just as worthy deaths and just as exalted, and if anything more so, than the young men who receive the benefits here which they did not have under the old law, and who died in this country.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. GREEN of Iowa. Do I understand my colleague that this is intended to cover cases where it is believed that boys actually took out insurance—that is, at least in some instances—but in some way the records do not show it?

Mr. RAMSEYER. It will cover that kind of a case, and also cases where a man has no insurance, and we can not know whether it is due to his own fault or not. In fact, I care not whether it was due to his own fault or not. If a young man died during the war, especially as in the case that I have in mind, on the battle field in France, then his beneficiaries who are his close relatives should be entitled to this automatic insurance just as much as those of the young man who died in camp here in this country and who are specially provided for in the latter part on page 11, and who were not provided for in the original act. I do not complain of that. I commend the committee for that. What I ask the committee to do is to extend the benefits of the automatic insurance so as to take in those young men who without insurance sacrificed their lives upon the battle fields of France so that this Government might live.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. FOCHT. I would like to inquire whether the gentleman's amendment covers cases like this, where young men went to universities and were trained under Government military officers and made application for insurance to the officers, who will testify they did, but were unable to acquire it because they could not be furnished with blanks, and who in the meantime died of pneumonia?

Mr. RAMSEYER. Their case is amply covered in the latter part of this section.

Mr. FOCHT. Does the gentleman think that it is specific enough?

Mr. RAMSEYER. Yes.

Mr. FOCHT. The gentleman understands that the rulings of this and the Pension Department are invariably against the soldier. That is the difficulty with this bill. There is too much authority and discretion given to this War Risk Insurance Bureau.

Mr. RAMSEYER. What I want to do is to take care of the boys who died in France without insurance, the same as we are doing for the boys who died in the camps.

Mr. FOCHT. That is what we want to do, but let us be sure that we do it and not depend upon any rulings by the department, which are so often against the soldier.

Mr. RAMSEYER. If the gentleman will vote for my amendment, he will help to do that very thing.

Mr. FOCHT. Very well, I will be glad to do it.

Mr. SWEET. Mr. Chairman, I think the Members of the House will agree that the committee has been very liberal in connection with automatic insurance. Under the original act no one was entitled to automatic insurance except those who were in the service between the 15th of October, 1917, and the 12th day of February, 1918. I believe the automatic insurance was extended for something like 60 days beyond that period. According to the provisions of this bill, we have extended the automatic insurance to every man who enlisted in the Army or Navy for 120 days. During those 120 days he was supposed to apply for insurance. If he did not apply for insurance during the 120 days and did not refuse to take insurance, and during those 120 days he died or was disabled, in either event he or his dependents would be entitled to automatic insurance. The reason that we fixed 120 days is because every man who enlisted in the Army or Navy had 120 days in which to take out insurance, and so we said we would extend it for 120 days to every man in the service, provided he did not refuse to take insurance and there was no record against him in that connection. It is estimated it will take about $5,000,000 to take care of this provision of extending the automatic insurance in this bill. It was also shown in the hearings that automatic insurance had cost the Government about $22,500,000. It will be observed also that this insurance is not necessarily made payable to the mother of the soldier, but it is payable to the widow, or if there be no widow surviving, then to the child or children, and if there is no children surviving, then to the mother, and if there be no mother surviving, then to the father, if and while they survive him. So when the gentleman speaks about the mothers, it really goes to the family of the soldier, as provided in this bill. While I am naturally in sympathy with the amendment of the gentleman from Iowa [Mr. RAMSEYER], it seems to me that the committee has been so liberal in this bill in regard to automatic insurance that the amendment ought not to be adopted. This amendment proposes to extend the automatic insurance during the whole period of the war. It extends it not only for 120 days, but to everyone who did not apply for insurance during the whole period of the war.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. RAMSEYER. As a matter of right and morals and sentiment, is not the mother or the widow or the child or the father of a boy who died 200 days after he enlisted as much entitled to the provisions of automatic insurance as the boy who died 110 days after?

Mr. SWEET. But here is the proposition: Everyone who entered the service had 120 days in which to take out insurance, and if they did not take out the insurance they could not do it thereafter. During that same period, without action on the part of the boy, without his paying one dollar in premiums or anything of that kind, we propose to give him automatic insurance at the rate of $25 a month for 240 payments.

Mr. RAMSEYER. In other words, you have made part of this retroactive. That is, you have added 120 days onto that. Evidently you discovered before your committee that quite a number of boys did not take out insurance, who died within 120 days after their enlistment, and, therefore, you covered their

case. If you want to make this retroactive in cases that were not covered before, why should not any boy who died in the service after 120 days be as much entitled to it as those who died within the 120 days and after they had rendered more service than those who died within the 120 days?

Mr. SWEET. Yes; the answer to the gentleman's question is this: We gave to the boys when they enlisted during the first 120 days an opportunity to take out insurance——

Mr. RAMSEYER. But you did not give them after March, 1918.

Mr. SWEET. And when they had that opportunity and did not take it out it seems to me that when we grant those who did not take out the insurance, who never paid any premiums, who never in any way gave anything toward that insurance, if we grant them the same period of time for automatic insurance that we did to the boys who had an opportunity to take out the original insurance, that we are doing the fair thing.

Mr. RAMSEYER. Oh, well, this can not be placed on a business basis. Now, just a question. You are extending the benefit to the boys who were taken to the camps and died of the "flu" before they got into active service. Now, what objection can there be to extending that to the boys who died on the battle fields in active service? I am glad you extended to the boys who died of the "flu" in the colleges. I simply want to ask you to give to the boys who died on the battle field the same right, the same right to their dependents, and the same privileges, as you do the boys who died in the colleges and in the camps before they were ever taken into active service.

Mr. SWEET. The gentleman is not correct in his statement. The law applies equally to all in the service, whether they were in the colleges or in the Army.

Mr. RAMSEYER. The latter part of this paragraph I am referring to only applies to those who between the time they were called and were inducted into the service either died or received permanent injury. I am glad you extend it to that class. I congratulate you that you did extend it to that class; but why not extend it to the fellows who shed their blood that their country might live and that their flag might be honored? [Applause.]

Mr. RAYBURN. Mr. Chairman, of course, it is very regrettable that speeches such as the gentleman has just made should be made here. The compensation of the war-risk insurance act is the most generous ever passed by the Congress, and when it comes to gentlemen talking about doing something for the soldier, already more has been done for him if the insurance had never been added to the law than has ever been in any law that this country has ever passed. For the disabled soldier in this bill we raise the benefits nearly 200 per cent. Now, there is a great misconception here about this automatic insurance and a good many men who talk about it do not understand what it means. There was only one reason upon earth for allowing the 120 days that automatic insurance would apply in the beginning, and that was that this insurance could not be advertised among the boys within a shorter period than that.

Mr. ESCH. If the gentleman will yield. One other reason, along the line suggested by the gentleman, was the fact that we could not get notice to the soldiers in the Philippines and get report back in a shorter period of time.

Mr. RAYBURN. That is what I say, that it was on the theory that the information could not be transmitted to the soldiers; that they would not have the opportunity to take the insurance; that the 120 days were to be allowed in which a man would be covered by $5,000 worth of insurance.

Mr. SWEET. If the gentleman will yield——

Mr. RAYBURN. I yield.

Mr. SWEET. I call attention to the fact, too, that those who died in the service on the battle fields of France are entitled to compensation—that is, the dependents of those who died are entitled to it.

Mr. RAYBURN. The most generous compensation that has ever been allowed. But some men came before us, as our friend over here did come before us, and said that some of these fellows—and even after we made it 120 days after the law was enacted we then extended it 60 more days, thinking some fellows in the far-away sections might not receive the information, which made it 6 months. Every man who went into the Army after that time——

Mr. DOMINICK. Will the gentleman yield there?

Mr. RAYBURN. In a moment.

Mr. DOMINICK. In connection with this point. Did that extend automatic insurance 60 days?

Mr. RAYBURN. It gave them the right to take out the insurance and did not cut them off for that time. Now, it was extended in order that they might take out this insurance more than four months after they went into the service or after the enactment of the law so that it might give six months. Now, cases came before us of fellows who did not have an opportunity to take out insurance, and the reason why we extended this for the 120 days, running over the whole war, was that a good many officers in the Army did not understand the law themselves and told the boys that they were covered for 120 days by $5,000 worth of insurance; and we thought there were not so many of the boys killed according to the number in the Army, and that it would probably be the right thing to cover them in the automatic insurance for 120 days, all during the war. Now, officers in many instances had told those boys that they were covered for 120 days, and where it was for a good cause they had not taken out insurance we thought it was nothing but right that this——

Mr. ZIHLMAN. Will the gentleman yield?

Mr. RAYBURN. In a moment—that this should be extended. Now, they talk about doing these things. Gentlemen talk as if the compensation under this law was not in effect and that the automatic insurance was the only benefit that went to the soldier at all, to him or his dependents. I want to call attention to this fact, that in this bill we now report to you and we ask this House to pass, and which, after much and long consideration, we have reported here, if a man is totally disabled he shall have $100 a month. If he is totally and temporarily disabled, while that temporary disability lasts he shall have $80 a month. If he is wounded in a permanent or partial way, that he shall receive far more than was ever received under any other law of the country. Yet gentlemen come upon the floor of this House with tears in their voices and try to appeal to the passions of the Members and hold this committee up to ridicule by claiming that it is not doing anything for the soldier, when this committee has considered these things, every amendment that is reported here and every foolish amendment that has been introduced in the form of a special bill. Yet they expect, after all this generosity on the part of this committee, after all of this consideration on its part, to come in here and upon a false sentiment, a sentiment not based upon facts but upon ignorance of this law, have this House stampeded into adopting these amendments. [Applause.] I do not believe it can be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes in which to answer a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER. As I understand, the dependents to whom the automatic insurance could be paid under the original act included only the mother, father, widow, and children of the deceased. You have now amended the law so as to include anyone in loco parentis to the deceased. Unquestionably during the war there were insistent demands that the law be so amended as to include those in loco parentis, and requests were filed by soldiers that they be allowed to take out insurance payable to such parties. Now, how would you, if that soldier died more than 120 days after he entered the service, do justice to those whom you now seek to bring within the operation of the law, unless you adopt some amendment like that now pending?

Mr. RAYBURN. I do not understand the gentleman's question.

Mr. OLIVER. You have limited the time when the insurance applies to 120 days after the party enters the service—that is, the automatic insurance—and you have now included in the beneficiary class those standing in loco parentis. Some of the soldiers now dead requested that they be allowed to take out a policy payable to foster parents, but they were refused, because such parties were not included in the class of beneficiaries named in the original act.

Mr. RAYBURN. I did not say they were not allowed to take it out, but they did not take it out.

Mr. OLIVER. They did not take it out because then it could not be made payable to a stepmother, say, or a person who stood in loco parentis, but under an amendment now adopted it can be. Suppose he died 121 days after he enlisted, would they get the benefit proposed by the amendment?

Mr. RAYBURN. No; they would get the compensation.

Mr. WILLIAMS. Mr. Chairman, I favor the amendment offered by the gentleman from Iowa, and in taking this position I do not in any way question the good faith of the committee that has brought in this bill or reflect upon the work of that great committee. This bill as presented is a most generous piece of legislation. It carries out, in my judgment, the wishes of the American people that we deal justly and generously with those who fought the battles of the country in the great crisis through which we have recently passed.

Now, in the amendments that are carried in this bill we grant automatic insurance to those who were never regularly inducted into the service and pay the policies if they die before they were regularly taken into the service, which is right. We grant the automatic insurance for 120 days to every soldier and pay the policy if he fails to avail himself of his privilege to take out the insurance within his 120 days. And I think that is proper and right. That takes care of a great many worthy cases.

Now, the amendment of the gentleman from Iowa is a logical sequence of what we have done, and without this amendment this bill is not a logical bill and does not do justice to all classes of those who gave their lives during this war. Let us see. It simply gives the benefit of automatic insurance to that class—and it is a very small class—of boys who did not take out the insurance and yet were killed in battle or were totally disabled as the result of wounds.

I have in my own district a concrete example, a case where this amendment, I think, will do justice to a poor father whose son gave his life on the field of battle in France. A young man, the son of a Methodist minister, on the 11th of January, 1917, before we had entered the war, believing that war was imminent and desiring to get into action as soon as the country got into war, went over to Jefferson Barracks in St. Louis and enlisted in the Regular Artillery. He went over to France with Gen. Pershing in the first consignment of American troops, and he was in active engagements there during the fall months of 1917 and through the winter of 1918, when the great Army was being sent over. He did not avail himself of his privilege of taking out the insurance within the 120 days allowed by the law. Finally, in April, 1918, he was admitted to an officers' training camp and on the 10th of July received a commission as second lieutenant in the Artillery. He received his discharge as a private. He thought then he had a right to take out the insurance and was so advised by those in France who had charge of the administration of the war-risk insurance. He made an application for $10,000 of insurance, payable to his father. The policy was accepted, the premiums were deducted, and finally, before the armistice, this gallant young man, who had gone into the Army of the United States before our entrance into the war, and who had fought all through the war, was killed in action. His father was notified of his death. Papers were sent in order to make proof as to the insurance, and on adjudication the bureau claimed that they could not give him the insurance because he had not made his application for the policy within the 120 days.

Mr. BLACK. Will the gentleman yield?

Mr. WILLIAMS. I will.

Mr. BLACK. I would like to ask the gentleman what he thinks of this kind of a situation? Article 4 provides that a soldier may take this insurance in multiples of $1,000. Now, we provided he should have automatic insurance for $5,000 for 120 days. This same soldier has taken out insurance now in multiples of $1,000 to $2,000. Under an amendment of this kind the beneficiaries of that soldier would only be paid on the $2,000 policy, and those who did not take out any at all would be paid on a $5,000 policy.

Mr. WILLAMS. Yes; there is a great deal of force to that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. As I understand it, the amendment of the gentleman from Iowa simply gives automatic insurance to a very small class. I am informed it embraces only a few hundred men who gave their lives on the field of battle without taking out insurance.

Now, we should remember that we had thousands of men overseas when this law was enacted. They were scattered all over France in different camps. Many of them, perhaps, did not have the law explained to them as we understand it in this country, and did not understand their rights under the law, and for various reasons, and good reasons perhaps, failed to avail themselves of the privilege of taking out this insurance. The overwhelming majority of them took out the insurance. Those who did not were the exceptions. But here and there all over this broad land are the mothers and fathers of boys who went to France and gave their lives without being insured, and I think this great country of ours is willing, and should be willing, to pay in cases of that kind insurance to the father who gave a son for his country on the field of battle.

It is not altogether sentiment, as my good friend from Texas [Mr. RAYBURN] charged, but it is right and fair and simply a matter of justice to that class of boys—a very small class comparatively—who for some cause or another died without the benefit of insurance. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I think every Member of this House has the equally patriotic desire to do the right thing by the American soldier and by the dependents of the American soldier. It is difficult to frame a bill so that its provisions shall be free from the charge that something better could not have been done for the soldier, and that that something better is the thing that the soldier deserves all because of the fact that all that we can do for the soldier and his dependents will never recompense him for the great sacrifice which he has made.

With that in view in connection with legislation of this sort, we ought to use our cool judgment to do what is right, and to do it in a logical way. We have provisions in this war-risk insurance law with reference to compensation to dependents of deceased soldiers, and an appeal has been made to support this amendment because after a period of 120 days has elapsed some soldier abroad has lost his life without taking out insurance. But it must be remembered that if the soldier has dependents they are paid under another feature of this law—the compensation feature. In this discussion we are debating the insurance feature, which is the voluntary act of the soldier in order to give some protection to his beneficiaries; and there are included now among the beneficiaries uncles, aunts, nephews, nieces, brothers-in-law, and sisters-in-law. If you are going to give automatic insurance for the protection of the soldier who has lost his life at the end of a period of 120 days, you may be giving valuable compensation to some one who was really not dependent upon the soldier, so far as actual dependency is concerned.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. SANDERS of Indiana. Not right now. The theory of the law was that you would give the soldier 120 days within which to take out this insurance. Everybody does not take out insurance in civil life or in military life, and the presumption is that at the end of 120 days, if the soldier does not take out insurance, there was no one that he thought was especially needful to be made the beneficiary under such policy.

Now I yield to the gentleman from Iowa.

Mr. RAMSEYER. The gentleman has made the statement that insurance is dependent upon the voluntary action of the soldier. That is true of term insurance, but not automatic insurance. The gentleman went on to state that this automatic insurance might go to beneficiaries only remotely related to him, like uncles and aunts. I want to correct the gentleman, because this section 401 is automatic, and the only beneficiaries are the widow, the mother, and the father. The other persons that the gentleman names come under what is known as term or converted insurance. But we are now discussing only automatic insurance.

Mr. SANDERS of Indiana. The point is the same.

Mr. RAMSEYER. That is true of the boy who died in college from the "flu." That you cover in this section.

Mr. SANDERS of Indiana. The automatic feature of it is made to cover a period of time during which the soldier could not exercise his own volition, because he could not know about the facts.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. RAYBURN. If we give the automatic insurance to all these men during the war, suppose a soldier at the beginning of the war took out a $5,000 policy. If we give these men $5,000 under this automatic provision, the Government ought to refund the amount of the premiums to that other man, and, likewise, if he has taken out $10,000, we should refund 50 per cent of the premiums, in order that they would be on a parity.

Mr. SANDERS of Indiana. Certainly. It is the rankest discrimination. But the worst feature of it is that we substitute our judgment for the judgment of all these soldiers who did not act on their own volition within 120 days, and put them all under the automatic feature and give them all insurance.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ESCH. Mr. Chairman, I move that all debate on the pending amendment offered by the gentleman from Iowa close in 12 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the pending amendment close in 12 minutes.

Mr. FOCHT. Let me have five minutes on that.

Mr. ESCH. Mr. Chairman, make it 12 minutes in all and divide it up.

The CHAIRMAN. Will the gentleman indicate the persons?

Mr. ESCH. The gentleman from Texas [Mr. BLACK], the gentleman from Illinois [Mr. CANNON], the gentleman from Pennsylvania [Mr. FOCHT], the gentleman from New York [Mr. PLATT], and the gentleman from Kansas [Mr. STRONG].

The CHAIRMAN. How is the time to be divided?

Mr. CANNON. I think we had better have five minutes apiece.

Mr. ESCH. Let it be 20 minutes, Mr. Chairman. We want to make progress on this measure.

Mr. CANNON. I think we had better make it 25 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the pending amendment close in 20 minutes.

Mr. CANNON. Make it 25.

Mr. ESCH. Twenty minutes.

The CHAIRMAN. How is the time to be divided?

Mr. ESCH. Have it divided equally.

Mr. FOCHT. I ask for five minutes.

Mr. CANNON. I suggest that the gentleman ask for 25 minutes. I have just come in, and I want to "catch on."

Mr. ESCH. Some of us want to get on. [Laughter.]

Mr. CANNON. Some of us want to find out about this.

Mr. ESCH. I modify my amendment, Mr. Chairman.

The CHAIRMAN. The Chair asks to whom he shall yield. The gentleman from Wisconsin will prefer his request.

Mr. ESCH. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Iowa close in 25 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the pending amendment close in 25 minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] is recognized.

Mr. BLACK. Mr. Chairman, in discussing this amendment let us proceed to review briefly the history of the war-risk insurance act.

The first article in the act is the one which contains the definition of terms and then follows the allotment and allowance feature. That is article 2. It provides for allotments and allowances to the soldier's dependents while he is in the Army.

The third article is to take the place of the pension system. For that purpose we made the compensation act, and under that article all soldiers share alike, privates and officers, regardless of rank. If the soldier dies from injuries received or disease contracted while he is in the service, a monthly compensation is paid to his dependents. If he does not die but is injured, the compensation is paid to him during his disability.

It was suggested by the students of this question that we ought to add an article 4, to give each soldier the right to take out additional insurance in multiples of $1,000 each up to $10,000. No soldier, either officer or private, could take out more than that. The theory upon which this voluntary insurance was based was this, that we were taking men out of civil life and drafting them into the Army to fight for the national welfare and safety, and on account of the hazards of the risk they would be unable to procure insurance in private companies, and that the Government ought to insure them at the ordinary American mortality rates and carry the extra war risk at public expense. That was the theory of it. That was the argument made. That was the reason that we adopted article 4. But we said this: We know that a great many of the young men will not find out about this insurance until some time after the law is passed, and we will give them 120 days in which to make application; and if unfortunately within that 120 days the soldier dies, is killed, or becomes permanently disabled in the line of duty we will pay to his widow, if he leaves a widow, $25 a month for 240 months or we will pay to his widow and children $25 a month, or if he leaves no widow and children we will pay to his widowed mother, and if he leaves no widowed mother we will pay this sum to his father. In other words, this $25 per month for 240 months was equivalent to $5,000 insurance and is entirely independent and separate from the compensation provided for in article 3.

Later on we extended that time, and here in this bill we provide that each and every soldier shall have the 120 days regardless of the time of his enlistment or induction into the service. It seems to me that that is equitable and just. But the proposition of the gentleman from Iowa now is to brush aside the 120-day period and give each and every soldier who had not taken out insurance and who died in the line of duty $5,000 automatic insurance. I believe the figures show that something more than 60,000 men died or were killed in the service. I do not know how many had insurance policies or how many did not; but if we want to be logical, if we adopt an amendment of the kind the gentleman has offered, then if we want to do justice to all we ought to give them all $5,000 additional insurance. That is the only way in which you can be just and treat them all equally. We were just when we said to each and every one of these men, "You shall have 120 days after you went into the service in which to take out the insurance and during that time you shall have $5,000 automatic insurance without any charge." But we are not just if we say to one man, "We will give you $5,000 automatic insurance," and say to another man, "We will give to you only what you bought and paid for, even if it is only $1,000." That would penalize the man who took out insurance and reward the man who did not. At least that is the view I take of the matter and will vote against the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. Mr. Chairman and gentlemen, the committee have, with much liberality, I think, and also with justice, accepted the suggestions that have been made with regard to this bill, and have put it into more perfect form than it was previous to this session of Congress. Now we have incorporated here an amendment providing for a class coming under the head of foster children. I know some Members disputed the incorporation of such an amendment, but I can conceive of nothing more just than that. I had in my own district, in Perry County, a most pathetic case, where a foster mother had received no consideration whatever. It was a simple case of a drunken father, mother dead, and the poorhouse for seven children. Some benevolent ladies came down to the broken and desolate home and said, "It will not do to have these infant children go to the poorhouse." One lady gathered into her arms a boy only a year and a half old and carried him to her home, reared him until he was 18 years old, and then the war broke out. He made a will giving all of his personal effects to her, which will was recorded in the county courthouse in the county in which they resided. On entering the Army he had his life insured in two separate policies of $5,000 each. In each policy was written the foster mother's name, and after her name in brackets was "foster mother," in both instances. He settled with the Government and was entitled to have that money paid to the foster mother. He died at Camp Meade and was taken home and buried on the hillside in the little village where he had been reared. When I undertook to get that insurance for his foster mother we found that the act itself provided for all sorts of stepfathers and stepmothers and relatives, and for everybody except the good soul that was nearer to him than anybody else, but yet his foster mother. Now you have passed an amendment which covers that most beneficently. I am glad you have taken up this other question, because I have had a case coming right under it. Two young men left the farm in Buffalo Valley, Union County, and went down to Bucknell University to receive military training under an officer sent from Washington. They applied time and again to the officer for blanks to make application for their insurance. The officer wrote to Washington and received a reply that they were unable to furnish the blanks. That officer is ready to make affidavit to that effect. While this was going on these two young men contracted pneumonia and died.

Now, as I understand, this provision extends to taking care of them, and if it does that is all just and right, and surely, as has been said, why should it not also extend to those who died on the battle field?

It is not so much a matter as to the measure or degree of what the soldier did as it is now the care and attention of those who are left behind. Those who are dead and gone, for them that is the end of it, so far as we are able to help, but their services have been rendered and on this is predicated the helpfulness we should extend for the suffering and inconvenience and privation of those who are left behind.

Now, Mr. Chairman, there is still another class I understand has not been mentioned here. We all know that the world loves a lover, and we hear a great deal about the courtship and of marriage and other ceremonies upon which the whole world is erected into society and civilization and into which it is all interwoven. What about the sweethearts; what about the young man who gallantly leaves his sweetheart with a farewell embrace and warm, loving kiss and goes off to war to perish for the flag? He takes out his insurance but finds he can not bequeath it to his sweetheart and betrothed because she is not a relative. If she was his stepsister, he might give it to her, or if she was a stepbrother or a stepfather or a stepmother who, perhaps, had abused him he might give it to her. But he can not give the money to his sweetheart, although he did leave the intention in the fact that he sent the policy to her and accompanied it with a letter containing the most endearing terms and

Now, in the amendments that are carried in this bill we grant automatic insurance to those who were never regularly inducted into the service and pay the policies if they die before they were regularly taken into the service, which is right. We grant the automatic insurance for 120 days to every soldier and pay the policy if he fails to avail himself of his privilege to take out the insurance within his 120 days. And I think that is proper and right. That takes care of a great many worthy cases.

Now, the amendment of the gentleman from Iowa is a logical sequence of what we have done, and without this amendment this bill is not a logical bill and does not do justice to all classes of those who gave their lives during this war. Let us see. It simply gives the benefit of automatic insurance to that class—and it is a very small class—of boys who did not take out the insurance and yet were killed in battle or were totally disabled as the result of wounds.

I have in my own district a concrete example, a case where this amendment, I think, will do justice to a poor father whose son gave his life on the field of battle in France. A young man, the son of a Methodist minister, on the 11th of January, 1917, before we had entered the war, believing that war was imminent and desiring to get into action as soon as the country got into war, went over to Jefferson Barracks in St. Louis and enlisted in the Regular Artillery. He went over to France with Gen. Pershing in the first consignment of American troops, and he was in active engagements there during the fall months of 1917 and through the winter of 1918, when the great Army was being sent over. He did not avail himself of his privilege of taking out the insurance within the 120 days allowed by the law. Finally, in April, 1918, he was admitted to an officers' training camp and on the 10th of July received a commission as second lieutenant in the Artillery. He received his discharge as a private. He thought then he had a right to take out the insurance and was so advised by those in France who had charge of the administration of the war-risk insurance. He made an application for $10,000 of insurance, payable to his father. The policy was accepted, the premiums were deducted, and finally, before the armistice, this gallant young man, who had gone into the Army of the United States before our entrance into the war, and who had fought all through the war, was killed in action. His father was notified of his death. Papers were sent in order to make proof as to the insurance, and on adjudication the bureau claimed that they could not give him the insurance because he had not made his application for the policy within the 120 days.

Mr. BLACK. Will the gentleman yield?

Mr. WILLIAMS. I will.

Mr. BLACK. I would like to ask the gentleman what he thinks of this kind of a situntion? Article 4 provides that a soldier may take this insurance in multiples of $1,000. Now, we provided he should have automatic insurance for $5,000 for 120 days. This same soldier has taken out insurance now in multiples of $1,000 to $2,000. Under an amendment of this kind the beneficiaries of that soldier would only be paid on the $2,000 policy, and those who did not take out any at all would be paid on a $5,000 policy.

Mr. WILLAMS. Yes; there is a great deal of force to that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. As I understand it, the amendment of the gentleman from Iowa simply gives automatic insurance to a very small class. I am informed it embraces only a few hundred men who gave their lives on the field of battle without taking out insurance.

Now, we should remember that we had thousands of men overseas when this law was enacted. They were scattered all over France in different camps. Many of them, perhaps, did not have the law explained to them as we understand it in this country, and did not understand their rights under the law, and for various reasons, and good reasons perhaps, failed to avail themselves of the privilege of taking out this insurance. The overwhelming majority of them took out the insurance. Those who did not were the exceptions. But here and there all over this broad land are the mothers and fathers of boys who went to France and gave their lives without being insured, and I think this great country of ours is willing, and should be willing, to pay in cases of that kind insurance to the father who gave a son for his country on the field of battle.

It is not altogether sentiment, as my good friend from Texas [Mr. RAYBURN] charged, but it is right and fair and simply a matter of justice to that class of boys—a very small class comparatively—who for some cause or another died without the benefit of insurance. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I think every Member of this House has the equally patriotic desire to do the right thing by the American soldier and by the dependents of the American soldier. It is difficult to frame a bill so that its provisions shall be free from the charge that something better could not have been done for the soldier, and that that something better is the thing that the soldier deserves all because of the fact that all that we can do for the soldier and his dependents will never recompense him for the great sacrifice which he has made.

With that in view in connection with legislation of this sort, we ought to use our cool judgment to do what is right, and to do it in a logical way. We have provisions in this war-risk insurance law with reference to compensation to dependents of deceased soldiers, and an appeal has been made to support this amendment because after a period of 120 days has elapsed some soldier abroad has lost his life without taking out insurance. But it must be remembered that if the soldier has dependents they are paid under another feature of this law—the compensation feature. In this discussion we are debating the insurance feature, which is the voluntary act of the soldier in order to give some protection to his beneficiaries; and there are included now among the beneficiaries uncles, aunts, nephews, nieces, brothers-in-law, and sisters-in-law. If you are going to give automatic insurance for the protection of the soldier who has lost his life at the end of a period of 120 days, you may be giving valuable compensation to some one who was really not dependent upon the soldier, so far as actual dependency is concerned.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. SANDERS of Indiana. Not right now. The theory of the law was that you would give the soldier 120 days within which to take out this insurance. Everybody does not take out insurance in civil life or in military life, and the presumption is that at the end of 120 days, if the soldier does not take out insurance, there was no one that he thought was especially needful to be made the beneficiary under such policy.

Now I yield to the gentleman from Iowa.

Mr. RAMSEYER. The gentleman has made the statement that insurance is dependent upon the voluntary action of the soldier. That is true of term insurance, but not automatic insurance. The gentleman went on to state that this automatic insurance might go to beneficiaries only remotely related to him, like uncles and aunts. I want to correct the gentleman, because this section 401 is automatic, and the only beneficiaries are the widow, the mother, and the father. The other persons that the gentleman names come under what is known as term or converted insurance. But we are now discussing only automatic insurance.

Mr. SANDERS of Indiana. The point is the same.

Mr. RAMSEYER. That is true of the boy who died in college from the "flu." That you cover in this section.

Mr. SANDERS of Indiana. The automatic feature of it is made to cover a period of time during which the soldier could not exercise his own volition, because he could not know about the facts.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. RAYBURN. If we give the automatic insurance to all these men during the war, suppose a soldier at the beginning of the war took out a $5,000 policy. If we give these men $5,000 under this automatic provision, the Government ought to refund the amount of the premiums to that other man, and, likewise, if he has taken out $10,000, we should refund 50 per cent of the premiums, in order that they would be on a parity.

Mr. SANDERS of Indiana. Certainly. It is the rankest discrimination. But the worst feature of it is that we substitute our judgment for the judgment of all these soldiers who did not act on their own volition within 120 days, and put them all under the automatic feature and give them all insurance.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ESCH. Mr. Chairman, I move that all debate on the pending amendment offered by the gentleman from Iowa close in 12 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the pending amendment close in 12 minutes.

Mr. FOCHT. Let me have five minutes on that.

Mr. ESCH. Mr. Chairman, make it 12 minutes in all and divide it up.

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Now, as I understand, this provision extends to taking care of them, and if it does that is all just and right, and surely, as has been said, why should it not also extend to those who died on the battle field?

It is not so much a matter as to the measure or degree of what the soldier did as it is now the care and attention of those who are left behind. Those who are dead and gone, for them that is the end of it, so far as we are able to help, but their services have been rendered and on this is predicated the helpfulness we should extend for the suffering and inconvenience and privation of those who are left behind.

Now, Mr. Chairman, there is still another class I understand has not been mentioned here. We all know that the world loves a lover, and we hear a great deal about the courtship and of marriage and other ceremonies upon which the whole world is erected into society and civilization and into which it is all interwoven. What about the sweethearts; what about the young man who gallantly leaves his sweetheart with a farewell embrace and warm, loving kiss and goes off to war to perish for the flag? He takes out his insurance but finds he can not bequeath it to his sweetheart and betrothed because she is not a relative. If she was his stepsister, he might give it to her, or if she was a stepbrother or a stepfather or a stepmother who, perhaps, had abused him he might give it to her. But he can not give the money to his sweetheart, although he did leave the intention in the fact that he sent the policy to her and accompanied it with a letter containing the most endearing terms and

wanted her to have the money. Mr. Chairman, I sincerely hope that the committee will respond to the call of the gallant soldier who wanted his sweetheart back home to have this legacy from him and later permit the incorporation of an amendment to that effect. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PLATT. Mr. Chairman, I only wanted to ask a couple of questions, but as I was required to take time I will take it now. A large part of this trouble comes from the way in which the act was drawn outside of the House and shoved through the House without anybody being allowed to put in any changes or amendments that ought to have been put into it. It is camouflaged by the use of new terms all the way through. What is known in the act as compensation is in reality pension. There is no sense in calling it compensation for you can not compensate a man who is killed in battle. We ought to have known that this would be the result. We ought to have told those sitting in the gallery, we ought to have told Judge Mack to get out of there and we would pass the bill ourselves. I foretold this exact trouble, exactly what would happen, and what is going to happen further on. Pensions are one thing and insurance is another. Here is a widow who is getting $87.50 a month—$30 compensation plus $57.50 insurance—and another only getting $30 or $35, according to the number of children she has, and by and by the people are going to ask why it is, why the distinction, why one of the widows, probably the more needy, should suffer because her husband did not have the foresight or the wisdom, or the decent regard for her welfare, to take out insurance.

Are you going to make this distinction always? Why not give insurance to everybody and make it practically a pension, as it would be if the amendment proposed is passed. It was perfectly evident that this sort of an argument was going to be made—that you ought to give everybody automatic insurance; that is to say, a pension without regard to whether they ever took out insurance or paid any premium. The insurance part of the act was questionable, but now that it is the law we ought to stand by it and we ought not to cover in those who did not take out insurance, if they had opportunity.

Here is a question I want to ask the gentleman from Texas, if I may: I have known several cases, one case in particular, where the young man makes an affidavit that he applied for insurance within the 120 days. He was told that his papers were not with the company, but they would have them in a few days. He applied again and again within the 120 days, and every time was put off for some apparently trivial reason, until finally he was injured, and the officer told him he would date the policy back, but he did not, and when it went in for final adjudication it was thrown out for not being applied for within the 120 days. Now, that man applied for insurance, and whether the application was taken or not, it seems to me he ought to have it.

Mr. RAYBURN. I have no controversy with the gentleman about that.

Mr. PLATT. Is there anything in the bill that would cover cases like that?

Mr. RAYBURN. Wherever there is a record that a man applied for insurance the bureau will take such case.

Mr. PLATT. If the record means that he made out the final application——

Mr. RAYBURN. No; it is not that a man has to make out the final papers, but if his initial papers were within the 120 days the bureau will take all such cases in.

Mr. PLATT. If that is the case, that is all I want to know.

Mr. STRONG of Kansas. Mr. Chairman, during the time that we were enlisting these boys into the service, and when we were going to the courthouses, bidding them good-bye and telling them that we would take care of the folks left behind, and when we made our speeches for Liberty bonds, one of the propositions that we laid down was that money was the cheapest thing in the world and that service was the greatest thing in the world. Now, in the American Congress, when we are considering what we shall do for these boys and their loved ones, it seems that we should remember that pledge. That we should keep faith with the boys now buried in France, and should still say that our money is the cheapest thing in the world compared to their service. I want my vote to-day to take care of the loved ones that are at home now; I want to keep faith with the pledge that I made to the boy who did not come back. I hope that this amendment will be agreed to. I yield back the remainder of my time.

Mr. CANNON. Mr. Chairman, I just came into the House, being called out necessarily on official duty, and if I understand this matter, where the soldier dies, he gets compensation, or rather his dependent relatives get compensation. Am I right about that?

Mr. SANDERS of Indiana. Yes; irrespective of insurance.

Mr. CANNON. Irrespective of insurance—and liberal compensation. If I recollect right, the widow gets $25. Under this bill it is said that she may get $80 a month. The dependent children are cared for and the dependent father is cared for. That, of course, is all from compensation. As to insurance, if I understand it right, there was a wonderful campaign conducted in all the camps for insurance. Many, it is said, were practically forced to take it out. Those who did insure and allowed their policies to lapse, do not get their money back. Their dependent relatives do not get the insurance, but this bill gives to the dependents of a dead soldier ample, unheard of appropriation, for their support, and the amendment proposes in addition to that, as I understand it, to give additional benefits to the beneficiaries of a certain class of soldiers that did not insure under the law.

Mr. SNYDER. Whether they are dependent or not.

Mr. CANNON. My friend says whether they are dependent or not.

Mr. RAMSEYER. They do not get compensation.

Mr. CANNON. Not compensation unless they are dependent, but they get insurance if the soldier was insured. This is insurance added to compensation for the dependents of the dead soldier. As I understand it, already there has been adjusted about $12,000,000,000 of insurance to the beneficiary, under the terms of the policies.

Now, then, we will take the case of a man who died. Let us say that he was a son of a preacher, with a father and mother living. If they are dependent, they are cared for, and cared for a great deal better than the average preacher can care for them with his salary. Who pays all of this? The survivors of the war and the citizenship generally. It is to be paid for in the coming 20 years. I think I have quite as much sympathy for the soldier as the average man, but we can not make a law general in its application that will not do something short of justice in some particular case. The people of the United States have pretty heavy loads to carry. The survivors of millions of people—soldiers and civilians—have got to help carry the load. Let us not lose our heads because somebody cites a case where there is a hardship, and when we come down to brass tacks there is no hardship in denying this insurance that was never taken, for the dead soldier's dependents are cared for as never any country cared for dependents of dead soldiers before. [Applause.]

Mr. RAMSEYER. Mr. Chairman, I should like to have the attention of the committee, and especially the attention of my friend from Illinois [Mr. CANNON]. Now, by my amendment I have tried to carry out nothing more or less than the committee in its report says that they are going to do. On the top of page 9 they say:

> Section 12 amends the automatic insurance provisions in section 401 of the act by extending the automatic insurance provisions so as to cover all men (except those who absolutely refuse to apply for insurance) who were finally accepted for service and were in service between April 6, 1917, and November 11, 1918.

Now, then, by striking out the 120 days, which I did out of the section, the section is, that any person in the service between those two dates who died shall be entitled to the benefit of automatic insurance unless he refuses or has refused to apply for insurance. Now, here are these boys going to camp, but the proposition is put up to them, "You can have insurance." And they refuse. That would not come under the provisions of this amendment.

Mr. BEE. Would not a failure be a refusal?

Mr. RAMSEYER. It is proposed to cover men who did not have the opportunity. The case I cited and cases which have come to me were cases of men who went to France early in the war and were shifted from one post to the other post for duty over there, and so far as the records of the War Department show those men never had an opportunity to take out insurance, and neither the gentleman from Illinois [Mr. CANNON] nor any member of the committee nor any Member of the House here would say that a fellow who had gone to France in the early part of 1917 and stayed there during all the fighting and was killed upon the battle field who did not have the opportunity to take out insurance should be barred from having automatic insurance. If they refused, the records of the War Department will show it. But if there is no record there, or any evidence that it was ever presented to him, I think that that matter ought to be straightened out here in the bill. The only thing I am contending for is for that class of men. So far as I know, or anybody who has been able to tell me knows, this amendment will only benefit those men who had no opportunity to apply for

insurance. But the section protects the Government. The section says unless he refuses or has refused to apply for insurance. Now, if anybody has refused to apply for insurance, refused by positive act on his part, this is not going to extend automatic insurance to such persons, but the persons as in the cases I cited, who went over to France in the early part of the war and died without insurance because of no fault of theirs, should be given the benefits of automatic insurance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACCRATE. I ask that the time of the gentleman be extended one minute to answer a question.

The CHAIRMAN. The time has been fixed by the committee. [Cries of "Vote!" "Vote!"] The question recurs on the amendment of the gentleman——

Mr. HICKS. Mr. Chairman, so much discussion has been had since the amendment was first read, can we have it read again for information?

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none. The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the Chair was in doubt.

On a division (demanded by Mr. ZIHLMAN) there were—ayes 48, noes 50.

Mr. RAMSEYER. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers [Mr. RAMSEYER and Mr. SWEET] reported that there were—ayes 49, noes 64.

So the amendment was rejected.

Mr. IGOE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, at the end of line 11, add the following: *Provided further,* That each officer and enlisted man attached to the United States ship *Cyclops* on the 12th day of March, 1918, and every officer and enlisted man who on said date was a passenger on said vessel shall be deemed to have been granted insurance in the full amount permitted under the war-risk insurance act, unless from the records of the Navy Department or the War Risk Insurance Bureau it appears that he has applied for insurance in a less sum.

Mr. ESCH. I reserve a point of order on the amendment.

Mr. IGOE. Mr. Chairman, I do not believe that this is subject to a point of order, but I would like to explain to the committee the necessity for this amendment.

Mr. Chairman, the defeat of the amendment of the gentleman from Iowa, it seems to me, renders it all the more necessary that this provision should be adopted. Under the automatic-insurance feature, as it is written in this bill, all men have 120 days after entering the service in which to take out insurance. The greatest mystery of this war perhaps is the loss of the *Cyclops*. That vessel left Norfolk, Va., on January 8, 1918, and was last heard from at a port in the West Indies on March 4, 1918, and was officially declared lost by the Navy Department on June 14, 1918. I have had the cases of two men who were assigned to that vessel, and we have not been able to find any record from that ship regarding those men. I am informed that the last records from that ship are of date of September 30, 1917, prior to the passage of the war-risk insurance act.

There were on board that vessel on March 4, the last date of which we have any record, 301 men—221 of the crew, enlisted men, and 64 passengers, officers and men, who were on their way to the United States; 14 officers of the ship, and 2 marines. The departments have the records of 77 of these men who made applications for insurance. These were men who had been assigned to this ship at some time prior to the 4th day of March and who had prior to that time been attached to other vessels. There is no record of the rest of these men anywhere. The ship was lost; the records are gone, and therefore no one has authority now to honor applications for payment of insurance.

As I interpret the bill reported by the committee, men who enlisted and were on that ship—unless there is some record somewhere that within 120 days of their enlistment they applied for insurance—are not protected either in automatic insurance or any other insurance. It seems to me that under these peculiar circumstances it is the duty of the Government to assume that these men did apply for the full amount of insurance unless there is some record in the Navy Department or the Bureau of War Risk Insurance to the contrary. And that is the purpose of this amendment.

I hope that the committee will not consider this a foolish amendment. It is offered to meet actual cases that have come to my attention, and, as I say, there are only 77 of these men concerning whom records can be found. And what are you going to do about the rest of them?

Mr. BEE. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. BEE. Is compensation allotted to the families of these men under the law?

Mr. IGOE. Under the law the compensation would be allowed. But this is the insurance feature.

Mr. SNELL. Will the gentleman yield for a question?

Mr. IGOE. I will.

Mr. SNELL. Do I understand they have found applications from a certain number of these men?

Mr. IGOE. From 77 of the men.

Mr. SNELL. Who has these applications?

Mr. IGOE. The Bureau of War Risk Insurance has these applications. Those were men who were assigned to the *Cyclops* from other ships. As to the records of the *Cyclops* itself and of the men attached to the vessel all the time, I am informed by the Comptroller of the Treasury, who has asked the War Risk Bureau and Navy Departments, that there are no records available after September 30, 1917. I will read the Comptroller's statement:

I am advised by the Auditor for the Navy Department that no accounts of the disbursing officer of the *Cyclops* have been received for any period subsequent to September 30, 1917, which date is prior to the enactment of the War Risk Insurance law.

The accounts in the auditor's office would therefore give no information upon the subject of insurance.

Mr. SNELL. What is the date on which the ship went down?

Mr. IGOE. The last record we have of the ship is on March 4, 1918, when it sailed from some port in the West Indies. It left Norfolk on that trip to South America on January 8, 1918.

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. May I have just one minute more?

The CHAIRMAN. The gentleman from Missouri asks for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. EAGAN. Will the gentleman yield?

Mr. IGOE. I will.

Mr. EAGAN. Is there no record to show any checkage of pay?

Mr. IGOE. No. The applications of war-risk insurance might be shown by checkage for pay or by applications themselves, but there is no record of the pay accounts of that ship from a period prior to the passage of the war-risk insurance act, and there are no records in the Bureau of War Risk Insurance or the Navy Department of applications of any but 77 men, and those men were not members of the original crew of this ship, but were transferred from other ships.

Mr. EAGAN. Will the gentleman yield again?

Mr. IGOE. Yes.

Mr. EAGAN. There is no record of the receipt of so-called nonapplications?

Mr. IGOE. No. And the amendment provides that if there is a record of these men having applied in a less sum, of course, this does not apply.

I feel, gentlemen, that something must be done. Of course, it could be done by a special bill, but here we are making provisions for the payment of insurance in deserving cases, and I think that where there are nearly 300 cases of the same kind it might well be done in such a bill as this.

Mr. PURNELL. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. PURNELL. Does the time covered by the date when she last sailed and the date on which she was officially declared lost fall within the 120 days?

Mr. IGOE. Well, as I understand the proposition now, a man is covered by the automatic insurance under this bill as reported for 120 days after his enlistment. But these men were all enlisted certainly prior to January 8, 1918, when they left Norfolk, and so June 14 is more than 120 days. The ship was declared lost as of June 14, 1918.

Mr. ESCH. Mr. Chairman, when I reserved the point of order I was under the impression that the *Cyclops* was a merchant ship. In reading the testimony I find she was a naval collier, and hence I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman withdraws the reservation of the point of order.

Mr. ALMON. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The amendment was again read.

Mr. RAYBURN. Mr. Chairman, I move to amend by inserting "$5,000" in place of "$10,000" where it appears in the amendment, and instead of saying "full amount," I move that "$5,000" be inserted. It seems to me we are taking a good deal on an assumption here, and I think $5,000 would be adequate.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. RAYBURN].

The Clerk read as follows:

Amendment offered by Mr. RAYBURN: Strike out the words "full amount" and insert in lieu thereof the sum of "$5,000."

Mr. IGOE. Mr. Chairman, will the gentleman yield for a question?

Mr. RAYBURN. Yes.

Mr. IGOE. Has it not been the experience of the department that the average policy of insurance applied for was in excess of $8,000?

Mr. RAYBURN. Yes.

Mr. IGOE. Does not the gentleman think that in a case of this sort, where all the records are lost, we might reasonably assume that at least the average obtained, and that it is not taking a great deal on presumption to say that they may have applied for the full amount?

Mr. RAYBURN. Yes; but there was quite a percentage of men in the Army and in the Navy who did not apply at all, and I think the average would probably be below the figure named.

Mr. IGOE. It seems to me it would be better to take care of them.

Mr. RAYBURN. I think if the committee is willing to accept the gentleman's amendment, he ought to be willing to concede a little.

Mr. IGOE. I have no knowledge that the committee has accepted it.

Mr. RAYBURN. They are not fighting it.

Mr. BRAND. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BRAND. Who will be the beneficiaries of this?

Mr. RAYBURN. I presume it would be the next of kin, mother or father.

Mr. BRAND. Should not some provision be made?

Mr. RAYBURN. I think not.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a question?

Mr. RAYBURN. Yes.

Mr. CANNON. The dependents of these men, if they have dependents, will get compensation?

Mr. RAYBURN. Yes.

Mr. CANNON. If they leave widows, the widows will get $25 and so much additional for each child, and if they have dependent parents the dependent parents will get compensation. This insurance is in addition to that, going substantially to the same parties that will get the compensation.

Mr. RAYBURN. Entirely.

Mr. CANNON. And all the balance of the relatives and friends of the 4,000,000 people who were in this war and those who are not born will have to pay this amount, and, as taxation goes upon the consumer, that means everybody.

Mr. RAYBURN. I have sought ever since the time this came up in the beginning to try to stop somewhere. It seems as if some of our brethren do not agree to that policy.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. PURNELL. If this amendment is adopted the House ought to straighten it out. The fact is that we lost another vessel under circumstances somewhat similar to those of the *Cyclops*. We transported 2,000,000 troops to France and lost only a little over 200 men. That was on a returning transport. Perhaps if the facts were inquired into we would find that that ship went down under like circumstances, and the men on board that vessel ought to be given like treatment.

Mr. RAYBURN. It was a transport carrying soldiers. I think that very few of our men went over within 120 days of the time they were taken into the service.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. McCULLOCH and Mr. DOMINICK rose.

Mr. DOMINICK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. McCULLOCH] is recognized.

Mr. McCULLOCH. Mr. Chairman, I send an amendment to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH and Mr. DOWELL: Page 12, line 11, after the word "regulation," add the following as a new section:

"SEC. 12½. The term insurance in force on the life of every commissioned officer and enlisted man or member of the Army or Navy Nurse Corps (female) on the date he leaves the active military or naval service shall continue in force for two years after the end of the calendar month in which he is separated from the active service, without the payment of premium by the insured: *Provided, however*, That in the case of the persons who are or have been so separated from the service and who have paid their premiums after being so separated the period of two years herein provided shall begin to run on the first day of the calendar month succeeding the passage of this act or on the first day of the calendar month succeeding the month for which the premium was last paid, whichever date was the earlier: *Provided further*, That every person who converts or has converted his term insurance before the expiration of the two-year period herein provided shall, during such period or the remainder thereof, be entitled to a commutation credit on his term or converted insurance equivalent to what the monthly premium on his term insurance would have been during the said two-year period if he had not converted it and if this amendatory act had not been passed."

Mr. DOMINICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOMINICK. I should like to ask if this amendment is offered as a new section what is the parliamentary status of amendments that are sought to be offered to the original section?

The CHAIRMAN. The Chair rules that the original section can be amended as long as any gentleman desires to offer an amendment to it.

Mr. SNELL. I make a point of order on this amendment.

Mr. RAYBURN. Is it not the rule that amendments to the section under consideration have precedence over amendments offered as new sections?

The CHAIRMAN. Yes.

Mr. RAYBURN. The gentleman from South Carolina [Mr. DOMINICK] wants to offer an amendment to the section under consideration. The gentleman from Ohio [Mr. McCULLOCH] wants to offer a new section.

The CHAIRMAN. The gentleman from South Carolina will not be precluded from offering his amendment by the offering of an amendment as a new section. The amendment offered as a new section occupies the same position as an amendment to the section.

Mr. GARRETT. It can not occupy the status of an amendment to the section. That would not be orderly procedure at all. The gentleman from Ohio [Mr. McCULLOCH] will have his right to offer an amendment as a new section when the time comes, but certainly we must perfect one section before passing to another.

The CHAIRMAN. We can not pass over this section until every Member has had an opportunity to amend it.

Mr. GARRETT. I make the point of order that the gentleman from South Carolina [Mr. DOMINICK] is entitled to recognition to offer an amendment to the section before the gentleman from Ohio [Mr. McCULLOCH] is in order to offer his amendment as a new section.

The CHAIRMAN. That was not the parliamentary inquiry of the gentleman.

Mr. RAYBURN. That was the parliamentary inquiry I put to the Chair, if an amendment to perfect the text of the section we were considering did not take precedence over an amendment offered as a new section.

The CHAIRMAN. The Chair understood the inquiry to be as to whether the gentleman would lose his right to offer an amendment.

Mr. DOMINICK. I wanted to know what my status was, whether I could be recognized at this time to offer an amendment.

The CHAIRMAN. The gentleman will not lose his rights.

Mr. DOMINICK. Am I not entitled to recognition at this time to offer an amendment to this section?

The CHAIRMAN. An amendment to perfect the text of the section would take precedence over an amendment offered as a new section.

Mr. DOMINICK. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DOMINICK: Page 11, lines 13 and 14, strike out the words "unless he refuses or has refused to apply for insurance."

Mr. DOMINICK. Mr. Chairman, under the act approved October 6, 1917, all men who entered the service were insured for 120 days, which period of automatic insurance expired on the 12th day of February, 1918. Under the act approved February 12, 1918, the time for filing applications for insurance was extended for 60 days, but it was specifically provided that the automatic insurance should not be extended beyond the 12th of February, 1918.

The next step in the war-risk insurance legislation was the act of June 25, 1918, in which the section we now have under consideration was amended by inserting the word "father," so that a father could be a beneficiary under this automatic insurance. Otherwise this section was not changed, but it was set out in the act of June 25, 1918, as amended, and to a great many people it seemed to be a reenactment of the automatic insurance, so much so, Mr. Chairman, that the impression was general that the automatic insurance had been extended so as to insure automatically every soldier who went into the service for 120 days after he went in. That belief was general among the Members of this House with whom I have talked. The gentleman from Texas [Mr. RAYBURN] a few moments ago stated that belief was general among the Army officers and those who were taking applications for insurance.

Now, I introduced House joint resolution 95, along the same line, and I am glad to know that the committee has practically placed my resolution in the act. But they have gone a little too far by placing in the act a provision that a man should not be entitled to automatic insurance if he refuses and has refused to take out insurance. I understand from the hearings when the bill was first approved by the Treasury Department these words were not in it, but were put in it afterwards. Why were they put there? They say that they put them there on account of the fact that every man in the Army was asked to state in the application whether or not he wanted insurance, and they had what they called a "none" application, which contained the inquiry whether or not the man wanted insurance.

They got that information from special regulations 72 of the War Department, section 82; and what is that regulation? What is that provision of the War Department? I will read from special regulations 72, paragraph 82, subsection (b):

(b) If insurance is not desired, a single copy only of the form will be executed and will contain the following notation in the space on form provided for the name of the beneficiary, address, etc.

Here is what is given in the application, here is what they call a refusal to take insurance:

The provisions of the act of Congress approved October 6, 1917, so far as it relates to insurance, have been explained to me, and I understand my rights and privileges under this act, but I do not desire to apply for any war-risk insurance.

That is what you sign, that is what will be construed as a refusal to take insurance by the War Risk Bureau.

Is that a refusal? A boy goes into the Army or into the Navy. The first few days he is there he is told by the officers:

You can take out insurance if you want to, but you are not obliged to take it out now. Under the law you have 120 days in which you may apply for insurance, and during that 120 days you are automatically insured by the Government in the sum of $5,000. It might be well for you to wait a while until you see where you are and decide whether you want $1,000, $3,000, $5,000, or $10,000 insurance; wait until you see how much money you need in the Army, wait until you see how much money you have left after your allotment is paid to your wife and family, wait until you see how much you can spare, whether $5 or $10 a month for insurance.

Mr. Chairman and gentlemen, I know and I have heard of cases where these very things were told young men who went into the Army and in all probability they signed one of these "none" applications, which might be, and will be, construed as a refusal to take any insurance.

So far as I know I have no concrete case in my district, and I know of no concrete case that my amendment would cover. I know of two young boys in my district that went into the Navy. A month after they enlisted at Charleston they were drowned off the coast of Florida when the United States ship *Montauk* foundered off that coast. They had no insurance; had taken out none. I know that the bill, even as it stands now, covers these two boys, and their people will be entitled to their insurance. But I do not believe that these words "refused or had refused to take insurance" have any place in this bill. I am satisfied there are cases that will be construed as refusals on the part of men to take out insurance, when in all probability he signed that kind of a blank, waiting to find out what his circumstances might be and how much insurance he really could take and carry. Mr. Chairman, I hope the amendment will be adopted. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, this automatic insurance was made for the purpose of covering a period of time the duration of which we had determined, in order that the soldier or sailor or marine might know his rights. It was not for the purpose of giving him automatic insurance for a certain period of time. The distinct purpose of it was simply that he might know of his rights and not be deprived of his rights because of lack of knowledge; hence this provision that if he actually refused he should not come within this class. It is a very wise provision, because it simply carries out the desire to provide this insurance for those soldiers who voluntarily desired insurance, because when the soldier would read the application he would make up his mind then whether the situation was such, whether his dependents were in such circumstances, as to make it necessary for him to take out the insurance. If he acted thereon and stated that he did not desire to take out insurance, it seems to me the whole purpose of the provision has been accomplished.

Mr. DOMINICK. Mr. Chairman, I would ask the gentleman this question: Supposing the person who was authorized to take the application had given certain instructions and information to the soldier or the sailor which he believed to be true but which under the law were not true, does the gentleman think the soldier or the sailor or his beneficiaries should be punished on account of the misinformation that was given to that soldier or sailor by the person authorized to take the application?

Mr. SANDERS of Indiana. The difficulty with the gentleman's proposition is that his amendment does not go to those particular cases; it goes to all cases. In such a case as the gentleman cites perchance some special legislation ought to be enacted, but you can not frame general legislation along logical lines and then bring in amendments because some officer has misrepresented the facts to some soldier.

Mr. DOMINICK. I am basing my statement upon the construction that can be placed upon the order the War Department has set out in special regulations No. 72.

Mr. SANDERS of Indiana. Does the gentleman himself know of many instances where the facts have been misrepresented?

Mr. DOMINICK. I have heard of instances where the people believed the extension of automatic insurance has been general. Practically all of them believed that automatic insurance was still in force.

Mr. SANDERS of Indiana. Is the source of the gentleman's information of such nature as to lead him to believe that is true?

Mr. DOMINICK. Yes; it is.

Mr. SANDERS of Indiana. Could the gentleman give us an idea of the extent of it?

Mr. DOMINICK. I have heard soldiers and sailors speak of it, and I have heard parents speak of it, and I presume the gentleman heard the statement of the gentleman from Texas during the course of the debate, that a great many of the Army officers believed that fact.

Mr. SANDERS of Indiana. I think it would be difficult to undertake to amend these laws so as to cover possible cases where some soldier had had the facts misrepresented to him.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CAMPBELL of Kansas. The questions asked by the gentleman from South Carolina [Mr. DOMINICK] cover pretty well the matter that I had in mind, but the question that I have in mind now is whether or not it is the intention to deprive anybody of the automatic insurance that it was generally understood should apply to every soldier, sailor, and marine who enlisted—that that insurance should be automatic for a period of 120 days?

Mr. SANDERS of Indiana. Not unless he specifically refused.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent that his time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. It was a busy time when these boys were enlisting, and I venture that not one in ten thousand read those conditions in the enlistment papers or the papers that they signed, but they understood, and their parents understood, that there was automatic insurance for a period of 120 days. Is not that the understanding of the gentleman from Indiana?

Mr. SANDERS of Indiana. There is automatic insurance which covered the period, but there was an exception to that, and that is where the person found it out and made a statement as he did in these cases that he had had that explained to him and notwithstanding all of that he did not want to take out the insurance.

Mr. CAMPBELL of Kansas. I have heard of a number of cases where the parents have generally believed that they were beneficiaries of automatic insurance, and they had been unable to find any such insurance policies anywhere for their benefit. The soldier signed away a chance of doing anything for them and they have not any insurance.

Mr. SANDERS of Indiana. If that was within the 120 days——

Mr. CAMPBELL of Kansas. Within the 120 days.

Mr. SANDERS of Indiana. Unless they can show that he refused to take this, why they are entitled to the provisions of automatic insurance.

Mr. CAMPBELL of Kansas. How could it be shown that the soldier refused to take insurance on a blank statement that it is presumed that he never read?

Mr. SANDERS of Indiana. I do not know any stronger proof than the signed statement of the soldier himself that his officer, either of the Army or the Navy or the marines, performed the duty which he is required to do under the regulations and explained the law to him. I do not know any stronger proof than that.

Mr. CAMPBELL of Kansas. I am now speaking of the practicability of the soldier having notice at the time of the contents of the paper.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAVIS. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. My contention is under the circumstances of enlistment the boy was naturally excited, as the country was, and he did not read the conditions in fine print. He did not know at the time he signed those papers whether or not he was accepting insurance or rejecting insurance. That is the natural sequence that would follow the excitement of the moment when that boy was enrolled as a soldier. Is not that true?

Mr. DOWELL. And is it not true also the officers in many cases did not know sufficiently about the insurance?

Mr. CAMPBELL of Kansas. Of course it is true, and it is true that no officer could have read and explained the conditions in the thousands of papers of boys who signed every day in his presence. It was practically impossible for the soldier to have had explained to him the provisions of the paper that he was signing.

Mr. SANDERS of Indiana. Just a moment. I can not follow the gentleman's logic that the fact that a soldier did sign the blank, saying that he had had it explained to him and did not want it—I can not follow the gentleman's logic that he deduces from that that the soldier did want the insurance.

Mr. REAVIS. Will the gentleman yield?

Mr. SANDERS of Indiana. I do.

Mr. REAVIS. As I understand it, under this 120 days' automatic insurance a soldier received the benefit of that insurance without application?

Mr. SANDERS of Indiana. Yes.

Mr. REAVIS. Unless under regulations of the War Department he declines it?

Mr. SANDERS of Indiana. Yes.

Mr. REAVIS. Now, the gentleman from South Carolina read the language of the War Department, which they construed according to his statement as declining this insurance, and it reads as follows:

> So far as it relates to insurance it has been explained to me, and I understand my rights and privileges under this act, but I do not desire to apply for any war-risk insurance.

But he was entitled to 120 days, without application, was he not?

Mr. SANDERS of Indiana. Except when he refused to take it.

Mr. REAVIS. But they construe it according to this statement when he says, "I do not desire to apply for insurance," as a refusal to take insurance for which he did not need to apply.

Mr. SANDERS of Indiana. He is required to apply.

Mr. REAVIS. Is not the 120 days' automatic insurance without application?

Mr. SANDERS of Indiana. There was not at that time. The automatic insurance related back.

Mr. REAVIS. Related back. Now, let me understand the gentleman. The impression being—I know it was my impression and it has been my impression up to this moment—that there was 120 days of automatic insurance without application, without any affirmative action upon the part of the soldier himself, does not the gentleman believe that if that impression was broadcast through the Army that that soldier ought to be given the privilege of the 120 days, even though he signed that statement, as a matter of fairness to the soldier?

Mr. SANDERS of Indiana. I do not think so.

Mr. TOWNER. Will the gentleman from Indiana yield for a question?

Mr. SANDERS of Indiana. Yes.

Mr. TOWNER. I would like to ask the gentleman from Indiana if he thinks that a mere statement of assent to that inquiry ought to be considered as a refusal to accept insurance? Certainly it ought not to be considered as a refusal to accept insurance except at the time it was presented, and if the soldier had reason to believe that thereafter he might make an application which would be accepted it ought not to be considered against him that that was a final refusal.

Mr. SANDERS of Indiana. Of course, that is a matter of construction. I did not mean to say that this law provided that the answer made to this statement would be a refusal. But my understanding is that it has been so construed in some cases.

Mr. TOWNER. I want to call the gentleman's attention further to this fact. It seems as if that question was formulated by some shrewd lawyer who was endeavoring to put this man on record, so that he could not possibly ever afterward apply for insurance, because it says:

> I have had read to me the statements regarding this insurance.

The same kind of conditions are put in every cutthroat application for a policy of insurance in the land. I think this Congress, with regard to this generous provision, that ought to be generous and ought to be interpreted as generous, ought never to allow any such provision to cut anybody off from insurance.

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired on this amendment.

Mr. RUCKER. Mr. Chairman, I move to strike out the last word. I desire the attention of the chairman or the subchairman. As I understand, at one time there were 120 days during which automatic insurance was granted to all enlisted men?

Mr. SWEET. Yes, sir; between October 15, 1917, and February 12, 1918. That is under the old law.

Mr. RUCKER. This bill undertakes to extend the time?

Mr. SWEET. This extends it for 120 days after the enlistment of the man.

Mr. RUCKER. After the enlistment of a soldier?

Mr. SWEET. The soldier.

Mr. RUCKER. Now, the language sought to be stricken out by the amendment of the gentleman from South Carolina [Mr. DOMINICK] consists of the words "unless he refuses or has refused to apply for insurance." So that if this language remains in the bill, that paper to which reference has been made, and in which the soldier is made to state that the proper officer has read the order of the War Department and explained to him his rights and he does not desire insurance, will be construed by the department as a refusal to accept insurance?

Mr. SWEET. It may not be necessarily construed as a refusal, but it will be evidence of some action by the soldier.

Mr. RUCKER. Well, would it not be held to be conclusive evidence of the soldier's refusal to accept insurance? I think it would.

Mr. SWEET. Let me say in this connection that, as I understand it from the hearings we have had, this was an order of the War Department, sent out in connection with the insurance question, and it was submitted to each soldier for him to either make application for insurance or sign a "no" or "none," as it was called in the Army.

Mr. RUCKER. These papers were sent out and called to the attention of the soldiers during the 120-day period?

Mr. SWEET. Yes; evidently.

Mr. RUCKER. Sent out at a time when nobody in the War Department had any authority whatever to put a soldier on trial and require him to determine whether he would subsequently make formal application for insurance or not. They were sent out during the time the Congress, in its judgment, had extended a generous benefit to him by giving him automatic insurance. And as the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Nebraska [Mr. REAVIS] each have suggested, the soldier had a perfect right to believe, and no doubt did believe, that during the whole period of 120 days, which had not yet expired, he was insured. If you increase the extension of 120 days by this bill by making the time run from the date of enlistment, we ought to protect the rights of soldiers who signed such paper during the period from October 15, 1917, to February 12, 1918, as well as the rights of those who did not sign that paper.

Mr. SWEET. This question of insurance was put up to all the men in the service, and this question——

Mr. RUCKER. And at the very time it was put up to them the Congress of the United States, by solemn enactment, had said, "You have insurance."

Mr. SWEET. As I view it, even though he signed this statement, he still had the opportunity to apply for insurance during the 120 days.

Mr. RUCKER. True, he had opportunity to apply for insurance any time during the 120 days, and many more of them, no doubt, would have done so but for an erroneous idea which prevailed among the enlisted men and among the officers as well. But the automatic insurance ceased at the end of the 120 days.

Mr. SWEET. Of course this period was extended.

Mr. RUCKER. I realize that.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. I yield to the gentleman from Nebraska.

Mr. REAVIS. The soldier did not have any too much money after he got through with it.

Mr. RUCKER. I presume not.

Mr. REAVIS. And if he thought he had insurance before he made application, he would not apply for it until the 120-day period was up?

Mr. RUCKER. I have no doubt you are absolutely correct, and that hundreds of boys acted upon that theory.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield there?

Mr. RUCKER. Yes; I am glad to yield.

Mr. DOMINICK. I want to read a paragraph of the hearings as to how the War Risk Insurance Bureau construes a refusal. It accords with my idea. You will find it on page 17 of part 1. Mr. Macfarlane says:

> The class as drafted excludes all men who refused insurance. In other words, under War Department Regulations 72, paragraph 82, a man is excluded if the insurance officer approaches him and says, "Do you want insurance?" and the man says, "No; I do not want insurance; I do not believe in the War Risk Insurance Bureau." If he says that, he must sign a statement or apply for what we call "none" insurance. That is filed with the bureau, and that man will not get this automatic insurance.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DOMINICK. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Missouri be extended five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Missouri [Mr. RUCKER] be extended five minutes. Is there objection?

There was no objection.

Mr. DOMINICK. What they construe as "none" insurance is explained by the statement referred to in War Department Special Regulations 72, paragraph 82, which I read.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. With pleasure.

Mr. BRIGGS. Is it not a fact that under this provision, unless he refuses or has refused to apply for insurance, you put the burden of proof upon the heirs or disabled soldier to prove that he has not done so, with all the tremendous difficulties that surround their being able to establish that fact?

Mr. SWEET. If they are unable to show anything of that kind, he gets insurance.

Mr. BRIGGS. But it says if he refuses or has refused to apply for insurance——

Mr. SWEET. If they can not find anything establishing a refusal, then he gets the insurance.

Mr. BRIGGS. But this shows that the burden is on the soldier to prove that.

Mr. RUCKER. Mr. Chairman, I would like myself to use the remainder of my time.

Mr. BRIGGS. Is not the burden on the man to make out his insurance, and does not that tend to deprive the man of the full benefit of the automatic insurance?

Mr. RUCKER. The suggestion of the gentleman may be true. Frankly I have some doubt as to the correctness of the suggestion, but the language sought to be stricken out injects a difficulty and a doubt that we ought not to leave in the bill or write into law.

Let me say to the distinguished gentleman who has charge of the bill [Mr. SWEET] and to the members of the committee who are so ably supporting him that, in my judgment, this language ought to be stricken out, and every word that pertains in any manner, shape, or form to those gratuitously sent out invitations to soldiers to sign a paper putting themselves on record as to whether they want insurance or not should be eliminated. It is easy to understand how intelligent men, even under more favorable surroundings, might be misled by such proceeding. The men were advised by officers of the Army that automatic insurance was in force, and I believe they ought to have the benefit of the generous provisions which Congress has heretofore given them, and which this language, in my judgment, would take from them. I earnestly think the amendment ought to be adopted.

Mr. SWEET. In connection with the signing of this statement I believe the evidence shows that they even went to hospitals and presented the matter to the soldiers there, and sometimes the patients were too sick to sign, and yet they signified their willingness to take insurance and did obtain insurance.

Mr. RUCKER. Well, the gentleman knows, as we all know, that different men look at these questions from different angles. I know gentlemen, men who are in the military service, who did not apply within this time, but who intended to apply before their right lapsed.

Mr. SWEET. And the mere fact that we had in the neighborhood of $39,000,000,000 insurance at the close of the war would tend to show that practically all these men signed an application for insurance, and instead of endeavoring to prevent them, as has been suggested, these officers and men were endeavoring to get them to sign the application.

Mr. RUCKER. I believe that is true. I believe the officers tried to get the men to take insurance, but I believe the officers themselves were laboring under a mistake as to the law, and that they perhaps misled the soldiers, although unintentionally, of course. I do not put any odium upon them at all, and do not wish to be understood as criticizing any charged with duty in this behalf.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

By unanimous consent, Mr. HICKS was given leave to revise and extend his remarks in the RECORD.

By unanimous consent, Mr. RAMSEYER was given leave to revise and extend his remarks in the RECORD.

By unanimous consent, Mr. SMITH of Michigan was given leave to revise and extend his remarks in the RECORD.

By unanimous consent, Mr. BRIGGS was given leave to revise and extend his remarks in the RECORD.

By unanimous consent, Mr. EAGAN was given leave to revise and extend his remarks in the RECORD.

By unanimous consent, Mr. DOMINICK was given leave to revise and extend his remarks in the RECORD.

Mr. ESCH. Mr. Chairman, I move that all debate on this amendment which is pending be now closed.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the pending amendment be now closed.

Mr. PARRISH. I should like five minutes.

Mr. ESCH. I modify my motion and move that all debate on the pending amendment close in five minutes.

The motion was agreed to.

Mr. PARRISH. Mr. Chairman and gentlemen of the committe, I have been constantly in attendance in the House during the consideration of this bill and wish to take this opportunity of congratulating most heartily the members of the Interstate and Foreign Commerce Committee on its splendid work in the preparation of this bill. Unquestionably, it has caught the vision of generous statesmanship and has given us an opportunity to vote on a bill which provides liberally and unselfishly for the families and dependents of the soldiers and sailors who laid down their lives in the service of our country, and also gives fair compensation to those who were injured and who must carry through life the wounds they received in their patriotic defense of the American people.

Indeed, during the past two years America has passed through a period of fire and blood; her people have gone into the depths of sorrow and personal sacrifice, during which time there have been turned more pages of tragic, yet glorious, history than have ever been turned in any like period since the dawn of time. In the business world opportunity has been cast aside for public good, and the loss has been great; the channels of trade have been literally choked, and we have been made to feel in a substantial way the personal loss. In the fields of commerce America as a Nation has likewise lost, and in fact has made no effort to protect herself, her sole object being to win the war. In every field of human endeavor, individually and as a Nation, we have cheerfully paid the price of victory and have accepted sorrowfully, yet without complaint, the burden and hardship of this, the cruelest war, perhaps in all history, but our loss is only temporary. We can go back into business; we can take our place in the world's commerce and regain all we have ever lost, and likewise into every other avocation, and win back in money and power all this conflict has ever cost, and I confidently predict that in the near future the American Nation will in the real sense become the strongest and greatest Nation of all the nations of the earth, and will stand as the one great and unselfish

exponent of democracy, honesty, justice, and religious freedom.

But, Mr. Chairman, there are some things America can not do. She can not cross the sea and lift from the graves, marked now by the white crosses, the brave soldiers that gave their lives that we still might be free; she can not breathe back into their lifeless forms the breath of life; she can not return the fathers to their children, who weep for their fathers who will return no more; the strong arm of our great Government can not restore these brave boys to their noble parents; it can not replace, except artificially, the limbs that were lost; our Government can not give again vision to the eyes that see no more, neither can it restore reason to the minds that have tottered beneath this awful strain. No, Mr. Speaker, this America, in all her greatness, can not do; but she can do the next best thing. She can say to the fatherless children, to the sorrowing wives and parents, that America will deal gently, fairly, and honorably with them and that she will reach out with tender arms and place around them such gentle care, such complete protection, and such encouraging assistance that if the deceased soldiers could see or know what his country is doing for his loved ones he would be proud that he died for a country like ours. She can make the boys who must carry to their graves the scars received in the conflict feel—even better, know—that America will deal generously with them and that she will make ample provision for their comfort and protection during the remainder of their lives, and should America do less than this we would in our hearts feel ourselves ingrates and unworthy of the blessing of freedom purchased by their noble sacrifice.

I am proud to say that this bill is a real example of liberality, fairness, and justice, and it is an announcement to the world that America will countenance no niggardly policy toward her wounded soldiers and the survivors of those who died for honor and freedom.

The amendment of the gentleman from South Carolina [Mr. DOMINICK], in effect, further liberalizes this bill by giving to all alike automatic insurance for 120 days, and if the soldier or sailor was killed or wounded within 120 days from the time he enlisted he will receive the benefit of the $5,000 policy to the same effect as if he had duly applied and paid for same. The bill sought to be amended provides that the soldiers and sailors shall have this protection, unless they shall have refused to take out insurance. Mr. DOMINICK, by his amendment, simply strikes out the provision which deprives the soldier or sailor of this right under any conditions and gives to them, as a matter of law, the absolute right to the insurance, and I believe this ought to be done.

Mr. BEE. Will the gentleman yield?

Mr. PARRISH. Yes.

Mr. BEE. Does the gentleman think the failure to apply is equivalent to a refusal to apply?

Mr. PARRISH. In response to my worthy colleague, I will say that applications presented to the young men as they entered the service, and at the place where the blank is left for them to say whether they will take insurance, and which have "none" written in the blank, if this amendment is not adopted, will be construed, and has already been construed by the Bureau of War Risk, to mean absolutely a refusal on the part of the soldier or sailor to take insurance, and thereby operates to cut them out of the automatic insurance which will be given to the men to whom no application was presented. I do not believe the law should be so framed. It is too much like saying to the boy that because he did not decide to take the insurance at the time the application was presented to him that he shall be held to strict account and his failure to make immediate application will deny him protection.

When these boys entered the service they entered under most trying circumstances; the clouds hung low upon the horizon, the world was excited, and it is reasonable to suppose they felt the tensity of the hour and probably deferred taking insurance until they might have sufficient time for mature thought, and consequently, temporarily at least, passed up the application, and whether they made application at the time or not, I, for one, do not believe it should operate to destroy their rights.

In fact, Mr. Chairman, let me say here and now, that it is my earnest desire and hope as a Member of Congress that the doctors generally when they examine the boys with a view to determining the extent of their disabilities will be fair and liberal in their judgments and see to it that the doubt is not resolved against the soldier or sailor, and that they are not denied insurance where there has been any appreciable injury by being classed below 10 per cent disabled. The doctors can and should be liberal in such cases, and I want to take this opportunity also to say that I believe it will meet the approval of the American people if the Bureau of War Risk Insurance, in the interpretation and enforcement of this law, will be liberal, and see to it that every doubt is not resolved against the wounded soldier or sailor, but that the bureau, in the interpretation of the law, will be liberal and fair, giving to the wounded boy the benefit of the doubt.

The House to-day by the adoption of this amendment can set an example of liberality, of broadness, and sympathetic vision by striking out what can only be classed strictly as a technicality and by not applying the ironclad rule in dealing with these young men.

For this reason I urge the adoption of this amendment, and the bill as amended should pass, and that, too, as speedily as possible. It is a debt that America ought to pay, and the sooner and more freely it is paid the better it will be for our noble soldier boys and for the glory and honor of our splendid Commonwealth.

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is on the amendment offered by the gentleman from South Carolina [Mr. DOMINICK].

The question was taken; and, on a division (demanded by Mr. RAYBURN), there were 48 ayes and 31 noes.

So the amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, this body does not, in the main, encourage personal compliments from one Member to another. Without trespassing, I trust, upon that standard of propriety, I feel that I am expressing the sentiment and judgment of the entire membership of the House in commending by highest praise the invaluable services rendered in the preparation and passage of this fine legislation by our colleague, Hon. SAMUEL RAYBURN, of Texas. [Applause.] No one will believe that this expression is prompted by any spirit of invidious compliment. Upon the contrary, I feel sure that every member of the Interstate and Foreign Commerce Committee will cordially join in the sentiments of appreciation I am trying to express.

The gentleman from Texas to whom I have referred, from the inception of this great system of insurance and compensation for our soldiers and their dependents, has been recognized as an expert upon its purposes and its administration. In making the contribution of his time and splendid mental talents to the now largely perfected system, he has not only honored his district and his party but, what is infinitely more important, he has rendered to the disabled soldiers and to that vast multitude of the dependents of our honored soldier dead a distinct, outstanding, invaluable public service. [Applause.]

Mr. PARRISH. Mr. Chairman, I ask unanimous consent to revise an extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, we have been proceeding for several days in the consideration of what I regard as the best considered and most important legislation of this present session of Congress. In the past we have had pension legislation dealing with the soldiers of the former wars and there has always been a great amount of difficulty in framing that legislation. This particular bill, however, is much larger in scope and provides in every way not only for the soldier, sailor, and marine, but also for the loved ones at home. I think this House should give credit to the subcommittee which had this legislation in charge. I am not a member of that subcommittee but I think this House and the country, and particularly those benefited by the act, ought to recognize and be grateful for the splendid services rendered by the chairman of the subcommittee, the gentleman from Iowa, Hon. BURTON E. SWEET. [Applause.]

Being a member of the Committee on Interstate and Foreign Commerce, although not a member of the subcommittee, I know full well of the many days, of the many weeks, of the many months, that he has worked tirelessly on this legislation in order that he, with his colleagues, might present this carefully-drawn bill to the House; and the progress we have made on the bill to this present hour, the small number of changes that have been made, are certainly evidence of the painstaking work that the gentleman has done. [Applause.] The gentleman from Iowa is recognized not only by his colleagues on the committee, but by the entire membership of the House as an able legislator and he has brought to the accomplishment of this huge task his characteristic energy, his unquestioned ability, and his unbounded patriotism. The fighting forces of this country were deserving of the best talent available, and I am happy to know

that the able gentleman was chosen. The soldier, sailor, and marine of America will never forget the invaluable services of BURTON E. SWEET of Iowa.

Mr. SWEET. I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8778) to amend and codify the war-risk insurance act, and had come to no resolution thereon.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its proper committee as indicated below.

S. J. Res. 95. Joint resolution authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919; to the Committee on Military Affairs.

EXTENSION OF REMARKS.

Mr. HAYDEN and Mr. SUMMERS of Washington were given unanimous consent to extend their remarks in the RECORD.

LEAVE OF ABSENCE.

Mr. MACGREGOR, by unanimous consent, was given leave of absence indefinitely on account of committee work.

ADJOURNMENT.

Mr. SWEET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Saturday, September 13, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 8661) to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River, near the town of Lumberton, N. C., reported the same with amendment, accompanied by a report (No. 311), which said bill and report were referred to the House Calendar.

Mr. DYER, from the Committee on the Judiciary, to which was referred the bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce, reported the same without amendment, accompanied by a report (No. 312), which said bill and report were referred to the House Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., reported the same with amendment, accompanied by a report (No. 315), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. O'CONNOR, from the Committee on Claims, to which was referred the bill (H. R. 8645) for the relief of Lawrence Bendich and Anthony Vezich, reported the same without amendment, accompanied by a report (No. 313), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 248) for the relief of Henry P. Grant, of Phillips County, Ark., reported the same without amendment, accompanied by a report (No. 314), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Colorado: A bill (H. R. 9229) for the relief of homestead settlers; to the Committee on the Public Lands.

Also, a bill (H. R. 9230) granting leave of absence to homestead settlers; to the Committee on the Public Lands.

By Mr. KALANIANAOLE: A bill (H. R. 9231) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii; to the Committee on Territories.

By Mr. JOHNSON of Mississippi: A bill (H. R. 9232) making additional appropriations for the purpose of carrying out the Federal road act; to the Committee on Appropriations.

By Mr. PARRISH: A bill (H. R. 9233) amending an act to pension the survivors of certain Indian wars and Mexican marauders from January 1, 1859, to January, 1891, inclusive, and for other purposes, approved March 4, 1917; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 9234) relative to the pay of regimental sergeants major; sergeants major, senior grade; battalion sergeants major; sergeants major, junior grade; and first sergeants; and for other purposes; to the Committee on Military Affairs.

By Mr. RAKER: Resolution (H. Res. 289) directing the Federal Trade Commission to investigate and report to the House of Representatives certain information regarding sugar; to the Committee on Interstate and Foreign Commerce.

By Mr. BENHAM: Joint resolution (H. J. Res. 207) for the distribution of motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies not needed by the War Department, and for other purposes; to the Committee on Military Affairs.

By Mr. ANTHONY: Joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DARROW (by request): A bill (H. R. 9235) for the relief of Elizabeth M. Baer; to the Committee on Claims.

By Mr. FISHER: A bill (H. R. 9236) granting an increase of pension to Benjamin Green Hall; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9237) for the relief of A. G. Spexarth; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9238) to correct the military record of John W. Culver; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 9239) granting a pension to Jacob H. Martz; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9240) for the relief of James Kesner; to the Committee on Military Affairs.

By Mr. McLANE: A bill (H. R. 9241) authorizing the Secretary of War to put the name of Anthony Murphy on the roll of honorably discharged soldiers; to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 9242) granting an increase of pension to Simon Z. Whitelather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9243) granting an increase of pension to Jennie J. Brown; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 9244) granting an increase of pension to Bernard Lynch; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9245) granting an increase of pension to David P. Boyd; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 9246) granting an increase of pension to William O. Parrish; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9247) authorizing the issuance and delivery of a commission of brigadier general for Edward Sigerfoos; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACHARACH: Petition of J. B. Hilliard, of Salem, N. J., protesting against House bills 2691 and 2715, relating to universal military training; to the Committee on Military Affairs.

Also, petition of American citizens of Lithuanian origin, favoring the independence of Lithuanian Republic as an independent state; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of Jewish Soldiers' and Sailors' Veterans' League, protesting against the Governments of Poland and Ukraine; to the Committee on Foreign Affairs.

Also, petition of the New York State Federation of Labor, favoring Senator GEORGE H. MOSES's resolution No. 84, granting the postal employees an additional amount equal to 35 per cent in addition to the salary allowed each employee; to the Committee on the Post Office and Post Roads.

Also, petition of the New York State Federation of Labor, opposing House bill 13671 and Senate bill 5285, known as the seamen's act; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petition of sundry citizens of Onalaska, Wis., favoring the appointment of nonmedical commission to carefully investigate the claims and outworking of the various schools of healing, including vaccination, serum therapy, and germ origin of disease; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of ex-soldiers of Yorkville, Ill., favoring the passage of the Gronna-Baer bill, granting all ex-soldiers, sailors, and marines a year's pay; to the Committee on Military Affairs.

Also, petition of the Memphis Chamber of Commerce, of Memphis, Tenn., favoring the Mondell soldier-settlement bill, House bill 487; to the Committee on the Public Lands.

By Mr. GARNER: Petition of sundry citizens of Texas, protesting against the Smith-Towner educational bill; to the Committee on Education.

By Mr. LINTHICUM: Petition of A. C. Knight, of Baltimore, Md., favoring the Townsend bill, Senate bill 1329, and the Jones bill, Senate bill 1322; to the Committee on Roads.

Also, petition of A. E. Beck, of Baltimore, Md., favoring the passage of the Cummins bill, Senate bill 641; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Nellis, of Baltimore, Md., protesting against the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles J. Ceska and others, of Baltimore, Md., favoring the passage of an act granting an extra bonus to ex-service men; to the Committee on Military Affairs.

Also, petition of J. E. Duker, of Baltimore, Md., favoring the passage of House bills Nos. 5011, 5012, and 7010; to the Committee on Patents.

By Mr. O'CONNELL: Petition of Truman Smith and R. P. Lentz, both of Buffalo, N. Y., favoring the passage of House bills Nos. 5011, 5012, and 7010; to the Committee on Patents.

By Mr. OSBORNE: Petition of 400 residents of Los Angeles, for the repeal of sections 800, 906, and 1001, subsection 5, revenue law of 1918; to the Committee on Ways and Means.

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